

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

### **REGULAR MEETING**

**April 28, 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 28, 2010, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Karl Peterjohn, with the following present: Chair Pro Tem Gwen Welshimer; Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Kelly Parks; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Col. Mike Stover, Undersheriff; Ms. Marilyn Cook, Executive Director, COMCARE; Mr. Mark Masterson, Director, Corrections; Ms. Jo Templin, Director, Human Resources; Mr. Stanley Buckley, Sr. Social Worker, COMCARE; Mr. Bob Parnacott, Assistant County Counselor; Ms. Susan Erlenwein, Director, Environmental Resources; Mr. Chris Chronis, Chief Financial Officer; Ms. Iris Baker, Director, Purchasing; Ms. Kristi Zukovich, Director, Communications; and Ms. Katie Asbury, Deputy County Clerk.

### **GUESTS**

Ms. Debbie Williams, Healthy Community Director, Health and Wellness Coalition of Wichita  
Mr. Mike Kennalley, President, Wichita Bar Association  
Ms. Gain, mother of a former COMCARE client  
Mr. Bob Lamkey, County Representative to the Wichita Arts Council  
Ms. Judy Goodpasture, Chairwoman, Wichita Arts Council  
Ms. Dora Timmerman-Bayer, Wichita Arts Council

### **INVOCATION**

Led by Pastor John Decker, United Methodist Church, Retired

### **FLAG SALUTE**

### **ROLL CALL**

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

### **PROCLAMATIONS**

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**A. PROCLAMATION DECLARING MAY 2010 BIKE MONTH.**

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

**PROCLAMATION**

**WHEREAS;** the Health and Wellness Coalition of Wichita is dedicated to promoting physical activity and good nutrition for every generation living in the Greater Wichita Area and Sedgwick County; and

**WHEREAS;** for more than a century, the bicycle has been an important part of the lives of most Americans; and

**WHEREAS;** today, millions of Americans engage in bicycling as an environmentally sound form of transportation, an excellent form of physical fitness and provides quality family recreation; and

**WHEREAS;** the education of cyclists and motorists as to the proper and safe operation of bicycles is important to ensure the safety and comfort of all users; and

**WHEREAS;** the Wichita bicycle clubs, businesses and independent cyclists throughout our community are promoting greater public awareness of bicycle operation and safety education in an effort to reduce accidents, injuries and fatalities.

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

**'Bike Month'**

**Ms. Zukovich** said, "And it's dated April 28th, and signed by our Chairman, Karl Peterjohn."

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

**MOTION**

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Chairman Peterjohn 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 Debbie Williams, who is here this morning to accept this proclamation and tell us a few words. Thank you.”

**Chairman Peterjohn** said, “Welcome to the County Commission.”

**Ms. Debbie Williams**, Healthy Community Director, Health and Wellness Coalition of Wichita, greeted the Commissioners and said, “Thank you very much. On behalf of the 60 businesses and organizations that make up the Health and Wellness Coalition of Wichita, I’d like to thank the County Commission for proclaiming May as ‘Bike Month.’ If anyone is a bicycle enthusiast, go ahead and wave at the Commissioners. I’m sure we all have a bicycle somewhere in our garage. Bicycling is a simple, fun way to get more physically active. Bicycling is one of the most popular activities, outdoor activities, in the United States resulting in a \$6 billion industry. Bicycling is an ideal way to take short trips and is less expensive than driving a car. Bicycling can help lower your risks of heart disease, stroke, cancer and obesity. Bicycling saves the environment by reducing road congestion and air pollution. In a nutshell, bicycling is a healthy, low-cost, environmentally friendly form of transportation and recreation. Many individuals, and organizations and businesses have been extremely helpful in developing and organizing ‘Bike Month’ recreation. Many of these organizations, bicycle clubs, is the Oz Bicycle Club, Coasters Bicycle Club and the Bike/Walk Alliance.”

“In addition, many bicycling businesses have helped us out: Bicycle Exchange and Tom Sawyer Bicycle Shop. And of course numerous organizations throughout the city and the county: the Safe Kids Coalition, Wichita State University (WSU), the Central Branch YMCA (Young Men’s Christian Association), the City of Wichita Park and Recreation Department, IT/IS (Information

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Technology) as well as their Communication Department, Wichita Transit has been instrumental in this as well, Old Town Farmers' Market, the Kansas Grown! Farmers' Market, Douglas Design District, the Bicycle Cave and many other bicycle enthusiasts have been instrumental in helping to develop 'Bike Month' in May. The Health and Wellness Coalition website has a complete listing of all the events in May, and we want to encourage Wichita and Sedgwick County to participate in 'Bike to Work Fridays,' as well as the Million Mile Month challenge. If you go to [www.mycyclinglog.com](http://www.mycyclinglog.com), you'll be able to log in and log your bike miles for Wichita during the month of May. We're going to challenge all Wichitans to see if we're healthy enough to bike a million miles. Thank you again, I appreciate your support, and I will leave you with a little bike riddle. Why can't a bicycle stand up by itself? Because it is 'two tired.'"

**Chairman Peterjohn** said, "Before you leave, let me, as a person who once upon a time used to race bikes when I was a little less chronologically gifted than I am today, let me hasten to add that I urge everyone who goes out and bicycles to get into shape, or for any other purposes, to wear a helmet."

**Ms. Williams** said, "Absolutely."

**Chairman Peterjohn** said, "And that was something that I always tried to follow when I was out there, and there hasn't been a bicyclist yet who hasn't crashed."

**Ms. Williams** said, "One of the initiatives is the coalition is going to go out, I call it kind of random acts of bikeness, and we do have many helmets that we're giving out, so we'll kind of head up around the elementary schools and make sure children that are biking to school that don't have a helmet will get one. And then we're also going to go out and give people t-shirts, and I brought a few for the Commission. So get out on your bike, you never know if you will be the person that randomly is selected to receive a bike helmet or t-shirt."

**Chairman Peterjohn** said, "We have a couple other Commissioners' comments. Commissioner Parks."

**Commissioner Parks** said, "If you could repeat that website for me once again."

**Ms. Williams** said, "The website is Health and Wellness Coalition of Wichita, and then the place to go to log your miles is called My Cycling Log."

**Commissioner Parks** said, "That's the one I needed; My Cycling Log."

**Ms. Williams** said, "Yes."

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

**Ms. Williams** said, “And you’ll sign up and then join the group, Wichita Million Mile Month.”

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

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

**Commissioner Welshimer** said, “Well I know down in my district we’ve done a lot for the bicyclers, and we’re putting southeast Wichita, Derby and Mulvane, and I think the next project is a bike path from Derby to Mulvane. I know we have them along 63rd Street and Rock Road, and so I think, you know, the whole area is gearing towards the bicycle.”

**Ms. Williams** said, “And the Coasters Bicycle Club, too, has put together an event in May that is a bike in the south central part, and they’re actually biking and then stopping randomly at various architectural structures. They are getting to go in, for example, seeing a firehouse that was converted into a house and the owners actually are allowing the bikers to go in, and there’s a church, there’s various stopping points along the way. So they’ve been really very helpful in the south central part.”

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

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

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

**Ms. Williams** said, “...appreciate your time.”

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

**B. PROCLAMATION DECLARING MAY 9 – 15, 2010, NATIONAL PEACE OFFICER MEMORIAL WEEK.**

**Ms. Zukovich** said, “I’ll read this for the record:

**PROCLAMATION**

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**WHEREAS;** the Congress of the United States of America has designated the week of May 11 as ‘National Peace Officer Memorial Week;’ and

**WHEREAS;** Public Law 87-726, signed by President John F. Kennedy in 1962, was amended as above by the 103rd Congress as part of the Violent Crime Control and Law Enforcement Act of 1994; and

**WHEREAS;** the law enforcement officers of America have worked devotedly and selflessly on behalf of the people of this nation, regardless of the peril or hazard to themselves; and by the enforcement of our laws, these same officers have given our citizens a system of peace and order; and

**WHEREAS;** Sedgwick County desires to honor the valor, service and dedication of its Sheriff’s Deputies and all law enforcement officers joining with other counties and cities to honor peace officers everywhere.

**NOW, THEREFORE, BE IT RESOLVED,** that Karl Peterjohn, Chairman of the Board of Sedgwick County Commissioners, does hereby proclaim May 9 – 15, 2010, as

**‘National Peace Officer Memorial Week’**

and calls upon citizens to honor and show sincere appreciation for the law enforcement officers of Sedgwick County and join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities, and in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

**Ms. Zukovich** said, “And it is dated April 28th, and it is 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.

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**VOTE**

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

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

**Commissioner Parks** said, “If the...”

**Ms. Zukovich** said, “We do have...”

**Commissioner Parks** said, “...Colonel wants to...”

**Ms. Zukovich** said, “...we do have...”

**Commissioner Parks** said, “...Colonel wants to step up and I will yield to him at this point and I did want to add something later if he doesn't cover it.”

**Ms. Zukovich** said, “Okay...”

**Commissioner Parks** said, “Thanks.”

**Ms. Zukovich** said, “...we do have Undersheriff Mike Stover here this morning.”

**Col. Mike Stover**, Undersheriff, greeted the Commissioners and said, “Good morning, Commissioners. This year at the National Law Enforcement Officers Memorial in Washington, DC, when the names of the officers who died in the line of duty in 2009 are added, there will be over 18,000 names on that monument. Tragically, one of those names added this year will be that of our own, Deputy Brian Etheridge, who was shot and killed in September of 2009. While nationally we saw a decrease in the number of officers killed in the line of duty, a more disturbing trend became clear. More officers were killed by assailants with firearms last year. Just two of the more widely known incidents were the three Oakland officers who were killed after the suspect was pulled over for a traffic violation. And of course the four officers in Lakewood in Washington state who were shot and killed while simply sitting in a restaurant by a man who only wanted to kill cops; much

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like the suspect who killed Deputy Etheridge. What continues to amaze me, though, is that despite these types of tragic and senseless murders, and the multitude of dangers faced every day by law enforcement, hundreds of thousands of cops pin on the badge, put on the uniform, each and every day, and they go out there and do the job to keep their community safe.

“Now our own memorial service is scheduled here locally for May 11th, where we will gather to read this proclamation and remember the 29 local heroes from the Wichita Police Department, the Derby Police Department, the Deputy Marshal from Clearwater and deputies from the Sedgwick County Sheriff's Office. While we'd hoped to hold that ceremony just across the street on the front lawn of City Hall at our newly being constructed Law Enforcement Memorial of Sedgwick County, we just can't put the finishing touches on it before then. Now as a member of the board that has worked for the last nine and a half years to get that site built, I can tell you that very soon we will gather there and hold a dedication ceremony to that beautiful memorial. And we do that because we never want to forget our fallen heroes who gave their life in service to our community. Therefore, on behalf of Sheriff Robert Hinshaw, and the men and women of the Sheriff's Office and all law enforcement in Sedgwick County who accept these challenges with pride and love for the profession they have chosen, it's my privilege to accept this proclamation on their behalf. Thank you.”

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

**Commissioner Parks** said, “He did touch on a couple things that I wanted to speak about, and one of them is that it's so close getting the memorial finished for this, but I realize we'll have another opportunity to memorialize that. Some of the statewide activities also honoring the Deputy Etheridge are going to be going on earlier than what we've proclaimed here. And that, if you want to speak to that, is that May 6th?”

**Col. Stover** said, “Certainly. The state memorial on the lawn of the Capitol Building in Topeka, where we have an annual state memorial service, Deputy Etheridge's name will be added to that memorial as well, and there will be a recognition of his sacrifice at that time as well, yes, sir.”

**Commissioner Parks** said, “Okay. Well I just wanted to let everyone know that that's a public event also, and if you haven't seen that memorial at Topeka, it's a great service, a monument to our fallen officers. Thank you.”

**Col. Stover** said, “Thank you.”

**Commissioner Parks** said, “And you all be careful out there.”

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

**Commissioner Welshimer** said, “Well my gratitude to you, also, for making this public safety your career.”

**Col. Stover** said, “Thank you.”

**Commissioner Welshimer** said, “And I just want to say that I think the memorial across the street is progressing beautifully. I think it’s going to be a great, great thing and a very nice honor to our fallen heroes. Thank you.”

**Col. Stover** said, “Thank you very much.”

**Chairman Peterjohn** said, “Let me add and second the comments of Commissioner Parks about the ceremony up in Topeka, because that statewide memorial covers law enforcement personnel all over the state. And Undersheriff Stover, I very much appreciate you mentioning the national side of this equation, because my most painful day as a Commissioner was last September when we had to , and I’m going to use some strong language here, because I don’t like the use of the word tragedy to describe what happened last September with Deputy Etheridge. Tragedy, in my mind, is the tornado at Greensburg; an act of God. What happened to Deputy Etheridge was an assassination, and in my view, it was an atrocity, and to describe it in any terms less forceful I believe is an outrage to his memory. And so when I look at this situation here, and you mentioned the killings and assassinations of law enforcement officers in California and Washington state, I put those in that same category, too, and there are others. And that may be politically incorrect language in this day and age, but it’s mine and I’ll stand by it. Thank you very much.”

**Col. Stover** said, “And I would agree with you, sir. Thank you so much.”

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

**C. PROCLAMATION DECLARING MAY 1, 2010, LAW DAY.**

**Ms. Zukovich** said, “Commissioners, I’ll read this for the record:

**PROCLAMATION**

**WHEREAS;** our legal institutions and system of justice depend on popular participation and support to maintain legitimate authority; and

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**WHEREAS;** Americans from all walks of life, public figures and private individuals alike, have reaffirmed in words and deeds our national allegiance to the rule of law; and

**WHEREAS;** lawyers and judges recognize they bear a special responsibility to foster public understanding of law and legal institutions and commitment to the rule of law; and

**WHEREAS;** Law Day has been an annual observance since President Dwight Eisenhower established it in 1958 as ‘a day of national dedication to the principle of government under law;’ and

**WHEREAS;** the Wichita Bar Association annually joins in this celebration through a variety of activities, including hundreds of attorneys to speak in schools across Sedgwick County to promote awareness of our laws; and

**WHEREAS;** Law Day 2010 provides us with an opportunity to understand and appreciate the emerging challenges that confront our world – and the law – in the 21st century; and

**NOW, THEREFORE, BE IT RESOLVED,** that Karl Peterjohn, Chairman of the Board of Sedgwick County Commissioners, does hereby proclaim May 1, 2010, as

**‘Law Day’**

and calls upon the citizens of Sedgwick County to acknowledge the importance of our legal and judicial systems.

**Ms. Zukovich** said, “And it is dated April 28th, and signed by the Chairman, Karl Peterjohn.”

**MOTION**

Chairman Peterjohn moved to adopt the Proclamation.

Commissioner Welshimer seconded the motion.

**Chairman Peterjohn** said, “And we have a second. Commissioner Welshimer.”

**Commissioner Welshimer** said, “Well, I think this is a good time to recognize and thank our County Counselor, our department of counselors. I know we give them a lot of indigestion throughout the year, and I just want them to know that they really are appreciated. Thank you.”

**Chairman Peterjohn** said, “We have a motion and a second. Seeing no further discussion,

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please call the vote.”

**VOTE**

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

**Ms. Zukovich** said, “Commissioners, we do have today Mike Kennalley, who is here to accept this proclamation, so I’d ask him to come forward. I believe he has a few words.”

**Mr. Mike Kennalley**, President, Wichita Bar Association, greeted the Commissioners and said, “I would like to thank each and every one of you for this proclamation. As you may know, and as was indicated in the proclamation, we do put lawyers in the public schools this time of year as part of our participation in ‘Law Day.’ Jennifer Magana is here today right behind me, and she is the Chair of the Law and Education Committee of the Wichita Bar Association, and she and her committee recruit lawyers to go out and speak in the public schools about law and how important it is to our society, and especially to the young ones, why we have laws in the first place, and what they mean to us and how important they are to all of our lives. And I’m a lawyer who has participated in that program in the schools for several different years, and I can tell you it seems like I’m always assigned to the first grade class, and I always feel like that’s about my level of knowledge and interest, and somehow I guess I relate well to first graders.”

“But anyway, we all go out and speak in the schools, and it’s such an interesting and rewarding experience for all of us to do. We also usually have a banquet over the lunch hour. This year we’re going to have that at Century II, and we’re having David Iglesias come in and speak to us about his role as one of the US Attorneys who was terminated as part of that whole process, and independence of people in the legal profession and that type of thing. That’s going to occur on May 4th. Anyway, we’ll do all of that. Now, our theme this year is ‘Enduring Traditions and Emerging Challenges,’ and I can be the first one to say, not only do the county counselors get some indigestion every so often, but so do all the rest of us lawyers; the judges do, the lawyers do. We have 1,300 members of the Wichita Bar Association and we love our enduring traditions, but we also know that we have many, many challenges that we face, as all of you in county government can attest to. So we have a lot going on.

“We have a lot to be thankful for in the past, but we have so many challenges in the years to come. I like to think that a lot of those challenges will be met by our children and by our youth, and those are the ones who we try to reach out to, especially during our ‘Law Day’ observance. They will be

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the ones to come forward and meet the future head on, and that's going to be what our traditions will be built on to come in the future, are these kids who are in grade school today. So I look forward to that. I thank you all for observing 'Law Day,' for everything you do for us in our government, and for all you do to help us and assist us in our enforcement of laws, and everything you do in our lives to help us in all we do. We recognize that you all face challenges and a lot of indigestion, too. So thank you again for everything you do for us."

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

**Chairman Peterjohn** said, "Well, thank you. I'm going to just add as a comment, in terms of the importance of 'Law Day,' is it's built on a foundation that begins with the US Constitution, and here in Kansas, on our state constitutions, and so that importance of the legal statutes rests on the stability and the strength of those foundations. And it's an important package, I think, for our youth because if we don't have a rule of law, we are going to be a society that is without a rudder for how we can operate. And so I very much appreciate the work of the legal community here in Sedgwick County to bring forth this resolution for us today."

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

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

**D. PROCLAMATION DECLARING MAY 2 – 8, 2010 CHILDREN'S MENTAL HEALTH AWARENESS WEEK.**

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

**PROCLAMATION**

**WHEREAS;** addressing the complex mental health needs of children, youth and families today is fundamental to the future of Sedgwick County; and

**WHEREAS;** one in five children and adolescents suffer from a diagnosable mental illness severe enough to cause some level of impairment. One in 10 children and adolescents meet the criteria for serious emotional disturbance that severely disrupts their ability to interact effectively at home, school or in the community; and

**WHEREAS;** in Sedgwick County there are 124,991 youth 18 years of age and younger. This means that there are 24,998 youth in our community with a diagnosable mental illness; and

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**WHEREAS;** nationally, suicide is the third leading cause of death among people under 24 years of age following accidents and homicide; and

**WHEREAS;** COMCARE of Sedgwick County through its unique approach to serving children and adolescents, is providing services to 1,700 youth and their families with mental health needs in our community.

**NOW, THEREFORE, BE IT RESOLVED,** that Karl Peterjohn, Chairman of the Board of Sedgwick County Commissioners, does hereby proclaim May 2 – 8, 2010, as

**‘Children’s Mental Health Awareness Week’**

in Sedgwick County and calls upon all Sedgwick County citizens, government agencies, public and private institutions, businesses and schools to promote positive development of infants, toddlers, children and youth, and recommit our community to increasing our understanding of the mental health needs of children and their families.

**Ms. Zukovich** said, “And it is dated April 28th, 2010, and signed by our Chairman, Karl Peterjohn.”

**MOTION**

Commissioner Unruh 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

**Ms. Zukovich** said, “Commissioners, I do have Marilyn Cook here, and you’re also going to see a special presentation come through the door here, but Marilyn is here to accept the proclamation.”

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**Ms. Marilyn Cook**, Executive Director, COMCARE, greeted the Commissioners and said, “Thank you.”

**Chairman Peterjohn** said, “It may be hard to get this on TV.”

**Commissioner Parks** said, “Widescreen DVD.”

**Chairman Peterjohn** said, “Widescreen DVD, oh my. For those of you who are watching via KPTS (Kansas Public Telecommunications Service) and streaming video, I don’t know if the pan will be able to show how large a banner has just been brought into the Sedgwick County Commissioners chambers, but it covers most of the, well, the entire seating area. It’s going to be, Tony, I hope you have a wide lens on that camera.”

**Ms. Cook** said, “And my apologies to the people behind this who are not seeing it. On behalf of COMCARE and our community treatment partners, we’d like to thank you for this proclamation. While the month of May is ‘Mental Health Awareness Month’ in general, we have chosen this year to focus on the first week in May as ‘Children’s Mental Health Awareness Week.’ And I suppose I should start by explaining the large number of handprints that you see here in the room. It’s sometimes hard to describe all the work that we do at COMCARE, and so we decided this year to help you visualize the number of children and services at COMCARE, and with our community partners, by having the children in services trace around their hands. And they did more than trace around their hands, they decorated them beautifully. I’m seeing one with a lot of eyes and pompoms on it that’s catching my attention.

“On this large roll of paper, you’ll find the hand prints of roughly 1,700 children who have received services in COMCARE in 2009 and this year. Some are large and some are small, but all were produced by the children and adolescents themselves. What the project doesn’t portray is the number of parents, siblings, family members and others who have been affected by these children’s struggles and their successes. It’s been impressive to us to have children and staff working on this project. Our children’s reception area had a box with crayons, and glitter, and glue and markers for kids in the lobby to use to make their handprints. Staff encouraged creativity in groups with younger children in the Proud of Me program, that’s the one we have for kids who are three to five year old preschoolers, and they had activities for them to produce and decorate their hand prints.

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There were hand prints all over the place the past two months, and this week the effort was made to get all of them put on here. I originally visualized this as a like a little string of cut-off paper dolls, and then I realized 1,700 of those were not going to work that way, so they were very creative about this. I also want to thank the kids for their effort, but for the staff who worked with the kids. And many of the staff, who you also can't see because they are being hidden by this big piece of paper, help with that project.

“We do know that mental health, it is essential to overall health and well being. And even though most American youth experience normal and healthy development, we're also aware that six to nine million youth nationally experience serious emotional disturbances. And although we have overwhelming evidence that treatment works, fewer than 20 percent of children who need services receive them. So we're taking this opportunity to increase public awareness about the challenges and the successes in children's' mental health treatment and the important role that families play in the development of their children. We're urging parents to encourage their children to imagine and to play, especially actively outdoors when they can, and to learn the importance of getting along with others, to provide a safe and secure environment for their children, to give appropriate guidance to their children and to set firm limits when that is necessary, to make sure that they call and check on their children after school if they are home alone.”

“To take time each day to talk with them about what's happening in school and in their lives, and to get help if there are concerns about their moods or their behavior; treatment really is most effective when the need for it is identified early. And I would add to that, if parents who are listening are uncertain about whether or not they should call, I would encourage any parent that is observing something in their children and wondering if it's something that would require treatment or not, or benefit from treatment, to not hesitate and call one of two numbers. COMCARE's intake number, which is 660-7540, or they can call the children's program at 660-9600. And someone will be very willing to kind of talk through what they're experiencing with them to see what a next step might be. We do have a parent here of a child that received services from COMCARE, but before I bring her up, I also want to publicly acknowledge one of our community partners.

“About a week and a half ago, one of our medical providers, and we all know how scarce they are and how busy they are, one of our medical providers in our children's program who sees a lot of children, the children on her caseload represent many of the handprints here, came down with a very serious illness, and she's still in intensive care, and COMCARE physicians are picking up and seeing the kids that she routinely sees on her caseload, but the Wichita Child Guidance Center offered to see the little over 22 children who were waiting to see this medical provider for their first appointment. And rather than have that be put off later, the Wichita Child Guidance Center medical providers stepped forward and said, we'll see those kids. So I have a special acknowledgement and thanks for them. So, at this point, I would like to bring up a parent who has experienced our program, and let her say just a couple words to you.”

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**Chairman Peterjohn** said, "Welcome to the County Commission."

**Ms. Gain**, mother of a former COMCARE client, greeted the Commissioners and said, "Thank you. Thank you very much. My daughter went through a great deal of abuse growing up. I failed to see that she was having an issue with drugs. She was doing things by herself. It wasn't her friends; she was doing it alone. That is a big concern to a lot of people because their children decide to turn to drug abuse, alcohol abuse, right underneath our noses. We don't see it. We don't notice it. We don't acknowledge it because we want to see that our children are perfect in our own eyes. And when it got to the point where I was actually able to notice, I was frantic. I didn't know who to turn to. I had friends in law enforcement that told me about COMCARE, and COMCARE became my family. The old saying is it takes a village to raise a child, it is so true. They gave me so much help, I can't thank them enough. My daughter is doing wonderful. She is up in Manhattan right now going to school. When she finishes up, she is going to Arizona to finish up her education there. I am so proud of her, and I thank COMCARE so much for everything you've done for me. I really do thank you from the bottom of my heart."

**Ms. Gain** continued, "Parents, I want to make sure that you understand at home that you need to observe these children. Look at everybody in their lives. Understand that they're having problems. Make sure that you listen. It is so important for all of us to listen to our children. If we do not listen, they have such issues that are deep and so real to them, and we don't notice because we're at work. We're thinking about what we have to do at the office tomorrow and we don't think about right at that moment what's going through their mind. So I just wanted to let you guys know that COMCARE has been there for me. Thank you so much for your time. I appreciate it."

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

**Commissioner Norton** said, "Well I appreciate your testimony. You know, it takes guts to get up here and talk about family issues to the whole community. First of all, I'd like to congratulate staff; it's not unusual that they are behind the scenes where nobody can see them, working hard for 1,700 children in our community that need their help. In fact, public servants in general are behind the scenes, maybe get criticized, but every day go through the motions of doing good for the public in our community, and I applaud COMCARE today for, you know, being behind the scenes, doing their job, holding up our community, being faithful to their mission and the mission of Sedgwick County. You know, we know that physical health is very important to people in general, but more and more we're starting to understand that mental health is just as important to that state of children growing up, adults being healthy and happy. And we just talked about folks that have lashed out in anger, and lashed out at police officers around the country and done some atrocities as the Chairman said, and that comes from mental state."

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“When does that happen? Well I say that, like many other things, we are starting to understand that early childhood development is important and early childhood mental health is just as important. We have to understand that, we have to wrap around our kids and make sure that we understand that today’s society does put a lot of strain, not only on adults, but on children. You know there’s huge consequences that we pay as a society when we don’t understand mental health at all levels, because later in life, they’ll be in our drug treatment programs, they’ll be in our juvenile centers, they’ll be in our adult probation centers, they’ll be out on the streets homeless, and at some point we’re going to be dealing with that mental health issue. And I applaud our staff for understanding that children are so vitally important to our future of our country, to our community, to our families, and that nursing their mental health issues is so vitally important. I guess my last question is that I hope and I pray that as we make decisions as Commissioners, but the state makes decisions about mental health, that they understand 1,700 hand prints of real people, real children that need services, that need help, and it’s not always about the dollar, sometimes it’s about our community and how we make it better for all of us. That’s all I have, Mr. Chair.”

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

**Commissioner Welshimer** said, “Well I’m so glad that we have COMCARE and that your daughter could benefit from what we have to offer children at COMCARE. But I want to say your daughter also had a good mother...”

**Ms. Gain** said, “Thank you.”

**Commissioner Welshimer** said, “...and much of this success belongs to you. And you are a good speaker, that was a very good presentation.”

**Ms. Gain** said, “Thank you.”

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

**Commissioner Unruh** said, “Thank you, Mr. Chairman. Well I just want to make a comment that I’m very pleased that this proclamation was presented to us. I think it’s important that we highlight the importance of this in our community. The statistics that are presented here demand that we make a response and that we can’t ignore this issue. I think it’s clear from all the evidence that if we’re sensitive to this, the earlier that we can make a response to it, the more successful we can be in helping children who later become adults to have a more normal, productive life. So it takes a consistent, persistent approach to recognizing the issue, and this proclamation lets our community know that it’s important to Sedgwick County and so I’m pleased for the proclamation. I want to thank you, also...”

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

**Commissioner Unruh** said, "...for your testimony and your presence here. And that's all I had, Mr. Chair."

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

**Commissioner Parks** said, "Well Commissioner Norton said a lot of those things that I know to be true and dealt with, just as our deputy was assassinated by a person that had a mental illness, if we can prevent half of these people from getting in our justice system and going to our jail, this is a monumental thing. We don't, you know, in terms of mental illness and putting people in jail; that just doesn't compute with me. You know, it's not a good place for the mentally ill. And the state has decided in the past to step up and close some of those facilities and then we're forced to deal with them. And certainly we're working on that problem and when budget time comes around, there's going to be some heavy discussion about this, but these are the people that can't take care of themselves, and I'm certainly going to approach it that way. Another thing that I wanted to say, first reaction a lot of times is medication. And when we're dealing with this, if there's any way to stop the medication in the first place; that sometimes is a lifelong thing. Many times medication is necessary; however, it's not always the first choice that needs to be looked at. So that's what I...from my past experience. Thank you."

**Chairman Peterjohn** said, "I was tempted to add some comments, but seeing some tired arms out there. We have adopted the proclamation, Katie, if I believe correctly, so I want to thank you for coming out..."

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

**Chairman Peterjohn** said, "...and speaking that heartfelt testimony and thank everyone for coming in. I'm going to give everybody a minute or two to very carefully exit from the room. Thank you. Next item."

### **E. PROCLAMATION DECLARING MAY 2 – 8, 2010 CORRECTIONAL OFFICERS WEEK.**

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**Ms. Zukovich** said, “Commissioners, I’ll read this last proclamation for the record:

**PROCLAMATION**

**WHEREAS;** much is expected from the men and women who work in our county correctional facilities every day; and

**WHEREAS;** correctional officers are skilled professionals who must act as counselors, communicators and experts at crisis intervention and must preserve the safety of lives and property, maintaining their professional demeanor while often facing hostile, aggressive and intimidating behavior from inmates; and

**WHEREAS;** these officers must possess an intuitive sense to resolve conflicts and save lives while also preserving the physical ability to restrain persons representing a danger to themselves and others; and

**WHEREAS;** Sedgwick County, Kansas is pleased to join in celebrating Correctional Officers Week and urge all citizens to pay special tribute to these men and women who serve so faithfully, often with little thanks or recognition.

**NOW, THEREFORE, BE IT RESOLVED,** that Karl Peterjohn, Chairman of the Board of Sedgwick County Commissioners, does hereby proclaim the week of May 2 – 8, 2010, as

**‘Correctional Officers Week’**

in Sedgwick County and encourages all citizens to honor and show sincere appreciation for the correctional officers who make it possible to keep the detention and correctional facilities safe each day.

**Ms. Zukovich** said, “It is dated April 28th, 2010, 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.

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### VOTE

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

**Ms. Zukovich** said, “Commissioners, we do have two of our Sedgwick County representatives here, we have the Undersheriff, Mike Stover and Mark Masterson of Corrections to receive the proclamation.”

**Col. Stover** said, “The corrections profession is one of the most challenging professions that one can pursue, and I think as we heard in the proclamation, it’s one of the least appreciated in the criminal justice system. Correctional staff help keep our citizens and our community safe, but not simply by securing the jails, and prisons, and facilities and the offenders confined there. Here in Sedgwick County, the Sheriff’s detention staff see to the needs of over 1,500 inmates, and as you’re all aware, sometimes it’s over 1,700 inmates. Those inmate needs run the entire gamut. The deputies make sure that the inmates are safe and secure, that they’re fed, that they receive medical and mental health attention, that they get to court, they attend a multitude of classes and programs, receive their mail, have visitation with family, and, yes, the deputies are the law enforcement of the facility to make sure that the rules are fairly enforced. The biggest difference between a cop on the street and a correctional officer is the cop on the street takes his or her problem person to jail. The incident is over. The correctional officer has no such option. There is no other place to take their problem inmates. They are truly the gatekeepers of our society. The detention personnel within the Sheriff’s Office do a tremendous job, and on behalf of Sheriff Robert Hinshaw and all of the detention staff, I thank you for issuing the proclamation and recognizing and appreciating the work they do to make all of our neighborhoods safer. And I wanted to make my comments brief because I believe Mr. Masterson would also like to speak about his staff and the Department of Corrections.”

**Mr. Mark Masterson**, Director, Corrections, greeted the Commissioners and said, “Thank you. I just wanted to accept the proclamation on behalf of our corrections officers that work on the front lines at the Juvenile Detention Facility, Juvenile Residential Facility, Judge Riddel Boys Ranch, Sedgwick County Youth Program and the Community Corrections Adult Residential Center. I second the comments and appreciate and accept this on their behalf.”

**Chairman Peterjohn** said, “Thank you both very much. I would like to add that when you combine the total for both Community Corrections and the Sedgwick County Detention Facility, we’re talking about 3,000 people who are inmates of the various programs and facilities that you both mentioned, and when you add in the folks who are on probation, on parole, going through other

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programs, we're talking about roughly 10,000 people, or two percent of the entire community, and that's a sum that I think everyone in this room and in this county need to realize is incredibly significant. Because two percent of the population going through the judicial process in one form or another has a huge impact, and says a lot about us as a society, and it's one of the challenges we face, and especially on the mental health side of the equation for those folks who have mental health problems and get picked up for a criminal activity, a misdemeanor in many cases, or something worse, and then end up in the jail. So it's a challenging profession for everyone, whether they're in Community Corrections or working for the Sheriff. Commissioner Unruh."

**Commissioner Unruh** said, "Thank you, Mr. Chair. I just wanted to say I'm pleased to make the proclamation. It seems that folks who have chosen this as a career are often under a lot of pressure to perform, and they don't generally get attaboys or job well done commendation. And if anything goes wrong, well it usually finds its way into the media and they are subject to a lot of criticism. So this is a good opportunity for us to recognize the fact that all year long we have a lot of folks who are doing a good job, and we want to say thank you for that. That's all I have."

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

**Commissioner Parks** said, "I would like to thank the correction officers, a lot of us don't, out there watching today, or think about this, it's 24/7; it's the weekends, it's holidays, all those things that are away from your families and away from other things. So I want to put a special thank you in, and certainly once again when budget time comes up, I am going to be thinking about those people that are sacrificing the most. Thank you."

**Chairman Peterjohn** said, "Gentlemen, thank you very much."

**Col. Stover** said, "Thank you."

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

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

### **RETIREMENT**

- F. PRESENTATION OF RETIREMENT CLOCK TO STANLEY BUCKLEY, SR. SOCIAL WORKER, COMCARE, WILL RETIRE MAY 1, 2010, AFTER 38 YEARS OF SERVICE.**

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**Ms. Jo Templin**, Director, Human Resources, greeted the Commissioners and said, “Mr. Buckley, would you like to join me here? As was mentioned, this Agenda item recognizes the long-term public service commitment from Mr. Stanley Buckley, who has been at COMCARE as Senior Social Worker for 38 years, and we just appreciate his service and want to wish he and his wife, his wife is here with him today, we want to wish them well in their future.”

**Chairman Peterjohn** said, “Mr. Buckley, on behalf of Sedgwick County, I want to thank you, 38 years, that’s an incredible amount of time, and to help you consider in whatever endeavors you have going forward, we’ve got this clock to present to you as a remembrance on behalf of Sedgwick County for you.”

**Mr. Stanley Buckley**, Sr. Social Worker, COMCARE, greeted the Commissioners and said, “Thank you very much.”

**Chairman Peterjohn** said, “Well thank you. Have any comments?”

**Mr. Buckley** said, “Good morning, Commissioners. I would like to thank you for this recognition, and I would also like to thank you for the opportunity to have served the citizens of Sedgwick County. I want to say that it’s been real and it’s been fun; it’s been real fun. Thank you very much.”

**Commissioner Welshimer** said, “Clerk, call the next item.”

### **NEW BUSINESS**

#### **G. RESOLUTION AMENDING RESOLUTION NO. 72-01 CONCERNING RULES AND REGULATIONS REGARDING ANNEXATION PROCEDURES.**

**Mr. Bob Parnacott**, Assistant County Counselor, greeted the Commissioners and said, “I’ll wait just a second for the Chairman, I suppose, to retake his chair. By statute you’re required to hold a public hearing five years after unilateral annexations, which are the annexations that are done without the consent of the landowner by cities. The purpose of that hearing is to determine if the services that were promised, or set out in a service plan that the city prepared in connection with the annexation, have been provided to those landowners. The statute’s fairly short on procedural issues, basically just requires you to set the hearing, to schedule the hearing and then send notice to the landowners and to the city of the date of the hearing, and then at the time of the hearing, you hear testimony from the landowners and the cities. Beyond that, there’s not much stated in the statute about prehearing procedure. In 2001, you adopted a resolution pursuant to your statutory authority

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to adopt rules and regulations governing the conduct of your proceedings; that's added a little more flesh to those bones, and prepared and created a procedure by which the County Counselor's Office tracks those annexations. At the five-year point, roughly, we try to get ahold of the service plan, because we usually don't have that at that time. We then schedule a hearing date, recommend a hearing date to you and have you approve it. We then send this hearing notice out to landowners and the cities, and then you hold the hearing and make your finding."

"What we have found over the time is that that sometimes leads to some misunderstanding, generally on the part of the landowners as to what the purpose of the hearing is and what the scope of the hearing is, in terms of what issues should be addressed at the hearing and what issues may not be necessarily relevant to the hearing. We also have an element of surprise that sometimes occurs. We send the notice of a hearing out about 30 days prior to the hearing date. We occasionally will get responses back from the landowners between that time, before the hearing, that we can share with the city so the city has some ability to prepare for issues that are going to be raised by landowners, but sometimes we don't hear until the day of the hearing or the day before the hearing. We were looking at this and thinking that maybe we should be sending out a pre-hearing questionnaire to the landowners and to the city that would better identify what exactly were the services set out in the service plan, what the type of services were, explain better the purpose of the hearing and give the landowners an opportunity, and the city, to respond prior to the hearing as to what they saw as the issues that would be appropriate to be discussed at the hearing.

"Again, it would be an educational process; it would help educate landowners, particularly about what the hearing was about, what services were promised, it would hopefully eliminate some of the surprise factor and lead to a better result, in terms of have a hearing where everybody is fully prepared to discuss the issues and then you're better prepared to make your decision based on what you've heard in testimony that day. We have shared this with the cities for their comment, this change of process. We got some constructive comments back; we've worked those into the process by adding an additional step in the process that we will send a draft of the questionnaire to the city prior to sending it to the landowner. That will allow the city to make any comments and raise any concerns they have about how we phrase the questions, or maybe if we've misunderstood their service plan. So it gives the city an opportunity to weigh in so we have a more fair presentation of the services and the issues to be presented. We did get some indication that there may be some people that want to speak. This isn't a public hearing today, of course, but you certainly could take public comment on the matter if you'd like. Following that, however, we've prepared a resolution that would make the changes that we've discussed, and unless you have any further questions, or unless there's other comments to be received, I would recommend that you adopt resolution and authorize the Chairman to sign."

### **MOTION**

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Commissioner Parks moved to adopt the Resolution and authorize the Chairman to sign.

Commissioner Unruh seconded the motion.

**Chairman Peterjohn** said, "A motion and a second. Let's begin with, is there anyone else in the audience who would like to speak on this issue? I think it's been important always to get public comment, and I don't see any raised hands, so I'm going to now pull it back to the bench and ask if there are any questions or comments for Mr. Parnacott? Commissioner Parks."

**Commissioner Parks** said, "Yes. And I asked Mr. Parnacott this yesterday, but he's prepared now to answer it, I'm sure, but I wanted the other Commissioners to know about this. The draft that we're sending to the city is part of an open record then if somebody would request that under the Freedom of Information Act?"

**Mr. Parnacott** said, "That is an Open Records Act question that we've discussed. There are some exceptions under the Open Records Act for draft documents that are in preparation, arguably could fall under that. The Open Records Act is also more of a, not a flat out prohibition, it just says that we can refuse to provide those documents if they're in a draft form. That doesn't mean we can...it allows us to go ahead and release those if we want to. I think we would address any Open Record Act request at the time of the request and treat it just like we would any other Open Record Acts request."

**Commissioner Parks** said, "And the cities could have a different policy than what we would have once they receive the draft then, is that correct?"

**Mr. Parnacott** said, "That would be a different, I think, calculation from an Open Records Act standpoint. It's a draft as far as our documents are concerned. From the city's perspective, when they have it in their hands it would be a public record of theirs, not a draft of theirs, so they may have a different analysis to apply."

**Commissioner Parks** said, "Okay. Thank you. And I think this additional steps needed that we've had a lot of discussion about this, and I just think that, you know, if cities don't have the resources to mow the rights-of-ways, cut dead trees in the right-of-ways, plow the roads, the dirt roads, don't force annex these people in the first place. So that's my editorial. Thanks."

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

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**Commissioner Unruh** said, “Thank you, Mr. Chairman. Well this proposal here does not impose any binding responsibilities on any of the parties involved?”

**Mr. Parnacott** said, “No. It won’t have any effect, I mean, the hearing will still need to be held and you will need to base your decisions on the testimony you receive at the hearing.”

**Commissioner Unruh** said, “But what it does do, it has the opportunity to improve communication and understanding, focus of discussion, and in that way improve the process.”

**Mr. Parnacott** said, “We believe so. The point I didn’t make earlier that I should have also added was that there’s a set of standard requirements for service plans under the annexation act. However, different cities treat those in different ways and we see a variety of service plans. So we would tailor each questionnaire to the specific service plan involved for that particular annexation, but yes.”

**Commissioner Unruh** said, “Well it doesn’t change the fundamentals of the process, but I think it is going to be helpful and will hopefully give everyone involved a better understanding as they come into the final hearings, so I’m going to be supportive.”

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

**VOTE**

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

**Mr. Parnacott** said, “Thank you.”

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

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### **H. ADOPT THE PORTION OF THE SEDGWICK COUNTY PARK MASTER PLAN WHICH DESIGNATES AN AREA AS AN “ART GARDEN”.**

**Mr. Bob Lamkey**, County Representative to the Wichita Arts Council, greeted the Commissioners and said, “And before I begin the first of two related items, I’d like to acknowledge some other members that are here with us today. First I’d like to acknowledge Commissioner Welshimer who sits as an Ex-Officio Member and I can say with certainty, if not for her encouragement and leadership, I probably wouldn’t be standing before you today with these two items. Secondly, I’d like to introduce Judy Goodpasture, who is the current Chair of the Arts Council. Judy is a career educator with a passion for arts, fine arts, particularly literature. She’s a past President of the Kansas Association of Teachers of English, has been active in the Junior League and other community service and support activities here in Wichita and Sedgwick County. Joining her is Dora Timmerman-Bayer. Dora has had a lifelong passion for the visual arts. She’s responsible for the sculpture program in the schools, the sculpture walk program that’s happening in our community today. Some of us remember her as an instrumental fundraiser and driver of the renovation of our Soldiers and Sailors Monument by the Historic Courthouse. She’s been recognized throughout her life for her contributions; recognized as a 30 year volunteer to the Wichita Art Museum. She’s on the Plaza of Heroines at WSU, and most recently, in 2009, was named as the Governor’s Arts Award winner for the 2009 Arts Advocacy award, which is sponsored by the Kansas Arts Commission. And so these are my friends and colleagues who are here joining me today and as we conclude the second item with your indulgence, I would like to give them an opportunity to address you because they’ve expressed that wish.

“The first item is establishing an Art Garden in Sedgwick County Park. A couple of years ago, the County Commission and last year completed a master plan to guide the orderly development of Sedgwick County Park. The plan included an area for an Art Garden designated for the display of permanent and temporary outdoor art and to provide a venue for arts related events. That particular master plan has not yet been formally adopted by the Board of County Commissioners, but late last year the Arts Council approached the Board of County Commissioners to consider formally designating and establishing the Art Garden in Sedgwick County Park in the area defined by the master plan for that purpose. The proposed site is currently undeveloped open space off of the 13th Street park entrance. Establishing the area for this Art Garden is really the necessary first step to its use and development. Clearing the field and developing a primitive, albeit ADA (Americans with Disabilities Act) compliant, accessible path from the current parking lot as the garden develops would be kind of the next steps.”

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“A more costly development of lavatories, and shelters and vision of the plan can come as the county resources allow them to be included in our CIP (Capital Improvement Program). The Arts Council is prepared to assist Sedgwick County as promoters, screener, reviewer and advisor to ensure the Art Garden develops in a cogent and thoughtful way, so I would ask you at this particular point to establish the Art Garden in Sedgwick County Park.”

### MOTION

Commissioner Welshimer moved to establish the Art Garden in Sedgwick County Park.

Commissioner Norton seconded the motion.

**Chairman Peterjohn** said, “Motion and a second. Discussion for Mr. Lamkey or anyone else? Commissioner Unruh.”

**Commissioner Unruh** said, “Just a clarification. This does not at this time contemplate any substantial financial investment?”

**Mr. Lamkey** said, “That is correct. What we need at this particular point, if that is going to develop in an orderly way; we need to create the palette. The next item that we’re talking about will establish the mechanism for art coming to you for that purpose, and part of that process will be to outline any, you know, if I bring you the tail, I need to tell you what the dog is, and that’s what the next component would be. But this initial step in defining that area and designating it for future art development is that first necessary step. And as this develops over the years, I would anticipate there may be some cost to improve the walkway around in the process, and so as things develop, they will be coming to you and future Commissions for your consideration.”

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

**Chairman Peterjohn** said, “Let me ask, the type of development that’s contemplated, though, would fit into the park setting and still have multiple uses, so if we put in paths, for instance, they could be used as...”

**Mr. Lamkey** said, “Used as walking paths, yeah.”

**Chairman Peterjohn** said, “...bicycling or walking...”

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**Mr. Lamkey** said, “And in fact...”

**Chairman Peterjohn** said, “...for those of us, even those who might be there for entirely other reasons?”

**Mr. Lamkey** said, “Correct. In fact, the aesthetic of the park, and I’ll get into that in the next one, but the aesthetic for the park is really is to create a family friendly area surrounded by art that people can stroll through, walk through, jog through and enjoy the art and enjoy the environment, and really create over time an iconic place for people to go to and enjoy the outdoors in Sedgwick County Park in a way that’s different but the same as they do now.”

**Chairman Peterjohn** said, “Well I hate to bring this up, but in this part of the 21st century, one of the challenges we face, are we comfortable, in terms of from a staff point of view for establishing this park, in terms of being able to secure it so that items that are there, particularly if we’ve got a piece that’s of particular value...”

**Mr. Lamkey** said, “Yeah.”

**Chairman Peterjohn** said, “...I mean, I just think of the problems we have with people stealing metal, copper items and I know this has happened in other places in the country.”

**Mr. Lamkey** said, “And that continues to be the balance between, you know, the park has regular hours and it closes its gates after those hours, and so it provides that level of security. But like most public places, certainly can be violated in that process. Part of what will happen in the future as art comes to us, we’ll need to understand whether it’s a gift, ours to maintain and keep up and, again, what the consequences of that are. If it’s a loan? And so managing that process and managing the security of the park, just as we do now with shelters and those other kinds of things, will require folks, like the park has staff that’s in the park during its normal operating hours that tours and drives through the park and manages that process. As we look at the kinds of art that goes there, if there’s increased value or increased risk to those kinds of things, we may have to look at some of those things. But at this particular point, I envision the kind of art that would go in there is the kind of public art that you would see in parks throughout Wichita today, except I know that our park has got a fence around it and has got gates. So we can secure it after its normal operating hours as we do now.”

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

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**Commissioner Welshimer** said, “Well also in response to that, we have art all over town. Wichita has become famous for its association with the arts. We have statuary all over downtown and out at WSU, and I think just about anything we have, not only artwork, is subject to safety procedures, but I don’t think we should let that deter us from doing something wonderful for this community. And I think it will be a marvelous addition to the park.”

**Mr. Lamkey** said, “And again, I don’t see it as a deterrent, but it is something that we will consider and protect the resources that are entrusted to us. We will be responsible.”

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

**VOTE**

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

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

**I. AGREEMENT BETWEEN SEDGWICK COUNTY AND THE ARTS COUNCIL TO PROMOTE, REVIEW, AND ADVISE ON THE DEVELOPMENT OF THE SEDGWICK COUNTY PARK ART GARDEN.**

**Mr. Lamkey** said, “Whereas you have just designated an area in Sedgwick County Park as an Art Garden for the display of permanent and temporary outdoor art and as a venue for arts events, it is important that it develops in a cogent and thoughtful way. And so whereas the county and the Arts Council want the area to be used in a manner that is timely, artistically consistent and congruent with the family friendly nature of the park, this agreement establishes a relationship to achieve that mutual desire. In recognition of the county’s long-term and continuing support of the Arts Council, the Arts Council agrees to serve as the focal point for promoting, development and use of the Art Garden. The arts garden [Arts Council] will act as the conduit and reviewer of all requests for the display and placement of art and will present a recommendation to the county for the county’s approval. The county retains full approval authority over what is placed in the Art Garden or whatever events are held there. Again, the appropriate expectations, procedures, protections and obligations are outlined in the agreement.”

**Mr. Lamkey** continued, “It is really designed and intended to be an agreement of mutual interest with either party able to withdraw easily. Essentially what the Arts Council is offering is, as you

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have a venue like this, rather than the Commission being inundated by different artists and art, there needs to be a logical, thoughtful process that brings to you recommendations that considers what is the art, you know, is it a gift, is it a loan? What are the maintenance requirements for this? Has the artist considered the structural integrity for something that's going to be outside in that period of time? Is it congruent with a family friendly environment that we expect in the park? So an orderly way in which this can develop and provide this resource, which you support and have supported for a number of years, and have membership on to be the focal point for that process. So that's what this agreement establishes. I would ask that you approve the agreement and authorize the Chairman to sign. And with that, I would like to offer my colleagues an opportunity to address you, if that's okay?"

**Chairman Peterjohn** said, "Please proceed. Welcome to the County Commission."

**Ms. Judy Goodpasture**, Chairwoman, Wichita Arts Council, greeted the Commissioners and said, "Thank you very much. Chairman Peterjohn and Commissioners, I'm very happy to be here today to really initiate a very exciting program for our city and our county. We've worked together in the past and we look forward to working together with you in the future. I would like to thank Bob Lamkey, while I have the chance, for his work on this effort and also Gwen Welshimer and Jodie Justiss, another board member, they've all really spearheaded this effort and we appreciate their work. Your commitment to this agreement really represents two things. It does represent the fact that you appreciate the importance of public art, but I think it also represents the fact that you understand that in this community art is good business. According to a recent study by Americans for the Arts, every year in Wichita and Sedgwick County, 1,500 full-time equivalent jobs and \$49 million are added to the economy thanks to the arts. We must be mindful of the economy in this time and the arts do make a significant contribution. Today with me I have some people who would also like to speak, so Dora Timmerman-Bayer, who is Chair of our sculpture project, would like to add a thank you."

**Chairman Peterjohn** said, "Welcome."

**Ms. Dora Timmerman-Bayer**, Wichita Arts Council, greeted the Commissioners and said, "Thank you. Good morning Chairman Peterjohn and fellow Commissioners. I want to answer one of your questions, your concerns about the safety of the sculptures in an outdoor setting. I've been involved with outdoor sculptures in the city and at WSU over many years and we have had surprisingly a

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little vandalism. Of course, anything outdoors needs periodic upkeep. But that's just, it's like your car, you just need to keep your car up, and so I think, although we do not deny that concern, it still is something that we need to think about and oversee as many precautions as we can. Now what I'm really here to thank you for is your participation in the Sculpture WalkAbout. Are you all familiar with what we're doing there?"

**Chairman Peterjohn** said, "It might be, since we have a larger audience, I think it would be a good opportunity to expand for everyone, not only in this room, but who are..."

**Ms. Timmerman-Bayer** said, "Okay."

**Chairman Peterjohn** said, "...hearing us through other venues."

**Ms. Timmerman-Bayer** said, "Good. Thank you. The WalkAbout is something that we have initiated along with the Mayor, Carl Brewer. He had gone to another city and seen this project in another city. What it is, each year, rather than putting sculptures out and leaving them forever, which is wonderful, we add another element in that we have a sculpture competition each year and x number of spaces, or bases, that we provide sculptures for. And then the next year we take those down and we select a number of other sculptures. Now, this year we are very excited because you have given us three spaces and bases at the arena, the Intrust [Bank] Arena. And we think this is going to add such excitement to our project as well as the enhancement it will give to the Intrust Arena. So we thank you for that. The juror has chosen the sculptures and they may be viewed over at CityArts on a computer. I wish we had brought pictures of them, posters of them, like the mental health association did, but it was hard to follow that. But the sculpture project is really answering one of the elements that had been promoted for improving Wichita, and that is its walkability.

"We will have 10 sculptures in Old Town and 3 sculptures at the Intrust Arena. I'm very excited about the quality of the sculptures we have this year. I just think you will be delighted. I want to invite all of you, anyone in the room, everyone to our grand opening and unveiling. It will be the final Friday in May, which is May 28th, at six o'clock and here is another thing that we are excited about, it will be at the Intrust Arena, outdoors. So we hope you will come there. Another thing that is so wonderful about this project, the Arts Council is working with the county, the city and many private donors to make this happen. So I am eager for you to see what we're doing and we will love it if you can come join us on the 28th of May. Thank you."

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

**Commissioner Welshimer** said, "Yes. Well, Dora, I think your contribution, Dora, to the community is priceless, believe me..."

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**Ms. Timmerman-Bayer** said, “Thank you, Gwen. Thank you.”

**Commissioner Welshimer** said, “...for artwork that we all love and enjoy seeing. I do want to remind the Commissioners that yes we did vote to put the bases in, there are three bases...”

**Ms. Timmerman-Bayer** said, “They are in.”

**Commissioner Welshimer** said, “...on the west side of the arena. Two of them, the county put in. One of them was paid for by Mr. Dondlinger, the contractor that built the arena. And your judge chose three statues for those locations. One of the artists was Ed Langston, whose piece of work is ‘Wind Dancer.’ Another is Andy Patton, whose work is ‘Meditation in Motion.’ And the other one is Conrad Snider and his is ‘Bread and Butter.’ They’re all three very different and very complimentary to the design of the arena. And so I’m as pleased as you are. Thank you.”

**Ms. Timmerman-Bayer** said, “Well, thank you very much and thanks to all of you.”

**Chairman Peterjohn** said, “Thank you. Seeing no further comment, I’m going to ask, do we have a motion? I don’t believe we do.”

**MOTION**

Commissioner Welshimer 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

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Chairman Peterjohn

Aye

**Mr. Lamkey** said, "Thank you very much, Commissioners."

**Chairman Peterjohn** said, "Thank you. I'm going to call a recess from now until 10:30 a.m. We're in recess."

**The Board of County Commissioners recessed at 10:23 a.m. and returned at 10:32 a.m.**

**Chairman Peterjohn** said, "I'm going to call the meeting back from recess. Next item."

### **J. REPORT ON THE ENVIRONMENT IN SEDGWICK COUNTY.**

#### **VISUAL PRESENTATION**

**Ms. Susan Erlenwein**, Director, Environmental Resources, greeted the Commissioners and said, "I'm here today to talk about the environment for Sedgwick County, specifically three areas: solid waste, air quality and surface water quality. On solid waste, we look at that as the trash thrown away by industry, businesses and homes in our area. The good news is trash is down over the last three years. It's about an 11 percent decline in the amount of material thrown away. Now we can say that this is great and due to everyone recycling more, which people are recycling more, but I think it's also due to the fact that we have a downturn in our economy. People are buying less and there's less packaging to throw away. But you can see on the upper left graph it shows the municipal solid waste in tons has decreased from over 464,000 tons to 411,000 tons per year. And another way of looking at that is accounting for the population changes in our community, so pounds per person per day is the lower right graph, showing three years ago we were throwing away 5.4 pounds per person per day, now it's 4.76. So we are decreasing the amount that's being disposed of. And recycling has gone up over the past three years almost six percent. If you look at this graph, you can see we are improving in that area, so that's good news."

**Ms. Erlenwein** continued, "My department did a waste analysis last year to determine what we do throw away. And we open the sacks and went through them to determine what exactly is in our trash. This pie chart shows that most of what we throw away is in the blue portion; paper, at just over 29 percent. We also throw away a lot of yard waste; that's over 17 percent in the orange part, and plastic is the purple part at just over 14 percent. So what does this mean to us as a community when you say this is what we are throwing away? There's different way to look at that is how much money could this material be sold for instead of just putting it in the trash? So if you look at today's commodity market and the prices, the number one plastic could be sold for over \$918,000 for what

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we threw away last year. Instead of throwing it away, we could have sold that material. Now, this is looking at commodity prices now. Remember, commodity markets fluctuate and also this does not account for the collection costs or the processing costs of the recyclables. But it's different way of looking at the fact that number two plastic, like your milk jugs, over \$735,000, if that was material that was sold. Or almost \$4 million for corrugated cardboard. Companies that collect this material, if the prices are low, tend to hold on to it and watch the markets and sell it when it's high. And, of course, can't leave out aluminum cans, over \$2.5 million if it's sold on the commodities market. So that gives us another idea of what could be done, people need to produce less trash and recycle more.

“One way of doing that is taking materials to the drop-off centers located around our community. They could take materials straight to recycling facilities or they can contact their trash hauler to see about curbside recycling and work that out. A lot of this information is available on the Sedgwick County website at [www.sedgwickcounty.org](http://www.sedgwickcounty.org). We have recycling information. It gives people ideas on what they can do. And a new thing to our community is single source recycling, or single stream recycling, that's the large tan container where instead of separating the recyclables, they can be mixed together and put in one container. It's a rollout container, easily goes to the curb. You can check with your trash hauler to see if they offer that. And some trash haulers even offer RecycleBank where they weigh your container, determine how much you're recycling, and you receive rewards for that. And the graph shows that RecycleBank homes in one year's time increased from just under 4,000 homes recycling to almost 24,000 homes. So that's quite an incentive that people have been looking for, reward me for doing the right thing. And the tons recycled through recycle bank has increased dramatically from 35,000 tons in December of '08 to 698,000 in December of '09.”

“Another component that's recycled is electronic waste. As you know, the county had a recycling program for electronics back at the Coliseum in January of '09. In one day we collected over one million pounds of electronic equipment and that serviced over 2,500 vehicles in that one day. So people really have a want to recycle electronics instead of throwing them away. We are not planning another program in the near future, but there are other options to dispose of electronic waste. We receive calls daily on this with people saying, where can I take a computer, or a television or an old VHS machine? We have that information on our Sedgwick County website. I suggest people call the different businesses and see what associated costs might be for recycling that material.

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“And a special waste that’s recycled is household hazardous wastes. Again, we receive calls daily on this where people say, how can I get rid of my oils, paints, solvents or cleaners from my house, my pesticides or herbicides, where can I take it? Well they can take it to 801 Stillwell where 80 percent of the material that’s received there is recycled. You can see how the volume of the material that goes to this facility has increased over time. We’ve seen very good growth in the pounds that go there and the number of customers has increased a lot over time. So I think the facility is doing very well. And as you know, they do have five remote collection events and those will be starting up in the near future. And we have a Swap-&-Shop at that area so people who want to take material, and it’s in good condition, it could be put out on the shelves for other people who want that material and it’s given away free. The Swap-&-Shop has seen a lot of products taken home over time, so it’s very good business. And the number of customers who go there and take the material has increased. I think it’s a good program and people can learn more about that on the Sedgwick County website as well.

“So what can we do? We can reduce our waste. Businesses, the number one material thrown away by businesses in our area is cardboard at over 19 percent. They can work with their waste hauler and they can get a container like you see on the upper left picture that has a cardboard container that has a slot in the top where cardboard can be thrown away and other material can’t be put in there. Businesses often find that they can reduce their trash bill by doing this because they have less bulky material to put in a dumpster and they can lower their dumpster size. The number one component in residential trash was grass clippings at over 12 percent. So we would encourage people to mulch mow the grass instead of collecting it. That saves them time in mowing, and it also saves them money because they don’t have to buy bags to put those grass clippings in. So we would encourage people to do what they can to reduce their waste and recycle. Before I move on to air quality, I would like to give you an opportunity to ask any questions now on solid waste. If not, I’ll continue on there.”

**Chairman Peterjohn** said, “Questions? Ms. Erlenwein, I’m going to throw out a couple, because...”

**Ms. Erlenwein** said, “Okay.”

**Chairman Peterjohn** said, “...on just the, you said 801 Stillwell, that’s right off of South Seneca Street would be the major street nearby, and that’s right by the county facilities on South Seneca, correct?”

**Ms. Erlenwein** said, “That’s correct. We like to give directions as five blocks south of Kellogg and a block and a half east of Seneca.”

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**Chairman Peterjohn** said, "I'm going to turn this over for a moment to Commissioner Parks. I think I may have another question or two, but I'm going to let him jump in here."

**Commissioner Parks** said, "Well, for solid waste, I'd like out in the county publicly thank Stutzman for being the only service that provides curbside recycling and provides a container in the west valley area. And they have gone beyond what I think the normal service. I called around to the other services and they didn't have that. And they do a good job working with the Miller Recycling also, and that facility is, well you go to Broadway and Clark and then go east about five or six blocks."

**Ms. Erlenwein** said, "Right. PPro Kansas Miller Recycling [Center]?"

**Commissioner Parks** said, "Yes."

**Ms. Erlenwein** said, "We have information on the website on what they receive, and the hours they are open and a phone number to call if people want to double-check and make sure they'll take certain materials. But that's all voluntary and a very good service."

**Commissioner Parks** said, "They do take books down there. They have a variety of things that they're taking. I was in there yesterday and they've even started taking some of the dry cell batteries of all kinds and making sure that those mercury batteries don't get in the landfill, or the alkaline batteries don't get in the landfill. So that's a good job. And I'll reserve some of my other comments about other things until we get on to the other part of the program."

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

**Chairman Peterjohn** said, "Well I remembered the other question I wanted to asked, when you mentioned that close to 30 percent of the material, in terms of the items being put in the trash was paper products..."

**Ms. Erlenwein** said, "Yes."

**Chairman Peterjohn** said, "...and then you mentioned that 19 percent, that's 19 percent that's cardboard of that 29 percent or is it 19 percent of the total?"

**Ms. Erlenwein** said, "What I mentioned was for the commercial side only."

**Chairman Peterjohn** said, "Oh, commercial only. Okay."

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**Ms. Erlenwein** said, “When we did the waste analysis, what we looked at when the trucks came in is what commercial were producing, what residents were producing and then the final numbers of those two combined was the pie chart.”

**Chairman Peterjohn** said, “Okay. Because I was interested, when I was thinking of paper products, I think for many households, probably newspapers would probably be a big item, and I was curious how big a percentage of that overall pie that category would happen to be.”

**Ms. Erlenwein** said, “If you want to know that number, I have it here, but I don’t have it memorized. The residential, the newspaper was 3.5 percent of residential, and 2.4 percent was corrugated cardboard and office grade paper was actually 3.2 percent.”

**Chairman Peterjohn** said, “And that’s just residential?”

**Ms. Erlenwein** said, “That’s just residential. On the commercial side, 19.6 percent was corrugated cardboard and office paper was 4.3 percent.”

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

**Commissioner Welshimer** said, “Well, I think many people ask me, you know, why doesn’t this area have a recycling system going like many other states and cities do have? And I think one of our problems is the fact that we have 20 different cities in the county and we can’t tell these cities what to do, but we did some time back. I think it’s been two years ago we went so far as to say we expect you to recycle, and actually one of the cities in my district, that’s Derby, accepted that graciously and they have, it’s been a struggle for them, but they have reached the point where they have franchised and have a recycling program. I think Park City has done that. How many cities, do you know?”

**Ms. Erlenwein** said, “I think it’s around eight or nine cities have...”

**Commissioner Welshimer** said, “Eight or nine cities?”

**Ms. Erlenwein** said, “...some sort of a contract that but they’re all different.”

**Commissioner Welshimer** said, “Yes. The City of Wichita has not...”

**Ms. Erlenwein** said, “Not at this point.”

**Commissioner Welshimer** said, “...done a recycling program. And of course that’s our largest producer of solid waste. Anyway, I’m glad to hear that we keep making progress and we keep

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having more cities participate. And I think if we just stay with it, and keep on it and keep talking about it, we may get to that point someday.”

**Ms. Erlenwein** said, “And if people are interested, Derby has good information on their website pertaining to their contract and the curbside recycling that’s offered in their community, and even volume-based trash where they have different size containers.”

**Commissioner Welshimer** said, “Great. Okay. Thank you very much.”

**Ms. Erlenwein** said, “Thank you.”

**Chairman Peterjohn** said, “Seeing no further questions, and I’m going to leave it open for a minute in case, I’m going to turn it back and let you proceed.”

**Ms. Erlenwein** said, “All right. Now we’ll talk some about air quality. There are different components that are tested for in our air, such as particulate matter, carbon monoxide, sulfur oxides, nitrogen oxides and, of course, ozone. Just a point of clarification, when people think of ozone, they may hear about the hole in the ozone layer and think of the upper stratosphere ozone, which is good; ozone is three oxygens combined together, and the upper atmosphere ozone protects us from harmful ultraviolet radiation which can cause skin cancer. That’s why it’s considered good ozone. But then on the ground level, where we’re breathing it, it’s not as good for us, and in fact, that’s the main component in smog. So we have the good ozone up high and the bad ozone down where we live. And it results from chemicals reacting in the atmosphere, chemicals that might be produced from car exhaust, or factories and what comes out of their stacks as air emissions, or even your lawn mower at your house produces chemicals and those react with the sunlight and the heat in the air forming ozone. Ozone season is April 1st through October 31st. So that’s when we’re most concerned about it, because those are the warmer months.”

“Why are we concerned about ozone is because it affects our health, especially if you have asthma, or bronchitis, or other health defects, it irritates your lungs and it makes those worse. So EPA (Environmental Protection Agency) has been studying ozone for a long time, looking at health effects and looking at what standards should they set for ozone levels. We get our ozone from many areas, you have natural ozone in the air, you probably smell it after a thunderstorm, or you have lightning in the air and you get that odor, that’s ozone being created. Ozone in our area can come from outside, such as Oklahoma or Tulsa, other areas south with the south wind blowing in. Either ozone are precursors, those chemicals that form ozone. And, of course, we produce it right here; in our homes, in the driving of the vehicles and in the factories. And remember, what we produce here can be blown out of our area and affect somebody else. So air is mixing all over and it’s a concern globally.

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“When EPA looks at ozone and the areas in our case, they have a metropolitan statistical area of four counties that you see outlined in green: Harvey, Sedgwick, Sumner and Butler. They’ve done studies to determine traffic flows and what could produce chemicals that cause ozone. So anything that might happen in Wichita regulatory wise for ozone affects all four counties, not just the City of Wichita. That’s why it’s important to us to look at it and see what we can do to help control it. There are four locations in our community that test for ozone. One down in Peck on the south border near Sumner County, there’s one up at the Health Department about 9th Street and I-135, up in Park City at 53rd Street northwest to Broadway, and up in the City of Sedgwick, they’ve just added a new location. The reason for that new location is studies have shown that the air pattern is going more southeast to northwest and taking the chemicals in that direction. They did not feel that Park City was giving us the best results for ozone levels. Historically, we’ve said that the City of Peck has higher levels than any of the other locations and that we have worse air blowing in, but the last year hasn’t shown that. The readings that they’ve received at Sedgwick have been just as high as Peck. And also we’ve been having high readings at the Health Department as well, so we just can’t go from historic data.

“Looking at this graph, you can see that the current level, the current standard for ozone, is 75 parts per billion. That’s that red line. The bars show the levels at the Peck location on the left, Wichita Health Department in the middle and Park City on the right. What EPA does is they say, we’ll look at the fourth highest ozone level you have in a year, so they throw the three top levels that you’ve tested out and only go for the fourth highest. Then they average three years together, so each bar you see is an average of three years in looking at the data. Now you can see Peck was over the current level some time ago. But look at this pink area in the bar.”

**Ms. Erlenwein** continued, “EPA, this August, will make a decision on lowering the ozone standard. They’re not sure where it’s going to be yet, but it might be 70 parts per billion, or 60 parts per billion, or anywhere in between. As you can see from where those bars land, the lower they make the new standard, the likelihood is that we’ll go into nonattainment for ozone level, so that’s why this is an important issue for our community. So what can we do to help reduce the ozone? Government has already been taking action for some time in trying to lower these levels. The rail corridor that was east of downtown, the elevation of it and having cars not wait for a long time, idling and having air emissions go into the air, helps reduce the ozone. Traffic flows; City of Wichita received grant money to time the lights better so that when you go from one light to another, you’re hitting green lights instead of red each time, and they’re working on that right now. Cooperation of industry; for 30 years, industries in our area, the aircraft companies and others, have worked to lower their air emissions and get their levels down. Currently, I’m working with City of Wichita on the prescribed burn protocol where when farmers want to burn fields, some of the criteria now are wind speeds and cloud base being at 2,000 feet or above. What we’re looking at is

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if it's a really bad ozone day, maybe that's not a good day to burn. So we're working with that and the state is currently working on a burn plan for the Flint Hills to try to address some of the smoke issues and ozone created from burning of the Flint Hills.

“And education is very important so the public knows what options they have. Again, on our website, there's information to help guide people on what they can do. And you can't do everything. It may not be feasible for someone to use public transportation, or walk, or bike to work, but maybe they can cut down on their driving or carpool. They can maintain their vehicle and make sure it's in good running condition, which has less emissions, and fuel your car up in the cool of the day instead of when it's warm. Idle reduction is something people can look at. As you drive up to a drive-through restaurant and see that there's five cars ahead of you, it might be faster to actually park and walk in instead of idling and waiting in line. And the air quality taskforce is currently looking at idle reduction for school buses and is starting to work with some of the school districts on what they can do to stop unnecessary idling. And use less energy, because the energy we use means there might be more air emissions from the plants that generate that electricity. So that also helps air quality. So we need to look at what we can do to reduce our emissions, especially the small motors, lawnmowers, chainsaws, any of those, have no catalytic converters on them and they really produce a lot of air emissions that can cause ozone. So I would be happy to answer any questions now on air before I proceed to surface water.”

**Chairman Peterjohn** said, “Questions for Ms. Erlenwein? Commissioner Parks.”

**Commissioner Parks** said, “It appears now that since the one of them's up at Sedgwick, maybe three of the monitors in my district, can we move those out further to other areas, and I guess, well, that's a question if we're going to be faced with this nonattainment, can we get them away from the interstate or...”

**Ms. Erlenwein** said, “I don't think EPA...”

**Commissioner Parks** said, “Does EPA have a say in that? Are they telling us where we can and can't have those?”

**Ms. Erlenwein** said, “Right. EPA works with Kansas Department of Health and Environment (KDHE) on obtaining those locations and establishing where they're at. One of the criteria is looking at air coming into our community, so you have one south and one north, and that we get a coming in or going out depending on the wind direction, and then more central where you might have a lot of traffic. So they look at the locations and try to see where the emissions are. And once one is established, it's pretty hard to change that.”

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

**Chairman Peterjohn** said, "Let me ask this question. I have heard discussions that we have an air quality problem about particulate matter. Could you take a minute and discuss particulates, especially in light of the fact that if we have a burn off over in the Flint Hills, and if the wind's out of the east that day, that caused us some problems on one day last year..."

**Ms. Erlenwein** said, "Right."

**Chairman Peterjohn** said, "...and has the potential for giving us, to put us in nonattainment, as I understood it, for particulates, but perhaps also for ozone. And if you could clarify that..."

**Ms. Erlenwein** said, "Right."

**Chairman Peterjohn** said, "...I would very much appreciate it."

**Ms. Erlenwein** said, "Especially for ozone, because burning of the vegetation also causes ozone to be produced. When the Flint Hills are burned, and they are burned for several reasons, but mainly in the Flint Hills area it's to get new growth on the field for calves, because they've discovered that they put on more weight. The grass grows faster and it's financial incentive to have more weight on the cattle in the area before selling them. So they have burn offs occur. Back in the beginning of '09, we had bad weather conditions where it was too windy, or rain, and ranchers were not able to burn. Then you had good weather, all of a sudden perfect day and it's like everybody burned at once. The wind direction on April 7th took the smoke to the Kansas City area and even all the way over to Kentucky and Tennessee, and they had problems with ozone levels and particulate matter those days. The wind shifted on April 8th and blew to our area. And I think, if people remember back then, it was like a smog sitting over the area and you could smell the smoke.

"And we did go over the ozone standard on that day. So it is a concern. That's why the state is working on a burn plan, a smoke plan for the area. I've been to one meeting, about three weeks ago that was held in Newton by KDHE; they have formed a committee to look at this that includes the ranchers that are affected and see what can be done to develop a plan for the state. EPA was there as well, and what they said is, you might be able to have an exclusion for a burn day, but before you can do that, you have to have a plan in place. So the key is for the state to work on a smoke plan, to

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make sure that's developed, so if this happens again in the future, we might be able to throw that day out when the levels are too high."

**Chairman Peterjohn** said, "Well so it could be for both particulates as well as ozone, is that correct?"

**Ms. Erlenwein** said, "That's correct."

**Chairman Peterjohn** said, "Well let me ask, because we've got a jurisdictional challenge here, and Commissioner Parks alluded to it, if we're going to have a four county area that's going to be impacted by this, but all the measuring devices are here in Sedgwick County, I think that would be, I have concerns about the process, but I think for the folks who are outside in Butler, Harvey and Sumner Counties, I have a major reason to be concerned because they're basically, with the monitoring stations all in Sedgwick County, they're going to be negatively impacted by this and they aren't participating. Now another challenge that I see is, is that Butler County, because it is in this Flint Hills area, they have the practice that you described, in terms of the burn off in the spring, and if we don't have some provisions, and I understand having this as part of the plan, I think there needs to be a stronger public awareness that apparently a volatile organic compound is nothing more than the carbon dioxide that's generated by somebody tossing another barbecue briquette into the barbecue grill, a log into the fireplace, or someone who in the rural part of Sedgwick County, or in any of the other counties, might be just burning some trash, or in parts of the community where it's legal, burning leaves. And if I'm incorrect on that, please correct me."

**Ms. Erlenwein** said, "No. No, you're correct. Any burning activity has the ability to produce the chemicals that create ozone."

**Chairman Peterjohn** said, "Because when you said volatile organic compounds, I think that my chemistry goes back to anything with a carbon atom in it, and that could be carbon dioxide, it could

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be methane, CH<sub>4</sub> that might be emitted naturally. We've got some places here in Sedgwick County where I know that that's been an issue in some houses."

**Ms. Erlenwein** said, "Well, and I think for most people what they might think of is the fumes you smell when you're filling your vehicle up, those are volatile organic compounds (VOCs). Take a lid off a paint can, the fumes you get there, that's what most people think of. But, you're right; it's much broader than that. But it's also nitrous oxides also cause ozone, so it's more than just VOCs."

**Chairman Peterjohn** said, "Well and if you're talking about going from 75 down to maybe as little as 60, I mean, that's eliminating, that's about a 25 percent reduction. And in a part, we're talking of a tiny, tiny fraction of one percent, so it's going to be an interesting, interesting to understand. Because I'd like to, I've had people tell me, well we're close to nonattainment in particulates and then other people say we're close to nonattainment on ozone, and my understanding is either one could cause us problems and put us into this nonattainment condition that would impact the entire four county region."

**Ms. Erlenwein** said, "That's correct. And we would work with Kansas Department of Health and Environment to create what they call a State Implementation Plan, or acronym SIP, to work in our area to see what measures we would have to initiate to address nonattainment. And other communities working on this have found that it can cost over \$10 million a year just to address these issues for the community."

**Chairman Peterjohn** said, "Seeing no further questions, I'm going to let you proceed."

**Ms. Erlenwein** said, "Thank you. Looking at surface water qualities in our community, this map is showing Kansas Department of Health and Environment, what they call impaired waters, on the water bodies in red, and that could be that they have too much bacteria in the water, or too many nutrients that have runoff into the water, too much fertilizer causing algae to grow and people might say, well, besides it may look bad, what's wrong with that? Well too much algae robs the water of oxygen which causes fish kills to occur. So when you look at there are many impaired water bodies, what's the cause and what can we do about it?"

"Well one cause can be agriculture impacts on water. On the left, you see a picture of a field that you can have too much fertilizer put on. When it rains, excess fertilizers can run off of the area into the water. Those fertilizers help the algae grow which can cause the fish kills. On the right, cattle can add to bacteria levels in the water if they're allowed to go into the lakes or rivers, and that can cause a problem. But it's not just agriculture, it's urban impact as well. People may put too much fertilizer on golf courses, or on their lawns. You have the same effect of runoff from that causing

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problems. Or on the upper right photograph, even our pets and their waste can cause a problem. And in Sedgwick County Park we've put in dog stations which have plastic bags so people can pick up after their animals and dispose of it properly, instead of allowing the material to sit there, and degrade and run off.

“Protecting our water; one thing we can do is look at fertilizers that we purchase. You know there are three numbers on a bag. The left number is for nitrogen, the middle number is for phosphorous, and that's often the culprit that we find in causing the problem, and the right number is potassium. Well they do different things, and the phosphorous is mainly good for root growth and also is good for blooming. Well, once your grass is established, you don't need the phosphorous anymore. And some communities have actually outlawed using fertilizers with phosphorous in it, except for brand new lawns. So that's something to look at is, is there a zero for the middle number. Also, best management practices installed on agriculture fields is the upper right photograph. You can have buffer strips that allow water to soak in instead of running off. Plowing on the contour terraces, many ways to slow off the runoff and have it soak into the ground.”

“And even construction sites is the bottom left with best management practices of silt fencing to keep the runoff on the location and from going off site. So the key is controlling runoff, allowing it to soak in. Something we've been doing, on the left, my department has created 'don't flush excess medication' strips that have been given to pharmacies around the area. So when someone picks up the prescriptions, they know that if you have any medicine leftover, don't put it in the toilet and flush it down. The waste treatment plants can't treat that. Studies worldwide have shown an increase in hormones and other drugs in fish, so it is starting to be a problem and it's a new science area that people are looking at. Also, students in our area have done the right diagram, where you have, this goes straight into the river symbols that might hurt the fish. Storm water drains do not go through treatment. It does run straight to river water. So it's to remind people to be careful about what you put down the drains.

“And as Jim Weber talked to you last week, the city and the county has been working on storm water management, working on plans, and the county itself is in the process of developing new regulations, that will come before you in the near future, looking at what the county needs to do in the unincorporated area for illegal discharge. Make sure that someone isn't dumping material where they shouldn't be. Erosion prevention, to keep the runoff from happening. Outfall inspection, and that's referring to any place, a ditch, or any surface water enters another body of water, it needs to be inspected when it's dry. If there's some liquid there, it has to be tested to see where it's coming from and trace it down because it's back to the illegal discharge. We'll have to work with storm water permits and inspecting construction sites, or sand pits, or anything else that's out there that could potentially cause a problem. So we'll see more regulations on this and that's being generated by EPA and KDHE, and we have to meet their mandates. So any questions on water quality at this point? Or questions on any of the other items that I've been discussing?”

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

**Commissioner Parks** said, "Well, I have a few comments. Not in this one in particular, but most of the time, farmers get the blame for the weed killers and the nitrates in the river. However, I have observed some things the last month or so, and last week I observed the City of Wichita spraying weed killer within a hundred feet of the Arkansas River. Of course, they need to kill their weeds in their parks, I guess, but I thought it was a little close. Last week I observed a lawn company mulching by taking their mulched product and blowing it into the street with their little blowers, which goes down into the storm sewers and then you wonder why we have a drainage problems when it rains and these are plugged up. I did get pictures of that. I wasn't able to get a picture of the Wichita spraying because I didn't have a good place to stop."

**Commissioner Parks** continued, "Yesterday I just saw a broadcast spreader, a person at a residence that was out putting fertilizer, and I'm assuming it's nitrogen, on their lawn and they were going right out to the edge and a bunch of the granules were hitting in the street. In addition to that, we have 20,000 geese, according to KWAP [KDWP] (Kansas Department of Wildlife and Parks) in the City of Wichita depositing a quarter pound a day, which is about 5,000 pounds a day, if I'm figuring that right, into the, that eventually gets to the river. So there are a lot of different sources out there that, and you can comment on any one of those if you wish."

**Ms. Erlenwein** said, "Well I think education is an important part of all of the issues you just brought up so people know that they shouldn't be spreading the grass into the street and using fertilizers, or insecticides, inappropriately, or herbicides. So we need to work more on education and get the word out on what to do properly."

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

**Chairman Peterjohn** said, "Thank you. I am tempted to comment a little bit because when I moved to Kansas back in the 1970s, one of the refreshing parts of becoming a Kansan was I had lived back east and the air quality back there was truly challenging. And I've made trips overseas since that time, and being in foreign countries I've seen significant air quality pollution and Wichita is very, very blessed and fortunate that our air quality, I think, is among and much better than many other places here in the United States. And part of it's natural. It's a challenge because we've got a windier environment than a lot of other communities, but having seen industrial pollution of a significant sort, when I see we're talking about billions of a part, that is a sign of, from an air quality perspective, we are in much better shape than many other places in the world and I think it's an asset for this community."

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“Having said that, if we get unfunded mandates as more and more power goes to Washington and they send out edicts for the private sector and for local government, this is going to be a communitywide challenge. And whether it’s which part of the pollution question, whether we’re talking about storm water, whether we’re talking about air quality or waste disposal, I think it’s very important that we look at the long-term historic picture, because when people talk about how challenged air quality is in this country, I would invite them to go overseas where conditions are often much, much, much worse. I will entertain a motion to receive and, in fact, I’ll make the motion to receive and file.”

**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

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

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

**K. TRANSPORTATION SERVICES AGREEMENT WITH CITY OF WICHITA.**

**Mr. Chris Chronis**, Chief Financial Officer, greeted the Commissioners and said, “As most of you know, because you were on the Commission at the time, several years ago Sedgwick County entered into an agreement with Frontier Airlines to provide a revenue guarantee as an inducement for them to offer low fare service from Wichita to Denver and other western destinations through Denver. That agreement ended in July of last year and Frontier Airlines, at that time, did not request

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a renewal and so there is currently no contract. In the period since then, Frontier has been acquired by Republic Airlines and Republic's management has been going through an assessment of the economic results to the airline of the different markets that they serve and has concluded that they cannot continue service to and from Wichita without some form of additional revenue guarantee. They have discussed that with the Wichita Airport Authority, which in turn has discussed it with the City of Wichita and with us. We advised the Airport Authority and the City of Wichita that we did not think the county was in a financial position to be able, at the moment, to provide funding support for such an agreement. Nevertheless, the Airport Authority and the city believe that it is critical to this community and to its economy that Frontier be retained and so they have asked the county to proceed with a revenue guarantee agreement with the city and the state providing full funding for that agreement."

**Mr. Chronis** continued, "I am here today to ask for your approval of a transportation services agreement between the City of Wichita and Sedgwick County through which Sedgwick County agrees to enter into a revenue guarantee agreement with Frontier and the City of Wichita agrees to pay Sedgwick County the \$41,000 and change that is necessary to fund that agreement through June 30 of this year. After June 30, we will be in a new state fiscal year and we will have additional state funding, we expect to have additional state funding, for the agreement and we will be looking to the city for additional local support. But at this point, all that is before you is a transportation services agreement that would provide for the City of Wichita to provide the required local funding to Sedgwick County to enable us to enter into that agreement with Frontier. Within the next week or two, I expect to be back before you asking you to approve that revenue guarantee agreement between Sedgwick County and Frontier, and it will rely solely on the funding that is produced by this agreement that I am asking you to approve today and the state funding that has already been awarded to Sedgwick County. If there are no questions about that, then I would ask you to approve the agreements before you, and if there are questions, I'll be happy to try and answer them."

**Chairman Peterjohn** said, "Questions and the comments, Commissioner Parks."

**Commissioner Parks** said, "When did you say the other agreement is going to be brought before us?"

**Mr. Chronis** said, "The revenue guarantee agreement between Sedgwick County and Frontier is being drafted and negotiated right now. The city, because they are the funder, is taking the lead in those negotiations and I am expecting that we will be bringing it back to you in about two to three weeks."

**Commissioner Parks** said, "The reason I asked that, I didn't know what the legislature might do in their final couple of weeks of their legislature."

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**Mr. Chronis** said, “It is still uncertain, although we are pretty optimistic, whether or not the state and the legislature will agree to provide funding for the Kansas Affordable Airfares Program for the state’s 2011 fiscal year that begins July 1st. The funding that we are talking about right now is in part provided by the state’s 2010 budget and that has already been provided by the legislature and we have no concerns about that funding. It has already been awarded.”

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

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

**MOTION**

Commissioner Unruh moved to approve the Agreement.

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.”

**L. PRESENTATION OF QUARTERLY FINANCIAL REPORT FOR THE PERIOD ENDING MARCH 31, 2010.**

**VISUAL PRESENTATION**

**Mr. Chronis** said, “At the end of each calendar quarter, we produce for you, and for our citizens, a financial report showing the status of county finances as of the end of the prior quarter. And I am here today to discuss the Quarterly Financial Report that has been produced for the period ending March the 31st. We have provided each of you with a copy of this document, which is the Quarterly Financial Report. It has been posted on the county’s website on the Finance division pages as well for any citizen that might wish to see it online, and if anybody wants a hard copy of it, they can get

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that by calling us and we'll be happy to send it to them. As always, the hard work that is done in Finance is done by somebody else and I just get to stand up here and take credit for it. In this case, that work, the work of producing this report, has been done by Anne Smarsh, our Accounting Director, and within her department by Sara Jantz, Brandi Baily, Pam Kelly, Daniela Rivas, Ginger Radley and probably some others who I'm not naming, but these are the principal players in this exercise. The report also has had significant participation by David Miller, the county's Budget Director, and within his department by Chris Duncan, Pete Giroux, Jill Tinsley, Nikki Huntington and Anthony Swartzendruber."

**Mr. Chronis** continued, "And the presentation that I am about to give you has been produced primarily, as it always is, by the county's Deputy Chief Financial Officer, Troy Bruun. Each of them does a terrific job. I don't think citizens recognize just how fortunate they are to have such a highly skilled financial staff. I certainly know how fortunate they are and how fortunate I am to work with them and take credit for their work. The presentation that I am going to give you today will have some differences from what you're accustomed to seeing because, in fact, we are starting to see some things in the county's finances and in the local economy that are causing us to look at the county's financial condition a little bit differently than we have in the past. And so you will see some information that looks very similar in this presentation, you will see some information that is substantially different than anything that you've seen before.

"I want to start today with this slide, which you are accustomed to seeing near the end of the presentation. What we are showing here is the county's unreserved fund balance. If you will, this is the ultimate measure of the county's fiscal performance. It is our net worth, if you will, to the extent that that net worth isn't obligated to cover some contingency. We ended the first quarter of the year with a general fund, unreserved fund balance, of \$86 million. The red dot on this, on each of these bars, identifies the minimum target that we have established by county policy for unreserved fund balances in each of these funds or funds groups. The general fund, which is the major operating fund of the county, has a targeted unreserved fund balance of \$37 million. So we have been, and we continue to be, well over that minimum target. In fact, at the end of the first quarter, we were \$49 million over the minimum target that we've established by policy.

"The question that we all have to consider is whether or not we're going to be able to stay above that minimum? We know that we are currently in the process of drawing down fund balances. The economic downturn has caused us to have to dip into the county's rainy day reserves. And when we talk about rainy day reserves, what we really are talking about is this excess unreserved fund balance. So our job as financial managers is to try and manage the rate at which we deplete this unreserved fund balance so that it doesn't get below that red dot on each of these charts. And I'm going to spend most of the rest of this discussion talking about actions that will have some effect on our ability to do that. Now, what I've just said kind of leads to a suspicion that this is not going to be a good report. In fact, it is a pretty good report. What you see on this slide is the change in

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unreserved fund balance on a year-to-year basis for the past three years. In the general fund, we actually increased our unreserved fund balance in the first quarter of this year as compared to the first quarter of last year. We currently stand at about \$86 million. A year ago, we were \$83.2 million; an increase of almost \$3 million. For the year, we are projecting that we will draw down general fund balance, that is, we will end the year with an unreserved fund balance in the general fund less than we started this year with. And that's what we're trying to manage."

"You see that in a couple of cases, debt service in the middle of the page, and especially the enterprise group of funds in the middle of the page, fund balance has dropped as compared to a year previously. In the case of the enterprise funds, it has dropped precipitously. That, in both cases, is a function of our planned financial activity. In the case of the enterprise funds, it is the result of arena construction activity. A year ago we were in the midst of arena construction; we had completed collection of the Arena Sales Tax that funded that construction so our fund balances in the enterprise funds were very high. We had all that sales tax cash, Arena Sales Tax cash that we had collected but not yet spent. Now, a year later, we have spent most of it. And so those fund balances, unreserved fund balances, have disappeared. We are now down to essentially the O&M (operations and maintenance) reserve that we've talked about for the arena fund as being the fund balance in the enterprise funds.

"We have talked to you before about different kinds of stratification of the county's financial system. We talked to you about the general fund; we talked to you about operating funds, governmental funds, enterprise funds. What you're looking at, and there's a reason that we do that, and I'll do some more of that today, but I thought it might be useful to begin by looking at the total county financial system. This chart shows everything that the county takes in and everything that the county spends, regardless of the source of the revenue or the purpose of the expense. For the first quarter of this year, total county-wide revenues decreased 9.9 percent, almost 10 percent. That's not something that we want to see. The saving grace is that expenditures, total county expenditures, decreased 16.6 percent in that same period of time. And so the economy has hit us significantly, but we have managed that, in part, by taking actions on the spending side. So our total spending is actually decreasing at a faster rate than our total revenue.

"Now, let's look at some of the individual revenues and expenditures that make up those declines. First, let's talk about revenues. What I've shown you on this chart are 10 single revenues of the hundreds of revenues that we collect. And I'm showing you these 10 because they constitute what I refer to as the county's key revenues. These 10 single revenue sources comprise about two thirds of the total amount of revenue that the county collects, so what happens with these 10 drives the government. What you see on this chart is that 8 of the 10 have declined, and most of the declines have been pretty significant in the first quarter of this year as compared to first quarter of last year. For property taxes, in the first quarter of this year, as compared to first quarter of last year, we've seen a reduction in the amount of property tax revenue the county has collected of 1.2 percent. That

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equates to just under a million dollars. In the first quarter of this year, we collected \$78 million of property tax. That reduction in property tax is a function partly of the reduction in mill levy that we imposed for this fiscal year, but more significantly, it's a function of an increase in delinquencies that we are starting to see."

**Mr. Chronis** continued, "I've told you in prior presentations that we had not yet experienced any kind of a significant downturn in the collection rate of property taxes. Well, starting with the first half payments that were due December 20th to the county Treasurer and distributed, the county's share distributed to us in January, we have started to see an impact in collection rates for property taxes. In fact, the delinquency rate on first half collections for Sedgwick County was 5.7 percent. The norm, and what we've programmed into our budget, was a delinquency rate of 4 percent. That 1.7 percent spread between what we are used to, and what we've budgeted and what we actually experienced in the first half equates to just about that million dollars of reduction in the total amount of property tax revenue. Now, that's only first half. Will it continue through the second half or are we seeing a situation where people have simply delayed payment of their first half taxes knowing that they're going to get dinged with a little bit of interest but they don't become delinquent from a legal perspective until after the second half taxes come due? And so will we catch up with second half payment? We don't know that yet. So it's difficult to draw any conclusions yet. All we know is that the experience thus far in the year is causing some heartburn; it's causing us to want to be pretty cautious.

"Sales and use tax is something that we spend a lot of time talking about, and it's, in fact, one of the revenues that we have that is most reliant on local economic conditions. Our sales and use taxes for the first quarter of this year are 9 percent less than same period of a year ago. That 9 percent reduction is \$560,000. We collected \$560,000 less sales tax in the first quarter of this year than we did in the first quarter of last year. Again, that's a function of the downturn in the economy. What we are looking at here in the first quarter is principally sales taxes that were collected at local cash registers in the Christmas season; November and December. And so what it suggests is that, and something that the retailers in the community already know, that retail sales last Christmas season weren't as good locally as we might have read about nationally. Now, we know historically that Sedgwick County's economy lags the national economy by anywhere from 6 to 18 months, depending on what indicator we're looking at. Will this turn around before the end of this year? We think probably it will. We don't expect to see any growth in sales taxes for 2010 compared to the prior year, but we don't think we're going to end the year with a 9 percent reduction either. We think that this is going to improve as the year passes."

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“State revenue from SRS (Social and Rehabilitation Services), in the middle of the page, is down 33 percent compared to a year previously. That’s a function of the struggles that the state is going through in balancing its budget and dealing with its revenue shortfalls. This revenue primarily funds the county’s social service programs through the Human Services Department, and the 33 percent reduction for the first quarter equates to a million dollar shortfall in that revenue source. Drop down to the bottom of the page; investment income. We’ve talked to you about in prior presentations and it’s really starting to come home to roost now. First quarter of this year, investment income was 57 percent less than first quarter of last year. That’s a function of the arena project; again, a year ago, we had a whole bunch of sales tax that was dedicated to arena construction. We hadn’t paid arena bills, so we had that money invested. Our investment portfolio a year ago was about \$75 million higher than it is today, in part because of the arena activity. At the same time, investment rates, the returns that we get on our investments, have been dropping for a couple of years and continue to drop. And the combination of those two things means that, in the first quarter of this year, our total investment income was \$1.1 million; \$1.5 million less than it was in the first quarter of last year. So lots of things for us to be concerned about on the revenue side of the ledger.

“On expenditures, I said that our saving grace in looking at total county expenditures is that expenditures have decreased even more than revenues, but it’s a more mixed picture that we see when we look at expenditures, and that’s kind of what you would expect. What you see on this page are a series of expenditures, 12 individual line items of the 500 or 600 line items that we track. These 12 are important for the same reason that those 10 revenues were important. They are the predominant sources of county fiscal activity. Or in a couple of cases where the actual expenditure isn’t very much, they are a good monitor for us to use in identifying areas where we need to be cautious about county activity. These 12 expenditures accounted for \$58 million of cost in the first quarter of this year. That is 46 percent of all spending that the county undertook in that quarter.

“Salaries, the very top row, is the biggest expenditure that we undertake, and it has increased 2.7 percent year over year. In the first quarter of this year, we spent about \$900,000 more on salaries than we spent a year ago. Employee health and life, the next one, increased 12.6 percent. That’s about \$700,000 more than we spent a year ago. That’s a function of the utilization of our health plan by our employees and the premiums that were charged by our insurer. Drop down a couple of rows, out of personnel services, or right at the bottom of personnel services, overtime costs, something that can be managed and we have been managing it. During the first quarter of this year, overtime expenses decreased 18 percent compared to a year previously. Grant awards are moneys that we provide primarily to nonprofit organizations in the community to provide services on behalf of

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Sedgwick County government. Grant awards decreased 12 percent in the first quarter of this year; \$600,000.”

**Mr. Chronis** continued, “Drop down towards the bottom of the page, bond interest costs increased significantly; 44 percent over the first quarter a year ago. That increase is \$1.6 million. That is a function of NCAT, the National Center for Aviation Training at Jabara Airport. We sold the bonds for that facility late in 2008. In 2009, in the first quarter, we did not have an interest payment on that debt. In fact, last year we only had one interest payment on that debt. This year, we have two interest payments on that debt, and one of them happened in the first quarter of this year, and so that’s what’s driving that increase. Finally, infrastructure construction, at the very bottom of the chart, down 92 percent from a year ago. This year we spent a million dollars on infrastructure construction in the first quarter. Last year we spent \$9 million on infrastructure construction. Again, the arena activity taking place last year, now the arena is virtually complete, and so that activity primarily is what has allowed the county’s expenditures to drop in the first quarter of this year at a greater rate than county revenues have dropped.

“The problem is that infrastructure is a non-operating cost. In fact, when we separate, or segment, those total revenues and total expenditures that I mentioned at the outset into non-operating and operating categories, we get a somewhat different picture, and that’s what I’m doing on this slide. Non-operating funds, principally the arena, significantly down both in revenues and expenditures. Operating funds, the recurring county activity that represents the services that we provide and the moneys that we use to pay for those services, the operating revenues decreased in the first quarter of this year by 5 percent. The operating expenditures increased by 4 percent. If you just look at the percentages, you think, well we’re in a world of hurt. In fact, it’s not as bad as just looking at the percentages suggest when you look at the actual dollars; you come to a somewhat different conclusion. Total operating revenue in the first quarter of this year was \$133 million. Total operating expenditure in the first quarter of this year was \$98 million. So revenues were significantly higher than expenditures in the first quarter of the year.

“The rate of change for revenues is down, the rate of change for expenditures is up, and that’s something that we want to pay attention to, and it’s something that we want to make sure we’ve got good controls on, but the absolute amounts of revenue continue to be substantially higher than the absolute amounts of expenditure through the first quarter of this year. That’s entirely normal. Think about it. The largest single revenue source that we have is property taxes. We principally receive property tax payments, property tax distributions, twice a year; once in January, the first quarter, and once in June, at the end of the second quarter. We have already, through the first quarter of this year, received more than half of all of the property tax revenue that we will receive for the entire year. So we would expect to see total revenues considerably higher than total expenditures.”

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“Now, this is a chart that we have shown you in previous presentations, or similar to a chart that we’ve shown you in previous presentations. What we’re looking at here is just the operating funds again; we’re not talking about the arena or any of the other non-operating activity of the county. In 2010, our operating expenditures for the first quarter of the year, not including transfers, was \$91.4 million; up from \$84.6 million a year previously. That \$91.4 million through 25 percent of the year represents 23 percent of the budget for the year. And you can see, looking at the other blue bars on here, that we normally run between 20 and 25 percent of budget in our spending in the first quarter. On the revenue side, at the bottom of the page, our operating revenue for the first quarter of 2010 was \$132.5 million; down from \$139.2 million a year previously; 35.5 percent of the budgeted revenues for 2010. And, again, you can see that while the percentage of budget is somewhat lower than it has been in years past, we consistently run somewhere between 35 and 40 percent of budget in the first quarter of the year with the revenues that we collect for our operating revenues that we collect. And so that’s what’s happened again this year.

“Looking at only the operating revenues, and I’m not going to spend a lot of time dwelling on this chart because I’ve talked about it before in the total revenues, but again, you can see here some of the trends that we’ve talked about previously. The yellow bar on each of these segments represents 2010 first quarter revenue. The blue bar in the middle of each segment represents 2009 first quarter. The green bars represent 2008 first quarter. You can see that pretty much across the board first quarter revenues are less this year than they were a year ago. On the spending side, again, a very similar picture to the one that I showed you for all funds activity. Personnel, costs and here we’re not talking just about salaries, or health costs, or overtime, we’re talking about all personnel costs, all personnel costs increased 4 percent year over year, from first quarter 2010 to first quarter of 2009. Contractual services increased 12, almost 13 percent year over year. That’s the electric bill that we pay. It’s those grants that we give to nonprofits that actually went down. The electric bill went up. And you can see that total contractual services continues to rise.

“One of the things that we started to pay a lot of attention to in the Finance division, and that you’ve not seen before this presentation, is what looks to me like a pretty fundamental change in the county’s financial activity. If we look at the period of 2004 through 2007, what we saw, and what we worked to achieve, was a similar growth pattern for revenues and expenditures. In some years, revenues increased more than expenditures. In other years, expenditures increased more than revenues, but overall, revenues and expenditures were on a similar trajectory for that period of time. What has happened in the last three years? Well, that trajectory has gone away and now we’ve got revenues and expenditures on diametrically opposite trajectories. You can see from the chart, since 2008, our revenues have decreased consistently. Our expenditures have increased consistently. That is not a picture of a sustainable financial operation, and it’s something that we’re going to have to address in the fairly near future, I believe.”

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**Mr. Chronis** continued, “Now, I’ve talked about the total county financial system, all funds. I’ve talked about the operating funds within that financial system, separated out from the non-operating funds. Now I want to spend just a minute or two talking about the general fund, which is one, and only one, of the operating funds, but it is the most important operating fund. As you know, it’s the largest fund in the county’s financial system. It’s where most of our activity takes place. And once again, we see a little bit different picture looking at the general fund than we saw looking at the operating funds, and again, that picture was a little bit different than the total county system. If we look just at the general fund, in the first quarter of this year, the county revenues were down 1.6 percent. County expenditures in the general fund were up 0.9 percent, just under 1 percent. Once again, we’re talking here about percentages, not absolute values.

“The revenue, the total amount of revenue that the county collected in the general fund, in the first quarter of the year, was \$72.2 million. That’s \$1.1 million less than we collected a year ago. The total county spending in the first quarter of the year in the general fund was \$46.7 million. That’s \$400,000 more than we spent a year ago. The important point, when you look at the total values, the important point, once again, is that total revenue is substantially greater than total spending in the first quarter of this year. And that’s exactly what we want to see, it’s what we expect to see. But the trend, this rate of change that’s deviating, the revenues from expenditures, is a factor that we think we need to start paying some attention to.

“Now, because revenues increased more than expenditures, or we received more than revenue than expenditure, the total fund balance in the first quarter increased. What you see on this chart is not the unreserved fund balance, but rather the total general fund, fund balance by quarter, going back to 2006. And I’ve shown you this chart in prior presentations to remind you of the county’s cash flow cycle and the fact that fund balance is expected to go up and down as the year passes. In fact, the red numbers on this chart highlight the first quarter of each year, going back to 2006. And you can see that the total fund balance of the general fund increased from the first quarter of 2009 when it was \$92 million to the first quarter of this year when it’s \$93 million. I said it before and I will say it again, this is not what we expect to see at the end of year. Our budget, our financial plan, which represents what we think will actually happen, as opposed to what’s budgeted, each call for a reduction of general fund, fund balance this year. We have programmed a draw on the county’s rainy day reserve because we’ve known that the economic downturn is going to hit county revenues but we’re going to need to continue providing services. So we have planned this year to pay for those services with fund balance.”

“First quarter of this year, we continue to be in good shape. It’s going to be very important that as the year passes, we monitor this very closely and make sure that the draw on fund balance is not

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much greater than what we've programmed, because to the extent that it exceeds the rate that we've programmed, it means that we run out of fund balance at some point out in future years and that's when we're looking at serious tax increases and that's something that no one wants us to look at.

"Now, very quickly, I want to just highlight some of the significant capital projects that the county has had under way and the activity on those projects as of the end of the first quarter. What you see on this chart is principally capital projects that are carryovers from prior fiscal years. All of these projects were budgeted in a prior year and the projects continue into this year. Intrust Bank Arena, as you know, is a \$205.5 million project. It is now essentially, but not entirely, complete. NCAT, the National Center for Aviation Training, is a \$48 million project. It is now nearing completion. We expect to open the doors on the second phase and final phase of the facility late summer of this year. We've got two stations, in the fire station relocation plan, that total five stations that continue to be in progress. One of those, Fire Station 39, is nearly complete, virtually complete. The final station, 35, has been awarded and we are just about ready to award a notice to proceed to the contractor. The Forensic Science Center expansion has been essentially completed by now.

"And finally, the highway preventive maintenance budget, one that's near and dear to David Spears' heart. What you're seeing here is the 2010 budget of \$6.3 million; 68 percent of that 2010 budget for highway preventive maintenance already has been committed, so that program is well under way to completion. One thing that's remarkable about this chart, I think, is something that really isn't stated on the chart. You see here a total of \$267 million worth of projects and you know that that \$267 million, these few projects represent the preponderance of all capital project activity that the county is undertaking and has undertaken for the past several years; 80 percent of what you see on this page has been funded and will be funded with cash. Only 20 percent of this activity has been funded with bond proceeds, with debt issued by Sedgwick County.

"There are a series of new projects that have been funded as of the start of 2010 and you see them in the body of the quarterly financial report and they will start to show up on this slide as we begin to undertake activity on them. But among the more important projects, more significant projects, that are funded in 2010 are the infrastructure for the Heartland Preparedness Center, which is \$1.7 million, additional funding for the repairs of the levies, a part of the FEMA (Federal Emergency Management Agency) certification program. We provided an additional million dollars this year on top of the \$4 million that we have provided in prior years. The reconstruction of 135th Street West between US-54, or Kellogg, and K-42 to the south. That's a \$4.9 million project."

**Mr. Chronis** continued, "And finally, a significant project is the entrance and visitation areas of the Adult Detention Facility, the county jail, which has \$2.8 million budgeted for those improvements in 2010. Of those four projects, the jail entrance project and a small portion of the 135th Street West project are funded with debt. Everything else, including some of 135th Street, is funded with cash.

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So, again, despite the revenue shortfalls that we've got, we continue to make sure that we are funding our major capital investments principally with cash rather than with debt that causes the county to have to incur interest costs.

"Now, a couple of slides that you've seen before about the county's investment program. As of the end of the first quarter of the year, the county's investments totaled \$272 million. I said already that that is about \$75 million less than we had a year ago, so the size of the portfolio is decreasing. The composition of the portfolio, which is what you see on this pie chart, is about the same. That is the percentage shares that we have divided the portfolio up into continue to be about the same. We get the best return coupled with safety on the investment by investing in federal agency securities, and so always that's where most of our money is invested. We always have a relatively small amount of money invested in certificates of deposit with local banks. Again, you see now about 10 percent of our portfolio is invested with local banks and certificates of deposits. You see some investments in money market funds; that's principally construction funding that we know we're going to need in a fairly short period of time on a predictable cycle, and so we've invested in a money market fund so that we can draw it down as we need it to pay those bills.

"The investment portfolio is indicated on this chart by the green bars. And again, you see the general slope of the bars in the past year or two has started to drop for any given quarter. The blue line represents the weighted average return on investments that the county received each quarter. In the first quarter of this year, our return on investment was 0.8 percent. That sounds terrible, but it's really not so bad when you look at the red line, which is the benchmark that we measure ourselves against. The county investment policy, and the state law that guides that policy, require investments of our public funds to be fairly short in cycle. And so because we can't invest out for long periods of time, we can't take advantage of investments that pay a high yield. The benchmark that we look at, the one year T-Bill (Treasury Bill), is at less than one half of one percent. So as low as our rate of return is, it still is about 60 percent above the benchmark that we compare ourselves against.

"So that takes us through the financial summary of this presentation. What does it tell us? Well, it really gives us a series of mixed signals. The county-wide numbers that we looked at would cause us to reach a very different conclusion about the state of county finances than the operating fund totals, or the general fund totals, when we look only at those. So it's very important in coming to some conclusions about the state of county finances that we understand what we're looking at and what were not looking at. What's not included in what we're looking at."

"Our overall financial position, I think, continues to be strong, but what we're starting to see in the first quarter of this year is that it is starting to weaken. We are starting to draw on fund balances. That is the increase from year to year in the first quarter of this year is not as great as we thought it was going to be and it's not as great as it's been in prior years. That's a function of our expenditure activity growing generally about as we planned it to grow, but our revenues are down in the first

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quarter of this year more than we anticipated they would be down, and that's a function of the economy. The other thing that I think this picture shows us is that our recent trends have to be addressed. They are not sustainable. We cannot have long-term financial viability if we continued to have a consistent picture of revenue decline and expenditure growth. Sooner or later it's going to catch up to us. We have to make sure that we make prudent decisions about spending and prudent decisions about revenues, and we need to make sure that any additions to spending that we authorize be matched by either new revenues or by cuts to other planned spending. And that's something that we have not been paying, I think, enough attention to over the past year or two, and it's something that within the administration we're going to start paying a lot of attention to.

“Bottom line is that we have a financial plan that identifies what we think the county's finances will look like over a five or six year period, and that financial plan shows that if nothing changes we're going to be drawing down fund balances over the next several years, but we're going to be doing that at rates that are sustainable. That is, we built up those fund balances in the first part of this decade, during the good times, knowing that bad times were going to come sooner or later and we'd have to start drawing on those balances. We're in that period now. And the financial plan says that it's okay for us to draw on those fund balances as long as we do it at a measured pace. We need to make sure that we stick to that plan.

“What you will start to hear about in the next couple of weeks is a plan of attack that the administration intends to develop that will attempt to address that kind of an imbalance between revenue growth and expenditure reduction. In the next two weeks, I'm expecting, based on the conversations I've had with the County Manager, that we will develop and implement a corrective action plan. And before we implement that plan, we will be visiting with each of you to discuss it. But I think it's important that we take some proactive steps to address what is a budding problem, but that we not overreact, because, again, if you drill down from total county financial system to operating funds, the picture gets a little bit better. When you drill down to the general fund, it gets even better. We need to take some action, but we need not to overreact.”

**Mr. Chronis** continued, “Now, I just said that we need to stick to the financial plan, and in fact, there are a number of things that are being discussed in the community, or in Topeka, that could have an effect on the county's financial. And you've seen this slide before; it's unchanged from the last quarterly presentation that I gave you. We have implemented a series of inmate reduction programs, we continue to work on those programs, and I think the next time you see this slide, instead of inmate reduction programs, it will be captioned inmate management programs. Because I think we are, as a government, my sense is that we are coming fairly close to a conclusion that

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we've done about all we can on inmate reduction programs to deal with the problem and we are approaching the point where we're going to need to start thinking once again about whether or not we need to find some way to expand the space that we have to house prisoners, and so we'll be dealing with inmate management programs in some form or other in the near future.

“Workforce development programs are a function of NCAT, the county's decision several years ago to provide annual operating support to WATC (Wichita Area Technical College) and the significant amount of layoffs that have happened in this community over the past couple of years that require some of our workers to require some retraining. And the county has been asked, and will continue to be asked, to contribute to those programs to a greater extent than it currently is. The KPERS (Kansas Public Employees Retirement System) pension system has been in the news recently. We've talked about it for the past several years in this room. Sooner or later, the legislature is going to have to address the problem of the shortfall in KPERS funding. As long as they ignore that problem, we don't have any budget problems. What we have instead is a seriously unfunded pension system for our employees. That's a bad thing. When the legislature gets around to addressing that problem, it will mean increased pension contributions by employers and employees. There will be a budget hit on Sedgwick County and on its taxpayers sooner or later to address this problem. It's absolutely necessary.

“I want to spend some time this presentation, as I have in past presentations, talking at greater length about economic conditions, which have a future financial impact, and about the state's budget and decisions that are being made in Topeka about that budget. First, a series of economic indicators that in some manner influence the county's revenues and expenditures. You've seen this chart for the past year or year and a half in these quarterly presentations. What you haven't seen in this chart is the question mark at the end of the caption at the top of the page. We have been saying for at least six or nine months that everything that we were seeing suggested that foreclosure activity in this community peaked in 2008.”

“In fact, if you look in this slide, roughly the middle of the slide, the period from May through December of 2008 there was a spike in the number of foreclosures completed in Sedgwick County, and we've not approached that spike since then. But in the first three quarters of 2010, the number of foreclosures in Sedgwick County was 265. The number of foreclosures in the first quarter of 2009, a year ago, was 242. So we're still not back up to the peak of 2008, but we may be starting to see some increases again, and that's something that we need to be very cautious about and very responsive to.

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“Construction activity we measure, in part by this chart, which identifies the number of construction permits issued in the City of Wichita. Again, what I’ve said to you in the past several quarterly presentations is that this chart was showing us that construction activity was starting to rebound. This quarter, I’ve added a question mark to the end of the caption, because, once again, first three months of this year, actually the first two months of this year, this only runs through February, the first two months of this year, the data is a little bit more questionable. We’re not seeing the clear improvement over the prior year that we had been seeing. We continue to be well above the absolute reductions that we saw back in 2008, but we don’t know if what we saw was a momentary retrenchment in the downturn, if you will, and now we are in a second minor downturn. We don’t know that. But the data suggests that that might be the case. And so, again, we need to continue to be cautious.

“We also look at the value of that construction activity, and on this chart, I noticed this morning that we neglected to put a legend on here; the red bar shows the value of new construction, the blue segments show the value of rehabilitation and remodeling work. The value of construction activity in the past couple of months has bounced up and down, similar to what we’re starting to see with permit issuance. We’re not seeing a consistent trend here, either of continued decline; that’s a good thing, but we’re not seeing a consistent trend of growth, which we would want to see in a good solid recovery. Employment in Sedgwick County continues to lag. What you see here is that in 2008, in the summer, we reached a peak in Sedgwick County employment at about 312,000 jobs. Then in August and September of 2008, the banking crash hit us. And then starting in November or December of 2008, local companies started serious layoffs, and so employment started to plummet. It has continued to drop ever since then, with some minor seasonal increases. We currently stand at 283,000 jobs in this community, down from that peak of 312,000. We suspect that employment is going to continue to plot along at about that level for the foreseeable future, and in my terms, foreseeable future is probably 12 to 18 months.”

**Mr. Chronis** continued, “The unemployment rate, which is the blue line laid on employment in this chart, shows that we peaked last July, which is what we’ve been saying, a little over 10 percent is where our unemployment peaked. Since then, it has dropped. And for the past several months, it has been bouncing around 8 percent, and it continues to be roughly 8 percent. No further decline. But the obvious question is, well, if jobs are decreasing, how can the unemployment rate also be decreasing? The answer is that some people who used to be looking for jobs when there were jobs to find, have stopped looking for jobs. And the unemployment rate is a measurement of people in the labor force, people who are either working or actively looking for work. Once somebody stops actively looking for work, they drop off of this chart. As far as the economists are concerned,

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they're not unemployed. They continue to be an issue in this community, however, and that's another reason why I say we need to continue to be very cautious about our financial decisions.

“Our layoff activity, you've seen this chart many times in the past, our layoff activity approached 3,000 a month about this time last year when the aviation companies were going through their major layoffs. There has been considerable decline in the number of layoffs each month, or average number of layoffs per month, since then. But we continue to see a relatively few number of layoffs each and every month. And as you can see from this chart, which comes from the Workforce Alliance, we expect, based on the conversations that they've had with local employers, that layoffs at a fairly low level will continue at least for the next several months, if not beyond that.

“So what conclusions can we draw from the economic statistics? Well, it's no secret to anybody that the local economy is down, but the good news, I think, is that the impact of that downturn has been fairly muted on Sedgwick County finances so far. Unemployment appears to have peaked, but the recovery is going to be slow. It's going to be a long time before we get back to 312,000 jobs in this community. One result of the economic downturn on Sedgwick County has been stagnant revenue, essentially flat revenue in our major operating funds. The good news, such as it is, is that unlike so many other communities that we read about in the national press, we didn't have a cliff that we fell off of. We didn't reach a point where our government was faced with significant numbers of layoffs, and significant numbers of service cutbacks and significant impacts on our constituents. You've read the same headlines pretty much weekly as I've read for the past two years, showing those kind of results in communities across this nation. You haven't seen those for Sedgwick County government. In part because the impact of the local economy on Sedgwick County finances has been muted, and in part because we have managed our finances somewhat differently than many other governments have managed theirs, and so we had reserves that we could draw on.”

“Another result of the economy has been that we have seen increased demand for a few county services, and it's an oddity that people who don't work in government sometimes have difficulty getting their arms around. But the fact of the matter is that government is in the service business and we provide services to the people in the community who can't get those services anywhere else but government. And in an economic downturn, the revenues that come in to government frequently are going down at the same time that the constituents who are affected by that economy are needing more of those services. And so, we are seeing increased demand for Sedgwick County to provide workforce development services, retraining of all those laid off workers. We are seeing increased demand for mental health services by the emotional stresses created by the economic downturn.

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We're seeing increased demand to provide aging services to an elderly population that two years ago, before the crash, thought they were going to be able to survive on their pension and on their investments. Since then, their investments have gone into the toilet, and that's a technical term. As the Manager likes to say, his 457k has turned into a 257k. That has happened throughout this community and so people who, two years ago, didn't need aging services provided by Sedgwick County now are coming to us saying they need those services.

"We are seeing an increase in the people receiving primary healthcare from the Sedgwick County Health Department. Two years ago, those people could afford to go to their local physician. They were employed; their employer provided health insurance; they didn't need us. Now they're unemployed; they need us. We're seeing, also, increases in certain kinds of law enforcement. When people lose their jobs, they get stressed. When they get stressed, they take it out on their spouse, or their kid, or they engage in petty theft because they can't afford to buy the hot dog anymore, so they steal it. We're starting to see increases in law enforcement activity driven by the downturn in the economy.

"Now, I've talked about this phenomenon over a number of these quarterly presentations, but I've never really given you any statistics, and I thought it might be useful to put some flesh on these bones. Looking just mental health counseling, in 2009, the number of intakes per month increased over 2008's average monthly intakes by 11 percent. In the first quarter of this year, the total number of intakes in that three month period increased again over the first quarter of last year by another 15 percent. We are now seeing, or dealing with, on average about 265 intakes per month. In 2008, we were dealing with about 214 intakes per month in our mental health crisis facility. The number of medical evaluations that our COMCARE staff is either providing or arranging for their clients, or for people who newly need service. The average monthly number of medical evaluations increased between 2008 and 2009 by 22 percent. The number of medical evaluations in the first quarter of 2010 increased another 27 percent on top of that 2009 number."

**Mr. Chronis** continued, "So, we are facing a phenomenon of COMCARE having to deal with less revenue in some cases because of county actions, because of state actions, because of people losing their insurance, but having a whole lot more people coming into their door saying, I need service. And it's COMCARE's job not to say, no, we don't have any money. We can't provide that service. It's COMCARE's job to provide that service, and we expect them to do that. And so you have seen in recent weeks, and I expect you will continue to see in the coming weeks and months, COMCARE and other programs in Sedgwick County coming before you with stories just like this one saying that despite the downturn, they need more money to provide more service because your constituents are demanding those services.

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“Now the state budget is having an effect on us. And the state of course runs on a different fiscal year than we do. What you’re looking at here are budget reductions that Sedgwick County suffered because of the state’s 2010 budget. That is the budget that we are in right now and that will expire for the state June the 30th of this year. We took \$7.5 million of reductions in funding for the various programs and reasons that you see outlined on this page. In the Governor’s 2011 budget proposal, on top of that cut that we’ve already taken, he proposed Sedgwick County would experience another \$8 million of reduction in funding for the programs that you see here. Now that’s the Governor’s proposal, and you all know that the Governor’s proposal is not the state budget. In fact, there’s a Governor’s proposal, there is a Senate proposal that’s different from the Governor’s proposal, and there’s a House budget that’s different from the Senate’s budget and different from the Governor’s proposal. We don’t know yet what budget the state is going to adopt. We don’t know yet whether the impact on Sedgwick County starting July 1st is going to be \$8 million, or more than \$8 million, or less than \$8 million.

“All we know is that there has been an impact of state actions on Sedgwick County’s financial condition, and there will continue to be an impact. We know that there will be service cuts and they will hurt somebody. The question that you are going to need to deal with is who gets hurt? Is it the county residents who receive those services that we have traditionally provided with funding that was delivered to us from Topeka, or is it going to be the county’s financial condition, because we decide that we are going to continue providing those services that our constituents so desperately need despite the fact that the state is no longer paying for some of them.”

“So, in summary, and it’s taken a long time but I’m finally there. Our financial condition remains strong. There is something of a mixed picture, however. Local economic indicators show us some signs of an improvement, some signs of deterioration, and so the impact on county finances is a little bit unclear at this point. We’re taking an educated guess at what those impacts will be. The state budget is in a state of flux. We don’t know yet what budget the state is going to adopt and we don’t know yet what effects that budget is going to have on Sedgwick County, but we know it’s going to have some and we know that those effects are going to cause us to have to make some very difficult decisions locally.

“So, in conclusion, the point that I would leave you with, is that Sedgwick County needs to make decisions about county finances, about county services, about resource allocation in a manner that closely sticks to the financial plan, or that is financial plan neutral. That is, if we decide that we

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need to do something that wasn't in the financial plan, and there are lots of good reasons why we might do that, we need to make sure that we offset that increase, that unanticipated increase in spending, either with some additional revenue or with some reduction of spending that we had planned on making. If we fail to do that, we will hasten the depletion of those currently healthy fund balances, and we will hasten the day when I have to stand before you and say it's necessary to raise property taxes. I don't want to do that. You don't want me to do that. And so, we need to stick to the knitting here for the next year or so. I will be happy to answer any questions that you have about this presentation. If you have none, then I would recommend that you receive and file."

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

**Commissioner Welshimer** said, "Well one of the first things I want to respond to, when you were talking about inmate reduction and saying that we've done all we can, I hope that's not the attitude of staff and Commissioners. We have definitely not done all we can, and one of the fears I have is that now that JCI (Justice Concepts, Inc.) is gone, that we're going to fall back into business as usual. There is so much potential there. I feel certain that there are many different things that we can do. If we continue on with the things we've learned, that we can have a lot more savings than what we've seen so far. So far in our Pretrial Services situation, we've had an additional 70 people put into pretrial that are not taking up space in the jail, and that has saved us a half a million dollars since that program began with the city. And that should grow as it goes along, that should save us \$1.3 million by the end of 12 months, and I'd like to see a separate report just on how we're doing in jail population management, a separate financial report that we can look at quarterly, like we're doing this."

**Commissioner Welshimer** continued, "The other thing is, we're talking about losing jobs. I think we're the only board, elected officials in this county, that are in a position right now to do anything about creating jobs and we just simply haven't been doing it. We've got a Coliseum site sitting up there. It has high potential for jobs, new types of income, new types of jobs; construction, all of that. It's shovel ready and it's sitting there going to waste. I think we should get back to the table on that issue and see what we can do. If we got busy and we created jobs up there, or anywhere else, and then we'd have a reduction in foreclosures, and we'd have new construction, and new property tax and we'd have increases in sales tax. So, I'm just not happy to sit here, and do nothing and listen to this future that you've presented to us, and I'm just asking the Commissioners now that we need to take some action."

**Chairman Peterjohn** said, "Further comments and questions? I've got, Mr. Chronis, several, let me begin, kind of couple of technical ones. On slide 11 from your presentation, where you showed

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the percentage change year over year, is that for the general fund, or is that for all funds, or some other fund?"

**Mr. Chronis** said, "This is the operating funds. Remember, I gave you..."

**Chairman Peterjohn** said, "For all operating funds?"

**Mr. Chronis** said, "For operating funds, yes."

**Chairman Peterjohn** said, "Okay. Thank you. Looking at the unemployment data, one of the things that I thought was very interesting was what you pointed out with the reduction in the number of jobs, and I was looking at the cumulative effects on unemployment and the fact we've had people leaving the workforce, and if you factored those people in, the unemployment number would be higher. You talked about the foreseeable future from your end being 12 to 18 months, as you see it, in terms of the financial plan when we're talking about working it through, how long do we have on our current trajectory? And I know this is a difficult question because we don't know what the state is going to do to us exactly, or do for us. You know, how far can we continue more or less on our existing trajectory before we'd start going into those, getting beneath the spots that are on your second slide in this presentation?"

**Mr. Chronis** said, "Oh, beneath the targets?"

**Chairman Peterjohn** said, "Yeah. Where the policy minimums would kick in."

**Mr. Chronis** said, "The financial plan that you were presented in your retreat in February said that without making any changes, either on the revenue side or the expenditure side of what was then current, we expected that we would start to fall below target for all property tax funds as a group either at the very end of 2013 or in 2014. Some of the actions that have taken place since then, and some of the economic effects that we have seen since then, cause that to be expedited, and so the financial plan now suggests that we will reach those minimum targets fairly early in 2013 if nothing changes."

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

**Mr. Chronis** said, "Now, having said that, I know you know this, but I need to make sure anybody else that's looking in understands that we do a five year financial plan to identify potential problems far enough out into the future that we can take rational steps to avoid those problems. The financial plan shows what would happen, based on current state of affairs, if that state of affairs was continued on out five or six years into the future. Our job as financial managers, your job as a

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governing body, is to take that financial plan and determine what actions need to be taken to avoid adverse forecasts. The current state of affairs suggests that we have hastened the rate at which we will run out of rainy day reserves perhaps 10 to 12 months sooner than we had projected at the start of this year. But we've got a couple of years to address that problem and we intend to address that problem."

**Chairman Peterjohn** said, "I appreciate getting the additional information. I'm going to turn to the Quarterly Financial Report itself and have a couple of questions. I noticed on the revenue side that despite negative variances on property and retail sales and use taxes, the biggest item that was down appears to me, in terms of a dollar basis on the variance for the 2010 budget, was charges for services. And on a percentage basis, that seemed to be a pretty high reduction of a little over \$2 million on page 21 of that report. Could you talk about that for just a minute? And you can, page 21, which would be the first page of the budgetary accounts."

**Mr. Chronis** said, "Page 21 is the start of a several page depiction of general fund activity only. And what you're looking at on the top half of page 21 is general fund revenues. Charges for services in the general fund only are budgeted at \$15,248,000. The Budget staff is estimating, based on what they've seen through the first quarter of the year, that we will end the year about \$2 million below that level. We will end the year with about \$13.2 million of charges for services. The reduction in charges for services in the general fund is going to be a function of several things. Medicaid is one of them. The state has reduced Medicaid reimbursement rates by 10 percent across the board. Included in the general fund charges for services is ambulance fees that are largely funded by Medicaid. So there's an impact on the revenue that we will collect for EMS (Emergency Medical Services) from charges for services. Similarly, we have seen a reduction in other kinds of service charges that are driven by either insurance companies or third party providers, and that's largely what you're seeing there."

**Chairman Peterjohn** said, "Okay. On that same report, but jumping to page 67 in the enterprise fund section, I'm interested in getting data on the depreciation for the Intrust Bank Arena, as well as the Kansas Coliseum complex, and this is an aggregate figure for both of those in the enterprise

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funds, could you break that out between the Intrust Bank Arena and the Kansas Coliseum pavilions?”

**Mr. Chronis** said, “What you’re looking at on page 67, as you said, is an income statement for the consolidated county operations for proprietary funds. That’s accounting jargon that means the arena, the Coliseum and the various internal services that the county provides to its own operations, its own departments; Fleet Management, for example, is an internal service that is funded solely by fees charged to county customers. If you look on page 89, within that same section of the financial report, you will see a combining schedule for the Coliseum and arena fund. It identifies the income statement of the arena distinct from the income statement of the Coliseum. And the Coliseum now, as a practical matter, means the pavilions at the Kansas Coliseum. You can see there in the top half of that page that in the first quarter of this year, we recorded \$156,000 of depreciation expense for the Coliseum and \$1,172,000 of depreciation expense for the arena.”

**Chairman Peterjohn** said, “Thank you. I’ll make a comment that depreciation would normally be included in a business enterprise and that hadn’t been included, obviously, since SMG gave us the financial figures they didn’t have any depreciation to call against because it’s a county facility, but if a depreciation figures are included, that does have an impact on how the overall activities at the Intrust Bank Arena, as well as the pavilions, work out. I’m going to turn this over to Commissioner Parks.”

**Commissioner Parks** said, “In the sense of brevity, I’ll ask a couple of questions, make a couple of comments and deal with staff, or talk with staff, later about some other things. But I will bring that back to the public because I think it’s important that they know at some time what we’ve been discussing. On the property tax, the delinquents to interest, do you have any idea right offhand what the delinquency rate that we get, that we charge people for their delinquency rate is?”

**Mr. Chronis** said, “What the interest rate is on delinquencies?”

**Commissioner Parks** said, “Yes. If they go past May 20th...”

**Mr. Chronis** said, “It’s set by statute and it changes every year. And I’m not seeing anybody from the Treasurer’s Office in the room. I believe it’s 10 percent, but if it’s really 12, I don’t want any citizen to call me and say, you owe me 2 percent.”

**Commissioner Parks** said, “So if our property owners would hold their payment from the traditional, from the amended a few years ago, May 10th date to the traditional June 20th date, we might be better off in dollars ahead since we’re only making 0.05 percent on our interest then? Could that be a fair statement?”

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**Mr. Chronis** said, "If they pay it."

**Commissioner Parks** said, "Okay. At a public meeting here a while back, you had a KPERS statement there that they're in trouble. Their representative admonished the Pew [Center on the States] report out of KU (University of Kansas) and said that they're much better off than they were seven months ago and they painted a much rosier picture than they did had seven months ago when that report did come out. I thought I would pass that along to you. On slide 21, that did not include the smaller cities in Sedgwick County or unincorporated areas that are own building..."

**Mr. Chronis** said, "No, this is just City of Wichita data."

**Commissioner Parks** said, "City of Wichita. I would like to, if it's not too much trouble, have staff get that to me in the future sometime to see where we are on that also."

**Mr. Chronis** said, "Our difficulty in getting information from the small cities is the timeliness of the information, and in some cases, the quality of the information that we receive. There have been some considerable data inconsistencies over the years, and so rather than trying to combine apples and oranges, which in some cases we're doing, we've decided that it's better just to show the City of Wichita so that we know what we're reporting to you and we all know that the City of Wichita is a substantial majority of all construction activity in Sedgwick County."

**Commissioner Parks** said, "I do know that the permit process a lot of times is connected with the Appraiser's Office also in those, so that might be a resource. You're stating in some of those things, and it said that the state action, I'm going to say that the state actions don't necessarily lead us to pick up their slack and that I'm for one, and we've heard from, I wrote this down before Commissioner Welshimer said what she did, I'm for spending down the surplus before we raise taxes. Raising taxes is not on something that is on my agenda that was mentioned there. So we're going to have to do this without raising taxes in my opinion. And I think when we win the lawsuit with those cities that aren't paying for the jailed, city only charges, the failure to appear for not wearing their seatbelt or the unpaid parking tickets; I believe we will also see a reduction in the jail population at that point. Thank you."

**Chairman Peterjohn** said, "I'm going to hasten to add that I wanted to thank the Finance Department staff and the quarterly report that they put out is a first-rate document. I look forward, I

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only got it yesterday, so I want to go through it in detail and may have some questions, I also want to thank Ms. Smarsh for being back and glad the volcano could not stop her. But this is a very helpful and useful document and I'm glad to find out that this information will be online, as well, as you said earlier in your presentation, Mr. Chronis."

**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

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

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

**M. REPORT OF THE BOARD OF BIDS AND CONTRACTS' MEETING ON APRIL 26, 2010.**

**Ms. Iris Baker**, Director, Purchasing, greeted the Commissioners and said, "The meeting of April 26th results in nine items for consideration today. First item;

**1. A/E SERVICES FOR REMODEL OF DETENTION LOBBY AND ADMINISTRATION AND MEDICAL CLINIC – FACILITIES DEPARTMENT**

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**FUNDING – ADULT DETENTION ADDITION**

“Recommendation is to accept the quote from Schaefer Johnson Cox Frey Architecture in the amount of \$184,000. Item 2;

2. **ROAD IMPROVEMENTS – PUBLIC WORKS  
FUNDING – R321, IMP INTERSECTION 93<sup>RD</sup> & MERIDIAN/USD 262  
ADDITION (VALLEY CENTER) (SA)**

“Recommendation is to accept the low bid from Lafarge North America in the amount of \$767,158.61. Item 3;

3. **TIMBER CAPS – PUBLIC WORKS  
FUNDING – R264 IMPROVE DRAINAGE – RIGHT OF WAY 10**

“Recommendation is to accept the low bid from Bayou Forest Products, Inc. in the amount of \$31,653.40. Item 4;

4. **TANDEM AXLE DUMP TRUCKS – FLEET MANAGEMENT  
FUNDING – FLEET MANAGEMENT**

“Recommendation is to accept the proposal from Doonan Truck and Equipment Option 2 for an amount of \$374,146.73 and establish contract pricing for parts and labor for three years. Item 5;

5. **CASE MANAGEMENT SOLUTION, HEALTHY BABIES PROGRAM –  
HEALTH DEPARTMENT  
FUNDING – CDC SAFE MOTHERHOOD**

“Recommendation is to accept the quote from Challengersoft for an initial cost of \$40,400 and a monthly subscription cost of \$1,500 and \$150 for data backup. Item 6;

6. **STAIRMASTER and TREADMILL – SEDGWICK COUNTY FIRE  
DISTRICT #1  
FUNDING – SEDGWICK COUNTY FIRE DISTRICT #1**

“Recommendation is to accept the overall low bid meeting specifications from Midwest Fitness and establish contract pricing for one year with two one-year options to renew. Item 7;

7. **CHANGE ORDERS – CUSTOM TENDER FIRE, APPARATUSES AND  
CHASSIS – SEDGWICK COUNTY FIRE DISTRICT #1**

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**FUNDING – SEDGWICK COUNTY FIRE DISTRICT #1 LEASE**

“Recommendation is to acknowledge the change orders with Smeal Fire Apparatus Co. in the amount of \$79,524. Item 8;

- 8. CHANGE ORDER #2 – REMODEL FOR THE RELOCATION OF THE ADULT PROBATION DEPARTMENT  
FUNDING – RELOCATE ADULT PROBATION OFFICE/BUILDING MAINTENANCE**

“That recommendation is to accept the change order with Van Asdale Construction in the amount of \$46,685.10. And Item 9;

- 9. CHANGE ORDER #1 – AMENDMENT TO CONTRACT FOR A COMMUNITY HEALTH IMPROVEMENT PLAN (CHIP) – HEALTH DEPARTMENT  
FUNDING – STATE FORMULA GRANT**

“That recommendation is to approve the amendment with Bothner-Bradley Communication and Consulting in the amount of \$6,250. Be happy to answer any questions and I recommend approval of these items.”

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

**Commissioner Welshimer** said, “On the first one, the remodel of the detention lobby and administration, so on and so on, \$184,000 for architectural drawings. We have architectural drawings for the addition to the jail; I think we spent a \$1.3 million on those, didn’t we?”

**Ms. Baker** said, “Yeah, somewhere in that range.”

**Commissioner Welshimer** said, “So, is this, does this have anything to do with those drawings, or is this something entirely new, or why are we...”

**Ms. Baker** said, “Yes and no. This project is a new CIP project. The original project you’re referring to was an addition to the Adult Detention Facility. It was \$50 or \$60 million, I don’t remember the actual amount. That project was put on hold...”

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

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**Ms. Baker** said, "...since then, this one has been created, so it's a new CIP, to remodel just the front entrance, and the administration area and then the medical clinic to take care of growing needs in the area. Schaeffer Johnson was the successful bidder, proposal, on the original work for the addition. They got as far as developing design plans and specifications, and then that project was put on hold. What they will do here is extract all of the design and the plans that fit this remodel, they'll re-package them, they'll re-coordinate all of the efforts related to subcontracting like electrical, HVAC (Heating, Ventilating and Air Conditioning), plumbing, that all has to be tied back together into this project. Then it will be put together for a bid package, then once the construction is awarded, this fee will also include the administration services related to the construction."

**Commissioner Welshimer** said, "Okay. Well I just didn't want to redo something that had already been done."

**Ms. Baker** said, "Correct."

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

**Chairman Peterjohn** said, "Further questions? On Item 1, I'd also like to understand, was Schaeffer Johnson Cox Frey the architects for the original plan and is that why they're, there's so many..."

**Ms. Baker** said, "Yes."

**Chairman Peterjohn** said, "...architect firms here, I'm very surprised that there was just one bidder."

**Ms. Baker** said, "Yeah. They were the successful proposal in that bid process, and there were several bidders. If we were to go out for bid, and we didn't go out for bid, we just negotiated a cost with them to continue what they've already done. We could go out for re-bid, but then you run into the issue with asking a different architectural firm and engineering services to work within the parameters of what Schaeffer Johnson developed, and then what generally happens is there's disagreements and a lot of discussions, and you end up spending a lot of extra time. At that point then, you also end up redesigning stuff. So we're trying to avoid that and just do a continuation of what was originally started into a smaller project, and then moving on down the road."

**Chairman Peterjohn** said, "Okay. Because I'm trying to understand, if we're going to incur this cost, the architectural costs are generally six percent of the total project, and especially in light of the rather challenging financial presentation we just had."

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**Ms. Baker** said, “The original project, when the contract was awarded, did include schematic, programming, plans and specs, development, the bid process and, again, the administrative services, so we do not pay them beyond the plan and specifications. So in that original project, Schaeffer Johnson was not paid for bidding documents and administration services, so it never happened. I mean, we’re not repeating work from that perspective.”

**Chairman Peterjohn** said, “Okay. Let me switch to Item 9. Were there only one bidder for this contract?”

**Ms. Baker** said, “This particular contract was a project that was put together, I believe it was late last year. And this group had been working with visioning of the Wichita [Great Plains] Health Alliance and the contract was actually put in place via the Manager’s authority to contract, and it was put in place based on a scope of work that had been identified. It was also paid for through grant funding. So there was a limited amount of scope that was put in there. The contract was determined based on that funding and what we thought we could get for those dollars. Since then, the Health Department has identified additional grant funding and that grant funding is going to be used on this portion of the work, which is additional work to the contract, but a continuation, or an extension, of what was originally started. So as a result of this work, by the time the final strategic plan is put in place, then the consultant, the contractor consultant, will develop a comprehensive plan for the Health Department in which they can go out and educate the community.”

**Chairman Peterjohn** said, “Any further questions or comments? What’s the will of the Commission?”

### **MOTION**

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

Commissioner Unruh 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	No

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

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

**N. CONSENT AGENDA**

- 1. Set for public hearing on June 2, 2010, an exclusion petition for the alteration of boundaries of Sedgwick County Fire District Number One and authorize the publication of a Notice of Public Hearing in the official County newspaper on may 5, 2010 pursuant to K.S.A. 19-3604(b) and K.S.A. 19-270(b).**
- 2. Lease agreement with Bret Flowers for County owned property in Wichita, KS.**
- 3. One (1) Right of Way Easement for Sedgwick County Project at the intersection of 93<sup>rd</sup> St. North and Meridian; CIP# R-321. District 4.**
- 4. Agreement to compensate for loss of tenants improvements that were acquired with permanent right of way for construction of a frontage road on the south side of US-54 between 119<sup>th</sup> St. West and 135<sup>th</sup> St. West and reconstruction of the intersection of US-54 and 135<sup>th</sup> St. West; CIP# R-314. District 3.**
- 5. Amendment to the may 13, 2009 Heartland Infrastructure Design and Construction Agreement with the City of Wichita.**
- 6. Payroll Check Register for the week of April 10, 2010.**
- 7. General Bill Check Register of April 14, 2010 – April 20, 2010.**

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

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**MOTION**

Commissioner Unruh moved to approve the Consent Agenda.

Commissioner Welshimer seconded the motion.

**Chairman Peterjohn** said, "Seeing no further discussion, oh, Commissioner Parks."

**Commissioner Parks** said, "Did want to point out that there is a right-of-way easement in there for 93rd and Meridian around the new high school at Valley Center, and that was done without condemnation and through negotiation. Thank you."

**Chairman Peterjohn** said, "Seeing no further discussion, what's the will of the Commission?"

**Commissioner Welshimer** said, "We have a motion."

**Chairman Peterjohn** said, "We've got a motion. I'm sorry. Please call the vote."

**VOTE**

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

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

**O. OTHER**

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

**Commissioner Welshimer** said, "Well I'm currently working with Public Works on a flooding situation that I have down in Oaklawn. We had a meeting with the improvement district this week and went over some of the problems and some of the ideas that we have. Area 47th and Clifton was flooded last spring. The water came right up to the steps of the recreation center. And I'm putting at risk also the elementary school, shopping center and a lot of homes down in Oaklawn. This problem

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has gotten worse over the years. It is in our CIP. And so this is something I'm going to be working on. One of the things that has complicated matters in Oaklawn is that the school district, Derby School District, has, in order to cut their budget, has stopped, as of July, I believe it is, 1st, will no longer bus elementary kids over to the elementary school in Oaklawn. And that would be 137 kids that live on the east side of K-15, so we've got all these little tots that are going to have to either be taken by their parents or walking across the highway, and a large railroad crossing as well, to go to school in Oaklawn. And if we have a big flood there, they're going to be underwater. Anyway, that's a big project that I'm taking on and hope to do something about this budget year."

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

**Commissioner Parks** said, "Just for the record, I voted no for the Consent Agenda number five. I supported all other items. Thank you."

**Chairman Peterjohn** said, "I had several items that I wanted to discuss, in terms of in the 'other' category and because of the presentation, the nonattainment issue, I think will continue to be an issue and a challenge for all four counties in this metropolitan statistical area, or however it's configured going forward, for both the governmental and the private sector. In terms of the jail and detention issue, leading up I have seen some published and public comments to the effect that some other elected officials think that we have a situation where there's double taxation involved, and I would challenge them, because we're talking strictly about operational costs for prisoners who are strictly there because of a sentence imposed by a municipal court, what I would call a free rider problem. And if there's any other local officials who want to discuss this publicly, and I'm more than willing to discuss that as part of an ongoing discussion of how we try and keep this community safe at as reasonable a price as possible."

"Changing gears just a little bit here, I am continuing to talk and discuss with folks concerning the alarm system and how we handle particularly weather emergencies in this community and that is an issue before us. And in light of the challenging financial report we had earlier today and the changing frequency major expenses that's scheduled to occur in 2011, that's an issue I'm continuing, in terms of the alarm system component of it, as well as other ways of contacting people, that's an area where I'm continuing to take input and I appreciate the opportunity to visit with some folks. And this community is blessed to be able to have some people with some really, really outstanding expertise in that area."

"I noticed today that the jail numbers went over 1,500 today and that is distressing to me. We had been down in the 1,400 numbers in most of, I think all of last week. But we had also set a record, in terms of the number of people who had been going through Pretrial Services, and that went over 300 people for the very first time. And there was some absolutely fascinating data at the Criminal

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Justice Coordinating Council meeting last week that I want to try and get on the record for the public, because we have 68 people who have been in the jail for over a year, as of a date last week, and over 30 of those folks have been in the jail since 2007 or 2008. And from looking at their records, these are folks who need to be in detention or incarceration of one form or another, but the jail is moving away from being a facility, unfortunately, for a year or less, and we have a significant population that is not there.”

“The Sheriff provided some data, and unfortunately, looking back at my notes, I didn’t jot down the number. Commissioner Welshimer and Commissioner Unruh were at the meeting and maybe they recall, but I believe the number of people who are in the jail who were illegal in this country illegally, and of course, that’s been a very hot button issue. But I think having information and having data is an important part of our challenge going forward. On a lighter note, I would like to add that, since the Commission will not be meeting next week, the Sundown Parade for Riverfest, this is the last opportunity to mention that coming up, and the county’s going to be participating in a great community event and look forward to seeing a lot of my constituents from the third district out there for that. I was remiss in my comments about the suicide prevention run out at the Sedgwick County Zoo not to mention that Kensler Elementary School had the best participation of any of the, and Kensler is in my district, had the best participation of students at that event, and I want to congratulate them publicly for that. Seeing no other items under ‘other,’ I turn the floor over to Commissioner Welshimer.”

### **MOTION**

Commissioner Welshimer moved that the Board of County Commissioners recess into Executive Session for 20 minutes to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending claims and litigation, potential litigation and legal advice, and that the Board of County Commissioners return to this room from Executive Session no sooner than 1:15 p.m.

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

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Chairman Peterjohn

Aye

**Chairman Peterjohn** said, "We're in recess until no sooner than 1:15 p.m."

**The Board of County Commissioners recessed into Executive Session at 12:55 p.m. and returned at 1:33 p.m.**

**Chairman Peterjohn** said, "I call this meeting back from recess and recognize the County Counselor, Richard Euson."

**Mr. Richard Euson**, County Counselor, greeted the Commissioners and said, "Commissioners, I have no announcements following Executive Session and the record should show that no binding action was taken while we were in that session."

**Chairman Peterjohn** said, "Thank you. Seeing no further business, I'm going to move that we 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

**Mr. Euson** said, "Thank you, Commissioners."

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

**P. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 1:34 p.m.

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

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

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

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

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

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

ATTEST:

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

APPROVED:

\_\_\_\_\_, 2010