



*Sedgwick County...
working for you*

CITIZENS ADVISORY BOARD, DISTRICT 5 – MEETING AGENDA

Friday, May 5, 2023, 4:00PM

2937 E Oaklawn Dr., Wichita

Board Members in attendance: David Sowden (Chairman), John Nicholas (Vice-Chairman), Amanda Amerine, Joseph Elmore, Olivia Hayse, Andrew Le, Denise Meirowsky, Bryan Porter, and Brad Smith

Excused: Liz Loera (Secretary)

Absent: Christopher Wyant

County Representatives: Elora Forshee, CPE, Sedgwick County Emergency Communications; Kirk Sponsel, Assistant County Counselor

Speakers: Elora Forshee and Kirk Sponsel

Attendees: Two members of the public attended (no sign in)

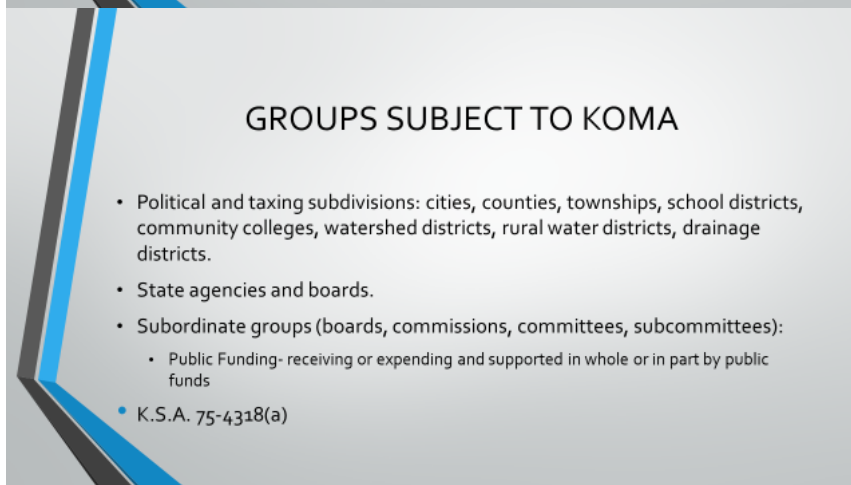
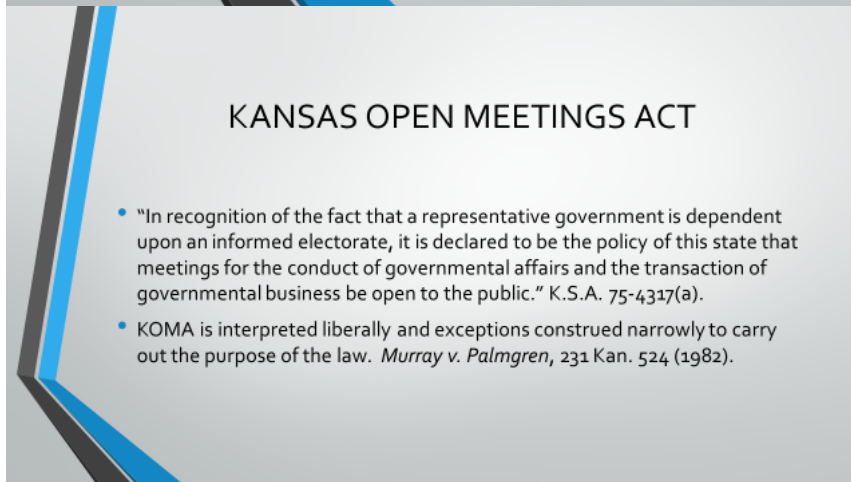
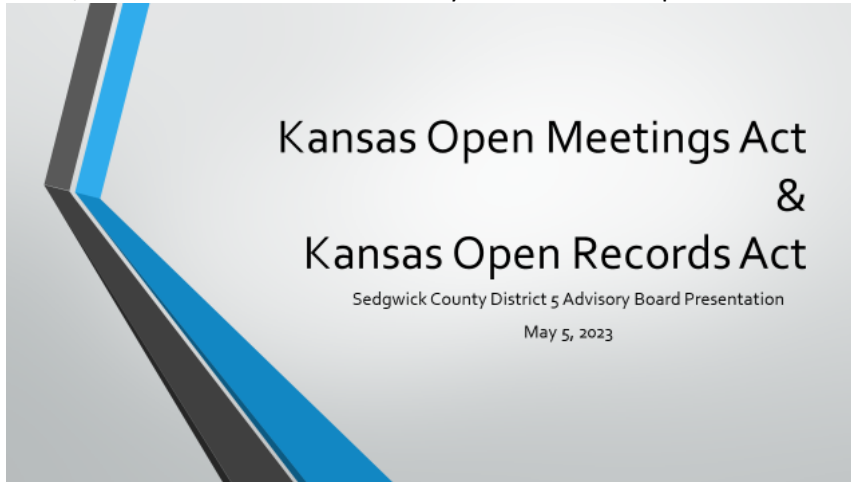
ORDER OF BUSINESS

1. **Call Meeting to Order**
 - a. David Sowden called the meeting to order at 4:03 PM.
2. **Invocation** – Joseph Elmore
3. **Flag Salute**
 - a. All members stood for the pledge of allegiance.
4. **Roll Call – Determine Quorum**
 - a. David Sowden, Amanda Amerine, John Nicholas, Brad Smith, Olivia Hayse, Joseph Elmore, Andrew Le, Denise Meirowsky, Bryan Porter
 - b. Quorum was present
5. **Approval of Minutes – March 3, 2023 & April 4, 2023**
 - a. Motion to approve by David Sowden
 - b. Seconded by John Nicholas
 - c. Approved 9-0
6. **Public Agenda**
 - a. Sharon Alstead: Asking the board to consider using a flashing yellow light on 143rd street at 71st.
 - b. Faith Martin:
 - a. Would like to know the County's policies regarding bathrooms after state legislature passed Women's Bill of Rights. Has seen that City of Wichita has announced policy that people can use the bathroom that aligns with their gender identity.

- b. As someone who lives in Southeast Wichita, doesn't feel that new members on board are representative. Would like to see board members represent neighborhoods/areas rather than demographics

7. New Business

- i. No Commissioner's Report
- ii. KORA/KOMA review: Assistant County Counselor Kirk Sponsel



WHAT IS A MEETING?

K.S.A. 75-4317a defines "Meeting" as:

- (1) Any gathering or assembly in person or through the use of a telephone or any other medium for interactive communication
 - A majority is defined as the next whole number greater than one-half the total number of members.
- (2) By a majority of the membership of any agency or body
 - A majority is defined as the next whole number greater than one-half the total number of members.
- (3) For the purpose of discussing the business or affairs of the body or agency
 - Binding action or voting is not necessary – discussion of business is all that is needed under KOMA.
 - Social gatherings are unlikely to trigger KOMA requirements—unless business is discussed.

MEETINGS- A BROAD CONCEPT

- "Gathering or assembly" can mean:
- Meetings by phone, email, Skype, through third parties, etc.
- Informal discussions before or after a "meeting" are subject to the Act.
 - Name or title of the meetings, such as "work session" is irrelevant.
- If all the requirements of KOMA are met it is a covered meeting.

SERIAL MEETINGS

Meetings in a series are covered by KOMA:

- If they collectively involve a majority of the body, *and*
- Share a common topic concerning the business of the body, *and*
- Are intended by *any or all* to reach agreement on a matter that *requires binding action to be taken by the body*.
- K.S.A. 75-4318(f)

ELECTRONIC MEETINGS: Email, texts, chat rooms, and instant messaging

- Beware of electronic means of communication that could violate the Act.
- Electronic communication can trigger the KOMA requirements.
- Can also include Facebook and Twitter.
- "Interactive communication" requires a mutual exchange between a majority of members of the body.

NOTICE FOR MEETINGS

- What notice is required?
 - Must establish the date, time, and place of the meeting
 - K.S.A. 75-4318(b)
 - Notice can be written or oral, but made directly to the person requesting it
 - One-time notice is sufficient for regularly-scheduled meetings
 - Must be given in a reasonable time prior to the meeting

MEETINGS AND AGENDAS

- No requirement for a body to create an agenda
 - Unified School District No. 407 v. Fisk, 232 Kan. 820 (1983)
- If an agenda is created, it must be made available to those who request it
 - K.S.A. 75-4318(d)
- Meeting must be open to the public
- KOMA does not dictate the location or accessibility of the meeting; however, the ADA requires the public meeting be accessible to persons with disabilities
- Telephone and conference calls are allowed if requirements of KORA are met
- Voting must be conducted openly during the meeting

ENFORCEMENT OF KOMA

- Attorney General, County or District Attorney may bring the action
- Court may fine up to \$500 for each violation
- Fine is personal to the body member
- Violation occurs when person participates in conduct that is prohibited by act
- Other potential legal ramifications may include injunctions, mandamus, court costs, attorney fees, invalidation of action, removal from office
- K.S.A. 75-4320 through 75-4320f
- This does *not* require specific intent or bad faith: "Ignorance of the law is no excuse." *State of Kansas v. Palmgren*, 231 Kan. 524 (1982).

KANSAS OPEN RECORDS ACT

- * "Public records shall be open for inspection by any person unless otherwise provided, and this act shall be liberally construed and applied to promote such policy." K.S.A. 45-216(a).
- * KORA provides the procedure for the public to view and obtain copies of "public records."
- * "Public record" means any recorded information, regardless of form, characteristics or location, that is made, maintained or kept by or is in the possession of:
 - (A) Any public agency, or
 - (B) any officer or employee of a public agency pursuant to the officer's or employee's official duties and that is related to the functions, activities, programs or operations of any public agency.
 - This would include a wide variety of records, including agendas, minutes, written communications, emails, texts, etc. *
 - K.S.A. 45-217(f)
- * KORA defines and categorizes records. Sedgwick County is subject to KORA.
- * Must be acted upon as soon as possible, but not later than the end of the 3rd business day following date the request is received. K.S.A. 45-218(d)

KORA, continued

- Statutory presumption that public records shall be open for inspection by any person unless otherwise provided.
- 55 statutory exceptions under K.S.A. 45-221(a); other statutes apply
- For advisory boards, you should forward any open records requests to the County (KORA Freedom of Information Officer)
- County personnel will handle KORA requests

ENFORCEMENT OF KORA

- Any public agency that knowingly violates any provisions of KORA or intentionally fail to furnish information as required shall be liable for the payment of a civil penalty in an action brought by the attorney general, or county or district attorney in a sum not to exceed \$500 per violation. K.S.A. 45-223
- Concerning KORA and records, the district court of any county in which public records are located shall have jurisdiction to enforce, by injunction, mandamus, declaratory judgment or other appropriate order, in an action brought by any person, the attorney general or a county or district attorney. K.S.A. 45-222
- In investigating alleged KORA violations, the attorney general or county or district attorney may:
 - subpoena witnesses, evidence, records, and etc.
 - Examine records or other documentary material
 - Require attendance
 - Serve interrogatories
 - And administer oaths and affirmationsK.S.A. 45-228

- Question: What records fall under KORA besides minutes?
 - Agendas, communications concerning board business (emails, texts, etc.)
 - Statute now includes communications from private devices
 - Question: Do subcommittees of the board fall under KOMA/KORA?
 - Yes
 - Freedom of Information officer: Jennifer Scriven
 - Should err on the side of caution when it comes to KOMA/KORA
 - Olivia: wants to ensure that KOMA/KORA is not used as an excuse to not be productive and transparent with members
 - Need to consider board's bylaws regarding meetings and records as well
- iii. 911 Site Visit Review/Discussion
- Olivia: Need education for people on what kind of things to call 911 for; ability to text 911 if needed
 - John: staffing problems; people working are both dispatchers and call takers
 - Joseph: enjoyed the tour and was impressed with the work being done; still struggling to find people to take on roles; thorough training provided to staff
 - David: impressive work being done in very small space
 - Question: When will Computer Automated Dispatch be operational?
 - Was operational as of April 18th
 - Graphic on website that shows when to call/not to call 911
 - Suggestion for County to implement policy to train people willing to learn another language; provide larger differential for multilingual workers across County
 - Diversity is top priority in department; important to have representation
 - Andrew: parents are immigrants; saw lack of trust in government due to experience in country of origin
 - Olivia: immigrants may not be aware that 911 will serve you regardless of immigration status
- 8. Discussion Items**
- Exploration Place \$7 million ask
 - Would like more information regarding private donor money, request to City, etc.
 - Deficit spending: \$9 million projected shortfall
 - County purchasing plane to transport inmates
 - Need for adolescent detox treatment

- e. Faith Martin: also need answer from the County jail regarding how they will segregate spaces after new state law
 - a. Sheriff Easter has previously shared that current policy is to assign people based on their gender assigned at birth; no answer about intersex people not assigned a gender at birth
- f. Faith Martin: people awaiting trial make up huge portion of County jail population
 - a. Juveniles are being tried more often as adults; affects number of beds in Adult Detention Facility

9. Topics to discuss in June

- a. Emergency management, especially regarding train derailments
- b. Ethics policy: send out to other CABs
- c. Updates on bathrooms
- d. Budget projections for next 2-3 years
- e. Local Ad Valorem Tax Reduction Fund (LATVR)

10. Meeting adjourned at 5:50 PM.

BOARD ACTION ITEMS FOR FUTURE MEETINGS:

Review of future subject matter – determine priority and interests

- ICT-1 Follow Up
- County fines versus State Allowance Resolutions
- Driver’s License Suspensions etc
- Lobbying Opportunities with coordinating jurisdictions
- SGO Emergency Management
- SGO HR
- LAVTR – Local Ad Valorem Tax Reduction Status
- Blake Carpenter – Bill Presentation
- K15 Corridor
- SGO EMS

The next Citizens Advisory Board Meeting will be Friday, June 2, 2023 4:00pm

DOCUMENTS:

CAB 5 03/03/2023 and 04/7/2023 Minutes

County Upcoming Events (Tentative):

- Staff meeting: Tuesday, May 9, 2023
- Sedgwick County Association of Cities meeting: Saturday, May 13, 2023
- Staff meeting: Tuesday, May 16, 2023
- BoCC meeting: Wednesday, May 17, 2023
- Staff meeting: Tuesday, May 23, 2023
- BoCC meeting: Wednesday, May 24, 2023
- Staff meeting: Tuesday, May 23, 2023

County Closed:

- Memorial Day – Monday, May 29, 2023
- Independence Day – Monday, July 4, 2023

Commissioner Howell Events:

- 2nd Monday of each Month – Bullet Points @ Range 54 (5725 E Kellogg Dr S., Wichita) 4p-5:30p
- Last Friday of each Month – Cuppa Jo with Jim @ Calvary Baptist Church Gymnasium (1636 E. Patriot, Derby – enter through the glass doors on the East side of the Building) 7a-9a.