

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

### **REGULAR MEETING**

**April 14, 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, April 14, 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; Mr. Larry Ternes, Youth Services Administrator, Corrections; Mr. Robert Lamkey, Director, Public Safety; Ms. Chris Morales, Project Manager, Corrections; Ms. Beverly Baalman, Marketing Director, COMCARE; Mr. Tom Pletcher, Clinical Director, COMCARE; Mr. Ron Holt, Assistant County Manager; Mr. Joe Brunk, Director, Noxious Weeds; Ms. Iris Baker, Director, Purchasing; Ms. Kristi Zukovich, Director, Communications; and Ms. Katie Asbury, Deputy County Clerk.

### **GUESTS**

Ms. Martha Linsner, Project Development Committee, Junior League of Wichita

Mr. Kelly Wendeln, P.O. Box 1817, Wichita, Kansas

Ms. Angie Duntz, PR/Marketing Director, Communities In Schools of Wichita, Sedgwick County and Service Learning Students

Ms. Teresa Lovelady, Director of Prevention and Grant Support, Mental Health Association of South Central Kansas

Mr. Chris Presson, General Manager, Intrust Bank Arena

### **INVOCATION**

Observed by a moment of silence.

### **FLAG SALUTE**

### **ROLL CALL**

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

### **DONATION**

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**A. DONATION OF THE “READING AT THE RANCH” PROJECT BY THE JR. LEAGUE OF WICHITA TO BENEFIT THE YOUTH AT THE JUDGE RIDDEL BOYS RANCH (JRBR).**

**Mr. Larry Ternes**, Youth Services Administrator, Corrections; greeted the Commissioners and said, “The Junior League of Wichita and its board has elected to donate library materials and supplies to Sedgwick County for the furnishing of an updated reading room and library for our residents at the Judge Riddel Boys Ranch. The library will be located in our existing recreation room. The Junior League volunteers will select books to read and plan to have discussion groups with our residents about the reading material. This donation will significantly enhance the programming activities at the ranch that are an integral part of the treatment program we provide. If accepted, the donation will provide library materials such as books, periodicals, book shelves, tables, chairs, lights, computers and audio tapes. The total value of the donation is \$21,706. I’m recommending this morning that you accept the donation and authorize the Chair to sign a letter of appreciation. I would also like to add that today with us from the Junior League is Martha Linsner, who is a representative from their Project Development Committee. I would be happy to answer any questions that you might have, and Martha is also here to recognize for this donation.”

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

**MOTION**

Commissioner Norton moved to accept the donation and authorize the Chair to sign a letter of appreciation.

Chairman Peterjohn seconded the motion.

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

**Commissioner Parks** said, “Well, I am certainly in support of this, and seeing the benefit from the youth ranch and the things that go on out there, and I just think this is another star that we have in Sedgwick County that a lot of other places don’t have. And I really appreciate this donation. It is so valuable that we have donations coming in, in especially these tough economic times. I would like to thank all of the employees out at the Boys Ranch also at this time, use this opportunity to thank them for their work that they’re doing out there.”

**Mr. Ternes** said, “Thank you.”

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**Chairman Peterjohn** said, "I'd like to also second Commissioner Parks' comments, because Ms. Linsner and Ms. Schmaltz, is that correct? Schmaltz. One of the things that we've been involved in, and in fact, we'll have later on in the Agenda, ties into the challenge we have with detention and the jail, and a disproportionate percentage of the people who end up being incarcerated for one reason or another often have problems with a lack of being able to read. And it is so fundamental, and it is so basic, and anything we can do to strengthen the literacy at all levels is so critical at this time. And I am very, very appreciative of the Junior League's efforts to make this contribution, and to not only provide the material, but to also provide the volunteer support working with county staff to try and make a difference in these young peoples' lives. There's a lot of troubled families out there and that often leads to troubled children. And, unfortunately, some of them end up out at Judge Riddel. And I am very pleased to be able to support this motion today. Commissioner Unruh."

**Commissioner Unruh** said, "Thank you, Mr. Chair. Well, I have a question for Ms. Linsner."

**Ms. Martha Linsner**, Project Development Committee, Junior League of Wichita, greeted the Commissioners and said, "Yes?"

**Commissioner Unruh** said, "From what Mr. Ternes said and from our backup said that y'all are going to be leading discussion groups over the reading material. Is that a new program or have you always been doing that?"

**Ms. Linsner** said, "It is a new program. The League has a real dynamic process for how we select our projects, and we ask organizations in Sedgwick County to submit proposals and then the Project Development Committee that I sit on goes through, like I said, a really dynamic process to select which ones we want to recommend to the League's membership, and then the membership makes the final vote. So Marcus, I believe, Marcus West in the panel here, he was a part of selecting, or putting the proposal together, and then through the selection committee, the Project Development Committee, we worked with Marcus and he made presentations. And sometimes the League members make enhancements to the projects to make them something that will work so that we can use our volunteers in the best way to better the community."

**Commissioner Unruh** said, "Well, very good. I think that discussion groups are good. I'm sure those folks are like me, I need help sometimes understanding what I'm reading, so I think that's..."

**Ms. Linsner** said "I understand."

**Commissioner Unruh** said, "...a great addition. So anyway, appreciate it, and we are grateful for the very big generosity that you all are willing to help us with in having good programs in Sedgwick County."

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

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

**Commissioner Norton** said, "Well, Martha, thanks for coming today. We really appreciate the Junior League. I think it's one of those hidden treasures in our community that not everybody knows about but has a long history of finding projects in the communities they can support, and not only support with money, but their time and efforts, and I know you've done things at the Zoo for Sedgwick County over the years. There's a lot of fingers out there that most people don't realize, but we thank the Junior League for being so active in our community, and having a pretty long history in Wichita of doing good, so we really appreciate that."

**Ms. Linsner** said, "Yes, I believe it started with the war bonds, so it does go back quite a ways. I encourage everyone to go to our website and see a list of all the projects that the League has, how the League has made an impact on our community. It's amazing."

**Commissioner Norton** said, "It is. Thanks for being here."

**Ms. Linsner** said, "You're welcome. Thank you."

**Chairman Peterjohn** said, "Well, before you leave, can you give us that website one more time?"

**Ms. Linsner** said, "I believe it's [www.jlwichita.org](http://www.jlwichita.org). I cheat, I..."

**Chairman Peterjohn** said, "Well I hate to put you on the spot on that."

**Ms. Linsner** said, "...google Junior League of Wichita."

**Chairman Peterjohn** said, "Okay. Seeing no further questions from the bench, let's call vote."

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye

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Commissioner Welshimer           Aye  
Chairman Peterjohn                Aye

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

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

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

### **CITIZEN INQUIRY**

#### **B.     REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING "THE REST OF THE STORY".**

**Mr. Kelly Wendeln**, P.O. Box 1817, Wichita, Kansas, greeted the Commissioners and said, "I am not going to mention any names or places, but I think this story needs to be told so you will have a better understanding and maybe make better, and less expensive, decisions and save taxpayers' money. A disabled senior citizen who is in failing health bought a two and a half acre rural property 43 years ago. For the last year or so, he has not been physically able to maintain his property. A county court judge entered the property last fall, in spite of no trespassing signs and a verbal statement not to enter. The same judge later told the property owner in court that he had not entered his property. This judge has a long history of deception. A longtime zoning inspector saw a few large wooden boxes on this place that measure about six feet by seven feet and suggested that the property owner build a screening fence for those boxes, which the zoning inspector now denies he ever said. That's why there are so many of those boxes. Haven't these zoning bureaucrats caused enough people problems in this county? This is a good example of a government employee causing more of a problem. The property owner hired a surveyor to determine the property line for his fence, but the surveyor could not find the stake because a neighbor had knocked out the original surveyor's stake with a bobcat."

"One young neighbor, who enjoys using firearms in his backyard quite recently, has plainly aimed them at a boat and camper on the northwest corner of the adjoining property. There are quite a few lead shotgun pellets on the ground below the numerous holes in the boat, and rifle slug holes through the camper. Also, a break-in of the home on this property five years ago netted the thief eight rifles and shotguns, and an estimated \$100,000 coin collection, which was stored there for safekeeping. The Sheriff was called and investigated, but nothing was ever reported to the property owner. A thief has hit this place three or four times over the last six years, stealing a trailer, tools,

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breaking into the locked home, and sheds and God knows what else. The property owner always calls the Sheriff, one time the deputy kind of laughed, and the owner never hears from them again.

“The county court judge threw this property owner in jail for three months last September 28th, and he was finally released after four weeks because of a state law prohibition of jailing for violating county resolutions. Thank you for getting him out. Judges regularly tell defendants that ignorance of the law is no excuse. I guess that only works one way. This unfairness is a good example of why some people hate government. In a pathetic flash of brilliance, jail authorities took the property owner out there and expected an old cripple to work, but he couldn’t, so they threw him back in jail. This property owner has an extensive collection of antiques stored there that would make the television History Channel's American Pickers or Antique Archeology's mouths water. As star Mike Wolfe says, ‘What some people see as junk, we see as dollar signs.’

“Tyrannical zoning departments need to be taken to the wood shed. If the county is really short of money, here is a good place for you to trim the bureaucratic pork, fat and blubber out of the budget that we all know is there. Contractors have given estimates of at least \$28,000 to clean up this property, which is twice what it is appraised at. Sedgwick County shot itself in the foot when it prohibited open burning of lumber, like all those wooden boxes. That regulation doesn’t make sense. Why don’t you repeal it? The next owner of that property would be able to clean up the property, like another nearby property was cleaned up recently, for free. Why don’t you just let this old guy die in peace? Something he hasn’t had in the last 11 years. And now you know the rest of the story. Thank you.”

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

**Commissioner Parks** said, “I know about the case that Mr. Wendeln spoke about. I know about a lot of the other things in this, and a lot of those items that he said I am thankful that he didn’t name names. This is something I think we need to look at, probably in our chapter 19 of our code, and maybe do like we did on the Zoning Code about jailing people for environmental crime. I don’t know how the others feel, but I would certainly take up that in another time, another place, study this a little bit more. Thank you.”

**Chairman Peterjohn** said, “Thank you. I’m going to...one comment I want to make based on Mr. Wendeln's comments was we have the burning regulations that we have in part because we are right on the cusp, or edge, with becoming a nonattainment area for air pollution and air quality. And the federal government and the Environmental Protection Agency (EPA) is tightening up those limits. Last year we had a very unusual day where the wind was blowing out of the east, and they were burning off the Flint Hills and a lot of the smoke from that, and particulate matter, came into Sedgwick County and triggered air pollution levels that put us in violation of that nonattainment area, even though it was obviously caused outside of Sedgwick County for the most part, since only

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a relatively small amount of burning was occurring within Sedgwick County. And so, to your point, Mr. Wendeln, concerning burning, that is one of the challenges that we face as a community, because the City of Wichita has the responsibility for monitoring the three stations that exist here in Sedgwick County that cover basically a four county Metropolitan Statistical Area (MSA) as laid out by the federal government. So Sumner, Butler and Harvey County are in the MSA with Sedgwick, and those air quality monitoring stations play a role, so we have a real challenge when it comes to burning.

“And this is a growing problem, because when the federal government tightened up the regulations recently, it made us close to being, we’re right on the edge, in terms of this nonattainment, and we’ll have a large unfunded mandate by the government onto the private sector that is struggling economically at this point in time if we go into this nonattainment, and that additional cost, and that exists in other communities, such as up northeast of us in the Kansas City area, I believe its ozone is the area that we are most sensitive to. So I appreciate the comments. I also appreciate the concern about county court. I am aware of the state statute that says people who are in violation of the county code may be fined, but may not be incarcerated, according to the state statute. But, and obviously, jail overcrowding is a concern, and I think we’ll be discussing that a little further later on in this meeting. Having seen that, I see no further comments.”

### **MOTION**

Chairman Peterjohn moved to receive and file.

Commissioner Welshimer 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.”

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### NEW BUSINESS

#### **C. COMMUNITIES IN SCHOOLS OF WICHITA/SEDGWICK COUNTY SERVICE LEARNING PROJECT.**

**Ms. Angie Duntz**, PR/Marketing Director, Communities in Schools of Wichita, Sedgwick County, greeted the Commissioners and said, “Our organization is proud to work with schools to help empower them to stay in school and achieve in life. We are here today to tell you about an exciting opportunity with a few of our students and schools that they’ve been awarded. With me today are a number of our students from Derby schools: Cooper, Oaklawn, Derby Sixth Grade Center and Derby Middle School, as well as our CIS (Communities in Schools) site coordinators and members of our administrative staff, including our President and CEO (Chief Executive Officer), Suzanne Graham. This semester these schools were awarded a Service Learning project through our national Communities in Schools office out of Virginia, and as part of that grant, the students are required to present, not only to the community, but also to local elected officials. In March, our students were lucky to interact through a video exchange with students in Sydney, Australia, who are also conducting a similar project. I am going to turn the podium over to the students now to let you hear from them exactly what they are doing. So first off, I have Arabelle and Tyra from Oaklawn Elementary.”

**Ms. Tyra**, Student, Oaklawn Elementary School, greeted the Commissioners and said, “My name is Tyra and this is Arabelle, and we’re from Oaklawn Elementary School. Thank you for allowing us to come and tell you about our Service Learning project. Our project is about educating the community on healthy habits and living a healthy lifestyle.”

**Ms. Arabelle**, Student, Oaklawn Elementary School, greeted the Commissioners and said, “Some of the activities we have done, and are planning to do, include organizing a food drive, putting on a health fair, making a healthy cookbook to sell and give the proceeds to the Derby food pantry, participating in Global Youth Service Day, making health announcements at school and presenting our project to the Derby Board of Education.”

**Ms. Duntz** said, “And this is Alyssa and Derek from Cooper Elementary.”

**Ms. Alyssa**, Student, Cooper Elementary School, greeted the Commissioners and said, “As part of our grant, we are planning to hand out posters that we made to a variety of businesses in the

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community. We would like to present the Commission with the poster for allowing us to come today.”

**Chairman Peterjohn** said, “It would be a real pleasure to have that.”

**Ms. Breanna**, Student, Derby Sixth Grade Center, greeted the Commissioners and said, “Our Service Learning project has received international attention. In March, we were able to exchange videos with students in Sydney, Australia. We have received a lot of positive feedback from those students, as well as Communities In Schools’ National Office.”

**Ms. Duntz** said, “Thank you again for letting us be here today and for your continued support of Communities In Schools. Before I leave, I do want to congratulate you on the new arena. This is a personal thing. But I recently took my nine year old daughter to her first concert and it was an amazing concert. So I just want to thank you that that’s a true gem in the community. Thank you very much.”

**Chairman Peterjohn** said, “Thank you. We’ve got a couple comments from Commissioners. Commissioner Parks.”

**Commissioner Parks** said, “If the young man would bring that poster up and put it underneath the Sedgwick County sign on the podium, I think we could zoom in on it and see the hard work that the kids did on that. I think that’s important that the parents and that the kids get to see this on streaming video later on. Then you can all go in on the streaming video and see this presentation later. And if you can kind of zoom in on that, that’d be great. Thank you.”

**Ms. Duntz** said, “Thank you.”

**Commissioner Parks** said, “Just wanted to get their credits there.”

**Ms. Duntz** said, “Thank you very much.”

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

**Commissioner Welshimer** said, “I want to thank Communities In Schools for the great work you do, and I want to thank our very admirable young ladies and gentleman for the work they are doing on this project. I think it’s wonderful and it deserves national attention. Thank you.”

**Ms. Duntz** said, “Thank you very much.”

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

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**Commissioner Norton** said, “Well I’ve had a long history of admiring Communities In Schools, even when it was Cities In Schools many, many years ago. You do great work throughout the Sedgwick County area. How many schools are you in now, Angie?”

**Ms. Duntz** said, “We are presently in 23 schools. And that’s in the Derby School District, Haysville, Valley Center and Wichita, oh, as well as the Catholic [Diocese of Wichita] schools, sorry.”

**Commissioner Norton** said, “Well the fingers of CIS are all over our community, and that’s very important. You also have a pretty important event coming up that showcases many more outstanding students from those schools, and what is that?”

**Ms. Duntz** said, “We have our Student Triumph Awards Recognition (STAR) Luncheon, which is going to take place on April 22nd, and it allows us to highlight students that have made great achievements in academics, behavior and attendance. A lot of these students are not students that would typically be recognized, and so it gives us a chance to really support them and say, you know, we’re here for you and you’re doing a great job.”

**Commissioner Norton** said, “You also recognize families that work together, that pull themselves up by their boot straps to make sure their kids achieve well in school, and that’s important, too, is it not?”

**Ms. Duntz** said, “Absolutely, because it takes an entire family to make a child successful, and so we have the opportunity to award the Judy C. Frick Award at each STAR Luncheon to a family or families that have really gone in and support their child, volunteer at the school and really make a difference.”

**Commissioner Norton** said, “And I guess the last thing is that you guys provide a lot of services and do a lot of things yourself, but it’s really about connecting with all the other services, so you haven’t reinvented anything, you’ve just used the capacities that are already in our community, is that correct?”

**Ms. Duntz** said, “Absolutely. We see it as, there’s no need to duplicate services. It’s about bringing the services to the kids, and the easiest way, the easiest access to get to the students is at the schools. So we’re able to bring those community services and be that one point person in the school to provide the services.”

**Commissioner Norton** said, “So what are some of the services you connect with that you help provide to families and young people in the schools?”

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**Ms. Duntz** said, “A lot of basic needs. If students need help with uniforms or school clothing, pencils, backpacks, school supplies, things like that, but one of the most important things we do is mentoring and tutoring, and connecting the kids with a caring adult. We found that that truly makes a difference in making a kid successful.”

**Commissioner Norton** said, “And CIS nationally has some tenets that they try to follow. What are those tenets that are so important to CIS's mission?”

**Ms. Duntz** said, “They are so important, and I’m nervous so I might forget one. Please forgive me.”

**Commissioner Norton** said, “Suzanne I’m sure will step up and scream them out for you.”

**Ms. Duntz** said, “Yeah, my boss is here too. A one-on-one relationship with a caring adult; a chance to give back to the community; a marketable skill to use upon graduation; a healthy start for a healthy future and a safe place to learn and grow. Thank you.”

**Commissioner Norton** said, “Five pretty important things for kids to have...”

**Ms. Duntz** said, “Absolutely.”

**Commissioner Norton** said, “...you know as we continue to worry with the whole child abuse issue and kids at risk, this is a way for the community to wrap around kids in a safe place and give them a great start in their lives. We’re really happy that you’re here today. And these young people exemplify the future of our community and we’re very proud of them.”

**Ms. Duntz** said, “Thank you very much.”

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

### **MOTION**

Chairman Peterjohn moved to receive and file.

Commissioner Welshimer seconded the motion.

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

### **VOTE**

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

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

**D. CONSIDERATION OF EXTENSION OF THE AGREEMENT BETWEEN SEDGWICK COUNTY AND JUSTICE CONCEPTS INCORPORATED (JCI).**

**Mr. Robert Lamkey**, Director, Public Safety, greeted the Commissioners and said, "As a matter of background, Justice Concepts Incorporated (JCI) entered an agreement with Sedgwick County on August 4, 2008, with an overall aim to help us develop, create and implement programs and processes to reduce the detained population in the jail. The agreement had a 10 month term from the date of execution of the agreement. Work was allowed to continue past that initial performance period for a number of reasons, but with an overarching desire to achieve the goals set forth in the agreement; to reduce our detained population. JCI has, as required by our purchasing policy, requested an extension to May 31, 2010, with an outline of work to be done to complete the agreement and receive final payment of \$46,166, and that's the amount remaining of the original \$124,616 specified in the contract."

**Mr. Lamkey** continued, "After much consideration, I think it's important to offer you a staff recommendation as you consider this item. JCI has been working with Sedgwick County for nearly two years. They helped us facilitate a beneficial expansion to our pretrial services to the City of Wichita, and they've pointed us in some other good directions. However, there have also been some disappointments, particularly in the timeliness of deliverables and reports of varying kinds. Unfortunately, I believe the overall business relationship has become unsustainable for Sedgwick County, and therefore for the convenience of Sedgwick County, the staff recommends that Sedgwick County denies the extensions, reconciles any payments due and terminates our business relationship. Should you accept this recommendation, I request authorization to provide formal notification for JCI and complete those final actions. And with that, Commissioners, I stand ready to answer any questions that I may and hear your will."

**Chairman Peterjohn** said, "Thank you. Questions or comments for Mr. Lamkey? Commissioner Welshimer."

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### MOTION

Commissioner Welshimer moved to follow through with the staff recommendation to deny the extensions, reconcile any payments due and terminate the business relationship with Justice Concepts Incorporated.

Chairman Peterjohn seconded the motion.

**Commissioner Welshimer** said, “And are you ready for discussion?”

**Chairman Peterjohn** said, “Absolutely. There are no questions for Mr. Lamkey, and I think we can mix this in with comments from the bench, so please proceed, Commissioner Welshimer.”

**Commissioner Welshimer** said, “Well I want to impress upon everyone that we want to take a look at failure. And failure isn’t failure; failure is never trying. In the original purpose of bringing Justice Concepts here was to avoid building an inadequate 387 bed addition to the jail, and that cost today could reach \$70 million. So we forgot all about that \$70 million, now we’re talking about a few thousand dollars here. Of course, this building project has huge financial benefits for proponents, and that has been a tremendous force to come up against for everyone. It’s tradition in Sedgwick County to just throw money at the problem, as long as the county can tax valuation increases and call it the fault of the market, there’s plenty of cash to throw around. It prevents having to get down to work and root out the causes. The justification to this attitude has been that all of our jail population problems are some other elected official’s fault.”

“In order to escape the appearance of a true lack of leadership, the Commission approved the formation of the CJCC, the Criminal Justice Coordinating Council, to take care of all matters related to this jail population issue. No doubt this is a good group with good intentions. There are members from all the divisions involved, but they have no leadership, they have no authority and they have no money. This is the same set of circumstances given to JCI, who tried desperately to energize some collective leadership and it couldn’t be done. One good thing about having JCI here is they gave us a look at procedures behind closed doors of the divisions who use the jail and depend on this Board of County Commissioners to pay for however they use it. Another good thing about JCI is we’re not talking about these issues and some knowledge of the problem. We know now that a problem solving percentage of the 36,000 bookings into our jail annually could and should be handled differently. So where do we go from here? What are the chances of all the Commissioners setting a goal and taking a collective leadership role? Without it, the word failure will truly apply. Thank you.”

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

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**Commissioner Parks** said, “Well, I want to take everyone back about two years ago, and at that time we were discussing, not only jail problems, but pay for performance and whatnot, and you can certainly go back on the record and see, although it’s not commonly reported in the news, that I made a comment that we could go the direction of pay for performance with JCI, and give them \$24,000 up front and pay the other \$24,000 after they provided the 25 percent decrease. That was skewed and the contracts were made that that didn’t happen. However, I do want to say something along those terms, that we were looking at 2,100, a projection of 2,100 prisoners in the Sheriff’s care as of January 1st of this year, of 2010. That was some of the projections from CJCC, WSU (Wichita State University) and at that time, Sheriff Steed. Had we told Sheriff Steed that it would be 1,505 this morning back then, he probably would have said no way. So I do think that there have been some good things come out of this. Staff has said, Mr. Lamkey just said, the pretrial, getting that off the ground, that has been an enormous asset to clearing out those people that didn’t need to be in jail for those miniscule things, pointed us in the right, I think they pointed us in the right direction on a few other things, although the business relationship has deteriorated immensely the last 30 to 60 days.”

**Commissioner Parks** continued, “CJCC, which I served on for my first couple years there, we were close to the situation. WSU is close to the situation. I think getting an outside person looking in on it helped us out immensely, and one of the things, the data collection that JCI said they ran into problems with, I think that has improved. I think we need to see more improvement on that. We need to be able to know how many misdemeanors are in jail, how many felonies, how many from the cities, how many from the other places. We need to just really have a lot of data so we know, to help the Sheriff manage his jail. So, just wanted to say that. And in closing, I am going to be supporting the motion to sever the relationship because of the recent business relationship. Thanks.”

**Chairman Peterjohn** said, “We don’t have a motion in front of us, or are you making a motion at this point?”

**Commissioner Welshimer** said, “No, I did make a motion.”

**Commissioner Parks** said, “She did make a motion.”

**Chairman Peterjohn** said, “Okay. I’m sorry. Do we have a second?”

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

**Chairman Peterjohn** said, “Appreciate the correction. Commissioner Unruh.”

**Commissioner Unruh** said, “Thank you, Mr. Chairman. Well, I appreciate the challenge that was given to us by Commissioner Welshimer, as far as challenging Commissioners to take leadership and move forward with the challenge we have in managing our detained population, and I think that we have been and will continue to do that. I would say that my perspective of the Criminal Justice Coordinating Council is that it is composed of dedicated, professional stakeholders who represent all the component pieces: Sheriff's Office, the city police office, our Corrections, the District Attorney's Office, the judges. I'm not naming all of the partners, but we're all at the table. And my perspective, and my time on the Criminal Justice Coordinating Council, is that they have been working in a collegial, collaborative, focused way and that much has been produced out of the Criminal Justice Coordinating Council, and the department [Division] of Information [& Operations] and our technology people have been working hard on trying to move through the process to get us the IT (Information Technology) information we need to analyze folks, so that we can do a better job of intake and assigning people to different alternatives.”

“The population numbers that we enjoy today, as far as those directly under the Sheriff's control, are due in a large part to the alternative programs that the Criminal Justice Coordinating Council initiated long before JCI came on the scene, and they have been provided for in our budget, and the Work Release program that we've been working on, and that has improved lately, but I mean, that was started in the mid 1990s, I believe. So these programs have been in process, they've been planned for, they've been productive, and so I think we're doing the right thing. Now specifically whether our relationship with JCI, my opinion is that our contractor has failed in about all measurable outcomes; in the goals that were established, in the timeliness of those deliverables, in the reports that would include observations, and analysis and recommendation, we haven't received any of that report. So because, in my opinion, this particular relationship is, it is not sustainable, it's untenable and I believe in many respects it is counterproductive, I'm going to vote to support the motion. And that's all I have, Mr. Chairman.”

**Chairman Peterjohn** said, “Thank you. I've got...Commissioner Norton.”

**Commissioner Norton** said, “Well, I'll support the motion, but truthfully, I'm not for paying them one more penny. If the motion also includes paying off the final thing for Labette and Butler County, I'm not willing to move on that. To this date, I still have not seen a report that finishes that up. And if we're going to make that decision to negate the contract and move on, I say that that

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hasn't been fulfilled, and we're not going to pay that. It doesn't make sense. We've asked several times. In fact, it seems like to me that there was a conversation about that being lodged in the computer somewhere and it was just a matter of sending it to us well over months ago. Yet here we are getting ready to pay for that without not having a recommendation on that trip to Labette and Butler County. So I'm not really willing to move forward on that unless someone can tell me that we're sitting with a report that tells us yes or no, that that was adequate facilities and capacity that we could use, and I think that was part of that extra money that we encumbered, is that not correct, Bob?"

**Mr. Lamkey** said, "Well, we, and the Commission, approved an authorized expenditure for out-of-contract work to the extent of slightly more than \$28,000 sometime back, and the Labette project was part of that. JCI did incur the expense of the travel, and the observations and the visits there, and I made a recommendation, which you accepted, not to pay \$7,200 of that \$28,000 until we received the report. In the communications to me that you have before you, we would expect to receive that report on the 19th of April, which is next Monday, and I spoke to Dr. Insko and she is planning on delivering us that final product, which essentially, my intention was to hold payment for the time that they've expended until we got the deliverable on the other end. So they did expend expense in traveling down there at our request."

**Mr. Lamkey** continued, "The other cost that I'm aware of, since we made the last payment that was explicit to us, is that we invited Dr. Insko to Sedgwick County to sit-in on some of the facilities, work group and facilities discussion with the CJCC. So that was an expense that they incurred for that travel. That I see as outstanding issues. I will have a conversation with them to determine whether they believe that there are any other expenses that they may have incurred, but those are two items that are on my mental list of closure items with regards to pay. Certainly, we are, and this is a term of art that Rich can explain more fully, as we are terminating the contract by the clause for our convenience, which implies a reconciliation process. We are not terminating for cause, which is a different process. And so, again, if it's the will of the Commission that we do something different than reconcile, then I leave that to you to provide direction and work through Mr. Euson and me to provide the appropriate direction. But in the terms that we've defined right now, my expectation is if we have a delivery of the Labette report, because that is work that's out there, that I would suggest that we would pay it, and certainly the time that she came down here might be something that having a discussion about. Conversely, there are other deliverables that they are in the process of working that aren't complete, and I don't believe that we have any obligation to pay for. But with that, if you have specific legal questions, I am going to flip to Rich."

**Commissioner Norton** said, "Well I guess there's a philosophical question among Commissioners, is whether this is for convenience to get it off our plate and not have to worry with it anymore, or there is cause. And I think cause in the business community is if you don't deliver, you don't do what you say you're going to do, if you do the kinds of things I've seen Justice Concepts do, then

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you say, I have cause because you haven't delivered what you said. I am ready to cut bait and say move on. We don't want to do that? Okay. I'd say we'll stop that conversation if that's not the will of the Board."

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

**Commissioner Parks** said, "I am actually going to ask Legal to give a legal opinion on our obligation on this, since they did do the work, they did do some of the work, the report's not in, I don't like that, I don't like the fact that those two reports are not in, however, they did go visit those places, they did talk to a lot of people, I know that some of that work's been done. Are we culpable, or are we responsible to pay part of that in a legal sense?"

**Mr. Richard Euson**, County Counselor, greeted the Commissioners and said, "You have really three options under this contract. You can terminate it for cause, in which case you have to give JCI a 30 day cure period. And during that cure period, of course, if they are able to meet all of their obligations, then you are required to pay the contract. You can terminate the contract for convenience, and if you do that, and that's what Mr. Lamkey is recommending, then you set a 60 day period of time, and during that time, JCI is entitled to finish any tasks that they have already started, but those have to be usable to the county. Then the county is obligated to pay for those, whatever the fair value of those is, but JCI cannot start any new tasks during that period of time. Then, of course, the third option would be that you just agree to a mutual termination, and the parties agree to end the contract and it's on whatever terms and amounts the parties can agree to. Now that's pretty general, but that's what your options are."

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

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

**Commissioner Unruh** said, "Thank you, Mr. Chairman. Well, Mr. Counselor, then, your recommendation is to follow the recommendation of Mr. Lamkey that we terminate for convenience?"

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**Mr. Euson** said, “Yes. My recommendation is that you terminate for convenience, as is implied in the motion, and that you allow Mr. Lamkey to send that notice and then if a mutual termination can be reached that’s good for the parties, then that would be a good thing.”

**Commissioner Unruh** said, “Alright. Thank you. I will continue to be supportive with that explanation, and, you know, with a clear recalling of the fact, that I believe Commissioner Norton and I both disapproved of the payment for services outside the scope of the contract, which includes that report from Butler and Labette, so I am very much in agreement with the sentiment expressed by Commissioner Norton, but I’m willing to follow the recommendation and vote for termination as a matter of convenience. That’s all I have.”

**Chairman Peterjohn** said, “Thank you. I’m going to jump in, and I welcome further discussion following my comments if I trigger any other comments from the bench or from Mr. Lamkey. Because when I joined the Commission in January 2009, I strongly believed as a candidate and as a Commissioner it was important to try and make this community safe at as a reasonable a cost and a price as possible, and the agreement had already begun, and in fact I met Ms. Insko literally days after I became a Commissioner when I joined her, and a number of county staff and I believe Commissioner Welshimer for a trip down to Labette and to examine the work release facility that the state was in the process of shutting down at that time. We face a major challenge. The detention problem, in general, and the jail problem, in particular, has been a large unlanceable boil on the body politic for at least two decades in this community. When I was a candidate, there was a lot of discussion about the jail expansion proposal, that we were looking at a cost of somewhere between \$125,000 to \$130,000 per bed, and that cost was not acceptable to me. And I don’t think it was acceptable to the public. We can be safe at a lower cost.

“And I want to walk through a few things because, and segue off some of the earlier comments, because I am going to support this motion for termination for convenience, but I want to provide some facts that our current system does provide. We’ve got 1,505 people who the Sheriff had in custody as of this morning. We had 80 people booked within the last 24 hours, which interestingly enough, is well below what we’ve been averaging, where it’s been even well over 100. We had 58 available beds; 25 female, 33 male, as of this morning. We had 241 out-of-county occupants of the Sedgwick County Jail who were in jails outside our community; 30 female, 211 male. We had 145 people in Work Release. Our capacity is 157. Now, in the main jail facility, we had 1,101 people.

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That's close to capacity. But interestingly enough, under the Sheriff's classification system, only 440 would be considered maximum security. We had 592 who are listed as minimum. We've got what I like to call the knucklehead factor, folks who we're mad at for one reason or another; failure to appear, people who commit petty crimes repeatedly, and that's one of the challenges we face and we continue to face going forward, and I think it's one of the reasons we had some problems with this consultant.

"Now, I think part of the reason they've been delayed was we were hoping to have more data available. I cannot tell you this morning how many people are in jail because they've been convicted or simply charged. I cannot tell you this morning how many people are in jail because they are facing a misdemeanor charge or a felony charge. I don't know how many people are in there because they just couldn't get their act together and they've been arrested under a bench warrant, under a failure to appear. And I think that was one of the problems that the consultant had, in terms of data availability, and we're spending a lot of money, a lot of taxpayer funds are being spent to try and upgrade that data system so we can get a full picture."

"And Sheriff Hinshaw I know is working hard, and he provides a quarterly report which provides a breakdown of that data four times a year, but this is real-time data that I think we need on an ongoing basis going forward. We have a problem with the jail because of what I view as the free rider problem, and that ties to the lawsuit that continues with several communities in our jurisdiction, and the fact that we're the only county out of the 105 in Kansas that does not have the clear authority to impose a day charge for people who have been convicted on municipal court charges only and are serving sentences in the Sedgwick County Jail. And I want to throw out a couple more figures, because the challenge before us of keeping this community safe at as reasonable a price as possible; \$66 a day per person in the jail.

"So if we have a person who, there was some testimony earlier about an elderly man whose case I'm familiar with, who had some health problems, and we've got to pay for their health, too, healthcare while they're in the Sheriff's custody, at \$66 a day, that's a significant cost. And the challenge going forward is, is we can ship them out of county, including transportation back and forth, and the wear and tear on vehicles and the staff time, \$38 per day. Now Work Release is about \$20 per day. And the pretrial services, which I'll give Justice Concepts real credit for facilitating and providing savings to us, is less than \$10 a day. So we can put more than six people, they can be handled through pretrial services, what I like to call these knuckleheads, make sure they show up for their court cases, and take care of parking tickets, or not wearing their seatbelt, or having a taillight out, getting those resolved.

"Last year, in October, population in Sedgwick County Jail was over 1,700. In fact, in a couple days it was even approaching 1,750. Today, that number is 1,505. And I want to repeat it because you

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can do the math, at \$66 a day, or \$38 a day out of county, we need to, we have received a reprieve today, in terms of where we are with this jail problem. We don't have a full solution. I think Justice Concepts, with their pretrial services work, made a very significant contribution. They weren't alone in making a contribution. We've had a lot of other good people working hard on this. We've had the journal entry problem. And I'd be remiss if I didn't mention it, because at the last CJCC meeting, we talked about the fact that on average, for every day a person who's been convicted of a felony crime and has not shipped out with the journal entries to the Department of Corrections at the state level, in aggregate that costs us \$38,000 per day if we can reduce those numbers. And I can't tell you today, in terms of the top 10, top 12, top 20, the longest people who've been in the jail, and their cases and why they've been that long. There have been, I know at least one news report that's looked at this, but this is daily information that I think the people should be able to have and have regular access to."

**Chairman Peterjohn** continued, "So the challenge before us continues. We've made progress. I think a lot of credit goes forward with jail alternatives, such as Drug Court, Mental Health Court, SCOAP (Sedgwick County Offender Assessment Program), Day Reporting [Center], in addition to the other items that I've mentioned, but we really face this challenge of trying to keep this community safe at as reasonable a price as possible. And I know that the challenge is before us, and I know there's a wide divergence of opinion on Justice Concepts, and I share with some of my colleagues' frustration over the fact that we don't have the Labette and Butler County reports that should have been brought in and should have been brought in a long time ago, and timeliness issues. I would be remiss in mentioning, because I know this is a...the reason I personally supported an extension on this agreement was the two principals at JCI were involved in an automobile accident last year, it was not their fault, but they were both, like myself, they are both chronologically gifted and they were injured in that accident. And so I felt that it was appropriate at that time to continue, and for all these reasons I am going to be supporting the staff recommendation on this issue."

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

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye

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Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

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

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

**E. DEPARTMENT OF CORRECTIONS.**

**1. KANSAS JUVENILE JUSTICE AUTHORITY (JJA) TITLE V GRANT AWARD.**

**Ms. Chris Morales**, Project Manager, Corrections, greeted the Commissioners and said, “This morning I’m here to ask that you accept a Title V grant award on behalf of the Mental Health Association of South Central Kansas. Title V is a federally funded initiative to assist local communities with their juvenile delinquency prevention efforts. Applications are only accepted from local units of government, but nonprofit organizations can be designated as sub-applicants. In June of last year, Sedgwick County applied for a Title V grant for the Mental Health Association’s Girl Empowerment Program. This program incorporates the evidence-based curriculum called Girls Circle, and targets girls between ages of 12 and 18 who are at risk for juvenile delinquency. Although the application scored very high in the review process, it was not selected for an award initially because of the limited amount of federal funds available statewide. In March, the Kansas Juvenile Justice Authority (JJA) notified us that they had additional Title V funds and they would like to award Sedgwick County for this project.

“This is a one-time award in the amount of \$14,693. The Title V funding will allow the Mental Health Association to serve 50 additional girls between now and the end of the grant period, which is September 30th. Title V funding does require a 50 percent match, which the Mental Health Association has secured. The Sedgwick County Grants Coordinating Committee approved the application prior to it being submitted to the state and your Juvenile Corrections Advisory Board also reviewed the application and felt that the Girl Empowerment Program aligned very well with

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our local strategic plan for juvenile delinquency prevention. I'd like to mention that we have Ms. Teresa Lovelady in the audience this morning. Ms. Lovelady is the Director of Prevention and Grant Support for the Mental Health Association. I'm sure she'd be happy to address any program specific questions, should you have them. The recommended action is for you to accept this grant award and authorize the Chairman or designee to sign all related documents."

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

**Commissioner Parks** said, "Doing the math on this, this comes up to about \$300 per person, can you kind of give the public an overview of what this \$300 is going to provide for these 50 young ladies?"

**Ms. Teresa Lovelady**, Director of Prevention and Grant Support, Mental Health Association of South Central Kansas, greeted the Commissioners and said, "Thank you so much for considering, allowing us to get this award. The \$300 per person, what you're getting for that, we're actually working with moderate to high-risk girls that are assessed through the Juvenile Intake and Assessment Center (JIAC) as their probability of probably committing a crime, or recidivism, is pretty high. We actually work with the girls with our evidence-based Girls Circle curriculum for at least 15 to 20 weeks. We actually go down to the Juvenile Intake and Assessment facility and have the groups there. We also go to the Juvenile Field Services office and we provide groups there. We involve the girls in community service activities, including the relief for Haiti. They actually went down, and volunteered and packaged the food items to go there. We go to local nursing homes, the Kansas Humane Society, Cero's Candies. We provide opportunities for the girls to give back in the community, as well as to take care of those community service hours that some of them are required to do as a condition of their probation.

"We also have mother/daughter events where we bring that mother together with a positive mentor, hopefully a natural mentor within their family. We prefer the parent, the mother to be there, and we actually bring them together and we talk about communication skills, we talk about expectations of one another. And we do this at a restaurant. We have a lot of that donated. The food, the time, the space donated. While the girls are there, we're there for about two hours, and it's really touching and moving. We just had one this past weekend, and I mean, everyone leaves with a tear in their eye and we have the child to give their mother a rose and so a lot of different activities in that manner. We're also school based. Once the girl goes back to a school, the Pathways programs, or prevention programs from the Mental Health Association, is in about 20 schools right now; the middle, high school and elementary schools, so once that girl goes back into her natural school, we provide support groups there at the school as well. We help the girls to kind of become a support system for

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one another. We provide college tours for them. So it's really catered to the risk levels of the group and the types of girls we're working with.

"Within the curriculum, they learn a variety of things from self esteem to how to be more assertive, how to deal with authority figures, how to stop, think and go, problem solving, so there's a variety of things that we cover. And again, that depends on the risk level of the girl group. Another wonderful thing that we do is we promote and encourage these girls to do better and we motivate them. Because a lot of times the population we're working with, they don't really have that person in their life that's saying you can do it, you know, don't give up, keep going. Usually it's kind of a punitive system that they're in, and it's, you didn't do this, you didn't do that. You messed up here and you messed up there. So we try to look at the good in them, and motivate and bring that out of them."

"Last year we worked with 200 girls and 23 of those girls were teen mothers. So that's another population we target through the Gerard House as well as other programs and places. So we go to the tough areas and we work with the kids that normally don't have those resources there. So that's what the \$300 per year is providing for our community."

**Commissioner Parks** said, "That did seem like a low amount to me actually..."

**Ms. Lovelady** said, "Yes."

**Commissioner Parks** said, "...for that. And that's why I asked about that, but you sold me on the first sentence there..."

**Ms. Lovelady** said, "Okay."

**Commissioner Parks** said, "...because I know how they get to JIAC."

**Ms. Lovelady** said, "Yes. And we leverage funding. That's the one thing about the prevention programs at the Mental Health Association; we probably have about 12 to 15 grants at any given time. We use staff capacity. We collaborate with a lot of organizations, including Communities In Schools and just other organizations within the community to help some of these things take place, as well as Wichita State; their TRIO Program. We use what we have and we go out in the community and we don't redevelop, we're just kind of that connecting piece for the young women."

**Commissioner Parks** said, "I'm sure the Chairman will want me to explain the acronym JIAC again, but it's Juvenile Intake and Assessment Center, and that's where your law enforcement takes the girls, in this instance, to be assessed and see where they need to go, where that child needs to be placed then."

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**Ms. Lovelady** said, “Yes. And we provide advocacy as well. I know there was one girl that I was probably showing up to court every time she was picked up, over and over again with her. The Child Study Team and I went down to the Juvenile Detention Facility (JDF) just to kind of talk with her and work with her. And she was a kid that was also in JJA custody and state SRS (Social and Rehabilitation Services) custody. So a lot of our kids are in that kind of multiple system situation, so we’re there for them as well. They don’t necessarily have that consistent person or parent in their life, so we try to provide that as well. We’re just a staff of three, so if you can imagine that.”

**Commissioner Parks** said, “Well I’m certainly going to be supportive of this in that we just talked about our millions of dollars spending on jails, and recidivism and the people that come back time and time again for little things. And if we can keep those people out of our jail and send them down another path, that this is well worth the money.”

**Ms. Lovelady** said, “Thank you. And I was going to say, we had 22 girls from Juvenile Intake and Assessment last year and none of those girls ended up with a new charge. They were pretty supportive of us applying for additional funding through Sedgwick County to actually expand our program by another 150 girls. And we look at disproportionate minority contact issues as well, because I’m really involved with Team Justice, kind of listen to where the county is going and what they want to do, and we try to help fulfill that need as well.”

**Commissioner Parks** said, “That’s a good record. Thank you.”

**Ms. Lovelady** said, “Okay.”

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

**Ms. Lovelady** said, “Thank you.”

**Chairman Peterjohn** said, “...Ms. Lovelady. What’s the will of the Commission?”

### **MOTION**

Commissioner Parks moved to accept grant award and authorize the Chairman or designee to sign all related documents.

Commissioner Unruh seconded the motion.

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

**VOTE**

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

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

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

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

**2. AGREEMENT WITH KANSAS SCHOOL FOR EFFECTIVE LEARNING (KANSEL) TO PROVIDE SUMMER SCHOOL EDUCATIONAL ENRICHMENT CLASSES FOR JUDGE RIDDEL BOYS RANCH, JUVENILE DETENTION FACILITY, AND JUVENILE RESIDENTIAL FACILITY RESIDENTS.**

**Mr. Ternes** said, "The majority of the residents we serve have significant educational needs which require ongoing services. A local certified provider of educational services, the Kansas School for Effective Learning, or the acronym is KANSEL, was contacted again this year to provide a seven week enrichment program that will include classroom instruction in basic areas of reading, writing, math, science and social studies. The agreement, if you approve it this morning, will provide educational services to approximately 133 of our residents. The cost for this seven week program will not exceed \$44,979. I'm requesting this morning that you approve this agreement and authorize the Chair to sign. Also with us this morning is Carolyn Bunch, Executive Director of the KANSEL organization. I'd be happy to answer any questions that you may have at this time."

**MOTION**

Commissioner Norton moved to approve the Agreement and authorize the Chair to sign.

Commissioner Welshimer seconded the motion.

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

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**VOTE**

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

**Mr. Ternes** said, “Thank you.”

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

**3. KANSAS JUVENILE JUSTICE AUTHORITY (JJA) SFY11 FUNDING APPLICATION.**

**VISUAL PRESENTATION**

**Ms. Morales** said, “I would like to present for your approval the Juvenile Justice Authority funding application for state fiscal year 2011. The estimated award for Sedgwick County is approximately \$4.4 million, which is \$700,000 less than our current award. A Sedgwick County grant review work group was formed to review the Juvenile Justice Authority and the County Crime Prevention grant proposals for state fiscal year ‘11. The composition of the work group was established by your Juvenile Corrections Advisory Board and included community representatives as well as Sedgwick County staff. For each proposal, the work group considered the following criteria: program design, staff and agency qualifications, funding strategy and outcomes. However, the primary criteria was established by the Juvenile Justice Authority, and that was to assess priority according to the district’s greatest area of need and opportunity to impact juvenile crime.

“This first slide shows the funding recommendations for prevention programs. The planning allocation for prevention is \$862,497. The funding request that we receive from providers were half a million dollars more than our planning allocation. So as you can imagine, this presented a very difficult challenge for the work group. There are four prevention programs recommended for funding in state fiscal year 2011. Those are: Functional Family Therapy, Detention Advocacy Service, the DA’s (District Attorney) Juvenile Intervention Program and Weekend Alternative Detention Program. A couple of things I’d like to point out, the DA’s Office has historically provided three separate juvenile diversion programs and those are: Truancy [Prevention Program] diversion, Family Group Conferencing and Diversion/Immediate Intervention. During a reorganization within the DA’s Office, these programs were combined into one program, which is now called the Juvenile Intervention Program. Also would like to mention that the total cost for the

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Weekend Alternative Detention Program is really \$66,270. You can see that the prevention award covers just a portion of that. We have submitted a federal block grant to the state for the remainder of this funding request.”

“Administrative structure is administrative and professional evaluations services. This is provided by the Corrections Department and Wichita State University in the amount of \$86,250, which is 10 percent of our prevention award. The third slide shows the graduated sanctions award for our district. Graduated sanctions programs include Juvenile Intake and Assessment Center, Juvenile Intensive Supervision Program and Juvenile Case Management. All three programs submitted budgets to us based on need and the grant review work group does not make recommendations for graduated sanctions programs since they are state mandated programs. We have received state funding for prevention and graduated sanctions since 1998, and in order to continue receiving this particular funding, we must submit an application to the state by April 16th. If we are notified of changes to our award after the legislative session ends, we will be back with an amended grant application for your consideration. In summary, the application before you this morning includes funding for four prevention programs, three graduated sanctions programs and administrative and professional evaluation services. On April 2nd, your Juvenile Corrections Advisory Board gave their approval for these programs and the funding amounts that are included in the grant application. We are asking that you also approve this application and authorize the Chairman to sign.”

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

### **MOTION**

Commissioner Welshimer moved to approve the JJA funding application subject to technical budget adjustments and authorize the Chair to sign all necessary documentation, including the grant award agreement containing substantially the same terms and conditions as the application and approve establishment of budget 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**

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

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

**F. COMCARE.**

**1. SUICIDE PREVENTION TASKFORCE ANNOUNCEMENT OF LINK FOR LIFE RUN.**

**Ms. Beverly Baalman**, Marketing Director, COMCARE, greeted the Commissioners and said, "I would like to thank you today for allowing me to come in and talk to you about the seventh annual Link 4 Life Run. First off, I'd like to thank some sponsors that have hung tight with us for the last seven years: Papa John's Pizza, COMCARE of Sedgwick County, Liz and Doug McGinness, Via Christi and the Substance Abuse Assessment Center of Kansas. I would also like to thank you, Commissioners, who have been out there with us every year to start all of our races, and I want to tell you about some new faces we have starting our races this year. Commissioner Welshimer, thank you for coming. Sheriff Hinshaw will be there. The kids will love that. Also, Ron Estes, our County Manager [Treasurer] will be there."

**Chairman Peterjohn** said, "Treasurer."

**Ms. Baalman** said, "Treasurer. Excuse me, Mr. Buchanan. We will start out at 7:45 a.m. with a 5k run. It's an open 5k. It runs through the beautiful areas of the Sedgwick County Park and will end up at the last mile inside the Zoo. We also have special events for youth ages 3 through 18 years of age. Anything from a run, walk and crawl on up to a one mile run for 14 to 18 year olds. And for those who don't want to be in a competitive run but would like to walk that day, we have a one mile Zoo tour walk that is open to all ages. Once folks go through the finish line, they're greeted by a wonderful party of Papa John's, LaMar's Donuts, we all have to have our Starbucks coffee and also Hiland Dairy. Totally Legal will be providing the music. There will be awards for those who are the fastest runners across the finish line. And also, there will be exhibits there. I want to thank the 180 volunteers that it takes each year to pull this race off and make it successful. We're looking at about 2,000 registered runners and walkers this year out in the Zoo."

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“I would like to also just spend a minute of why we do this run every year. Each year in Sedgwick County, there are 59 to 69 suicides here in our community. There are more suicides than there are homicides in our community or deaths by car accident. These are our mothers, and fathers and grandparents. These are our brothers, and sisters, our neighbors, our best friends and the people we work with. We really need to learn to talk about more about suicide, to educate ourselves and learn what we can do for people who struggle. We also need to know that treatment is available and that treatment works, and that is why we host this Link 4 Life Run every year. It is an opportunity to go out to the Zoo to enjoy the beautiful Zoo, the Sedgwick County Zoo, have a healthy activity early in the morning, have a lot fun and to learn a little bit about how we can all prevent suicide here in Sedgwick County. So I look forward to everyone being out there. I’ll take any questions you might have.”

**Chairman Peterjohn** said, “Questions or comments? Commissioner Welshimer.”

**Commissioner Welshimer** said, “Well I just look forward to being there. I’m not going to be in the run, but I’m going to start the race.”

**Ms. Baalman** said, “Yes, you are, and we’re glad that you’re coming this year.”

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

**Ms. Baalman** said, “You’ll look good in blue.”

**Commissioner Welshimer** said, “I hope so. A t-shirt, I hope so.”

**Chairman Peterjohn** said, “Well I’m going to announce that not only for the second year in a row will I be there to help start some of the races, but I’m going to actually try and participate this year. And it’s been a long time since I’ve run in a competitive event, but I look forward to participating. And I certainly want to thank Papa John’s Pizza as a lead sponsor for this event...”

**Ms. Baalman** said, “Yes, they are.”

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**Chairman Peterjohn** said, "...because this is a very challenging time for businesses, and businesses throughout the country are looking for places to save and economize. And I know to get sponsors; Papa John's Pizza, Starbucks, LaMar's Donuts, Hiland Dairy, for all of these sponsors and any I've neglected to mention and should have, this is a significant contribution because this is a serious problem. And I hope it also provides, not only as a problem for recognition, but it's also an opportunity. Because I know in a lot of kids, a number of the schools are participating to see who can participate best, not only in terms of who can provide the fastest runners, but which school can have the biggest participation and most number of students participating in this event Saturday. So I look forward to seeing them and I'm hoping we can get the weather to cooperate as well this year as it did last year."

**Ms. Baalman** said, "Sounds like it's going to be a beautiful day."

**MOTION**

Chairman Peterjohn moved to receive and file.

Commissioner Welshimer 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

**Commissioner Welshimer** said, "I'm going to be watching with interest to see how fast you can run."

**Chairman Peterjohn** said, "Not like the good ole days."

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

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

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**2. AGREEMENT WITH UNITED METHODIST YOUTHVILLE TO PROVIDE COMMUNITY PSYCHIATRIC SUPPORT AND TREATMENT AND INDIVIDUAL PSYCHOSOCIAL REHABILITATION SERVICES.**

**Mr. Tom Pletcher**, Clinical Director, COMCARE, greeted the Commissioners and said, “Before you is a renewal of our agreement with United Methodist Youthville (UMY) that we developed last year. In the normal renewal process, we looked at some of the specifics as far as eligibility and processes, and that’s the reason for the delay in bringing that to you now as opposed to a little bit earlier. This agreement does provide for UMY staff to provide direct case management services and individual psychosocial rehabilitation services for youth who are in their Trauma [Recovery] Center program. This is a program that’s been developed by Dr. Bruce Perry and adopted by UMY. As with other contracts that we’ve negotiated with community partners this year, the contract rates were reduced by five percent due to the Medicaid rate reduction that went into effect January 1st of this year. Their case loads cannot exceed 30 for this program. And it’s our intent as this program grows to add staff that will be co-located with UMY to continue to provide additional services there within that program. I’d be happy to answer any questions that you might have. Otherwise, we would recommend that you approve the agreement and authorize the Chairman to sign and authorize the necessary budget authority.”

**MOTION**

Commissioner Norton moved to approve the Agreement, authorize the Chairman to sign, and authorize the necessary budget authority.

Commissioner Welshimer seconded the motion.

**Chairman Peterjohn** said, “Questions or comments for Mr. Pletcher? I’m going to just ask for the record, this is entirely Medicaid funded?”

**Mr. Pletcher** said, “Yes. All of these services are provided under our Medicaid services and according to the youth’s plan of care. So all of the services have to be approved by that plan and authorized by COMCARE before they’re delivered and reimbursed by Medicaid.”

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

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**VOTE**

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

**Chairman Peterjohn** said, “Thank you. I’m going to call for a recess until 10:30 a.m. We’re going to be in recess until 10:30 a.m.”

**The Board of County Commissioners recessed at 10:24 a.m. and returned at 10:33 a.m.**

**Chairman Peterjohn** said, “I’m going to call this meeting back to order. Next item, please.”

**G. APPROVAL OF AN AGREEMENT BETWEEN SEDGWICK COUNTY AND THE YOUNG MEN’S CHRISTIAN ASSOCIATION (YMCA), OF WICHITA, KANSAS, INC FOR CONTROLLED ACCESS TO CERTAIN COUNTY ROADWAYS FOR THE PURPOSE OF SPONSORING A TRIATHLON ON SUNDAY, MAY 2, 2010.**

**Mr. Ron Holt**, Assistant County Manager, greeted the Commissioners and said, “This is an agreement between Sedgwick County and the YMCA (Young Men’s Christian Association) of Wichita for controlled access for certain roadways associated with their annual Triathlon which will be held on Sunday, May 2nd this year. These roadways are out west. You have a map on your backup Agenda that shows the exact route. It’s out west associated with their new Northwest Branch Y [MCA]. As I mentioned, this is the second year for the event. As was the same last year, the YMCA has agreed to coordinate with the Sedgwick County Sheriff’s Office with regard to traffic control upon the county roadways for such purpose. Again, that map is in Exhibit A that’s attached to the agreement. I’d be happy to answer any questions, otherwise I would ask you to approve the agreement and authorize the Chairman to sign.”

**MOTION**

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

Commissioner Parks seconded the motion.

**Chairman Peterjohn** said, “I’m beat to the punch. It shows you as a former triathlete who has ridden along part of that route many, many, many times, my fellow Commissioners are much faster

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on the trigger today than I am. And I'm going to be supportive of this measure. It is in District 3 that I have the privilege of representing on the Commission and I think this is a worthwhile event. There's a lot of talk about lack of health in the community and the problem with obesity, but let me assure you, I have never seen a fat triathlete competing at a USTS (United States Triathlon Series) level event. In fact, most triathletes I know can put away the chow very, very effectively. Without further comments or questions, 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, please."

### **H. MONTHLY INTRUST BANK ARENA UPDATE.**

#### VISUAL PRESENTATION

**Mr. Holt** said, "We're very excited to be here to provide the first of many ongoing monthly status reports on the Intrust Bank Arena. As you know, the public open house and ribbon cutting was on January the 2nd of this year. With the inaugural event, the Brad Paisley concert on January the 9th. Without any further adieu, let's just get into the report. What are the goals for our reporting to you that's for our contract administration and management? Well, the first goal is for oversight. We meet with SMG staff monthly to monitor all financial and usage reports as allowed by the contract. The County Manager, the Chief Financial Officer, I met with them individually a number of times in January, the County Manager, and the Chief Financial Officer and one of the management interns and I met with Chris Presson and his staff a couple, three weeks ago to take a look at the February, I guess during that time we looked at both January and February. And we will continue to do that on an ongoing basis, on a monthly basis. And then, of course, there are other times when we're looking at other reports from time to time."

**Mr. Holt** continued, "The other reason for this is the transparency effort. We want to provide monthly updates to you, the Board of County Commissioners, to promote accountability by providing you and the public with information about the operations of the Intrust Bank Arena. Behind me here are two large binders. We have gone through the SMG contract. We've identified

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all of those areas where we are to have certain documents that are public, open to the public, and we have identified those other areas in the contract to talk about how and when we will do reviews to take a look at data that is proprietary but without obtaining copies of that data. We will have these binders in the County Manager's Office as public documents and so they will be open to anyone who might have an interest in checking up on us from time to time.

“What I'm going to talk to you about today, and each month I'll be coming to talk to you about the SMG agreement and the City of Wichita agreements. Remember we have two ongoing agreements with the City of Wichita. Then we'll talk very briefly today, but in future reports as business conditions warrant, we'll talk to you about the Arena Sales Tax reserve. As the project team, and I'll talk about the contract administration project team that we have operating this year, as the project team started to take a look at what our roles and responsibilities were, we decided we probably should do some homework to better understand the arena management business. So one aspect of my discussion today, and unless you want it, we'll only do this portion of the report today, is to talk to you about arena management business 101, maybe we'll call it. Let's just start there. The arena management business information that we're presenting today is based on information that I obtained from SMG, from Wells Fargo Arena in Des Moines and from Qwest Center, the arena in Omaha, from their managers, about what this business is and how it operates. We're going to give you, of course, a very 10,000 foot view of the business today. We're going to talk about the roles, and there are two distinct roles; one for the building management team and one for the promoters and those folks who own, and produce and manage traveling tours. Then we'll talk that same set of roles and talk about the process so that we got a better sense, and hopefully you and the public will get a better sense of how this business operates and then well do, again, just a quick summary.

“So the three aspects of the arena management business really are: number one; event booking, number two; ticket sales and event management and number three; business management. We'll talk about, again, all of these, first from the roles and responsibilities perspective and then we'll look at a particular made-up example as we go through how this process works. So the roles that are prevalent in the event booking portion of this business is on one side of the equation you have a sports, live entertainment management companies and/or promoters. These are the people who own or manage acts, they manage the touring schedules, they accept all of the financial risks of the shows. And so as you might suspect, and you'll see this as we go through, they have the contract that they write with the building operators are pretty tight contracts about what the building can do, can't do, and what's proprietary information and what's not.”

“Then on the other side of that equation, you have the building operator. The building operator must develop and maintain a relationship with the promoters to get them to bring acts to their communities. Partners with the sports and live entertainment management companies, as SMG has done, has partnered with Live Nation in a formal legal partnership, Live Nation owns a number of

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acts, and of course, routes acts through here. Of course, that doesn't limit the other kinds of acts that can come. You've seen some acts that are owned by AEG that have been here and other individual promoters. This last bullet, and I've added here seldom, but periodically, the building operator can and will co-produce an act with the promoters. That is, they'll share in the financial risk of that act. That's going to be very seldom, especially with the kind of contract that SMG has with the county where they're responsible for the financial risk related to the building. But from time to time, there's one of these acts out there that you just know they're going to be a hot item, the promoter looks at our community, it's not big enough they think and they want some help if they're going to bring it here. SMG then, thinking about that, working with that, may decide that they would co-produce an act. Again, may do it, but seldom, we would just reinforce for you.

“So the next role is the ticket sales and event management, again, on the left side of that equation with the promoters. They set the ticket prices, they set the on-sale dates, they decide the configuration of the venue, they are responsible for the show takedown after it's over, to get it out of the building, reimburses the building for direct cost of the show. They're paid the gross ticket receipts less the direct costs and certain fees. We'll show you how that works as we talk about the process here in a minute. Then they're responsible for the advertising for the show. Now, they may ask the building operator to set up that advertising sometimes, but they're responsible for paying for that advertising. The building operator's role then is to facilitate ticket sales, to serve as the fiscal agent for those sales, to provide direct services for the show, which will be reimbursed, they'll be reimbursed for, they coordinate the settlement of the event. Each event, if it's more than one performance, when the last performance, or the end of a performance of an event happens, during that performance and certainly before usually the evening is over, the event has been settled, the promoter has been paid and the building has received from those ticket sales what amount they have coming to them. They receive certain fees for managing ticket sales, and of course, the premium seat sales are the building operators to manage.

“Then the third role is the building management role, again, the left side of that equation. The promoter is responsible for lease or rental of the building and the building operator then is responsible for being that lease or rental manager, being the food and beverage manager, the merchandise sales manager. They're responsible for all indirect costs, premium seat manager, advertising and sponsorship manager for the building. These are general advertising and sponsorship agreements for the building that are ongoing versus those that are directly related to a show.”

**Mr. Holt** continued, “Now, let's move to how this works by using an example and talking about the process. Let's assume that Intrust Bank Arena books ABC concert for February 15th, 2010. Again, all these numbers and percentages are being used for illustration purposes only. So the promoter then agrees to pay, let's say, \$10,000 to rent the building. Again, these numbers are being used for illustrative purposes, so folks shouldn't begin to think that they can rent the building for \$10,000.

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That won't happen. But for this example, it made my math easier to deal with. The promoter agrees to pay \$10,000 for the building in this example. The promoter agrees to give the building 10 percent of merchandise sales, and the promoter and the building work out this agreement that there will be \$5,000 of direct service expenses, and you see what those expenses are. These are the kinds of expenses that would be directly related to the event, not the ongoing expenses. You're going to see some things like cleaning services, and so forth that are in the indirect costs but those are not direct event related. The promoter also understands that out of those ticket sales there's going to be a state sales tax, there's going to be a facility fee. There's an outlet service fee; Dillons serves here in our community as an outlet for ticket sales. And then there's a credit card fee for telephone or internet sales.

"So for the ticket sales and event management part of the process, the promoter sets the ticket prices, and again, Intrust Bank Arena is a 15,000 seat arena, so we're assuming they're going to sell all those tickets, so 2,000 of the seats will be at \$50; 5,000 at \$40; 8,000 of the seats at \$30. They set an on-sale date of January 5th through February 15th. The building operator then would establish an escrow account, they sell the tickets, and again, we're assuming here all of the tickets sold out, so for the \$50 tickets, gross ticket sales were \$100,000, \$40 tickets; \$200,000, \$30 tickets; \$240,000. The facility fee collected was \$30,000. Remember we talked about the \$2 per ticket. The outlet service fee collected was \$2,500. The credit card fee collected was \$8,400. So a total of \$580,900 beginning January 5th up through February 15th has been deposited into this escrow account. The night of the event, there's merchandise sales. We're assuming them to be \$50,000. So the total show receipts, including merchandise, \$630,900.

"Then what happens at settlement? So the total gross income for that show was \$630,900. The promoters gets, in our example here, the promoter gets \$535,980 of that \$630. The building operator gets \$94,920, which includes \$10,000 for the rent, 10 percent of the merchandise sales at \$5,000, sales tax at \$34,020, a facility fee of \$30,000, outlet service fee of \$2,500, credit card fee of \$8,400 and then reimbursed for their expenses of \$5,000. What then happens with that \$94,920? Well, because of the sales tax has been included in there, State of Kansas gets \$34,020; \$2,500 that will be paid to ticket outlets depending on, again, we're rounding these numbers because the agreements with the ticket outlets would deem that. The credit card fees of \$8,400, direct service fees of \$5,000. So they would net \$45,000."

"As you can see, the building operator realizes less than 10 percent of the gross ticket sales, including the building rent and whatever portion of the merchandise sales they get. Now, this number, as the footnote there shows, it does not include food and beverage sales or premium number seats. Because, the point being, if the building is really going to make any money, it's there where they make their money, not on the direct part of the event. The building operator and direct expenses, you'll see these in actual dollar numbers when we talk about the monthly financial reports, includes employee salaries, employee benefits, contracted services, repair and maintenance,

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supplies, insurance, utilities and other. These are the kinds of expenses that the building has gone into that \$5,000. Again, we're just using round numbers here. They probably, certainly for most, if not all events, would be much more than that.

“So what's the story? What's the point? There's a recognized hierarchy of power here. It's the artist, it's the manager of that artist, it's the agent working for the manager of the artist, it's the promoter and then it's the building, as far as the act is concerned. The events are typically booked in one of the following ways. The building contacts a promoter or agent to lure them, to entice them, to show them what ticket sales can do, based on trends and based on interest in the community, to come play at our facility. The promoter's booking dates within a region so he decides that will work. The agent is routing a tour, or books the venue, and then contacts the promoter. Sometimes out of the clear blue, although our folks are always on top of who is on tour and what not, but many times, sometimes the agents will change a tour route and it's coming through this area so they will contact the building about playing there.

“The last bullet point there is the one that I'll just have you reflect on, is that relationships and opportunity for the promoter to make money are ultimately what brings a show to Wichita. If a promoter has a bad experience here financially, it is going to be tough to get them back. Now, even though this is a huge industry, everybody in the industry knows each other. If one promoter has a bad experience here with making money, that word gets around pretty quickly and it then makes it pretty tough to get events to come to our community. So that's the arena business, arena management business 101, as a backdrop for the reporting and relationship that we'll have with SMG in this management agreement.”

**Mr. Holt** continued, “Now let's turn to the actual agreement. We're going to talk about contract administration. Talk about these points: the project management team, the goals and objectives, the management renewal terms, compensation, reporting requirements and then get into the two components of the monthly report. As we have told you a number of times, that while I have been designated by the Manager as the contract administrator, we decided for this first year that we would use the project management process to administer the contract this first year. So, the project management team for Sedgwick County is made up of myself as the project manager, Mr. Buchanan, the County Manager, Mr. Chronis, the Chief Financial Officer, Ms. Zukovich, the Director of Communications and Community Affairs and Mr. Pepoon, Assistant County Counselor.

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On the SMG, Intrust Bank Arena side is Chris Presson, the General Manager and then his Director of Finance, Chris Kibler. Of course, other folks can be, from his side of the team, added to that group, but those are the key players.

“What does the agreement call for as a goal of the agreement? It’s that SMG will promote, operate and manage the arena to ensure high quality services. The objective being that SMG will be responsible for any net operating losses incurred during any fiscal year of the contract period. And, of course, I think there’s one or two other similar agreements around the country, but none that SMG has, so this is a very unique kind of contract arrangement and Chris Presson is finding that, not only are there high expectations from this side of that equation, but also his general office back in Philadelphia has high expectations for his performance as well, and for the Intrust Bank Arena performance as well. What are the management and renewal terms? The contract says that the management term commences when the facility holds the first event that’s open to the public. In an agreement, we agreed that that was January the 2nd, which was the public open house and the ribbon cutting. Then it says that the term will continue through December 31 of the fifth full year. And doing the math then, that makes the agreement in force through 12/31/2015.

“We’ve talked about this time and time again over the past few years. What’s the compensation? SMG, the money lays out in this way. If they’ve funded any previous operating deficits, then they get reimbursed that first. They retain the first \$400,000 after Item 1 there. Sedgwick County then gets the next \$450,000. If we’ve had to purchase any capital improvements in excess of \$250,000, that amount will be reimbursed and any additional profit will be allocated 60 percent to Sedgwick County, 40 percent to SMG. And so for this first year, the number two, and number three really and number five are the really key bullet points for this first year. Those others kick-in in subsequent years should and if necessary.”

“What are the reporting requirements according to the agreement? That they’ll provide by the 25th of the month a financial report, or other reports, on activities and finances on the prior month’s activities. So by the 25th of February, we had received a report for January. By the 25th of March, we had received the report for February, and it’s off of those reports that we will be talking to you in a few minutes about those two months. Each year, by October 1, that they are required to provide a management plan to the county that includes a budget and what their operating thoughts are for the next year. It also includes that capital improvement equipment request for the next year, that each year, by April 1 of the following year, in April 1 following year end, they will provide the county with an audit and that they can make funding requests for emergency repairs as needed. We’re hopeful that during this first year especially there will be none of those, but we’re working on what that process will look like and what it will mean should and if it happens.

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“Let’s get into the two aspects of the monthly report. Community affairs is the first portion we’re going to talk about. There we’re going to talk about event attendance, ticket sales, employee wages and benefits, employment, community group presentations, tours, local events and activities and what the upcoming events are. Let me just spend a little bit of time getting you oriented. In that first column are the events for January. This is the January report. In that first column are the events for January, the second column are dates of those events, then attendance, then tickets sold. And you’ll see that in some cases, most cases, attendance and tickets sold are not the same number, and we’ll talk a little bit more about that in a minute. Then gross ticket sales for those particular events. So, as you know, the Brad Paisley concert tickets went on sale, I think, in November sometime. So what we’re looking at is Brad Paisley, were all the tickets sold from November through the night of the event. And then we’ve developed a column there called average costs per ticket sold and then down at the bottom we have the totals, and the last line down at the bottom is the average attendance for tickets sold.

“In January, there were five events: three Thunder hockey games, Brad Paisley and the Harlem Globetrotters. You see that the total attendance for those five events was 34,362. The tickets sold for those five events; 35,583. I would just have you look at the Harlem Globetrotters, you will see that there were more people in attendance than tickets sold. That’s due to comp [complimentary] tickets. The show, the act, in many times with media and with advertisers provide free, or provide comp, tickets, and consequently, sometimes you will have more attendance than you have tickets sold. You’ll see that in the February report, especially related to four or five of the hockey games. So the gross ticket sales for those five events was \$816,125 with an average ticket price of \$22.94. The average attendance per event was 6,872.”

**Mr. Holt** continued, “Let’s look at February. The same set of information. A bit more because in February there were 14 events, and you can see, three of those events had more than one performance. The Free Style Motor Cross, the Lipizzaner Stallions and the state wrestling tournament had more than one performance. So we had 14 events. We had 59,252 attendants. Tickets sold, 51,906 for a gross ticket sales of \$1,692,407, and the average cost per ticket sold for those events and performances in February was \$32.61, with an average attendance per event of 4,232. Again, you’ll see a number of places there where the tickets sold are less than the attendance. That, again, is related to comp tickets that the owner of the event, or the promoter, gave away. Quick summary, for the two months, total of 19, I guess those were performances, 19 performances, 93,614 attendants, 87,092 tickets sold. Gross ticket sales of \$2,508,532, and the average cost per ticket was \$28.68. I would just remind you again, back to our little example, the building kept very little of that \$2,508,000, although some of that was spent in this community for direct services, for advertising and for that sort of thing. Average attendance over the two months; 4,925.

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“For the month of January, SMG, Intrust Bank Arena had net employee wages and benefits of \$299,534. The reason we call those net, because some of those part-time employees, their costs was directly associated with a show, so they get charged against a show. But these are the costs for those 47 full-time and 392 part-time employees that are not directly related to a show. In February, that number was \$265,187. Again, 49 full-time employees, 438 part-time employees. You will notice that the net employee wages in February are lower than they were in January although the employment numbers are higher in February than in January. That’s because in January there were a lot of training, a lot of need for training going on, as well as more events in February meant more of those, especially the part-time employees’ time, was charged against those events.

“The total number of community groups. SMG has 13, it did in January, 13 community groups that they had signed up and are working with to work concession stands, and those community groups in January took home \$25,052 to help with their operating and/or event, or whatever other kinds of things they might be doing. We also show there, there was seven pre-opening events in January. There were an additional four pre-opening events that were held in December. Chris Presson and/or his staff had one arena presentation and/or arena tour in January, but there were 31 groups who were provided arena tours, or arena presentations, by Chris Presson and his staff during 2009. That’s not counting those tours that some of you as Commissioners and that Larry Pasinka did in 2009. We had a facility rental for two local events in January; Grubb & Ellis had a meeting there and KSAS Fox TV had a seminar there. So we had two local events that paid to use the facility in January.”

“Same information for February, there were 10 community groups. When you have smaller numbers in attendance, the concession stand numbers, you don’t have as many concession stands open, so there were smaller number of groups but a higher amount of dollars paid there for those groups volunteering; \$33,938. There were five arena presentations or arena tours in February, and there were no facility rentals for local events or activities in February. I would just point out here two things. The numbers I’m showing here are events that have either happened, for instance in March, or at least are posted on Select-A-Seat as tickets being on sale or a specific date when tickets will go on sale. So that’s what you’re seeing here. There were 10 events in March with 16 performances. There are four events scheduled for April with 17 performances. Six events for May; eight performances. Two events June; two performances. In July, there are two events with two performances. One of those events is on the Select-A-Seat website, but the tickets don’t go on sale until this Saturday. And in August, this chart shows one event, one performance. There’s another event that has been announced for August, but the ticket on-sale dates haven’t been announced so

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they're not posted on the website yet, so there's really two events that we know of for August right now.

"These are only, again, as I mentioned, the announced events. I know that Chris and his folks have a lot more going on, and we're just excited they're going to have more and more exciting announcements coming up and soon. I would just caution you, or at least point out to you, and we know this from the Coliseum, during the summer months, this business kind of almost takes a furlough. I mean, there are some shows, but many of the acts don't play during the summer months, or they go play in one place or another for an extended period of time. We don't know what that's going to mean yet. We'll continue to watch that, but I would just, don't get too much angst if we start seeing these numbers not be as the 14, and the 16 and the 17s over June, July and August that we're seeing in February, March, April and May.

"All right. Let's get into the financial reporting then. Some definitions. You're going to see a column on these next couple of pages called net direct event income. That's rental income and service revenue income, or service revenue less service expenses. You're going to see a column called net food and beverage income. That's food and beverage concessions, food and beverage from premium seating, the percent of merchandise sales less cost of goods sold and labor. Another column labeled other net income. Those are luxury box ticket sales, ticket service fees and facility fees. Then the last column on the next couple of reports labeled gross building income. That's net direct event income plus the net food and beverage, merchandise income, plus the other net income. Then it's going to come down to a net building income, which is the gross building income and other operating income less building operating expenses."

**Mr. Holt** continued, "And then we're going to have a line there called other operating income, which is Select-A-Seat sales for other venues; Cotillion, Orpheum Theatre and so forth, whatever they made off of those, services fees from those buildings, loge box agreements, club seat agreements, advertising and sponsorships. So for the month of January, again, we have organized this in the first column, or the event category, so concerts, family shows and you'll see in February it's going to show sports, but the Intrust is carrying the hockey as a separate event category, if you will, because of that agreement with the hockey team, and other. So in January, remember that other on this page are those two facility rentals for local Grubb & Ellis and KSAS. So we had seven performances in January, seven event days for a net direct event income of \$72,152. Net food and beverage and merchandise income of \$168,167. Other net income of \$174,009. For a total gross building income of \$414,328. The other operating income was \$92,187. Add those two numbers together and then you take out the building operating expenses \$483,059; you get a net building income, if you want to call that profit, we can do it loosely, but you can call that profit; \$23,456 for January. You'll notice that building operating expenses, at one slide I talked about the indirect expenses for the facility, that's what those expenses are. It includes net salaries and benefits,

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contracted services, general and administration, operating, repairs and maintenance, operational supplies, insurance, utilities and other. It does not include any of those direct service expenses. Those have been netted out.

“February, again, the event categories. We had 14 performances, 13 event days. The net direct income was \$110,767. The net food and beverage merchandise; \$261,939. The other net income total \$222,258 for a gross building income of \$594,964. I would just point out on that other line where you see that \$647 in the red, the \$578 in the red totaling \$1,225 in the red, after the books closed in January, there was some incidental kinds of expenses that came in that were netted out here. So from time to time, there will be fairly small but we’ll see that from time to time popping up in these reports. So you take the \$594,964, add to it the other operating income of \$120,853, take from it then that total, \$419,031 in expenses, and you get net building income, or profit if you want to call it that, \$296,786. I just point out here that the building operating expenses for February, you notice we had more performances, but the building operating expenses are less than they were in January. That’s because January’s the opening month. There was a lot of stuff you had to buy; paper, pencils that you didn’t think you were going to need. You had 10; you needed a 100, so you had to do those sorts of things in January as we got to the opening. So they were first time, or expenditures bought in January, that will be used for supplies and other things over the course of the next few months. Again, the net building income there; \$296,786. If you put those two months together, not going to go through all of those, just going straight to the bottom line, the net building income for the two months; \$321,709.”

“We are only \$130,000 to that first \$450,000, but I would just remind you, we got June, July, August that we hope they’ll do great since this is the first year. They hope they’ll do great since this is the first year. But I just caution you that this trend in the summer will go the other way for a few months. We’ve been very pleased. I know Chris has been very pleased, again, being in the vice, pushed from both ends. These are good numbers. Let me now move into, I’ll try to go quickly here with the other parts of this report. We have two agreements, as you know, two ongoing agreements with the City of Wichita: the Arena Parking and Coordination Agreement and the Arena Event Transit Services Coordination Agreement. These two agreements, thanks to you and your approval of these, they go a long, long way in helping us deliver on the promises of having an arena event parking plan that is part of an overall comprehensive integrated downtown parking plan. Now, we’re going to show you some good numbers. We’re going to continue to work with the City of Wichita and the Wichita Downtown Development Corporation to make sure that the parking plan works, and we’ll continue to tweak it to make sure it works to provide the best experience for patrons coming to arena events, regardless of whatever else is going on downtown.

“We’re going to talk about the goals and objectives, terms, services, compensation, reporting requirements and activity. I’m going to not spend a lot of time here. These were in the agreement

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that you approved. We wanted to align with the recommendations of the Arena Neighborhood [Redevelopment] Plan. We wanted to establish cooperative actions regarding parking for the arena event. The term of this agreement, it was effective December 1, 2009, it will continue in effect on a year-to-year basis from January 1 through December 31 unless either party provides written notice as a part of the policy by at least September 30th of the intent to terminate the agreement as of the following December. The services, we're implementing the Arena Event Section of the 2009 Downtown Parking and Mobility Management Plan and it mandates that all sales of spaces in Lots A, B, C and D, these are lots that are owned by the city but that we, the county, you approved spending dollars to either improve or build new parking lots and we've labeled them A, B, C and D for arena events. They shall be made available to the arena operator on the first right of refusal for arena patrons for each arena event. And you see the compensation there. We're on the hook for up to \$225,000 a year if these parking facilities don't pay for themselves. Again, those are reporting requirements; just says that on or by July 1, we'll meet with the city and make sure we know what we need to be budgeting for the next year. But also then, on or about April 1 of each year, we'll do and take a look at, review, projected revenues and operating maintenance costs in preparation for that July meeting. And then we can meet at any other times during the year."

**Mr. Holt** continued, "We continue to meet on a monthly basis to take a look at these numbers and take a look at what's happening with the parking ongoing. These are the four lots, plus the employee parking. Now the employee parking is not a paid lot. It is the one that, just in orientation for this map, the top part is looking south, there's Kellogg to the south there. There's the arena, you see to the left upper portion of this picture with Lot D east of the railroad tracks by the transit bus barn, south of Waterman there; 470 spaces. Lot A, which is the State Office Building parking garage; 450 spaces. There are more spaces in that garage, but we're only having a relationship with the State Office Building to use 450 of those. The State Office Building surface parking lot, which is there at Broadway and Williams Street; 260 spaces. And then Lot C, which is on Emporia at Lewis street; 196 spaces. Including the employee parking, there's 1,479 city owned spaces that's included in this agreement with the city, recognizing that 103 of those, there's no cost for running them and there's no revenue received. Again, just laying out the addresses there for you that the real number that we're gearing against is that 1,376 parking spaces in Lots A, B, C and D.

"So what's been the experience for the parking lots? For the month of January, again, I'm just going to talk about net income and occupancy totals. For the month of January, we had 32 percent occupancy for a net income of \$11,901. And all of the net income goes to the city. I mean, our agreement says they get to keep it for maintenance and that sort of thing. The key point is, every time there's a positive number there, whether it's \$1 or \$11,901, we're happy. For the month of

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February, the occupancy was 21 percent and the net income was \$13,424. Again, people are finding various places and ways to park. Many are willing to pay to park close. That was the reason for this plan, and that's the result for January and February. Just a quick caution there. We've had a couple of events in April with the weather warmer. Those numbers are still holding. As the weather gets warmer, we will be looking at closely how this works out if it's continuing to work. As a year to date, the occupancy for the events over January and February arena related events, 26.5 percent occupancy for \$25,325. Having that positive number there gives a little bit of cushion so that if during the summer months things kind of go south, we've got a cushion because it's an overall positive number, not a month to month positive number that we are working against.

“Let's look at the [Arena] Event Transit Services Coordination Agreement. Again, those are the items we'll talk about. The intent there was to provide transit services for all arena patrons who choose to park outside of a reasonable walking distance. Having the paid parking that's close and very convenient, we presented, you agreed, that we needed to have the shuttle service that gave people an opportunity to park further away, not pay and still have easy access to the arena. Again, we wanted to provide through the transit services accessibility. We wanted a service that you could count on, that you know it was going to be there. We've had a couple of little issues early on, but they've gotten worked out and really haven't heard anything about this not working as it was designed to do for quite some time now.”

“This agreement commenced on January 1 and will be adjusted as needed, then renewed on January 1 of each subsequent year. Our agreement established a base service, that is, the county agreed to participate in funding the Downtown Circulator Route, which I'll call the Q-Line on subsequent slides. After January 1, to establish regular service in accordance with federal regulations, this based service resulted in a total of 52 operating hours a week. What we did was, as you recall, the Q-Line was running a couple of days a week. We agreed to work with the city to expand the Q-Line to six days a week and have it run whether an arena event was happening or not happening, that was required to make sure that the second part of this could work, that is that the arena would have the opportunity to get additional shuttle services as needed based on the event using Wichita Transit, and they've been doing that for a number of events.

“Just for the Q-Line, just for the part that the county is concerned about, the county agreed to pay really \$93,120 a year, but because WTA [Wichita Transit Authority] got a federal grant, that amount for these first three years is only \$32,500 a year to support this service. And again, I want to show you that it is working. The Q-Line ridership for January was 8,031. For February it was 5,325. These were people who decided, and these are almost totally tied to arena events. For instance, 7,266 of that 8,031 are tied to the public open house, Brad Paisley, three events; public open house, Brad Paisley and the first hockey game. That many people rode the shuttle back and forth to get to those events. The 5,325 from February, 3,349 of those were people who rode the shuttle back and forth for the George Strait concert. As a comparison, October, November, and December, the

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numbers are 1,082, 569, 218 respectively. So there was a 615 percent increase over the last three months of 2009. Again, all of that's tied to the arena events. And all of 2009, Q-Line ridership was 7,500.

"The Arena Sales Tax. You see the major authorized uses there. Again, you know what they are. I'm not going to go through them. I just remind you that as we reported to you at the February the 17th meeting, the starting balance for this fund is expected to be approximately \$13,878,078.42. I say approximate because we're still reconciling a couple of things and Mr. Chronis, of course, is closely looking at that reconciliation. We'll have a firm number. That should, you'll remember, we had some FF&E (furniture, fixtures and equipment) stuff that we were still buying that was in that report that you got in February. We'll get that reconciled. But that's a very close number. It's not going to go down or up much different than that when we have it all reconciled here in a few weeks. Finally, Commissioners, upcoming events. You see the Walking with Dinosaurs, I think there's seven performances of Walking with Dinosaurs; April 24th through the 25th. The Gaither Homecoming Tour; April 30th. Sarah Palin the 2nd. The PBR, the Professional Bull Riders, Ford Tough Series; May 7th and 8th."

**Mr. Holt** continued, "Nickelback, that will be an interesting, May 7th and 8th will be interesting. The 7th is the Sundown Parade, River Festival. The 8th is the first big Saturday for River Festival. And Chris and his folks have been in touch with the River Festival folks and the Wichita Police Department, and we think all of that's going to work out just fine. Nickelback, May 14th. You see those there. Later, we've got Tim McGraw, Michael Buble, REO Speedwagon, Pat Benatar, Dave Matthews Band, Rush. All of those have been announced and tickets on sale. I think all of them except Rush and they'll be going on sale here pretty soon; [www.selectaseat.com](http://www.selectaseat.com) to buy tickets, [www.intrustbankarena.com](http://www.intrustbankarena.com) to keep up on what the latest acts that are coming.

"I'd just be remiss if I didn't mention [www.parkdowntown.org](http://www.parkdowntown.org), which is the parking downtown website that the Wichita Downtown Development Corporation has been managing and running in cooperation with us, and the city and WTA and it has worked wonderfully well. A lot of kudos to Jeff Fleur and his folks, especially Jamil Malone over there who manages all of that, to give people information about what where to park, where to eat, what to do when you come downtown. The parking maps that were made, I don't remember, there were 15,000 I believe, that were made for, and were put in QuikTrips and a couple of other places are all gone. Those are in the process of being updated. I don't remember the numbers, but a significant number of hits on the [www.parkdowntown.org](http://www.parkdowntown.org) website because people are finding it, using it to find where they want to go. Talking to the Wichita Police Department, about 25 minutes has been the longest time to clear out downtown after an event; just phenomenal. That's all I have for you today. I'd be happy to answer any questions that you might have. I forgot to mention, Chris Presson, I referred to him a

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couple times, I forgot to mention at the beginning of the presentation that Chris Presson, the General Manager for the Intrust Bank Arena, is here. Thank you, Chris, for being here and all your good work today.”

**Chairman Peterjohn** said, “Thank you, Mr. Holt. Before we get questions or comments for Mr. Holt, I’d be remiss if we didn’t offer Mr. Presson the opportunity to come up to the microphone if he had anything he wanted to add before we got into the question and answer side of things.”

**Mr. Chris Presson**, General Manager, Intrust Bank Arena, greeted the Commissioners and said, “We just want to thank you for the opportunity that you’ve given SMG. We’re, as Ron said, happy with the numbers, but we’re more pleased that the county at this point is happy with the numbers, and that the taxpayers and other constituents have had an opportunity to view the building and experience the events that we’ve been able to bring. I’d also like to thank our staff who has done a great job of not only booking events but running the arena, and listening to customers and making improvements along the way. I get far too much credit for things I don’t do and they don’t get enough credit. So I appreciate all the work they do. I would be happy to entertain any questions you may have.”

**Chairman Peterjohn** said, “Well, Mr. Presson, if you don’t mind sticking around with Mr. Holt, I think we’ve got some. Commissioner Parks.”

**Commissioner Parks** said, “Well for the first report that was quite lengthy, I would assume that the monthly reports forthcoming will be shorter in length. However, I do have, when it’s appropriate, about 10 questions I’ve pared down from the presentation, and I think that brief answers would be better for timeliness, and if staff needs to follow-up with me later, they certainly can. Is this an appropriate time to start those Q and A [questions and answers] then?”

**Chairman Peterjohn** said, “Well I think we can certainly take a couple of questions from each Commissioner, and I’ve got some too, but I think my list is about as long as yours, Commissioner Parks...”

**Commissioner Parks** said, “Okay.”

**Chairman Peterjohn** said, “...maybe they overlap. We’ll find out.”

**Commissioner Parks** said, “Okay. Just real quick on the bank credit card, and some of these things are things that I have heard from my constituents, so I’m just trying to pass those along and get those out so they know that I’m doing my due diligence here on asking these. There’s no difference if you have an Intrust Bank credit card or a Halstead Bank credit card when you’re charging the...”

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

**Commissioner Parks** said, "Okay. Now that was an easy one. Second one, Lawrence Dumont, I went over and personally visited Lawrence Dumont parking facility during a couple of those events. And we had some, I don't know whether to call them renegade, or we had a local school bus company that was in there charging three and a half a head to take people over to the Intrust Bank Arena, when on the street side of it they could ride for free?"

**Mr. Holt** said, "If that was during a hockey game, Commissioner, that was the hockey team who set up their service for their season ticket holders to have them park at Lawrence Dumont Stadium, shuttled to the arena free, but then anyone else going to the hockey game that wanted to ride that shuttle paid \$3.50. We have had ongoing conversations, we are in the process of getting a meeting, Chris Presson, Mandy Pankratz and I, with the city to talk to the hockey about how we can better integrate and coordinate what they're doing next year. And they're very open to doing that."

**Commissioner Parks** said, "Well that will certainly take care of several complaints I've had out of my district, and in fact, a couple out of Commissioner Peterjohn's district that questioned that. Community groups, I think it was slide 26, that you had community groups who want to get in and do the concession stand thing, what number do they call or who do they contact? Do they contact Chris or Chris Presson?"

**Mr. Presson** said, "They can just call the main number at 440-9000 and ask for Greg Read, our Food and Beverage Director."

**Commissioner Parks** said, "Greg Read? Okay."

**Mr. Presson** said, "And he'll guide them in the right direction from that point."

**Commissioner Parks** said, "That answers that question. Thank you. Had a question about arrests on the property that the security had done, whether it be counterfeiting, scalpers, assaults, whatever had gone on. The logistics of that is going well, with then they turn them over to Wichita Police Department to book them or how do they do that?"

**Mr. Holt** said, "Chris Presson, the building has security and that's supplemented for the events and that's supplemented with off-duty Sheriff's Officers, and inside the building and on the property, the Sheriff's Officer has jurisdiction. In fact, a little technicality here, but we've got a handshake agreement between the Wichita Police Department (WPD) and the Sheriff's Officers that from the street to the building, and inside the building is Sheriff, in the street then becomes WPD. However, WPD then can and will supplement, support the Sheriff's Officers as needed."

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**Commissioner Parks** said, "I know those handshake agreements are good as long as they last, but man, I'd feel more comfortable with something in writing. The thing that I was questioned about by, in fact a police officer, was if there is a city ordinance that the Sheriff cannot enforce, how do they handle that?"

**Mr. Holt** said, "Then they call the..."

**Commissioner Parks** said, "And then the city does go on the premise."

**Mr. Holt** said, "Yes..."

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

**Mr. Holt** said, "...they call the WPD. And the only reason I say to the street because not to the property line, it's sometimes tough to decide where the arena property line ends and the sidewalk begins and ends. So that's why this handshake agreement to the street, but yes, there's been a very good cooperative effort there. And if we need to, we can move that. If we get out of sorts with that, we can move it back to the property line and be in align with everybody."

**Commissioner Parks** said, "Okay. The Lipizzaners, the Shrine Circus, and I'm assuming the Ringling Bros. and Barnum & Bailey Circus, will those all be on carpet instead of dirt? And the PBR, that's going..."

**Mr. Presson** said, "PBR will be on dirt."

**Commissioner Parks** said, "They'll haul in dirt for that [inaudible]."

**Mr. Presson** said, "One of those events we haven't announced, so I can neither confirm nor deny. That being said, I would have to wait and see their specific schematics for those events. I haven't seen the plan for those events yet..."

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

**Mr. Presson** said, "...so the only one I can truthfully comment on would be PBR, which would be on dirt."

**Commissioner Parks** said, "Okay. Well I know there is another circus around that is bigger and better, so I won't mention that name again to put you on the spot, Chris. The complaint lines, are

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the complaints about the tickets, does that line up with industry standards pretty well? With new openings and what not?"

**Mr. Presson** said, "Are you speaking of cost of tickets?"

**Commissioner Parks** said, "Just a whole, general complaint lines about getting tickets, and buying tickets and what not?"

**Mr. Presson** said, "Yeah, I think it's fairly typical, I would say. In this market in particular, it would be probably more overzealous than normal simply because the market has been a bit starved for entertainment. That being said, we've been able to produce great entertainment to this point, which means longer lines, longer wait time on the internet and on down the line. So I think everything is in line with the nature of the business, again particularly in a market that by promoter standards is small but by our standards is big. We've been able to prove to this point that buying tickets isn't a problem, and we just need to keep that up. But I think everything's in line with what the norm is."

**Commissioner Parks** said, "And I think this is another question for you. The recent court case with Live Nation, has that made any impact with SMG?"

**Mr. Presson** said, "Not to this point. We always keep up with it. Those above me typically inform me of any ongoings that I need to be familiar with, if I'm not already familiar with, but to this point it hasn't had a negative impact."

**Commissioner Parks** said, "Okay. And this is back for Mr. Holt. The documents that are behind you that you referred to, is there any reason that those aren't on the internet or aren't available without coming to the courthouse?"

**Mr. Holt** said, "We can take a look at putting them on the internet. We're just developing this and so we wanted to make sure we knew what we were doing..."

**Commissioner Parks** said, "That's a good idea."

**Mr. Holt** said, "...before we had it in that fashion, but certainly we can take a look at that and see what it would take to do that."

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**Commissioner Parks** said, "And on slides 30, 31, there was no depreciation in that, those figures on those slides, were there?"

**Mr. Holt** said, "No, sir."

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

**Mr. Holt** said, "As far as the operating of the building is concerned, depreciation is not a part of the income statement. It's a county building, and Chris Chronis and his folks will be concerned about that. That's why we want them to do very, very well so that maybe we're funding depreciation through the profits that we get from the building. But, of course, the other way of funding that is out of the Operation and Maintenance reserve fund. Because funding depreciation means you have put it back into capital, and so that's what the operating reserve fund calls for."

**Commissioner Parks** said, "And my last item, I'll just say that I'm still awaiting some of those resumes as provided in the contract for the personnel and that will be a staff issue. Thank you."

**Mr. Holt** said, "I might just mention, in this book, we were going to put the resumes in the book, but we were apprised by Legal that they should not; that those are not public documents. So I have them and I'll be happy to share them with you."

**Commissioner Parks** said, "And I would certainly treat them as such."

**Mr. Holt** said, "Sure."

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

**Chairman Peterjohn** said, "Thank you, Commissioner Parks. Since Commissioner Parks took my depreciation question, I'm down to; I'm going to pare my list to just one. And this one I'm going to throw out to Mr. Presson if I could. Since we've got a little over 90 days of operation in place, what's the biggest surprise that we've had so far?"

**Mr. Presson** said, "Well, I don't know that necessarily there has been a huge surprise. I think we've been pleasantly surprised with the ability to sell tickets, because that's what it boils down to. In terms of operation, we haven't really had any big surprises to this point. In terms of

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transportation and parking, really no surprises there either, which has made our jobs much easier and it's allowed us to focus more on the detail of operating the inside of the building and the parking on-site. That's provided some much needed answers to some much needed questions. As to how do we go about operating the building in a more frugal manner, because when it comes down to it, we are on the hook for any potential loss, so we look at ways to better the safety of our customers yet spend our money more wisely."

**Chairman Peterjohn** said, "Let me, I'll go down to the third question on my list. How do you feel about your bookings so far for shows out the next six months or longer?"

**Mr. Presson** said, "I think we've done extremely well. I would say, Scott Neal, who books the building on our behalf, he's our Assistant General Manager, has done an exceptional job. If you look at the building schedule and compare it to virtually any other building, particularly in the midwest, we're not only in line with those other buildings but we, in most cases, have exceeded what the other buildings have been able to book. And that's inclusive of some of our sister buildings as well. We're very proud of our lineup, to have the number of events on sale that we do at this point, which I believe is over 40, is phenomenal. We have a number of exciting events that we've booked that we have not announced, which we're very excited to announce and we're looking forward to the family show Walking with Dinosaurs we have next week."

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

**Commissioner Welshimer** said, "Yeah, Mr. Holt, looking at the final summary of net building income, we have \$321,709. Well that's just short of the \$450,000, which would be less any previous years' net operating deficit for SMG. Is there any previous..."

**Mr. Holt** said, "For this first year, there won't be any previous operating deficit, so whatever happens in this first year will be the \$450,000 first to SMG, second \$450,000 to the county, anything over \$900,000 is 60 percent county, 40 percent SMG."

**Commissioner Welshimer** said, "So actually within this next month we could see some beginnings of \$450,000 to the county."

**Mr. Holt** said, "We could. I just, again, caution that that may start to go the other direction June, July and August. I'll get excited about that about October the 15th when..."

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

**Mr. Holt** said, "...we make the..."

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**Commissioner Welshimer** said, "All right."

**Mr. Holt** said, "...September report."

**Commissioner Welshimer** said, "So that's not going to be paid until the end of a contract year?"

**Mr. Holt** said, "That's correct. It's an..."

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

**Mr. Holt** said, "...after the year, end of the year adjustment or reconciliation."

**Commissioner Welshimer** said, "Okay. On the parking, we had an article in the paper, I think it was an article in the paper, where the city parking lots are not being used, and so are we going to be starting to reimburse the city for their losses on those lots?"

**Mr. Holt** said, "Well you saw the utilization numbers for the month of January and February, and they're about 30 percent, and yet both of those months are positive numbers. So that's just very, very good. We will be looking at this very closely over the next couple to three months as the weather gets warmer. The other thing I would just point out to you, you also saw those Q-Line numbers, so a lot of people are riding the Q-Line, but also a lot of people are electing to park in that lot, those Lots A, B, C and D, and we haven't had any complaints yet from Old Town, thank goodness, but I know a lot of people are parking in Old Town, using those restaurants and so forth before they come to the event. So it's working out very well. And we're still getting a positive number for those Lots A, B, C and D."

**Commissioner Welshimer** said, "Well I want to compliment Chris on the way they handle the crowds there. You do a terrific job and I think people just move along very quickly and really have a good time. Thank you."

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

**Chairman Peterjohn** said, "Well what's the will of the Commission? I see no further comments or questions."

**Commissioner Welshimer** said, "To receive and file?"

**Chairman Peterjohn** said, "Yes."

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**MOTION**

Commissioner Welshimer moved to receive and file.

Chairman Peterjohn seconded the motion.

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, “Mr. Chairman, if I could just add a piece of information. Someone brought this to my attention this morning, this is US Magazine, I’m not familiar with it, but in there it talks about the concert you went to, Commissioner Welshimer. That at the Taylor Swift concert at Intrust Bank Arena, she had sold the millionth ticket for her act here. So a million people have seen her act, the millionth ticket was sold here and she had some event with that person at the concert. The point is, a national publication, Wichita, Kansas, is in it because of the good work you’ve done.”

**Chairman Peterjohn** said, “Well we’ve got little preview for the March report, or April, since I’m trying to remember, was that concert March 31st or April 1st?”

**Mr. Holt** said, “April 1.”

**Chairman Peterjohn** said, “April 1, okay. Well something to look forward to. Thank you. Please call the vote.”

**VOTE**

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

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

**I. AGREEMENT WITH THE KANSAS DEPARTMENT OF TRANSPORTATION.**

**Mr. Joe Brunk**, Director, Noxious Weeds, greeted the Commissioners and said, “Item I is our annual agreement with the Kansas Department of Transportation (KDOT) that allows us to spot treat the noxious weeds that grow along the roadsides here in Sedgwick County. We have a good

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working relationship with KDOT and I'm here to ask you to approve the agreement and authorize the Chairman to sign.”

**MOTION**

Commissioner Norton moved to approve the Contract and authorize the Chairman to sign.

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
Chairman Peterjohn	Aye

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

**J. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ REGULAR MEETING ON APRIL 8, 2010.**

**Ms. Iris Baker**, Director, Purchasing, greeted the Commissioners and said, “The meeting of April the 8th results in six items for consideration. First item;

**1. 2010 NOVA CHIP OVERLAYS – PUBLIC WORKS  
FUNDING – R175 PREVENTIVE MAINTENANCE – SELECTED RDS**

“Recommendation is to accept the low bid from Lafarge North America in the amount of \$741,572.78. Item 2;

**2. SCANMAIL ANNUAL LICENSING AND SUPPORT RENEWAL –  
DIVISION OF INFORMATION AND OPERATIONS**

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**FUNDING – NETWORKING AND TELECOMMUNICATIONS**

“Recommendation is to accept the bid from Insight in the amount of \$13,330. Item 3;

**3. CONSTRUCT FIRE STATION #35 – FACILITIES DEPARTMENT  
FUNDING – RELOCATE FIRE STATION #35 (from 247<sup>th</sup> W)**

“Recommendation is to accept the low bid from Key Construction in the amount of \$1,567,000. Item 4;

**4. VEHICLE DECALS and INSTALLATION – SHERIFF’S OFFICE and  
FLEET MANAGEMENT  
FUNDING – SHERIFF’S DEPARTMENT FLEET**

“Recommendation is to accept the low bid from Universal Products, Inc. for an initial purchase of \$8,542.50 and establish contract pricing for one year with two one-year options to renew, and the low bid from Sign Pro for installation costs, establishing contract pricing for one year with two one-year options to renew. Item 5;

**5. CHASSIS’ for EMERGENCY MEDICAL SERVICE VEHICLES – FLEET  
MANAGEMENT  
FUNDING – FLEET MANAGEMENT**

“Recommendation is to accept the low bid from Rusty Eck Ford in the amount of \$125,045. And Item 6;

**6. VOICE/DATA/VIDEO CABLING EQUIPMENT and INSTALLATION –  
DISTRICT COURT  
FUNDING – DISTRICT COURT**

“And the recommendation is to accept the bid from Vision Communications in the amount of \$33,114.74. Would be happy to answer any questions and I recommend approval of these items.”

**Chairman Peterjohn** said, “Questions or comments for Ms. Baker? Commissioner Parks.”

**Commissioner Parks** said, “On the number six, we had how many vendors sent on that and just one back?”

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**Ms. Baker** said, “Correct. We sent it to all of the vendors that do any type of voice data and video work, cabling work and one responded. Of all of those 25, we know of three for certain that are specifically dedicated to cabling installation. Of those three, one responded.”

**Commissioner Parks** said, “I was just kind of surprised that one of our local companies didn’t bid on that, so thank you.”

**Chairman Peterjohn** said, “What is the will of the Commission concerning the Board of Bids and Contracts?”

**MOTION**

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

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

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

**K. CONSENT AGENDA**

- 1. Amendment to Agreement with Wichita Child Guidance Center for COMCARE to provide professional psychiatry & supervision services.**
- 2. Authorization of a Service Agreement which will allow Reno County to use Sedgwick County’s Motor Vehicle Tax Estimator.**

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- 3. Cancellation agreement with KDOT for construction of a frontage road on the south side of US-54 between 183<sup>rd</sup> & 199<sup>th</sup> Streets West. District 3. CIP# R-295.**
- 4. One (1) Temporary Construction Easement for Sedgwick County Project at the intersection of 93<sup>rd</sup> St. North and Meridian; CIP# R-321. District 3.**
- 5. General Bill Check Register of March 31, 2010 – April 6, 2010.**
- 6. Payroll Check Register for the week of March 27, 2010.**
- 7. Order to correct tax roll for change of assessment dated March 31, 2010.**
- 8. Plat.**  
Approved by Public Works. The County Treasurer has certified that taxes in 2009 and all prior years have been paid for the following plat:

**Bentley West Substation**

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

**MOTION**

Commissioner Norton moved to approve the Consent Agenda.

Commissioner Unruh seconded the motion.

**Chairman Peterjohn** said, “Motion and second. Seeing no further discussion, please, oh excuse me, Commissioner Parks.”

**Commissioner Parks** said, “Well there is just one correction, I believe, on the temporary easement for construction. If we look on number four, I believe it says District 3 there, and I believe that should be District 4.”

**Chairman Peterjohn** said, “I believe you are correct, Commissioner Parks. I appreciate you pointing that out.”

**Mr. David Spears**, Director, Public Works, greeted the Commissioners and said, “I just might mention, that was the mistake on our clerical staff down at Public Works. Sorry about that.”

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**Chairman Peterjohn** said, “And that is definitely in the fourth Commission district.”

**Commissioner Parks** said, “I guess it’s just a logistical thing, but it wouldn’t affect any kind of action on that.”

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

**VOTE**

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

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

**L. OTHER**

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

**Commissioner Parks** said, “Well whether it’s budget time or whether we’re talking about public safety, the DA’s Office, of course, is all in that thing, I want to get back to kind of just review some things that we were talking about with the consultant and some of the grants that we had here today that are prevention grants. This is not a unique situation in Sedgwick County. It’s been around since people, governments, societies have decided that putting people in jail, or incarcerating them in some fashion, is the best way to deal with people that aren’t in their norm of society. And there’s been good discussion on several items, whether it’s the jail or whether it’s the arena, I think it’s just part of the checks and balances systems, and if we didn’t have those checks and balances systems, we would have things run amok. You know, half the people would be in jail and the other half would be paying for it. I just think it’s good to have those discussions. I would want to say that there on the 24th, there are several things going on, on the 24th, as I said previously. The Sedgwick County Extension service and Buerki farm located from US-54 and 135th West, one mile south of Pawnee, which is 23rd Street, half a mile west on the south side of the road. The Farm Bureau Agricultural Association, in cooperation with many of our services, the Highway Patrol and EagleMed, will be out there talking about farm safety. And we had a tragedy this week in Commissioner Peterjohn’s district, and it’s these kind of things that we’re trying to prevent, and I would invite all rural people that deal with farm equipment, whether it’s they deal with anhydrous or they have a question about meth labs, whatever, to attend this function and see what’s going on

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in the countryside. It's a wonderful program. I've been to a couple of them myself. And I will try to schedule in at least part of that program as we're having a busy day on the 24th. The Valley Center garage sale days are also that day. There is a Lions Club pancake feed that day, and if anybody is so inclined to buy tickets for that, I know somebody that has those. That's all I have."

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

**Commissioner Welshimer** said, "Well, I serve on the Arts Council subcommittee for the sculpture 'WalkAbout,' and sometime back we all put three bases along the west side of the arena for sculpture 'WalkAbout' pieces that would be submitted by artists. Then there is a juror that chooses the statuary that will come into Wichita and be included in whatever replaces what was there, or puts out something new, and then the Arts Council selects what will go where. Just want you to know that there are some beautiful selections for the Arts Council to choose from and I think we're going to have some really fabulous works of art, statuary, along the west side of the arena sometime in May."

**Chairman Peterjohn** said, "Thank you. I'm going to add and segue on to Commissioner Parks' comments that I am glad that we're going to have a focus on safety throughout Sedgwick County, and particularly among the folks who are in the agricultural community. They do a lot of vital work and I'm glad for the Farm Bureau's efforts in that regard. But in terms of some other events, on a lighter note, since the weather's warmed up a bit, the Lake Afton [Public] Observatory continues to be open on weekends, and for those who like to see the stars and planets, that's a great resource here in the community and folks ought to take advantage of it. Last weekend, I went to the American Kennel Club that was using all three of the pavilion buildings, and I was very pleased at the tremendous number of vehicles that were parked out at Wiedemann Park using that facility, as well as the number of out-of-state and out-of-county Kansas tags among people who participated in this regional event and some of the Wichita folks who were involved in putting that event on. They mentioned that the number of entries were down, but they do bring a tremendous number of people, and also canines, into the community. And it was quite an event and watching the herding and agility trials, there's some very impressive animals' activities that occur then. Now, of course, we've got a flea market next weekend and out at the pavilions, and I urge folks to check pavilion events out on an ongoing basis. The other thing that I'd like to add is, is the farmers' market has gotten started again at 21st and Ridge Road on Saturday mornings. You can buy some great local homegrown products and that will be continuing throughout the year, and I think that that's another worthwhile event on Saturday mornings here in the community at the Extension Office at 21st and Ridge. Commissioner Norton."

**Commissioner Norton** said, "Thank you, Mr. Chair. All I have is the Haysville Business Expo is this Saturday from 9:00 to 3:00 at the Haysville Middle School. It showcases upwards to 50 businesses. It's a great time to stop by and see what Haysville has to offer. They have prizes, and

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drawings and all the businesses will be located there. Just so the public knows, I'll have a booth and really am just going to be there to visit with anybody that might want to stop by, and talk politics or talk about Haysville. Thank you, Mr. Chair."

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

**MOTION**

Commissioner Welshimer moved that the Board of County Commissioners recess into Executive Session for 20 minutes to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending claims and litigation and legal advice, and that the Board of County Commissioners return to this room from Executive Session no sooner than 12:18 p.m.

Commissioner Norton seconded the motion.

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

**VOTE**

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

**Chairman Peterjohn** said, "We're in recess until 12:18 p.m."

**The Board of County Commissioners recessed into Executive Session at 11:58 a.m. and returned at 12:23 a.m.; Commissioner Unruh was absent.**

**Chairman Peterjohn** said, "I'm going to call the meeting back out of recess and recognize Mr. Euson."

**Mr. Euson** said, "Commissioners, the record should show that there was no binding action taken while in the closed session and that's all the announcements we have at this time."

**Chairman Peterjohn** said, "Thank you. Seeing no further items, I am going to make a motion that we adjourn."

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**MOTION**

Chairman Peterjohn moved to adjourn.

Commissioner Parks seconded the motion.

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

**VOTE**

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

**Chairman Peterjohn** said, "We're adjourned."

**M. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 12:24 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:

May 12, 2010