

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

December 2, 2009

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, December 2, 2009, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Kelly Parks, with the following present: Chair Pro Tem Gwen Welshimer; Commissioner David M. Unruh; Commissioner Karl Peterjohn; Mr. William P. Buchanan, County Manager; Ms. Jennifer Magana, Assistant County Counselor; Mr. Jim Weber, Deputy Director, Bureau of Public Works; Mr. Robert Hinshaw, Sheriff; Ms. Dorsha Kirksey, Director, Housing; Mr. Ron Holt, Assistant County Manager; Mr. Bob Parnacott, Assistant County Counselor; Ms. Pamela Martin Bevan, Clinical Services Director, Health Department; Dr. Timothy P. Rohrig, Director, Regional Forensic Science Center; Mr. Randall C. Duncan, Director, Emergency Management; Ms. Sheri Boeken, Office Administrator, District Attorney's Office; Ms. Iris Baker, Director, Purchasing; Ms. Kristi Zukovich, Director, Communications; and Ms. Katie Asbury, Deputy County Clerk.

INVOCATION

Led by Reverend Doctor Cathy Northrup, First Presbyterian Church, Wichita

FLAG SALUTE

ROLL CALL

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

DONATION

A. DONATION BY THE DERBY WAL-MART OF \$1000 CASH BONUS GRANT THAT IS TO BE USED FOR THE OAKLAWN SCORE PROGRAM.

Mr. Robert Hinshaw, Sheriff, greeted the Commissioners and said, "The Derby Wal-Mart has been an avid supporter of the Sedgwick County Sheriff's Office and the youth that live in the Oaklawn area. Since 2002, they've provided several thousand dollars to purchase prizes for award ceremonies that are conducted in the local schools. Also, for the past several years, they've provided a bonus grant of \$1,000 to our Community Policing unit and the Oaklawn Activity Center. The money this year will continue to provide funding for our SCORE program, which stands for Sedgwick County Outreach Recreation Effort."

Regular Meeting, December 2, 2009

“This program allows Sheriff’s Deputies, along with children from the Oaklawn area, to take field trips, such as to the Zoo, and is another aspect of the mentoring that is part of what we try to do with the youth that we’re responsible for their safety and security. I would ask the Commission to accept this donation. If you have any questions, I will be more than happy to try to answer them. Thank you.”

MOTION

Chairman Parks moved to accept the donation and authorize the Chair to sign a letter of appreciation.

Commissioner Peterjohn seconded the motion.

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

VOTE

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

Chairman Parks said, “Next item.”

NEW BUSINESS

B. SEDGWICK COUNTY 2010 LEGISLATIVE PLATFORM.

Ms. Kristi Zukovich, Director, Communications, greeted the Commissioners and said, “Before you is the 2010 Legislative Platform for your consideration. As you know, over the past few months we have sent this information out to our departments to identify those issues and areas that will be important to Sedgwick County during the next legislative session. And, of course, it is our intent to prepare some guidance for our South Central Legislative Delegation in helping them to understand the areas that are important to us to assuring services to our citizens. This platform serves as a means for us to be good partners with the legislators, it serves as a resource of information to them, as well we are a resource to them.”

Ms. Zukovich continued, “And we know that they will wrestle with not only budget issues, but other policy decisions that affect how we can best serve the citizens of Sedgwick County and

Regular Meeting, December 2, 2009

Kansas. The items contained within the platform focus on the areas of transportation, economic development, general government and health and human services, which includes aging, mental health and developmental disabilities. There's also a section on core principles, or policy statements, which address a variety of issues that may or may not come up during the legislative session. Commissioners, as we all know, state decisions can and do have significant impacts on what we do here at Sedgwick County. This legislative platform is intended to serve as a guide, yet we understand it is a living document, and that we will have to be flexible to respond to issues as they emerge. As you also recall, Commissioners, during the 2010 budget session, we reduced the funding for government relations, however, Marv Duncan, who is Project Manager in Communications and Bob Parnacott, Assistant County Manager [Counselor] have been very instrumental in continuing to help work through this platform and on other legislative issues. We also have many departmental contacts who will be working on legislative issues, and of course we look to your leadership and support. We did have some discussion yesterday and understand you wish to have further discussion today. And I stand for any questions you may have or how you wish to proceed."

Chairman Parks said, "I would like to have a motion and a second to receive and file and then we can discuss a little more. Do I hear a motion to receive and file?"

MOTION

Commissioner Unruh moved to receive and file.

Chairman Parks seconded the motion.

Chairman Parks said, "Commissioner Peterjohn wished to speak to several of these issues, and as we know, he has extensive experience in items with Topeka. And yesterday in a staff meeting, in fact, I brought up an item that City of Wichita just talked with me about on Monday, so as Ms. Zukovich said, it is a living document and we're going to make sure before we actually adopt this that we have all the Commissioners here, so I will turn it over to Commissioner Peterjohn for some more elaboration on that."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I wanted to clarify, if we vote to receive and file, will this issue come back up at a future date? Because I thought our understanding

Regular Meeting, December 2, 2009

was, I was interested in getting not only more response to some of the suggestions I'd outlined, and I copied all of you earlier this week, but also wanted to see if we were going to wait until next week to actually approve it, so I wasn't sure if we receive and file, this is normally what we do when we just accept things and go on down the road. And I have a procedural question, in terms of how we go, because at this point, if we're going to receive it and file it, that to me sounds like we're approving it as is, and I have some problems with that."

Chairman Parks said, "Any time, my understanding is, that we receive and file, that document is just entered into the record as such. And as I said, it is a living document. We're not approving this legislative item today, we're just receiving and having it on record, so it undoubtedly will be changed in the next few days, next few weeks, maybe the next few months over the period of time. Mr. Manager."

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "Mr. Chairman and Commission, it would be certainly our intent to add this to the Agenda and make it an Agenda item for next week for your approval."

Commissioner Peterjohn said, "Okay. Well I appreciate the clarification for procedural purposes, from both the Manager and from the Chairman, so my question has been answered. Thank you."

Chairman Parks said, "Do you want to elaborate on any of the items that are on the Agenda today?"

Commissioner Peterjohn said, "I think we've got a fairly full Agenda today and I would like to kind of let us proceed, and obviously when we've got all five Commissioners here, I would like to have all five of us have input since it's a document that's very flexible, unlike a constitution, which is firm and fixed, this is, like you said, a changeable and malleable document."

Chairman Parks said, "For those out there in the audience and later watching this by TV or by streaming video, it behooves us to set a legislative agenda each year to protect our citizens, to protect our monies, to protect our rights as a county, certain things that the state does affects us every day in a daily operation. So, Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. I would not be opposed to having Commissioner Peterjohn maybe at least mention some of his recommendations. I mean, I'm not opposed to waiting, either, but I wouldn't mind kind of moving forward with this and having a discussion to some level, but I'll yield to your direction, Mr. Chair."

Regular Meeting, December 2, 2009

Chairman Parks said, “If we could, for the record, state that we do have items for the legislative platform, including the Fair Fares [Program] for Kansas, the support in maintaining the special highway fund, support for the Comprehensive Transportation Plan; which does include three of the top 12 in the state, which Commissioner Norton and I have been working with WAMPO (Wichita Area Metropolitan Planning Organization) and KDOT (Kansas Department of Transportation) on. Economic development; the Homeownership Program for Sedgwick County. Public Safety; jail overcrowding and issues that surround that, the Department of Corrections and the length of stay, some special KPERs (Kansas Public Employees Retirement System) for detention officers, offender registration, increased penalties for DUI (driving under the influence) laws, which will impact our county significantly, some of the laws connecting and surrounding the E-911 and making sure that those funds are still streaming into our 911 center from the state, the consolidation of field corrections services.

“The eminent domain issue, annexation by cities in Sedgwick County as well as other counties, support of county home rule, support of maintaining open government, transparency, support in maintaining exemptions in open meeting laws, which we’ve struggled with this year over some of the other years, the opposition to unfunded state mandates, and highway right-of-ways, being able to have a county sales tax by virtue of just having a local vote instead of having the legislature approve that, the cities can approve that with just a local vote and the counties have to go to the legislature to get that approval. Support for alternative taxing, some of the local revenues that we would need to be more flexible on, and opposing the tax lids on cities and counties. Now, there are several other things in Human Services, Health and Environment, Solid Waste, Core Principles, Developmental Disabilities and Aging, which the Governor has come out and said that some of those services are going to be impacted by funding. That’s just kind of an overview on what we have here. If there’s something that really needs to be discussed, I think we can do that today, however, if it gets into a lengthy discussion, we may want to have that on a day that we don’t have such a long Agenda. What is the will of the Board, dialogue?”

Commissioner Unruh said, “Well, I think Mr. Peterjohn...”

Chairman Parks said, “Yes. Mr. Peterjohn.”

Commissioner Peterjohn said, “Well thank you, Mr. Chairman, because a number of those items that you mentioned are ones that I wanted to talk about. Just for the record, I would appreciate a clarification, because at staff meeting yesterday I think the Public Works Director, David Spears, said that, I believe, out of the proposed Comprehensive Transportation Program for next year that, I think, only one out of the top 12 priorities of the Kansas Department of Transportation are in the

Regular Meeting, December 2, 2009

south central region, in general, and Sedgwick County, in particular. And I think you just said three out of the top 12, and I would appreciate a clarification on that.”

Chairman Parks said, “From the information I have at WAMPO, the top 12 may include three of our projects, however, the priorities that were set by that, it may not get past about the fifth one in that group, and that was my understanding.”

Commissioner Peterjohn said, “Okay. Because one of the changes I did, in terms of dialogue, was to, if we’re talking about a new statewide transportation program that’s basically going to have almost all the projects, over 90 percent from what was presented in one region, in fact in maybe only two counties in the state, I frankly think that there’s some regional concerns that we should have, and if it’s not clear exactly where we stand on it, I would certainly like to get that clarified before we proceed. But that’s just that one issue.”

Chairman Parks said, “As we said, this is a living document and we will be working on that. We may even have someone that’s from the WAMPO [Metropolitan] Transportation [Plan Project Advisory] Committee (MTP-PAC) give that presentation next week, also. If we would like to move on at this point.”

Commissioner Peterjohn said, “Well, if we’re going to bring it up next week, that’s fine, I’ll vote to receive and file.”

Chairman Parks said, “Okay.”

Commissioner Welshimer said, “And I’ll second.”

Chairman Parks said, “Well we have a...”

Commissioner Welshimer said, “We already did.”

Chairman Parks said, “...motion and second already and let’s just call the vote.”

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Absent
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye

Regular Meeting, December 2, 2009

Chairman Parks

Aye

Chairman Parks said, "This way this will be available for our citizens to look at also in case they have any input."

Ms. Zukovich said, "And Commissioners, we will gather additional information as Commissioner Peterjohn has expressed some of his ideas, and we will bring that back as well."

Chairman Parks said, "Thank you."

Ms. Zukovich said, "Thank you."

C. ADOPT A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$200,000,000 AGGREGATED PRINCIPAL AMOUNT OF SINGLE FAMILY MORTGAGE REVENUE BONDS (MORTGAGE- BACKED SECURITIES PROGRAM), 2009 SERIES A, OF SEDGWICK COUNTY, KANSAS AND SHAWNEE COUNTY; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF FINANCING DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING THE OFFICERS, EMPLOYEES AND REPRESENTATIVES OF SEDGWICK COUNTY, KANSAS, TO PERFORM ALL THINGS NECESSARY, APPROPRIATE AND INCIDENTAL THERETO.

Ms. Dorsha Kirksey, Director, Housing Department, greeted the Commissioners and said, "The item before you is for a program that would do a series of transactions totaling up to \$200 million in bonds to fund first-time homebuyer purchases. Some of the history of this program, we've been issuing these bonds, along with Shawnee County, for over 25 years, and the program helps low to moderate income families be able to purchase first homes. This project structure is a little different, because based on the status of the housing market over the last couple of years, the Treasury Department has elected to try and help housing finance agencies by purchasing these bonds at a lower rate this year, and locking in that rate throughout 2010."

"The program structure is not totally fleshed out at this point because we're still learning some of the guidelines from the Treasury Department, but we anticipate that the structure of the program will be designed and totally completed by the first of the year. If you do elect to go ahead and approve this resolution, this up to \$200 million in bonds would allow us to benefit approximately 2,000 to 3,000 low to moderate income families, depending on the price of the home that they purchase, to purchase a first-time home. We recommend that you adopt the resolution and authorize the Chairman to sign all related documents, and I'd be happy to answer any questions you may have at this time."

Regular Meeting, December 2, 2009

MOTION

Chairman Parks moved to adopt the Resolution and authorize the Chairman to sign all related documents.

Commissioner Welshimer seconded the motion.

Chairman Parks said, "Motion and a second. We were all very well briefed by Finance and Ms. Kirksey yesterday on this issue, or in days past, are there any questions of Ms. Kirksey? Seeing none, call the vote."

VOTE

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

Ms. Kirksey said, "Thank you."

Chairman Parks said, "Thank you."

D. RESOLUTION PURSUANT TO K.S.A. 19-101a(a)(4) REQUESTING THE CITY OF WICHITA CONSENT TO THE LIMIT EXERCISE OF COUNTY HOME RULE POWERS WITHIN THE BOUNDARIES OF THE COUNTY OWNED SITE FOR THE INTRUST BANK ARENA.

Mr. Ron Holt, Assistant County Manager, greeted the Commissioners and said, "In discussing licensure requirements for the operation of the Intrust Bank Arena by SMG, city staff noted that certain provisions in the city code applied, but that in their view, these were not necessary or appropriate for the proper operation of the arena. City and county staff, most specifically Mr.

Regular Meeting, December 2, 2009

Parnacott, working with folks from the City [of Wichita] Attorney's Office have developed a solution that would exempt the county and SMG from these code provisions. The resolution before you today requests the city consent to allowing the county to exercise limited home rule powers within the boundaries of the arena property. Just a bit more background, because of its location within the city limits, the Intrust Bank Arena is subject, as we mentioned, to certain regulatory requirements stemming from city code, which have not applied to the operation of the Kansas Coliseum because it's located in an unincorporated part of the county. These requirements include city controls over sale and consumption of alcoholic beverages, entertainment production venues and sales by itinerant merchants. These provisions would require a city license for the arena as an entertainment establishment and as a drinking establishment/restaurant, and could also include license requirements imposed by the city code provision relating, as I mentioned, to itinerant merchants.

“So to address these matters, again, city and county staff have worked together with the following solutions. First, the county adopt a resolution requesting the city to consent to exercise of county home rule within the Intrust Bank Arena boundaries to exempt it from the aforementioned city code provisions, specifically to exempt the Intrust Bank Arena property from application of Title 4: Intoxicating Liquors and Beverages in the Wichita City Code; Chapter 3.30: Entertainment Establishments in the Wichita City Code and Chapter 3.95: Itinerant Merchants in the Wichita City Code. The city then receives the request, your approval today then would move this to the city, they would receive the request, next week's City Council meeting then they would take action granting the request. The city staff has already developed the necessary paperwork and Agenda items for that to happen. Following that then, your meeting next week, the county would adopt a home rule resolution exempting the Intrust Bank Arena from the stated city code provisions. The approved resolution would then need to be published once in the official county newspaper. Alcohol regulation is not dependent on city licensure requirements. The State of Kansas also provides for enforcement of its own liquor laws regarding consumption, overconsumption, underage drinking and sales to minors.”

“Although the county Sheriff's Deputies, which will provide security at arena events, cannot enforce city ordinances, they can enforce state law. Exempting the arena site from city alcohol regulations will allow Sheriff's Deputies to be responsible for all law enforcement activities on the arena property without confusion that would be created by limited law enforcement jurisdiction. Deputies would still be able to call upon the WPD, Wichita Police Department, for backup as needed. The entertainment licenses for the performance, producers and the vendors they bring in would not produce income sufficient to justify regulations of individuals already subject to operating agreements with SMG. Moreover, eliminating these fees and the administrative burden they represent will favorably impact the booking of entertainment acts for the arena.

Regular Meeting, December 2, 2009

“The bottom line here is that this action would also place the arena on the same footing as Century II, as the city has waived such fees for acts appearing there. The county and SMG would still be subject to other city code provisions, including but not limited to building and fire codes, would be subject to state and federal laws as well. For example, although the arena would not be required to have a city liquor license, it would still have to have a state liquor license, which it has already received. So with the opening of the arena approaching rapidly, your approval of this resolution is needed today so that the city can act on it at their next meeting, and then as I mentioned, we’ll come back next week and have another resolution specifically directing the exercise of limited home rule power by the county on the arena site. Once we do that next week, and it’s published once in the county official publication, then everything is in place to move forward. I apologize for that long and drawnout review, but thought it might be helpful to understand the full context of what you would be voting on today. So with that, Commissioners, I’d be happy to answer any of the questions you might have, but would ask for your approval of this resolution.”

MOTION

Chairman Parks moved to approve the Resolution.

Commissioner Welshimer seconded the motion.

Chairman Parks said, “Have a motion and a second. Some of the people that wondered why, in 2007, I discussed, or brought up, in a staff meeting why we might de-annex [sic] that property, this is one of the things that I was thinking about down the line. Any other discussion on this? Commissioner Peterjohn.”

Commissioner Peterjohn said, “Thank you, Mr. Chairman. Mr. Holt, I wanted to clarify, because my understanding is a charter, if we make this request and proceed down this road, it does take a period of time, and that this would take effect after the arena would open, if my expectation on the calendar is correct, I think there’s a period of 60 days after the resolution would be approved by the Commission before it could take effect, so would we have any problems in the interim between now and when the arena opens in early January?”

Mr. Holt said, “You noticed I very diligently followed my notes in presenting this, so I am going to ask Mr. Bob Parnacott to come and answer your question, please.”

Chairman Parks said, “That’s a good idea.”

Regular Meeting, December 2, 2009

Mr. Bob Parnacott, Assistant County Counselor, greeted the Commissioners and said, “That would be true for a charter resolution; this is not a charter resolution. This is a simple home rule resolution, takes effect upon publication in the official county newspaper. In order for us to exercise our home rule powers within the city limits, though, we need the city’s consent, and that’s all we’re getting. So it’s just simple home rule.”

Commissioner Peterjohn said, “Okay. So there’s no need for a charter resolution, per se?”

Mr. Parnacott said, “That’s correct.”

Commissioner Peterjohn said, “I very much appreciate that clarification.”

Chairman Parks said, “Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chair. Well, Ron, this is not unique in the city. You motioned that this is the same sort of arrangement that the city has with itself in relation to Century II, so we’re not asking for something that is completely extraordinary, this is kind of the way that these sorts of entities operate.”

Mr. Holt said, “That’s absolutely correct. And I might just take this opportunity to mention that on your Consent Agenda there’s another resolution asking that this public building, the arena as a public building, be exempted from state statute allowing liquor to be served there. That’s the same status as Century II, Botanica, as well as the Coliseum, so these are very standard processes and procedures, and yes, we’re not asking to do anything different than is allowed under city code with other city related public buildings.”

Commissioner Unruh said, “Alright, thank you. That’s all I had, Mr. Chairman.”

Chairman Parks said, “Seeing no further discussion, call the vote.”

VOTE

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

Regular Meeting, December 2, 2009

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

Chairman Parks said, "And I thank you for the clarification on that."

E. HEALTH DEPARTMENT.

1. APPROVE THE AGREEMENT TO PROVIDE HEPATITIS A & B VACCINES FREE OF CHARGE TO HIGH-RISK CLIENTS.

Ms. Pamela Martin Bevan, Clinical Services Director, Health Department, greeted the Commissioners and said, "Since 2003, the Health Department has participated in the Adult Viral Hepatitis Prevention Program offered through KDHE (Kansas Department of Health and Environment). This program increases the availability of Hepatitis A and B vaccines to high-risk persons, free of charge, through our Family Planning and STD (sexually transmitted disease) Clinics. Hepatitis A and B are diseases of the liver that are caused by viruses. Hepatitis A is transmitted through fecal and oral contact, and Hepatitis B is spread through contact with body fluids of an infected person. For this period, we anticipate provision of approximately 500 to 600 doses of Hepatitis A or B through these clinics. This will result in \$21,000 to \$77,000 of vaccination services to this population. Our proposed recommended action is to approve and authorize the Chair to sign this agreement."

MOTION

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

Chairman Parks seconded the motion.

Chairman Parks said, "Discussion, Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I've got a couple of questions. Our backup information indicates that there were 14 Hepatitis A and eight acute Hepatitis B infections occurred in Kansas last year, and that there were, well, in 2008, 11 of those Hepatitis A cases were here in Sedgwick county and 38 cases of Hepatitis B here in Sedgwick county, and I'm trying to understand how we could have 38 acute cases of Hepatitis B here in Sedgwick County, when there were only eight statewide in that data? Because if we've got 25,000 Hepatitis A cases nationally, and 43,000 Hepatitis B infections in 2007, my old rule of thumb is Kansas is about one percent of the nation and you can take those numbers down and that would translate to a lot more cases here, and I don't know how we're fortunate enough that these numbers are lower, but I was interested in that disparity, in terms of why we had more in Sedgwick County apparently in 2008 than were listed here statewide? Any help you can give me on those numbers, please?"

Regular Meeting, December 2, 2009

Ms. Martin Bevan said, "Well, what I have been told is that Sedgwick County has the highest numbers in the State of Kansas. We are close to, and also Pittsburg and Columbus is the next highest, but Sedgwick County has the highest numbers of Hepatitis in Kansas."

Commissioner Peterjohn said, "Well, let me..."

Ms. Martin Bevan said, "I guess I didn't..."

Mr. Buchanan said, "If I may be of help."

Commissioner Peterjohn said, "Sure."

Ms. Martin Bevan said, "...you were..."

Mr. Buchanan said, "Excuse me, Pam."

Ms. Martin Bevan said, "Okay, go ahead,"

Mr. Buchanan said, "There appears to be some inconsistencies in this backup and if you would give us an opportunity to clear that up, we'll get back to you."

Commissioner Peterjohn said, "I'd very much appreciate it. Thank you."

Mr. Buchanan said, "Thank you very much."

Chairman Parks said, "It may be a '07 and '08 issue, also, I don't know."

Mr. Buchanan said, "We'll find out."

Commissioner Peterjohn said, "Now, let me also ask some other questions, if I may, Mr. Chairman..."

Chairman Parks said, "Certainly."

Commissioner Peterjohn said, "...concerning how many people in Sedgwick County the Health Department inoculated for Hepatitis A and B in either 2008 or 2009? Is that information available?"

Ms. Martin Bevan said, "Yes, I do have that. I do not have it separated, as far as Hepatitis A and B, but I have them as far as conjunction, as far as the clients that come through the Family Planning

Regular Meeting, December 2, 2009

and STD Clinics. And for 2007, it was 140 vaccines that we had given. In 2008, it was 220, and as of the end of September, we have given 439.”

Commissioner Peterjohn said, “Four hundred and thirty-nine?”

Ms. Martin Bevan said, “Yes, so we’ve doubled that.”

Commissioner Peterjohn said, “Let me ask you, if Hepatitis A and B are slightly different, if they’re inoculated, how long is that good for? Is it like a tetanus shot that’s good for a period of time or is it good in perpetuity?”

Ms. Martin Bevan said, “It is, depending on the manufacturer, a person receives a vaccine, they may receive two to three doses, and they get that series, and once the series is completed, they are considered protected.”

Commissioner Peterjohn said, “For the rest of their lives?”

Ms. Martin Bevan said, “Correct.”

Commissioner Peterjohn said, “For both Hepatitis A and B?”

Ms. Martin Bevan said, “I would have to get back with you on Hepatitis A, but yes, for the series for Hepatitis B, unless anything changes throughout, as far as research, a person is considered vaccinated once they have received their full series. They would not have to receive another.”

Commissioner Peterjohn said, “Well, thank you very much, and Mr. Manager, I’ll look forward to getting that clarification.”

Chairman Parks said, “If I could add just a little bit to that, I’ve known law enforcement officers that have had two series of lifetime vaccinations, so there are some manufacturers differences and some differences of opinion in the medical community on that. And while I’m talking about law enforcement, EMS (Emergency Medical Services) and fire fighters, other first responders, is this going to be made available to them, also? The ones that haven’t had that the first time.”

Ms. Martin Bevan said, “As far as this particular vaccine that’s coming through the grant, it’s free of charge to those who are coming through our Family Planning and STD Clinics, but as far as for other Sedgwick County employees, they’re able to receive the Hepatitis B vaccine through Risk Management and through the Blood Borne Pathogen Program.”

Regular Meeting, December 2, 2009

Chairman Parks said, “And that is not under a grant program, though, it’s just under our own HR (Human Resources)?”

Ms. Martin Bevan said, “Right...”

Chairman Parks said, “Okay.”

Ms. Martin Bevan said, “...that would be through the county that they’re able to receive that.”

Chairman Parks said, “I know that the 20 cities in the county, in fact, in the past have been part of a program that they were able to get those free of charge, also, so I would encourage the Health Department to look into that also. Thank you.”

Ms. Martin Bevan said, “Thank you.”

Chairman Parks said, “Any other questions? Seeing none, call the vote.”

VOTE

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

2. AMEND THE AID-TO-LOCAL AGREEMENT TO RECEIVE SUPPLEMENTAL FUNDING OF \$46,102 FOR THE FAMILY PLANNING GRANT AND AUTHORIZE THE COMMENSURATE ADJUSTMENT TO BUDGET AUTHORITY.

Ms. Martin Bevan said, “The Health Department has applied for, and received, funding from KDHE for family planning services for several decades. The purpose of the grant is to provide individuals with information and means to help them to determine the number and spacing of their children. Families with lower income and those at higher risk are primarily targeted. Those services are not denied to anyone, which is in compliance with Title 10 of the Public Health Service Act. With this one-time supplemental funding, we anticipate serving a total of 3,241 unduplicated clients in state fiscal year 2010. Our proposed recommended action is to amend the aid-to-local agreement and authorize the Chair to sign the amended document and the additional budget authority.”

Chairman Parks said, “What is the will of the Board?”

Regular Meeting, December 2, 2009

MOTION

Commissioner Welshimer moved to amend the Aid-to-Local Agreement and authorize the Chair to sign the amended document and the additional budget authority.

Commissioner Unruh seconded the motion.

Chairman Parks said, “Motion and a second, further discussion? Seeing no further discussion, call the vote.”

VOTE

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

Ms. Martin Bevan said, “Thank you.”

F. DIVISION OF PUBLIC SAFETY.

1. ADDITION OF A FORENSIC SCIENTIST (TOXICOLOGY) POSITION TO THE REGIONAL FORENSIC SCIENCE CENTER STAFFING TABLE.

Dr. Timothy P. Rohrig, Director, Regional Forensic Science Center, greeted the Commissioners and said, “This request before you actually has a little history to it in the sense that we recognized many months ago that we were short in the number of scientists that we have in our toxicology laboratory, which was impacting our ability to provide quick turnaround time on all toxicology cases, also autopsy cases, and also that we were one short as far as being in compliance with our name accreditation. During this period, we also identified an opportunity to apply for some Recovery Acts grant money through the Edward Byrne Memorial grant fund. This is a competitive grant which we sought your approval, and received your approval, to apply for back in April. We were notified in September of this year that we were awarded the grant from the federal government. Commissioner Parks signed the grant award documents and we got all the balls in place, as far as receiving the money. The next step, then, is to come before you and ask for

Regular Meeting, December 2, 2009

authorization to add an FTE (full-time equivalent) to our staffing table so we can utilize this funding, and this will be for 18 months, full cost for this position in the toxicology laboratory. Hopefully my voice will hang in here a few more minutes. I would like to recommend that you approve this, add to our staffing table and I stand ready to answer any questions that you may have.”

Chairman Parks said, “I believe this is just a kind of a follow-up on a lot of the discussion we had before. I think it is a needed position, probably needed for many years, in fact, to get the accreditation we need, to get the work done that we need to get done, hopefully this will remedy some of those complaints and time sensitive things that those loved ones have been contacting us about over the last couple of years.”

Dr. Rohrig said, “It definitely will.”

Chairman Parks said, “Okay.”

MOTION

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

Commissioner Welshimer seconded the motion.

Chairman Parks said, “Motion and a second. Discussion, Commissioner Peterjohn.”

Commissioner Peterjohn said, “Thank you, Mr. Chairman. Dr. Rohrig, I’ve got some questions, because the information on the Agenda describes the amount as \$48,600, but the backup information says it’s over 18 months and lists a budget impact for a forensic scientist, and maybe it’s just not clear to me, it would seem to be over 18 months and gives a budget impact for the calendar year 2010 of \$58,305. I’d appreciate any clarification you can provide to me on that apparent disparity.”

Dr. Rohrig said, “Right. I believe the \$48,600 is relative to our next Agenda item, which is another grant that we did receive. The memorial grant, the Recovery Act money, \$58,000 and some change, I believe, is the cost of the position. We also have embedded into that grant the cost of computer, telephone, the federal government also required for us to receive this grant that we’d asked for, they would pay for, but nonetheless, we would ask for travel money, so we could go to Washington, D.C. or a site of their selection for meetings relating to the expenditure of these grant funds.”

Commissioner Peterjohn said, “Okay. Because the other clarification I wanted to have was, on the duration of this 18 month period, because the backup information indicates a budget impact starting

Regular Meeting, December 2, 2009

October 1st of this year running through the end of this year and then all of next year. And if it's 18 months, I assume it stretches four months into 2011, too?"

Dr. Rohrig said, "That would be correct, sir. Whenever we actually hire the position, the clock will start."

Commissioner Peterjohn said, "Okay. So we actually haven't... so would this actually start as soon as we approve this, or did it start October 1st?"

Dr. Rohrig said, "No, it will start when you approve it."

Commissioner Peterjohn said, "Okay. And stretch out 18 months. If we don't have accreditation, what impact does that have on the operation in the entire Regional Forensic Science Center and, in general, in the Coroner's Office in particular?"

Dr. Rohrig said, "Well, accreditation serves multiple purposes. One, it is a stamp of approval from the peers in the industry, that is other practicing scientists or physicians within the nation. This is one of the areas that we're questioned in when we go to court to testify in criminal proceedings. Are you accredited? Is your laboratory accredited? Are your staff members board certified? Recently, back in February, Congress released a National Association of Science report that was criticizing forensic services throughout the country, and one of the things they brought up was the inordinate number of forensic centers that were not accredited. We do not fall into that group."

Dr. Rohrig continued, "If you want some interesting reading, google the Houston Police Department and you will see the multitude of problems that they've had over the last three or four years relating to their lack of accreditation, calling into question their forensic practices. So it not only gives us that stamp of approval, but it requires us to meet certain scientific principles requirements to assure that when we do an autopsy, when we analyze cocaine or other forensic practices, that we are following the state of the art, that our work will never be called into question, successfully, in a criminal hearing."

Commissioner Peterjohn said, "Well, let me jump back to the numbers then, so I have the financial side of this more clear in my mind. If this is for 18 months and the budgetary impact for next year is \$58,305; that would be a total impact for a little over \$87,000. Help me understand, would this \$48,600 that's on the front end of the grant, if we need to come up with the difference, where do we come up with it, and how under the proposed action we have in front of us today with this grant proposal?"

Dr. Rohrig said, "Mr. Peterjohn, the \$48,600 is pertaining to a Coverdell grant, not the Byrne grant, I know I've got two grants back to back. You may have some backup that may be out of

Regular Meeting, December 2, 2009

order. But the funding for this position is fully covered from the Byrne Memorial grant, which is close to \$100,000.”

Commissioner Peterjohn said, “Okay. I very much appreciate that clarification for the record.”

Chairman Parks said, “Commissioner Welshimer.”

Commissioner Welshimer said, “So once this is approved, what’s the time element for finding someone to fill this position?”

Dr. Rohrig said, “Well, fortunately we are very lucky in that situation. Beginning of this year, I went to the Manager and requested that he authorize a temporary part-time individual, we have a young lady that is fully trained that’s working part-time right now, assuming this is approved and I can get the paperwork through HR, she’s ready to start working full-time, probably December 7, I believe, is the beginning of the first pay period. So essentially immediately upon approval...”

Commissioner Welshimer said, “That’s good because you really need that.”

Dr. Rohrig said, “...by the Board. I will not argue with you that, ma’am.”

Commissioner Welshimer said, “Yes. Thank you.”

Chairman Parks said, “Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. I just want to make a comment. I’m going to be fully supportive of this Agenda item. I appreciate the fact that you are on alert and trying to harvest, if you will, the grants that are available to us so that we can have some support in maintaining our Regional Forensic Science Center, and I appreciate the fact that you are sensitive to maintaining our accreditation. I think it is important professionally to our Forensic Science Center, but also I think it validates in our community that we’re running a first-class organization that meets all the guidelines that the profession has established, and I assume that it probably also helps us in applications for grant support.”

Dr. Rohrig said, “That is correct. Many of the grants require you to be accredited or you cannot apply for additional funding.”

Commissioner Unruh said, “So there’s, it seems, multiple reasons that we need to be sensitive to that, and I’m appreciative of the fact that we’ve received this grant, so I’m going to be supportive.”

Regular Meeting, December 2, 2009

Chairman Parks said, “I too am going to be supportive, and that was my second item, in fact, was about the future grants. I do know from other public safety items that if you’re accredited, you qualify and those grants go much smoother, and application in the future. Also, correct me if I’m wrong, you can also take judicial notice to that in homicide trials and cut about two hours off your testimony, is that correct?”

Dr. Rohrig said, “Well, I would say that was true up until a recent ruling out of the State of Massachusetts, but up until that time, absolutely. Now it’s becoming a little more problematic, but because of our accreditation, we have not seen the dramatic increase in the number of courtroom hours by our folks. We’re seeing a slight increase, but not where some of the other jurisdictions are experiencing.”

Chairman Parks said, “And that was a Supreme Court case then...”

Dr. Rohrig said, “Yes...”

Chairman Parks said, “...that came out of Massachusetts?”

Dr. Rohrig said, “...I think it was Hernandez v. State of Mass. [Melendez-Diaz v. Massachusetts] I’m not positive on the cite [citation]....”

Chairman Parks said, “Okay, well...”

Dr. Rohrig said, “...but recently.”

Chairman Parks said, “...I will discuss that with you later, because that impacts our 24 homicide suspects we have in our jail, you know, the length of those trials and those things that can go smoothly. And you are an important part of the justice system, and convicting those people, or providing the information for the juries to make those decisions. Seeing no further discussion, let’s call the vote.”

VOTE

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

Regular Meeting, December 2, 2009

2. ACCEPT THE PAUL COVERDELL NATIONAL FORENSIC SCIENCES IMPROVEMENT ACT (NFSIA) GRANT IN THE AMOUNT OF \$48,600.

Dr. Rohrig said, “This is the Paul Coverdell National Forensic Sciences Improvement Act (NFSIA) grant, and this is a grant that’s let every year. In this particular grant, actually it’s the state that applies for the grant; once they receive the grant they contact the three laboratory directors of the three forensic centers in the State of Kansas, and basically we decide how we’re going to utilize this funding. Recently, the funding basically has been divided in thirds, and with this, Sedgwick County is slated to receive \$48,600 from that award, from the federal government, passed through the State of Kansas on to Sedgwick County. This money traditionally I’ve used to buy needed laboratory equipment for our forensic examiners. The funds this year, upon acceptance, will be utilized to buy additional equipment for our firearms laboratory and also our arson investigation laboratory. With that, I would recommend that you accept the grant, authorize me to sign the various technical reports that I have to pass on to the state, then the state passes it on to the feds [federal government], other documents and approve the establishment of the budget authority. And with that, I would be happy to answer any questions that you may have.”

MOTION

Chairman Parks moved to accept the grant, authorize the Director or designee to sign all technical reports, other necessary documents and approve the establishment of budget authority.

Commissioner Peterjohn seconded the motion.

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

VOTE

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

Dr. Rohrig said, “Thank you, Commissioners.”

Regular Meeting, December 2, 2009

Chairman Parks said, "Thank you."

3. **ACCEPT A FY2010 HAZARDOUS MATERIAL EMERGENCY PREPAREDNESS (HMEP) TRAINING GRANT AWARD FROM THE KANSAS DIVISION OF EMERGENCY MANAGEMENT ON BEHALF OF THE LOCAL EMERGENCY PLANNING COMMITTEE (LEPC). THE \$15,000 GRANT WILL FUND HAZMAT IQ TRAINING FOR SELECTED STAFF.**

Mr. Randall C. Duncan, Director, Emergency Management, greeted the Commissioners and said, "I'm here this morning to ask your consideration in accepting a \$15,000 grant from the Division of Emergency Management, which would pay for the delivery of a course called Hazmat IQ for our hazardous materials team here in Sedgwick County. I would be happy to answer any questions that you might have regarding this matter."

Chairman Parks said, "Are there any questions of Director Duncan?"

MOTION

Commissioner Welshimer moved to accept the Grant award and authorize the Chairman to sign the required Memorandum of Agreement; and approve establishment of budget authority based on related award documents.

Commissioner Unruh seconded the motion.

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

VOTE

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

Mr. Duncan said, "Thank you, Commissioners."

Regular Meeting, December 2, 2009

Chairman Parks said, "Thank you."

G. GRANT APPLICATION: RENEWAL OF FEDERAL S.T.O.P./VAWA GRANT.

Ms. Sheri Boeken, Office Administrator, District Attorney's Office, greeted the Commissioners and said, "I'm here on behalf of District Attorney, Nola Foulston, requesting approval for the grant application of the renewal of funds for the STOP (Services, Training, Officers, Prosecutors) Violence Against Women [Act] (VAWA) grant. First of all, this grant funds a case coordinator and a part-time investigator. Their duties and responsibilities are associated with cases specific to domestic violence, stalking and sexual assault. We've had this grant in our office, we've been fortunate enough to have these funds awarded to us for approximately the past nine years. So once again we are asking approval for the next year. I'm available for questions."

MOTION

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

Commissioner Welshimer seconded the motion.

Chairman Parks said, "Motion and a second. Any further questions? I'm certainly going to be supportive of this. I know that the monies used for the investigator are well spent, and that this is a great program that's been going on and all agencies across the county are able to utilize some portion of this."

Ms. Boeken said, "You are correct."

Chairman Parks said, "Thank you. Seeing no further questions, call the vote."

VOTE

Commissioner Unruh

Aye

Regular Meeting, December 2, 2009

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

Ms. Boeken said, "Thank you."

Chairman Parks said, "Thank you."

H. APPROVAL OF AN APPLICATION WITH COLWICH LIONS CLUB FOR THE SEDGWICK COUNTY ADOPT A HIGHWAY PROGRAM ON 167TH STREET WEST FROM 61ST STREET NORTH TO 77TH STREET NORTH. DISTRICT 3.

Mr. Jim Weber, Deputy Director, Public Works, greeted the Commissioners and said, "Item H is an agreement with the Colwich Lions Club for the Sedgwick County Adopt-A-Highway program. They will be responsible for picking up litter along 167th Street West from 61st Street North to 77th Street North. We recommend that you approve the agreement and authorize the Chairman to sign."

Chairman Parks said, "I move we..."

Commissioner Peterjohn said, "Mr. Chairman, since that's in my district..."

Chairman Parks said, "...oh, okay."

Commissioner Peterjohn said, "...I am going to take the prerogative of making the motion to adopt this resolution."

Chairman Parks said, "Okay. And since I am a Lions Club member, I will second that motion."

MOTION

Commissioner Peterjohn moved to adopt the Resolution.

Chairman Parks seconded the motion.

Commissioner Peterjohn said, "Mr. Chairman, very much appreciate it. The Lions Club does some great work, and regardless of which district they are in, I am very delighted that they are willing to undertake this project."

Chairman Parks said, "I hope they will all be careful out there."

Regular Meeting, December 2, 2009

Mr. Weber said, “We'll make sure they have the vests.”

Chairman Parks said, “Seeing no further discussion, call the vote.”

VOTE

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

Mr. Weber said, “Thank you.”

Chairman Parks said, “Thank you.”

I. REPORT OF THE SPECIAL BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON NOVEMBER 24, 2009.

Ms. Iris Baker, Director, Purchasing, greeted the Commissioners and said, “The meeting of November 24, results in 14 items for consideration. First item;

**1. CISCO EQUIPMENT AND MAINTENANCE – DIVISION OF INFORMATION AND OPERATIONS
FUNDING – CONST R FORENSICS SCIENCE CTR ANNEX & CONTROL**

“Recommendation is to accept the low responsive bid from SBC Communications in the amount of \$20,977.64. Item 2;

**2. PRINTERS AND ACCESSORIES – COMCARE/TREASURER
FUNDING – TAX SOLUTION SYSTEM EQUIPMENT
RESERVE/SCOAP/COMCARE ADMIN/COMCARE OPS ADMIN**

“Recommendation is to accept the low bid from Heartland Technology Solutions in the amount of \$50,965. Item 3;

**3. RECOMMENDED INSURANCE RENEWALS – RISK MANAGEMENT
FUNDING – RISK MANAGEMENT**

Regular Meeting, December 2, 2009

“And this is for year 2010. Recommendation is to accept the insurance premiums listed for an estimated annual cost of \$644,135.50. Item 4;

**4. ROCK SALT – PUBLIC WORKS
FUNDING – PUBLIC WORKS**

“Recommendation is to accept the low bid from Hutchinson Salt Company for a delivered cost of \$43 a ton and establish contract pricing for one year with two one-year options to renew. Item 5;

**5. CORRUGATED STEEL PIPE – PUBLIC WORKS
FUNDING – R264 IMPROVE DRAINAGE RIGHT OF WAY 2009**

“Recommendation is to accept the low bid from TinHorns R Us for an initial purchase of \$38,110 and establish contract pricing for one year with two one-year options to renew. Item 6;

**6. LOOSE EQUIPMENT – FIRE DISTRICT #1
FUNDING – FIRE DISTRICT #1**

“Recommendation is to accept the bid from Weis Fire & Safety Equipment Co. for Items 3, 31-32, 38-39, 43 in the amount of \$8,420; Municipal Emergency Services for Items 2, 4-7, 9-12, 19-20, 27, 29-30, 37 in the amount of \$4,799; Emergency Fire Equipment for Items 1, 14-15, 21, 23-24, 35-36, 40 in the amount of \$2,282.14; Max Fire Apparatus, Inc. for Items 22, 25, 33-34 in the amount of \$859.48; and from Hagemeyer North America, Inc. for Items 8, 13, 16, 18, 26, 28 in the amount of \$1,687.48. Item 7;

**7. MICROPLATE SYSTEM REAGENT RENTAL PLAN – HEALTH DEPARTMENT
FUNDING – HEALTH DEPARTMENT**

“Recommendation is to accept the proposal from Bio-Rad Laboratories in the amount of \$13,233.60 for the first year, \$13,630.61 for year two, \$14,039.53 for year three, \$14,460.71 for year four and \$14,894.53 for year five. Total contract amount is \$57,025.38. Item 8;

**8. JANITORIAL SUPPLIES – INTRUST BANK ARENA
FUNDING – ARENA SALES TAX**

“Recommendation is to accept the proposal from Massco in the amount of \$3,667.62 and establish contract pricing for two one-year options. Item 9;

Regular Meeting, December 2, 2009

**9. UNIFORMS for INTRUST BANK ARENA – FACILITIES DEPARTMENT
FUNDING – ARENA SALES TAX**

“Recommendation is to accept the low complete bid from Alamar Uniforms for an estimated initial purchase of \$50,855.60 and establish contract pricing for one year. Item 10;

**10. SMALLWARES for INTRUST BANK ARENA SUITES – FACILITIES
DEPARTMENT
FUNDING – ARENA SALES TAX**

“Recommendation is to accept the low complete bid from East Bay Restaurant Supply for silverware at a cost of \$10,198.40, for stewarding, and these are categories of products to help you follow along, at a cost of \$35,933.53 for a total cost of \$46,131.93; low bid from Wasserstrom Company for glassware at a cost of \$3,181.25, china at a cost of \$19,695, banquet buffet equipment & props at a cost of \$23,139.90, linens for a cost of \$513.75, beverage at a cost of \$1,284.55 for a total cost of \$47,814.45; and the low complete bid from Buller Fixture Company for holloware at a cost of \$47,673.90 and the miscellaneous category at a cost of \$2,180 and the bid for Item 2.59 at a cost of \$1,260 for a total cost of \$51,113.90. Grand total for this furniture, fixture and equipment item is \$145,060.28. Item 11;

**11. KITCHENWARES for INTRUST BANK ARENA – FACILITIES
DEPARTMENT
FUNDING – ARENA SALES TAX**

“Recommendation is to accept the low bid meeting specifications from Wasserstrom Company for cleaning at a cost of \$153, Item 2.59 at a cost of \$550.60, Item 2.84 and 2.84a for a cost of \$453 for a total cost of \$1,156.60; and overall bid from Chef Depot for knives at a cost of \$119.30, storage at a cost of \$1,317.92, kitchen utensils for a cost of \$492.75, cooking pans at a cost of \$3,034.42, kitchen equipment at a cost of \$3,781.62 and the low bid for scales at a cost of \$102.26 for a total cost of \$8,848.27; and the low bid meeting specifications from Smith Restaurant Supply for carts at a cost of \$712.94 for a grand total in this furniture, fixture and equipment category of \$10,717.81. Item 12;

Regular Meeting, December 2, 2009

**12. TRASH COMPACTOR for INTRUST BANK ARENA – FACILITIES DEPARTMENT
FUNDING – ARENA SALES TAX**

“Recommendation is to accept the low quote from Waste Connections in the amount of \$25,735.76 and establish a five year contract for service at the above listed rates. Item 13;

**13. PETERBILT PARTS & ACCESSORIES
FUNDING – FLEET MAINTENANCE**

“Recommendation is to accept the bid from Doonan Truck and Equipment and establish contract pricing with a maximum 30 percent markup for costs for year one with two one-year options to renew. And Item 14;

**14. TIRES – FLEET MANAGEMENT
FUNDING – FLEET MANAGEMENT**

“Recommendation is to accept the bid from Becker Tire and establish contract pricing through May of 2010 with two one-year options to renew. I’d be happy to answer any questions and I recommend approval of these items.”

Chairman Parks said, “I do have a couple of questions. Could you go back to number 10 and kind of explain for the record what stewarding is.”

Ms. Baker said, “Excuse me, what what is?”

Chairman Parks said, “Stewarding.”

Ms. Baker said, “In this particular category, smallwares, the different components of equipment is made up into category names. And stewarding is made up of items that are required primarily for the suites. And what they will do is, there are specific pieces of equipment that cover food, that handle certain types of food at varying temperatures, and it’s a category that’s used primarily in banquet industries. So all of the items listed in there will cover that kind of buffet, banquet type equipment.”

Regular Meeting, December 2, 2009

Chairman Parks said, "I just wanted to make sure that none of the gifting, or the items that will have the IBA (Intrust Bank Arena) logo on them, or anything is coming out of this fund and will be taken off premises [inaudible]."

Ms. Baker said, "This is all equipment for food prep [preparation], food service..."

Chairman Parks said, "Very well."

Ms. Baker said, "...equipment for suites, dishes, silverware, glasses."

Chairman Parks said, "Okay. And I did have a question of the Manager. I know we've tried to define, in the past, capital outlay items as opposed to commodities. In number nine, the uniforms were something that we were going to initially do, but we won't have that expense in the future, SMG will be responsible for that in the future, is that correct?"

Mr. Buchanan said, "Yes, sir."

Chairman Parks said, "Thank you. Commissioner Welshimer."

Commissioner Welshimer said, "Well, I just have a question for Public Works. On number four, the rock salt, is that going to help us out a little more this year? I know last year we ran out of salt, we couldn't buy it, and it seemed that the salt was going to places other than us."

Mr. Weber said, "We have worked all year to make sure that the salt domes are full, and I haven't personally checked on that recently, but my understanding is that we have everything full right now, and having this bid in hand. Of course, the difficulty has been when it starts snowing and they start hauling salt, we can't control their transportation, I guess, systems. I think we're full, and having the bid in hand to make it available to us, if we can get them to haul it to us."

Commissioner Welshimer said, "Okay. So, this is one year, but it doesn't make it mandatory for them to deliver it to us? I mean..."

Ms. Baker said, "Commissioner, it is a delivered cost. One of the benefits with Hutchinson Salt is that company now owns a freight line. And the freight line that would be doing this hauling, since they're part of Hutchinson Salt, that betters our chances of getting deliveries, moving up in the list to be able to get those deliveries, if there ends up being another shortage and everybody is vying for the same supply."

Regular Meeting, December 2, 2009

Chairman Parks said, "If I may help out staff for a little bit, and correct me if I'm wrong, I'm willing to step up here and make this observation, and from some of the other cities and counties around that have talked about this, if there's a certain truck line that is there that is owned by the salt company, and the county or the city truck is sitting in line, they flag their own trucks on around and say, you can go in first. Likewise, then the government trucks are sitting there waiting to get in."

Ms. Baker said, "That was a problem a couple years ago. Yes."

Chairman Parks said, "Okay."

Ms. Baker said, "And in part, because a lot of the jurisdictions were actually contracting with the truck companies not with the salt mine and it did have an effect."

Chairman Parks said, "Okay."

Commissioner Welshimer said, "Okay. So it should work a little better this year. Okay, thank you."

Chairman Parks said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you. Ms. Baker, back to Item 10, I notice that the quantities on each of these items in the smallwares for the suites varies, are these for just the suites that have been leased or is this the equivalent material for all the suites, regardless of whether they've been leased or not?"

Ms. Baker said, "The equipment will end up handling all of the suites and any restaurant/bar area; the areas that are defined for that high-end use, this equipment will cover."

Commissioner Peterjohn said, "Okay. Because my question was a variation on the one that was asked earlier about the uniforms, in terms of whether we'll have subsequent requests for smallwares, let's say, if someone takes over an existing suite and what's supposed to be in it, or not, and if there will be a request for future items to come back to us?"

Ms. Baker said, "These quantities were established with the help of SMG. These are the quantities that they needed to have a fully operational facility, so that's what we put in place. And if they need to add more later, they'll have to do that at their discretion. The benefit of the contract pricing that we've established on as many of these things as we can is they benefit from that contract pricing, which long-term we do too."

Regular Meeting, December 2, 2009

Commissioner Peterjohn said, “Well, will we control the inventory for the suites that are not in use at this moment or will that just be turned over to SMG?”

Mr. Holt said, “All of this will be turned over to SMG. All of the consumable goods, of course, we will do tracking and accounting through their annual budget and the related financials that they give us. For these smallwares and other, what I call durable goods, that will all be turned over to them so that they can fully operate the facility. Each year, they’re required to do an annual plan with us and we will have the baseline data from the purchase requisitions for all of these items that have been purchased.”

“They will then, of course, make many of these replacements, again throughout the year depending on wear and tear and that sort of thing, out of that operating budget. But we’ll get a chance to audit that and to have a clear definition about what they’re buying, why they’re buying it and what the quantities are and why it’s at those quantities. But we have about three or four different checks and balances built into the, if you will, contract administration system to make sure that what they are replacing, we can account for it in a reasonable manner.”

Commissioner Peterjohn said, “Thank you.”

Chairman Parks said, “Any further questions? Seeing none, what’s the will of the Board?”

MOTION

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

Commissioner Welshimer seconded the motion.

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

VOTE

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

Ms. Baker said, “Thank you.”

Regular Meeting, December 2, 2009

Chairman Parks said, "Thank you."

CONSENT AGENDA

J. CONSENT AGENDA.

- 1. Resolution Exempting Intrust Bank Arena from prohibition in K.S.A. 41-719 (c) for consumption of alcoholic beverages on public property.**
- 2. Approve corrected notice of hearing for post annexation public hearing previously scheduled for January 6, 2010. (City of Haysville) District 2.**
- 3. Fourth Amendment to lease between One Valley Center, L.L.C. and Sedgwick County for space at the Chadsworth Village Shopping Center for the Treasurer's Tag Office location.**
- 4. Grant of License to City of Goddard for use of Railbanked Right of Way.**
- 5. One (1) Permanent Drainage Easement, Five (5) Right of Way Easements and Three (3) Temporary Construction Easement for Sedgwick County Project 803-S 1/2 Q thru U: 135th Street West from US-54 to K-42. CIP# R-303. District 3.**
- 6. Retail Dealer's Cereal Malt Beverage License Renewal for Eberly Farm, Inc., located at 13111 W. 21st St. North, Wichita, KS 67235.**
- 7. Retail Dealer's Cereal Malt Beverage License Renewal for Cheney Lanes, Inc. d/b/a D'Mario's Pizza located at 1639 S. 383rd St. West, Cheney, KS 67025.**
- 8. Retail Dealer's Cereal Malt Beverage License Renewal for Sedgwick County Zoological Society, Inc., located at 5555 Zoo Blvd., Wichita, KS 67212.**
- 9. Retail Dealer's Cereal Malt Beverage License Renewal for Quik Trip West, #392, located at 4621 E. 47th St. South, Wichita, KS 67210.**
- 10. Retail Dealer's Cereal Malt Beverage License Renewal for Bomber Burger located at 4860 S. Clifton Ave., Wichita, KS 67216.**
- 11. Housing Department Section 8 Rental Assistance.**

Regular Meeting, December 2, 2009

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
V09038	\$311	BU	Hanks Enterprises
V09047	\$208	BU	Pemic, LLC
V09050	\$418	5	Springcreek Apartments
V09052	\$355	5	Hearth Hollow Apts.
V09053	\$231	5	Mulvane Housing Assoc.
V94101	\$199	BU	Sudduth, Mark

12. The following Section 8 contracts are up for annual recertification:

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V9515	\$258	\$264
V07107	\$290	\$321
V04081	\$395	\$395
V05096	\$255	\$292
V08083	\$317	\$324
V08085	\$198	\$233
V94116	\$333	\$358
V07105	\$314	\$292
V08093	\$402	\$359
V08091	\$188	\$200
V07106	\$446	\$506
V05101	\$672	\$519
V08092	\$272	\$203
V08090	\$193	\$199
V08089	\$214	\$225
V08071	\$502	\$547
V06072	\$339	\$297
V07103	\$459	\$381
V08070	\$445	\$554
V97069	\$331	\$332
V010168	\$213	\$218
V05102	\$250	\$187
V05045	\$238	\$ 44
V08032	\$651	\$451
V08027	\$524	\$614

Regular Meeting, December 2, 2009

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V07030	\$638	\$353
V020019	\$338	\$391
V08023	\$618	\$596
V08059	\$287	\$ 0
V05036	\$244	\$335
V09042	\$332	\$321

13. Order to correct tax roll for change of assessment on November 11, 2009.

14. Order to correct tax roll for change of assessment on November 18, 2009.

15. General Bill Check Register of November 11, 2009 – November 17, 2009.

16. Payroll Check Register for the week of November 7, 2009.

17. Plat.

Approved by Public Works. The County Treasurer has certified that taxes in 2008 and all prior years have been paid for the following plat:

ASR Surge Tank Site Addition

18. Plat.

Approved by Public Works. The County Treasurer has certified that taxes in 2008 and all prior years have been paid for the following plat:

ASR MR-55 Well Site Addition

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

Chairman Parks said, “The Consent Agenda is before us. Before we get a motion and a second on that, does anyone want to have any questions about anything? If not, I did have one question. The grant of license to the City of Goddard for rail bank right-of-way, can you explain that a little bit, Mr. Manager?”

Regular Meeting, December 2, 2009

Mr. Buchanan said, "Sure. The railroad company abandoned the railroad from City of Wichita through Goddard. There was a portion of that railroad that is in Sedgwick County, in the unincorporated portion of Sedgwick County, it is my understanding, and that's the portion that we're talking about. The City of Goddard wants to cross that right-of-way, cross the railroad, and we have to give them permission to do so. And that's what that's about."

Chairman Parks said, "So there are no previous owners, right-of-way issues on this?"

Mr. Buchanan said, "No. Well, if there is, we're not aware of it. We have title to the rail banked right-of-way."

Chairman Parks said, "I would ask Jim Weber to step to the podium, please."

Mr. Weber said, "I think he's right, he added something that was helpful there. This is just a license. It's not saying that we have all the rights for the property..."

Mr. Buchanan said, "Right."

Mr. Weber said, "...it says that we, whatever our rights are, we'll allow them to cross the property. They need to deal with everybody else that exists."

Chairman Parks said, "Okay. And Legal is comfortable with this?"

Ms. Jennifer Magana, Assistant County Counselor, greeted the Commissioners and said, "Yes, Mr. Chairman."

Chairman Parks said, "Okay. That was the only thing that I had on the Consent Agenda."

MOTION

Commissioner Unruh moved to approve the Consent Agenda.

Commissioner Welshimer seconded the motion.

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

VOTE

Commissioner Unruh

Aye

Regular Meeting, December 2, 2009

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

K. OTHER

Chairman Parks said, "We will go ahead and take up 'other' before the necessary Executive Session. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I just wanted to comment briefly about the fact that for any of the folks who are watching this now or streaming video in the future, we are still taking comments concerning fireworks. I thought we had an excellent discussion last night. I very much appreciate all the folks who turned out, regardless of their opinion, and there were a lot of heartfelt statements that I heard last night and I was very impressed at not only the quantity but also the quality of the comments from folks who would be affected by any changes that this Commission might make in the county's fireworks policy in the future. We are still open for comment in that regard online, but I did want to express my appreciation for the record this morning."

Chairman Parks said, "And I will elaborate a little bit on that. Of course, we didn't make any decision on fireworks today, nor will we probably make that in the next few weeks, but we did have some input and we were able to look that over and I think we will be able to come up with some kind of a workable solution for everyone, hopefully. If people do want to get on the Agenda for that, that didn't make that meeting, I am certainly open to that for the next few weeks, but we are trying to compile all that information that we can. If someone has something, they can certainly go to the website also. That will also be announced next week at the first of the meeting about the website survey."

"I did want to say that ICS (Incident Command System), and it used to be called NIMS (National Incident Management System), Randy Duncan put on a good program for us, the elected officials in the county, we had about 22 in attendance from around the county. Had a very good dialogue on Saturday and those elected officials don't get a paid extra for that, so I would like to appreciate them coming in. What this does, it's a kind of a dovetail into if we do have a disaster in our community, so the elected officials will know what to do. And a lot of times we depend on staff for this, however, if we are pressed at some point to make decisions and know when to, where we have jurisdictions and where we don't. So it was a very good meeting, a very informative meeting and I would like to thank those Commissioners that were able to attend that meeting and get that certification. Seeing no other 'other' comments, do I hear a motion for Executive Session?"

Regular Meeting, December 2, 2009

MOTION

Commissioner Welshimer moved that the Board of County Commissioners recess into Executive Session for 15 minutes to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending claims and litigation and legal advice, and that the Board of County Commissioners return to this room from Executive Session no sooner than 10:37 a.m.

Commissioner Peterjohn seconded the motion.

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

VOTE

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

Chairman Parks said, “We’re in Executive Session.”

The Board of County Commissioners recessed into Executive Session at 10:21 a.m. and returned at 10:42 a.m.

Chairman Parks said, “We’re back from Executive Session and no binding action was taken. Seeing nothing else to come before the Board of County Commissioners this day, this meeting is adjourned.”

L. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 10:42 a.m.

Regular Meeting, December 2, 2009

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

KELLY PARKS, Chairman
Fourth District

DAVID M. UNRUH, Commissioner
First District

TIM R. NORTON, Commissioner
Second District

KARL PETERJOHN, Commissioner
Third District

GWEN WELSHIMER, Commissioner
Fifth District

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED:

December 22, 2009