

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

### **REGULAR MEETING**

**April 21, 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 21, 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; Ms. Jennifer Magana, Assistant County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Dorsha Kirksey, Director, Housing Department; Ms. Becky Tuttle, Health Promotion Coordinator, Health Department; Ms. Christina Helmer, Worksite Wellness Health Educator, Health Department; Mr. Marty Hughes, Revenue Manager, Finance; Ms. Claudia Blackburn, Director, Health Department; Mr. Seth Konkel, MMRS Coordinator, Health Department; Mr. Bob Lamkey, Director, Public Safety; Ms. Ann Swegle, Deputy District Attorney; Mr. Mark Masterson, Director, Department of Corrections, Mr. Jim Weber, Deputy Director, Public Works; Mr. Kevin Myles, Director, Fleet Management; Ms. Iris Baker, Director, Purchasing; Ms. Kristi Zukovich, Director, Communications; and Ms. Angela Lovelace, Deputy County Clerk.

### **GUESTS**

Mr. Sheldon Lawrence, Chairman, Teacher of the Year Committee, Albert Pike Masonic Lodge No. 303

Mr. Mark Severt, Attorney at Law, 111 N. Baltimore, Derby

### **INVOCATION**

Led by Dr. Jerry Vogt, Chapel Hill United Methodist Church, Wichita

### **FLAG SALUTE**

### **ROLL CALL**

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

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

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**CONSIDERATION OF MINUTES**

Regular Meeting March 24, 2010  
Commissioner Parks was absent at roll call,  
arrived at 9:12 a.m.

**MOTION**

Commissioner Welshimer moved to approve the Minutes of the regular meeting of March 24, 2010.

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

**CONSIDERATION OF MINUTES**

Regular Meeting March 31, 2010  
All Commissioners were present

**CONSIDERATION OF MINUTES**

Regular Meeting April 7, 2010  
All Commissioners were present

**MOTION**

Commissioner Welshimer moved to approve the Minutes of the regular meetings of March 31, 2010, and April 7, 2010.

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, "Next item."

**PROCLAMATIONS**

**A. PROCLAMATION DECLARING APRIL 23, 2010, AS TERESA SHEAHAN DAY.**

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

**WHEREAS**, The Worldwide Fraternity of Free and Accepted Masons has long championed the need and responsibility of a lifelong and 'virtuous education'; and

**WHEREAS**, Albert Pike Masonic Lodge No. 303 in Wichita, Kansas, in continuing its dedication to the community and public schools has set out to distinguish Wichita's finest educators in the selection and promotion of the Albert Pike Lodge – Teacher of the Year Award; and

**WHEREAS**, our teachers keep democracy alive by laying the foundation for citizenship and demonstrate to the community and the world their commitment to our future; and

**WHEREAS**, the selection committee, comprised of men and women from various backgrounds and vocations have unanimously selected Teresa Sheahan for her dedication in teaching fourth and fifth grade students at Lewis Open Magnet School, USD 259;

**NOW, THEREFORE BE IT RESOLVED**, that Karl Peterjohn, Chairman of the Board of Sedgwick County Commissioners, does hereby recognize April 23, 2010, as

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**‘Teresa Sheahan Day’**

in recognition of her service to Sedgwick County, the Wichita Public School District, Lewis Open Magnet School and the many students and peer faculty she has impacted through her dedication and fortitude in the discharge of her duties; in commendation of the qualities, capabilities and commitment that she brings to promote academic excellence, in building internally motivated confidence and teaching self reliance to her students and all those around her.

**Ms. Zukovich** said, “And it is dated April 21st, and signed by our Chairman, Karl Peterjohn.”

**MOTION**

Commissioner Parks moved to adopt the Proclamation.

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. Zukovich** said, “Commissioners, we do have Sheldon Lawrence who is here this morning to accept this award, or this proclamation.”

**Mr. Sheldon Lawrence**, Chairman, Teacher of the Year Committee, Albert Pike Masonic Lodge No. 303, greeted the Commissioners and said, “The Albert Pike Lodge would like to thank the Board of Commissioners for their support over the past 11 years with our Teacher of the Year Award. Each year we pick nominations submitted to us by school principals of USD (Unified School District) 259 district. As in the past, it’s always a hard job to choose, as each nomination is

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worthy of the title. This year our judges selected a teacher submitted by Judy Zimbleman, Principal of Lewis Open Magnet, with attached letters from her staff. Our Teacher of the Year, Teresa Sheahan, fifth grade teacher, sends her thanks and apologies for not being able to attend this morning, but is looking forward to seeing Commissioner Parks this coming Friday. The Albert Pike Masonic Lodge is pleased that the Board of County Commissioners are proclaiming April 23rd, 2010, as 'Teresa Sheahan Day.' On behalf of Albert Pike Lodge and all Masons, we want to thank the Board for their work, and for working with us in recognizing our public school educators. Thank you very much."

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

**Commissioner Parks** said, "Thank you, Mr. Lawrence, and I will be attending Friday and looking forward to it. I've attended the last couple years, and think that this is just a great service that you do for our teachers and our school system, and it goes along with your principles of masonry and learning, so thank you for providing that award for the community."

**Mr. Lawrence** said, "Thank you, Commissioner."

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

**Commissioner Welshimer** said, "Well I've done this once for you also..."

**Mr. Lawrence** said, "Yes."

**Commissioner Welshimer** said, "...and I thought it was a beautiful ceremony in a very beautiful place, and my husband and the men in his family were all Masons many years ago, and so I have a connection with that, and I think this is a great thing you're doing for teachers."

**Mr. Lawrence** said, "Thank you, Commissioner."

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

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

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

### **B. PROCLAMATION DECLARING APRIL 2010 FAIR HOUSING MONTH.**

**Ms. Zukovich** said, "I'll read this for the record:

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**WHEREAS**, The Congress of the United States passed the Civil Rights Act of 1968, of which Title VIII declared that the law of the land would now guarantee the rights of equal housing opportunity; and

**WHEREAS**, Sedgwick County is committed to the mission and intent of congress to provide fair and equal housing groups and the U.S. Department of Housing and Urban Development have received thousands of complaints of alleged illegal housing discrimination and found too many that have proved upon investigation to be violations of the fair housing laws; and

**WHEREAS**, equal housing opportunity is a condition of life in our county that can and should be achieved,

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

**‘Fair Housing Month’**

in Sedgwick County and expresses the hope that this year’s observance will promote fair housing practices throughout the county.

**Ms. Zukovich** said, “And it’s dated April 21st, 2010, signed by our Chairman, Karl Peterjohn.”

**Chairman Peterjohn** said, “What is the will of the Commission?”

**MOTION**

Commissioner Welshimer moved to adopt the Proclamation.

Chairman Peterjohn seconded the motion.

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

**VOTE**

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

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**Ms. Zukovich** said, “Commissioners, we have Dorsha Kirksey here today with our Sedgwick County Department on Housing who will accept the proclamation.”

**Ms. Dorsha Kirksey**, Director, Housing Department, greeted the Commissioners and said, “I’m sure you know that whether you’re renting or purchasing a home, housing is one of our most basic needs that we have, so I want to thank you for publicly recognizing today the importance of the right that we all have to be treated fairly and equitably as we seek to fill that need, so thank you.”

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

**Commissioner Welshimer** said, “Well, I think this is a good thing that we do this each year, and I live in an area, a neighborhood, that is quite culturally diverse. It enriches the neighborhood, it enriches the enjoyment of each other, and there are many different things that are presented that wouldn’t be there otherwise. I also have a family that has several multicultural fingers to the family tree, and it has been a great enrichment for me that I’ve enjoyed very much, so I’m proud that we’re doing this today.”

**Ms. Kirksey** said, “Thank you.”

**Chairman Peterjohn** said, “Seeing no further discussion, thank you, Dorsha.”

**Ms. Kriksey** said, “Thank you.”

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

### **C. PROCLAMATION DECLARING NATIONAL COUNTY GOVERNMENT MONTH.**

**Ms. Zukovich** said, “I’ll read this last proclamation:

**WHEREAS**, the nation’s 3,068 counties provide a variety of essential public services to communities serving 300 million Americans; and

**WHEREAS**, Sedgwick County takes seriously the responsibility to protect and enhance the health, welfare and safety of its residents in sensible and cost-effective ways; and

**WHEREAS**, county governments help promote healthy communities through local health departments, mental health services, emergency medical services, programs for senior citizens,

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parks and recreation facilities, safe roadways, recycling and community development programs, and emergency services, including 9-1-1, law enforcement and fire; and

**WHEREAS**, Sedgwick County provides a range of these services for citizens every day, all focused on helping to assure a 'safe and health Sedgwick County.'

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

**'National County Government Month'**

in Sedgwick County, and encourages all Sedgwick County citizens, employees and businesses to learn more about how 'Sedgwick County is working for you,' and what you can do to live a healthier lifestyle.

**Ms. Zukovich** said, "And it's dated April 21st, and it's signed by our Chairman, Karl Peterjohn."

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

**MOTION**

Commissioner Norton moved to adopt the Proclamation.

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

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**Ms. Zukovich** said, “Commissioners, this morning I have asked Becky Tuttle from our Sedgwick County Health Department to accept the proclamation and to share a little with us.”

**Ms. Becky Tuttle**, Health Promotion Coordinator, Health Department, greeted the Commissioners and said, “I appreciate it, thank you very much. Thank you for allowing me to come here today and accept the proclamation for ‘National County Government Month.’ I was thrilled to hear that this year’s theme is Healthy Counties, because we do so many good things for the residents in our community to help increase the health of our residents. In celebration of ‘National County Government Month’ and the Healthy Counties theme health coalitions across the county are including information about the special month in their newsletters, and a presentation was made at the April Manager’s Brown Bag with a special request to remind supervisors throughout Sedgwick County to encourage their employees to move more during the work day by utilizing the Movin’ Minute, which is featured on e-line. I would also like to bring your attention to the palm card given to you. On the first side it talks about ‘about your Sedgwick County,’ and it highlights just a few of the multitude of ways that Sedgwick County makes our community a safe place to live, work and play for all our residents on a daily basis. In addition, the back side of the palm card highlights Sedgwick County wellness programs, and provides tips on how to maintain your own personal health, including an emphasis on physical activity, nutrition, tobacco, oral health and hand washing.

“And as a special example today, one of the Sedgwick County wellness initiatives is the Movin’ Minute, which I mentioned can be found on e-line, and it encourages staff to move more during the day in order for them to remain productive, but also to help them improve their personal health. And Christina Helmer, our very own Sedgwick County Worksite Wellness Health Educator, is now going to lead us in the most recent Movin’ Minute, which features Chairman Peterjohn. I would also encourage all Sedgwick County employees to use the Movin’ Minute in April in celebration of ‘National County Government Month’ and beyond; have something to try and do every day. And I hope all of the viewers watching today, either from their home or office, will join us as we engage in some low intensity physical activity. So Christina...”

### **VISUAL PRESENTATION**

**Ms. Christina Helmer**, Worksite Wellness Health Educator, Health Department, greeted the Commissioners and said, “[Inaudible] we’re all going to follow along. These are a set of five simple exercises you can do at your desk, and these are all going to be seated, so if you want to [inaudible] so we can get started. So we’ll wait for it to come up and we’ll follow along with Chairman Peterjohn.”

**The Board of Sedgwick County Commissioners participated in the Movin’ Minute.**

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**Ms. Helmer** said, "All right, good job."

**Chairman Peterjohn** said, "Yes, but you didn't tell them the absolute final step, and that was several county employees, including myself and the County Manager, all ran a 5k last Saturday down at the Sedgwick County Zoo Link 4 Life Run, and so those who really want to get into the fitness side, if they really want to go the distance, they can go a little farther than just this exercise."

**Ms. Helmer** said, "That's right. The River Run is just around the corner, too."

**Ms. Tuttle** said, "Thank you for the opportunity to be here. I hope you all enjoyed the Movin' Minute. I hope you'll go to e-line and check it out. Use it during your staff meetings, do it when you need a little break from your normal activity. It really does help you to get the blood flowing and to feel good, so thank you. I hope you have a good day, and be well."

**Chairman Peterjohn** said, "Well, before you step away, Commissioner Parks and..."

**Commissioner Parks** said "I think Commissioner Norton probably has something to say more along this line, but I have something else to say about the proclamation."

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

**Commissioner Parks** said, "I'll yield to him."

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

**Commissioner Norton** said, "Well, the President of NACo (National Association of Counties) has made health a priority for counties around the nation and we're, you know, actively involved in NACo on several different levels, and I think this proclamation really serves two masters. It talks about the overall health and wellness of our community, and what the Health Department does to promote that. But when you think of health of a community and of a county, I also think of the physical health, and you know our county is in pretty good shape right now considering how many counties are having huge difficulties with their budgets and their revenue sources. And we have done some pretty good work to make sure that we promote health in our county, but that we keep the county healthy, too. And I think it kind of talks to two levels of how do you keep counties

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healthy? The people in it, and the physical structure and finances also have to be kept that way. So thanks for being here.”

**Ms. Tuttle** said, “Thank you for having me. I appreciate it. Hope you have a good day.”

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

**Ms. Tuttle** said, “Okay.”

**Chairman Peterjohn** said, “I want to add a few comments because, not only the physical health of the county employees, but Commissioner Norton’s point, in terms of the broader health of the community, because we are very fortunate in that we have not seen some of the challenges concerning real estate markets that have had a huge impact in other parts of the country, and I remain concerned but quietly hopeful that we will be able to avoid that in Sedgwick County. Having said that, this is a challenge in many places across the country, and we have a lot of people out there who are hurting, and one of the things that I discovered in the low points in my life, that if you can take care of your physical strength it makes a lot of other things easier. And we face challenges, not only on the health side of each employee, but the cost of, for instance, providing health insurance and we’re working on that in other ways, too. But it is a truly a community-wide effort, so I appreciate all efforts at all levels on the subject, and thank you for being here this morning.”

**Ms. Tuttle** said, “Thank you for having me.”

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

**Commissioner Parks** said, “I would like to say under one of the whereases that we had there, we had a lot of other services that the county provides, and I know health is one of the most important things we do for the entire county. However, I wanted to say that the townships have roads and bridges and things that they deal with, but they don’t have, a lot of times, police power or other powers of law that we do, and a lot of times we’re the single elected voice out there for the people that don’t live in the city or don’t have another government entity over them. I just wanted to throw in that along with the health, we do have other people out there that need our voice, and we’re their only elected voice. Thank you.”

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

**RESOLUTION**

**D. RESOLUTION URGING THE UNITED STATES GOVERNMENT TO SUPPORT THE NEWGEN TANKER.**

**Ms. Zukovich** said, "I will read this resolution for the record:

**WHEREAS**, The Boeing Company has built and maintained refueling tankers for the United States Air Force (USAF) for sixty (60) years; and

**WHEREAS**, The Boeing NewGen Tanker will be designed to meet all Air Force requirements, incorporate innovative 21st century refueling systems, incorporating a modern digital flight deck with state of the art 787 features; and

**WHEREAS**, the Boeing built tankers are safe and survivable where it counts most – in combat; and

**WHEREAS**, during the previous tanker competition, the Air Force concluded that Boeing's pilot oriented flight controls provide full combat maneuverability in all situations; and

**WHEREAS**, awarding the contract to Boeing would have meant the creation or retention of approximately 50,000 skilled jobs in the high-technology aviation industry here in the United States and provide jobs to Kansans; and

**WHEREAS**, relying on a foreign supplier of military equipment is unwise and not in the national security interest of the country;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Sedgwick County Commissioners that the United States Government and the United States Congress are strongly urged to select the Boeing NewGen Tanker.

**BE IT FURTHER RESOLVED** that the Sedgwick County Clerk send certified copies of this resolution to the President of the United States, the Secretary of Defense, the United States Senate Majority Leader, the United States Senate Republican Leader, Speaker of the United States House of Representatives, United States House of Representatives Republican Leader, and each member of the Kansas Congressional Delegation.

This resolution shall be effective upon passage by the Board of County Commissioners.

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**Chairman Peterjohn** said, “What is the will of the Commission?”

**MOTION**

Commissioner Unruh moved to adopt the Resolution.

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

**CITIZEN INQUIRY**

**E. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING THE SALE OF FIREWORKS IN SEDGWICK COUNTY.**

**Mr. Mark Severt**, Attorney at Law, 111 N. Baltimore, Derby, greeted the Commissioners and said, “May it please the Commission, my name is Mark Severt, I am an attorney in Sedgwick County with offices down in derby, Kansas. And Robin Gilman is here, as well as Jason Vanatta, and they have asked me to take a few minutes to speak with you about lifting the ban on the sale of fireworks. “To start with, we would like to thank you for lifting the ban on the use of these fireworks, and it seems like the next logical step may be to lift the sales ban. My clients operate a Sedgwick County company known as Adventure Funds, and it’s a Sedgwick County business that works with nonprofit groups, civic organizations, churches, ball teams, various organizations to help them raise money through the sale of fireworks. And what my clients do is they provide locations, tents, tables, all of the equipment needed to run a fireworks stand, as well as all of the products, and the nonprofit organizations, they provide labor to run these tents. And it’s a great family experience, I’ve talked to a number of people that have been involved in these types of fundraisers, and in the course of about a week, they can generally raise enough funds from operating one of these fireworks stands to actually run their program, or a big portion of their program, because they receive a percentage of every dollar that is spent in the fireworks stand.

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“The children enjoy the experience as well as the adults. They learn a little bit about running a business, and they, overall, just have a great time with respect to it. Essentially, what we’re anticipating is that if the Commission would consider lifting the ban on sale of fireworks that it could create 20 to 40 different or new tents. If the zoning were for commercial property, then you probably would be seeing about 20 additional tents. If it went all the way to agricultural zoning, you would probably see 40 tents, and this essentially would create 20 to 40 opportunities for nonprofit organizations, churches and these civic groups to have an ability to raise a little bit of funds through a fun event, and through something that would benefit the entire community. Besides the civic organizations benefiting from the sale of these fireworks, there are other entities that also would benefit. Landowners would perhaps, Sedgwick County landowners, would receive some rent for the use of their property. Tent companies here in the community, table rental companies, even electricians to come out and run electricity for these tents, would all benefit from the sale in our community.

“As the Commission also knows there are some civic organizations that already operate some of the fireworks stands in the community, but by lifting the ban on the sale of fireworks, it would benefit them as well in that it would open up more products that they would be able to sell. A lot of, or not a lot, but some of the organizations that are running these tents or fireworks stands already are perhaps tied to a civic organization and they have a certain loyalty of people who come to their facility or come to their tent. If those tents were able to be here in Sedgwick County, then that also eliminates the need for them to travel longer distances. It would keep the revenue in our community, and it would also open up the number of products that these various tents could sell which, thereby, having more products to sell, it would generate, again, more income.”

**Mr. Severt** continued, “And where most of these tents are ran off of a percentage of all sales, the more sales, obviously, the more money these nonprofit organizations would be able to benefit. And so what we’re essentially asking the Commission to do is to pass a resolution that would lift the sales portion of fireworks and bringing it essentially up to what the state allows, and we feel that would be a benefit to the community at large, as well as the various nonprofit organizations who would participate. Thank you.”

**Chairman Peterjohn** said, “Thank you. Any questions or comments for Mr. Severt? Commissioner Parks.”

**Commissioner Parks** said, “Is this the only person that’s requested to speak on this topic today?”

**Chairman Peterjohn** said, “Well, Mr. Severt is speaking on behalf, I believe, of two gentlemen: Mr. Vanatta and Mr. Gilman.”

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**Mr. Sevart** said, “Ms. Gilman.”

**Chairman Peterjohn** said, “Ms. Gilman, sorry.”

**Commissioner Parks** said, “I know this is not a public hearing or anything, but I know we had a considerable staff discussion yesterday in staff meeting about this, and I think it behooves me to kind of tell you what went on in staff meeting yesterday and a little bit about the issue here. Our staff brought up some zoning issues, and I think that this is one of the things we could start working on right now to allow agricultural and rural residential properties to be able to sell during certain times of the year. And I think that’s something that we need to get right on and have our staff work up and run through MAPC (Metropolitan Area Planning Commission) and get in our zoning code to allow that. I am pro business; I think that it’s terrible that we limit businesses that are doing business in other parts of the county, within the cities and whatnot. I have talked with two city managers and they said that I could certainly use their names; Mr. Tallman of Kechi, and Mr. Pile at Valley Center said it wouldn’t affect their cities and to go ahead and sell them in the county if we wanted to. So we also have 20 or so letters from groups that you provided; inquiry or they’ve asked us to open that up and let us sell. In staff meeting yesterday there were some time issue, and I feel like, like I say, it is not a public hearing today, but if I were to make a motion it would probably die for lack of a second from the information out of that meeting. So I would turn this back over to the Chair, and if there’s anybody else to speak, certainly I think it’s dangerous not to let people speak.”

**Chairman Peterjohn** said, “I agree with you, in terms of having people speak on it, but that kind of goes to one of the points that I would have. Mr. Sevart...”

**Mr. Sevart** said, “Yes.”

**Chairman Peterjohn** said, “...I don’t believe you or any of your clients that you have represented today participated in our public hearing last year did they?”

**Mr. Sevart** said, “I don’t know. I sure did not. I don’t know if they did or not.”

**Chairman Peterjohn** said, “Because one of the things that happened at our public hearing last year was we had an extended and quite lengthy discussion on possession and use and whether that would be appropriate or not, and the sale question did not come up at that time and we’ve never had a public hearing on that subject. And to go explore the ramifications, and there was a desire on the part of the Commission to see how possession and use would work out since the feedback we did receive at the public hearing, at least as far as this Commissioner is concerned, and I am only speaking for myself up here, but we did vote 4-1 to legalize possession and use when that subject did come up.

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“Now the idea of proceeding and seeing how possession and use worked out to see, you know, a little over 30 years ago because of problems that existed, the Commission at that time outlawed possession, use, sale, the whole shebang here in Sedgwick County, and as far as I’m concerned, I wanted to see how things worked out with possession and use and see where we stood and get a report from staff and get the feedback on where we were after July 4th this year. Now we are in a position where the holiday is rapidly approaching, and to try and change things, which your clients are requesting, without holding a public hearing, I think, would be rather extraordinary. Because when the subject did come up in an informal way, and some public comment at a prior Commission meeting we had some people who spoke on both sides of the issue, and I think it would be important before the county would change our current policy, this Commissioner would certainly like to see more public input and discussion on the broader question, and so seeing that, I am going to make a motion that we receive and file Mr. Severt’s 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.”

**Ms. Angela Lovelace**, Deputy County Clerk, greeted the Commissioners and said, “Mr. Chairman, the next item is Item F. Was that was handled with the last item?”

**Chairman Peterjohn** said, “I’m sorry, item A?”

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**Ms. Lovelace** said, "Item F, another request to address the Board of County Commissioners regarding the sale of fireworks."

**Chairman Peterjohn** said, "I believe, through Mr. Severt's comments, I'm going to treat those as one in the same if that's all right, if we can go ahead and do that. If Legal counsel thinks we ought to do it differently, I'd be interested in hearing..."

**Ms. Jennifer Magana**, Assistant County Counselor, greeted the Commissioners and said, "That's fine if you treat them together. Mr. Severt was speaking for both of them."

**Chairman Peterjohn** said, "Okay. We'll treat those as in the same, thank you."

### **F. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING THE SALE OF FIREWORKS IN SEDGWICK COUNTY.**

**Action on Item F was taken with Item E.**

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

## **NEW BUSINESS**

### **G. APPROVAL OF A GRANT APPLICATION TO THE BUREAU OF JUSTICE ASSISTANCE FOR THE 2010 STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP) FOR FEDERAL GRANT YEAR 2010.**

**Mr. Marty Hughes**, Revenue Manager, Finance, greeted the Commissioners and said, "For the past 15 years Sedgwick County has participated in a State Criminal Alien Assistance Program (SCAAP) operated by the Department of Justice, Bureau of Justice Assistance. On March 25th, I received an e-mail notifying us that this year's application process would begin, and it begins on March 25th and it runs through May 7th this year, and the website is open during that period of time to submit applications. Under this program, states and units of general government that have authority over correctional facilities, or detain undocumented criminal aliens for a minimum of four days, are eligible to apply for State Criminal Alien Assistance Program funds. Congress appropriates funding for this program each year, and the website has not yet provided the amount allocated for this year's program, but last year for the 2009 program Congress appropriated \$394 million. Sheriff and

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Finance staff, working with Maximus, Inc. staff, will collect and analyze staffing, financial and inmate data for the Adult Detention Facility for the reporting period of July 1, 2008, through June 30th, 2009, and that's the information that is submitted through the Bureau of Justice Assistance online application website. Over the past 15 years, Sedgwick County has received over \$1.7 million from this program, and I would like to thank Major Glen Kurtz and his staff at the Adult Detention Facility again this year for their assistance in providing the inmate data required for this grant program. And I recommend that you authorize staff to submit the grant application to the State Criminal Alien Assistance Program website and accept the grant award once it is offered. I would be glad to answer any questions you might have about the application process."

**Chairman Peterjohn** said, "Thank you. Questions for Mr. Hughes? I'm going to ask one. Do we have an idea, based on the grant application, how many illegal aliens, I'm trying to remember the politically correct term we have to use for federal grants, undocumented criminal aliens we've had in the Sedgwick County detention facilities during the past year?"

**Mr. Hughes** said, "Well, we don't have the data yet for this year, we're still working on that. For last year, we had 324 that we reported on, and the year before that, it was about 187. So it kind of fluctuates from year to year."

**Chairman Peterjohn** said, "So those figures, 324 would be for 2008, or that would be for..."

**Mr. Hughes** said, "That would be for the the period ending June 30th, 2008."

**Chairman Peterjohn** said, "June 30th, 2008."

**Mr. Hughes** said, "Right. The reporting period we're doing this year is for the period ending June 30th, 2009. It fluctuates from year to year, but last year was about 324."

**Chairman Peterjohn** said, "Does the amount of the grant fluctuate with the number of people?"

**Mr. Hughes** said, "Yeah, there's a formula that the Justice Department uses; it includes the number of inmates, the number of days the inmates are in the facility and the cost of the detention officers that work there. So it is kind of a complicated formula they use, and then they take all the data from all the jurisdictions across the country, take all that data, and allocate the funds based on that information."

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

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**Commissioner Parks** said, “That answered one of my questions there about the how many. The federal housing contract that Rice County, Kansas has with the INS (Immigration and Naturalization Service) has no impact on this then?”

**Mr. Hughes** said, “Well, not that I know of, it shouldn’t.”

**Commissioner Parks** said, “Okay. And I just have another comment, not really a question for Marty, but the misdemeanors, I hope, are being coordinated with the INS so we can ship those criminals back to their respective countries and not have to worry about that when they’re misdemeanors. Thanks.”

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

**MOTION**

Commissioner Welshimer moved to authorize staff to submit the grant application through the SCAAP website and accept a grant award once it is offered.

Chairman Peterjohn seconded the motion.

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

**VOTE**

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

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

**H. HEALTH DEPARTMENT**

- 1. APPROVE THE HEALTH DEPARTMENT’S GRANT APPLICATION TO THE MARCH OF DIMES (MOD) FOR FUNDING FOR THE MATERNAL AND INFANT (M&I) PRENATAL PROGRAM TO HIRE A PART-TIME NURSE PRACTITIONER TO PROVIDE INTENSIVE PRENATAL**

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**SERVICES TO CLIENTS AT RISK OR DIAGNOSED WITH  
GESTATIONAL DIABETES AND PREVENTION OF TYPE II DIABETES.**

**Ms. Claudia Blackburn**, Director, Health Department, greeted the Commissioners and said, “Before you is the grant application to the March of Dimes for \$35,000 to enhance our maternal and infant or prenatal program and there is no match associated with this grant. We currently serve about 500 pregnant women in our prenatal clinic, and that clinic is run by a nurse practitioner led team medical assistants, and then the oversight is provided by the KU (University of Kansas)/Wesley OB (obstetrics) docs [doctors]. And we provide services using a Centering Pregnancy model of care, where we match women by their due dates and put them in groups, and they receive education, and support and care throughout their pregnancy in this way.

“The March of Dimes is accepting grant proposals right now for programs such as ours who are interested in preventing gestational diabetes, that’s diabetes during pregnancy, and also preventing, better controlling gestational diabetes for women that are diagnosed with that in their pregnancy. Unfortunately right now, according to staff estimates, probably about 60 percent of our prenatal patients are obese and another 20 percent are overweight weight. So the majority of our patients are at risk for gestational diabetes. Last year we had 37 gestational diabetics, several we had to refer out because their blood sugars were not well controlled. We want to do a better job of educating our moms about how to prevent gestational diabetes and of controlling the gestational diabetics that we have.”

**Ms. Blackburn** continued, “If we are funded, we would hire a part-time nurse practitioner who would manage those patients. We would also include in our curriculum for all our clients how to prevent gestational diabetes. And, you know, what we know about gestational diabetes is that it can create more birth delivery problems. Babies can be born prematurely and the C-section rate is higher, so there are more complications possible and more costs associated with gestational diabetes, and also women are more likely to become type 2 diabetics within five years of delivery. So it is really a significant health problem, and we believe that this program, this grant, could help us do a better job at preventing complications and preventing diabetes. So I recommend that you allow the Chair to sign this grant application and any associated contracts that go with the grant application if we’re chosen. I would be happy to answer any questions.”

**Chairman Peterjohn** said, “Thank you. Questions or comments for Ms. Blackburn? What’s the will of the Commission?”

**MOTION**

Commissioner Unruh moved to approve the grant application of \$35,000 and authorize the Chair to sign all necessary documents, including a grant award agreement containing

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substantially the same terms and conditions as the application; and approve establishment of budget authority at the time the grant award documents are executed.

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

**2. AGREEMENT WITH THE OFFICE FOR HOMELAND SECURITY – KANSAS HIGHWAY PATROL FOR FEDERAL ALLOCATIONS TO SUPPORT THE SOUTH CENTRAL KANSAS METROPOLITAN MEDICAL RESPONSE SYSTEM (SCKMMRS).**

**Ms. Blackburn** said, “This Agenda item is a request for approval of our Metropolitan Medical Response System, or our MMRS grant, that runs from September 1st of ‘08 through July of 2011, and it is for \$321,221. There is no match required, and I’ve asked Seth Konkel to give you a brief update to tell you about what we’ve accomplished with this program thus far, what we’re currently working on and what we propose to do with the additional funding, so Seth...”

**VISUAL PRESENTATION**

**Mr. Seth Konkel**, MMRS Coordinator, Health Department, greeted the Commissioners and said, “I just wanted to kind of explain a little bit about how this works. The Public Health Emergency Preparedness program, or PHEM program, is a program in the Health Department that has several grants in it. Metropolitan Medical Response System is just one of those, along with the Public Health Bioterrorism Preparedness Grant, Medical Reserve Corps Grant, the Pandemic Influenza Planning, and then the most recent being the H1N1 funding that we received to help with that response. Over the several years that we’ve had the grant, you can see that’s all of the programs and

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the funding streams that have come into the county, obviously with last year being off a little bit because of the H1N1 funding. To date we've received a little over \$2.6 million since 2000 when the grant first came to the community, and in that time, we have established a steering committee that helps decide how that funding is spent. It has over 25 member organizations. We have recently purchased a hospital tent, or a medical surge system, which would allow us to surge, as in when hospitals need additional care. A similar system was deployed to Greensburg shortly after the tornado there several years ago. And then we've also worked on operational plans for the Health Department and other health and medical response agencies in the community. That picture up there on the left is a picture of the hospital decon (decontamination) tent that we purchased for the area hospitals shortly after the grant was established in 2000. The one to the right is during a smallpox exercise where Claudia was taking part in, and then the bottom tent there is a similar system that we have purchased. A couple other things we've accomplished, we've done some real-time disease surveillance through 9-1-1 and ER (emergency room) data at their local hospitals."

**Mr. Konkol** continued, "We've also purchased an AM radio station which will allow us to broadcast in a five-mile radius of the location to share information with citizens in case normal communication methods are down. And then we've also supported the EMS (Emergency Medical Service) System's Disaster Medical Support Unit through adding supplies so that those trailers can be ready for deployment during a mass causality type incident, when they can then surge up and take care of more patients on scene. Some of the current projects we're working on. We are currently working on an electronic patient tracking system in all 19 counties that we serve, that is the South Central Kansas Region, there are 34 hospitals. In that same region we've also worked on, or are currently working on, a badging [sic] system which will allow for scene access and personnel accountability, so we know who's on scene, we know what projects they should be doing, and it also allows for records for timekeeping, and then we've also established a website to increase the information sharing and collaboration along with our regional partners in those 19 counties.

"The FY (fiscal year) '08 grant that we are asking approval for today would be used to purchase some of the medical equipment needed for the surge system; what we purchased with previous grants was simply the actual tent structure itself. It would also assist with the upgrading of the 800 megahertz system that is coming up in the next couple of years for re-banding through the federal government. And then last but not least, we would be hosting a summit for all MMRS members, so that would include EMS, public health, hospitals, Environmental Services, anybody that has a health and medical dog in the fight when it comes to an incident. We really have not ever had a summit of that nature to get those partners at the table, so we would be using this grant funding to

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host that, probably sometime in September of this year. So with that, I would open up the floor to questions or ask the council to approve and authorize the Chair to sign.”

**Chairman Peterjohn** said, “Thank you. Questions or comments for Mr. Kunkel? I’m not sure who is first. Commissioner Parks.”

**Commissioner Parks** said, “Some of these questions you’ve answered since I wrote them down, but it started as a result of 9/11, and I worked with Mr. Kunkel on these as well as several other people at another job that I had, but one of the big things we dealt with was bio-threat from the Health Department, and I think that that shows that the Health Department is very prepared in this. I did have a question about the radios.”

**Mr. Kunkel** said, “Yes.”

**Commissioner Parks** said, “How many? And is it going to be for the Health Department, or are you going to have strategic locations that you are going to place other radios for other agencies to be able to intercommunicate with you?”

**Mr. Kunkel** said, “Yes, absolutely. Currently through the Public Health Emergency Preparedness Program, being made up of several grants, we’ve purchased around 35 radios that are housed and used in the Health Department, along with COMCARE for their behavioral health response, to an incident in the hospitals in Sedgwick County. And then we would also use some to deploy with our patient tracking teams that would go out to an incident to use that electronic patient tracking system that I spoke about. This grant would probably not replace all of those, because we were using about a \$600 radio. Under the current system, the increase to digital, the change to digital, those radios are extremely more expensive so we would not be able to replace them all with this grant, but it is something that we’re looking at making sure that we’re in line with those radios being updated when the change takes place in the next couple years.”

**Commissioner Parks** said, “I know when we had one of our actual mock drills, that was one of the things that seemed like that was a little bit on the weak side, so we are certainly, from the law enforcement side, I’m sure the Sheriff, and the other smaller agencies and the county would appreciate any help that they can get in coordinating those practices when you have your next mock drill.”

**Mr. Kunkel** said, “Absolutely.”

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

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

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**Commissioner Norton** said, “Well certainly a nice presentation to update us a little bit. This is one of those things that it’s better to have and not need than to need and not have. Certainly we hope we never use any of this system, that it never comes to fruition, but, you know, I’m reminded that yesterday we celebrated, I can’t say celebrated, we memorialized 15 years from the Murrah Building bombing. We’ve had tornadoes that have happened, certainly 9/11 keeps us ever reminded that there is a lot of issues out there where medical emergency will happen, and it could be man-made, it could be nature made, but being prepared really makes sure that our community will be safe and that all the players are talking with each other. I think the regional summit will be powerful, because the more you can get people in one room to get to know each other and understand the protocols, the better it will be. Good presentation, thanks for updating us, and let’s hopes we never use it.”

**Mr. Konkel** said, “All right. Thank you.”

**Commissioner Welshimer left the Board of County Commissioners meeting at 9:55 a.m.**

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

**Commissioner Unruh** said, “Thank you, Mr. Chairman. I appreciate the presentation also to just kind of refresh our memory on the efforts that we’re making, trying to be ready and be prepared in the event that one of these disasters should happen. I think this is the right approach that we take a regional approach. It allows for greater coordination, and just the nature of the mass event seems to require resources from a large area, and I think Sedgwick County is the appropriate entity to take leadership in this effort. It is good for our region and I am glad that we have taken a very detailed and professional approach to it so we can have appropriate response in the event we have a need for it. So I am going to be supportive, and I congratulate you all for the good work that you’re doing, and I would say that I’m very grateful that we have some federal money to help make us very prepared to do this and make it a good program, so thank you very much.”

**Mr. Konkel** said, “Thank you.”

### **MOTION**

Commissioner Norton moved to approve allocation of \$321,221 and authorize the Chair to sign the contract and any related documents; and approve establishment of budget authority at the time the documents are executed.

Commissioner Parks 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	Absent
Chairman Peterjohn	Aye

**3. APPROVE THE HEALTH DEPARTMENT’S GRANT APPLICATION TO THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) FOR FUNDING TO BEGIN A BREASTFEEDING PEER COUNSELOR PROGRAM IN SEDGWICK COUNTY.**

**Ms. Blackburn** said, “As you know, the WIC (Women, Infants, and Children) program is our largest public health program serving over 19,000 women and children, and bringing \$10.5 million into the economy every year in Sedgwick County, or at least last year. Hopefully it’s more this year. We are desiring to enhance and improve the initiation and duration rate of breastfeeding among our women. We know it’s the best thing for the baby; it helps to prevent infections and allergies, and hopefully has some short and long-term health effects for the mother, and decreases healthcare costs overall. And so we would like to introduce a Breastfeeding Peer Counseling Program, that is, training mothers who have breastfed to mentor other mothers who want to breastfeed or who are breastfeeding. Right now about 68 percent of our pregnant women initiate breastfeeding, and at about three months, 24 percent are still breastfeeding. So we would like to increase the number that choose to breastfeed and then increase the duration of breastfeeding and we believe this program will help. It’s been done in other places in the country, especially Texas. They’ve been doing it for 20 years. It’s starting to kind of take a hold in Kansas and we would like to be among those health departments that are doing it. If we are awarded the \$26,000 for a four month period, we will hire two part-time peer counselors, and then we have a part-time position that we’ll use for that as well. So I do recommend that you approve this grant application. We do anticipate recurrent funding after this four month period, and this is from the USDA (United States Department of Agriculture) through the state part of WIC funding. I’d be happy to answer any questions.”

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**Commissioner Welshimer returned to the Board of County Commissioners meeting at 9:58 a.m.**

**MOTION**

Commissioner Norton moved to approve grant application of \$26,010 and authorize the chair or designee to sign all necessary documents, including a grant award agreement containing substantially the same terms and conditions as this application; and approve establishment of budget authority at the time the grant award documents are executed.

Commissioner Unruh seconded the motion.

**Chairman Peterjohn** said, “We have a motion and a second. Questions or comments for Ms. Blackburn? I want to throw out a question, because you mentioned 68 percent of women begin breastfeeding and then it drops off within three months to basically a third of that level. Do you have any explanation why the drop-off, and what is the best way to try to correct that, and is there an optimal time at which you say, gee, the children ought to be weaned off, and how do we get here?”

**Ms. Blackburn** said, “Well, I think there are lots of barriers to breastfeeding. I mean, there’s lack of social support, for some women it does mean that you don’t get as much sleep. It really does take some, it takes a real commitment, and that’s why we believe that this program will help to support women who have that commitment to, you know, go a little bit further. I don’t know that there’s a magic number. Some women breastfeed for a couple of years, but usually about a year is what’s recommended, so the longer, the better.”

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

**VOTE**

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

**I. DIVISION OF PUBLIC SAFETY.**

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### 1. **REQUEST TO ADD ONE RANGE 18 ADMINISTRATIVE ASSISTANT POSITION TO THE DISTRICT ATTORNEY'S STAFFING TABLE FOR THE PURPOSE OF ACCELERATING COMPLETION OF JOURNAL ENTRIES.**

**Mr. Bob Lamkey**, Director, Public Safety, greeted the Commissioners and said, "I am standing before you today on behalf of the Criminal Justice Coordinating Council (CJCC), and with me is Ann Swegle, the Deputy DA (District Attorney) if you have any questions as we proceed. As a matter of background, upon sentencing in a district court, a required form of documentation called, formally, the journal entry of judgment, commonly known as the journal entry, is completed. The journal entry serves to provide a record of relevant information about each case, such as criminal history, conviction information, sentence imposed, departures from the sentencing grid, time served, et cetera. There's a whole host of information that's captured in this document."

"The process is further complicated when there are multiple count cases and supplements as required by governing regulations, and in fact, criminal journal entries can be complex and time consuming to complete. Due to overly long journal processing times in the recent past the court, under the leadership of the Chief Judge, brought relevant parties together to look at the process, and discuss and outline the normal expectations and establish measurement tools to track the progress. At the same time, the District Attorney focused her staff, using overtime and some part-time help, in completing outstanding journal entries still in progress. At the last CJCC meeting, the Sheriff reported that his observation, his measurement, shows those times have been dramatically reduced. He related an average of 15 1/2 days for 10 inmates that were recently transported to KDOC (Kansas Department of Corrections). So that you understand what the expectation based upon current staff and processing is, at the meeting, when we left the meeting with the parties, for criminal cases, again, based upon normal events, the process is initiated and substantially completed by the District Attorney in 10 to 14 days, and that's driven by the amount of work and the staff that are assigned those duties. Defense attorneys then have two days in which to review the completed journal and sign the journal entries, so there's an opportunity for the defense to review it to make sure it's correct and then sign.

"After two days the journal entry, signed or unsigned, because that is the singular opportunity for the defense to review it, is forwarded to the Clerk of the [District] Court for the appropriate judicial signature and then to the Sheriff's liaison for processing the inmate to KDOC. This action should take two days and completes the process. And so, in general, one can expect the journal entry to be completed in about 18 days. In 2009, the District Attorney's Office completed 1,915 commitment journal entries and about 3,050 probation journal entries with the two dedicated staff they have. And these numbers encompass both original sentences and probation violations, and do not include some smaller numbers related to journal entries of dismissal, or journal entries of trial, transport and commitment orders to places like Larned, so there's a small number in addition to these that are not

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included. Last year in 2009, the Sheriff transported 1,023 inmates to serve time in the state detention facility. I would caution you that not all DA commitment journal entries were to prison. Some were to jail, and further in a number of instances a single individual may have commitments for multiple cases, so there's not a one-to-one relationship between the 1,915 that the DA processes and the 1,023 that the Sheriff transported. However, that being said, generally, convicted inmates remanded to DOC (Department of Corrections) are held in the custody of the Sheriff until completion of the journal entry. Each day an inmate remains in custody of the Sheriff while awaiting completion of a journal entry costs us about \$38, if you consider that's the cost of out-of-county bed including transportation. So if we consider 2009 typical, each day those 1,023 waited in the Sheriff's custody cost Sedgwick County \$38,874. Conversely, every day we shorten the wait saves an expenditure of \$38 per day, so one day savings in each of about 1,000 per year that we transport yields \$38,000 dollars in cost avoidance to Sedgwick County."

"The opportunity to substantially reduce time rests in the 10 to 14 days in the District Attorney's portion of the process. So we asked the question, what would it take to reduce that amount of time? It is estimated by the District Attorney's leadership team that an additional staff person focused on the commitment journal entry process would result in a 50 percent reduction in processing time. An average of 5 to 7 days, or if you consider 1,000 people being transported, somewhere between \$190,000 and \$266,000 if we assume, again, 1,000 inmates per year are remanded to KDOC. The cost of one Range 18 administrative position, including benefits, would be \$45,737 per year, and \$30,392 dollars prorated from May 1st for the remainder of this year. So what I'm saying, basically, is a reduction in two days per inmate would more than generate the savings for this position. The District Attorney's staff will closely monitor and manage their portion of the process, and we have mechanisms in place, both in the District Court and with the Sheriff, to manage and look at the entire process and we will be, the CJCC will periodically be getting reports how this works. And so it would be my recommendation, on behalf of the CJCC, that the Board of County Commissioners approve the addition to the staffing table and I, or Deputy DA Swegle, will be happy to answer any questions that you may have on this topic."

**Chairman Peterjohn** said, "Questions or comments for either Mr. Lamkey or Ms. Swegle? Commissioner Parks."

**Commissioner Parks** said, "How long before we would be able to hire somebody if this is approved today?"

**Ms. Ann Swegle**, Deputy District Attorney, greeted the Commissioners and said, "I believe that we could, if it's approved as of May 1st, we could immediately transfer a person into that position and then fill back, so I think we could have someone online as of May 1st if it is approved for that date."

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**Commissioner Parks** said, "Is this person you have anticipated going into that, are they an attorney?"

**Ms. Swegle** said, "Oh no. It's clerical staff."

**Commissioner Parks** said, "Okay. I was going to say for \$45,000 we're probably not going to get an attorney on that. Two and a half months here before we have to get down in the final budget crunching numbers, I guess from May 1st it would be about two and a half months. I would like to have a report back on how that position is working and how things are rolling at that time."

**Ms. Swegle** said, "Well, Commissioner, we would anticipate reporting, we track our statistics and we keep track. The folks who do journal entries, they do statistics and report weekly to our administrative staff and I'm certainly happy to share the information on that through CJCC and then, of course, the Commission can have that information."

**Commissioner Parks** said, "That was my next comment. In the backup material that I had, it says periodically report to CJCC. I would anticipate that the board members on CJCC would then bring it to the full Commission, so I think that's the appropriate reporting body to get that information. Thank you."

**Chairman Peterjohn** said, "Ms. Swegle, let me throw in questions that I'd like to clarify since I'm one of the two Commissioners serving on CJCC. We have had a presentation of 10 to 14 days currently. Can you narrow that down at all, in terms of how long it's taking on average to process the journal entries under our current system? And when we say five to seven days, are you optimistic that we can make it to five days or are you more saying, well, seven days is closer than what we feel comfortable with, and how we can monitor this on an ongoing basis? Because I know the District Attorney is independently elected, like we are, and if we approve this going forward today, we are really very interested, not only in improving the criminal process and keeping this community safe at as reasonable a price as possible, in terms of cost to taxpayers, but also being able to process the information. Because this Commission is spending a lot of taxpayer funds upgrading software systems so that we can get more information and have some of the various criminal justice databases talking to each other and being in a position to go forward. So is the reason we don't have more specific data tied to the data collection at all? Is there any clarification that you can provide in that area, please?"

**Ms. Swegle** said, "Well, I'll certainly try to. Of course, you know that District Attorney Foulston is committed to working with the partners in Sedgwick County in the criminal justice system to making this the most efficient system we can have, and to that end, she has dedicated staff to

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journal entry processing to the extent that all the resources allow her. The journal entry process is not one that is just set in stone, in terms of time lines. There's got to be some allowance for circumstances in the whole court processing system. Typically, what happens is you will have a sentencing event,, or a probation violation event that occurs on one date. It may involve one case, it may involve three cases per defendant. There are about 25 District Courts that hold these proceedings every day. Some cases are multiple count cases and are extremely complex. Others have one or two counts and are not very complex. They have things, such as there may be departure involved in sentencing. There may be an application of a special rule."

**Ms. Swegle** continued, "There may be a case where jail credit has to be determined, and that jail credit may include inpatient stays for treatment, it may include time for Community Corrections residential, it may include just work release time, so there's a variety of factors that go into every single journal entry. So you've got to look at those things, you've got to look at timings, how many journal entries were processed in one day in the 25 divisions of District Court. If you have a hundred journal entries coming into the queue for our people to process, it's going to be more difficult than a day where you have 25 commitments coming through. Our attorneys are in trial; our attorneys are not sitting in their offices all the time, so by the time the paperwork may be completed, and it may be a complex case, it may be a simple case, they may be in trial so they may not be able to get to the paperwork as quickly as we would like. We have a general 24 hour turnaround time for attorneys to review the paperwork from the sentencing things, but sometimes it may be two days, it may be three days. We've instituted a process wherein if the attorney has not signed it in a 24 hour period on a commitment journal entry, not a probation journal entry but a commitment journal entry, that the secretary will then take it to their supervisor for review and signature, so I think we're going to speed up the process a little bit in that time. Then once our attorney has signed the commitment journal entry, it is then copied and taken to our front desk for defense counsel to review and sign hopefully. If they have not signed within two days, it is then forwarded to District Court. Because of all these variations in time, you've got to have a little bit of leeway in the timing. I would be much more comfortable in telling you that we believe we can get it through on a seven day period as opposed to a five day period because of the complexity that I think I have outlined in a general way for you. Does that help?"

**Chairman Peterjohn** said, "It does help, because one of the questions I had with the data, you mentioned 1,900 journal entries per year, I believe, total, and another 3,000 probation entries?"

**Ms. Swegle** said, "Yes."

**Chairman Peterjohn** said, "That total is, ballpark, about 5,000 and if we've got about, I assume this is pretty much a Monday through Friday type of operation?"

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**Ms. Swegle** said, "Yes."

**Chairman Peterjohn** said, "That translates to about, and this is very rough, off the envelope math that I'm doing, about 20 journal entries a day. Would that seem a reasonable number to your mind, in terms of your office processing on average?"

**Ms. Swegle** said, "You know, I went to law school, and not because of my mathematical skills, but I would certainly be willing to accept that figure."

**Chairman Peterjohn** said, "That seems reasonable..."

**Ms. Swegle** said, "Seems maybe a little..."

**Chairman Peterjohn** said, "...doesn't seem to be out of the ballpark?"

**Ms. Swegle** said, "No."

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

**Commissioner Unruh** said, "Thank you, Mr. Chairman. Well, I just, first of all, want to say that I'm very supportive of the Agenda item, and I want to express appreciation to the District Attorney's Office, to District Attorney Nola Foulston and to Ann for your cooperative response to try to find a solution for this. The gain that we get here on this incremental level of two or three days is, obviously the math shows us, is going to make it cost beneficial to us to add a person to the staffing table, and so I'm happy to be supportive of it and appreciate your cooperation. We actually gained a larger savings as Judge Fleetwood responded to this deficiency in our process and started working with the judges and the District Attorney's Office, and we gained a great deal of efficiency in this process, as Judge Fleetwood says, 'I will take personal responsibility and make changes and try to get this to occur.' So I want to be sure to publicly thank the judge for his response to that. Also, you know, this was highlighted, spotlighted in fact, out of a newspaper report by one of our Wichita Eagle reporters, Deb Gruver, who was kind of watching our progress as we try to make changes in the system to save money and to do a good job. So I just think between the newspaper article, the judge's response, the District Attorneys response, the CJCC's looking into it, we've got a very rapid response, I think, to the issue. And so we are finding ways to provide public safety at a reduced cost, and so this is one step in it, and I'm just very appreciative to all of the folks who have participated in this effort, and I will be supportive, and that's all I have."

**Chairman Peterjohn** said, "Thank you. I am also going to be joining in support of this effort and I want to go through a little bit of the reasons why, because we're in a rather remarkable situation today, and a noteworthy day. As the junior member of the County Commission, when I became a

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Commissioner, we had a little over 1,500 people in the Sedgwick County Jail. This morning, that number is 1,477, and that is the lowest number it's been during the entire time that I have been a County Commissioner. And I want to mention a couple other pieces of information that I think are tied to this and remarkable. We had almost 100 people booked into the Sedgwick County Jail yesterday. And, interestingly enough, we set a different sort of record yesterday."

**Chairman Peterjohn** continued, "Expanded Pretrial Services, that this Commission supported and had been a recommendation that we had implemented last year, we had set a record, in terms of the number of people being utilized by the judicial system for that service, and that was 309 people. And I think that is noteworthy, especially in light of the fact that last week I received some data indicating we've got 36 people in the Sedgwick County Jail who were originally booked into the jail and have been there continuously since either 2007 or 2008. So we have challenges that confront us on this, but I think this Commission, and the folks involved in CJCC and all the people who are involved, I agree very much with Commissioner Unruh's comments about the effort on the part of the judiciary in general, and Judge Fleetwood in particular, to try and address this. I appreciate the help from the people in the trenches and in the front line in the District Attorney's Office, as well as those who are involved in all aspects. I know there are some difficulties in this because this Friday they're going through another day off as part of the state's budget problems. But I was going to include some of this data in the 'other' part, but I think this is more timely to provide it now, and provide a good explanation why this Commissioner would be supporting this proposal and, in fact, I don't believe we have a motion at the moment, do we?"

**MOTION**

Chairman Peterjohn moved to approve the addition to the staffing table.

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

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**2. APPROVAL TO EXPEND FUNDS FOR HEARTLAND READINESS CENTER INFRASTRUCTURE AND WAIVE ESTABLISHED PAYMENT PROCEDURE.**

**Mr. Lamkey** said, "I'm here as your Public Safety Director, not representing the CJCC on this item. Since 2002 the county and the City of Wichita have engaged in a partnership effort to locate a joint military training center in Wichita. We developed an understanding agreement to equally fund the design, development and construction of necessary infrastructure to make the site usable, which is the elemental requirement before the federal dollars can be spent in developing this Heartland Center. The county has previously allocated a maximum of \$1,911,562 to the project, and I come before you as required by our agreement and our understanding for approval to expend county funds, our share, for two items; one is to purchase the right-of-way for road construction and an environmental site assessment of approximately 1.4 acres on the site, and both of those are pending. Costs for each are \$100,653 for the right-of-way and \$2,310 for the environmental assessment for a total of \$102,963. Our agreed upon share would be \$51,481.50.

"Our May 1st agreement with the city called for, at their request, separate invoices from contractors and vendors to each the county and the city. In retrospect, the city would now prefer to incur the cost; that is, they would pay and invoice for its share of expenses. This would really provide a simpler process for all. A proposed amendment to the city/county agreement is in the works and you'll see that next week, but as these actions are immediate, I request a waiver to permit payment upon invoice from the City of Wichita. The invoice will describe the service or item purchased, total cost and the county's share, and county will make payment to the city within 30 days. So my recommendation is approve the expenditure and waiver of procedure."

**MOTION**

Commissioner Norton moved to approve the expenditure and waiver of procedure.

Commissioner Welshimer seconded the motion.

**Chairman Peterjohn** said, "Questions or comments for Mr. Lamkey? I have a question."

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

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**Chairman Peterjohn** said, "For this overall project could you, for the record, give us a quick breakdown on how this facility, once it would be built, would be different from, say, standard armory?"

**Mr. Lamkey** said, "Well, a number of years ago in looking at, really, more efficiently bringing resources together and it was under, I think, at that time General Gardner who was the Adjutant General at the time, so it's been quite a while, a plan was envisioned to consolidate a number of the armories in other areas in this general vicinity. The City of Wichita provided the base land for that process. Concurrent with that was a desire to do some things that are important to our community. One, advanced fire training center and a law enforcement training center. The current law enforcement training center, if you talk to the Chief of Police and the Sheriff, is really inadequate to their needs, and so at that particular point, it was a desire to bring in the National Guard and we were going to be partners in that process. And as the opportunity evolved, several other military components would have resources or operations in this area saw an opportunity to also benefit from this construction and the federal dollars that would support this, including the marine avionics; there's a repair operation that's outside of one of the gates, the National Guard gate area near McConnell Air Force Base. This is a consolidation that would bring in an equipment maintenance and repair shop, some command centers in that process. And so this was an effort by the Guard, essentially, it started as an effort by the Guard to consolidate and provide some efficiencies in their operation and to be able to close some of the other units that were either inadequate across the state, or weren't in existence at the time."

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

**Commissioner Parks** said, "Mr. Lamkey, you may remember a meeting that we had with the city and the National Guard about a month and a half ago."

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

**Commissioner Parks** said, "To many people at that meeting I did bring up the possibility of another site when they were having expenditure problems, roadway problems, right-of-way problems..."

**Mr. Lamkey** said, "Correct."

**Commissioner Parks** said, "...of the Britt Brown Arena as a possible alternative for that and my vote is going to reflect that item and I just wanted to get that on the record. Thank you."

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

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**VOTE**

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

**3. BUDGET TRANSFER FROM CRIMINAL JUSTICE ALTERNATIVES' BUDGETED FUNDS TO COMMUNITY CORRECTIONS.**

**VISUAL PRESENTATION**

**Mr. Mark Masterson**, Director, Corrections, greeted the Commissioners and said, "I'm here this morning to request budget authority to move funds between budgets within the Corrections Department to address a projected shortfall of \$316,608 in Community Corrections through June 30th. The identified funds are county mill levy dollars available in the Criminal Justice alternatives budget due to lower census than projected in the Day Reporting program. Community Corrections Adult Intensive Supervision Program is a state mandated program to provide intensive probation supervision of felony offenders assigned by the District Court. In state fiscal year 2008, you'll recall additional resources were allocated by the legislature to reduce recidivism through use of evidence-based practices. These practices require case loads for officers supervising high and moderate risk offenders to be low, and funds to increase access and treatment to support transitions from residential to the community, like housing assistance and those types of supports. The last two years, clients failing probation was significantly reduced with this model. In state fiscal year '10, progressive state budget reductions of 12.2 percent, combined with a 6.7 percent growth in clients has resulted in, frankly, a problem that I wasn't able to solve. Too high of case loads, service reductions, less face-to-face time with clients which is required to maintain fidelity to the evidence based practice strategy for success; the impacts have been more clients failing on probation, increased recidivism, increased admissions to jail when that occurs and increased admissions to prison. Steps to reduce costs and services were taken throughout the year. Given the high number of clients to supervise and the rate of growth, it was not deemed responsible to further reduce staffing and supervision for public safety reasons."

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“The clients we supervise are higher risk felony offenders living in the community among us. About 30 percent meet sentencing guidelines to go to prison but are departed, as Deputy District Attorney Swegle talked about departures, departed to Community Corrections instead of prison. The most frequent crimes, I had a snap shot done yesterday to take a look at the frequency to see what those look like for our population, are possession of drugs, all different types, theft, burglary, forgery, aggravated battery and sex crimes ranging from sexual battery to 11 persons that we have for rape. The chart illustrates the growth trend that we’ve experienced where we show average daily population from 2006 through 2009, and you can see what that looks like, and the striped bar shows what it would be projected to be by June 30th. The growth has been substantial and significant on our workload, and that reflects the daily workload that we have manpower to address. The admissions really jumped significantly from 2007 to 2009, and I think it’s important to understand if we were a program that could manage admissions and say, it costs this much, this is the program we have to deliver and we’re only going to fill these slots, we would have a different scenario. However, that isn’t our case. When somebody is assigned to probation we get the case immediately, and so we just have to manage that, and so that’s a significant variable. As you were talking about journal entries earlier, there’s a picture of the number that come to Community Corrections that are all admissions to probation that all require journal entries.

“The last slide, we use the word revocations, but if you say probation failures, that’s what it means. You can see that with the evidence-based practices, the yellow bar, we were able to reduce our failures to 45 percent from 56 percent in 2008. And as the admissions went up, our workload went up, our services became diluted, we had to make reductions. You can see that that number has grown. Not grown back to the point that it was before we started this in 2006, but grown and has an impact because every one of those spends time in jail prior to going to prison. The transfer will provide the minimum support needed to maintain the current reduced level of services through June 30th. I’d ask your approval of this item.”

**Chairman Peterjohn** said, “Questions or comments for Mr. Masterson? Commissioner Parks.”

**Commissioner Parks** said, “I do appreciate your presentation, Mr. Masterson. I do appreciate your time spent with the Commissioners on this. I do know that we’ve had several meetings with you on this. I’m telling you, some of the state cuts, some of the programs we’re going to have to finally say no to, to picking up their funding, but this is one of them that I am going to be supportive of just simply because it needs to be done for public safety and for your department to be effective. One of the things that we discovered, or I pretty well knew but during the process reconfirmed, that when the state says that they are 100 percent full in their facility, that means 100 percent full of their open pods, or their open areas, in their facilities now.”

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**Commissioner Parks** continued, “And I think that in the discussion I had with Mark certainly the state may be looking at opening back some pods or some facilities in the future, and so when your state representative tells you, our prisons are full, that may be full for the part that are actually open. If they have laid off people from their prison and cut those available areas down, then that certainly would make them 100 percent full, but not to eligible capacity for their prisons. I just thought I would throw that out and use this as a vehicle to do that and may not be fair to this program, but I just wanted to let the people know that the state prisons are not full from my perspective. Thank you.”

**Chairman Peterjohn** said, “Thank you. I would second the comments because if the capacity is shrinking at the state level and we’re pushing more felons into serving sentences at the county level, that’s going to increase our challenges, and whether they’re in the jail or in some other part of the criminal justice system, that is going to make things more difficult for us here at the county level. Commissioner Norton.”

**Commissioner Norton** said, “It seems, Mark, that this is a precursor to a conversation we’re going to have at budget time. This just fills the gap right now, but if we want to bring that gray area on the bar chart down, because the trend is moving upward pretty fast, if we’re going to get back to the yellow or, what is that, ‘08 level, that we’re going to have to make some decisions. The key is the word intensive. We can acquiesce and let this just be supervision, but on this particular population, the key word is intensive that you have to stay with them, you have to have the case loads down and you can have remarkable results. If you let that denigrate any at all, you can see what starts to happen to the revocation rate. Is that a fair assessment?”

**Mr. Masterson** said, “That is a very fair assessment. With high and moderate risk offenders, a case load of 17 to 20 is what we need to deliver the services the way they need to be delivered. Our case loads today for that, I think, are 31, and overall when you look at it, the case loads are 35, and without additional support will go to 47 in ‘11.”

**Commissioner Norton** said, “A couple of evidence-based models are what guide us through this process, is that correct?”

**Mr. Masterson** said, “It is.”

**Commissioner Norton** said, “And those with longitudinal studies of 20 years plus that have guided us and we’ve used it for how many years?”

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**Mr. Masterson** said, “We implemented the first phase of that probably six years ago statewide, which would be the to have a uniform assessment at Community Corrections which is called the LSI-R, the Level of Services Inventory-Revised. That’s an important tool to be able to sort offenders by risk level and needs, and then target our services. Those low case loads are necessary for the high and moderate risk folks. We have a substantial number that score out at low risk that we increase the case loads and deliver far less intensive services to try to be as efficient as possible. So about six years ago that started, but the resources didn’t follow. I’ll just click to another slide that shows you the other resources. The resources did not follow the implementation until 2008, which was a partial year of funding to implement the added staffing, the large amount of training to refocus the job for our supervision officers to learn to deliver groups, to learn, and we’re still learning, how to target interventions using that assessment tool, to do that well. And at any rate, the funding chart illustrates the dollar amounts in this area and how that has changed. The unit funding represents what the state provided, and you can see that in 2006 it was \$5.77 for the average workload of 1,155. In 2009, it was \$6.67 for 1,410 average workload, and you can see that this year, with the reductions that again were progressive throughout the current year, which made it much more difficult, you can see that that’s \$5.56.

“The difference between the unit cost is important to understand that clients pay to be in the program. They pay an initial supervision fee of \$150. If they have drug tests, they pay for those drug tests. If they’re on electronic monitoring, they pay those costs. We have had an unemployment situation that compounds these numbers that makes it very difficult. I think we have, what, an 8.7 percent unemployment rate now in Sedgwick County? For offenders this year it’s been 25 percent, 30 percent the first quarter of this year, but averaging 25 percent, which is it’s taking people longer to get jobs, significant underemployment and idle hands, more time, more people engage in substance abuse. The rate of positive drug tests goes up, the rate of revocations goes up. Employment is just a huge issue that we have been presented with during this time. But we the unit cost, client revenues is one piece and then going out and finding grants is another, and we do all we can to chase those dollars to make up this gap. My point is, it costs \$7 a day to do it right, and you can see the figure we’re at \$5.56. The projections are, with the grants we received and with client revenues, that that will be about \$5.92 by the end of June when we close out. The difference is what we’re asking for here today, that \$316,000.”

**Commissioner Norton** said, “It seems to me that a perfect storm is getting ready to happen in this area. Doesn’t look like there’s going to be any more capacity at the state unless they make some really tough revenue decisions, so that those people will continue to be in our community, would that be a fair statement?”

**Mr. Masterson** said, “That’s a very fair statement.”

**Commissioner Norton** said, “And the numbers are rising.”

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

**Commissioner Norton** said, "And as we look for more ability to get people out of jail and into programs, that number will probably continue to rise, is that a fair statement?"

**Mr. Masterson** said, "That's what the trend line looks like that."

**Commissioner Norton** said, "If there's revocations, if that bar goes up, where do those people go?"

**Mr. Masterson** said, "Those people go to the county jail and go through the process you just described with Ann Swegle before they're transferred to prison; they go through a court process. The average amount of time prior to this journal entry change is about 81 days for technical violations and 127 days if there's new crimes involved."

**Commissioner Norton** said, "So the idea that they will depart to a state facility, departure is not very quick. And that means that if they're not in this program, they'll be housed in our jail, is that correct?"

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

**Commissioner Norton** said, "Okay. I'm going to be supportive of this money, and I'll probably be supportive of taking a hard look at what we're going to do at budget time to keep this program as good as it can possibly be. That's all I have, Mr. Chair."

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

**Commissioner Welshimer** said, "Well, I just want to make one point that we overlook when we're talking about jail population, and that is that we have almost an equal number in corrections as we have in the jail, and so that's probably an average of a little over 3,000 every day rather than the numbers we have on the detainees who are in the jail. So it's a big problem. Increases anywhere seem to affect the other, and it seems that the harder we work to reduce, the more elements come to increase. But if we don't work to reduce it, we are in a lot more trouble than otherwise, so it's a big, big problem and it is scary."

**Chairman Peterjohn** said, "Thank you. What is the will of the Commission?"

### MOTION

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Commissioner Norton moved to approve budget transfer.

Commissioner Unruh seconded the motion.

**Chairman Peterjohn** said, "I'm going to add that the point that Commissioner Welshimer made, in terms of folks who are either prisoners in the jail or going through Community Corrections programs, close to 3,000 people, but if you take people who are under other forms of adjudication, we're well over 5,000 people. If you add people on parole, probation, out on bond or even OR'd (released on own recognizance), or just facing the courts, could be two percent of the population. If we have close to half a million in the county, that's a figure close to 10,000 people and it's a serious number. It's a huge ongoing challenge that goes beyond, obviously, the most visible part of it, which is the discussion about the jail. The Community Corrections part is very significant and I'll be supporting this motion. Please call the vote."

**VOTE**

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

**Chairman Peterjohn** said, "I'm going to call a recess for ten minutes and we will be back at five minutes until 11:00 a.m."

**The Board of Sedgwick County Commissioners recessed at 10:45 a.m. and returned at 10:56 a.m.**

**Chairman Peterjohn** said, "I'm going to call this meeting back from recess and have the next item."

**4. GRANT APPLICATION TO THE KANSAS DEPARTMENT OF CORRECTIONS WHICH SERVES AS THE COMMUNITY CORRECTIONS COMPREHENSIVE PLAN FOR SFY11.**

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**Mr. Masterson** said, “Community Corrections is a state mandated program, as you know, in the Adult Corrections System. Its purpose is to punish offenders in the community instead of sending them to prison. These programs are valuable to the offenders and to the state. They provide offenders the chance to avoid prison under strict conditions set by the court while they maintain employment, pay taxes, restitution to crime victims and support their families. Community Corrections is state funded through an annual grant process administered by the Kansas Department of Corrections. In order to continue to receive grant funds, an annual plan must be submitted each May 1st. The comprehensive plan document before you today reflects continuation of existing programs. The programs are the Adult Intensive Supervision Program and the Adult Residential Facility. Within each program we provide close supervision and services to assist offenders in gaining and maintaining employment, accessing treatment and training and drug testing. We serve about 2,700 clients, individuals, a year in these programs.

“Currently, we receive \$4,117,880 from the state for Community Corrections. This reflects reductions made during the current year of \$512,585 less than we received in 2009. For fiscal year ‘11, we were instructed to provide budgets to sustain the current service levels, a reduced service budget by seven percent, and an enhancement budget. Each of those scenarios is contained in this plan before you. As you well know, the legislature is still in session and I expect fully to be back in July with modifications to fit the budget allocations we’re awarded. At this time I’ll simply say that Community Corrections’ population has outgrown our resources, and without additional funding for supervision officers, public safety will be negatively impacted. Community Corrections has been the shining star of the state corrections system for the past several years and has led the way with positive changes that has increased client success on probation and reduced prison admissions. Those words weren’t my words, those were the words of the chair of the oversight committee, the legislative committee in Topeka after we testified about our program. Unfortunately, the state did not plan very well and has not reinvested part of those savings on reduction in prison beds back in the programs that produced the results to achieve those savings. As a result, we have too high of case loads that resulted in reduced intensity of services and we have more clients now going to prison than we did last year. We know what works and we know how to do it. As I said previously, it costs \$7 a day to serve a felony offender on Community Corrections living in the community and that \$7 is to do it right.”

**Mr. Masterson** continued, “In 2008, when funding was increased to implement the new research-based interventions, the revocation rate of clients sent to prison was cut from 56 percent to 45 percent when compared to 2006. In 2009, the failure rate grew to 50 percent. This year results are projected to come in at 52 percent. This unfortunate trend is due to lack of funding to add staff, inability to restrict the number of admissions we receive to fit the resources that we have available and the high rate of client unemployment and underemployment averaging 25 percent. The current

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service budget in this plan provides \$5.56 for intensive supervision to serve an average daily population of 1,439 felony offenders. I'm usually up here each year talking about the residential center and that funding situation, but this year funding for the residential center has been bolstered with recovery act dollars that we were able to go out and secure, so in the short term that's stable. We're hopeful the information contained in this plan will help convince the state that funding Community Corrections is a wise investment based upon the cost and benefit to our clients and an essential investment for public safety. I'd be happy to answer any questions."

**Chairman Peterjohn** said, "Questions or comments for Mr. Masterson? What is the will of the Commission?"

**MOTION**

Commissioner Welshimer moved to approve the comprehensive plan application and authorize the Chair to sign all necessary documents, including the grant award agreement containing substantially the same terms and conditions as this application: and approve establishment of budget authority at the time the grant award documents are executed.

Commissioner Unruh seconded the motion.

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

**VOTE**

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

**J. DIVISION OF FINANCE**

- 1. PRESENTATION OF GFOA CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING TO SEDGWICK COUNTY FOR 2008 COMPREHENSIVE ANNUAL FINANCIAL REPORT.**

**Mr. William Buchanan**, County Manager, greeted the Commissioners and said, "If it would please

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the Commission, we'd like to defer the items under J. One of the key staff members who was helpful in us obtaining this award is stuck in Germany because of the Icelandic volcano, and we expect her home by next week."

**MOTION**

Chairman Peterjohn moved to defer Item J-1 and Item J-2 for one week.

Commissioner Parks seconded the motion.

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

**VOTE**

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

- 2. PRESENTATION OF GFOA AWARD FOR OUTSTANDING ACHIEVEMENT IN POPULAR ANNUAL FINANCIAL REPORTING TO SEDGWICK COUNTY FOR 2008 POPULAR ANNUAL FINANCIAL REPORT.**

**Action on Item J-2 was taken with previous Item J-1.**

**K. PUBLIC WORKS.**

- 1. APPROVAL OF THE "AUTHORITY TO AWARD CONTRACT COMMITMENT OF COUNTY FUNDS" WITH THE KANSAS DEPARTMENT OF TRANSPORTATION FOR SEDGWICK COUNTY PROJECT 783: I THRU M; 295<sup>TH</sup> STREET WEST BETWEEN 21<sup>ST</sup> & 61<sup>ST</sup> STREETS NORTH. CIP# R-323. DISTRICT 3.**

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**Mr. David Spears**, Director, Public Works, greeted the Commissioners and said, “In Item K-1 we request your approval of the Authority to Award Contract and Commitment of County Funds Form 1309 for the Kansas Department of Transportation (KDOT). This will authorize KDOT to move forward with the road project on 295th Street West between 21st and 61st Streets North. This project is designated as R-323 in the Capital Improvement Program (CIP) and since this is an ARRA (American Reinvestment and Recovery Act), that’s stimulus funding; we’ll receive 100 percent reimbursement for participating cost with a cap of \$724,500 cap on the federal funds. The low bidder was Lafarge and the bid was \$731,171.96. Sedgwick County’s matching local share, mainly for construction engineering and then the overage from the cap, will be \$36,000, and that will be paid out of local sales tax. I recommend that you approve the Form 1309 and authorize the hair to sign.”

**MOTION**

Commissioner Norton moved to approve and authorize the hairman to sign.

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

- 2. RESOLUTION DESIGNATING BRIDGE WEIGHT REQUIREMENTS FOR ALL BRIDGES WITHIN SEDGWICK COUNTY, KANSAS; PROVIDING PENALTIES FOR VIOLATIONS OF WEIGHT RESTRICTIONS; AND RESCINDING ALL PREVIOUS DESIGNATIONS OF BRIDGE WEIGHT POSTING REQUIREMENTS FOR ALL COUNTY BRIDGES WITHIN SEDGWICK COUNTY, KANSAS. ALL DISTRICTS.**

**Mr. Spears** said, “This resolution updates a bridge weight posting requirements for all county maintained bridges. We have a total of 619 bridges, of which 110 are posted, 6 are closed and 503 are open. Open low limit bridges are defined as bridges that can handle any Kansas legal load. As

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far as posted bridges are concerned, in 1985 we had 318, and as of this date, we have 110, which is a significant reduction over a time period of 25 years. This resolution designates bridge weight posting requirements for all of our bridges in accordance with procedures outlined by the Kansas Department of Transportation; therefore, we will remain eligible for federal funds. I recommend you adopt the resolution.”

**MOTION**

Commissioner Norton moved to adopt the Resolution.

Commissioner Welshimer seconded the motion.

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

**Commissioner Parks** said, “Who enforces the weight limit on these bridges?”

**Mr. Spears** said, “There is no enforcement of that in Sedgwick County. They used to have temporary scales when we were first here and there was a person in our department that did it, that was deputized by the Sheriff’s Department to do it, but then the amount of money collected for the tickets, the majority of that went to the State of Kansas. The county went through the court system, all the way to the Supreme Court, trying to get more of those funds to cover our costs and we were unsuccessful, so the County Commission at that time decided not to have scales anymore.”

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

**Chairman Peterjohn** said, “Other comments or questions for Mr. Spears? What is the will of the Commission? I’m sorry; we’ve already got a motion. Seeing no further discussion, please call the vote.”

**VOTE**

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

**3. APPROVAL OF A REQUEST TO THE KANSAS DEPARTMENT OF TRANSPORTATION (KDOT) FOR A FEDERALLY FUNDED PROJECT**

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**ON 71ST ST. SOUTH FROM 135TH ST. WEST TO K-42 HIGHWAY.  
DISTRICT 3.**

**Mr. Spears** said, "Item K-3 initiates our request for construction of federal funding through KDOT for the road project on 71st Street South from 135th Street West to K-42. It is currently included in the CIP for construction in 2012 and designated as R-317. The project is estimated to cost \$2,990,000. KDOT will contribute 80 percent, or \$2,392,000, and the county will contribute 20 percent, or \$598,000. I recommend that you approve the Form 1302 and authorize the Chairman to sign."

**MOTION**

Commissioner Norton moved to approve the request and authorize the Chairman to sign the KDOT 1302 Form.

Commissioner Welshimer seconded the motion.

**Chairman Peterjohn** said, "Quick question for you. You said it was authorized for 2012?"

**Mr. Spears** said, "Yes, sir, for construction in 2012."

**Chairman Peterjohn** said, "For construction in 2012."

**Mr. Spears** said, "This initiates the project with KDOT and begins the ball rolling to get the federal funding."

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

**VOTE**

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

**4. APPROVAL OF A REQUEST TO THE KANSAS DEPARTMENT OF  
TRANSPORTATION (KDOT) FOR A FEDERALLY FUNDED BRIDGE**

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**REPLACEMENT PROJECT ON 279TH ST. WEST OVER THE ARKANSAS RIVER. DISTRICT 3.**

**Mr. Spears** said, "Item K-4 also initiates our request for construction and federal funding through KDOT for the bridge project on Mount Hope Road, or 279th Street West, over the Arkansas River. It is currently under consideration for the 2011-2015 Capital Improvement Program. The project is estimated to cost \$5,750,000. KDOT will contribute 80 percent, or \$4.6 million, and the county will contribute 20 percent, or \$1,150,000. I recommend that you approve the Form 1302 and authorize the Chairman to sign."

**MOTION**

Chairman Peterjohn moved to approve the request and authorize the Chairman to sign the KDOT 1302 Form.

Commissioner Welshimer seconded the motion

**Chairman Peterjohn** said, "Quick question. The local share will all come from sales tax?"

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

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

**VOTE**

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

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**5. APPROVAL OF A REQUEST TO THE KANSAS DEPARTMENT OF TRANSPORTATION (KDOT) FOR A FEDERALLY FUNDED PROJECT ON 47TH ST. SOUTH FROM ROCK TO WEBB. DISTRICT 5.**

**Mr. Spears** said, "Item K-5 initiates our request for construction of federal funding through KDOT for the road widening project on 47th Street South from Rock Road to Greenwich Road. It is currently under consideration in the CIP for construction in 2014 and designated as R-316. The project is estimated to cost \$6,900,000. KDOT will contribute 80 percent, or \$5,520,000, and the county will contribute 20 percent, or \$1,380,000. I recommend that you approve the Form 1302 and authorize the Chairman to sign."

**MOTION**

Commissioner Welshimer moved to approve the request and authorize the Chairman to sign the KDOT 1302 Form.

Chairman Peterjohn seconded the motion.

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

**VOTE**

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

**6. APPROVAL OF AN AMENDMENT TO AN AGREEMENT WITH THE CITY OF WICHITA FOR THE DEVELOPMENT OF A DRAINAGE MANUAL.**

**Mr. Jim Weber**, Deputy Director, Public Works greeted the Commissioners and said, "In Item K-6 we are requesting approval of an amendment to an agreement with the City of Wichita for the development of a drainage design manual. The Board of County Commissioners had appointed a Storm Water Management Advisory Board to promote storm water management and provide financial and technical assistance to public entities in Sedgwick County that are concerned with storm water management. This work is a continuation of work done by the Floodplain Management Task Force a few years ago which ended in a final report with seven action steps. One of the action

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steps was creation of a multijurisdictional drainage design manual for use in Wichita, Sedgwick County and other local communities. As the project progressed, the manual has been carefully scrutinized by the development, environmental and engineering communities. Reaching consensus on many issues, particularly related to water quality, has been difficult. A number of additional public meetings and staff support time are required to complete the manual. These same stakeholder communities advocated for implementation of a solid training program for city and county staff, developers and engineers once the manual is completed, and that training will be included in this contract. The county share the work increased by \$124,250 for a total of \$342,500. We request that you approve the amendment and authorize the Chairman to sign.”

**Chairman Peterjohn** said, “Questions or comments for Mr. Weber? I’m going to throw out one. This is basically part of our ongoing effort to make sure that we remain FEMA (Federal Emergency Management Agency) certified so that our communities that are affected by potential flooding will not have to buy flood insurance, is that correct?”

**Mr. Weber** said, “There’s a tie-in between the work we’ve been doing with FEMA kind of requires updated information on rainfall intensities, some kind of, you know, the rainfall patterns haven’t been studied here for 50 or 60 years, so part of what was happening in this manual is to update those or verify that that’s accurate information to be using. So in that way, it will have an impact on FEMA flood studies going forward.”

**Chairman Peterjohn** said, “Let me understand, because we’re talking about a manual that’s going to have a total price tag for both the city and the county that’s well over a half of a million dollars when everything is said and done for, correct?”

**Mr. Weber** said, “Yes, \$685,000.”

**Chairman Peterjohn** said, “I’m trying to understand all the ramifications, in terms of explaining to the public how this piece comes together and becomes part of the effort to keep this community safe from an excessive amount of water impacting us in the bigger picture.”

**Mr. Weber** said, “Okay. One of the issues that we’ve had for a long time is that the City of Wichita could have one set of standards that they’re using, the county could have another, Derby could have a third one, Haysville is doing something else. And as the City of Wichita grows out and starts to bump up against these other cities, we actually have streams that are running through multiple jurisdictions, and if we don’t have everybody looking at that in the same way, then something that happens in Park City might have a negative impact on the City of Wichita. Kechi could further complicate things. So one of the big things is to try to get everybody on the same page. The other thing that’s running in the background of this is that storm water quality permits for Wichita,

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Sedgwick County, I think for other communities in the county have become an issue, and one of the things that we don't have in place is a good way to regulate storm water quality.”

“The manual provides tools that would be used, along with ordinances or resolutions, in the various communities to handle storm water. So it's kind of that thing that runs through a whole bunch of things but I can't tell you that it's the thing that stops everything from happening if we don't do it. But it really works better if this is a consistent set of standards that gets applied across all the various jurisdictions. And again, the engineering community hasn't looked at this here since the early '80s and all they came up with at that point in time was kind of an interim manual that's a little bit, and we don't buy these by volume, but this thing is three notebooks and it covers a whole lot of information. The science of hydrology hasn't really changed but everything else has become much more complicated, and again storm water quality is one of the big issues. That's one of the places that this work has gotten hung up with the development community is how to handle regulations of storm water quality. It's a new game, and it is part of what we need. We'll be coming back before long, we'll need to implement storm water quality regulations and we're going to need this as part of that set of tools to make that all happen.”

**Chairman Peterjohn** said, “So in effect, is this a way of saying that there's a pressure from the federal government to provide, or from some portions of federal government, to upgrade our, how we handle storm water? Like you said, the hydrology hasn't changed, but the environment we're in has.”

**Mr. Weber** said, “Yes, you could use the word unfunded mandate if you wanted to, or...”

**Chairman Peterjohn** said, “Well that's sad to say. Mr. Spears.”

**Mr. Spears** said, “I wanted to make one other point. Jim, you can elaborate on this if you need to, but one of the big things in this community is when residential areas develop, a lot of people say, well, all these rooftops and streets are adding water real quick to the stream and they're flooding people downstream. Well, that's the other thing that this does is everybody will be using the same manual to figure out how much storage do you need to put in a development so that that doesn't happen. So your runoff after development is less than or equal to the runoff before the development.”

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

**Commissioner Parks** said, “I just wanted to, for the record, ask these two items, actually six and seven have been approved by and blessed by the storm water committee that we formulated?”

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**Mr. Weber** said, “Six has. Seven is really not part of what the Storm Water Advisory Board is doing.”

**Commissioner Parks** said, “Okay. Also, this manual is not merely a wordy book that is just kind of a template that we could pick up on from Springfield, Missouri, or some other town and just change the names. This is something unique for our area and the flooding and the drainage problems that we’ve had in Sedgwick County, is that factual?”

**Mr. Weber** said, “That’s absolutely correct. You could do the cheap job of picking up a manual and trying to just fit it over, but drainage here in this part of the world is a little bit challenging. It’s flat, and it really doesn’t fit a lot of the models. And then the other thing, again, that we run into is that we have an active development and engineering community, environmental community, and they’ve been very involved in this process. And where maybe in some parts of the country people are already on board with all the things that need to do and it’s easy to adopt something like this, it’s been kind of contentious on this one. So it’s definitely going to be customized for Sedgwick County, there’s no doubt in my mind.”

**Commissioner Parks** said, “I know that there are some challenges in my district as well as Commissioner Norton’s district, and I think everybody has a few of those challenges in their district, but more so in ours. I’m going to be supportive of this simply because of the study and knowing the background of what this committee has done and the uniqueness of the situation.”

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

**Commissioner Norton** said, “Well, I’m going to be supportive of this. Since I’ve been a Commissioner I’ve been very adamant about that we need to take a look at drainage, and drainage policies and drainage procedures. The 1980 version was really a myopic look at development and drainage as appropriate to that. This is a more comprehensive look that makes us look at the total drainage plan as opposed to individual parts of it, which has always been part of our problem. If we looked at a small piece of it and didn’t look how it affected the overall plan, other entities, other jurisdictions, other subdivisions, whatever, that we got less than what we really wanted in a drainage continuum, so I think this changes that thought process. Would that be a fair statement?”

**Mr. Weber** said, “I think that’s a good way to capsule it.”

**Commissioner Norton** said, “That’s all I had, Mr. Chair.”

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

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**Commissioner Welshimer** said, “Well, Sedgwick County is pretty much a river bottom, and we really haven’t created a plan, or a department ,or anything that’s aimed right at drainage and a budget for it, have we?”

**Mr. Weber** said, “Not a comprehensive kind of look.”

**Commissioner Welshimer** said, “Right. So it looks to me like this is the beginning of such a thing.”

**Mr. Weber** said, “We hope so.”

**Commissioner Welshimer** said, “We hope so. I have several areas in my district suffering from flooding. It’s difficult to respond when these people are very upset over being under water. Who wouldn’t be? So I think that’s a cost that we’re going to have to face at some point. We’ve had so much development that it created a lot of the problem. So I think the manual is a good idea. The City of Wichita and county, any of the other cities involved in that?”

**Mr. Weber** said, “Well, the Storm Water Management Advisory Board involves probably another eight of the cities in the county. They’ve been working on this project as it’s gone forward. They set up a Technical Advisory Committee (TAC); that’s engineers, and geologists and some environmental people, and I think that TAC committee has had some of the engineers that are working with the small cities have been on it. So they’re very aware of it. I think that the bigger ones are interested in using it. They may, and I’m trying to create it in such a way that if you had even more localized issues you want to deal with as a city that you could, kind of like a building code, you could except out of some parts or add things to it. So it’s trying to make it very user friendly and yet, kind of universal for this area.”

**Commissioner Welshimer** said, “This is a good start. We’ve got a long way to go.”

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

**Commissioner Unruh** said, “Thank you. I won’t repeat all the comments made by my colleagues, but this is a substantial amount of money for superficially seems like not much of a problem, you know, what to do with drainage water. But it has created serious problems and I think a

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comprehensive collaborative approach to it, so everybody is on the same page and we can address the issue created by the urban sprawl, if you will, that this is the right thing to do, and I'm going to be supportive of this item."

**Chairman Peterjohn** said, "Are you making a motion?"

**MOTION**

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

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

**7. APPROVAL OF AN AMENDMENT TO AN AGREEMENT WITH THE CITY OF WICHITA TO FUND IMPROVEMENTS TO THE WICHITA-VALLEY CENTER FLOOD CONTROL PROJECT.**

**Mr. Weber** said, "In Item K-7 we request that you approve an amendment to an agreement with the City of Wichita for design, right-of-way acquisition and construction of repairs to the Wichita-Valley Center Flood Control Project. About a year ago, the county entered into an agreement to share the cost of this work with the city. At that time, the total estimated cost of the project was \$10.1 million. Historically, the cost of flood control has been split equally between the city and the county. The cost for our half of the project would be \$5,050,000. In 2009, the county had budgeted \$4,000,000 for this work. At the time that we made the original agreement with the city, the intent was to provide the remaining \$1,050,000 in the 2010 budget. The additional funding was included in this year's budget and the purpose of this amendment is to increase the overall project budget in our agreement with the city so that they can draw up to \$5,050,000 as the project needs. And again, we request your approval of the recommended action and I'd try to answer any questions you might have on this item."

**Chairman Peterjohn** said, "Questions or comments for Mr. Weber?"

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### MOTION

Commissioner Parks moved to approve the amendment and authorize the Chairman to sign.

Commissioner Welshimer seconded the motion.

**Chairman Peterjohn** said, “We have a motion and a second. Any further discussion? I’d just like to point out the fact that we’ve been, this is an ongoing project over an extended period of time, and it’s quite a challenging environment for, not only the county, but also for our colleagues across the street with the City of Wichita, based upon the fact that we’ve got two federal agencies that still appear to have overlapping responsibilities when it comes to flooding and flood related issues, and that’s FEMA and the Corps of Engineers. So we have a challenging environment, and I see a couple other lights lit. Commissioner Norton.”

**Commissioner Norton** said, “Well I just wanted to let the public know that I did attend a meeting with the Corps of Engineers and several of the city and county engineers to try to understand what their perspective of how this was moving along, what the protocols and disciplines would need to be and where our progress was. I think it was a very positive meeting; it looked like we were meeting all the benchmarks that we needed to, to stay within compliance. Obviously FEMA and the Corps of Engineers have really different missions on this project, but I think I was pretty encouraged by what the Corps of Engineers told us that the city and county engineers were doing and what their progress was. And Jim, you may be able to comment a little more on that, but I was pretty encouraged by that meeting.”

**Mr. Weber** said, “I think the Corps has been pretty consistent when they’ve talked to the people at flood control, and the county, about the condition of the levy system that we have, and I think that you’re exactly right; they’re pretty positive about it. It needs some work, it is a significant investment in infrastructure and it’s been out there for 50 years or better, and so we’re playing a little bit of a catch-up right now, but we are, I think, in pretty good shape and they seem pretty comfortable with it. They like working, the Tulsa District likes to work with Wichita and Sedgwick County, and we have a good relationship, or sometimes I might gripe a little bit too much, but some other people have a good relationship with them, so I think we’re going to get through it. It just maybe doesn’t look like it all the time, but we’re in good shape.”

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**Commissioner Norton** said, “Well it’s interesting, when you talk about a comprehensive drainage plan it all starts in this county with the Wichita-Valley Center Floodway, because that is the ultimate drainage for much of this basin. Now there’s a lot of smaller arterial drainages, subdivision drainages, but when you really talk about moving water around our community, as far as surface water, this is an important aspect of that and we have to keep it in good condition.”

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

**Commissioner Parks** said, “And I’ll just add to that, I was going to say some of the same things, but I’m not going to repeat what Commissioner Norton said, and I appreciate his comment on that. It impacts 80 percent of the homeowners directly and the collateral damage that would result from not doing this project would impact everybody in the county. So I think that this is one of those things that a lot of times you don’t see; it’s out of sight, out of mind, but when you need it, you really need it. Thank you.”

**Mr. Weber** said, “And I think I would just add, and I don’t think I’m misquoting, but Scott Lindebak has said that they believe that the flood control system is protecting \$6 billion worth of property behind the levies, \$10 million is not really a big number when you’re trying to protect that kind of investment.”

**Chairman Peterjohn** said, “Do we have a motion? Seeing no further lights lit, please call the vote.”

**VOTE**

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

- 8. APPROVAL OF AN AGREEMENT WITH BAUGHMAN COMPANY, P.A., FOR DESIGN AND CONSTRUCTION ENGINEERING FOR STREETS IN CEDAR HILLS ESTATES. DISTRICT 3.**

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**Mr. Weber** said, “Item K-8 we’re requesting your approval of an agreement with Baughman and Company for engineering design services and construction staking services for the paving project on Cedar Hills Estates. The project is located on the west side of 151st Street West between Maple and Central. The cost of the work will not exceed \$18,500 and all the costs of the project will be paid by the benefited owners in Cedar Hills Estates through special assessments. We request that you approve the agreement and authorize the Chairman to sign.”

**MOTION**

Chairman Peterjohn moved to approve the agreement and authorize the Chairman to sign.

Commissioner Welshimer seconded the motion.

**Chairman Peterjohn** said, “Motion and second, Commissioner Norton.”

**Commissioner Norton** said, “I am going to vote for this but I just wanted to acknowledge that I have a son that works for Baughman. I don’t think he worked on this project, but I want to be sure the public knows that.”

**Mr. Weber** said, “If he did, we were extra hard on him.”

**Commissioner Norton** said, “Good. He needs 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

**L. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ REGULAR MEETING ON APRIL 15, 2010.**

**Ms. Iris Baker**, Director, Purchasing, greeted the Commissioners and said, “The regular meeting of April 15th results in seven items for consideration. First item;

**1. ROAD IMPROVEMENT – PUBLIC WORKS**

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**FUNDING – CEDAR HILLS ESTATES (SPECIAL ASSESSMENT)**

“Recommendation is to accept the low bid from Cornejo & Sons in the amount of \$141,810.50. Item 2;

**2. PORTABLE AIR COMPRESSOR – PUBLIC WORKS  
FUNDING – RISK MANAGEMENT RESERVE**

“Recommendation is to accept the bid meeting specification from Victor L. Phillips for the amount of \$13,981.30. Item 3;

**3. ONE TON 4WD 10FT FLATBED TRUCK – FLEET MANAGEMENT  
FUNDING – FLEET MANAGEMENT**

“Recommendation is to accept the low bid from Rusty Eck ford for the amount of \$41,052. Item 4;

**4. SELF PROPELLED RIDING LAWNMOWER – FLEET MANAGEMENT  
FUNDING – FLEET MANAGEMENT**

“Recommendation is to accept the bid from Hale’s Sales & Service for the amount of \$26,853 and establish contract pricing for parts and labor for 3 years. Item 5;

**5. INDUSTRIAL LOADER/BACKHOE – FLEET MANAGEMENT  
FUNDING – FLEET MANAGEMENT**

“Recommendation is to accept the low proposal meeting specifications from Foley Equipment Co. in the amount of \$72,357. Item 6;

**6. DESKTOP COMPUTERS – COMCARE  
FUNDING – COMCARE INFORMATION TECHNOLOGY**

“Recommendation is to accept the quote from dell in the amount of \$25,637.40. And Item 7;

**7. UNINTERUPPTIBLE POWER SUPPLIES – NATIONAL CENTER FOR  
AVIATION TRAINING – FACILITIES DEPARTMENT  
FUNDING – NCAT FURNITURE FIXTURES & EQUIPMENT**

“Recommendation is to accept the low bid meeting specifications from Heartland Technology

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Solutions in the amount of \$12,945.00. I would be happy to answer any questions and I recommend approval of these items.”

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

**Commissioner Parks** said, “I do have a question. On number three I noticed that there were no Chevrolet or GMC bids on that. Was there something specific to Ford and Dodge that...?”

**Ms. Baker** said, “Kevin can address any of those questions, but the specs were written for a Ford.”

**Commissioner Parks** said, “These specs were, excuse me?”

**Ms. Baker** said, “I believe the specs identified Ford product.”

**Commissioner Parks** said, “Okay. Well I guess...”

**Ms. Baker** said, “Some of the specifications when you set the minimum requirements, there are other vehicles out there that could bid, but oftentimes they have to go to an upper level of equipment. And if it gets to the point where there’s going to be a cost factor, and they know they can’t beat the pricing, they’re not going to take the time, the vendor won’t even take the time to respond.”

**Commissioner Parks** said, “Okay. Thank you for that explanation on that one, and that’s all I need on that one. On number five, on the backhoe, on the trade in, I see we’re going to be selling that surplus on Purple Wave or the replacement vehicle. The money that comes off the Purple Wave, then does that go back into CIP? And this may not be a question for you, but it may be a question for the Manager. Does that go back into CIP or total fund balance?”

**Mr. Buchanan** said, “It goes back into Kevin’s fund for equipment replacement.”

**Commissioner Parks** said, “Okay, thank you. That’s all the questions I had.”

**Chairman Peterjohn** said, “Let me ask a couple of questions on Items 3 through 5. Mr. Miles, which county departments would be using those items?”

**Mr. Kevin Myles**, Director, Fleet Management, greeted the Commissioners and said, “The vehicles, Items 3 through 5; the first one is noxious weeds, and 4 and 5 are for Public Works.”

**Chairman Peterjohn** said, “So those would all be for Public Works?”

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**Mr. Myles** said, “Yes essentially.”

**Chairman Peterjohn** said, “Okay, thank you very much. Further questions? What’s the will of the Commission?”

**MOTION**

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

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

**M. CONSENT AGENDA**

- 1. General Bill Check Register of April 7, 2010 – April 13, 2010.**
- 2. Order to correct tax roll for change of assessment dated April 7, 2010.**

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

**MOTION**

Commissioner Welshimer moved to approve the Consent Agenda.

Commissioner Norton 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

**N. OTHER**

**Chairman Peterjohn** said, “We’re in ‘other.’ I’m going to present a few comments because there are a number of things that have happened and I want to thank the county employees who were involved last weekend, again, and whether they were bowling for Big Brothers and Big Sisters or whether they were out at the Sedgwick County Zoo for the Link 4 Life Run, or involved in some other charitable or community activity that I’m not aware of, I want to personally provide a big thank you from this Commissioner. Because there was an awful lot of county employees who participated in the Link 4 Life Run. That’s important, in terms of the effort to try and reduce the number of suicides in this community, and I think that it speaks very well for Sedgwick County, in general, and the county employees who participated, in particular, in that effort. On a positive note, I want to mention that coming up May 3rd, there’s going to be a ribbon cutting for the new fire station that is located on 263rd Street West just north of MacArthur Road. That’s going to be Monday, May 3rd at 11:00a.m., and I want to make this information available as part of the effort to obviously keep this community safe at as reasonable a price as possible when it comes to firefighting. The official ribbon cutting will be at that time. Look forward to it.

“I wanted to comment briefly, I’ve had inquiries concerning what are known as TIF districts, Tax Increment Financing districts, and with the action of the cities, whether that would come to the County Commission or not. Well, the action by the Wichita City Council yesterday was a modification of an existing TIF district. It was not the creation of a new TIF district. If a new TIF district was indeed created, Sedgwick County, as well as the school district where it was located, would have the opportunity 30 days to veto that TIF district or not. However, an amendment to an existing TIF district, I’ve been told by staff, can occur and the county has no opportunity to say in concerning the property tax base on that issue in this way at that time. So since I’ve been a

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Commissioner, since January 2009, there has not been a single TIF district brought in front of the Sedgwick County Commission, but I wanted to clarify for the record where we stand concerning the most recent effort there. I wanted to mention also that the week, we would normally meet the first Wednesday in May, but the Commission will be at the Kansas County Commissioners Association and we will not be meeting that week. It was mentioned early on that activities out at the zoo, but I was out there Saturday following the Link 4 Life Run, and there are baby penguins out there and that might be an interest for folks who want to go out and see some of the newest additions to the Sedgwick County Zoo zoological collection.”

**Chairman Peterjohn** said, “I mentioned I had planned originally to talk about some of where we are with the jail figures at this time, but because of our Agenda item, I worked away most of the items in there but I neglected to mention, I think, probably that one of the most significant cost factors that’s involved; we have a cost per day of about \$66 a day for every person inside the Sedgwick County Jail. Pretrial Services is significantly less than that. We are talking about a cost that could well be under \$10 per day per person. And so if we can put 6, 8, even 10 people in Pretrial Services and keep this community safe from folks who can’t make their court dates, or can’t keep their insurance records while they’re driving and some other offenses, keep this community safe at a reasonable price as possible, I think we’re making some progress and I look forward to seeing the actions, not only that we took today come to fruition, but continuing to make progress at all levels and those were the items I wanted to present. I lost track of who is next. Commissioner Parks.”

**Commissioner Parks** said, “Well, as I have been saying in the past weeks, April 24th, Saturday, at the Buerki Farm there will be a demonstration for farm safety. Before that, at the 21st and Ridge location of our County Extension [Service] building at 9:30 a.m. will be some instruction and some good safety items that kind of take you into the onsite activities at the Buerki Farm, and certainly you can go online and get the information or contact the Sedgwick County Farm Bureau Agricultural Association for directions to that. Most of the farming community knows where that is, but I am going to give out a number 773-9851. They can direct you to the Buerki Farm located south of Goddard, actually where that’s at, south and a little bit east.

“A couple of the other things I wanted to bring up, in my district there is a gun show out at the pavilions. The gun show people that are running that have run ads in the paper that said the Coliseum is not closed, so that’s causing confusion with some people in my district. They’re looking at the big brown building once again and saying, well I thought the Coliseum was closed. So those advertisements should in fact say the pavilions will be open unless I have missed

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something that we're going to open up Britt Brown for. Certainly, the gun show is going on this weekend and in looking over the jail list, Commissioner Peterjohn touched on that a little bit."

"One of the things that the Driver Control Bureau has said over the years is to make sure that you have your current address on your driver's license, because if they send correspondence out, the envelope that they send that in says do not forward. It goes right back to Topeka. That results, many times, in suspension of a driver's license. When an officer out there stops you and there's a suspended driver's license, they end up in our jail. The people may not have any idea of what they're suspended for, but it's the communication from Topeka that didn't get to them, and I had one constituent quite upset about that, but it was their fault because they didn't forward their address properly to Topeka when they changed address. That's one of those things that, in going through those jail booking sheets that you see a lot of drive while suspendeds, it may be because they responded to some correspondence from Topeka. We don't want to see you go to jail and we don't want you over there for the mere reason of not getting that correspondence, so make sure that your driver's license has the correct address on it. Thanks."

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

**Commissioner Norton** said, "Every year about this time the DeVore Foundation gives an award for the Excellence in Public Service and last week we honored Lunda Asmani that's in our ERP (Enterprise Resource Planning) area as our public servant of excellence for the county. I wanted to make that public. There will be a more formal announcement and a reception for the person at the city, county and school district that has been selected, but Lunda Asmani, we surprised him last week at work with that award and Bill DeVore was here to present it. Next week the Governor's Public Health Conference is in Sedgwick County. It's a three day event and I'll be in and out of that trying to participate in the conversation about where public health goes in our state, and what the future looks like when we talk accreditation, which is coming fast and furious towards public health departments around the nation. Monday I was in Kansas City to participate in KAMPO which is the Kansas Association of Metropolitan Planning Organizations. I'm the chair of WAMPO (Wichita Area Metropolitan Planning Organization), which is the local organization, has to do with transportation planning, use of federal funds and planning that for Sedgwick County and our MSA

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(metropolitan statistical area). It was good to participate in that. I got some information from the other metropolitan area organizations; there are five of them that are in the association, and I'll continue to participate in that as we try to understand how to best use federal money for transportation projects in our community."

**Commissioner Norton** continued, "And then finally, this Friday night at midnight at the Haysville Library I'll be participating, I think for the 16th year in a row, in their Read-a-Thon. They have an all day Read-a-Thon where volunteers read selections that they may want to, and every year I have read a selection of Edgar Allen Poe, and then at midnight I read The Raven. I would offer that up to anybody who wants to hear Edgar Allen Poe, or be prepared for a good night's sleep that night, to come out at midnight to the brand new Haysville Library which is a wonderful \$3.5 million facility and participate in the Read-a-Thon and listen to a little Edgar Allen Poe, which happens to be one of my favorites. That's all I have, Mr. Chair."

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

**Commissioner Welshimer** said, "Well, I have a meeting tonight in my district, Oaklawn Improvement District in the Derby Rec (Recreation) Center. Jim Weber and I are meeting with them to present some plans that we have for drainage systems there. They were underwater last spring, and pretty devastating to the area, mainly around 47th and Clifton. So that will be a public meeting and hopefully we'll get some plans made."

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

**Commissioner Unruh** said, "Thank you, Mr. Chair. There's quite a bit of conversation about the Link 4 Life Run last Saturday, which I was not in attendance, we heard at the Zoo board meeting last night that there were 10,000 folks out there, so Sedgwick County employees helped manage 10,000 people for all those exciting events, and then total head count last Saturday at the Zoo was about 15,000, so it was a successful day. And we've mentioned before that in early May we think that we will have the 15 millionth visitor at Sedgwick County Zoo, so I would encourage everybody to go repeatedly so they might have the honor of being the 15 millionth person. And then later on this year, just kind of a little news about what's happening, think that we may have a couple of lion cubs by fall time out at the Zoo. Exciting events."

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“One other thing I might say, though, just as updated information about the Wichita Area Technical College and activities going on out at the National Center for Aviation Training, most folks know that Sedgwick County is heavily involved in that, but just a couple of interesting facts. Last academic year the college had 901 graduates and over 80 percent of those had success in their education in that they either have a job or went on to advanced educational opportunities, advanced degrees, and a few of them went into the military with their training, so very good outcomes. Then the spring of this year, the college is delivering over 24,000 credit hours with a head count of 2,760 people, so just a few fast facts to tell you that things are going well in some of the enterprise that Sedgwick County government is involved in.”

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

**Commissioner Parks** said, “Since the drainage issue was brought up again, I just want to say very quickly, I want to commend the staff of David Spears, a group that acquired the land for the 93rd and Meridian project. They did that without condemnation and with a lot of, I don’t know how they did that, must be magic. But they really did it with a lot of hard work and perseverance, and that project is going on, and just wanted to say that a thank you to them and a thank you to Jim Weber and the people that are working on the drainage problems, because that’s big in that particular area also. Thank you.”

**Chairman Peterjohn** said, “Thank you. Seeing no further comments, I’m going to make a motion to adjourn.”

**MOTION**

Chairman Peterjohn moved to adjourn.

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

**O. ADJOURNMENT**

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There being no other business to come before the Board, the Meeting was adjourned at 11:50 a.m.

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

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**KARL PETERJOHN**, Chairman  
Third District

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

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

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**KELLY PARKS**, Commissioner  
Fourth District

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**GWEN WELSHIMER**, Commissioner  
Fifth District

ATTEST:

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

APPROVED:

May 19, 2010