

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



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Meeting Minutes - Final

Wednesday, June 27, 2012

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 9:05 a.m. on Wednesday, June 27, 2012, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chair Pro Tem James B. Skelton, with the following present: Commissioner David M. Unruh; 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; Ms. Brenda Stocklin-Smith, Diversity & Employee Relations Officer, Human Resources; Mr. Robert Lamkey, Director of Public Safety; Mr. Dave Thompson, Lieutenant, Fire District No. 1; Mr. Robert W. Parnacott, Assistant County Counselor; Ms. Kelli Grant, Training Coordinator, Division of Human Resources; Ms. Annette Graham, Executive Director, Central Plains Area Agency on Aging; Ms. Dee Staudt, Director, COMCARE Outpatient Services; Ms. Susan Wilson, Healthy Babies Program Manager, Health Department; Mr. Joe Thomas, Acting Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and Ms. Amanda Lee, Deputy County Clerk.

GUESTS

*Mr. Dan Houston, 5219 West 77th Street North, Valley Center
Ms. Judy Leftoff, Councilmember, City of Valley Center
Mr. Gary Lee, 5335 West 81st North, Valley Center
Mr. Anthony Sirignano, 5325 West 81st Street North, Valley Center
Mr. Warren Utecht, Community Development Director, Valley Center
Ms. Rachael Mendosa-Banning, 3235 North Lake Ridge Court, Wichita
Ms. Sue Elmer, Advocates in Community Team, Arrowhead West Inc.
Ms. Lori Angelo, Case Management, Community Developmental Disability Organization
Liaison, Rainbows United
Mr. Ron Passmore-President/Chief Executive Officer, KETCH*

INVOCATION

Led by Pastor Brent Warkentin, First Mennonite Brethren

FLAG SALUTE

ROLL CALL

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

Absent 1 - Chairman Tim Norton

Present 4 - Commissioner Karl Peterjohn, Commissioner Richard Ranzau, Vice Chair Jim Skelton and Commissioner Dave Unruh

CONSIDERATION OF MINUTES

A [12-0508](#)

REGULAR MEETING MINUTES OF JUNE 13, 2012.

Commissioner Unruh was absent.

Commissioner Skelton said, "We can probably take these items together, Item A and [Item] B for June 13th and June 18th. Are there any corrections?"

Commissioner Unruh said, "Mr. Chairman, since I was absent the first time, I'll have to abstain on the first item, and I'd like to vote affirmative on the second. So..."

Commissioner Skelton said, "Okay. That's so noted. Any other comments? Okay..."

MOTION

Commissioner Ranzau moved to approve the Regular Meeting minutes of June 13, 2012.

Commissioner Peterjohn seconded the motion.

Commissioner Skelton said, "Move and second to adopt the minutes for June 13th and June 18th with Commissioner Unruh abstaining on the 18th, or on the 13th. Okay, is that correct?"

Commissioner Ranzau said, "No. I just moved for June 13th."

Commissioner Peterjohn said, "And I just seconded for June 13th."

Commissioner Skelton said, "Okay."

Commissioner Ranzau said, "Because don't those need to be separate?"

Mr. Richard Euson, County Counselor, greeted the Commissioners and said, "The motion was for June 13th only."

Commissioner Skelton said, "Okay. All those in favor of the motion say aye, or Madam Clerk, please call the vote."

VOTE

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

Commissioner Skelton said, "Okay. Is there a motion for approval for June 18th?"

A motion was made by Commissioner Ranzau, seconded by Chairman Peterjohn, that this Minutes be Approved. The motion carried by the following vote:

Absent: 1 - Chairman Norton

Abstain: 1 - Commissioner Unruh

Aye: 3 - Commissioner Peterjohn, Commissioner Ranzau and Vice Chair Skelton

Present: 0

B [12-0509](#) SPECIAL MEETING MINUTES OF JUNE 18, 2012.
All Commissioners were present.

MOTION

Commissioner Peterjohn moved to approve the Special Meeting minutes of June 18, 2012.

Commissioner Ranzau seconded the motion.

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

VOTE

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

A motion was made by Chairman Peterjohn, seconded by Commissioner Ranzau, that this Minutes be Approved. The motion carried by the following vote:

Absent: 1 - Chairman Norton

Aye: 4 - Commissioner Peterjohn, Commissioner Ranzau, Vice Chair Skelton and Commissioner Unruh

Present: 0

RETIREMENTS

C [12-0496](#) PRESENTATION OF A RETIREMENT CLOCK TO ROBERT LAMKEY.
Presented by: Shawne Boyd, Human Resources Director.

Robert Lamkey, Director of Public Safety, will retire July 1, 2012 after 16 years of service.

RECOMMENDED ACTION: Present the clock.

Commissioner Skelton said, "Okay. At this time, we're going to present retirement clock to Bob Lamkey. So Chairman Norton would you, I mean..."

Commissioner Unruh said, "Commissioner."

Commissioner Skelton said, "Commissioner, would you just stand and have it at ease here."

Ms. Brenda Stocklin-Smith, Diversity & Employee Relations Officer, Human Resources, greeted the Commissioners and said, "Today it's a sad day, but we are going to celebrate the retirement of Mr. Bob Lamkey, who has been the Director of Public Safety for 16 years. His retirement is July 1, 2012."

Commissioner Skelton said, "Well, I think it's appropriate that I share some comments on my favorite Public Safety Director at this time. He was hired January 22, [19]96, as a Director of Fleet Management and was promoted to Public Safety Director on September 21, 1998. He grew up in San Francisco, married his high school sweetheart, Victoria. They have two married children, daughter Marina and son Chris. This guy is a veteran and was in the [United States] Air Force from November [19]71 to November [19]95. You retired from the Air Force?"

Mr. Robert Lamkey, Director of Public Safety, greeted the Commissioners and said, "I did."

Commissioner Skelton said, "Well, congratulations. Wow. Okay. Well, hey, he's only had three employers. I've got something here that tells me he used to sell crabs for his uncles in San Francisco. Man, you've got to teach me how to do that. That sounds fun. Okay. He was in the Air Force for 24 years, and now he'll leave Sedgwick County after being here for 16.5 years. And believe it or not, if you look at this guy, you'll never guess he loves to cook, but his wife says he's a very messy cook. Okay, well, that justifies everything. I understand it now."

"His supervisors comments are, Bob has provided oversight for a number of initiatives including but not limited to the following: design and construction of Fleet Management building, relocation of the Emergency Operations Center, expansion of the Forensic Regional Science Center, upgrading of the outdoor warning systems. He also led the homeless headcount and survey to help assure services to the homeless are being delivered in accordance with the community plan. I think that's outstanding. Bob has provided superb day-to-day leadership for the Public Safety division for the last 10 plus years and before that the Fleet Management Department. So you know, they always want me to throw in some fun facts about what was number one at the time, about the song, the number one song was One Sweet Day by Mariah Carey and Boyz II Men."

You remember that song, right?"

Mr. Lamkey said, "Vividly."

Commissioner Skelton said, "We all could buy gas at \$1.28."

Mr. Lamkey said, "I do remember that."

Commissioner Skelton said, "You know what, I sure remember that, too. Madeline Albright was named first female U.S. (United States) Secretary of State and Atlanta hosted the 100th anniversary of the Olympic Games. Congratulations, sir."

Mr. Lamkey said, "Thank you so much."

Commissioner Skelton said, "And it's my pleasure to..."

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

Commissioner Skelton said, "...present you with these items for your retirement, your retirement clock and wish you Godspeed, sir. So, thank you. Would you like to speak?"

Mr. Lamkey said, "Yes. Of course!"

Commissioner Skelton said, "And then after you're done, I've got more for you."

Mr. Lamkey said, "Okay."

Commissioner Skelton said, "So just be prepared."

Mr. Lamkey said, "This experience has been tremendously enriching for me. One of the things that Bill talks about a lot is about delivering democracy, and we do that. We do that very well. Commissioners, I want to say thank you to you. You have one of the most challenging jobs that I'm aware of. You have to decide the greater good from competing values, often all legitimate in this process. An example, last week, we had citizens here who had an issue with land use, and those are the most fun for you all, but you are respectful of their position. You saw the other need in that process and used your judgment, because that's what you're elected to do for the greater good. You love and support democracy. You don't always agree, but the fact of the matter is, that's our democratic process, so whether it's 5-0, 3-2, every time you vote you're affirming what's important.

Mr. Lamkey continued, "The other thing I learned is, this whole democratic process, this is where the rubber meets the road. You know, the feds do to us, the states do to us, but local government is where people's lives get touched. And so thank you for that service to that process. Bill, you've been a great boss. You've been a great boss and mentor. You gave me this opportunity. I think you and David are the only two ones still here that were part of that hiring process. But I've learned about motor graders, and union negotiations, and criminal justice, and public safety, and a realm, a realm of learning and education, and in the course of that time, I've come to realize that this organization has wonderful folks. The privilege that I have here is I see the larger organization.

"So when I walk to work from my building and I look at the grounds, I know Dave, the guy, the grounds keeper, that nobody hardly ever sees, has done a great job in this process. When I walk in and Eula says, 'Hi, darling!' that's customer service, because everybody that comes through that door is welcomed. When DeAnn Konkol works 100 hours a week, and nobody knows it except me and her and her family, because she's committed to this organization, that's the part that works. I sent an e-mail out, you know, Kristi makes me in charge of supporting Elections, I don't know how that worked, but I sent an e-mail out to the organization saying, will you help? And I'm overwhelmed by people who are willing to give up a very long day in support of the greater good. People who join me under bridges.

"I mean, whether it's DIO (Division of Information and Operations), my friends in Human Resources and the Attorney's office, across the organization, it's absolutely wonderful. We need to be real proud of what we do. The budgeteers, I didn't think I was going to mention my friends the budgeters. This is the time of year when they work really, really hard. They're here for all hours. And what happens? You get this wonderful product, you get the information you need through this process, and so I go up every now and then to say hi and make sure they know we appreciate them.

"My friends in Public Safety, excuse me, everyday folks are out there 24/7 doing great work. The division I'm so proud of provides truth in criminal justice, answer calls for help, deliver that process, prepare us for emergencies in this whole time, tend to folks. You know, I've had the good fortune, and the bad fortune to be riding in ambulances a couple of times in my tenure, once because Bill tried to poison me, and the other time because I fell down. But what I learned is, they know I'm the Public Safety Director, but what I learned, from what I hear from other people, they don't treat me any better or any worse than anybody else. They treat everybody wonderfully in that process. And so, you know, our dispatchers, they deliver babies, but they also are the last voice to a dying officer. Excuse me.

"So anyhow, I'm damn happy to have been here. You've helped me. I've had a lot of farewell gifts in this process, and I couple of them I want to share with you. This is what I'll be wearing from now on, it goes with my suit. I got a wonderful pin. I have one of the rarest gifts, and there is a story behind this, and other people can tell you, but it will let you know, it's a humility that all Commissioners' ideas aren't necessarily great, because I have one of two or three county rings. A Commissioner had this as an idea that this would be up for sale. And guess what? We bought three, and none of them ever sold. So, not all ideas are great. But this was a great joke, and it is a surplus, Mr. Chronis assures me that it is me that it is surplus to this process. So again, there is a wonderful story behind that.

"The other, and again, I will take with me tremendous intangible memories. In my last retirement, I recognized that the work you do gets fuzzy, but you carry in your heart the people and the memories that you have through this process, and that's a great thing. There are some things that you would like to erase from your mind, however, and I will kind of end with this. Last Friday, Mr. Buchanan and Mr. Holt provided a great rendition of Hit the Road Jack in front of about 80 folks, and so where I found it to be very charming, it's one of those kinds of things that when you close your eyes, you say 'Oh, no'. Thank you very much. It's been great fun. It's been a great adventure. I am thrilled with the choice of my successor. He will do a wonderful job. Thank you all so much for the support that you've given me and the relationships that we developed. I will

remember it forever. So thank you so much!"

Commissioner Skelton said, "Bob, now the Fire Union wants to make some comments, and I don't know if this is, after that, if that's going to be a roast or not. So I'll let them proceed to the microphone at this time."

Mr. Dave Thompson, Lieutenant, Fire District No. 1, greeted the Commissioners and said, "Wow, what a day, right?"

Commissioner Peterjohn said, "Welcome."

Mr. Thompson said, "Welcome. Dave Thompson, Union President, [IAFF] (International Association of Fire Fighters) Local 2612 Sedgwick County fire fighters. Bob took over as the Public Safety Director as I had nine months on the job and was placed in the Vice President's position with the Local. I wasn't elected, I was appointed by then President Jeff Cowley, and I got to sit in a hostile negotiation session for, what was it, about 9 months that we drug that out? The relationship that we built in that time has brought me to now I have 15 years on, and I've shared that space with Bob Lamkey this entire time. Sedgwick County fire fighters, Sedgwick County Fire Department, Sedgwick County as a whole is a better place to be with Bob Lamkey. We have come so far, so fast with relationships, building bridges instead of building walls, offering olive branches.

"But the one thing that Bob always brought to our table was its okay to disagree; it is never okay to just be disagreeable. And we really, really, really instilled that in every discussion we had. Whether we agreed, whether we disagreed, we always shook hands. We were always, always forthright and honest, and we always managed to find a way to go have lunch, drink a beer in the evening sometimes, unwind on what was bothering us. This is a guy who would answer the phone at any time of the day. He would be there for any event, any employee in Public Safety that had an issue, had a problem, personal or professional. Plenty of times the phone would ring, hey, do you need something, whether it was on my end of the plate or on the Fire Chief's end of the plate. If he knew something was going on that we were struggling with, he would always offer advice for me at least, and I know the Chief can speak for himself and say the same.

"But with that, irony will have itself, your presentation case is not complete. Obviously there's wildfires' going on right now, and a couple of our medallions that we had custom-made for Mr. Lamkey's case were delayed. I obviously I called my supplier and said I need the case now, we'll get the medallions to him later. But as irony has it, wildfires delayed a few parts of it. They'll be great, hopefully we'll have them by Friday when we go to lunch and we can take a great picture of it is share it with everyone.

Mr. Thompson continued, "So, with that said, on behalf of the members of Sedgwick County Fire Fighters [IAFF] Local 2612, I would like to present you with this axe. The medallions will come with it."

Mr. Lamkey said, "Thank you, sir. I appreciate that. I'm sorry. I've got to say one more thing. One of the things, and we are unique. If you look across the country, conflict between labor and management is not uncommon in this process. Under Dave's leadership, under Bill's guidance, we've established a relationship that allows us to communicate honestly and forthrightly. We understand that we have more common interests than different, and it really is an unusual thing, and that's because of the

Chief Curmode's leadership, Dave's leadership, Bill, your leadership and you as a Commission in allowing us to operate that way. So, thank you so very much. Thanks, Dave."

Commissioner Skelton said, "Bob, you're not done yet. There's more. I mean, you know, we want to make this the most memorable event possible for you, so now at this time we have a video by Chairman Norton."

Mr. Lamkey said, "Thank you."

VISUAL PRESENTATION

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

Commissioner Skelton said, "And Bob, there's more yet, sir. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman, Pro-Tem. Bob, I've only had the pleasure of working with you for the last three and a half years that I've had the privilege of being able to sit in a Commissioner's chair up here. But the work that you've done with the Fire Department in particular, and some of the new stations that you and I have both been there at some ribbon cuttings, and I'm just absolutely delighted to see the special awards you've received from the Fire Department today, but also the EMS (Emergency Medical Services) facilities, too, that are equally important. But, we've worked most closely between the two of us on the Criminal Justice Coordinating Council (CJCC), and I think it would be very unfortunate if we didn't mention the very important role that you played.

"Because shortly after I became a Commissioner here, we were in a situation where we would have plenty days where we would have over 1,700 people, some days over 1,750 people in detention, in the county jail, and it was a huge, huge challenge, trying to keep this community safe at a reasonable price. You played such an important role when you chaired the Criminal Justice Coordinating Council in the time when we helped bring these numbers down. And today we're well under 1,500, and I am just, I am so appreciative of having the privilege and honor of having been able to work with you these last three and a half years. But I will say this also on the election side of things, Tabitha is always looking for help at the Election Commission, so before you leave town, there is an election coming up, and we are looking for volunteers."

Mr. Lamkey said, "Thank you, sir."

Commissioner Peterjohn said, "Hey, Bob, all the best."

Mr. Lamkey said, "Thank you so much."

Commissioner Peterjohn said, "It's been a tremendous pleasure. I want to wish you and your family all the best as you step forward into the next phase of your life."

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

Commissioner Skelton said, "Thank you. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Well, Bob, I also want to

express my appreciation and gratitude for the great work that you've done for citizens of Sedgwick County and for our government structure. As some of the comments that have already been made, I don't want to just repeat everything, but I want you to know my sincere appreciation for your leadership. Our whole Division of Public Safety is a lot of responsibility, and I know, as you expressed in your comments, that you've had help and support from some really dedicated and talented people to make this work. But, you were the person who was designated to lead that and you've done a great job.

"And as has been said, I appreciate especially your work with the Criminal Justice Coordinating Council and the way that you took the suggestions from the Institute of Law and Public Policy and helped us put those things in place so that we could have better control of our offender population. And enjoyed the times we've had as we've gone to justice and public safety strategic council meetings and appreciated your leadership there. You've demonstrated that you were an expert in these to people all across the country. And so from a Commissioner point of view, I was proud to say he represents Sedgwick County. So, you've done a great job for us. You've been a good friend and a good leader, and we will miss your leadership, but thank you, and as others have said, good luck."

Mr. Lamkey said, "Thank you."

Commissioner Skelton said, "Commissioner Ranzau."

Commissioner Ranzau said, "Thank you, Mr. Chairman. Bob, I've only had the opportunity to work with you for about a year and a half, and I want to say that I appreciate all the work that you've done for us and for me specifically. You know, when we got into that P[roject]25 system, I asked lots of questions."

Mr. Lamkey said, "Good questions."

Commissioner Ranzau said, "We got into some areas and technical details, and without exception, you got an answer for me. And I was, that was important. I think that's important. That's how we serve the public, to make sure that the end decision was a good decision, and we really got into the meat of that decision, and I appreciate that. As a new Commissioner, it was very helpful and rewarding to have someone to work with like that. I hope you've warned Chad what he's getting into."

Mr. Lamkey said, "I have. I mean, he's well prepared."

Commissioner Ranzau said, "But congratulations to you and your wife and good luck in retirement."

Mr. Lamkey said, "Thank you so much."

Commissioner Skelton said, "Well, Bob, I really hate to see you go personally. I've known you for several years, and I even liked you when I was at the City of Wichita."

Mr. Lamkey said, "That's high praise."

Commissioner Skelton said, "It's a cumulative thing for me. So, you know, I really hate to see you go. One of the reasons is I can see you truly care, and you're polite, and professional. Those are top tier items for me. And the next guy coming up, which Bill is going to introduce in a minute, we're going to hold him to the high standard. So thank

you, sir.”

Mr. Lamkey said, “Well, thank you so much.”

Commissioner Skelton said, “And congratulations.”

Mr. Lamkey said, “Again, it's been a great pleasure, a great adventure, and Victoria and I will be enjoying our first grandchild in December. So, we're looking forward to that, and taking some time off, doing some travel, and then I'll figure out how to do some stuff as a volunteer.”

Commissioner Skelton said, “Yes, sir. Thank you. I've got volunteer work, too, so call me.”

Mr. Lamkey said, “Okay, thank you so much.”

Commissioner Skelton said, “Okay, at this time, I will recognize the Manager to introduce the new Director of Public Safety.”

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, “The old English tradition, when the king would die, they would say, the king is dead, and then they would introduce the new heir apparent, long live the king, and so that's kind of where we are today. We went through a process to hire Bob's successor and had a group of people do some interviews. We've interviewed a number of candidates, we took a hard look around on what the skill set was needed, and it was clear in my mind that Chad VonAhnen is the person to do that job. Chad started his career in Iowa and then got wisdom and decided to move to Kansas. He did something quite unusual as a mid career person, deciding to become an intern.

“He wanted to be in management and thought that was the best career way to do that. People were concerned that we had someone that old to be an intern, but he proved to excel. He worked in the Budget Department for a number of years, which has given him the great background in finance work and with Kristi in community relations, and so has built relations around the community, and now at CDDO (Community Developmental Disability Organization) has taken it to a new level. And we expect very big and hard shoes to fill, but I'm sure Chad will do a great job. I want to introduce the Public Safety Director for Sedgwick County, Chad VonAhnen. He will start July 9th. Congratulations.”

Mr. Chad VonAhnen, Director, CDDO, greeted the Commissioners and said, “I would just like to say thank you all very much for the opportunity. I always knew Bob had enormous shoes to fill, but after this morning, I think those are gigantic.

“So I'm going to miss dearly the work of the great staff we have here at the CDDO and some of our developmental disability service providers that are here today as well. They do great work for the community, and I'll miss that. But I'm greatly looking forward to this new opportunity and new challenge and the fine folks in Public Safety. So, thank you.”

Commissioner Skelton said, “Thank you. Okay. I thought when the Manager was talking about English tradition, I thought he was going to say, off with his head.”

Mr. Buchanan said, “Well we'll see how it goes, maybe.”

Commissioner Skelton said, "Okay. All right. Well, Manager, you had recommended Item G before we proceeded. Is that appropriate at this time?"

Mr. Buchanan said, "It is if it's okay with the Commissioners."

Commissioner Skelton said, "Yes, okay. Could I have Madam Clerk call Item G then, would that be appropriate sir?"

Mr. Buchanan said, "Yes."

Commissioner Skelton said, "Okay, Madam Clerk."

G [12-0469](#) CONSIDERATION OF A GRANT IN THE AMOUNT OF \$2,827,873 FOR THE KANSAS DEPARTMENT ON AGING (KDOA) FY 2013 AREA PLAN.

Presented by: Annette Graham, LSCSW, Executive Director, Central Plains Area Agency on Aging.

RECOMMENDED ACTION: Approve the FY 2013 Area Plan; Authorize the Chairman to sign the application and other related documents necessary to complete the grant process and to establish the budget authority.

Ms. Annette Graham, Executive Director, Central Plains Area Agency on Aging, greeted the Commissioners and said, "The Central Plains Area Agency on Aging has been receiving Older Americans Act federal funding for 32 years. The Kansas Department on Aging requires area agencies on aging to submit a plan once a year that outlines how those federal funds will be spent in the planning and service area. Central Plains Area Agency on Aging consists of three counties, Butler, Harvey and Sedgwick counties. Based on the 2010 census, there were close to 101,000 seniors, 60 and older, in those three counties. And these funds are to provide services for those counties. The Central Plains Area Agency on Aging Advisory Council, which is made up of members from all three advisory councils, which are appointed by the governing board, the Harvey, Butler, Sedgwick County Commissions appoint those individuals, have approved this plan on May 16th.

"The plan was then taken to the Harvey County Commissioners, and the Butler County Commissioners for review. They have approved it and authorized Sedgwick County as the governing board of that agreement to sign this. This is for the federal fiscal year that begins October 1, 2012 and runs through September 30, 2013. The area plan does identify the way those funds are to be spent in broad categories.

Ms. Graham continued, "Under Title III, that's the Administration dollars, \$101,409. Title III B is Support and Community Services, at \$456,754. Title III C-1, Nutrition, is the Congregate Meal program, and that includes both federal, state and NSIP (National Services Incentive Program) money, which is some national supplemental program money, and that is \$553,261 from the federal, \$23,030 from the NSIP, \$74,674. Title III C nutrition is the Home Delivered, also known as Meals on Wheels program, federal money of \$398,832, state dollars \$789,353, and NSIP of \$164,684. Title III D is the smallest program, and that is the Health Promotion and Disease Prevention. That is \$35,880, and Title III E is the Family Caregivers Support [Services] program at \$229,906.

"These are estimated dollars. These are based on the 2012 dollars that we received. As you know, the federal budget has not been finalized yet, so we just use planning dollars. So the providers that we contract are aware of that, because the majority of this money is contracted out to of variety of providers in those three counties. Now, some of those providers are directly to Harvey and Butler County, so under some of programs they submit requests for proposals and are the finalists that receive the funding to provide those services in their counties. However, all of our providers are encouraged to provide services in all three counties to meet the needs of the seniors age 60 and older across our planning and service area.

"The grant period, as I've told you is, the total grant amount of all sources is \$2,993,629. Of this, there is a required match that Sedgwick County pays \$165,756

that has already been approved in the Sedgwick County Department on Aging mill levy budget. Harvey and Butler counties also provide match based on the percentage of dollars they use, and that estimated match is \$42,387. And then the providers also help and provide some match money for the different funds. So the total budget, as I told you is, and I would can request that you approve this and authorize the Chair and would be happy to answer any questions."

Commissioner Skelton said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Annette, help me out with the figure. The background information, I've got, when you ran through the figures it talks about required match of \$165,756, but then it says Sedgwick County responsibility \$42,387. So I want to understand, are we talking about Harvey, Butler and the other providers providing the remainder of the match, the difference between \$42,387 and \$165,756 figure, or something else?"

Ms. Graham said, "There must be some error. The Sedgwick County required match is \$165,756, and the \$42,387 is the amount of Butler and Harvey combined put in for match dollars."

Commissioner Peterjohn said, "Okay. So, is, okay well, then do you have that background information that I'm working from available to you?"

Mr. Buchanan said, "It's on page, your second page, Annette."

Ms. Graham said, "My second page. Oh. Okay, and I think the comma was in the wrong, the paragraph mark was in the wrong place, because \$165,756 is the Sedgwick County responsibility and the \$42,387 is the Harvey and [Butler] County responsibility."

Commissioner Peterjohn said, "Okay. Because one of the concerns I've had when these multicounty aspects come up that we've got some protection in place to make sure that Sedgwick County tax funds are kept in Sedgwick County and not spent elsewhere. I would appreciate your comments on that point."

Ms. Graham said, "Yes. We do monitor this very closely, and that is match money that goes to the Title III B, which the in-home services program, so that is monitored on an individual basis. We monitor monthly who receives that and what county they live in. Now out of the total population of the three counties, as I said, it's close to 101,000, age 60 plus, you have to be age 60 to receive these in-home services. We monitor monthly who gets those and what county they live in. Of that 101,000 population, about 80 percent are from Sedgwick County, about 12 percent from Butler, and about 8 percent from Harvey County. But we do monitor this and make sure that we only pay Sedgwick County match on the individuals from Sedgwick County, and Harvey and Butler, the same. We bill them for their, we actually bill them for their match money based on the clients that live in their counties."

Commissioner Peterjohn said, "Okay. Let me ask you this, since this is operating on the federal budget year and not the county. Of the county's required match, how much of that is in the 2012 county budget year as opposed to the 2013? Is it proportional?"

Mr. Buchanan said, "I believe that's correct, Commissioner."

Ms. Graham said, "Sorry."

Mr. Buchanan said, "I think it would be..."

Commissioner Peterjohn said, "So one quarter in 2012 and three quarters next year?"

Mr. Buchanan said, "Yes."

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

Commissioner Skelton said, "You're welcome, sir. Any other questions by Commissioners?"

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

Commissioner Skelton said, "Commissioner Unruh."

Commissioner Unruh said, "I just wanted to make the comment that I did talk to the County Manager of Harvey County this morning, and he asked about this particular item, and they're particularly interested that it be approved. They count on these funds to administer these services of up there, and I'm sure the same is true with Butler County, and this partnership we've had has been ongoing for some time where we've been able to provide services for many seniors in this particular category of need, so the opportunity to work together and share the burden with the other counties and administer it and have some sort of control I think is the appropriate thing for Sedgwick County, and I want to be supportive."

Commissioner Skelton said, "Additional comments by Commissioners? Is there a motion on the table, please?"

MOTION

Commissioner Unruh moved to approve the Fiscal Year 2013 Area Plan; Authorize the Chairman to sign the application and other related documents necessary to complete the grant process and to establish the budget authority.

Commissioner Skelton seconded the motion.

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

VOTE

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

Ms. Graham said, "Thank you."

Commissioner Skelton said, "Okay. Thank you. At this time, we will resume our agenda on Item D. Madam Clerk."

A motion was made by Commissioner Unruh, seconded by Commissioner

Skelton, that this Grant Application be Approved. The motion carried by the following vote:

Absent: 1 - Chairman Norton

Aye: 4 - Commissioner Peterjohn, Commissioner Ranzau, Vice Chair Skelton and Commissioner Unruh

Present: 0

PUBLIC HEARING

D [12-0427](#) PUBLIC HEARING REQUIRED BY K.S.A. 12-531 TO BE HELD FIVE YEARS FOLLOWING UNILATERAL ANNEXATION BY CITY OF VALLEY CENTER ORD. NO. 1145-07.

Presented by: Robert W. Parnacott, Assistant County Counselor.

RECOMMENDED ACTION: Open the public hearing, hear testimony from the landowners and city, close the public hearing and make the required statutory finding.

VISUAL PRESENTATION

Mr. Robert W. Parnacott, Assistant County Counselor, greeted the Commissioners and said, "This is one of our postannexation hearings we hold. You are required to hold them five years after an annexation was done after a city that they were required to provide a service plan, this is City of Valley Center. We have a map up on the screen that shows you in blue the city limits, and the red parcels are the parcels that had been annexed into the city back in June of 2007. And this is the purpose of today's hearing, is to consider whether the city has provided services to those parcels as provided for in the service plan they prepared in conjunction with that annexation.

"The map, or the annexation ordinance consists of 24 different tracts. One of the tracks however was a subdivision that consisted of 8 parcels, so we're looking at about 31 separate parcels that were annexed at the time. We've sent out notices to all the landowners that had been annexed. We gave them a prehearing questionnaire. We got two responses back out of the 30 or 31 notices we sent out on that. We then had a city response to a similar questionnaire. This is all in your backup.

"The city council has also passed a resolution stating their belief. A majority of the city council person's belief that they have provided services in accordance with the plan. Early this morning, I received an additional e[lectronic]-mail that has now been distributed to you, it has also been provided to the city, that was from Gary and Jennifer Lee raising their comments on the annexation plan. We received some additional submittals, however I want to caution you at this point that the law allows you to consider testimony at the public hearing from the city and from the landowners in the area annexed. And I have also interpreted that to mean, when they say the city, to be the official representatives of the city and not particularly individual city councilpersons speaking on their own behalf or on behalf of their district. We did get two submittals from two separate city councilpersons on this. But again, I would tell you that, my belief, that is outside your record and should not be considered as part of the public hearing materials."

Commissioner Skelton said, "Bob, do you have a reason for that? I mean, I want, what is the reason? Why is the law written that way? What's going on with that?"

Mr. Parnacott said, "This process is entirely governed by statute. Your role and your authority is limited to what the statute says. And the statute very clearly says that you may receive testimony from the city and the landowners in the area annexed and nobody else."

Commissioner Skelton said, "What is the justification behind that statute, sir? Why did that statute come to be?"

Mr. Parnacott said, "That statute dates back more than 20 years. It came out of a comprehensive overview review and modification of the annexation laws. It created a post annexation review process for landowners to be able to challenge a city's services, that they were not provided, they could claim they were not provided services after an annexation, that was one of the concerns. And so this is a process by which the landowners are entitled to say, they promised me these services, and I did not get them.

"Because the annexations are directed to specific parcels and the service plan is prepared for specific parcels that were being annexed, the legislature chose to limit the testimony to those persons who had been annexed, and then, of course, the city has the right to defend their service plan, defend the services they provided and to testify on behalf of the city."

Commissioner Skelton said, "Okay, so this is based on a majority vote of the City Council of Valley Center then?"

Mr. Parnacott said, "The annexation was done certainly by a majority. The service plan was adopted by a majority.

Mr. Parnacott continued, "The resolution that is in your backup that states the city council's position, is that the services were provided, was done by a majority of the city councilpersons."

Commissioner Skelton said, "So the city representatives are representing the majority view of the city council, is what you're saying here today? Ma'am, you will be recognized in a minute."

Mr. Parnacott said, "We do have...I'm sorry."

Commissioner Skelton said, "There's no comments allowed until you're recognized."

Mr. Parnacott said, "We do have a representative of the city. Warren's here and he will speak at the public hearing on behalf of the city."

Commissioner Skelton said, "Okay. That answers my question. Commissioner Ranzau."

Commissioner Ranzau said, "Bob, you said the statute says that we'll hear testimony from the city and the landowner and nobody else. It doesn't actually say 'and nobody else'; is that correct?"

Mr. Parnacott said, "It also doesn't say 'and anybody else'. When the statute omits something, then we assume it means that those people are not included."

Commissioner Ranzau said, "Well, you may assume that. My reading of it says that we shall, again, it says we shall hear testimony from the landowner and the city. That mandates that at the very least we hear testimony for it. There is nothing in that statute that it precludes us from hearing from elected officials who represent people in there. There's nothing that prohibits that. Beyond that, you can have a discussion about what is the city. Is it one person or one viewpoint within the city? The position of the city council on this particular issue is not unanimous. I believe it's imperative as elected officials to understand that, to understand that there are city elected officials who have

a different viewpoint and to understand why they would have to do that. This is a representative republic here, and that's just part of what we do here, and the idea that we can't hear from other electorate officials is absurd, and I don't find any statutory prohibition on that.

"This is a quasi-judicial hearing, quasi. We are not a court. But even in any court, they make judgments about what testimony can and cannot be included, and this is no different. It's a basic responsibility I have as a County Commissioner to communicate and understand what other elected officials feel about things that are going on, and I think we need to understand that simply because Warren is here representing the majority view, it's important to understand that there is a minority voice out there. And in fact, my understanding is that three out of the six council members who represents these annexed areas don't believe the service plan has been met. That's important to know."

Mr. Parnacott said, "Well, let me just add and clarify that where I'm coming from is again from an evidentiary standpoint. I mean, what would happen, hypothetically, if you took that testimony is relied upon that testimony from people outside the area annexed and outside the representatives of the city, and you relied on that testimony or that information provided in making a finding either for or against the city that they had provided services, and then we had to litigate that in court.

"A judge would very likely find that that evidence is not what we call competent evidence. And if you make a finding that's not supported by substantial competent evidence, in all likelihood the court will overturn your decision and direct you to have another hearing. So that's the concern, I think. It's not so much that you hear the information, it's whether you rely on the information in making your decision."

Commissioner Ranzau said, "You're telling me that the city council people who are elected is not considered, what did you say?"

Mr. Parnacott said, "The technical legal term, unfortunately, is competent."

Commissioner Ranzau said, "Competent...okay, well that's..."

Commissioner Skelton said, "That's very technical."

Mr. Parnacott said, "And that is a legal term. It does not mean anything about their capabilities. It just means whether that evidence can be considered in a court of law. In a medical malpractice situation, for example, you couldn't have a nurse testify on whether a doctor had committed malpractice because the nurse isn't competent to testify to the standard of care. The nurse may be competent to testify as to what happened, but she certainly couldn't offer opinion testimony. So, that's kind of what we're looking at here."

Commissioner Ranzau said, "I understand, but I think that elected city officials are competent to determine, to give us testimony on what's going on in the last five years in the areas they represent. And quite frankly I think the city is not just one person, is

not just one viewpoint. It's everything, and I think it's important to hear, I'm not inclined to silence anyone."

Commissioner Skelton said, "Okay. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you. Bob, question for you, do you happen to have in front of you a list of the people who own the properties that are under this hearing and would be considered, you know, whether we have a broad or narrow definition of competency for being able to testify at this hearing? Do you have that full is in front of you?"

Mr. Parnacott said, "I do. When we have one of these hearings, we get the annexation ordinance using the legal descriptions provided in the ordinance. We send that to a licensed abstracter. They prepare us a list of names and addresses of the owners, so I do have that."

Commissioner Peterjohn said, "Let me ask you is there a Gary and Jennifer Lee of 5335 West 81st North, Valley Center on that list?"

Mr. Parnacott said, "They are on that list. That was the e-mail that was distributed this morning, and so they are competent, and you can consider that as part of your record."

Commissioner Peterjohn said, "How about Mr. Dan Houston? Spelled like the city in Texas."

Mr. Parnacott said, "I do not show him on my list of owners."

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

Mr. Parnacott said, "Also, Mr. Peterjohn, Commissioner Peterjohn, you had asked me to make sure that I put into the record the size of the tracts. The parcels are generally from three to seven acres in size. The subdivision parcels are five acre lots generally, but that's the nature of these lots that were annexed."

Commissioner Peterjohn said, "So seven acres is the largest of any of these..."

Mr. Parnacott said, "Yes."

Commissioner Peterjohn said, "...any of the parcels. And so they're well under, if the current state law is that if you can avoid a mandatory annexation, forced annexation if you own property that is, is it 20 acres?"

Mr. Parnacott said, "There are some limitations on properties that are over 21 acres, so all of these are well under that and there is no challenge to the actual annexation itself that was made at the time."

Commissioner Peterjohn said, "So if it's 21 acres or more, you can avoid forced annexation. Okay. Thank you Mr. Chairman."

Commissioner Skelton said, "Commissioner Ranzau."

Commissioner Ranzau said, "I know we're going to have a public hearing."

Commissioner Skelton said, "Yes."

Commissioner Ranzau said, "I'd like to disclose my ex parte communications, if that would be appropriate. I have several."

Mr. Parnacott said, "Yes, if there were any ex parte contacts, you would make those disclosures when we get ready to have the hearing."

Commissioner Skelton said, "Yes, sir. Please."

Commissioner Ranzau said, "I've had e-mail and phone conversation with Kate Jackson, who's one of the city council members who, and I forwarded her e-mail, and I think the city has a copy of that, as well. She's made it clear that she does not believe the city met the service plan. I've also had an e-mail that I received today from Al Hobsin, who is also a city councilman who says the city did not meet the service plan, and I forwarded that to our attorney. And I got an e-mail this morning from Gary and Jennifer Lee, as well, who is a citizen that lives in this area, and I forwarded that, as well."

"Last night, I spoke to Judy Leftoff, who is here with us, and she represents one of the areas, she's a city council person. And she said, she told me that originally she voted in favor, but she's done more investigation, and she now believes the city did not meet the service plan. And then I spoke with Dan Smith this morning, he called me, he represents this but he was not at the meeting and has no opinion because he wasn't there to hear the information. And also this morning I spoke with Warren Utecht from the City of Valley Center who made his case and why he thinks that they did. So, that's my list of people that contacted me in a variety of ways about this issue."

Commissioner Skelton said, "Okay, well, I think I can say safely that Kate Jackson sent the e-mail to all the Commissioners."

Mr. Parnacott said, "Yes."

Commissioner Skelton said, "So I would believe all Commissioners have had that communication with her. So there's my ex parte communication, with her only. Yes, sir. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. I have not had any phone or face-to-face conversations with anyone that would be ex parte communications, have received several e-mails that have already been mentioned, so I just want to say that for the record at this time."

Commissioner Skelton said, "Okay. Commissioner."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I will also add in, in terms of ex parte communications, that I have been involved with the e-mail exchange with Councilwoman Jackson and also have received the other e-mail material and ex parte communications with people who I believe are considered competent under the law to consider testimony from. So, I want to get me ex parte communications on the record, like my colleagues."

Commissioner Skelton said, "Okay. Thank you. All right, is there other to..."

Mr. Parnacott said, "A few more things to tie up. To the extent you do want to consider that information that was submitted by people other than the landowners and the city representative that's here, we've had the city also respond to the submittal from Ms. Jackson, councilperson Jackson, so you might want to concern that. If you're going to consider the other, you would have to consider them together. I think you also, to the extent you consider that, have to look at, again weighing the evidence, how specific the claims are, do they go to services that are mentioned in the service plan or do they raise issues that are not related to the service plan. So even if you consider that evidence, I think you have to take a good hard look at it and see how much weight you should provide that. Usually at this point I will go over the service plan quickly and give you the highlights of what the service plan promised, add any comments from the materials we received and recommend that you open the hearing."

"The service plan was fairly basic and limited, but that is the service plan that you have in front of you, so that's what you have to be looking at. Fire and police services were to be provided at the time of the annexation. Street lights were to be provided as per a city plan. We've been doing these annexations with Valley Center, these reviews for several years now. And when we first started them, we found out that they had not prepared that street light plan at the time we were having our post annexation hearing. Mr. Parnacott continued, "They rectified that and adopted a street light plan. So they were able to adopt a street light plan during that five year period, and I understand that the city has responded. They have provided street lights in conformance with that plan that they've adopted."

"Similarly, they had a promise in the service plan that they would provide emergency siren coverage as per city plan. That plan was also adopted during that five year period, so it's in place, and I understand the sirens are available."

"Sewer and water were only to be provided upon petition, and then roads were generally, in this particular service plan, they noted the roads were primarily in the county and township's responsibility and the city had not annexed any of the roads. So, they have provided some services, the city response, their service plan response indicates what grading they've done and what other maintenance work they've done. So that is what's in front of you right now. You have had submittals, some you should consider, some of them, if you choose to consider, you can, I suppose. But at this point, I would recommend you open the public hearing, receive any testimony, and then after you've heard all the testimony, close the hearing and make the appropriate findings."

Commissioner Skelton said, "Mr. Parnacott, okay, this has been going on for a year. Every time we've had several of these Valley Center annexations come before us, and every time you tell us the service plan is inadequate or weak. Okay, you know what, okay, after all of this time, I am tired of that. I don't want to be presented with that which is inadequate or weak. We all have a professional duty here to do the maximum we can for the public. So my question is, is how much longer are we going to have to tolerate here on this bench asking to support weak service plans?"

Mr. Parnacott said, "Well, we, again, are at the mercy of the cities, in terms of they prepare the service plan at the time of the annexation, and you don't see it until five years later, although it's now been changed of course and you'll start seeing these post annexation reviews come three years after the annexation. We also do not see the service plan generally at the time of the annexation. That's another change in the law."

We're going to start seeing the service plans upfront, and so if we see a service plan that we feel is inadequate or that is going to present us problems down the road when we do a postannexation review, we'll have an opportunity at that point to tell the city, we thing your service plan may be inadequate. This service plan here, however, was prepared five years ago. At a time, before some of the present city administration was there. It's unfortunate, but those are the service plans that were used at the time, and that's what we've had to deal with."

Commissioner Skelton said, "Okay. That's fine. I appreciate that. But you're telling me they're going to get it right next time when they come back, if they should have another annexation. Is that what you're...?"

Mr. Parnacott said, "I can't guarantee the cities are going to get it right. But I think they will try..."

Commissioner Skelton said, "I will respect that. I'm telling you what, I'm just, you know, over and over and over, I'm asked to approve something that's substandard and that doesn't go well with me. I mean I'm just really tired of it and based on that fact my future votes may be impacted by that. Because if somebody knows something is wrong, I say get it right ASAP (as soon as possible).

"And if it takes five years to get it right, well that's just a shame in my opinion. But those are my comments. Commissioner Ranzau."

Commissioner Ranzau said, "Thank you, Mr. Chairman. Bob, I know you're trying to be nice, but let's clarify. When you say the plans are lacking and inadequate, this is the service plan. What you're really saying is they didn't follow the state law. Is that correct?"

Mr. Parnacott said, "Yes."

Commissioner Ranzau said, "They did not include items that they were supposed to include?"

Mr. Parnacott said, "Yes."

Commissioner Ranzau said, "For example, a sketch that has at least three things that are supposed to be in there. They're supposed to have an estimated cost, et cetera, and a variety of other things that are supposed to be included, and it simply was not. So they didn't follow, they violated the state statute when they did this?"

Mr. Parnacott said, "They didn't comply with state statute, you're correct."

Commissioner Ranzau said, "Okay. And beyond that, there are, in the one page they did provide, there are actually, for example, inaccuracies here. It says the road is currently maintained by Grant Township. Well, that's true for part of it, but some of them are actually, is maintained by Valley [Center] Township. Is that correct?"

Mr. Parnacott said, "Yes."

Commissioner Ranzau said, "So I just want to make sure that when we say it's inadequate or lacking that they just failed to comply with the state statute, and the one that they did provide has inaccuracies in it, and it's just, most of the service plans we've seen before were are at least several pages in a packet. This is it. All right,

thank you."

Commissioner Skelton said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chair. Bob, I need a little help understanding what is our responsibility here? Are we supposed to decide that they have fulfilled the service plan as presented or are we supposed to make a judgment on whether that service plan was consistent with state law? Where lies our responsibility?"

Mr. Parnacott said, "Again, the statute is very narrowly drawn, that your responsibility is solely to determine whether the city has provided services in conformance with the service plan prepared at the time of the annexation. So you're not here to determine and rule on whether the service plan is adequate or not. Obviously an inadequate service plan presents you some challenges in reviewing whether the services have been provided. But to the extent the service plan that was adopted back then is what it is, you have to look at it and determine only whether the city provided the services in conformance with that service plan. There's an opportunity for landowners to challenge the service plan at the time of annexation, and that very well could have been done, it apparently was not done. So again, you are stuck with this service plan."

Commissioner Unruh said, "So without considering the quality or the comprehensiveness of the service plan, only on whether or not they fulfilled it, we are also supposed to, according to your interpretation, consider evidence from landowners or the official position of the city?"

Mr. Parnacott said, "Yes."

Commissioner Unruh said, "And dissenting members of the city council, according to your interpretation, they do not represent the official position of the city?"

Mr. Parnacott said, "That's correct, just like an individual, any individual council person or commission member doesn't represent the commission as a whole. The commission acts as a body. The city council acts as a body. It's a governing body."

Commissioner Unruh said, "Well, I want to make my considerations in such a way that's in conformance with what our responsibility is and what can be defensible in case there is litigation subsequent to this action. So that's why I have my question. So thank you. That's all I have."

Commissioner Skelton said, "Okay. Commissioner Ranzau."

Commissioner Ranzau said, "One other thing, in addition to the requirements of the service plan, the state statute requires them to provide service of equal or greater services than what they got prior to the annexation. Is that correct?"

Mr. Parnacott said, "The statute does use that language, yes."

Commissioner Ranzau said, "Okay. So that's another standard we can look at."

Mr. Parnacott said, "Yes."

Commissioner Ranzau said, "Once again, I'll reiterate, just as in court decisions, there are majority opinions, and there are minority opinions. The same is true with any

position of elected officials or elected body commission, city council makes. It's not one size fits all. There are differing opinions. And to say that we can't get all, I'm not going to run and hide from an elected official because we might be concerned that we might get sued by the City of Valley Center. Okay? City councilmen were elected by their people to represent them. If they have a viewpoint that's differing than the majority, there's nothing wrong with hearing the minority opinion. Thank you."

Commissioner Skelton said, "Okay, Commissioner. Bob, is there initial additionally you wish to say at this time? Okay, I will open up the public hearing at this time. Who is present that wishes to speak? Okay, all right. Well, I'll just recognize these two folks up front, whichever one of you wishes to go first. Please limit your comments to five minutes. Thank you. And you will be allowed to speak one time, by the way. Thank you."

Mr. Dan Houston, 5219 West 77th Street North, Valley Center, greeted the Commissioners and said, "Well, the gentleman that was up here a minute ago said I didn't..."

Commissioner Skelton said, "Sir, I do apologize. Can I please get your name and address for the record."

Mr. Houston said, "Dan Houston, 5219 West 77th Street North. And this paper I got in the mail says resident number 518-07, so I should have been on that list that he was talking about. First of all, I'd like to say that I was proud the way this meeting started out with the flag salute and prayer. That honoring God and country is the way government should be. And also, I'm a poor speaker. I'm a mechanic by trade, and I'm poorly trained on government issues, but I know the difference between liberty and tyranny. And it's costing me a day's vacation to be here. I had to take off work. Now, I have no bitterness towards the people of Valley Center, only the government.

"And that government boils down to basically one, and that's the Mayor of Valley Center. They said by majority that that went through. Well, it wasn't. It was four to four. I made a mistake on a letter I sent, I said three to three. But the actual vote was four to four, and the Mayor broke the tie. And so by one vote, this is what the annexation has done for me. My property value has declined as a result. People that want to buy out in the county, that's one of the things they want to know, is can they be annexed or are they annexed, because they know it's going to cost them. Ask a real estate agent if you don't believe me. My taxes have gone up \$800, and my tax statement shows right there \$770 some dollars to Valley Center, and then we pay another \$24 a year to Valley Center for some drainage thing. I'm clear out close to Hoover Road, away from Valley Center. I have no drainage problems. And they want more. The city always wants to build swimming pools and things that the common man can't afford. This is an unexpected burden and an unacceptable burden on us two years before retirement.

"I cannot afford to maintain my place in Valley Center also. I cannot go to my neighbor and take money from him just because I'm running short without giving him some labor or something for it. But Valley Center did. I have lost faith in government. It's not of the people, by the people or for the people. It's not equal justice or service under the law. It's not protection of personal property rights. There is no consideration of what is morally right or what damage is caused to families. Only the will of the Mayor and three councilmen. I ask this Board to help us undo this great injustice. Please vote to end this annexation and the damage it has caused. And this room should be full of people. I've talked to people, and they see it as hopeless. They said, they're not going to

listen.

"It's just like that night they had the vote, we spoke, we told them we didn't want it, and it was just, they just sat there like communists, weren't interested. It was going to be their way. They already knew what they were going to do, and these people, we couldn't vote for. They were in their positions voted for by the people in Valley Center. We are outside of Valley Center. So we had no representation. And by the way, the people in Valley Center, all of them that I know, my circle of friends, and I've lived there since 1983, out there in the middle of that alfalfa field, is what it was when we bought it, and nobody that I've talked to thinks this is right.

"It's just somebody's big government plan of what they want to do with someone else's money. And there is a more capable speaker coming after me, but I would like to read one quote from Abraham Lincoln. 'We all declare for liberty; but in using the same word we do not all mean the same thing. With some the word liberty may mean for each man to do as he pleases with himself, and the product of his labor; while with others, the same word may mean for some men to do as they please with other men, and the product of other men's labor. Here are two, not only different, but incompatible things, called by the same name, liberty.

Mr. Houston continued, "And it follows that each of the things is by the respective parties called by two different and incompatible names, liberty and tyranny.' Now, when we bought out there, I paid 13 percent interest."

Commissioner Skelton said, "Sir, you're going to have to conclude your comments within a minute. I'd appreciate that."

Mr. Houston said, "Okay. In 1983, when we bought that land, it cost us \$3,000 an acre. It was good land. There was good water there, because we moved from a place where there was poor water. It was good farm ground, because I like to farm, and my share of the wheat, we have almost five acres of wheat, brings a little over \$100, and my taxes is, like, \$2,200-\$2,300. So that's pretty bad. So I just ask you to consider the human side of this thing."

Commissioner Skelton said, "Thank you. Sir, we do have a couple questions. Would you please stay at the mic."

Mr. Parnacott said, "If I could interject real quickly, this gentleman is on the ownership list. If I misunderstood your question before, it was because I was confusing the names of Mr. Hobsin who is a city councilperson who sent the e-mail. But he was referring to Mr. Houston. So, Mr. Houston is part of the ownership area, is a qualified witness."

Commissioner Skelton said, "Thank you."

Commissioner Peterjohn said, "Mr. Chairman?"

Commissioner Skelton said, "Yes, Commissioner. Please."

Commissioner Peterjohn said, "If I can have a question for..."

Commissioner Skelton said, "Absolutely. Go ahead."

Commissioner Peterjohn said, "...for Mr. Houston, and I'm going to preface it first by thanking him for coming down and taking the time to testify. And I know what it means, I've been in the same position to be able to do something that needed to be done with government, I had to take a vacation day, and it's something I'd really rather not do. I wanted to clarify just for the record, you said you own five acres or is it a different size tract?"

Mr. Houston said, "It's about five and..."

Commissioner Peterjohn said, "Is it five acres plus your homestead?"

Mr. Houston said, "About five and a half."

Commissioner Peterjohn said, "About five and a half."

Mr. Houston said, "Yeah, we, like I said, I was the first one there, and then they started building up out there. And we gave land for the west of the road that goes on the west side of my property, which is a private drive, which we maintain our self, and it's a long one. It goes 10 acres down. It was 80 acres platted out to a little over 5 acres a piece.

"And since the annexation, I have seen no change except, you know, we had to go on city service trash, and there was no choice there, so nothing else has changed except what's coming out of my wallet that I can't afford."

Commissioner Peterjohn said, "Let me ask you this. How many times have you testified concerning this annexation at Valley Center City Hall?"

Mr. Houston said, "I wrote a letter. I spoke the night they had a vote, and I wrote a letter, and they just ignore me."

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

Commissioner Skelton said, "Okay, you're welcome. Commissioner Ranzau."

Commissioner Ranzau said, "Mr. Houston, I just wanted to take the time to say thank you for coming and sharing your words. 'The price of freedom is eternal vigilance.' [Thomas Jefferson] And I share your frustration with government sometimes. That's why I decided to run for office, and now that I'm here, I'm still frustrated. Sometimes I still don't think it matters or makes a difference, but we can't give up. We've got to continue the fight, and I appreciate you coming here sharing with us. Thank you."

Commissioner Skelton said, "Okay, ma'am. Were you wanting to speak also, please? You're welcome."

Ms. Judy Leftoff, Councilmember, City of Valley Center, greeted the Commissioners and said, "I'm about 10 blocks from city hall. I am a council member, I'm a newbie, so a lot of this is new to me, but I have spoken to people in Valley Center, not only in my area one, but in all four areas, inside the town and outside, and in annexed areas. And I have spoken to maybe two or three families who would like a new swimming pool indoor, but the rest of them, I would say more than 50, cannot afford it. They cannot afford being outside of town and paying for water service that they do not get, sewer service that they do not get, not even a street light, and then we have a monopoly for the garbage collections. So I'm wondering previously, previous to my seat in the city

council, what happened? Is the philosophy to quickly grab annex, annex, quickly charge the taxes, this expense, this expense, this expense, and then for five years let it wait in limbo while we continue to collect the tax? It doesn't seem fair, and I'm here to speak to that point.

"Why should people pay the extra water tax and sewer tax when they have septic tanks and wells? Why should people have to pay for monopoly of garbage pickup? Why is that a monopoly for out in the country? Why is it that they cannot hear the tornado siren out in the country? That should be provided, and I hear that the county is going to take that over. Please, fix it. All right. So there are some things that are happening outside even in the annexed areas that do not add up. It looks like all we're doing is being greedy, and I took my council pin off. I humbly come before you disappointed, because we're not treating our own citizens right, and as an elected councilperson, I'm supposed to represent the citizens. That's all."

Commissioner Skelton said, "Thank you. Any questions? Yes. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Question for you, and this goes to the issue.

Commissioner Peterjohn continued, "Bob, was this member of the city council on the list of people who reside in the area or is she, she's got people who are in her district who are in the area? Could you please clarify where you view her testimony as under, I hate to use that word competency, but I..."

Ms. Leftoff said, "Don't use it."

Commissioner Peterjohn said, "Well, allowable. Let me use this as a synonym. What is allowable under these circumstances under your interpretation, Bob?"

Mr. Parnacott said, "I don't show her on my list of ownership. Again, we have the parcels flagged in red. She had indicated she lives about 10 blocks from city hall, roughly."

Ms. Leftoff said, "Oh, I was just being sarcastic."

Mr. Parnacott said, "Oh, okay, well, if you could point on the map where you live, that would be helpful."

Ms. Leftoff said, "Right there."

Mr. Parnacott said, "So right in the blue area and not part of the red area. So, again, the red area is who we consider to be landowners who are part of the annexation that's being considered today."

Commissioner Skelton said, "She's not on the list, right?"

Mr. Parnacott said, "Right."

Commissioner Skelton said, "Supposedly."

Ms. Leftoff said, "Sirs..."

Commissioner Peterjohn said, "As a fellow elected official, I wanted to express my appreciation for you coming down and speaking to us this morning. Thank you."

Ms. Leftoff said, "Area 1 has some read areas, and I represent Area 1. I don't live there, but I represent it as a council member. Thank you."

Commissioner Peterjohn said, "Thank you."

Commissioner Skelton said, "Okay. Commissioner Ranzau, please."

Commissioner Ranzau said, "I wanted to clarify. Councilwoman Leftoff, you represent Ward 1."

Ms. Leftoff said, "Yes."

Commissioner Ranzau said, "There are two council people for each Ward, and there are four Wards."

Ms. Leftoff said, "Yes."

Commissioner Ranzau said, "And in your estimation, has the city met the service plan?"

Ms. Leftoff said, "Has what?"

Commissioner Ranzau said, "In your estimation, has the city met the service plan?"

Ms. Leftoff said, "No."

Commissioner Ranzau said, "Thank you."

Commissioner Skelton said, "Okay. At this time, I'm going to be willing to entertain comments from the City of Valley Center."

Unknown said, "Is anyone else here?"

Commissioner Skelton said, "Are there other citizens present? Yes, sir, please, absolutely. I apologize. Thank you."

Mr. Gary Lee, 5335 West 81st North, Valley Center, greeted the Commissioners and said, "I am part of the red area. At the time all of this annexation took place, there was a rush to annex between the City of Valley Center, Park City, Kechi, Maize, and I think what we have here is a very disjointed map. Some of these people may be getting the services that fall under the service plan, but because it's spread out on three sides of Valley Center, I don't believe all of us are. Our biggest, Mr. Lamkey made a good point a while ago, it's the rubber meets the road. Well in a lot of cases, it's where the rubber meets the dirt road, and a lack of maintenance by the City of Valley Center and a disagreement with the county township.

"My biggest complaint is, I have several complaints, one of them is code enforcement. There is a disconnect between the City of Valley Center and Sedgwick County on code enforcement, whether it's stray animals, whether, and we have talked, there's one of our landowners that's inside the city, this area here, has a broken well. It's been

broken for over a year now. We're all on well water, so we're all at risk of our water being contaminated. We've called both the city and the county, and they've written citations to this person, but there is no enforcement on making them fix it.

"The road maintenance is another issue out there. On the area that we're on, it's kind of hard to see right here, it's approximately a mile road of dirt road to get there. And I've been out there since 2000, I knew there was a dirt road out there, that's not the issue. But a third of it has now been taken over by the City of Valley Center. They have a different philosophy and different schedule on maintaining that road than the county does. So equal or greater services, that's not being provided on 81st Street North. The first third of the road is a different schedule than the second third of the road, and it's never good at one time. I mean, they take turns grading, and they have different philosophies, like I said. I'd like to see that taken care of. There are no services in that area. We're on the west side of the river. So there's no city water, there's no city sewer, there's no gas out there, and if that was ever to be extended to our area, we would have to pay for that, from what I understand. That's not going to be provided by the city.

Mr. Lee continued, "And another thing I would like to know is what's the future in annexation? We're on the cul-de-sac with eight homes, five homes...five acre homes, eight of us. Three of us are annexed, the other five are not. Their annexation plan on the homes in that area went up to the property that was adjacent to the road, and that eliminated any kind of responsibility from the city taking ownership of maintaining that road, because all of the properties along these roads are county roads. So if you're inside of this area, and there's not a city road that goes to our land. It's all, it's county once you get out there. So what are the future plans? I would like to know that. I'm trying to read some of my scribbles here.

"I have been out there since 2000. I was not at the original annexation meeting. I had taken a six month overseas assignment, and I was out of the country, my family and I were out of the country at the time. But we have contacted council, Sedgwick County council members and Valley Center city commissioners [sic], and we have called city services and county services several times on issues. Let me see. Of course, this was three Commissioners ago when this started, when we moved out there. That's the biggest issue I have right now, is the, if this remains in place, is it possible for the City of Valley Center and Sedgwick County to work together in providing some of the services that we asked for? Because I don't think the City of Valley Center, like the gentleman mentioned, there is not a lot of trust with the City of Valley Center. We're all paying quite a bit more money, several hundred dollars more of money. You know, over five years, that's \$3,000 to \$5,000 for a lot of us. And when we don't receive equal or greater services, it's kind of, it defeats the purpose of coming. You don't see any benefits. So that's why a lot of people aren't here, and it is during the daytime, and a majority of the people work. So I don't have any other comments."

Commissioner Skelton said, "Okay. Any questions? Commissioner Ranzau."

Commissioner Ranzau said, "Mr. Lee thanks for coming today and testifying. Let me clarify, because you said something about equal or greater service. In your estimation, are you receiving equal or greater service now compared to what you did before?"

Mr. Lee said, "Well, I don't receive any services directly from the city, and the thing

that, the main service that it would take to get to our home is a dirt road. And when we moved out there in 10...in 2000, the county did a good job of maintaining that road. But since then, since the annexation, that's not all county road. So the road is split in half, and like I said earlier, the city uses a different philosophy on maintaining and scheduling grading of the road. The county has a different schedule, so the city might grade a third of it one week and a week later the county grades their part, and it's never good. And there has been, our home is a safe home for the bus route. And there has been a couple times during heavy rain and snow that the bus driver has called my wife, wanting to know if our road was passable for the bus to get down. Just because when it rains, it's really, it's not in good shape, and we videotaped it, and we've sent that in before. So we have evidence of the road deteriorating over the last five years."

Commissioner Ranzau said, "So it's worse than what it was before?"

Mr. Lee said, "Yes, sir, noticeably worse. It was about three years ago, I was following a neighbor, driving 40-45 miles an hour on that dirt road, and the washboards were so bad, she lost control and went off into the ditch. And everything was fine, we got out and pushed her back onto the road, but just the fact that the washboards were so severe that at normal speed limit she lost control and slid off. That's the state of the road deterioration maintenance since annexation."

Commissioner Ranzau said, "And the school bus has to call to see if it's good enough to get through?"

Mr. Lee said, "They have called my wife before to make sure that one mile section of the road is passable."

Commissioner Ranzau said, "Just so you know, I've been advocating to get 81st [Street] paved. Once I get a majority of this Commission to understand the importance of that, we'll get that done for you. But, we'll see..."

Mr. Lee said, "I guess that's just one, that's one thing I wanted to point out. This map, this annexation map is so large and so spread out, that to have a one page, like he showed, a one page service agreement that covers everyone in three, east, west, and north, I don't know how the city can do that and say that they have provided equal services. Some areas, they may. That's fine. But I just want to let the Commission know that in all areas, they have not."

Commissioner Ranzau said, "Thank you."

Mr. Lee said, "All right."

Commissioner Skelton said, "Commissioner Peterjohn, please."

Commissioner Peterjohn said, "Mr. Lee, I appreciate both your oral testimony this morning, as well as the written testimony that was provided to us, too. Thank you for coming down, and I particularly appreciate the written testimony that you provided."

Mr. Lee said, "Okay. Thank you very much for the time."

Commissioner Peterjohn said, "Are there any other citizens wishing to be heard today? Yes, sir."

Commissioner Skelton said, "Name and address for the record."

Mr. Anthony Sirignano, 5325 West 81st Street North, Valley Center, greeted the Commissioners and said, "I live one house to the north of Mr. Lee. I want to agree with everything that was said so far today, Mr. Houston and Mr. Lee. I completely agree with everything so far. I do want to add that I moved into the property about four and a half years ago, shortly after the annexation took place. So I obviously did not have an opportunity to say much at that time. Since then, we've spoken with Commissioner Ranzau, participated in local elections to get rid of the city commissioners that we didn't agree we, and I'm participating now in this Commission meeting to voice our opinion on what's going on out there.

"I do want to point out one thing that Mr. Lee alluded to a little bit, is that in our area, the county road there on 81st Street North, the first one-fourth of it is now maintained by the city, and the rest of it is maintained by the county. So that means you cannot get to our house, our private drive, by driving on the city road. Even though we currently now reside in the city. So with that in mind, how is the city going to incorporate its plan with street lights if that road is a county road to our private drive? That's all I have to add."

Commissioner Skelton said, "Okay, thank you. Questions? Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Bob, I just wanted to reconfirm with you if, Mr., help me out. I apologize, Sirignano?"

Mr. Sirignano said, "Sirignano."

Commissioner Peterjohn said, "Sirignano."

Mr. Parnacott said, "He's on the list."

Commissioner Peterjohn said, "He's on the list. Thank you. Mr. Sirignano, thank you for coming down and speaking this morning."

Commissioner Skelton said, "Okay. At this time, thank you very much, sir. At this time, any other citizens present to speak on this issue? Okay, I'd like to recognize the City of Valley Center at this time."

Mr. Warren Utecht, Community Development Director, Valley Center, greeted the Commissioners and said, "I've been put in an un-enviuous position here to represent a service plant that I did not author, but it is the service plan and I would like to suggest to you that you look beyond the service plan to say has the city provided services equal to or better than the town and the counties. I would suggest to you that I had submitted to you paperwork previously through Bob Parnacott this morning, it was a very quick response to Kate Jackson's comments, but in that you can see that the City of Valley Center, from a road standpoint, we've been striving to try and improve the roads in those annexation areas. I know that 81st Street has been on that has been talked about in previous annexation hearings. It is a road that we've been maintaining, and so we do have, do realize it is not in good shape and we continually strive to maintain it as best we can, and we'll, over a period of time, will probably budget monies for improvement to the road.

"Similarly, we did that for a subdivision on the north end of the property, I should say

the city limits, and that would be Meadow Lake Circle, and there is a picture of Meadow Lake Circle in that handout I gave to you this morning. We spent \$137,500 to do a seal coat slurry on that road, and that was in 2010 at the city's expense. We have been adding gravel to, and sand to some of these roads and trying to bring them up to better conditions, and we will continue to do that. As far as street lighting, we passed the street lighting plan in 2010 and we added 13 street lights to all of the areas that had been annexed in the last five to seven years.

"In fact, there are new street lights out in this particular annexation at Meadow Lake Circle entrance where there had not been one previously. We can say that we have provided better police service in the sense that before the annexations, the major source of police service was the Sheriff's department, excellent service, but the fact that they have eight people that are trying to cover the whole county, we were called at times to have backup. We were always there before the county Sheriff, no fault to the county. But we just are right in that area, we have four, under four officers on duty at any one time 24/7. So we feel like we have been able to provide better service for police.

"Fire protection is probably equal to or better. Our rating system was a six at the time the county was nine, the ISO (International Organization for Standardization) rating, and we have full-time fire people, as well as volunteer firemen. But in the case of a structure fire, whether it be in the city or outside of the city, there's equal service because of our inter-jurisdictional service agreements. So there's no drop in that quality of service from the police standpoint, and fire department standpoint. So I would say that we have met and actually exceeded the services that we provide to these people, and if you have any questions, I would be happy to answer them."

Commissioner Skelton said, "Sir, what about, I got some things I'll ask you."

Mr. Utecht said, "Sure."

Commissioner Skelton said, "Tell me about the mowing activity over there. What are you responsible for, what are you doing, what is not done, et cetera."

Mr. Utecht said, "Okay, all right. First of all, the mowing was not part of this plan."

Commissioner Skelton said, "Okay."

Mr. Utecht said, "Secondly, there was a lot of discussion about that. It was a debated issue last year. And it ended up that we decided that we would not be mowing ditches unless they were petitioned. Now, we have, we put that provision in the regulations because we wanted to make sure that people, if they felt that they needed to have their ditches maintained, they would. We would consider that. If you look at..."

Commissioner Skelton said, "Is that policy of petition consistent around your municipality? Is everybody treated the same way?"

Mr. Utecht said, "Yes."

Commissioner Skelton said, "So they're going to pay special to have their ditch mowed?"

Mr. Utecht said, "I am not sure how the city council would work that. That wasn't a part of the discussion. It was just said that if you wanted to petition for us to do your ditches, we would do that. However, if you look at over 90 percent of the properties in this annexation, this annexation, if you drive out and look at them, they are almost all swales rather than deep ditches. They were mowed by those people before the annexation..."

Commissioner Skelton said, "By those people?"

Mr. Utecht said, "By the people that lived out there."

Commissioner Skelton said, "Oh, the residents."

Mr. Utecht said, "Right."

Commissioner Skelton said, "Okay, thank you."

Mr. Utecht said, "And they mowed, and they are still mowing them after the annexation, because again they are not deep ditches, they are just simply swales in the ground. So they are easily mowable, and we've never mowed them before and neither did the county."

Commissioner Skelton said, "I understand that. There's different areas that have different needs, so I understand that if they want their ditches mowed they have to submit a petition to the city council."

Mr. Utecht said, "That's right."

Commissioner Skelton said, "And is that part of the service plan?"

Mr. Utecht said, "That was not part of the service plan."

Commissioner Skelton said, "Okay, all right. Okay, now what about water and sewer service?"

Mr. Utecht said, "Water and sewer would be petitioned by them, because they already have water and sewer. I am not sure where the thought is coming that they are paying for water and sewer service."

Commissioner Skelton said, "Okay, well that's done, that's widely used that if you want water in subdivisions or new areas you petition for it and the same with sewer."

Mr. Utecht said, "Exactly. Correct."

Commissioner Skelton said, "So, is there any water and sewer service in this area at all?"

Mr. Utecht said, "I don't believe so."

Commissioner Skelton said, "What about street lights?"

Mr. Utecht said, "As I said before, we passed a street light plan in 2010, and we have since then have installed 13 street lights throughout all of the areas of the annexations. And they are mostly in locations of major street intersections, or for instance, in this case where this one subdivision comes out to the street, it is very dark out there, we installed a light at the entrance to the subdivision."

Commissioner Skelton said, "Okay, so you have one light installed out there?"

Mr. Utecht said, "I believe we have installed three on Seneca [Street]."

Commissioner Skelton said, "Okay, so you have three new lights out there in this area?"

Mr. Utecht said, "Right."

Commissioner Skelton said, "Okay. As far as road maintenance is concerned, what's your practices there?"

Mr. Utecht said, "According to the service plan, we grade frequently. And we have been told, I don't want to mention the source, but we've been told by an authoritative person that we have, probably do double the amount of street maintenance that has been done previously."

Commissioner Skelton said, "Okay. What about, okay, now, who is responsible for, is that the city's responsibility to install outdoor warning devices and then they're operated by the county, is that how it works?"

Mr. Utecht said, "I believe so. We've been working with the county on this, hand in hand. So I think we view it as more of a regional issue than just a city issue."

Commissioner Skelton said, "All right. Hey, look, I appreciate all your comments, sir. Really, where I'm, I want to see in the future is an improved service plan. I mean, if I got to make a decision, you know, it can be a difficult one based on, you know, less than desirable information, or I can have the information that helps me make a decision. You know, if I've got something that is messed up coming back to me several times in a row, I'm tired of it. I apologize about that, but what is your city's intentions to improve the service plan. When are you going to make your next annexation, and this next annexation, is it going to be under the new service plan or this old inadequate one?"

Mr. Utecht said, "I can tell you whole heartedly that I will follow, to the letter of the law, the regulations and state requirements of a service plan. I had no responsibility for the one you are reviewing right now and I apologize for that one. Also, I can say that I do not see any time in the future that we would have an annexation, other than if someone wanted to desperately wanted to get into the city and they would want to petition for their own purposes. In my view, I don't believe that the city is going to be doing this kind of annexation. In fact the law doesn't allow it anymore, it has to have a different process of annexation now, and so I would tell you emphatically that we will follow all state laws on how to write a service plan."

Commissioner Skelton said, "Okay, well that sounds like you are going to improve your

service plan next time..."

Mr. Utecht said, "Yes."

Commissioner Skelton said, "...before you do any annexation."

Mr. Utecht said, "Absolutely."

Commissioner Skelton said, "Okay. I understand that. I appreciate that. Okay, one final question, and that would be for my attorney back there. Have they annexed in accordance with state law that requires them to annex perimeter roads?"

Mr. Parnacott said, "State law does not require them to annex perimeter roads."

Commissioner Skelton said, "Okay."

Mr. Parnacott said, "They are allowed to annex those roads at the time they annex the properties adjoining the roads. After the annexation, if they don't annex the roads, there's a process by where the County Commission can notify them they are, that they should annex the roads, and then they are required at that point to annex the road."

Commissioner Skelton said, "Well we've had discussions about this with other annexations. I mean, and you've said that they need to annex this road. And I think you said there's some statute somewhere, is it our statute, the state statute? I'm interested if they have properly annexed this area in accordance with the policies that exist on perimeter roads."

Mr. Parnacott said, "The short answer is yes. There is no state statute that requires them to annex the roads."

Commissioner Skelton said, "Okay. Because there has been cases where that has not been done. But it has been done in this case."

Mr. Parnacott said, "They of course, again, they did not take in any of the roads that I'm aware of. The only time they are required to take in the road is when, after the annexation, the County Commission adopts a resolution directing them to do so. So that is after the fact."

Commissioner Skelton said, "Okay, okay. All right, thank you. Commissioner Ranzau."

Commissioner Ranzau said, "Thank you, Mr. Chairman. Warren, thank you very much for coming today and speaking, and I'm not going to beat you up about the service plan anymore, because you didn't do it. But you appreciate your comments today. I appreciate the apology for the service plan. This is the first time I've ever heard anyone from the city express any remorse about the inadequate service plans that they provided. Okay, now there's nothing to be done about what's done in the past, necessarily, but I do appreciate that. I have a few questions for you. With respect to the street lights you're talking about, can you, I don't know if you can see there is a map in the front there, can you point to the map roughly where the street lights are that you have installed?"

Mr. Utecht said, "The one that is the very northern tier of lots that are red, that's that

Meadow Lake subdivision. That is at the entrance to Seneca, is where the one street light I was referring to. I'm sorry. Okay, so if you can see the cursor that spot right there. And then at the corner of 93rd [Street] and Seneca, and then there is another one down on 89th Street entrance to a subdivision right in here."

Commissioner Ranzau said, "Okay. All on that Seneca Street there, okay."

Mr. Utecht said, "And I can also say that we had installed street lights, I can't read the street and I'm still not totally familiar, but at this location just on the other side of the river, there is a street light there, and a street light down here on 77th Street. There are no streets lights out on 77th [Street] in this location or this location."

Commissioner Ranzau said, "Now with respect to the mowing, didn't the township mow some ditches in some of these areas?"

Mr. Utecht said, "We were told by the township, one of the townships that we, they did not mow, either. Now, I think this is general thought that they did mow. They did say that they mowed maybe, let me take that back, they said they mowed maybe once a year, if that. And that's five years ago. As you would know, all communities have had to make cuts and look for ways of allocating their time, and I think that is a certain assumption that everybody would say, as well, they would still be mowing once a year, possibly. I don't know if we could say that, make that assumption, because of the fact that I think all communities, all, everyone is cutting back. So, if that's the case, I would say that we would provide equal or greater service."

Commissioner Ranzau said, "That's all, thank you."

Mr. Utecht said, "Thank you."

Commissioner Skelton said, "Okay. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chair. Do the folks in the proposed annexation area, do they receive more or less service, and I'm talking down the one on the far west area, but do they receive more or less services than the folks on Palos Verdes [Street] and West Street?"

Mr. Utecht said, "No, equal. Equal service."

Commissioner Unruh said, "The people on the northern end, do they receive more or less services than the folks on Osage [Street] and Kanza [Street]?"

Mr. Utecht said, "Equal service."

Commissioner Unruh said, "Okay. Another question I'd have is, and you may not be able to answer this, but why did the city not take the perimeter, on the west...why did they not take the perimeter lots, and only took the, I mean, it appears from a very cynical view that you just didn't want to take the road."

Mr. Utecht said, "Thank you for that question, because I was told, and this is again because I wasn't here, but I was told they were doing phase at a time, phases, and that after this annexation, it was felt that maybe it was because of the vote, that they would not take the next phase. And the next phase would have been all those perimeter lots. We really wanted to go out to the next street and include the streets. But because of the fact that I think it was decided not to go any more further with unilateral annexation, that that's why they weren't taking in."

Commissioner Unruh said, "Okay, all right. So...I understand, thank you."

Commissioner Skelton said, "Okay. Commissioner Peterjohn, please."

Commissioner Peterjohn said, "Thank you. I have got a question for Mr. Parnacott related on the road aspect of this issue. Bob, you made a statement that is different

from what my understanding had been. The county is, when a municipality annexes up to a road, it is not automatic under state law that the city is supposed to annex at that time, and so it is incumbent upon the county to notify them that they are supposed to annex at that point, is that your understanding of what state law is?"

Mr. Parnacott said, "That is what the state law is. The state law provides, first that it allows cities to annex roads at the time they annex the properties adjacent, but does not require them. Then following an annexation where the city has not annexed the road, the County Commission can initiate the process. It starts by you adopting a resolution. You have to prepare a map that shows the roads that are adjacent to city limits that you want the city to annex. You have to pass that resolution and send it to the city and then they are required to annex at that point.

"So it is subject to your initiation of the process, and once you've initiated that, then they are required to annex. We haven't done that yet. We've been working with cities voluntarily. They've been annexing roads in as we've been going through this process the last few years, on a voluntary basis. Probably not as fast as some might like, and Mr. Spears isn't here, but I know he's been heavily involved in the process."

Commissioner Peterjohn said, "Well, this is an interesting, this isn't quite what my understanding had been, so I appreciate the clarification. But let me ask you this question, Bob, then, if you have a city that annexes up to, annexes a property that's adjacent to a road, and there's another city that's on the other side of the road and we haven't already said which one it is, is the county basically free to basically say, well, we think it ought to go to city X or city Y? Or do we have some other criteria we are supposed to provide when there's two municipalities on opposite sides of the street, because I can think of several cases where, and not just in my district, where we have that situation right now."

Mr. Parnacott said, "The problem is that if you have cities, different cities on each side of the road, and neither city has annexed any of the road, you are limited, you as the County Commissioner are limited to only telling each cities to take their half of the road. You can't make one city take the entire road in that situation. Now, if you've got the city on one side of the road, other side of the road is unincorporated you could tell the city at that point to take the entire road. But the way the statute is drafted, when there's two cities involved, you are going to have to split it, theoretically you would want to work out an agreement with the cities where they would take which would take what portions of the road, so that you don't have a city line running down the middle of a road, because that's usually problematic for several different reason. But you are, in that situation you described, you would only be allowed to direct each city to take their half of the road."

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

Commissioner Skelton said, "Okay, thank you. Commissioner Ranzau, please."

Commissioner Ranzau said, "I have a question for Mr. Utecht. I want to make sure here, the city, we've been provided at some point, a resolution here from the City of Valley Center, this is in our supporting documentation, that voted to say that the city has provided or met the requirements of the service plan, correct?"

Mr. Utecht said, "Yes."

Commissioner Ranzau said, "That was not an unanimous vote, was it?"

Mr. Utecht said, "It was not an unanimous, and my understanding it was a, possibly a 5-2 vote with the Mayor abstaining. There were two, there was one member that was not absent."

Commissioner Ranzau said, "Dan Smith was absent."

Mr. Utecht said, "Right."

Commissioner Ranzau said, "He represents one of these areas."

Mr. Utecht said, "That's right."

Commissioner Ranzau said, "Al Hobson and Kate Jackson both voted no."

Mr. Utecht said, "That's right."

Commissioner Ranzau said, "And since then..."

Mr. Utecht said, "So there is a council of nine, and so it was 5-2 vote. I just wanted to clarify that."

Commissioner Ranzau said, "Okay, good. And to clarify since then, Councilwoman Leftoff has actually changed her position on that after getting more information. So..."

Mr. Utecht said, "That's the first time I heard that today."

Commissioner Ranzau said, "The three wards affected, there's six, well, she stated earlier in her testimony, but there's six representatives or council people that represent this area."

Mr. Utecht said, "That would be right, in a sense."

Commissioner Ranzau said, "Right, and three of them are of the opinion no, two of them yes, and one of them did not attend and has no opinion. Thank you."

Mr. Utecht said, "Okay."

Commissioner Skelton said, "Yes, sir, go ahead, please."

Commissioner Unruh said, "Thank you, Mr. Chair. Bob, irrespective of our decision today, the city council with that divided of opinion can decide to do whatever they please, can they not? I mean, they can go back and rescind the annexation, they can decide to do more, less or indifferent. I mean, they're evenly divided and they can make that decision on their own, can they not?"

Mr. Parnacott said, "Cities have the authority to de-annex any property they feel appropriate to de-annex. They can do that by annexation ordinance, and there's statutory authority for that. But it is their call."

Commissioner Unruh said, "Okay. So in that sense, what we're doing today is not

finally binding.”

Mr. Parnacott said, “No. Of course, what you're doing today, again, is only making a finding whether or not the city has provided the services in accordance with the service plan.

Mr. Parnacott continued, “If you were to find, by a majority vote, that they had not provided the services, that would trigger a two and a half year period by where the city would have the opportunity to provide the services that you found were lacking. At the end of that two and a half year period, it would be up to the land owners if they felt they were still not receiving the services to petition you for another hearing. You would have to have another hearing, you would have to make findings at that time whether or not they provided the services during that two and a half year period. You would have to determine, based on some statutory factors, whether de-annexation is appropriate. There are factors in the statute that would indicate that even though they may not have provided the services for whatever reason, it may not be appropriate to order de-annexation, but that would be the ultimate result after that two and a half year period if you find they still had not provided the services and the factors were not met, that you could order the city to de-annex a property at the time and they would have to do that.”

Commissioner Unruh said, “All right, thank you. I appreciate the explanation. I was just trying to clarify the fact that there is relief for these citizens through their own council, especially one that's as evenly split as it is, no matter what we do, it seems.”

Mr. Parnacott said, “Yes.”

Commissioner Skelton said, “Okay. I appreciate that. Is there any more testimony today, or, seeing no other testimony, I will close the public hearing and bring the discussion back to the bench. Commissioner Peterjohn.”

Commissioner Peterjohn said, “Yes. In light of our discussion on Public Works, with the road situation there, in terms of whether Valley Center had been notified, I know we sent out a letter to the, to a number of cities in the past, in terms of annexing roads where they annexed up to, next to the road. I was curious, Mr. Spears, if you happened to recall whether Valley Center had received notice concerning any of the property that we've discussed here that are affected by the annexation this morning?”

Mr. David Spears, Director, Public Works, greeted the Commissioners and said, “The County Commission has never sent out a letter telling a small city to annex a road. We have tried to work, instead of doing that, we have tried to work with all of the little cities and ask them to follow the intent of the law to, if they annex up to a road, to please annex that road, and we do that with most of the cities about once a year or so.”

Commissioner Peterjohn said, “Okay, so, in terms of some of the discussions we've had, I know that we've communicated with them, but it's never been a formal, always been informal letters type of thing? Okay. I think that's important and I appreciate you adding that for the record. Thank you, Mr. Chairman.”

Commissioner Skelton said, “Okay.”

Mr. Parnacott said, “I would note that in this case the city did, my understanding is they did annex part of 81st Street in 2009, I believe it was. That was adjacent, I think

it's the part of 81st Street to the east of those red parcels, I'm talking about this portion, if you can see the cursor, this portion here running, and again, I can't read my cross street it's too small of a print, but in that area there where you see more of the blue, I believe they took in that part of 81st Street in 2009, perhaps."

Commissioner Peterjohn said, "Bob, do you know if they took in the area of the northernmost parcel? Because it looks like the section line road that's on the north boundary of that northernmost red area."

Mr. Parnacott said, "Up here at the very northern boundary?"

Commissioner Peterjohn said, "Yes."

Mr. Parnacott said, "That does not appear to be in the city limits. I believe it would have a blue line, if that's the case, it's hard to say at this point. There may be a tinge of blue there."

Commissioner Peterjohn said, "I am looking at the parcel that's also the easternmost boundary, as well as the northernmost."

Mr. Parnacott said, "It does appear to be, again, and maybe I can enlarge this a little bit. That does appear to be some blue on that side. So perhaps they've annexed that, Warren might know better. That would be, I think, it looks like Osage, isn't it? Running to the north. So they certainly have taken in some of the roads, but there are other roads they have not yet taken in."

Commissioner Skelton said, "Mr. Parnacott, so if this body were to make a finding that they have not met the tenets of their service plan, it doesn't mean it's de-annexed, it just means, as you said, it continues for a given period of time, they try to make the improvements, and then there's the possibility that the citizens there can request another hearing. Is that correct?"

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

Commissioner Skelton said, "And then at a later time if no progress has been made, the county does have the authority to un-annex those area. Is that my understanding?"

Mr. Parnacott said, "You would you have that authority if you received a petition."

Commissioner Skelton said, "If I received a petition."

Mr. Parnacott said, "You would not automatically hold a new hearing, you would have to wait for a petition."

Commissioner Skelton said, "That is understandable."

Mr. Parnacott said, "But if you got one, you would."

Commissioner Skelton said, "Absolutely. Well, okay. Any other discussion here among the Commission? You know, personally I've struggled to support this. I mean, there's a lot of reasons here. And, I mean, I am not up to support any more substandard information. I'm tired of that. I mean it's come before us many times, and

that to me is not acceptable. I know the current city staff may not have had this to do, but, you know, there's always ways to fix things. Secondly, you know, this issue with road annexations, I mean that's something that is costing the county a lot of money and it is not fair to the county.

Commissioner Skelton continued, "It is reasonable, fair and expected for the cities that annex the neighborhoods adjacent to a collector or arterial to annex that road, because they are going to be supplying the maintenance to those people that go into those neighborhoods. I'm hearing this testimony of the citizens present that they have not met the service plan. So my vote is not going to be in favor of this today. Comments, questions, motions, please. Commissioner Ranzau."

Commissioner Ranzau said, "Well, I share your frustration, Commissioner Skelton and I am tired of these annexation hearings as well. This is what, our fourth one, I think, that we've had since I've been here. I think this is the third one for Valley Center, and I dearly love Valley Center, but these are some of the most frustrating hearings we've had. I voted in favor of the city twice and in favor of constituents once. It comes down to a he said, she said. The constituents say they haven't gotten equal or better service, they haven't met the service plan, the roads are worse, ditches aren't mowed, et cetera, whatever the complaints are.

"You know, they are clearly saying that they haven't. The city clearly says that it has. So how do you decide which one to go with? Who is right, who is wrong? None of us have been out there all five years looking at that. You know, I haven't been out there five years ago. I didn't know what it looked like then. I don't recollect what it looks like then, what services were there, what they're getting now. So, we have to rely on the testimony that we're given. And which side to go to is very difficult. So, but for me, I have to look at who knows what's going on out there. Well the citizens that live out there know what's going on, they were there. The council people who represent them know. Some of them have been dealing with these issues for many years, some of them are new, but they have all taken the time to get information and to figure out what's going on.

"So for me, it is very interesting that three out of the six city council people at Valley Center who represent this area are under the belief that they have not met the service plan. That's compelling information. And it supports what the citizens are saying. Beyond that, you have to look at the service plan itself, which I've shown earlier, which is a single page. This demonstrates that at that point in time the city, clearly demonstrated a lack of concern for state statute and the citizens they were annexing. They had, they intentionally, or unintentionally did not follow state statute. And this is not the first time. There's a pattern of behavior.

"So, the citizens are saying they disregarded their requirement to provide equal or better service under the state law. That's what they're alleging. They're saying that their not, that the city didn't meet the service plan. That allegation is consistent with the type of work that the city provided with respect to the service plan in and of itself. This shows that they did not meet their standards. So the allegations made by the citizens and the councilmember's who feel differently than the majority support that. So I guess when I look at it, I think there's evidence that when the annexation began they didn't care about the service plan, they didn't care about meeting the statute, they didn't care about providing equal or greater service, so why would I believe that changed over the last five years? Now, I understand some of the people in key positions now were not in

positions then, and they did not create this situation and I appreciate their commitment to fixing that in the future, but we're dealing with what happened over the last five years."

MOTION

Commissioner Ranzau moved to find that the City of Valley Center did not meet the service plan provided.

Commissioner Peterjohn seconded the motion.

Mr. Parnacott said, "If I could interject at this point. It would be very helpful if you could be more specific in terms of which services you felt were not being provided."

Commissioner Ranzau said, "It is not required by state statute, however, is it?"

Mr. Parnacott said, "No. But the court, if we get into litigation, the court may want to know, and certainly in similar situations if litigation proceeds and the court isn't sure why you made that finding, they will send it back to you and ask you to make more specific findings. So this is just a precautionary measure. You are not required to do that, but it would be probably advisable."

Commissioner Ranzau said, "I understand that, and I expected you to say such, but I've read the state statute and I think I will keep my motion. You know, if we get to that point and the courts wants to know more, then I will be happy to provide them more. As the state statute says, and I am going to follow the state statute, unlike the City of Valley Center, it says we need to make a determination as to whether or not they met their service plan. Period. It does not say we have to require any specifics, even though specifics were given by some of the citizens. What we are here to decide is, just did they meet the service plan, yes or no. And I have made the motion that they did not."

Commissioner Skelton said, "Okay. Well, the motion has been moved and seconded that the Valley Center did not meet the requirements of their service plan. I will discuss the motion. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Bob, question for you, just for clarification. If this would end up in litigation going forward, the entire transcript from today's County Commission meeting on this subject would become part of the record for any court reviewing this, I believe. Is that correct?"

Mr. Parnacott said, "Yes."

Commissioner Peterjohn said, "Okay. Let me state for the record, I'm going to provide why I seconded this, and I am going to also thank everybody for coming out today. I appreciate the City of Valley Center representative, his candor in terms of the challenges that are faced here. And I certainly am highly respectful of whenever a fellow elected official speaks out, or provides information to this Commissioner, I am listening and I am very interested in what they may have to say. But my second today is solely reflecting the testimony that was provided by Mr. Houston, Mr. Lee, and Mr. Sirignano. And in terms of the inadequacy of the provisions, in terms of the roads side of the issue is particularly compelling to me, but everything that they provided in the record is the basis for my second. And while I appreciate all citizens comments at all

times from anyone in Sedgwick County who has a problem, my second today and my vote later on this morning is going to reflect the testimony that was provided in this public hearing by these three property owners able to come here.

“And let me again thank everyone who came down this morning for their participation in this event, because I have voted on both sides of these issues in the past. Commissioner Peterjohn continued, “But in the past, the citizen testimony sometimes was just not there, and my understanding was if that’s not the case, if we have a hearing, and no one who has a problem or concern comes up and says anything, then we are basically put in a position where we need to ratify that plan. And I’m not going to get into a general discussion of the annexation statutes and the annexation rules or the history that’s occurred in Valley Center, but I do very much appreciate the representative from the City of Valley Center coming in here and talking about, basically his apology for the inadequacy of the service plan that he had nothing to do with, and basically having to live with actions that were taken prior to a lot of the folks who are currently responsible in operating the City of Valley Center, weren’t in office at the time when it came in. But, that’s one of the challenges that all of us in the public sector have to face. And so, my comments this morning are, I hope to provide the strength for the public record going forward so there will be clarity concerning the action that this Commission will take later on this morning. Thank you, Mr. Chairman.”

Commissioner Skelton said, “Yes, sir. Thank you, Commissioner. And I did give my reasons for why I was voting the way that I am going to vote. When I, immediately after the discussion, so that is on the record. Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. I would also express appreciation to those citizens who came to express their opinion about this issue to us today. I know that it, for some, it was a sacrifice and I appreciate that. If the decision was based on emotion or neighborliness, I think it would be a much easier decision for me. However, I clearly see this as a requirement on the County Commission to see whether or not the services were provided according to the plan and not to decide whether or not this was an adequate plan, comprehensive plan, and sufficient plan. The plan that is before us, I think, as has been admitted to by the city representative is pretty thin, and perhaps we could even use the term inadequate, but nevertheless that is the plan.

“We have a response from the city that addresses each of the complaints having to do with roads, the ditches, the mowing, street lights, water questions, issues about the fire department, trash services and all those sort of things, some of which are not included in the plan, but are concerns. I find the city’s response to be in my opinion clear evidence that they have fulfilled the service plan, and in light of the fact that, not judging on whether or not it is a good plan, because I think it is not, but whether or not they have fulfilled the plan as presented to us, I find that they have fulfilled the plan. And we have testimony from the city rep[resentative] that these folks are receiving the same services as their directly adjacent properties and directly adjacent parts of the City of Valley Center. There is no difference according to the testimony, so I am going to be voting no on the motion as much as it’s not a very pleasant vote for me, in light of the concerns of the citizens, but from a perspective of following what the law says, I think that I will find that the service plan has been met. That’s all I have, Mr. Chair.”

Commissioner Skelton said, “Okay, fair enough. Yes, sir, Commissioner Ranzau.”

Commissioner Ranzau said, “Thank you, Mr. Chairman. I want to make this very clear.

The testimony by the citizens today, and the landowners, and the emails from the landowners serve as the majority for the basis of my reasoning here. In addition to that, we have backup material, documentation provided from the City of Valley Center. Which also, which includes the service plan and the resolutions that they passed stating that they did.

"But when you investigate further and you understand as a result of this hearing, that there's not unanimity within the city council itself, I believe that's constructive and beneficial to understand. And the annex, the service plan itself, which was provided to us from the city, was also very constructive and beneficial. All that information that we've gained here today as a result of this testimony both from the city, and from the constituents in writing, and in person, serve as the basis for my decision today. Thank you."

Commissioner Skelton said, "Thank you. And my comments will be on the service plan. That, you know, we have to make a decision based on the information we receive, and if we had a better defined service plan, certainly that would make my job easier, give me more information, cover a wider variety of parameters, and just lower your risk here. I mean, this would, I mean, we can talk legally or we can talk practically, I mean, maybe there is a blend between the two somewhere in life, but practically I can see what's on the paper in a better expanded format, look at a better service plan and that would make my decision easier. Nobody is going to argue with me on that, because I'll have more information to make my decision with. Period. And no, it is not a part of my decision, the road annexation issues are part of my decision and the testimony of the citizens are part of my decision, so that is, those are my comments. Are there any other comments by Commissioners? Madam Clerk, call the vote."

VOTE

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

Mr. Parnacott said, "Commissioners, it is our standard practice in these matters to prepare this as a formal document, your finding you made today, and we will put that on your next available Consent Agenda for your approval and forward it. Or if you would like it on the regular agenda we would do that as well. But we will have that on your next available agenda."

Commissioner Skelton said, "Thank you, sir. Okay, Madam Clerk, call the next item."

NEW BUSINESS

E [12-0497](#)

PRESENTATION BY THE ARC OF SEDGWICK COUNTY.

Presented by: Kevin Fish, Executive Director, The Arc of Sedgwick County.

RECOMMENDED ACTION: Receive and file.

Ms. Rachael Mendosa-Banning, 3235 North Lake Ridge Court, Wichita, greeted the Commissioners and said, "On behalf of my family I would like to formally thank the Sedgwick County Commission for continuing to provide services through these difficult times through the hard work and determination of the CDDO in Sedgwick County and its providers. My husband and I are raising two special needs children. Miss Mia is 12, and suffers from severe cerebral palsy she sustained after birth injury, and five years ago we adopted a blond hair, blue eyed all American little boy named Dillon, and 18 months after he was placed in our home he was diagnosed with asperger's syndrome.

Ms. Mendosa-Banning continued, "We, in October, were forced to home-school him as a result of his challenging behaviors he displayed, that manifested in school, that setting proved to be more of a safety issue, and we were worried about behaviors bleeding into the home as opposed to the normal activity that we see at home, which wasn't aggression or challenging at all.

"We continue to hope, we continue to carry hope for the cure of all neurological ailments, but in reality our situation is constant, and the amount of services we receive is insufficient. My husband and I both work full-time outside of the home and we home-school our son now. We still continue to be on the wait list for services for Dillon, and probably will for years to come. Currently Mia receives 31 hours of in-home supportive care during the school year, and this time is not flexible, so during spring break, we're out about \$500 for the week of spring break, for her care, and after school we're not given quite enough to time to make it home safely to get Mia for an hour and a half after her care is provided. In the month of May, when school in Colwich, even though we're in the Maize School District let out three weeks before the Maize calendar allowed. We spent out almost \$850 out of pocket for in-home support for Miss Mia, and my husband, who works at the Sedgwick County Sheriff's Department, also took a week's vacation.

"So we really appreciate the 31 hours, because that does allow me to work at a 32 hour workweek, and still be eligible for benefits, but they are very precious to us, and finding quality care providers is very difficult. It is just inadequate. I don't have another word to describe except for the people that actually provide the services are probably the most amazing and courageous people I know, and at the same time, the most humbling experience I have is to tell you that we need just a little bit more support. Our concern for our kids' future is secondary, because at this point, we are creatively creating work schedules amongst our employers, our family, and the 31 hours that we have to extend past Mia's school hours. Our expectations of our children remain high. We fully expect both of them to become employed and contribute to society that helped care for them and help mold and develop them. So I appreciate your time, and we'll let the service providers talk."

Ms. Sue Elmer, Advocates in Community Team, Arrowhead West Inc., greeted the Commissioners and said, "And actually, all of us are here as a means to introduce you and talk to you a little bit about our coalition, it's called Advocates in Communities Team, so we're not really with the Arc, we're with the Advocates in Communities Team.

We are an advocacy coalition, representing providers and families that provide services to people with developmental disabilities. And so what I would like to extend to you is to say thank you, and to our CDDO for your ongoing support in providing the funding needed for people with intellectual and developmental disabilities to obtain services and support in order to live a quality life. Services that have been provided as a result of the findings and the advocating that has occurred, we receive benefits, the individuals gain medical supports, technology and mobility. This is just a small example of the needs that are met with these dollars. Your efforts in ensuring the community service providers in Sedgwick County provide the best care possible to a vulnerable population is very appreciated. You make our job easier. We are committed to continuing our collaborative relationship with the county in making a difference in the lives with people with disabilities and their families. Thank you so much.”
Commissioner Skelton said, “Thank you.”

Ms. Lori Angelo, Case Management and Community Developmental Disability Organization Liaison, Rainbows United, greeted the Commissioners and said, “Good morning. I'm happy that it's still morning. Apologies. My name is Lori Angelo, I am with Rainbows United [Inc.], I serve there as their Case Management and CDDO Liaison. I, too on behalf of approximately 3,500 children, who live in Sedgwick County who have special needs, and who are between the ages of birth and 22 years of age, and who are children that are served by Rainbows [United Inc.] just in Sedgwick County, thank you. Thank you for your continued support, both financially and supportively. As you know, children birth to age three, may receive early intervention services in their home at no cost to the family. This is part of the federal mandate for Part C services. These infant/toddler services can include speech language therapy, physical and occupational therapy, as well as vision and hearing supports, and 13 other mandated services. Each child receives an individualized plan that is designed by a team of caring professionals that will help the family then to work on and meet the particular goals they have for their infant, for their toddler.

“Such goals can be small for many of us, just to sit at the table during mealtime, instead of circling the room while everyone else eats, or as my writer said, to sing happy birthday to daddy on his special day. Our staff hear over and over again, both from the families and the experts how important it is for the children to receive these services early on. How much the families need to be supported in these first years when they continue to meet new, unknown challenges as the child gets older and these things happen. Interventions at this early age will help shape a successful future for each child and his or her family. There is a statistic out that every child, that the children under age five who receive these intervention services, 30 percent of them will be within the typical range by age five. The staff at Rainbows are privileged and fortunate to provide these services in Sedgwick County. While we are grateful for what has been done, please be reminded that children in our community with special needs still have needs that have not been met.

“In Kansas the Medicaid waiver for persons with developmental disabilities does not provide funding for anyone under the age of five. These children, once children reach age five, they do become eligible for waiver services. However, currently statewide there are 5,000 people ahead of them waiting for services. The waiting time actually is five years that they wait for this funding. Family support funding is the main source of financial support for children who are without waiver services. These monies can be used to purchase specialized equipment, respite or in-home supports to help parents

maintain their jobs. While the amount available to each family for the child varies based on child's needs, the annual maximum amount of \$2,500 can go a really long ways to prevent crises from happening in these families.

“Just for example, briefly, one child I worked with the last six months, the father is a disabled vet from the Gulf War. He's at home, he is on oxygen, he can barely move. Mom has a second shift job and they have a 12-year-old son with autism who goes all day long and all night long. Family support, they are still waiting for waiver services. The family support helps to cover someone else to come in and help supervise Bobby for those three hours or so before mom gets home at night. Many families also use Camp Woodchuck, you're probably familiar with Rainbow's program, summer day camp for children kindergarten through age 21, with multiple disabilities and really severe medical conditions. This year more than 100 children will be attending camp, and we have openings for more.

Ms. Angelo continued, “And there's a however. However, due to the cost of staffing these children one to one, during, for this program, and for gaps in adequate funding, a lot of families can't pull together the money they need to send their kids to this camp. As an agency, we provide a sliding fee scale for families, and we've also secured funding from other community resources such as the United Way to help offset the cost. We want to serve more children, and keep them engaged in age-appropriate activities, like the Rainbows choir, Voices of Rainbow, field trips to Sedgwick County, planting a garden, et cetera. But, again, we can't provide those quality services without adequate funding. The unfortunate result is that there are children who cannot go to camp, or they go for fewer hours, fewer days of the week, or they sit at home. And you know what happens when kids sit at home without activities, without stimulation. More issues happen.

“Before ending, I do want to thank you for the financial support that Sedgwick County has provided for individuals with developmental disabilities, and particularly those with challenging behaviors. You have provided funds for those workers to receive increased training and increased support. Similarly, you have also allocated funding for the WSU (Wichita State University) Family Checkup Program and for counseling through Dr. Vincent. Thank you. Rainbows has received funding for two vision specialists, who work particularly with children with low vision and impaired vision. We have also, we have many of our kids who spend much of their time in wheelchairs, and you have provided funding for a wheelchair clinic that will go in and adapt and refit those wheelchairs as they get bigger, the body changes, et cetera.

“These are all valuable and effective investments. They allow agencies, such as Rainbows, to be more successful and effective in serving children with developmental disabilities, with extreme behaviors, and with those physical challenges. As with all families, I can tell you stories of both triumph and challenge, as these parents struggle to raise their children. I am grateful to be surrounded by other community providers who will coordinate, support, and encourage me and each other in our daily mission to serve individuals with developmental disabilities. I am grateful to be living in Sedgwick County, where the community and the government are committed to the support of these individuals who cannot help themselves. So thank you very much for all of the support that you give us. Thank you.”

Mr. Ron Pasmore, President/Chief Executive Officer, KETCH, greeted the Commissioners and said, “We serve about 400 individuals with intellectual and

developmental disabilities, both in day, vocational, employment, and residential settings. As you have heard from our previous presenters, we do have issues, and concerns with our system, but I think first and foremost, we're here again to thank you. Thank you for the support that you provide to allow families and individuals to be able to be successful citizens in our community. As Lori mentioned, there is a waiting list of about 5,000 statewide that translates to about 1,200 in Sedgwick County. I realize those are the state's issues, not necessarily the county's issues, but it concerns us. It is, as was mentioned earlier, this is where the rubber meets the road serving the citizens. It is everybody's best interests for individuals with developmental disabilities to be able to be home, to be our citizens, to be our co-workers, to be our neighbors.

"They, I found in my working career, they truly do enrich our lives on a day-to-day basis. I would like to take this opportunity to publicly thank Chad for his years of service, and providing leadership to the CDDO.

"What makes it work in Sedgwick County is that we have a network of providers working hand in hand with the county, with the CDDO to make it work, and even when the resources are thin, things, bad things happen, we pull together, as a network, and a team. In other forums I've been vocal against the state's plans towards putting this service system under managed care. One of the reasons I am against that is because we already have a network in place for the service system. It works very well, it's very efficient. Nobody else has done it. And we fear it will set us backwards, and not take us forward. Even though we're losing Chad and his leadership, I also want to say that we have great confidence in the county's ability to continue to provide good leadership in this area. Thank you very much."

Commissioner Skelton said, "Thank you, sir. Is there any comments? Commissioner Unruh, please."

Commissioner Unruh said, "Thank you, Mr. Chair. Well I just want to thank all of these advocates and leaders for being here today to tell us a little bit about your story. We are sympathetic to the challenges you face, both in the services you offer, and the ministry you have, and we're thankful that you all work together to try to, as much as you can, multiply the effects that you have in your teamwork. And we agree with you that Chad has done a really good job, and we trust that the Manager will select someone who will do equally as good a job going forward in our [Community] Developmental Disabilities Organization, but we want to thank you for your service to those folks who have special needs in our community, and the Advocates in Community Team I think is a necessary coalition of folks in order to magnify your ability to serve. So thank you all for being here, and as much as we can, you heard me say, as much as we can we want to continue to be supportive. So thank you all."

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

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I'll second Commissioner Unruh's comments."

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

Commissioner Skelton said, "Okay, at this time it's been suggested that we take a five-minute break. So, if there are no objections, this meeting will stand adjourned for five minutes. Stand in recess for five minutes."

The Board of County Commissioners recessed at 11:28 a.m. and returned at 11:36 a.m.

Commissioner Skelton said, "Okay. All Commissioners are present, so this meeting will be called back to order. At this time I would recognize the Clerk to call Item F."

A motion was made by Chairman Peterjohn, seconded by Commissioner Ranzau, that this Presentation(s) be Received and Filed. The motion carried by the following vote:

Absent: 1 - Chairman Norton

Aye: 4 - Commissioner Peterjohn, Commissioner Ranzau, Vice Chair Skelton and Commissioner Unruh

Present: 0

F [12-0487](#) PRESENTATION OF CAREER DEVELOPMENT CERTIFICATES.
Presented by: Kelli Grant, Training Coordinator, Division of Human Resources.

RECOMMENDED ACTION: Recognize the certificate recipients.

Ms. Kelli Grant, Training Coordinator, Division of Human Resources, greeted the Commissioners and said, "We are here today to recognize Sedgwick County employees for hard work and dedication to career development through completing one or more of our five certificates. Each of these certificates has a number required and elective classes. And it's quite an accomplishment, because this can be a lengthy process to finish up the classes for a certificate. We would like to thank those who support the career development process, including the employees' supervisors and managers. Some of the certificate recipients are here today. We have Trista Clevenger, receiving the transitioning to supervisor and diversity certificate, and Zachary Queruben, who is receiving the transitioning to supervisor certificate as well. Congratulations. We would like to take a moment and recognize them and thank them for their hard work and developing their career at Sedgwick County."

Commissioner Skelton said, "You bet. Absolutely. I think the more you can do, education you can do, that's related to your job, and the peripheral of your job the better you're going to be at your job and the more knowledge you're going to be. So I appreciate your willingness to continue in your educational advancement. Any other comments? Yes, Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. I would second the Chairman's comments, but also express my appreciation for your willingness to put out the extra effort to improve your abilities, and also not only for you, but for Sedgwick County government. We want to think that we do the best we can in all areas, and your willingness to improve helps us do that. So thank you very much for your effort."

Commissioner Skelton said, "Thank you."

Ms. Grant said, "Thank you."

Commissioner Skelton said, "Okay, Madam Clerk, please call the next item."

H [12-0494](#) CONTRACT WITH THE CITY OF WICHITA TO PROVIDE TREATMENT SERVICES FOR THE MUNICIPAL DRUG COURT.

Presented by: Dee Staudt, Director, COMCARE Outpatient Services.

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

Ms. Dee Staudt, Director, COMCARE Outpatient Services, greeted the Commissioners and said, "The item before you pertains to a program that COMCARE's Addiction Treatment Services program has been involved with since 1998. COMCARE's provided substance abuse disorder services for the city's drug court program for 14 years. In April of this year, we submit another proposal in response to a competitive bid request that was submitted by the City of Wichita and we were again selected to provide these treatment services. Drug courts have been well researched and have been found to be the most effective justice intervention in terms of treating addicted persons. Drug courts are different than traditional judicial settings, they involve intensive drug and alcohol treatment, supervision and close judicial accountability, in addition to sanctions or rewards, I'm sorry, for participants who participate in the program and make strides towards their treatment goals.

"On average this program has served 285 clients a year, and according to the city prosecutor's numbers, the average age of a drug court participant is 24 years old. Seventy-five percent of them are male, 25 percent are female. In 2011, 113 individuals successfully graduated from the program. This year in order to operate as efficiently and as effectively as possible, we have reduced the number of staff allocated to this program and we have also chosen to allocate staff who cost us less so that we can be most cost-effective. The funding for staff positions comes from program revenues.

"Services provided include assessment and referral, individual and group counseling, case management and random drug testing services. Changes to the program also include significant billing structure changes to ensure that the revenue that we collect for the program covers all anticipated expenses. The revenue itself is generated through program fees, which are paid by the program participants, by their insurance companies if they do have coverage, and by the City of Wichita. COMCARE bills the City of Wichita for treatment services, and any unpaid program fees which include treatment fees or drug screening fees that the program participants fail to pay. We have consistently exceeded drug court outcomes for over 15 years.

"The program has significant impact on the lives it touches. Lives like Jamie's. Jamie was a single mother who was pregnant with her fourth child throughout the majority of her drug court program. She managed to leave a physically abusive relationship during the course of the program, and learned to provide a stable and drug-free environment for her children. Jamie enrolled in college to finish her business degree and had plans to pursue her real estate license. She admitted that financial pressures of being a single mother contributed to her staying in abusive relationships, and through the course of her program, she learned that she was using substances, as a way to escape the daily pressures of being a single mom. Jamie's teenage children express gratitude to the drug court team for the changes that they'd seen in their mom throughout the course of the program and commented on how positively her recovery affected their home life. I would ask that you take the recommended action and

approve the agreement and authorize the Chairman to sign. Be happy to stand for questions."

Commissioner Skelton said, "Please. Commissioners, questions? Okay, yes. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I have been fortunate to be able to attend some of drug court activities and in my role as the Citizen Justice Coordinating Council, that's been an important part of our effort to try to keep the community safe at a reasonable price as possible and help us in a variety of areas related to public safety."

MOTION

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

Commissioner Unruh seconded the motion.

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

VOTE

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

Ms. Staudt said, "Thank you."

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

A motion was made by Chairman Peterjohn, seconded by Commissioner Unruh, that this Contract be Approved. The motion carried by the following vote:

Absent: 1 - Chairman Norton

Aye: 4 - Commissioner Peterjohn, Commissioner Ranzau, Vice Chair Skelton and Commissioner Unruh

Present: 0

- I [12-0505](#) CONSIDERATION OF A GRANT AWARD IN THE AMOUNT OF \$1,000,000 FROM THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) TO PROVIDE OUTREACH, PREVENTION AND INTERVENTION SERVICES THROUGH THE HEALTHY BABIES PROGRAM AT THE HEALTH DEPARTMENT.
Presented by: Claudia Blackburn, Health Director, Sedgwick County Health Department.

RECOMMENDED ACTION: Accept the award; and authorize the Chairman to sign the grant award agreement and establish budget authority as provided in the financial considerations section of this request.

Ms. Susan Wilson, Healthy Babies Program Manager, Health Department, greeted the Commissioners and said, "And I am pleased to be here today, and I am going to make this really brief because I know we have had a chance to meet with all of you and talk to you about this new contract we have. It is really not new, we've had a contract with KHPA (Kansas Health Policy Authority), used to be KHPA, and now they are part of the Kansas Health Department [and Environment] now, KDHE. And we have the ability this year pull down some extra funding that we really desperately need for our program. This is a \$2 million contract. It is a one-to-one match, and this is federal financial participation money. And so it really covers all of those services that we provide in the Healthy Babies Program that we actually can't bill for.

"So the support services, the recruitment of moms into the program, helping moms fill out the eligibility paperwork for Medicaid, all those sorts of things. So it's one to one match. We'll get \$854,000 for the Healthy Babies Program, and then \$146,000 will go to KCSL, the Kansas Children's Service League.

"We do have a separate agenda item after this one, but they're kind of overlapping, so I'm going to talk about them both at one time. Rhian Denning, she is the supervisor for Healthy Families America with KCSL, is with us, if you have any questions for her. But we partner really closely with that program. The way that the state has this contract set up is the money does have to pass through the local health department. So it comes to us, they use United Way money to meet their match requirements, they send it to us, we get the money back out to them, and we really pass those moms onto them that really need some pretty intensive services. They can go out and do weekly, or more often, they can do home visits if they need to. They serve mom from prenatal all the way up through five years of age if they need to. The Healthy Babies Program, we serve until baby is two years old. So there's similarities, but there's also quite a few differences. We're not a duplicate service provider. We really do work it hand in hand to make sure moms getting the wrap around services they need.

"So this contract, the \$2 million contract, \$1 million is actual money, the other is match money. We match our portion with our local budget grants and local money, non-federal money. And we are really pleased that you have always supported the program, and we desperately need this this year. This is supporting 16 positions at the Healthy Babies Program, our portion is. And the extra \$30,000 that we're asking for this year is going to allow us to hire a part-time position to work in our Fetal Infant Mortality Review project, our FIMR project, to help us out with chart extraction for reviewing those charts of infants that have died. And I would be happy to answer any questions that you may have."

Commissioner Skelton said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Mr. Chairman, that was from the last time."

Commissioner Skelton said, "Okay. Pardon me. Commissioner Ranzau."

Commissioner Ranzau said, "Thank you, Mr. Chairman. Susan, I'm going to have several questions here for you."

Ms. Wilson said, "Okay."

Commissioner Ranzau said, "Did we have something like this last year?"

Ms. Wilson said, "We did."

Commissioner Ranzau said, "Did I vote for that one?"

Ms. Wilson said, "I don't think that you did."

Commissioner Ranzau said, "You don't think so. Now we talked about this the other day, this is Medicaid dollars, right?"

Ms. Wilson said, "This is Medicaid money."

Commissioner Ranzau said, "This is not, and the argument that was made to me, this isn't exactly like a grant from all the other grants that I have been awarding, it is Medicaid dollars, and I don't resist Medicaid or Medicare being spent here because of the two major programs. And that's a compelling argument. But I have some concerns that I want to share."

Ms. Wilson said, "Okay."

Commissioner Ranzau said, "First of all, if the federal government does ever decide to be fiscally responsible, I would expect some of these ancillary programs would be the first things that would be cut. I could be wrong, but to me that makes sense. So if this is an important program, we need to be prepared to fund this, I believe, at the local level. Because if things are cut, those communities that are more self-reliant, just like individuals would be, will weather the storm."

"And it takes time to create mechanisms and funding sources to do these things. Also when I look at some of the things going on here, I am not convinced, I think these things should be privatized, this particular program. I believe the funding should be privatized, and we talked about this."

Ms. Wilson said, "We did."

Commissioner Ranzau said, "I think there are good societal reasons and fiscal reasons that entities throughout this community should be willing to participate, fund, and run this program privately. I've told you, and I mean this as a compliment, that you need to be in the private sector, because I think you could do tremendously great things in the private sector if you weren't shackled by the government restrictions. Not that you don't do great things here. But I know it seems like right now there's just no

way this could be done privatized, but I'm telling you, people like you, you can do things that you would not ever believe, I think, in the private sector, that just simply isn't possible in the government sector. I believe this is more of a function for the private sector.

"That being said, another problem I have with this one and the [Department on] Aging grant is we're basically telling the taxpayers that we have to take this money from the federal government and from our future generations because we can't afford to do it. And I know that's not true. Because even though we are trying to cut our budgets, I am 100 percent convinced that we have resources within the community to pay for these programs, but it is a matter of priorities. It is hard for me to look at the taxpayers in the face and to say when we have programs, for example, our corporate welfare programs, which is the sacred cow of this county, the only thing that is off limits to being reduced, in fact I think it is going to be up 300 percent this year. While everything else can be cut, that sacred cow cannot. How can I look the taxpayers in the face, and my children, and say we don't have the money to pay for something like this, because we do.

"It is a matter of priorities. Now, that being said, if we're going to fund it with government dollars, it should be local dollars. I believe local issues should be paid for by local funds. Not federal dollars. That's my second choice, my first choice is to privatize it, alright, because I think you are capable of it. And you and others could do great things. That being said, I am going to support this grant this year."

Ms. Wilson said, "Thank you."

Commissioner Ranzau said, "But I won't next year. Unless you can convince me that you are not as great and wonderful as I think you are, and that it's not possible or reasonable or shouldn't be privatized, then there is not a good reason to do that. I won't support federal local funding next year. I will support local funding for it. I will support transitional funding to get it into privatized, a way to do it. Because I just think there is an opportunity here to get some prenatal and perinatal care that we've privatized somewhat, but that's still funded by government in a large respect.

"But I think there is an opportunity here, not just for us, but for the community and for the people who suffer the financial consequences of actions going on in the community, and we've talked about this. I think, like I said, there's a social responsibility, there's a fiscal responsibility. And I would like to see some discussions moving in that direction. So please don't fall over and have a heart attack on me, but I am going to move we take the recommended action."

Commissioner Skelton said, "I am about ready to have the heart attack."

Ms. Wilson said, "I have to say I am extremely grateful, and we did, we always have very engaging conversations. And I told you, I'm appreciative that you take time to listen and you shared use insight and your feedback. And I know I did make a proposition the other day that if you felt like we should be moving in a different direction, then I'd ask you to just be at that table and help with the plan, because, we couldn't afford to lose the money right now. So, I am grateful for your support."

Commissioner Ranzau said, "I understand."

Ms. Wilson said, "Thank you."

MOTION

Commissioner Ranzau moved to accept the award; and authorize the Chairman to sign the grant award agreement and establish budget authority as provided in the financial considerations section of this request.

Commissioner Skelton seconded the motion.

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

VOTE

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

Commissioner Skelton said, "I can't believe it. Oh, sorry. Madam Clerk, please."

A motion was made by Commissioner Unruh, seconded by Commissioner Skelton, that this Grant Application be Approved. The motion carried by the following vote:

Absent: 1 - Chairman Norton

Aye: 4 - Commissioner Peterjohn, Commissioner Ranzau, Vice Chair Skelton and Commissioner Unruh

Present: 0

J [12-0477](#)

AGREEMENT WITH THE KANSAS CHILDREN'S SERVICE LEAGUE (KCSL) TO IMPLEMENT PROGRAM SERVICES UNDER THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) HEALTHY BABIES PROGRAM AT THE HEALTH DEPARTMENT. Presented by: Claudia Blackburn, Health Department Director.

RECOMMENDED ACTION: Approve the agreement and authorize the Chairman to sign; and establish budget authority as provided in the financial considerations section of this request.

Ms. Wilson said, "And this is the subcontract that I was just talking about. And so we'll pull down the \$292,000 and pass that on through to KCSL for the services that we've already talked about."

Commissioner Skelton said, "Okay."

MOTION

Commissioner Unruh moved to approve the agreement and authorize the Chairman to sign; and establish budget authority as provided in the financial considerations section of this request.

Commissioner Skelton seconded the motion.

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

VOTE

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

Ms. Wilson said, "Thank you."

Commissioner Skelton said, "Next item, Madam Clerk."

A motion was made by Commissioner Unruh, seconded by Commissioner Skelton, that this Agreement be Approved. The motion carried by the following vote:

Absent: 1 - Chairman Norton

Aye: 4 - Commissioner Peterjohn, Commissioner Ranzau, Vice Chair Skelton and Commissioner Unruh

Present: 0

K [12-0063](#)

PROGRAMS IN THE CRIMINAL JUSTICE SYSTEM.
Presented by: William P. Buchanan, County Manager.

RECOMMENDED ACTION: Receive and file.

VISUAL PRESENTATION

Commissioner Skelton said, "Hi, Manager, how are you today?"

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "Pretty darn good, thank you very much. We will talk about the existing programs, this is the monthly report to you. You will notice that in May of 2012 that the numbers are up a little bit.

"The detention facilities are up, the Work Release is down, out of county up, the whole total program is up a little bit. We've looked at the trends; you will see this is only a snapshot for a month. This, we think this is an aberration. There is no reason for us to be terribly excited about this and the Sheriff has had discussions about how these fluctuations occur. And so we are going to keep our eye on it, but we do not think that will be a terrible issue for us this year.

"The question was asked, who is in the facilities by jurisdiction, and you can see this. These are the people in the detention facility. When we produced this chart, we realized that we didn't take a look at the whole system. And by next month we'll have the whole system, that would include out of county and Work Release, but this is who is in the detention facility itself. We would believe that the percentages are going to be about the same. Twelve percent comes from the City of Wichita, the other jurisdictions are 2 [percent]; Sedgwick County, or [18th Judicial] District Court issues are 86 percent. So that's who is in the system now. Yes, Commissioner Skelton, did you have a question?"

Commissioner Skelton said, "Sir, what about the activities of the federal law enforcement agencies, are those numbers depicted in here?"

Mr. Buchanan said, "That would be under the 'other jurisdictions.' but there's not..."

Commissioner Skelton said, "Okay, thank you, sir."

Mr. Buchanan said, "You see that all these numbers don't add up to the 935, so..."

Commissioner Skelton said, "Yes, sir."

Mr. Buchanan said, "...or the people in the jail at the time, so, that would be in the other. We'll delineate for you at the next time we do that. We will be happy to add that category. Bookings and release, you see that bookings are down, and as expected, releases would be too, because they are directly proportional to each other. The length of stay, again, you saw the numbers were up for the month, but the length of stay numbers are, for 2012, down. And that's a good thing. We're paying attention to making sure we keep people out of the system and once they are in the system, to process them through in a faster way. So as the trends go, you can see the trend for 2012, this is only five months out of the year. So, it keeps going down. We know the summer months are the busiest time. So we'll see whether the 1,468, or where we'll end up at the end of the year.

"You'll notice here, though, that we did have, as indicated, a little uptick in May. But even with that little uptick in May, it is still the fourth lowest population, and certainly since 2007, 2008 the only two other aberrations or other two lowers were in 2011 and earlier this year. So, we think those numbers are good and we think it continues to trend downward, at least stabilize, we think that is appropriate and important. Snapshot of additional adult supervision, county funded programs. We know Corrections [Day Reporting] is down, purposeful. [Corrections] Pretrial Services is down a little bit, and you recall that the CJCC meeting tomorrow will have some pretrial experts here to talk to us about the best practices going on in the country.

"[Corrections] Adult Intense Supervision [Program] is down a little bit. Corrections [Adult Residential] is down, and, again, that's purposeful. The [District Attorney] Diversion is down.

Mr. Buchanan continued, "SCOAP (Sedgwick County Offender Assessment Program) is about the same and [Sedgwick County] Drug Court is up a little bit. The other funded programs, including [Wichita] city Mental Health Court, [Wichita] Drug [Court:] Diversion, down, that's a little bit. [Wichita] Drug Court: Probation is down. But for the [Wichita] Probation, total Probation is up for the City of Wichita. [Wichita] DUI (Driving Under the Influence) Diversion is up, and so the 18th Judicial Court Probation is about the same. So things are functioning, seem to be functioning well.

"The snapshot for BICE (Bureau of Immigration and Customs Enforcement), again, this is a snapshot of the day, one day. We have 38 people in BICE holds, and that's 2.5 percent of the total population. And almost all of them have other holds. It was asked about felony inmates. Again, a single snapshot day, we have 150 inmates sentenced to felony time in the Sheriff's custody. That's 10 percent of our population. These three categories will included: felony DUI, felony habitual violator, which is somebody that constantly drives on suspended license, and felony commitments. The initiatives are going well. We still have the journal entries, Interface Management [Team], and you can see Data Workshop, we're still working on the data. And these hopefully our decisions are being driven by data. The work, Communications Committee continues to work. WSU (Wichita State University) will continue to work on making sure of the research, the effective new DUI laws or jail population, we continue to work on Mental Health One-Stop-Shop and Mental Health Court. So Commissioners, if there are any questions, I will try to answer..."

Commissioner Skelton said, "Question for the Manager, please."

Mr. Buchanan said, "I'll try to answers those. You will note that today we have 1,471 folks in the jail, and that's less than what we had previously, so that continues that trend downward."

Commissioner Skelton said, "Okay. Questions for the Manager, please."

Mr. Buchanan said, "I recommend you receive and file."

Commissioner Skelton said, "Well, I hear, see no questions, so is there a motion to receive and file?"

MOTION

Commissioner Unruh moved to receive and file.

Commissioner Peterjohn seconded the motion.

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

VOTE

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

Mr. Buchanan said, "Commissioners, you have in front of you a request to have an Off-Agenda item on the Consent Agenda for the tower leases. We have obtained a couple leases that we need to execute before, as soon as we can, so that we can move on with our 911 system. So, at the appropriate time, Mr. Chairman, whenever you would like to take that up."

Commissioner Skelton said, "Yeah. We have the report [Board] of Bids and Contracts, and then we will take a vote to add the Off-Agenda item onto the Consent Agenda. Is that correct, sir?"

Mr. Buchanan said, "Krisit told me to say that, so I have to ask her."

Commissioner Skelton said, "Okay, we'll that's my course of action, if there's no objection."

Commissioner Unruh said, "No objections."

Commissioner Skelton said, "Okay. Madam Clerk, please."

A motion was made by Commissioner Unruh, seconded by Chairman Peterjohn, that this Presentation(s) be Received and Filed. The motion carried by the following vote:

Absent: 1 - Chairman Norton

Aye: 4 - Commissioner Peterjohn, Commissioner Ranzau, Vice Chair Skelton and Commissioner Unruh

Present: 0

L [12-0515](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS REGULAR MEETING ON JUNE 21, 2012.

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

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

Mr. Joe Thomas, Acting Director, Purchasing Department, greeted the Commissioners and said, "The meeting of the Board of Bids and Contracts of June 21st results in three items for your consideration. Item 1;

1. SESSION INITIATED PROTOCOL (SIP) TRUNK --DIVISION OF INFORMATION & OPERATIONS
FUNDING --DIVISION OF INFORMATION & OPERATIONS

"And that recommendation is to accept the proposal from Cox Communications for a total five year cost of \$232,515.00. Item 2;

2. 911 PHONE CIRCUITS --EMERGENCY COMMUNICATIONS
FUNDING --EMERGENCY COMMUNICATIONS

"Recommendation is to accept the quotes from AT&T for a total five year cost of \$111,300.00. Item 3;

3. VESTA 911 SYSTEM SUPPORT RENEWAL --EMERGENCY COMMUNICATIONS
FUNDING --911 TELEPHONE TAX

"Recommendation is to accept the quote from AT&T/Cassidian Communications in the amount of \$202,831.25."

Mr. Thomas continued, "Be happy to answer any questions, and I do recommend approval of these three items."

Commissioner Skelton said, "Are there any questions? Could I have a motion for approval, please?"

MOTION

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

Commissioner Ranzau seconded the motion.

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

VOTE

<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Commissioner Peterjohn</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>

Commissioner Skelton Aye
Chairman Norton Absent

Mr. Thomas said, "Thank you, sirs."

MOTION

Commissioner Skelton moved to add an Off-Agenda Item, 911 Radio Tower Leases (Colwich & Haysville) to the Consent Agenda.

Commissioner Peterjohn seconded the motion.

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

VOTE

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

Commissioner Skelton said, "Okay, at this time we will entertain the Consent Agenda."

A motion was made by Commissioner Unruh, seconded by Commissioner Ranzau, that this Board of Bids and Contracts be Approved. The motion carried by the following vote:

Absent: 1 - Chairman Norton

Aye: 4 - Commissioner Peterjohn, Commissioner Ranzau, Vice Chair Skelton and Commissioner Unruh

Present: 0

CONSENT

- M** [11-0778](#) First amendment to the lease agreement between Keith Bomholt and Sedgwick County for apartments located at 725-755 Hunter and 6511-6517 Cottonwood for COMCARE's Transitional Housing Program.
- N** [12-0396](#) Revision to the Grant Applications and Award Policy.
- O** **12-0503** Order dated 06/14/2012 to correct tax roll for change of assessment.
- P** [11-1302](#) General Bill Check Register.
- Q** [11-1261](#) Payroll Check Register.

R [12-0506](#)

Plat

Approved by Public Works. The County Treasurer has certified that all current taxes have been paid for the following plat:

Elderslie 2nd Addition Sedgwick County, Kansas.

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

Commissioner Skelton said, "Okay, yes, sir. Thank you. Is there any discussion of the Consent Agenda? Can I have a motion for approval, please?"

MOTION

Commissioner Unruh moved to adopt the Consent Agenda with the addition of the Off Agenda Item.

Commissioner Skelton seconded the motion.

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

VOTE

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

Commissioner Skelton said, "Okay. Mr. Attorney, there is no further discussion today in Executive Session, is that correct?"

Mr. Euson said, "We do not need Executive Session. That's correct."

Commissioner Skelton said, "Okay, there's no fire agenda."

Mr. Buchanan said, "No."

Commissioner Skelton said, "Okay. At this time we will move to 'other'. Anybody have any other 'other'? Okay."

A motion was made by Commissioner Unruh, seconded by Commissioner Skelton, that this Consent be Approved on the Consent Agenda. The motion carried by the following vote:

Absent: 1 - Chairman Norton

Aye: 4 - Commissioner Peterjohn, Commissioner Ranzau, Vice Chair Skelton and Commissioner Unruh

Present: 0

OTHER

Commissioner Peterjohn said, "Mr. Chairman?"

Commissioner Skelton said, "Yes. Yes, sir, thank you. Commissioner."

Commissioner Peterjohn said, "Next time I'll jog your elbow. The Manager stole my thunder, in terms of the total number of people in detention today, but I'll take it a little further and break down, deconstruct the numbers a little bit, because we had 1,102 people in the main facility, we had 121 in Work Release, 248 out of county. And broken down by the Sheriff's security structure, we had 469 in maximum security; 609 in medium security; 343 in minimum security, and the rest were unclassified. At this time in terms of 'other', one other point I want to provide, because something significant happened this morning, well I should say within the last 24 hours, a good-sized city, Stockton, California, declared bankruptcy, and their council voted to go into bankruptcy and we were fortunate to have a presentation from our finance folks.

"And I think it is important for folks who follow Sedgwick County, not only does Sedgwick County have the highest credit rating of all the governmental bodies here in Sedgwick County, and that's according to all three rating agencies, Standard & Poor's, Fitch and Moody's, but we actually have a credit rating higher than the federal government, according to at least one other rating agency. So, I think that's important for the citizens to know about that out there, especially at a time when the information I've got is is we're continuing to struggle with taxable assessed value not increasing, in fact decreasing. So, I thought it's relevant for folks to kind of know where we stand as we go into the summer season, and I thought this information would be appropriate to provide at this point in the meeting, Mr. Chairman."

Commissioner Skelton said, "Yes, indeed. Our local governments are in good financial order, and our federal government is in a disastrous state of finances, that is agreed. Any other 'other'? Okay, seeing no 'other', if there are no objections, this meeting will be adjourned. This meetings adjourned."

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 12:05 p.m.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

*TIM R. NORTON, Chairman
Second District*

*DAVID M. UNRUH, Commissioner
First District*

*KARL PETERJOHN, Commissioner
Third District*

*RICHARD RANZAU, Commissioner
Fourth District*

*JAMES B. SKELTON, Commissioner
Fifth District*

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED:
