

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



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Meeting Minutes - Final

Wednesday, February 20, 2013

9:00 AM

BOCC Meeting Room

Board of Sedgwick County Commissioners

Pursuant to Resolution #131-2010, adopted by the Board of County Commissioners on August 11, 2010, members of the public are allowed to address the County Commission for a period of time limited to not more than five minutes.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Sedgwick County, should contact the office of Lindsey Mahoney, Sedgwick County ADA Coordinator, 510 N. Main, Suite 306, Wichita, Kansas 67203

Phone: (316) 660-7052, TDD: Kansas Relay at 711 or 800-766-3777

Email: Lmahoney@sedgwick.gov, as soon as possible but no later than 48 hours before the scheduled event. Please include the name, location, date and time of the service or program, your contact information and the type of aid, service, or policy modification needed.

ORDER OF BUSINESS

CALL MEETING TO ORDER

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:04 a.m. on Wednesday, February 20, 2013, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman James B. Skelton, with the following present: Chair Pro Tem Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Karl Peterjohn; Commissioner Richard Ranzau; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. Randy Duncan, Director, Emergency Management; Ms. Lisa Totten, Management Analyst, Division of Human Resources; Mr. Peter Giroux, Principal Budget Analyst, Budget; Colonel Powell, Chief Deputy; Mr. Kelly B. Arnold, County Clerk; Ms. Tabitha Lehman, Election Commissioner; Mr. Mike Borchard, County Appraiser; Mr. Chris Chronis, Chief Financial Officer; Mr. Joe Thomas, Acting Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and Ms. Jill Bailey, Deputy County Clerk.

GUESTS

*Ms. Marlo Dolezal, Acting CEO, Girl Scouts of Kansas Heartland
Ms. Deborah Sanders, Appointee, Physical and Developmental Disabilities Advisory Board
Mr. Brian J. Powers, Appointee, Wichita/Sedgwick County Access Advisory Board
Mr. Patrick J. Hanrahan, President, United Way of the Plains*

INVOCATION: MOMENT OF SILENCE

FLAG SALUTE

ROLL CALL

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

Present 5 - Commissioner Richard Ranzau, Chairman Jim Skelton, Vice Chair Dave Unruh, Commissioner Tim Norton and Commissioner Karl Peterjohn

PROCLAMATIONS

A [13-0032](#) PROCLAMATION DECLARING SEVERE WEATHER AWARENESS WEEK.

Read by: Chairman James B. Skelton.

RECOMMENDED ACTION: Adopt the proclamation.

Chairman Skelton said, "Today's proclamation reads;

PROCLAMATION

WHEREAS, it is estimated that, at any given moment, nearly 2,000 thunderstorms are in progress over the earth's surface; and

WHEREAS, tornadoes occur in many parts of the world and in all seasons in all 50 states, but no area is more favorable to their formation than the Continental Plains of the United States; and

WHEREAS, local government has the responsibility to inform the public and promote awareness in effort to limit personal injury and the loss of life and property; and

WHEREAS, the National Weather Service and the Kansas Division of Emergency Management held a statewide tornado safety drill Tuesday, March 5, 2013, designed to test the emergency warnings systems throughout Kansas; and

WHEREAS, the Sedgwick County Department of Emergency Management participated in this drill to enhance the public's awareness in this vital area of personal safety;

NOW THEREFORE BE IT RESOLVED that I, Jim Skelton, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim March 4-8, 2013, as

'SEVERE WEATHER AWARENESS WEEK'

in Sedgwick County, and urge all residents to participate in the scheduled activities.

"And this will happen March on 5, 2013."

Mr. Randy Duncan, Director, Emergency Management, greeted the Commissioners and said, "Absolutely, sir."

Chairman Skelton said, "Commissioners, you have heard the proclamation, what is the will of the Board?"

MOTION

Commissioner Norton moved to receive and file.

Commissioner Unruh seconded the motion.

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

VOTE

Commissioner Norton Aye
Commissioner Peterjohn Aye
Commissioner Ranzau Aye
Commissioner Unruh Aye
Chairman Skelton Aye

Mr. Duncan said, "Good morning, Commissioners."

Chairman Skelton said, "Randall, how are you today?"

Mr. Duncan said, "I am well. It may seem a bit surprising to be standing here in front of you on this Wednesday talking about severe conductive weather when in fact it's snowing outside. However, I would just gently remind all of us, we do live in Kansas. So, all we do to is wait for a few moments and the weather will surely change.

"We understand that we are going to have some accumulations of snow and potentially ice Wednesday through Thursday of this week. I very much appreciate the caution that you communicated at the beginning of the meeting to those who are going to be out driving in these conditions, and I would certainly echo that. Slow down, be careful, take extra time. Please let's not have wrecks out there.

"The other issue, of course, is with regard to severe weather, we are rapidly approaching that season of the year, and we have a reminder not in the too distant past, in fact, April 14th of 2012, that we are subject to severe weather and tornadoes in this particular area. Again, we want to remind folks the statewide tornado drill will take place on Tuesday, March 5th. If there's inclement weather on that day the alternate scheduled day is Thursday. We will sound the outdoor warning devices in conjunction with that. And what we would ask folks to do is take just a few moments to think where would I take shelter if this were an actual tornado warning, and that will comprise participation in the drill. I would be happy to answer any additional questions if you have any at this time."

Chairman Skelton said, "Any questions by Commissioners? Commissioner Peterjohn, please."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Just a quick, Randy, a warning to folks, if they lose their power what they ought to be doing, particularly if there is a power outage, if we have as much snow or possibly ice as they are talking about, and people have a loss of power for more than just, say, a few minutes. What type of preparation and how folks ought to respond."

Mr. Duncan said, "Yes, sir. I appreciate your bringing that up. That's particularly appropriate in case there should be a power outage while we are experiencing a winter storm. If you have a generator at home, obviously that's one of the best ways to cope with an extended power outage with a couple of cautions. Be sure not to operate that generator inside, or even in your garage, because it produces carbon monoxide, which could be very harmful, even deadly to you. And make sure that it's hooked up properly so that those things that you need to operate at a very basic level, for example, your refrigerator or a heater or things of that nature, can operate without there being problems.

"Don't use combustibles, for example, a grill or other thing inside your home to heat,

because, again, that produces smoke and other harmful gases and should only be used outside. If you do have an extended power outage, your best alternative may be to travel to a friend or relative's house that's outside the power loss area, and do so of course in a safe and cautious manner, and stay there where it's warm until your power returns."

Commissioner Peterjohn said, "Let me ask you this, do we need to give a general warning to the public concerning if we end up with a big pile of snow, and folks who are a little frail physically may want to be cautious, in terms of getting out and getting too excited about shoveling, correct?"

Mr. Duncan said, "Yes, sir, that's absolutely spot on as well."

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

Chairman Skelton said, "You are welcome. Commissioner Norton, please."

Commissioner Norton said, "When we think about the severe weather coming and we all know about tornadoes, with the change in weather patterns, we have had tornadoes in February in parts of the country already this year. So we try to understand that weather season in Kansas is from April to September, but the truth is, with the patterns changing, we're vulnerable at any time that there's a flip-flop in weather and hot air meets cold air. I know just a little bit about tornadoes and the tornadic season. I went through a tornado as a city councilmember in Haysville, I went through a tornado as the Mayor in Haysville, I've been through a tornado as the Chairman of the Sedgwick County Commission, and preparedness is the name of the game.

"People that understand that severe weather is going to come to Kansas in those months, and are prepared and understand what they need to do to protect their family, and their property is very, very important, so I would urge people to start thinking about that, prepare for it physically, and mentally, that it's going to come. We hope that we don't have tornadic seasons like we've had in the near past, but there is that chance in Kansas, and we should be very prepared. I appreciate you coming today. I'm supportive of the proclamation. And hopefully we will deal with very minor incident in the upcoming severe weather season."

Mr. Duncan said, "Yes, sir. Thank you very much, sir."

Chairman Skelton said, "Well said, Commissioner Norton."

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

Chairman Skelton said, "Thank you. So I guess that would leave us with the next item, Madam Clerk."

A motion was made by Commissioner Norton, seconded by Vice Chair Unruh, that this Proclamation(s) be Received and Filed. The motion carried by the following vote.

Aye: 5 - Commissioner Ranzau, Chairman Skelton, Vice Chair Unruh,
Commissioner Norton and Commissioner Peterjohn

Present: 0

B [13-0095](#)

PROCLAMATION DECLARING GIRL SCOUT COOKIE MONTH.

Read by: Chairman James B. Skelton.

RECOMMENDED ACTION: Adopt the proclamation.

Chairman Skelton said, "Okay;

PROCLAMATION

WHEREAS, Girl Scouts, the pre-eminent organization for girls in the United States and around the world, has been an active part of the community; and

WHEREAS, There are more than 12,000 girl members, from Daisies through Ambassador Girl Scouts, in 80 Kansas counties, including Sedgwick County; and

WHEREAS, Through the Girl Scout Cookie Program, these girls learn about business, goal-setting, the value of teamwork and money management, all of which help them become leaders who are confident in themselves and their abilities and who use their knowledge to affect change in their lives and in the lives of those around them; and

WHEREAS, through the support of generous donors and annual product-sale activities, such as the Girl Scout Cookie Sale, the Girl Scout organization is able to offer quality programs on a year-round basis to girls in all racial, ethnic, cultural, religious and socioeconomic groups; and

WHEREAS, Sedgwick County is committed to supporting the programs provided by Girl Scouts of Kansas Heartland and encourages our communities to support Girl Scouting and its annual money-earning activity: the annual Girl Scout Cookie Sale.

NOW, THEREFORE BE IT RESOLVED, that I, Jim Skelton, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim February 2013 as

'GIRL SCOUT COOKIE MONTH'

and encourage all citizens to support the Annual Girl Scout Cookie Sale, which began February 2 and ends March 10, and make an investment in the lives of girls who continue to uphold the enterprising spirit of Girl Scouts to become a self-sufficient organization.

"Commissioners, you have heard the proclamation, what is the will of the Board?"

MOTION

Commissioner Norton moved to receive and file.

Commissioner Unruh seconded the motion.

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

VOTE

Commissioner Norton Aye
Commissioner Peterjohn Aye
Commissioner Ranzau Aye
Commissioner Unruh Aye
Chairman Skelton Aye

Chairman Skelton said, "Well, good morning! How are you?"

Ms. Marlo Dolezal, Acting CEO, Girl Scouts of Kansas Heartland, greeted the Commissioners and said, "I thank you very much for this proclamation declaring February as Girl Scout Cookie Month. Just would like to point out obviously we have some of the cookies sitting up there on the counter. We have all eight flavors. We would like to point out we have a new cookie this year, the mango cream. And it has been such a hot item, that the bakers are even having to fire up additional ovens to keep up with the demand for that cookie. I would encourage everyone to try that one out.

"Again, pointing out that our cookie sale has begun, we have girls that have been out to homes, developing those a valuable business skills they learn from the cookie sale, setting goals, you know, there's a lot of little girls that are shy, and this gives them the skills to approach people that maybe they normally wouldn't. So as you have a girl that maybe is selling to you, I encourage you to ask her questions regarding what her goals are, and why she is participating in the cookie sale. Because then what they do, they then invest back into themselves, as well as the community, and they budget towards various activities that they can participate in through Girl Scouting that builds their courage, confidence and character, which is part of the Girl Scout mission. So, again, we thank you so much for this. And appreciate your continued support."

Chairman Skelton said, "Marlo, thank you very much. You know, I really appreciate, you know, the sample packages you gave us."

Ms. Dolezal said, "Of course!"

Chairman Skelton said, "We will share them with everybody after the meeting of course. Dave was kind enough to give me his box of mango creams."

Ms. Dolezal said, "Well, very good."

Chairman Skelton said, "We really appreciate your organization and good luck to you."

Ms. Dolezal said, "Thank you very much. Are there any questions or..."

Chairman Skelton said, "Commissioner Norton, please."

Commissioner Norton said, "Thanks for being here today. I am an old Girl Scout dad. I actually went to Camp Wedeman three times with my girls, I was the only dad or male there. So..."

Ms. Dolezal said, "Very good."

Commissioner Norton said, "I am very invested in Girl Scouts. I would like to call attention to, if you're in your place in life where you don't need to eat eight boxes of Girl Scout Cookies, which I am, and if they are in front of me, with a glass of milk, they are

going to be all gone. You can also donate them to the Lord's Diner, you can donate them to military overseas. I happen to be in Lowe's the other day, and there was some Girl Scouts selling them, and I didn't need to take them home with me, but I could make a donation, and it went to the military at McConnell [Air Force Base], who will get it overseas.

"So there's a lot of ways to buy Girl Scout cookies. Help out the girls with their selling techniques and funding, and also serve the community in other ways. So I would encourage people to understand that you can buy the cookies, and distribute them to other needy people, or our military overseas, and I have heard stories that the military that are overseas, a little bit of home, when you think about Girl Scout cookies, that's about as American as you can be. And it brings a little home to the military that are serving us in harm's way. So I'm very supportive of the Girl Scouts, carry on. I hope you have record sales. I am a dad that's had 50 cases of Girl Scout cookies in his garage that had to sort them at 12:00 [a.m.] at night. Yeah."

Ms. Dolezal said, "I thank you very much for mentioning that, too. One thing I did forget to mention is the way we have our cookie sale going on this year is what we call an on demand approach. So rather than the girls taking orders, there are cookies for you immediately. So if you have a girl that comes up to you, she has those cookies on hand. There's no more waiting. So we call it our on demand sales. So, a new approach this year. Thank you very much."

Chairman Skelton said, "Thank you. Outstanding. Commissioner Unruh, please."

Commissioner Unruh said, "Thank you, Mr. Chairman. I just want to remind Commissioner Norton that if they are shortbread cookies left..."

Commissioner Norton said, "I will buy a couple cases and send them to your house."

Commissioner Unruh said, "Well, I was just going to mention your on demand sale. We had a young lady come to our door, and they had their whole inventory with them, and they had a big poster that demonstrated, or illustrated each cookie, and I thought it was an effective sales technique."

Ms. Dolezal said, "Absolutely."

Commissioner Unruh "So we are already enjoying the cookies, and it is a great effort, it does teach great lessons, and we're just proud of the Girl Scouts for helping develop our culture and develop these skills in our young people. Thank you."

Ms. Dolezal said, "Thank you for your support."

Chairman Skelton said, "Okay. Any other Commissioners? Thank you. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I was just going to add that I'll make a public promise here that I won't tell the Governor's Weight [Loss Challenge] task force about these cookies if no one else in this meeting will, either."

Chairman Skelton said, "Okay. Thank you. Madam Clerk, next item."

A motion was made by Commissioner Norton, seconded by Vice Chair

Unruh, that this Proclamation(s) be Received and Filed. The motion carried by the following vote.

Aye: 5 - Commissioner Ranzau, Chairman Skelton, Vice Chair Unruh, Commissioner Norton and Commissioner Peterjohn

Present: 0

RETIREMENTS

C [13-0068](#)

PRESENTATION OF A RETIREMENT CLOCK TO PETER GIROUX.
Presented by: Lisa Totten, Human Resources Management Analyst.

Peter Giroux, Principal Management Analyst, Budget, will retire March 1, 2013, after 13 years of service.

RECOMMENDED ACTION: Present the clock.

Ms. Lisa Totten, Management Analyst, Division of Human Resources, greeted the Commissioners and said, "Commissioners, this is an exciting day for one of our Sedgwick County Employees, and we are here with the spouse to recognize his long-term commitment."

"Pete Giroux, who is currently a Principal Management Analyst with the Sedgwick County Budget Department, is now retiring on March 1, after 13 years of service. We are delighted for Pete, and wish him well, and his retirement, and do appreciate the commitment and contributions he has made to the Sedgwick County organization. We now invite Pete to the podium at this time."

Chairman Skelton said, "Well, today is Pete Giroux's retirement. And this is my first time speaking to the Commission from this location, so I still might be a little rusty, but this man has put in, how many years have you put in with the county?"

Mr. Peter Giroux, Principal Budget Analyst, Budget, greeted the Commissioners and said, "It's approaching 13."

Chairman Skelton said, "Well, congratulations on your retirement today. You were hired November 13, 2000, and it says here you have a previous life in the [United States] Air Force, flying a B-52 Bomber."

Mr. Giroux said, "And very well."

Chairman Skelton said, "Well, I fly little Cessna Skylines and I can tell you I've been in a B-52 simulator, and the thing is a tank. It doesn't want to move when you turn the wheel."

Mr. Giroux said, "It's a matter of soft hands."

Chairman Skelton said, "Well, congratulations to you, sir. Says here you had an opportunity to have lunch with Nancy Reagan one time."

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

Chairman Skelton said, "Outstanding! Maybe I will have lunch with you, too. We can do that. You had dinner at the White House, of course. You went through officer training school and were commissioned with former Secretary of Defense Bob Gates."

Mr. Giroux said, "Smartest guy in the room."

Chairman Skelton said, "Man, you get around. You going to Washington after you're done here?"

Mr. Giroux said, "I might."

Chairman Skelton said, "Oh, my gosh. Well, if you do, I know somebody there at least. Well, your royalty, you are almost a sense of royalty, because you met Prince Philip while he was stationed in Guam."

Mr. Giroux said, "While I was stationed in Guam."

Chairman Skelton said, "Well, you were both there in Guam, obviously."

Mr. Giroux said, "I pumped the gas into his airplane."

Chairman Skelton said, "Well, you know, in 2000 it says the last original Peanuts comic strip was published. That was a sad day. George Bush defeated Al Gore. And the outcome wasn't known for a month."

Mr. Giroux said, "No comment."

Chairman Skelton said, "Man, I was panicking. Can you believe gas was \$1.70 a gallon? We thought it was expensive then. What did you do? We did what we had to. Okay. Stamp cost .33 cents. And American Beauty was the best picture. Can you tell me about that movie?"

Mr. Giroux said, "No."

Chairman Skelton said, "Okay. Well, there's a few little factoids. To you, sir, I would like to present you with this retirement clock. And present you also with this certificate here of recognition by the Commission, and just ask you to make a couple comments, if you wish."

Mr. Giroux said, "I normally came up here with a PowerPoint. But, the rest of my budget office said that's not going to work today."

Commissioner Norton said, "Did you tell them where they are going to find the money, Pete."

Mr. Giroux said, "My successor knows where the bodies are buried. Working for the county has been a great experience. And it was a good fit for my limited skills. I've been delighted to play a small role in this big and complex organization. I am a pretty modest student of organizational development, but the organization does good work. It's had great leadership, and we've got especially good team work. And we do deliver quality public services, it's in a difficult, clearly a difficult environment."

"Since I arrived, we've dealt with a lot of change, from 2000, September 11th through the financial meltdown, and we've dealt with it in a very orderly and thoughtful way. Each of the budget cycles is sort of like delivering a baby, because you go through, and you go through a lot of pain, and on a comparative basis, you go through a lot of pain, but it reflects a lot of tough decisions on your part, and each of those have been very impressive. I got to watch the organization in action as I assisted with a Capital Improvement Program (CIP), and a lot of good mission-related improvements have happened during my tenure here. Public safety building solved a lot of issues that we

had and solved them in a very good way. We realigned the fire stations after an appropriate study to be consistent with where the demand is. We upgraded and replaced EMS (Emergency Medical Services) posts. We have made a lot of improvements to the juvenile complex, to the DA (District Attorney) facilities, as well as the courts there.

“And all of those contributed to better mission accomplishment. We have done a lot of smaller and equally important projects that may have escaped attention. We upgraded the spillway at Lake Afton, a long-standing problem. We finally replaced the stick-built Sheriff's squad room that had been over in the Stillwell complex for too long, and we replaced it with a quality facility.

“We have gone through important energy enhancements not only in this building, but buildings around the county. You have led to significant improvements in our ADA (Americans with Disabilities Act) support, and you can see that in the public facilities, and this building, but also as we upgrade and improve other facilities. We've also, and this also escapes attention until you drive across the county line, but Public Works has been both methodical and consistent in investing and projects, but also assuring that once we built something, it maintains its condition, and they return on a regular basis to give it an appropriate treatment.

“So, once you made that investment, it is not going to be, you're are not going to have to come back and compliment to Mr. Spears and his entire team. And finally, both the city and county have made an impressive effort to meet the FEMA (Federal Emergency Management Agency) standards on the floodway, and that certification should finally be coming a little later this year. I have been privileged to work with some real good people. Mr. Chronis says he doesn't do any work, but I think the evidence suggests otherwise. I have always been impressed with our ability to stay attached to our financial plan and it keeps us from making any sort of egregious errors.

“On the other hand, David Miller does do a lot of work. I have worked with him most of my tenure and he does absolutely yeoman work, both in making the work for the budget analyst a lot easier, as well as guiding the county through the last, or helping to guide the county through the last couple years, which has been challenging. Of course you have made those decisions.

“And, I got to work with Jim Weber, who is the Deputy Director of Public Works, as we have developed and executed the infrastructure CIP, and he's been great to work with. Engineers are typically a bit of a challenge. It is like herding cats, but Jim has been, you know after the relationship developed a little bit, we have done a lot of good things.

“And finally, there's been a whole group of budget analysts. Some are still here, some have gone on to other organizations and they have been, you don't have a life during a part of the year, but everybody pitches in, does good work, and delivers a quality product. And I have been very happy to be a part of that. So, again, it's been a great experience, and my successor is smarter than I am, so I'm sure he is going to do equally well, perhaps even a little bit better. I thank you for your support during my tenure here.”

Chairman Skelton said, “We have some comments. Colonel Powell, would you please make some comments. We have a couple Commissioners, also, who have something

to say.”

Colonel Powell, Chief Deputy, greeted the Commissioners and said, “On behalf of Sheriff Jeff Easter, and the women and men of the Sheriff’s office, we would truly like to send our gratitude and thanks to Pete. Over the years he’s helped with many, many different projects, as he has already noted, and it’s amazing that he’s done everything from spillways to buildings, new construction, remodels, even forgot to talk about airplanes, because he was instrumental in assisting us with the overhaul and refurbishing of our Sheriff’s office aircraft. We wish him good luck and fortune in his retirement, and we thank you for your support. Pete is one of many great team players that we have in the Sedgwick County organization, and without people like him it would certainly make our jobs more difficult. But, in fact, they are a lot easier these days. So, thank you, Pete.”

Chairman Skelton said, “Commissioner Peterjohn.”

Commissioner Peterjohn said, “Thank you, Mr. Chairman. I am going to second comments that have already been stated. Pete, with over a decade’s worth of service for Sedgwick County, you mentioned the difficult environment. I want to quibble on just one thing. I think you were an excellent fit for your unlimited skills on behalf of Sedgwick County, but this morning I particularly want to thank you, because, it was mentioned, your longer period of military service, and when you talk about difficult environments, it was much more difficult than anything you had to face here at Sedgwick County, and I as a Commissioner, and a citizen, want to thank you for your service.”

Mr. Giroux said, “Thank you.”

Chairman Skelton said, “Commissioner Norton.”

Commissioner Norton said, “Pete, thanks for all your service. As I watch you and Chairman Skelton up there, I think you two could go on the road as a comedy team.”

Chairman Skelton said, “Oh, thanks.”

Commissioner Norton said, “I was quite amused at your dialogue between each other. But thank you for your service. We appreciate the kind of attitude you have. It is interesting to me when people retire and then humbly call out other co-workers for the work they do. And I really appreciate that, because this is a big organization, it is a team. No one individual makes it all work, and as good as you were at your job, you recognize that you work with great people. I really appreciate that in your final thoughts. Because this organization will endure, but it only endures because of the great people that pass through here. And your service here marks that, and we appreciate it very much. Lots of luck in the future and we’re glad to have had you pass through Sedgwick County. Stay in touch, we would like to hear from you on your second retirement.”

Mr. Giroux said, “Thank you.”

Commissioner Norton said, “And if there’s a third, we would like to hear about that, too.”

Chairman Skelton said, “We have one more comment, but I am going to not tell Tim what road he can go down. Commissioner Unruh.”

Commissioner Unruh said, "Thank you, Mr. Chairman. Well, Pete, I just want to add my congratulations to the others for the great service to Sedgwick County. As we might expect from you, your remarks were very gracious and considerate of your co-workers. It is typical of the way that you have conducted yourself, and it's a compliment to us for the organization that we have here at Sedgwick County. You have been a significant part of that as you worked on these whole list of projects, some of which you have mentioned. We appreciate your service. You are someone we can rely on, someone that's been good to work with. We wish you the very best as you enter another phase in your life and career."

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

Chairman Skelton said, "Commissioner Ranzau."

Commissioner Ranzau said, "Pete, I want to reiterate what everyone else has said, thank you for your service, thank you for your service in the United States Air Force as well as a B-52 pilot, and I wish you the best of luck in your retirement."

Mr. Giroux said, "Thank you."

Chairman Skelton said, "Thank you. Good luck to you, sir. Okay, madam Clerk, Item C. No, excuse me, Item D."

APPOINTMENTS

D [13-0081](#) ACCEPT THE RESIGNATION OF MIKE NEAL FROM THE ELECTED POSITION OF TOWNSHIP TRUSTEE FOR THE VALLEY CENTER TOWNSHIP LOCATED IN THE FOURTH COMMISSION DISTRICT. Presented by: Richard Euson, County Counselor.

RECOMMENDED ACTION: Accept the resignation.

Mr. Richard Euson, County Counselor, greeted the Commissioners and said, "You have received this resignation, and it would be appropriate to accept it at this time."

Chairman Skelton said, "Okay. Commissioners, you heard the recommendation by staff. What is the will of the Board?"

MOTION

Commissioner Ranzau moved to accept the resignation.

Commissioner Unruh seconded the motion.

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

VOTE

<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Peterjohn</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Skelton</i>	<i>Aye</i>

Chairman Skelton said, "Next item."

E [13-0075](#) RESOLUTION APPOINTING DEBORAH SANDERS (COMMISSIONER KARL PETERJOHN'S APPOINTMENT) TO THE SEDGWICK COUNTY PHYSICAL AND DEVELOPMENTAL DISABILITIES ADVISORY BOARD TO FILL A VACANT POSITION.

Presented by: Richard Euson, County Counselor.

RECOMMENDED ACTION: Adopt the resolution.

Mr. Euson said, "Commissioners, this is a four year appointment to this board, and I recommend you adopt resolution."

MOTION

Commissioner Peterjohn moved to adopt the resolution.

Commissioner Norton seconded the motion.

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

VOTE

<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Peterjohn</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Skelton</i>	<i>Aye</i>

Chairman Skelton said, "Ms. Sanders is here this morning. We have our Clerk present to swear her in. So would you please proceed, sir."

Mr. Kelly B. Arnold, County Clerk, greeted the Commissioners and said, "Absolutely. Good morning."

Chairman Skelton said, "Good morning, sir."

Mr. Arnold said, "Please stand right here, and raise your right hand, and I will read through this. I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas, and faithfully discharge the duties of the office of Sedgwick County Physical and Developmental Disabilities Advisory Board, so help me God."

Ms. Deborah Sanders, Appointee, Physical and Developmental Disabilities Advisory Board, "I do. Thank you, God bless you."

Mr. Arnold said, "Congratulations."

Ms. Sanders said, "Good morning, thank you very much for appointing me to this position, Karl, and I hope to serve the citizens of Sedgwick County to the best of my ability. As a person with disabilities, I consider this quite an honor to be able to help other people with disabilities."

Commissioner Peterjohn said, "Thank you for your service."

Chairman Skelton said, "Thank you. Okay. Madam Clerk, next item."

F [13-0082](#) RESOLUTION APPOINTING BRIAN J. POWERS (COMMISSIONER KARL PETERJOHN'S APPOINTMENT) TO THE WICHITA/SEDGWICK COUNTY ACCESS ADVISORY BOARD TO FILL THE UNEXPIRED TERM OF DAVID MOFFETT, AND FOR AN ADDITIONAL TERM OF ONE YEAR.

Presented by: Richard Euson, County Counselor.

RECOMMENDED ACTION: Adopt the resolution.

Mr. Euson said, "Commissioners, we prepared this resolution for this morning, and I recommend you adopt it."

MOTION

Commissioner Peterjohn moved to adopt the resolution.

Commissioner Unruh seconded the motion.

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

VOTE

<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Peterjohn</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Skelton</i>	<i>Aye</i>

Chairman Skelton said, "Mr. Powers is here present today. Would you please swear him in."

Mr. Arnold said, "Absolutely. I do solemnly swear I support the Constitution of the United States, the Constitution of the State of Kansas and faithfully discharge the duties of the office of Wichita/Sedgwick County Access Advisory Board, so help me God."

Mr. Brian J. Powers, Appointee, Wichita/Sedgwick County Access Advisory Board, greeted the Commissioners and said, "I do."

Mr. Arnold said, "Congratulations."

Mr. Powers said, "Thank you for this appointment. It's been my privilege over the past two decades to serve the residents of Sedgwick County, those who are most vulnerable citizens. This allows me, post retirement, to continue that endeavor. Thank you very much."

Chairman Skelton said, "You are welcome, sir. Congratulations."

Mr. Power said, "Thank you."

Chairman Skelton said, "Okay. Next item, Madam Clerk."

G [13-0083](#) RESOLUTION REAPPOINTING CHARLES STEVENS
(COMMISSIONER KARL PETERJOHN'S REAPPOINTMENT) TO THE
SEDGWICK COUNTY PUBLIC BUILDING COMMISSION.
Presented by: Richard Euson, County Counselor.

RECOMMENDED ACTION: Adopt the resolution.

Mr. Euson said, "Commissioners, this is a four year appointment to this board and I recommend you adopt this resolution."

Commissioner Peterjohn said, "Mr. Chairman, I am going to make a motion and clarify what the Clerk just said. The reappointment is of Mr. Charlie Stevens to the Public Building Commission. And I would be happy to make that motion to put him in that, retain him, actually, he is already my appointee to that position. This would just keep him where he's been serving."

Chairman Skelton said, "Okay. So could you please make the motion again?"

MOTION

Commissioner Peterjohn moved to adopt the Resolution.

Commissioner Ranzau seconded the motion.

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

VOTE

<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Peterjohn</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Skelton</i>	<i>Aye</i>

Chairman Skelton said, "Thank you."

Commissioner Peterjohn said, "Mr. Stevens isn't here."

Chairman Skelton said, "Yes, sir. Okay. Thank you. That concludes our appointments. Now we'll move to New Business. Madam Clerk, call the first item under New Business."

NEW BUSINESS

H [13-0044](#)

PRESENTATION OF AWARDS IN RECOGNITION OF THE 2012
UNITED WAY EMPLOYEE CAMPAIGN.

Presented by: Patrick J. Hanrahan, President, United Way of the Plains.

Accepted by: Chairman James B. Skelton, Chairman of the Board of
County Commissioners.

William Buchanan, County Manager.

Richard Euson, County Counselor.

RECOMMENDED ACTION: Recieve and file.

Mr. Patrick J. Hanrahan, President, United Way of the Plains, greeted the Commissioners and said, "It's my pleasure to be here today to present several awards, but also to tell you it's my pleasure to work with the county staff as does all the United Way employees. You have many fine professionals who not only during their work day give to the county, but of their volunteer time and their volunteer dollars they give to our county. We want to recognize three of those departments here today. The first is a campaign award from the immediate last campaign last fall, and it's presented to the Sedgwick County Counselor's office, and representing that office is Rich Euson, for receiving the silver award, this is the fifth year in a row that this department has received an award."

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

Mr. Hanrahan said, "Also, it is my pleasure to recognize the Commissioner's office itself, again, with the silver award. This is the third year in a row to receive the silver award. So, Chairman Skelton on behalf of all the Commissioners, thank you so much."

Chairman Skelton said "Thank you, sir."

Mr. Hanrahan said, "Finally, I would like to recognize the Sedgwick County Manager's office with a pinnacle award, this is the top campaign award that we give out each year for highest performance. This is the third year in a row for the pinnacle award to the County Manager's office. Thank you so much. We appreciate your support, we enjoy working with you, as together we solve problems in the county."

Chairman Skelton said, "Yes, sir, indeed. And I would like to echo that sentiment that I enjoy our partnership, and God bless you for all the work your organization does in this community. Any other comments? Yes, Commissioner Norton."

Commissioner Norton said, "While Pat is here, we might let him comment a little bit about the campaign this year. It's a tough year. We are in the throes of some economic downturn, and the campaign came through, hard work, a lot of people rallied and made the goal, you might want to talk about that. Because, I happen to sit on the United Way board, and am very supportive of what the United Way does. We do a lot of community planning to try to figure out where the funds should go, what it looks like to serve the citizens of Sedgwick County, much like the County Commissioners do. You might want to comment on that, Pat. It was a tough season but you made the goal."

Mr. Hanrahan said, "I appreciate that, Commissioner. We do spend that money efficiently. Those needs assessments are very important to us as we put the money

into priorities in the community. We did achieve our goal, we went over \$15.3 million. It was a tough year. It's been a tough few years, as you all know. But, it's one of the joys of living in the Midwest. As I talk to colleagues around the country, we really are special in the Midwest. In terms of, people respond when the need is there. That's certainly been the case in this last year. Things are looking a little better. Sometimes I like to call United Way as a barometer of the community, the economy. With that definition, I hope things are starting to improve. We are starting to go see a little bit of a change. So we look forward to the next year. Thank you."

Commissioner Norton said, "Thank you."

Commissioner Unruh said, "Thank you."

Chairman Skelton said, "Thank you. Additional comments? Seeing none, thank you very much.

Okay, Madam, Commissioner Unruh, I apologize."

MOTION

Commissioner Unruh moved to take an off agenda item.

Commissioner Norton seconded the motion.

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

VOTE

<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Peterjohn</i>	<i>No</i>
<i>Commissioner Ranzau</i>	<i>No</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Skelton</i>	<i>Aye</i>

OFF AGENDA ITEM

Commissioner Unruh said, "Thank you, Mr. Chairman. I just wanted to bring this to our attention that currently there's a Senate bill in the process that would restrict our ability to have representation in Topeka as a, to use a common term, as a lobbyist, our government relations person. I believe that it is critically important that we have representation in Topeka so that our legislators will know our position on critical issues that the legislature faces. Also, to give information and education to the legislators, it is virtually impossible for them to read, know and digest all the information that comes before them. When we have something particularly relevant to county government, we want them to understand the issue.

"And the third reason we need representation up there, is to have information coming back to us on a timely basis. So, the Senate bill that's currently under consideration would prohibit us from having representation in Topeka, and so I just thought it was important that this Commission go on board as being opposed to Senate Bill (SB) 109. So that is a brief recap of why I made the request for an off agenda item."

Chairman Skelton said, "Okay. I believe that the content of this is important. Would you like to read this, sir?"

Commissioner Unruh said, "I can read it if you like."

Chairman Skelton said, "Yes, sir."

Commissioner Unruh said, "

RESOLUTION

**A RESOLUTION URGING THE STATE LEGISLATURE TO CONTINUE OPEN
DIALOGUE WITH GOVERNMENT ENTITIES IN THE LEGISLATIVE PROCESS**

Whereas, pursuant to K.S.A. 18-187 and 19-101 fourth, Sedgwick County is organized as a body corporate and politic authorized to do all acts in relation to the concerns of the County necessary to the exercise of its corporate and administrative powers, and

Whereas pursuant to 19-103, the authority of the county is exercised by the Sedgwick County Board of Commissioners, the Board, and

Whereas the board has supported for many years, the partnership between federal, state and local officials in establishing laws, statutes and regulations that serve the best interests of our citizens; and

Whereas the opportunities for forthright interest action between legislators and local government officials help to share valuable data, perspectives and possible consequences to proposed legislation; and

Whereas the Board believes it is our responsibility to our legislative partners to help share this information about our different services, serving as subject matter experts to legislators in helping them make informed decisions for all Kansans; and

Whereas without this information sharing and dialogue, the decisions that are made during the legislative session could have unintended consequences to local government and communities in the form of unfunded mandates or unworkable statutes; and

Whereas the Board believes that decisions about using resources of staff and/or funding for government relations activities should be left to local elected officials who are closest to their serving constituents.

Now therefore, be it resolved the Board of Sedgwick County Commissioners is opposed to SB 109 as proposed in the 2013 legislative session, and encourages legislators to continue to embrace the partnership of local and state governments working together and sharing information for the best interest of all Kansans.

Be it further resolved that the Sedgwick County Clerk send certified copies of this resolution to members of our South Central Kansas Legislative Delegation.

This resolution shall be effective upon passage by the Board of County Commissioners."

Chairman Skelton said, "Thank you. My comments are, I do think this is an attack on our free democratic system. It is important for, I feel it is important for me as a County Commissioner to be able to lobby on behalf of my constituents. If I have a person up there doing that on behalf of the majority of the council, I think it is appropriate. One of the most things I find an objection to this bill is that the legislators would only accept testimony from us or government taxpayer funded entities, as it said, if we were to be invited up there.

"That kind of reminds me of a king saying to a pheasant, thy may come forward, my ears will heareth you now. So I just don't appreciate that. It reminds me they don't want to hear what we say, and it just makes no sense. It is absolutely absurd, in my opinion, this bill. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. While I was opposed to bringing up this item, and I just found out about it this morning, so it was a little bit of a surprise. I do want to provide some comments on it, and clearly state for the record it would still allow all of us as citizens to speak and to provide input on legislative issues. I understand the legislative risk. In fact, it was said back in the 19th century, and I heard various folks attributed to who actually said it, Mark Twain is probably the best known person who it is attributed to, but I don't believe its original with him. No one's life, liberty or property is safe while the legislature is in session. And Senate Bill 109, obviously relating to lobbying and the use of tax funds to lobby, is an issue that I felt strongly enough about that earlier this month I went up to Topeka and testified in support of SB 109. So naturally I am not going to be supportive of the resolution today, but I would like to provide my reasons why. Because, you know, this is, I'm glad we're having a public discussion and dialogue on this, and I think it won't be any surprise to anyone whether they are in the legislature or out of it that we've got a split County Commission on this issue.

"The liberal editorial page blog at the Wichita Eagle has had some comments recently, and I submitted a letter to the editor yesterday that I would like to read as my explanation as to why I won't be supporting this resolution this morning. How much taxpayer money is being spent lobbying the Kansas legislature? That's a figure that no one in the mainstream Kansas media seems interested in discovering, or taking the effort to compile. February 11, 2013, I was one of a number of people who testified in support of Senate Bill 109, which would end the common and expensive taxpayers practice of funding government lobbyists at the Kansas statehouse.

"There should be a public debate on how much of our tax funds should be used by counties, cities, school districts, and other local governmental bodies to lobby state government. I have opposed taxpayer funded lobbyists who support increased taxing authority, restricting citizen's ability to force tax referendum votes, and seek to expand the use of eminent domain to take private property. I oppose taxpayer funding lobbyists before I was elected as a county commissioner. I support the ability of all citizens to communicate and petition their elected official at all levels, but I have experienced the opposition from lobbyists who use our tax funds, taxpayer funded lobbying is wrong. That's the end of my letter. Now, I am going to put the Manager on the spot and ask him a question. Maybe it's one more appropriate for the finance folks. How much money is Sedgwick County spending this year to lobby up at the state capitol, Mr. Manager?"

Mr. Buchanan said, "I don't have that number in my head, but we can get that for you."

Commissioner Peterjohn said, "I would certainly like it. And I think it ought to be part of the public discussion. I think it's true for all organizations."

"I would cite the fact that this Commission has taken a position that's contrary to the Kansas Association of Counties concerning raising property taxes, and so we, there are other organizations, not just governmental bodies, and depending upon how you count them and how you construe the use of tax funds, I think there could be somewhere between 50 and 80 lobbyists, at least the last time I checked, and that was a couple years ago, who were basically funded with tax funds, to lobby the legislature on a whole host of positions like I outlined in my letter."

"So naturally today, Mr. Chairman, I am not going to be supportive of this. But I want to thank all of my colleagues for bringing this up so that we can advance the dialogue, bring forward the public discussion, because when I talk to citizens and they find out that their tax dollars are being used to pay for lobbyists, lobbyists who are often making over \$100,000 a year, the outrage that I feel and hear from those citizens who say, hey, you mean my tax dollars are being used to lobby and take these positions? And they say, that's wrong. And I agree with them. Thank you, Mr. Chairman."

Chairman Skelton said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. I would want folks who are interested in this to know that our governmental representative in Topeka is under the authority and control of this Commission, and will carry out the will of this Commission, if not someone acting on his own or doing something contrary to what the majority of this Commission decides. It is simply an information conduit, and someone that represents us in many of the committee meetings in Topeka as we have instructed him. The Senate Bill 109, so that those watching can clearly understand it, the first three or four lines say in Section 1a, 'no public funds may be used directly or indirectly for lobbying. No public funds may be used to pay membership dues to an association that's engaged in lobbying the state. That would mean that, essentially the Kansas Association of Counties, the League of Kansas Municipalities, the [Kansas] County Clerk's [and Elected Officials] Association, the [Kansas] County Treasurer Association', and, I mean, it would prohibit our membership in those associations because they do engage in lobbying activities. So it would keep us from membership, and many of our associations that provide a broad spectrum of benefit and cooperation among different agencies across the state."

"I think it's, I understand Commissioner Peterjohn's comments. I don't understand referencing some things that we just don't support, haven't supported, and I don't think anybody at South Central Kansas supports, especially relative to eminent domain activities. We just, I mean, I don't think, we have never engaged in taking private property for other than public uses, nor has the City of Wichita, and I don't know of other South Central Kansas governments have done that. So that's one example that was given that I don't see the connection, but ultimately, our lobbyists are responsible to the Commission board, and so that the governing factor on what their activities will

entail. Anyway, I am still supportive of this off agenda item, and showing, establishing a resolution that shows that we are opposed to Senate Bill 109. That's all I have, Mr. Chair."

Chairman Skelton said, "Commissioner Ranzau."

Commissioner Ranzau said, "Thank you, Mr. Chairman. My reading of the bill, I don't believe it does prohibit us from testifying without being asked. It makes provisions for that, and there are alternatives for providing financial support for lobbyists, so I am going to oppose this resolution.

"However, if there are, if there's some confusion or concerns about this bill, I would encourage my colleagues to propose changes to the language of the bill to make it clear, and to ensure that, clarify any issues they may have, because I do believe this is important in general. And we should, however, have the right, and we do, to continue to communicate with them and share information, but I think there are adequate provisions in the bill, at least according to my reading. But I am certainly willing to look at the proposed language changes, and I think the legislature is as well. Thank you, Mr. Chairman."

Chairman Skelton said, "I appreciate that. You know, I know nothing in this world can happen for free. It costs money to go up there, if we go up there, we're spending, you know, that's our salary that's being paid. I feel that's my job here, I have an office here locally, so, you know, we do go up to Topeka, we see them several times a year. There is plenty of opportunities for us to interact with the legislature. To be up there on a daily basis, to monitor situations and give us updates when we need that day is very important to have somebody up there on a full time basis. The government liaison there is indeed representing the majority of the Commission. There is nobody sitting today that I can name that's going to be supporting eminent domain or increased taxes or other ways to supposedly subvert the population. We're here to advocate for the best policies, and you know, intergovernmental communication, and I think this is a good way to do that. So if our lobbyist is up there advocating things that the majority has not approved, he is not doing his job, and he can get fired for that. Those are my comments, Commissioner Norton."

Commissioner Norton said, "I have some grave concerns about the language in the bill. I understand that they are retooling some of the language. Maybe that will make it more compatible to county government, but we have an obligation to advocate for local government. That's what we do. And many times, as I talked with legislators that have not been a city Councilmember, Mayor, a County Commissioner, served on any board that's connected to those, they don't have a grasp of some of the unintended consequences of their actions at the local level. And I think it is imperative that we understand that, whether you call who we send up a lobbyist, or a government relations person, or a liaison. It is our boots on the ground to understand in that short period of time what is happening.

"One thing I have realized about legislative actions, is they take a long time making the sausage, but they don't ever produce any results until the last minute. We have an obligation to understand how quickly things can happen in Topeka and how quickly they can have dramatic results downstream at the local level. And our government liaison, lobbyist, whatever you want to call him, is our person who communicates both back to us, and upwards what our goals are as a local jurisdiction.

"I also worry about the unintended consequences, the County Commissioners are paid

in their work, and does that make us the paid lobbyist when we go to Topeka? I am not so sure I understand that. Some of the language that's described is that if public funds go to other entities, that they can't have lobbyists. And I am not sure I understand how that works. I want to be sure that we do not move down this path and have a wealth of unintended consequences with what I consider a senate bill that could be onerous to local government and our voice and our partnership that we try to continue to have with the partners at the state. I am going to be supportive of this resolution today. I believe that it is not good business to shut down the conversation that we have with our partners at the state level."

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

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I want to thank my colleagues, because I think this dialogue and our discussion has been useful and I think it will be productive to the public today. I want to clarify one point, because for 16 years before I became a County Commissioner I was an advocate on behalf of taxpayers and citizens concerned about growing government, and U.S. (United States) Supreme Court issued a very odious and outrageous decision, it was called the Kelo [v. City of New London] decision on a narrow 5-4 majority, concerning allowing local governments to abuse eminent domain. And when the Kansas legislature took this up at the time when I was an advocate for taxpayers up there, it was interesting because the opposition trying to pass good legislation would protect citizens' property and their ability to control their property, we were fighting taxpayer-funded lobbyists from local government.

"And, I think that's important to clarify that for the record. Now, it was the Kansas Association of Counties involved, frankly, I don't remember specifically if they were or not, was Sedgwick County's lobbyist at that time involved, and frankly, I am not sure and I don't know what the county's position at times specifically was. But I will state that there were local government lobbyists who were opposed, and wanted local government to retain full authority concerning the use of eminent domain for economic development decisions in the wake of the Kelo decision. I simply provide that as a little bit context, in terms of why there are so many citizens who are unhappy when we have tax funds being used, and in my view misused basically to serve, and in opposition to the citizens who pay those taxes positions. And I frankly think, I may be on the minority on this Commission vote today, but I think if the average citizen in Sedgwick County expressed their position, I believe I am in the majority. But, I very much appreciate my colleagues' attention and discussion this morning, Mr. Chair."

Chairman Skelton said, "Sure, absolutely, Karl. I appreciate that. And, you know, I know you've had concerns about, you know, he will eminent domain and such. The reason I think this Board needs to maintain control of eminent domain, is because if we put that power in the state, it would put a lot of people who are not accountable the voters in this region in charge of eminent domain. That is a concern to me. We have ourselves a central delegation. I believe they would stick up for us in the case of eminent domain. But if you have lobbyists up there for other people, other corporations, even, trying to do something and the legislature makes the decision for eminent domain, and our jurisdiction, that scares me. I am very much a property rights person."

Commissioner Peterjohn said, "Mr. Chairman, I will just state for the record, current state law, as I understand it, currently, the power for eminent domain for economic development cases currently resides with the Kansas legislature. With the laws that

were passed six, seven years ago.”

Chairman Skelton said, “I am not going to argue with that point. I have to follow up with you on that later. I am not sure that's correct. That's not my understanding. Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. I don't want to be argumentative, but perhaps Commissioner Peterjohn could tell me, you refer to everybody else in the category as a lobbyist. You refer to yourself as a taxpayer advocate. You were a lobbyist. Is that right? Or am I wrong?”

Commissioner Peterjohn said, “I was a registered lobbyist for 16 years under the laws requiring lobbyists, but I was not being paid by any public funds. But a lot of the folks that were testifying usually on the other side of legislation that I was involved in were during that period of time. That practice really hasn't changed since I became a County Commissioner, Commissioner Unruh.”

Commissioner Unruh said, “Thank you.”

Chairman Skelton said, “Okay, are there any other comments here? All right. Have we had a motion on the table? I cannot recall?”

Commissioner Unruh said, “We do.”

Ms. Jill Bailey, Deputy County Clerk, greeted the Commissioners and said, “We still need a second.”

Chairman Skelton said, “Okay, is somebody willing to second the motion?”

Commissioner Peterjohn said, “I thought it was seconded.”

Mr. Buchanan said, “It is seconded.”

Chairman Skelton said, “Yes, yes, Commissioner Norton did second that. Okay. We have a motion and second to adopt the resolution. Madam Clerk, call the vote.”

VOTE

Commissioner Norton	Aye
Commissioner Peterjohn	No
Commissioner Ranzau	No
Commissioner Unruh	Aye
Chairman Skelton	Aye

Chairman Skelton said, “Okay, thank you. Next item.”

I [13-0064](#)

UPDATE ON THE FEBRUARY 26, 2013 PRIMARY ELECTION.

Presented by: Tabitha Lehman, Election Commissioner.

RECOMMENDED ACTION: Receive and file.

VISUAL PRESENTATION

Ms. Tabitha Lehman, Election Commissioner, greeted the Commissioners and said, "Well, we're going to give a quick update, before going through this, I would mention we are, of course, keeping a close eye on the weather as we have five of our advanced polling locations set to open tomorrow afternoon. We are, of course, concerned about the safety of our election officials going out to those sites and for the voters. So we will keep monitoring that.

"Primary election will be February 26th, our advance voting in person, obviously, started in our office back on February 13th. In that time, since February 13th, we've had until, you know, an hour ago when I came across the street here for this meeting, we had had all of 33 voters in our office for all of that time combined.

"Some of these advance sites, if you look at the equivalent election in 2009, one of those sites had four voters in an entire day's voting. This is not highly attended election, unfortunately. We would like to encourage people to get out and vote. We will be open in our office, each business day, until Monday at noon, which is the statutory deadline for when early voting in person ends.

"We have our satellite sites open. We have five of those sites open, and we have those listed on a flyer that is on our website. They are open Thursday and Friday from noon to 7:00 p.m., and then Saturday from 9:00 a.m. to 4:00 p.m. Anyone within the jurisdiction having a primary election can vote at any of those sites as well as our at office. We just remind people to bring their ID (identification) when they come to vote.

"Here is the list of our locations. We have the Independent Living Resource Center, Machinist Building, the Sedgwick County Zoo, Sharon Baptist Church, and Westlink Church of Christ. I would mention that the Machinist Building and Sedgwick County Zoo are on the City of Wichita's emergency plow route, so they will be plowed at the beginning of those plow routes. Independent Living [Resource Center] is on the secondary route, and I don't believe Westlink [Church of Christ] and Sharon [Baptist Church] are on that route. So we will be, I have been in contact with the City of Wichita Public Works to discuss the plan we have, you know, I was able to find out the information as to where each of these lie. We are obviously concerned that, you know, Independent Living is the site that only had four voters the first day of advanced voting in 2009. And we need to monitor these conditions and make sure we are not risking people's lives.

"If anyone has any questions, they can obviously contact our office or visit our website. I would also mention we've had a change from, one polling location is not going to be able to be open for either the primary or the general election, and that St. Peter the Apostle [Catholic Church and School]. We have had to divert those voters to other polling locations because of the late notice on that. They called us the day we were beginning programming for the election. Of course all that programming is tied to our polling location, so we diverted those voters. We have sent those voters a notification of that, and we have that list available to anyone who would like to know which precincts have gone to other polling locations.

"That's the end of my slide show. We have mailed out 2,700 advanced ballots. We actually mailed out 2,100 yesterday, which was our record for the day since we mailed the initial ballots back in early February. We have received about 850 of those back in our office, so we are looking forward to receiving more of those before we stop excepting them at 7:00 p.m. on election day."

Chairman Skelton said, "Okay. Comments by Commissioners? Yes sir, Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I have some questions for you, Tabitha. First off, you said you sent out advance ballots to 2,700 voters?"

Ms. Lehman said, "Those are the people who, most of those people were on our permanent advance list. We have received a few requests for ballots by mail from people."

Commissioner Peterjohn said, "Let me ask you, I thought last year our advanced voter list was much a larger than 2,700. Why has the number dropped so much?"

Ms. Lehman said, "Well, actually, the number of people who are on the permanent advance list has not changed. If anything, other than people who have deceased, or been cancelled for another reason, you know, we did mail out 77,000 ballots in 2012 for the general election, but the vast majority of those, other than I think about 6,300 of those, those were people who submitted a one-time application. You have to, unless you are on the permanent list, which is people with some kind of illness or disability, you have to apply for every election. So people have to, if they would like a ballot, they have to request that, unless they are on the permanent advance list. But you have to realize we only have five jurisdictions having a primary, so only about 90,000-91,000 voters are eligible to vote in this election."

Commissioner Peterjohn said, "Well, you said the magic word, if you don't mind me kind of playing a Groucho Marx, the chronologically gifted voters out there remember the old Groucho Marx show. In terms of people who are able to vote, because I think I am in a part of the community where there's no primary election because not enough candidates filed to justify a primary. If we only have 91,000 out of how many registered voters do we have currently?"

Ms. Lehman said, "Over 271,000 registered voters currently."

Commissioner Peterjohn said, "So, we're talking about basically only one-third of the eligible voters can vote in the primary."

Ms. Lehman said, "Correct."

Commissioner Peterjohn said, "So there's two-thirds through no fault of their own..."

Ms. Lehman said, "Right."

Commissioner Peterjohn said, "...have no reason to go to the polls because of the number of candidates who filed. And I think that says more about the general process for local government elections for municipalities and school districts than it says about the average voter in Sedgwick County."

Ms. Lehman said, "You know, in 2011, we had the Wichita Mayor on the ballot and the primary had less than eight percent voter turnout. So there were over 200,000 people eligible to vote, and we had less than eight percent voter turnout on that. Because we had a primary for the entire City of Wichita and all of [USD] 259, so they actually had two things on their ballots and still our turnout was that low."

Commissioner Peterjohn said, "What I think is remarkable is the City of Wichita had a special election last February, and I believe the turnout for that special election was a good deal more than the primary that involved the mayor in 2011. That being the case, and please correct me if I am wrong, I think that says quite a bit about the challenges we have with our municipal and school district elections in the state."

Ms. Lehman said, "It probably does, yes. And we, I would mention that the general election, we will have all of the polling locations open except for St. Peter the Apostle, because, again, they are not available. We'll have, all but about 1,000 voters in the county will be eligible to vote in the general election."

"Those 1,000 voters are in the school district that we share, Circle School District that we share with Butler County and their district that is, they do not have a school district ballot for this election, the districts that are up will not encompass Sedgwick County voters. So, everyone except those 1,000 voters will eligible to vote in the general election."

Commissioner Peterjohn said, "Well, I think that's also very useful information, and also the challenge on locations. Would you talk for a minute about that? Because I would publicly like to thank all the churches, and we've got at least one union hall that I can recall, and any other places. Obviously we have some public facilities that we are using, like out at the Cargill Learning Center out by the Sedgwick County Zoo that we're using, and of course here at the courthouse, but I want to thank all of the entities that are allowing us to use their facilities to hold this election. I would appreciate your comments on that that. Because I think that's a challenge for you and your office on occasion."

Ms. Lehman said, "It is, and you know, we are seeking to increase that number as we come into the next major election. We did try to increase that number before the 2012 general election, but we were unable to get anyone to agree to be a polling location before that election. I would mention, you know, there was some discussion, a lot of counties use, throughout the state, use schools as polling locations, and that's something that has, that practice was stopped quite some time ago in Sedgwick County. And I found it interesting that there was an organization of election officials at the state level who had meetings and went over some things from 2012 elections, and one of their recommendations that I came across was actually on Twitter, was that they are recommending that election officials remove polling locations from schools now, because of the security risks with having. You know, in 2004, I was a supervising judge out at Cessna Elementary [School] and we had a two-hour long line through that elementary school while they were trying to hold school, trying to get kids from classrooms, and that, you know, that is, we frequently get that question in our office, why aren't you in the schools? In my opinion, it is a matter of safety for those children that we not be in the schools."

Commissioner Peterjohn said, "Well, I think it is a sad commentary on our times that, because I remember seeing elections regularly held at schools when I was a kid"

growing up, and more recently, but let me ask you, we rely, we couldn't do the elections if we didn't have citizens step up and say, hey, I am willing to contribute a day or two and do that. Do you need volunteers, and, if so, how would they, what should they do, in terms of contacting your office, and talk about that for a minute please."

Ms. Lehman said, "Sure. I would point out, really for the amount they are getting paid, it is almost volunteer work. But they are getting paid a little over minimum wage. They are paid employees. According to the IRS (Internal Revenue Service) they are considered county employees, which has been a new thing we have had to adjust to in our office. We are fully staffed for these elections. We, of course, had hundreds of workers for the general election last year, so we have that pool to choose from. We are always looking for people who are interested in working, but of course we are not seeking to hire any new inexperienced staff for this election cycle, just simply because we don't need to hire on new people. But if anyone is ever interested they can certainly go to our website and complete that application."

Chairman Skelton said, "Okay, thank you."

MOTION

Commissioner Peterjohn moved to receive and file.

Commissioner Unruh seconded the motion.

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

VOTE

<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Peterjohn</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Skelton</i>	<i>Aye</i>

Chairman Skelton said, "Okay, thank you. Madam Clerk, next item."

J 13-0063 PRESENTATION OF THE APPRAISER'S ANNUAL REPORT OF REAL PROPERTY VALUE TRENDS IN SEDGWICK COUNTY.

Presented by: Michael S. Borchard, CAE, RMA, County Appraiser.

RECOMMENDED ACTION: Receive and file.

VISUAL PRESENTATION

Mr. Mike Borchard, County Appraiser, greeted the Commissioners and said, "As you heard last week at your retreat that the 2013 appraised values, or assessed values were going to be flat, and David Miller went on to give me the credit for that. I guess what we'll do today is present some trends that occurred in 2012 that show why values are flat. I would also like to point out there seems to be a lot of confusion about the property tax calendar, and this is really the first process in the property tax calendar. We will notice owners of the valuation, 2013 valuations March 1st. Okay, we use market data that occurred prior to January 1st to do those appraisals. The next steps are, we go through the hearing process, we finalize our personal property valuations, the state provides public utility values to us, and we certify those values to the [Sedgwick County] Clerk. The process from there is, the taxing authorities send their budgets to the Clerk's office, the [mill] levies are calculated, the tax bills go out in December, and those are used to fund the 2014 year.

"Some of the duties that we accomplished last year, we physically inspect each property within Sedgwick County once every six years. We looked at 1/6th of the county last year. Discovered list of value to all property that had significant changes, that would be new construction, or wrecking permits, and we update appraisals each year to ensure all properties are valued at fair market value as of January 1st.

"This graph here shows the parcel growth in Sedgwick County. There was very little growth from 2012 to 2013. You can see that the growth has been very slow since 2009. Basically this means there's not a lot of demand for new development. This is the sales activity of all classes of property. There's a slight uptick in 2012, up to 9,501 from 9,066, which 2011 was the lowest count we've had on record.

"Just a quick reminder of the different classification rates for different property types, the assessment rates are multiplied times the appraised values to get the assessed values. Residential is 11.5 [percent], commercial 25 percent, vacant land 12 [percent], and agriculture is 30 percent assessment rate. Residential property represents about 55 percent of the total assessed value in Sedgwick County.

"This chart here shows the fact that the new dwelling construction continues to decline down to 636 dwellings in 2012. This is the median sale price of existing residential single-family homes, leveled off right about \$135,000. This chart was prepared by WSU [Wichita State University] Center for Real Estate. It shows the home price index and basically up or down from zero would show appreciation or depreciation, you can see that the U.S. (United States) and the State of Kansas are right on the zero mark. Where Wichita, in the third quarter of 2012 was slightly down.

"Commercial property represents about 30 percent of the assessed value in the county. Commercial property sales were actually up in 2012 from 2011. Commercial building permit activity was also up from 2011. The numbers are slightly skewed due to

the fact that we had the tornado in the spring. We still think the activity was up. This chart is a little busy, but it shows the building permit summaries by commercial property types: retail, office, and industrial. Office and industrial both showed more square footage added. Retail fell off slightly in 2012. Just a slight bump in the number of apartments units added. The preliminary ratio study for residential and commercial property classes, this is testing our 2012 appraised values to 2012 sales, and based on that number, our residential median ratio was 95 percent, and our commercial median ratio 97.2 percent.

“As far as agricultural properties, 68 percent of the land in Sedgwick County is devoted to ag [agricultural] use. It represents one percent of the assessed value, and the Department of Revenue, property valuation division, annually sets the ag use values for the entire state.

“This is the summary of changes in values for 2013 on residential property, 63 percent had no change in value. Eight percent will see an increase in value, and 29 percent will see a decrease in value. On commercial properties, 59 percent will get no change in value, 23 percent will see an increase in value, 18 percent will be a decrease in value. On the agricultural properties, no change, 40 percent; 50 percent will increase in value; and 10 percent will decrease in value. For all of these value changes generally three to five percent is the amount of they change.

“We came to the Commissioners last summer and wanted to get your opinion on an alternative form of value notification. We went to the property valuation division and got a request approved, and the difference is going to be that the Appraiser's office will mail only value notices to properties that experience a change in appraised value or classification from 2012. So approximately 85,000 real property value notices will be mailed for 2013. That's about 40 percent of all the properties in Sedgwick County. This alternative method of notification resulted in the savings of around \$40,000. Now, folks that don't get their notice through the mail, after March 1st, they will be able to see this information on the county website and also after March 1st, property owners can print their own value notices from the website and that value notice will have information for appeals on the back of it.

“We want to be clear that the alternative method of valuation notification in no way changes property owner's right to appeal their value. If the property owners do not feel their values do not reflect market value, they can fill out the back of their notice and return it to Sedgwick County within 30 days of the date mailed, which is shown on the front of the notice, and informal hearings are scheduled to begin March 19th. We have assistance available at 4035 East Harry, our office, and certainly we encourage folks to use the Sedgwick County website to look for property information, values and sales. That concludes the presentation. If you have any questions, I would be happy to answer them.”

Chairman Skelton said, “Questions by Commissioners? Karl Peterjohn, Commissioner, sir.”

Commissioner Peterjohn said, “Thank you, Mr. Chairman. On your second slide, Mike, it basically says that all properties are valued at fair market value, but later on you have got a slide talking about ag value, agriculture land, and its value, its use value, you don't talk about utility values at all. Could you kind of clarify that for the record,

please?"

Mr. Borchard said, "Okay. Agricultural property is valued on a use value. It is a modified income approach to value that's a complicated formula that uses an eight-year average against the landlord's share of the earnings from the crop. And public utility property is valued at fair market value. It's valued by the property valuation division. And those values are delivered to the Clerk's office in June."

Commissioner Peterjohn said, "And the utility property is about how much percent of the total assessed value."

Mr. Borchard said, "I'm thinking it's about eight to ten [percent]."

Commissioner Peterjohn said, "Eight percent?"

Mr. Borchard said, "Yes."

Commissioner Peterjohn said, "Okay."

Mr. Borchard said, "I'll double check that and get back with you."

Commissioner Peterjohn said, "Oh, okay. Well, let me ask you, yesterday evening J.P. Weigand [& Sons], and there is an article in the [Wichita] Eagle today about the presentation about real estate, local real estate, and broader real estate trends that was held. And it's an annual event, draws quite a few people, and your office often attends. Did you go to that event, and did you hear anything that surprised you or that was out of step with the material you presented to us this morning?"

Mr. Borchard said, "I did not attend the event. I don't know if we had anybody attend it, but we get their information, and we review it."

Commissioner Peterjohn said, "Okay. Your eighth and ninth slide, there's a little bit of a paradox there, because you show in 2012 on the eighth slide an increase in the median sale price, but on the ninth slide you show that the average change in home price index for Wichita in 2012 appears to be lower, down a little less than two percent from where it was in 2011.

"Could you talk about kind of how that apparent paradox can exist, and what it means when we have one line trending up and the other trending down?"

Mr. Borchard said, "Well, anytime you're talking about a median, it's a one single point estimate. You rate the data from high to low, it's the center point. So depending on the type of properties that sold over that time period, it could change. This annual home price index, however, is a little more sophisticated than a single point estimate. It's an index that, I believe the base year is 2008, and it measures variation over time. So, I guess a single point estimate versus an analysis of a lot of properties that sold."

Commissioner Peterjohn said, "So would the ninth slide that has this annual change in house price index probably be a better reflection of the overall residential market than the other slide?"

Mr. Borchard said, "Yes, it would."

Commissioner Peterjohn said, "Let me switch off to the 11th and 12th slides. You

show an increase in 2012 off a relatively low base, but it's still an increase, in terms of commercial property sales, an increase of about 15 percent, but the commercial building permit activity, the 12th slide, shows an increase of about 50 percent. When we're kind of looking and thinking about these numbers and in light of the tornado and the challenge that that brought to us last year, which is more reflective on commercial, the 15 percent increase or the 50 percent when you went from 13.5 [percent] up to 1,943?"

Mr. Borchard said, "Certainly, the volume of sales is a better indicator of what actually is going on in the market. The building permit, the commercial building permit counts were heavily skewed by the storm."

Commissioner Peterjohn said, "Your 15th slide talked about the real estate appraisal sales ratio study. Is that still, the state requirement is trying to, to be acceptable within the property valuation division rules, you need to be between what percentages? Is it still 90 [percent] and 110 [percent]?"

Mr. Borchard said, "90 and 110."

Commissioner Peterjohn said, "Okay, thank you very much. Thank you, Mr. Chairman."

Chairman Skelton said, "You're welcome, sir. Additional comments by Commissioners, please. If not, the Chair will entertain a motion."

MOTION

Commissioner Peterjohn moved to receive and file.

Commissioner Ranzau seconded the motion.

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

VOTE

<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Peterjohn</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Skelton</i>	<i>Aye</i>

Chairman Skelton said, "Thank you."

Mr. Borchard said, "Thank you."

Chairman Skelton said, "Next item."

K [13-0085](#)

AGREEMENT WITH THE CITY OF BEL AIRE FOR SEDGWICK COUNTY PROJECT 606-33; STREET IMPROVEMENTS ON 53RD STREET NORTH BETWEEN WEBB ROAD AND GREENWICH ROAD. CIP# R-325. DISTRICT 1.

Presented by: David C. Spears, P.E., Director of Public Works/County Engineer.

RECOMMENDED ACTION: Approve the agreement and authorize the Chairman to sign.

Mr. David Spears, Director, Public Works, greeted the Commissioners and said, "In Item K, we are requesting your approval of an agreement with the City of Bel Aire that will provide for the paving of 53rd Street North from Webb Road to Greenwich Road for the Sunflower Commerce Park. This one mile long segment of road lies within Bel Aire. Approval of the agreement will provide the county with legal authority to perform the work inside the city limits and outlines other project responsibilities such as right-of-way acquisition and utility relocation.

"Under the agreement, Sedgwick County will construct the project and pay for the relocation of utilities that are not owned by Bel Aire. Once the project is completed, Bel Aire will assume sole responsibility of maintenance for the road. Funding for the project was authorized in the 2010 to 2014 Capital Improvement Program (CIP). It's designated as R-325, construction and utility were budgeted for \$1,400,000, and the funds are available. The project is scheduled for letting in April. We request that you approve the agreement and authorize the Chairman to sign."

Chairman Skelton said, "Okay. Discussion by Commissioners, please. Okay, Karl Peterjohn, sir, Commissioner."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Mr. Spears, kind of walk me through. \$1.4 million for one mile of road seems awfully, awfully, awfully expensive compared to, help me out, if we did two lanes of cold mix for a one mile segment, how much is one mile of cold mix for two lanes? What does that normally cost?"

Mr. Spears said, "Round numbers, I'd say around \$100,000."

Commissioner Peterjohn said, "And if we did a more durable but more expensive hot mix road for one mile, two lanes, what is the price tag for that?"

Mr. Spears said, "I'm going to say, you know, it's hard to say. We just did 71st Street South, and I think that bid, we had four miles that bid for \$3 million, so not quite a \$1 million a mile."

Commissioner Peterjohn said, "Four miles for..."

Mr. Spears said, "\$3 million."

Commissioner Peterjohn said, "For \$3 million. So that's \$750,000 a mile, and that's two lanes?"

Mr. Spears said, "Yes."

Commissioner Peterjohn said, "Now, is that curb and gutter?"

Mr. Spears said, "No. It was open ditch. We just did that last year."

Commissioner Peterjohn said, "Is this one mile stretch curb and gutter?"

Mr. Spears said, "No, it's open ditch. Let me add to that. This road will have to be designed for industrial standards because it's for the industrial park, it's that square mile, and so the pavement is going to have to be thicker, more asphalt, also there will be three lanes instead of two because of the big semi trucks that have to turn in and out."

Commissioner Peterjohn said, "Well, let me ask you this, is Bel Aire a city of the third class or second class?"

Mr. Spears said, "They're over 5,000 population. I would say they're second class."

Commissioner Peterjohn said, "So if they were a third class city, this would be a section line road, and it would be the county's responsibility?"

Mr. Spears said, "Before Bel Aire annexed it, it was a township road. It was not a county road."

Commissioner Peterjohn said, "Oh, it was a township road. Is this currently paved at the moment or is it...?"

Mr. Spears said, "No. It's a gravel road."

Commissioner Peterjohn said, "It's a gravel road at the moment. So we're going to take this from a gravel road up to a three lane at the price tag of \$1.4 million. But if we've got an example of hot mix, which for 71st Street South is costing us for two lanes about \$750,000."

Mr. Spears said, "But not designed for industrial traffic."

Commissioner Peterjohn said, "Okay. So it's not designed for that. I just, I have some concerns, because this is a very, very expensive price tag for a very short distance of road, and I want to try and get all the information out on the record, in terms of why it would be so expensive.

"If this is part of the bigger project, would we be involved or obligated, or part of the CIP plan to do other roads in that vicinity or on the perimeter of that project?"

Mr. Spears said, "Well, 45th Street is also scheduled to do. We're having more problems with it because there's some federal land involved because of the airport, and it's going to take a little while longer before we have that ready."

Commissioner Peterjohn said, "Do you have any sort of a...so this is the first of the second of two parts then?"

Mr. Spears said, "Yes, there's two miles to do, one at each end of the industrial park. The 53rd [Street] is on the north end, 45th [Street] is on the south end."

Commissioner Peterjohn said, "Would 45th also be three lanes to industrial standards, too?"

Mr. Spears said, "Not necessarily, I think there are going to be less entrances down there, and it's a little bit different layout because of the property the airport authority owns, and there's a flight path there that we are cognizant of that we're working with the airport people on."

Commissioner Peterjohn said, "So, okay, this is..."

Mr. Spears said, "I might also mention, I just saw this, on 53rd, another reason for the price tag is that the east end right now, where at 53rd where the intersection, the railroad comes right through the intersection, also. The railroad and the intersection are the same spot. We're going to relocate 53rd to the north to avoid, so the intersection is not in where the railroad is. So that adds to the price a little bit, too."

Commissioner Peterjohn said, "Is there land acquisition costs or is that part of the...?"

Mr. Spears said, "Not for us. Bel Aire owns most of the land, and they have acquired almost all of the right-of-way except for one track, is my understanding, and they're going to get that."

Commissioner Peterjohn said, "Are they charging us for any of the land then?"

Mr. Spears said, "That is their participation."

Commissioner Peterjohn said, "So they're contributing the land but they're not contributing any cash to this?"

Mr. Spears said, "No, no cash for the construction. They're contributing the land and any utilities that are theirs that they have to relocate, they're paying for that."

Commissioner Peterjohn said, "Let me make sure I understand then. They're a city that normally this street would be, since they're a city of the second class or over 5,000 people, that would be part of normally their street structure, and we're doing this, I guess, kind of on the same basis that we've done some other road projects within second and first class cities in the past, too, is that correct?"

Mr. Spears said, "Well, it's a little different in that I think this started, like, three or four years ago. The economy was really bad, and I think the thought was to partner with Bel Aire to help enhance this industrial park and perhaps get some businesses in there. In actuality, the consultant is actually estimated that the traffic will increase to 10,000 cars per day when this park is fully developed."

Commissioner Peterjohn said, "Well, do you have two traffic counts for what is currently on 53rd Street between those streets?"

Mr. Spears said, "No, we don't take them inside the city limits of Bel Aire or for the township. I would say to you it's probably, just a round number, 500 cars a day at the most."

Commissioner Peterjohn said, "So it's pretty minimal. Let me ask you, if there's problems with the FAA (Federal Aviation Administration), in terms of being able to build the road on the south end of the property on 45th Street that they have to negotiate through, are they going to be able to build just north of there, because that's going to, that's in that same flight path for [Colonel James] Jabara [Airport] too then."

Mr. Spears said, "I'm going to say to you they will be able to build, but only to a certain height of buildings."

Commissioner Peterjohn said, "I was going to say a street is going to be lower than any building."

Mr. Spears said, "The street won't be a problem. We'll get through all of the paperwork that we have to do with the feds (federal government) to do the street. That's not a problem. But the development itself inside there, they will still be able to develop, but with only certain types of buildings in there, because of the airport."

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

Chairman Skelton said, "You're welcome, sir. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Dave, I think you've made, in some of your comments there at the end, a point I wanted to make, that part of the cost driving this is it's an industrial standard road. And also we're having to rework that intersection for safety up there at Greenwich and 53rd where the railroad goes through, so that's a great improvement for anybody using Greenwich also to have that road improved. This has been approved in the CIP since 2010, you said?"

Mr. Spears said, "Correct."

Commissioner Unruh said, "And we've already got approved that going forward with the design stage?"

Mr. Spears said, "The design is, for all intents and purposes, finished, and we're going to let the job in April."

Commissioner Unruh said, "So this has been in our plan for quite some time, and this is just a general progression of it, and this is one of the agreements we have to make in order to continue the project that we've already begun?"

Mr. Spears said, "Yes."

Commissioner Unruh said, "Okay. The funding on that has, has the funding already been secured with a bond sale?"

Mr. Spears said, "Yes, I think there's \$900,000 of sales tax and \$500,000 of bonds, and I believe they've already been sold."

Commissioner Unruh said, "Okay. Well, I think that this is a good project with a focus on economic development for Sedgwick County in establishing an area that we're describing as an industrial park. I think it would be helpful for us in hopefully attracting development out there either from current folks, as we already had one person out there on that property, a local person, and then secondly, hopefully attracting folks

from outside the county to bring their businesses here. So I will continue to be supportive of the project. That's all I have, Mr. Chair."

Chairman Skelton said, "Commissioner Ranzau, sir."

Commissioner Ranzau said, "Thank you, Mr. Chairman. Dave, you said bonds had already been sold for this. Is it possible to use these bonds for other projects if we so desire?"

Mr. Spears said, "I think Mr. Chronis might have to answer that. I think the bonds generally say what project it's for. That's right. So they could not be used for another project."

Commissioner Ranzau said, "Okay. So normally, do we do projects that reside completely within the city limits of some city?"

Mr. Spears said, "We have, but not, we haven't done one like this where there is a big, you know, square mile of an industrial park. We've done just, just going to finish up, we gave the City of Maize some money for Maize Road to go to four lanes, and that was just a cash..."

Commissioner Ranzau said, "Isn't that because it's our responsibility because they're a different size of city?"

Mr. Spears said, "What we try to do is just partner with people, when they approach us, if we think it's a reasonable type project."

Commissioner Ranzau said, "But they're a class 3, I believe, right, as opposed to a class 2 city?"

Mr. Spears said, "Excuse me, I couldn't..."

Commissioner Ranzau said, "Isn't Maize a class 3 city as opposed to class 2?"

Mr. Spears said, "Well, they are under 5,000 population."

Commissioner Ranzau said, "And therefore, it is our responsibility."

Mr. Spears said, "If it's a connecting link, it would be our responsibility."

Commissioner Ranzau said, "Okay. So we borrowed money for this project that resides completely within the City of Bel Aire, are they going to help pay off those bonds at all?"

Mr. Spears said, "Not to my knowledge."

Commissioner Ranzau said, "Don't we normally, when we do stuff in partnering with people, do we have people help pay cash for the project?"

Mr. Spears said, "I'm sorry. I couldn't hear your question."

Commissioner Ranzau said, "Don't we normally have people who partner with us help contribute to the cash amount in the projects?"

Mr. Spears said, "In some cases, we do, yes."

Commissioner Ranzau said, "This is very troubling. Is this going to be part of our policy going forward, that we're going to do projects within cities to do industrial parks? You know, we have a lot of needs in the county. Money like this, the \$900,000 could be used for other roads and bridges, and we have a lot of industrial park space that is privately owned without that county that is not being used, so I'm concerned that we're creating an [inaudible] here, if you talk about locally owned businesses moving over here, that means they're moving away from other types of industrial parks, so you're just kind of robbing Peter to pay Paul, so to speak, and you're redistributing those around the county. I'm not sure in the long run that's beneficial to us. I'm concerned about the policy implications of this going down that road. That being said, Chris is telling us that since we sold the bonds, we have to use it for this project?"

Mr. Chris Chronis, Chief Financial Officer, greeted the Commissioners and said, "The bond financing for this project was approved and sold in 2010, and as is typical on those kinds of resolutions, the use of the proceeds was specified. We identified what specific projects we planned to spend the money on, and so absent any further action by the Commission, we are obligated to spend the money only on those projects. Now there is a mechanism whereby the Commission could amend that bond resolution and redirect the funding. I'm not aware of that this Commission has done that on any other bond issues that we've sold, but I think it is legally possible."

Commissioner Ranzau said, "Well, that answers the question there. I think this is part of a bigger policy issue discussion that I think needs to be had, because we have lots of cities in the county that they see the need for the county to help them with a variety of projects, and when they see this, this is certainly going to set a precedence, and that's one of my concerns. And I'm also concerned about the unintended consequences that may result with this industrial land that's already privately owned and is underutilized as we speak. That's all I have for now, Mr. Chairman. Thank you."

Chairman Skelton said, "Thank you, you're welcome, sir. Thank you. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Just a point of clarification on the businesses that's already got their building up and located out there, it's Century Manufacturing [Inc]."

"They needed a newer, expanded, more customized facility, and the location they left was bought by Goodwill Industries, because they have been outgrowing their other location, so they didn't vacant the other location, but were using it and also moved into the old Century Manufacture facility. So there is no gap in the system. I just want to say in that particular instance, it's growth in Sedgwick County. That's all I have, Mr. Chair."

Chairman Skelton said, "Thank you, sir. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. My vote today is going to reflect the fact that \$1.4 million for one mile, even if it is three lanes and reinforced for additional weight on what has been an unpaved road, and let me understand, is this road considered a connecting link, Mr. Director of Public Works?"

Mr. Spears said, "No, not now, no, because it's in the City of Bel Aire, and they're over 5,000. It's a City of Bel Aire road. That's why we're doing the agreement so that we may work on that road inside their city limits."

Commissioner Peterjohn said, "Even before it was incorporated into the City of Bel Aire, was it ever a connecting link?"

Mr. Spears said, "No, because it was in the township before."

Commissioner Peterjohn said, "So it was just part of the township system. Okay. Well, \$1.4 million for one mile, and I look at what else we could do and understanding some of the trade-offs in terms of the challenges, my vote today is going to reflect the concerns I've expressed for the record. Thank you, Mr. Chairman."

Chairman Skelton said, "Thank you. Commissioner Ranzau."

Commissioner Ranzau said, "I'll also just say, you know, there are developers and owners of industrial parks within this community that will build buildings to suit. There has been a lot done, discussions about more industrial parks, incentives for industrial parks, and I think we may be doing some things or having some unintended negative consequences for our overall industrial park development business in Sedgwick County, this may play into that, unfortunately. Thank you."

Chairman Skelton said, "Okay. My comments, I'm going to be supportive of this motion. It's become, I've become aware, you know, that we've lost out on some opportunities because we do not have a rail ready site, something that is ready to go right now, and yes, I know there are developers willing to build. That takes time. They don't have time. They go somewhere and look, that usually happens. I think its part of the county's mission to cooperate with our cities and townships. We've planned for this expenditure, we've paid for the design, we've issued the bonds, we have the money in the bank. As far as precedents are concerned, we've participated with City of Wichita on [Interstate] 235 and Kellogg [Drive], which is a dangerous intersection.

"We partner with small cities on drainage studies that affect their boundaries and storm water that comes into their municipalities. And you said earlier we've cooperated with Maize on a road construction project, so I think this is a good service to taxpayers.

"When we look at infrastructure, it ranks right up there as number one or two as a factor of economic growth, and when I'm talking economic growth, I'm talking about recruiting a new business into this area, creating new jobs, and that represents growth. So definitely this falls within the mission of our county. This is going to, our county mission, and I do believe this will be good for the region's economic health, so I will be supporting this motion."

MOTION

Commissioner Unruh moved to approve the agreement and authorize the Chairman to sign.

Commissioner Norton seconded the motion.

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

VOTE

<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Peterjohn</i>	<i>No</i>
<i>Commissioner Ranzau</i>	<i>No</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Skelton</i>	<i>Aye</i>

Mr. Spears said, "Thank you."

Chairman Skelton said, "Okay. Madam Clerk, next item."

L [13-0100](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON FEBRUARY 14, 2013.

Presented by: Joe Thomas, Acting Director, Purchasing Department.

RECOMMENDED ACTION: Approve the recommendations of the Board of Bids and Contracts.

Mr. Joe Thomas, Acting Purchasing Director, greeted the Commissioners and said, "The meeting of the Board of Bids and Contracts of February 14th results in two items that we're going to present to you this morning. Item 1;

1. BRIDGE IMPROVEMENTS (B449) - PUBLIC WORKS
FUNDING - SALES TAX / BOND FUND

"The recommendation is to accept the low bid from Reece Construction Co., Inc. in the amount of \$220,774.00. Item 2;

2. P25 700/800Mhz RADIOS & ACCESSORIES -- VARIOUS DEPARTMENTS
FUNDING -- VARIOUS DEPARTMENTS

"The recommendation is to accept the bids from EF Johnson Technologies, Inc and Tait Communications as listed in the table above for one year with four one year options to renew.

"I'll be happy to answer questions, and I recommend approval of both of these items."

Chairman Skelton said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Just a quick note of accommodation for the fact that both of these items you've got multiple bidders and in particular. On the second item for the radios and accessories, you managed to get six different bids to come in, and contacted, you said there were 19 other companies that did not submit bids, but I really like the fact on the technical side here that we were able to get multiple bidders. And if you could just comment briefly, in terms of we've got two acceptable bids on the second item, EF Johnson Technologies [Inc.] and Tait Communications, just kind of go through for the public record the fact that we've approved two out of the six."

Mr. Thomas said, "Yes, sir. The EF Johnson Technologies is units used on an analog system as well as the new P25 System that's being implemented. And the Tait Communications, those radios are to be utilized with the new P25 System. So we're able to get two vendors for those particular uses."

Commissioner Peterjohn said, "Thank you."

MOTION

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

Commissioner Unruh seconded the motion.

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

VOTE

<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Peterjohn</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Skelton</i>	<i>Aye</i>

Chairman Skelton said, "Next item, please."

M [13-0102](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' SPECIAL MEETING ON FEBRUARY 15, 2013.

Presented by: Joe Thomas, Acting Director, Purchasing Department.

RECOMMENDED ACTION: Approve the recommendations of the Board of Bids and Contracts.

Mr. Thomas said, "This special meeting of February 15th resulted in this item;

1. CHANGE ORDER #2 - TIME and LABOR MANAGEMENT SYSTEM - FINANCE FUNDING - TIME MANAGEMENT SYSTEM

"The recommendation is to accept the change order from Kronos, Inc., in the amount of \$115,335.00.

"And so we recommend this item, as well, and will be happy to answer any questions."

Chairman Skelton said, "Okay. Questions by Commissioners? Yes, Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. This was just a single bid item. Could you talk about that a little bit, and were we in the position to solicit bids from anyone else or were we kind of locked into the successful bidder here?"

Mr. Thomas said, "We're locked into the successful bidder. This resulted in additional time clocks, and biometric recorders, as well as configuration that only the original bidder could supply."

Commissioner Peterjohn said, "Okay. Thank you."

Chairman Skelton said, "Okay, any other discussion? If not, I need a motion, please."

MOTION

Commissioner Unruh moved to approve the recommendation of the Board of Bids and Contracts Special Meeting on February, 15, 2013.

Commissioner Norton seconded the motion.

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

VOTE

<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Peterjohn</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Skelton</i>	<i>Aye</i>

Mr. Thomas said, "Thank you."

*Chairman Skelton said, "Thank you. Okay. We have the Consent Agenda at this time.
Madam Clerk."*

CONSENT

- N** [13-0094](#) Lease Addendum for a month-to-month lease option and specify the termination date effective April 30, 2013 for leased property at 604 N. Main, Suite F (ECCO Plaza).
- O** [13-0066](#) Amendment to the 2012-2013 Kansas Department of Health and Environment (KDHE) Public Health Emergency Planning (PHEP) Cooperative Agreement with the Health Department to reflect change in healthcare coalition boundaries.
- P** [13-0070](#) Amendment to the Capital Improvement Program (CIP) to Include Upgrade Card Access Control, Adult Residential & Service Center.
- Q** [13-0072](#) Two (2) Right of Way Easements for Sedgwick County Project 645-11-4825; Bridge project on 107th Street South between 231st Street West and 247th Street West. CIP# B-449. District 3.
- R** [13-0076](#) One (1) Easement for Riparian Maintenance for Sedgwick County Project 803-M; Drainage maintenance at 135th Street West & Dry Creek. District 3.
- S** [13-0077](#) One (1) Temporary Construction Easement for Sedgwick County Project 801-DD-5280; Bridge project on 151st Street West between 103rd & 119th Streets South. CIP# B-443. District 3.
- T** [13-0078](#) One (1) Right of Way Easement for Sedgwick County Project 790-BB-2853; Bridge replacement on 239th Street West between K-42 & 103rd Street South. CIP# B-451. District 3.
- U** [13-0079](#) Two (2) Temporary Construction Easements and Two (2) Right of Way Easements for Sedgwick County project 644-22-2013; Bridge project on 103rd Street South between Hoover & Ridge Road. CIP# B-448. District 2.
- V** [13-0080](#) Authorization to hire an Enterprise Resource Planning (ERP) Business Analyst above the minimum.
- W** [13-0062](#) A resolution adopting a revision to the Sedgwick County Health Care Reimbursement Plan. The revision will place a \$2,500 cap on the Flexible Spending Account for all ensuring plan years effective January 1, 2013.

- X [12-1053](#) Payroll Check Register.

- Y [12-1021](#) General Bill Check Register.

Z **13-0065** Order dated 2/4/13 to correct tax roll for change of assessment.

Mr. Buchanan said, "You have the Consent Agenda before you, and I recommend you approve it."

MOTION

Commissioner Norton moved to approve the Consent Agenda.

Chairman Skelton seconded the motion.

Chairman Skelton said, "Discussion?"

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I've got a problem with Item W, and since we've got a really quick motion and second, I don't know if the person who moved it and seconded would be willing to modify their motion at all, because I've got a problem with Item W, and that's the item we retained and pushed back for a week concerning the changes we have to adopt in the flex[ible spending account] plan to comply with the mandates from our friends and Washington, and so I'm going to make a request to see if they're willing, if the maker of the motion and seconder are willing to modify the motion to adopt the Consent Agenda except for Item W or not."

Chairman Skelton said, "It's not up to me, I'm the seconder. But we could discuss it right now with the motion on the table if you'd like. We don't have to pull it. If there is some discussion you have on Item W, I think it would be appropriate to discuss it right now without withdrawing the motion."

Commissioner Peterjohn said, "I'm just raising the question for the person who made it and the person who seconded it."

Commissioner Norton said, "I'm okay with just going ahead today. We had discussion at staff meeting and it didn't look like it was going to go anywhere. I'm willing to vote on it. If the Consent Agenda goes down, then we'll take that one item."

Chairman Skelton said, "Okay. Let's discuss any issues you have with Item W, Karl, if you want to go ahead with that."

Commissioner Peterjohn said, "Well, thank you, Mr. Chairman. If we go ahead with the motion and second, I'm not planning to be supportive, and it's specifically because of Item W, which is the new lower cap that the federal mandates from the ObamaCare, or as the technical name, and I think it's grossly misnamed, the Patient Protection and Affordable Care Act, has placed a new cap and lowered the amount of money that we can have as part of our flexible reimbursement plan.

"In the past, we've been at \$5,000 for regular folks, but folks with special needs children have a higher cap than that under the law that had been in place until the first of this year. They're the ones who are going to be most impacted by this change and most impacted in a very negative way. And I have my problems with our friends in Washington on occasion and other layers of government, but the ObamaCare mandate that's coming in here that we would be ratifying is not something that I'm willing to provide a vote to endorse this morning. So if I have to vote against the whole Consent Agenda this morning because of my problem with Item W, so be it. But I'd prefer to do it the clean way, which would be I could vote for the rest of the Consent Agenda, but

as the majority wants to proceed here, I'll go along and try and get along. Thank you, Mr. Chairman."

Chairman Skelton said, "Karl, I agree with you. I mean, I don't like the fact that the feds are mandating this to us, to tell us we can have a cap. I mean, they're getting in our business, and I definitely agree. People with special need children or health problems need the \$5,000 like we had before. We have to do this because it's a federal law. Is that right, Manager?"

Mr. Buchanan said, "Yes, sir."

Chairman Skelton said, "So, basically, what happens if we don't do this action? I mean, what could happen?"

Mr. Richard Euson, County Counselor, greeted the Commissioners and said, "Then the plan that we have adopted is in conflict with the law."

Chairman Skelton said, "So we'd be subject to breaking the law and whatever ramifications would come with that."

Mr. Euson said, "Well, we just have a plan."

Chairman Skelton said, "A legal plan right now."

Mr. Euson said, "We would have a plan that is not in accordance with the law."

Chairman Skelton said, "Okay, so what we are doing here is modifying our policies to fit the law from the federal government."

Mr. Euson said, "Yes, sir."

Chairman Skelton said, "And is it your opinion that we don't have a choice but to follow the law?"

Mr. Buchanan said, "Yes."

Mr. Euson said, "Yes."

Chairman Skelton said, "Okay. Thank you. That's my question. Commissioner Ranzau."

Commissioner Ranzau said, "Thank you, Mr. Chairman. This has been brought up about families with disabled children having a higher cap. Do we know, does this change in the cap affect them as well? I know that was brought up in staff, and I thought somebody was going to find that out, do we know?"

Mr. Chronis said, "Commissioners, I'm not the expert on this, but we have done some research since the question was raised yesterday in staff meeting, and we are continuing to do that research, but I will tell you that as of now we have not found any sort of an exception to the existing \$5,000 cap for special needs children. It may be out there. We haven't found it yet, and we're not aware of anybody in Sedgwick County who has taken advantage of that exception, if it exists."

“Just for point of clarification, what we are talking about here is a benefits plan that is authorized in the federal tax code as a way for employees to incur, to fund health care expenditures with pretax dollars, the dollars that they set aside in these reimbursement accounts are not subject to federal income tax for them. It is their money in their account. The federal government has set up the ability for employers to create the plans, and it has set the parameters under which those plans must exist. It defines how much money can go into that tax avoided account. It sets the parameters on how that money can be spent, that is, what sorts of expenditures of the funding are eligible for that pretax money.”

“The county has elected to offer a plan to its employees. That is a county option, but if we do that, we are required to do it in a manner that conforms with the regulations that the feds have established for those plans. The feds now have changed one of those regulations, and what we are doing with this proposed action today is simply adhering to the federal regulations governing the creation of the plans. It is the federal law that authorizes the plans. It is not a county option to provide a plan outside a federal tax law.”

Chairman Skelton said, “Thank you, sir, and I, you know, I've got to say that the, whatever you want to call it, ObamaCare or the Affordable Care Act, I mean, this is making it less affordable. This is evidence here that it's going to make it more expensive for people to get the health care coverage they need. I mean, so what more do we need? I'm going to support it because we've got to. That's how I feel. I'm going to make my decision today. So with that, I'll just go back to Commissioner Peterjohn.”

Commissioner Peterjohn said, “Well, thank you, Mr. Chairman, and I appreciate your comments, because I find myself in agreement, in terms of the opposition on it. A question for the County Counselor. Are there either criminal or civil penalties in this in the federal legislation that makes this change so if we were not in compliance with that, what sort of penalty obligation, if we were outside the parameters, because I'm familiar with some other attorney generals I know of where they've been involved in litigation.”

“In fact, the State of Kansas joined in with the original lawsuit against this federal legislation that the [United States] Supreme Court narrowly resolved five to four in favor of its constitutionality last year. But I know there are subsequent challenges and follow up challenges that are working their way through the federal court system. So I'd like to know if there are either criminal or civil penalties tied to this if we had an amount that exceeded the \$2,500 cap that is part of this federal legislation?”

Mr. Euson said, “I'm not aware of any penalties that would accrue to the county, but if the county were to allow, if the county were to proceed with its plan to allow pretax dollars to go in at the cumulative amount of \$5,000 and the law for health care reimbursement only allows \$2,500, then employees would be at risk for the additional \$2,500, and that money would be taxable to them, and so to the extent that we don't withhold for that, we certainly might have some liability, but certainly the employees would have some exposure if we allowed that to happen.”

Commissioner Peterjohn said, “When you said liabilities, can you be more specific?”

Mr. Euson said, “They would be, that money would be subtracted from their gross pay under the guise of being tax exempt when, in fact, it isn't.”

Commissioner Peterjohn said, "Oh, okay, so you're talking about the county employees when you say they?"

Mr. Euson said, "But, the county entity may also be liable for some exposure for failing to withhold money from pretax extra \$2,500."

Commissioner Peterjohn said, "Thank you."

Chairman Skelton said, "Thank you, sir. Commissioner Ranzau."

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

Chairman Skelton said, "You bet."

Commissioner Ranzau said, "I think it's very important for the citizens to understand what's going on here, and I think the discussion is important. This was part of the Affordable Care Act that now decreases your opportunity to have a flexible spending account from \$5,000 to \$2,500, and I agree with Chairman Skelton. This is actually making it more difficult for citizens to receive and provide health care for their families. It's increasing the costs. I think it shows the fallacy when people talk about ObamaCare, the Affordable Health Care Act being about providing health care or reduces costs and taking care of people. I think clearly this is more about control, and this is what happens when you operate under the idea that you have to pass the bill in order to find out what's in it even though I understand this was an amendment to it.

"Flexible spending accounts were created as a way to help people pay for the medical bills for their family and receive some income tax benefit from this. And now we're in the process of reducing this about 50 percent. It's clearly contradictory to what the Affordable Care Act proponents say they're trying to do. I think there was an article in the Eagle here a day or two ago that indicates there are a lot of things coming to light about tax increases and expenditures that we were sold a bill of goods, so to speak, and deceived about what this is really about. I think we're starting to understand. As I said before, it's about control. That's what this is about.

"Now, I'm going to oppose, I'm going to vote no on this resolution. I support all the other issues on the Consent Agenda. I do not begrudge my fellow Commissioners who will support this, because I understand we have to do this in order to comply with federal law, but I think a three to two vote in this instance is appropriate, because while we understand we're being forced to do this by the federal government, it indicates that we also understand that we are frustrated and we don't like the way this is going and in a way we can send that statement that we're not happy about it and think it's going in the wrong direction. So for that reason, I'll vote no on this. I expect a three to two vote, but for me, it's a way for us to voice our displeasure in the way that we are going."

Chairman Skelton said, "Thank you very much, sir. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chair. I have to agree with almost every comment that says I would prefer a higher limit than what's proposed in this new law. But it seems to me that when I took my oath of office and said I'd support the Constitution in the State of Kansas and the Constitution of the United States that also implied with it that I was going to abide by the laws. From all of discussion here, and

the County Counselor, and others, this is a law that we have to abide by. So I'm not prepared to vote that our Commission deliberately disregard the law even though I would prefer a higher limit. So I'm going to be supportive. I can't get my mind in a way that I can legitimately vote no."

Chairman Skelton said, "Okay. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I want to state for the record that I'm in support of all the other items on the Consent Agenda except for Item W, and I very much appreciate all of my colleagues' comments and particularly want to express my, kind of second the comments that I heard from the Chairman and Commissioner Ranzau. I understand the dilemma that Commissioner Unruh expressed, and I think a three to two vote would reflect the discomfort this Commission has over what policy changes are coming out of Washington, D.C."

Chairman Skelton said, "Thank you, sir. Any other discussion? All right. The motion on the table is to approve the Consent Agenda. Madam Clerk, call the vote, please."

VOTE

<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Peterjohn</i>	<i>No</i>
<i>Commissioner Ranzau</i>	<i>No</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Skelton</i>	<i>Aye</i>

OTHER

Chairman Skelton said, "Thank you. At this time, we have 'Other'. So I would recognize Commissioners for any other items at this time. Yes, sir. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Just a couple quick updates. This morning in Sheriff's custody, we had 1,417 people who were being detained. I want to mention in addition to the comments at the beginning of the meeting, I believe most of us, maybe not all of us, will be going up to Topeka on one of the following Wednesdays for a county meeting with the legislature later on this month, before the end of the month. I'd also like to mention last Friday I went out of county for an Extension meeting, and the one thing I heard that I think was compelling and applied statewide, actually much wider than statewide, was if we don't get some rain, the ag community is in severe distress with the drought at the moment, and I hope, let it snow, let it snow, let it snow. I'd prefer it to come down as rain. I'll take it as snow. I hope we don't get any ice or sleet or any freezing rain, but I urge everyone to be very careful out there.

"I'd also like to, at this point, thank two of my colleagues. I understand both Commissioners Norton and Ranzau were up in Topeka earlier this week testifying on Senate Bill 160, which was Health Department Accreditation, and I spoke in the other section of last week's meeting talking about some of the concerns I had. Now, the opinions expressed from Commissioner Ranzau and Commissioner Norton were on different sides of the issues, but I want to thank them for both discussing this, because I think accountability is important in this job as a County Commissioner. And as Commissioner Norton regularly has reminded us, we serve as the Board of Health here, and I think having clarity, in terms of who is actually in control, whether it's state statutes and the Department of Health and Environment from the state level that sets the parameters we're operating with, or if it's going to come from a third party, we're going to go through an accreditation process and whether that's the Robert Wood Johnson and some federal folks who will establish boundaries, I think it's important to communicate information concerning public health to our constituents, because as we've regularly been reminded, health care and providing health care is a huge industry.

"It's a huge industry in this community. I think we're close to one-sixth of every dollar that's spent is health care related. So I want to commend publicly two of my colleagues to help forward the discussion on this issue, because regardless of the fate of Senate Bill 160 and the accreditation and whether accreditation should or should not occur, I think that public discussion is important and valuable, and I wanted to publicly commend both of my colleagues this morning for taking the time to provide that public input to our elected officials at the statehouse."

Chairman Skelton said, "Thank you, sir. Commissioner Ranzau."

Commissioner Ranzau said, "Thank you, Mr. Chairman. I too, would like to say a few comments about Senate Bill 160. First of all, I want to thank Commissioner Peterjohn for his comments. I also want to address some things that were said at the hearing as well as the small log entry here in the Wichita Eagle today that contains some statements that were factually incorrect and misleading. I think it's important to clarify

for the citizens out there what this bill represents and what the intent was.

"First of all, this has nothing to do about the dispute at the Sedgwick County level. This is all about protecting the sovereignty of the State of Kansas and Board of County Commissioners and protecting us from outside entities controlling our local health departments as well as our local health policies, and it also has to do with protecting us from unfunded mandates.

"It's important for the citizens to understand that the boards of health and local health departments were created by an act of the legislature over 90 years ago. As such, it is their responsibility to oversee the duties and responsibilities and standards of local health departments in conjunction with local boards of health. It is not the responsibility of any outside organization, including the federal government or the Robert Wood Johnson Foundation.

"The Robert Wood Johnson Foundation, for those of you not aware, is a group that has long been supportive of universal health care. So if you follow the money of where this whole process is coming from, you understand, just as with the ObamaCare act, this is not really about quality or performance, as we're being told. This is about control. They want to control our local health departments, and they want to control our policies. The same people who support the intrusion of the federal government in our health care, via the Affordable Care Act, or ObamaCare, are behind this as well.

"I, as a County Commissioner, have never been told that there is a performance or quality issue here in Sedgwick County, nor has the state legislature been informed of that. If there are issues, we can certainly take care of that. Health department accreditation is really a solution looking for a problem, because as I said, there really is no performance or quality issue. It ultimately is about control. So some of the things that are required as a function of this health care accreditation is that we do a community health assessment. What that is, that's a way to socialize health problems that really should be an individual issue. I believe the health department should be limited to education and the treatment of contracting communicable diseases. But, the push behind this is to get the government involved in every aspects of our lives in health care issues that are an individual responsibility.

"For example, for those of you who fought the fluoridation issue not too long ago and won that overwhelmingly, don't think for an instance that issue will ever go away. You will continue to fight battles like this as a result of things like this, because that's ultimately the goal. They want government solutions for health issues that really are the individual's responsibility. Many of you have probably heard the discussion in New York where they want to ban soda pop in 32-ounce or larger. Don't think for an instance that policies like that won't be discussed here as results of initiatives like this, as well as other initiatives, because that is the thought process behind the people who want to control our local health departments, because they want to, ultimately the goal is to affect policy changes, and that policy change is a way to tell you what you can or cannot do in your daily life. That is my fear. It ultimately will result in unfunded mandates, and we will be forced to do any number of things in order to maintain accreditation and so forth. So, this clearly is not and was not a waste of time. It's an important discussion to have and it's important to let the public know what's going on.

"It's also important for people to know that there are a lot of initiatives going on under the guise of public health. It's included in the Sustainable Development program and a

variety of other initiatives that are, there is a momentum growing sponsored by many of the same people that have sponsored this and other initiatives. These sorts of fights, I believe, will be ongoing, and will be coming at us more frequently in the future, because the people who want to tell you how you can live your life simply will not stop with their agenda. They're going to try to push it in a variety of ways, and it's important to educate the people and ourselves to understand that they're trying to address these issues and control our lives and control health care from a variety of initiatives, not just at the federal level, but at the state and local issue.

"One of the things this health department accreditation allows proponents to do is circumvent the legislature, because they know they can't get a lot of their policies pushed through the state legislature. If they can gain control of the local boards of health, then they can direct and require certain policy decisions to be made, and that's how they can gain the control without needing approval of the legislature. So, I appreciate the opportunity to discuss this issue and clarify some of the facts and help inform the citizens about what's really going on. Thank you."

Chairman Skelton said, "Thank you, Commissioner. Is there any other 'Other'? Commissioner Norton."

Commissioner Norton said, "I support accreditation of our public health department. Thanks."

Chairman Skelton said, "Okay. You get recognized again, sir. Okay. Thank you. Well, there is no other 'Other'. Mr. Attorney, our Executive Session is cancelled for today?"

Mr. Euson said, "That is correct."

Chairman Skelton said, "So at this time, I will adjourn the regular meeting of the Board of County Commissioners."

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:22 a.m.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

*JAMES B. SKELTON, Chairman
Fifth District*

*DAVID M. UNRUH, Chair Pro Tem
First District*

*TIM R. NORTON, Commissioner
Second District*

KARL PETERJOHN, Commissioner

Third District

RICHARD RANZAU, Commissioner
Fourth District

ATTEST:

Kelly B. Arnold, County Clerk