

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



*Sedgwick County...
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Meeting Minutes - Final

Wednesday, October 5, 2011

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, October 5, 2011, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman David M. Unruh, with the following present: Chair Pro Tem Tim R. Norton; Commissioner Karl Peterjohn; Commissioner Richard Ranzau; Commissioner Jim Skelton; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. Tavis Leake, Fire Marshall, Fire District No. 1; Mr. Kelly B. Arnold, County Clerk; Mr. John L. Schlegel, Director, Planning Department; Ms. Claudia Blackburn, Director, Health Department; Ms. Susan Wilson, Healthy Babies Program Manager, Health Department; Mr. Tom Pletcher, Clinical Assistant Director of Mental Health, COMCARE; Mr. Pete Giroux, Principle Analyst, Budget; Mr. Richard Vogt, Chief Information Officer, Division of Information and Operations; Mr. Tim Kaufman, Deputy Director of Human Services, COMCARE; Mr. Sherdeill Breathett, Economic Development; Mr. Joe Thomas, Acting Director, Purchasing; Ms. Kristi Zukovich, Director, Communications; and Ms. Amanda Lee, Deputy County Clerk.

GUEST

*Ms. Karen Countryman-Roswurm, Appointee, Sedgwick County Juvenile Corrections Advisory Board
Ms. Sandy Hysom, Human Growth and Development Teaching Specialist, Unified School District 259
Mr. Brian Williamson, CEO/President, JCB Laboratories, Inc
Mr. David Calvert, Chair, Wichita/Sedgwick County Access Advisory Board*

INVOCATION

Led by Reverend Sherdeill Breathett, St. Mark United Methodist Church

FLAG SALUTE

ROLL CALL

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

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

PROCLAMATIONS

A [11-0985](#)

PROCLAMATION DECLARING FIRE PREVENTION WEEK.
Read by Chairman Dave Unruh.

RECOMMENDED ACTION: Adopt the Proclamation.

Chairman Unruh said, "Commissioners, I have a proclamation for your consideration,

PROCLAMATION

WHEREAS, the Sedgwick County Fire Department is committed to ensuring the safety and security of all those living in and visiting Sedgwick County; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are where people are at greatest risk from fire killing more than 2,640 people in the United States in 2010, and fire departments responding to more than 384,000 home fires in 2010; and

WHEREAS, working smoke alarms cut the risk of dying in a home fire in half; and

WHEREAS, first responders are dedicated to reducing the occurrence of home fires and home fire deaths and injuries through prevention and proper education; and

WHEREAS, Sedgwick County residents are responsive to public education measures and are able to take personal responsibility to increase their safety from fire, especially in their homes; and

WHEREAS, the Fire Prevention Week 2011 theme "It's Fire Prevention Week. Protect your Family from Fire!" effectively serves to remind us all of the simple actions we can take to keep our homes and families safe from fire during Fire Prevention Week and year round.

NOW, THEREFORE BE IT RESOLVED, that I, David Unruh, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim October 9-15, 2011, as

'FIRE PREVENTION WEEK'

and urge all citizens of Sedgwick County to protect their homes and families by heeding the potentially life-saving messages of Fire Prevention Week 2011.

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

MOTION

Commissioner Skelton moved to adopt the Proclamation.

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Peterjohn Aye

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

Chairman Unruh said, "And receiving the proclamation today this morning is the Fire Marshall from Fire District No. 1, Tavis Leake. Welcome."

Mr. Tavis Leake, Fire Marshall, Fire District No. 1, greeted the Commissioners and said, "On behalf of the men and women on behalf of Sedgwick County Fire District No. 1, I would like to thank you for accepting the Fire Prevention Week Proclamation. Fire Prevention Week commemorates the great Chicago fire of 1871. Two hundred and fifty people lost their lives, over 100,000 were left homeless, and over 17,000 structures were destroyed. Fire began on October 8th and did most of its damage on October 9th.

"With that in mind, I would like to invite you to some of the upcoming Fire Prevention Week activities we have scheduled. On okay 8th, Station 37 in Bel Aire will have an open house from 1:00 [p.m.] to 4:00 [p.m.]. On October 11th, Station 35 in Goddard will have an open house from 1:00 [p.m.] to 4:00 [p.m.]. Also on October 11th at the Sedgwick County Zoo will be the fifth grade luncheon, Wichita/Sedgwick County fifth graders will have an opportunity to visit with some emergency responders and also do some hands on training. So these are just some of the activities we have scheduled. There's many more. If you would like to know the rest of the activities, please contact myself or any of the other members in fire prevention, we will be glad to get you those dates and times of those activities."

Chairman Unruh said, "Thank you. We thank you for being here. We are pleased to be part of the reminder for our citizens to be aware of fire prevention activities and we know that we have a great resource in Fire District [No.] 1 in fighting fires and much of your effort is figuring out ways we can educate so we can prevent fire. So, we thank you for your efforts in making Sedgwick County safer and a better place to live. We do have a comment here from Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I strongly agree with the sentiments just expressed by the Chairman, and I am absolutely delighted to hear that there is going to be ongoing events, particularly in light of the very difficult summer we've had with all the dry weather and large number of, in fact, fires that, throughout Sedgwick County, and the challenges that are there. Just a quick question, on the county website, is there a full list of the activities posted on the website?"

Mr. Leake said, "Yes. There is an announcement on the website that has all the activities that are listed."

Commissioner Peterjohn said, "Thank you."

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

Commissioner Norton said, "Well for years, I managed Target stores. This was the time of year we start promoting fire extinguishers and smoke detectors and items for people to have around the house. And it is a time when people start lighting fireplaces and deal with having their furnaces come back on, and they need to have those

checked. So fire prevention is very important. It is also a good time to explain to your children and your family what to do in case of a fire. Do you have a plan to get out of the house, to count heads, to make sure everybody is a safe? All of that needs to happen right now as we go into the winter season, when people are more susceptible to fires in their home. It is good that you're out and about telling people to remember fire prevention at this point in time. Thanks. That's all I have Mr. Chair."

Chairman Unruh said, "Thank you, Commissioner. Thank you for being here, and we wish you success in all those efforts."

Mr. Leake said, "Thank you."

Chairman Unruh said, "Madam Clerk, next item."

A motion was made by Commissioner Skelton, seconded by Commissioner Norton, that this Proclamation(s) be Adopted. The motion carried by the following vote:

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

Present: 0

APPOINTMENTS

B [11-1019](#)

RESOLUTION APPOINTING KAREN COUNTRYMAN-ROSWURM (BOARD OF COUNTY COMMISSION AT-LARGE POSITION APPOINTMENT) TO THE SEDGWICK COUNTY JUVENILE CORRECTIONS ADVISORY BOARD.

Presented by: Richard Euson, Country Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Mr. Richard Euson, Country Counselor, greeted the Commissioners and said, "We prepared this resolution of appointment for a term to expire in June of 2014. This is an at-large appointment and I recommend you adopt the resolution."

Chairman Unruh said, "Thank you. Commissioners, what is the will of the Board?"

MOTION

Commissioner Norton moved to adopt the resolution.

Commissioner Ranzau seconded the motion.

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

VOTE

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

Chairman Unruh said, "I think we have Karen Countryman-Roswurm here. County Clerk Kelly Arnold will administer the oath."

Mr. Kelly B. Arnold, County Clerk, greeted the Commissioners and said, "I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas and faithfully discharge duties of the office of Sedgwick County Juvenile Corrections Advisory Board so help me God."

Ms. Karen Countryman-Roswurm, Appointee, Sedgwick County Juvenile Corrections Advisory Board, greeted the Commissioners and said, "I do."

Mr. Arnold said, "Congratulations."

Ms. Countryman-Roswurm said, "Thank you, Commissioners. I appreciate this opportunity and I look forward to sharing my expertise and working with homeless runaway, throwaway youth and human trafficking survivors with this board. So thank you."

Chairman Unruh said, "Well, thank you. We appreciate your willingness to serve, and as we tell folks regularly that your service is something that we take seriously, and we honor your willing to take the time to put in the effort to do this. Appreciate your willingness to serve the citizens of Sedgwick County."

Ms. Countryman-Roswurm said, "Thank you, sir."

Chairman Unruh said, "Madam Clerk, next item."

A motion was made by Commissioner Norton, seconded by Commissioner Ranzau, that this Appointment(s) be Adopted. The motion carried by the following vote:

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

Present: 0

PLANNING DEPARTMENT

- C** [11-1024](#) DER2011-00005 - AMENDMENT TO THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE PARKING STANDARDS. (ALL DISTRICTS)
Presented by: John L. Schlegel, Planning Director.

RECOMMENDED ACTION: Approve the amendment to the Wichita-Sedgwick County Unified Zoning Code as recommended by the Metropolitan Area Planning Commission; approve the resolution and authorize the Chairman to sign the resolution.

Mr. John L. Schlegel, Director, Planning, greeted the Commissioners and said, "This item was advertised to be on your agenda for next week's meeting, October 12th, and inadvertently entered into the register for today's agenda. I would ask that you defer this item until your October 12th meeting."

MOTION

Commissioner Norton moved to defer Item C until October 12, 2011.

Commissioner Skelton seconded the motion.

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

VOTE

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

Chairman Unruh said, "Next item."

A motion was made by Commissioner Norton, seconded by Commissioner Skelton, that this Resolution be Deferred. The motion carried by the following vote:

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

Present: 0

NEW BUSINESS

D [11-0939](#)

CONSIDERATION OF GRANT IN THE AMOUNT OF \$180,000 TO THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) FOR THE HEALTHY BABIES PROGRAM IN THE HEALTH DEPARTMENT.

Presented by: Claudia Blackburn, Health Department Director.

RECOMMENDED ACTION: Accept the grant award and establish budget authority as provided in the Financial Considerations section of this Request; implement the Staffing Table changes identified in the Personnel Considerations section of this Request; and authorize the Chair to sign the grant agreement.

Ms. Claudia Blackburn, Health Department Director, greeted the Commissioners and said, "Kansas and Sedgwick County have struggled with the high rate of infant mortality for many years. When I talk about infant mortality, I'm learning that there is a lot of confusion over that term. What I mean is babies who are born alive and who die before their first birthday. And you may have seen the editorial in last week's Wichita Eagle about, just outlining the problem. And this was part of the Infant Mortality Awareness Month. As a state, the State of Kansas has the highest black infant mortality rate in the nation. There are many reasons for this, and the Kansas (KS) Blue Ribbon Panel on Infant Mortality has created a two-page report that is on our website outlining the contributing factors, and recommending strategies for reducing the rate in counties that have the majority of the burden. Those counties are Wyandotte, Gary County, Shawnee and Sedgwick County. According to the [Kansas] Blue Ribbon Panel [on Infant Mortality] report, pre-conception education and decreasing teen pregnancy are two important steps to decrease the risk of poor birth outcomes and infant deaths. The mission of the Sedgwick County Health Department is to improve the health of residents, to do this through promoting wellness, preventing disease and protecting our residents from public health threats.

"Consistent with our mission is the work of the Healthy Babies Program. The purpose of the Healthy Babies Program is to decrease prematurity, low birth weight and infant mortality. One of the ways to accomplish this is to reduce teen pregnancies. According to the CDC (Centers for Disease Control and Prevention), teen pregnancy can perpetuate the cycle of poverty and increase infant death, low birth weight, and preterm birth and increased healthcare costs. Nationally, taxpayers, the cost to taxpayers for teen pregnancy is over \$9 billion a year. This is for increased healthcare and foster care, increased incarceration rates among children of teen parents, and lost tax revenue because of lower educational attainment, and income among teen mothers. Pregnancy and birth are significant contributors to high school dropout rates among girls.

"Only about 50 percent of teens who give birth as an adolescent receive a high school diploma by the age of 22, versus 90 percent who do not give birth as adolescent. Then the children of teenage mothers are more likely to have lower school achievement, drop out of high school, have more health problems, be incarcerated at some time during adolescence, giving birth as a teenager and face unemployment as a young adult. Now, this isn't to say that all adolescent mothers and their children are going to have a poor outcome and that there's no hope.

Ms. Blackburn continued, "But when you look at the issue overall, this is the general picture, it is a very challenging situation. With the personal responsibility and education program award, the Healthy Babies Program will be enhancing our school-based education program which is called 'Healthy today, Healthy tomorrow', by adding an evidence-based program called Reducing the Risk for ninth grade students during P.E. (Physical Education) Class. This will be done at two USD (Unified School

District) 259 schools beginning this year, and will increase and will add two schools each year for four years. So the first year we will be at Northwest and Heights, and then the second year, South and Southeast as part of USD 259, then the rest of the schools haven't been chosen yet. But each year we will add 400-500 students, so that by the fourth year we will be educating 1,600 to 2,000 students a year.

"This is an abstinence-based pre-conception, reproductive health education program that has been proven to reduce teen pregnancies and sexually transmitted diseases. There are many important features of the program that I would like to share with you. One is that parental consent is required. This is an opt-in program. Parents get information about the program. There are people available to talk to them if they have questions, but their children only participate if they want them to. Parent-child communication is part of the program. There is an assignment, at least one assignment where the children are assigned to talk to their parents about issues that are being discussed in class.

"Healthy relationships are emphasized, learning how to respect each other, learning refusal skills, which is really important if you want to prevent pregnancy, healthy life skills, goal-setting, decision-making, negotiating, interpersonal skills and stress management and then adolescent development, they learn about body image, what is normal, about attitudes and values. The program involves training teachers to teach the curriculum over time. This is how we are going to expand the capacity of USD 259 and other school districts that we eventually work with. We have heard from Commissioner Peterjohn, the need to consider expanding to other school districts within Sedgwick County recognizing that there are 10 and we're just addressing the largest one at this point. What we would like to do is pilot the implementation of this program this year, because it is new for us to, you know, make sure that we can do a good job with that.

"And then we can evaluate expansion strategies. But what we can do this year, we can provide technical assistance to other school districts who are interested in using our 'Healthy today, Healthy tomorrow' program in some form or fashion, we can do train the trainer, we are happy to explore that with those that are interested in implementing something in their schools. We've also been asked why we're providing the education for USD 259. We recognize the need to get upstream on this issue, the issue of teen pregnancy prevention. And we had the expertise and the resources at the (Sedgwick County) Health Department to provide the service to USD 259 and they had the audience. We work with many agencies in the community to accomplish our goals. That's what a lot of agencies do. We have a good partnership with USD 259 and collaborative partnerships are how we get things done in Sedgwick County, that's really how we operate.

"Commissioners, this agreement is for \$180,000 for the first year, it is renewable for an additional three years at \$158,000 each, it will become part of our base funding. The funds will be used to support 1.33 FTES (Full Time Equivalent), existing staff, we are not asking for new staff, in light of budget cuts we're appreciative of the opportunity to be able to keep excellent public health professionals.

"\$49,360 will be used for subcontract with USD 259 and I'll discuss that during the next agenda item. Before I close, I think it's important for you to know that since we started implementing the 'Healthy today, Healthy tomorrow' program, the nurses have reported many students coming forward, worried that they're pregnant, pregnant and have haven't really acknowledged it yet, questions about, you know, the behaviors that they've been practicing and thinking after the new information that they learn that

maybe it's time to change.

"So there are a lot of personal stories that the nurses have shared that just tell us that we are on the right path with this. I hope that you will support the good work being done to prevent teen pregnancy and improve the health of our mothers and babies. I recommend that you approve this agreement, authorize the chair to sign all related documents. I would be happy to answer questions. The real experts are sitting in the audience. That would be Susan Wilson, she's the Healthy Babies Program Manager, Allison Taylor, who is the Healthy Babies (Program) Coordinator, and then Sandy Hysom who is an education specialist with USD 259. We will be talking more about Sandy in the next agenda item. Thank you."

Chairman Unruh said, "Well, thank you for those remarks, Claudia. This is, as you said, in our backup material and is an evidence-based program. Which to me implies it's been in use many places across the United States for how long of a time, do you think? For several years?"

Ms. Blackburn said, "Gosh, I think this one is over 15 years."

Chairman Unruh said, "Has there been public push back or resistance to the program, or is this being welcomed as a program itself has matured and shown its effectiveness?"

Ms. Blackburn said, "I am going to ask Susan to come up. She has a lot of detail about the program that she can share with you."

Ms. Susan Wilson, Healthy Babies Program Manager, Health Department, greeted the Commissioners and said, "If I recall correctly, I think about 1981 was the first time they rolled out the program. And they've had a couple of studies, evaluations done on it, and they've replicated the program a number of times. I think there are at least two studies where they evaluated the replication process to make sure that the outcomes that they saw that first time around really could be replicated. And so when KDHE (Kansas Department of Health and Environment) came to us and said because you have a good working relationship with the school district, you have the audience we need, we would like to pass this money through to you through your aid to local money.

"Next year it'd be part of that. And we were given the opportunity then to choose what evidence-based program we would like to implement. And there is a list of those that are available nationally, and they are all, they are based on the target population. And so based on the fact that we had this relationship with the schools, we were going to serve male and female students, and the fact that USD 259 used to use this curriculum in a certain fashion, because it was slightly modified it from the original, they wouldn't be able to say that they used it in that same evidence-based manner, but they have experience with this curriculum, and Sandy has experience teaching this. So that is why we chose to use Reducing the Risk."

Chairman Unruh said, "Okay, thank you. And you emphasized the fact that this requires parental consent before..."

Ms. Wilson said, "Absolutely."

Chairman Unruh said, "Youngsters enrolled in the program?"

Ms. Wilson said, "USD 259 is an opt-in program for any of this kind of education they do. Currently with the education they send home a permission slip. We will add this to that permission slip so that parents also can check that off. And then if parents have questions, Sandy is the Human Growth and Development Coordinator for the district. They will be able to call her directly. If there is a parent that just has questions about how it is going to work, and maybe they want to have some individual education for their student or to come in with their student, that's something that we will offer to them also. And then we will do parent education training or classes prior to implementation at each school so parents can come together and ask us questions, because a lot of parents, this is kind of a scary territory."

Chairman Unruh said, "Well, I understand that. I think in our culture around here, we typically think these issues are best taken care of by parents and by teaching from their church or religious institution, but the statistics indicate that's not happening, and because of the problems it creates in our community, then this I think is a reasonable response. So we do have comment from other Commissioners. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Let me walk through, in the first year of this grant, how many of the high schools in USD 259 would be covered by it?"

Ms. Blackburn said, "The first year there will be two high schools."

Commissioner Peterjohn said, "And by the, at the end, I think you said three years?"

Ms. Blackburn said, "At the end of the fourth year, there will have been eight high schools."

Commissioner Peterjohn said, "Eight high schools."

Ms. Blackburn said, "So it's two each year."

Commissioner Peterjohn said, "I am a little shaky because I know the school district is opening additional high schools, total number of high schools in USD 259 four years from now will be..."

Ms. Sandy Hysom, Human Growth and Development Teaching Specialist, Unified School District 259, greeted the Commissioners and said, "It will be 10."

Commissioner Peterjohn said, "So 8 out of 10."

Ms. Hysom said, "We can work that out, we can add the schools. I can do that [Inaudible]."

Ms. Blackburn said, "We will keep going, if we keep getting funding, and of course it's kind of, you know, other things may happen that allow us to expand faster than we're currently planning."

Commissioner Peterjohn said, "Okay. So help me out, is this the three-year grant or four-year grant."

Ms. Blackburn said, "Four."

Commissioner Peterjohn said, "Four years. That would cover 8 out of the 10 schools after four years. One of the, you are absolutely correct that one of my concerns has been the fact that we are kind of picking this up and taking it on. Let me go through some of the standard questions I've had. This grant, is this federal or state or combination of both or what is the source of the funds?"

Ms. Blackburn said, "The source of the funds is federal, and it passes through KDHE, the Kansas Department of Health and Environment, to us."

Commissioner Peterjohn said, "Okay. At the end of this grant, would we be expected to either have to make the determination to continue the program using our own property tax funds are, or what would our options be at that point?"

Ms. Blackburn said, "Well, we hope that this funding continues, especially if it's a successful program, but it is hard to predict, you know, beyond four years. But the way we're doing, it's a train the teacher curriculum, so it will continue within the system even if we are not funded."

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "Commissioner, it is my understanding there is no obligation to continue the program if the funding is suspended or cut."

Commissioner Peterjohn said, "At this point in time, okay, very much appreciate the clarification, thank you, Mr. Manager. One of the concerns I have had when we talked about it in advance we're looking at the possibility of treating effects instead of looking at the root causes, and I am one of those people who go back a ways and remember former senator, the late Senator Daniel Patrick Moynihan who warned about the destruction of the family if certain programs were put in place, going back to the 1960s. And I'm concerned that some of the programs that we get involved with, with any of these grants, we're trying to treat the effect as opposed to addressing root causes.

"And I appreciate the clarification and the information, because I don't know who will be sitting up here in four years among the five of us, but I would like to get on the record that there is no necessary commitment, because frankly with our financial challenges, and federal, even worldwide financial challenges that face us, I am not sure what we will be able to afford going out into the future. Having said that, those are the questions I have at this point in time. Thank you, Mr. Chairman."

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

Commissioner Norton said, "Well, I am going to be supportive of this grant application. This is an evidence-based program, it's been studied longitudinally for several years, and all the evidence shows that the program can be effective. Commissioner Norton continued, "I think the state had a realization that they have an issue statewide, and certainly there's pockets and we're one of those communities, but the state realized this is something that needs to be resolved. It is not something that is going to resolve itself without some intense scrutiny and some training and some money, some dollars to help move it along. This issue bubbled up in our Visioneering [Wichita] conversations that we had five, six years ago. Low infant birth weight, teen

pregnancy, out of wedlock mothers, all of those were issues that we had to resolve, and we have a high incidence in certain pockets in our community.

"And I agree with Commissioner Peterjohn that it would be nice to have the ideal, but the truth is while we're trying to get to the ideal, we have to keep one foot in reality. And reality is that we have an issue in our community, it costs a lot of money, it has long-term residual effects economically, in our corrections system, in the growth of that child and of the family, so while we would like to strive for the ideal and change that dynamic, I think we have to keep ourselves rooted in reality, and I think that's what this does, is try to change the reality we're dealing with while we also strive to change all those things that will make families stronger, create abstinence within our kids until they are married, all of those things, but that's not the state in which we live right now and we need to work on this. I am going to be supportive of this particular item. Hopefully it has the results and that we get into the schools. And finally, I would challenge us to look at the suburban schools also. Although there's pockets in the inner city, we also have pockets out in the suburban areas and other school district. I think we need to make sure we're serving our populations county line to county line. That's all I have, Mr. Chair."

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

Commissioner Ranzau said, "Thank you. As a clarification, you said that this will not result in an increase in staffing?"

Ms. Blackburn said, "Correct."

Commissioner Ranzau said, "That's correct. The current staff that we have will implement this program."

Ms. Blackburn said, "Correct?"

Commissioner Ranzau said, "Are they going to give up, not going to do their other responsibilities that they have now?"

Ms. Blackburn said, "They..."

Commissioner Ranzau said, "Or will they continue those and add these to it?"

Ms. Blackburn said, "We have one person on staff who is going to be doing this instead of some other things that she was doing."

Commissioner Ranzau said, "And what is going to happen to her responsibilities?"

Ms. Blackburn said, "Well, they may stop."

Commissioner Ranzau said, "They may stop. Well, I guess it comes down to a matter of priorities.

"I am going to oppose this grant because it is federal funding and I am concerned about the mission creep. Now it is not the program itself, if we can realign staff's job duties and stop some and start another, then let's just do that. Why do we need federal dollars to do it? Let's use existing dollars."

Ms. Blackburn said, "We're looking to the future. Understanding that we are going

through a budget reduction and we're preparing for that."

Commissioner Ranzau said, "Okay. Well, you're saying we can do it with existing staff, let's do it with existing staff and not take the extra money. Even if you support taking grants from the federal government for these sorts of things, which I don't, then I would think that money could be used better somewhere else and let's just do that. I am also concerned about the mission creep that we don't like, you know, how their teaching it and this is something that has been predominantly been the responsibility of the schools. But if this is a priority, let's make it a priority and use our money. It is a local issue, or a state issue. Let's use our money for that, and I'll continue to make that argument at a time when we are looking to strengthen our budget, we have to make priorities. And if this is a priority over something else then that means we need to drop something else and use money for this if this is a priority."

"And I understand the reason behind it, and I am not going to argue with those reasons, because it makes sense, and we certainly have some problems and this is supposed to be a good program and I support the fact that it is abstinence based, and it's an opt in, and a variety of things. So, I just want to explain that, and the second one it's related to it, I'll go ahead and say the second one and it is to teach individual responsibility. I don't think that's the, once again, the federal government's job to teach us individual responsibility. I think it is something at that we need to do as parents and as communities and that's where the funding should come. And I am not opposed to using my own tax dollars in the here and now, but I am opposed to using my children's money in the future for something that should be dealt with here and now. That's all I have, thank you, Mr. Chairman."

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

Commissioner Skelton said, "Thank you, Mr. Chairman. I agree with the comments made by other Commissioners supportive of this issue. Especially Commissioner Norton made a comment about bringing this issue outside of, you know, [USD] 259, county to county, so to speak. I am aware of, you know, of some prime candidates that are outside of 259, and I sure would like to see those people get support in due time. So I hope this is not limited to 259. I heard mention that your next two schools, four schools, six schools maybe 259 candidates. I would strongly urge you to reconsider or consider, and I can talk privately with you about this and that would be fine, other locations. Okay, because I have an idea for you."

Ms. Blackburn said, "All right."

Commissioner Skelton said, "I hope to share it with you later. Thank you."

Ms. Blackburn said, "Thanks."

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

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I was wondering if the representative from USD 259 could come up and take a couple questions. Also clarify for the record that she spoke a little bit before and earlier response, so for viewers out there, may have been a little confusing for them, because there is a good chance we could hear her, but I don't think people..."

Ms. Hysom said, "I understand."

Commissioner Peterjohn said, "...who are seeing this broadcast were able to hear you. I wanted to give you that chance. Let me begin by asking you, they said that this program is going to begin with two high schools right off the bat. Could you name those high schools?"

Ms. Hysom said, "It will be Northwest and Heights."

Commissioner Peterjohn said, "Is this replacing an existing program in USD 259?"

Ms. Hysom said, "Yes, it is."

Commissioner Peterjohn said, "What will happen to the people involved in that program, were they part of the restructuring that USD 259's been going through?"

Ms. Hysom said, "Where we are putting this program is in the ninth grade physical education (PE) class that is required by all students. Those teachers have taught this curriculum, or taught a similar curriculum that is now somewhat outdated. This will give us an opportunity to train the teachers in an updated curriculum and continue teaching their students. So we are adding a better, more updated evidence-based curriculum, for what we have been using."

Commissioner Peterjohn said, "Okay. Because one of the concerns I have talked about is a little bit of mission creep, because it is getting Sedgwick County involved in some way, in terms of any of the schools, we already have an educational function at this point through the NCAT, our National Center for Aviation Training, Wichita Area Technical College (WATC) where the county is deeply involved. And so this would put us into this school district in a way where we haven't been involved in the past, and it's frankly a concern that I have. Is there any comment you would like to provide on kind of the mission creep type of thing and crossing the divide that exists between Sedgwick County and in this case specifically USD 259? But hopefully, and I agree with Commissioner Norton's earlier comments, if we are going to start doing this program for one community, we've got I believe 10 school districts based in Sedgwick County. And as a Commissioner who has more of those school districts, albeit maybe not as many students as some of the other school districts, I'll defer to Commissioner Skelton and [Commissioner] Norton both on that point. Because I believe Derby and Haysville have school districts that are a good deal larger than and that are in my district. I would appreciate any insights that you might be able to provide while we are considering this item."

Ms. Hysom said, "For the last three years, I have been working with the Wichita/Sedgwick County Health Department, and we have had them come and speak at our schools. In fact, for the last 20 years the Sedgwick County Health Department has been approved speakers for our schools. There are only certain people and certain organizations that can speak about this issue, human growth and development, Sedgwick County Health Department has been a part of that the entire time. "So we have kind of added them in because, and it was based on students' concerns. When student council, the city council of youth, there was an article in the paper where it talked about that they believed there was some issues that our schools were not adequately dealing with. And Susan Wilson wrote a letter to the Wichita school system, and said how can we help because the kids are saying they need more education. So I've been working with them the last three, three and a half years trying

to develop that. Now we have an opportunity to expand that. And to update what we presently have in our Wichita schools. We have an excellent program. Unfortunately, it is 20 years old, and we don't have the finances to update it. So here is our opportunity to do that."

Commissioner Peterjohn said, "Let me ask you, you said Sedgwick County is one of the small groups that's been approved. Can you mention the other groups that are able to come into the school and talk on this subject?"

Ms. Hysom said, "I would have to pull up my list. It's the [Sedgwick County] Health Department, it's the American Red Cross, it's, there are two different areas of the Health Department that can come in and talk about different issues. It is a very small list, and there are certain individuals who passed the scrutiny early on. We are in the process of rewriting that policy and looking to how we can approve more individuals to speak to our schools, but it is determined by a committee within the school system."

Commissioner Peterjohn said, "So it's just the [American] Red Cross and Sedgwick County [Health Department]?"

Ms. Hysom said, "There are a few individuals that are also approved. KU (University of Kansas) School of Medicine is approved."

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

Chairman Unruh said, "First of all, I don't know if you identified yourself and your position when you began speaking."

Ms. Hysom said, "My name is Sandy Hysom. I am the Health Education Curriculum Coach for USD 259."

Chairman Unruh said, "All right, thank you. We have more comments. Mr. Manager, were you wanting to make a comment?"

Mr. Buchanan said, "I heard the term mission creep a couple times, and I think that's not accurate. The mission of the Health Department is to educate the public about public health issues. And this happens to be what they are going to do. It happens to be in the school rather than on a street corner or in a newspaper."

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

Commissioner Ranzau said, "Thank you, Mr. Chairman. I think when we talk about mission creep, we're doing something that is historically been done by the school system, so we're using our overall statement to justify, yes, we are creeping and getting, doing more things that than we weren't doing in the past. So I disagree. I do believe it's...we are increasing our responsibilities, and therefore increasing our mission. But what I really want to emphasize here, this is a new grant. Something we haven't taken before, and as you stated, we're hoping this continues on in the future. Commissioner Ranzau continued, "So what we are doing is creating more dependence on our part on the federal government. I think that's a bad policy. We've done that in our budgeting process to reduce our cost here, and I have not supported those mechanisms because in the long term it hurts us and I think it puts us in harm's way with respect to the federal government cutting later on, it could leave us scrambling. I don't think it is a good policy for us to create more dependence on the federal

government. There are plenty of things out there that we could cut and pay for this ourselves. So that's the overriding factor.

"It is not about the program itself, we want to get involved in more things, then we are going to have to cut something else. Because I'm telling you, and I hope I'm wrong and I hope it never happens, but we could see ourselves scrambling at some point in the future when these grants go away. But we continue to make more decisions that make us more dependent on the federal government. She said that she doesn't have the finances of the school district to pay for this. Well we don't either because we have a deficit. Well guess what, the federal government doesn't have the money, either. They just continue to print and borrow. So making ourselves more dependent on the federal government, regardless of the worthiness of the program is not in our best long-term interest. And it's not just associated with this program, but it is associated with many other programs. So I have opposed federal grants in the past. But in particular when you create new programs at this time and create more dependence on the federal government, I think is just bad policy. Thank you."

Chairman Unruh said, "Thank you, Commissioner."

MOTION

Commissioner Norton moved to accept the grant award and establish budget authority as provided in the Financial Considerations section of the request, implement the Staffing Table changes identified in the Personnel Considerations section of the request, and authorize the Chair to sign the grant agreement.

Commissioner Skelton seconded the motion.

Chairman Unruh said, "Thank you. We have a motion and a second. We'll have further discussion. I don't want to prolong the discussion, but to so clearly state my perspective on this, we are the board of health for Sedgwick County, and as we consider issues relevant to our responsibility in that position of authority, I would say first of all that these issues like infant mortality and public health issues are not respecters of jurisdictional boundaries. And so we have to respond to those things as the issue arises. We have identified clearly an issue in our community that is recognized as something that, we are statistically ranked poorer than anybody else in the nation, I guess, you say we were ranked, Kansas was ranked last?"

Ms. Blackburn said, "For black infant mortality."

Chairman Unruh said, "Black infant mortality. I believe in this case where we have a clearly identified issue relevant to our responsibilities at the board of health and we can identify resources to attack that problem, and hopefully influence it in a positive way that we should do that. Should that funding cease and we do not have the resources and the school district doesn't have the resources, I think it's clear to me it's our responsibility, then, to deal with that issue as it arises, and either stop the program, or depending on the priority, find a way to fund it.

"But right now, we have resources provided that is part of a program to provide for public health and I think that we would be definitely unwise decision not to be supportive. So that's my position. I will be supportive. We have another comment from Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Another quick question,

whether it's school district or Health Department, has this item been considered by the school district directly or if we approve this here today will the school district take this up at a future meeting?"

Ms. Blackburn said, "My understanding...Sandy?"

Ms. Hysom said, "It has been approved by the school system, and as we then deal with the evaluation of this program, it will go through our committee, our human growth, district human growth and development committee, so as we are, this is a new grant, there are new things that will be added in so we will look at that at the school system."

Commissioner Peterjohn said, "You said the school board had approved it?"

Ms. Hysom said, "Not the school board, the school staff."

Commissioner Peterjohn said, "Okay..."

Ms. Hysom said, "The superintendent has signed off on this, and the curriculum department has."

Commissioner Peterjohn said, "Okay, because I was going to say, since this is a significant enough matter to bring before our body, I presumed it was also at some point part of the, be part of the school board's process and agenda."

Ms. Hysom said, "What we have, dealing with human growth and development, we have a board policy, and in that policy we have a committee with a board member on that committee that makes those decisions. This kind of question doesn't have to go to our board, we have a committee to make those decisions."

Commissioner Peterjohn said, "Okay. because obviously if we're getting involved in structuring what the school, how the school will be changing their curriculum and modifying it for ninth grade health or phys ed (physical education) related discussion, I wanted to understand since at this point I have one child in USD 259, although she's not in the ninth grade, but understanding how things would, how this would proceed. This is a challenging vote for me, and thank you. I would like to make some comments, because I agree with the assessment that, A, we have a problem. My concern about this grant has been the generic difficulties that have been expressed by Commissioner Ranzau, but also the broader question, is this a county issue we should be handling shall and frankly more broadly, this and the next agenda item, where we ought to go in terms of proceeding and what sort of challenges we're going to leave in place if we accept this grant and when this grant and the renewals run out, what sort of difficulties will be left in place for this decision, and of course I guess the question I'd have would be, would we be in a position to get additional information as to how this grant is performed and how we're doing this in terms of this problem of infant mortality, if it's affecting our community?"

Ms. Hysom said, "Yes. There will be an evaluation component and we will be happy to share that information with you."

Commissioner Peterjohn said, "Well, I appreciate knowing that, because I have concerns about this item. I think I've got more concerns about the next one. The budget challenges we face in federal government, and state government for that matter

all face, all make this difficult. And I know the school district has been wrestling with this, I know they have had programs with mothers bringing their students to high schools. It a lot difficult when I was in school back in the dark ages back in the 1960s, so there are a lot of challenges that we face. That's why when we look at these decisions, I really want to try to get as much of the details out there, because of the prior comments that have been made, and possible long-term ramifications for this program. Thank you, Mr. Chairman."

Ms. Hysom said, "Thank you. Any further discussion on the motion? Seeing none, please call the vote."

VOTE

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

Chairman Unruh said, "Next item, please."

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

No: 2 - Chairman Peterjohn and Commissioner Ranzau

Aye: 3 - Commissioner Skelton, Commissioner Norton and Commissioner Unruh

Present: 0

E [11-0954](#)

CONSIDERATION OF AN AGREEMENT IN THE AMOUNT OF \$49,360 BETWEEN THE SEDGWICK COUNTY HEALTH DEPARTMENT AND UNIFIED SCHOOL DISTRICT (USD) 259 TO IMPLEMENT THE PERSONAL RESPONSIBILITY EDUCATION PROGRAM (PREP) UNDER THE GRANT AWARD FROM THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE).

Presented by: Claudia Blackburn, Health Department Director.

RECOMMENDED ACTION: Approve the agreement and authorize the Chair to sign; and establish budget authority as provided in the Financial Considerations section of this Request.

Ms. Blackburn said, "This agreement is with USD 259 for \$49,360 to support implementation of the Personal Responsibility and Education Program (PREP) described during the last agenda item. This funding will support a portion of the personnel costs for Sandy Hysom. She is a master's prepared health education teaching specialist for USD 259. She will be responsible for acting as the liaison between USD 259 and the Health Department, representing USD 259 in program-related meetings. She will become a trainer on this curriculum, and she will also act as a backup, educator, facilitator for the training. She will act as a resource for the Kansas Department of Health and Environment and for USD 259 staff, teachers and students for questions. And she will assure that all program objectives are being met within the school district.

"I recommend that you approve this contract and authorize the Chair to sign this and any related documents. And Sandy is here, you've met her, she will answer additional questions that you may have."

Chairman Unruh said, "Thank you. We have a comment from Commissioner Ranzau."

Commissioner Ranzau said, "As I stated earlier, I don't believe it is the role of federal government to fund personal responsibility programs and I don't think it is their responsibility to fund sex education programs. But beyond that, my question, so we're actually going to use this money, and we're going to give it to 259 to pay for the salary of a person that already exists in 259."

Ms. Blackburn said, "Correct."

Commissioner Ranzau said, "Why are we doing that? The school district is already paying that position. This is an example of, why are we subsidizing that position if it's already there?"

Ms. Hysom said, "I can answer that. I've been the human growth and development person, they've changed that title several times, for about 15 years now. And it started out as a full-time position because I found grant funding for that position. And then that grant funding started drying up, as it was started because of HIV (Human Immunodeficiency Virus) and AIDS (Acquired Immune Deficiency Syndrome) and I was an AIDS educator, and we put that in the curriculum. But over the years that funding has declined, and I have held onto this position because I so truly believe we need to help our kids in this area.

"So several of those years I worked one day a week as a health educator, the other days of the week I taught art or I was a school counselor, but maintained this job. Now the school can afford to pay me two days a week, but if I weren't going to do this job, I would be a counselor in a school. I would not have this job full time. This grant will

allow us to put this in place in the proper way.”

Commissioner Ranzau said, “Well, I guess that kind of answers my question. So we've had one source of government funding dry up and now we've got to find another grant to continue that going, and that's just not good policy. Like I say, it is our responsibility to fund sex education here in this community, not the federal government, because one grant went away, now we got to find another grant to maintain the position at the school district. I can't support that. Now respect to, this is supposed to be for ultimately infant mortality. There are a lot of things that contribute to infant mortality. What are the greatest risk factors for infant mortality?”

Ms. Blackburn said, “Well, I don't know that I have a rank order, but certainly smoking. We know that unsafe sleep habits for infants are great risk factors. Low birth weight is, besides congenital anomalies which we don't have much control over, low birth weight a big is the biggest risk factor. And low birth weight is something that we see more with teens.”

Commissioner Ranzau said, “Okay. That's all I have.”

Chairman Unruh said, “Thank you, Commissioner. Commissioner Skelton.”

Commissioner Skelton said, “Well, I just want to address the concern that, you know, if these grants dry up, I think I've seen evidence of the counties, ceasing the fund programs, or ceasing to conduct programs, you just stop doing it. Manager, are you able to recall some of those? During our budget discussions I remember the facts that we were not getting sources of funding anymore and we just quit doing some programs. Can you cite some examples?”

Mr. Buchanan said, “We've done that and Community Developmental Disability [Organization] (CDDO) programs, we've stopped doing that, putting some people on the waiting list. We have stopped doing program at the park. We continue to, we have stopped some other ones and I am racking my brain, Commissioner.”

Commissioner Skelton said, “Yes, well I recall that. I think that's been the general take what staff has done and that's supported by the Commission and myself. Certainly when you look at grants, an alternative, one grant or another, you know, that's immaterial, it's still funded. What we need to do, if these grants do dry up, certainly cutbacks are going to be needed.”

Mr. Buchanan said, “Commissioner, if you recall, we reduced the number of beds in the adult facility, residential facility for Community Corrections because of reduction of funding from the state.”

Commissioner Skelton said, “Right. So there's others out there that are just, you know, can't recall this specific time. So I've seen evidence of this, and as long as we can get a grant to fund this, I'll support it. It would be tough for the county to shoulder the burden of everything we're doing now without any grants at all. I mean, we functioned this way historically, and, you know, the federal government, whether it's right or wrong right now, 25 percent of its budget right now is directed towards the local communities, approximately 25 percent is the military and 50 percent is Medicare and Social Security. So 20 percent of the federal budget going to local communities, You know, I think that we do rely on these grants for the functionality of our government, not only

this area, but many, many, many other areas. Just about every area, you know, police, law enforcement, fire department, everything has some kind of grant attached to it. But I believe, you know, as has been evidenced by this organization's approach, when grants dry up, we have to cut back. And we have a done that. As long as this grant is available, I'm going to support this program and support Healthy Babies Program also funded by a grant. Should those grants dry up, I think my position would be, it will, we'll take a look at alternatives, but we have to have cutbacks. These will not continue in the absence of a grant, that's my statement, Mr. Chairman. Thank you."

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

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Many of the concerns I expressed about the last item also were larger with this one and even more so, but I wanted to clarify since we are talking about a school district grant, if I could ask a question or two on USD 259, because we've talked a little bit about funding. Do you have any idea how many grants USD 259 has or requests or is in the process of receiving from either the state or federal government...?"

Ms. Hysom said, "I have no idea."

Commissioner Peterjohn said, "Okay. Well, I'm sorry to put you on the spot on that one.

"Let me ask you one where I think I have got the correct information, and maybe you can either straighten me out or confirm it."

Ms. Hysom said, "Okay."

Commissioner Peterjohn said, "My recollection is, school district has got a budget somewhere in the neighborhood of about \$600 million a year. Is that number in the ballpark?"

Ms. Hysom said, "Sounds good."

Commissioner Peterjohn said, "And I'm thinking there's somewhere around 50,000 students per year in USD 259."

Ms. Hysom said, "Yes."

Commissioner Peterjohn said, "Okay, so very crude math, that's \$12,000 per pupil per year?"

Ms. Hysom said, "Okay."

Commissioner Peterjohn said, "Okay. Well, the reason I ask that question about the grants is, you know, school district USD 259 budget is a good deal larger than Sedgwick County's. Now, I know that's not true of any of the other school districts based in Sedgwick County because they have got much smaller enrollment, and USD 259 is not only the largest school district in the state, but the largest between Dallas to the south and the Canadian border, and I believe it's St. Louis to the east, and then Denver. So, and 50,000 students, I think that's a little bit over 10 percent of the entire enrollment of the State of Kansas. It is a large school district by anyone's measurement. So that's why I'm concerned the mission creep of the county getting involved in USD 259. We're already involved in a significant way in the vocational

education, and if you were wearing a slightly different hat for USD 259, there are a bunch of questions about the fact that I would love to have more USD 259 students enrolled out at the technical college, and NCAT, but that's a subject for another day, Mr. Chairman. And I thank you for coming down to answer our questions. I'll give an opportunity to comment on any..."

Ms. Hysom said, "I would like to make a comment. I think what is very good about this particular grant is it is a four-year grant for us to train teachers in an evidence-based curriculum that once they are trained they will continue using in our schools. And once we have educated all of our educators to continue educating the youth, then we may not need more grant funds because then that will be in place, and that is the goal. My goal is to make sure that all of the teachers are teaching good curriculum to all of our students, and we are going to spend the next four years to make sure that happens. And then they will continue doing so."

Commissioner Peterjohn said, "I'm in full agreement with what you just said, because if we get to the end of four years and this comes back..."

Ms. Hysom said, "And hopefully we can add in other school systems."

Commissioner Peterjohn said, "Well, and hopefully we are getting some improvement in the infant mortality problem."

Ms. Hysom said, "Absolutely."

Commissioner Peterjohn said, "Because the last thing, the challenge I have, there are a lot of government intentions with good intentions, but sadly, there is a much smaller number of government programs out there, particularly from our friends in Washington, where there aren't good results. Good intentions are not a substitute for good results. It is one of the reasons I have problems with this. Thank you, Mr. Chairman."

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

Commissioner Skelton said, "I apologize Mr. Chairman, one other comment I intended to make was I don't find it irresponsible for us to work with any other government entity, whether it be a school district or city government. I think we are here for the collective benefit of the public. So whether its transportation prospects or school projects or other health programs, I think it is responsible and part of this county's mission to help other public service entities maximize their opportunities to perform their missions. And I know we have a lot to do with what we do on our own, but, you know, I think it is responsible for us to cooperate with 19 cities and all the school districts in our area."

Chairman Unruh said, "Thank you, Commissioner. I don't see anyone else asking to speak. Do we have a motion on the floor? What is the will of the Board?"

MOTION

Commissioner Norton moved to approve the agreement and authorize the Chair to sign. And establish budget authority as provided in the Financial Considerations section of the request.

Commissioner Skelton seconded the motion.

Chairman Unruh said, "We have a motion and a second on this item. Is there any further discussion? Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I am going to broaden my comments. Because, when I talked about good intentions and good results. I was a teenager when the war on poverty got started back in the 1960s. Sadly, the poverty problem continues, and we are today in a country that has somewhere between 45 and 50 million people who are on food stamps as I speak. And that is a dramatic increase and we are facing significant economic problems. And having federal government that has extent literally trillions of dollars and in many ways we are in much worse shape than we were when this got started, that is one of the reasons why I ask a lot of questions about these items, and I often have difficulty voting for them, and my vote today will reflect that fact. Thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. I am going to be supportive of the agenda item. I see this as primarily a decision, as my responsibility as a member of the Sedgwick County board of health to access resources to advance public health in our community. I don't see it linked to technical education and training or the war on poverty or any of the other comments that my colleagues have made, and so I'm focused specifically on my responsibility at the board of health and trying to provide for the appropriate administration of that in our county. I see no one else asking to speak. "So Madam Clerk, please call the vote."

VOTE

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

Chairman Unruh said, "Thank you, Claudia. Thank you all for being here. Appreciate your time. Madam Clerk, next item."

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

No: 1 - Commissioner Ranzau

Aye: 4 - Chairman Peterjohn, Commissioner Skelton, Commissioner Norton and Commissioner Unruh

Present: 0

F [11-0886](#)

PROFESSIONAL SERVICES AGREEMENT WITH DR. MUKHTAR SHAH TO PROVIDE INPATIENT PSYCHIATRIC CARE FOR COMCARE CONSUMERS.
Presented by: Marilyn Cook, LSCSW, Executive Director, COMCARE.

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

Mr. Tom Pletcher, Clinical Assistant Director of Mental Health, COMCARE, greeted the Commissioners and said, "This is a renewal of our professional services agreement with Dr. Mukhtar Shah, who admits COMCARE patients into the psych (psychiatric) units at Via Christi and who provides consults for us on the medical units when our patients happen to be there and there is a question about mental functioning and the need for mental health treatment. He provides approximately 60 hours of service to our clients each month. There are no other changes to this agreement that has been in effect since about 2007. I would ask that you approve the agreement, and authorize the Chairman to sign."

MOTION

Commissioner Norton moved to approve the agreement and authorize the Chair to sign.

Commissioner Peterjohn seconded the motion.

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

VOTE

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

Chairman Unruh said, "Next item."

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

Abstain: 1 - Commissioner Skelton

Aye: 4 - Chairman Peterjohn, Commissioner Ranzau, Commissioner Norton and Commissioner Unruh

Present: 0

G [11-0920](#)

AMENDMENT TO CONTRACT WITH DCCCA INC. FOR SHORT-TERM RESPITE CARE AND PROFESSIONAL RESOURCE FAMILY CARE.
Presented by: Marilyn Cook, Executive Director, COMCARE.

RECOMMENDED ACTION: Approve the amendment, authorize the Chairman to sign, and authorize the necessary budget authority.

Mr. Pletcher said, "This item is an amendment to our agreement with DCCCA, which is Douglas County [Citizens Committee on Alcoholism] Counseling Center, based in Lawrence but with an office in to provide two different services to children and adolescents who are referred to them by COMCARE. These services are short-term respite care and professional resource family care. These services are designed for children in need of placement in a family setting, rather than in an inpatient treatment setting. The goal is to help youth remain in the community and support the return to their home. We've utilized these services more than originally been anticipated, resulting in the request to amend the agreement's cap. Services are only provided based on an approved treatment plan, and are funded through Medicaid. I would ask that you approve the amendment, authorize the Chairman to sign, and authorize the necessary budget authority."

MOTION

Commissioner Norton moved to approve the amendment, authorize the Chairman to sign and authorize the necessary budget authority.

Commissioner Skelton seconded the motion.

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

VOTE

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

Mr. Pletcher said, "Thank you."

Chairman Unruh said, "Thank you. Tell Marilyn Cook that was a nice letter to the editor this morning."

Mr. Pletcher said, "Thank you, I will be sure to pass that along."

Chairman Unruh said, "Thank you. Next item."

A motion was made by Commissioner Norton, seconded by Commissioner Skelton, that this Amendment/Addendums be Approved. The motion carried by the following vote:

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

Present: 0

H [11-1004](#)

AMEND THE CAPITAL IMPROVEMENT PROGRAM (CIP) TO INCLUDE RELOCATION OF THE CALL CENTER.

Presented by: Pete Giroux, Principal Analyst, Budget.

RECOMMENDED ACTION: Approve the amendment to the CIP.

VISUAL PRESENTATION

Mr. Pete Giroux, Principal Analyst, Budget, greeted the Commissioners and said, "DIO, Division of Information and Operations has requested a CIP (Capital Improvement Plan) amendment to relocate their call center from the Munger building to the fifth floor of the historic courthouse. That move is needed to support the shift of four COMCARE staff positions to the call center. Those staff positions will now answer routine COMCARE non-crisis calls that are currently being answered at reception desks. That specialization is expected to improve service and equally important should enable a reduction of two positions. The project itself removes some walls to allow installation of work station that improves a lighting, update, does a modest update of the break area, adds carpet, provides additional furniture and data cable. Cost is estimated at \$34,701 and DIO proposes to fund that with a transfer from various operational funding, 2011. Do you have any questions? And, excuse me, CIP committee after extensive discussion of this, and all related elements, does recommend approval. Do you have any questions?"

Chairman Unruh said, "Thank you, Pete. We have a comment from Commissioner Skelton."

Commissioner Skelton said, "What is the total cost for this project?"

Mr. Giroux said, "\$34,701."

Commissioner Skelton said, "An estimated four positions?"

Mr. Giroux said, "That's to accomplish the renovation of the fifth floor."

Commissioner Skelton said, "To accommodate the four?"

Mr. Giroux said, "Yes, sir. The current location can't, I think they've got nine or nine and a half positions. It is not big enough to..."

Commissioner Skelton said, "I know it is a small budget item. But why, I mean, phone transfer is not an option? I mean, why are we moving people to answer calls? I mean, that's just kind of a strange concept here, I mean, Manager?"

Mr. Buchanan said, "We have developed a call center several years ago that combined a number of functions, including the Treasurer, the Clerk, some of, and during elections we have people answering questions about Election Commissions. These folks at the call center when you call in, direct you, answer your question, direct you to the right place and it is an efficient way to handle citizens' concerns about appraisals and property tax bills and those things. Because of reduction in budgets, we have been examining all our operations and one of the things that we examined was the idea of combining, we had people in COMCARE who were answering lots of questions about appointments and when they could get their prescriptions refilled and where we do that, and we had a number of people doing that scattered across the organization."

Mr. Buchanan continued, "Because of the good work done by Tim Kaufman and Richard Vogt, they put together a plan where a number of people would be moved from COMCARE into this call center so they could not only answer those questions but also eventually be cross-trained to be more efficient in the call center. In this whole process we're have less staff than what we started with."

Commissioner Skelton said, "Okay."

Mr. Buchanan said, "So the cost of this project will, in fact, for the remodel of those positions in a different place. It is way more efficient to have a call center that people are located near each other so you can know who is sick, know when someone is in trouble with the conversation, know when you have to step in. And we know that from not only the private sector who designs call centers in this way, but our own experience."

Commissioner Skelton said, "Appreciate that Manager, thank you. That answers many of my questions. One other question, these COMCARE people, these four positions, are going to be trained in other areas when they get over there, I assume that would be the case, wouldn't it?"

Mr. Buchanan said, "That is the ultimate goal."

Commissioner Skelton said, "All right. Thank you."

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

Commissioner Ranzau said, "Thank you, Mr. Chairman. Clarify for me the time on here. Are you moving four people over there, but at some point you are only going to have two? I am little confused on what the end point is here."

Mr. Giroux said, "We'll let the players discuss it."

Mr. Richard Vogt, Chief Information Officer, Division of Information and Operations, greeted the Commissioners and said, "One of my responsibilities is the call center. The four people would be physically relocated into the larger group, again for the reasons that the Manager described."

Commissioner Ranzau said, "Okay. But at some point we are going to reduce staffing levels?"

Mr. Vogt said, "Staffing level reductions will be in the COMCARE area. They will not need two positions. Probably a better, probably need to defer this particular, this is a multi-department, multi-person process. I'm going to let Tim Kaufman answer that question."

Mr. Tim Kaufman, Deputy Director of Human Services, COMCARE, greeted the Commissioners and said, "Prior to the SVRP (Special Voluntary Retirement Program) project the department of COMCARE and Human Services started looking at the call taking function and realized that the model that DIO had used for the tax group was a

working more effectively than what we were doing. And so we had started to have this conversation about developing our own call center and through the early retirement process we had two positions, two support staff positions of a total of 26 who elected to retire.

"So we are going to be able to move four positions from COMCARE to DIO to work in the call center and be cross-trained to handle all calls.

"And we won't need to do anything about the two positions that we will lose to the retirement process, because we'll gain efficiency in the call taking and we will be able to reduce the number of reception staff across the system. Right now we've got staff in eight different primary locations who do at least two things at the same time, but they receive patients that are coming in for their appointments, so they're doing the check in process as they are handling calls. So we will move those calls away from the front desk and allow the receptionist to focus on that customer service component and then they'll take, the call takers will do better customer service because they won't be dealing with the walkups."

Commissioner Ranzau said, "You are saying right now you have eight different people. That will be reduced down to a total of six."

Mr. Kaufman said, "We have a total of 26 people across the system that will be reduced to 24."

Commissioner Ranzau said, "So 24. Okay. And four of those will be moved to DIO, so the cost savings comes from the reduction of those two positions."

Mr. Kaufman said, "Correct."

Commissioner Ranzau said, "That's all I have."

Chairman Unruh said, "Thank you, Commissioner. I don't see anyone else asking to speak, I'll just make a comment. I appreciate the fact that our department managers are not having turf wars, but rather working together to make us more efficient in county government. I think that's what our citizens expect of us. So I'm appreciative of that effort, and perhaps it's being forced upon us because of our economic environment. But at any rate, it's a good move, and I am glad to be supportive of it. My one question about the project itself, this doesn't in any way interfere with the other renovations at the [Sedgwick County] Historic Courthouse?"

Mr. Giroux said, "No, sir. The renovation that addressed the structural issues and HVAC (Heating, Ventilation, and Air Conditioning) is nearing completion. And, no, it does not interfere with those."

Chairman Unruh said, "Thank you. We do have another comment. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I was going to state that I find myself in full agreement with your remarks on this issue."

Chairman Unruh said, "Thank you, sir."

MOTION

Commissioner Norton moved to approve the amendment to the Capital Improvement Plan.

Commissioner Skelton seconded the motion.

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

VOTE

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

Chairman Unruh said, "Next item."

A motion was made by Commissioner Norton, seconded by Commissioner Skelton, that this Amendments to the CIP be Approved. The motion carried by the following vote:

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

Present: 0

I [11-1008](#)

AMEND THE 2011 CAPITAL IMPROVEMENT PROGRAM TO INCLUDE REMODEL 434 N. OLIVER FOR HEALTHY BABIES PROGRAM.

Presented by: Pete Giroux, Principal Analyst, Budget.

RECOMMENDED ACTION: Approve the amendment to the CIP.

VISUAL PRESENTATION

Mr. Giroux said, "The second CIP amendment request from the Health Department and it is a request to remodel a portion of the facility at 434 North Oliver. The remodel will expand, will remodel a portion of the current Healthy Babies [Program] location and it will enable a series of improvements to their program that are detailed here on the slide, most notable is the living well and healthy weight initiative. And that would be implemented through a partnership with the KU School of Medicine and Wichita State [University] Exercise Science Department.

"The project itself will provide a group room for both classes in prenatal education, nutrition, as well as the fitness classes, it will add two home visit rooms, provide a gathering area where clients can view videos and access various resources, expand the medical record and storage space which is needed as well as space to do confidential medical reviews as required by HIPPA (Health Insurance Portability and Accountability Act). Estimated cost is \$128,151, and it is funded through the named sources on the slide. CIP committee again after an extensive discussion of the, all of the related issues does recommend approval. Do you have questions?"

Chairman Unruh said, "Thank you. I don't see anyone asking to speak, and we did have sufficient explanation by Susan of that oxymoron home visit room, which we understand now. So, Commissioner Ranzau."

Commissioner Ranzau said, "Thank you, Mr. Chairman. This CIP money will be funded through federal grants. Is that correct?"

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

Commissioner Ranzau said, "Well once again, I vacillated back and forth but I am going to oppose this, because first of all, it is not the federal government's job to fund our CIP programs.

"Second of all, this is another example of my mind, mission creep where we use the general scope of the Health Department to get involved in other areas. Because now we're going to get in the exercise business and provide places for mothers to exercise. While I understand the importance of exercise, et cetera, there are any number of places that people can exercise, and I just don't think it is our responsibility to provide a place for them to exercise. And it's certainly not the federal government government's responsibility to help fund that program or to fund an exercise location. Thank you."

Chairman Unruh said, "Thank you, Commissioner. I don't see anyone else asking to speak. What's the will of the Board?"

MOTION

Commissioner Norton moved to approve the amendment to the Capital Improvement Plan.

Commissioner Skelton seconded the motion.

Chairman Unruh said, "We have a motion and second. Then is there any further discussion? Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I find myself in the interesting position that I appreciate the Health Department staff, in terms of coming in and the detailed briefing they provided to us, because we have a challenge with this in terms of this location. And if we don't approve this change today, we are going to be in a very awkward position, in terms of the building and put ourselves at additional financial exposure. Because of the challenges we have and where we stand with the building, I plan to support this motion. Thank you."

Chairman Unruh said, "Thank you, Commissioner. Any other discussion? Seeing none, Madam Clerk, call the vote."

VOTE

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

Chairman Unruh said, "Thank you, Pete. Madam Clerk, call the next item."

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

No: 1 - Commissioner Ranzau

Aye: 4 - Chairman Peterjohn, Commissioner Skelton, Commissioner Norton and Commissioner Unruh

Present: 0

J [11-1015](#)

APPROVAL OF A RESOLUTION AND AGREEMENT AUTHORIZING A FORGIVABLE LOAN TO JCB LABORATORIES, INC OF WICHITA FOR ECONOMIC DEVELOPMENT INCENTIVES, AND AUTHORIZING THE INTRA-FUND TRANSFER OF BUDGET AUTHORITY.

Presented by: Sherdeill Breathett, Economic Development.

RECOMMENDED ACTION: Approve the Resolution and authorize the chairman to sign.

Mr. Sherdeill Breathett, Economic Development, greeted the Commissioners and said, "JCB Laboratories [Inc.] is a sterile compounding pharmacy specializing in preparation of custom injectable pain medication and topical products. This is a highly specialized niche that's within the pharmacy industry. JCB [Laboratories, Inc.] focuses on servicing ambulatory service centers, dialysis centers, hospitals and veterinarian throughout the United States. The company was formed and founded right here in Wichita, Kansas in 2003, and has achieved an average annual revenue growth rate in excess of 30 percent. JCB is currently located at 3510 North Ridge Road.

"The company is looking to practically triple the amount of space they currently occupy to accommodate demand for their products. JCB has looked at options in Wichita for expansion relocation, as well as outside of Kansas. The company is considering relocating to 7335 West 33rd Street here in Wichita, Kansas. Brian Williamson of JCB contacted the Greater Wichita Economic Development Coalition (GWEDC) which works with the city, county and state partners to fashion incentive offer described below. Based on the incentives offered JCB has decided to expand its operations here in town, and the local incentives were offered subject to formal approval by the governing bodies. The cost benefit analysis that we conducted utilizing the setup for economic and business research Wichita State University (WSU) reflects a return on our investment of 1.5 percent to Sedgwick County. JCB 's expansion projects includes moving from its existing 3,000 square foot facility to an 8,100 square foot facility which will allow it to expand its production capacity.

"JCB estimates that the total capacity investment for the project would be \$700,000 for leasehold improvements at the new facility, and purchase of new machinery, furnishings and equipment. JCB currently employs nine workers in Wichita, Kansas, and as a result of the expansion the company will hire an additional 15 employees over the next five years, but they will accomplish that task in the first three years. The recommended action would be to approve the recommendation of the Board and to authorize the Chairman to sign. Any questions?"

Chairman Unruh said, "All right, we do have a question. Commissioner Skelton."

Commissioner Skelton said, "Yes. Sherdeill, could you please explain the clawback provisions in this agreement?"

Mr. Breathett said, "That if they do not meet the objections of the, what they've stated as far as providing the number of employees, as well as their annual wages, if those objectives are not met, they would be required to pay back the forgivable loan that has been provided for them."

Commissioner Skelton said, "Thank you."

Mr. Breathett said, "We do compliance visits on an annual basis."

Commissioner Skelton said, "I appreciate that, thank you."

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

Commissioner Peterjohn said, "Thank you, Mr. Chairman. You mentioned for the record the wage provisions that are included in the forgivable loan portion of this agreement?"

Mr. Breathett said, "The wages for the employees, an annual wage would be around \$62,000, \$62,500 to be exact per employee for the new hires that they'll be bringing on board."

Commissioner Peterjohn said, "Thank you."

Chairman Unruh said, "Thank you, Commissioner. Is there any other...Commissioner Ranzau."

Commissioner Ranzau said, "Thank you, Mr. Chairman. Sherdeill, let me clarify. You said they have had an increase of annual revenue of 30 percent."

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

Commissioner Ranzau said, "For the last eight years. I have taken a tour of this facility and I was very impressed with the operations that they have there. I think they are a dynamic and growing company, and I think they will do good work. I am going to oppose this, however, because this is a company that has an increase of annual revenues 30 percent a year for the last eight years. They are doing much better than most people in this country and quite frankly, I don't think they need the money to expand. In fact, they told me they could do without it, but they prefer to have it. They are not just giving \$30,000 from us, they are also getting that from the City of Wichita and even some more money, what is it another \$200,000 or \$100,000 from the State of Kansas possibly in forgivable loans."

Mr. Breathett said, "It's possible."

Commissioner Ranzau said, "Something like that. When we get involved, this is an area that the government should not be involved in. Picking winners and losers, redistributing the wealth of our taxpayers to certain businesses. This is not, this is anti-free market, this is anti-capitalism, this it is more of crony capitalism or corporatism. Now recently we had an example of the federal government giving a half a billion dollars to Solyndra, and we are all up in arms because they are going broke. Well that's what happens when you pick winners and losers and get involved in things that the government shouldn't be involved in anyway. And it is hypocritical to criticize that action by the federal government and then to do the same thing here. Now, the difference is that Solyndra was very clearly a loser, and this company is very clearly a winner. I have provided evidence to my colleagues and others that the research shows that centers such as this only work about 10 percent of the time, they don't end up influencing decisions.

"And I think this is one of those, I think they are going to expand, they have a plan, and I think they can do it without this money. That's my firm belief. But beyond that, it is not our position to pick winners and losers anyway, because we are risking taxpayer

dollars. I am a capitalist, but I am not a corporate system. I think there is a difference. And unfortunately capitalism gets blamed for a lot of the problems and failures of corporatism. That being said, this business has a very interesting story, and they are a perfect example of a business that can flourish even more if it weren't for the federal government. And I have, within the last week, I know they know that I sent some e-mails to our legislators, but I have personally spoken to Senator Moran and Representative Pompeo and encouraged them to visit this facility, because this is a story they need to hear.

Commissioner Ranzau continued, "Because they had a little protection from the federal government, particularly the FDA (Food and Drug Administration), they could flourish much more than what they are now, and that would be in my opinion much more valuable than \$30,000 that we're giving them today. I am not going to go into details but I know Commissioner Peterjohn was there, Sherdeill, you were there, and, you know, right now, they are operating under the supervision of KDHE, they don't fall under the FDA.

"But they have to be very careful, if they do certain things to automate and make themselves more efficient and reduce the cost of goods, the FDA could come in and implement a bunch of rules and regulations, and make it more difficult for them to prosper. Also, this is an example of how the FDA really doesn't protect us, per se, it really protects the turf of big pharmacy. Because there are some drugs that they can, there are some restrictions on the types of drugs they can make and when they can make it based on whether or not the big pharmaceutical companies are manufacturing at the time. So I have conveyed all this information, both to the owners of this facility and to the Congressman [Pompeo] and Senator [Moran]. I have not yet talked to Senator Roberts, but I will. I think this is a compounding story. I think instead of giving them taxpayer money, our best solution is to help ensure that they get some sort of legislative protection from the FDA, because then they could prosper beyond anything they can imagine right now."

Chairman Unruh said, "Thank you, Commissioner. My comments on this item and I appreciate the comments by Commissioner Ranzau, if first of all like to second his comments that this is a outstanding example of an entrepreneurial effort and success by local people and we're really proud of their success and glad that they are our folks and they planted her and they plan to stay here. And I know from the information that I receive that they have opportunity to locate to, out of the City of Wichita, out of Sedgwick County, out of the State of Kansas. We have a strong initiative that is a corporative effort by our local governments and our local chamber and by the State of Kansas to recruit and to retain businesses and associated jobs in our area.

"And in light of the competitive situation we find ourselves and the opportunity we have to keep this thriving organization in our community, I think the quest request for this forgivable loan is, although it is probably in a perfect world not the best thing that we would want to support, but we face a competitive situation. And I think they ask, they have for support of their company here is reasonable, provides us with our return on our loan that meets all the criteria that we've established internally and through GWEDC and has been indicated the State of Kansas has an incentive package valued at about \$109,000. So we are partnered with our governmental entities to keep a company that we're proud of and that we're happy with in our community, add 15 jobs that are high-paying jobs, and so the circumstances we're in, I'm satisfied that criteria has been met, and I'm glad that this company has decided to stay here. I'm going to be supportive. Commissioners, is there any other comment? Commissioner Norton."

Commissioner Norton said, "Not really other comments, Sherdeill, I see we have representatives from JCB here. You might want to recognize them. They are good partners. They're good stewards of a business in our community and I'm going to be supportive of this, but you may want to introduce them since they've taken the time to come here today."

Mr. Breathett said, "Yes, sir. We have the President of the organization of JCB, Brian Williamson, and his associate Dennis Depenbusch as well, too, that has joined us."

Chairman Unruh said, "Thanks for being here. Do you want to make a comment? You're not required to."

Mr. Brian Williamson, CEO/President, JCB Laboratories, Inc, greeted the Commissioners and said, "I just thank you for the time and the consideration of this. Appreciate the Commissioners that came out and toured the company and the great comments from Commissioner Ranzau thank you and from you, as well, Commissioner Unruh. This is a critical time with what we do with drug shortages as they are today. We're providing products that essentially aren't available right now in hospital surgery centers. So we feel like what we're doing is good work, creating good jobs, and we want to stay here. Thank you very much."

Chairman Unruh said, "Thank you, sir."

MOTION

Commissioner Norton moved to approve the forgivable loan and authorize the Chairman to sign.

Commissioner Skelton seconded the motion.

Chairman Unruh said, "Thank you. We have a motion and a second. We do have further comment. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I very much appreciate the comments that have been spoken and presented here today, because I have a lot of concerns, and Commissioner Ranzau is correct I was part of the group, along with Sherdeill and got to tour this very exciting company that I think has tremendous prospects and is going to be a, I frankly suspect they're going to be able to not only add 15 people in the next three years, but as long as Washington doesn't muck things up, I think it's likely they'll add a good deal more. I think they have a very exciting niche in the overall compounding market. But I do have some technical questions. And one in particular, because it's brought up, and I appreciate the Chairman's comments pointing out that the state is involved in this to the tune of \$109,000.

"The fact that we've had a lot of forgivable loans come up here where the state was not involved is a reason it's having me reflect more deeply in terms of where we are with this, because Governor Brownback has a new and I believe very exciting effort to try and generate some economic growth in these very difficult times. I want to try and be supportive when and where I can, but there is a lot of problems out there. Solyndra, Light Square, there's a whole bunch of other, in my mind, gross boondoggle projects. One of the worst and most egregious aspects of Solyndra that I saw was there was a subordination of the public's interest behind the investors on this project. Is there any

subordination in this forgivable loan agreement that would put the taxpayers at more risk than the people who have their capital in comparison? I don't know if that's a question, Sherdeill, you would like to pass off to anyone else in this room or not."

Mr. Breathett said, "Well, we can have them address it. But I can tell you we did the vetting process and not from any of the research that we've done that would reflect that."

Commissioner Peterjohn said, "In terms of this forgivable loan, where we stand between, have we been in subordination like was performed with Solyndra? I'm going to look to Mr. Euson..."

Mr. Euson said, "There is no subordination provision in this agreement. The money is strictly tied to the jobs as they progress during a five-year period."

Commissioner Peterjohn said, "Thank you very much for that clarification. I think that's important point to add to the record on this, because this is a company that I think has tremendous prospects, I think could have tremendous growth, but with all that said and with a 30 percent growth in revenue, I think there is a good chance they would do this anyway, and the likelihood that they would move out of here is very, very small, and so I am severely torn on this issue. When we see these forgivable loans that come up to us and see the details in some of the academic work says these programs generally don't work, and whether it's from an in-state scholar like we've had from KU or folks from other parts of the country, I am truly torn. Because even though we're talking about only 15 jobs, I firmly believe that the work and what's going on at this company, I think it's a good deal more than that. \$62,000 a year per person jobs are certainly nothing to sneeze at.

"We've had a lot of other job proposals brought before us that are a good deal less than that. So having brought those facts and trying to evaluate it in front of me, I have to confess that I was very, very skeptical about this. This is an issue I don't want to see get away, and so my vote today is going to indicate a reflection of the fact that I do want to try and cooperate with what our colleagues, particularly at the state level, are trying to do. This is a small amount of money concerning what we appropriated, and I expressed my concerns with my colleagues in the past that I think we've appropriated, we could have appropriated a good deal less and I think this paradigm has some problems. The problem is that if truly this is the best way to proceed. With the economic downturn we've had in the last few years, we should be in a situation where unemployment rate in Sedgwick County is below the statewide average and not above it, which is currently the case. So having said that, this is a very close call for me and my vote today is going to reflect that fact. Thank you, Mr. Chairman."

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

Commissioner Ranzau said, "Thank you, Mr. Chairman. I'll say that some of the arguments that were made for supporting this type of program, global market or competitive, were the same arguments that were made at the federal level for the loans to Solyndra. I think we're being misled by many of the opponents, or many of the proponents who support these sorts of things. This is just one too, we're talking TIFs (Tax Increment Financing) and a variety of other things and I'll talk more about that later. There's a variety of these things that involved redistributing taxpayer money to other businesses. We're being misled that this is the only way and that this is the best

way. There are other options that I believe are much more effective, and they have been outlined by the KU School of Business, and I know the governor has adopted at least part of it. So, part of my opposition is that this is very inefficient and ineffective way if you really are concerned about jobs, and there are better alternatives. As I've said before, this is the best way for politicians to stand up and say I care about jobs by giving some businesses other people's money, but it's very ineffective in the long run. I don't consider \$30,000 to be a small amount of money. If that's a small amount of money, I would recommend those Commissioners who would support this would write the check themselves then. Thank you."

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

Commissioner Skelton said, "Well, my decision here is going to be based on the factors that are germane to this issue. Simply put, I believe local government has a responsibility to attract and maintain business here. We are in competition with literally every other municipality and state in the nation. They all do it, and I believe that if we don't, we're going to end up with a situation maybe like St. Louis or Detroit. So that's my comment."

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

Commissioner Peterjohn said, "Well, I think that's excellent point, Commissioner that just sits to my immediate left has made. Because whether it's Detroit or Pittsburgh, one of the challenges we have is remaining competitive, and one of the concerns I have when we bring these issues up is trying to remain competitive for everyone. And I wish, frankly, when we had this, I'd like a new way of looking at these issues and basically have the pool put together at the beginning of the year, have some straight forward criteria available and then let all the people in this community who might be able to qualify with whatever reasonable benchmarks are out there get in line and lineup. Because taking these piecemeal together I find very awkward regardless of this case. But having said so, I'm going to be supportive of this motion today, Mr. Chairman."

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

Commissioner Skelton said, "Well, I don't want to ramble on here unnecessarily, but I do hear what Karl says. You know what? There is a lot of debate here about incentives and there always has been here in recent times. The level of debate has increased. You know what? I think, and it's probably more, I mean, it's relevant right now because I think that what we should do is look at our history of local incentives and determine how successful they are. I mean, I hear what Richard's saying. I want to do some firsthand empirical research about what we do here locally, and is it working? So, maybe I'll bring this up next Tuesday at the staff meeting, as well. Let's do this research, and let's find out. I stand behind all my comments. Thank you."

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

Commissioner Norton said, "Well, certainly I do care about jobs, but to me it's a broader concept. It's about diversification, and this is an industry that it is diverse. It's different than what we've invested in the past. It's also about innovation. I think they're innovators, and I think obviously they know their industry pretty well. It is a niche, but niches become more broader based later, and they expand and they innovate, and I'm sure they do some research and develop to understand their industry and where they

can promote their products. I'm going to be supportive on those two characteristics.

"Also, Professor Porter, Dr. Porter talked about cluster innovation and development several years ago in our community, and we talked about the pharmaceutical cluster. I mean, there are other pharmaceutical agents in our region. I think McPherson has a pretty robust pharmaceutical development component, and we missed out a few years ago on some expansion in the pharmaceutical area because we didn't have the intellectual capital and the workforce.

Commissioner Norton continued, "And albeit small right now, 15 additional intellectual capital pharmaceutical kind of jobs start to expand that workforce that might start to develop a pharmaceutical cluster in our region, and I'm going to be a proponent of that, because they are high paying jobs that brings in a well educated workforce. It starts to expand that whole idea that we thought about with CIBOR (National Center of Innovation for Biomaterials in Orthopedic Research), with medical research, and we can do that same thing in pharmaceutical. So, maybe this is just a drip in the ocean, but maybe it's the start of some ripples that start something really profound in our community. I'm willing to take a chance on that. So I challenge Brian and his company to be innovators, to expand and see this as only the beginning of something really big, not the end of something very small. That's all I have, Mr. Chair."

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

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I feel compelled to respond to Commissioner Norton's comments, because my experience and my tenure, I have no hesitation, in terms of believing that the innovation and the effort to be at the cutting edge is going to exist with this company going forward. But I must disagree with my colleague from my neighboring district, because we are not investing today. We are spending, and that is one of the reasons I have a lot of heartburn with this issue. I have a lot of heartburn with this process, and I think the governor shares some of that, but he's saying they're going to jump in to a much greater extent than we as both the city and county are willing to do today. And since he's new in office and we are facing a terrible financial challenge, I'm going to be supportive of this motion, but this is not investing. If it was investing, we would be in a position to look at the rate of interest that we would have on return if it was a bond type of investment or if it was a capital investment, we would be looking at shares of stock or some other equity consideration, and neither of that applies in this case.

"So this is the public funds that we are spending, and I have concerns about it. If we truly wanted to be a cluster and create the environment positive for a cluster, we need to look at some fast growing states, and I looked at the south. Texas has been a true leader in that regard in many ways by having a much more competitive tax climate, and our neighbor to the west, Colorado, has had a lot of success, too, because they have created a much, I think we need of need a much broader and broad based opportunity for everyone, because I don't know where the next winners or losers will be. If I did, I would be running a hedge fund instead of here as a county Commissioner. Thank you, Mr. Chairman."

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

Commissioner Ranzau said, "Mr. Chairman, I have one final comment. I agree with what Commissioner Peterjohn is saying. We are not investing. We are spending. But I also have to say we are not creating jobs. Governments don't create jobs. I actually

agree with the Congressman Pompeo when he says governments don't create jobs. But evidently, we don't believe that here in the Commission. Governments don't create jobs. They create programs that redistribute the wealth of its citizens. That's what they do. And we create the illusion that we're creating jobs. This is not the path to prosperity, I can assure you that.

"We didn't become the great nation that we are because we take money from one person and gave it to another and we're not going to get out of this hole by continuing that policy.

"JCB did not become the great company that it is because of some governmental vision or incites. It's because they had the vision, they had the incite and they took the initiative and that's how we're going to get out of this hole. Until we realize that, we're going to continue to have some of those and we're going to continue to have things such as subsidizing a Walmart in a TIF (Tax Increment Financing) District as happened yesterday at the Wichita City Council. I'll speak more on that later."

Chairman Unruh said, "Thank you, Commissioner. Madam Clerk, do we have a motion? Okay. Good. I don't see anyone else asking to speak, so I'll ask the Clerk to call the vote."

VOTE

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

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

Chairman Unruh said, "Sherdeill, thank you. Gentlemen, thank you for being here. We're proud of your investment in our community. Commissioners, I was going to press on to the end of the agenda because we are very close. Is that agreeable with the Commission? All right, we will continue. Madam Clerk, please call the next item."

A motion was made that this Resolution be Approved. The motion carried by the following vote:

No: 1 - Commissioner Ranzau

Aye: 4 - Chairman Peterjohn, Commissioner Skelton, Commissioner Norton and Commissioner Unruh

Present: 0

K [11-1020](#)

RECEIPT AND REVIEW OF PETITION FOR VACATION OF ROAD UPON OR ALONG
A SECTION LINE UNDER KSA 68-102, ET SEQ.

Presented by: Kelly B. Arnold, County Clerk.

RECOMMENDED ACTION: Make appropriate findings and approve the order.

VISUAL PRESENTATION

Mr. Arnold said, "For the record, I grew up in a town called McPherson. All right, I believe I have...there it is."

Commissioner Norton said, "I'm a southern boy, you know, I talk funny."

Mr. Arnold said, "All right. What I have before you is our office received a petition to vacant part of a cul-de-sac in rural Sedgwick County. This is a cul-de-sac that ends on Webb Road, and I'll get here, it is a 10-foot arc of the cul-de-sac located on the south end of Webb Road, south of 55th Street. This cul-de-sac dead ends into a personal property and a home, and I'll have a map here in a second to show.

Mr. Arnold continued, "The petition states that the owners of the land have agreed to view, in writing to the changes. The proposed vacation is practicable and can be made without unreasonable expenses. The BoCC (Board of County Commissioners) finds the petition in legal form, the proper bond has been filed, find that all required notices have been provided, find that the road is a upon or along a section line road, find that the owners of the land have agreed in writing to the change and find that the change in the road is practicable and can be made without unreasonable expenses. All these documents are provided in the handout that you guys had received earlier in preparation, and if you need to see a copy of those, I do have those here with me. At this meeting, if you recall, we had a petition for road vacation back in May.

"This one can be a little bit different, because if you find these facts, you recall that we had to set a road viewing where the Commission and three disinterested householders went and viewed a road. State statute provides if certain factors are met, they can dispense with the road viewing and go immediately for a finding for vacation of this road. Today's options can be taken to include, but not limited to find all necessary conditions have been met, dispense with the road viewing and grant the petition subject to the conditions recommended by the MAPC (Metropolitan Area Planning Council), approve the order and authorize the Chairman to sign when all conditions are met. This road vacation has been vetted through the MAPC. It also has been looked at by a local city jurisdiction and also, well, okay. Here is a map of this. It's not highlighted very well, like the red map I showed you guys the other day.

"But you can see a 10 foot arc. What they would like to do, this current line is 75 feet of a cul-de-sac. They would like to go to 65 feet, because they're looking at doing some improvements to the property. Local jurisdiction has also, their rules state they would like to see at least a 55-foot, so this in addition to an extra 10 feet to what they're asking for. There is one other thing, if you can see on this map a dotted line. This is where Rural Water District easement is at. In agreement, I have a copy of the agreement from the Rural Water District that they would agree to move that easement to 10-foot outside so the Rural Water District would be at 75-foot and then the actual easement would go to 65-foot for the cul-de-sac, and they have agreed to that. Those conditions will be met once this, once the BoCC decides on whether or not this vacation can go forward. Here is a look a little closer at the property. On the northwest corner, you'll be able to see the cul-de-sac and then the home and the property of that

area. It dead ends, Webb Road dead ends there, and there is not any future expansion of Webb Road as we know. And here is an overview of a larger area. So at this time, if the BoCC would like to make any motions on their findings, and if there are any other questions after that, I'd be more than happy to ask, or answer."

Chairman Unruh said, "Thank you. We do have a comment from Commissioner Skelton."

Commissioner Skelton said, "Yes, Mr. Clerk, could you please expand upon the radius of the proposed end result here. What's the radius going to be versus what it is now and how does that compare to urban standards or rural standards."

Mr. Arnold said, "As far as urban and rural stands, I'm not sure. I know a local jurisdiction nearby would like to see at least a 55-foot cul-de-sac. The current cul-de-sac size is 75-foot, and they're asking to go to 65 [feet], so it would be a 10 foot wider than the minimum for a local jurisdiction."

Commissioner Skelton said, "Okay. Well, fine, I appreciate that, Mr. Clerk. Mr. Chairman, I have a motion here that will provide all the legal mechanisms we need here, I believe, to avoid the road viewing, so to speak, and I've consulted with the Attorney and Clerk to make this motion, and I have to read this out, because the law is specific on the motion here."

MOTION

Commissioner Skelton moved to find the petition to be in legal form, a proper bond has been filed, all required notices have been provided; this road is a pond or along a section line, and the owners of the land subject to the change have agreed in writing to this change.; the change in the road is practicable; the change could be made without unreasonable expense; dispense with the road viewing and grant the petition subject to the conditions recommended by the MAPC; we approve the order and authorize the Chairman to sign after all the conditions have been met.

Commissioner Peterjohn seconded the motion.

Chairman Unruh said, "We have a motion and a second. Is there any further questions or discussions? Commissioner Ranzau."

Commissioner Ranzau said, "I just have a question. Why do we want to dispense with the road viewing? I thought this was the procedure and policy that we actually wanted. That's just a confusion...I went to one before. I found it very helpful. So I guess I'm a little confused if this is the procedure we wanted why we want to dispense with that viewing?"

Mr. Arnold said, "My only answer to that is the state law provides that if you so choose. So, but that that is up to the BoCC to decide."

Chairman Unruh said, "Thank you. Is that all, Commissioner?"

Commissioner Ranzau said, "Yes."

Chairman Unruh said, "Commissioner Norton."

Commissioner Norton said, "I understand Commissioner Ranzau's consternation there. The truth is we have two options. We have a very limited option that we're taking today on a simple matter. On a very complicated matter, it does make sense and is prudent to go out and actually view it, make sure we understand the ramifications and particularly where there is a protest and where the citizens, the landowners are in conflict. Then we have to kind of take a quasi-judicial view of this and make a decision. Today, there is no conflict. It's a simple matter. It's easily decided within chambers, and I think that's the thing that we have to balance, and I'm ready to move forward today with the motion that's before us."

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

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Since the last time we had a road vacation was out in my district, I now find myself in the interesting position in complete agreement with what Commissioner Norton just said, because this is a case that is much simpler and much more straight forward than we've had in the past."

Commissioner Peterjohn continued, "I have some heartburn in terms of how we moved around from which statute we're using, but I do plan to support this motion today. And I did find the viewing that we had on our previous case to be very helpful and was very appreciative of the fact of my colleagues who were able to come out and participate in it and also the citizen viewers who participated under this new statute that we began using since the beginning of the year. Thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. I see no other request to speak. So, Madam Clerk, please call the vote."

VOTE

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

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

Mr. Arnold said, "Thank you."

Chairman Unruh said, "Next item, please."

- L [11-1028](#) RECONSIDERATION OF ITEM 6 OF THE MINUTES OF THE SEPTEMBER 22, 2011 MEETING OF THE BOARD OF BIDS AND CONTRACTS: VIC'S LAKE FISHING DOCK- FACILITIES DEPARTMENT.
Presented by Joe Thomas, Director, Purchasing Department.

This item was deferred at the September 28, 2011 Commission Meeting.

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 recommendation for this item is to accept the low bid from DanCo Enterprises, Inc in the amount of \$53,500.00. I'll be happy to answer questions. We also have members of staff that are available to answer questions as well, and I recommend approval of this item."

Chairman Unruh said, "All right. Thank you, Joe. We've had lots of discussion and exposure to this item. Commissioners, are there any other comment or questions that need to be answered?"

MOTION

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

Commissioner Skelton seconded the motion.

Chairman Unruh said, "Thank you. We have a motion and a second. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Joe, could you give us just a quick rundown in terms of the, because the heartburn that we expressed last week was we were looking at a dock that was \$53,000, and then we discussed \$53,000 and change, and we discovered it was more than just a dock. And I was very much interested in getting for the record and appreciating of staff and other folks in terms of getting the bid broken down so we had a better understanding of what the numbers actually were."

Mr. Thomas said, "Yes. The fishing dock itself was \$26,162, site prep was \$6,920. Then there is a concrete sidewalk in the amount of \$3,066. Then there is a concrete pavement parking and picnic area which includes ADA (Americans with Disabilities Act) compliant picnic table, \$6,852. The asphalt drive was \$7,400. To restore the site was \$1,500, and general conditions \$1,600 that made that total of \$53,500."

Commissioner Peterjohn said, "Thank you, Joe. Because Sedgwick County Park is, at the moment, currently surrounded by my district even though my best efforts to try to and get it split it up between myself and Commissioner Ranzau was not successful. But it's a jewel, I think, that's valuable for the entire Commission and the entire community, so I'm planning to be supportive now that we have this additional information and details. It's a lot easier to explain the costs. It's still an awful lot of money, but I'm comfortable with it, and I'll be supportive."

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

Commissioner Ranzau said, "Thank you, Mr. Chairman. I want to make several comments here. I originally wanted to postpone this or had some issues with this for a couple of reasons. I asked the question, do we really need to do, have an ADA dock given our current situation, our financial situation, and why do we need to do this now and I also questioned the cost of it. I've gotten some feedback, some of it supportive of my position, some of it is not. Some people think my opposition is somehow because I oppose the ADA or people with disabilities, which could not be further from the truth. I think it's important to remember that we have an ADA plan here at the county which I have supported voted for things previously and I will continue to do so. So my questions were not based on whether or not because it was an ADA dock. If you take the word ADA off of it and you come to me and say you're going to build a \$53,000 dock, I'm going to ask, do we really need to do that? Because that's a lot of money for a dock, and so we asked for further information about how that money was going to be spent, and it clarifies a lot of information. I think it's reasonable and justified to question how we spend taxpayer dollars regardless of what it's going to be spent on.

"I think the fact that it has an ADA stamp on it doesn't mean in my mind that it should get a pass. I have questioned things that the Sheriff Department is going to do. I've questioned things that the Fire Department is going to do. I've questioned things that the road and bridge, Public Works are going to do. It's not because I don't support those things, but I want to make sure that each project and each cost is appropriate. I will continue to support the ADA program, but once again, if there is a program in the future that I think the costs seems a little out of whack, I'm not going to hesitate on behalf of the citizens to ask for more information and put the vote off if necessary. I also want to point out that at this particular meeting, we actually postponed two items.

Commissioner Ranzau continued, "It was this item, and another one was a bridge that we're going to possibly put in down at the [Judge Riddle] Boys Ranch. I called it a bridge to nowhere, because it's actually a bridge to get horses to the pasture. And in my mind, that was the most problematic of the two, to be honest, because it's almost four times the cost almost as what this is. That's the one I spent more time investigating and learning about and as you'll notice, it's not back on the agenda yet, so we'll have to address that in the future. I'm not singling out the ADA program at all. I have voted for them in the past and will continue to do so, but I'll take a close eye at every spending project we have. And like I said, there were two different items on last week's agenda that I talked about, and the most clearly problematic was the other one, the other one that didn't get all the attention or all the press. So I want to clarify that so that people understand where I'm coming from. As I said, I make no apologies for examining how we are spending taxpayer dollars regardless of where it comes from, if it's ADA, police, sheriff, whatever, these are all good programs, but we just need to make sure we get the best bang for our buck. Thank you."

Chairman Unruh said, "Thank you, Commissioner. Before we go to vote here, Mr. David Calvert is here, a leader in the community for ADA issues. Did you want to make a comment, sir?"

Mr. David Calvert, Chair, Wichita/Sedgwick County Access Advisory Board, greeted the Commissioners and said, "I would like to, Mr. Chairman, just briefly, and I'll spare you the 30-minute...I've got a microphone on. I don't know if it works. I can hear myself, but that's about it. I am David Calvert. I'm an attorney, but I also chair and

have chaired for the last six years the Wichita/Sedgwick County Access Advisory Board, started out as the Wichita Access Advisory Board to advise the city on disability issues. Sedgwick County joined this board by this board's request in, I think 2007, and each of you Commissioners have appointees to that board and the Manager has appointees to that board as well. I will spare you the history of the Americans with Disabilities Act (ADA). I will say as part of the proactive stance this county has taken and this board has taken on compliance with the Americans with Disabilities Act, a self-evaluation and transition plan was created in 2006. Self-evaluation itself is online. It is 200 pages. I don't necessarily urge you to read it. I will tell you that the transition plan is also online, and there is a link to those plans on the home page, again to the county's credit.

"The list of facilities covered by the transition plan is itself six pages long. The link to the Sedgwick County Park gets you to the Sedgwick County Park's transition plan, which is 17 pages long. The total of all of these is like a couple of thousand pages. This particular fishing dock is referenced in the transition plan, pointing out that there are no accessible docks at all in Sedgwick County Park, and each one of the projects set forth in the transition plan is given a priority rating from very high to low priority. Low priority items can be done 5 or 10 years from now, high priority and very high priority items, many which should have been done by now. This is a very high priority item, and simply gives access to people with disabilities, which covers statistically probably 75,000 people in Sedgwick County alone, and if we all live long enough, it will cover each and every one of us at one time in our lives.

"The reason everybody doesn't end up with a disability is a lot of us simply die first, which I guess is the ultimate disability, isn't it? But I would, this is part of this Commission's continuing commitment to ADA compliance. People with disabilities don't ask for special favors.

"We ask for compliance with the ADA, which simply gives people with disabilities the same right to be independent that people without disabilities have, and I think that that's what this does. I would urge this Commission to unanimously support this bid. Thank you."

Chairman Unruh said, "Thank you, sir. We have a couple more comments. Commissioner Ranzau."

Commissioner Ranzau said, "Thank you, Mr. Chairman. I want to clarify a couple of things just for the public. The \$53,000 we're spending, \$26,000 is for the dock itself. Now, that's been part of my consternation that regardless whether it's ADA compliant or not that that seems like a lot of money, but I know Mark Sroufe has done some research, and it's possible that that actual cost will come in less than that, because he's compared it to the price of some docks that other facilities have put into place. Also one of the big questions was why are we doing a dock now compared to, well, when you put it in the context of the overall budget. And I've been told that it's a matter of priority and timing in that for the parks system, this is the high priority because, as he stated, we have no accessible docks, and it's also a factor of timing in that the dock is getting to the point that now it needs to be replaced. So, I have to put all of those things together and then decide if this is the best way to spend money on behalf of the citizens at this time, and that's why we took the time to ask the questions to get more information."

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

Commissioner Skelton said, "I just wanted to concur with Mr. Calvert's comments. I appreciate them very much. That provides the basis for my support for this project today."

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

Commissioner Peterjohn said, "I'll just state for the record I appreciate Mr. Calvert's work on a volunteer basis for the board that works with these issues here in Sedgwick County. Thank you, Mr. Chairman."

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

Commissioner Norton said, "Well, I'm going to be supportive. I've been supportive of what we've done over the years for our population that have difficulties maneuvering our community. The truth is to me it's not about ADA, although some of that is prescriptive, it's about what's right for our community and the population that we live with that are part of our families, a robust part of our community and doing the right thing. So it's not about the ADA, it's prescriptive on what we do when we remodel something. It's about what is right for our community. We've developed Sedgwick County Park with a balanced playground through help from West Side Rotary [Club of Wichita]. We continue to try to make our community as vibrant as we can for all the populations. So I think it's the right thing to do. We were going to replace that anyway, and it makes sense to replace it in a manner that will make it accessible to all citizens regardless of age and difficulty. That's all I have, Mr. Chair."

Chairman Unruh said, "Thank you, Commissioner. I don't believe I can add anything to all the conversation."

Chairman Unruh continued, "I also express my appreciation to Mr. Calvert and for your leadership on our committee that addresses these issues and I also see Lindsey here, she's our staff person who keeps us on track. We're proud of the valuable work she does for us all, so thank you."

Mr. Calvert said, "I want to say, Mr. Chairman, if I might, Lindsey is the Vice Chairman of our committee, and she's the one that does all the work."

Chairman Unruh said, "It's good to have someone like that around, isn't it? Mr. Manager."

Mr. Buchanan said, "I can't help myself. So does that mean you're the pretty face?"

Mr. Calvert said, "Are you looking at me or are you looking..."

Mr. Buchanan said, "Yes, no, I'm looking at you, Dave."

Commissioner Peterjohn said, "I think the Manager needs a new pair of glasses."

Chairman Unruh said, "You were right, Mr. Manager, that was unnecessary. Madam Clerk, I think we have a motion, we're ready to call the vote."

VOTE

Commissioner Peterjohn Aye

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

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

Chairman Unruh said, "Thank you, Joe. Next item, please."

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

Aye: 1 - Chairman Peterjohn

Present: 4 - Commissioner Ranzau, Commissioner Skelton, Commissioner Norton and Commissioner Unruh

CONSENT

- M** [11-0898](#) Crime Prevention Grant Contract Amendments.

- N** [11-0966](#) Amendment to Agreement with the South Central Mental Health Counseling Center.

- O** [11-1002](#) Solid Waste Coupon Program.

- P** 11-1012 Order dated 9/22/2011 to correct tax roll for change of assessment.

- Q** [11-0088](#) General Bill Check Register.

R [10-0662](#)

Payroll Check Register.

Chairman Unruh said, "We have the Consent Agenda before us."

Mr. William P. Buchanan said, "Commissioners, you do have it before you and I would recommend you approve it."

MOTION

Commissioner Norton moved to approve the Consent Agenda.

Commissioner Skelton seconded the motion.

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

VOTE

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

Chairman Unruh said, "Next item."

OTHER

Chairman Unruh said, "Commissioners are there other comments that you would like to make at this time? Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I would like to provide three items for discussion this morning, because some good news in the sense that the weather was almost perfect last weekend for the good folks in Goddard as they had their community celebration. The folks in Bentley have one coming up later on this month on the weekend of the 15th. I hope the weather is as accommodating on their weekend as it was for the good folks in Goddard. It looked like to me like a good time was had by all. There's a wonderful quote from Winston Churchill, 'The further backward you look, the further forward you can see'. I mention this because at this time I usually give a report on the number of people in Sheriff's custody in terms of the jail. I've only had the privilege of being a Commissioner since 2009, but I'd like to provide some numbers from this exact date two years ago. And at that time there were 1,759 people in the Sedgwick County Jail and there was a lot of heartburn on that. And there is a lot of hard work going on by folks, staffing in Sedgwick County, elected officials here in Sedgwick County, some elected officials across the street with the City of Wichita, as well as staffers for the City of Wichita who are working through our citizens, CJCC, Criminal Justice Coordinating Council to try and address that problem.

"This morning, I have the opportunity to point out the fact that we had 1,118 in the main jail facility, 136 in Work Release, 253 out of county for a grand total of 1,507. That's actually up for most of the days this week where it's actually been under 1,500. Commissioner Peterjohn continued, "And I provide these numbers because the difference, 252 people, can be attributed to many of the programs that have been put in place to try and bring these numbers down and try and keep this community safe at a reasonable price as possible. I want to point out just the savings. At \$38 a day, which is the figure we have per prisoner that's shipped out of county, and to give you an idea, we had over 400 people two years ago, and we had almost 200 less today. But if you do the math, difference between 1,759 and 1,507, that's 252 fewer prisoners. At \$38 a day, that's a savings per day of almost \$10,000. In the course of a year, that's almost \$3.5 million. Now, one day is just a snapshot. Obviously I'm not extrapolating that \$3.5 million dollar figure is going to be more or less depending upon what the numbers look like the other 364 of the days a year.

"But these are significant numbers, and I think it's important for us to understand and look back and have a broader perspective in terms of that data, and I very much appreciate my colleagues' attention to be able to provide this information as we work to make sure that we spend every nickel that comes into the county coffers efficiently and effectively.

"My last item I'd like to present in terms of the other, last weekend, Commissioner Ranzau and myself had written an editorial that appeared on the editorial page of the Wichita Eagle, and I appreciate the opportunity that they're allowing us that platform to be able to go into some of the details about the challenges of the grant issue that was before us last week where we had a lively discussion, and I appreciate all my colleagues' comments even if they didn't agree with me in terms of trying to go through the details on it. Having said that, I was disappointed more recently, because yesterday's Wichita Eagle had an excerpt from their blog, and the last two sentences discussing that planning grant where they outlined some of our opinions but came out in the last two sentences and said, wow, that sounds, in terms of reference to our

comments, wow, that sounds scary and a little nuts. Well, I talked a little bit about history, and the word nuts has some interesting connotation, and I'm just going to take just a minute to walk my colleagues and myself through it."

Commissioner Skelton said, "Peanuts, almonds, something like that, is that what it is?"

Commissioner Peterjohn said, "Well, they said nuts. Hold off the interruption. You can have your moment in a bit, Commissioner Skelton. The point I'd like to make is that ad hominem comments really don't generate additional information or insight. I know Commissioner Ranzau and I know I have worked very hard to get accurate information and to provide accurate data in terms of this issue, and all the issues that I bring up is part of this here. But you know, my quote from Churchill earlier, in terms of looking backward to be able to have a better insight into seeing forward, I'm going to pull out the famous philosopher George Santayana that 'Those who [cannot] remember [the] past are condemned to [fulfill it].' I provide that because that word 'nuts' has another meaning and a different connotation, and I'm just going to share it, because my response to this blog, I would provide the same response on this blog that then Brigadier General Anthony McAuliffe provided on December 22nd, 1944 when during the Battle of the Bulge, he was the commanding officer of the United States forces and the surrounded outpost in Bastogne in Belgium. At this time, the German commander came in and demanded the surrender of the American forces, and he provided a one word response to the German commander, 'Nuts!' Thank you, Mr. Chairman."

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

Commissioner Ranzau said, "Thank you, Mr. Chairman. Yes, I have a few items to talk about. First of all the federal debt up to \$131,850 per taxpayer. Since I began following this eight months ago, that's an increase of \$4,532 for each of us as taxpayers. I also want to address the grant that we agreed to participate in last week, the HUD (Department of Housing and Urban Development) grant that also involved the EPA (Environmental Protection Agency) and the Department of Transportation (DOT). It's important for the taxpayers to note that that grant application is due tomorrow, and we have still not seen a copy of it. I was told, however, that if I looked at last year's grant, it will be pretty much the same and could give me some information.

"And so I did. And it's interesting to find out that there are more government agencies involved in this besides DOT, EPA and HUD. Because in addition to the six livability principals that have been created by DOT, EPA and HUD, there is another principle called the Healthy Community Design, which I've never heard of and I don't think we've ever been briefed on. This initiative is from the CDC (Center for Disease Control and Prevention). Now we have the CDC involved in planning our, helping plan our communities. They're actually involved in a project called LEED-ND, which is the Leadership and Energy in Environmental Designs for Neighborhood Developments. And what that is this is a rating system and is a national standard for neighborhood design. So now we have a federal rating system and standard for neighborhood design that's part of the program from the CDC, and they have partnered and collaborated with agencies called the U.S. (United States) Green Building Council (USGBC), the Congress for the New Urbanism (CNU) and Natural Resources Defense Council (NRDC).

"So now these organizations, which are created now get to have a say in our

communities. I'll actually say that I agree with the editorial. I'll take little different view from my fellow Commissioner down there when they say, what'd they say that this is a little scary and its nuts. I think they're exactly right. It is scary, and it is nuts. They quoted us as saying that this is, the President is circumventing the will of the Congress, states and the people, and he is. I think that's very clear. He has tried to get some in environmental changes through he knows it won't pass Congress and is doing it through regulation and also through grants like this. And I think that is scary, and I think that is nuts. I think it's very clear that no one in our, or at least Congressman Pompeo and Senator Roberts and [Senator] Moran would support this plan if it went through Congress. I don't think it would pass the State Legislature, and if we put it to a vote of the people, I can assure you it would go down in flames with a high percentage against it. If my fellow Commissioners don't agree with me, then I would challenge them to put it on the ballot and let the citizen's vote on it. So, it is scary and nuts, that this Commission as well as other entities throughout the region have elected to go along with the federal agenda and vision for our community and to help them plan, despite the fact that the people, Congress and states, I think, none of them would approve it. The notion that somehow getting the federal government involved in these entities is going to help reduce the cost of our communities is ridiculous. Now, I also want to bring up here, I've got a pamphlet here from the Department of Transportation.

"And they talk about the federal role in planning, and they clearly stated that this grant program is a key part of this initiative. One of the questions I asked about this grant is what problem are we trying to solve, and of course, there is no really good well defined answer, but they talk about it in here. This clearly illustrates their position. Commissioner Ranzau continued, "They don't like what's called sprawl, and although they admit '...the precise definition of sprawl is contested', they think that's a problem. Now what is sprawl? Sprawl is all those communities that are sprung up around Wichita, Derby, Goddard, Andover, Valley Center, Park City, and all of these single family owned, even within the City of Wichita that are spreading out.

"And supposedly that's not good. And so we've got to do something about that. Now, it's interesting to note that in their own words in their own article they say that certain public facilities have encouraged and enabled what they call low density growth. See, they want higher density growth, because supposedly that's better, more cost effective and better for your health. Here are some things that they said have contributed to this low density growth in the post World War II era. Federal loan appraisal criteria that favored new single family homes, evidently that's bad, heavy investment in the interstate highway program, evidently, that's bad, too, and a move toward single use zoning. So they're saying that these three things have led to government sprawl. You can argue where those are good or bad, but I think it's important to point out that all three of those are samples of government intervention, two of which were controlled by the federal government. So essentially what they're saying in their own words is that government involvement in some areas has created a problem called sprawl, and now we need more government intervention to correct the problems created in the first place by government intervention.

"My question is, what program will we need to solve the unintended negative consequences of this program? The idea that we have to have another federal program to correct problems that they say were created by the federal government to begin with, yes, that's scary, and that's nuts, and the fact that we're participating in it is in my mind ridiculous, and I'll continue to fight. This grant is different than any other one I've opposed and I will continue to fight it anyway and every way that I can for as

long as we're pursuing this. Thank you."

Chairman Unruh said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I find myself in disagreement with Commissioner Ranzau in terms of his interpretation of the article, because it was referring to you and my claims that were in the editorial. I don't think that, and while you have eloquently stated why we were both opposed to this proposal last week, I don't think you can change how the blog excerpt in the paper yesterday was actually, what they intended, so I just wanted to clarify that for the record. Thank you, Mr. Chairman."

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

Commissioner Ranzau said, "And point taken. I want to talk about one other issue, and this is recently, or yesterday, the City Council retroactively changed the development plan for a TIF District called the KenMar TIF District. This is something that we have participated in the past. This week, I talked to my fellow Commissioners, I think we need a legislative agenda so we can have a say in all of these TIF Districts any time they are changed as well as any time a variety of other instruments are used that include IRBs (Industrial Revenue Bonds) or economic development property tax abatements, because right now we don't have a say in that. My concern was that the cost could change and in this particular case, the cost didn't change, but now retroactively we are now participating in a program that involves a Walmart, so we get to help subsidize them.

"And I'm not convinced that that was the intent of this Board when they passed it. I wasn't on the Board obviously then when it was passed.

We could ask each one of though Commissioners, but I'm very concerned about the old bait and switch, that this is what happened, that we signed up for one thing, getting another thing, and now we don't have an opportunity to do anything. But this is an example of what happens when government gets involved and creates these programs. Because you have the same players, you have David Burk once again involved in this program, as well. And so he will benefit financially, and even though they sold the land for \$1.9 million, the city does not get its \$827,000 back. So, and because of the original agreement, didn't have any collateral provided, pretty much forced in the decision, but that's a problem when you get involved in things and create special programs to pick winners and losers and get the government involved in ways in the free market that they shouldn't be involved, and I find that's very troubling, and I'm going to continue to investigate this particular situation. Thank you."

Chairman Unruh said, "I see no one else asking to speak. We are adjourned."

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:27 a.m.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

DAVID M. UNRUH, Chairman
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TIM R. NORTON, Commissioner
Second District

KARL PETERJOHN, Commissioner
Third District

RICHARD RANZAU, Commissioner
Fourth District

JAMES B. SKELTON, Commissioner
Fifth District

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED:
