

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

October 7, 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, October 7, 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 Tim R. Norton; Commissioner Karl Peterjohn; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. John Schlegel, Director, Metropolitan Area Planning Department; Ms. Jo Templin, Director, Human Resources; Mr. Robert W. Parnacott, Assistant County Counselor; Mr. David Miller, Budget Director, Finance; Mr. Robert Hinshaw, Sheriff's; Mr. Mark Masterson, Director, Corrections; Ms. Diane Gage, Director, Emergency Communications; Ms. Deborah Donaldson, Division Director, Human Services; Ms. Marilyn Cook, Executive Director, COMCARE; Ms. Annette Graham, Executive Director, Central Plains Area Agency on Aging; Ms. Claudia Blackburn, Director, Health Department; Ms. Iris Baker, Director, Purchasing; Ms. Kristi Zukovich, Director, Communications; and Ms. Katie Asbury, Deputy County Clerk.

GUESTS

Mr. Bud Hentzen, Commissioner, Metropolitan Area Planning Commission
Mr. Hoyt Hillman, Commissioner, Metropolitan Area Planning Commission
Ms. Susan Morse, 136 S. Phelps, Bentley, Kansas 67135
Mr. Mark Tallman, City Administrator, City of Kechi

INVOCATION

Observed by a moment of silence.

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES

Regular Meeting September 16, 2009

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All Commissioners were present

MOTION

Commissioner Welshimer moved to accept the minutes as read for the Regular Meeting of September 16, 2009.

Commissioner Peterjohn seconded the motion.

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

VOTE

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

PROCLAMATION

A. PROCLAMATION DECLARING OCTOBER 17, 2009 AS NEIGHBORHOOD UNIVERSITY DAY.

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

PROCLAMATION

WHEREAS; for more than 16 years, Wichita Independent Neighborhoods, Inc, (WIN) has helped provide education, resources and a unified voice on quality of life issues in Sedgwick County; and

WHEREAS; WIN has established the Neighborhood University program as an educational forum to bring together neighborhood leaders, businesses and county representatives to share and discuss ideas to find solutions to neighborhood problems, improve neighborhood conditions and overall quality of community life; and

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WHEREAS; Neighborhood University promotes team effort and offers learning experiences that will lead to success for individuals and organizations and instill values of caring and consideration for all neighborhoods; and

WHEREAS; the 2009 Neighborhood University continues WIN's vision to ensure an informed, empowered and healthy living environment for the citizens of Sedgwick County.

NOW, THEREFORE, BE IT RESOLVED, that Kelly Parks, Chairman of the Board of Sedgwick County Commissioners, does hereby proclaim October 17, 2009, as

'Neighborhood University Day'

in Sedgwick County and recognizes the efforts of WIN and its partners by supporting the citizens in making Sedgwick County the best place to live.

"And it's dated October 7, 2009, and signed by the Chairman, Kelly Parks."

Chairman Parks said, "Is there a motion?"

MOTION

Commissioner Norton moved to adopt the Proclamation.

Commissioner Welshimer seconded the motion.

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

VOTE

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

Chairman Parks said, "And do we have anybody here to receive that?"

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Ms. Zukovich said, “We had heard that Bill Prather and James Roseboro would be here, but we’ve not seen them in the audience this morning, so we will make sure that this proclamation does get to them.”

Chairman Parks said, “Thank you. Next item.”

B. PROCLAMATION DECLARING OCTOBER 10, 2009 AS “PUT THE BRAKES ON FATALITIES DAY”.

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

PROCLAMATION

WHEREAS; traffic crashes cause thousands of fatalities each year nationwide and are the leading cause of death for people ages three to 33; and

WHEREAS; traffic crashes in Kansas last year killed 385 people; and

WHEREAS; more than sixty-nine percent of all people killed in vehicle crashes in Kansas in 2008 were totally unrestrained; and

WHEREAS; deaths and injuries on U.S. highways cost society more than \$150 billion annually; and

WHEREAS; safe driving behaviors, such as the use of seat belts, not drinking and driving and obeying traffic laws would dramatically reduce the number of traffic-related injuries and deaths; and

WHEREAS; the use of cost-effective roadway safety improvements, such as all-weather signing and markings, traffic signals, skid-resistant pavements and removal of roadside hazards also could reduce the number of traffic crashes; and

WHEREAS; the continued development of safer vehicles and protective traffic safety equipment, such as helmets, will enhance people’s ability to protect themselves and their families from preventable and tragic permanent injuries and death.

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NOW, THEREFORE, BE IT RESOLVED, that Kelly Parks, Chairman of the Board of Sedgwick County Commissioners, does hereby proclaim October 10, 2009, as

‘Put the Brakes on Fatalities Day’

“And it’s dated October 7, 2009, signed by the Chairman, Kelly Parks.”

MOTION

Chairman Parks moved to adopt the Proclamation.

Commissioner Welshimer seconded the motion.

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

VOTE

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

Ms. Zukovich said, “Commissioners, we have David Spears, our County Engineer, who’s here to pick up the proclamation.”

Mr. David Spears, Director, Public Works, greeted the Commissioners and said, “The United States has seen nearly 40,000 deaths due to traffic crashes each year since the National Highway Traffic Safety Administration began recording the numbers. That equates to about 110 deaths each day, and every death means someone, somewhere has lost a coworker, a family member, or a friend. In response, traffic safety advocates and law enforcement officials have been working together to determine how to combat this saddening statistic. These partners have joined together to present ‘Put the Brakes on Fatalities Day,’ an annual commitment to raising awareness about safe driving practices and the need for safer vehicles and roadways. This year, ‘Put the Brakes on Fatalities Day’ is October 10. To join the movement to end needless and avoidable deaths on the road, the Kansas Traffic Safety Resource Office invites you to take a look at your own driving practices and make improvements where you can, while also encouraging your friends and loved ones to do the same. Thank you for the proclamation.”

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Chairman Parks said, "And thank you, David. And although we've made great strides in the enforcement of the DUI (driving under the influence) laws, and some of those things that have come up, I hear from my law enforcement colleagues out there that a lot of times that some of these accidents recently have been more along the lines of electronics that they're messing with while they should be watching the roadway. And I say electronics; it's just not cell phones, but other kind of..."

Mr. Spears said, "Texting."

Chairman Parks said, "...electronic texting and other things, so this is why we saw a downturn, I feel, and then it's coming back up a little bit. Commissioner Peterjohn."

Commissioner Peterjohn said, "Well, Mr. Chairman, you kind of stole my question in large part because I was going to ask directly about the electronic side of things, and to the degree that have we identified a problem, is it tied to the newer technology of texting or the slightly older technology of cell phone use or some other form of electronics? Do we really have any definition on that, David?"

Mr. Spears said, "No, but we think texting is a big cause of it. It's much more dangerous than cell phones, because I mean, you're actually looking down, and sometimes you have both hands on the device and then probably trying to drive your car with your knees and it makes a big difference that way. Although, you know, 34 percent of the accidents are alcohol related, and that's a big cause also. And this last year, motorcycle deaths went up 14 percent and we don't know, we think maybe it's because a lot more people might have bought motorcycles when the gas prices went up, we're not really sure on that or if it's people just not watching out for motorcycles, but that's been another concern."

Commissioner Peterjohn said, "That's interesting because I think the challenge is if people are driving in lighter and smaller cars, if they get in an accident, I think the chances that they're going to be injured or even killed, I believe does go up. Is there any evidence, am I right in that assertion?"

Mr. Spears said, "I would say so, yes."

Commissioner Peterjohn said, "Thank you, Mr. Chairman."

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Chairman Parks said, “I might reply to that. The alcohol related were 34 percent, back in the ‘70s and ‘80s, I know it was right at half, so we have made great strides there. Also, the Gremlins of today are equipped with airbags, and side airbags, and seatbelts and other things that they didn’t have back in those days when some of the smaller cars were around also. So I think there’s, the industry has come forward with safety, but I think we’ve added this new, by far and away, this new pitch in there with the cell phones and we just need to make sure that we’re not doing that while we’re driving. Thank you, David.”

Mr. Spears said, “Thank you.”

C. PROCLAMATION DECLARING OCTOBER 4 – 10, 2009 AS MENTAL ILLNESS AWARENESS WEEK.

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

PROCLAMATION

WHEREAS; Mental Illness Awareness Week is October 4 – 10 and was designated by Congress a decade ago to promote public education about serious mental illnesses such as major depression, bipolar disorder and schizophrenia; and

WHEREAS; mental illness does not discriminate. No one is immune. Approximately 60 million Americans, or one in five of us, experience mental health problems in any given year; and

WHEREAS; real recovery from mental illness requires community action, understanding and teamwork. Recovery is possible because of improved science, better community supports and reduced stigma. But significant barriers still exist; and

WHEREAS; treatment works, but it can take 10 years between the onset of symptoms and getting help. Half of all mental illnesses begin by age 14, but less than half of children or adults get help when they need it; and

WHEREAS; mental illnesses are medical illnesses and that is the starting point for understanding, as well as treatment and recovery. If you see cause for concern, discuss the symptoms with your doctor or a mental health professional. Early identification is often key to recovery.

NOW, THEREFORE, BE IT RESOLVED, that Kelly Parks, Chairman of the Board of Sedgwick County Commissioners, does hereby proclaim October 4 – 10, 2009, as

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‘Mental Illness Awareness Week’

in Sedgwick County and calls upon all Sedgwick County citizens to educate themselves about mental illness and to know that treatment works – but only if you get help.

“And it’s dated October 7, 2009, and signed by the Chairman, Kelly Parks.”

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

MOTION

Commissioner Unruh moved to adopt the Proclamation.

Commissioner Norton seconded the motion.

Chairman Parks said, “Have a motion and a second, and we do have someone to receive this award.”

Ms. Zukovich said, “We do, Marilyn Cook, Executive Director of COMCARE.”

Ms. Marilyn Cook, Executive Director, COMCARE, greeted the Commissioners and said, “I’d like to thank you for this proclamation that acknowledges this as ‘Mental Health Awareness Week.’ Each time recently I have welcomed new staff in our new employee orientation at COMCARE, I’ve shared a little bit about the history of how the mentally ill have been treated over the centuries. It’s little wonder that, after doing that research, that stigma has been associated with the mentally ill because the stigma that was associated early on really was associated with the treatment that was provided. For instance, starting in the Middle Ages, the mentally ill were considered to be possessed and their behavior influenced by the moon, so hence we got that horrible name ‘lunatic.’ During the 1300s, the Royal [London] Hospital in London became famous for their harsh treatment of the mentally ill, they actually would allow the public to pay a penny to come and observe the mentally ill people who were shackled there. It wasn’t until the 1700s that individuals with a mental illness were considered to have a disease. And it wasn’t until the early 1900s, so just this last century, that physicians began to study different clusters of symptoms and be able to distinguish one illness, or disease, from another.”

Ms. Cook continued, “The early 1960s brought the first community mental health centers to the nation, ours was started during the 1960s. And in 1965, the federal government made two new programs available; Medicaid and Medicare, and these programs continue to fund treatment for

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many individuals who come to us. The early 1900s [1990s] brought large grant funding to our community for services to children and services to homeless individuals who are mentally ill. And our community mental health center really grew during that time. The early 2000s also brought a growing number of evidence-based practices that we've adopted because they work, and they have been researched and we have adopted them because of the outcomes they produce. It was in the year 2000 that then-Surgeon General, David Satcher, produced research that showed suicide was in the top 10 public health concerns.

“So over the past couple of years, or several years, COMCARE has collaborated with many others in the schools, in the criminal justice system and in the community to take a different approach to providing treatment; one we feel is more effective and that works. The more we educate our community about mental illness, the more the community has awareness that mental illnesses are diseases, and when we do that, the less we find individuals with these diseases stigmatized for their condition. The two pretty effective strategies for reducing stigma, one of those is to have contact with individuals who have mental illness and you'll see for yourself that the stigma should not be there for those who have taken the initiative to accept and participate in treatment. And then the other is to educate ourselves about mental illnesses and the people who have them. Removing stigma is critical because stigma is harmful in a lot of ways, it keeps people from getting good competitive jobs, it discourages people from getting treatment, as it said in the proclamation, it prevents individuals with mental illnesses from being fully included in our community and it could lead to unnecessary fear and mistrust. So, I'm asking that we acknowledge mental illnesses for what they are, they are diseases, they're brain diseases, and they are diseases with remarkable outcomes when they're treated effectively and early. I want to thank you again for the proclamation and for the support that you provide COMCARE and those we serve throughout the year. Thank you.”

Chairman Parks said, “Thank you, Marilyn. And there are a couple of comments if you'll stay at the podium, please. Commissioner Peterjohn.”

Commissioner Peterjohn said, “Yes, thank you. The proclamation mentions that one in five nationally, you translate that to Sedgwick County, that's a little less than 100,000 people here in Sedgwick County, and the proclamation says only about half get treatment, that would put us close to half of 90,000 or 95,000, that'd put us somewhere between 45,000 and 50,000 people in Sedgwick County are getting treatment. Are those numbers locally proportional to the national numbers?”

Ms. Cook said, “Oh, I think they are. We serve about 14,000 in our system of care but you have to understand there are a lot of people that get treatment from their primary care physicians. In fact, most of the psychiatric medications that are being dispensed are being done in primary care physician offices, so a growing number of people are involved in treatment and it's really

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wonderful to see.”

Commissioner Peterjohn said, “Well, I mention it because you outlined a long, sad history, in terms of the attempts to provide for folks with mental illnesses, and of course, I think of the history of medicine and at one time mercury used to be used as a medicine...”

Ms. Cook said, “Right.”

Commissioner Peterjohn said, “...and of course now we realize its toxic properties and everybody’s very justifiably concerned about it. So, I’m just very glad that we’ve got a system in place where we’ve been able to learn and build upon the knowledge that our earlier generations have provided to us, so that hopefully we cannot make the same mistakes and be much more humane, in terms of how we work going forward, but these are rather remarkable numbers and I appreciate you bringing them forward this morning.”

Ms. Cook said, “You know, I would add that up until about 10 years ago, it took approximately 20 years to get new treatments from science to services, is how they classify that. And now, we have a growing number of evidence-based practices that we are using, that are taking much less time, so that when a treatment has been demonstrated to be effective, we’re implementing that early, early on, rather than waiting for that 20 year lapse of time. So, we’re in much higher gear than we were 10 years ago.”

Commissioner Peterjohn said, “Well, I’m delighted to hear that because that’s one of the concerns in some of the medical technology when I hear that certain medical devices or medicines are becoming available overseas sooner than they are over here. And we’ve got people who are literally dying, so obviously, we’ve been a great innovator in the past and I hope that continues in the future and, obviously, I’d like to see this problem diminished, not only in our community, but nationwide.”

Ms. Cook said, “Absolutely.”

Chairman Parks said, “Thank you. Commissioner Welshimer.”

Commissioner Welshimer said, “I think last year we recognized that we had a population of mentally ill among the developmentally disabled...”

Ms. Cook said, “Yes.”

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Commissioner Welshimer said, "...have we made any progress with that?"

Ms. Cook said, "There always have been people that had the co-occurring disorders of adult mental disability and a mental illness, where we focused in this community this last year is in a project that we're calling Challenging Behaviors. And so we've focused on about 100 individuals in this community that have behaviors that are really hard to maintain in a home setting, in a group setting, or in a treatment facility, and we continue to meet monthly with a large group of community providers from the DD (developmental disability) side, and the mental health, from the hospitals and we're looking at strategies. One of the wonderful outcomes from that is we've gotten to know one another a lot better and it's easier to pick up a phone and call one another when there's an issue. We've made a commitment to one another to assume good intent so that if there is someone that comes to us with a failure in one system, we try to mediate that a little bit by indicating that that organization normally does really, really good work. We've come a long way in kind of connecting with one another."

Commissioner Welshimer said, "And has that been helpful to those families that have to deal with that?"

Ms. Cook said, "Well, the families are saying they are, we've had family members come and participate in this and listening to their needs has also made a very big difference in this."

Commissioner Welshimer said, "Okay. Thank you."

Ms. Cook said, "You're welcome."

Chairman Parks said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Well, Marilyn, I appreciate the opportunity to be involved in this proclamation. I know that COMCARE has got a wide spectrum of services and that we've shown lots of progress in recent years, and so I appreciate the efforts of you and your department. I do think it is important though that annually we have this reminder because a lot of us forget that this exists in our society and that if we will think about it and respond to it, we can be helpful in making our community better. So I appreciate the

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proclamation and your work on that.”

Ms. Cook said, “Thank you.”

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

Chairman Parks said, “Thank you, Marilyn. We do have a motion and a second, seeing no further discussion, call the vote.”

VOTE

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

Ms. Cook said, “Thank you.”

Chairman Parks said, “Thank you.”

D. PROCLAMATION DECLARING OCTOBER 2009 AS COMMUNITY PLANNING MONTH.

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

PROCLAMATION

WHEREAS; change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

WHEREAS; community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS; community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

WHEREAS; the full benefits of planning require public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

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WHEREAS; we take this opportunity to recognize the participation and dedication of the members of planning Commissions and other citizen planners who have contributed their time and expertise to the improvement of our metropolitan area; and

WHEREAS; we recognize the many valuable contributions made by professional community planners of the metropolitan area of Wichita-Sedgwick County and extend our heartfelt thanks for the continued commitment to public service by these professionals;

NOW, THEREFORE, BE IT RESOLVED, that Kelly Parks, Chairman of the Board of Sedgwick County Commissioners, does hereby proclaim the month of October 2009 as

‘Community Planning Month’

in the metropolitan area of Wichita-Sedgwick County in conjunction with the celebration of National Community Planning Month.

“And it’s dated October 7, 2009, signed by the Chairman, Kelly Parks.”

MOTION

Commissioner Welshimer moved to adopt the Proclamation.

Commissioner Unruh seconded the motion.

Chairman Parks said, “Have a motion and a second, a little bit of further discussion. On my part, I wanted to say that this last week I did see a headline in a paper out of Barton County that said that they were going to review their planning and zoning and everything for their county because there were some differences between city and county. And, of course, Mr. Schlegel, who’s going to receive the proclamation here shortly, has worked with a group of agricultural people and people from the city and ironed out those differences recently and I commend them for that. Thank you.”

Ms. Zukovich said, “And Commissioners, we do have John Schlegel from our Planning

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Department who is here to accept the proclamation.”

Mr. John Schlegel, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, “Thank you, Commissioners, for the proclamation and if I may, I’d like to bring three Planning Commissioners that are in attendance today up here. We have Bud Hentzen, Hoyt Hillman and Joe Johnson here to share in this proclamation. And if I may continue, I’d like to express appreciation to the members of the Metropolitan Area Planning Commission (MAPC). They provide a very valuable service as volunteers to the community. They often are thrust into the middle of controversies with regard to zoning cases and have to sort through some very complex issues. And I think they do it with a great deal of dedication and are able to make the tough decisions that have to be made in some of those cases. And with diplomacy as well, thank you, Hoyt. I think oftentimes their service to the community goes unrecognized and unappreciated, and so on behalf of the Planning Department and the Planning Commission, I thank you for this proclamation today and for your continued support.”

Chairman Parks said, “And would any of the Board members like to individually speak?”

Mr. Schlegel said, “Would you like to say something, Bud?”

Mr. Bud Hentzen, Commissioner, Metropolitan Area Planning Commission, greeted the Commissioners and said, “No, I don’t have anything to say.”

Chairman Parks said, “Well I just saw something in your hand and I thought maybe you had some notes that you wanted to give us a 30 minute speech or something.”

Mr. Hentzen said, “I could read some of the Agenda items here.”

Mr. Hoyt Hillman, Commissioner, Metropolitan Area Planning Commission, greeted the Commissioners and said, “Thank you. We do appreciate the recognition and look forward to the city and county developing a long-term comprehensive plan which I think has been a long time coming, and we look forward to some general guidelines for that. Thank you very much.”

Chairman Parks said, “Thank you.”

Mr. Schlegel said, “Thank you.”

Mr. Hentzen said, “Thank you.”

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Chairman Parks said, “And would like to recognize, also, Bud Hentzen was also a member of the County Commission at one time, so sometime during the meeting I wanted to get that in, so I thank you that your abilities at that Board would certainly reflect the things that you had decided over here on this Board, also. So thank you for that. Commissioner Peterjohn.”

Commissioner Peterjohn said, “Well, once again, you’ve stolen my thunder, Mr. Chairman, because I’d be remiss if I didn’t mention Bud Hentzen since I have the privilege at the moment of occupying the office that he once fulfilled when he was the Third District Commissioner here in Sedgwick County. I’m not going to say exactly when, Bud, but I really appreciate all of your efforts, all three of your efforts, on behalf of the community and the Metropolitan Area Planning Commission.”

Chairman Parks said, “Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chair. Some of the things I was thinking need to be said, I think Mr. Schlegel said them as he complimented the citizen volunteer involvement as you serve in this capacity and also recognize the efforts of the professional staff. Planning, as I have come to see it in my years on the bench, is a pretty sophisticated and technical process, trying to look to the future, and abide by current rules and regulations, and satisfy developers and current citizens’ bias as things change in their neighborhood. It’s not an easy task, and I know that you all often are caught between the horns of a dilemma, but I think that you all do a great job and we’re proud to have the evidence of your work in our community. So thank you all very much.”

Mr. Hentzen said, “Mr. Chairman?”

Chairman Parks said, “Commissioner Welshimer.”

Commissioner Welshimer said, “Well, Commissioner Unruh stole my thunder.”

Commissioner Unruh said, “Okay.”

Commissioner Welshimer said, “Anyway, I appreciate all that you do, you’ve worked marvelously well with us and I have a lot of respect for the Commission. Thank you.”

Mr. Hentzen said, “Mr. Chairman, I would like to say that we have what I would call a professional staff to help us. And they try pretty hard; sometimes they don’t help us as much as we think they should. But I want to tell you, it’s a joy to work with a professional staff and as I stand here and hear what you say, I thank you very much. But I want to tell you, serving on the

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County Commission, it seems to me, makes a good training to serve on the MAPC; or vice versa. The people that have served on MAPC sometimes could make good Commissioners. Always, I don't know, but anyways, sometimes. And I thank you for this proclamation this morning. Thank you."

Chairman Parks said, "Thank you. And it's certain to be a fair day today outside because we've stolen all the thunder. Thank you."

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

Commissioner Welshimer said, "We made the minutes interesting."

Chairman Parks said, "Call the vote."

VOTE

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

CITIZEN INQUIRY

E. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING WEBSITE FEATURES.

Chairman Parks said, "Please come to the podium, state your name and address and you'll have five minutes."

Ms. Susan Morse, 136 S. Phelps, Bentley, greeted the Commissioners and said, "I would like to say thank you for letting me speak. I really appreciate everything that the Commission and the county does for us and everything that I've had to deal with the county, everyone has been extremely helpful. The suggestion that I would like to make for the website is when you are looking

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on the website at a Commission meeting, it will tell you the Agenda and it will tell you the recommendation, however, it doesn't really give you a description of what that Agenda item is for. People who can't watch the meetings, for whatever reason, don't know what the details of that Agenda item are. It would be nice if we could add like an Agenda report that would tell anyone who wanted to look at that meeting, they could just click on it and it would tell them who requested it, exactly what the Agenda item entails, how much it costs and who pays for it. I think that feature would give the Commission some transparency and I think it would just be a great addition to the website that is already really easy to use. And if there's anything you can't find, you can always call and everyone in the office, they'll gladly send it to you by email, but I think that if we added that to the website it would cut down on bothering the county employees to get those documents that should already be on there."

Chairman Parks said, "Thank you. There are a couple of questions here, but I want to clarify, is this something that would help if the Chairman would verbalize more or do you think that there needs to be a search engine on this?"

Ms. Morse said, "Well, actually, not even a search engine, but an Agenda report would be like, on the city site, with each Agenda item there is an Agenda report and they call them the 'green sheets,' and it gives you a full description of what the Agenda item is. It could be something that could be typed up, uploaded in a PDF (portable document format) and then you could just click it and then there the description would be. I don't think that it would be that hard to add to the website."

Chairman Parks said, "Mr. Manager, does the city have their backup online, is that what they have?"

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "They have what is referred to as the 'green sheets,' and some of the details are in there, I believe. We've discovered a product that we really like that will accomplish, I think, exactly this in a different sort of a fashion that will make it even easier because documents can be retrieved in other ways that they're not as easy as the city. But Richard Vogt is here, I know he's working on it and we will be back to you shortly with a proposal about how to solve this problem. This citizen is absolutely right, it would be way easier. Commissioner Peterjohn, he and I have had a conversation a while ago regarding doing absolutely this task, and that's why we began investigating what may help us accomplish this. It is our intent to make sure that we get the Agenda analysis and the Agenda backup on the internet so that citizens can see exactly what we're doing, and we will do that."

Chairman Parks said, "Thank you. Commissioner Welshimer. If you want to stay there if they have questions for you."

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Commissioner Welshimer said, "Well, Susan, I want to thank you for making this recommendation and for bringing it forward, taking your time today to come up here and I'm certainly going to be cooperative in trying to accomplish what it is you've suggested."

Ms. Morse said, "Thank you."

Commissioner Welshimer said, "Thank you."

Chairman Parks said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "I had my thunder stolen..."

Commissioner Welshimer said, "Thunder, thunder."

Chairman Parks said, "Again."

Commissioner Peterjohn said, "...again, but I also want to thank you for coming up and speaking because we have been discussing this, as the Manager mentioned, and I was particularly interested because one positive aspect that I know the county's working on, and perhaps this might be more addressed to the Manager rather than to you, Susan, would be the idea of reducing the amount of paper, because if we can do this and have this information online in a digital form, it would alleviate having to print up as much paper, and I know there's an effort underway in that regard to try and reduce that here in Sedgwick County. I'll take that nod, Mr. Manager, as a yes."

Mr. Buchanan said, "Yes. It's a good idea."

Commissioner Peterjohn said, "I guess the question I'd have, you mentioned the search engine, is there a certain time frame that you're looking for and would like to see those documents up on the website and how would the county compare with, say other governmental units in that regard? Because memory has become incredibly cheap for computers..."

Ms. Morse said, "Right."

Commissioner Peterjohn said, "...and as long as you're not looking at photographs that really absorb bits by the boatload, you can store an awful lot of printed words, at least that portion of it very easily and quickly, so I was curious, in terms of the time frame that you were talking about as part of this request?"

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Ms. Morse said, "Well, I would think that it would be maybe, I'm not sure how long it takes to develop the website feature, I would think that if you, I believe his name was Richard that handles the..."

Commissioner Peterjohn said, "Richard Vogt, he's in the back."

Ms. Morse said, "...I talked to him on the phone. I know that you guys already upload documents on other parts of the website; I would think that all you'd have to do is create and upload in that spot. And it is generally very easy to upload a document and put it on your website, I used to do it at my old job all the time; you scan a document in through the computer and you save it on your hard drive, and then when you go to where you want to upload on to your website, you browse, you pick it up, or you upload it, and bam, there it is in a nice PDF. I wouldn't think that that would be something we couldn't ask for by the end of the year."

Commissioner Peterjohn said, "Oh no, I wasn't thinking in terms of the time frame for implementation..."

Ms. Morse said, "Oh, that's what I was thinking."

Commissioner Peterjohn said, "...to talk about staff, I was thinking more in the lines of if we have, for instance streaming video of this meeting up for a certain period of time, how long we'd have these documents up on the website or if we'd make them permanent or if there's some other option out there that's part of your recommendation?"

Ms. Morse said, "I would think that when you actually get the everything up on the, I'm not sure exactly what the turnaround from the meeting to when it's up on the web, but I would think that it should all be uniform, and I would think that, you know within a week, by the next meeting, that that should be up there. That would make sense to me."

Commissioner Peterjohn said, "Well, I was thinking in terms of the Agendas, having information up there in advance, as well as, obviously, when we get the minutes approved..."

Ms. Morse said, "That would be something to think of."

Commissioner Peterjohn said, "...to putting them up after the fact."

Ms. Morse said, "That would be a feature that would be nice so that people would be able to look and see what Agenda items you have coming up and whether or not it's something they'd be interested in coming and hearing what was going to be said about it."

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Chairman Parks said, "I'm certainly glad to see that Richard Vogt is here today and I think that both he and the Manager have the message and the message from the County Commission and we will get to work on that right away."

Ms. Morse said, "Alright. Thank you very much for your time."

Chairman Parks said, "Okay. Thank you."

Ms. Morse said, "I appreciate it."

Chairman Parks said, "I don't want to steal anybody's thunder here, do you want to receive and file?"

MOTION

Commissioner Peterjohn moved to receive and file.

Chairman Parks seconded the motion.

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

VOTE

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

NEW BUSINESS

F. ESTABLISH 2010 COUNTY HOLIDAYS.

Ms. Jo Templin, Director, Human Resources, greeted the Commissioners and said, "This resolution establishes the holidays to be observed by Sedgwick County in 2010. And upon review of the calendar you should've received an updated resolution that does include December 31, 2010, to observe the New Year's holiday for 2011. So in 2010, there will actually be 11 holidays and in

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2011, nine holidays celebrated by Sedgwick County employees. And so I would just ask that you adopt this resolution, the District Court also celebrates the same holiday, with the exception of Columbus Day, they observe that as a holiday and we use that as an in-service day here at Sedgwick County. If you have questions, I'd be happy to answer them."

Chairman Parks said, "Are there any questions? What's the will of the Board?"

MOTION

Commissioner Unruh moved to approve the Resolution.

Chairman Parks seconded the motion.

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

VOTE

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

Ms. Templin said, "Thank you."

Chairman Parks said, "Thank you."

G. HEARING TO CONSIDER WHETHER THE CITY OF KECHI HAS PROVIDED SERVICES AS SET OUT IN THE SERVICE PLAN PREPARED FOR THE ANNEXATION ORDINANCE NO. 04-522.

VISUAL PRESENTATION

Mr. Robert Parnacott, Assistant County Counselor, greeted the Commissioners and said, "This is one of our five-year post annexation hearings that we hold for annexations by cities that have done the annexation without the consent of the landowner. This is the City of Kechi, of course, we've got a map up on the screen that shows you this particular property is located at 6501 North Rock Road. The actual property itself is about less than one acre, it's single-family residential. At the time they annexed that house, they also annexed the roadway that's highlighted in red, which is the portion of North Rock Road, north of 61st Street, up to that property. The service plan is in your backup, at

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page 28, we sent our notice out as required by law to the landowner. He did not contact me prior to this meeting. I don't believe he's here. We do have Mark Tallman here from the City of Kechi to answer any questions, if you have any. It is a fairly standard service plan by the city. They would provide sewer, natural gas, water or streetlights upon request or petition, otherwise after annexation; they would provide the standard city services of police, code, zoning and subdivision regulation enforcement. So, we have had no indication that services aren't being provided, but I would recommend that you open the public hearing, receive any comments from the attendees, and then you can close the public hearing and make the appropriate finding."

Chairman Parks said, "We'll now open the public hearing. Is there anyone that would like to speak on this matter of the annexation of Kechi? If there are nobody opposed to it, Mark, would you like to say anything about this?"

Mr. Mark Tallman, City Administrator, City of Kechi, greeted the Commissioners and said, "I can answer any questions if you have any. We're going along as planned."

Chairman Parks said, "Well, I do have a commendation, actually, for the City of Kechi. Many times on these things, I've taken the opposite and very well scrutinized the city if they couldn't provide services, not to annex. And in this case, you've annexed the roadway also, and I would like to commend the City of Kechi for annexing the roadway without being forced by this body to do that. And we thank you for that."

Mr. Tallman said, "You bet."

Chairman Parks said, "Seeing no further comment, thank you, Mark. I'll close the public hearing. Seeing no further discussion on this, what is the will of the Board?"

MOTION

Commissioner Unruh moved to receive evidence from city and landowners, and found that the city has extended services as provided for in the service plan.

Chairman Parks seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye

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Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Mr. Parnacott said, "Thank you."

Chairman Parks said, "Thank you."

H. BUDGET TRANSFERS TO THE SHERIFF'S'S OFFICE FOR OUT OF COUNTY HOUSING AND MEDICAL EXPENDITURES.

Mr. David Miller, Budget Director, Finance, greeted the Commissioners and said, "Before you this morning is an Agenda item requesting the transfer of \$1.8 million from the Public Safety Contingency reserve and \$200,000 from the Sheriff's personnel budget to the Sheriffs' medical services and out-of-county housing budgets. You may recall that during your budget hearings in mid June, we had discussed the growth in the jail population, particularly out-of-county housing, and the potential expenditures if those growth trends were to continue. Today we know, since that time, that the trends have continued to grow."

"And to help place that in to a context, when the 2009 budget was adopted back in August of 2008, it was based on estimated average daily population of 247 in out-of-county housing, and that was based on our experience in the first eight months of that year, in which our average daily population averaged 222. As of the month of September of 2009, the average daily population for out-of-county housing was 437. The request to transfer will cover the anticipated cost to the end of 2009, for both out-of-county housing at \$1.2 million and medical services at \$800,000. I recommend that you approve the transfer request and I'd be happy to stand for any questions you might have."

Chairman Parks said, "It appears we are well within that contingency budget line item, and I am going to be supportive of this. Commissioner Welshimer."

Commissioner Welshimer said, "I would like to ask a question of the Sheriff."

Mr. Robert Hinshaw, Sheriff, greeted the Commissioners and said, "Good morning, Commissioners."

Commissioner Welshimer said, "Well, we're basing this budget transfer on data that you have that says we have a much larger population of out of county, isn't that correct?"

Sheriff Hinshaw said, "That's correct."

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Commissioner Welshimer said, “And so you have more expenses and so on? I don’t understand how you come up with the figures when we haven’t made any progress, that I know of, in establishing records, or a computer system, and records on people in the jail that are eligible to go to out of county, for instance, what kind of progress has been made on that, on building a recordkeeping system that we can be assured is accurate for us to make these types of decisions? I mean, this is over a million dollars.”

Sheriff Hinshaw said, “The best way I can answer that is the record system that we have is accurate. The issue that we’re facing, that we’re trying to overcome now, is being able to pull out specific data points. The details, if you will. The aggregate that we’re talking about, as far as the total numbers that we have, is completely accurate. I mean, the numbers are what they are. And what we’re talking about, in regards to your question, as far as who is eligible to go out of county, what I have now is four corporals that work in population control, their entire job is to go through the inmate records by hand to determine who is eligible to go out of county. There are several things that area looked at. Number one, those that have been adjudicated, and remanded to the custody of the Sheriff for a commitment, but are not considered eligible for work release by the courts, those we ship out, if they are not a management issue and do not have a medical problem.” **Sheriff Hinshaw** continued, “The next group that we send out, and they work on these every day, are those that are at least two weeks out from some sort of court hearing. We have to bring them back so that their attorneys can get with them in order to prepare for their trials. The next group would be those that are going to be brought back within a week because they have motion hearings. In addition then, of course, it’s also checked against the no transport lists. Inmates may be on the no transport lists based on medical issues, or management issues, to where they are not suitable or considered eligible to go out of county. Not sure if that answers your question or not.”

Commissioner Welshimer said, “Well, let’s say halfway it...”

Sheriff Hinshaw said, “Okay.”

Commissioner Welshimer said, “...answers my question. But I think there is a long way to go with, I mean, we have the other departments like the judicial and the prosecutor and so on, they have records that they can, that are conclusive. And I think that hasn’t been a priority where the jail is concerned, maybe not a necessity. But I think in this day and age, when we’re talking about millions and millions of dollars and this is the largest and fastest growing budget we have in the county, that needs to be addressed and I think we’ve been talking about it for a long time and I’m not assured or convinced that we’ve got the progress that we should have had. That’s all I’m concerned about. Thank you.”

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Chairman Parks said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Sheriff, this transfers about \$2 million roughly, correct?"

Sheriff Hinshaw said, "Yes."

Commissioner Peterjohn said, "And of that, \$800,000 is for additional medical costs and not housing per se, is that correct?"

Sheriff Hinshaw said, "Correct, although it is directly linked to the sheer number of inmates that we're having to manage, because of the way the contract is with the medical vendor."

Commissioner Peterjohn said, "Okay. Because if we're looking at \$1.2 million on the housing side alone, that translates into how many inmate days and are we covering the whole year, or just basically from the 1st of August to the 1st of September through December 31st?"

Sheriff Hinshaw said, "I think I actually want to defer to David on that, since this sounds like a Finance question to me."

Mr. Miller said, "On the medical services cost for the \$800,000, about half of that is related to the way in which the contract is put together. The contract sets a base rate for the population under the custody of the Sheriff's Office and I believe that's \$1,350. Anytime that total population goes over that base amount, the contract dictates that the county is charged, I believe \$3.98 for each individual that goes over that population level. That makes up about half of the \$800,000. The other half of that is related to the timing in which the contract was originally adopted and revised. That base increase in that contract did not get incorporated into the 2009 adopted budget because of the timing of when the budget was adopted and the timing of when the contract was done."

Commissioner Peterjohn said, "Okay. Well then, help me out, if a person is in work release or day reporting, are they covered under that medical contract?"

Mr. Miller said, "My understanding, I'll let the Sheriff answer that."

Sheriff Hinshaw said, "Those inmates that are assigned to work release are responsible for their own medical payments, and those on day reporting, again, are also responsible, to my knowledge. I know we don't pay for them. The only medical that the county has to pay for through the vendor are those that are actually in our custody, and that does include those that are shipped out of county, we're still responsible through the vendor for their medical care and payments."

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Commissioner Peterjohn said, "I very much appreciate that clarification, and I think it's important for the public to know, in terms of the total cost that is being incurred for people who are detained, or in the judicial process, in one manner of speaking. Obviously folks who are out on their own recognizance are on their own in that regard, but folks who are kind of in work release, or day reporting, or some of the other programs that we have, that falls into a separate category."

Sheriff Hinshaw said, "That's correct."

Commissioner Peterjohn said, "And I appreciate knowing that. So, if we take \$1.2 million of this \$2 million dollars is for the additional housing, can you kind of break down, in terms of how much is money that we're spending going forward between now and December 31st, and how much we're playing catch up with expenditures that we've already either obligated or encumbered prior to this date?"

Mr. Miller said, "At this point right now, for out-of-county housing we adopted a budget of \$2.7 million dollars. Year to date as of yesterday, we had spent \$2,692,542. So we've essentially exhausted the total of the original 2009 adopted budget, so everything that goes forward from this point on is additional budget authority, that additional \$1.2 million. On average, we are expending about \$330,000 a month for out-of-county housing services."

Commissioner Peterjohn said, "Okay. Because by my math, that gives us about 4,000 bed days for the rest of the year, and we've got about, roughly, a little less than 90 days left in 2009. That's an awful lot of bed days, unless that number is going to get significantly above where it is today. "

Mr. Miller said, "There is some seasonality that we've seen, and when we do these estimates, we try to incorporate that seasonality into the out-of-county housing estimates. Normally what we see is in the beginning of the year, the population is lower than what we see at the end of the year, with a little bit of a drop-off as we start to get towards the holidays. So in our estimates, we try to incorporate that continuous traditional growth that we see towards the end of each year."

Commissioner Peterjohn said, "Okay. Because I'm thinking that this is going to give us capacity of well, very rough numbers that I'm just scratching on here, working it through between 300 and 400 people per day. It seems about right..."

Mr. Miller said, "That's correct."

Commissioner Peterjohn said, "...does that [inaudible] match?"

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Mr. Miller said, "Yes."

Commissioner Peterjohn said, "Well, I hope we don't have to make that large of an expenditure to keep the community safe, but I guess this gets to the bigger question, in terms of, I think for the public record, Sheriff Hinshaw, we've had a lot of discussions, you came and made a presentation to the entire Commission a few weeks back, I think at a Commission meeting today, in terms of we've looked at a lot of options, I'd appreciate it if you could kind of, for the record and particularly for the public out there, to provide an understanding of what we're considering and what we've looked at and what is possible to do to try and address the detention issue, keeping the community safe but not putting people behind bars who might be able to fit better into a work release or pretrial services or some other program?"

Sheriff Hinshaw said, "I'd be happy to, Commissioner. We start with the premise, or actually not a premise, but by Kansas statute, the Sheriff must accept all prisoners that are brought to the door. So we, as one agency, have absolutely no control over who is brought into the facility or how long they stay. I'm charged simply with keeping the jail. What we've been working, and by when I mean we, is the Sheriff's Office, the County Commission, through the Criminal Justice Coordinating Council (CJCC), which is an advisory group that is pretty much all the stakeholders that have some input on the system, acts as an advisory board to you, the County Commission, to come up with viable ways of making the entire criminal justice system more efficient. The jail is part of an overall criminal justice system. The officers arrest, the District Attorney charges and then the courts determine how long someone stays in the facility or if they're eligible for other programs. One of the things that's been lacking over the years, that has been addressed by this Board, is coming up with viable alternatives that work for our community; this includes the Sedgwick County Offender Assessment Program (SCOAP), this includes the day reporting, there has recently been an expansion of pretrial services to the City of Wichita. All of these have been expanded. There are several hundred inmates that, if not for the programs already in place, would probably be in my custody. And I haven't even touched on community corrections, which is when someone has been found guilty that otherwise they would be going to prison, they are managed here in the local community.

"What we're looking at now, of course is, and Commissioner Welshimer alluded to this, we have great data, our numbers are accurate, but as far as drilling down into that to determine what the latent population is, for example for work release, that's what we're working on now. And there's several meetings scheduled over the next few weeks. There's no doubt that we need to have adequate facilities to meet the needs of public safety and the criminal justice system here in Sedgwick County. Exactly what evolution that's going to take is what we're trying to reach a decision now on; an expanded work release facility, whether it's something built from the ground up, or modification of an existing facility, or perhaps expansion of our current work release center.

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It's maxed out, it's going to take an actual physical expansion to do anything more with that. What we're here today on, of course, is the pace of the inmate population has far outstripped all of our projections. Again, part of that is people are staying longer in jail and we're still trying to figure out why. Part of that may be dealing with sentencing, it may deal with, I understand the Public Defender's Office is short staffed, all of this, there's no one simple answer why they're staying here longer. What we are faced with is trying to manage the inmates as safely as possible, not only for the detention deputies that are working with them, literally, or managing them in many cases shoulder to shoulder, but also keeping the community safe."

Commissioner Peterjohn said, "Well, Sheriff, you've touched on a point that I would like you to provide more details to us on, because during the budget hearing this summer, you mentioned that next year under the new law the legislature has passed, we're likely to have more DUIs spending more time in the Sedgwick County Jail. Do you have any idea how many people who have been convicted of felonies, not just charged but convicted, are in the jail serving time now as opposed to say a year ago or two years ago and how is that impacting this problem?"

Sheriff Hinshaw said, "As far as the number, I know as part of my presentation, we applied the new statutes to the 86 people we currently have in the work release facility that were on their third or fourth time DUI offense. Applying it strictly to those, we came up with an additional 5,700 in bed days, and those were just the ones on work release. Some are not eligible for work release and those are, as I mentioned earlier, the ones we may ship out of county in order to free up bed space in the jail that are serving their sentence. As far as the numbers, I don't think that's going to change but I think the length of time they're going to stay in jail is going to change because what the state did is previously for someone that was on a fourth time DUI offense, they've moved that back to be the penalty for a third time DUI offense. And they have created a new penalty for a fourth time DUI offense that takes effect July 1st of 2010. That effectively means someone before, even if they are eligible for work release and a judge sentences them to work release, they have to stay an absolute minimum of six days in jail. That may not sound like very much, and it's not for any one individual, but when you're talking about 80, 100, 150 people, that adds up to the bed days that we talked about. And that's just the ones we know about. There's some changes in the law that requires better reporting, if you will, and data on whether it's a first, second, third, fourth, fifth time DUI offense, so there may be people currently in custody that may have been charged with their second or third time DUI offense that quite probably next year at this time they'll actually be charged with their fourth, fifth or sixth time DUI offense."

Commissioner Peterjohn said, "Do you have any idea, in terms of how many of these repeat DUI folks just, there's no way that they have used up all their chances and they are just going to have to

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do their time in the jail, because not only the state law changes, but the way they've been sentenced in the court system?"

Sheriff Hinshaw said, "I really wouldn't feel comfortable trying to estimate a number. Part of that, of course, is going to be, again, what we as a community, and by this I mean the entire State of Kansas, because that's wholly in the hands of the state legislature as far as of what type of penalties they want to impose and how much discretion they want to give to the judges."

Commissioner Peterjohn said, "Well, Sheriff, I really appreciate the dialog and getting this information in the record at a public meeting. I know we have discussed this in some forms, both privately and as well as at staff meetings, and you made a presentation to us a few weeks ago at a staff meeting and I think it's important for the public to have an idea of how big a challenge this is. Because there's a large part of this problem that is completely outside the control of any of us here at the county level, whether we are elected, appointed or basically trying to just administratively do our jobs as best we can, and there's a lot of moving parts, and I want to emphasize the fact that information is a real key in having an understanding of how we can best address this going forward and I am delighted to learn, for instance, that the possibility of expansion of existing facilities like at work release and whether that entails either moving out or moving up is a possibility and is certainly one of the items to look at, Mr. Chairman. So I very much appreciate having the opportunity to get this information on the record."

Chairman Parks said, "Thank you. Bottom line, the legislative changes in the last 15 years, would it be fair to say that you have had significant numbers increased in the third and fourth DUIs?"

Sheriff Hinshaw said, "Yes. And just so that we don't think it's exclusively the DUIs, there's been several changes at the state level that has had a direct..."

Chairman Parks said, "Right."

Sheriff Hinshaw said, "...impact, on not just the Sedgwick County Jail but sheriffs all across the state."

Chairman Parks said, "Yes. They are allowing us to keep them here now and every time they say that, it just hits the cash register again. Did want to make sure that the public knew, here a while back you said about 70 percent awaiting trial, not convicted?"

Sheriff Hinshaw said, "Yes, and I believe in our last snapshot, that may have dropped slightly to 60, 65 percent, but it's hovering right around that mark. And I think that's something else to keep in

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mind the reason we're here today is we have people staying in the jail longer, and the number of inmates that we are having to manage exceeds the capacity of our current facility. And it's not a case of simply putting them in the gyms or putting them on the floor, because that takes us down an entire different road, as many of us recall, the current jail that Sedgwick County has was the direct result of federal intervention, and that is, again, a concern. It's public safety, it's the safety of my personnel that's dealing with these inmates and it's also doing what's right by our community on our own terms rather than having it forced on us by someone else."

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

Commissioner Welshimer said, "We have started with the pretrial services and we had a report at our last meeting that we are keeping about, by that time, we had 270 detainees that we were taking from the jail, putting in other types of detainment. And yet when I look at the numbers that you send us on jail population, not only has the 270 not shown up, but you have gone up more. To me, that really raises a red flag, what's going on. I am wondering if, of course I do see where there are warrant sweeps, and we're not working together on this population problem, obviously. I know we need a work release facility, and we need a work release facility that we might be able to house some non-violent type minimum security offenders. We have tried to talk to the city. The city, we've asked them to work with us on this, so far I don't think we've had any response to that. As long as we allocate more money, it's going to be spent, and we need to see more effort to establish a more efficient way of operating. We've had many suggestions of things we can do that will change that and I want to see us working together, and until I do, I'm not willing to vote for the amount of money that we are trying to appropriate today. Not at this time."

Chairman Parks said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chair. The decision before us on this Agenda item is whether or not we are going to transfer money to support a situation that exists. We can't deny the fact that we have this many people under the Sheriff's control. We can't deny the fact that it costs this amount of money to house them. We do not have the capability in our current detention facility and out-county housing is the best alternative solution we have to building a new facility. Before us right now is not an evaluation of our alternative programs and whether they're working or not. What's before us right now is we've got an absolute requirement to pay for approximately 400 people a day that we have got to ship out of county, those are the numbers, and we have to decide how we're going to pay for them. We will have to pay for them."

"So it's whether it comes out of the Public Safety Contingency, as being suggested, or somewhere else, but that number is going to have to be paid. I actually am grateful that in our financial planning that we have established reserves and contingency to be used in these sort of circumstances. If that

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contingency wasn't established, then we would have a serious problem because we still have 400 or better people in out-county housing and we have to pay for their housing. So I guess what I'm saying, I appreciate the foresight and the planning to establish certain principles that develop reserves and contingency accounts for these sort of circumstances, and that's what is before us today, so I'm going to be supportive of it."

"On the rest of the discussion we have been having today about how we have developed alternatives and diversion programs for our populations, I think all this is good conversation and gets information on the table, but I would remind the Commissioners that the problem was identified as a serious challenge back in 2003 when we retained the services of the Institute of Law and Public Policy to help us look at this. The Criminal Justice Coordinating Council was established. We have established several alternatives and diversion practices that each time has had public discussion from the bench, before we voted to approve those, and so the problem has had in-depth and repeated airing from the Commission and from the different partners and stakeholders that are involved. So these issues are on the table, it has had opportunity for public observation, scrutiny of what we're doing.

"We've had professionals involved in trying to move forward, so the problem's not been solved. It's not been solved, in part, because the population keeps growing, and we cannot ignore our requirement to provide public safety, so that population is a function of providing public safety. What we do with these people is our challenge. We have currently an expert in jail population management, Justice Concepts Incorporated, and we are anticipating recommendations from that group, if they have something that will be helpful to us, and the Criminal Justice Coordinating Council is open to suggestions that are workable within the environment that we have for our community standards and how our district court operates and how the jail operates. So I guess I'm just making a statement that the problem's been in front of us, we've been working on it hard, we're making great progress, the population is growing faster than we hoped for, but at this point, we're going to have to fund this population. We don't have a choice. And I am glad we have the ability to do it and I'm going to be supportive. That's all I had, Mr. Chairman."

Chairman Parks said, "Commissioner Norton."

Commissioner Norton said, "Well, I'm going to be supportive of this today. You know, there's two discussions kind of going on simultaneously here. One of them is the 40,000 foot viewpoint of philosophically how do we solve this elephant in the room that we've been dealing with. We've moved down the path a few years ago to build a jail, and we thought that was very expensive, we put it through the filter of the public. It was a lot of money, so we decided that wasn't the thing to do right now. Then we embarked on programs and other alternative things to do, and that's taken some of the heat off, but it hasn't solved the problem yet. And then we know there's a legislative

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answer to this. Now, the legislature that's come out has not taken people out of our system, in fact, it's put more people in for longer days. So that 40,000 foot question is going to continue to be worked on by very smart people from outside our community and inside our community."

Commissioner Norton continued, Criminal Justice Coordinating Council are very smart people in our community that work in it day to day, that really understands all the nuances of the system, and we have had an outside viewpoint, twice, to come in and take a look at our system based on what they know about everything else in the United States and the criminal justice arena to give us suggestions. But before us today is whether we should spend the money to house out-of-county folks and pay for some medical through the rest of the year. And I would ask David Miller, first, we create the contingency plan just for this, how many dollars have been taken out of that contingency for other things like vehicles and uniforms and niceties for the Sheriff's Department this year?"

Mr. Miller said, "I would say zero."

Commissioner Norton said, "Zero. So that money is really put aside to pay for the things that the County Commission is obligated by state statute to do for the Sheriff, which is supply sufficient budget to run a reasonable jail population and have facilities for the criminal justice system. Is that correct?"

Mr. Miller said, "I would concur, Commissioner."

Commissioner Norton said, "Sheriff, would you concur with that, that statutorily, as we have learned from the Lincoln County lawsuit, that we have an obligation statutorily to provide you budget to take care of the jail population?"

Sheriff Hinshaw said, "I would agree, Commissioner."

Commissioner Norton said, "Okay. I think the reasonable budget comes out of the numbers that you've given us. We have to pay for that some way. And the larger discussion of how to get people out of the system can be played over and over and over today, but the truth is, you've estimated and Finance has estimated through the course of the rest of the year, these numbers should cover the budget obligation that we have, correct?"

Sheriff Hinshaw said, "Correct."

Commissioner Norton said, "Now on the medical side, let's just quit giving medical to those people that are under your jurisdiction. Can we do that? This is just a nice thing we're doing for people, right?"

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Sheriff Hinshaw said, “Actually, it falls under the same basket that we talked about in regards to having an adequate budget. It’s unconstitutional for us to deprive people of medical care. Now, what we need to do is provide, we don’t have to provide plastic surgery, we don’t have to make them better than they were, but we have to give them at least that baseline reasonable medical attention so they don’t leave in any worse condition than they were. If we were to fail to provide adequate medical services, we would probably find ourselves in significant litigation at this point. And by we, I mean, again, not just the Sheriff’s Office, but the county as a whole. I know that’s been suggested in the past. There’s oftentimes made reference to a sheriff in another state and how he manages his facilities, and I may be going off tangent here, but I know that we will receive additional comments after this meeting in that regard, so I’d like to address them for a moment if I could. That is, while he may be considered the most popular sheriff in America, he’s also the most sued sheriff in America. He has lost enough lawsuits based on housing conditions, medical treatment, and how he does his job that the premium for their liability insurance has increased fivefold; \$5 million per loss. I believe, as of the last numbers that I saw, the county there has had to pay out \$50 million in lost lawsuits. That is another issue I think that we need to always keep in our minds. As you’ve indicated, we have a constitutional obligation to provide a constitutionally adequate jail, which takes money, and provide those things that the Supreme Court has dictated that we must provide. Otherwise, we will probably be paying a lot more than \$2 million to get us through the end of the year.”

Commissioner Norton said, “All the other things withstanding from the big conversation that we have to have, I see no reason that we would not move forward on this today because of our statutory obligation, our constitutional obligation and the moral obligation we have to you to run the jail to the best of our ability. And you have been duly elected to do that, and I honor that, and I’m going to vote for it today. That’s all I have, Mr. Chair.”

Chairman Parks said, “Okay. Commissioner Welshimer.”

Commissioner Welshimer said, “Well, I realize that you’re duly elected to handle all of this and to make these decisions and we’re duly elected to pay for it. And I look at the situation where what we have been looking out of state, we’ve been looking at other prisons, other jails, rehab programs, other corrections systems. Your people have been going to conferences. We’ve had a consultant in here making recommendations. We’ve got consultant reports in books on shelves. It’s not that we’re not educated on what other areas are doing to control their jail population, but it seems to me that all we hear from this department is we need more money to do the same. And I don’t see that any of the things that we’re learning from outside our state, programs that are working with these

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populations, I don't see that changing and I don't see an effort to make that change. And so I'm going to stay with my vote not to approve the transfer."

Chairman Parks said, "I would like to touch on, just quickly on the items, these are just comments and not a question for the Sheriff at this time. Commissioner Norton alluded that there were two topics and we're talking about two separate things here and I think that we do need to get off on those to talk about those. We do need to address those in that they are inter-related because the budget and those topics are related. I don't know how much we're going to be able to do about those right at this time, but we have had many meetings and things going on. I would like to say that in CJCC, which I serve on, and the staff meetings that we've had, I have brought up some ideas like night court, we're talking about 65 percent of the people are awaiting trial, The miniscule amount of security that we would have to spend for courthouse security would offset those costs greatly. Two days a month, Saturdays, having the judges rotate in some kind of item like that, and this was brought up in CJCC some eight months ago. So we have been looking at other things and some of those just haven't come to fruition and I'm looking forward to continuing that dialogue and that possibility of being able to run the misdemeanants, especially, through a night court or through a Saturday court type system. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you. Also, this is not more of a statement more than a question for the Sheriff or the budget office. The history of how we've gotten to where we are today I think is important, and I think having information out there, in terms of the efforts that are being made and I appreciate the Chairman's comments, in terms of getting people who could OR (own recognizance) out of the jail as quickly as possible, or I should say own recognizance, or basically they're in there on relatively minor charges, I think there are a number of steps that continue to need to be worked on. But Commissioner Norton, I believe is correct in that we have two different problems, and the issue of reallocating this money is the actual item on the table in front of us today. And I have a question for Commissioner Welshimer, if she had a figure that she was comfortable with transferring, or otherwise we'll just have a vote on the motion as it stands, or if there's a lower figure that she's comfortable with transferring? I'd like to know if there is such a number."

Commissioner Welshimer said, "I don't have a figure that I'm comfortable with transferring at all. I would be willing to be more cooperative on this subject if I saw some effort to change the method of handling the population of the jail."

Commissioner Peterjohn said, "Thank you. I appreciate that because we do have this money set aside, this is a challenge. I would like to see ways of getting people out of detention if they can OR, and appreciate the data from the Sheriff's Office that provides it, but with this information that I have in hand at the moment, I'm going to cast a vote in support of this and we'll be continuing to work to see if we can bring these numbers down as effectively as we can and of course look at the

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bigger picture going forward. I'm very glad that we are looking at the most effective ways of keeping the community safe at a low of cost to taxpayers as possible."

Chairman Parks said, "If I may dovetail in on that, sometimes we are statutorily bound and Finance is telling us we're out of money in that line item, sometimes we don't like the things we vote for but it's a necessity by constitution, state law or finance. Commissioner Welshimer."

Commissioner Welshimer said, "I don't believe we're statutorily bound to just fund any amount of money into infinity. And that's what's happening here, I don't think that it will begin to correct itself until this department has to do that. And so that's my, I'm not going to vote for this."

Chairman Parks said, "Thank you. What's the will of the Board?"

MOTION

Commissioner Norton moved to approval of budget transfer from the Public Safety Contingency and the Sheriff's personnel budget for out-of-county housing and medical expenditures above the original 2009 budgeted amounts.

Commissioner Unruh seconded the motion.

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

VOTE

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

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I. DIVISION OF PUBLIC SAFETY.

1. CORRECTIONS RANGE REALLOCATIONS.

Mr. Mark Masterson, Director, Corrections, greeted the Commissioners and said, “Due to the upcoming retirement of Corrections Administrator, Donna Hajjar, who has been a long-term employee here of the court system and the Corrections Department since 1978, I have examined and want to make some changes in the management structure of Community Corrections. The current structure is composed of two divisions, Field Services and the Residential Center. I want to change that and establish only one division. The change will improve efficiency and managing and integrating grant funding and services. To accomplish this change, I request your approval to change the Field Services Division Administrator position up by one range, with the added responsibility for the Residential Center and to reduce the Residential Division Administrator position by one range and create a position called Adult Residential Center Manager that would report to the Division Administrator. The budget impacts are a \$960 reduction in costs in 2009 and \$6,105 dollars less in 2010. Human Resources has reviewed the request and recommends your approval as do I. I will be happy to answer any questions.”

Chairman Parks said, “As I have asked before, these job descriptions have changed significantly then?”

Mr. Masterson said, “They have.”

Chairman Parks said, “Okay. Thank you. What’s the will of the Board?”

MOTION

Commissioner Unruh moved to approve the Range Reallocations.

Commissioner Norton seconded the motion.

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

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VOTE

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

2. KANSAS JUVENILE JUSTICE AUTHORITY (JJA) SFY10 FUNDING APPLICATION FOR WEEKEND ALTERNATIVE DETENTION PROGRAM.

Mr. Masterson said, “I’m here to ask for your approval of a grant application to the state for a new juvenile detention alternative program. While your attention has been focused on the population at the Adult Detention Facility, we continue to work every day to manage the population at the Juvenile Detention Facility. Since January, we have experienced a steady climb in admissions but a reduction in the amount of time that they stay. That was an unusual pattern, and the change was cause for analysis and we learned that the court had changed sentencing practices to include expanded use of the facility as a weekend sanction for youth that violate court orders. We worked with the judges and court staff to agree on a weekend alternative to fill this need without using a bed at the facility.

“The program model we propose was borrowed from the Juvenile Court in Pierce County, Washington. We learned about it on a recent site visit as part of our national DMC (Disproportionate Minority Contact) Action Network project that’s funded by the MacArthur Foundation. The program we propose will run from 9 a.m. to 4 p.m. Saturday and Sunday, three weekends a month. Staff will receive referrals from the court and serve 8 to 12 youth each weekend in that programming. Staff will provide small group programs to teach problem solving, decision making and various social skills. The program will be operated at the gym and classroom at the Juvenile Residential Facility. We expect to serve approximately 150 youth through June 2010 and to pay for the program costs of \$51,070 with state Juvenile Justice [and Delinquency] Prevention funds. In order to proceed with this plan, we need your approval to submit this grant application to the Juvenile Justice Authority. The request is out of the usual grant cycle due to a change in the budget for another program that resulted in some savings. The Juvenile Corrections Advisory Board supports this request and preliminary conversations with the state suggests they will approve it.”

Mr. Masterson continued, “The funds will be used to add one social worker position to coordinate and deliver the services, partial support for an existing coordinator to provide supervision of the

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new position and the program, equipment, supplies and travel expenses to send the social worker to visit and participate in the weekend program in Washington for first-hand learning. If approved, we'll begin recruitment for the position right away contingent upon receipt of funding from the state. I will be happy to answer any questions."

MOTION

Commissioner Norton moved to approve the funding application subject to technical budget adjustments and authorize the chair to sign all necessary documentation, including the grant award agreement containing substantially the same terms and conditions as the application and approve establishment of budget at the time the grant award documents are executed.

Commissioner Welshimer seconded the motion.

Chairman Parks said, "Motion and a second, we do have one comment."

Commissioner Peterjohn said, "Thank you. Mr. Masterson, could you provide a little bit more information, in terms of how the Kansas Children's Service League is involved in this process because the backup data indicates that they are participating in this overall effort?"

Mr. Masterson said, "Kansas Children's Service League provides a case management program co-located with our Juvenile Intake and Assessment program, and so a specific target population of individuals that have been recidivists to Intake and Assessment qualify for case management right-of-way as an alternative to going more deeply into the system. So it's a service that's offered. Through changes in that program, staffing, some budget savings occurred which then was able to be reallocated to do something else with. This is what was decided by 'Team Justice,' the Juvenile Corrections Advisory Board, upon our recommendation, as something that would fit and be a system improvement."

Chairman Parks said, "Thank you. What's the will of the Board? Call the roll."

VOTE

Commissioner Unruh

Aye

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

3. ADD ONE SOCIAL WORKER GRANT POSITION TO THE STAFFING TABLE OF THE DEPARTMENT OF CORRECTIONS FOR THE WEEKEND ALTERNATIVE DETENTION PROGRAM.

Mr. Masterson said, "I request your approval to add the social work position range B321 to the Corrections Department staffing table to work in the alternative program I just described. The budget impact in 2009 is \$13,083 and in 2010, it's \$52,334. The funding source is the state Juvenile Justice [and Delinquency] Prevention (OJDDP) funding that is provided on the state fiscal year that runs through June 2010. We plan to include the costs for this program in the annual grant application for state fiscal year 2011 that will be submitted in April. I'll be happy to answer any questions."

MOTION

Commissioner Norton moved to approve the request.

Chairman Parks seconded the motion.

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

VOTE

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

Mr. Masterson said, "Thank you."

4. AGREEMENT WITH MOTOROLA TO PROVIDE RECONFIGURATION SERVICES FOR THE MAIN RADIO SYSTEM. THIS IS THE THIRD AGREEMENT FROM THE CURRENT WAVE OF 800 Mhz REBANDING.

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THERE WILL BE OTHER AGREEMENTS AS THE PROJECT PROGRESSES. ALL COST TO BE PAID BY NEXTEL-WEST.

Ms. Diane Gage, Director, Emergency Communications, greeted the Commissioners and said, “This is getting to be a recurring theme with the 800 Mhz (megahertz) system. At this time, we have another agreement. This agreement with Motorola will be for the infrastructure of our radio system, the reprogramming of our main sites, any additional corrections we need to make so that the current radio system can support transmitting to the 6,000 subscriber units that we have. The last agreement that you approved was to upgrade the programming on the subscriber units. I’d be willing to answer any questions and all the costs are paid by Sprint Nextel or Nextel West.”

MOTION

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

Chairman Parks seconded the motion.

Chairman Parks said, “If you could just remind us again a little bit about why we’re doing this through Nextel and what that plan was, just for the record?”

Ms. Gage said, “Several years ago, we’re talking about 10 years ago, there was an interference on 800 Mhz radio systems caused by the increased number of users on Nextel’s cell phone, they had instant walkie talkies, their telecommunications system. The FCC (Federal Communications Commission) intervened and worked out an arrangement with Nextel that public safety would abandon certain frequencies and Nextel would take over these frequencies and provide additional frequencies to public safety across the country at Nextel’s expense to prevent this interference and allow both systems to operate.”

Chairman Parks said, “Thank you. I think that needs to be brought up every once in a while when we’re spending this money from Nextel and just to kind of explain what the system is, although, many of us may realize what’s going on with that. Have a motion and second. Seeing no further discussion, call the vote.”

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye

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Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Ms. Gage said, “Thank you.”

Chairman Parks said, “Thank you.”

J. DIVISION OF HUMAN SERVICES.

- 1. CONTRACT WITH WICHITA STATE UNIVERSITY TO TRANSFER GRANT-BASED FUNDS RECEIVED FROM THE UNITED STATES DEPARTMENT OF EDUCATION FOR THE ADVANCED EDUCATION IN GENERAL DENTISTRY PROGRAM.**

Ms. Deborah Donaldson, Division Director, Human Services, greeted the Commissioners and said, “This item is to transfer of funds to Wichita State University (WSU) and these funds are coming through the United States Department of Education and this is to support the Advanced Education in General Dentistry (AEGD) program, which is a program that has literally been years, in terms of the planning and implementation and actually took their first group of students this fall. These are people who have completed their dental education and are going on for further education or residency. It’s a one-year residency, and we are looking at going to a two-year program with the hopes of perhaps placing folks in western Kansas and other areas of the state where we have dental shortages. A lot of this work occurred because of a study that definitely was showing an increased need for dentists but fewer dentists in our state. In the last month, another study was released showing the average age of dentists in our state is 50 years old. More than half that are 61 or older and have no plans to retire. Many dentists who would like to sell their practice are not finding people to sell it to. Many dentists who would like an associate are having difficulty finding them. Over 90 percent of the dentists in our state are worried about accessibility over the next five years. So I am really pleased to bring this to you. The \$476,000 that is going to support this program will help, in terms of the construction of the building for it; this will help provide equipment for that building. And the hope is that we will be able to expand even further in this community, in terms of some pediatric residencies because, again, that’s an area that there is shortage of and very difficult to find pediatric dentists. I would be glad to answer any questions.”

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

MOTION

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

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Commissioner Welshimer seconded the motion.

Chairman Parks said, “Motion and a second, there are a couple of comments. I have one that’s in reference to this, this is just pass-through money, and how many hours approximately are staff going to be spending on this project?”

Ms. Donaldson said, “Actually, the proposal for this was written by the university and was sent to us and so we literally cut and paste that into the application form to make sure it matched exactly what they would be doing and that everyone understood that. So that was done, it was sent, it was approved and then it will just be a matter of them sending back reports as they buy the equipment to show that they in fact have used the money appropriately. And so, actually, our administrative time on this has been fairly minimal.”

Chairman Parks said, “So, if the moneys are cut off in the future, then the building and the program or the contingency is to go back on that and what the disposition is of that?”

Ms. Donaldson said, “Right.”

Chairman Parks said, “Okay. I would like to just comment, also, that I would like to see a follow-up, a culmination of where the particular dentists that go through this program, if they do stay in Kansas or if they do flee out of state.”

Ms. Donaldson said, “Yes.”

Chairman Parks said, “And Commissioner Peterjohn.”

Commissioner Peterjohn said, “Well, I agree with the Chairman’s comments and want to have that tracked. I have heard discussions at the state level, not only about dentists, but also doctors, pharmacists have been the most recent professional that falls into that category. But Ms. Donaldson, you talked right at the end of your comments about pediatric dentistry...”

Ms. Donaldson said, “Right.”

Commissioner Peterjohn said, “...do you have any idea, in terms of how many pediatric dentists we have in Kansas and how they fit in as a subset of the total number of dentists as tied into this effort with the grant program?”

Ms. Donaldson said, “I don’t know the exact number, but I certainly can find that out and I will be glad to send it to everyone.”

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Commissioner Peterjohn said, “Thank you.”

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

VOTE

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

Chairman Parks said, “Thank you.”

Ms. Donaldson said, “Thank you.”

2. PROFESSIONAL SERVICES AGREEMENT WITH THE UNIVERSITY OF KANSAS SCHOOL OF MEDICINE FOR CHILD PSYCHIATRY SERVICES.

Ms. Cook said, “Before you is a professional services agreement with KU (University of Kansas) Med [Medicine]-Wichita to allow a new psychiatrist that came to town this summer, Dr. Susan Daily, to provide psychiatry services in our children’s program for one day a week. The agreement is for six months. Prior to its expiration, Dr. Lear and I will meet with Dr. Scheffer at KU Med to determine whether or not we’re going to continue the contract. The need for it is a result of this spring we had a part-time psychiatrist in our children’s program who worked two days a week who resigned. You approved last month a contract for Dr. Bergen to provide services for one day a week in our children’s program and this contract will provide the other day a week coverage that was lost. So we are recommending that you approve the agreement.”

MOTION

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

Commissioner Welshimer seconded the motion.

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

VOTE

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

Ms. Cook said, "Thank you."

3. AGREEMENT WITH SRS FOR DELIVERY OF USDA COMMODITIES.

Ms. Annette Graham, Executive Director, Central Plains Area Agency on Aging, greeted the Commissioners and said, "This contract is between the Kansas Department of Social and Rehabilitation Services (SRS) and Sedgwick County Department on Aging to receive and distribute United States Department of Agricultural (USDA) commodities to eligible persons. This contract allows us to coordinate the volunteer pickup with small cities in Sedgwick County outside the city limits. This will allow us to receive the commodities from SRS program, The Emergency Food Assistance Program (TEFAP) and distributing to the outlying communities for needy persons to use in their homes. The cities included are: Andale, Bentley, Cheney, Clearwater, Colwich, Maize, Mt. Hope, Mulvane, Park City, Valley Center, and I do need to make one correction to your Agenda, we inadvertently left off Goddard. There are 11 cities and sites that we're contracting with. Last year, from September '08 to August of '09, there were 1,629 individual distributions made through this program. That was at a value of \$51,333 of commodities. So as you can see, this is a very valuable program and it really does extend and improve the nutrition for many of the low income individuals throughout our county."

"This is an income based program and it's based on 130 percent of poverty. Through this, no additional funds are requested, all the funding that is utilized are through SRS and they directly reimburse the volunteers for the mileage that they drive, we just help coordinate all of this, and work with the sites to coordinate that, when those commodities come in. And last week, I did bring to you the direct contracts with each of these sites that we will contract with for this current year. I would request that you approve and authorize this and I'd be happy to answer any questions."

MOTION

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

Commissioner Unruh seconded the motion.

Chairman Parks said, "Motion and a second, Commissioner Peterjohn."

Commissioner Peterjohn said, "Yes, I very much appreciate the additional information you have brought. I was curious, I noticed that several cities weren't on the list, Derby and Haysville being the two most prominent, are they covered under another program?"

Ms. Graham said, "Yes. They both are, because they do contract with cities that already had those sites developed, so these are just covering the ones that didn't have the agreements already with SRS."

Commissioner Peterjohn said, "Okay, because I was thinking of all the communities here in Sedgwick County and is there a certain size on the cities, because I noticed Viola is not on the list?"

Ms. Graham said, "They're served through Clearwater."

Commissioner Peterjohn said, "Served through Clearwater. Okay. Thank you very much."

Ms. Graham said, "You're welcome."

Chairman Parks said, "Seeing no other questions, call the vote."

VOTE

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

4. APPROVAL OF ONE LETTER OF AGREEMENT FOR KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT.

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Ms. Graham said, “The purpose of this grant is to reduce injury deaths through the development of community-based injury prevention efforts in the region. The injury prevention grant supports community-based nonprofit organizations in the implement of initiatives that address changes in knowledge, attitudes, behaviors and/or environments in an effort to reduce unintentional injury, deaths and hospitalization. We have identified the escalating concerns related to falls and fall-related injuries among the aging populations. Central Plains Area Agency on Aging is dedicated to educating and empowering both families and businesses to take actions that will make older adults safe. Central Plains Area Agency on Aging, through a collaborative effort with community organizations, will implement initiatives that address changes in knowledge, attitudes, behaviors and environments in an effort to reduce these injury, death and hospitalizations, specifically falls. Studies from the Center for Disease Control (CDC) show that falls are the leading cause of death from unintentional injury in the home of older adults and 30 percent of adults 65 and older are involved in falls each year. And of this amount, 50 percent of those individuals will end up in a nursing home, and of that, approximately 30 percent will die within the one year.

“So as you can see, this is a very serious problem, it has very serious consequences and certainly increased hospitalization and medical costs as a result. We would like to bring attention to the problem of preventable home injuries and key risk areas by encouraging the public to consider home danger areas and implement simple steps to minimize the risk of potential injuries and death. The department did complete the initial process with the grant review team and the grant was submitted and approved by the Kansas Department of Health and Environment Injury Prevention Project Committee. The grant request is for a total of \$4,000. The grants received from this grant are solely for the costs of this program and this dollar amount will cover the entire program. I would request that you approve the letter of agreement and authorize the Chairman to sign and I’d be happy to answer any questions.”

MOTION

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

Commissioner Welshimer seconded the motion.

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

VOTE

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

Ms. Graham said, "Thank you."

K. PUBLIC HEALTH EMERGENCY RESPONSE (PHER) PHASE 1 GRANT AWARD TO THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) FOR PANDEMIC H1N1 SUPPLEMENTAL FUNDING.

Ms. Claudia Blackburn, Director, Health Department, greeted the Commissioners and said, "Before you is an agreement with the Kansas Department of Health and Environment for pandemic H1N1 supplemental funding. The agreement is for \$704,957 for planning and preparedness for a mass vaccination campaign to combat our current 2009 H1N1 pandemic. One thousand dollars of this funding is for surveillance of school absenteeism rates and it will be tracked separately and reported to the Kansas Department of Health and Environment. This money can also be used to fund vaccine administration. We expect another \$1,413,470 sometime in mid to late October to fully fund the vaccination program for the community. These grant dollars will be used to pay part-time temporary staff, provide space for the temporary staff and a call center, pay for some equipment and computers that are needed for offices, salaries and overtime to reimburse the county for hourly employees who assist during the response and other things."

Ms. Blackburn continued, "I will say that this is really kind of a draft budget, we are dealing with many variables, a lot of unknowns, and so we did our best to put the money where we think we'll need it, but we will most likely be moving money around as we gain more knowledge. There is no match requirement and the funding runs from July 1st of '09 through July 30th of 2010. I would be happy to answer any questions. I do recommend that you approve this agreement and authorize the Chair to sign."

MOTION

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

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Chairman Parks seconded the motion.

Chairman Parks said, "Motion and a second, any discussion? Seeing no, Commissioner Peterjohn."

Commissioner Peterjohn said, "Yes, at a public meeting like this, I was wondering if there was anything that you could add, in terms of the general status of the community, where we are as of today's date going forward with, I know there's folks out there who are beginning to have, they've come down with something, whether it's H1N1 or the seasonal flu or something else, it's not clear, but I know notices have gone out to some schools and I would be interested in any comments that you might have, in terms of kind of a status report as of October 7th."

Ms. Blackburn said, "There are a lot of people getting sick, from what we think is H1N1. There is no seasonal flu circulating at this time as far as we know. We do have a surveillance system in Kansas and nationally and what we have been told is that, so far, the influenza that they've cultured has been the 2009 novel H1N1. Seasonal flu doesn't typically start circulating until November, December, so we are looking for it, but right now it looks like it's H1N1. We have lots of people who are ill with influenza-like illness and the assumption is that it's H1N1. We are beginning to collect absenteeism information from our schools. We have 25 schools that are participating in our surveillance system, and I don't have the exact numbers, but I know that there were many that exceeded 10 percent absenteeism last week. So it's out there, a lot of people are getting sick."

"That's why until we have enough vaccine to get to all of the high risk groups and the general population, we are encouraging people to follow the instructions that we have given: wash your hands, stay home if you are sick, if you have a fever, stay home until you have been fever free without fever reducing medication for 24 hours, if you are still coughing and sneezing, keep your distance from other people because that is the most efficient way to transmit disease, and if you are well, stay away from people that are coughing and sneezing if at all possible. But it's around and there are a lot of people getting sick."

Commissioner Peterjohn said, "Well, let me ask you, because you said 25 schools, we've got a lot more than 25 schools here in Sedgwick County. Do you know how many school districts here in Sedgwick County are participating in that monitoring and are they roughly proportional between elementary, middle school and high school?"

Ms. Blackburn said, "I don't have that information in my head, but I will be happy to get it to you and share that with all of you."

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Commissioner Peterjohn said, “Thank you.”

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

VOTE

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

Ms. Blackburn said, “Thank you.”

L. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ REGULAR MEETING ON OCTOBER 1, 2009.

Ms. Iris Baker, Director, Purchasing, greeted the Commissioners and said, “The meeting of October 1st results in eight items for consideration today. First item;

**1. EMC AVAMAR, INSTALLATION, TRAINING and SUPPORT – DIVISION OF INFORMATION AND OPERATIONS
FUNDING – DIVISION OF INFORMATION AND OPERATIONS**

“Recommendation is to accept the proposal from Alexander Open Systems in the amount of \$291,032.51. Item 2;

**2. CISCO SMARTNET RENEWALS – DIVISION OF INFORMATION & OPERATIONS
FUNDING – SYSTEMS AND SECURITY**

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“Recommendation is to accept the low responsive bid from Communications Professionals in the amount of \$14,243.25. Item 3;

3. COX SERVICE – DIVISION OF INFORMATION AND OPERATIONS FUNDING – DIVISION OF INFORMATION AND OPERATIONS

“Recommendation is to accept the quote from Cox Business [Services] systems and establish contract pricing for 60 months at a rate of \$110 per month. Item 4;

4. COX SERVICE – HEALTH DEPARTMENT FUNDING – HEALTH DEPARTMENT

“Recommendation is to accept the quote from Cox Business Services and establish contract pricing for 60 months at a rate of \$570 per month with a \$1,000 installation fee. Item 5;

5. MODULAR FURNITURE & CHAIRS – FACILITIES DEPARTMENT FUNDING – CONST R FORENSIC SCIENCE CENTER ANNEX & CONTROL

“Recommendation is to accept the quote from John A. Marshall in the amount of \$68,869.94. Item 6;

6. PORTABLE FOOD and BEVERAGE CARTS for INTRUST BANK ARENA – FACILITIES DEPARTMENT FUNDING – ARENA SALES TAX

“Recommendation is to accept the low proposal from Partners by Design, LLC in the amount \$76,395. Item 7;

7. HOUSEKEEPING EQUIPMENT FOR INTRUST BANK ARENA – FACILITIES DEPARTMENT FUNDING – ARENA SALES TAX

“Recommendation, and I need to make a modification to this recommendation; recommendation is the low bid on Item 1 to Massco, Option 2 in the amount of \$255.18; Item 2 to Huber, Inc. in the amount of \$459.20; Item 6 to Tennant Sales and Service Co. in the amount of \$43,899.78; Item 11 to Massco, Option 1 in the amount of \$1,016; Item 13 to Pur-O-Zone, Option 2 in the amount of \$406.35 and to accept the low responsible bids meeting specifications on Item 4 to Xpedx in the amount of \$1,380.70; Items 7 and 10 to Massco, Option 1 in the amount of \$7,900.80; Item 8 to

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Tennant Sales and Service Co. in the amount of \$23,897.44; Item 9 to Huber, Inc. in the amount of \$510 and Item 12 to Pur-O-Zone, Option 1 in the amount of \$3,116.92. And Item 8;

8. TICKETING EQUIPMENT FOR THE INTRUST BANK ARENA – FACILITIES DEPARTMENT FUNDING – ARENA SALES TAX

“And that recommendation is to accept the sole source quote from Tickets.com in the amount of \$50,727.78. I would be happy to answer any questions and I recommend approval of these items.”

MOTION

Chairman Parks moved to approve the recommendations of the Board of Bids and Contracts with the exception of Item 8.

Commissioner Norton seconded the motion.

Chairman Parks said, “We have a motion and a second, Commissioner Welshimer, do you have...”

Commissioner Welshimer said, “I’m not questioning number eight, I have a question on the other item.”

Chairman Parks said, “Well this would be the time to go ahead and do that then because...”

Commissioner Welshimer said, “Okay.”

Chairman Parks said, “...we’re about to vote on that.”

Commissioner Welshimer said, “Would you, can you give me some sort of a description of what food carts are for \$76,000?”

Ms. Baker said, “I sure can. The food carts, and there’s a variety of options here, the beer carts are keg coolers on wheels. And all of these look similar to mini-kiosks and they have a variety of different configurations to them. They have refrigeration; some of them have refrigeration plus ice trays and troughs to where they can move beverages and food from various places, from the kitchen areas to various places around the facility. There’s also a coffee cart that’s got a self-contained sink

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and heaters in it, ovens and refrigeration to be able to keep things hot, fresh, cold as they are used throughout the facility.”

Commissioner Welshimer said, “Okay. Well I am just wondering if these carts are going into where the public seating is or if they’re going into the private...”

Ms. Baker said, “Primarily will be out on the concourses in various areas of the concourse.”

Commissioner Welshimer said, “I see. Okay. Thank you. That’s all I have.”

Chairman Parks said, “Further discussion, Commissioner Peterjohn.”

Commissioner Peterjohn said, “Yes, Ms. Baker, I noticed we had, on some of these items, we sent out bid requests to a large number of vendors, but Items 3 and 4 were both sole sourced, is there really, literally, no other, we are locked in basically to a single provider at this point in time without any ability to consider any other options...”

Ms. Baker said, “Correct.”

Commissioner Peterjohn said, “...or get more than one bid?”

Ms. Baker said, “Our fiber source is Cox, so yes, anytime we’re tying into our current system, it would be Cox that would provide that service.”

Commissioner Peterjohn said, “I didn’t know if there were any other ways to make those sorts of transfers and if we were locked in, in that regard. I noticed on Item 5, in terms of the furniture, the total cost is almost \$69,000 for 22 work stations and chairs for 11 offices. Would it be fair, basically, when it says 22 work stations and chairs for the 11 offices, we’re talking about basically the work stations within those 11 offices and so it’s ballpark roughly a little over \$3,000 each per office, for each work station?”

Ms. Baker said, “And I think you want to look at it per work station. One office might have just one work station in it, like a supervisor or a manager. Other offices could have three or four, could be a collection of, similar to what you see around the courthouse.”

Commissioner Peterjohn said, “Do we have any sort of a life span, in terms of this type of furniture, in terms of including because I hope at the price of \$3,000 per work station, it better last for a long, long time.”

Ms. Baker said, “I could get you some information on anticipated life cycles of modular furniture.”

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Commissioner Peterjohn said, “Thank you.”

Chairman Parks said, “Seeing no other discussion, let’s call the vote.”

VOTE

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

Chairman Parks said, “In taking up number 8, I just have a philosophical difference in that and if the will of the Board is to do something else, I would entertain that at this time.”

MOTION

Commissioner Norton moved to approve Item 8 from the Board of Bids and Contracts.

Commissioner Unruh seconded the motion.

Chairman Parks said, “Discussion. Commissioner Peterjohn.”

Commissioner Peterjohn said, “I would like to get more information, in terms of why this is a sole sourced item too, because I presumed on a technology area there would certainly be more than one potential supplier for this type of equipment, but maybe there’s something that I’m unaware of that makes this so unique that it’s a sole source item.”

Ms. Baker said, “Our current ticketing system, Select-A-Seat is Tickets.com, and in that contract, all of the hardware and software that is tied to a ticketing system has to come through Tickets.com. This implies that it’s a continuation of that system. This is the equipment that would be going into the downtown arena...”

Commissioner Peterjohn said, “So we’re...”

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Ms. Baker said, "...tied to the current ticketing system."

Commissioner Peterjohn said, "Okay. Because then we're locked in because of that other arrangement that we have and how long do we have that for? I mean, are we going to be in a situation where if the underlying agreement isn't validated, we might have to come back and put in the new system somewhere in the future?"

Ms. Baker said, "If at some time in the future we were to change the system, go away from Select-A-Seat, then we'd go through some kind of a procurement process to find another system. But generally speaking, a lot of the sole sources the county has, once we select a system, or we standardize something, it locks us into usually some kind of situation, whether it's sole source or whether it's a limited supply base, constraints through distributorships, and so forth."

Chairman Parks said, "Commissioner Norton."

Commissioner Norton said, "Well I'll be for this, this is hardware that is pretty consistent and used a lot. A Magtek is just a card swipe system, and that's not software that controls a ticketing system, that's just the hardware. It will probably be portable to any other system. It's the software that controls that becomes the issue. So I'm going to be supportive of that."

Ms. Baker said, "And there will still be some integration there..."

Commissioner Norton said, "Yeah, absolutely."

Ms. Baker said, "...to be able to hook up the hardware, yes."

Commissioner Norton said, "Yeah."

Chairman Parks said, "And there is no fiduciary advantage or conflict of interest with SMG and this company?"

Ms. Baker said, "No."

Mr. Buchanan said, "No."

Chairman Parks said, "Okay. We have a motion and second. Seeing no further discussion, call the vote."

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VOTE

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

Ms. Baker said, “Thank you.”

CONSENT AGENDA

M. CONSENT AGENDA.

- 1. Amend the 2009 Capital Improvement Program CIP to add Adult Detention Master Control System Assessment and Plan.**
- 2. Sale of influenza vaccine to KU Endowment Association for “Operation Immunization”.**
- 3. Due to typos corrected by the Kansas Department of Transportation, we are submitting a revised agreement and ARRA attachment for construction on Sedgwick County Project 831-S, T, U, V, ½ W; Rock Road from Oak Knoll to ½ mile north of 63rd Street South. CIP# R-322. District 5.**
- 4. General Bill Check Register of September 23, 2009 – September 29, 2009.**
- 5. Order to correct tax roll for change of assessment on September 9, 2009.**

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

MOTION

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

N. OTHER

Chairman Parks said, “Other.”

Commissioner Welshimer said, “I have an ‘other.’”

Chairman Parks said, “Commissioner Welshimer.”

Commissioner Welshimer said, “October 22nd, down in Derby, the Derby Chamber [of Commerce] is having their annual event called Consumption Junction. This time it will be at the Mattox Arena, that’s 4418 East 83rd Street in Derby. This is a really nice event. The restaurants have food, free samples of their concoctions, and so on, at different booths and it’s a giant silent auction, lot of really good things there. It’s a nice fall event to go to and anyone that wants to attend; it’s \$15 in advance, if you want to contact the Derby Chamber or \$20 at the door. Very enjoyable and I think anyone who wants to go would be glad they did.”

Chairman Parks said, “Okay. Had a lot of thunder stealing today, I’m sure glad Chevrolet still has thunder. Anyway, the corridor opening with the overpasses to downtown Wichita are going to be dedicated on October 12th. I will be one of the speakers at that and I think that’s an important ribbon cutting for that event. Being near Union Station, if you would like to go, just go into the Northern Flyer link and they’ll have all kinds of links to that. I have had one television station tell me that they’re going to cover that and cover the pre-activities there also. That will be on October 12th. Seeing no other action, do we have any other items to be brought before the Board today? Seeing none, we’re adjourned.”

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O. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:10 a.m.

**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:

October 28, 2009