



Sedgwick County...
working for you

District 5 CAB

Wichita SE High School 2641 S. 127 St. E. Wichita, KS.

March 3, 2023

Meeting Minutes

Board Members in Attendance: David Sowden(President), John Nicholas(VP), Liz Loera(Secretary), Olivia Hayse, Christopher Wyant, Amanda Amerine, Andrew Le, Brad Smith, Joseph Elmore

County Representatives: Commissioner Jim Howell, Deputy County Counselor Justin Waggoner

Speakers: Justin Waggoner and John Nicholas

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

1. Call to Order:

- a. David Sowden called the meeting to order at 4:03 pm

2. Invocation:

- a. John Nicholas

3. Flag Salute:

- a. All members stood for pledge of allegiance

4. Roll Call:

- a. David Sowden, Liz Loera, Amanda Amerine, John Nicholas, Olivia Hayse, Christopher Wyant, Andrew Le, Brad Smith, Joseph Elmore
- b. Quorum was present

5. Approval of Minutes:

- a. Motion to approve by David Sowden, 2nd John Nicholas.
- b. Minutes from 2/3/23 approved 9-0

6. Public Agenda:

- a. None

7. New Business:

- a. Deputy County Counselor Justin Waggoner County vs. State Fines

County Court Fines Structure

Justin Waggoner, Deputy County Counselor
Sedgwick County Citizens Advisory Board
for the 5th District
March 3, 2023



Background

- Pursuant to K.S.A. 19-101d(b)(1), Sedgwick County is 1 of 11 counties authorized to establish a county court, which is specifically established for cases involving violations of county codes and resolutions.
- In 1988, the Kansas Legislature enacted legislation entitled the code for the enforcement of county codes and resolutions (K.S.A. 19-4701, *et seq.*). This legislation was “intended to provide for the just determination of violations of county codes and resolutions. Its provisions shall be construed to secure simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay...” K.S.A. 19-4703



Background

- Sedgwick County adopted a resolution establishing a County Court in 1993.
- Prior to this adoption, all violations of county codes and resolutions would occur in the District Court.
- County Court judges are a subset of the District Court and the judges are appointed by the Chief Judge of the 18th Judicial District.
- K.S.A. 19-4716(d) provides that violations of county codes and resolution cannot result in a jail sentence, so this presentation is focused on fines. County court judges possess the authority to utilize contempt powers and issue bench warrants.



Types of Cases

What types of cases appear in County Court? Generally, complaint-driven violations of Sedgwick County Code or other resolutions. A non-exhaustive listing of examples include:

- Animal code violations—animal cruelty or harbor nuisance animal (e.g., animals running at-large)
- Zoning code violations—property owner using property in a way for which their property is not zoned
- Building code violations—contractor avoiding the permitting process, sanitary sewer or wastewater code violations



Types of Code Violations

- Fire code violations
- Operating a motor vehicle in the M.S. "Mitch" Mitchell Floodway
- Nuisance properties
- Discharge of firearms across property boundaries
- Parking tickets at the Courthouse Complex or on other County-owned properties



State Statutes on Fine Amounts

- K.S.A. 19-101d(a)(1) states that, "[u]nless otherwise provided by the resolution that defines and makes punishable the violation of such resolution, the penalty imposed shall be in accordance with the penalties established by law for conviction of a class C misdemeanor. In no event shall the penalty imposed for the violation exceed the penalties established by law for conviction of a class B misdemeanor."
- Class C misdemeanor: maximum fine of \$500.00
- Class B misdemeanor: maximum fine of \$1,000.00 (K.S.A. 21-6611(b))



Sedgwick County Code Fine Provisions

Section 8-5 of the Sedgwick County Code contains the fine schedule for violations of the Sedgwick County Code.



Section 8-5

Convictions for violations Which Occur Within 12-Month Period

Violation Classification	First	Second	Third
A	\$ 5.00	\$ 10.00	\$ 15.00
B	15.00	30.00	45.00
C	20.00	40.00	60.00
D	30.00	60.00	90.00
E	40.00	80.00	120.00
F	50.00	100.00	150.00
G	75.00	150.00	225.00
H	150.00	300.00	450.00
I	500.00		



Violation categorization

- Within the County's resolutions, violations are typically indicated with an offense categorization (between A through I) that corresponds with Section 8-5.
- Section 8-5 includes a default category of a violation being a class F offense if it is not otherwise identified as a specific class of offense.
- Generally speaking, like with most fine or sentencing approaches, the behavior found to be most severe or troubling has a corresponding higher offense class level.



Violation categorization

- Fines could be increased with a category of a fine up to \$1,000.00. Also, fines could be reduced or increased if the Board of County Commissioners would vote to do so.
- Individual types of violations could have their classification offense amended by the Board of County Commissioners, which would change the applicable fine amounts for that specific offense.
- Section 8-5 was last amended in 2012.



Miscellaneous Related Considerations

- If a defendant in County Court is convicted of a code violation, the judge is required to issue a fine of at least 50 percent of the maximum violation amount. Sec. 8-17.
- Court costs in County Court cases are set at \$20.00 per case by K.S.A. 19-4707.
- Plea agreements can result in certain charges being dismissed as part of the plea or else the fines being reduced (cap on reduction is 50 percent).
- Prosecuting attorneys retain prosecutorial discretion over cases and may dismiss a case if, for example, the evidence is not sufficient to support a conviction. The County's burden of proof is beyond a reasonable doubt—the same as for criminal convictions.



Fine classification examples

- Park in excess of time allowed; Class B; \$15.00 maximum fine for 1st offense
- Park in space for disabled persons without appropriate placard—Class G; \$75.00 maximum fine for 1st offense
- Harbor nuisance animal—Class G; \$75.00 maximum fine for 1st offense
- Zoning code violation—Class H; \$150.00 maximum fine for 1st offense
- Operate motor vehicle in the M.S. "Mitch" Mitchell Floodway—Class I; \$500.00 maximum fine
- Discharge of firearm across property boundaries—Class I; \$500.00 maximum fine



Discussion & Questions

SEDGWICKCOUNTY.ORG



b. Commissioners Report:

- i. **Legislative agenda:** HB 2021 (juvenile justice) Comm. Howell Testified in support in Topeka. Passed in the House and went to Juvenile Justice and Corrections Committee. Now it is assigned to Senate Judiciary Committee. Commissioner Howell requests the CAB get involved and testify in favor of HB 2021. This bill will create an MOU between the DOC, Juvenile Corrections, and DCF to limit sentences, graduated sanctions, and expand evidence based programming.
- ii. HB 2082 passed in the House moving to Senate side on Tuesday 3/8/23.
- iii. SB 2 (driver's license bill) stalled in Senate Judiciary
- iv. KPERS bill (fine assessed for beneficiaries returning to work) passed out of committee.
- v. SB 308 ballot boxed will be removed. Howell is opponent as mail-in ballots are most secure in ballot boxes when compared to Post Office.
- vi. **Federal Platform:** Asking for ear-mark funding for Ark-95 to get county through next phase of funding
- vii. Other misc. road and bridge projects
- viii. **Other:** KDOT is moving forward with K-15 study with support from WAMPO
- ix. March is Development Disabilities Awareness Month
- x. Three challenging zoning rights have come before the BoCC.
- xi. Integra award will be announced this fall after submission of letter of support and \$0.5 million for job training.
- xii. Property appraisal valuation reports were sent out today. 80% of tax revenue is residential. 80% of properties will increase 10%, 1% of properties will increase 70% the remaining 19% will remain unchanged. The average change is 8% across the county.
- xiii. The Kansas Senate amended the food sales tax to 0.00% to include local government. This tax decrease will affect revenues for the State of Kansas in

about \$180 million dollars. The County will lose roughly \$6 million in tax revenue.

xiv. The next BoCC meeting you will see a CIP amendment for a County Admin. Building.

xv. Fire District 1 applying for grant for 9 more firefighters.

Questions

- Olivia would like to understand why the BoCC isn't working on LAVTR and getting County funds back from the State. Howells response – the state doesn't trust local governments with additional funds to grow local government.

c. Bylaws Review

i. John Nicholas – motion to remove specific qualifications for CAB members and to receive any applicants in the event that specifically qualified applicants have not applied in a reasonable amount of time.

1. Motion by John Nicholas, 2nd Brad Smith

2. Motion passed 8-0, 1 abstain

d. John Nicholas Emergency Management Report:

i. Fire preparedness established by fire fighters

ii. EPA report tracking chemical spills in Sedgwick County. Over 200 reported ranging from spill of household chemicals to major commercial spills.

iii. Community Emergency Response Team is re-established through 20 hours class

iv. 10 am 3/4/23 the County will honor putting the oldest Thunderbolt air-raid siren that is being repurposed as a tornado siren.

e. Intentional List of Organizations with letter of awareness

i. Chairman Sowden – is there a desire to create a list of organization in district 5 to help organize efforts in reaching out to the community.

f. 911 Site visit – March 13th (tentative)

i. Please attend note that we cannot have discussions until we regroup to be in compliance with KOMA

g. Two CAB seats open

h. Invite in EMS, HR to discuss issues in the County

i. Creation of Sub-committee

i. Subcommittee on Sedgwick County Ethics Policy

1. Motion by Chris Wyant, 2nd Olivia Hayse. Passed 9-0

ii. Subcommittee on Sedgwick County fines

1. Motion by Olivia Hayse, 2nd John Nicholas. Passed 9-0

iii. Chairman requested members of the CAB take the lead on running each committee, volunteers are need to be appointed in the April CAB meeting.

- Johnson County Juvenile Inpatient facility ACT
- Sedgwick County Elections Office Tour/Election Security
- Lobbying Opportunities with coordinating jurisdictions
- \$17M Mental Health Facility – ARPA Funding?
- ICT-1 Follow Up
- County fines versus State Allowance Resolutions
- County Ethics Policy
- K15/95th St S Railroad Overpass
- Fire Dist. 1
- Derby/SGCO EMS
- Education of CAB to youth in local schools.

The next Citizens Advisory Board Meeting will be Friday, April 7, 2023 at 4:00pm

DOCUMENTS:

Deputy County Counselor



County Court Fines
Presentation to Distri

County Upcoming Events:

- None

County Closed:

- May 29,2023 Memorial Day

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.