

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

October 20, 2004

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, October 20, 2004 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters; with the following present: Chair Pro Tem David M. Unruh; Commissioner Tim R. Norton; Commissioner Carolyn McGinn; Commissioner Ben Sciortino; Mr. Rich Euson, County Counselor; Ms. Pamela Martin, Director, Clinical Services, Health Department; Mr. Robert Lamkey, Director, Division of Public Safety; Ms. Deborah Donaldson, Director, Division of Human Services; Mr. Mark Masterson, Director, Department of Corrections; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

INVOCATION

The Invocation was led by Reverend Greg Brandvold of Cross of Glory Lutheran Church, Derby.

FLAG SALUTE

ROLL CALL

The Clerk reported, after calling roll, that Commissioner Unruh was absent.

CONSIDERATION OF MINUTES: Regular Meeting, September 29, 2004

The Clerk reported that all Commissioners were present at the Regular Meeting of September 29th, 2004.

MOTION

Commissioner Sciortino moved to approve the minutes of Regular Meeting of September 29th, 2004.

Commissioner Norton seconded the motion.

There was no discussion on the Motion. The vote was called.

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VOTE

Commissioner Unruh	Absent
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

Chairman Winters said, "Next item."

PROCLAMATION

A. PROCLAMATION DECLARING NOVEMBER 2004 AS "MISTER ROGERS NEIGHBORHOOD SWEATER DRIVE MONTH."

Chairman Winters said, "Commissioners, we have one proclamation for your consideration this morning."

PROCLAMATION

WHEREAS, for over 34 years, Mr. Rogers' Neighborhood has personified a place where caring and consideration for others instills good feelings in all of us; and

WHEREAS, these messages, and the wonderful values that children continue to learn from the program, even after Fred Rogers' passing, are timeless; and

WHEREAS, Fred Rogers' red cardigan sweater has come to represent the gentle spirit, warmth and nurturing of the Neighborhood; and

WHEREAS, the fourth annual KPTS Mister Rogers Neighborhood Sweater Drive has continued to grow into a unique partnership between KPTS and other organizations and corporations, which include the Salvation Army and Four Seasons Dry Cleaners- who have gathered and distributed more than 10,000 sweaters; and

WHEREAS, KPTS and its partners will hold this drive from October 29- November 12, 2004.

NOW THEREFORE BE IT RESOLVED, that I, Tom Winters, Chair of the Board of Sedgwick County Commissioners, do hereby proclaim November 2004 as

'Mister Rogers Neighborhood Sweater Drive Month'

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in Sedgwick County and recognize the efforts of KPTS and its partners by enabling the citizens of Sedgwick County to have a much warmer winter.

Dated October 20th, 2004.

Commissioners, that's the proclamation. What's the will of the Board?"

MOTION

Commissioner Sciortino moved to adopt the Proclamation 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	Absent
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

Chairman Winters said, "And we have with us Molly Fox, from KPTS."

Ms. Molly Fox, KPTS Marketing Associate/ Pledge Producer, greeted the Commissioners and said, "I've been in charge of taking on this project this year for my first time. And we've developed some . . . we continue to develop more partnerships. There are so many people in the community who are really willing to come out and help with this. And I would like to thank Greene Vision Group, Knits Etcetera, KZSN with Clear Channel, Newman University, Parks Motors of Augusta, Scrapbook Garden, Sedgwick County Department on Aging, the Wichita Area SRS, and the Wichita Public Library for collecting those, cleaning by Four Seasons Dry Cleaning, boxes from Kamen Wiping, printing from Quantum Printing and distribution through the Salvation Army. So we appreciate you letting us come out and declaring this Mister Rogers' Sweater Drive Month."

Chairman Winters said, "All right, well thank you very much. We appreciate the opportunity to work with KPTS every Wednesday morning. And so we're glad to have the opportunity to have

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you come and talk about the sweater drive and if there's anything else that we can do to assist, please let us know. Thank you for being here. Madam Clerk, call the next item please."

DONATIONS

B. DIVISION OF INFORMATION & OPERATIONS – HEALTH DEPT.

- 1. DONATION BY GOETZE DENTAL OF \$300, TO BE USED FOR APPRECIATION GIFTS FOR VOLUNTEERS AT THE HEALTH DEPARTMENT'S CHILDREN'S DENTAL CLINIC.**

Ms. Pamela Martin, Director, Clinical Services, Health Department, greeted the Commissioners and said, "Each year, Goetze Dental provides a cash donation to the Sedgwick County Health Department's Children's Dental Clinic. This generous donation of funds allows the dental clinic to purchase appreciation gifts for each of the 33 local dentists who volunteer their time and services.

The gifts are presented to each dentist during our annual appreciation dinner, sponsored in their honor. The estimated value of the contributions of the volunteer dentists is \$125,000 annually. Our recommended action is to accept the donation and authorize the Chairman to sign a thank you letter."

MOTION

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

Commissioner McGinn seconded the motion.

There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Unruh

Absent

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Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

Chairman Winters said, “Thanks, Pam and I think this is going to be a great deal. It’s certainly good to say thank you to folks to donate this much time and effort. And so we appreciate all the work you do with this issue, so thank you. Next item.”

2. DONATION BY MARCH OF DIMES OF BROCHURES AND \$500 TO PURCHASE EDUCATIONAL MATERIALS RELATED TO HEALTHY PREGNANCIES AND PRECONCEPTION PLANNING.

Ms. Martin said, “In an ongoing effort to improve our services to women who are pregnant, may become pregnant or wish to be pregnant, the Sedgwick County Health Department Maternal and Infant program, Teen Health and Family Planning Clinic have developed new protocols that emphasize education and continuity.

The goal is to standardize the brochure information given to our clients to decrease birth defects and to promote health outcomes. Our recommended action is to approve the acceptance and sign a thank you letter.”

Chairman Winters said, “All right, commissioners, questions or comments? If not, . . .?”

MOTION

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

Commissioner Sciortino seconded the motion.

There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Unruh	Absent
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Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

Chairman Winters said, “Again Pam, thanks for getting some donations again for some very worthy projects. All right, thank you for being here. Next item.”

PUBLIC HEARING

C. PUBLIC HEARING AND RESOLUTION ADOPTING THE INTERNATIONAL FIRE CODE, 2003 EDITION, AS AMENDED.

Mr. Bob Lamkey, Public Safety Director, greeted the Commissioners and said, “Unfortunately, we have a process disconnect and the notice of public hearing was not published as required, so I’m asking that . . . recommending that you defer this item indefinitely to give us some time to publish the notice and bring the agenda item back to you.”

MOTION

Commissioner Norton moved to defer Item C indefinitely.

Commissioner McGinn seconded the motion.

Chairman Winters said, “All right, before we vote on the Motion, is there anybody here today who came to address the commissioners on this item C, the public hearing regarding fire code? Is there anyone here who came to talk about that? Okay. Just Greg, he doesn’t count. All right, we have a Motion and a second to defer this item. Any other discussion? Seeing none, call the vote.”

VOTE

Commissioner Unruh	Absent
Commissioner Norton	Aye

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Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

Chairman Winters said, “And Bob, we will see that it’s published and this will be back after the publishing has been done.”

Mr. Lamkey said, “That is correct, sir.”

Chairman Winters said, “All right, thank you. Madam Clerk, call Item D.”

NEW BUSINESS

D. DIVISION OF INFORMATION & OPERATIONS – HEALTH DEPT.

1. AGREEMENT WITH SOUTHWESTERN COLLEGE DEPARTMENT OF NURSING PROVIDING STUDENTS CLINICAL EXPERIENCE AT THE HEALTH DEPARTMENT.

Ms. Martin said, “The Sedgwick County Health Department and Southwestern College Department of Nursing and partnered in the past to furnish clinical experience for students in nursing. Southwestern College provides professional liability insurance for each student, facility member and agent or employee of Southwestern College.

The Sedgwick County Health Department will furnish clinical facilities with adequate staffing, to provide an optimum learning experience for the student. This partnership with Southwestern College has been ongoing since 1995. Our recommended action is to approve and sign the agreement.”

Chairman Winters said, “All right, commissioners?”

MOTION

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

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Commissioner Norton seconded the motion.

Chairman Winters said, “We have a motion and a second. And Pam, this is a program we’ve done in the past, right? I mean, this is a continuation?”

Ms. Martin said, “Since 1995.”

Chairman Winters said, “All right, thank you. We have a motion and a second. Commissioners, any other discussion? Seeing none, call the vote.”

VOTE

Commissioner Unruh	Absent
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

Chairman Winters said, “Thank you, Pam. Next item.”

2. AGREEMENT WITH WESLEY MEDICAL CENTER, WICHITA CENTER FOR GRADUATE MEDICAL EDUCATION, INC. AND THE KANSAS UNIVERSITY SCHOOL OF MEDICINE-WICHITA PROVIDING A RESIDENCY ROTATION SITE AT THE HEALTH DEPARTMENT.

Ms. Martin said, “Wesley Medical Center, Wichita Center for Graduate Medical Education Inc., the Kansas University School of Medicine, Wichita, the Departments of OBG and Pediatrics, and the Sedgwick County Health Department Maternal and Infant Clinic have contracted for many years to provide a residency rotation site.

This residency program provides a complete cycle of care, including pre-natal, delivery and post-natal care under the direction of a supervising physician of Wesley Medical Center and the Sedgwick County Health Officer, Dr. Doren Frederickson. Our recommended action is to approve this agreement.”

Chairman Winters said, “All right, thank you and again, is this new or we’ve done this in the past also?”

Ms. Martin said, “Over 20 years.”

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Chairman Winters said, “Over 20 years, I guess so. All right, commissioners, you want to change this program today?”

MOTION

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

Commissioner McGinn seconded the motion.

There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Unruh	Absent
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

Chairman Winters said, “Thank you very much, Pam. Next item.”

E. AGREEMENT WITH CATHERINE YOUNG, M.D. TO PROVIDE SERVICES AS MEDICAL DIRECTOR FOR THE EMERGENCY MEDICAL SERVICES SYSTEM.

Mr. Lamkey said, “And I’m well pleased to be here today to present this item. As you may recall, we had an EMS study done in concert with the City of Wichita and we have committed to creating an Emergency Medical Services System that includes 9-1-1, both fire departments, the Sedgwick County EMS and the ability to extend that to any other agencies that wish to be part of this process.

One of the key recommendations of the consultant was to have a full-time medical director, with oversight over the entire system and the purpose of that is to achieve one seamless system function, consistency of training, quality assurance and medical direction. And again, as part of this process, the Medical Society of Sedgwick County has reviewed this recommendation, fully endorses and supports it.

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We've incorporated into the City and County agreement concerning EMS that we would have a full-time medical director, and further that Sedgwick County would pay for it. There was a very deliberate process of screening and selection of about 12 physicians from the participating agencies and senior managers from Wichita and Sedgwick County and we have offered or are hoping to offer Dr. Catherine Young an agreement.

Dr. Young comes to us from Eagle Pass, Texas, where she serves as EMS medical director for a four-county area. We're pretty fortunate, Texas is a pretty big state, and she was selected as EMS Medical Director for the State of Texas for the year 2000.

Dr. Young, in accordance with the agreement, will report directly to the City/ County Managers and presuming that you all sign this, she will start work with us on November 1st, 2004. Funds are available in the Public Safety budget for both this year and budgeting for next year to pay for this position. So it is my recommendation, wholeheartedly, that you approve the agreement and authorize the Chair to sign."

MOTION

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

Commissioner Norton seconded the motion.

Chairman Winters said, "We have a Motion and a second on this. Commissioners, is there any discussion? Commissioner Sciortino."

Commissioner Sciortino said, "I think this is the culmination of a long process that we have had. We've always said, and the Medical Society of Sedgwick County has said, you really need a full-time medical director and, not to regurgitate all the negotiations back and forth with the City, but I think now we're finally putting in place the final elements to really make this an integrated service, and I want to thank Dr. Young for agreeing to take on this position and I hope that she has a challenging . . . I think she has a challenging job ahead of her and I think she'll be

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able to coordinate all of the procedures and policies and really make it an integrated service. So, I'm definitely going to support this."

Chairman Winters said, "Thank you, commissioner. Commissioner Norton."

Commissioner Norton said, "Well, just a small comment. I think it's wonderful that we finally got the three legs to the stool with medical directors. That's the Forensic Science Center, our Public Health Officer has really stabilized itself and now we've got that Emergency Medical person. Those three doctors I think, hopefully, are going to be working together to create protocols for the whole triangle there and I think finally we've put this to rest, after about three years of discussing it. But it's wonderful that we've got Dr. Frederickson and Dr. Dudley and then now hopefully Dr. Young to create that triangle that we need so desperately in Sedgwick County. So, thank you Mr. Chair."

Chairman Winters said, "Thank you, Commissioner Norton. Remind me, do we have a Motion and a second?"

Commissioner McGinn said, "Yes we do."

Chairman Winters said, "We have a Motion and a second. Is there any other discussion? Bob, this person has not arrived in the city at this time, right?"

Mr. Lamkey said, "On the way."

Chairman Winters said, "On the way. Well, please bring her around, we'd be glad to meet with her."

Commissioner Sciortino said, "Yeah, we'll get her tickets to the new downtown arena or something, just to enjoy herself."

Chairman Winters said, "We have a Motion and a second. Madam Clerk, please call the roll."

VOTE

Commissioner Unruh	Absent
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye

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Chairman Winters

Aye

Chairman Winters said, "Thanks, Bob. Next item."

DIVISION OF HUMAN SERVICES

F. AGREEMENT WITH ADVANCEPCS HEALTH, L.P. AND NATIONAL ASSOCIATION OF COUNTIES ALLOWING SEDGWICK COUNTY RESIDENTS TO PARTICIPATE IN A PRESCRIPTION DRUG DISCOUNT CARD PROGRAM.

POWERPOINT PRESENTATION

Ms. Deborah Donaldson, Director, Division of Human Services, greeted the Commissioners and said, "Before I go into the PowerPoint that has been provided by Caremark, I just want to say a few things. We have gone through a process and have gone through and had a health assembly, and during that process, the study that was done identified 36,000 individuals, adults living in Sedgwick County who are uninsured. It also identified 11,500 children who were uninsured and these numbers only account for folks who are under 65 years old. And so, we have a lot of folks in our community that are not covered by any kind of insurance.

And so, through that process, NACo has also been looking at those kinds of problems, those issues that face counties and they have come up with a benefit for membership, which I would like to introduce to you today, and I'll give you a quick summary.

NACo was looking for a prescription drug discount card that could be offered to counties so they could provide this to their citizens and Caremark AdvancePCS was chosen as that program after a two-year process, so they really looked at it, using their membership committee, a consulting firm and a special evaluation committee.

The program is chosen not only because of its price savings, but also for its ease of administration and use. The program has so much flexibility and can be used by anyone, senior citizens, the uninsured, and those are probably going to be the two groups we will focus on. There is no costs to NACo, there is no cost to the county and there is no cost to the person who receives the card. Citizens don't have to fill out any forms to participate, and therefore we do not have to maintain a database of who has the card and what they're doing with it. The card will be given to citizens with a brochure that can be used immediately by anyone who needs it.

These discount cards are accepted by more than 54,000 pharmacies nationwide and 76 of those are in Sedgwick County. I think the only large pharmacy that does not accept in Sedgwick County would be Walmart but the Walgreens, the Dillons and many of the smaller pharmacies, including

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those out in the county area, such as Derby, Haysville, Valley Center all have pharmacies that participate.

Only NACo counties can participate and currently participation is limited to the pilot counties and they're hoping, with success, that this will move on to other counties throughout the country. And NACo's membership is currently a little under 2,000 and so that's what we're looking at.

And I'll run through kind of the PowerPoint that was provided by Caremark and kind of explain what that means for us. One thing it means is that we're dealing with a company that is large and they've been in existence since 1993. They're one of the largest prescription benefit managers in the industry. It's a very pharmacy friendly network. It's easy for pharmacies to participate. If there's a pharmacy that does not participate and wishes to, I understand the forms are very easy to just fill out. They have to agree to accept the discount card and they have to accept the on-line claims processing system.

There's a mail service. The mail service is by far the largest discount, sometimes up to 50% and they will deliver to any location of the participant's choice. There are specialty medications. They have a very wide formulary and sometimes you run into situations where some of the specialty medication is like for MS, they're not covered. They pride themselves at having a very wide formulary and covering things that other people might not.

They provide communication materials, they have a pharmacy helpdesk, there's a website, there's an 800 number. So they try to be available to answer questions for participants and the different pharmacies.

They average a 21% savings on medications, and the average savings . . . and you know, I don't want to over-sell this. This is just . . . this provides something for people who normally would walk in, pay the retail costs. Their average savings is probably going to be around ten dollars."

Commissioner Sciortino said, "Ten dollars per prescription filled?"

Ms. Donaldson said, "Per prescription. Now, if you look at what that means, in terms of . . . and as with most pharmacy benefits, as you understand, the brand names is where you're going to get the least discount, is still going to be probably over ten dollars, but that's only 14% of the retail costs. If you go to generics, it's still close to ten dollars, but it's 35% off the retail cost. And if you go through, using the mail service, then you can get closer to 50% off the retail cost.

The benefits really are its ease, it provides choice, it's a recognized program and we wanted to know that. So we actually spent time calling pharmacies, 'Do you know about Caremark?', 'Oh,

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yeah'. And so maybe the ten pharmacies we called, they didn't even hesitate in terms of their recognition of the card. There's savings and no paperwork, which I love. How often do we find that?

There is also an agreement with the pharmacies that recognize this card that, if for some reason they have discounted a medication, for example to get people in the door, because they're going to buy toothpaste and that type of thing, that just because you have the card, you won't get a higher cost. You'll get the lowest cost available at retail. Okay, so that's the agreement, so you will never pay a higher cost because you have this card."

Commissioner Sciortino said, "I mean, if they're having a special on Atenenol, blood pressure medicine, and it's 50% off retail, but that day that's retail, do you then still get 10% off of that day's retail?"

Ms. Donaldson said, "No, you get the lowest price available and their price, let's say . . ."

Commissioner Sciortino said, "Okay, I got it."

Ms. Donaldson said, "Okay. Anyway, so really the next steps on this is if you accept this agreement today, then I will complete the paperwork, which is really sending this to NACo and we've already sent them our logo and I let them know the number of cards that we want, and I do that by the end of this month, we should have the cards within 30 days, and that will start the program.

We will also be receiving a full marketing package and I will be working with Kristi on that. And I'm open to any questions and would recommend your approval."

Chairman Winters said, "All right, thank you. We have several questions. Commissioner McGinn."

Commissioner McGinn said, "Debbie, of the 36,000 people you said that were uninsured that we found out during the health summit, did that include the 11,500 children, or is that in addition to?"

Ms. Donaldson said, "That's in addition to. Those are the adults. You will tend to have fewer children, because of the HealthWave program, so you have a lot of adults that are not covered, but children may be covered because they qualify for either HealthWave or Medicaid."

Commissioner McGinn said, "Okay. And the pilot project started about when? I know Harvey County was one of the pilot counties and they've already been working on this and I didn't know if you've been in touch with them and how it's working for them."

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Ms. Donaldson said, "Actually, I talked to Harvey County yesterday and they have approved this and they're waiting for their cards."

Commissioner McGinn said, "Okay. So they were one of the first and so we're not too far behind, actually."

Ms. Donaldson said, "No, we're not. I think they hoped to roll it a little sooner. I think they made a few amendments to the agreement, and so they were hoping for October 1st, so we're not too far behind."

Commissioner McGinn said, "Okay. Well, I think this is great. It's unfortunate, in this day and age, we have this many people that are not insured and we've got to get our hands around what's going on in the health insurance world.

It's just way too expensive for many individuals and this will be something I think that people will be able to continue to get what they need to take care of some of their day-to-day challenges, and you know it's not free, but it's certainly a lot better than the full, retail costs. So, I'm glad to see we're doing this. I'm glad we're a member of NACo. It looks to me like the dollars that we invest to be a member of NACo is very minimal compared to what we're going to get back to our community through this program. Thank you."

Chairman Winters said, "Thank you. Commissioner Sciortino."

Commissioner Sciortino said, "Well I too, on the surface, think this is a good deal. It's almost too good to believe and that always gets me scared. So, I've got a few questions for you. But the pilot program, when does it stop being a pilot program? How long of a test period is it?"

Ms. Donaldson said, "They're hoping to run it for a year."

Commissioner Sciortino said, "What does that mean, 'Hoping to'?"

Ms. Donaldson said, "Well, I'm getting the feeling that if this takes off the way I think it's going to and people talk about what's happening in their counties, there will be a lot of pressure for them to not take a full year. That would be my guess."

Commissioner Sciortino said, "Well, okay. It's easy to start something. It's very bad to take it off, and once we start it, if it gets taken off, we get blamed, not NACo, it will be Sedgwick County because we implemented it. Do you have the criteria? Have they established criteria which they

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would use in judging whether it's been a success or it's been a failure? Do you know what elements will go into their decision-making as to whether or not this should be an ongoing program? If you don't know, that's okay too, just say that."

Ms. Donaldson said, "I don't really know for sure. When I talk with NACo, I think the only thing that they indicated that they were watching closely were if there were any changes at the federal level which meant these kind of programs weren't available . . . because as you know, everybody is looking at health care. They don't have anything out there, but that is always an issue at the federal level."

Commissioner Sciortino said, "Okay, so we don't know yet what they're going to use to decide whether or not this is going to be a success and we don't know for sure how long of a period that the test will go before they make a decision. Is that correct?"

Ms. Donaldson said, "That's correct."

Commissioner Sciortino said, "Okay. That's fine. Okay, I won't . . . because I've got a lot of questions. Who is going to qualify for the program? You said there's no database. Who is qualified to receive the card? What qualifications does a person have to make before Sedgwick County hands them the card?"

Ms. Donaldson said, "Actually, there aren't any, but the reality is that if someone has HealthWave, Medicaid or a health insurance benefit that covers pharmacy, the card really doesn't help them very much."

Commissioner Sciortino said, "Is it just anybody that wants to come in and get a card, we'll hand you a card? I mean, is there going to be any qualifications on who is qualified, who is not? I mean, just anybody . . . like Tom and I can get a card, anybody can get a card, whether or not we'll have much benefit for it. But is it open to everybody or do you have to have a certain age group? Have you got any qualifications on it?"

Ms. Donaldson said, "Basically, we don't. Basically, what we will do is we will make sure that these are available at those sites where those individuals who are most likely to benefit the most from it would be. And we're going to be . . . we will have them at safety net clinics."

Commissioner Sciortino said, "Okay, I got that, but somebody that isn't uninsured, are they disqualified?"

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Ms. Donaldson said, "No."

Commissioner Sciortino said, "So it's available to everybody. Okay."

Chairman Winters said, "Well, commissioner, I was going to say, to me and I think this is a good question, because I thought a little bit about this earlier, who would qualify."

If someone has a medical plan, whether it's HealthWave or insurance through their employer and they have a prescription benefit, they're not going to benefit from this. A person who walks in the door and pays retail, over-the-counter for a prescription I think should be eligible to have one of these cards."

Commissioner Sciortino said, "Well, except that some people that have a health plan, they only cover generic drugs sometimes. Maybe the doctor is suggesting starting to take a brand name. They can use the card for the brand name, even if they're . . . do you follow that?"

Chairman Winters said, "Yes. But I'm just thinking though that, again, I agree with you. My first thought, you know we'd offer it just to seniors, but then I think, I mean we need to offer it to anybody that is going to pay full retail for a prescription and I don't care who they are."

Commissioner Sciortino said, "That's the point I'm trying to make, but what I'm being told is that we're not going to have any restrictions, we're not going to question whether you have insurance or not. If you come in and ask for a card, you're going to be given a card. Is that correct?"

Ms. Donaldson said, "That's correct."

Commissioner Sciortino said, "Okay. And there's no database, so I could give this card to anybody I want to and they could use the card."

Ms. Donaldson said, "That's correct."

Commissioner Sciortino said, "Okay, that's a little wishy-washy, because if there's 36,000 uninsured and how many cards are we going to get?"

Ms. Donaldson said, "Initial order 50,000."

Commissioner Sciortino said, "Okay. I would hope it would go . . . And who is going to administer this at the county level?"

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Ms. Donaldson said, "We'll probably handle this it in my office and keep an inventory of where we place cards."

Commissioner Sciortino said, "Okay, will that require an additional personnel?"

Ms. Donaldson said, "No."

Commissioner Sciortino said, "Okay, and somebody at the office will handle the complaints, if they come in and 'My card wasn't good'? They're not going to call NACo, they're going to call Sedgwick County."

Ms. Donaldson said, "Right."

Commissioner Sciortino said, "And your office will handle that too?"

Ms. Donaldson said, "We will handle that and then we will tell NACo."

Commissioner Sciortino said, "Okay. Here goes the last question. Whose paying for this? There's no free lunch. Whose paying for it, if the county isn't paying for it, NACo isn't paying for it? Are the pharmacies just automatically eating the discount because they think they'll get more traffic into their stores? Do you know for sure whose paying for it?"

Ms. Donaldson said, "It's really a win/win situation. Obviously, the company is in it to make money."

Commissioner Sciortino said, "Which company?"

Ms. Donaldson said, "Caremark."

Commissioner Sciortino said, "Okay."

Ms. Donaldson said, "Okay, they are in it to make money. They offer a card and they can offer enough volume, throughout the country, that they are eligible for rebates and other kinds of monetary kinds of things from the pharmaceutical companies.

And this isn't an unusual thing. I think the State of Kansas also does that, with their Medicaid program and a lot of other states to help subsidize and support that program, and so they get their money through that volume. NACo benefits because . . ."

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Commissioner Sciortino said, "I know what NACo's benefits are. They're trying to increase their membership. It's like WEBA offering their insurance to . . . okay, but the pharmacy itself, do they get their money from the pharmacy company, if they sell this drug at a discount, they turn something into the pharmaceutical company and the pharmaceutical company rebates them for their lost revenue or how does the pharmacy benefit?"

Ms. Donaldson said, "Their handling fee is still a part of the charge of that medication, whether it's discounted or not. I mean, when you pay for medication, part of what you pay for is a handling fee."

Commissioner Sciortino said, "Well, I just assumed the pharmacy bought the drug at this price and sold it at this price, and the difference was the profit that the pharmacy . . . Dillons made. Is that not true? They just get a flat handling . . . they don't care how much the drug costs, because they only get a flat handling fee? Is that right? I don't know how they work."

Ms. Donaldson said, "I'm not as clear on that, but I do know that one thing that's important for them and how they do that is the handling fee and the handling fee doesn't change on this."

Commissioner Sciortino said, "Okay. All right, I mean, I think it's a great program, but I just want to make sure it doesn't come back and bite us, because if it doesn't work for some reason, we're going to get blamed, it's not going to be NACo. So, I think it's a great idea and I encourage you to try to see that it gets into the hands, at least initially, of people that could really benefit from it, but I kind of like the idea that we're not loaded with a lot of paperwork to keep a database and etcetera and so forth. So, let's give it a shot, see what happens."

Chairman Winters said, "All right, thank you commissioner. Commissioner Norton, did you have a question?"

Commissioner Norton said, "Well, I don't want to belabor it, but I just think it's a first step. You know, we had the health summit and it was obvious to everybody that was there that a lot of thoughts about the uninsured and the rising costs of pharmaceuticals. You know, that was a topic that we just kept whacking at, great first step to try to figure that out for our community. It's nice that we're connected to a national organization that we belong to that's trying to solve it at a national level and we can hook onto it."

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I would challenge us, over the next couple of years, to really make sure that there are end results, because there are other pharmaceutical plans out there and it's going to continue to become pretty competitive in this realm and Caremark is nationally recognized as a great consortium, but there's going to be others that will be vying for that same thing and if we can . . . you know, competition may breed something really good for Sedgwick County in the next few years, so we want to keep our eyes open and make sure that this is good for our citizens, but we take advantage of other places that we can continue to try to offer services.

I don't think pharmaceutical costs and health costs are going to go down any time soon and it's going to continue to be one of those kind of under the water drivers of economic development, either plus or minus and if you can solve it, it's going to help your community to grow and jobs to grow, it's going to help small business and even large businesses.

So, I applaud you for being proactive to try to do something that came out of the health summit, some of those issues that we worked with and worried with didn't look like they were going to have very easy solutions. So it's nice that we've at least started in the pharmaceutical costs to try to solve them. So, you know, I'm anxious to see what the results will be and what people say about it.

And I agree with Ben, ultimately if there's some complaints, it will come to the locals. But that's okay, we were getting the complaints already from people that are struggling, so at least we're trying to do something and I think we can field those complaints pretty well if there's some problems. Thanks, Deb. Thank you, Mr. Chair."

Chairman Winters said, "Thank you, Commissioner. I would hope, it appears that Harvey County has already taken advantage of this and I guess I would encourage any of our other neighboring counties that this would be a good reason to join the National Association of Counties organization and pursue this or at least pay attention and see how Sedgwick and Harvey County are going to proceed here and then they all may want to take advantage of this for their counties also."

Ms. Donaldson said, "I might add, Marion is also participating."

Chairman Winters said, "Marion County, okay very good. Yes you can, sir."

Commissioner Sciortino said, "Bob, when you briefed it to me, you said we were going to be coming up with some criteria to qualify. Are you changing . . . is that no longer the case?"

Mr. Lamkey said, "Yeah, I'll defer that to Deb. I think that's the case. I think we were looking at focusing the media issue, making it available to folks that are uninsured or underinsured, that's our

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primary target audience are those who have a need to go to retail individuals, and so that's why we basically got 50,000 cards, trying to focus it on those groups of individuals with the greatest need."

Commissioner Sciortino said, "Okay, and we're going to distribute them in like the Guadalupe Clinic, or the health clinic, where these people normally would come, so that's the emphasis, but then it's like anything else. Anybody can walk in."

Mr. Lamkey said, "Anybody can walk in and have one, if they have a benefit that's fine. And again, part of the education, media campaign is to make people know what is in their benefit, and for those that may not benefit, they'll understand it as well."

Commissioner Sciortino said, "Got it. Okay, thank you."

MOTION

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

Commissioner Norton seconded the motion.

Chairman Winters said, "We have a Motion and a second. Is there any other discussion at this time? Deb, keep us informed of how this develops. If there are no other questions, Madam Clerk, call the roll."

VOTE

Commissioner Unruh	Absent
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

Chairman Winters said, "Thank you, Debbie. Next item."

DIVISION OF HUMAN SERVICES – DEPARTMENT OF CORRECTIONS

G. ADJUSTMENT TO THE DEPARTMENT OF CORRECTIONS STAFFING TABLE TO INCLUDE FOUR CORRECTIONS WORKER POSITIONS, B216; FIVE INTENSIVE SUPERVISION OFFICER I POSITIONS, B219; AND ONE INTENSIVE SUPERVISION OFFICER II POSITION, B220.

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Mr. Mark Masterson, Director, Department of Corrections, greeted the Commissioners and said, "The County's 2005 budget includes funding expansion of the Community Corrections Adult Residential program by 45 beds.

As you know, this expansion was funded to address the waiting list of detainees who are housed at the Adult Detention Facility. The expansion includes the addition of the 10 positions that were previously sited. In preparing for this expansion, we've identified an opportunity to speed up the timetable by one month, if we hire and train the staff in December, 2004.

In order to do that, we need you to approve the addition of these positions to the staffing table, effective December 1st. The budget impact is \$35,653 and the funds are available to do that. I ask that you approve this plan and adjustment to the staffing table. I'll be happy to answer any questions."

Chairman Winters said, "All right, Mark. Thank you. Commissioners, any questions or comments? Commissioner Norton."

Commissioner Norton said, "Well, just a couple. I'm in support of this. I think it gets people trained and ready to go so that we're on the ground, running the first day of the year instead of having to struggle through training those folks. I know the Sheriff is in support of it. I've heard from him and the quicker we can get people trained to pull people out of the Adult Detention Center, which already gets strained a little bit, he's certainly for.

And then finally, you know we talk economic development, getting somebody to work, going out and interviewing and hiring ten people to go to work is economic development in our own house and so I say we should do it and we've got the money available. It's not going out and finding new money. It's already there, so I'm going to be supportive of it."

Chairman Winters said, "All right, thank you. I see no other questions. Somebody prepared to make a Motion?"

MOTION

Commissioner Norton moved to approve the adjustment to the Department of Corrections Staffing Table.

Commissioner McGinn seconded the motion.

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There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Unruh	Absent
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

Chairman Winters said, "Thank you, Mark. Next item."

H. REVISED FEDERAL-AID AGREEMENT WITH KANSAS DEPARTMENT OF TRANSPORTATION TO LET FIVE-YEAR PLAN PROJECTS.

Mr. David Spears, P.E., Director/County Engineer, Public Works, greeted the Commissioners and said, "Item H is an agreement with the Kansas Department of Transportation which will be used to authorize Sedgwick County to obtain federal funding for future road and bridge projects.

We are currently working under two old agreements, one being a secondary road agreement dated April 19, 1948 and the other being an off-system roads agreement dated August 26, 1975. This reason for the new agreement is that the old agreements are obsolete, contain obsolete language and the procedures that they have are old and they need to be revised with new procedures and replaced with one new agreement. Our Legal Department has approved the agreement as to form and I recommend that you approve the agreement and authorize the Chairman to sign."

Chairman Winters said, "All right. What was the first date on that original . . ."

Mr. Spears said, "April 19th, 1948 and it is in your backup."

Commissioner Norton said, "Well, I know about how old that agreement is."

Commissioner Sciortino said, "You weren't around, but it was a good year. I was here in '48."

Chairman Winters said, "I was a year old."

Commissioner Sciortino said, "I was already in high school. No, not quite."

Chairman Winters said, "All right, commissioners, we have revised agreements with Kansas

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Department of Transportation on our five-year budget.”

MOTION

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

Commissioner Sciortino seconded the motion.

There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Unruh	Absent
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

Chairman Winters said, “Thank you, David. Next item.”

I. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ REGULAR MEETING OF OCTOBER 14, 2004.

Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, “The meeting of October 14th results in five items for consideration today.

**1) WINDOW CLEANING SERVICES- FACILITIES MAINTENANCE
FUNDING: FACILITIES MAINTENANCE**

The first item, window cleaning services for Facilities Maintenance. Recommend the low bid from Wilson Building Maintenance and execute a one-year contract with two one-year options to renew, for an annual cost of \$11,925.

2) EXTENDED CAB PICK-UPS- FLEET MANAGEMENT

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FUNDING: VEHICLE ACQUISITION

Item two, extended cab pick-ups for Fleet Management. Accept the low bid from Lubbers Chevrolet, including manuals, for a total of \$64,323.

**3) SEDANS- FLEET MANAGEMENT
FUNDING: VEHICLE ACQUISITION**

Item three, sedans for Fleet Management. Recommend the low bid meeting specifications from Lubbers Ford, including manuals, for \$60,652.

**4) MINI-VANS- FLEET MANAGEMENT
FUNDING: VEHICLE ACQUISITION**

Item four, mini-vans for Fleet Management. Recommend the low bid meeting specifications from Don Hattan Chevrolet, option one including manuals, for a cost of \$34,900.

**5) PLASTER REPAIRS & PAINTING- FACILITY PROJECT SERVICES
FUNDING: CAPITAL IMPROVEMENT PROJECT/ BUILDING MAINTENANCE**

And item five, plaster repairs and painting for the Historic Courthouse for Facility Project Services. Recommend the low complete bid from RBP Incorporated, including alternate, for a total cost of \$66,410.

Be happy to answer any questions and recommend approval of these items.”

Chairman Winters said, “All right, thank you Iris. We have a couple of questions. Commissioner Sciortino.”

Commissioner Sciortino said, “Yeah Iris, on number one I read the backup where basically other vendors didn’t want to bid, and the current vendor didn’t want to bid. That just amazes me. I though maintenance was a very . . . you know, building maintenance was a pretty competitive job and I’m just kind of disappointed that nobody wanted to bid on our project. That’s amazing to me.”

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Ms. Baker said, “The bigger issues is the eleven floors of the main courthouse. Liability issues preclude a lot of them. They’re willing to do a couple of floors or three floors, but not eleven.”

Commissioner Sciortino said, “And that ABC, the current vendor, just I guess for whatever reason felt it wasn’t worth the effort and he just no longer wants our business.”

Ms. Baker said, “Yes, it’s my understanding, not only did he not want to bid, but he hasn’t been cleaning in the last year or two.”

Commissioner Sciortino said, “Oh, well I don’t think I want him to bid. Okay, that’s fine. I was just kind of amazed that we didn’t get any other vendors out there. Okay, that’s all I had, thanks.”

Chairman Winters said, “Not everybody does windows. All right, commissioners?”

MOTION

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

Commissioner Norton seconded the motion.

Chairman Winters said, “We have a Motion by Commissioner Sciortino and a second from Commissioner Norton.”

Commissioner Norton said, “Isn’t Wilson Business Maintenance who keeps up with the courthouse right now?”

Ms. Baker said, “Correct.”

Commissioner Norton said, “Okay. Is there any way we can maybe, if we know that we getting into a trend where people don’t want to bid this, that we roll this into the total contract and maybe get even a more reduced cost. You’re already saving \$3,000 from what the old contract was and maybe we attach it to the contract and sweeten the deal a little bit for ourselves and maybe for the same contractors that’s going to do both projects. I mean, I think it’s something we need to look at.”

Chairman Winters said, “All right, Iris, you might consider that in the future.”

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Ms. Baker said, "We'll research that."

Chairman Winters said, "Okay, may or may not work."

Ms. Baker said, "I can tell you that I separated it, originally when we did the regular building, the routine janitorial, because not everybody can do windows this level. So my fault, I intentionally broke that out."

Commissioner Norton said, "No, that's fine. I'm just saying maybe rethink it now, if we're going to get down to one company is the only one that can do both, maybe we combine it."

Ms. Baker said, "Good point, I'll research that."

Commissioner Norton said, "Okay."

Chairman Winters said, "All right, commissioners, we have a Motion and a second to accept the bid board recommendations. Any other discussion? Seeing none, Madam Clerk, call the vote."

VOTE

Commissioner Unruh	Absent
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

Chairman Winters said, "Thank you, Iris. Commissioners, we do need to have a short Executive Session. Oh yes, next item."

CONSENT AGENDA

J. CONSENT AGENDA.

- 1. Community Truancy Immunization Project line item adjustments, to be submitted to the Kansas Juvenile Justice Authority.**
- 2. Grant Application to Delta Dental Plan of Kansas Foundation for funding of a feasibility study of graduate dental residency and clinical program.**

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3. Application for License to Retail Cereal Malt Beverages.

<u>Applicant Name</u>	<u>Business Name</u>
Gwen Turner	Kwik Shop, Inc. #706

4. Order dated October 13, 2004 to correct tax roll for change of assessment.

5. General Bills Check Register(s) for the week of October 13 – 19, 2004.

Mr. Lamkey said, “Before you, you have five items on the consent agenda. I recommend you approve the consent agenda.”

MOTION

Commissioner Norton moved to approve the consent agenda as presented.

Commissioner Sciortino seconded the motion.

There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Unruh	Absent
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

Chairman Winters said, “Commissioners, we do need to have a short executive session, but before we do that, does anybody have any community business that we need to visit about this morning? Commissioner Norton.”

K. OTHER

Commissioner Norton said, “Just a quick update, the Haysville Fall Festival last weekend was well attended. Sedgwick County had a booth there. There was a downtown arena booth right across the way from it, and one thing that was very interesting, as people went to the downtown

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arena booth and got updated, one of the questions that was asked, ‘Are you registered to vote?’ and surprising enough, there was plenty of people that weren’t registered to vote, so they walked straight across the little dirt path and went to the Sedgwick County booth and registered to vote.

We had registrations there. I caught up with Rita Rippee at some point, and she had about 30 applications for people that had not voted before that were registered. So I think we provided a pretty darn good service to the community there, and also kind of told the story of Sedgwick County and all our other departments.

But it was a beautiful weekend. They estimated about 30,000 people came to Haysville, so a pretty good economic development for the little burg down south. That’s all I have.”

Chairman Winters said, “All right, thank you. Commissioner McGinn.”

Commissioner McGinn said, “Well, just wanted to share too, I attended the Maize Fall Festival and it was a great day for festivals and they had a great turnout, great parade, long parade of course, election year and those kinds of things.

Anyway, good day for parades and you said 30,000. I think Maize had 30,003.”

Commissioner Norton said, “You took your family, didn’t you. If your family had come to Haysville, we would have won.”

Commissioner Sciortino said, “This campaigning and one-ups-manship is just terrible.”

Chairman Winters said, “All right, well thank you very much. Any other community business? Commissioners, if not we need a executive session and for about 10 minutes, Rich? You think rather short?”

EXECUTIVE SESSION

MOTION

Chairman Winters moved that the board of County Commissioners recess into executive session for 10 minutes to consider consultation with legal counsel on matters privileged in the attorney client relationship relating to pending claims and legal advice and that the Board of County Commissioners return to this room from executive session no sooner than 10:12 a.m.

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Commissioner McGinn seconded the motion.

There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

Chairman Winters said, “We are recessed into Executive Session.”

The County Commission was recessed into executive session at 9:59 a.m. and returned from Executive Session at 10:15 a.m.

Chairman Winters said, “All right, we’ll call back to order the Regular Meeting of the Board of County Commissioners for October 20th, 2004. Let the record show there was no binding action taken in Executive Session. Mr. Lamkey, do you have anything else?”

Mr. Lamkey said, “I do not.”

Chairman Winters said, “Thank you. Mr. Euson?”

Mr. Euson said, “Yes. Mr. Chairman, Commissioners, while in Executive Session, we discussed a matter of pending litigation in a federal district court case involving Linda Sheppard versus Board of County Commissioners and we would like to ask your authorize to settle that case in the amount of \$23,000.”

Chairman Winters said, “All right. The amount again was \$23,000?”

Mr. Euson said, “\$23,000.”

MOTION

Commissioner Norton moved to approve the settlement as presented by the County Counselor.

Commissioner Sciortino seconded the motion.

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There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Unruh	Absent
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

Chairman Winters said, "Do you have anything else, Commissioners? All right, this meeting is adjourned."

L. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 9:59 a.m.

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

THOMAS G. WINTERS, Chairman
Third District

Regular Meeting, October 20, 2004

DAVID M. UNRUH, Chair Pro Tem
First District

TIM R. NORTON, Commissioner
Second District

CAROLYN McGINN, Commissioner
Fourth District

BEN SCIORTINO, Commissioner
Fifth District

ATTEST:

Don Brace, County Clerk

APPROVED:

_____, 2004