

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



*Sedgwick County...
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Meeting Minutes - Final

Wednesday, May 30, 2012

9:00 AM

BOCC Meeting Room

Board of Sedgwick County Commissioners

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

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

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

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

ORDER OF BUSINESS

CALL MEETING TO ORDER

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:04 a.m. on Wednesday, May 30, 2012, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Tim R. Norton, with the following present: Chair Pro Tem James B. Skelton; Commissioner David M. Unruh; Commissioner Karl Peterjohn; Commissioner Richard Ranzau; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. Michael D. Pepoon, Assistant County Counselor; Mr. Gary Curmode, Fire Chief, Fire District No. 1; Mr. Robert Hinshaw, Sheriff; Mr. Joe Thomas, Acting Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and Ms. Amanda Lee, Deputy County Clerk.

INVOCATION

Led by Pastor Dave Fulton, St. Paul's Lutheran 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

APPOINTMENTS

A [12-0398](#)

ACCEPT THE RESIGNATION OF CLYDE BEVIS FROM THE SHERIFF'S CIVIL SERVICE BOARD.

Presented by: Richard Euson, County Counselor.

RECOMMENDED ACTION: Accept the resignation.

Mr. Richard Euson, County Counselor, greeted the Commissioners and said, "Commissioners, you've received this resignation tender and I would recommend you accept it."

MOTION

Commissioner Skelton moved to accept the resignation.

Commissioner Peterjohn seconded the motion.

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

VOTE

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

Chairman Norton said, "Next item."

A motion was made by Commissioner Skelton, seconded by Chairman Peterjohn, that this Appointment(s) be Approved. The motion carried by the following vote:

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

Present: 0

B [12-0397](#)

RESOLUTION APPOINTING JULIA CRAFT (COMMISSIONER SKELTON'S APPOINTMENT) TO THE SHERIFF'S CIVIL SERVICE BOARD TO FILL THE UNEXPIRED TERM OF CLYDE BEVIS.

Presented by: Richard Euson, County Counselor.

RECOMMENDED ACTION: Adopt the resolution.

Mr. Euson said, "Commissioners, we prepared this resolution of appointment and it's for a term to end in January of 2013, and I recommend you adopt the resolution."

MOTION

Commissioner Skelton moved to adopt the resolution.

Commissioner Unruh seconded the motion.

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

VOTE

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

Chairman Norton said, "Next item."

A motion was made by Commissioner Skelton, 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

C [12-0400](#)

RESOLUTION REAPPOINTING SANFORD ALEXANDER (COMMISSIONER DAVE UNRUH'S REAPPOINTMENT) TO THE WICHITA/SEDGWICK COUNTY ACCESS ADVISORY BOARD.

Presented by: Richard Euson, County Counselor.

RECOMMENDED ACTION: Adopt the resolution.

Mr. Euson said, "Commissioners, you have four reappointments to the [Wichita/Sedgwick County] Access Advisory Board, if you would allow me to read the other ones. In addition to Mr. Alexander, who is Commissioner Unruh's appointment. You have a resolution reappointing David Moffett, and that is Karl Peterjohn's appointment.

Mr. Euson continued, "Resolution reappointing Glenn Davidson, and that is Richard Ranzau's reappointment; and resolution reappointing Susan Robinson, who is Chairman Tim Norton's appointment. And I would recommend you adopt those resolutions of reappointment for Items C, D, E and F."

MOTION

Commissioner Unruh moved to adopt the resolution for Items C, D, E, and F.

Commissioner Ranzau seconded the motion.

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

VOTE

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

Chairman Norton said, "Madam Clerk, call the next item."

A motion was made by Commissioner Unruh, 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

D [12-0401](#)

RESOLUTION REAPPOINTING DAVID MOFFETT (COMMISSIONER KARL PETERJOHN'S REAPPOINTMENT) TO THE WICHITA/SEDGWICK COUNTY ACCESS ADVISORY BOARD.

Presented by: Richard Euson, County Counselor.

RECOMMENDED ACTION: Adopt the resolution.

Action on Item D was taken with Item C.

- E [12-0402](#) RESOLUTION REAPPOINTING GLEN DAVIDSON (COMMISSIONER RICHARD RANZAU'S REAPPOINTMENT) TO THE WICHITA/SEDGWICK COUNTY ACCESS ADVISORY BOARD.

Presented by: Richard Euson, County Counselor.

RECOMMENDED ACTION: Adopt the resolution.

Action on Item E was taken with Item C.

- F [12-0409](#) RESOLUTION REAPPOINTING SUSAN ROBINSON (COMMISSIONER TIM NORTON'S REAPPOINTMENT) TO THE WICHITA/SEDGWICK COUNTY ACCESS ADVISORY BOARD.

Presented by: Richard Euson, County Counselor.

RECOMMENDED ACTION: Adopt the resolution.

Action on Item F was taken with Item C.

PUBLIC HEARING

G [12-0390](#)

PUBLIC HEARING TO CONSIDER THE PETITION FROM THOMAS AND LORI SCHNEIDER FOR THE EXCLUSION OF THEIR PROPERTY FROM THE BOUNDARIES OF SEDGWICK COUNTY FIRE DISTRICT NUMBER ONE.
Presented by: Michael D. Pepoon, Assistant County Counselor.

RECOMMENDED ACTION: Open the public hearing, accept comments, close the public hearing, adopt the resolution and instruct the County Clerk to publish the same according to law.

VISUAL PRESENTATION

Mr. Michael D. Pepoon, Assistant County Counselor, greeted the Commissioners and said, "You have before you today the consideration of petition by Thomas and Lori Schneider with an address of 1133 North 343rd Street West, Cheney, Kansas. Every year about this time, we have landowners petition the County Commission to either become part of the Fire District [No. 1] or detach from the Fire District. In this case, the Schneider's petitioned you to be removed from the Fire District. This is a procedure that's provided by KSA (Kansas Statute Authority) 19-3604b. The petition is in its proper form. I'll show you where their property is, if I can pull it up. Their property is the yellow section right there.

"The circle there is the fringe area, which is an area, if it touches any other city, then you have to have a super majority vote, and you would have to take in several factors and considerations, but they are not within three miles of either Garden Plain or Cheney, so a simple majority vote on the part of the Commissioners is allowed to allow them to be excluded from the Fire District. The recommendation today is for you to open the public hearing, accept any comments, close the public hearing, adopt the resolution and instruct the County Clerk to publish the same according to law. I don't believe the Schneider's are here today, but I'll be happy to answer any questions you might have following that."

Chairman Norton said, "Commissioner Skelton, did you want to comment now or afterwards?"

Commissioner Skelton said, "Well, there is nobody here to speak, from my understanding. Correct, sir?"

Mr. Pepoon said, "I don't believe anybody is here to speak."

Commissioner Skelton said, "Okay, so, if there is nobody here to speak, should I wait?"

Chairman Norton said, "We still have to open a public hearing. Let me do that real quick, and then we'll come back to you. At this point, I'll open the public hearing to address the petition from Thomas and Lori Schneider about Fire District No. 1. Is there anyone here to speak to that item? Seeing no one, I'll close the public hearing, limit the comments to the bench. Commissioner Skelton."

Commissioner Skelton said, "Is the Fire Chief here to speak on this issue? Because I have a question of him, and maybe one or both of you, I do have questions for one or both of you. Okay, what is the purpose here? What is the real purpose these people want to come out of the Fire District?"

Mr. Gary Curmode, Fire Chief, Fire District No. 1, greeted the Commissioners and said, "As Mike Pepoon stated previously, every year we have people petition in and petition out, wanting our coverage. There's no complaint against any of the coverage of the Fire District. The people feel just that since they're close to Cheney, they would like to be out of the Fire District in that situation. We would still, if requested by Cheney Fire Department to assist them on a mutual aid request, we would still do that as a mutual aid. They would not get the other benefits of inspections, code enforcement, public education, those type of additional benefits."

Commissioner Skelton said, "Okay. Is the Sedgwick County fire truck going to respond to this location if there is a call?"

Chief Curmode said, "Not after they leave the Fire District."

Commissioner Skelton said, "What happens if they do, are staying in the Fire District?"

Chief Curmode said, "If they stay in the Fire District and they have a house fire, definitely we would be responding to them."

Commissioner Skelton said, "Okay."

Chief Curmode said, "On a house fire in their area, we would send 14 to 16 firefighters initially on first response to them."

Commissioner Skelton said, "Okay, well, if they have a house fire and the Garden Plain fire department responds, are you still going to respond?"

Chief Curmode said, "No. Garden Plain is actually in the Fire District. They're protected by us, but we would not go to their address."

Commissioner Skelton said, "Okay. Wait a minute. You say fire, Garden Plain...you are operating in Garden Plain?"

Chief Curmode said, "No. We actually are in Lake Afton on 263rd Street."

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "Time out, let me see if can..."

Chief Curmode said, "Yes, sir."

Mr. Buchanan said, "Okay, we provide coverage for Garden Plain."

Commissioner Skelton said, "Correct."

Mr. Buchanan said, "The fire station is not there, but we provide coverage. This location, if they go out of the Fire District, would be covered by Cheney Fire Department, they think. And if Cheney shows up and asks for mutual aid, we will show up."

Commissioner Skelton said, "Where is the nearest county fire department?"

Chief Curmode said, "Our closest fire station for this location is actually at 263rd Street down by MacArthur near Lake Afton, and a second one that would be coming to

this location today was the one in Andale, and the third one would be coming from Goddard. So we would have three stations coming if they had a fire today."

Commissioner Skelton said, "Okay, what is your opinion of this? What do you think is in the best interest here? What would serve the best interest? Do you think it's a good idea to pull them out or leave them in?"

Chief Curmode said, "Well, that's an individual decision for the homeowner."

Commissioner Skelton said, "I understand. You have a public safety perspective, Chief, and that's what I'm asking for."

Chief Curmode said, "I feel we give excellent fire service to this area, and of course, I'd like everyone to be in the Fire District, but I know, again, that's a personal choice."

Commissioner Skelton said, "Well, it's a personal choice, but there are some things that rise beyond that, and that is the public purpose, the public safety purpose here, and I want to know what your opinion is on the public safety purpose of this."

Chief Curmode said, "On the, I feel that they should be in the Fire District."

Commissioner Skelton said, "Okay, thank you."

Chief Curmode said, "My personal view."

Commissioner Skelton said, "I appreciate that. Thank you for your professional opinion, sir. That's all I have."

Chairman Norton said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I'm not sure if this is a question more for Mike or for Rich, but I think it's just a procedural one I think for the public to understand. Why are we bringing this up at this point in the regular BoCC (Board of County Commissioners) Agenda as opposed to in the Fire District [No. 1] Agenda?"

Mr. Pepoon said, "Because the statutes that provide for creating fire districts or detaching land from a fire district all specify the Board of County Commissioners take this action. There's no particular statute that allows for the County Commissioners sitting as the Governing Body of Fire District No. 1 to take this kind of action. The fire district can't expand itself, it's the County Commission that has the authority to create a fire district and to expand it or take land out of the fire district."

Commissioner Peterjohn said, "I appreciate the legal clarification, because I think it's important for the public to understand what we're facing here today. Just for the record, this is in my district, and this type of request has come in the past. We talked, Chief, about the fact about a house fire, but any sort of fire on this property would be one that we would respond to initially if they're in the Fire District, whether it's a grass fire or any other type of, you could have a barn fire or house fire, any other sort of...and unfortunately, there are some pretty bad farm accidents that can and, unfortunately, have occurred, but the coverage would be there. But at the moment we're basically saying for this one property, we're going to go from being the immediate first responder to the volunteer fire department out of Cheney becoming the immediate first responder

and we would only get involved if they would make a request under mutual aid."

Mr. Pepoon said, "That's correct, Commissioner."

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

Chairman Norton said, "We have a mutual aid arrangement with Cheney, but not an automatic aid. Is that correct?"

Chief Curmode said, "We do have an automatic aide agreement with Cheney. That agreement states if they have a structure fire, in the City of Cheney only, that we respond. Also they respond to Garden Plain and Viola for us in structure fires and immediately in those cities."

Chairman Norton said, "So it's automatic aid but only in the city limits?"

Chief Curmode said, "Yes, correct."

Chairman Norton said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. I think some of the questions that are mine that maybe haven't been verbalized yet. There is nothing to keep the neighbor from requesting to be taken out of the Fire District and the neighbor beyond that. Are we eroding our financial support for the Fire District by doing this? Are we setting some kind of a precedent here that's going to do us harm going forward?"

Mr. Pepoon said, "I can't really answer that, Commissioner. I don't know which of the landowners are part of the Fire District or which aren't. We can get you that information. You know, we typically haven't had a large section, we had a number of years ago, the City of Eastborough pulled out of the Fire District, and that was a significant loss that the County Commission approved, but mostly it's just been one or two landowners either coming in or going out every year, so I don't know that it's had a significant impact on the district. Maybe somebody from finance needs to answer that."

Commissioner Unruh said, "Chief?"

Chief Curmode said, "Commissioner, one thing I might point out, in Union Township, that's not in the Fire District, we have 83 homeowners that have petitioned to be in the Fire District, so they wanted full-time protection in addition to the protection from Colwich, and so, and also Westar [Energy Inc.], they had contracted with us for years, and then they came into the Fire District because they wanted full-time protection. So that's a common practice every year."

"You have a few get in and a few get out. But again, you know, we sell our services and tell them what type of services we provide for their families, including the medical clear through the ramifications of fire and so forth. I don't know if that would help any information with you, but I think we provide an outstanding service, and we stand by that, and we're here to protect our citizens."

Commissioner Unruh said, "Well, thank you. I just think there's good reason sometime to exclude someone from the Fire District. I think Eastborough was an example of that where they actually got more immediate protection in our aid agreements from the City of Wichita, and that seemed to make sense. I'm just trying to comprehend what the ramifications of this is, so, thank you for your response."

Chairman Norton said, "Okay. Commissioner Ranzau."

Commissioner Ranzau said, "Let me clarify. On this map, isn't the red part the part that's served by the Fire District and everything else not? Isn't that what that's trying to show us or am I reading that wrong?"

Chief Curmode said, "Yes, Commissioner, the red district is pretty much what's in this Fire District at this time. And if you look out past west of that area that's yellow, those are different areas that the people there, even though they were a lot farther away from Cheney, or closer to Cheney, but farther from us, they wanted full-time protection, so again, that's, in our country, that's their choice, and they were willing to pay the mill levy from Cheney and also the mill levy from the Fire District to come in and have our protection."

Commissioner Ranzau said, "And if I recollect, last year, we had a little bit of both, right?"

Chief Curmode said, "That's correct."

Commissioner Ranzau said, "We have some who petition some in, some that got out, and not really that big of a financial overall net change is what I was told."

Chief Curmode said, "That's correct."

Commissioner Ranzau said, "Thank you."

Chairman Norton said, "Commissioner Peterjohn."

MOTION

Commissioner Peterjohn moved to adopt the resolution and instruct the County Clerk to publish the same according to law.

Commissioner Ranzau seconded the motion.

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

VOTE

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

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

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

A motion was made by Chairman Peterjohn, seconded by Commissioner Ranzau, that this Resolution be Adopted. The motion carried by the following

vote:

No: 1 - Commissioner Skelton

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

Present: 0

NEW BUSINESS

H [12-0063](#)

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

RECOMMENDED ACTION: Receive and file.

VISUAL PRESENTATION

Mr. Buchanan said, "This is our monthly review of the criminal justice system. Thank you. We start with existing programs and go through these statistics. You'll see that for the month of April 2012 compared to the month of April in 2011, these numbers have diminished. The detention facility only by one, but all the other programs, all the other booking, Work Release, and out of county are less than what it was last year in April at this time. And you see that total there. The bookings and releases, you see the bookings are down, which is a good thing, less people entering the system. Year-to-date bookings are down. And correspondingly, you would expect that the releases would be less because there's less people in the system, and that's what happens routinely. We have, the average length of stay, if you recall, we've recalculated how we, we adjusted how we calculate this figure, and we now see that in booking, there's less hours compared to 2012. Year-to-date bookings are, again, down.

"The housing, number of days in housing is less. Year-to-date housing is less, and the combination of those two for year-to-date and days are all down, which is all good news. The trends, again, this is a, the top line, the total is for what we've considered year-to-date, or April, what was going on in April on all those times. So you can see that for the month of April, we were down compared to previous years. This is the one that is most fascinating to me. This is the number, trend lines of what's going on by month in the booking detention, Work Release and out of county for the whole system.

"You can see that we had a little bump in March, 1,511, for the average. But for the month of April, we're back down to 1,468. We hope that curve continues to, or that line continues to stay there. I think the next two slides are also pretty telling about where we are in the system. You'll see that on slide eight that all the numbers again are down. Correction: Day Reporting is down considerably from the previous year. [Corrections:] Pretrial Services remains down, but remember that there's less people going into the system, less bookings, so there's less people that would be in these programs. The [Corrections:] Adult Intense Supervision Program (AISP) is down. Corrections Adult [Residential] facilities is down. District Attorney: Diversion. The SCOAP (Sedgwick County Offender Assessment Program) program remains about the same and [Sedgwick County] Drug Court is about the same. And so we think that some of these things are stabilizing.

"You'll see here that these adult supervision snapshot of other funded that the [Wichita] Mental Health Court for the city is down slightly. The [Wichita] Drug Court [Diversion] for them is again down a little bit. But we suspect that that's because there's fewer people coming into the system. The [Wichita] Drug Court Probation remains about the same. The Wichita Probation is up, and you can see that's pretty significant. And what's occurring is they're trying to use the system rather than placing people in our jail using our system in a different sort of way. [Wichita DUI (Driving under the Influence)] Diversion is down considerably, and the drug court probation, or [18th Judicial] District Court Probation is up slightly.

"We have routinely reported about BICE (Bureau of Immigration and Customs

Enforcement) holds. About 45 as of April 30th, were with BICE holds, three percent of the population. Almost all inmates with BICE holds have other charges. Felony inmates, and we're going to work these numbers differently. The snapshot of April 30th, there's a 162 inmates sentenced to felony time in the Sheriff's custody. That's 10.8 percent of the population. What we haven't separated out is how that number has changed, or since the state has changed the way people are sentenced to county detention facilities. When that change occurred, how much of that increased, how much of the 162 is credited to that recent change in the state legislature's work, so we have some work to do to sort that out. But that's still pretty significant, it's still significant, 10 percent of our, almost 11 percent of our population is on felony charges in our local jail.

"Initiatives, these programs continue to work, and we continue to work the system to try to determine some methodologies that may help keep the numbers down. We have a CJCC (Criminal Justice Coordinating Council) meeting coming up with some outside experts that are going to look at some programs and activities that may be able to assist us, and again assuring that the numbers of people in our facilities are the appropriate people. And I want to remind you that there's no magic bullet here. It is putting all of these programs together and piecing them together and making a system work in a continuum of, I want to say continuum of care, but it's really a continuum of penalties perhaps. And that's the end. Any questions? The Sheriff's glad to answer them."

Chairman Norton said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Mr. Manager, I appreciate this report, and a lot of useful information is contained within it. Let me ask you, in terms of if I added up the 45 people on BICE and 162 inmates with felony convictions, any idea if there is any overlap with those numbers, or would it be fair to be able to add those two numbers together and say we had 207 people who you can make the argument either should be in the custody of the Kansas Department of Corrections or should not have been allowed to enter into the country illegally as a number?"

Mr. Robert Hinshaw, Sheriff, greeted the Commissioners and said, "Not if they're only on BICE hold. Commissioner, Bob Hinshaw, Sheriff in response to your question, 45 were on BICE holds where the County Manager indicated they had other charges pending. Typically what that implies is that they're pending charges, and BICE is simply saying, when the local jurisdiction is done, notify us and then we will take action on it. In regards to the other part of your question as to the felons, I don't know for sure.

Sheriff Hinshaw continued, "I'd say if there is any overlap, it would be fairly small from that perspective, because typically what it is on the BICE holds is the local crimes, and then once they've gone through the [18th Judicial] District Court and they're ready to, and they've been sentenced, then once that is finished, that's when BICE takes them over. Does that make sense? There may be some overlap, but I don't think it would be a significant number."

Commissioner Peterjohn said, "Okay. Fair enough. The reason I mentioned it is, if I add those two numbers together, it's a little over 200, and as of this morning, we had 287 people out of county, and so if the felons were in the [Kansas] Department of Corrections serving their time with the state and the illegal immigrants weren't in the country illegally and hadn't been arrested, we wouldn't have many people out of county,

I believe. Is that a fair statement, Mr. Sheriff?"

Sheriff Hinshaw said, "I'm not sure you can actually make that contrast from that perspective, simply because there's always illegal immigration, people being arrested for that is occurring continually. So it's not the fact that they came here. It's that they came here and probably, most of those are individuals that have either committed felony crimes and this was discovered or they've already been deported once and they're back in the country on a separate felony charge through immigration. So yeah, you could say you add those numbers up and that would be close to our out of county housing, but I'm not sure you could make that direct correlation. One thing that I'm always interested when the County Manager makes this presentation, when you look at all the county funded programs and the programs funded by other agencies that are the alternatives to just sitting in jail, if you add those numbers up, that's a little over 7,100 people that are in our criminal justice system right here in Sedgwick County excluding the people that are in the county jail. So that's a significant number of people, I think, that, and I always look at it from this perspective, but-for those programs that the County Commission has funded and those that have been recommended by the Criminal Justice Coordinating Council and those ran by the 18th Judicial District [Court] and the City of Wichita, a significant portion of those 7,000 might very well be sitting in the county jail."

Commissioner Peterjohn said, "We had that as a trade-off. The point I guess I would make, my understanding on the BICE holds for immigration is, unless they've been picked up for multiple misdemeanor charges or multiple felony charges, they wouldn't show up in the jail in the first place, and we really wouldn't be checking their naturalization status until they got to the jail. Am I correct on that?"

Sheriff Hinshaw said, "The way the current state law currently is, yes. As you're very much aware, we're part of the Safe Communities Program, so whenever someone is booked into the facility, that information not only goes to the State of Kansas, it is also checked by the [United States] Immigration and Customs Enforcement group to see if that is someone that's in their system. BICE hold, and again I don't know any of these individual cases, they're checking everyone, so there may be people that are in fact a foreign national in jail that are here legally, but because depending on the crime they may have been charged with, BICE may want to deport them because they're in violation of their visa. So it's not just illegal immigration. It's that whole gamut of immigration issues that they check, and of course, we also send the daily reports to them for them to see who is in jail, to see if there is anyone they may be interested in. So yes, right now that check of immigration status occurs only after someone has actually been booked into the jail and put into the system."

Commissioner Peterjohn said, "My understanding is it's only if they're facing multiple misdemeanor charges. If it's only a single misdemeanor charge, would that check occur?"

Sheriff Hinshaw said, "The check is done automatically. So even if it's a single misdemeanor, it's still going to go through the system. It's just whether or not BICE then notifies us whether or not they want to put a hold on that individual. And that's exclusively in their domain."

Commissioner Peterjohn said, "So it's strictly the federal government's call and not Sedgwick County or anyone here at the state level."

Sheriff Hinshaw said, "That is correct."

Commissioner Peterjohn said, "Thank you."

Chairman Norton said, "Commissioner Ranzau."

Commissioner Ranzau said, "Yes, Sheriff, I want to follow up on the BICE. Once they're done here locally, then what happens?"

Sheriff Hinshaw said, "We notify BICE as per their request of when all the charges, local charges, are done, and then they tell us that they are either going to come get the individual or they release their hold. The vast majority of the time, they will come and pick that person up, I think it's within three days. Because once all the holds are released and they are only here exclusively on an BICE hold, that's when they have to start paying us to house the inmate."

Commissioner Ranzau said, "That's what I was going to get at, how long they're here and if we get paid for it. Okay. Then I have, my last question is for the Manager, maybe for the Sheriff, I don't know. Do we have any statistics on the number of people in the jail from the city offenses?"

Mr. Buchanan said, "Sure."

Commissioner Ranzau said, "Do we have trends similar to this that we could look and see?"

Mr. Buchanan said, "Yep."

Commissioner Ranzau said, "I'd be interested..."

Mr. Buchanan said, "We'll see what we can do."

Commissioner Ranzau said, "In seeing those numbers, if it's fairly easy to come up with. That's all, thank you."

Chairman Norton said, "Commissioner Peterjohn."

MOTION

Commissioner Peterjohn moved to receive and file.

Commissioner Skelton seconded the motion.

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

VOTE

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

Mr. Buchanan said, "Thank you."

Chairman Norton said, "Thank you, Mr. Manager. Next item."

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

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

Present: 0

I [12-0425](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON
MAY 24, 2012.

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

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

*Mr. Joe Thomas, Acting Director, Purchasing Department, greeted the Commissioners
and said, "The meeting of the Boards of Bids and Contracts of May 24th resulted in
three items for your consideration this morning. Item 1;*

1. PATIENT TRANSPORTATION SERVICES --COMCARE
FUNDING --COMCARE

*"The recommendation is to accept the overall low proposal from Apple Bus Company
Inc. for the prices listed and establish contract pricing for one year with four one-year
options to renew. Item 2;*

2. 2012 DODGE CHARGERS --FLEET MANAGEMENT
FUNDING --FLEET MANAGEMENT

*"The recommendation is to accept the bid from Davis-Moore Automotive, Inc. in the
amount of \$89,240.00. Item 3;*

3. ALL-WHEEL DRIVE, ARTICULATED CENTER, WHEELED LOADERS
--FLEET MANAGEMENT
FUNDING --FLEET MANAGEMENT

*"The recommendation is to accept the proposal from Murphy Tractor & Equipment Co.
in the amount of \$447,850.00."*

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

*Chairman Norton said, "You've heard the presentation of the Boards of Bids and
Contracts. What's the will of the Board?"*

"Commissioner Peterjohn. Did you leave your light, I left it on..."

MOTION

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

Commissioner Unruh seconded the motion.

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

VOTE

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

Mr. Thomas said, "Thank you."

Chairman Norton said, "Thank you, Joe. Next item."

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

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

Present: 0

CONSENT

- J [12-0379](#) Renewal Agreement with Horizons Mental Health Center for Psychiatric Supervision and Consultation Services.
- K [12-0380](#) Renewal Agreement with Heartspring, Inc. for Psychiatric Consultation Services.
- L [12-0381](#) Renewal Agreement with Arrowhead West. Inc. for Residential Services.
- M [12-0383](#) Plat
Approved by Public Works. The County Treasurer has certified that taxes in 2011 and all prior years have been paid for the following plat:

Prairie Polo Addition
- N [11-1259](#) Payroll Check Register.
- O [11-1298](#) General Bill Check Register.

P 12-0394 Order dated 5/18/12 to correct tax roll for change of assessment.

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

Commissioner Skelton said, "Good morning."

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

MOTION

Commissioner Skelton moved to approve the Consent Agenda.

Commissioner Ranzau seconded the motion.

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

VOTE

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

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

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

Present: 0

OTHER

Chairman Norton said, "Okay. We're on to 'other'. Is there anything else to come before us today? We do need an Executive Session. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I'm going to give a quick update on, we had the general overview for the number of folks in the Sheriff's custody in the jail. As of this morning, there were 1,509. With 1,096 in the main facility; 126 in Work Release; and 287 out of county. So that's why when I was asking the questions a little earlier about the slightly over 200 people who were either with BICE holds as illegal immigrants and who have been charged with or serving sentences for crimes here and also folks who were convicted felons who were serving their time in the Sedgwick County Jail, that's a larger number, almost eleven percent of the total.

"That added up to 1,509 this morning. The Sheriff has classified these by security purposes of maximum security 545; medium security, 592; minimum security, 344; with the rest being unclassified. I think it's, for a grand total of 1,509, so we are back over 1,500 a little bit. It's almost summertime, and that sort of thing happens. I also wanted to mention I'm looking very much forward to the River[fest] festival this next weekend and kickoff with the parade this weekend, and we have quite a number of events. I think it should be a great community festival. That's all I have, Mr. Chairman."

Chairman Norton said, "Anything else to come before us? We do have a Fire District meeting, so I'll suspend the BoCC meeting."

The Board of County Commissioners recessed into the Fire District No. 1 Meeting at 9:38 a.m. and returned at 9:43 a.m.

Chairman Norton said, "And we do need an Executive Session."

MOTION

Commissioner Skelton moved that the Board of County Commissioners recess into Executive Session for 15 minutes to consider consultation with Legal Counsel on matters privileged in the attorney-client relationship relating to pending claim and litigation and legal advice and that the Board of County Commissioners return to this room from Executive Session no sooner than 10:00 a.m.

Commissioner Unruh seconded the motion.

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

VOTE

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

The Board of County Commissioners recessed into Executive Session at 9:44 a.m.

and returned at 10:16 a.m.

EXECUTIVE SESSION

Chairman Norton said, "I will call the meeting back to order. While we were in Executive Session, no binding action was taken according to state statute. Mr. Counselor, is there anything else to come before us today?"

Mr. Euson said, "No, sir."

Chairman Norton said, "Mr. Manager?"

Mr. Buchanan said, "No, sir."

Chairman Norton said, "In that case, we're adjourned."

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 10:16 a.m.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

*TIM R. NORTON, Chairman
Second District*

*DAVID M. UNRUH, Commissioner
First District*

*KARL PETERJOHN, Commissioner
Third District*

*RICHARD RANZAU, Commissioner
Fourth District*

*JAMES B. SKELTON, Commissioner
Fifth District*

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED:
