

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

### **REGULAR MEETING**

**January 6, 2010**

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, January 6, 2010, 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; Mr. John Schlegel, Director, Planning; Ms. Marilyn Cook, Executive Director, COMCARE; Mr. Richard Vogt, Chief Information Officer; Mr. Robert Parnacott, Assistant County Counselor; Mr. Chris Chronis, Chief Financial Officer; Ms. Bev Dunning, Director, Extension; Ms. Iris Baker, Director, Purchasing; Ms. Kristi Zukovich, Director, Communications; and Ms. Katie Asbury, Deputy County Clerk.

### **GUESTS**

Ms. Melody McCray-Miller, Chair, South Central Kansas Legislative Delegation  
Mr. Daniel D. Benner, 6966 S. Broadway, Haysville, Kansas  
Ms. Betty Jane Mosteller, 6910 S. Broadway, Haysville, Kansas  
Ms. Debbie Hudson, 6904 S. Broadway Ct., Haysville, Kansas  
Ms. Carol Neugent, Director of Governmental Services, City of Haysville  
Ms. LaVonna Benner, 6966 S. Broadway, Haysville, Kansas  
Mr. C. Fred Mosteller, 6910 S. Broadway, Haysville, Kansas  
Ms. Diana Schunn, Executive Director, Child Advocacy Center of Sedgwick County

### **INVOCATION**

Observed by a moment of silence.

### **FLAG SALUTE**

### **ROLL CALL**

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

### **CONSIDERATION OF MINUTES**

Regular Meeting December 9, 2009

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All Commissioners were present

**Chairman Parks** said, "You've all had a chance to review those minutes, what's the will of the Board?"

### MOTION

Commissioner Welshimer moved to accept the Minutes as read for the Regular Meeting of December 9, 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

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

### PRESENTATION

#### **A. PRESENTATION OF AWARD TO REPRESENTATIVE MELODY MCCRAY-MILLER FOR SERVICE AS CHAIR OF THE SOUTHCENTRAL KANSAS LEGISLATIVE DELEGATION.**

**Ms. Melody McCray-Miller**, Chair, South Central Kansas Legislative Delegation, greeted the Commissioners and said, "Good morning. It's a little chilly out there this morning, and your parking lot is full, but that may be typical. Good morning, Chairman."

**Chairman Parks** said, "Well, I hope you found a good parking place out there and..."

**Ms. McCray-Miller** said, "Oh I did. A brisk walk is good."

**Chairman Parks** said, "...if you come to our meetings and you are parked in the parking garage, make sure you get it validated because you are here on official business."

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**Ms. McCray-Miller** said, “Okay.”

**Chairman Parks** said, “So, I would like to, on behalf of the Sedgwick County Commission, present you with this plaque during this busy time of year for you. Now, we realize this more than other people may think, because we were at a meeting together last night until about 9:00, but it was listening to the people and we really appreciate that. Those meetings where you listen to people, and get their ideas, and get their input is very important to the process, so we really appreciate you serving on this Committee, and chairing that and listening to the people. Thank you.”

**Ms. McCray-Miller** said, “Thank you, Chairman.”

**Chairman Parks** said, “And I think that deserves a round of applause. If you want to say a few more words, that’s fine.”

**Ms. McCray-Miller** said, “Oh no. I just simply wanted to say thank you to each one of the Commissioners. It’s very appreciated. And I am looking forward to going back to the session to work for the people. Thank you.”

### **PLANNING DEPARTMENT**

- B. ZON2009-00033 AMENDMENT TO PROTECTIVE OVERLAY PO-18 TO PERMIT OUTDOOR STORAGE AND DISPLAY IN LI LIMITED INDUSTRIAL ZONING; GENERALLY LOCATED EAST OF BROADWAY AVENUE AND SOUTH OF 117<sup>TH</sup> STREET NORTH. DISTRICT 4.**

### **VISUAL PRESENTATION**

**Mr. John Schlegel**, Director, Planning Department, greeted the Commissioners and said, “And in this particular case, the applicant is requesting this amendment to protective overlay, and that was adopted with the rezoning of this property back in 1999. You can see the zoning of the property is Limited Industrial (LI); it’s surrounded on all sides by Rural Residential (RR) zoning. Back at that time that that particular overlay was adopted with that rezoning, there was a prohibition placed on the outdoor storage and display of the pallets involved in this recycling business. The site has had industrial uses and buildings on it, including outdoor storage of pallets, prior to the 1999 rezoning and the establishment of the protective overlay.”

“But this applicant’s business requires that he be able to store the pallets outside and have work areas outside of the buildings on this site. You can see from the aerial photograph how the property is laid out with buildings, and it’s hard to see on the aerial, but he does have outdoor storage of

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pallets in work areas on this site. He's been working with the county Code Enforcement office to bring the site up to code standards, and hence this application before you today. As I indicated before, all the surrounding properties are currently zoned Rural Residential. You can see on the aerial photograph the large lot residential properties just to the north of this property, and then to the south is a warehouse use, and other agricultural uses both to the south, east and to the west of this property. This item was heard by the Metropolitan Area Planning Commission (MAPC) at its meeting on November 19th. The MAPC voted, at that time, unanimously to recommend approval subject to staff recommendation, so you have before you the MAPC recommendation to approve, subject to an amendment that reads that Item 1 of the protective overlay 'shall be amended to eliminate the prohibition on outdoor storage and display, and shall add: outdoor storage, display and work areas shall be screened from Broadway Avenue and from residential land uses.' With that, I will be glad to take any questions you might have."

**Chairman Parks** said, "Were there any objections stated at the MAPC meeting?"

**Mr. Schlegel** said, "There were none, and we have not received any communication from any of the neighbors since then."

**Chairman Parks** said, "I know I always like to call for anybody from the audience who would like to speak, either for or against this item. I don't see anybody here for that. I am familiar with this site, it's in my district. It's very agriculture around there. There are commercial ventures to the south, Ditch Witch being in that area, and I think that this facility has done a lot to recycle items, particularly pallets, and I see no problem with it. Are there any other questions from any other members? If not, I would make a motion that we approve this overlay."

### **MOTION**

Chairman Parks moved to adopt the findings of the Metropolitan Area Planning Commission, approve the Amendment to Protective Overlay PO-18 to permit outdoor storage and display in LI Limited Industrial zoning, and authorize the Chairman to sign the Resolution.

Commissioner Welshimer seconded the motion.

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

### **VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye

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Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

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

### **NEW BUSINESS**

#### **C. GRANT APPLICATION TO UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES SUBSTANCE ABUSE & MENTAL HEALTH SERVICES ADMINISTRATION FOR EXPANDED SUBSTANCE ABUSE TREATMENT CAPACITY IN TARGETED AREAS OF NEED.**

**Ms. Marilyn Cook**, Executive Director, COMCARE, greeted the Commissioners and said, "COMCARE is applying for a grant through SAMHSA, the Substance Abuse and Mental Health Services Administration, which is part of Health and Human Services federally, to enhance services provided by our addiction treatment programs staff by implementing an evidence-based practice model that's called Integrated Dual Disorders Treatment, or IDDT, and that's how I'm going to refer to it rather than saying all those words after this. In the IDDT model, individuals that have co-occurring disorders of a mental illness and substance use disorder are provided with treatment that considers both diagnoses as equally primary focus of treatment and equally important, rather than treating one or the other. SAMSHA will be making 12 awards nationwide, so a lot of competition for this. Each estimated award amount will be \$400,000 a year for up to three years. The IDDT approach is a staged approach to recovery, and essentially what it does is identifies an individual's readiness for treatment, and then carefully engages them in a more comprehensive way than we do with the current treatment practice into a working recovery relationship. Clients would receive skills training, they obviously would get addiction counseling, help identifying leisure activities that are healthy for them, they would get some mental health treatment, they would get wellness information, medication management, some help with support employment services, assistance with housing when that was needed and case management, so it is a very comprehensive kind of approach to treating this population, which is pretty difficult to treat."

"The grant would fund six new staff, one Master's level clinician and five case managers. The total grant request is \$1.2 million; \$60,000 of that, \$20,000 a year, would pay for a program evaluator who would be provided by an external evaluator, external to COMCARE. It's anticipated that we would have 75 clients open at any one time in this program, and that over the course of the three years, 275 individuals would be served, so a per person cost of \$4,145. The anticipated outcomes

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are ones that we would desire in any treatment program, but specifically what we've agreed to in this grant is that people who are part of this program, that 70 percent of them would report reduction in alcohol and/or drug usage while they were in treatment, 75 percent of the urine drug screens that were done would be negative, 75 percent will report no new arrests or probation violations, 65 percent will report improvements in their mental health symptoms, 70 percent will report compliance with psychiatric medications that they are taking, this is a population that has trouble kind of sticking on the medication regime they're on, and 80 percent will report no psychiatric hospitalizations. The grant application must be submitted by January 14th, and the grant award notice is expected by summer or fall. Normally, for these federal grants, they have training in Washington, DC in the fall, so we would know late summer, early fall if we got that grant. I am recommending that you approve the grant application, authorize the Chair to sign all necessary documents, including the grant award agreement containing substantially the same terms and conditions as this application, and approve establishment of the budget authority at the time the grant award documents are executed. I would be happy to stand for any questions."

**Chairman Parks** said, "You said this grant is due by the 14th..."

**Ms. Cook** said, "Yes, electronically submitted."

**Chairman Parks** said, "What was the time frame, when did the feds [federal government] send this down to you?"

**Ms. Cook** said, "It was fairly recently. I want to say we've been working on it just a little bit over a month. And of course it's gone through the whole process through the county."

**Chairman Parks** said, "Maybe that's something we can, when we meet with our congressional people, tell them to give us a little bit of a wider window on some of those. I know some of those are kind of a tight fit. Commissioner Peterjohn."

**Commissioner Peterjohn** said, "Thank you, Mr. Chairman. Ms. Cook, I would be interested in understanding, the \$400,000 would be strictly to pay for the six positions, is that correct?"

**Ms. Cook** said, "It's the six positions, its one-time equipment costs that first year, that whole budget was outlined. There's some personnel and benefits and some travel money that goes along to the mandatory training."

**Commissioner Peterjohn** said, "Okay. Do you have any idea, in terms of if we get this grant, in terms of any impact this might have on our problem, we've had discussions about population in the

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jail who have mental health problems, and would this have any impact, in terms of our jail challenge?”

**Ms. Cook** said, “Well, I think anything we do in addition to treatment anymore has the potential to have impact on the jail population. Most of the people that come to us for treatment are there because someone has ordered them to be there. We do have folks that anticipate an order and come on their own, but the vast majority of people we serve have been people that are in some other parts of the system, so strong correlation between, whether that would be for a DUI (driving under the influence), or some associated situation or crime. These are folks that have serious mental illness and serious addiction problems.”

**Commissioner Peterjohn** said, “Well, let me ask, in terms of as a three-year program and \$400,000 a year, after the three years, we’d either have to get the grant renewed or we’d have to come up with property tax funds to pay for this, is that correct?”

**Ms. Cook** said, “Well, there are six positions being funded, five of them are case management positions. The rates that we get from the state for case management always supersedes the cost of those employees, so anytime we have case managers, this is a wonderful opportunity to add revenue producing staff and have their salaries paid for. And then part of the sustainability will be the billing that they do. We are allowed to bill for some of the services that they are going to be providing in some of those services that I outlined, but typically a team of five individuals would certainly pay for themselves and the clinician that would be supervising this program.”

**Commissioner Peterjohn** said, “Can you amplify on that at all, in terms of how much, what that differential would be, in terms of between what the state and what this would entail financially?”

**Ms. Cook** said, “I would have to get back. I’m not going to take a stab at that. I would have to get back with some numbers, Commissioner, on that.”

**Commissioner Peterjohn** said, “Okay. That’s all I have. Thank you, Mr. Chairman.”

**Chairman Parks** said, “Commissioner Welshimer.”

**Commissioner Welshimer** said, “If it’s in here, I’m missing it, about how many patients can you address with this \$400,000?”

**Ms. Cook** said, “Seventy-five patients open on any given time during the course of the three years, total of 275 over the three years.”

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**Commissioner Welshimer** said, “Two-hundred-seventy-five over the three years, so each patient receives how much time with this grant?”

**Ms. Cook** said, “That’s an interesting question. There really is no time limit in this model, when you have this IDDT model, we would keep them in treatment as long as they needed to be in treatment. However, our experience, we have an IDDT model that we’re using in our Community Support Services program, and what happens is that once we stabilize people on medication and get them in a recovery process, and we do that through the tools that are part of this evidence-based practice, they require less and less time. Some of the individuals in this program will have pretty good abstinence and recovery from the drug and alcohol issues they have, and if they need case management in an ongoing basis, we would then transfer them to our Community Support Services program. And some will drop out, so...”

**Commissioner Welshimer** said, “My understanding is it takes a long time for someone who is seriously addicted, two years or more, but if that were required for that person, they would be...”

**Ms. Cook** said, “They would be moved to a...”

**Commissioner Welshimer** said, “...bring them in and move them right on out?”

**Ms. Cook** said, “Right.”

**Commissioner Welshimer** said, “Okay. Thank you.”

**Ms. Cook** said, “You’re welcome.”

**Chairman Parks** said, “The percentages and the goals are very admirable on this program, and I think if we could achieve anywhere near those that that would probably save us some money in the jail system, keeping those people out of jail and out of hospitalization, other things that might be able to save some money in some other line item budgets.”

**Ms. Cook** said, “And, Commissioner, I would add, since this is an evidence-based practice, this has been a practice that it has been replicated in other settings. These are the actual outcomes that they are getting with this program. And our job, and the job of the evaluator, would be to make sure we are following the model to make sure we get those results as well.”

**Chairman Parks** said, “And that’s something that I think, if this passes, that we need to make sure that we do have reports back to us on the progress of these things. Commissioner Peterjohn.”

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**Commissioner Peterjohn** said, “Yes, Mr. Chairman, I would like to amplify on your remarks, because I agree, in terms of having that additional information and also the challenge we face in that after this grant goes away, we would either have the challenge, and we may have, in theory, would be for this duration of a grant, we could have five new Commissioners up here at the time that this grant would expire, basically, if it’s approved sometime later on in the next month or two. And to have a little bit of institutional history, this grant, if it was not renewed, and I don’t know how renewable this type of thing might be, I’m sure that would depend upon the winds blowing out of Washington, we would then be faced with the choice of either coming up with additional property tax, or some other tax source, to fund this, or eliminating those positions at that point in the future. So I wanted to point that out as part of our discussion for the record.”

**Ms. Cook** said, “And, Commissioner, if I may address...”

**Commissioner Peterjohn** said, “Sure.”

**Ms. Cook** said, “...that concern. On page 17 of the proposal that you have is a list of a myriad federal grants that COMCARE has received, and we have been able to sustain those programs with the billable activity that has come as a result of that. So we are not new at this, and that concern is always there. I would also add that anytime an employee of ours is hired under a grant status and the grant goes away, if it is not sustainable, their position goes away as well, but we have not experienced that.”

**Commissioner Peterjohn** said, “Well I appreciate you clarifying that for the record, Ms. Cook, because I think that’s always helpful as part of this discussion, and for making that part of the record, even sometimes memories do fade. But I understand what you’re saying, we’ve got a lot of programs out there that are grant funded, and I’ve heard some folks make the comment in the past that sometimes maybe even the grant funding may be more sustainable than some of the tax funded programs in the way things operate. But in this difficult economic environment that we’re facing, and hopefully things will improve here shortly and this won’t be an issue, I always want to be very cautious as we proceed down this road.”

**Ms. Cook** said, “I understand.”

**Chairman Parks** said, “What’s the will of the Board?”

### **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 this application; and approve establishment

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of budget authority at the time the grant award documents are executed.

Commissioner Unruh 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

**Ms. Cook** said, “Thank you.”

**Chairman Parks** said, “Thank you.”

**D. RESOLUTION AUTHORIZING SEDGWICK COUNTY’S CHIEF INFORMATION OFFICER TO ENTER INTO CERTAIN AGREEMENTS.**

**Mr. Richard Vogt**, Chief Information Officer (CIO), greeted the Commissioners and said, “Commissioners, this item, this resolution, is all about convenience for our subscribing community. As you know, for about 20 years the county IT (Information and Technology) Department has provided remote access to businesses, organizations, agencies, even individuals if they so choose, to get access to publicly available information from the convenience of their offices or their homes. This is a win-win situation. A win for them because they are able to avoid coming downtown, trying to find a parking place, come up and find the actual information, maybe go through folders and different things.”

**Mr. Vogt** continued, “It’s a win for the county, of course, because we’re answering fewer phone calls, and our staff can be leveraged to get more work done beyond simply responding to queries. Over the last 20 years, we’ve responded to over 10 million queries in this manner, so you can imagine the amount of phone calls that we’ve avoided over that time. But as Bob Dylan constantly reminds us on classic rock stations, the times are a changing. We’re moving off the Mainframe and moving on to a variety of distinct and disparate systems. To that end, to continue to provide the information to our subscribing community, we need to change our business model as well. And to do this, what we’re planning, what we’re proposing, is instead of every time one of our subscribers hits the enter key, that’s the way we used to bill them, that’s the way we currently bill them, what we want to do is move off of that variable pricing to a fixed monthly model so that our customers

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will be able to predict what their costs are going to be. It will be very similar to the tier pricing that we had that you see at cable companies following Dish Network. And to give our customers the flexibility to change the tiers as they need it, as they bring more employees on, as they change the access needs, we need a more efficient model of signing people up.

“Right now every contract, every subscriber that comes online, we bring that contract, we bring that agreement before you, in a process that takes three, four, sometimes five weeks. So that’s this resolution, which would allow the Chief Information Officer to enter into those agreements as subscribers come and want to get on board. What this is not about is the Chief Information Officer writing contract language. This is not about changing the pricing scheme as the CIO sees fit. All contracts, the language will be vetted through the County Counselor’s Office, pricing changes are going through Finance, this is all about just giving our subscribers a very flexible and fast and efficient way to get access to the information they need to do their job. So I stand ready for any questions, and I ask that the resolution be adopted.”

**Chairman Parks** said, “Boy that was about a tie there. Commissioner Welshimer.”

**Commissioner Welshimer** said, “So these contacts that we have there with businesses, like the realtors, or the title companies, or something like that, right?”

**Mr. Vogt** said, “That’s correct, primarily in that line.”

**Commissioner Welshimer** said, “And what is the fee for that?”

**Mr. Vogt** said, “Currently we charge about four cents every time they hit the enter key, it’s about four cents. You know, we use the Mainframe, it’s kind of an archaic system, so it’s equivalent to a mouse click, so about four cents every time somebody would click on a mouse.”

**Commissioner Welshimer** said, “Okay. And so the fees are going to be in the same general range?”

**Mr. Vogt** said, “The fees that we’re proposing would mimic the low end of what most of our subscribers are currently paying, which would be around \$50 a month. But there will be a tier pricing and it will run anywhere from, again, we’re proposing anywhere from \$20 a month to \$100 a month depending on how many of the different modules they want to get. So if they just want access to the tax system, that would be a lower price, but if they want access to tax and criminal justice, main cross reference, a variety of systems out there, that would cost more.”

**Commissioner Welshimer** said, “An individual can do this as well as a company?”

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

**Commissioner Welshimer** said, "Okay. Thank you."

**Chairman Parks** said, "And while we're on the pricing, are the cities getting a good rate on this, our fellow government agencies out here then?"

**Mr. Vogt** said, "That's correct. What we've done historically is offer them a flat rate, which is right about \$50. That was another reason we centered in on that \$50 a month rate, so they would see no change."

**Chairman Parks** said, "That's been that way for quite a while."

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

**Chairman Parks** said, "Commissioner Norton."

**Commissioner Norton** said, "How many subscribers do we have presently?"

**Mr. Vogt** said, "We currently have 53 subscribers. Four years ago we had over 80, and we know that the decline was to the systems moving off the Mainframe and people were finding that the information that they needed was no longer there, no longer available. Well, this whole change, you are going to use, what we call, I think I brought it before, the virtual desk top will allow them to have actual access to the systems. Now, in the IT Department, we do not authorize anybody to get into any specific system, the data owners continue to control that. So the Treasurer's Office, or the Sheriff, courts, those people continue to control the access. We're providing the means and we hope to increase the number of subscribers by giving them a flat rate and by giving them access to all of these systems."

**Commissioner Norton** said, "Seems like the accounting for this will be much easier, too, trying to keep up with how many clicks in a month or whatever, seems like an archaic system."

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

**Commissioner Norton** said, "That's all I have, Mr. Chair."

**Chairman Parks** said, "Commissioner Peterjohn."

**Commissioner Peterjohn** said, "Thank you, Mr. Chairman. I agree with Commissioner Norton, in terms of archaic, in terms of counting clicks per month. That does seem a bit behind the times. So we'd be going from, you say we're leaving the Mainframe, are you talking primarily a server-based type of system we would be moving to?"

**Mr. Vogt** said, "That's correct. And to be able to..."

**Commissioner Peterjohn** said, "Okay. Let me ask you, we have a structure, in terms of purchasing where certain items, if they're small enough, they get handled within budgets, if they raise to a certain level they go to the Manager, and then eventually we can end up in front of the Bid Board. In terms of going with any of these agreements, would these agreements generally pass those thresholds, and is that a model for what we might look, in terms of the details? I understand you've got 53 subscribers, but you might have a few that are really large dollar and then a lot of small ones, and obviously we're not too concerned about the smaller ones, but if we're talking about large ones that are a major part of our operation, I was interested, in terms of how much, whether purchasing, let me ask first, if our current purchasing model is something that might be useful here or not?"

**Mr. Vogt** said, "Well I think we're following that kind of model where certainly any kind of significant changes that would be made, and that's what I would equate that to; significant changes, will run back through the entire process; Finance, Legal. So, yeah, I think that's the only prudent way to go."

**Commissioner Peterjohn** said, "Okay. And then, secondly, I was curious, in terms of the larger subscribers, if they would be large enough to actually have a serious financial impact, in terms of what they are paying for county records, and what their demands are on county staff and staff time beyond what we do otherwise, or what we would have to do just to maintain the systems as it is?"

**Mr. Vogt** said, "And we looked at that, and the larger subscribers out there have more individuals who are accessing the system, and to get into a little more details of the way the system would work, right now we have that click charge as I described, the new model would have a per employee cost. So the larger companies would still pay a larger, if they want to sign up all their

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employees who are currently accessing the system, they will still pay more than the smaller companies who have fewer employees. So I think we'll still see that same kind of continuum with some subscribers paying, generating the bulk of the revenue into this program, it will just be through a different model."

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

**Chairman Parks** said, "Thank you. Seeing no further discussion, I would move that we adopt the resolution."

**MOTION**

Chairman Parks moved to adopt the Resolution.

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

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

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

**E. HEARING TO CONSIDER WHETHER THE CITY OF HAYSVILLE HAS PROVIDED SERVICES AS SET OUT IN THE SERVICE PLAN PREPARED FOR THE ANNEXATION ORDINANCE NO. 836 AS CORRECTED BY ANNEXATION ORDINANCE NO. 844.**

**VISUAL PRESENTATION**

**Mr. Robert Parnacott**, Assistant County Counselor, greeted the Commissioners and said, "This is one of our five-year post annexation hearings that we have for annexations where the city had to provide a service plan, generally those annexations that are done without the consent of the land

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owner. We're dealing here with Ordinance Number 844 of the City of Haysville, which was an amending ordinance that amended an earlier annexation Ordinance Number 836 that took in Mosteller 3rd Addition, one-half of a lot in the Country Plaza Villa Addition, and then a number of unplatted lots, total now, there's about 25 different landowners involved that we've sent notices to. As you can see from the map, there's two crosshatched areas. One, they are both east of Broadway, one's north of Grand, otherwise known as 71st Street, and the other is down to the south of 71st Street. We did provide notice as required by statute to the landowners. We did receive some responses in writing. We have landowners here today to testify. We also have representatives with the city to answer any questions as well.

"The service plan was a fairly standard service plan that we see for the cities, more than we see from some annexations, it met the requirements of the statute according to the litigation. There was litigation following the annexation, and the District Court made a finding that the service plan is adequate. The service plan provided that on annexation the city would provide street maintenance for any city streets, police services, park and inspection services. Landowners would then be able to request or petition for other street improvements, streetlights, water and sewer. I think we're going to hear some discussion today about what the cost of extending those kinds of water and sewer infrastructure to these properties were estimated at back six years ago when the annexation became effective, or five years ago when it became effective after the litigation concluded, and what those costs might be today and whether they are out of the ordinary."

"The city has provided a report, I forwarded that to you in an electronic fashion, we have hard copies here if you would like to see a copy of that, and the city can speak to detail of the report, but essentially they've indicated that they are maintaining the streets in Country Plaza Villa. The other streets down there are either private streets or maintained by KDOT (Kansas Department of Transportation); Broadway, [old Highway] 81, is a KDOT maintained street, is my understanding. They have not received any petitions to date for any of the requested improvements, like sewer and water, or other street improvements, so they haven't had to fulfill those requirements or requests. They have been providing police services. I've done some inspections in the subdivisions down there. Because there's some issues with the service plan, I thought I might go into a little more detail about the service plan requirements and the service plan involved in this annexation. This is a unilateral annexation, which is one of the three kinds of annexations involved. You all get involved only five years down the road, it's done by the city at the time, they have a hearing, and they have to present a service plan. Their service plan has to show a sketch of the area to be annexed, where the present streets, water mains and sewers are, where they propose to extend those, has to show the general land use pattern for the area being annexed, has to provide a statement of the intentions of the city for extending services to the area, how they are going to be paid for and what the cost of

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providing those services are going to be, how they are going to finance those services, they have to show a time table of what services are going to be provided and what kind of time frame. The plan also has to state those services that are being provided are going to be equal to or better than the services that were available prior to the annexation, and like I say, the District Court had reviewed that service plan and had found it to be sufficient.

“The service plan itself that the city provided for this annexation did indicate they wanted to provide municipal services in a cost-effective, equitable and orderly fashion. They indicated that for street improvements their general practice is to assess 100 percent of the cost of the improvements to the benefited properties in a benefit district. They indicated they would plan to adopt a protective overlay to grandfather in landowners who had farm animals and fowl. They estimated at the time of the annexation there would be a net increase of the mill levy to the landowners of about 30 mills, and there would be an additional revenue of the city of about \$10,000. Again, we’re dealing with a service plan that was prepared six years ago when they started this annexation process, and they had estimated that to extend street improvements, streetlights, water, sewer, to these properties might reach up to \$2.4 million. Again, those costs were estimated back then, I think there’s been some changes there and the city can speak in more detail about that. The landowners may have some issues to raise with that as well. I think I’ve finished everything that I need to say. My recommendation at this point is to open the public hearing, we’ll hear any testimony presented by the landowners or the residents and then you can close the hearing and make the appropriate findings. So unless you have any other questions, please open the hearing.”

**Chairman Parks** said, “We’ll open the public hearing at this time. Call on the City of Haysville if they want to make any comments from the podium. No comments from the podium? Is anyone here to speak, property owners from this area? Please go to the podium, state your name and address, since it’s left up on the PowerPoint here, if you want to point out, or tell us, where your property is, that would be good. Please go to the podium at this time.”

**Mr. Daniel D. Benner**, 6966 S. Broadway, Haysville, Kansas, greeted the Commissioners and said, “I am a lifelong resident of the area. We live on one of the properties that were annexed in the annexation that we were just talking about. The only thing I’d like to address today is the cost of water and sewer. In the service plan, the reason that was stated for the annexation at all was to provide a cost-effective, and a fair and an equitable means of providing municipal services to the areas that were annexed. That’s the statement in the front of the service plan. But when you go to the cost, \$2.3 million, and that would be 100 percent levied against the landowners, this comes out to somewhere around \$200,000 per property owner. I don’t know what’s fair and equitable, but I suspect that other new home buyers in the Haysville area and developments don’t have to pay \$100,000 or \$200,000 in special assessment taxes to have water and sewer hooked up to their home. And I don’t want to pay that much either, in fact I can’t. And I can’t speak for any of my neighbors, but I’m pretty sure they can’t afford that, either.

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“We would just like for the service plan to be re-looked at. Is there some other way that we could get municipal services in some sort of a fashion that’s possible for us to afford, either that or have a protective overlay written so that I don’t have to hook up. Right now there is no way for me to be in compliance because I can’t. There’s no possible way I could afford that kind of money, and there’s no protective overlay that would address this as a nonconformance issue. I don’t want to address all the rest of the things, and there’s a lot of issues that my neighbors have with various other things, city ordinances, and codes and so forth. All I want to say is the service plan really doesn’t make sense, as far as a homeowner goes, insofar as the cost of municipal improvements of city, and water and sewer. And I’d like to have water and sewer. I’d like to not have to maintain a water well and a septic system, that would be convenient for me. My home is not worth \$150,000. It’s sort of silly to think that I could somehow cash in everything I own, get \$150,000 and hook up to water and sewer. That’s my point, so thank you for listening to me today.”

**Chairman Parks** said, “Stay at the podium if you will just a minute. Mr. Euson, he was asking if there’s some negotiation time in there, if this is not approved and this two and a half year period comes into this effect, could there be negotiations like we’ve seen in another city and another action brought up before this Board?”

**Mr. Rich Euson**, County Counselor, greeted the Commissioners and said, “Well, I think I’ll let Mr. Parnacott answer that, if he wouldn’t mind.”

**Chairman Parks** said, “Okay. Thank you. Mr. Parnacott.”

**Mr. Parnacott** said, “Hi. Certainly there would be an opportunity. I mean, that’s the failsafe in the statute for the cities are that if you were to make a finding today that the city has not provided the services that were set out in the service plan, the city then has two and a half years to provide those services and they could certainly during that two and a half year period work with the landowners. They could certainly work with the landowners now, and I assume they would be willing to, to the extent that’s possible. Then at the end of the two and a half years, it would be up to the landowner to determine if they still hadn’t provided the services whether they wanted to petition you for another hearing for formal de-annexation [sic].”

**Chairman Parks** said, “Thank you.”

**Mr. Benner** said, “Is it appropriate to find out in some way what municipal, what water and sewer, I’m not talking about anything else, water and sewer, what the average cost is for other homes in the Haysville area? Another home that’s a similar value to the home that I live in, home my neighbors live in, what do they pay in special assessment taxes for water and sewer?”

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**Chairman Parks** said, "I can't answer that for you, and maybe Ms. Neugent could answer that for you at a later time. I'll ask her to come to the podium and have that figure, or at least comment on that, at a later time during the public hearing."

**Mr. Benner** said, "Okay."

**Chairman Parks** said, "Okay."

**Mr. Benner** said, "Alright."

**Chairman Parks** said, "And I do know that those figures are considerably less than some that I have seen in other annexations. I have seen some that were a million dollars per lot for sewer and \$800,000 for water in another community, not Haysville. So..."

**Mr. Benner** said, "Sounds like a lot of money."

**Chairman Parks** said, "Yes. And I'll elaborate a little bit on that a little bit later. Thank you for your testimony. Next person."

**Ms. Betty Jane Mosteller**, 6910 S. Broadway, Haysville, Kansas, greeted the Commissioners and said, "I am here with my husband, C. Fred Mosteller, and we live at 4563 Cherry in Wichita. We own the property at 6910 South Broadway. And let me see, you wanted us to point this out where we were at?"

**Chairman Parks** said, "I believe Communications can help you with a pointer or a..."

**Ms. Mosteller** said, "Okay. This area here is the Big Ditch, where my hand is. Is it showing up? That's the Turnpike and this is Broadway, this little area right here is what's the private road for 6910 South Broadway and the 6900s there. This is my six acres, my husband's and my six acres right there, that we're on right there. And there's just about eight families in that area or something like that. We bought our property back in the mid '50s, and it was our hope to build for my father-in-law and us as a family home, and at that time, we were first delayed in building our home because of the [inaudible] storage shed, and we lost thousands of dollars. But since then, we postponed construction because of two main reasons. First, the significant increase in property tax, but the most important is when the city might force us into the specials listed in the annexation service plan. And we bought our land back in the 1990s. The land went through all the planning procedures to develop a community on wells, and septic and a private hard packed road. At that time, Riverside Township has a suburban road plan, and they pave their private drives for free. We

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had started this process before the annexation, and you see there you have a letter confirming from Dale Kuhn that we were in their plan.

“And you made a comment about the million dollar or the \$800 million [thousand], did those people know ahead of time that they were going to have that? We did not know ahead of time when we bought this land. We thought we had a well and a septic, and we would pay for that, and build a home and live happily ever after. And unfortunately that hasn't worked out. The City of Haysville called Fred and I asking about our desire to pave the road last fall, and we advised them we needed more information and a commitment that this would not put us under the burden of the specials that would cost us numerous many more thousands of dollars than our land was worth. We believe the burden of this realistic special that someday we may have to pay, or probably have to pay, makes our land, we're actually now a liability instead of an investment. Few people would want to buy six acres worth \$36,000 knowing that tomorrow the city could come in and say, okay, we're putting this in and you have no choice, but here's the bill for \$200,000 for your share. I mean, we don't have it. We would have to sell it. And without a house on it, it would be capital gains and we'd probably, all of it would go back to taxes.”

“And I would like to address a couple of areas, and I gave you the statutes there, starting with the [KSA (Kansas Statutes Annotated)] 12-521 that states where they...I got the wrong one, I'm sorry. It talks about the township and the city having to provide better than what the township does, and I just wanted to provide that for you. Before the annexation, we were going to have a blue ribbon road for free from the township, and, yes, we will admit we have not asked for the road because we are afraid of that \$150,000 to \$200,000 household tax liability that was listed in that original annexation plan. And I found another thing that I thought was interesting, and Mr. Parnacott says that actually our particular annexation did not fall underneath this, but I would still like to read it, 'The board shall make specific written findings of facts and conclusions determining whether such annexation or the annexation of a lesser amount of such area causes manifest injury to the owners of any land proposed in the annexation.' You know, if that's the guideline that a county has to stand to, and this type of annexation, I really think, whether it's moral, whatever, helpful, why is it different when the city can do it as opposed when the county can do it, when it's the county that's allowing the city to do it?”

**Chairman Parks** said, “I'm going to let you have about another minute because we did have a technology glitch there.”

**Ms. Mosteller** said, “Oh, okay. During the current economy, according to many news stations and broadcasts, the potential loss of \$200,000 is more than an injury; it's devastating. I see in their plan, in 2011, they are concerned, considering to pave the road, our concern is, are we going to have to dedicate it? And if we do, is that going to bring in the water and sewer, and give up any control? I pray you, the County Commission, provide us some relief from the annexation. And I also believe

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that a lesson should be learned through the Metropolitan Area Planning [Commission] process that not many years went from the mid '90s when this was through the metropolitan area to 2003 when they did this annexation, you know, a lesson should be learned that the cities should come up at that point and say, hey, we want to annex this and let's do it right the first time, instead of come in and say, now that you have everything done, we want to change, you know, change the plan and charge you all this money and charge you a lot more taxes to boot. Thank you very much. I appreciate any consideration and any help that you can give us."

**Chairman Parks** said, "Do we have any questions before she leaves the podium of her? Thank you for your testimony. Anybody else want to speak? Please state your name and address and where you own the property."

**Ms. Debbie Hudson**, 6904 S. Broadway Ct., Haysville, Kansas, greeted the Commissioners and said, "And I kind of want to go back to the basics here. First of all, on the annexation, only two states allow the unilateral annexation, and that's Kansas and Nebraska. So I would encourage the County Commissioners, especially since I read Mr. Norton's letter in the little Haysville paper every week about the financial burdens that the county has. Well my question is, why would you keep allowing the cities to annex if you actually have financial burdens in the county, because those tax dollars are going from you? And I'm also a real estate agent, and when you sell someone a home, or a piece of land to build a home, they know up front how much their taxes are going to be, how much their specials are going to be, and that's the total difference between the unilateral annexation and what happened to us. When we built our home, I think it was valued about \$141,000, our taxes went up the first year with Haysville \$1,420. That raised our house payment \$131. So while you guys are annexing in the future, you have to remember as property owners, you're putting financial burdens, as well as emotional burdens, on those people that you're annexing.

"Also, I'm looking at the city's plan, there is absolutely nothing on here that, I mean, they've checked yes like on street maintenance, but we also have written documentation from homeowners over there that they do not grade that road 12 times a year. There's no street improvements, on the parks, well, we would have to, I mean, we didn't realize that we had to actually live in Haysville to go to a Haysville park. You know, we use the parks all the time, I think they're open to public, they're actual public parks. Streetlights is checked yes, we do not have streetlights. Let's see, what else is checked yes? Inspections, I've never seen an inspection over there. I would like to ask the city for copies of those and dates that they've done. Other government services, okay, it says full access to all city services and newly annexed property owners. Well the only thing that we've got,

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we do get notices saying when the events are coming up, but I think everybody in Haysville, and outside of Haysville, also gets those.

“You know my point is with foreclosures, people losing their homes, people losing their jobs, whether we make a difference and you guys change your minds here today, I would just encourage you in future annexations to really think about what you’re doing to peoples’ lives. I mean, it really should be a state level legislation to get that law changed and there should only be one state left or zero, because there’s just nothing about, you know when we were saying the pledge today, what’s liberty and justice for all? There is not for the people. The people elected government people, for the people, to protect the people, and we just don’t feel like that some of our elected constituents, Mr. Norton, I mean, you are our representative, have done that for us. And I would just encourage you guys to put your political views aside and just really keep that in mind.”

“And also one other thing, on the area, there’s a lot of mobile homes in there. There’s only 12 property owners on the land petition, and we were trying to do math over here, the calculators on our cell phones won’t go that high, but if you take \$2.9 million and you divide that by 12 owners, isn’t that around \$616,000? So I would ask you, if you were in your shoes, how would you feel if that was done to you? When you bought a piece of property? Yes, and I know you’ve seen, you said at one point million in these hearings. My question is, why are you having these hearings, should you be annexing, allowing that to happen to your people? No, you should not. And hang on here, I’ve got one more thing, I’ve just got to find it. Okay. I guess I’ll quit. I can’t find it, too many scribbles.”

**Chairman Parks** said, “I would like to clarify something. We're not annexing you.”

**Ms. Hudson** said, “But you allowed it. That’s why we’re here...”

**Chairman Parks** said, “No.”

**Ms. Hudson** said, “...is that correct?”

**Chairman Parks** said, “No. We’re just reviewing the service plan.”

**Ms. Hudson** said, “Okay.”

**Chairman Parks** said, “That’s another fallacy in the state law, which I am going to address outside the public hearing.”

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**Ms. Hudson** said, "Okay. But does the city not come to you and ask if they can take that land from..."

**Chairman Parks** said, "No."

**Ms. Hudson** said, "...the county?"

**Chairman Parks** said, "No they do not. That's a unilateral action."

**Ms. Hudson** said, "So how do we get from the county to the city?"

**Chairman Parks** said, "That's a unilateral action."

**Ms. Hudson** said, "Okay. So no one okayed it here?"

**Chairman Parks** said, "No."

**Ms. Hudson** said, "Okay. So we can go back where? Where would we go to get de-annexed then since..."

**Chairman Parks** said, "Well, this is part of that process and I'm going to let Commissioner Peterjohn answer that question for you, or have him ask a question of you, I believe. He's wanting to ask a question of you."

**Ms. Hudson** said, "Sure."

**Chairman Parks** said, "And we will get into that a little bit later."

**Commissioner Peterjohn** said, "Thank you, Mr. Chairman. Just for the record, could you move the pointer to kind of show exactly where your lot is on that map."

**Ms. Hudson** said, "Okay, I may be..."

**Commissioner Peterjohn** said, "Help us out, please."

**Ms. Hudson** said, "...a realtor, but I'm terrible at directions, but I'm 6904, I'm like one beside of..."

**Commissioner Peterjohn** said, "Harry, just east or west?"

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**Ms. Hudson** said, "I can drive to my house."

**Commissioner Peterjohn** said, "In that L-shaped lot, so maybe about..."

**Ms. Hudson** said, "Yes."

**Commissioner Peterjohn** said, "...one and a half or two acres?"

**Ms. Hudson** said, "Yes. We have two acres."

**Commissioner Peterjohn** said, "Okay. That was my primary question, thank you."

**Chairman Parks** said, "Okay. Thank you."

**Ms. Hudson** said, "Okay. And can I just add one other thing for the minutes here?"

**Chairman Parks** said, "Sure."

**Ms. Hudson** said, "Ninety-eight percent of the petition was for us not to be annexed, the other three property owners, two were in a nursing home, we just couldn't find them, and the other person just was never at home. But we did 98 percent petition not to be annexed. And we also..."

**Chairman Parks** said, "And who was that served on?"

**Ms. Hudson** said, "It was served on us."

**Chairman Parks** said, "No, the petition."

**Ms. Hudson** said, "The City of Haysville, yeah."

**Chairman Parks** said, "Where did you take the petition?"

**Ms. Hudson** said, "To the City of Haysville."

**Chairman Parks** said, "Okay."

**Ms. Hudson** said, "And then..."

**Chairman Parks** said, "There's your answer right there."

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**Ms. Hudson** said, “Okay. Well and then one other time we got de-annexed and the mayor, whether that’s legal or not, overrode the petition, because at the time, they just believed it wasn’t fair. So I need to add that also for public record.”

**Chairman Parks** said, “And I’ll ask Mr. Parnacott to kind of establish, let’s go back and for those that don’t realize that, I’m very well versed in that action, as you know, Mr. Parnacott, but if you can kind of tell the other people in the public hearing and who might be testifying next how this process worked and why we are here.”

**Mr. Parnacott** said, “Well, typically with, again, what we call unilateral annexations which are done under a particular statute, KSA 12-520, it allows a city by its own action to annex properties that are generally touching the city already. They may be platted or they may be unplatted. If they’re un-platted in ag [agricultural] use and over 20 acres, there’s a prohibition against being annexed. But generally, if it’s a subdivision, or if it’s small lots that are touching the city limits already, the city provides first a notice to the landowners by resolution saying we intend to annex your property. In the resolution it sets the date of the hearing, which has to be I think like 60 or 70 days down the road. It lets the landowners know that a service plan has been prepared and is on file at City Hall.

“At the same time, the city has to send a copy of the resolution, not necessarily a copy of the service plan, but a copy of the resolution to the Planning Commission to review it for consistency with the comprehensive plan adopted by the county. That’s a nonbinding finding, so it doesn’t really matter which way the Planning Commission determines whether it’s consistent or not consistent with the comprehensive plan, but that’s a finding that needs to be made prior to the public hearing. City then holds a public hearing, hears any testimony from landowners, either in support or opposition of the annexation. They have to explain the service plan at the public hearing. At the close of the public hearing, the City Council is responsible for determining the advisability of the annexation and going ahead and adopting the annexation at that point. It becomes effective upon publication of the ordinance approving the annexation. It can be subject to challenge in courts, which is what happened here. Again, it doesn’t come to you guys at that stage. Your role comes down five, six years down the road after the litigation is done when we hold this kind of a post annexation. But it’s up to the courts then to resolve any questions about the reasonableness of the annexation. The courts did that. It was not appealed, so the District Court decision was final. City does have the power to de-annex at any time it feels it’s appropriate. I wasn’t familiar with any de-annexation that was proposed for this area. I don’t know if the city could speak to that or not.

“But the only other method of de-annexation, in terms of a forced de-annexation, is at the time of this five-year hearing, if you make a finding that the city did not provide the services they said

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should be provided at the time of the annexation to the landowners, then you can make that finding. That's kind of the start of the second phase of the process. You have this two and a half year period then where the city can provide the services. Even at the end of the two and a half years, if the city has not provided the services, the landowners have petitioned you for another hearing, and you've held the hearing and made another determination that the city has not provided the services, there are still a few more hoops to jump through. You have to make a finding that it's not going to be injurious to the public health and welfare to de-annex the area. You have to look at whether you're going to leave a whole in the middle of the city by de-annexing part of the area. So there are some stringent tests to meet in order for de-annexation to be forced on a city, frankly."

**Chairman Parks** said, "I hope that clears up a little bit of the state law, and who annexes what, and our approval and disapprovals. We are hearing this for the first time, actually."

**Ms. Hudson** said, "Okay. So anybody can come, I mean, I'm still confused about the county a little bit here. The county has no say-so in what cities come?"

**Chairman Parks** said, "No."

**Ms. Hudson** said, "So you just kind of, well shouldn't it be a county record that those taxes are not levied until after this five-year hearing to see if they met the service plan? Why would our taxes go up right away that much?"

**Chairman Parks** said, "I think you have two real estate agents on this Board that agree with you that..."

**Ms. Hudson** said, "Sure."

**Chairman Parks** said, "...that is not the law as it is now."

**Ms. Hudson** said, "So could we petition and make a motion for the City of Haysville to go back and refund us, refund the county on this six years that we've been waiting? That would tremendously help us financially and help you as well."

**Chairman Parks** said, "I think that's something that might be in a negotiation that you could have with the City of Haysville, however, this hearing, we can't get into that at this hearing."

**Ms. Hudson** said, "Okay. And I would like to add one more thing. The District Court only ruled that the service plan was adequate. They had no leg to stand on because of the unilateral statutes at the state level. You know, the thing was equal or better to."

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**Chairman Parks** said, "Okay."

**Ms. Hudson** said, "Yes and we did not have the financial means to appeal."

**Chairman Parks** said, "Okay. Let's let the next person speak that wants to speak either for or against. If I see nobody else that wants to speak to this, anybody else want to speak to this? I'm going to ask the City Administrator, City Manager from, Carol, there was a question about average cost. Are you prepared to address that or can you even address that? Maybe give them a high and a low, what a normal residential sewer district would be. And I know when we're setting up, when cities set up sewer districts, that they're spread out over a lot more people, and if you want to allude to that a little bit."

**Ms. Carol Neugent**, Director of Governmental Services, City of Haysville, greeted the Commissioners and said, "Correct. With me today is also Randy Dorner, who is our Public Works Director, so if we get into technical questions, he can answer those, and Jeana Morgan, who's our Planning Coordinator, who handles annexations. I would at least like to start with by stating that with this particular annexation, we did end up in court and the court did determine that our service plan did meet state statute. And the city believes that we have provided services in accordance with the service plan. With that said, in answer to some of the questions that have come up, I'm not necessarily prepared to answer all of them definitively, but we were looking yesterday at the service extension plan because we were aware of the number that Mr. Benner had provided to the county. Having not spoken with Mr. Benner, I'm not real sure how they got the number. How we came to that number is we took the total, all the figures that were in the service plan, and I think we ended up dividing it by eight, is how we came up with a number similar to what he had provided."

"Part of the fallacy in doing that is that is not how the costs would actually be spread on the different properties. For one, the street number that's in there will pretty much come back out because the private road, if we can negotiate with the folks that live in the Mosteller Addition, is in the city's 2011 Capital Improvements Plan to have a ribbon asphalt paving done city at large through our sales tax money. There would not be a benefit district needed for that. Again, Mrs. Mosteller had said we had contacted her. We did try to contact some of the different owners to see if they would be willing to work with us on that doing. For the most part, the responses were positive. We didn't talk to all the owners, but there was a concern about whether it would be a special assessment, which that was not the intention. The water and sewer, again, depending on where you live, which piece of property you're in, those figures would change quite a bit. In fact,

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the Benners are in a rather unique situation that we could probably provide them with both water and sewer very inexpensively because of where their property sits in relation to main lines that we already have in place. The property down south has its own line that would service it, and I guess our thoughts would be that that probably wouldn't even be petitioned for until that owner would want to develop that property, at which point they would be spreading that within the subdivision."

"And we looked more at the residences in the Mosteller Addition since that is where we have the concentration of folks who already own homes. The one thing that we did look specifically at is the sanitary sewer, and what does increase the costs for that area is the fact that, at this point, we cannot figure out how to supply the area without putting in some kind of a small lift station. If we could get over that, obviously the cost would come down. I think we had computed yesterday, assuming there were no lot splits in there, that to provide sanitary sewer for folks, it would be Mosteller Addition North, would be around \$28,000 to \$30,000 per lot. That's kind of what we looked at yesterday in response to the number that we were given from the county. Does that help?"

**Chairman Parks** said, "I thank you for giving that. Commissioner Welshimer."

**Commissioner Welshimer** said, "You need to do all of these things and they're so costly, what is the advantage to the city? Why would you be annexing this area?"

**Ms. Neugent** said, "When we looked at annexation, we looked at two things. We wanted to square up our boundaries, for one, and we were looking at tax base. What we actually ended up annexing was a portion of a larger annexation study we did that went much further east. Much of that just did not make sense from the aspect of trying to square up our boundaries, and that's what we really ended up doing was squaring up our boundaries."

**Commissioner Welshimer** said, "And most of the outskirts of your city, Haysville, are most of them property owners that have 6 acres, 11 acres, 20 acres, 18?"

**Ms. Neugent** said, "Actually, if you..."

**Commissioner Welshimer** said, "Is that a common thing for your city?"

**Ms. Neugent** said, "Yes and no. If you go past the Turnpike and south of 71st, those lots tend to be more like half acres. But yes, otherwise of the developed areas around, you're probably looking at two acres and above. I'm kind of looking at Commissioner Norton to back me up on that one."

**Commissioner Welshimer** said, "Okay. Thank you."

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

**Ms. Neugent** said, "Thanks."

**Chairman Parks** said, "Anybody else to speak while we still have the public hearing open? Was it in reference to something that Ms. Neugent had said there? I will give you one minute on that then, in response."

**Ms. Hudson** said, "Okay. Well I'm confused again. The service plan that they put together, the \$2.9 million, shouldn't they have thought all of this out since nothing changed? So shouldn't that void the service plan since she kind of just admitted that? That it really wouldn't cost that much here, or that much there, maybe more here, maybe less there. And shouldn't we be going back and getting our tax money back, and come back to the county? I mean, shouldn't that just void the whole service plan?"

**Chairman Parks** said, "I believe there are some laws that prohibit that and Mr. Parnacott may want to address that also."

**Ms. Hudson** said, "Sure."

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

**Mr. Parnacott** said, "Well I guess I would comment that it's important to understand that a service plan is a plan, it's not necessarily that much of a binding document. I mean, obviously circumstances change, cities have to kind of contemplate, I mean, they have to make a decision at the time of the annexation, looking into the future, what it might cost to provide services. As Ms. Neugent indicated, down the road those figures change because that's how plans work. Plans evolve over time, so I'm not seeing any discrepancy there. Again, your role is not to determine sufficiency of the service plan. Your role is to determine whether the city provided the services they said they would provide at the time they adopted the service plan."

**Chairman Parks** said, "All right. To answer one of your questions there, or just to elaborate on that, I've seen service plans that are one and two pages and then I've seen, as I testified the last two years at committee hearings in Topeka to change the law on annexation myself, personally, I saw a document from Overland Park that was 30 to 35 pages. So they do vary, in terms of cities."

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**Ms. Hudson** said, "Sure, but I would also say, it's just like when you budget anything, wouldn't the cost only go up instead of being considerably less, like what they're saying now? I mean, I would say we didn't have everything from the beginning either. We weren't totally informed."

**Chairman Parks** said, "That's a question I can't answer and I will give..."

**Ms. Hudson** said, "Okay."

**Chairman Parks** said, "...Ms. Neugent, if you want to respond to that, I'll give you a minute also. Thank you."

**Ms. Hudson** said, "Okay. Can I just ask one more thing? Is there any way we can request just something from the county that you'll look into it? Or is there any way we can go back five years? I don't know."

**Chairman Parks** said, "Well I think at this point we're at the hearing and..."

**Ms. Hudson** said, "Okay."

**Chairman Parks** said, "...the time is near..."

**Ms. Hudson** said, "Okay."

**Chairman Parks** said, "...for this vote."

**Ms. Hudson** said, "All right. Thank you for your time."

**Chairman Parks** said, "Okay. Commissioner Welshimer."

**Commissioner Welshimer** said, "I want to ask Mr. Parnacott. You say that the contract is not a binding document."

**Mr. Parnacott** said, "It's not a contract, it's a service plan."

**Commissioner Welshimer** said, "Service plan is not a binding document, but it's binding all these property owners and it's binding us, it seems to be very binding to me."

**Mr. Parnacott** said, "It's not binding in the sense that, again, the statute provides what the service plan has to contain, which is the service plan at the time of the annexation, how the city intends to

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extend their services. For example, they will extend police services at the time of the annexation, automatically, like they would to any other city resident. Again, if you were to hear testimony today that the police were not responding to calls in that area, you could make a finding that they had not provided that service. That would be very clear. So in that sense, it's binding."

**Commissioner Welshimer** said, "Okay."

**Mr. Parnacott** said, "There are some things. There are other things in the service plan that are intended to be subject to petition. Obviously, as infrastructure gets added, lines get extended, the costs of then providing those services to those properties changes over time. So to that extent, that's where it's not necessarily binding so much that it's more of a fluid and evolving document."

**Commissioner Welshimer** said, "Okay. Thank you."

**Chairman Parks** said, "Commissioner Unruh."

**Commissioner Unruh** said, "Thank you, Mr. Chairman. Bob, according to the service plan, the water and the sewer services are only going to be provided upon petition. So can the city unilaterally say we're putting them in and we're going to charge you for those?"

**Mr. Parnacott** said, "Typically, no. I think there's an exception for cities if there's a public health threat, for example, if the sewage facilities that are being used, whether they're septic, or whatever, are failing and causing a public health threat, I think the city might have the ability to step in and force some sewer on people, but generally, you don't see that. That's a pretty rare situation."

**Commissioner Unruh** said, "Alright. Thank you."

**Chairman Parks** said, "Okay. Seeing no further comment for the public hearing, oh, ma'am, please go to the podium, state your name, address and where your property is located."

**Ms. LaVonna Benner**, 6966 S. Broadway, Haysville, Kansas, greeted the Commissioners and said, "I'm right along the highway there on 81. My question is, if you haven't had anything to do with this, why are we having to come to you instead of going back to the City of Haysville, if you have no control over any of this? That's all I can't understand. How come we're coming to you if you've had nothing to do with that?"

**Chairman Parks** said, "I have a personal and professional opinion on that, and I believe I should, the better part of my valor here is to not say of what my personal opinion is on this, but it has to do with state law."

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**Commissioner Welshimer** said, "May I respond?"

**Chairman Parks** said, "Sure."

**Commissioner Welshimer** said, "All we're charged with is to determine whether or not the city has met the terms of the plan."

**Ms. Benner** said, "Okay."

**Commissioner Welshimer** said, "So that always leaves us just, they always have met the terms of the plan."

**Ms. Benner** said, "I just didn't understand why we just don't go back to the City of Haysville to begin with. Okay. Thank you."

**Ms. Hudson** said, "Can I just ask one more thing?"

**Chairman Parks** said, "We've had, I've given you great latitude already, so...Commissioner Peterjohn...Sir, if you want to go to the podium and state your name, you can certainly do that."

**Mr. Fred Mosteller**, 6910 S. Broadway, Haysville, Kansas, greeted the Commissioners and said, "Actually, I live in Wichita, but that's where our property is at. I'm trying to find this on your map here."

**Chairman Parks** said, "It's along the frontage along Broadway there then, one of those lots."

**Mr. Mosteller** said, "We're back in there, in the red area. Right there. Do I click?"

**Commissioner Norton** said, "No, you're okay."

**Mr. Mosteller** said, "Okay. There are several things on this list here that I have seen that they have yeses by that we don't have the services for. They haven't provided streetlights, and I know I can't remember them all right off the top of my head, but there's several in there that aren't covered and Debbie covered one as well. Apparently, Haysville has paid for the services at Suncrest, which is I think where they annexed, they're on to the east of us. Debbie would actually be better at saying this than me. They paid for theirs, but they want to charge us for the same type of services. And that's all I have."

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**Chairman Parks** said, "Okay. Anybody else wish to speak that hasn't used their allotted time at this point?"

**Mr. Mosteller** said, "Pardon?"

**Chairman Parks** said, "Anybody else want to speak? Are you finished with your presentation then?"

**Mr. Mosteller** said, "Yes."

**Chairman Parks** said, "Okay. Anybody have any questions?"

**Commissioner Welshimer** said, "You're saying then that in the plan the city promised streetlights and they did not put those streetlights in?"

**Mr. Mosteller** said, "Correct. And there's some other things on the list, but I just saw this list this morning, so I haven't..."

**Commissioner Welshimer** said, "So potentially there are other things that they didn't do?"

**Mr. Mosteller** said, "...had time to really go through all of them, but I saw that one and Debbie mentioned one earlier..."

**Chairman Parks** said, "Right."

**Mr. Mosteller** said, "...and so even though they say they have provided them, they haven't."

**Chairman Parks** said, "Okay. Thank you."

**Mr. Mosteller** said, "Thank you very much."

**Chairman Parks** said, "Any other people wish to speak to this? Commissioner Welshimer, you have a question for Legal?"

**Commissioner Welshimer** said, "So the sewer and water, the \$200,000 per property that we've averaged out, is that being charged now or will not be charged until the homeowners petition to have the utilities put in?"

**Mr. Parnacott** said, "Well, I think what I understood from the city's testimony was that \$200,000 is not really an accurate figure. I mean, how you arrived at it, but it's not been charged."

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**Commissioner Welshimer** said, "So they're not having to pay it right now?"

**Mr. Parnacott** said, "That's correct. It's only after a benefit district is formed, a petition is formed with 51 percent at least of the landowners asking for those services to be provided, that the city would actually come to a figure determined by what a cost would be and then figure out what the assessment would be."

**Commissioner Welshimer** said, "But right now they're just paying the taxes that the city, a property tax levy?"

**Mr. Parnacott** said, "Right."

**Commissioner Welshimer** said, "To the City of Haysville."

**Mr. Parnacott** said, "Right."

**Commissioner Welshimer** said, "And that will continue until such time as they, 51 percent of these property owners, petition to have these utilities put in?"

**Mr. Parnacott** said, "They would have to petition to form a benefit district and then whatever the assessment would be would be assessed at that time."

**Commissioner Welshimer** said, "Okay."

**Mr. Parnacott** said, "And I just would like to make a comment about the streetlights. Again, the city report you have already, but as far as the streetlights in Mosteller, it says that the roads in Mosteller are private roads and apparently they're not eligible for streetlights because they're a private right-of-way. But, again, and the other thing the city said is that nobody has requested the streetlights be put in, so that was another example of a service that wasn't automatic upon annexation, it had to be after a request by the landowners."

**Commissioner Welshimer** said, "Okay."

**Chairman Parks** said, "Okay. I'm about to close this public hearing, so if anybody else would like to speak, or any other comment that hasn't spoke already, the public hearing is closed. We're back to discussion with the regular Commission meeting. Any other discussion by anybody before we get going on this? Commissioner Norton."

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**Commissioner Norton** said, “Bob, any cost levied against the landowners have to be done by petition vote other than there is a public health issue that the sewer, septic, or lagoons have gone bad, or the water supply has been breached in some manner and the city would do some kind of a study to determine that, is that correct?”

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

**Commissioner Norton** said, “Okay. Anything we’ve talked about as far as those increased services are not mandatory. They are not prohibited, but permissive if requested, is that correct?”

**Mr. Parnacott** said, “Correct.”

**Commissioner Norton** said, “Correct? Streetlights can be requested, but they’re not going to be an automatic thing unless they’re requested and if they’re in private property, they aren’t put in there, they are for public facilities only, is that correct?”

**Mr. Parnacott** said, “That’s my understanding, and there’s also no cost associated with streetlights, apparently Westar pays for that...”

**Commissioner Norton** said, “Right.”

**Mr. Parnacott** said, “...for the installation.”

**Commissioner Norton** said, “And if you pave a street, that can be either done by specials or it could be done a city at large with sales tax money...”

**Mr. Parnacott** said, “Yes.”

**Commissioner Norton** said, “...that’s not unusual at all.”

**Mr. Parnacott** said, “Correct.”

**Commissioner Norton** said, “Traditionally, though, if you’re putting in new streets, they go into the cost of the specials for a new subdivision, is that...”

**Mr. Parnacott** said, “Yes.”

**Commissioner Norton** said, “...generally acceptable?”

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**Mr. Parnacott** said, "Yes."

**Commissioner Norton** said, "So that if the city has a street in their sales tax capital improvement budget paid for by the city at large, that is not unusual, but it's unusual for a subdivision?"

**Mr. Parnacott** said, "I'd say that's probably true."

**Commissioner Norton** said, "Would that be correct? Okay. I guess I'd like to ask Carol Neugent a question real quick. How would you determine if you wanted to pave a street in that subdivision, how was that determined to go into the capital improvement budget?"

**Ms. Neugent** said, "You mean on the Mosteller one? The specific reason it was put in was because this was what we called a forced annexation area and we thought it was only right to consider their street as a top priority."

**Commissioner Norton** said, "Okay. So you thought that that was part of the city now and it should be figured into the capital improvement budget; that was a street that was going to be hard to maintain in some manner and that paving it would be a good idea."

**Ms. Neugent** said, "Correct."

**Commissioner Norton** said, "Can you go ahead and pave that one without permission from the folks because it is private?"

**Ms. Neugent** said, "No. We would need to enter into some kind of agreement because it is a private drive."

**Commissioner Norton** said, "But that would still not cost them anything..."

**Ms. Neugent** said, "Correct."

**Commissioner Norton** said, "...you just need permission?"

**Ms. Neugent** said, "Correct."

**Commissioner Norton** said, "Now, on other streets that are part of the public system in a city, you don't ask permission, you just tear them up and fix them, is that correct?"

**Ms. Neugent** said, "They're put into our Street Maintenance Program."

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**Commissioner Norton** said, "But if you have to replace them, or repair them, or widen them, put curb and gutter in, or whatever, that's..."

**Ms. Neugent** said, "Correct."

**Commissioner Norton** said, "...you're not asking every homeowner, other than not park on the street, not be in the way..."

**Ms. Neugent** said, "Correct."

**Commissioner Norton** said, "...give them notice that you're doing it..."

**Ms. Neugent** said, "Correct."

**Commissioner Norton** said, "...is that correct? Okay. When you hear that you missed a streetlights, or fire and police protection, well not fire protection, but police protection, you feel like you've done those things..."

**Ms. Neugent** said, "Yes."

**Commissioner Norton** said, "...as in the service plan?"

**Ms. Neugent** said, "Yes."

**Commissioner Norton** said, "Okay. That's all the questions I have right now, Mr. Chair."

**Chairman Parks** said, "Carol, are there any fire plugs in this area?"

**Ms. Neugent** said, "On Mosteller, there would only be one out on Broadway. Some of the other areas that were annexed do have fire hydrants. And we would like to clarify, City of Haysville carries a Class 2 rating for our fire and we did clarify that even though Mosteller might not have the hydrants, the fact that they're now in the city, we were told by ISO (Insurance Services Organization) this week, or last week, that they would get the 2 rating as well. If you're in the county, you're a 9."

**Commissioner Norton** said, "The City of Haysville has that designation?"

**Ms. Neugent** said, "Yes. And we are very proud of it and appreciate the Fire District for that."

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**Commissioner Norton** said, “The only city of the second class that has a ISO rating...”

**Ms. Neugent** said, “That would be correct. Ours is higher than the City of Derby.”

**Commissioner Norton** said, “That’s all I have for right now, Mr. Chair.”

**Chairman Parks** said, “Okay. Commissioner Peterjohn.”

**Commissioner Peterjohn** said, “Thank you, Mr. Chairman. My comments, I want to clarify, because I understand the frustration of the citizens who are here, but we are operating under state law and only the authority that the state law provides us with. The Kansas Constitution has a provision in the Bill of Rights that says, ‘All political power is inherent in the people.’ Unfortunately in Kansas, as one of your speakers pointed out, that doesn’t seem to apply in forced annexation cases, in my opinion. And I know there’s frustration out there, it’s not only in your situation, but for folks, not only in other parts of Sedgwick County, but other parts of the state. I would urge you to not only visit with your elected officials at the local level, but your legislative officials and the Governor. You’re going up against a very powerful lobby, and they’re being paid for with your tax dollars. I’m specifically referring to the League of Kansas Municipalities. They’re a very effective and very energetic lobbying staff. They’ve got an office across the street from the Capitol. The next time any of you happen to be up in Topeka, it’s due north, if you want to visit it or see how your tax money. And most of the 600 plus cities in the State of Kansas, although not all, are members. I can’t speak for the record, in terms of whether Haysville is or not, but they regularly lobby against efforts to try and reform these statutes.

“Our authority is very limited and very restricted. I can understand from the point of the citizens, your perspective as land, property owners and citizens how frustrating this may be to you, in terms of confusion, because our role here is very, very limited to basically look at this plan and say yes or no and it’s literally years after this annexation occurred. So I would urge you, if you are frustrated by what you see here today, that I hope some of you may have come down here to the courthouse last night and spoken to your legislators about this issue, and they had a public hearing on it. If you did not, and you’re not sure about who your legislators are, across the street to the Election Commissioner’s Office, they can get you the names and address. I’m pretty sure I know who they are, but since I’m being viewed on the record, I won’t say that for the moment. But get in touch with your elected officials at the state level and let them know how you feel. Thank you, Mr. Chairman.”

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

**Commissioner Unruh** said, “Thank you, Mr. Chairman. Well, I think Commissioner Peterjohn's recommendation is good advice. The annexation laws, I think, scream for some sort of revision to

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give some protection, however, at this particular time, we are under state law guidelines and we sit now as a quasi-judicial body to determine whether or not the service plan as presented, as has been fulfilled, or have they substantially complied with that service plan. It's really not our decision to decide whether or not Haysville should have annexed, and I think we've got plenty of testimony here today to say that was a questionable decision, and it's really not our decision to decide whether or not the service plan is, in itself, substantial, although it was adjudicated by a court in November of 2004 that substantially complied with state law. I think that puts another restriction on our deliberation to say that, well, the service plan has been approved by the court to be in compliance with state law. So our decision today is whether or not Haysville has complied with the service plan and the evidence to me indicates that they have. I have one question, though, of Bob, and you can help me, I think, with an issue brought up by Ms. Mosteller, and maybe in just glancing through this information, I've already found the answer, but she's underlined a line here that we need to find out if the annexation, or determine if the annexation causes manifest injury to the owners of any land proposed to be annexed. But that has to do with annexations that are not by law approved, is that correct?"

**Mr. Parnacott** said, "That has to do with what we call county approved annexations. She was quoting from KSA 12-521, county approved annexations, that do come to you and you have to make a finding before the city can proceed with the annexation, so you do have control over those annexations. This annexation was a unilateral annexation under 12-520, so that language in that statute, unfortunately for the landowners, does not apply to this proceeding."

**Commissioner Unruh** said, "Well, after hearing that, I thought, well, maybe there's a way to come to a different conclusion, but if it doesn't apply in this case, well then I won't consider it. That's all my comments now. I think that in this particular responsibility that we find ourselves, that I think that, for me, the conclusion is fairly obvious. That's all I had, Mr. Chair."

**Chairman Parks** said, "I disagree with Commissioner Unruh on that assessment. I guess I heard some other things there, from grading to streetlights to other things. Whether that be a communication problem between the City of Haysville and the landowners, and the timeliness of this, and the urgency of them to communicate and get these things worked out before it was brought

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to us is beside the point. But I did hear some things that I think are suspect and I cannot, and I will not be supportive of this. I think that this needs to go back for a two and a half year review and I'm going to vote that way. This is not something new that is in Sedgwick County. It's Pittsburgh, Ark [Arkansas] City, Topeka, Stillwell, Overland Park, many places in Johnson County. You have cities all over this state that are annexation gone wild. And I'm telling you there is a reason that there are only two states left. We need to pull ourselves into the 21st century, I think. But having said that, that is not my judgment on this case. I'm setting that aside, and saying that the judgment is that there are some problems here that I see, and that I've heard today, that I'm not going to be able to support Haysville's annexation on this. Commissioner Welshimer."

**Commissioner Welshimer** said, "I have reservations myself as to whether these requirements have been met. Aside from the requirements, the only thing I see that they've received here is police and fire, and they have police and fire from the county. So it's not necessarily a gift that substantiates the additional property tax. Anyway, I have reservations about the plan and I'm not going to support it either."

**Chairman Parks** said, "Commissioner Peterjohn."

**Commissioner Peterjohn** said, "Thank you, Mr. Chairman. From hearing the testimony today, I also have reservations. I'd appreciate Mr. Parnacott to clarify for the record that if we would reject this plan today, basically the city would have to come back in two and a half years, is that correct?"

**Mr. Parnacott** said, "Not necessarily. There's a two and a half year grace period, so to speak."

**Commissioner Peterjohn** said, "Okay."

**Mr. Parnacott** said, "During that two and a half years, the city can provide those services that you find have not been provided, and at the end of the two and a half years, it's up to the landowners, if they still feel they're not getting the services, the landowners have to petition you to hold a hearing. The hearing is not automatic. You have to have a petition from at least one landowner requesting a hearing. We go through the hearing process again, much like we've done today, and you'll have to make a new finding at that time whether or not the city has provided services, and then deal with the ramifications of that finding, if you make that finding."

**Commissioner Peterjohn** said, "Well I appreciate it, because normally a court decision saying that they were in compliance would be fairly compelling, but that was a decision, I believe, from 2004. Am I correct in that?"

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**Mr. Parnacott** said, "That's correct. And that decision was really just that the service plan was adequate..."

**Commissioner Peterjohn** said, "It was adequate..."

**Mr. Parnacott** said, "...I mean, they weren't looking to the future and saying, well, we think in five years they will have provided the services..."

**Commissioner Peterjohn** said, "Okay."

**Mr. Parnacott** said, "...that's your role now to determine at this five-year mark, have they provided the services that they said they would provide in the service plan, and have they substantially done that? I don't think you're required to go down and to a letter and cross the t's and dot the i's kind of finding, because the service plan is intended to be some extent a fluid document, but if they have substantially provided those services, the finding you should make is that they have provided those services."

**Commissioner Peterjohn** said, "Thank you for the clarification, Mr. Parnacott, because I agree entirely, in terms of the fact that the county is providing fire services in Haysville. And we're very pleased with the fact that they've been able to get a Class 2 rating. I'd like to have all of the folks who were being served by that county Fire District to have a high level rating to keep their homeowners insurance down. Thank you, Mr. Chairman."

**Chairman Parks** said, "Seeing no other discussion, what's the will of the Board?"

**Commissioner Norton** said, "Well, Mr. Chairman, I'm going to go ahead and make the motion. I understand the citizens' consternation with this, but as I have studied this over the years, we have a certain obligation through state statute to only look at the service plan, and I believe that as nebulous as some of this is, that the city has met the service plan and that I will vote for it today. But I understand the consternation of my colleagues with what the state statute says. I understand how there is a feeling that there's predatory annexations, but I also understand that of many of the

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small cities in our community, Haysville has been the least likely to do unilateral annexations. If you look at many of the other cities and the City of Wichita, it's been much more proliferating than Haysville. Having said that, I'll make the motion that we see that the findings are pertinent and they have extended services provided in the service plan."

**MOTION**

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

Commissioner Unruh seconded the motion.

**Chairman Parks** said, "Motion and a second, just a little bit more discussion. In looking at the service plan, I think my stance is valid, also, in that they have not met the service plan to the satisfaction that my level that I think they should have. Call the vote."

**VOTE**

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

**Mr. Parnacott** said, "We'll prepare a resolution to that effect and provide that for you on your next available Consent Agenda."

**Chairman Parks** said, "Okay. Thank you."

**Commissioner Welshimer** said, "Do you want to take a break?"

**Chairman Parks** said, "Yes. We've been at this a while, can we take about a 10 minute break here, and please be back promptly at nine minutes until 11:00."

**The Board of County Commissioners recessed at 10:41 a.m. and returned at 10:53 a.m.**

**Chairman Parks** said, "We are on. We're back in session. Clerk, call the next item again."

**F. CHILD ADVOCACY CENTER FUNDING AGREEMENT.**

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### VISUAL PRESENTATION

**Mr. Chris Chronis**, Chief Financial Officer (CFO), greeted the Commissioners and said, “As you know, Sedgwick County has a number of agencies that provide services to abused children and those agencies have provided those services for many years. The Sedgwick County Sheriff's Office, District Attorney's Office and COMCARE are county agencies that provide services to that constituency. But in addition to them, if an abused child needs a medical examination, then Via Christi or Wesley Hospitals will provide those services. If the child needs counseling, then very often a state counselor from SRS (Social and Rehabilitation Services) will provide services, and those services have been ongoing for a long time, but they have been provided by the individual agencies through a series of independent silos. That is, agency A doesn't necessarily always talk to agency B about the services that are being provided to a particular client. As a result, there have been some gaps in service provision, there have been some duplications of service provision. In response to that traditional model, nationally an alternative model was created in recent years that is referred to as child advocacy center and it has been implemented in a number of places around the country.

“In Sedgwick County, a child advocacy center was created in 2007 as a nonprofit agency that was intended to bring those diverse existing child abuse services into one collaborative effort. The mission statement of the Child Advocacy Center (CAC) says that its purpose is to lead the community in reducing the suffering of abused children by providing advocacy and support to help children and their families navigate the maze of public and private services provided by numerous agencies. In fulfillment of that mission, they have established as their goal that they are to provide child victims of physical, emotional and sexual violence and their families with a safe child-focused environment to disclose abuse and receive all services in a single location. The Child Advocacy Center is governed by a 13 member board which includes three county employees who represent the Sheriff, the District Attorney's Office and COMCARE's interests in that collaborative effort. The current board chair is the county employee who represents the District Attorney's Office.”

“Now, as you know, there is some history in the past year of our discussions and considerations of funding for this organization. Back in the spring, the Child Advocacy Center Director and various board members, as I understand it, visited individually with each of you to introduce themselves and their agency and to state their case for funding. They made a request for funding through the county's annual budget process, a request to the County Manager that funding be provided in the 2010 budget, and that request was made late spring, early summer of last year. Funding was not recommended by the Manager when the budget was adopted because at that time there was considerable uncertainty, we thought, about the Child Advocacy Center's budget and relocation plans, and so we didn't feel confident making a recommendation that that organization be funded at

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that time. The Child Advocacy Center Director appeared at the final budget hearing in August to make a request directly to you at the public hearing for funding and you'll recall that there was some considerable discussion by you and by people in the audience about that request at that time. At the conclusion of that discussion, the Board declined to fund the Child Advocacy Center in the 2010 budget at that time, but Chairman Parks requested two things.

“He requested first that the Child Advocacy Center report periodically to the county on its progress in developing and refining its business plan and on the status of its funding requests to other agencies, and secondly the Chairman requested that county staff work with the Child Advocacy Center staff, review their business plan, review their funding needs and return to the Board of Commissioners with a recommendation. The action that is before you today, which is a recommendation to approve a funding agreement for one year with the Child Advocacy Center is a direct result of that request from Chairman Parks back in August. Now, as we have conducted these reviews with Child Advocacy Center and had a number of discussions with their staff and with the providers in the community over the past five or six months, staff has come to a series of conclusions which lead us to that funding recommendation. Our first conclusion is that the benefits to this community of a fully functioning Child Advocacy Center are critical to a growing subset of your constituents. The Child Advocacy Center partners, that is the agencies that work with the Child Advocacy Center in a collaborative effort, currently serve about 2,500 victims per year, about 1,275 of those victims are victims of physical abuse, sexual abuse or child exploitation, or internet crimes, and about 1,200 or 1,250 of them are runaways that are subject to victimization as well. What we know, what we have been told by our agencies that are involved in the business of serving abused children, and what we know from the literature nationally, is that the number of reported crimes and incidents of child abuse is a small fraction of the number of incidents that go unreported. So, while the Child Advocacy Center and its partners, including county agencies, are seeing about 2,500 clients per year, we know that that's just the tip of the iceberg. We know that there are many, many more abused and victimized children in our community who need services, who aren't getting them for one reason or another right now.”

**Mr. Chronis** continued, “Our second conclusion is that the cost of the Child Advocacy Center should be shared by all of the collaborating partners. That is the Child Advocacy Center, again, was created for the specific purpose of advocating on behalf of children and providing collaboration among all of the independent agencies that are serving those children. It is reasonable to think that all of those agencies that will benefit from the existence of Child Advocacy Center should share in its funding. However, the reality is that Wichita and the state are not going to fund the Child Advocacy Center for 2010. They have gone through their budget processes. They are in considerably harder financial circumstances than Sedgwick County is and they have made, for whatever reason, they have made judgments that they cannot, or will not, fund the Child Advocacy Center for 2010.

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“Our third conclusion is that if the benefits of the Child Advocacy Center are to be realized by our constituents, the county funding decision must be made independent of the funding decisions of other agencies. We take pride in Sedgwick County on doing things right, not doing things halfway or mediocre. And so our fourth conclusion, as a follow on to that, is that the only way Child Advocacy Center’s benefits to this community can be fully realized is by assuring that it has adequate funding to provide appropriate offices, and work spaces and adequate support services to victims and the collaborating partners; anything less than that will produce a suboptimal result. Now, as we have worked through the development of our recommendation and as we’ve discussed this issue over the past several months with you and with others, we have considered a variety of funding alternatives. We have considered whether or not Sedgwick County’s funding should be a fraction of what we think the funding requirement of Child Advocacy Center is on the premise that other agencies have an obligation and they need to step up to the plate. We have considered the possibility of Sedgwick County’s funding providing only for relocation of Child Advocacy Center to more appropriate office space but not providing operating support. Conversely, we have considered the possibility of providing county funding only for operating support but not for relocation to more appropriate offices. Our conclusion, after looking at each of those alternatives, is that they will not produce the result that we think our community needs and deserves and it will certainly not produce the result that is typical of Sedgwick County’s performance in these kinds of endeavors.

“Our fifth and final conclusion is that Sedgwick County’s funding commitment should be limited to one year. With many of our partners we have entered into multi-year funding arrangements. All of those are subject to periodic review and renegotiation, but all of them have some unique characteristic that has caused us to think that a multi-year funding agreement with those agencies is appropriate. It is much more normal for Sedgwick County to enter into single-year funding arrangements with agencies and that is what we are proposing here. That is not to say that we don’t expect, if you should approve this recommendation, or for that matter if you don’t approve this recommendation, that Child Advocacy Center will be back before us in the future asking for additional funding for future years. I fully expect that they will.”

“The point is that those requests need to be considered in the normal budget cycle in consideration of all of the other competing demands for county resources that we face. Now, there has been a fair amount of confusion, I think, in the community, and perhaps in this building, about just what the Child Advocacy Center is and what it isn’t. And so I thought perhaps this little diagram might help illustrate the distinction that is to be made between the Child Advocacy Center and the agencies that work with the Child Advocacy Center. What CAC, Child Advocacy Center, does is provide an umbrella to enable collaboration by all of those diverse agencies that the county and other agencies have funded for many years to provide services to abused children. Those agencies include the ones that you see on this chart, the District Attorney's (DA) Office, the Sheriff, COMCARE, all of which are Sedgwick County agencies and are budgeted within Sedgwick County’s operating budget. It

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also includes Via Christi and Wesley Hospitals, which provide medical services to abused children. It includes law enforcement officers from all of the various city police agencies that are investigating these crimes in their communities. Those individual agencies, the DA, the Sheriff, Wesley and so forth are not the Child Advocacy Center. Their existence does not depend on the decision that you make today, and the decision that you make today will not have a direct effect on their budget requirements or their funding needs. The Child Advocacy Center is the umbrella that sits over all of those agencies to provide coordination of services and collaboration among the various people in those agencies who are providing the services.

“Now, under the umbrella, currently there are 41 individual employees of various agencies. And you see on this chart which agencies are providing people to serve abused children and what kind of people they are providing, what kind of employees they are providing. We have a total of 21 law enforcement officers in this community who are serving abused children in one way or another; 5 of those come from the Sheriff's Office, 16 of them come from police departments. We have a total of 11 caseworkers and therapists in this community. One of those comes from COMCARE, is a county employee, 10 of them are state employees working for SRS. We have two attorneys from the Sedgwick County District Attorney's Office that are working under the umbrella of the Child Advocacy Center. We also have two medical professionals, two doctors, one each from Via Christi and Wesley who work under that umbrella, but those individual employees are employees of their hospitals, not of the Child Advocacy Center. Finally, we have five clerical staff that are supporting the activities of those various employees that I just mentioned. So all together, you can see here that we have a total of 41 people who are working under the umbrella of the Child Advocacy Center. That is not to say that all 41 of those people are located at the Child Advocacy Center. They are not, because of insufficient space at that location. As a result, some of these employees are required to use a portion of their workday in transit from wherever they are housed on a permanent basis to the Child Advocacy Center offices in order to perform their work in conjunction with these other agencies and with abused children.”

**Mr. Chronis** continued, “Or, conversely, the abused children and their families may be required to go to diverse offices scattered around Sedgwick County to receive services because all of those services aren't housed in one place. Now Sedgwick County is currently providing a significant amount of funding for the agencies that are Sedgwick County operating agencies and are serving abused children. You see here that we provide a total right now of about \$1.2 million in the 2010 budget for services to abused children for EMCU, the Endangered [Exploited] and Missing Children's Unit of Sedgwick County's Sheriff's Office, for the ICAC program, the investigators in the Sheriff's Office who are investigating Internet Crimes Against Children, for the District Attorney and for COMCARE. Of this total \$1.2 million, about 45 percent of it comes from local tax support and about 55 percent of it comes from various grants that we have received and don't require local tax support. The point that I want to reemphasize is that this \$1.2 million that the county is providing in 2010, and has provided for many years going into the past, and will provide,

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we presume for many years into the future, is not funding of the Child Advocacy Center. It is funding of these individual agencies that are Sedgwick County operating agencies.

“Now, moving from what’s under the umbrella to the umbrella itself, to the Child Advocacy Center. Currently, the Child Advocacy Center has two employees. They have a Director and the Director has an administrative support person. We have looked at their business plan and their business model, and we have looked at the way child advocacy centers work successfully in other places and we have suggested, and I think Dave agreed, that it’s appropriate if we want to fully achieve the services that are possible in this community, and are needed in this community, that they need to move from what currently is purely an administrative operation to one that is more of a service delivery operation. That is, they need to add positions that will provide advocacy to the children and their families. They need to provide a coordinator that can assure that the collaboration among all of those multi-disciplinary agencies is achieved. By the way, MDT is Multi-Disciplinary Team Coordinator. Finally, we believe, and the Child Advocacy Center, I think, has agreed that they need a child development specialist, although not fulltime, to assure that the services and the development plans that are prepared for abused victims are appropriate to the age and developmental level of those victims. Not all five year olds are the same, and they need different services, and it takes a specialized talent sometimes to be able to recognize that. So that’s the purpose of this developmental specialist. So currently, the Child Advocacy Center itself has two employees.”

“In 2010, we believe that it should have, and we are proposing funding that will allow it, to increase its staff to five and a quarter FTEs (full-time equivalents), a total of six warm bodies, if you will. That change also will allow the organization to alter its focus as a support service from one that is purely administrative to one that is much more supportive of both the victims, the children who are victims of abuse, and to our agencies and others in the community that are trying to serve those victims. The Child Advocacy Center, the umbrella itself, not the agencies that fall under the umbrella, we believe needs an operating budget of a little over \$600,000 in order to do its job properly. And you see here the components of that cost that are summarized. One of the attachments to the funding agreement that is in your backup materials, that you’re being asked to approve today, provides in considerably greater detail the line items for which the county’s funding is proposed to be spent. Currently, and for the past couple of years since it was created, the Child Advocacy Center has operated on a budget of something on the order of \$200,000 to \$250,000. The increase from that to \$606,000 estimated here is attributable primarily to the increase in staff that I have already described to you and to the addition of rental cost for space.

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“As you know, one of the benefits that has been enjoyed by the Child Advocacy Center is that they have to date been provided space by the state in the [Finney] State Office Building and they have not been required to pay any rent for that space. The problem is that that space, as you will see in just a few minutes, is grossly inadequate. It doesn't allow the agencies that are working under the umbrella of the Child Advocacy Center to function as they should. It doesn't allow the victims and their families to receive services as they should. So we believe that it's appropriate and necessary for the Child Advocacy Center to obtain alternate space that is better suited to the needs of that organization and the agencies that work in collaboration with it. I know that several of you have visited the Child Advocacy Center space in the State Office Building in the past several months, so you're very familiar with its deficiencies. But then I suspect that some of you may not have had a chance to visit it, and certainly most of the people who might be watching this on TV have not had an opportunity to visit it, and for that they probably should be grateful. But this chart is intended to illustrate what we think the current deficiencies are in the space that is being provided, and in contrast to that, what we think the appropriate space requirements for a fully functioning Child Advocacy Center would be.”

**Mr. Chronis** continued, “Currently, there is a single waiting area, a single entry point and once you get through that entry point, a single waiting area in the Child Advocacy Center That's problematic because the agencies that are working under the umbrella of CAC are seeing both victims, and offenders and perpetrators. And for the perpetrators of child abuse to be in close proximity to the victims of child abuse, I think we all agree is not a good thing. It doesn't really matter whether the perpetrator is in the room with that perpetrator's own victim. We don't want any abused children to have to come into contact with any perpetrators. That's just not a good thing. We all agree on that. Right now, that's unavoidable. What the agency has attempted to do is schedule the times when perpetrators and victims come in, so that for a particular case, that perpetrator and that victim aren't in the offices at the same time. But because of workloads, and because the schedules are set by all of these diverse agencies, it's not possible to arrange for there to be times when only victims are going to be in the offices, or only perpetrators and no victims. And so what we have is this single waiting area where everybody convenes.

“Currently, there are 32 work stations in the Child Advocacy Center's offices. The chart that I showed you earlier, the two charts that I showed you, said that there were 41 employees from the

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various agencies under the umbrella and there currently are two employees and we're recommending increasing to five and a quarter, six warm bodies, so what we need in the Child Advocacy Center, at a minimum, in order to be able to house all of the relevant employees there, is 46 work stations. There currently are no medical exam rooms and no medical capability in the Child Advocacy Center. We need two exam rooms in that center so that the victims of child abuse aren't required to go navigate the mazes that are our hospitals to get those services.

"There is currently a single victim interview room. And what we need are three because of the caseloads that we're dealing with. That interview room, as is typical, as you probably know from watching cop shows on TV, it is accompanied by an interview observation room. But unlike what you see on TV, in the Child Advocacy Center, they are not necessarily adjacent rooms and there certainly isn't a one-way mirror that allows the people who are observing to look in on the live action as it is occurring. In fact, what happens at the Child Advocacy Center is that the connection between the single observation room and the interview room is a video link. There's not the ability for the people who are in the observation room to communicate on a real time basis with the person who is conducting the interview. What we need are three interview observation rooms as companions for the three interview rooms that we need. There is a single offender interview room, perpetrator interview room, in the Child Advocacy Center and we need two of those."

"There is no space in the facility at all to allow for team meetings. We've said that the point of a Child Advocacy Center is to allow for and to facilitate collaboration by all of the diverse agencies and players that are in the system. In this Child Advocacy Center's office, there is not a place where that can take place, where everybody that's on the team can sit down together and work through whatever the problems are with a particular case. When that happens now, it happens in the interview observation room. Right now the Child Advocacy Center space that has been provided by SRS is 8,000 square feet. In order to provide the work spaces, the separate entry points and reception areas, the additional rooms that are required to provide appropriate levels of service to our community, what we think is required is a minimum of 20,000 square feet. Now, the state has been very generous in providing 8,000 square feet at no cost to the Child Advocacy Center. That is not to say there is no cost. In fact, we think that here has been a very substantial cost to the victims of child abuse and to the agencies, including our own county agencies, because they have been required to operate inefficiently and to receive ineffective services because this free space is so insufficient, is so inadequate. The estimated cost of renting 20,000 square feet in an appropriate setting is about \$159,000, and that is what we have included in the budget information that I just

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produced for you, and that's what we would recommend be included in the county's operating funding recommendation.

"Now, it's one thing to talk about deficiencies in the current space. It's another thing to actually see those deficiencies. So for those of you who haven't had an opportunity to visit the space, I thought it might be helpful to have a few photographs. What we have here is the entry into the SRS office in the State Office Building. We're on the ground floor of the State Office Building. The first stopping point for a victim, its family, or an offender is at this security work station right inside the front doors. As you see, everybody that's there needing any kind of services from SRS is waiting in that holding area until they're allowed past that security point into the area that is the subject of their business. In the case of Child Advocacy Center, once people pass the security point, they're going to the Child Advocacy Center offices, which are located in the basement of this building, and there is a single waiting area within the Child Advocacy Center where victims and perpetrators are going to sit and wait until they get called back by the person that they've come to see. What you see here is typical of what happens in the Child Advocacy Center. When children are brought into that facility, they are scared. They are intimidated, they are scared, they are very uncomfortable and they don't make good interview subjects. So as a tactic to try and soothe nerves and make kids open up more, what typically happens is that the person that they have come to see, whether it's a law enforcement official, or a counselor, or the lawyer comes out into that common waiting area and spends a little bit of time just basically trying to establish an informal relationship with that person.

**Mr. Chronis** continued, "You see here three of those kinds of events all happening simultaneously in this one waiting area. And sitting in the back of the picture is a mom with a small child who also is in that waiting area waiting her turn. If there were any offenders, they would be in this waiting area also. Once the person goes through that waiting area, they go back to a single interview room. You saw in that picture that there were at least three separate instances, three separate groups of clients, in the waiting area. There is only a single interview room. Everybody has to wait their turn. This is the interview observation room, and as I said earlier, it's not like what you see on Law & Order, you don't have the one-way mirror, and the video and the audio hookup to the interviewer in the room. What you have are a series of TVs with a video camera in the room but no ability of the observers who are in this room to speak to the interviewer as questions arise during the course of the interview. This also is the same room in which those team meetings have to take place if and when they occur at all.

"With only 8,000 square feet and with some 40 people working in the office, although not all housed in the office, it should go without saying that there is inadequate storage for all of the records that are associated with child abuse cases and with their offenders. Because of that inadequate storage, stuff gets stored wherever you can find a place. These are stuffed toys that are used to loosen up small children, and you see here how they are stored out of necessity. The work

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stations themselves are not conducive to effective operation for this kind of clientele. What you see here is on the left side a hallway and on the right side an office, a work station, but in this work station, there are two desks. This is about eight feet wide, maybe as much as 15 feet long. In that space, we have two people trying to work. And when they need to interact with anybody else, as opposed to just sit at their desk doing whatever it is that they might do individually, it's pretty difficult to do that when you're in an office that's this crowded. But these are the lucky guys. This one has three work stations in a single office. And so what we have in the current space is not something that's conducive to effective or efficient services, either by the Child Advocacy Center or by the agencies that fall under its umbrella, including those that are Sedgwick County funded operations.

"Now, what does it take to get from this space to more appropriate space? We have reviewed with the Child Advocacy Center staff, and believe me, we've gone back and forth a lot of times about this, we have reviewed what the estimated costs of relocation and properly equipping an office would be. We have estimated that it will take about \$335,000 to move from the State Office Building to more appropriate space and to outfit that space appropriately. Among other things, I already mentioned that there is no capacity, or capability, currently to provide medical services, to provide medical exams. The equipment for those medical exams, by itself, is estimated at about \$137,000. You see here the other cost elements that we have estimated."

"All of that has led us to this recommendation. It is our recommendation that Sedgwick County provide a total of \$885,000 to the Child Advocacy Center pursuant to the funding arrangement that we're asking you to approve today, and provide that funding solely for 2010. That funding would be for two purposes; \$335,000 of it would be for the purpose of relocating to more appropriate space as I have described. That funding we would propose to provide from the general fund operating contingency. That general fund operating contingency has a 2010 budget of \$12.8 million, so we think that there's ample opportunity within that contingency budget to absorb this \$335,000 expense. We would propose that operating support in the amount of \$500,000 be provided from COMCARE grant funds, not from local tax support, but rather from COMCARE grant funds. The COMCARE grant fund has an adopted budget for 2010 in excess of \$41 million. And so, again, we believe that this half million dollar funding proposal can easily be absorbed within that adopted budget. In total, this \$885,000 would be provided under our recommendation; 38 percent from local tax support and 62 percent from grant funds that the county already is receiving.

"Now, it's one thing to say that we've got adequate budget authority to cover this expense, but that's not really the key issue; that budget authority is kind of useless if you don't have the cash to pay the check. So what we have here is a chart that illustrates the county's general fund cash flow going back as far as January of 2002. You have seen this chart in other presentations, although we don't use it often, we typically talk about fund balance, and we have shown you many charts that show the flow of fund balance over the years. Cash is a different thing, a different animal than fund

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balance, but they're very similar. In this instance, cash is what we're really concerned about, not fund balance. We need to make sure that we have sufficient cash to pay this bill that we hadn't previously counted on without adversely affecting those obligations that we know we have, and leaving us enough room to address any shortfalls that might arise because of the uncertain economy that we're working in.

“At the end of 2009, Sedgwick County had \$61 million of cash and investments in the general fund. You see here that that cash balance follows a normal cycle of activity, a predictable cycle of activity, but the general trend has been upwards since 2003. That's consistent with the counsel that we have given you regarding fund balance over the past five or six years. Again, you have heard the message many times. We're in a position in 2001 through 2003's downturn where because we didn't have sufficient reserves, or specifically sufficient cash, we had to lay off employees; we had to cut some services. We made a conscious decision that we didn't want to have to go through that again in the future, so when times turn good, we started building up our reserves. We started building up our cash balances, and that's what you see here. We believe that we have sufficient cash, as well as sufficient budget authority, to absorb the \$335,000 payment that we are recommending from the general fund to go to pay for relocation costs for the Child Advocacy Center.”

**Mr. Chronis** continued, “There's a similar picture in COMCARE's grant fund. The dynamic, the cash flow, is different, obviously, in a grant fund than in the county's general fund, but the principle is the same. From the low point in 2001 through 2003, we have made a conscious effort to build up our fund balances and our cash balances so that in the next downturn, the one that we're in right now, we would be in a good enough position that we could ride out the storm and deal with whatever the needs were without having to take harsh actions. At the end of 2009, the COMCARE grant fund had a cash balance of about \$16 million. Again, we believe that the COMCARE grant fund has more than adequate budget authority, and more than adequate cash, to enable us to absorb this \$500,000 payment, or actually it's a series of payments over the period of 2010, that we are recommending. Just for clarification, what we are recommending is a total payout to Child Advocacy Center of \$500,000, but that payment would be made in quarterly installments throughout 2010.

“Now, to be sure there is, and continues to be, considerable uncertainty about the local economy, and because of that, I'm here to tell you, and I think you know, that there's a special need for us to be cautious about any spending requests that are brought before us. Not only those that are for new funding requests, as this one is, but also for funding that we've done in the past. We need to be diligent as we go through this downturn to make sure that we are only spending money on those things that absolutely require funding. Having said that, what we don't want to do, what that doesn't mean, is shutting our doors. It does not mean that we should neglect legitimate community needs.

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We have sufficient county reserves and county cash to fund current operations and anticipated new operations during this downturn. In the preparation of last year's budget adoption for 2010, we presented you a financial plan based on our best estimates at that time of what the future looked like for us. At that time, we were estimating that the county's real and personal property tax base would increase by about two percent in 2011. Since then, we've gotten new information from the Appraiser and from the business community and we know that that's unlikely to happen. So we have done a variety of scenarios of alternate financial plans to try and determine what the possibilities are.

"What do we think the worst case might be, and if we were to have that worst case, what does that mean to county property taxes, to the tax rate, to county fund balances, to our ability to fund services? Right now, we are working on a financial plan, which we think is most realistic, that says that the growth in the tax base for 2011 will be essentially zero, might be slightly negative, might be slightly positive, but for planning purposes we're counting on no growth in the tax base in 2011, compared to the two percent that we showed you last summer in the financial plan that we presented during your budget adoption process."

"We have looked at that alternate financial plan and we've determined that this \$835,000, or \$500,000 that is coming from grant funds and \$335,000 that's coming from local tax support, can be born within that revised financial plan without causing the county to have to increase property taxes, or cut services, over the planning horizon based on the assumptions that are in that financial plan. Now, the child advocacy center model is one that, as I said at the beginning, has been in existence throughout the nation for a number of years and it's relatively common here in Kansas, as well. There are 15 other counties in Kansas that have functioning child advocacy centers, seven of those are accredited by the national organization that oversees this kind of activity, the National Children's Alliance. Now, I'm one of those who typically doesn't place a lot of stock in accreditation, but there is value in it. We have gone through the effort of accrediting our Forensic Science Center, our fire department, our mental health programs, and we have done that not because accreditation is just some status symbol that we can put on the wall, it's because accreditation means that we have been reviewed by peers and we have been found to be engaged in best practices. We are providing services in the manner that is generally considered to be the best possible. In the case of the Child Advocacy Center, we are not an accredited county operation and we cannot be an accredited operation unless there are changes made to the existing space and the existing processes that need to be used within that space.

"Now, looking at the seven that are accredited in Kansas, you see them here, and I won't read off each one of these, but there are several points that I would make, first that it's not just the large counties as you might have expected, it's as large as Johnson County and as small as Scott County. The number of victims served by all of those agencies is considerably smaller than what is being

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served now by Sedgwick County's Child Advocacy Center. The approximate budgets for those agencies, in relation to the victims that they serve and in relation to their population, is considerably larger than the budget of Sedgwick County's Child Advocacy Center. The current budget of \$250,000, or I would suggest even the proposed budget of a little over \$600,000. These are the agencies that have satisfied what are considered to be best practices in this business. They have achieved accreditation, Sedgwick County has not.

"And so I would leave you with Chronis' law of budgeting, and you have seen this before, and I probably will continue showing it to you or other Commissioners for as long as I remain here, because I think it's a very important point to keep in mind as we consider all of these kinds of decisions. Funding is never the problem. Priorities are the problem. It is your job, it is our job as senior staff, to set the priorities for Sedgwick County. To figure out how scarce dollars will be allocated. Our staff and I recommend that Sedgwick County show, through the approval of this funding agreement, that improving services to abused kids is a priority for Sedgwick County. With that, I would be happy to answer any questions that you have. I suspect there probably will be some."

**Mr. Chronis** continued, "We have the Director of the Child Advocacy Center, Diana Schunn, in the room. I believe we also have some board members from the Child Advocacy Center that have come out of interest in this item, and I am sure any of them would be prepared to answer questions that you might have also. If you have no questions, or once we have answered the questions that you do pose, it is our recommendation that you approve the funding agreement that is before you."

**Chairman Parks** said, "Just for the record, it's been a long time since you introduced yourself and what not, state your position again with the county."

**Mr. Chronis** said, "I'm the Chief Financial Officer for Sedgwick County."

**Chairman Parks** said, "Okay. I did have a question for you on the grants and the money that comes in for this. The grants, the \$500,000 worth of grants that came into COMCARE for this, the grant application, what did that say on it?"

**Mr. Chronis** said, "Well there are a series of grants that in aggregate total the amount of money that is described on that chart. But those grants are for the purpose of providing direct services of one sort or another to this client population."

**Chairman Parks** said, "Okay. Now, are we also, out of this grant fund, funding the children that have mental deficiencies and mental problems?"

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**Mr. Chronis** said, “This is the COMCARE grant fund that has something on the order of a \$41 million budget and it funds all of the grant funded operations of COMCARE. The funding that goes into that, just for purposes of clarification for people looking in, the funding that goes into that \$41 million fund is not all grants. The program income, the user fees that are paid by recipients of service, or by their insurers, or by Medicaid, also go into that fund. If a grant funded operation provides services to a constituent, and the organization receives a fee for providing that service from anybody, that fee has to also go into that grant fund and be used for the same general purpose.”

**Chairman Parks** said, “Okay. And there’s no problem with taking this grant money from the application and giving it to a non-governmental unit and all those forms that we fill out [inaudible]...”

**Mr. Chronis** said, “Again, the grants that I identified on an earlier chart associated with COMCARE’s agencies that are serving abused children is funding that is used currently by COMCARE. We are not proposing to take funding for Child Advocacy Center from that funding. We are proposing to take it from the larger pot, the \$41 million that has been received over the years for a diverse array of mental health services. And yes, that funding, once we have delivered the services that we are obligated to deliver under the grant agreements, that funding can be used, and is required to be used, for similar services and this is a similar service.”

**Chairman Parks** said, “Okay. I have just been accustomed to having to send certain amounts of money back if I didn’t have my...”

**Mr. Chronis** said, “Yeah. Some grants work that way, some do not.”

**Chairman Parks** said, “And I see the Manager shaking his head, he understands where I’m coming from there. I do want to hear from Ms. Schunn later, but I have a question, or I believe that there’s some questions of you, Mr. Chronis, if you’ll stay there. Commissioner Peterjohn.”

**Commissioner Peterjohn** said, “Well thank you, Mr. Chairman, because, Mr. Chronis, I appreciate you getting some information that I’ve been trying to get throughout this entire process, and shortly after I became a Commissioner, I met with Ms. Schunn and got a quick overview, and I’ve continued to try and get information. Back when I had the initial presentation, I was told that they were looking at getting approximately a little over \$100,000 was the request from the county, and they were going to look for sources, both public and private. I’m distressed to hear that,

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unfortunately, they've been turned down by the city and state apparently. I'd like to direct a question to the Manager. When he rejected their request earlier this year, what was the amount that you rejected, Mr. Manager?"

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, "I think it was the \$120,000, is that right, Chris?"

**Mr. Chronis** said, "There actually were two requests. One was for operating funds in the amount of about \$120,000, and one was for relocation costs and that, as I recall, was about \$100,000 as well. I don't recall that precise amount..."

**Commissioner Peterjohn** said, "Okay."

**Mr. Chronis** said, "...the request that the county received essentially was, well it would be nice if you could fund this for operations, or this for relocation, or maybe both of them, and that was the reason that the request couldn't be recommended at that time. It was too uncertain, there were too many questions associated with it. In any event, the amounts of money at that time that were being requested by Child Advocacy Center were based on two things that are different now. One of those is that they were asking for Sedgwick County to provide only a fraction of the funding that they thought they needed to perform the relocation and to provide the services. They were counting on receiving funding from others to make up the difference. And secondly, they were counting on Sedgwick County providing a share of a total budget that, in my opinion, was too small for them to deliver the services that they need to deliver. That is, over the past four or five months as we have worked with them to examine their business plan, and to talk through how services are provided and what the costs of those services might be, we have led them to eliminate some of their original anticipated costs and we've led them to increase, or add, other costs. So the \$606,000 budget that you have seen today is different than the operating budget that was being discussed last spring."

**Commissioner Peterjohn** said, "I appreciate that, Mr. Chronis, because you alluded to what I view as the bottom line and that is trying to create as safe a community as we can for our children. And this Commission earlier this year unanimously approved a grant proposal to add another police officer, get the specialized training, and I don't know whether that, I think it was a little over \$100,000 a year for several years that we were going to add, was included in that figure of the \$1.2 million that you presented or not. That's one of the problems I've had with our discussion because some of the information hasn't been made available. But you mentioned that there were 2,500 victims per year processed through the Child Advocacy Center, or cases handled I guess might be a better way of putting it, 2,500. Can you give me the figures; I've been trying to get the figures, in

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terms of how many of those 2,500 cases led to arrests, and of those arrests, how many led to convictions?”

**Mr. Chronis** said, “I don’t have that information. My belief, based on what I have understood about these numbers, is that at least half, remember I said in the presentation that roughly half of that 2,500 are victims of abuse of one sort or another; physical abuse, sexual abuse or exploitation. That half becomes known to the Child Advocacy Center, and to its partners, because a case has been filed. We know about that case. The other half that they serve are runaways. And I don’t know that all of those runaways have involved law enforcement. I don’t know the answer to that question. I also don’t have any information about conviction rates on any of those cases.”

**Commissioner Peterjohn** said, “Because the question I’d have, in terms of allocating funds within the county’s budget, and I’m delighted to see the good news that we didn’t draw down our budget as much as we’d anticipated from some of the earlier budget presentations that I had heard from last summer and even more recently, because we had to make a difficult decision to fund \$2 million for out-of-county jail expenses for people who have been arrested, and in some cases convicted. I was interested if we were going to appropriate more money, what additional value we will get, in terms of additional cases that can be handled, and additional arrests and convictions, in terms of making this community safe? And that is one of the concerns I have had with this, in terms of getting adequate information, where we go forward on this issue. I am also interested in getting more details because the background information I had, it indicated four positions would be added to the Child Advocacy Center and I was glad to get some breakout. I believe your slide 6, and if you could go back to slide 6, indicated that we were going to add, I think, \$331,000 for total cost for the additional employees. Was that a correct figure if you add in salaries and I assume other personnel costs would be like fringe benefits and maybe payroll taxes?”

**Mr. Chronis** said, “What you see here is the total proposed operating budget for the Child Advocacy Center. And in that proposed budget, a total of \$332,000 goes to personnel costs, both salaries, and payroll taxes and benefits for those employees. That is for the five and a quarter FTEs, the six warm bodies that are illustrated on this prior chart. Two of those five and a quarter FTEs, or six people, are currently employed by the Child Advocacy Center. What I can’t tell you right off the top of my head is how much of this \$330,000 of personnel cost is currently being born to pay those two employees, and how much of it is incremental increase to pay the additional four people that we are recommending be added.”

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**Commissioner Peterjohn** said, "Because that was where I was going to go, because if that was all going for the incremental people, we're looking at, by my math, you say three and a quarter positions, and dividing it by \$331,000, that's a total cost of over \$100,000 per position..."

**Mr. Chronis** said, "Sure."

**Commissioner Peterjohn** said, "...and the bigger question I have is if the county is going to make this commitment, and I was delighted to find out, I knew that we had at least one county employee who was on the board, I was fascinated to find out that we had three, and one of whom is apparently the chairman this year, if we are going to become funding this to this degree, is this a function that should become entirely within the county's purview? Because if we're going to become the primary funder, and the initial request that had been made, just literally days after I became a Commissioner, was a little over a hundred thousand and you're telling me that staff rejected that for various reasons and then said that's not adequate."

**Commissioner Peterjohn** continued, "And when we had the budget hearing in August, we got the last minute request from Ms. Schunn, if memory serves me correctly, for \$120,000 for 2010 and a commitment that we would fund that for at least the next five years, which is kind of hard for us, because as a Commission, we cannot bind the hands of a future Commission. And we now have a different request in front of us for \$835,000, and one of the concerns that I have going forward with this, Chris, and perhaps maybe you can give me some insight, is there a certain tipping point at which if we are the primary funder whether this should become something that's largely in house or not? Because from looking at this budget, and the outline you've presented, the county will not only be the largest funder, but I don't know if all the other agencies that we help fund, are there any that would have as high a percentage as we are talking about here today, in terms of other groups? I mean, this is one of the concerns that we had with Rainbows earlier this year with their financial problems. And I'm very much concerned that we've started out with a request for a little over a hundred thousand dollars in January, the numbers fluctuated dramatically."

"We have serious problems, and the state may be cutting our funding down the line, and we have a request here for \$835,000, which yesterday when we talked about this in the staff meeting, I didn't have the information that we were talking about only 38 percent coming from local funds. I was assuming, based on the material I had at this time and the backup material I have in front of me, that the assumption I had was that the half million that they were looking at, a hundred percent would be from property tax funds, although there was some discussion that we might have to draw down some cash balances within the COMCARE accounts. Now, that was not put to me as a grant fund, and I share the comments of our Chairman, Chairman Parks, when he was trying to clarify, in terms of whether we have the flexibility to move around grant funds the way we can sometimes general fund and general fund reserves. So any clarification that you can provide, I'm very much glad to have the information..."

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**Mr. Chronis** said, “And I’m happy to provide it and I’m sorry that there was that misunderstanding. Perhaps we should have elaborated more extensively in the financial considerations section of your Agenda packet. What it says right now is the remaining \$500,000, that is remaining after the relocation funds, is to be provided for operating support in 2010 and will be funded by a grant award from the COMCARE grant fund and then we provide the fund center number. But I can understand that there has been some confusion about that and I’m happy that I was able to clarify it. The changes in the amount of funding for the organization, I think, I have explained as we have gone through this discussion, there has been an evolution since last spring about our understanding of the needs of this organization and perhaps of its own understanding of its needs, based on the discussions with us.”

“We believe that had we funded this organization at the levels requested last spring, or in August at the public hearing, that amount of funding would essentially be nonproductive. It would not allow the Child Advocacy Center to accomplish what it needs to accomplish. And we don’t believe in Sedgwick County in doing things halfway. We take great pride in providing effective services, not just providing a little bit of funding to say that we’re funding a service. So that is what this recommendation is all about. Now, you asked another question that I think is a very legitimate one and one that we had been discussing within the administration since the Rainbows United situation arose earlier this year, and that is, what is the proper role of Sedgwick County as a major funder of social service agencies? As you said, for some of the agencies, Sedgwick County provides a small share of their total budgets. For others, Sedgwick County is the primary funder, as it would be in this case for 2010, although not necessarily four years after 2010. Even in instances where Sedgwick County provides a small share of the total funds, in a number of cases, including Rainbows, Sedgwick County provides a substantial amount of money, considerably more than is being recommended here.

“We have had a series of discussions, and those discussions are continuing and I’m sure will continue into the coming months, about what should the county expect in return for its funds to those agencies. Should we expect to have a board position to allow us to have better oversight of that agency’s financial situation and its operating performance? Should we expect that agency to become a subset, a more formal subset, of Sedgwick County government, as opposed to being an independent nonprofit contractor? We have gone through those discussions, we’ve gotten no conclusions as you would expect. There are lots of different views by different stakeholders, but it is an issue, it is a question that I think is important for Sedgwick County to undertake in the coming months. As you know, we provide significant amounts of funding to an awful lot of social service and other nonprofit agencies in this community. And Rainbows United was a very bad example; it was one that nobody wants to have been associated with. What we can say that’s good is that that’s the only one of its type that has happened in this community in the past eight or nine years. And

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there was only one other that I can think of before that. What's bad is that it did happen, and there was a lot of public funding at stake in that issue. So those of us who provide the public funding, I think, have an obligation to review our relationship with those organizations and make sure that we, and the organization, have a common understanding of what the expectations are and what that relationship will be going forward."

**Commissioner Peterjohn** said, "Mr. Chronis, I very much appreciate you providing that clarification and additional information, because when I throw out questions, I work very hard to try and make sure they're as legitimate as I can make them and pertinent to the point that we have at hand, because I very much want to avoid being in a situation where we don't have that accountability and oversight when we're spending taxpayer funds, and whether it's county generated taxpayer funds, or it's the taxpayer funds that we receive because the county serves as a provider for the state, or the federal government, or other levels of government through the grant process or through any others, it's imperative on us to maximize the benefit for the taxpayers. And the concerns I have, in terms of actually what we're going to benefit, I have asked, and haven't been able to get an answer, and I realize you're in Finance and it's not in the police function, but we've got a facility that has rent-free and utility-free space and it's inadequate in terms of size, I certainly think that's quite clear.

"But is there any reason that the perpetrators, or alleged perpetrators, I mean, we call them alleged terrorists, I guess we ought to for the folks who haven't been arrested call them alleged perpetrators, they cannot be interviewed in the existing police functions that the Sheriff's Office has, I believe some in this building, or the police department has across the street and avoid those problems? If that is truly a difficulty, in terms of having them in proximity, why can't they be interviewed separately in that type of an environment if that's truly a challenge? I, for the life of me, I've been asking this question since January and I have yet to receive an answer. I realize you're in Finance and I'm probably not asking that question to the right person, but the purpose of this, and if we make this expenditure, is to try and improve the safety of the children in our community and take perpetrators of crimes against children off the streets, and I am asking questions, in terms of are we actually doing this, or if we're just going to throw some money at it and say, okay, we're going to create a facility that has extra square footage and has two doors. Well, I want to make sure that the system works, and I wanted to understand what benefits the taxpayers are going to get, and I would really appreciate getting more information, not only from yourself, I know we've got a representative from the Sheriff's Office here. He perhaps could provide some clarification. I know

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the advocates for the Child Advocacy Center have yet to testify and I would like to hear from them too.”

**Chairman Parks** said, “Commissioner, I do plan on asking Ms. Schunn and Undersheriff to come up and give us some insight on those other questions.”

**Mr. Chronis** said, “And if I might, I know that you have been asking that question for some time, and I don’t know how other people might have given you answers over the period of time that you’ve been asking the question, but at your staff meeting yesterday, Sheriff Hinshaw gave you what he thought was an appropriate answer and that is, that while it is entirely possible for the law enforcement officials to interview the perpetrators, or the offenders, at police offices rather than at the Child Advocacy Center office, that does not facilitate the collaborative effort that we want between the law enforcement officers and the other agencies that are serving that abused child. When the law enforcement officers are interviewing the offender, very often the counselors that are working with the victim of that offender want to be able to converse with that officer during or immediately following the interview. They can’t do that if the interview is taking place someplace else. So there are efficiencies to be gained by having both the law enforcement activities and the victim support activities housed in a single location.”

**Chairman Parks** said, “Commissioners, if we could keep the topic to the finance with Mr. Chronis, I do have one question from that, and then we can get into some of the other departments that are here, or we may be here until three o’clock on this issue. Right now the CAC is writing their own checks to their own people...”

**Mr. Chronis** said, “Yes.”

**Chairman Parks** said, “...as a private entity. With your slide number 6 there, would this change then...”

**Mr. Chronis** said, “No.”

**Chairman Parks** said, “...and we would now start writing the checks and the...”

**Mr. Chronis** said, “No.”

**Chairman Parks** said, “...retirement and everything...”

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**Mr. Chronis** said, “The funding agreement provides, as most of our funding agreements for substantial amounts of money provide, that the operating funds will be paid out in installments over the term of the funding agreement. In this case, we have a one-year funding agreement for 2010 and the recommendation, and what is contained in the funding agreement, is a payment of four equal installments on a quarterly basis throughout 2010. We would pay that money in lump sum to the Child Advocacy Center. It would go into their bank account, they would run their operation as the private entity that they are.”

**Chairman Parks** said, “Okay. I do have a follow-up question, but it needs to be asked of Ms. Schunn instead of Finance. Do you have a question of Finance or?”

**Commissioner Welshimer** said, “I have a finance question.”

**Chairman Parks** said, “Okay. Commissioner Welshimer.”

**Commissioner Welshimer** said, “Didn’t we have a \$500 million cut in COMCARE last year, or ‘08? ‘08 or ‘09?”

**Mr. Chronis** said, “We had a cut in state funding of COMCARE last year. I don’t recall the precise amount.”

**Commissioner Welshimer** said, “Five million is my...is that right? Wasn’t that much? Okay.”

**Mr. Chronis** said, “Again, that was a cut in state funding, not a cut in COMCARE service delivery.”

**Commissioner Welshimer** said, “I understand. And yet we still have a \$16 million balance over there? Do we have waiting lists, or do we have people that are not being served? I’m interested in knowing why we have a \$16 million balance, that’s not money that’s not used for the social services that we’re expected to provide.”

**Mr. Chronis** said, “It exists to deal with contingencies with downturns in the economy, with shortfalls that might occur. The reason that we have been able to address that shortfall in state funding, that cut of state funding that you just alluded to, without cutting services, is that we have consciously built up our cash balances over the past five or six years in anticipation of a downturn. We have built up those reserves on purpose in the COMCARE fund...”

**Commissioner Welshimer** said, “Okay.”

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**Mr. Chronis** said, "...in the general fund and in most of our other major operating funds for that precise reason."

**Commissioner Welshimer** said, "I understand your point of view there. What my concern is, have we shortchanged any of our people that we provide services to because of it?"

**Chairman Parks** said, "And that may be best answered by Marilyn Cook."

**Ms. Cook** said, "When the funding changed for Medicaid and it went into a prepaid ambulatory health plan two years ago called Kansas Health Solutions, a lot of funding changed for us. We were able, since we have a little over 20 percent of the Medicaid population here in Sedgwick County, we have done very well in being able to build that reserve, because approximately 70 percent of the revenue that comes into us comes from those who have a medical card. We also serve individuals who have no money on a sliding scale. Some can pay some things, some can pay very little. That money comes to us from the state in our grant. So what happened in the past, two years ago when Kansas Health Solutions was formed on July 1st of 2007, the state reduced our grant statewide by about \$12 billion, but we also did very well with Medicaid because we had a substantial population and we have very strict billable hour expectations of our staff. Centers who are in more rural parts of Kansas, who don't have that same penetration, didn't do as well and are really struggling. But a number of the centers who have concentrated Medicaid populations have done well.

"And so we have that and we have that money for a rainy day. We have it to reinvest in the system. I would have to say, and I think you would agree, that almost every child that would come to the Child Advocacy Center certainly would have some mental health struggles and their families would as well, so we feel it's good use of that money. We don't know, we had a recent rate reduction, we're hoping that gets restored, but we don't have waiting lists for services right now, with the exception of small waits to see medical staff in our outpatient setting. We have a strategy that we're using to make sure that that gets ameliorated. Part of that wait comes from a large number of people who don't show for appointments and then they take up time that others could be using more productively, and we have a strategy that we just implemented last week on that. But we don't have waits for services."

**Commissioner Welshimer** said, "Okay. Well, my problem is, in discussions with members of nonprofit agencies who were involved in that transition who were left pretty short on the funds that they received, to the point where some were just put out of business. And it's always been a concern of mine to look into that, so I'm really surprised to see that we have a \$16 million balance here and we have so many agencies that need shoring up. This is not the only agency that is suffering from not enough room to operate. That's all I had. Thank you."

**Ms. Cook** said, "Okay."

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**Chairman Parks** said, “If the Commissioners would allow me to, I’d like to have Ms. Schunn come up before we get off of KPTS (Kansas Public Telecommunications Service) so we can at least have that venue just to kind of provide a little bit of background on CAC. What I want to go over is what year it was started, why it was started and then I’ll have another couple questions.”

**Ms. Diana Schunn**, Executive Director, Child Advocacy Center of Sedgwick County, greeted the Commissioners and said, “Thank you for letting us be here with you today. To address some of the questions, yes, the child advocacy center movement started somewhat in the mid ‘80s and really took a turn in the 1990s. So because Wichita and Sedgwick County had benefited from the Exploited and Missing Child Unit in 1985 when it was first developed, there was the team concept between law enforcement and social services that was an inherent match that most child advocacy centers really struggled to even get involved with. So, for many purposes, Sedgwick County was light years ahead of many communities because we already had that connection between law enforcement and social services doing joint investigations. For most child advocacy centers, when they did start, whether that be in the ‘80s, ‘90s, or more recent from that, the realization was that it’s not just about the investigation process, and that it also involves the entire team and how those focused services are delivered to children. So not only is it a location, but it’s also how do we function together to make those services for children and families most accessible and most appropriate.

“So how do we function? When you’re paying those large dollars already for salaries and other avenues that we’ve talked about, how can we make sure that we’re using those salaried personnel to the most efficient way possible? Part of that is communication. Again, because the EMCU benefited from working together for so long, their communication is essential. They have it very fine tuned in how they work that investigation process. Adding in the additional team members becomes then one of the additional benefits of making sure that children are not falling through the cracks, to make sure that families have access to services. And although we have wonderful services across the community, many of our families have difficulty in accessing those services when they need to go to so many multiple different places. If we have a single mom who is recently now responsible for all the financial duties because maybe her husband was the perpetrator, and mom has six appointments to be able to make, it’s likely that she’ll make one or two of those. Not because she intentionally doesn’t want to serve her child in the best way possible, it’s just physically incapable of her to be able to make all those additional appointments. So we frequently see therapy, and medical services and advocacy falling through as services that don’t end happening in the long run.

“So for us, when we really got together and started taking a look at where we needed to go from Wichita and Sedgwick County, we’re about two years into the process now and identifying where our services need to be. Again, we have strong, strong partners in this community. We have

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excellent services and now we just want to advance how we are providing those services and we want to be able to work more efficiently and more effectively with one another.”

**Chairman Parks** said, “So that was 2007 or 2008 that you achieved your 501...”

**Ms. Schunn** said, “In 2008 we achieved our 501(c)(3) status.”

**Chairman Parks** said, “Okay. And were you asked by a government agency to do this?”

**Ms. Schunn** said, “Were we requested by a government agency...”

**Chairman Parks** said, “Yes.”

**Ms. Schunn** said, “...to do that?”

**Chairman Parks** said, “Yes.”

**Ms. Schunn** said, “Well, we have several government agencies that are representative on our board, and so, clearly, our Board of Directors were the agencies, or the governing body, that encouraged and wanted us to move forward with that. So yes, government was clearly involved with...”

**Chairman Parks** said, “Okay.”

**Ms. Schunn** said, “...processing that.”

**Chairman Parks** said, “I was going to elaborate on some of this later, but you’re familiar with the board that I serve on with EMCU, and just recently, back in, I guess November, that board said about 80 percent of the patients, or victims, that come through EMCU are City of Wichita, and at that point, of course, this gets back into a little bit of finance, but I just wanted to establish a little bit of history, that 80 percent of the people being served were from City of Wichita and they chose not to participate. Last year at budget time and then later in the year, when I said that I was supportive of the \$130,000 for the move and other things, we were anticipating the City of Wichita kicking in some matching funds or doing something else. At that meeting of that EMCU, I asked the City of Wichita again and they said, if you don’t hear from us by the end of the year, we’re not going to do it. So that’s where we stood from the money side of it and we were not notified that they were going to kick in any money. And you had approached the City of Wichita for some funding on this?”

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**Ms. Schunn** said, "We have approached the city on multiple different occasions, similar to the approaches that we have had with you, and we continue to be in conversation with them. So I guess I would say that, in my opinion, we will continue those conversations and am very hopeful that they will continue to consider how they might be able to contribute."

**Chairman Parks** said, "So, let's say this passes today and we press on with the building and everything, in 2011, kind of your long-term plans, what kind of budget do you plan on having in 2011, or 2012, and where do you plan on getting that money?"

**Ms. Schunn** said, "We will, honestly, as soon as any decision that you make today allows us to be able to just to continue to move forward, we will continue to look for donors, we will continue to fundraise, we will continue to look for grants and donations through the private sector, corporate sector, everyone. Just in the event that you do say yes today, that doesn't stop us from continuing to move forward and look for a host of a variety of different ways that we can continue to gain funds and support the Child Advocacy Center. Almost the largest majority of child advocacy centers that I'm familiar with, of the nearly 700 that are in the nation right now that are already up and running, and another 200 in the nation that are in the development phase, like we are, of all of those child centers, nearly all of them have a very healthy combined mix of private donors as well as government agencies, local and state agencies that are contributors. So this is not a new model. It's not a model that we have not looked at significantly. I have had the opportunity to tour over 20 different child advocacy centers across the nation to gain ideas and get suggestions on how they run their programs, how they function with their team members, how they effectively raise funding and those kinds of things. And all of those efforts will continue from here on out."

**Chairman Parks** said, "For operating costs, do you think you can operate through the donations and through other things in 2011 without asking for support from Sedgwick County again?"

**Ms. Schunn** said, "I wouldn't say that we wouldn't be coming back to Sedgwick County, I don't know that. My hope would be that the largest majority of it will be from donations and private funders of some sort. It wouldn't be unreasonable, as there is in most child advocacy centers, that there is some participation from city and county, as well as state. So I would say that it would not be unreasonable that we would be asking for some funding that certainly is not in the magnitude that we are now."

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

**Commissioner Peterjohn** said, "Thank you, Mr. Chairman. Ms. Schunn, if you could walk me through, in terms of if we approve this today, what percentage of your funding for 2010 would be by the county, what percentage would be by governmental bodies by total and what percentage would be funded by the private sector if we go ahead and approve this request today?"

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**Ms. Schunn** said, “We will continue, as I said, to ask for funding and grants. In fact, I’m working on several grant applications as we speak. That will continue, so I don’t have any of those dollars that I can say are committed in relation to that…”

**Commissioner Peterjohn** said, “Well, I’m not looking for dollars. I’m saying, let’s assume for discussion purposes you have your budget and what you were able to raise last year for 2010, if we approve this, how much of that budget would be funded by Sedgwick County?”

**Ms. Schunn** said, “Well, all of our money last year, roughly \$250,000 in our budget, were fundraised last year and none of that was county funds. So, currently, as we sit, I have committed from other grants and resources that we have moved into, we have \$131,000 that are committed for 2010. We will, as I said, continue to ask for those. If we figure, you’re going to ask me to do math in my head standing up here in front of you, I’d love your assistance.”

**Commissioner Peterjohn** said, “I’m sitting here doing doing math in my head right in front of you, when you said \$131,000, if you have the same amount, \$131,000, my ballpark here would put your total budget at \$131,000, in addition to the \$835,000 that’s being requested from Sedgwick County, would put us at about \$966,000 and that would put Sedgwick County in as funding somewhere close to approximately 85 percent, maybe Chris can do the math in his head and then get those exact percentages for me.”

**Mr. Chronis** said, “I can’t do the percentages in my head, but I’ll be glad to do them while I’m sitting down here. But just as a point of clarification, the total operating budget of Child Advocacy Center for 2010 is the \$606,000, that’s our estimate of their budget for this year. Of that \$606,000, our funding recommendation to you is that Sedgwick County provide \$500,000 of that \$606,000. In addition to that operating budget, we are recommending that Sedgwick County provide \$335,000 for relocation of the facility from the State Office Building to more appropriate space. That \$335,000 is the only portion of this funding that we’re talking about that would come from local tax support. The \$500,000, that’s a portion of this total \$600,000 budget, would come from grant funds that Sedgwick County is holding.”

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**Commissioner Peterjohn** said, “Okay. So, basically, we’re looking at a budget of \$607,000 roughly for continuing operations and then \$335,000 to move from the 8,000 square foot facility a little less than five miles up to Twin Lakes so that they can get into a 20,000 square foot facility, because I had a problem with \$335,000 for a move of less than five miles. I mean, if we were moving this building, but I was delighted to find out that Mr. Chronis' comments included to properly equip was part of that \$335,000 too. And part of the frustration I have as a Commissioner is that this has been like peeling an onion; I get more information the longer we go on with this proposal, and it’s part of the reason I’ve had some discomfort, in terms of I find out that, we’ll go with 38 percent local tax funding, and that’s an additional revelation. So looking at the numbers, if you include the \$335,000 as a county commitment for this year, we’d be over 90 percent of CAC would become a county funded program, and that raises questions for me, Ms. Schunn, and I don’t want to put you on the spot, in terms of speaking for your board. I know you’ve got a couple board members here who might be able to speak. What should the role of Sedgwick County be if we become literally almost entirely the sole funder for your organization? At least for 2010, and certainly the largest funder for 2011 depending upon how big a request you come in with next year...”

**Ms. Schunn** said, “I’ve been in management for over...”

**Commissioner Peterjohn** said, “...or later this year?”

**Ms. Schunn** said, “Excuse me, I’ve been in management for over 16 years. I don’t have any issues with accountability; I think we all have accountability at a variety of different levels. I absolutely agree that you need to know how your money is being used, for what purposes and that we are using it appropriately to deliver the services under which we have designed and stated that we would be doing that. So, I know through talking with Chris in a variety of different conversations that we would have accountability measures built in very similar to many of our other grants that we currently have right now, and I would not anticipate any issue with making sure that we are accountable to you and report to you regularly on how we are using those funds appropriately. I think you are valid in your concern and I think you are very valid in the concerns of unfortunately one organization recently, but that does set a very strong precedent that we as nonprofits are extraordinarily aware of, and we will do everything in our efforts to make sure that that is not ever a situation that we come across in our agency. We are making every effort in relation to that, something that we talk about as an agency on a monthly basis, at our meetings, to ensure that we are accountable in what we are doing.”

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**Commissioner Peterjohn** said, “Well, Ms. Schunn, let me be blunt about it. If we provide this funding to you, should Sedgwick County have the appointments to a majority of the board, and should the Commissioners make the appointments like we make to a number of other boards? Because the three members on the board were not appointed by any of the Commissioners, as far as I’m aware of, and if I’m wrong in that assumption...”

**Ms. Schunn** said, “No, that’s correct.”

**Commissioner Peterjohn** said, “...I’ll stand and let someone else correct me. And if they’re there on their own time, God bless them, and if they’re there as part of their official capacity, I believe we want to make our children safe in our community, but I am very concerned, in terms of where we have unclear lines of responsibility. We get on to soft ground and I think it’s important, if we’re going to make this financial commitment, we need to look at the bigger commitment, in terms of how this organization is structured and particularly when you tell us that you’re going to be back here asking us for more money later on this year. We’ve got to balance priorities, and we’re in effect reopening our 2010 budget which we approved last August. And we’re in effect kind of back where we were in a sense when you made your funding request for \$120,000 just before we approved that budget, except that \$120,000 today is now \$835,000.

“And I hope you can appreciate with the financial stress that our community’s in, and this Commissioner just seeing a letter with another company in town saying they’re going to be laying off more personnel, how nervous I am, in terms of going forward, in terms of making additional financial commitments, but I share Commissioner Welshimer’s concern that we’ve got, apparently, reserve funds that agencies for COMCARE that have been put under some stress too, and we need to look at this holistically and not on an ad hoc basis. And I really would like to get feedback from you and your board, in terms of how we should, if we’re going to be a long-term funder for this organization extensively in the future, I’d like to see more put in place, Mr. Chairman, before we proceed forward. And if you can clarify what you see our relationship would become with Sedgwick County, if we approve this, I’d sure appreciate your insight, and in fact the insight of any of the board members for CAC who are here.”

**Ms. Schunn** said, “Let me address, first of all, the board makeup. And you are correct in the assumption that the Commission did not delegate whom would be on the board. Our bylaws do state

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that we will have a representative from COMCARE, we will have a representative from the Sedgwick County Sheriff's Office and we will have a representative from the District Attorney's Office. So the leaders of each of those different organizations then identified whom would be the person that would be representing on the board. So Ron Pascal is from the District Attorney's Office, Mike Stover is from the Sedgwick County Sheriff's Office and Marilyn Cook is with COMCARE. So they are active board members and continue to be involved on, obviously a monthly, and more often than that basis and are keenly aware of what we're doing. Should it be your choice that you feel that we need more assistance on our board from the county, I certainly am never opposed to additional assistance. We continue to look for board members to serve, to be active and to be involved with our agency. We are always looking for diversity of talents in relation to our board, and so I am certain that we could continue to gain that from additional members as well."

**Commissioner Peterjohn** said, "Ms. Schunn, does the city, or the state, or any other governmental bodies have a representative on your board the same way the county has for those three departments?"

**Ms. Schunn** said, "The City of Wichita, from the police department, yes, has a representative, which is Tom Stoltz, and the state does from Jean Hogan from SRS. Am I missing anyone?"

**Chairman Parks** said, "That's also the makeup of the EMCU board."

**Ms. Schunn** said, "Correct."

**Commissioner Peterjohn** said, "So is the EMCU board identical with your board?"

**Ms. Schunn** said, "No, sir."

**Commissioner Peterjohn** said, "But there are some...those five positions are the same?"

**Chairman Parks** said, "Those that she just said there, just spoke of, of Stoltz and Hogan and the other one that was on there."

**Ms. Schunn** said, "And the Sheriff's Office. I believe Sheriff Hinshaw is on..."

**Chairman Parks** said, "Right."

**Ms. Schunn** said, "...that board."

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**Chairman Parks** said, "Right."

**Commissioner Peterjohn** said, "In reviewing the contract, Ms. Schunn, that we have before us today, I see no provisions, in terms of open records, or meetings, and that sort of thing, does your board have any sort of provision, in terms of are your board meetings open to the public?"

**Ms. Schunn** said, "Yes, they are."

**Commissioner Peterjohn** said, "And would you or your board have any problem, in terms of having provisions as part of the agreement concerning open meetings and open records as part of an agreement with the county?"

**Ms. Schunn** said, "No, I don't believe there would be any problem with that."

**Commissioner Peterjohn** said, "From the additional information I've gotten here today, it sounds like you and the other person who is with the CAC board right at the moment would become paid for by the county, would these new positions become CAC positions paid for within CAC, or would those new three and a quarter positions become county employees, or how would that work?"

**Ms. Schunn** said, "They would be CAC employees. And the executive assistant's position is completely paid for at this time by grant funding and a portion of my salary is paid for by grant funding."

**Commissioner Peterjohn** said, "Well, I'm trying to clarify because the presentation by Mr. Chronis indicated the \$331,000 for personnel and personnel related expenses would cover three and a quarter positions and then he clarified it and said that would include five and a quarter positions. If it's three and a quarter positions, that's a little over a hundred thousand dollars per person, which seems to me kind of rich..."

**Ms. Schunn** said, "Trust me, we're not getting paid that."

**Commissioner Peterjohn** said, "...in this day and age. Well, but part of the problem is when you include benefits, and FICA (Federal Insurance Contributions Act) taxes and everything else, it adds up quickly. But I wanted to clarify exactly what we would be buying with that personnel and that expenditure of \$331,000, if we shift this money, if we go ahead and make this expenditure today."

**Ms. Schunn** said, "The five and a quarter positions were figured in, in the total personnel budget, which is that \$331,920, which also includes the payroll taxes and the fringe benefits for all of those positions. Obviously, the quarter time person would not be eligible for fringe benefits. From that

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amount, when we took the total budget, the grant dollars that we already have secured were subtracted from our total budget, which is where we came up with the \$606,000. So a portion of those personnel budgets are grant funded at this time, but that is how we came to the total amount of the total request. Am I explaining that well, Chris? You might do a better job of it.”

**Mr. Chronis** said, “The current staff of the Child Advocacy Center is two people; those are employees of the Child Advocacy Center. The proposed budget would increase that staffing of the center to five and a quarter FTEs, a total of six people. All of those would be employees of the Child Advocacy Center, not employees of the county. The total cost of those six people, five and a quarter positions, is \$261,000, little bit more than for salaries and an additional \$70,000 for payroll taxes and benefits. That \$261,000 and \$70,000 is a part of the total \$600,000 plus budget for operations for 2010. The county, we are recommending, should provide \$500,000 of the required \$606,000. In the backup to your contract, there is a table beginning on page 108 which identifies, in some considerable line item detail, how the county’s \$500,000 we expect would be spent, as a portion of this total \$600,000 dollars.”

**Commissioner Peterjohn** said, “Thank you, Mr. Chairman.”

**Chairman Parks** said, “Commissioner Welshimer.”

**Commissioner Welshimer** said, “Well, I agree we can’t ignore the fact that the Child Advocacy Center needs space, and it needs funding and that children should be a priority for all of us. Actually, the safety and welfare of children should be a priority for, not only for Sedgwick County, but for the state and the City of Wichita as well. The state has a greater priority for huge and excessive tax exemptions and the City of Wichita has a greater priority for downtown redevelopment and building owners in that area. And considering their priorities, I’m not so sure that we should pick up their obligation on advocacy for children.”

### MOTION

Commissioner Welshimer moved to approve the agreement and authorize technical budget adjustments to provide spending authority in the amount of \$334,000 and that that funding

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be contingent upon the City of Wichita adding \$334,000 and the State of Kansas adding \$167,000, or 20 percent of the total, for a total of \$835,000 dollars.

Chairman Parks seconded the motion.

**Chairman Parks** said, "Further discussion? Do you have any further discussion..."

**Commissioner Welshimer** said, "I do not."

**Chairman Parks** said, "...on your motion? Commissioner Unruh."

**Commissioner Unruh** said, "Thank you, Mr. Chairman. Well, I had some remarks I wanted to make before I heard the motion, so I'll go ahead and make a couple of remarks right quickly..."

**Chairman Parks** said, "Certainly."

**Commissioner Unruh** said, "...first of all, although the original request we heard several months ago was considerably lower, I frankly am more comfortable with this request in light of the fact that it's gone through careful analysis and it will provide a level of funding that can carry out the mission. The original request simply would not be productive in achieving the goals, and so I hate to get involved in a situation where I'm kind of a partial funder and I'm not going to achieve anything out of it. Although this is over \$800,000, I actually think this will get us to the point we want to be, at least for this year's funding. I guess I'm saying I'm appreciative of the fact that you went back, and did as we asked, and analyzed that and came up with a more realistic ask of the County Commission. But as I'm trying to consider whether or not to support this, the first question, is this a legitimate request, is the demand legitimate? And, obviously, you've established that, and the fact that there's potentially, or you have an average of 2,500 cases of different kinds throughout the year. So there is a demand."

**Commissioner Unruh** continued, "Second thought I had, well do we have the appropriate partners in place to fulfill the mission, and to deliver the services that are necessary? And we have established that through all the testimony today that all the providers are in place. Is what we're trying to do accepted best practices? And that's also been established, and we're not breaking new ground here, there's 700 child advocacy centers around the United States, and I think you said 17 in the State of Kansas. We're not experimenting, we're following best practice. And I think that this

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also, we've seen testimony and evidence that this provides the greatest efficiency among these different agencies, so those efficiencies are also good for the overall budgets of all the contributing partners, so I think that's a positive. The mission of Sedgwick County, I think, is a couple of our core essential things is that we provide public safety and we provide health and human services to vulnerable populations. And this organization is hitting that right on target. That's exactly what you're doing and that's what we're doing. It's an ask for one year and we can reconsider this. I know that it is likely you'll be back again and when we sign up here, I think we have to assume that we're on for a longer term, but I think the last slide we saw in Mr. Chronis' presentation, it's a matter of priority. And in my thinking, this is a high priority.

"I think we need to be involved. It is clear from what you have already done in your investigation that neither the state nor the city is going to sign on, so I would have been in favor of the original recommendation, and, Commissioner Welshimer, I understand your rationale for making your motion, but that's, in my thinking, it seems like that's a motion that will, if it's approved, will eventually be a denial of the request because we've already been told clearly that the city is not going to participate. I think it's a high priority. It's what Sedgwick County does, so I would be supportive of the original recommendation, but because I think your motion, in the end, won't be successful with getting the city to partner with this, at least not this year, and so the CAC will be without that funding, I won't be able to support your motion. That's all I have right now, Mr. Chair."

**Chairman Parks** said, "Commissioner Norton."

**Commissioner Norton** said, "Well I'm going to be supportive of full funding for this. I have supported the CAC for many years. I go back to 1982, 1983, I was on the original Child Abuse Prevention Council before it got too big of an issue for that group and it went to the Kansas Children's Service League. Obviously, the CAC serves a great purpose in our community. When we talk about whether it's about the city or the state, 100 percent of these children are Sedgwick County residents, 100 percent of them. I don't care that 80 percent or 20 percent are in some other jurisdiction, 100 percent of them are our kids. I made a vow when I became a County Commissioner that I would make every decision through the filter of future generations, and these are our future."

"You know about child abuse, and the predatory things that happen, and a child in need of care; kids that are abused are more likely to abuse if they don't get services, if they don't get wrapped around, if they don't have a social worker and somebody helping solve their family problem, they're more likely to end up in our system later themselves. So we need to really take a strong advocacy for this group. We have to ask the question, is it important? Well, I've heard Chairman Parks say many times, he wants to serve the most vulnerable population; seniors, and children and those that can't take care of themselves. Well I got to tell you, kids that come through a CAC kind

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of process are vulnerable, and we need to keep that in mind today. The CAC is a model that has come, 700 communities in our nation have them, 200 more are looking at it, 7 pretty major communities are already accredited in our own state, and we're not even close to that and we're the largest city. If you looked at the people served in those seven accredited counties; 1,600 cases and we're at 2,500. The money we would put out in this will be less than what they're doing statewide in those seven counties, and they're serving almost half the population. So, it's a model that is well proven around the nation, around our own state. Child abuse, children in need of care, internet crimes against children, all of those are proliferating in our community.

“And we can stand with a blind eye and say the city needs to take care of it, the state needs to take care of it, the parent needs to take care of it, law enforcement needs to take care of it, but I got to tell you, I was elected to help move this along and take care of it. And I think we're being asked to help do that in our community. Yes, I think we need to challenge the community, other partners, to step up; the state, the city, foundations, whoever they may be, to step up and help us with this. But I see that firmly falls on us today. Yes, there's a financial risk. I understand finances. I've put a lot of budgets together. But if I'm going to take a risk, I don't mind taking it for the kids in our community. You know you're known by where you put your money, and I say if we put it in to kids' futures, that's not a bad deal. I see this as a catalyst, it's helping to start up, it's helping get it started. By this conversation we've had today, and hopefully the press and the media conversation that goes on, we've raised the level of this thought process in our community to a pretty high level. So I'm hoping this is a catalyst for you to go out and have doors open now where other people do want to be part of it.

“When it comes to the facilities we've been using, I've always believed free is not always better. I've gotten a lot of free things in my life, and the wheels fell off, and they didn't work well and I threw them away pretty quick, so free space, not always functional. It's great that we've had that for a while, may not be our best scenario for what we're trying to accomplish. I see with what we're trying to do, we're going to build efficiencies, better communication, better services and better use of the resources we already are putting into there over a million dollars. You know, I've talked to the Undersheriff, I've talked to Diane, I've talked to Marilyn, we've got people working pretty hard to solve this issue, but boy, they're not in open communication constantly.”

**Commissioner Norton** continued, “They're fragmented, they're in different locations and we're running around the public. If you say we're going to serve the public and we're running them around all over the city trying to solve a problem that's really detrimental to their family, and we need to be a part of the fix on that. I'm going to be supportive. I'm a little disappointed that now we have a motion on the table that is really going to limit what the outcome is going to be, because I agree with Commissioner Unruh, it is a motion, but it's probably going to set in motion that nothing is going to happen. I think it's time, even in these tough difficult financial times, taking a risk is not a bad thing. That's all I had, Mr. Chair.”

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**Chairman Parks** said, “Okay. I take a more of a positive view on this motion, that it will set things in motion, that we will be able to get the City of Wichita and the state on board, and have a viable program. I thank you for reminding me, but I was going to say that anyway, the very young, the very old and those that can’t take care of themselves should be served. Nothing in my 33 years of law enforcement tears at your heart like an abused children case. I mean, that’s really bad. That’s one of the worst things that you can come up against and have in your law enforcement career. I know Mike has had a few of those too that were really bad, and I want to make it better. And I think this gives an opportunity for some other players to step up.

“I did promise some people last night in the meeting, if they wanted to talk, I don’t see any of them here, I think they might have been here and left. If there are anybody from the legislative meeting last night, but I will bring up what some of their concerns were about CAC, they particularly caught me after the meeting, and about half of the Legislative Agenda last night for the state legislators were about SRS, and the child abuse standards, and what not. They wanted me to just make sure that we’re not setting a new standard, and creating a new bureaucracy, or creating a new set of numbers under the guise of more efficiency. One of them, in fact, commented to me, if the numbers aren’t there for the abuse cases, do we get into spanking, and then if the corporal punishment issue comes up, are we going to start taking more kids out of the home that are being corporally punished? And I just throw that out as something that was a concern last night that was passed on. And I told them that I would certainly bring that out, and have that opportunity, and I wish they would have been here to speak. One of the things that they were concerned with about CAC was that there’s accountability. If CAC does something on their own, and then where is this accountability coming back, and where do their representatives say, back off of this? Now, we can’t, a lot of times, get involved with those things, that we shouldn’t be getting involved with those things, but there has to be a checks and balances system out there to be able to have representation on the government. And that’s where it gets back to the board, I guess, and that makeup, and I was glad to hear some of those things come out today about getting the board more diversified and have some County Commission input on that.”

**Ms. Schunn** said, “May I address...”

**Chairman Parks** said, “Sure.”

**Ms. Schunn** said, “...for just a moment?”

**Chairman Parks** said, “Please do.”

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**Ms. Schunn** said, "First of all, I guess I would address that we're never looking for numbers. We don't need to make anything happen because, trust me; they're rolling in the doors. We're working as fast and as hard as we can just to take care of those that are coming in. Second of all, part of the checks and balances system within any investigation is only enhanced in the Child Advocacy Center because of the multi-disciplinary team where all team members are sitting together. Even if you as the investigator were to say you don't want to go through with that case, I as the social worker may say, I think that really is a concern and these are the reasons why. So as we sit around a table, we all become accountable for the decisions that we make.

"It does strengthen those outcomes without a doubt. I realize that we're talking about a portion of that being state funding. The reason that Chris talked about there is no additional state funding is because the state has already given us \$112,000; there's not additional state funding available for us, financial dollars addition on top of that already, to kick in to match the dollars that you're talking about. And, again, I respectfully understand where you're coming from, but we will continue, I guarantee you, to work towards finding ways that we can collaborate with the city and ongoing with the state. And I would just state one other thing in regards to the terminology of free rent. There really is no such thing as free in this world. It's not free. The State Office Building is paid for by the state, so since 1994, EMCU has had the opportunity to be in that building, but it's at the state expense; over \$2.5 million has been spent on that space. So the state has been kicking in for years and years to be able to help provide the opportunity for EMCU to be there. There's no free space here, it's just that it hasn't hit our budget because at the moment it's being picked up by the state."

**Chairman Parks** said, "Okay. I didn't see which one; I believe Commissioner Unruh was next. Go ahead."

**Commissioner Unruh** said, "I just want to suggest, in order to get the funding for Child Advocacy Center, is there any thought that we could give the Chair and the Pro Tem the responsibility to lobby the City Council in order to have them participate so that we can get the funding approved out of the strategy that Mr. Chronis has offered, and ask you to go over and lobby them, but we would guarantee it, or back it up, in case they do not step forward?"

**Chairman Parks** said, "You have to remember that there's seven days in the tenure of my Chairmanship, also."

**Commissioner Unruh** said, "Well, then if you want to appoint someone else or whomever..."

**Chairman Parks** said, "Well I think this certainly gets a message out there and I'm going to..."

**Commissioner Welshimer** said, "I think we can work that out."

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**Commissioner Unruh** said, "Pardon me?"

**Commissioner Welshimer** said, "I think we can work that out. Some of us can go and lobby."

**Chairman Parks** said, "Okay. We do have a motion and a second, and I think that can be part of the conversation without rhetoric. Commissioner Peterjohn."

**Commissioner Peterjohn** said, "Thank you, Mr. Chairman, because I'd like to amplify on some of the comments. Ms. Schunn made a very good point that there is no free space. The taxpayers paid for that, but it doesn't show up on our budget, which is one of the concerns I've had. If you're trying to figure out what is this costing us, what benefits are we getting, how many additional cases, if we approve this funding, how many additional cases, how many bad people will we take off the streets? We can't answer these questions. We need to send this back to staff and have it reworked. We've got problems with the funding side. You're currently receiving utility free. You're not having to pay for electricity and other utility services, according to what I've been told, in your current location. And that's just like the free space, in terms of, yes, state taxpayers are paying for it, but then accountability needs to be there. I've been pushing hard to get the figures on how much the county's employees that were contributing are part of this entire operation and what are we actually getting for it? And, of course, the city side isn't measured. I want to speak up for our friends across the street, even though sometimes that's not the most popular thing to do in this building, but their police officers, who are part of this effort, those costs aren't included in your budget either..."

**Ms. Schunn** said, "Because they're not my budget, sir, respectfully. They are the budgets of each of those agencies, and so SRS would be able to show you these expenses on their budget because that's not my budget. So when you ask for my budget, I believe I have been as honest and forthcoming with any information you have requested. We've given you multiple pieces of information over multiple meetings that we have had. I'm not trying to hide anything. If there's something that's missing, please let me know and I'd be glad to provide it for you."

**Commissioner Peterjohn** said, "Well you and I have met once. I have met with some of your other board members..."

**Ms. Schunn** said, "No, we've actually met four times."

**Commissioner Peterjohn** said, "Four times?"

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**Ms. Schunn** said, “Three times and actually the fourth I was in the hospital, so I believe it was my board members that met with you.”

**Commissioner Peterjohn** said, “I know I met with your board members, but I remember our meeting in January quite well...”

**Ms. Schunn** said, “I’ve met with you three times in person, outside of these meetings. I absolutely guarantee you.”

**Commissioner Peterjohn** said, “Because the only other time I can think of is when you spoke in front of us in August, and we may have passed and said hello in the hallway...”

**Ms. Schunn** said, “No, I was not counting that.”

**Commissioner Peterjohn** said, “...and I know you’ve been up here for some other things.”

**Chairman Parks** said, “In any event...”

**Commissioner Peterjohn** said, “Anyway, let me move on to the other points. Commissioner Norton made the point that a hundred percent of the kids who are served by this center are from Sedgwick County, and that is true. But a hundred percent of them are also Kansas residents, and I think that goes to Commissioner Welshimer’s point that I thought is significant. And we’ve got these centers around the state, and I have asked about these other centers, how are they funded? Are 80 percent of their operations in 2010 going to be county funded operations, like they would be if Sedgwick County goes forward with, I should say in 2011, we’ll actually be over 90 percent if we had approved the original motion that was proposed here today? Can anyone here answer that question?”

**Ms. Schunn** said, “I don’t have a specific breakdown of any of the CACs as to where their funding has come. I do know from a national perspective that there are many CACs that are solely county and city funded. There are several CACs that, the largest majority I should say, have a healthy mix between those. And I have not ever seen any documentation that specifically breaks that down to what percentages from which different funding streams.”

**Commissioner Peterjohn** said, “Because my discomfort looking at this long-term was when you were up here in August, you said I want \$120,000 a year for five years. We can’t get a good idea, in terms of this half a million dollars that you’re requesting in the original proposal. The easiest thing

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in the world, and I've seen it up in Topeka many times, is throw some money at it and then say, we hope there's accountability down the line. I'd like to see the accountability at the front end worked out and have a detailed plan because these public-private partnerships are inherently unstable, because there is often a lack of accountability and a lack of transparency. And I appreciate your offer to include the fact that from an open meeting and open records point of view, since there is substantial public funding, that this would also be included as part of your operations and hopefully any future contracts would have that available too.

"But I like the fact that we are looking, what I'd basically like to do is see if maybe we can front end the proposal that Commissioner Welshimer had, in terms of the funding, and see if we could perhaps revisit this after the legislative session and look at all of COMCARE, and the social service spending as a whole, as opposed to taking this on one piece at a time. Because I feel like we've all of a sudden decided to reopen our budget and with this original staff proposal, and even with the modified amendment, were going to be changing our 2010 budget to go forward with a smaller spending proposal if Commissioner Welshimer's proposal is adopted. I think, frankly, the fact that we've got a board that includes folks from the city, but they're not putting up any money for 2010, and it's not clear to me that they will in the future in 2011, we have a board, your board, that has a representative from the state and they're not putting up any direct money, but indirectly they are."

**Ms. Schunn** said, "No, \$112,000 direct money is coming to the CAC right now for 2010."

**Commissioner Peterjohn** said, "For 2010. Well, wait a minute..."

**Ms. Schunn** said, "And they have for the last three..."

**Commissioner Peterjohn** said, "...your 2010's budget is \$606,000. If we approve the proposal today, you're asking for a half a million from us, and if you've got a grant from the state for \$112,000, that's \$612,000 not \$606,000. It's right up here on the screen. You're \$6,000 off."

**Ms. Schunn** said, "We have a total, as I said earlier, of \$131,590 that have been committed through grants, and donations, or funding that we have already secured. Of that, the state funding is a portion of that. We received \$112,000 total and their fiscal year runs July 1 through June 30. So a portion of that is represented in this dollar figure, so their fiscal year of 2010 was a total of \$112,000."

**Commissioner Peterjohn** said, "Maybe you can clarify for me, are you on a calendar year or a fiscal year budget?"

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**Ms. Schunn** said, "The budget proposed that we have proposed here is a calendar year budget. We, ourselves, as an agency, run on a July 1 fiscal year. Does that answer your question? I'm sorry."

**Commissioner Peterjohn** said, "Okay. So the grant that had, and received from the state, that you're spending right now is for the fiscal year that started July 1, 2009, and ends June 30, 2010, is that correct?"

**Ms. Schunn** said, "Correct. And we will have the opportunity hopefully to be able to reapply for that."

**Commissioner Peterjohn** said, "Okay. I appreciate that clarification."

**Chairman Parks** said, "Commissioner Unruh. I'll go ahead and let you speak, but I would like to say that I'm very close to calling the vote on that."

**Commissioner Unruh** said, "Alright. Thank you. As far as accountability, we do have as part of our backup an indication that you're going to have quarterly reports; it's going to be reporting on revenue and revenue sources, expenditures, number of service hours provided and quarterly comparisons. So in that respect, there is reporting back and requiring some accountability. The only other comment I had right now is that I'd like to know for sure again what the motion is."

**Commissioner Welshimer** said, "I'll read it again."

**Chairman Parks** said, "Go ahead."

**Commissioner Welshimer** said, "The motion is to approve the agreement and authorize the technical budget adjustments to provide spending authority in the amount of \$334,000, contingent upon the City of Wichita adding \$334,000 and the State of Kansas adding \$167,000 for a total of \$835,000."

**Commissioner Unruh** said, "Okay, thank you. I understand that and I think I'm in a position where maybe I have to support it in order to give it a chance, but I really would prefer there was a motion that we're going to support the entire budget amount."

**Chairman Parks** said, "Okay. I believe we've gone off the air with KPTS but the streaming video will still be available and I am going to call for the vote."

### VOTE

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

**Chairman Parks** said, “Thank you and I’m sure if we maintain a positive attitude we can get some things accomplished for the children.”

### **G. QUARTERLY COUNTY EXTENSION REPORT.**

**Ms. Bev Dunning**, Director, Extension, greeted the Commissioners and said, “I’ve been very interested in your conversation because I think what we do fits in a great deal with what you’re talking about, but we do more on the prevention end for children and for families. And as you know when I’ve done quarterly reports before, I told you I’d be a storyteller, and today my story is about the Foods Nutrition program, and Sedgwick County has been working to help food assistant eligible students and family populations, and in your terms, I think that talks about the vulnerable populations that you have. With wise food and nutrition choices, and we’ve been doing that since 2003, and you have a little bulletin that talks about it starting 13 years ago and this is a state bulletin, but it’s through a grant process. As you know, our funding too has been limited, and so we’ve gone through USDA (United States Department of Agriculture) with SRS and Kansas State University to help get some funding to do this educational program that we do. This figure is matched. We don’t actually get those funds, we simply expend them and K-State reimburses those through the grant process.”

“But the Foods Nutrition program has two assistants that work with six to eight classes per day in the Sedgwick County schools. And those schools have 50 percent of the students that are eligible for free and reduced lunch programs, and so we’re meeting those needs of those children that have nutritional needs. Most classes participate in a series of about five in-depth classes, and they cover food groups from USDA, the MyPyramid, I’m sure you’re familiar with the MyPyramid food guide that the federal has. Well students also learn about food safety, and where foods come from in each group, and they help prepare simple, healthy recipes for taste testing in the classroom. And then they receive recipes that they can take home, and we hear that they use them at home many times, because a lot of times in some of these families there’s not much cooking that goes on, it’s more grazing out of the cabinets it seems. And they don’t graze on the right kinds of foods.

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“The Family Nutrition Program also provides parent nutrition classes, and those classes, some of them are in Spanish, because we have a bilingual assistant that helps in that. The data that you see in that flyer that I’ve given you reveals similar results here in Sedgwick County that we’re doing with the pre and the post educational surveys that we make, which says that they increase their knowledge 20 to 40 percent, and that 60 percent of all those surveyed said that they will change at least one habit, or one behavior, to improve their dietary quality, food resource management, which in reality is budgeting for food, and then other food safety practices.

### **Commissioner Norton left the Board of County Commissioners meeting at 1:05 p.m.**

“Students are encouraged to try fruits and vegetables, and those are offered many times through the school breakfast and lunch programs, if you see their plates when they come back, and if they’ve not had the education that we’ve given them, many times those fruits and vegetables go in the garbage. But they regularly report using those healthy recipes at home, and we’re excited about that. The Sedgwick County Family Nutrition Program is a concrete and effective way that the Extension Center is providing education and support to our most vulnerable county constituents, I believe, and the ongoing fight against three things: obesity, malnutrition and poverty. And so those are the areas in which we hit with that program, both with the children, as well as with the parents. And so there can be abuse in many ways that you’ve been talking about his morning, but I think there’s also abuse when children aren’t fed properly, and when they’re not helped to understand, and we know that if we can teach the children, that can help future families. Because what they learn in school, they hopefully will carryover when they have a family of their own.”

**Ms. Dunning** continued, “I also have given you one other sheet of paper this morning, because in order to balance our budget, and of course we got no increase this year, but we have increased expenses, and one of those is in the area of postage. We’ve sent out many times newsletters every month, but now we’re doing that over email when people sign up, and this is one of our educational newsletters that goes out over email each month from the Family and Consumer Sciences Department. And so it addresses many new things that you can sign up for and get, I think, just as a matter of saving postage, and we’re only sending out newsletters then once a quarter instead of once a month. But, in terms of the Family Nutrition Program, do you have any questions about that? I always appreciate being able to tell you the story of some of the things that we do. I know it’s been a long morning for you.”

### **MOTION**

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Commissioner Welshimer moved to receive and file.

Commissioner Peterjohn seconded the motion.

**Chairman Parks** said, “And Commissioner Peterjohn, did you have a question?”

**Ms. Dunning** said, “Sure.”

**Commissioner Peterjohn** said, “Yes, not on this program specifically, the Governor recently announced that he was having to, because of the budget problems at the state, withhold some funds under his statutory authority to do so, did that have any impact on the Extension Office, in general, and your Extension operation, in particular?”

**Ms. Dunning** said, “No, it hasn’t yet, but that doesn’t mean that it won’t roll down. You know, we’ve not seen that, we’ve had no increase from the state this year either, in terms of funding, but I’m sure there’ll be some come through Kansas State.”

**Commissioner Peterjohn** said, “Is it possible that you just haven’t gotten it yet, or you know that the most recent round will not hit you?”

**Ms. Dunning** said, “I know that the most recent round has not hit us yet, through July 1, but they’re always telling us that they can change that, even before July 1, so to my knowledge, no. Now, in terms of any hiring, if we’ve had to hire, like recently we filled a position, we had to do that on an internal search of those people who are already employed in other counties and could not do an external search.”

**Commissioner Peterjohn** said, “Thank you, Mr. Chairman.”

**Chairman Parks** said, “Thank you. We have a motion to receive and file, and I’d like to thank you for coming in...”

**Ms. Dunning** said, “Sure.”

**Chairman Parks** said, “...and you always do a great job of informing us. Let’s call the vote.”

### VOTE

Commissioner Unruh  
Commissioner Norton

Aye  
Absent

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Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

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

**Ms. Dunning** said, "Thank you for the opportunity."

**H. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON DECEMBER 31, 2009.**

**Ms. Iris Baker**, Director, Purchasing, greeted the Commissioners and said, "The meeting of December 31 results in four items for consideration. First item;

- 1. ACCESS CONTROL and CAMERA SYSTEM UPGRADE for the FORENSIC SCIENCE CENTER – FACILITIES DEPARTMENT  
FUNDING – CONST R FORENSIC SCIENCE CTR ANNEX & CNTRL**

"That recommendation is to accept the low bid from SecureNet Alarm Systems, Inc. in the amount of \$38,556. Item 2;

- 2. WEAPON MOUNT SYSTEMS – FLEET MANAGEMENT  
FUNDING – FLEET MANAGEMENT**

"Recommendation is to accept the low bid meeting specifications from Ed Roehr Safety Products in the amount of \$7,949.70, and that's an initial purchase, and establish contract pricing for one year with two one-year options to renew. Item 3;

- 3. ANNUAL 911 MAINTENANCE – EMERGENCY COMMUNICATIONS  
FUNDING – EMERGENCY COMMUNICATIONS**

"The recommendation is to accept the quote from AT&T in the amount of \$136,682.97. And then Item 4;

- 4. AUTOMOTIVE PAINT PRODUCTS – FLEET MANAGEMENT  
FUNDING – FLEET MANAGEMENT**

"And that item was deferred from the Bid Board minutes. I'd be happy to answer any questions and

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recommend approval of these items.”

**Commissioner Norton returned to the Board of County Commissioners meeting at 1:09 p.m.**

**Chairman Parks** said, “What’s the will of the Board?”

**MOTION**

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

Chairman Parks seconded the motion.

**Chairman Parks** said, “And I just have one little bit of discussion. On number three, did CTA also put in a bid for that, or were they afforded the opportunity on that?”

**Ms. Baker** said, “On?”

**Chairman Parks** said, “Number three.”

**Ms. Baker** said, “Number three, CTA, you say? No, the contract is with AT&T, this is an annual maintenance and...”

**Chairman Parks** said, “Okay.”

**Ms. Baker** said, “...what this product is, this is maintenance on the hard line that goes from AT&T to the 911 facility. It handles all of the traffic for the telephones, so once that was put in place back during construction, annual maintenance agreement then in essence becomes a sole source, as long as that line’s in place.”

**Chairman Parks** said, “And that’s the backup line also?”

**Ms. Baker** said, “Correct.”

**Chairman Parks** said, “Okay. Thank you. That’s all I had. Seeing no further discussion, call the vote.”

**VOTE**

Commissioner Unruh

Aye

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

**Ms. Baker** said, "Thank you."

**CONSENT AGENDA**

**I. CONSENT AGENDA.**

- 1. Commercial Lease Agreement between Ken Shawver and Sedgwick County for space at 102 East Sixth Street, Augusta, KS for the Central Plains Area Agency on Aging.**
- 2. Address Change to the Housing Lease dated November 4, 2009.**
- 3. Five (5) Right of Way Easements and Three (3) Temporary Construction Easements for Sedgwick County Project 803-s ½ Q thru U: 135<sup>th</sup> Street West from US-54 to K-42. CIP# R-303. District 3.**
- 4. The following Section 8 contracts are up for annual recertification:**

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V09014	\$344	\$353
V09016	\$525	\$411
V07008	\$261	\$272
V020014	\$349	\$352
V09019	\$381	\$413
V09018	\$235	\$248
V09020	\$169	\$164
V09012	\$550	\$540
V02009	\$323	\$323
V07086	\$475	\$475
V100116	\$305	\$306
V08022	\$310	\$307
V05101	\$519	\$532
V08017	\$473	\$566

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V08062	\$109	\$160
V08062	\$160	\$298

5. **Order to correct tax roll for change of assessment on November 25, 2009.**
6. **Order to correct tax roll for change of assessment on December 9, 2009.**
7. **General Bill Check Register of December 9, 2009 – December 15, 2009.**
8. **General Bill Check Register of December 16, 2009 – December 22, 2009.**
9. **General Bill Check Register of December 23, 2009 – December 29, 2009.**
10. **Payroll Check Register for the week of December 5, 2009.**
11. **Payroll Check Register for the week of December 19, 2009.**

**Mr. Buchanan** said, “Commissioners, you have the Consent Agenda before you and I would recommend you approve it.”

**MOTION**

Commissioner Welshimer moved to approve the Consent Agenda.

Commissioner Peterjohn seconded the motion.

**Chairman Parks** said, “Have a motion and a second, any discussion on the Consent Agenda? Seeing none, call the vote.”

**VOTE**

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

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### J. OTHER

**Chairman Parks** said, “Any Commissioners have anything under ‘other?’”

**Commissioner Peterjohn** said, “Mr. Chairman?”

**Chairman Parks** said, “Go ahead.”

**Commissioner Peterjohn** said, “I’ve got a piece of good news and it’s sad that KPTS isn’t here to record us, streaming video and I think the last member of the news media is just departing, but good news still deserves the attention from everyone who’s here in the room at the moment. We had over 900 volunteers in this community participate in the effort to help provide inoculations for H1N1, and that was reported at our staff meeting yesterday and I think that that’s very much worthy of public attention and...”

**Chairman Parks** said, “You might want to just report, because the reporter just came back in the room, if you want to do that again.”

**Commissioner Peterjohn** said, “Well mention, I think it’s a wonderful point for our community that we had over 900 volunteers and I’d defer to our Health Department Director, or anyone else who was at the meeting, or remembers the exact number, volunteers in this community to help with the inoculation for the H1N1 virus. I think that this is an absolutely outstanding example of community participation and support, and I think it speaks very well for the residents of Sedgwick County and I am just delighted that it happened. And I think every one of those folks deserves our appreciation as a County Commission, and I hope our staff will come up with a way of recognizing these people. Because we truly, our community is really, really fortunate, if you think about it, to have over 900 people, that is significant. But having said that, Mr. Chairman, I’ve got another significant piece of good news that I’d like to share also. I don’t have the exact number, but for 2009 we set a record for attendance out at the Sedgwick County Zoo, and maybe Commissioner Unruh, who serves on that board, has that exact number and he can segway off my comment here on this, but I think that that’s a point of recognition, especially some good news.

“I have one other point that’s not quite as favorable, today’s paper had an error in it, and since it involved the county, I’ve called over there but I want to point out that the article in today’s local state section that said, ‘Last year Commissioners halted a plan for a \$54 million jail expansion so they could reduce property taxes.’ Well I’ve been on the Commission only since January 11 of 2009, and my recollection is that actually occurred in 2008, not in 2009. And while the rest of the

**Regular Meeting, January 6, 2010**

Commissioners were all here, I was not, so I point that out for the record, in terms of a correction. Also had another correction for the media, but I'm going to defer that because it didn't actually involve the county directly. But I do want to state for the record that the proposal for a \$54 million jail expansion at a cost of about \$128,000 a bed is not the way we need to address the detention problem here in Sedgwick County, and so while I wasn't on here for that, I do think it's important to clarify this for the public record and I wanted the minutes to reflect that, Mr. Chairman, and that's all I have."

**Chairman Parks** said, "Thank you. Talking about records, there's an event that's in my district, it's going down as the last time in the record book Britt Brown Arena will be hosting the Thunder. Whether you like the Thunder or not is not the point of a lot of people going to the game on Saturday night, they're just showing support for Britt Brown Arena. And just wanted to say that buy a cheap ticket if you don't like hockey and you can at least go see the last game of the hockey at the Britt Brown Arena. Seeing no further items under 'other,' we do have an Executive Session, if you would like to make a motion to such."

**MOTION**

Commissioner Welshimer moved that the Board of County Commissioners recess into Executive Session for 10 minutes to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending claims, and litigation and legal advice, and that the Board of County Commissioners return to this room from Executive Session no sooner than 1:25 p.m.

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

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**Chairman Parks** said, “We’re in Executive Session.”

**The Board of County Commissioners recessed into Executive Session at 1:15 p.m. and returned at 1:29 p.m.**

**Chairman Parks** said, “We’re back in session. The Executive Session, no definitive decisions were made in Executive Session and we are adjourned.”

**K. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 1:30 p.m.

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

\_\_\_\_\_  
**KARL PETERJOHN**, Chairman  
Third District

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

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

\_\_\_\_\_  
**KELLY PARKS**, Commissioner  
Fourth District

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

ATTEST:

\_\_\_\_\_  
**Kelly B. Arnold**, County Clerk

APPROVED:

February 3, 2010