

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

### **REGULAR MEETING**

**March 17, 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, March 17, 2010, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Karl Peterjohn, with the following present: Chair Pro Tem Gwen Welshimer; Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Kelly Parks; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Col. Richard Powell, Chief Deputy, Sheriff's Office; Mr. Kevin Myles, Director, Fleet Management; Ms. Annette Graham, Executive Director, Department on Aging; Mr. Chris Chronis, Chief Financial Officer; Ms. Iris Baker, Director, Purchasing; Ms. Kristi Zukovich, Director, Communications; and Ms. Katie Asbury, Deputy County Clerk.

### **GUESTS**

Mr. Kevin Fish, Executive Director, Arc of Sedgwick County  
Mr. Charles Peaster, 9453 N. 135th St. West, Wichita, Kansas  
Mr. Max Weddle, 862 S. Zelta Ct., Wichita, Kansas

### **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 February 24, 2010

All Commissioners were present

### **CONSIDERATION OF MINUTES**

Regular Meeting March 3, 2010

All Commissioners were present

**Chairman Peterjohn** said, "What is the will of the body?"

### **MOTION**

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Commissioner Welshimer moved to accept the Minutes as read for the regular meetings of February 24, 2010, and March 3, 2010.

Chairman Peterjohn seconded the motion.

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

**VOTE**

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

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

**PROCLAMATION**

**A. PROCLAMATION DECLARING MARCH 2010 INTELLECTUAL AND DEVELOPMENTAL DISABILITY AWARENESS MONTH.**

**Ms. Kristi Zukovich**, Director, Communications, greeted the Commissioners and said, "I'll read this for the record:

**PROCLAMATION**

**WHEREAS;** Advocates in Communities Team (ACT) of South Central Kansas, as well as numerous agencies serving individuals with developmental disabilities, is making a concerted effort in 2010 to bring awareness of the needs and abilities of individuals with intellectual and developmental disabilities to our community; and

**WHEREAS;** intellectual and developmental disabilities are conditions that affect more than 12,000 Sedgwick County children, adults and their families, many of whom wait on long lists for needed services and support; and

**WHEREAS;** public awareness and education enhance a community's understanding of issues affecting people with intellectual and developmental disabilities; and

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**WHEREAS;** in an effort to reduce the stigma associated with the label ‘mental retardation,’ individuals with intellectual disabilities will be described as such; and

**WHEREAS;** the month of March has been designated National Intellectual and Developmental Disability Awareness Month and thousands of social service agencies serving millions across our nation will be undertaking public awareness initiatives.

**NOW, THEREFORE, BE IT RESOLVED,** that Karl Peterjohn, Chairman of the Board of Sedgwick County Commissioners, does hereby proclaim March 2010 as

**‘Intellectual and Developmental Disability Awareness Month’**

in Sedgwick County and calls upon all Sedgwick County citizens, government agencies, public and private institutions, businesses and schools to recommit our community to increasing awareness and understanding of intellectual and developmental disabilities and the need for appropriate and accessible services so anyone with intellectual and developmental disabilities may live full, productive lives within our community.

**Ms. Zukovich** said, “And it’s dated March 17, and signed by our Chairman, Karl Peterjohn.”

**MOTION**

Commissioner Norton moved to adopt the Proclamation.

Commissioner Parks seconded the motion.

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

**VOTE**

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

**Ms. Zukovich** said, “Commissioners, we have Kevin Fish here this morning from the Arc to accept the proclamation.”

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**Mr. Kevin Fish**, Executive Director, Arc of Sedgwick County, greeted the Commissioners and said, “Thank you very much. We greatly appreciate you guys providing, not only this proclamation, but your continued support. Sedgwick County is very blessed among the counties here in the state of having such a wonderful support network. Our leadership from our county and the CDDO (Community Developmental Disability Organization) has allowed the support system here in Wichita to be one that has drawn so many of these families here to this network, and we appreciate your support. We’ve got a lot of people who are coworkers, classmates, volunteers in our community who have intellectual disabilities and they just want to be a part of our community and we appreciate your continued support. Thank you.”

**Chairman Peterjohn** said, “Thank you very much. And Commissioner Unruh.”

**Commissioner Unruh** said, “Thank you, Mr. Chair. Well, Kevin, I just want to say, first of all, we’re very pleased to make this proclamation, but also express gratitude to you for your efforts in this area. I know that you really provide a lot of services to those folks who have these particular challenges and to their caregivers. And I know it’s a lot of work, it’s a challenging exercise, and now you’re under extra pressure in this whole area with budget cuts and so forth. So just wanted to tell you that we appreciate your good work in this area, and that’s about all we can give you right now is our best wishes, but we hope that you can carry on.”

**Mr. Fish** said, “Thank you very much.”

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

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

**Commissioner Welshimer** said, “Well thank you very much. I’m just curious to know from our representative here from the Sheriff’s Office, if how we address this over at the jail, if we have people trained to recognize intellectual and developmental disability?”

**Chairman Peterjohn** said, “Please come to the podium, Colonel Powell.”

**Col. Richard Powell**, Chief Deputy, Sheriff’s Office, greeted the Commissioners and said, “I can say that on the intake process of when the inmates are received within the facility, we do a review of all those people coming into the facility. At that point, we do evaluate the status of that individual, where the appropriate classification measures will be taken and the needs assessment of

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those individuals while they're in custody. I don't know if that exactly answers your question, but if not, I can certainly try and do a better job if there's something else."

**Commissioner Welshimer** said, "So you do have people trained to identify this sort of thing?"

**Col. Powell** said, "Well, we have our standard evaluation process. It would be a needs assessment as far as their medical needs, or mental needs, to address any emotional issues they may have, mental issues, or medical issues that we need to attend to statutorily while they're in custody. "

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

**Col. Powell** said, "Alright. Thank you."

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

**Commissioner Parks** said, "While Colonel Powell is still up there, something you said prompted my question from me."

**Col. Powell** said, "Yes, sir."

**Commissioner Parks** said, "The CIT, or the Crisis Intervention Teams..."

**Col. Powell** said, "Yes, sir."

**Commissioner Parks** said, "...are they now taking a lot of those prisoners that might have been coming to your facility before over to SCOAP (Sedgwick County Offender Assessment Program)?"

**Col. Powell** said, "I know that there's quite a large contingent now of CIT certified people between multiple law enforcement agencies, and other public safety groups and also civic organizations. And, obviously, if we don't see them, we don't know how many we're not receiving, but at the same time, we would have expectations that, yes, some of those potential people that would end up at our custody are being redirected to other social agencies that can assist them with their needs."

**Commissioner Parks** said, "That might be a question better suited for SCOAP..."

**Col. Powell** said, "Yes, sir."

**Commissioner Parks** said, "...and get that in the future. Thank you."

**Col. Powell** said, "Yes, sir."

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**Chairman Peterjohn** said, "Thank you, Colonel Powell."

**Col. Powell** said, "Yes, sir."

**Chairman Peterjohn** said, "Seeing no further comments, thank you very much. Next item, please."

**APPOINTMENTS**

**B. WICHITA AIRPORT ADVISORY BOARD.**

**1. RESIGNATION OF HENRY HELGERSON FROM THE WICHITA AIRPORT ADVISORY BOARD.**

**Mr. Rich Euson**, County Counselor, greeted the Commissioners and said, "You have received a resignation letter from Henry Helgerson, and the appropriate action, since this is a City of Wichita appointment, would be to acknowledge the resignation."

**Chairman Peterjohn** said, "I think we can acknowledge that. I'm going to turn this over to Commissioner Welshimer."

**Commissioner Welshimer** said, "Well, Mr. Chairman, Mr. Helgerson had business conflicts, and it was difficult for him to make it to the meetings and so he is sending us his resignation."

**MOTION**

Commissioner Welshimer moved to approve the resignation.

Commissioner Unruh seconded the motion.

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

**VOTE**

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



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**Mr. Kevin Myles**, Director, Fleet Management, greeted the Commissioners and said, “I have an item that I’m bringing before you today, because as we began our Fleet buy in 2009, in accordance with county Fleet policy, we noted that there were several pieces of equipment, particularly those in Public Works, that seemed to be in various states of disrepair, particularly on the dump truck fleet. There were some that seemed to have exceeded their useful life, although we were replacing them in accordance with county policy. Moreover, we noted that the guidelines for replacement often led to the retention of certain types of equipment seemingly beyond that useful life. So in August of 2009, we began working with the user departments to draft a new policy with new guidelines for replacement that would be more consistent with our actual usage and wear. We began by meeting with our three largest user departments, which are Public Works, the Sheriff’s Department and EMS (Emergency Medical Services), who together they account for 78.7 percent of the entire fleet. And we met with them to determine what the optimum service lives should be for our equipment based on our actual usage patterns.

“Using that information, we created a draft policy, and then we invited representatives from each of the 22 county user departments to meet and review those proposed revisions to the policy and the new replacement guidelines. That was followed by individual meetings with Public Works and the Budget Office, and a meeting of the Fleet Utilization Management Committee. And the final read-through was with the Fleet Utilization Management Committee and representatives from several of those department users. Now this policy is intended to make our replacement policy more consistent with the needs of the user departments, and the table for vehicle replacements that was written into the county policy under this plan would be completely rewritten and would include age as well as usage cutoffs. Now, I actually have a brief PowerPoint that I want to show you guys, just to kind of walk you through the policy revision and what we’ve done.”

**Mr. Myles** continued, “The original policy, 137-1997, was adopted in June of 1997. It provides usage-based guidelines for vehicle replacements. It detailed the process for adding and deleting vehicles from the fleet, detailed the process for changing a vehicle’s type or class and it also provided for the collection and usage of set-aside funds. The current policy guidelines call for vehicle replacements on the following usage-based schedule: 60,000 to 70,000 miles for gasoline engine vehicles such as cars, vans and pickups; 90,000 to 100,000 miles for diesel powered ambulances; 50,000 to 160,000 miles for heavy trucks; 7,000 hours for tractors and mowers; and 10,000 hours for diesel powered off-road equipment.

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“Now in the current policy guidelines, I would call your attention to a couple things, particularly when you look at the heavy equipment fleet. The 150,000 to 160,000 mile guideline for heavy trucks was certainly beyond the serviceable life in the opinion of Public Works, because we would see a lot of those heavy trucks really start to show serious signs of wear and start moving from preventive maintenance into more serious maintenance issues when they would start to approach 120,000 miles. However, at 120,000 miles, they were still a couple years away from replacement under the current schedule; 7,000 hours for tractors and mowers was the same issue. We would see major maintenance problems arriving on those tractors and mowers at about 5,000 hours of usage, but they would still be a couple years away from replacement.

“Now some of the major issues and concerns that we had was that the usage-based guidelines did not meet the needs of the user departments. The policy did not speak to the funding of vehicles that would be purchased outside of the normal budget cycle. The policy did not speak to excesses in set-aside that was derived from restricted funds and it did not speak to the process of reassigning vehicles to different cost centers, because there are occasions when one department may no longer need, or may no longer be able to afford, a vehicle and we reassign that vehicle to a different cost center. So there were common practices that we use that weren’t spelled out in policy. So this would attempt to put all of these issues into policy as well. Again, the review process, we had the individual meetings with our largest user departments. We had car czar meetings with the representatives from the various other departments, meetings with the Budget Department, follow-up meetings with Public Works, meeting of the Fleet Utilization Management Committee and then a combined meet of the Fleet Utilization Management Committee and the car czars.”

“Now, to each one of the issues that we had identified, and I believe I dropped off a copy of the policy so you guys would have one there, and I can go into this in more depth and detail if you would like, but for each of the issues that we had identified that we wanted to fix with the current policy, the first one was that the usage-based guidelines did not meet the needs of the user departments. The proposed policy would replace the usage-based guidelines with a new table that includes both an age and a revised usage guideline, and vehicles would be replaced when either of those thresholds are reached. Because, you know, we had a lot of vehicles and pieces of equipment in Public Works that may be a number of years old, they may be 12 or 13 years old, however, they never reach the usage guidelines. So this would set two cutoffs. One would be a cutoff where we think the breaking point is before we go from preventive maintenance into major maintenance, and then we also had an age cutoff. So that we would say that, you know, 10 years, if the vehicle

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reaches 10 years, then that's time to trade it, or if it reaches 120,000 to 130,000 miles, then it's time to trade it as well.

“Okay. The policy did not speak to the funding of vehicles purchased outside of the normal budget cycle. Currently, funding for additional vehicles requested outside of the scheduled vehicle buy is provided by Fleet Management and the requesting departments then reimburse Fleet for the cost of the vehicle. The problem with that is Fleet is a certified budget, meaning that, you know, we take in funds from other departments, so we certify our budget and we cannot exceed that. So if a department were to receive a grant to purchase a number of vehicles, Fleet would go out and purchase those vehicles, although we had not been budgeted for that money, and though we would be reimbursed for it, we would not be able to spend the money that we had been reimbursed for. So it created a problem where when departments would go out and solicit grants, or find other funding to purchase vehicles, there was no clear guidance as to how that was supposed to be done. So what we have proposed under this policy in Section III B2a, it details a formal process for requesting an additional vehicle and states that a vehicle purchased outside of the normal budget cycle would be released directly from the user department's cost center, meaning if they were to receive that grant, they could use that grant directly for the purchase of the vehicle without it going through our cost center and then being reimbursed.

“The policy did not speak to excesses in set-aside funds derived from restricted funds. The policy in Section IV D is revised to read, ‘Excesses in set-aside funds after the vehicle/equipment purchase or deletion will be reallocated to reduce supplemental funding on the approved buy list for that year, or reallocated to cover unforeseen repairs and/or deficits for other vehicle replacements, or,’ and this is the part that speaks specifically to restricted funds, ‘returned to the fund in which the set-aside funds were originally derived.’ We didn't have any language in the policy that actually spoke to that.”

**Mr. Myles** continued, “So if you were to receive a grant specifically for the purchase of a vehicle, and you were paying that set-aside towards the purchase of that vehicle, once that vehicle was retired for service, if there was an excess in the set-aside funds, we had a practice to try to return those funds, but it was never spelled out in policy. So this actually spells that out in policy, what we are to do with those funds. The policy did not speak to the process of reassigning vehicles to different cost centers. The proposed policy in Section V A now describes the process to reassign vehicles between cost centers in cases where a vehicle is assigned to a different department, to a different program within a department, or if the allocated resources expire that previously funded the vehicle. And that is, in a nutshell, that is our proposed Fleet policy. I would recommend approval and I'll stand for any questions.”

**Chairman Peterjohn** said, “Commissioner Norton.”

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**Commissioner Norton** said, “Kevin, one of the problems we had for a while was that we had bought large groups of trucks all at one time when some money was available at several years, and they all aged out about the same time, not particularly because of usage, in some cases it was, but a lot of times just because they were around for six or seven years. Does this policy build in some staggering so that we’re not doing the same thing to ourselves again? I know we had that conversation last summer, does this policy deal with that, too?”

**Mr. Myles** said, “Actually, what the policy would do is it would, we are in the process of doing some staggering, and I’m glad that you brought that up, because it was around the time that this policy was created, around 1997, 1998, a number of pieces of Public Works equipment had been allowed to age. The Commission at that time allocated a large sum of money to go out and purchase a number of pieces of equipment all at the same time. It was in 2007 that I did a projected buy list that went out for about 13 or 14 years, and that was when we noticed the heavy equipment bubble, is how we refer to it, is that there would be a large number of Public Works pieces of equipment that would all start to time out at around the same time. So what we did is we tried to mitigate that by spreading out the buy. We started with a larger buy than normal in 2008, one in 2009 and in 2010, and these three years, 2008, 2009 and 2010 will start to spread out that buy. Now what the new policy would do, by putting a hard age guideline in there, is as we start to move and spread those out, then we wouldn’t have to worry about the vehicles reclumping as a result of usage. We would have another meter to make sure we were always able to keep them on that staggered cycle.”

**Commissioner Norton** said, “Okay. Good. And before we go on, I would like to address Dave Spears. Dave, does that really mitigate the problem we had in your mind? I know you’ve worked hard on this, does this take us in the future with Fleet Management where Public Works needs to go?”

**Mr. David Spears**, Director, Public Works, greeted the Commissioners and said, “We’ve had several meetings with Mr. Myles, and we do appreciate the meetings we’ve had. With this policy, we do like the table. If the table is followed, it will be a big improvement over what we’ve had in the past. I just want to say also for the record, we have 13 major pieces of equipment right now that need to be replaced. We have four high loaders, seven motor graders, one excavator and one bulldozer, that all, if you look at this new table, all need to be replaced today. And Mr. Myles is aware of this; we’ve talked about it at length. The thing we thought should be added possibly to this whole thing, and I guess you wouldn’t necessarily have to do it in a policy, but something to think about, and here again, nothing is perfect. In life compromises are part of every day life, but we felt like when the budget comes around in August that every department should know the following year, in the budget, what pieces of equipment are going to be replaced. And then, if something changes and those pieces of equipment are not going to replace, the Fleet Director, whoever it may be, should come before the Commission and get an amendment and say, okay, we’re not going to

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replace this like we said we were in August, and this is why. Now this is the same thing we do in the CIP (Capital Improvement Program) with roads and bridges, we do it with roofs in the county, we do it with parking lots. We have a CIP, and we just thought that it would be good to have all the equipment somewhat in a CIP, so that everybody would know what was going to be replaced. And if there was a change, it would have to come here and be approved. But here again, that wasn't put in the policy, but I'd just, it's something to think about. Here again, we do like the table, and if the table is followed, I think there will be some major improvements for Public Works, and I think other departments also. So thank you."

**Mr. Myles** said, "And I did just want to speak to one thing. Because we have had several conversations about CIP, the possibility of Fleet becoming a CIP fund, and it is our understanding after the many meetings that we've had with the Budget Department, because we are a certified budget, we could not be a CIP fund unless we actually went through a long process with the legislature. However, to David's request, I don't know that he realized that actually in Section III A1 we wrote in that the buy list shall be distributed to the Budget Department and all user departments for coordination, review and comment six weeks prior to the budget submittal date. So we were sensitive to his concerns there. All user departments, along with the Budget Department, will receive copies of the buy list annually, six weeks prior to the budget submittal date, but to become a CIP fund is something that is a very long and complicated process. I can understand what his concerns are, but I don't know, there are some other mitigating factors that I don't know that that would serve as well."

**Commissioner Norton** said, "Okay. Well I think the key is that there's been good conversation about this. I'm going to be supportive today. We'll let it roll out for a year, and, you know, relook at it, open it back up and be sure that it's serving all the users around the county, because we do have a lot of vehicles. I like the way we maintenance and control vehicles, but we need to make sure the system works for the users, too."

**Mr. Myles** said, "Absolutely."

**Commissioner Norton** said, "Thank you, Kevin. That's all I have."

### **MOTION**

Commissioner Norton moved to adopt the revised policy.

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Commissioner Unruh seconded the motion.

**Chairman Peterjohn** said, "Okay. We have a motion and a second. I think we've got some more discussion. I have some questions. I'm not sure, I'm going to direct them initially to Mr. Myles. In your presentation, you had the current policy guidelines indicating that we were at, well, before I get into that, let me ask the bigger question. My recollection is we spent about \$4.6 million last year for equipment, is that a pretty close number?"

**Mr. Myles** said, "I would say that's pretty close. I don't have the actual figure here, but that sounds about right."

**Chairman Peterjohn** said, "If we adopt this policy today, do you have any idea what type of figure this would commit us to for, let's say, the 2011 budget?"

**Mr. Myles** said, "Actually, what we are in the process of doing right now, we are finalizing the buy list for 2011, and we're going to actually present a couple of options on how we could do that. If we were to do it in a single year and try to, you know, move everything into compliance with this new policy in a single year, the buy would be approximately \$6.3 million. We do believe that there are some other options, there are some other ways that we could do this, in terms of rolling it out in stages over maybe a couple years, or two or three years, and we're going to present all of those options."

**Chairman Peterjohn** said, "Okay. Because 4.6 [million] was an increase over the preceding year, according to the figures I've seen. Let me ask you, in terms of between current policy and the revised policy, I was interested, in terms of it says 10,000 hours, the current policy is 10,000 hours for diesel powered off-road equipment, and looking at the new recommended policy, it doesn't look like we've got a specific category that's the same way, but it looks like that we've dropped that, I guess most of that equipment would probably go down to 7,500 hours in the last two categories in our backup material under the rubber tired heavy equipment (graders, loaders, excavators), compaction equipment, asphalt recyclers, et cetera, as well as the tracked excavators, tracked loaders and bulldozers, would that be a fair assessment?"

**Mr. Myles** said, "Yes, it would. Yes, it would."

**Chairman Peterjohn** said, "Could you talk a little about that, because we'd basically be reducing this, in terms of the number of hours of use, by 25 percent."

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**Mr. Myles** said, “Yes. One of the things that happened when the large buy was authorized in around 1997, 1998, because those pieces had been allowed to age beyond their useful service lives, they put a number of usage guidelines in place that seemed reasonable, however, it’s just one of those things that we found out over time, that by the time these pieces of equipment would reach 10,000 hours, and certainly Mr. Spears could speak more to this, by the time that the graders and the loaders would reach 10,000 hours, they would be 12 or 13 years old, and that’s something that was not acceptable to Public Works. By that point, they would be into major maintenance instead of routine maintenance, instead of preventive maintenance, so cutting it down to 75,000 hours, we believe, takes it to that breaking point...”

**Chairman Peterjohn** said, “7,500 hours?”

**Mr. Myles** said, “...7,500 hours takes it down to that breaking point between preventive maintenance and major maintenance.”

**Chairman Peterjohn** said, “Okay. Because I had a similar question, in terms of tractors, mower decks, boom mowers, because we’re looking at reduction from 7,000 hours under current policy down to 5,000 hours, which is about almost a 30 percent reduction.”

**Mr. Myles** said, “And actually, an interesting thing to note is, some time ago, we had a badger, it was a large piece of equipment that was broken, that we needed to replace in an emergency situation, however, the badger was not eligible for replacement under the current policy, although it would have been eligible for replacement under this policy. So I think that this is much more aligned with the actual usage and the actual needs of the county.”

**Chairman Peterjohn** said, “Okay. And I have a question because the current policy talks about 90,000 to 100,000 miles for diesel powered ambulances, but since we’ve been kind of in the, I don’t know what sort of a split we have between, say, diesel and non diesel powered ambulances, and also in addition we’ve got ambulances measured by chassis as opposed to by engine type, I would appreciate some discussion and a better understanding, because instead of focusing on the engine type, we’ve kind of created a chassis type for that one category of specialty vehicles.”

**Mr. Myles** said, “And the ambulances are a unique vehicle among the fleet; that’s why it’s in a section all by itself. We did have 90,000 to 100,000 miles in there. Now, we are currently wrapping up the first round of our remount project with the ambulances. During the remount project, what we found is that we could safely extend the life of those vehicles out to 125,000 miles and still not

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move into any issues with major maintenance. Now we did strike the diesel requirement from the ambulances because prior to this coming year, the ambulances that we used, we relied very heavily on the Ford diesel fleet. However, there are a number of changes that are going on in the industry, in terms of ambulances. Right now, currently, in our fleet we have some Chevys, because there was a period of time when Ford was not producing the engines anymore for their Ford E-450, so we bought a few Chevys that we integrated into the fleet, and they work very well. And I know that in the coming year, we're looking at now moving to a Ford gasoline powered engine, because they're actually going to retire that diesel engine. So what we tried to do with this policy was make it flexible enough that we didn't lock ourselves into saying that we had to have a diesel chassised ambulance because that may not be the direction that we go in. However, with the Ford diesel and with the Chevy gasoline powered, we have seen in both of them that we could safely make it out to 125,000 without any issues."

**Chairman Peterjohn** said, "Okay. So basically we've got a hybrid, one says ambulance chassis, that's both diesel and gasoline..."

**Mr. Myles** said, "That's both diesel and gasoline engine."

**Chairman Peterjohn** said, "Okay. I very much appreciate that classification. Commissioner Parks."

**Commissioner Parks** said, "Well, some of the things have been touched upon here, but I think it's important that we keep up the badger, and the sweepers and other things that have been discussed in staff meetings, and we certainly have discussed that for some time, and I'm going to be supportive of this change. I did have a couple of things, on the stagger, when you're talking about staggering the vehicles, there is an equation that comes in there, if we have a lot of motor vehicle crashes within the fleet, or we have softball sized hail come through on South Seneca or some other concentrated areas of vehicles, kind of touch on how that works also."

**Mr. Myles** said, "You know, if we have a large number of vehicle crashes, certainly that could create its own bubble, and that's one of the things that we've seen from time to time. If we have a year where we have a particularly bad winter and we pick up a large number of vehicle crashes, you see small bubbles in each one of the fleets. There are small bubbles that take place within the Sheriff's Department fleet and various other user departments for those very reasons. And what we try to do in Fleet is we have to initially deal with those replacements as needed, but when it comes time for the next round of replacements, we try to stagger them, and maybe purchase a couple of them a year early, maybe purchase a couple of them a year late, just so that we can try to mitigate those bubbles and flatten out, make the buy a little bit more predictable."

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**Commissioner Parks** said, "Okay. I do know the badger to clean out around the creeks was real important, and that's what we started, I think, what started some of this discussion, and I see a specialty use vehicle evaluated individually. Now, that doesn't come out of any kind of CIP program then?"

**Mr. Myles** said, "No. Those are just, we have some vehicles in the fleet, the old vector trucks, that, you know, because of their usage, maybe they don't accrue mileage as often as necessary, but once they would get to the age cutoff, they might still really be in good shape, because they are not used every day like a patrol car or an ambulance. So we wanted to have some category in there where we could say, you know what, for this vehicle, because it has a very special use, and it has a very unique usage pattern, maybe we could keep this one in the fleet a little longer."

**Commissioner Parks** said, "Just want to let the people out there watching know that we have studied this for hours on end, so this is not something that has been a quick fix."

**Mr. Myles** said, "Oh absolutely. We've been working on this policy since August of 2009."

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

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

**Commissioner Unruh** said, "Thank you, Mr. Chairman. Well, Kevin, I appreciate the work that you've done on this and all the stakeholders that you've pulled together to try to come up with a schedule that's reasonable. I'm going to be supportive. First of all, the accounting processes you described, that's kind of an internal issue and needs to be done appropriately, and it looks like you've addressed that issue. The replacement schedule obviously has to correspond to reality in some respect, and your testimony here today indicates that our old schedule just simply didn't match what this equipment was performing to. We can't operate our fleet services, or our emergency services, with equipment that doesn't work."

**Mr. Myles** said, "Right."

**Commissioner Unruh** said, "I appreciate the work on this new replacement schedule, and I do know that in Public Works we have several vehicles that are well beyond their useful life, so we need to work on bringing that up to date also. But it looks like this is a good attempt at getting us on the right track, and it doesn't mean we can't modify it later if we find a flaw in it, but I'll be supportive and think this is a step in the right direction."

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

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**Chairman Peterjohn** said, "I'm going to throw out a couple of comments in general, as opposed to a question. I don't know if that will elicit any more comments from the bench, but I'm glad to see that the departments have worked together and with Fleet Management, and I know that a major amount of effort went into this activity. And I do appreciate getting the information, in terms of how much we're spending and trying to avoid bubbles, in terms of reuse and so on. We face very challenging budgetary times, so when I asked the question, in terms of what sort of budget exposure we're looking at, I was very appreciative last year when the Sheriff's Office went ahead and changed their designs on their cars so that would be less costly, in terms of for their operation. I wish that we were able to come up with savings across the board county wise. There was equally expeditious to find, but having said that, you know, \$4.6 million is an awful lot of money, it buys an awful lot of vehicles. We've got a lot of usage that does occur here in Sedgwick County, but this is an area I know when we get into the budget area that it's going to continue to get close attention. I hope we can get through any of the bubble scheduling problems, but I am very much concerned with where we are fiscally, in terms of being in a position to significantly increase the amount of spending that we're going to be able to do looking into the future, unless there is an unprecedented improvement in the economy that isn't on my horizon at this point in time. Seeing no further lights up here at the bench, I'm going to call the vote."

### VOTE

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

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

### **D. 2010 SENIOR IN HOME PROGRAM (SCIP) FUNDING.**

**Ms. Annette Graham**, Executive Director, Department on Aging, greeted the Commissioners and said, "Today I bring before you the contract for the Senior In-Home program which we're calling the Sedgwick County In-Home Program, SCIP will be what it's called by, as an acronym, because we always need more of those. This is for the Sedgwick County In-Home Program, which was established by the county to assist older Sedgwick County Kansans who have functional limitations in self care and require assistance to continue to reside in the community. So this is funding that was authorized by the Board of County Commissioners in the last budget session for 2010, and this is the program and this is the contract with the provider. This will provide in-home services to

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individuals, who like our other programs, have to be eligible for nursing home level of care. They have to have a certain level of care score, which in Kansas and all our other programs are a 26, so we're carrying through with that same kind of process for this new program.

“And this is the contract with the agency that we're going to be working with, Saint Raphael Home [Care] health agency, and the services that will be covered under this program, similar to state and federal funded programs, are: attendant care, which is supervision or assistance with bathing, medication, dressing, personal appearance, feeding, transferring and toileting under the direction of a licensed health professional; homemaker services, which are assistance with meals, shopping, managing money, light housework and laundry; respite care, temporary relief for the primary caregiver of consumers; custom care items, items that can help them remain in the home to modify the home, such as bath benches, bars in the bathroom, things like that; and the TeleHealth programs, medical systems to help them, like if they are home alone, to help monitor that, also some things for monitoring their health status.”

**Ms. Graham** said, “The total budget for the SCIP program is \$150,000. It is funded solely through the Sedgwick County mill levy, and as I said before, this is the provider we will have. This program will also include a sliding fee scale, much like the other programs, we'll look at both their income and their liquid assets, and then based on that, they will be assigned a sliding fee payment amount that will be anywhere from 0 to 100 percent based on those income. And I would be happy to answer any questions.”

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

### **MOTION**

Commissioner Parks moved to approve the FY2010 Mill Levy Senior In Home Program (SCIP) and authorize the Chair to sign.

Commissioner Welshimer seconded the motion.

**Chairman Peterjohn** said, “We have a motion and a second. Commissioner Unruh.”

**Commissioner Unruh** said, “Thank you, Mr. Chairman. Annette, how many homes or individuals do you service in this, did you say that and I missed it?”

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**Ms. Graham** said, "It depends on the level of care of need, and when they come into the program, but we're looking at probably anywhere between 30 to 50. Now, it could be more, based on their average level of care need, so we're kind of estimating, probably 30 to 50. It could be a little more, just depends on the level of care and the amount of the in-home services each individual needs."

**Commissioner Unruh** said, "Well I realize that would just be kind of a best guess because there's too many variables in the formula, but it services both individuals and couples, is that..."

**Commissioner Unruh** said, "Yes."

**Commissioner Unruh** said, "Okay. Well, I have parents who are in need of this type of service, they are in a little different situation, so I know how important it is. And if we can use this funding to help folks stay independent, I think it's very beneficial, not only to them, but to the community in general, and I'm going to be supportive of it. Thank you for your answer."

**Chairman Peterjohn** said, "I'm going to throw out a question. Can you tell me if this is a new or renewal, would this expenditure be new or would this be a continuation of what we've done in the past?"

**Ms. Graham** said, "This is a new program that was just authorized last year. And this is new funding that the Board of County Commissioners did approve last year, so this will be a brand new start for this program that is similar in nature to some other programs that are out there now. But as you know, that the population continues to grow and the need certainly grows to help individuals be able to remain in their homes in the community."

**Chairman Peterjohn** said, "Commissioner Parks asked about the number of recipients. Can you tell me, in terms of for the recipients, how often they get visited in the course of a year?"

**Ms. Graham** said, "Most clients receive services at least weekly, and some, depending on their need, could receive two times a week. There are some that would receive fewer, but again, anybody who is eligible for this service has to be at that level of care that would be nursing home level appropriate. So usually they are going to receive at least weekly care, weekly services."

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

**Commissioner Parks** said, "And I usually do ask a number, however, that was asked by Commissioner Unruh and I appreciate that, but because it does get that out there. But I knew about how many we were serving from talking with Annette and some backup information that we had. However, I see in this backup information, also, items that are in there that the state is cutting and if

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something's not done with the tax structure or the state, some of these programs that are supplemented by the state are really going to take a hit, especially the respite programs. I really think that those are important to get the caretakers out and away for a little bit, and I've certainly personally donated to that organization and I know TSO a couple years, Trans-Siberian Orchestra, gave quite a large sum to them also. And I just would, they're always taking donations, so if you're a philanthropist, I mean, that's a good organization to give to, but this is a \$150,000 that is well spent. It provides a catalyst, a clearinghouse, and I'm certainly going to support it. Thank you."

**Chairman Peterjohn** said, "Seeing no further questions, please call the vote."

### VOTE

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

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

**Chairman Peterjohn** said, "Next item, please."

### **E. SHERIFF'S DEPARTMENT**

- 1. APPROVAL OF AN OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP) GRANT APPLICATION TITLED "OJJDP FY 2010 INTERNET CRIMES AGAINST CHILDREN TASK FORCE PROGRAM CONTINUATION". FUNDING IN THE AMOUNT OF \$255,481 HAS BEEN ALLOCATED FOR SEDGWICK COUNTY'S APPLICATION WHICH CONTINUES THE EXISTING STATEWIDE TASKFORCE.**

**Col. Powell** said, "The Sheriff's Office brings before you this morning two different items for your consideration. The first one is a grant application award we request your approval on. This is a grant application award through the Office of Juvenile Justice and Delinquency Prevention program, and

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this is a funding grant for \$255,481 that allows us to continue funding positions, equipment and upkeep of said equipment within our ICAC (Internet Crimes Against Children) taskforce that operates out of the EMCU (Exploited and Missing Children's Unit) unit here in Sedgwick County. A little bit of background, the Sheriff's Office earlier this year in January received notification from the Department of Justice inviting us to apply for some funding under the Fiscal Year 2010 ICAC Taskforce Program Continuation grant program. Money was set aside for the Sheriff's Office in the amount of \$255,481. This funding will cover the continuation of the ICAC taskforce positions we have currently in place for an additional 12 months, starting April of this year and continuing through March of next year, 2011. Again, it covers the cost, salaries and benefits of the two assigned detectives that are funded by this existing program and also any ancillary equipment, which would include vehicles, computers, support of such equipment, et cetera."

"A portion of this continuation grant will be channelled back to the City of Wichita to pay for one of the positions which they have a detective involved in. This particular funding program supports two detectives, one of which is provided by the Sheriff's Office, one provided by the Wichita Police Department. If this is approved, an interlocal agreement with the city will be developed to handle the pass through funds to cover their expenses. Some real quick history on ICAC. Our ICAC center here in Sedgwick County is one of 61 regional ICACs throughout the United States. Again, we have two positions funded through this continuation program that we've successfully had several years now back to back. We also have one detective position under the Recovery Act grant from last year. Within the State of Kansas, there are 24 affiliate organizations that both have working relationships with the local ICAC office, and of course, our ICAC people also provide ancillary support to those. Our local ICAC facility, we have also provided eight sub-grants to eight of the affiliates throughout the state for allowing them to purchase ancillary equipment to assist in investigations throughout the state with needed equipment.

"Our investigations operate statewide. We have quite an impressive record that I've received a report from our ICAC people just for some stats [statistics]. One that was most impressive, they had a real large investigation they just completed in the recent past, where they had a case that involved over one million files of child pornography that were identified as part of an ongoing investigation; enough child porn to fill up 2,300 CDs and DVDs. Stat wise, they have investigated in the calendar year 2009 about 240 cases. They've made 37 arrests. They referred 52 other cases to outside agencies for further follow-up. The ICAC people assisted in approximately 300 forensic examinations of pieces of equipment, and then on the training side, offered 15 different training opportunities throughout the state for local law enforcement, city, county and state officers, which that was about 300 plus officers that received advanced training from the ICAC people. And then, of course, they do a lot of community outreach services, also, in educating the public in their mission, and what to watch out for and how to better assist law enforcement. They presented 48 different classes throughout the State of Kansas this last year, which was attended by some 3,300

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people, private citizens, again, showing their cause, and how can they better assist law enforcement and what to look out for. Again, I would present this for your consideration and stand for any questions that you may have.”

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

**Commissioner Parks** said, “Thank you for getting those figures for me...”

**Col. Powell** said, “Yes, sir.”

**Commissioner Parks** said, “...and talking with your department earlier, I did ask for the number of arrests and you got that for me, and that’s great...”

**Col. Powell** said, “Yes, sir.”

**Commissioner Parks** said, “...37 arrests. Although approximately 80 percent of the crime is in Wichita, the Sheriff’s Department’s continuing to work with the other 19 cities, is that correct?”

**Col. Powell** said, “Absolutely. Not only within the cities within Sedgwick County, but we provide regional support throughout the state, again, for a lot of other smaller agencies that simply don’t have the resources. That’s part of the charter of the ICAC taskforce is to assist those local agencies.”

### **MOTION**

Commissioner Parks moved to approve the grant application and authorize the Chairman or his designee to submit the application through the Justice Depts. Grants Management System (GMS) and accept a grant award agreement containing substantially the same terms and conditions as the application; and approve establishment of budget authority at the time the grant award documents are executed.

Chairman Peterjohn 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 Parks	Aye
Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

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

**2. CONSIDERATION OF A NEW DETENTION SERVICES INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES MARSHALS SERVICE (USMS) REVISING OUR PER DIEM RATE FOR THE SEDGWICK COUNTY ADULT DETENTION FACILITY TO \$65.52 FOR HOUSING FEDERAL PRISONERS.**

**Col. Powell** said, "Commissioners, item number two for your consideration is a revision of the existing agreement that the Sedgwick County Sheriff's Office has with the United States Marshals Service pertaining to the housing of federal prisoners within our local Adult Detention Facility. Every year Sedgwick County submits a financial and operations data plan to an outside concern that the county contracts with called Maximus, Inc. They are an industry recognized company that provides services that can be utilized in determining what cost factors are involved in determining per diem rates that the federal government will accept as reasonable and acceptable charges for housing inmates throughout the country in different detention facilities. Based on the information that was provided to them, they did a cost allocation study. And in the process of doing their study, they came up with a figure that the United States Marshals Service needed to adjust their per diem rate they were paying Sedgwick County from an existing rate of \$63.95 per day, increasing it to \$65.52 per day. These costs, again, were related to information provided by Maximus and the studies that they performed based on local conditions. After some negotiations between the Sheriff's Office and the United States Marshals Service, and also with the review by the County Counselor's Office, terms were finally arrived at that all parties could agree to, and these are the terms that have been presented for your consideration. These new per diem rates will allow for an increase of incoming revenue to the county for approximately \$14,000 on an annual basis."

**Chairman Peterjohn** said, "Seeing Commissioner Welshimer."

**Commissioner Welshimer** said, "This is a charge per day, we figure this per day, times the population, is that what this pays to us in per population?"

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**Col. Powell** said, "Yes. They pay per inmate under this new agreement; the recommended agreement will be \$65.52 per day. Currently they are paying \$63.95. Annual receipts with the United States Marshal Service don't have an exact number, approximately \$400,000 a year right now."

**Commissioner Welshimer** said, "So when our population goes down, we get less money, if it goes up, we get more?"

**Col. Powell** said, "Well I think there's variables involved in the consideration that Maximus uses in determining what the per diem rates. Matter of fact, I brought Mr. Marty Hughes with me this morning, he has more intimate knowledge of the actual contracts and the formulas they use, but, again, it's based on many, many different determining factors, which includes the pure cost of inmate housing, the debt structure of the facilities itself, the cost of inmate medical, et cetera. So there's many variables that would be appropriate to take into consideration as to what they use when they figure the per diem charge."

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, "Commissioner..."

**Commissioner Welshimer** said, "Yes."

**Mr. Buchanan** said, "...your question was if the federal Marshal population goes up, we get more money, if the federal Marshal population goes down, we get less money..."

**Commissioner Welshimer** said, "Yes."

**Mr. Buchanan** said, "Yes."

**Col. Powell** said, "Thank you for the clarification. Currently the contract that we have, both the existing contract and the proposed amendment that we're recommending for your approval, stipulates 20 beds, and they typically have 20 beds full all the time."

**Chairman Peterjohn** said, "And that's a..."

**Commissioner Welshimer** said, "Twenty beds."

**Col. Powell** said, "Twenty beds for the Marshal Service..."

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**Commissioner Welshimer** said, “Out of the whole number of beds?”

**Col. Powell** said, “Yes.”

**Commissioner Welshimer** said, “So actually they’re paying only for 20?”

**Col. Powell** said, “Yes. Yes, they’re paying for...”

**Commissioner Welshimer** said, “Not for the entire population?”

**Col. Powell** said, “Well no, I’m sorry. They’re paying for the inmates that are in their custody that they’re housing in our facility. So we guarantee the Marshal Service...”

**Commissioner Welshimer** said, “I see.”

**Col. Powell** said, “...we will have...”

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

**Col. Powell** said, “...20 beds available to them for a regular...”

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

**Col. Powell** said, “...ongoing basis...”

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

**Col. Powell** said, “...and they pay us 20 times the number.”

**Commissioner Welshimer** said, “Well our population is down right now.”

**Col. Powell** said, “Yes, ma’am, it is.”

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

**Col. Powell** said, “Yes, ma’am.”

**Commissioner Welshimer** said, “...1,400 and what?”

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**Mr. Buchanan** said, "Ninety-nine."

**Commissioner Welshimer** said, "Ninety-nine? It was lower than that last week."

**Col. Powell** said, "It has changed significantly over what it was at the end of the year."

**Commissioner Welshimer** said, "It has, and I'm just elated over that. I understand though that there are going to be some sweeps for different reasons, and that will bring that population up, will it not?"

**Col. Powell** said, "We anticipate, as history says on an ongoing basis, if we look at the inmate population swings, that as we get out of the winter period and we see that fall off at the beginning of the year where inmate population historically drops down as we start to come back into the late spring and early summer months, late April, early May, we're going to start seeing that graduated increase again in inmate population."

**Commissioner Welshimer** said, "Well, how often do you do sweeps?"

**Col. Powell** said, "You know, the sweeps are purely dependent, you know, we don't necessarily have control on the sweeps because we don't have control over all the outside agencies. If a federal agency decides they want to do a particular sweep for a particular program, they simply notify us so we'll be aware. Same thing would apply for perhaps for the Kansas Department of Corrections, or probation people, or if one of the suburb communities wants to do a sweep for some particular reason. I know recently we had one where the City of Derby did one for outstanding warrants. They simply notify, and let us know, by the way, you may see an influx in inmate population, or inmate booking traffic, because we're going to be doing something special this weekend. Typically the only ones we have control, or immediate knowledge, over are the ones that we're doing in-house."

**Commissioner Welshimer** said, "Well I haven't noticed at the beginning of each year that we had a drop in population, so apparently overlooked that. And I'm not so sure that some of the things we've done, like the Pretrial Services, the Drug Court, those types of things, journal entries, those are, I mean, we're only now seeing a significant change. And are you saying that it's just a natural beginning of the year thing and that these programs have not [inaudible] population?"

**Col. Powell** said, "I didn't make any mention of the particular programs. I'm sure we have had some value of the programs. There's no doubt about that. Just in historically, trends, looking at the trends we do from year to year basis, we typically peak out toward the end of the year, and at the beginning of the new year, we typically see a reduction in inmate population. But as we approach the warmer months when more people are out and about, feeling more lively and involved in a lot of

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social activities, we just simply see the number of bookings and people inside the facility, we see that count go up.”

**Commissioner Welshimer** said, “Are these sweeps for DUIs (driving under the influence) and what have you, traffic warrants, are they something that is required for the police departments and the Sheriff’s Department to do?”

**Col. Powell** said, “I think individual agencies have their own missions and their own cause, and obviously sometimes situations reflect a need for selective programs. For instance, I know we’ve had issues where we have high accident ratios in certain intersections, or we have high number of speeding infractions in certain parts of town. We have an exorbitant number of perhaps of people who are not simply paying traffic fines, or they have warrants that are out, particular types of warrants we see increases, and local jurisdictions will make a business decision to simply go out and have a concentrated effort to reduce those numbers and pick people up.”

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

**Col. Powell** said, “Yes, ma'am.”

**Chairman Peterjohn** said, “Colonel Powell, I’ve got a couple of questions I’d like to throw out concerning you said that most of the time, the 20 spaces that are dedicated for the US Marshals are full. Can you be very specific, in terms of how many vacancies we had for those cells during 2009?”

**Col. Powell** said, “Exact numbers, no. But I can almost readily assure you, I think pretty much at any given day we would have looked, they would have had all 20 positions full.”

**Chairman Peterjohn** said, “Because I’ve wondered because sometimes we’ve got carry over cells, and I know they keep a certain number vacant in the jail, but, you know, if we’re dedicating, if the average cost for us is about \$66 a day and they’re going to pay us now \$65 dollars plus change, \$65.52 starting, we’re just getting into covering our underlying costs, and if we’ve got them vacant, if we’re holding them and they’re vacant in any way, shape or form, we’re shipping people out of county while reserving empty cells for their people. So that’s why, that’s a number I’d really like to make sure that, if it is close, it should be as close to zero as possible.”

**Col. Powell** said, “Literally, I don’t think that we actually hold the cells, the beds open for them. In the event that they didn’t, by chance tomorrow morning have 20 people they wanted to have in custody in our facility, we would certainly utilize that bed space. And if they did happen to show up later on in the day with another person, we would reallocate our inmate population, and if we had to

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relocate one of our existing inmates out of county to make room for that one federal inmate, we would do that. But I think literally having a bank of cells with reserve for the Marshals Service, if I could use that term, we don't practice that."

**Chairman Peterjohn** said, "Okay. Would you take a minute and walk me through, because I was looking at the backup information and discussing the fact that if the federal inmates are in our jail, the backup information seems to indicate that we're picking up the medical cost and they're operating under that side, and that the feds [federal government] would pick up the medical costs, if they approve it, if they're outside the facility. Could you give me a better understanding, in terms of if that's a part of the \$65.52 we're going to be getting from them going forward to pick up those daily medical expenses that any of their inmates may have?"

**Col. Powell** said, "Yes. That is correct. As part of our contract with our medical provider, Conmed, any inmate that we have obviously in custody here that belongs to us, which would also include United States Marshals Service population, they are provided the basic medical care as defined in our contract with our medical provider, which would include any routine medical situations that need to be addressed within the confines of our facility. That also includes any base identified medications that need to be provided for those inmates while they're inside our facility. In the event that the federal prisoner would require any specialized medical treatment beyond the contract of our medical provider, they had to go outside the building to the hospital or to a specialized practitioner, those outside charges would be funded by the United States Marshals Service. Also applicable under those same types of conditions, if the inmate had a special medication of some type, they were HIV (human immunodeficiency virus) positive perhaps, or something like that, where they require a medication that normally is not something we would have under our basic medical provider contract, the Marshals Service would provide for the purchase and distribution of those meds."

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

**Commissioner Parks** said, "As I spoke with you earlier on this matter, the city's amount that are being charged for the daily fees for the prisoners is significantly lower than this, and we had discussed a little bit about Maximus and whether they figured in the bonded indebtedness and the other things in there. So this is more of a real cost so the double taxation issue that some of the cities have brought up is probably not a valid comparison then, is it?"

**Col. Powell** said, "I don't know what the Sheriff's Office, I could make a call on that, one or the other, Commissioner, I apologize. I know that providing the information utilized by the independent outside contractor, the resource Maximus, these are the figures that they're looking at based on local services facilities and costs involved."

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**Commissioner Parks** said, “Yeah. Well having studied that, I do know that it’s considerably less for the cities that we’re charging them.”

**Col. Powell** said, “Yes, sir.”

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

**Col. Powell** said, “Yes, sir.”

**Chairman Peterjohn** said, “Thank you. What is the will of the body? I don’t believe we have a motion.”

**MOTION**

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

Chairman Peterjohn seconded the motion.

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

**VOTE**

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

**Col. Powell** said, “Thank you, Commissioners.”

**Chairman Peterjohn** said, “Next item.”

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**F. CONSIDER USE OF ARENA SALES TAX TO REIMBURSE COUNTY OPERATING BUDGET COSTS INCURRED IN SUPPORT OF ARENA PROJECT.**

**VISUAL PRESENTATION**

**Mr. Chris Chronis**, Chief Financial Officer, greeted the Commissioners and said, “We are here on this Agenda item to consider whether or not dedicated Arena Sales Tax should be transferred to the General Fund to reimburse it for the cost of regular county employees who over the past several years have provided project oversight and administrative support services for the arena project. As you just heard from the Undersheriff, the county obtains Cost Allocation Plans from a firm called Maximus for a variety of reasons. The Sheriff was talking about a particular plan that we obtained that serves the purpose of identifying the cost per prisoner, per day of operating the jail. And we use that information to determine what a fair charge would be to the various other jurisdictions that are housing prisoners in our jail. In the case of the Marshals Service, federal prisoners, the Marshals Service is agreeing to pay, essentially the full cost as determined by that cost allocation study. In the case of cities within Sedgwick County, by county policy, we have imposed a fee for municipal prisoners that is equal to only a fraction of that fully identified cost. And that accounts for the distinction that Commissioner Parks made between the cost that the Federal Marshal is being charged and the much lower cost that cities are paying.

“Similarly, we obtained a Cost Allocation Plan from Maximus each year that identifies the total cost of county support services that are provided to county services, to all services that the county provides its citizens. Those services might be provided by a direct service department, Public Works, for example, paves roads, maintains roads, does drainage improvements and it receives support services; it can’t operate without support services that are provided by the Finance Division. We set up the budget. We pay its bills. We issue purchase orders to provide the raw materials that it’s using. So those indirect services, if you will, are budgeted and funded in the county’s General Fund in the Finance Division’s budget and the purpose of the Cost Allocation Plan is to identify what those costs are as they benefit the Public Works division. And so we obtain a Cost Allocation Plan that is a thick document like this each year that allocates all county service costs, support costs, to all county services. The costs that are identified in the Cost Allocation Plan are the county’s audited expenses of the prior year. That is, we don’t prepare the plan until the county’s external auditor has completed their work and we know definitively what the county’s expenses were in the prior year, and those are the numbers that the Cost Allocation Plan that Maximus, through the Cost Allocation Plan, is spreading among all county services.”

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“We don’t actually impose a charge to those services for the support costs in many cases. There’s a defined criteria that we employ to determine whether or not, once we know what the service charge is, whether or not we’re actually going to impose that charge. And you see here that the general rule is that we will impose a cost allocation fee to a particular service unless that fee would be an intra-fund transaction. Now what do I mean by that? Well, the Finance Division is a General Fund budget. The Corrections Department is a General Fund budget. The Finance support costs that benefit the Corrections Department are happening in the same fund, from the same funding stream, as the Corrections fund budget. So there is no economic value to be gained by reflecting that charge, and so we don’t impose that charge when it’s an intra-fund transaction. Similarly, we don’t impose the charge when the budget of the recipient of that support service is insufficient to pay that fee. What do I mean by that? Well, in short, the indirect costs of the county are the last things that we pay for with budgeted dollars. We use dollars to provide direct services first and to recover indirect services only after the direct services have been fully funded. Finally, we don’t impose cost allocation charges if the recipient service is funded by a source that prohibits the use of that funding for indirect services, for support services. Many of the grants that we receive fund county services, and those grants contain provisions, many of them contain provisions, that say that that money can only be used for direct service obligations; cannot be used to pay for other county support services. So in those cases, we don’t impose the charge. So that results in more charges, more cost allocation charges, not being allocated, not being imposed, than are actually allocated.

“This plan that I just held up for 2008, it’s the most recent one that’s available, shows total allocated support costs in Sedgwick County of \$25.1 million. Only \$4.4 million was actually imposed on recipient departments. That is, the General Fund received only \$4.4 million of reimbursement for \$25.1 million worth of services provided. So if we’re not going to impose the charges uniformly, why bother? It’s a pretty elaborate, intensive exercise. What’s the point? Well, the point is that without doing a Cost Allocation Plan in the manner that we do, we never can be certain what the full cost of our services is. There’s a distinction to be made between knowing what the full cost is and funding that full cost from the same budget. We want to know what the full cost of our services is because we can’t be effective managers without knowing that. You can’t make good decisions about what services you want to provide, and how much of those services you want to provide, if you don’t know what the all end cost of those services is. The Cost Allocation Plan also is an important tool to allow us to make sure that local taxpayers aren’t subsidizing the federal and state mandated programs that are funded with federal and state grants. To the extent that those grant sources allow the use of indirect cost charges, we impose them, because we don’t want Sedgwick County taxpayers to subsidize the federal government for providing a service that the federal government was supposed to be paying for.”

**Mr. Chronis** continued, “So what am I talking about when I talk about indirect services or support services? Well, here are some examples as they pertain to the arena, which is the subject of this

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discussion. Indirect services include Facility Project Services, a portion of the Division of Information and Operations (DIO) that exists to provide general oversight of capital projects. The Budget Office establishes project budgets, establishes operating budgets and manages the spending authority, the appropriations, throughout the course of the year. And so, in order to provide a direct service, you have to have spending authority, the Budget Office is the entity that is managing that. Once you have that spending authority, you got to buy stuff. The Purchasing Department is receiving your purchase requisitions, obtaining bids in accordance with Charter [Resolution] 57, issuing purchase orders to obtain those goods and services that you need to deliver your service. So purchasing costs are support services.

“Once you have obtained those goods and services, or once you have hired people, if you are an operating department, you have to pay bills. The Accounting Department is the entity that pays the county’s bills and accounts for those payments. The Treasurer receives all county collections, whether it’s a property tax, or a sales tax, or a general service charge that you might collect in your operation, that money is going to flow through the Treasurer’s Office to the county’s bank account and the Treasurer is going to account for that receipt. So the Treasurer is providing support services. Finally, the County Counselor is providing legal advice to the operating manager, or to the project manager, to make sure that the actions that are taken fulfill all of the laws and regulations that govern that operation or that project. So those are examples of the kinds of indirect services that are included in the Cost Allocation Plan, but every one of them is budgeted in the General Fund, paid for with general county property taxes and is not charged directly within the individual budgets of the service recipients.

“In the case of the arena, throughout the life of this project, from 2005 through its completion in 2010, we have, or we will, allocate a total of approximately \$2.6 million of indirect costs, those support costs; \$1.6 million of that number is known. That represents support costs, cost allocations that were made for the years 2005 through 2008, the most recent one that’s been completed. 2009 and 2010 can’t be completed until after those audits are done, and so all we can do at this point is estimate what those costs will be, and our estimate is that those two years will add another \$1 million to the support costs of the arena. Now, \$2.6 million sounds like a lot of money, lot of support costs, but in fact, with the arena project ended up spending \$193 million. That’s the total direct cost of arena project activity. That includes the design and the improvements of the pavilions, it includes the land acquisition for the arena project, the design of the arena project, the construction of the arena project, the equipping of the arena project and the all of the associated costs of doing the infra-structure improvements in the areas surrounding the arena that were attached to the arena.”  
“So all of those added up to about \$193 million, all of the support costs that we’re talking about are 1.3 percent of that total. So the question that we come to is whether or not we should impose that charge on the arena, on the arena budget, on the Arena Sales Tax? There are two sets of considerations that we take into account. The first is an ethical consideration. If we impose that

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charge on the arena, if we use the Arena Sales Tax to pay the county's General Fund for the employees that are in the county's budget that had some involvement in the arena, is that a violation of the commitment that we made to the arena taxpayers back when they agreed to pay that special tax? A second set of considerations is more practical in nature. What are the fiscal impacts of imposing the charge, both on the arena fund and on the county's General Fund?

"The ethical consideration is driven by the ballot question. And I should say, by the way, before we get into deeper discussion of all of these considerations, that they are all judgment calls. There is no black and white, right or wrong answer to this question. It requires the use of judgment and the use of interpretation of intent. So regarding the ethical consideration, the ballot question that the voters approved defines what they thought we were going to be doing with their money when they approved the Arena Sales Tax. And an extract of that ballot question, as you know, a very lengthy, wordy ballot question, and you've got it in your backup material but a summary of it, is that it said that Sedgwick County, if the voters approved, would impose a one percent sales tax for use only to pay the costs of acquiring, constructing and equipping a new arena in downtown Wichita designed of the Kansas Coliseum that had already been undertaken, and construction of improvements to the pavilions at the Coliseum complex, and finally, establishing an Operations and Maintenance (O&M) reserve that would be used in the future to defray unanticipated costs or losses, if you will, for both the arena and the Kansas Coliseum complex. Those were the three specified uses in the ballot question.

"The promise that we made to the voters back then was two-fold. First, it was that we would not use the arena tax to fund the county's budget. We would only use it to do that project. Secondly, it was that if the voters agree to the imposition of that special sales tax for 30 months, we would use that money to cover all of the costs of the arena and Coliseum complex, and for the foreseeable future, it would not be necessary to use county property taxes to subsidize those operations, as has been the case for the last few years at the Kansas Coliseum complex. So what we told the voters, the commitment we made to the voters was if you allow us this sales tax, we will not use the property tax for the arena or the Coliseum for the foreseeable future. So turning to the practical consideration, the residual sales tax, that is all of the sales tax remaining after we completed the project earlier this year, by default went into the O&M reserve, that third element of the ballot question. The O&M reserve starts at just under \$14 million."

**Mr. Chronis** continued, "From that O&M reserve, we are going to make a series of withdrawals over the next several years to pay known costs. We will also be adding revenue to the O&M reserve over the next several years based on identified funding streams that we'll be collecting. Specifically, we will be collecting naming rights fees from Intrust Bank, from Cessna Aircraft and from Spirit AeroSystems for the next 25 years. We'll get a fee from each of them for the right to name and have certain usage of the arena complex. That revenue will go into the O&M reserve. If

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the arena runs an operating profit over the next five years, our contract with SMG says that we will share in that profit. So if the profit rises to a certain level, then the county will receive a share of the operating income, and that operating income will go into the O&M reserve. After SMG has left the scene, then in theory anyway, depending on what's negotiated at that time, all operating profit would go into, if any, would go into the O&M reserve.

“Now on the other hand, there is money being taken out of the O&M reserve every year. We are obligated to pay for major repairs, equipment and enhancements to that facility. We're obligated to do that during the term of the SMG contract, as well as after SMG has departed the scene. We estimate those annual costs, after year one, will amount to about \$200,000 a year and will grow over time because of inflation. We are obligated to pay certain servicing costs to those naming rights partners. In return for the right to name the building, or to name the plaza, or to name the main concourse, those three naming rights partners agreed to pay us a bunch of money. In return, we're giving them the right to put their name on portions of the property, but also we're giving them the right to use a suite, one of the executive suites, and tickets to all of the events in the suite. Well, SMG, our contract operator, has to actually provide that suite and has to provide those tickets, and they do that out of their operating budget. They don't get the naming rights revenue, the county gets it, but they have to provide that benefit. And so they're expecting, and reasonably so, the county to pay them for the cost of that benefit that we agreed to provide the naming rights partners. We estimate that those servicing costs for suites and tickets will amount to \$200,000 a year. That will come out of the O&M reserve.

“We have agreed with the City of Wichita to provide for expanded transit services to serve the arena. And we've agreed with the City of Wichita that if they will provide those expanded services, we'll cover operating deficits should they have any, up to the tune of a specified number. I think it's \$93,000 a year in the case of the transit services. Now, the preliminary indications, just from about six weeks of data, since operation, is that we won't have to pay anything approaching \$93,000, but we are contractually obligated to do that if they should suffer losses up to that level to provide services for the arena. If we have to make those payments, they'll come out of the O&M reserve.”

“Similarly, we've contracted with the City of Wichita to provide parking services for the arena, to manage arena parking, if you will. And we've told the City of Wichita, if you'll provide this service for us, and you run an operating loss because you're providing this service, we'll cover that loss up to a certain amount of money per year. In this case, I believe it's \$250,000. Again, the preliminary indications from only six weeks of data is that the city is not going to run an operating loss, we're not going to have to pay them to cover operating losses, but if we should have to, that is coming out of the O&M reserve.

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“The pavilions, you know, are running at a deficit. They have run at a deficit for years. They continue to run at a deficit. And when you adopted the budget this year, you elected to pay that deficit to cover that operating loss out of the O&M reserve. In 2010, our estimate of the operating loss of the pavilions is \$580,000. And we know, I know of nothing that is going to cause that number to be reduced in the next several years. That is, I’m forecasting that the operating loss will be \$550,000 to 600,000 per year for as long as we keep the Kansas Coliseum pavilions in operation, and that operating loss will be covered by a transfer from the O&M reserve. Finally, as I said earlier, once SMG has departed and the county has full fiscal responsibility for the operation of the arena, if it suffers an operating loss, Sedgwick County will be obligated to cover that loss and will do that from the O&M reserve. Now for the first five years of operation, the facility is under contract to SMG. They are the operator. And as a part of the contract that we negotiated with them, they have accepted full financial risk. During the first five years, if the building runs at a loss, that’s got to come out of SMG’s bank account, not out of the county’s taxpayers’ pocket. But after five years, if the building has been running at a loss, we can count on SMG either to walk away, once their contract has expired, either to walk away or to demand a contract that transfers the risk back over to the county, as is universally the occurrence throughout this country everywhere except Wichita.

“So all of those factors will cause a reduction in the O&M reserve over the next several years, and because of those reductions, we are projecting that the O&M reserve will be in deficit in year 19 based on current expectations, current forecasts, the O&M reserve, as it stands today, and with the anticipated additions and subtractions each year that I’ve just described, each year going into the future, you see will draw down, it will grow smaller every year and we will run out of O&M reserve by this forecast in year 19. That’s the point at which we end the foreseeable future that we were talking about back when we were talking to the voters about adopting that special sales tax. That’s the point at which, if nothing changes and if this forecast holds, that’s the point at which local property taxes will be required to support the arena. Not before then.”

**Mr. Chronis** continued, “The General Fund, on the other hand, has substantial fund balances right now, and you know about those as well. What I’ve shown you here is six years; the current year and five years into the future, our forecast of General Fund balance. And I’m showing you this and only this because that’s all we project out into the future for the General Fund. We don’t have projections beyond that. It looks like a bad picture, looks like we’re going to be drawing down the General Fund balance pretty quickly over the next six years, and in fact, we are. But if I showed you the last five years, the five years before this chart, you would see five years of increase in the General Fund balance. If we go back five years, the General Fund balance was below \$30 million.

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At the end of 2009, it stood at \$62 million. Six years out into the future, it will be back at about \$28 or \$29 million.

“It goes up and goes down based on external influences on the county’s budget. When we are in good times economically, we intentionally put money into the fund balance. We do that so that when times are bad, as they are now, we have sufficient reserves in the General Fund to pay our bills without having to cut services to our constituents. What you see on this chart for the next five years is that we’re expecting not to collect as much revenue as our General Fund services are costing. So we’re going to be drawing down the reserve. But once the economy turns around, this picture will turn around also, just as it was different five years ago. We will see the general fund ebb and flow over time based on the local economy and based on our management’s responses to those economic effects.

“So those are the practical considerations. That’s the ethical consideration. This is not the first time this question has been discussed. In fact, in late 2006 or early, well first of all, management considers this question every year. Every year we go through the process, once we receive the Cost Allocation Plan, of applying judgment to each of those cost allocation charges to determine whether or not it should be imposed on the recipient’s service. In 2006 late or very early in 2007, the Board of Commissioners considered this question as well. In one of your work sessions on Tuesday morning, there was some considerable discussion; those of you who were here at the time will recall some considerable discussion of this question. There was not a vote taken, but there was a clear consensus at that point that we thought that we should not be charging the arena tax for General Fund support services. In 2008, the Arena Sales Tax Oversight Committee was asked to consider this question and make a recommendation. At that time, the committee voted 6 to 1 to recommend that the Arena Sales Tax not be used to cover General Fund operating costs that supported the arena project. Again in 2009, the Arena Sales Tax Oversight Committee was asked to consider the question. And in that year, again, they voted not to impose the fee, but in fairness, the question was, should the fee be imposed, or the recommendation was, impose the fee and the vote was a 5-5 tie, so the motion did not pass. And so they did not recommend that the fee be imposed.”

“So those are the prior actions that have been taken both by management, by this body and by your [Arena] Sales Tax Oversight Committee. So our recommendation, taking all of this into account, is that you ratify the staff’s decision not to pay the county’s operating budget costs with the Arena Sales Tax. We believe very strongly that if we were to do so, that payment from the Arena Sales Tax to the county’s General Fund could be interpreted fairly by citizens as a violation of the public trust that we established with them in 2003 and 2004, and that we have worked very carefully to honor ever since they approved that referendum question. Secondly, the payment is not needed by the General Fund. The General Fund balance today is \$60 million, more than \$60 million. The General Fund is not counting on receiving that money in its budget, or in any of the forecasts, and so it is fully funding all required services without that revenue stream.

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“Finally, the payment is not planned from the O&M reserve, and what I’ve described to you is that the planned activities of the O&M reserve will cause it to be exhausted after about 18 years. If we take another \$2.6 million out of the O&M reserve that we hadn’t planned on, the forecast is that that will cause us to reach bottom, to have to resort to property taxes to cover arena expenses at least four years sooner than current forecast. And so for all of those reasons, our recommendation is that you ratify the decision that we have made previously not to impose a cost allocation fee on the arena tax to cover the support costs of the county’s budget. With that, I’ll be happy to answer any questions. If you have no questions, then I would recommend that you take that action.”

**Chairman Peterjohn** said, “Thank you, Mr. Chronis. Before we get started on questions from the bench, I’d just like to see if there’s anyone in the public who wants to discuss this issue or say anything to the Commission at this time? Please come to the podium. Please state your name and address for the record, sir.”

**Mr. Charles Peaster**, 9453 N. 135th St. West, Wichita, Kansas, greeted the Commissioners and said, “I was a late member of the Oversight Committee. What was presented to you just now, part of what he said I agree with on a lot of things. One of them is that this O&M reserve was set up to oversee, not only the arena, but the Coliseum complex. Yesterday in staff meeting, I heard there was a proposal presented which is \$1.1 million to do maintenance at the Coliseum complex and there was hesitation by a couple of Commissioners as to whether they’re even going to fund that. According to the way this vote was put to the public and what Mr. Chronis said was there’s an appearance that if you pay this out of the budget, out of the O&M reserve, this \$2.6 million, which right now it’s \$1.6 million, that the people would think that you were doing something you shouldn’t do. But yet, you’re talking about not doing repairs at the Coliseum? What is that but not doing what you said you would do when you proposed this sales tax that included the Coliseum complex?”

**Mr. Peaster** continued, “The other part of this is that really and truthfully there was a \$558,000 is the projected loss at the Coliseum complex. There was a Model A Swap Meet from February 5th and 6th and the gross profit from that, the gross profit, \$36,000. That’s a loss? That was the gross profit. Now, in this, the money that was used by the people that work for Sedgwick County to oversee the arena, in the opinion of some of us that sat on that board, should be paid. Normally, they give you two choices. One was to not pay this. The other would be to pay it. So if you vote nay on this today, the majority of you vote nay on this today, does that mean it’s going to get paid, or does that just mean you voted no not to take the recommended staff’s proposal? I think you ought to vote no on it and I think you should pay it. With that, thank you for your time to talk.”

**Chairman Peterjohn** said, “Thank you. Anyone else in the audience? I’m going to bring the discussion back to the, oh…”

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**Mr. Max Weddle**, 862 S. Zelta Ct., Wichita, Kansas, greeted the Commissioners and said, “I was on the committee, in fact I was the gentleman that proposed that the county do pay that. There were two objections. One was no way to capture the expense, and I think that proved to be not the facts based on what Mr. Chronis has said. The other was that you couldn’t approve the budget because it wasn’t in the call for the vote. And if that’s the criteria we’re going to use, then I would ask that the trolley system be deleted, the agreements with the City of Wichita be deleted, because neither of those were in the call for the vote either. And as far as ethics are concerned, I grew up in a different era, I guess. I got to be the lead engineer, chief engineer, whatever you want to call it, group engineer of a furnishings for all of Beech Aircraft, Raytheon airplanes in that factory, because a gentleman charged one hour to a CAD (computer-aided design) system that was on a military work order. He was reprimanded. He didn’t work for me, by the way. He was reprimanded and told not to do it. Two weeks later he did it again. Now what he was doing was bringing students from a class he was teaching at the university out there to practice on the CAD. That resulted in the complete reorganization of the furnishings department which I ended up being the lead engineer on after the smoke cleared. And it was not a pleasant time. So to say it was unethical to do what we’re doing, there’s a different perspective on that. I think that the engineer would say something about the process of free body. Well I regard the arena as a free body. A free body is where you take a joint and a structure and you analyze what’s happening to that joint only. The arena is a free body in the world. It was supposed to be paid for by the taxpayers, the one cent sales tax only. That included everything it took to build it. And to say that the administrative costs are not part of the cost is just not realistic in my opinion. Thank you.”

**Chairman Peterjohn** said, “Thank you. Back to questions. I’m a little shaky on the lights. Commissioner Welshimer.”

**Commissioner Welshimer** said, “Well, I think the decision here is when it comes to ethical and violation of taxpayers, whether we’re going to be ethical with or violate the one cent sales tax taxpayers or the property taxpayers. Property tax has been my number one issue from the time I came on this bench. As we go along, seems like we’re always finding something that shows us that we’re generous with our property tax budget to a fault. This amount of money that will be more than \$2 million is actually more than the half mill we rolled the property tax mill levy back last year. And there was a much different attitude about that. That was bringing the world to an end. Had to make cuts, we had to do all sorts of things, oh my gosh, it was terrible. But this, we can just give this away and this is just easy as pie. We made sure that the City of Wichita hasn’t lost any money. We’re guaranteeing, well we spent \$3.5 million, I believe it was, which only was going to be \$5 million paving their real estate, their property, their parking lots and that was a nice improvement for them. Now we guarantee any losses that they have? We’ve paid for all the signage; we’ve paid for all the infrastructure; we’ve paid for everything. And the City of Wichita has done well considering the fact that this arena is located in their city, not any of the other 19

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cities. And of course the arena has added to the value of properties around there, but that seems to not be recognized as much as we would like for it to be. Our reserve fund, our \$60 million ending balance, doesn't that include interest off the arena money..."

**Mr. Chronis** said, "It does."

**Commissioner Welshimer** said, "...we have in there, like, what is it now, \$10 million?"

**Mr. Chronis** said, "Yes. It includes all interest on county investments that the statutes don't provide for elsewhere."

**Commissioner Welshimer** said, "Okay. So there's \$10 million in our \$60 million funding balance that is interest off of the money that we brought in from the one cent sales tax. And then there's a \$10 million in the O&M account, is that right?"

**Mr. Chronis** said, "Close to \$14 [million]."

**Commissioner Welshimer** said, "Fourteen? Well that's \$24 million?"

**Mr. Chronis** said, "Ten plus 14 is 24, yes."

**Commissioner Welshimer** said, "Okay. So, obviously, we're limited in what we can do for the pavilion. We have a site there, a coliseum site that needs attention. We don't want it to dry up and blow away in the wind, which is about what's happening now. No guarantee that we can give to the people who come in there every year with an event. And so I see the property tax more in trouble there at the Coliseum site than I do at the arena site. And I don't think we're looking at it that way. I would like to have, be able to roll the property tax back again another half mill. And I realize from what we went through last year in obtaining that half mill rollback that I've got to find a way to pay for it. And it seems that that is a struggle to get a consensus on how we can generate new revenue, so I don't see this that we are putting anything in danger as far as capital improvements in the arena, but we are putting into danger is more property tax increases. When we look at this budgeted Cost Allocation Plan that you talked about, Mr. Chronis, is there another budget that we contribute administration for that is required by law the same as the arena fund? The arena was supposed to be paid for with sales tax, and so what you're saying here is we're not going to give, we're not going to require, we're going to contribute property tax to it. We are going to contribute \$2 million in property tax to it. And so of all these other budgets within the Cost Allocation Plan that we contribute to, that may seem insignificant, I don't know how many there are, but it seems like a

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world out there of areas that feed into this property tax fund that doesn't seem to have much control. But are any of those also required by statute to be paid for by another form of tax?"

**Mr. Chronis** said, "I can't off the top of my head think of anything that's required by statute. There are a variety of services that are funded by dedicated funding streams, but there's not necessarily a state law out there that makes that dedication. It may be a grant covenant that makes it. It may be some other provision that provides that restriction other than a statute. So we have lots of restricted funds, but I'm not aware of anything right off the top of my head that says that a particular service cannot be paid for with the property tax."

**Commissioner Welshimer** said, "Okay. Well, the property taxes, something that has grown so much over the years that it's become a serious problem for a lot of people. And that's my number one issue is to watch that property tax fund. We're talking about half a mill here and I'm going to support having the arena fund pay back the county for this one half mill amount of property tax. Thank you."

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

**Commissioner Parks** said, "Thank you. I probably have about an hour and a half worth of testimony here, but for brevity, I'm going to just kind of break it down a little bit. I'd like to thank Mr. Chronis for bringing this to my attention in 2007. He's the one that brought it to my attention that this could be done. And after research of the ballot question, it says cost of, acquisition of a site. My goodness, we had 10 people working on it for a while there, just pretty much full-time when those condemnations were going on down there. That is a very real cost to the property taxpayers. On page 86 of the backup, Mr. Chronis, it says 2024, I heard today for the first time 2019. What's the discrepancy there? And if you can be brief, it won't take much of an explanation."

**Mr. Chronis** said, "I think you may have misinterpreted what I was showing on the slide. The slide was identifying years by number, by year number. So it was in year 19 from today we're expecting the O&M reserve will be depleted; 19 years from today is 2028."

**Commissioner Parks** said, "Okay. Well 2028, that even makes it about six years away from being, the IBA (Intrust Bank Arena) being bulldozed then."

**Mr. Chronis** said, "The 2024 that you're referring to is how much sooner we're projecting the depletion might occur if we were to do this transfer."

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**Commissioner Parks** said, “Okay. I do disagree with Mr. Chronis’ terms of indirect costs. I think that term in itself lends to fraud. I have many other things that I have disagreements with Mr. Chronis, but some of those may need to be taken up in Executive Session. I don’t think this is a place to do that. Today, we do know, from what Mr. Chronis has said, and as near as I can figure, that \$1,604,108 can be verified by audit through 12/31/2008. Ethical? Yeah. The ‘yea’ people told the voters, and I agree with Mr. Weddle, by the way, there’s a lot of stuff that wasn’t on that ballot that’s been brought up now. Ethical? Yeah. The ‘yea’ people told us at public gatherings, this arena will not cost the property taxpayers a dime. I believe that statement could have swayed 5,000 voters in this vote. When people look out there at their property taxes, they’re getting hammered from all entities, not just ours, and I think that the verification in this audit, I am going to be supportive of a yes vote on paying for \$1,604,108. And that’s all I’m going to say right now.”

**Chairman Peterjohn** said, “Thank you. Mr. Chronis, I want to begin by expressing my appreciation for your presentation this morning. It’s very useful and I look forward to getting a paper copy of it as well as an email copy of it, too. I’d also like to thank the two folks from the [Arena] Sales Tax Oversight Committee for their testimony and bringing things up today. I’m sort of in the same position as Commissioner Parks in the sense that I’ve got a large number of questions, and I’m in agreement with you, Mr. Chronis, when you made the comments that, you know, these are all judgment calls and that there was no black and white.”

**Chairman Peterjohn** continued, “This has been an interesting decision because the key thing is, as a person who was deeply involved in the campaign in 2004 on the ‘no’ side of the issue, I repeatedly was told that there would be no property tax money that would be used to pay for the arena and the items that were on the ballot question. And so this is an issue that I followed with great interest, because I think it’s important for everyone out there to realize that in 2004 we had a proposal before us at that time that was \$184.5 million, of which \$9 million was supposed to be spent at the pavilions out at the Kansas Coliseum. The actual revenues that came in were \$206.5 million that’s been available, and from yesterday, we discovered that since 2000, since the voters approved that, the pavilions actually spent \$4.5 million; we had an allocation of cost of another \$1.5 million. I bring up this historic data because I want some clarity and understanding by the public of the numbers, because we’re talking about the sales tax that was approved and put in place for two and a half years at one cent and generated \$206.5 million. And I’m going to specify within that, that the interest that was earned went on that \$206.5 million ended up going over to the county’s General Fund, is that correct, Mr. Chronis?”

**Mr. Chronis** said, “That’s correct, but it wasn’t a part of the \$206.5 million.”

**Chairman Peterjohn** said, “It was not, yeah. So we actually ended up spending a great deal more on the downtown arena than had been originally projected, because the initial revenue estimates had

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been about \$22 million below what they actually turned out to be and so we ended up with a good deal more being spent than what the initial numbers indicated.”

**Mr. Chronis** said, “Yes.”

**Chairman Peterjohn** said, “Okay. Let me ask this question. You gave a figure showing how this money is going to wear out over the next 19 years, what interest rate did you use to make that calculation?”

**Mr. Chronis** said, “Interest rate in what regard?”

**Chairman Peterjohn** said, “Well the interest rate, obviously, the O&M reserve depreciates over 19...”

**Mr. Chronis** said, “Interest on the investments of the O&M reserve?”

**Chairman Peterjohn** said, “Yeah, yeah.”

**Mr. Chronis** said, “I did not use one because the O&M reserve doesn’t receive the interest income.”

**Chairman Peterjohn** said, “That goes over to the General Fund?”

**Mr. Chronis** said, “By statute, all investment income goes to the General Fund unless there is a statute that says something else has to be done with that revenue. That’s a matter of state law, not local discretion.”

**Chairman Peterjohn** said, “Okay. Recently you and I met and we were going over county financial figures, the figure for the arena fund showed a balance of \$16.9 million rather than \$13.9 million. Can you explain that \$3 million variance?”

**Mr. Chronis** said, “There are some bills that are still outstanding for the arena project.”

**Chairman Peterjohn** said, “Can you be more specific? I thought we had all the major ones closed. The only thing I can think of is the Zamboni.”

**Mr. Chronis** said, “We haven’t received the final construction bill yet. We’re still in the process of buying some of the furniture, fixtures and equipment for the facility.”

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**Chairman Peterjohn** said, "I thought most of those had already been covered."

**Mr. Chronis** said, "Most of it has, but there remains something on the order of \$3 million of bills outstanding."

**Chairman Peterjohn** said, "Let me ask then, if we're looking at a figure of...the data you've presented indicates the General Fund is more likely to run out of...I'm very much concerned about long-term economic projections because we didn't...some of these numbers have been all over the place. Can you tell me where the...we had originally projected \$9 million for the pavilions out at the Kansas Coliseum, we've actually spent \$4.5 million and we've allocated \$1.5 million to reimburse spending that occurred prior to 2005 on that, did the rest of the balance of that money get spent or is part of the O&M reserves at this point in time?"

**Mr. Chronis** said, "The projects that we expected to undertake at the pavilions back in 2003 and 2004 when the ballot question was being prepared were estimated to cost \$9 million. That included a series of improvements to the pavilions and reimbursement to the county for the design cost that it already had incurred on the design of the renovation of the Kansas Coliseum, and you'll remember that we scrapped that project when we elected instead to do the downtown arena. So the \$9 million was to pay for a defined set of improvements and to reimburse previously incurred design costs. We did those defined improvements and they ended up costing less than had been originally estimated, and so instead of spending \$9 million on the Coliseum complex for the improvements and the design work, we ended up spending about \$6 million. The voters didn't get any less product than they were expecting to receive. All of those improvements that were planned were completed, they simply cost less than we thought they were going to require.

"Now, what happens with the residual budget authority? Well, Commission took action at some point in the past, once we knew what those costs were, to revise the total arena project budget, one piece of which was the pavilions, and spread the money from the fund centers that didn't need it to the fund centers that did need it. And so since the pavilions, among other fund centers, no longer needed their full spending authority, that spending authority was reallocated within the project. That's a different thing than saying it went to the O&M reserve or that it was spent on projects. What we're talking about here is budget authority. So the pavilions and the Kansas Coliseum originally received \$9 million of budget authority to do a specific set of things, of activities. Those activities were completed. They didn't cost \$9 million, they only cost \$6 million, and so the remaining \$3 million of spending authority was reallocated within the project."

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**Chairman Peterjohn** said, “Well let me ask this question, because we had some discussion at the staff meeting yesterday about the need for \$300,000 in improvements to the parking facilities at the parking lots B and C, I believe, that are adjacent to the pavilions. My understanding is that no money was spent on any parking since 2004. Would that be your recollection too?”

**Mr. Chronis** said, “I believe that’s right. Yes.”

**Chairman Peterjohn** said, “Well so we haven’t been taking care of part of the facility that we had committed to. I have been trying to get some data, and I’m aware that we spent about \$10 million to keep up the parking lots at the Kansas Coliseum prior to, between 1995 and 2004. So we haven’t spent any money since 2005 even though, as you acknowledged in the, and it’s part of the ballot language, taking care of the pavilions was part of the ballot question, so I’m trying to, I’m digging back into numbers as well as projecting where we are going forward. But I guess I’m going to shift a question to the Director of Public Works since he’s here, if we haven’t spent any money on those parking lots, how much for maintenance do we have on those parking lots at this point? Is \$300,000 a reasonable figure or is it significantly higher?”

**Mr. Spears** said, “You’re asking what it would cost to fix those parking lots?”

**Chairman Peterjohn** said, “I mean, have the parking lots...”

**Mr. Spears** said, “That are north and south of the pavilions?”

**Chairman Peterjohn** said, “Well all the parking facilities that are needed to operate the pavilions, basically.”

**Mr. Spears** said, “Well, let’s define that first. I’m not familiar, but I would say you’re talking about the parking lots north of the pavilions and the parking lots south of the pavilions, not the ones over west of Britt Brown?”

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**Chairman Peterjohn** said, “Well I’d be saying basically the parking lots that get common usage for pavilion events, plus the egress, the roadways that go in and out of the pavilion that would be used by people going in and out of the pavilions that’s part of that complex.”

**Mr. Spears** said, “Okay. Last summer we estimated that it would be \$300,000. We’ve had a hard winter. There hasn’t been maintenance on some of those lots for eight years. I happen to have a map here today; we looked it up yesterday after staff meeting. One of the lots is 10 years no maintenance. So we estimated \$300,000 last year. It could be slightly more. We haven’t looked at it because we’re just waiting on a decision as to, you know, are we going to continue to operate the pavilions or are we not. So that’s the question. But right now, it’s at least \$300,000.”

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

### MOTION

Commissioner Parks moved to reimburse the General Fund for the operating budget from the Arena Sales Tax in the amount of \$1,604,108.

Commissioner Welshimer seconded the motion.

**Chairman Peterjohn** said, “We have a motion and a second. Any further discussion? Commissioner Unruh.”

**Commissioner Unruh** said, “Thank you. I just want to weigh in here on my thoughts on the question that’s in front of us. Our discussion has kind of strayed from whether or not we transfer money to whether we’re fixing parking lots and those sorts of things, and I’m not sure exactly how much that impinges on the question of whether or not we’re going to transfer funds from sales tax money to the General Fund. And just in terms of the presentation that was given to us this morning by Mr. Chronis that shows balances in the sales tax fund, the arena fund and balances in the General Fund, and the logic or the need to do that on a financial basis, I mean, it seems like we are spending a lot of time tilting at windmills if you will. We’re trying to solve a problem that doesn’t exist. I mean, the issue of whether or not the money is needed in one or the other doesn’t seem to be the issue. The question seems to be is whether or not we are maintaining the public trust and how we distribute that money.

“My recollection is the fundamental promise that was made is that every dime collected through the Arena Sales Tax fund would be spent on the arena project, and I never had any recollection or any

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indication that that money would be spent to reimburse the county for an administrative fee. I know that those costs can be identified, as clearly illustrated for us today, you can identify those costs, but that's the logical function of county government. We overlook and we superintend the projects that we're involved in, and that's why we have people in these various positions. But I think it's also a fact that as we went through this process, we did not increase the county budget supported by mill levy because of the activities of our Finance Department, or our Legal Department, or our Purchasing Department. We didn't hire any extra people. We didn't incur any extra costs in any way that on the regular operating budget that needed to be reimbursed. Any new people that we did employ, for example, the superintendent of the project, he was paid out of the sales tax fund. So I don't think that reimbursement of the county was contemplated in the original idea of this, I don't think it was contemplated in the ballot question and I don't think it was contemplated by the voters when they voted on this issue."

"And I think that there's quite a division in the community, perhaps indicated by a comment in the editorial page of The [Wichita] Eagle today where the senior editors say that if we take this move, we're double crossing the voters, because we're using sales tax money to support the county budget for functions that we would do normally and naturally in any sort of an activity that the county gets involved in. So I won't support the motion that's before us. As a matter of fact, I'd like to offer a substitute motion that we ratify the staff decision to not pay county operating budget costs with the arena costs. And I'd like to make that as a substitute motion."

### **MOTION**

Commissioner Unruh moved to ratify staff decision to not pay county operating budget costs with arena tax.

Commissioner Norton seconded the motion.

**Chairman Peterjohn** said, "Well, we've got a motion in play. If you're trying to, you can amend a motion, but we can't create a secondary motion. We've got to vote on the first one."

**Mr. Euson** said, "You would vote on the substitute motion, Mr. Chairman."

**Chairman Peterjohn** said, "Vote on the substitute motion first?"

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

**Chairman Peterjohn** said, "As a substitute motion, if he wants to make an amendment, he can amend it. He cannot make a substitute motion."

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**Mr. Euson** said, "He can make a substitute motion under Roberts Rule's [of Order]..."

**Chairman Peterjohn** said, "He can make an amendment. He can make an amendment."

**Mr. Euson** said, "Well, I'm just telling you..."

**Commissioner Parks** said, "I've been told we don't go by Roberts Rule's."

**Mr. Euson** said, "...the way I understand it. That's the procedure that the Commission's followed in the past. Substitute motions are allowed..."

**Chairman Peterjohn** said, "Okay."

**Mr. Euson** said, "...and they're voted on first."

**Chairman Peterjohn** said, "Well we'll go ahead and we have a substitute motion. I've got two lights lit. Does anyone want to speak on the substitute motion or do we want to vote on that first?"

**Commissioner Welshimer** said, "I could make my comment."

**Chairman Peterjohn** said, "Commissioner Welshimer, on the substitute motion."

**Commissioner Welshimer** said, "Well, the purpose behind the substitute motion, I think, is that we didn't hire any extra help or incur any extra costs for administration to work on the arena. When I first came here, all of the work seemed to be aimed toward the arena. So it seems to me that if that was the case and we didn't need to hire anyone, maybe we didn't need those people in the first place. The other thing is, when I came in here, we may not have been hiring people to work on the arena, but I think the Manager gave me in my first month of working here on the board, a stack of consultant contracts that was higher than my head. And so we did spend the money and we did incur costs. So that's just my opinion. And that's all I had."

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

**Commissioner Parks** said, "On the substitute motion only. In February 2007, I was advised at a staff meeting that we didn't go by Robert's Rules of Order, and I think that the Chairman is captain of this ship and he ought to be able to do what he wants to. Thanks."

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**Chairman Peterjohn** said, “Well I appreciate the comments from Commissioner Parks. I would like to address, I think we can go ahead with the procedure we have in place this morning. That’s fine. We can sort out details, in terms of the exact rules or procedures on this. I’m more familiar with amendments than substitute motions, but I think we can go ahead and proceed. So I appreciate the comments of Commissioner Parks on this. But as a person who was deeply involved in 2004 on the issue concerning the downtown arena, the promise that was made was that no property tax money would be used, it was going to be strictly sales tax, and the fact that we’ve got an issue before us today, that as Mr. Chronis said, is not black and white, I think reasonable people can disagree. But I’m going to be in opposition to this motion. So there’s no further discussion, please call the vote.”

**VOTE**

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

**Chairman Peterjohn** said, “We’re back on the original motion, which I’d appreciate if the Clerk would reread it for the record.”

**Ms. Katie Asbury**, Deputy County Clerk, greeted the Commissioners and said, “Mr. Chairman, I have this motion is to reimburse the General Fund in the amount of \$1,604,108 from the Arena Sales Tax. And it was motioned by Commissioner Parks and seconded by Commissioner Welshimer.”

**Chairman Peterjohn** said, “Thank you. Seeing no further discussion, please call the vote.”

**VOTE**

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

**Mr. Chronis** said, “Thank you, Commissioners.”

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**Chairman Peterjohn** said, “Thank you, everyone. I appreciate the comments and testimony of everyone who was here today, including staff. I think we’re going to take a 10 minute recess and come back at 11:25 a.m.”

**The Board of County Commissioners recessed for 10 minutes at 11:17 a.m. and returned at 11:27 a.m.**

**Commissioner Norton left the Board of County Commissioners meeting.**

**Chairman Peterjohn** said, “I call this meeting back to order. And, Clerk, please call the next item.”

**G. APPROVAL OF AN ESTIMATE FROM SEDGWICK COUNTY ELECTRIC FOR RELOCATION OF ELECTRICAL LINES FOR SEDGWICK COUNTY PROJECT 799-K-3993; BRIDGE PROJECT ON 167<sup>TH</sup> ST. WEST BETWEEN 37<sup>TH</sup> & 45<sup>TH</sup> STREETS NORTH. CIP# B-436. DISTRICT 3. .**

**Mr. Spears** said, “Item G is an estimate from Sedgwick County Electric Cooperative for relocation of electric power lines for the bridge project on 167th West between 37th and 45th Streets North designated as B-436 in the Capital Improvement Program. Sedgwick County will only be responsible for the portion of line located in the private easement at an estimated cost of \$10,967.32. I recommend that you approve the estimate.”

**Chairman Peterjohn** said, “What’s the will of the body?”

**MOTION**

Commissioner Parks moved to approve the estimate.

Chairman Peterjohn seconded the motion.

**Chairman Peterjohn** said, “I have a question for Mr. Spears, though, the Sedgwick County Electrical Cooperative Association, Inc. that we’ve got this arrangement with, they have no association with Sedgwick County directly, do they?”

**Mr. Spears** said, “Not to my knowledge.”

**Chairman Peterjohn** said, “They just have a name that’s very similar to ours?”

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**Mr. Spears** said, “Yes.”

**Chairman Peterjohn** said, “Okay. I wanted to bring that up because there’s been some confusion on that point, and I had some people contact me and thought there was a connection between the two, and I assured them there wasn’t and I wanted to just state that for the record. Seeing no further discussion, please call the vote.”

**VOTE**

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

**Mr. Spears** said, “Thank you.”

**Chairman Peterjohn** said, “Next item.”

**H. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ REGULAR MEETING ON MARCH 11, 2010.**

**Ms. Iris Baker**, Director, Purchasing, greeted the Commissioners and said, “The meeting on March the 11th results in three items for consideration today. First item;

- VIA CHRISTI WEST CAMPUS ADDITION PHASE 3 – PUBLIC WORKS FUNDING – 151<sup>ST</sup> STREET WEST 21<sup>ST</sup> – ST. TERESA (SA)**

“This is a paving project. Recommendation is to accept the low bid from Lafarge North America in the amount of \$262,715.85. Item 2;

- CAREER DEVELOPMENT TRAINING COURSES – HUMAN RESOURCES FUNDING – HUMAN RESOURCES**

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“The recommendation is to accept the proposal from Audrey Curtis Hane for Item 1; Leader Systems, the three hour session, for Items 2 and 8; Butler Community College for Item 3; Austin Peters Group for Items 4 and 5; and the Center for Urban Studies – WSU (Wichita State University) for Item 6 and establish contract pricing for two years with one-year option to renew. And Item 3;

### 3. **PANASONIC TOUGHBOOKS – SHERIFF’S OFFICE FUNDING – BZPP – VRPP 07**

“And the recommendation is to accept the low responsive bid from CDW Government in the amount of \$157,000 and establish contract pricing for one year. Be happy to answer any questions and I recommend approval of these items.”

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

**Commissioner Welshimer** said, “What is a Toughbook?”

**Ms. Baker** said, “Toughbook is a heavy duty laptop. They’re designed to withstand a little bit of abuse, like being dropped. They won’t break immediately. If they get jarred, you won’t lose everything. They’re more durable than a standard laptop.”

**Commissioner Welshimer** said, “Well that’s interesting. Thank you.”

**Ms. Baker** said, “Varying degrees of product out there, all associated with varying cost.”

**Commissioner Welshimer** said, “Looks like about a thousand dollars more than a standard laptop. And we’re having 34 of them?”

**Ms. Baker** said, “Correct.”

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

**Commissioner Parks** said, “I am going to be supportive of the Panasonic Toughbook. They are made out of aircraft aluminum. They can withstand 30 below. They can withstand about 170 degrees heat. I have personally seen a third detail officer come off duty, and drop one of those and bounce about three foot, picked it up, put it back in the car and it works. So it is tough.”

**Mr. Buchanan** said, “Mr. Chairman, for clarification, Commissioner Welshimer, these are used in the field mainly, so they’re not in the office. They’re in the cars.”

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**Chairman Peterjohn** said, “Thank you, Mr. Manager. The question I’d have for Ms. Baker, on the Toughbooks, don’t we also have Toughbooks in the fire departments and the Sheriff’s Department too?”

**Ms. Baker** said, “I don’t know how many different departments in the Sheriff’s Department. The EMS group uses...”

**Chairman Peterjohn** said, “I thought the EMS...”

**Ms. Baker** said, “...a form of Toughbook. Generally, you’d want to use them in areas where people have a tendency to either carry a laptop around or move one from place to place, anywhere where you have that additional risk of damage, and they’ve proven through the course of time to be worth the money.”

**Chairman Peterjohn** said, “Okay. Seeing no further questions, what is the will of the body? We don’t have a motion.”

**MOTION**

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

Chairman Peterjohn seconded the motion.

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

**VOTE**

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

**Ms. Baker** said, “Thank you.”

**Chairman Peterjohn** said, “Next item.”

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**I. CONSENT AGENDA**

- 1. Amend the 2010 Capital Improvement Program to reduce certain 2009 and earlier approved project budgets in the Sales Tax Road and Bridge Fund to the total of the contract amount and Charter 57 allowance.**
- 2. Authorization of a Service Agreement which will allow Clay County to use Sedgwick County's Motor Vehicle Tax Estimator.**
- 3. Schedule public hearing for the resolution adopting the revised Sedgwick County Fireworks Code with amendments to the International Fire Code, 2003 Edition, as the official Sedgwick County Fireworks Code.**
- 4. One (1) Right of Way Easement for Sedgwick County Project at the intersection of 93<sup>rd</sup> St. North and Meridian. CIP# R-321. District 4.**
- 5. One (1) Right of Way Easement Sedgwick County Project 636-21-1132; Bridge project on 71<sup>st</sup> Street South between 71<sup>st</sup> Street South between 71<sup>st</sup> & 87<sup>th</sup> Streets West. CIP# B-440. District 2.**
- 6. One (1) Right of Way Easement and One (1) Permanent Drainage Easement for Sedgwick County Project 636-23-910; Bridge project on 71<sup>st</sup> Street South between 39<sup>th</sup> & 55<sup>th</sup> Streets West. CIP# B-441. District 2.**
- 7. One (1) Permanent Drainage Easement for Sedgwick County Project 634-32, 33, 34, 35, 36; Widen 63<sup>rd</sup> St. South between Rock Road and the Butler County line. CIP# R-275. District 5.**
- 8. Order to correct tax roll for change of assessment dated March 3, 2010.**
- 9. General Bill Check Register of March 3, 2010 – March 9, 2010.**
- 10. Payroll Check Register for the week of February 27, 2010.**

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

**MOTION**

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Commissioner Unruh moved to approve the Consent Agenda.

Chairman Peterjohn seconded the motion.

**Chairman Peterjohn** said, “And also add for purposes that one of the items on the Consent Agenda is we’re going to, we’re scheduling the public hearing for our next meeting concerning the revised Sedgwick County Fireworks Code with amendments, so that will be coming up at our next meeting. Seeing no further discussion by anyone, please call the vote on the Consent Agenda.”

### VOTE

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

**Chairman Peterjohn** said, “Next item.”

### J. OTHER

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

**Commissioner Welshimer** said, “Well I’ve had several contacts from constituents on events at the arena. I think there was some kind of a meeting on that yesterday. I don’t have any information back on that. But I think one of the problems we have is someone paying \$127 for a ticket and finding someone in a better seat than they had for \$10. So I really think we need to have a meeting, and look this over, and get an understanding of how this is done and how they’re going to make that more equitable. Another thing that was interesting to me is that in the parking garages for the arena, they’re giving people a \$15 parking ticket if they back in to their slot, which would make sense to me, because then you could get out when everyone else is trying to get out, otherwise, you’d be held up in traffic and it would empty much slower. So I don’t know what the issue is on that, but it’s something I would like to see addressed and hear back on. I just think, all in all, we do have a problem with the ticketing and I think we need to have a good down to earth meeting on it with a lot

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of discussion with SMG. I want to be assured that these things are going to work themselves out or be corrected. Thank you.”

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

**Commissioner Unruh** said, “Thank you. I just wanted to make a comment about the Zoo and encourage all our citizens to take advantage of a world class facility we have and kind of mark on their calendars some big events that are happening. One, in about two months maybe or just over that, we’re going to have a new okapi baby out there, which is an absolutely beautiful animal, unusual animal, not too many of them in captivity. One of the facts about that animal that always impresses me is I think he cleans his ears with his own tongue. I don’t know how you do that, but that animal can do that. Anyway, you need to see that animal. Also, we’re going to have some penguins, I think, next week; baby penguins. And under the direction of our Zoo Director, Mark Reed, he’s adding some tigers and adding some gorillas, so we have a wonderful facility out there and just encourage everybody to take advantage of that. That’s all I had, Mr. Chair.”

**Chairman Peterjohn** said, “Well thank you, Commissioner Unruh. I was going to...you’re stealing a bit of my thunder, because I was going to mention the fact that there were a number of pregnancies out at the Zoo and for people to go out there and guess, but you’ve kind of reduced the list since you’ve kind of given up a couple of the breeds that are out there. We have a number of other pregnancies that are going to be occurring out there, too, so it’s not just limited to that list. I’m going to turn this over to Commissioner Parks at this point.”

**Commissioner Parks** said, “Well, as we all know it’s, or most of us know, it’s St. Patty’s [Patrick’s] Day. Don’t drink and drive. I say drink and drive, drink alcoholic beverages and drive. If you do choose to do that, have a designated driver or do that in a place that you can stay until you sober up. There are saturation patrols out there from several agencies, and we don’t need the jail full and you don’t need to spend from \$3,000 to \$5,000 dollars on attorney’s fees and other jail amenities. I want to kind of go back to the public hearing about the fireworks a little bit. I wanted to clarify something for some of my constituents. One of them had said over at the one of the meetings that we had, in fact at the Zoo, at the Cargill [Learning] Center, that he had some cattle and they were spooky and what not. He said, well, I guess we can live with this for one day. The resolution that’s been drawn up and proposed law change does include one through four, so I wanted that to get out to everybody to know that it does include four days. Please come to the public hearing if you can make it or send written documentation to myself or the Chairman. Thank you.”

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**Chairman Peterjohn** said, "I'll hasten to add that we're in an interesting situation this year because the 4th of July falls on a Sunday, and that means that the federal holiday will be July 5th. And so one of the questions we have coming up is exactly how we should handle what days would be available, and also the proposed resolution is from the days that it's allowed is between 8 a.m. and midnight. So timeframe has been known to vary from jurisdiction to jurisdiction. That may be part of the discussion, and if folks feel strongly about this, not only should they get in touch with their Commissioners, but they can email, write and call. So having seen that, I'm going to recognize Commissioner Welshimer who has a motion."

**MOTION**

Commissioner Welshimer moved that the Board of County Commissioners recess into Executive Session for 30 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 12:10 p.m.

Commissioner Parks seconded the motion.

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

**VOTE**

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

**Chairman Peterjohn** said, "We're in recess until no sooner than 12:10 p.m."

**The Board of County Commissioners recessed into Executive Session at 11:40 a.m. and returned at 12:15 p.m.**

**Chairman Peterjohn** said, "Call this meeting back from recess and recognize Mr. Euson."

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**Mr. Euson** said, “Thank you, Commissioners. While in Executive Session we discussed a case involving Edgar Richard versus Board of County Commissioners. And in that case, we would recommend at this time that you make an offer of judgment in the amount discussed in Executive Session and authorize counsel to make that offer.”

**MOTION**

Commissioner Unruh moved to authorize counsel to make the offer of judgment.

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

**Mr. Euson** said, “Thank you, Commissioners.”

**Chairman Peterjohn** said, “Seeing no further business, I’m going to entertain a motion to adjourn.”

**MOTION**

Commissioner Welshimer moved to adjourn.

Chairman Peterjohn seconded the motion.

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

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**VOTE**

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

**Chairman Peterjohn** said, "We are adjourned."

**K. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 12:17 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:

April 7, 2010