

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



*Sedgwick County...
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Meeting Minutes

Wednesday, January 22, 2014

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 Roberta Berry, Sedgwick County Interim ADA Coordinator, 510 N. Main, Suite 306, Wichita, Kansas 67203

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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 9:03 a.m. on January 22, 2014 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman David M. Unruh, with the following present: Chair Pro Tem Commissioner Tim R. Norton; Commissioner Karl Peterjohn; Commissioner Richard Ranzau; Commissioner James B. Skelton; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Karen Bailey, Chief Deputy Clerk, County Clerk; Mr. Robert W. Parnacott, Assistant County Counselor; Mr. Jim Weber, Deputy Director, Public Works; Mr. Diana Mansouri, Safety Coordinator, Division of Finance; Ms. Tiffany Bridwell, Office Specialist, COMCARE; Ms. Stephanie Hutcherson, Office Specialist, COMCARE; Ms. Melissa Huddleston, Office Specialist, COMCARE; Mr. Chris Chronis, Chief Financial Officer; Ms. Marilyn Cook, Executive Director, COMCARE; Mr. Tim Kaufman, Division Director, Human Services; Ms. Claudia Blackburn, Director, Health Department; Ms. Lindsay Poe Rousseau, Budget Director; Ms. Kristi Zukovich, Director, Communications; and Ms. Amanda Lee, Deputy County Clerk.

GUESTS

*Mr. James Ellis, Trustee Appointee, Morton Township
Ms. Toyia Bulla, 5580 South Gold No. 400, Wichita
Mr. Kurt Harper, Attorney, Sherwood, Harper, Dakan, Unruh & Pratt
Mr. Harlan Foraker, President, Certified Engineering Design*

INVOCATION

Led by Reverend Cindy Watson, West Heights United Methodist Church

FLAG SALUTE

ROLL CALL

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

APPOINTMENTS

- A** [14-1037](#) ACCEPT THE RESIGNATION OF DAVID WOODARD FROM THE ELECTED POSITION OF TRUSTEE FOR MORTON TOWNSHIP. Presented by: Richard Euson, County Counselor.

RECOMMENDED ACTION: Accept the resignation.

Attachments: [012214 D. Woodard resignation Morton Township.pdf](#)

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

MOTION

Commissioner Peterjohn moved to accept the resignation.

Commissioner Norton 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."

Approved

B [14-1038](#)

RESOLUTION APPOINTING JAMES ELLIS (COMMISSIONER KARL PETERJOHN'S RECOMMENDATION) AS TRUSTEE TO THE MORTON TOWNSHIP.

Presented by: Richard Euson, County Counselor.

RECOMMENDED ACTION: Adopt the resolution.

Attachments: [Resolution appointing James Ellis](#)

Mr. Euson said, "Commissioners, this resolution will fill the vacancy just created for a term ending January 2017 and I recommend you adopt the resolution."

Chairman Unruh said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I am going to make a motion we appoint Mr. James Ellis to this position. He served in public office, and I think he will do an excellent job. He served in public office in the past for the City of Cheney and I think he will do an excellent job as a township official in Morton Township."

MOTION

Commissioner Peterjohn moved to adopt the resolution.

Commissioner Norton seconded the motion.

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

VOTE

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

Chairman Unruh said, "And is Mr. Ellis here this morning? If you would like to step over towards the podium, we'll have the Clerk administer your oath of office."

Ms. Karen Bailey, Chief Deputy County Clerk, greeted the Commissioners and said, "I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge the duties of the Office of Trustee for Sedgwick County Morton Township, so help me God."

Mr. James Ellis, Trustee Appointee, Morton Township, greeted the Commissioners and said, "I do. I would say thank you for the appointment, and I look forward to supporting our township."

Chairman Unruh said, "Thank you very much, Mr. Ellis. We appreciate your willingness to serve."

Commissioner Peterjohn said, "Thank you for being down here this morning."

Chairman Unruh said, "Madam Clerk, call the next item, please."
Adopted

PUBLIC HEARING

C [13-0971](#) PETITION OF EAGLE DRAINAGE DISTRICT FOR ANNEXATION OF CERTAIN LAND.
Presented by: Robert W. Parnacott, Assistant County Counselor.

RECOMMENDED ACTION: Make appropriate findings.

Attachments: [A filed Petition of Eagle Drainage District for Annexation of Certain Land](#)
 [B Notice of Hearing Eagle Drainage District petition for attachment of land](#)
 [C Relevant Statutes KSA 24 611 and 19 270](#)
 [D Eagle Drainage All](#)

Mr. Robert W. Parnacott, County Counselor, greeted the Commissioners and said, "You actually held the public hearing on the 8th and closed it, I will talk about what your responsibilities are to do today in a second. But I want to mention, as we always do in these matters, that if you had ex parte contacts you probably want to disclose them for the record, particularly if you want to use information that you received through those ex parte contacts as part of your decision making process, you probably should also open the public hearing, I'm sorry, not open the public hearing necessarily, but certainly open the record to enter those into the record if you need to. And finally, in the interests of fairness, if you are going to introduce new materials into the record that you received through ex parte contacts, the opposing side or the, in this case the petitioner, the district, should be allowed an opportunity to respond and comment on those emails, if you received any."

"Today, however, after you get ready to do that, or disclose that, we did have some leftover business from the last meeting that we can go into, if you would like. Some of the Commissioners had statutory questions. There were also some questions raised by the person who testified regarding her land. But if you feel a need to go into those today, we can just proceed with disclosing any ex parte contacts, and then ultimately what you have to do is make a finding whether or not the allegations in the petition are true, you've essentially already noted that the notice has been provided as required, and that the petition is in conformance with the requirements of the statute.

"So, again, the key allegation I think that we've been discussing at the last meeting is to what extent these properties are subject to injury or damage from overflow. So unless you have any other questions, I would turn it over to you guys."

Chairman Unruh said, "All right, thank you, Bob. I do have a comment from Commissioner Norton."

Commissioner Norton said, "I just wanted to recognize that I did get a couple of emails from citizens who live in the area. I had no phone calls, and I read the information, but I'm not going to submit it into the record. It was informational, pretty close to what was testified at the public hearing."

Chairman Unruh said, "All right, thank you, Commissioner. Commissioner Peterjohn."

Commissioner Peterjohn said, "I think Commissioner Ranzau was first."

Commissioner Unruh said, "All right. Commissioner Ranzau."

Commissioner Ranzau said, "Thank you. I'll say I received emails as well. One from Mr. John Williams, one from a Toyia Bulla, sorry if I'm mispronouncing that, and the other one from Travis Lane relating to a variety of parcels in this motion. I would like to have this, if possible, entered into the record. I do think it's important to have it there and considered. Those are my comments."

Chairman Unruh said, "Okay, certainly. Those can be included in the record. Commissioner Peterjohn."

Commissioner Peterjohn said, "Well thank you, Mr. Chairman. I was going to, just for the record, point out I've gotten communications from at least four constituents, including the three that Commissioner Ranzau mentioned, and either phone calls, emails, in terms of the communications I've received. So I wanted to get that on the record for this discussion at this point in the hearing. Thank you, Mr. Chairman."

Chairman Unruh said, "All right, thank you, Commissioner. I have received some emails also, to disclose my contact with different citizens. I don't recall exactly how many, but I have received several emails regarding this issue."

Commissioner Skelton said, "I also had emails. Primarily in opposition."

Chairman Unruh said, "All right. Thank you, Commissioner. Are there any questions right now for Mr. Parnacott? Then I would ask, is there any citizens who are here regarding this particular issue and did not get to speak at the public hearing?"

Chairman Unruh continued, "Okay. If we are going to have a citizen speak, I think at this time I will open the public hearing, reopen the public hearing and allow for the citizen input, and allow for the applicants to respond, if necessary. So Mr. Parnacott, is that appropriate?"

Mr. Parnacott said, "I think that is appropriate. I do want to make a comment that we do have some maps available. They are currently draft maps of the new flood plain proposals, and we can show those to these particular parcels that are going to be discussed, it sounds like. If you would like to see maps at some point."

Chairman Unruh said, "Okay, thank you. The public hearing is now reopened, and Madam, if you want to step to the podium, and state your name and address, and you can make your remarks."

Ms. Toyia Bulla, 5580 South Gold No. 400, Wichita, greeted the Commissioners and said, "I did email all of you my comments on this. I am the trustee for the Toyia A. Bulla Revocable Trust, which is the property owner, for one of the items listed in the annexation hearing, notice of hearing, it's item number 29 on Exhibit A. I did attend the hearing on January 8th, mostly to find out more about why the annexation was being requested, because at that point in time I did not feel I had enough information to be able to speak. So I appreciate the opportunity to speak today. I did receive the appropriate notices, although they did not go into why the annexation was being requested, and I did not have any information about the drainage board to be able to contact them at that time. I, since the last hearing, did contact the drainage board members who were present at the hearing. Did get on their listing of contacts, and have attended a drainage board hearing since that time on January 13th.

"My land is on a ridge that was mentioned in the last hearing that is not flooded for as long as I can remember. And I have grown up on that land. My mother and grandmother both grew up there and told me it has not flooded on that parcel for as long as they can remember, although it has flooded to the south and west of there. In fact, I do own 40 other acres of land that are already in the Eagle Drainage District that are south and west of that particular plot. That other 40 acres is in the flood plain, although this particular 10 acres is not. My plan has always been to build my retirement home on that land, and I think that's one of the reasons that my grandmother left me that particular parcel that is on the ridge so that I could do that. After the hearing on January 8th, I did ask the board, one of the board members, the board chair, I believe, if I were to build on that land if it had been annexed, would I have to get approval from them to be able to do so.

"He said yes, but that would not be a problem. My problem is that I am not able to retire today and build out there. I have 10 more working years ahead of me. In 10 years, will it be a problem for me to get approval from the board? It seems to me that this board has an awful lot of power over the land they annex, and that is my primary concern. I wish to be able to retire there and live out my years on my homesteaded land that was inherited and given to me. So I would respectfully request that my tract of land be excluded from annexation. I am open to questions."

Chairman Unruh said, "Thank you, ma'am. I don't see anyone wishing to ask you a question. Appreciate your comments."

Ms. Bulla said, "Thank you."

Chairman Unruh said, "Is there anyone else, any other citizen who would like to speak? Would the members of the [Eagle] Drainage District like to respond?"

Mr. Kurt Harper, Attorney, Sherwood, Harper, Dakan, Unruh & Pratt, greeted the Commissioners and said, "As a courtesy the staff has provided some background on some of the email communications that have been received and the kinds of comments that some of the concerned citizens have raised. They seem to focus on questions of knowing who to contact with the [Eagle Drainage] District, knowing whether or not there would be a taxation issue involved with the annexation, and I would like to address those. As the Commission has already found, there has been appropriate notice given, both in the county format as we discussed at the public hearing, we provided a narrative letter to all of the same people on the notice list to get them familiar with generally what the District was attempting to do, the paragraph included a reference to the taxation on the per acre basis. It included contact information for my firm, so if someone needed information prior to the hearing they would have been able to contact our firm. We received no inquiries, other than Ms. Pribbenow's inquiry to kind of get a sense of the lay of the land, to get a history of some of the previous actions by the board, and we provided that information as quickly as we could assemble it. This district is subject to the [Kansas] Open Meetings Act, so notices of the meetings have gone to those people who requested it pursuant to the Open Meetings Act.

"In terms of knowledge about what the board is up to, today's speaker indicated that she already has property within the District, which means she is certainly eligible to attend the meetings. She has notice of each of the elections of the board of trustees, so she's had the ability to kind of keep track of the local politics, in terms of what is going on with the District. In terms of any discussions with the board members, the board members have not taken the position that they have some authority over building regulations or anything of that type. They have only asserted any interest in maintaining and developing as necessary the drainage facilities to protect the relevant areas. The statutory test that we have been asked to prove, the standards for requires that we establish that the proposed annexed property does not necessarily have a history of actual damage from flooding or from overflow, but rather that it is subject to injury from overflow.

"I believe staff has already provided to you some data that reflects not only the technical ridge lines, but also the presence of both the historic 100 year flood plain and the new proposed 100 year flood plain. And I believe you will find, and I suspect staff has already discussed with you the fact that even the properties that have been the subject of the constituent input, all have at least portions of the property that are subject to, or that are within both the current and the proposed 100 year flood plain. So based on that, based on the general descriptions the last time of the flow of the water in the area, and the need to regulate it because of the predominantly flat terrain, we believe that that standard has been met. I have with me today also Mr. Seiler, who is the Chairman of the Board of Trustees for the District and Mr. Foraker who has done the engineering work, in case you have questions of myself or either Mr. Seiler or Mr. Foraker."

Chairman Unruh said, "Commissioners do you have a...Commissioner Peterjohn has a question."

Commissioner Peterjohn said, "Thank you. I would like to get kind of, and this may be a question for Mr. Foraker rather than yourself, Mr. Harper."

Mr. Harper said, "Okay."

Commissioner Peterjohn said, "In terms of the people who have come up and requested that they not participate keep referring to the ridge line. The email I received fairly late yesterday afternoon from a Mr. Lane also repeated comments that we heard at the original hearing in that regard. And I want it from an engineering point of view to get a perception, this might be a good time to get the information into the record, in terms of what the map looks like, and where the parcels are, because I think that that would be important part before we proceed."

Mr. Harper said, "Okay."

VISUAL PRESENTATION

Mr. Parnacott said, "I might go ahead and bring a map up. We've got two actually, because the properties are somewhat separated. Let me give you a little background on this map. These are what I guess I would collectively refer to as principally the Pribbenow property and the Lane property. We weren't able to mark all the parcel numbers, but you can see here we have 27, 28, and 29. This parcel immediately to the west has also been discussed in the emails. The lane property is immediately north. So those, that first group of properties are all these, and this, again, is a draft flood map that shows the proposed flood line boundaries. We also have contour maps available, I believe. The next one, sorry, that's the same one. These are parcels 39 and 40. These were the other parcels that were mentioned in emails, they are a little bit down to the south and east, I believe. But those are the maps that kind of give you an idea where we're talking about in particular."

Commissioner Ranzau said, "Bob?"

Mr. Parnacott said, "Yes, sir."

Chairman Unruh said, "Commissioner Ranzau."

Commissioner Ranzau said, "Do we have a larger map that shows both lines?"

Mr. Parnacott said, "Yes. Let me bring that up. So we have this map, which is the larger picture of all the properties, so, again, just to get you acclimated, if you look at the overlay at the bottom that has the parcel numbers, we are looking, as you see my cursor, these four parcels, these long skinny parcels here and then the parcel immediately north of that. And then the other two parcels are down here, they're kind of hard to see when they have been reduced to this, but 39 and 40 are down here to the south and east. So there's that. Then we have, this is just the flood zones and elevations. I thought we had contour maps available, too, but maybe I didn't get them onto the computer. I apologize."

Commissioner Ranzau said, "Do we have..."

Mr. Parnacott said, "So those are showing the existing flood plains."

Commissioner Ranzau said, "We don't have anything showing the whole area with the flood plain lines like we did for the smaller..."

Mr. Parnacott said, "No. You know, again, most of the discussions we've been having with these emails have been focused on certain parcels, and I could give you the listing of the numbers of those parcels when it is appropriate to put them all together in one group. But we certainly could provide that if you need that information. I hesitate to recommend you continue this further, but if that's information you feel you need to see an entire map, we could prepare that and provide that for you."

Commissioner Ranzau said, "Well, it's been proposed that because FEMA (Federal Emergency Management Agency) has created this map, that's all the evidence we need to make this finding and I don't necessarily agree with that. Because first of all, we see that this map, the original map we used to be using and now it's going to be changed. I mean, the map we've been using is actually incorrect. So, but that being said, I mean, we need to look at all of those other properties and see what the map says for those. Just because someone has a petition, we still have to make a finding with respect to every parcel that they are subject not just to having water, but to injury and damage from that water. So I mean, I got to see some evidence for all those other parcels as well. I would like to see a map, that shows, that's just one piece of the evidence. I don't believe its conclusive one way or the other, but it's certainly important."

Mr. Parnacott said, "All right. Well, I interrupted. You had called Mr. Foraker to the podium, so I will let him speak at this point."

Chairman Unruh said, "It that all Commissioner? Commissioner Norton."

Commissioner Norton said, "I can wait until Harlan is finished."

Chairman Unruh said, "Okay. Mr. Foraker."

Mr. Harlan Foraker, President, Certified Engineering Design, greeted the Commissioners and said, "Unfortunately I didn't come prepared with a USGS (United States Geological Survey) quad map and I think that might have been what Bob was referring to be able to show that to you. I think I can just speak in general. I would like to share that with you. Because this area is so flat, that a quad map may not even delineate that ridge line well between the two drainage basins. I guess I would just suggest to you that looking at the flood plain map, I don't know, can we get this map up there? How would we get that exhibit up there? Yeah, yeah. You see the areas that, and this is the flood plain map, I guess I would say I know I was asked at the last public hearing to state what historical information do I have as an engineer to be able to render whether these properties could be subject to flooding, and I would just tell you that the FEMA flood plain maps are the best information that I have as an engineer to rely upon. And that's not to say there are not areas that flood in addition to those that are identified by FEMA flood plain maps, but these are information in which I can represent and share to you that these areas are certainly subject to flooding.

"And what I would say with regard to this map is that although the map is changing, what this map, the blue line there, the cyan line is actually the former flood plain line, and it has just been detailed studied, or studied in more detail, and as a result, they are perhaps reducing that flood plain limit just a little bit to the blue and the brown area that you see that is inside the previous flood boundary. So that is the best information I have, but regarding the ridge line, I guess I would just tell you, and they speak about the gravel ridge, and the quad map may not really delineate that.

Mr. Foraker continued, "Perhaps the LIDAR (Light Detection and Ranging) information that the county has would be something that we could refer to, but I would represent to you that in general, the trend of the ridge is probably from northwest, if you were to go to the northwest corner of this map, and go to the southeast, maybe through the tracts 28, 29, 27 there, that's where the ridge line is somewhere in the approximation of 113th Street.

"And the other thing I would share with you, at the top of this map, you see some other shaded area. That is also flood plain that has been identified. So that tells me that there is some sort of a ridge between those two, or those flood plains would be connected. Those areas, those shaded areas would be connected, and so somewhere in that northwest to southeasterly trend there is a ridge line in there, ever so slight, but still a ridge line that exists between two drainage basins. The one to the south being what's called the slough, and the one to the north, which is part of the main channel, Eagle Drainage [District]. So that's the best I can share with you at this point."

Commissioner Skelton said, "Can I ask you a question about this map if you can see it on the monitor that I'm looking at here, basically it has a very light blue line between the brown and the kind of greenish coloring. And looks to me like that light blue area is the difference between the 100 year flood plain and the 500 year flood plain; is that correct in your interpretation?"

Mr. Foraker said, "Yes. The edge of the brown is the proposed 100 year flood plain and the outer edge of the blue would be the edge of the 500 year flood plain."

Commissioner Peterjohn said, "Okay. Thank you."

Chairman Unruh said, "Is that all, Commissioner?"

Commissioner Peterjohn said, "For Mr. Foraker, yes."

Chairman Unruh said, "All right. Commissioner Norton."

Commissioner Norton said, "As I've dealt with drainage issues on the south side for many years, we're as flat as anybody in the county. Harlan, if you would come back up. One of the things that always concerns me in drainage basin studies and in drainage, as we try to solve the problem, is that there are places that may not have a propensity to have flooding, but contribute to the flooding of other properties. And in a basin, this is a good example, there is a little higher ground. They may not have flooding on their high ground, but they contribute, I would assume that the water that hits that property does not all absorb, that much of it would run off in a natural state, and may flood other properties. So that in drainage, to solve the issue, properties that contribute and properties that are damaged need to band together to solve the problem. Would that be an adequate assessment?"

Mr. Foraker said, "I think that the fact that they do contribute to the ultimate drainage way, which carries the water away from the properties, is really the only basis we as an engineer have to be able to determine where do we draw the lines. And that ridge line is what makes sense to be the area that does contribute run-off, and so therefore they need to participate in the cost of improvements in handling that run-off."

Commissioner Norton said, "I mean, the, if major flooding were to happen and it was proved that the water came off of certain property onto other people's property, without any good drainage, I would assume that there could be, and maybe Bob Parnacott talks about this, there could be damage between citizens. I mean, lawsuits, because there isn't adequate drainage, and someone has created a situation that pushes water on to someone else's property. I mean, we have that when we develop subdivisions, and all the time, that we develop something, and then the guy downstream, because of more roof tops and driveways, and developments, pushes water somewhere else.

"And that's always a worry of mine. I have had probably 10 issues with that on the south side, where people that don't particularly get the flooding, but contribute to it, don't want to be part of the drainage district, or don't want to pay for improvements on drainage, when it is really a community issue. No different than trying to build a road to connect people, or whatever, it is infrastructure. So, just a thought. You don't need to answer any more. Bob, would you...is there any way to participate in a drainage district without being annexed?"

Mr. Parnacott said, "Yes."

Commissioner Norton said, "Do payment in lieu of taxes, and join to help with the infrastructure, but not be restricted by any annexation or rules, but belong to the district in a payment method to contribute to help the community, but not be restricted. I think as I heard from Ms. Bulla, that's her biggest concern. Is there a way to do that?"

Mr. Parnacott said, "My understanding is there is a statutory process available for the district to enter into agreements with persons outside the district for drainage improvements, and then I assume there's some compensation exchanged. I don't know if this particular district has done that with anybody yet. You may want to see if their attorney wants to respond to that, see if they have any more information than I. I have done a, what I would consider a fairly cursory view of the statutes, I have them with me, but that's my understanding, yes."

Chairman Unruh said, "Is that all you had?"

Commissioner Norton said, "It is. I just wanted to bring that up because I understand you don't want to be restricted if you want to build sometimes, but I feel that people in the basin, because there is drainage issues, need to be thinking about it could be meaningful at some point. Thank you, Mr. Chair."

Chairman Unruh said, "Bob, the maps that we've been provided, unless I'm misinterpreting what I'm seeing? The properties that are proposed for annexation now are in the middle of the Drainage District?"

Mr. Parnacott said, "Yes."

Chairman Unruh said, "So there's Drainage District all around these maps and these properties are pretty much in the center of what the whole District is?"

Mr. Parnacott said, "Yes."

Chairman Unruh said, "All right, thank you. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Well, you know, just to the last point, when the Greeley Drainage District combined with Eagle Drainage District sometime before 2009, and maybe one of the folks with the Drainage District knows exactly when, that's part of the reason we've got the map that's in front of us for Sedgwick County, as I understand it. If that's not correct, I would like to get it clarified, but the question I've got for Mr. Parnacott is tied to trying to make sure I understand, do the people who are concerned about being pulled into the District, do they have to go through an additional hoop if they wish to develop their property and get permission from the Drainage District before they can develop their property above and beyond what they would have to do even though they are not part of the District today?"

Mr. Parnacott said, "I think the only additional hoop, and I don't know if it's really a hoop, so to speak, but additional step would be anything they do with their property that might affect drainage, I think the Drainage District has the ability to be concerned about it and to be involved with, but that is the sole purpose of the Drainage District, is to manage the drainage in their area. So that would be the only thing to the extent that somebody was building on unimproved property or adding to improvements on the property, if there are drainage issues, I think the Drainage District has a right to step in and make sure they are not contributing to further problems to neighboring properties."

Commissioner Peterjohn said, "Does the Drainage District have the power to deny a building permit?"

Mr. Parnacott said, "No."

Commissioner Peterjohn said, "Okay. Let me ask you this question, because eminent domains come up in the discussion in the past. My understanding is that drainage districts do have eminent domain powers."

Mr. Parnacott said, "That's correct. They are one of the few examples where the legislature has given them eminent domain powers outside of their district boundaries when they need it for constructing improvements to benefit the drainage in the district, they can actually exercise eminent domain powers outside the district boundaries, is my understanding."

Commissioner Peterjohn said, "Okay. That's an important point, because some of the people had concerns about if they're pulled into the District, they would be affected by eminent domain powers that could be exercised. But those powers at this point in time could be exercised regardless of whether they are inside or outside the District."

Mr. Parnacott said, "That's my understanding."

Commissioner Peterjohn said, "Okay. I wanted to get that point clearly on the record, because that's a significant factor. Mr. Chairman, this District, Drainage District is in my district. But the communications I've had from four property owners, and I think they own at least a total of six parcels, Bulla, I think approximately 10 acres; Williams I think is 4, Lanes is approximately 20, and Pribbenow had 3 parcels, they were all about 10 acres each, so we're talking about somewhere around 60 to 65 acres. The drainage, would that be a correct assessment from the Drainage District point of view?"

Unknown said, "I think that's consistent with what we have for the estimated acreage for the particular parcels, yes."

Commissioner Peterjohn said, "Okay, because that's, we're talking about 65 acres out of about 2,800. And we are talking about a very small portion. My presumption on this is that the folks who have had the opportunity to respond, and we have a much larger number of parcels here together. The largest number I have is 42. Is it 42 separate parcels?"

Unknown said, "Yes."

Commissioner Peterjohn said, "We're talking about 6 out of 42 parcels. Mr. Chairman, at the appropriate time I would be willing to make a motion that we, or wait a minute, I see 44 and 45, so maybe we are up to 45 parcels."

Mr. Parnacott said, "Some of the parcels are duplicate or may be already in the District. So I think the lower number is more accurate."

Commissioner Peterjohn said, "Forty-two? At the appropriate time, I am willing to make a motion, Mr. Chairman, that would expand the Drainage District and I would be interested in comments from any of the folks here, excluding the four individuals who contacted us with their roughly 60 some acres, and allow the rest of this to go forward. I appreciate the point, in terms of that water can come down from certain points and contribute, but, you know, if we take a that to its ultimate starting point, I mean, in terms of drainage issues, you literally go back to the source, and that could take us, you know, we have struggled with the issue, in terms of bringing Reno and Harvey County, which is more of the source for these drainage basins. But looking at the issue going forward, I don't think the case has been made for these four properties at this point, so at the appropriate time, Mr. Chairman, I would be willing to make a motion to expand this District, but I do want to make sure we get full discussion from everyone on the bench and from the public."

Chairman Unruh said, "Thank you, Commissioner. We are still on the public hearing so we don't want a motion right now."

Mr. Parnacott said, "Mr. Chairman, if I could interject. For the record let me read you the parcel numbers that are the subject of emails, because there's actually seven parcels that have been mentioned in the various emails. So these are the landowners who have said my properties are not necessarily subject to flooding, and who have objected the annexation. These are parcels number 26, 27, 28, 29, 35, 39, and 40, is what I have by my count. So I believe those are seven parcels. And those, again, are the four parcels that are associated with the Pribbenow and Bulla discussions, then you have the two parcels that are the Williams property and then you have the one property that is the Lane property. So those are the seven properties or parcels that you have some landowner testimony in some form or another that they are not subject to flooding."

Commissioner Ranzau said, "Did you say 35?"

Mr. Parnacott said, "Yes. That is, I believe, Ms. Bulla's property. And that is, again, adjacent to the other three properties that Ms. Pribbenow had already testified to. Again, you can see on this map 27, 28, 29 and then 35 is immediately to the west. It is just not marked on this particular map."

Chairman Unruh said, "All right. Thank you, Bob. We're still on public hearing, Commissioner Skelton."

Commissioner Skelton said, "I wanted to ask Bob a question to verify something I think I have heard is every single property in this District as proposed does contribute to water run-off in some sort of fashion; is that correct?"

Mr. Parnacott said, "That's my layman's understanding. An engineer could probably find you, either Jim Weber is here or somebody else, but my understanding is it is all part of the same watershed, so the drainage is all connected."

Commissioner Skelton said, "Yes. So it is within the watershed up there."

Mr. Parnacott said, "That's my understanding, yes."

Commissioner Skelton said, "And then therefore it would drain back into the watershed where currently at."

Mr. Parnacott said, "Again, that's a lay person's understanding, but I would agree."

Commissioner Skelton said, "Well yeah, I know, I am a lay person, but, you know, I got to understand that, too and I appreciate that, sir. Okay."

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

Commissioner Ranzau said, "I'm sorry, I want to go back, I want to clarify these parcels, 27, 28. That's whose?"

Mr. Parnacott said, "Twenty-seven, 28, 29 were the three parcels that were specifically mentioned at the last hearing by Ms. Pribbenow."

Commissioner Ranzau said, "Okay. Bulla listed 29."

Ms. Parnacott said, "No, Bulla is...maybe I got my numbers mixed up."

Ms. Bulla said, "It is confusing because it's the legal descriptions. So I did go back to my tax receipt to double check exactly the descriptions, because I thought at first mine was 35. But when I went back and checked my exact descriptions, mine is parcel 29. Now, the problem is my grandmother, when she left this to us, she left it in 10 acre tracts. There are several 10 acre tracts next to each other. I believe 35 is one of those, that is in my sisters or my cousin's area, it is one of those tracts. Because it is so close to the others, and the legal description is so close, but my parcel is 29. I hope that clarifies."

Commissioner Unruh said, "Thank you."

Mr. Parnacott said, "I apologize. Let me go back to the emails. I thought I was certain I saw in the, in Tracy Pribbenow's follow-up email, that's where I saw it, she said she needed to correct herself, that there was one more property on the list, it is one of mine affected. I found that item number 35 is part of mine."

Commissioner Ranzau said, "She has 27, 28 and 35, and Ms. Bulla has 29."

Mr. Parnacott said, "That's my understanding, yes."

Commissioner Ranzau said, "And then Mr. Lane has 26."

Mr. Parnacott said, "Yes."

Commissioner Ranzau said, "And then Mr. Williams had said 38, 39 and 40, but we think..."

Mr. Parnacott said, "It is actually 39 and 40. There was a, and I made the same mistake when I went to look at the legal description for 38. The way the legal description for 38, parcel 38 is described is it mentions a specific parcel, and then excepts out what is the four acres that Williams owns. So Williams saw that four acre description in 38 parcel, but it's really just an exception out. If that makes any sense, I hope. So it is actually...when you go to the property ownership that was provided to us by GIS (Geographic Information Systems), 39 and 40 are the two parcels, the four acres only, that Mr. Williams has."

Commissioner Ranzau said, "Okay. So I got it, that's seven parcels. And there's been some discussion about contributing to drainage. That's not one of the findings that we are required to make here. Is it?"

Mr. Parnacott said, "The statute, when you read the statute as a whole, which is what we should always do, it starts out with the determination by the Board, and let me just flip to the statute so I make sure I am using right language. The Board has to make a determination to start the process that the land located outside the District will benefit by the drainage improvements of the District. So that's kind of, it is not mentioned in the findings section, but it is part of the statute. But yes, the findings, specifically that is alleged in the, or that the statement that's alleged in the petition and that the finding that you have to make, whether or not it's true, it's whether or not the parcels proposed for annexation are subject to injury or flooding, subject to injury or damage from flooding."

Commissioner Ranzau said, "Thank you."

Commissioner Skelton said, "Sir...I apologize, Mr. Chairman."

Chairman Unruh said, "You want to speak?"

Commissioner Skelton said, "Yeah, I got to remember to hit my button."

Chairman Unruh said, "Commissioner Skelton."

Commissioner Skelton said, "Okay. So are we looking at 100 year flood plain here, is this the 100 year flood plain?"

Mr. Parnacott said, "I am going to draft my engineer up here."

Commissioner Skelton said, "Okay."

Mr. Parnacott said, "Mr. Weber can better explain this map."

Commissioner Skelton said, "I'm going to ask...this is the third engineering question I've asked. Hi, engineer!"

Mr. Jim Weber, Deputy Director, Public Works, greeted the Commissioners and said, "How are you doing, Commissioner?"

Commissioner Skelton said, "Doing dang good."

Mr. Weber said, "Good. The question is, what are we looking at?"

Commissioner Skelton said, "Well, I want to know where the 100 year flood plain boundary is on this whole thing."

Mr. Weber said, "Okay. I want to be careful, because I put this map together yesterday. And I want to be very careful because this red, it's a draft map. We don't officially have it yet. So understand that this is subject to correction."

Commissioner Skelton said, "Well who did the survey?"

Mr. Weber said, "This has been done by FEMA, the State of Kansas, they had a consultant do the whole thing. So we have, apparently there is a cursor change, okay, so this outer line they have been talking about, when I was up talking to you all individually last week, the map that we had on the table, came from GIS, would have shown this outer line here, this greenish-blue coloring. And it would have been that way basically all the way across this map and clear over to basically K[ansas Highway]-96 highway. So that was a non-detailed study, 100 year flood plain. And part of what I told you was that when you look at the contours, which I didn't pull in here, because it makes it kind of complicated, that I didn't think that was totally right at the time, because this line cuts across contours."

"In other words, there is kind of a high spot up in here. I think there was a 1,410 elevation. And down here it's I think about a 1,405. So this ridge runs up through here, and as Harlan Foraker had indicated, there is another piece of flood plain showing up at the top. So when we call it a ridge, what I would say to you is that you have two sub-basins right next to each other and there is a high spot in the middle. A little bit of a high spot in the middle, but both of these things are draining around and will all end up together. So somewhere out here it splits and drains both directions."

"So what we are trying to show you on this map is, we have gotten a hold of the draft maps for the next round of FEMA maps and keep in mind the first maps were done, they were essentially done in the late [19]70s, they were official in 1986. And so that was the best we had until basically today. So they have done new maps based on the LIDAR that you got done in 2008. So they are much better and they actually follow the contours like this they are supposed to. So what we've now shown is if these maps get approved in the way they've been drafted, the new 100 year flood plain line is going to be at this edge in here, between the brown and the blue."

Commissioner Skelton said, "So it's going to be in that area somewhere."

Mr. Weber said, "It would be that area. I mean, that is actually off of LIDAR that has shot points on the ground essentially every three feet there is a point on the ground. The computer knows where that is. You and I in interpreting it might move that 10 or 20 feet in the way, but that's a specific spot on the ground. We're showing, you now see the cross sections in here, this is labeled 1,408. So we're now seeing cross sections in here which we didn't have before. So we actually know from the maps what the elevation is."

"And so on this string of properties here, this pretty much is following that 1,408 contour across. So what I would tell you is that in 2015 when these maps become official, if nothing changes, this is going to be the effective flood plain line. Because they have done the detailed study, they have now added the 500 year flood plain. So that's this blue strip that Harlan was talking to you about.

"And so the 100 year flood plain has a 1 percent chance of occurrence in any given year. The 500 year flood plain has a .2 percent chance of occurrence in any one year. The 500 year flood plain is not regulated; it is for informational purposes only. So, I mean the good news is when she goes to build her retirement home out here, you are 29, I think, a lot less of the property is in the flood plain, or will be by the time she gets there. She will have more choices about where she can go without jumping through a bunch of hoops.

"I guess the other point I want to make is that in the, and I am not a statistician, but according to FEMA in the 100 year flood plain, where you have the 1 percent chance at any given year of having that flood, over the life of a 30 year mortgage, you have a 26 percent chance of seeing that flood occur. So it's, the 100 year, all these numbers are a little confusing for everybody, but I would keep that in mind that there's a likelihood that their relatives have never seen that happen. It's possible that it could happen tomorrow. Maybe not, it is pretty dry right now. So, and it is the same thing on the Williams tract. We can pull that up if you want, but it's the same, I've used the same labeling and schematic information."

Commissioner Skelton said, "Thank you."

Chairman Unruh said, "All right. Thank you, Commissioner. Thank you, Mr. Weber. Commissioners, if there's no more questions or information in the public hearing, I think that we should close the public hearing if there's no objection. I will close the public hearing at this time and ask for Commissioners comments and now would be an appropriate time for a motion. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I am going to make a motion that we approve and we find the proper notice has been given, that the petition is in conformity with the statute, the allegation in the petitions are true, for all of the parcels except for 26, 27, 28, 29, 35, 39, and 40, and that the land described in the petition shall be annexed to and included within the district."

Chairman Unruh said, "We have a motion. Is there a second?"

Commissioner Skelton said, "I have a question about the motion, sir."

Chairman Unruh said, "All right. You can ask for clarification."

Commissioner Skelton said, "I just want to ask, okay. I need the engineer up here, because he is the flood expert."

Commissioner Peterjohn said, "Mr. Chairman, just from the rules of procedure that we have, if there's no second I think my motion dies without a second. Just procedurally."

Chairman Unruh said, "I understand that, Commissioner. But we got a question for clarification."

Commissioner Skelton said, "I have a question on the motion, it does need to be seconded for me to ask this question. Sir, what's this going to do if we exempt all these parcels to the Drainage District? What's going to be the net effect?"

Mr. Weber said, "They would not, they are still going to drain to the Drainage District, and they just would not be paying for the cost of handling the run-off."

Commissioner Skelton said, "Okay."

Mr. Weber said, "That would be my interpretation."

Commissioner Skelton said, "Okay. So I mean, I can see this very clearly that, you know, the surrounding properties may be leading to, that are in the drainage basin are going into that stream up there. So, that's my question. Thank you."

Chairman Unruh said, "Thank you, Mr. Weber. We have a motion. Is there a second? Hearing none, the motion fails, or the motion, whatever the correct terminology is. Now we need a, Commissioners, we need another motion."

Commissioner Skelton said, "Well, Mr. Chairman, I think the right thing to do, in my mind, is to approve the District per staff's recommendation. And the reason I'm feeling this way is because, you know, if you are contributing to the problem, you ought to be part of the solution. I mean, really. I've done a lot of flood plain work in the past. This isn't the only place like this in the county, okay. Everybody in the City of Wichita pays for drainage tax, and if there is an issue out in the rural areas, it's causing problems, the appropriate measures need to be taken. So I will support a motion that includes the entire Drainage District as proposed, provides as proposed."

Chairman Unruh said, "Thank you, Commissioner. I would support a motion that includes the entire District in light of the fact that we've had testimony that these pieces are in the middle of the Drainage District, they either suffer from drainage or contribute to the drainage issues, and it just doesn't seem reasonable to me that we would have a large drainage district and right in the middle we would have exempted properties. So I would support a motion to that effect also. We have more conversation, I don't know that we are ready for a motion, I guess, at this time. Commissioner Ranzau."

Commissioner Ranzau said, "Bob, what's the voting requirements on a variety of motions? We need four votes to approve whole or in part; is that correct?"

Mr. Parnacott said, "Ordinarily. You would have just a simple majority requirement under the drainage district statutes. However, the drainage district statutes are subject to K.S.A (Kansas Statutes Annotated) 19-270, which deals with the enlargement of special districts within a certain fringe area of cities, a three mile fringe area. So the legislature has crafted a super majority requirement for properties that are within three miles of city. We have two cities that are within three miles of some of these properties, Bentley and Mount Hope. So we have been operating under the presumption that a super majority vote would clearly approve the annexation."

"We may have to look closer at the issue of whether, for example, if you were to make a motion to approve the annexation for the entire District and it would have a 3-2 vote, from a legal perspective, that might mean that you approved it for those properties outside the three-mile fringe, but not sufficiently approved the properties that are within the three mile fringe. I haven't been asked to look at that question, and that's an interesting legal question that we probably would have to review before we bring the order back to you for final signature. There could be an argument I think made that the super majority requirement applies to those properties that are only within that three mile fringe, rather than the entire parcel group. Sorry."

Chairman Unruh said, "Is that all you have right now?"

Commissioner Ranzau said, "No."

Commissioner Skelton said, "What did he mean by all that anyways?"

Mr. Parnacott said, "I apologize. What I'm trying to say is..."

Commissioner Ranzau said, "I gotcha."

Mr. Parnacott said, "What I am trying to say is you need to take a vote, and then that vote will either be 3-2, 4-1, 5-0. If it's 5-0 or 4-1, then we don't have any legal issues because you have a super majority vote. If you have a 3-2 vote, we may have to examine further the legal ramifications of that vote. That doesn't really affect the vote. Your vote needs to be what it is."

Commissioner Skelton said, "Right. But you're not going to be able to..."

Chairman Unruh said, "Commissioner, Commissioner Ranzau has the floor."

Commissioner Ranzau said, "Okay. Thank you for that. I'll say...well, I assume that the original motion was going to pass, but I am not going to support a motion that annexes all of this property in there. The fact that they may or may not contribute to drainage is not relevant to our findings here. I will point out that some property is subject to flooding and some is not, and that's reflected in the price of the land to begin with. People pay more for higher ground for a reason. But nevertheless, we are charged here to make a finding that these parcels are subject to damage and injury from flooding, and I have, we are supposed to look at expert testimony. Well in my mind the greatest expert is the landowner, who has lived there and had family there perhaps for generations."

"So I would argue that we have testimonies regarding these seven parcels to exclude them, and we have testimony in relation to four or five parcels from last meeting to include them, and with respect to the rest I think we have inconclusive evidence. I have not heard from those landowners, and I am supposed to be trusting just a FEMA map that may or may not be accurate. It is a map, but it may not reflect the actual reality with respect to what has actually happened as testified to these seven property owners. That being said, you know, I would be interested to hear the Commissioner that represents the area. I would be open to, what happens if we don't make any findings? Does the petition fail?"

Mr. Parnacott said, "Yes. If there is an insufficient majority for any motion, or no motion can get a second, then the petition ends up being denied by lack of action. The District is free at any point to bring the petition back and to, and there's no time limit on that. So the District can come back with a modified petition or some other action, but, yeah, if you fail to take action today, and don't continue it, to give you more time, then that's going to be the result."

Commissioner Ranzau said, "And Mr. Lane's property is right there to the north. Is that what you said?"

Mr. Parnacott said, "That's my understanding. You can kind of, it is a little..."

Commissioner Ranzau said, "A long rectangle there."

Mr. Parnacott said, "Yeah."

Commissioner Ranzau said, "Clearly outside..."

Mr. Parnacott said, "...the question, you know, again, all these properties, of course, have some property, a portion of the property, that lies within the flood plain."

Commissioner Ranzau said, "I would ask my colleagues to remember that we have people who took the time and effort to contact us and state specifically that their land is not subject to flooding, and I think it's important that we at least recognize that testimony. If we are going to go ahead and proceed with some sort of action, these seven parcels I would ask could be included. And if Mr. Peterjohn makes another motion, I would second that."

Chairman Unruh said, "Okay. Commissioner Skelton."

Commissioner Skelton said, "Well, in my nine years of public service, one of the most frustrating things I hear from property owners is this water from over there is coming right down on me. And it's not fair. Okay. It may not be damaging the property over there, but it's making a wreck out of their yard, or whatever. I have seen that, I can say I have probably seen it hundreds of times, because, you know what, when a flood happens in Gyp[sum] Creek, it ain't one house that gets flooded, it's about 130 houses that get flooded. And that water comes from Town West [sic] [Square], it comes from Beech Lake, up Webb Road. All the way up Webb Road for quite a ways. All right? So, you know, I believe in responsible flood control, and that is, if you are contributing to the problem, if you are within a basin, you need to be part of the solution. Okay. Those are my comments, Mr. Chairman."

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

Commissioner Norton said, "Bob, if we exempt these properties, how long are they exempted? What is the statutory requirement for leaving them alone, how soon could they be re-petitioned for annexation? Describe that."

Mr. Parnacott said, "There is no time limitation. We have something similar in our zoning statutes, after a zoning case has been denied, they have to wait a certain time before they can resubmit, but that's nothing like that in the drainage act."

"So the District could turn around tomorrow and start working on a new petition and try to introduce additional evidence that would bolster the case, whether or not these properties are subject to flooding, so there's no specific time frame. They could leave it out, as long as they want to or come back tomorrow."

Commissioner Norton said, "If we exempt the properties, describe the process for an agreement, an arm length's transaction agreement, payment in lieu of taxes. Describe that for us and for the board, as they may have to go to that kind of procedure."

Mr. Parnacott said, "Well, I think that would only apply to the extent that they are, I'll have to find my statutes give me just one second, that they are actively promoting or planning some drainage improvements that involve that property or that will benefit that property. Just one second. [K.S.A.] 24-611a, is titled 'Agreements to allow drainage from land located outside the district. (a) The board of supervisors of the district, [and the] owners of the land, of [which is] property located outside a drainage district [organized pursuant to K.S.A. 24-601 et seq., and amendments thereto,] may enter into agreements allowing water from [such] the land to drain into the drainage system of the district. Any [all] moneys received under such agreements are to [shall] be used for drainage district purposes only. If the owner of any land which is located outside of a [any] drainage district constructs a ditch or drain on their property, so that the water on [such land] their property is [will be] drained into the drainage system of [any] the drainage district...without first having entered into a written agreement with the board of supervisors of [such] the district, that [the] owner [shall be] is deemed to have made voluntary application to be included in [such] the drainage district and receives the benefits thereof.' Then there is a process where the district would have to go into district court and get an order adding that property to the district. But that's essentially my understanding of that process."

Commissioner Norton said, "Okay. Describe to me a scenario where you have someone on higher ground, wants to build a house and a driveway, and a detached garage with more roof top, and that water does now not percolate, but obviously would run off. And it would require some kind of drainage to move that water somewhere away from the house. To improve that property's drainage, they would have to go to the drainage district to get authorization to do that. Is that correct?"

Mr. Parnacott said, "I don't think that's my understanding. I believe the district to the extent they are receiving additional drainage from the property because of development or new construction, the district may have some ability to deal with that property owner, because they are now forcing run-off from their property, additional run-off from their property into the drainage system of the district. But I don't think they necessarily have to go to the district and get permission first. That is a, the building permit process, and if they don't have to plat, which typically the smaller properties, if they are under 20 acres they're not going to be subject to platting to get a building permit.

"But there is a review process through the building permit system, and I confess I am not familiar with that, but that would look at and address drainage issues to make sure that they, the general rule is you can't do things to your property that's going to force additional run-off to other properties. I mean, we typically look at, particularly during the platting process, is making sure that the additional run-off from a platted property is not going to be any worse than it was before."

Commissioner Norton said, "I just want to make it very clear, to the property owners that may be exempted that this doesn't negate that the drainage district may still enter into their lives at some point if they are going to try to build or change the flow of drainage from their property to other properties that affects the drainage district. Is that correct?"

Mr. Parnacott said, "That is kind of my understanding. Again, it is not an area I directly work in."

Commissioner Norton said, "I mean, if the idea is you don't want to pay, and you don't want anybody telling you what to do with your land, that might not be the case. Because if you change the dynamic of the overall drainage district, by law they have some ability to say we're going to charge you for the infrastructure improvement that's outside your area because it is affecting the area that we control. Am I interpreting that..."

Mr. Parnacott said, "I believe so."

Commissioner Norton said, "Okay. That's all I have, Mr. Chair."

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

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I would like to make a comment in light of some of our discussion and point out the fact that, you know, often people are putting in ponds and retention basins of various sorts to address drainage problems. Sometimes they have been forced to, sometimes they do it for aesthetic reasons, sometimes they do it for commercial reasons. If I'm running cattle I like to have a steady source of water for them. And if I manage to have some catfish in that pond, sometimes I get some extra benefit from it, or maybe if I have a bass or two. The question I have for you, Mr. Parnacott, changing direction here just a little bit, the motion that I made just a minute ago that failed for want of a second, can you tell me in your opinion based on the law, would that require, and based on your comments, would this require four votes to approve or three votes to approve?"

Mr. Parnacott said, "I apologize, I have not examined that question in detail. Again, you are charged with making a determination whether or not the allegations in the petition are true for either all the parcels or some of the parcels. If you make that finding, and the motion carries by a less than super majority vote, a 3-2 vote, I think there is an argument that could be made that the properties that are within a three mile fringe of the city, and we would have to develop a map that shows the properties that are inside and outside the three mile fringe. But there is an argument that could be made that you have actually approved the annexation by simple majority vote of those parcels laying outside the three mile fringe area."

"Let me, again, I don't have an adequate map here, and I apologize for that. I am not sure if any of these parcels are within three miles of either Bentley or Mount Hope. Somebody with more familiarity with the area might be able to give a better ballpark figure. But to the extent these properties that have been listed, the seven parcels, are not within three miles, I apologize, let me back it up. If you do a motion that accepts out these seven parcels, and that motion carries a 3-2 majority vote, we would look at, again, these seven parcels that you have accepted out, they would be outside the district. Okay. They would not be included in an order we bring back to you."

"Because we would bring back an order to you at a later date for you to formally approve the order. We would have to then look at the other parcels, the remaining 35 parcels, it sounds like, again, if you have a 3-2 vote. And determine which of those parcels are outside the three mile ring of the city, and which of those parcels are inside the three mile ring."

Commissioner Peterjohn said, "Bob, let me interpret you here, because my motion failed for want of a second, so my question was, in a sense I was asking you a hypothetical on the legal end. Let me modify it slightly. The motion I believe Commissioner Skelton made is that also going to require, same question, different, it's Mr. Skelton, Commissioner Skelton's motion, not mine, that's actually before us this morning. Because I want to avoid, I mean, the sheet I have got here says requires four votes to approve. So that if we have a 3-2 vote, my understanding is it would not approve, but if there's a difference between whether they are within three miles of Bentley or Mount Hope...I want to just understand the legal ground that we have in front of us before we take any action."

Mr. Parnacott said, "Again, we run into super majority requirements in zoning cases as well. Sometimes you'll need a super majority vote to override a recommendation of a planning commission. And we have in the past gotten into some discussions about when you don't have super majority vote, to what extent that is actually an approval of at least some part of it. So again, this is a legal question I haven't examined and haven't done any research on. It just really kind of popped in my mind once we got to discussing whether we were going to exempt out certain properties and whether we were going to have a super majority vote."

"Going back to your question, if there is a motion on the floor to approve annexation of all 42 parcels, and that motion carries by 3-2 vote, we would have to look at whether or not that 3-2 vote is only effective for those parcels laying outside the three mile fringe, and that in effect a 3-2 vote for those parcels within a three mile fringe of the city would not have met the super majority requirement imposed by [K.S.A.] 19-270. I hope I, I don't know if I can make it any clearer and I apologize."

Commissioner Peterjohn said, "I appreciate the clarification as it is and if I may follow up with a comment, Mr. Chairman. I think that part of the reason we've got this overlap, in terms of where we are, the comments that Commissioner Ranzau made earlier, in terms of we had testimony at the original public hearing from four to six property owners, or four to six parcels that wanted to be included in the district. I thought that we could have, that that would be easy and there would be no problem going forward with it. I wanted to hear from the public, from the concerns of all the property owners in the area had, in terms of whether they should be included or not, because Kansas has a situation where even though, or Kansas Constitution has a provision that all political powers inherent in the people in the Kansas Bill of Rights, that doesn't translate very well into the statutes, where often the political power seems to have gone elsewhere, and it is not with the people."

"And I will go along with the idea that the people who are notified and decided I am not going to contact the County Commission on this issue, by not taking a role, they were de facto giving their assent to joining the District. Which is why I made the motion I did. But with the seven parcels and the landowners before us and the evidence they have provided, I did not feel comfortable going forward, which is why I made the motion that I did, and I regret that none of my colleagues were willing to second that motion and allow us to proceed."

"I guess we can go forward with a 3-2 vote if that's the will of this body at this point in time or maybe 4-1. But what I was trying to do was to act in a, this is a quasi-judicial hearing and I'm trying to act in a quasi-judicial mode that would be try and be fair to all the parties present. We'd be putting almost 98 percent of the requested property into the District if my motion had been allowed to get a second and passed. I think that would have been good public policy and I regret that the Board has ignored the direction I was trying to take this, but, and my votes will reflect that disappointment. Thank you, Mr. Chairman."

Mr. Parnacott said, "I could suggest, an alternative would be to take these properties up into three categories we can divide them into. You have five parcels that were identified and testified to by the District that are subject to flooding that have approached the District and asked for annexation, and are participating in drainage improvements. And I can give you those five parcel numbers. You could move to make the findings to those five parcels. You have the seven parcels that you had landowner testimony to, so we could take those up as a separate group. And then you have the remaining parcel, which is all the other parcels where the landowners have not come and opposed annexation and you have generalized statements by the District in support of the finding that they are all subject to flooding. So as an alternative, if you wanted to carve these up and take them separately, you could do that, if that would be of any help."

Chairman Unruh said, "Thank you, Mr. Parnacott. Right now there is no motion."

Commissioner Skelton said, "That's correct."

Chairman Unruh said, "There is no motion on the table. And Commissioner Skelton wishes to speak."

Commissioner Skelton said, "Thank you. I wanted to make a point that there was no motion, and you know, I wanted to tell Commissioner Peterjohn, I am not ignoring you, I am just disagreeing with you. That's all right. We are allowed to have disagreements up here. So, I won't ignore you. Okay? I hear what you said. And I understand your point. But I'm really kind of disappointed here in the fact that we don't know what, you know, if we need a simple majority or super majority on this issue right here. We should have that information right now on the bench."

Mr. Parnacott said, "And again, I apologize for not having a better answer for that. But I will note, however, that is really a separate issue. I mean, the issue of whether or not these properties are subject to overflow is your determination. The question we're talking about on this other side is what a 3-2 majority vote means. It's really just the legal impact of that vote and it shouldn't affect your vote. It has no relevance to your vote."

Commissioner Skelton said, "No, it won't, because you don't, but if you don't know the answer to something, it is not going to affect my vote, because you got to go find out."

Mr. Parnacott said, "I guess I'm suggesting that it's not material or relevant. The vote is a different issue."

Commissioner Skelton said, "Okay, all right. I still think it would be better if we knew. Okay."

Mr. Parnacott said, "If you, we can do additional research and bring this back to you at a later date if you would like to do that."

Commissioner Skelton said, "That's no problem. That's not necessary, and I wanted to tell the Chairman I apologize for interrupting. I spent a year not pushing a button, and now I found it right here. Okay, so I apologize about that."

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

Commissioner Ranzau said, "Couple things. Bob, I guess I have to disagree a little bit, because a 3-2 vote or 4-1 vote will then subsequently change the order you bring to us and it is not the intent, I think that is relevant, because I don't want to establish, because we will essentially be making a finding that some people are or are not included based on the three mile limit, and that's not really what we're trying to do. But nevertheless, I like the, I will tell Commissioner Peterjohn I like the proposal you made, but as I stated earlier that if Commissioner Peterjohn restates his original motion, or follows your idea, I suspect you will get a second, at the very least."

Chairman Unruh said, "I'm trying to think that...I want the annexation to go forward. I think it's reasonable, logical, good government for the Drainage District to move forward with their project. I would even vote in favor of the suggested motion if that was necessary to at least get the Drainage District partial advancement of their petition. So I am not sure even what I am saying here, except that I would like to get this thing settled and I would like to move forward in the most judicious way possible. I still, my fundamental position is that the Drainage District is established. It's a large area. The properties that are in the middle of that Drainage District, I still have a hard time understanding how they should not participate in the Drainage District, as that they do have influence one way or another on the whole issue of flooding."

"Probably not a good analogy, but it's like, you know, I don't have kids in school anymore, but I still pay school taxes. And it just seems like when you are part of this defined area that has the issue, you have got a duly constituted board to address the issues, the properties within that defined geography should be included in the Drainage District. And I think that we have almost every piece of land has at least partial impact by the maps of being impacted by floods. So I don't want to get to the point where we decide, all right, this parcel has got 10 percent part of it in the flood zone, so we're just going to have it 10 percent. I mean, each parcel should be in, it seems to me. So, I guess I have got to do some quick thinking here. Because we are about to have a motion. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I appreciate the discussion. I apologize to my colleagues, I thought I heard a motion, and I throw that out. I would point out the fact that, you know, we've got, Sedgwick County has got drainage issues all over. If we want to take a broad definition of it, you could turn the entire county into a drainage district, except for the fact that frankly the biggest source of water that comes to us is the big Arkansas River and that starts well outside the boundaries of Sedgwick County. But I'm going to try and move this ball forward, and take the suggestion of Mr. Parnacott with a motion, and I will see if I can get a second."

Commissioner Peterjohn continued, "Maybe we can get by with five votes that we take the, I believe it was five parcels that testified in support that they wanted to be included in the District, and I would make a motion that those five parcels be included in the [Eagle] Drainage District as a first motion. And then I would state also that proper notice has been given, the petition in conformity with the statute. And I would say I guess is this an amended petition now, Mr. Parnacott, if I take it with those parcels that have specifically requested it?"

Mr. Parnacott said, "No, because the district has not amended its petition. It is your determination, you are taking these parcels up in separate categories and you are making findings relative to each separate category. For this category, you are talking parcels 10, 13, 14, 15, and 16. Those are the five that were specifically identified by the District at the hearing as supportive of or participating in drainage improvements."

MOTION

Commissioner Peterjohn moved to approve the five parcels (10, 13, 14, 15 and 16) to be included in the Eagle Drainage District, that proper notice has been given and the petition is in conformity within the statute.

Commissioner Skelton seconded the motion.

Chairman Unruh said, "Okay, we have a motion and second. Commissioner Ranzau."

Commissioner Ranzau said, "Well, I was just going to suggest to my colleague that he begin with the seven, with excluding the seven parcels, and make that first motion and that would be my recommendation to him. But that's up to him."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I appreciate the friendly suggestion, but I learned a long time ago, it is better to try and walk before you try and run. So I am going to proceed down this avenue, as Mr. Parnacott suggested."

Chairman Unruh said, "We have a motion and second that we approve the five pieces of, five landowners who requested inclusion in the Drainage District. Is that correct?"

Mr. Parnacott said, "That's my understanding."

Chairman Unruh said, "All right. Is there any further discussion? Commissioner Ranzau."

Commissioner Ranzau said, "Commissioner Peterjohn, I would urge you to reconsider."

Chairman Unruh said, "What the Commissioner is suggesting, Commissioner Ranzau, is that you withdraw that motion and that you make your original motion. Would you..."

Commissioner Ranzau said, "No, or that you make the motion specifically excluding the seven parcels first and get approval of that item first before proceeding with something. That's just my suggestion, or your original motion."

Commissioner Peterjohn said, "At this point there is a motion on the floor to take the ones, I think everybody is in agreement on this. I would like to, if I've got everybody's agreement, I am going to, I would like to proceed. So, I appreciate the suggestion, but..."

Chairman Unruh said, "Okay."

Commissioner Ranzau said, "Okay."

Commissioner Peterjohn said, "This bread is already in the oven and baking."

Chairman Unruh said, "Okay. We have a motion and a second. We've had interesting discussion. Madam Clerk, call the vote."

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, "Okay. Commissioner Peterjohn."

Commissioner Peterjohn said, "Mr. Chairman, I'm going to try another motion."

MOTION

Commissioner Peterjohn moved to find proper notice has been given, the petition is in conformity with the statute, the allegations in the petition are true for parcels 1-25, 30-34, 36-38 and 41-42. These are the parcels that there were no comments made to the negative and these would bring those parcels into the Eagle Drainage District.

Commissioner Skelton seconded the motion.

Chairman Unruh said, "We have a motion and a second that will take the rest of the Drainage District except those seven parcels. Is that correct?"

Mr. Parnacott said, "Yes."

Chairman Unruh said, "Thank you. Is there any discussion?"

Commissioner Ranzau said, "Yes. Does that...that doesn't...okay, that doesn't include the ones that... okay. It will do what he's trying to do?"

Mr. Parnacott said, "As I understand the motion, he is now looking at the second class of parcels, which are the silent parcels, people that, you know, again you had some testimony from the District that you could use to support your finding."

Commissioner Ranzau said, "Yes."

Mr. Parnacott said, "But you had no opposition from the landowners. So it's that group of parcels now that's subject to the motion."

Commissioner Ranzau said, "Okay."

Chairman Unruh said, "Okay, so further discussion? Madam Clerk, call the vote."

VOTE

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

Chairman Unruh said, "All right. Commissioners, we've pretty well worked this over. Is there a motion now that for someone who wants to take the remaining pieces? If there is not, then we are going to call this agenda item completed. Commissioner Norton."

Commissioner Norton said, "I am not going to make a motion. I don't understand motions anymore. I would urge the Board and those citizens that are outside to negotiate, to talk. There is some implications that they are going to have some powers if some things change, to be good partners, good citizens, that they need to talk, maybe payment in lieu of taxes, something else that doesn't include annexation, but I would urge them to do that, because I think it is important to solve these big issues where neighbors butt up against neighbors, and eventually, I can guarantee you from my experience down south, where neighbors have drainage issues and they sit next to each other and one wants to participate and fix the problem and one doesn't, before long it becomes like a stray dog. You know, it becomes confrontational, a conflict, and it is not pretty. So I would urge both parties to try to figure this out and absorb somehow those properties and make it a holistic drainage basin. That's all I have, Mr. Chair."

Chairman Unruh said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Mr. Chairman, I appreciate Commissioner Norton's comments. I would like to add my perspective, in that when I talk with folks who are outside the incorporated areas, annexation is a very strong buzz word, and often a negative buzzword for a lot of folks, because my view on annexation issues, a lot of citizens feel like they've been disenfranchised here in Kansas, they get pulled into entities they don't want. And frankly, the Eagle Drainage District has done a superb job in my opinion on working on issues related to drainage and it's very, this is a different situation than with a municipal annexation, and a forcible municipal annexation that sometimes, unfortunately, all too frequently occurs."

"So I hope that the folks who are, some of the folks who had reservations about this today, if they have other property that's already in the District, I urge them to be good citizens and be active in that Drainage District and participate, because I think the folks who are running Eagle Drainage District are doing a fine job and trying to address some significant problems up there. And I hope that this provides a positive step in the good for resolving drainage issues in the northwest part of the county. Thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. Mr. Parnacott, thank you. Folks from the [Eagle] Drainage District, appreciate your presence again here today. Madam Clerk, next the next item, please."

NEW BUSINESS

D [14-1031](#)

ADOPTION OF THE 2014 SAFETY SLOGAN FOR SEDGWICK COUNTY EMPLOYEES: "SAFETY - LEARN IT ON PURPOSE, NOT BY ACCIDENT."

Presented by: Mick McBride, Risk Manager, Division of Finance - Risk Management, and Diana Mansouri, Safety Coordinator, Division of Finance - Risk Management.

RECOMMENDED ACTION: Adopt the safety slogan and allow presentation of a framed poster and other safety- and health-related items to Tiffany Bridwell, Melissa Huddleston and Stephanie Hutcherson, COMCARE of Sedgwick County, Crisis Intervention Services, winners of the 2014 Safety Slogan Contest.

Attachments: [2014SafetySloganPoster4Agenda](#)

VISUAL PRESENTATION

Mr. Diana Mansouri, Safety Coordinator, Division of Finance, greeted the Commissioners and said, "I appreciate the opportunity this morning to share a safety moment with you. It has been proven that safety initiatives are not successful if top management does not support them. I want to sincerely thank you, Commissioners, for your 21 years of support, for the annual Sedgwick County safety slogan contest. This contest serves as a safety awareness program for Sedgwick County employees. Risk Management has emphasized safety in Sedgwick County for many years now. Over time Sedgwick County has developed a positive safety culture. As a result of history, work environment, the workforce, health and safety practices, and management leadership. Employees value a work environment free of safety hazards. They value the availability and use of personal protective equipment while performing certain job tasks, where even the slightest risk of injury or occupational illness may be present.

"Our employees value creating and maintaining an environment where citizens can rest assured their safety is a priority. Our culture values the practice of safety not solely because it is required, but because it is desired. The safety slogan contest encourages employees to submit a safety slogan for consideration. Once adopted, the slogan is promoted throughout Sedgwick County departments for a full year. This year we received 168 safety slogans submitted by employees from various departments, and we want them to know that we appreciate and value their support. We do look forward to their continued participation and challenge them to encourage fellow employees to participate in next year's contest. Each year we ask selected county employees to volunteer to serve on the committee responsible for selecting the contest winner.

"This year the committee was comprised of 21 employees representing 18 county departments, and we do appreciate their willingness to make this commitment to safety. Simple majority determines the contest winner. The winner receives an award which includes a basket of safety and health-related items, a framed copy of the safety slogan poster, and your recognition. Let me bring up the new poster. The winning safety slogan for 2014 is 'Safety - Learn It On Purpose, Not By Accident'. Congratulations to Tiffany Bridwell, Melissa Huddleston and Stephanie Hutcherson for working together to create and submit this year's winning slogan.

"Tiffany, Melissa and Stephanie employees of COMCARE Sedgwick County Crisis Intervention Services. This is the eighth year the safety poster features photographs of our very own county employees demonstrating safe work habits. The departments featured on this year's poster are Sedgwick County Sheriff's Office in the upper left corner, Human Resources in the upper right corner, Division of Information and Operations Data Center and Printing Services in the lower right corner, Household Hazardous Waste in the lower left corner, and right smack dab in the center we have our winners representing COMCARE Crisis Intervention Services.

"I would like to thank Tony Guiliano in Communications, Lori Westphal in the Division of Information and Operations Data Center and Printing Services and Tyler DeBarea in Risk Management for their participation in the photography and the design of this year's poster. They collaborated well to produce yet another fine safety poster, which will be distributed for display in every county department. At this time, Commissioners, I recommend that you adopt 'Safety - Learn It On Purpose, Not By Accident' as the 2014 employee safety slogan, and allow me to present the contest award. After adoption, I would like to invite the winners up to the podium."

MOTION

Commissioner Norton moved to adopt the safety slogan and allow presentation of a framed poster and other safety and health related items to Tiffany Bridwell, Melissa Huddleston and Stephanie Hutcherson, COMCARE of Sedgwick County, Crisis Intervention Services, winners of the 2014 Safety Slogan Contest.

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>

Ms. Mansouri said, "Thank you, Commissioners. Before I present the winners I would like to share with you that this year's contest award basket includes a smoke alarm, a first aid kit, a weather alert radio, and a nice variety of small safety and health related items that the winners will share. Tiffany, Melissa, and Stephanie, would you please come forward. Congratulations."

Ms. Tiffany Bridwell, Office Specialist, COMCARE, greeted the Commissioners and said, "First of all, we'd like to thank you for inviting us to be here and giving us the opportunity to participate in the safety slogan contest. Again, our names are Melissa, Tiffany, and Stephanie, but you are welcome to call us Meliffanie. We had a lot of fun collaborating together to come up with an original slogan that we felt would be a good representation of how important safety is to us as employees of COMCARE and Sedgwick County as a whole."

Ms. Stephanie Hutcherson, Office Specialist, COMCARE, greeted the Commissioners and said, "At COMCARE we encounter unique situations on a daily basis that make workplace safety a number one priority for employees. Not only do we need to make sure that we are operating safely, for ourselves, but also for those whom we serve each and every day."

Ms. Melissa Huddleston, Office Specialist, COMCARE, greeted the Commissioners and said, "As employees of COMCARE, we're always on the lookout for areas that could use improvement in the way of safety. Some examples of how we do this are making sure our walkways and parking lots are clear and accessible for everyone to prevent slips, trips and falls, ensuring that our first aid kits are stocked, and making sure all employees know the protocol for tornados, fires and any other crises that may occur, and also encouraging personal safety through the use of hand sanitizer to reduce the transmission of germs. On behalf of COMCARE employees we are thankful that our department heads are open to any suggestions and changes that make our workplace safer for us all."

Ms. Bridwell said, "And again, we'd like to thank each of you for the opportunity to participate in the safety slogan contest. And we are so excited to be able to represent COMCARE and Sedgwick County in a positive manner."

Chairman Unruh said, "Well thanks to you three for your creativeness and coming up with this slogan and, well first of all, thank you for being here today. We are pleased to give you this recognition for your work. The thing I like about this slogan is that it implies that we need to actively pursue safety rather than be passive and hope that it happens. So, good job on your parts, good slogan, we appreciate your sensitivity to this. So, thank you."

Ms. Bridwell said, "Thank you."

Ms. Mansouri said, "Thank you, Commissioners."

Chairman Unruh said, "Next item, please."

Adopted

E [13-0976](#)

**AUTO-ENROLLMENT OF NEW EMPLOYEES IN DEFERRED
COMPENSATION PROGRAM.**

Presented by: Chris Chronis, Chief Financial Officer.

RECOMMENDED ACTION: Adopt the procedures for auto-enrollment of new employees in the deferred compensation program and authorize execution of an Automatic Enrollment Services Election Form.

Attachments: [457 Plan Doc 090707](#)

[457 Auto Enrollment Services Election Form](#)

[457 Summary of Auto Enroll Set up and Election Process](#)

[457 Sample auto enrollment notification letter](#)

[457 Sample Auto Enroll Plan Sponsor Initial notification letter](#)

Mr. Chris Chronis, Chief Financial Officer, greeted the Commissioners and said, "For more than 40 years, Sedgwick County has offered its employees a deferred compensation program that is authorized by section 457b of the IRS, the Internal Revenue [Services] code. That plan in short allows employees to create supplemental retirement accounts by diverting a portion of their income into an investment account, and depending on the form of the account that they select, they can either defer taxes on the current income until retirement, or they can pay taxes on the current income as they receive that income, and doing that, avoid taxes on the investment earnings of that income in an investment account between the time of diversion and ultimate withdrawal in retirement.

"And so it's a very beneficial program for employees, and we think it's important for employees to participate in it because, as a practical matter, most county employees don't ultimately receive a pension from KPERS (Kansas Public Employees Retirement System) or KP&F (Kansas Police and Fireman's Retirement System). They are not employed long enough to invest in those programs. And for those who do receive a pension, that pension coupled with social security is not sufficient to allow the employee to maintain a standard of living that's anywhere comparable to that which they were maintaining prior to retirement.

"And so the supplemental income that is available to them from their 457 account allows them to improve their standard of living in retirement. Our program is authorized by a plan document that most recently was adopted by the Commission in 2007. That plan document provides for employees to participate in the plan through self-selection, through their own option. It also includes provisions saying that participation will be obligatory to employees once the Commission has adopted procedures to implement those requirements. What is before you today is a set of procedures and a recommendation to make the plan automatic for new employees who are hired after the date of implementation, which would be about two or three months from now if you adopt this today.

"Those employees will be automatically enrolled in the plan and one percent of their pay will be put into a retirement account in their name. They will have complete control over that retirement account, just as current participants in the 457 program have complete control over their individual accounts. Employees, new employees who are subject to this provision will have a number of opportunities where they are informed of this provision, and they will have up to approximately 60 days to opt out; that is, to say I don't want to be in this plan and in that case, none of their pay will be diverted into a new account.

"For these employees who are automatically enrolled, after they have been employed for 12 months and then reach a January the 1st, the start of another plan year, at that point in time, their participation rate will automatically increase by another one percent of pay, and it will do that each January 1st following until they are at a total of six percent of pay. Once again, prior to that automatic escalation taking place, those employees will be notified that it is about to happen, and they will be given an opportunity to say I don't want that automatic escalation to take place, and in which case it won't. Even if an employee should fail to provide the notice that they don't want that automatic escalation to take place, in time they, as active participants in the plan, have the option at any time to change their participation rate.

"So an employee who is participating, whether automatically or otherwise, and wants to reduce their participation rate, they always have that option.

"The reason that we believe this is a desirable change to the plan is that our program requiring employees to opt in has proven not to be terribly successful for reasons of basic human nature. Once any of us becomes accustomed to a certain level of take-home pay, it is very difficult for us to decide to arbitrarily reduce that take-home pay and set some money aside in a savings account in, in deferred compensation. But what any number of studies have shown is that if employees never see that take-home pay in the first place, they never miss it.

"And so they become advocates of participation in the plan, and we think that will happen here. Our participation rate among county employees right now is in the low 30 percent range. For an organization of this size, we believe, based on national averages, it should be roughly double that, if not more. And so we believe that this recommendation that's before you today will help us over time increase the participation of employees in the deferred compensation program and allow them to enjoy a much better standard of living once they reach retirement age. I'd be happy to answer any questions about this if you'd like if you have any. If you don't have any questions, then I would recommend that you take the recommended action."

Chairman Unruh said, "Thank you, Mr. Chronis. Commissioners, do you have any comment or question? We have been pretty extensively briefed on this particular item. Commissioner Ranzau."

Commissioner Ranzau said, "Well I'll just say I think we should just keep it the way it is. I mean, let our employees determine what is in their best long-term interest and the idea that we're going to make a decision for them and change this so they're automatically in I guess is problematic for me. They need to make a conscious decision. We need to trust them to make the right decision and not try to steer them in a certain direction that we think is best for them. We're basically trying to make decisions for people that really isn't our responsibility to make. So I would encourage us to keep it the same. Because if they are not participating, they are free to begin at any time, or at least an enrollment period; is that not correct?"

Mr. Chronis said, "They can get in the plan at any time. There is not an enrollment period for this plan."

Commissioner Ranzau said, "That's very good. I think that's how it should be. Thank you."

Chairman Unruh said, "Thank you, Mr. Ranzau. Any other comment? I would make a comment that I agree with the Commissioner in that this type of paternalism is something that I'm not particularly fond of or want to promote. However, like in any organization, the leadership takes steps that they think are wise, intelligent, beneficial and helpful to the employee. And if we can help our employees get started in the program and they see that it can be done without harm, and it has great long-term benefit, I think we ought to use this way to illustrate that. If employees want to opt out, as you've told us, they have ample opportunity to opt out, and later on they can get out any time they want to. So I don't see that this is particularly, it's not detrimental, not binding, has a great opportunity to be beneficial, so I'm going to be supportive of the motion, or of the agenda item. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Since there is an opt-out provision, I have, my concerns have been addressed."

Commissioner Peterjohn continued, "I would just like to state for the record that whether it's a 457 plan like we have here, or most folks are more familiar with them as 401 or 401(k) type programs, there's a way of setting aside resources. And the only thing that I could say would be even better would be a Roth type of event where you trade off the tax deferred nature of a 457 or 401 versus say you pay the tax up front on the Roth, but then it's tax-free when you get returns on it at the back end. There are a variety of plans out there. I would urge all the county employees and folks in the sound of my voice at the moment to get involved in these programs, because in this day and age, this is a, in a theory, I think, Social Security was originally set up with the idea that they would provide a way, of course, you can't opt in and opt out of Social Security, but this is a plan that you can opt out of, and so I think this has, the county's 457 plan is a positive benefit, and this will still allow county employees to exercise their own approach. So, my concerns have been addressed, and I plan to be supportive this morning. Thank you, Mr. Chairman."

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

Commissioner Norton said, "Chris, how much longer is our agreement with Great [West Financial] western that we've entered into? Does that have a sunset date where we re-up?"

Mr. Chronis said, "I don't believe it does. I believe it's year to year. To the best of my knowledge, we have the opportunity at any time to solicit for an alternate administrator of our plan."

Commissioner Norton said, "And they are the platform for this, for the investment and for the program?"

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

Commissioner Norton said, "Obviously. Does it change our agreement with them, and does it change their revenue stream in any manner, because they'll have more participants."

Mr. Chronis said, "They will have more participants, and presumably that will mean greater revenue for them as well as greater amounts of work for them. The ability to do this is authorized within our existing agreement with them, and so there won't need to be any adjustments to that agreement, if that's what you're asking."

Commissioner Norton said, "That's all I have, Mr. Chair."

Chairman Unruh said, "Thank you, Commissioner."

MOTION

Commissioner Unruh moved to adopt the procedures for auto-enrollment of new employees in the deferred compensation program and authorize execution of an Automatic Enrollment Services Election Form.

Commissioner Norton seconded the motion.

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

VOTE

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

Mr. Chronis said, "Thank you."

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

Adopted

F [14-1014](#)

CONSIDERATION OF A GRANT IN THE AMOUNT OF \$321,479.00 FOR COMCARE'S DUAL DIAGNOSIS PERMANENT SUPPORTIVE HOUSING PROGRAM.

Presented by: Marilyn Cook, LSCSW, Executive Director, COMCARE.

RECOMMENDED ACTION: Approve the application for the grant, and authorize the Chairman to sign all necessary documents, including the grant award agreement containing substantially the same terms and conditions as this application.

Attachments: [2880 form for 2013 application.pdf](#)
 [Dual Dx PSH Grant Application 2013.pdf](#)
 [PSH Budget Form 2014.xls](#)

Ms. Marilyn Cook, Executive Director, COMCARE, greeted the Commissioners and said, "This is a renewal of a Transitional Housing Program (THP) funded by HUD (United States Department of Housing and Urban Development) that we've had in place since 2003. This funding period HUD has decided to fund permanent housing programs rather than transitional programs. COMCARE's response to this funding made available by HUD is to change the focus of our transitional housing program to permanent housing, utilizing the same apartments that we've been using for individuals and families, as well as the same array of services that we have provided since the inception of our THP program. The grant requested is essentially the same amount of money that was received last year, \$321,469, there is an error in this agenda.

"And it will pay for four COMCARE staff, one full-time mental health clinician, one substance abuse counselor, one case manager, and one clerical staff. This grant pays the rent costs for individuals who have both a mental illness and a substance use disorder. Nineteen apartments are available with this funding, and it will provide 21 bed resource for chronically homeless individuals who have both a mental illness and a substance abuse disorder. These individuals will be expected to participate in the same services as they are currently receiving through the Transitional Housing Program. Current residents will detect little change in the program design when this changes to permanent housing other than having to sign a new sublet agreement with COMCARE. This avocation includes the original THP program for 16 apartments and the enhancement grant agreement in one application rather than separate contracts, as we've struggled with in the past.

Ms. Cook continued, "So we're recommending that you approve the application for the grant, authorize the Chairman to sign all necessary documents, including the grant award agreement containing substantially the same terms and agreements as the application."

Chairman Unruh said, "We have a comment from Commissioner Norton."

Commissioner Norton said, "I'll be glad to make the motion here in a minute, but what I wanted to talk about, as we went through our housing portion of the Homeless Task Force, one of the things we realized is that you had to have some kind of temporary shelter in the colder months, and that was provided for. You needed transitional housing that moved to permanent housing. the Housing First model that came out of Atlanta was one of the evidence based programs that we adopted, and it looks like now that we're taking it to a new level based on what HUD would like homeless housing to look like, and that it will be more of a quick leap to permanent housing as opposed to just transitional housing."

"And I know we've got another item next that will talk about housing with services wrapped around it, too, for people with dual diagnoses and other problems besides just being homeless. So, I think this falls right in line with what the Homeless Task Force wanted to do, look for evidence-based programs and evolve to something that gets our chronic homeless off the streets, into a permanent situation where they can reconnect with their family, find a job, get their services, get the benefits through the [United States Department of] Veterans Affairs or Social Security that they're entitled to and make sure that their life is stabilized. So I'm going to be supportive."

MOTION

Commissioner Norton moved to approve the application for the grant, and authorize the Chairman to sign all necessary documents, including the grant award agreement containing substantially the same terms and conditions as this application.

Commissioner Skelton seconded the motion.

Chairman Unruh said, "We have a motion and a second. Is there discussion on the motion?"

Commissioner Ranzau."

Commissioner Ranzau said, "Thank you, Mr. Chairman. Marilyn, just to be clear, in the past, this has been used for transitional housing to get them, they transition on somewhere else and then they can on their own or with their family..."

Ms. Cook said, "Correct."

Commissioner Ranzau said, "...somewhere else. I think this movement by HUD to permanent housing is bad policy and if we're going to use taxpayer funds for transitional housing, that's one thing, but creating perpetual dependence on taxpayer funds, particularly the federal government, is not in our best interest as a community, state or nation. The program as a transitional housing program is something that I think we should consider. Also, we have to amend what we're doing now because of what HUD wants to do, and in the future, they make take us in a direction that's not in our best interest."

"I think this is a program we should consider bringing in-house and funding in-house in the future so that we can control the parameters and what it does and use it more as a Transitional Housing Program, which I think is a much better policy for us. My concerns and my hope that we look at doing things differently in the future will be reflected in my vote."

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

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I share the concerns that Commissioner Ranzau expressed, in terms of transitional being removed and making it permanent. The situation, a challenge we face today, in terms of the homeless problem and folks who are broadly tied to it, whether it's substance abuse or mental illness, which have been mentioned, the idea was that we were going to hopefully transition these folks off of homelessness into housing being the goal, but that was a transition into, hopefully a permanent housing environment. They would reconnect with hopefully family and their community, and we'd see an improvement, in terms of the homeless numbers, and I haven't seen where that that improvements coming forward."

"So I am torn on this issue on this vote today, because, in terms of having a permanent housing program, I remember the government housing projects going back to urban renewal in the 1960's and, more recently haven't worked. When you disconnect people from accountability or responsibility for their own lives and they don't have any sort of skin in the game, and for people who are struggling with, whether it's substance abuse or whether it's mental illness or sometimes both, it's very much a challenge going forward. So, this is a very difficult issue for me this morning, in terms of this grant now that Washington has changed the ground rules on us kind of mid stream, and we've got to decide whether we want to continue the grant and follow the new edicts from Washington or go out on our own. We've got to, in my view, take a look at this from a community end and say hey, what can we do to help these individuals in a way that's going to be a long-term approach that will hopefully help them transition into a, away from the homeless situation that they are in today. So my vote today is going to reflect that fact. Thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. Is there any other comment or question? Seeing none, Madam Clerk, call the vote, please."

VOTE

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

Ms. Cook said, "Thank you."

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

Approved

G [14-1016](#)

CONSIDERATION OF A GRANT IN THE AMOUNT OF \$892,811 FOR
RENEWAL OF THE SHELTER PLUS CARE HOUSING PROGRAM.
Presented by: Tim Kaufman, Division Director, Human Services.

RECOMMENDED ACTION: Approve the application for the grant, authorize the Chairman to sign all necessary documents, including the grant award.

Attachments: [SPC MAIN.pdf](#)
 [BONUS 1.pdf](#)
 [BONUS 2.pdf](#)
 [SPC 2880.pdf](#)
 [HSvcs - SPC-Main for Grant App.xls](#)
 [HSvcs - SPC Bonus#1 for Grant App.xls](#)
 [HSvcs - SPC Bonus#2 for Grant App.xls](#)

Mr. Tim Kaufman, Division Director, Human Services, greeted the Commissioners and said, "As with the previous agenda item, this grant application is part of a larger community response to the HUD super nova process. This renewal, this is a renewal application for the Shelter Plus Care funds, which are funds targeted to three specific populations: the homeless experiencing a severe mental illness, persons with substance abuse disorder or persons with HIV/AIDS (human immunodeficiency virus/acquired immunodeficiency syndrome). The division will partner with three referring agencies: COMCARE, Miracles Incorporated and Positive Directions. Those three organizations will be responsible for the referrals for the housing vouchers and for providing the care component of the program through case management services for those receiving housing vouchers. The goal of the program is to provide the participants with the skills necessary to increase their income and self-sufficiency.

"Grant requests of \$892,811 represents 112 housing vouchers at fair market rent and administrative fees that fund one position that works with the applicants and tenants, landlords and the case managers from the participating programs. Of those currently housed, 49 percent of the referrals are from COMCARE, 37 percent are from Miracles [Inc.], and 13 percent are from Positive Directions. Shelter Plus Care component is the largest single portion of this community grant application and represents approximately 39 percent of the total request. We recommend that you approve the application for the grant, authorize the Chairman to sign all necessary documents, including the grant award. I'd be happy to answer any questions you may have."

Chairman Unruh said, "All right, thank you. We have a comment from Commissioner Ranzau."

Commissioner Ranzau said, "Thank you, Mr. Chairman. Tim, so this is not a transitional, this is permanent?"

Mr. Kaufman said, "This falls in the category of permanent supportive housing."

Commissioner Ranzau said, "So people can be subsidized in perpetuity as long as the federal grant comes in?"

Mr. Kaufman said, "Yes, sir."

Commissioner Ranzau said, "Now, we have 75 participants. How much did we actually spend last year?"

Mr. Kaufman said, "I apologize. I don't have the number with me. I'll be glad to get that to you."

Commissioner Ranzau said, "Okay, well, we spent a fair amount less?"

Mr. Kaufman said, "Correct."

Commissioner Ranzau said, "I guess my question is, if we have 75, and we spent less, then why don't we ask for less? I mean, I think that's good. I've made the statement, I don't think permanent subsidies of this sort of nature are good public policy, transitional are better. And if we can decrease our dependence, on a community and individual level, that's good. If we don't have the need now, I don't think we should go out and drum up business, I guess is what I'm trying to say, because people are, you know, if demand is not there, demand is not there. People are coping and finding ways. I think that's better in the long run. I can be supportive if we request the same amount as last year and looked at a transition plan to wean people off the permanent dependence and make it more of a transitional thing. But I just don't understand why we're going to go ahead and ask for more than what it appears that we actually need."

Mr. Kaufman said, "Historically, I think more than 75 vouchers have been used. In the past year, there were some challenges getting, identifying participants that met all of the criteria and that the criteria was documented, and the community perspective is that the need continues to exist at that 112 level, and that's the reason for the application at that level."

Commissioner Ranzau said, "When you say community perspective, that's an interesting term, but thanks for your comment."

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

Commissioner Peterjohn said, "Thank you. Could you talk for a little bit, because in the backup information, United Way of the Plains will be the actual party submitting to HUD, so I want to kind of understand these moving parts, how that's going to work."

Mr. Kaufman said, "As I mentioned, this is part of a large community grant application. United Way [of the Plains] acts as the managing partner, in a sense, in that they are the ones that submit the grant application. There are multiple partners that work with the community's continuum of care regarding homelessness that participate in the grant application. Sedgwick County Division of Human Services would be the recipient of this, the funding for this particular program, because Sedgwick County would manage this program. But this is part of a larger \$2.1-\$2.2 million grant application that funds a number of different programs with a number of different organizations."

Commissioner Peterjohn said, "I think that that's important to understand going forward, since this is, what you're describing is this is one piece of a much bigger grant request, correct?"

Mr. Kaufman said, "Correct."

Commissioner Peterjohn said, "And so if that's the case, would Miracles Inc. and Positive Directions, who are mentioned as also being involved, be part of this \$892,811? Or would they be part of the larger figure that you mentioned?"

Mr. Kaufman said, "They're part of the \$892,000. The vouchers that represent the \$892,000 are divided up amongst those three referring organizations: COMCARE, Miracles [Inc.] and Positive Directions."

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

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

Commissioner Ranzau said, "Just one quick question. Is it a requirement of this grant that the applicant be a governmental agency or entity?"

Mr. Kaufman said, "No, sir."

Commissioner Ranzau said, "Okay. Thank you."

Chairman Unruh said, "Thank you."

MOTION

Commissioner Norton moved to approve the application for the grant, authorize the Chairman to sign all necessary documents, including the grant award.

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>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, "Thank you. Next item, please."

Approved

H [14-1013](#)

PRESENTATION TO THE SEDGWICK COUNTY BOARD OF HEALTH - EPIDEMIOLOGY IN ACTION: INFLUENZA SURVEILLANCE IN SEDGWICK COUNTY.

Presented by: Claudia Blackburn, Health Department Director.

RECOMMENDED ACTION: Receive and file.

VISUAL PRESENTATION

Ms. Claudia Blackburn, Director, Health Department, greeted the Commissioners and said, "I'm here to update you on the 2013-2014 flu season and share how the Health Department conducts surveillance activities in Sedgwick County. And before I get started, I would just like to thank Chris Stewart, our surveillance epidemiologist, for developing this presentation. So every year about 5 to 20 percent of the U.S. (United States) population gets the flu."

"And the classic signs and symptoms are fever over 100, cough, sore throat, chills, headache, body aches, generally feeling rotten, and it can last a week or longer, and a lot of people get the flu, the influenza confused with a stomach virus. Usually there's no diarrhea or vomiting associated with influenza, although in children sometimes we do see it. There are other viruses that are also circulating that have similar signs and symptoms as the flu.

"So there are two types of influenza, A and B. and Influenza A includes the 2009 pandemic H1N1. That is the sub type that is predominantly being seen this year. In fact, that's pretty much all we've seen in Sedgwick County. In the U.S., there are also very small numbers of H3N2 that are circulating, and both of these sub types of Influenza A are covered with the 2013-2014 flu vaccine, so we do have a good match this year. Influenza B is the other type of influenza and all the viruses that have been seen this year that are Influenza B are also covered in this year's vaccine. So that's good news.

"So as I said, the predominant strain this year is the pandemic H1N1 that we saw back in 2009 and 2010. It's been around every year since the pandemic. It's now part of just seasonal flu. But it does disproportionately affect young and middle-aged adults, and that's the group that tends not to get vaccinated, because they think they're invincible. So, we do, we are really trying to get the word out that this is the population that needs to pay attention and get vaccinated. So looking at national data from the Centers for Disease Control (CDC), for visits to selective medical providers for influenza-like symptoms, a peak shows at the week ending December 28th, and we don't know if influenza will continue to decline or if it will spike again. It's unpredictable every season, so we just kind of watch. To monitor influenza, we look at graphs like this plus other indicators of influenza season, which are highlighted on the next two slides.

"For the week ending January 11th, Kansas and 13 other states reported a high level of influenza-like illness activity. You can see we're one of the red states. We have a lot of flu activity going on right now. And this year people 18 to 64 are more likely to be hospitalized from the flu than in the last three flu seasons, and we saw a similar pattern during the 2009-2010 pandemic. In Kansas, the peak occurred the week ending December 28th, the same time as the national peak, only our peak was higher in Kansas. We were seeing 6 percent of visits to selected medical providers as influenza-like illness versus 4.6 percent in the nation. So that's probably why we're considered to have high activity in Kansas.

"For our three systems that we utilize locally to collect data and monitor disease trends in Sedgwick County and all of these systems rely on relationships and the willingness of our partners to report de-identified information to us since it is not required under communicable disease law. So we hear about, we get information about disease trends in the community, specifically about influenza, through these three systems: the hospitals and microbiology labs report to us when they start seeing large numbers of patients with respiratory diseases, which they're seeing right now; also the school nurses report to us throughout the year. We have a special program for them where they can report, and then they can get feedback about what's going on in the school system; and then the emergency departments, we receive information through an electronics surveillance system called First Watch.

"And we have triggers set so that when the rates go above what we expect, we get e-mails and phone calls and faxes, and our epidemiologists are alerted. Based on emergency department visits, we have not peaked yet in Sedgwick County.

Ms. Blackburn continued, "We're actually still climbing. Now, we may see a decline when we get our numbers this week, but we were, we did not peak December 28th like the rest of Kansas and the United States. But we imagine that that will be happening soon if it hasn't already happened."

"So just to summarize, influenza is widespread in Sedgwick County. Vaccination is still the best prevention tool. We do still have some vaccine available at the Health Department for uninsured adults and for uninsured and underinsured children, and there are plenty of vaccines still available in the community at pharmacies, private providers...you might have to call around, but there is vaccine out there. It takes about two weeks for the vaccine to become totally effective, but we may be looking at, you know, another month to six weeks or more of flu activity. So if you haven't been vaccinated, we really do recommend that people do it."

"Also, we ask that people take measures to stop the spread of the illness. If you are sick, stay home until you've been fever-free without fever reducing medicine for 24 hours, and wash your hands frequently. Teach your kids to cough into their elbows, actually the kids are better about it than the adults. And if you do believe that you have signs and symptoms of the flu, if you can call your health care provider early on, you may be eligible for an antiviral medication that can shorten the course of the disease by about a day. So I just wanted to share with you today how we know what we know about what's going on in the community."

"We communicate Kansas Department of Health and Environment, with local hospitals, labs, doctors, school nurses. We check our surveillance systems and we go online to see what the CDC and Kansas Department of Health have to say. And then we also are privileged to some list serves that give us a heads-up when there is something that we really need to know about diseases that are circulating, and then we also watch the news, because a lot of times things come out in the news before we hear about it. So, we rely on surveillance information to inform the public and health care providers about diseases that are circulating in the community so that they can take action to protect themselves and their loved ones and for the healthcare providers so that they can provide the very best care with the latest information. So that's what I had to report today, and I'd be happy to take any questions. And thank you for your support at this time. Last week was really busy. We did quite a bit of work with the local hospitals."

"The emergency operations center was activated so that we could work with the hospitals to help plan, because they were at capacity because of all the visits to the emergency departments. So we tried to get the word out to residents that if they're not really, really ill, they shouldn't go to the emergency department, and if at all possible, to call their healthcare provider before they go anywhere. So, happy to answer questions."

Chairman Unruh said, "Well, Claudia, I think we will have some questions. Did we have a good utilization, or whatever the right word is, for people getting flu shots? I mean, as near as we know, did a lot of people...and in spite of that we still have the flu epidemic. So can you help me understand that?"

Ms. Blackburn said, "Well, probably only about 40 percent of the population gets immunized for influenza. So, it's higher with older people. They are more likely to get immunized, but for younger people, we're still trying to work on increasing those numbers. I can't tell you the percentages this year."

"I can look to tell you based on some survey data what it's been in the past, but off the top, I would say that we still have a ways to go. The hospitals now are requiring that their staff all get immunized for influenza and they say anecdotally that that is helping to stop the spread of disease in the hospitals."

Chairman Unruh said, "It doesn't prevent or guarantee you won't get the flu, just usually the symptoms are reduced; is that what I understand?"

Ms. Blackburn said, "You know, it could. It is not a perfect vaccine, and it depends on the age of the person and their immune status, how well the vaccine works. It also depends on what kind of a match there is between the vaccine and the circulating virus. It's probably around 60 percent effective overall."

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

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Let me ask you, Claudia, in terms of, occasionally you hear about flu fatalities. Can you kind of, you didn't mention that directly, how often does that occur and is it mainly with people who have other underlying health problems and this just becomes a bridge too far for them?"

Ms. Blackburn said, "Well people with underlying health problems certainly are at higher risk of complications of dying from the flu. We've had three deaths so far in Kansas this year. There are flu deaths every year. Looking back over the last decade, there have been several hundred deaths in healthy children from the flu with no underlying conditions. So, you know, you just, you don't know."

Commissioner Peterjohn said, "Well, who is most vulnerable for having the severity? Is it mainly people who are elderly and very young children or some other group?"

Ms. Blackburn said, "Well, this year, we're seeing 18 to 64 year olds who have more likely to be hospitalized. So it kind of depends on the year and the virus that's circulating. Most of the time it is older people that have an underlying condition, but anybody that has an underlying condition. Pregnant women are also at higher risk."

Chairman Unruh said, "Thank you. I see no other questions."

MOTION

Chairman Unruh moved to receive and file.

Commissioner Peterjohn seconded the motion.

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

VOTE

<i>Commissioner 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>

Ms. Blackburn said, "Thank you."

Chairman Unruh said, "Claudia, thank you. Next item."

Received and Filed

I [14-1021](#)

RESOLUTION FOR THE ALLOCATION AND INTERFUND TRANSFER
OF UNEXPENDED 2013 BUDGET AUTHORITY TO THE CAPITAL
IMPROVEMENT FUND

Presented by: Lindsay Poe Rousseau, Budget Director.

RECOMMENDED ACTION: Adopt the resolution.

Attachments: [Resolution](#)

Ms. Lindsay Poe Rousseau, Budget Director, greeted the Commissioners and said, "This is the first of two items I'll have for you today. This first one brings before you a resolution to authorize the transfer of unexpended 2013 budget authority to the Capital Improvement Fund for two projects, both of which are a part of the approved CIP (Capital Improvement Program). The first is for a transfer of \$1.5 million to the Capital Improvement Fund for the Adult Detention master control system. The second is for a transfer of \$50,932 to the Capital Improvement Fund to complete the parking improvements and sewer connection at the youth soccer and softball fields that are adjacent to Sedgwick County Park. I'm happy to stand for any questions. Otherwise, I recommend you authorize the resolution."

Chairman Unruh said, "Commissioners, are there any questions for Lindsay on this item?"

Commissioner Norton said, "Mr. Chairman, we've been briefed on this prior to the meeting. I think we all understand it. It's pretty perfunctory every year at this time."

MOTION

Commissioner Norton moved to adopt the resolution.

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>Aye</i>
<i>Commissioner Norton</i>	<i>Aye</i>
<i>Chairman Unruh</i>	<i>Aye</i>

Chairman Unruh said, "Next item."

Adopted

J [14-1027](#)

RESOLUTION FOR THE ALLOCATION AND INTERFUND TRANSFER
OF UNEXPENDED 2013 BUDGET AUTHORITY TO THE EQUIPMENT

RESERVE FUND.

Presented by: Lindsay Poe Rousseau, Budget Director.

RECOMMENDED ACTION: Adopt the resolution.

Attachments: [Resolution](#)

Ms. Poe Rousseau said, "Like the last item, this item brings before you a resolution authorizing the transfer of unexpended 2013 budget authority, this time to the Equipment Reserve Fund for six projects. The first is for a transfer of \$2.5 million for election equipment replacement. The Election Commissioner has advised that the current fleet of equipment will need replaced in 2017 at a cost of about \$7 million. This transfer would allow the county to begin setting funds aside in anticipation of that purchase. The second project is a transfer of \$128,688, again to the Equipment Reserve Fund, to replace or upgrade 170 computers within four departments of the Division of Public Safety. Those systems have been operating with Microsoft XP operating system which won't be supported by Microsoft beginning later this year.

"The third is for a transfer of \$100,000 to the Equipment Reserve Fund for the telestaff public safety scheduling component, which would allow our other 24/7 public safety departments to use the same electronic scheduling system that's currently used by EMS (Emergency Medical Services). The fourth is for \$50,000 to replace a chromatograph for the Regional Forensics Science Center. The fifth is for a transfer of \$500,500 for the purchase of 34 monitors and defibrillators for EMS, which had been scheduled for replacement in 2014. Last year, the Commission authored a transfer of unexpended 2012 budget authority totaling \$600,000. This second installment allows us to set aside that final portion of the funding. And the final transfer requested today is for \$215,366 for the costs associated with two ambulance remounts that weren't completed in time to be funded through Fleets [Management] 2013s budget. I can stand for questions, otherwise I request you approve the resolution."

Chairman Unruh said, "Commissioner Norton."

Commissioner Norton said, "Lindsay, it seems like several years ago as we had to replace election machines, it became palatable because we had moved some money and built up a reserve to be able to pay for that all at one time as opposed to bonding it or doing some other method. That's what the election office is doing right now, is anticipating that we would have to pay, and it's going to be a higher ticket than we can do in one year, so we'll build up to that; is that correct?"

Ms. Poe Rousseau said, "Exactly."

Commissioner Norton said, "Okay, and this is, once again, a pretty perfunctory thing we do every year, to look at those outlying expenditures we're going to have to have and cobble together money over several years to make sure that we can pay for it when it comes due."

Ms. Poe Rousseau said, "Yes."

Commissioner Norton said, "Is that correct?"

MOTION

Commissioner Norton moved to adopt the resolution.

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, "Thank you, Lindsay. Next item, please."

Adopted

K [14-1030](#)

CAPITAL IMPROVEMENT PROGRAM POLICY.

Presented by: Chris Chronis, Chief Financial Officer.

RECOMMENDED ACTION: Adopt the resolution.

Attachments: [CIP Resolution](#)
 [cip policy final](#)

Mr. Chronis said, "The county has had a Capital Improvement Program for many years, as you know. It's a five year plan for capital improvements, but what we have discovered is that the county has not had a policy that provides guidelines for how that Capital Improvement Program should be constructed or administered. The county, Board of Commissioners, originally adopted such a policy in the late [19]80s. That policy, as best we can tell, was amended in the early 1990's and then sometime in subsequent years was repealed by the Commission, and it was not replaced by any other policy. And so Commissioner Ranzau, several months ago, had suggested that it would be appropriate for us to have a Capital Improvement Program policy, and what is before you has been drafted to accomplish that. It in essence codifies the protocols and procedures that we have been using for a number of years to build and administer the county's Capital Improvement Program.

"It defines projects that are subject to this policy as being new construction, expansion, renovation or replacement projects for existing assets that have a total cost of at least \$50,000 over the life of the project or a major maintenance or rehabilitation project for an existing asset that has a total cost of \$25,000 and an economic life of at least 5 years. The policy establishes general guidelines for the development of the CIP, placing the burden on capital projects coordinator to solicit project requests from operating managers and providing for those requests to be reviewed and prioritized by a staff committee, a CIP committee. It provides for the CFO (Chief Financial Officer) to establish a funding plan for that proposed CIP. Then it establishes guidelines for approval of the CIP each year by the Board of Commissioners after submittal of recommendations by the County Manager.

"And finally, it includes protocols for amendment of the CIP. And as you know, frequently, when we're doing capital projects, we run into unforeseen circumstances that require some adjustment of the scope of the project or perhaps of the cost of the project, and this establishes guidelines for how we seek authorization to make those adjustments. It also provides that additions to the CIP, that is new projects that surface in the intervening period between the annual adoption cycle will be treated as amendments to the CIP.

"And finally, and this is new, the policy provides for the closeout, the formal closeout of projects within 90 days of their completion and the transfer of any remaining funding for those projects to reserve accounts so that those funds can be reallocated to future Capital Improvement Programs. Frankly, the closeout of projects is a practice that we have not been very diligent at in the past and we need to get our act together, and this policy seeks to do that. The policy has been reviewed by the county's management team, all of the senior managers, department heads, division heads, by you, by the CIP committee, and I believe there is general consensus that it accurately reflects what we do and what we need to do to adopt a Capital Improvement Program. If you have any questions, I would be happy to try and answer them. If you don't have any questions, then I would recommend that you approve the resolution adopting this policy."

Chairman Unruh said, "We do have questions. Commissioner Norton."

Commissioner Norton said, "Chris, this pretty well just codifies the guidelines, procedures, protocols when we have been doing without a policy; is that correct?"

Mr. Chronis said, "Correct. That's right."

Commissioner Norton said, "Are there any major changes, additions that have gone into this policy that are really outside of what we consistently have done over the years?"

Mr. Chronis said, "Only a provision regarding project closeout that I mentioned."

Commissioner Norton said, "Okay. That's all I have."

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

Commissioner Ranzau said, "And specifically, there is a part here that says the CIP will be presented to the MAPC (Metropolitan Area Planning Commission), which will assess that, is that something we do right now then?"

Mr. Chronis said, "Yes, and it's something that the state law requires us to do."

Commissioner Ranzau said, "What exactly, I guess I've not...so they assess it and what do they do? Who do they tell? I mean I..."

Mr. Chronis said, "There is not a formal process for them to report back on it..."

Commissioner Ranzau said, "Okay."

Mr. Chronis said, "The statute simply requires that we present it and so we do."

Commissioner Ranzau said, "Okay. Mr. Manager do you have something to add?"

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "Commissioners, in the past, there have been some comments made by the MAPC regarding, and this is some time ago, about a CIP. We chose to take that under consideration and proceed as we had planned."

Commissioner Ranzau said, "But in general, the obligation is just to present it so they're aware of what we're doing?"

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

Commissioner Ranzau said, "Thank you."

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

Commissioner Peterjohn said, "Thank you, Mr. Chairman. A question I'd like to throw out is if we've got a project that's tied in with another governmental body, whether it's the state or feds (federal government) or anybody else, how would that closeout work, especially when you're in a long-term project that extends over more than one year?"

Mr. Chronis said, "Ideally, the closeout would work just as it does for other project, but we did include language in the policy, as you've seen, to provide an exception to that 90 day rule if the project is one that has an external funding partner and that funding partner has failed to provide the information that we need to complete the closeout."

Commissioner Peterjohn said, "I wanted to get that on the record. Thank you."

Chairman Unruh said, "Thank you, Commissioner. I see no other Commissioners wanting to speak, so we're ready for a motion."

MOTION

Chairman Unruh moved to adopt the resolution.

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>Aye</i>
<i>Commissioner Norton</i>	<i>Aye</i>
<i>Chairman Unruh</i>	<i>Aye</i>

Mr. Chronis said, "Thank you."

Chairman Unruh said, "Thank you, Chris. Commissioner Ranzau, did you ask to speak?"

Commissioner Ranzau said, "I'll go next item."

Chairman Unruh said, "Okay, thank you. Madam Clerk, call the next item, please."

Adopted

CONSENT

- L** [14-0999](#) Denying property tax relief per K.S.A. 2013 Supp. 79-1613.
- Attachments:** [Andrea Modena Correspondence - Declination.pdf](#)
 [Barbara Hughes Correspondence - Declination.pdf](#)
 [Beverly Simmons Correspondence - Declination.pdf](#)
 [Bobby Finley Correspondence - Declination.pdf](#)
 [Carl Rogers - Correspondence - Declination.pdf](#)
 [Daniel Hale Correspondence - Declination.pdf](#)
 [Delancy Hotalen Correspondence - Declination.pdf](#)
 [Joy Butterfield Correspondence - Declination.pdf](#)
 [Maria Hicks Correspondence - Declination.pdf](#)
 [Matthew Rattief Correspondence - Declination.pdf](#)
 [Pamela Childs Correspondence - Declination.pdf](#)
 [Robert Folsom Correspondence - Declination.pdf](#)
- M** [14-1018](#) Granting credit for property tax relief in the amount of \$221.64.
- Attachments:** [Rebecca Aue - Correspondence2 - Approval.pdf](#)
 [Lynn Richter - Correspondence - Approval.pdf](#)
- N** [14-1028](#) A resolution amending Exhibit A of Sedgwick County resolution No. 189-2013 providing for the applicability of the Kansas Personal and Family Protection Act to County-owned and County-leased real property.
- Attachments:** [Amending Resolution Regarding Concealed Carry 1 22 14](#)
 [Exhibit A amended 01 22 14](#)
- O** [14-1032](#) 4th Quarter 2013 Range Reallocations.
- Attachments:** [14-1032 4Q 2013 Range Reallocation Agenda Support_01082014.xls](#)
- P** [14-1033](#) Addition of a new 1.0 FTE position (Groundskeeper) to the Sedgwick County Zoo's Staffing Table.
- Attachments:** [Zoo-new position](#)
- Q** [14-1035](#) A resolution authorizing Division of Health and Human Services' Department Directors and the Division of Public Safety Director to enter into certain agreements for education of students.

Attachments: [A Resolution authorizing Divison](#)

R [14-1040](#) A resolution amending policies of the Sedgwick County Personnel Policies and Procedures Manual.

Attachments: [Resolution](#)

S 14-1029 Order dated 1/9/2014 to correct tax roll for change of assessment.

T [14-1041](#) General Bill Check Register from January 15, 2014-January 21, 2014.

U [14-1042](#) Payroll Check Register.

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

Commissioner Norton said, "So moved."

Chairman Unruh said, "Is there a second? I will second. Commissioner Ranzau."

SUBSTITUTE MOTION

Commissioner Ranzau moved to approve the Consent Agenda with the exception of Item R.

Commissioner Peterjohn seconded the motion.

Chairman Unruh said, "Okay. We will have a substitute motion, and we'll deal with that first. If it prevails then the underlying motion is superseded. Is there any discussion on the motion? Commissioner Peterjohn."

Commissioner Peterjohn said, "Yes. I provided the second because I understood that there was some discussion on the policy, and I would like Commissioner Ranzau to, if he wouldn't mind, to give a more detailed explanation than just making the motion, in terms of why he would like to exclude Item R from the Consent Agenda and have a separate discussion on that issue."

Commissioner Ranzau said, "Well, this relates to the JRBR (Judge Riddle Boys Ranch) and the direction that we're going, and I think there are some other alternatives that we need to consider, so I would like to have some discussion on that."

Commissioner Skelton said, "Second then, definitely."

Commissioner Ranzau said, "Is there any further discussion on the substitute motion? Madam Clerk, call the vote."

VOTE

Commissioner Peterjohn Aye

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

Chairman Unruh said, "So the Consent Agenda is approved with the exception of Item R, and if we could have a motion to approve that at this time or we could just have general discussion. Commissioner Ranzau."

Commissioner Ranzau said, "I guess I'd like to hear from the Manager, kind of the origin of this and what we're trying to do here in this policy, to get that on record, if we could have a discussion."

Mr. Buchanan said, "It's come to my attention there are a couple projects that are nearing closure that might, would require us to retain the people who are in charge those projects if we had to so that we can complete them on time. The other underlying issue is that when we heard the secretary of corrections, [Kansas] Department of Corrections, come and visit us, and told us pretty clearly that, a, they didn't have the money we were requesting and there was lots of capacity around the state, our employees started to understand what that meant and drew some conclusions that wanted to go work elsewhere, be it in the county or someplace else. So in the last month or so, we have experienced a number of people who have resigned from JRBR, and we are trying to create a policy that would help us retain employees there until a final decision is made one way or the other."

Commissioner Ranzau said, "And we're estimating that this may cost up to \$190,000 for JRBR?"

Mr. Buchanan said, "Approximately."

Commissioner Ranzau said, "Approximately. I guess I'll make a few comments, and we've discussed this before, but I'm aware there is uncertainty of employees of JRBR because we have stated that we will plan on shutting it down in July, but I think we've created in many aspects this problem for ourselves. We were given \$750,000 last year with the legislative intent that we use it for this year to keep it open through December 31st. We chose not to do that. There are legislators who are continuing trying and work this. I would much rather, \$190,000, first of all, I tried to amend the budget for this year to get a counselor at JRBR to help it run more efficiently and was told we don't have enough money. Now we have, and we don't have enough money to keep JRBR open, but now we have \$190,000 to try and get people to stay until the end when it's unnecessary to make this arbitrary decision of July.

"I would propose that we take this \$190,000, make the commitment to keep it open through December 31st of this year, and make the public commitment to the legislature that if they give us another \$750,000, we will commit to keeping it open through December 31, 2015. That's a full two years, gives a lot more certainty to employees, and will help function as a bridge. We've had people talk about they want a bridge to get to a final solution. A final solution of JRBR is going to take some time. And this is the way to do it. I think we've hurt ourselves by making the decision to not go along with our fiscal year and instead we chose to spend \$750,000 in the state fiscal year, which was not the intent of legislature.

"So, you know, if this had been just \$10,000, I mean, that's one thing. But it's

\$190,000 that I think could be better used to provide more certainty to our staff, to our community, and a show of faith to the legislators that we're willing to work with them and give them time to find the final solution, but we do need a bridge there, and we have to help provide some certainty to our employees, our community, and the legislature, and that's what I would propose we do instead of adopting this particular policy. Or at the very least, we adopt this policy for some other reasons that we don't spend \$190,000 just to keep it open through July 31st, but we make those commitments as I've stated. I'd like to hear what the other Commissioners have to say."

Mr. Buchanan said, "Commissioner, I want to, you have suggested it's been the legislative intent for us to use the money in our fiscal year. I'm not so sure that I agree with that. That's never been the policy of the state. We've worked on their fiscal year when they give us grants. Every grant that we've ever received works on their fiscal year, and so if that was their intent, it would have been really helpful for them to state it publicly at a legislative hearing or meeting. The state has known our position. The administration of the state has known our position for more than a year. There has been no provision in states, in the administration's budget to assist us. We asked the legislators over a year ago to assist us in a permanent solution. They have not been able to do so, and they have the opportunity to do so between now and July 1st or when the session ends, and we hope that they're successful."

Commissioner Ranzau said, "Well, may I respond?"

Chairman Unruh said, "Yes, sir."

Commissioner Ranzau said, "You know, when we made the decision last year. I made it very clear, at least two of Commissioners, I'm telling what the legislative intent was, because we had a plan. We already had a financing plan to keep it open through the end of last year. That being said, I would encourage you to speak to Representative Howell. I think he's made that very clear to Kristi Zukovich, that's not to, very recently what the intent was."

"With that being said, I understand that not being able to find the final solution, but our area delegation got \$750,000 in this environment up in Topeka to help do this. That is a significant commitment and I don't think we should just dismiss that if they're willing to do it again. The problem is, developing a long-term solution takes time. We're talking about collecting data and setting up a whole other YRC (Youth Residential Center) III level, so to speak, I think we could help further that agenda if we were, perhaps, in my mind a little more cooperative in some of the decisions that have been made."

Mr. Buchanan said, "Commissioner, we've offered to serve on the task force that's looking into that. Twice and the Department of Corrections has refused our participation in that. So we're trying to be cooperative. We asked the secretary to provide us his suggestions of how we can be more efficient, and I understand that may be forthcoming as we've not seen that yet. But the issue is not about when the closure of JRBR, whether it's July or December or 2015 or ever. The issue is that we are in the process of losing skilled people whom we cannot replace, that we're going to have to transfer folks, and we need to make sure that those skilled employees are keeping each other safe and keeping those boys at the ranch safe, and this policy, I think, will help us get there."

"And we, you and I again, the Commission then can debate about when the

appropriate date of closure is. I don't think saying to employees, well, we can keep it open until December or we can keep it open is going to help. They heard what the secretary said. They understood what he said. They understood what's in the governor's budget. And that's affecting people's decisions."

Commissioner Ranzau said, "Well, I disagree. December does make a difference. It's not like all of the employees there heard what he said, and that's not the big, they have heard what we have said at this Board and the decisions we've made and that we have the opportunity to keep open longer, we chose not to. And we can correct that today and add a whole other year, contingent on the legislature providing another \$750,000. That's a much higher level degree of certainty for those employees and would help retain them."

Mr. Buchanan said, "I disagree. I don't think that would help retain them."

Commissioner Skelton said, "Can I make a comment, sir?"

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

Commissioner Skelton said, "Well, here's my take on this. Last year we asked for \$1.5 million. We ended up with \$750,000. That's half of what we asked for. So in my opinion and I don't even know if it's opinion, the program is being underfunded. We are asking people to work 12 hour shifts, and from my experience and being an employer, I mean, that wears on you, and it wears on you hard, especially when you can go out and find another job that pays about the same, and you can work normal hours. Now, this is a state program, and they have hired us to run that program, and if they're not going to pay the full bill, we have been cut by the state in so many different areas, we're running out of places to cut, in my opinion."

"So if they're going to underfund a program here, which would, in my opinion, \$750,000 does nothing. We need a long-term agreement, no less than 10 years, so we can have confidence in either renovating or replacing the building. That's my take on this. I think the employees are hearing all of this stuff in the news, and they don't like what they hear, and they're not happy with the environment out there. They're trying to work with underfunded program and it's just setting up for bad morale."

Chairman Unruh said, "Thank you, Commissioner."

Commissioner Skelton said, "Yes, sir."

Chairman Unruh said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Well, thank you, Mr. Chairman. I want to bring in the larger picture, because the fact that the state, when they adopted their very first biannual budget last year was for two years, but one portion of the budget that did not get adopted was the second year for the Department of Corrections. And that's, I think, the primary reason why the \$750,000 kind of fell by the wayside, because the state is facing a rather interesting and remarkable fiscal crisis that's still unresolved at this point, depending upon when the Kansas Supreme Court issues their next school finance edict. And the uncertainty that's left at the state level is simply rolling down hill and effecting us on this issue."

"To bring it back a little closer to the county and the county policy, though, from

reading the backup information that we've got, I've got a question for the Manager, because from my reading of this, with adding this new Section 6 for definition of critical employee, this would apply to all county employees in all circumstances. Am I correct, Mr. Manager?"

Mr. Buchanan said, "Yes, sir."

Commissioner Peterjohn said, "Okay, because this is a significant policy change, and while Judge Riddel Boys Ranch is the initial starting point, I think we need to keep this in mind that this tool, if we adopt this item, and I'm glad we had the discussion and I appreciate everyone allowing us to get this off the consent item to have that discussion is creating a new way of doing business. And the \$190,000 figure that Commissioner Ranzau mentioned, in terms of one of his concerns, I think we would be, we wouldn't have had as much of an uncertainty problem if we said, yes, we've got \$750,000, we'll be able to operate this through December 31, 2014, we'll see what the 2014 legislature does by the middle of this year, assuming that the fiscal crisis created by the court edicts has come back and we have some idea where we stand in that regard and people would know where we were going forward, and I think the concern is, you know, this facility could be shut down in a very short time frame. And I think from the discussions I've heard that shutting down Judge Riddel [Boys Ranch] would occur over a period of time. It's not something that everybody will go home on Friday and the lights will be out the following Monday.

"Now, in terms of how long that time frame is, if there's a person here who wants to mention that, but I share the concerns of Commissioner Ranzau in terms of, if we said ourselves and said look, we think, there are a lot of legislators I've talked to who are very sensitive to the fact that we have this issue with them concerning Judge Riddel's Boys Ranch funding, and they're struggling with the issue in the larger fiscal challenges they have up in Topeka, but I think there is an intent to try and provide funding not only for the short run but to put us in place where we can get a more permanent solution down the line, and I'd like to see that happen, because when I've talked with the judges, and I'd love to have judges who are involved in utilizing this program, all the comments I've heard from them have been that this is a worthwhile program that we need to have continue. And so the uncertainty that's around this program at this point I think is a problem, and I frankly would like to see us in a position where we would commit that we would try and keep the program going on a longer period of time as opposed to applying the fiscal bandage that's before us this morning. Thank you, Mr. Chairman."

Commissioner Skelton said, "Mr. Chairman."

Chairman Unruh said, "Commissioner Skelton."

Commissioner Skelton said, "Yeah. I'm in agreement with that. I'm all open to trying to work for additional solutions so we can keep this thing open, Karl. I'm going to get with you and we'll brainstorm."

Chairman Unruh said, "Well, it appears to me that what we have before us is not the issue of the JRBR, but it's the issue of change in personnel policy that allows the Manager to work within the budget that we approved to take steps necessary to retain critical employees. I think that...pardon me?"

Commissioner Skelton said, "Do you need me to make a motion, sir?"

Chairman Unruh said, "When my comments are completed."

Commissioner Skelton said, "I apologize."

Chairman Unruh said, "So I think that this is a reasonable managerial tool that we can offer. I think the Manager, with his division leaders and department heads can make that determination to retain these critical employees until such time as the situation changes. If we approve a budget and we expect the Manager to work inside the budget, I think we need to get him the opportunity, and along with his senior staff, to manage within that. The JRBR issue is a subset issue of this, and I think stabilizing that employee base out there is the focus of this and something that we should do. So with that, we have another comment, Commissioner Norton."

Commissioner Norton said, "Thank you, Mr. Chairman. I'm going to be supportive. I think there is a linkage to the future. But I've got to tell you, as other departments come under the same scrutiny and we have to start deciding how we run programs with less people and there are critical people that you don't go out on the street and find very easily in our community, and people that we've invested a lot of time and training on that we want to retain, having this tool in our toolbox for Judge Riddell Boys Ranch but for other departments, too, is going to be critical. I don't think the revenue stream, the funding mechanism from the state is going to get any better in the recent, or in the near future. And we may be faced with other areas, other departments, other places where we have critical people that we may have to work hard to retain because we've invested a lot of money into them, we've trained them, they know their jobs, and they're not easily replicated out in the general community because of the specialty of their jobs."

"Certainly, there may be some YRCs out there that have some people that are trained to do what the folks at Judge Riddell Boys Ranch do, but we provide a lot of extra services out there, and one of the things, as we move forward, if we do keep Judge Riddell Boys Ranch open for the next 10 years, we're going to need staff. We're going to need trained staff. We want a continuum of care, and we certainly don't want everybody bailing out and start a revolving door out there with those critical young men. There needs to be a stability and the only way we'll do that until we resolve this is to have this policy where we can try to retain those critical people. Thank you, Mr. Chairman."

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

Commissioner Skelton said, "Pardon me, Mr. Chairman. I was unaware there was no motion on the table. Excuse me."

MOTION

Commissioner Skelton moved to take staff's recommended action on Item R.

Commissioner Norton seconded the motion.

Chairman Unruh said, "Thank you. We have a motion and a second to approve Item R of the Consent Agenda and I think Commissioner Peterjohn was first."

Commissioner Peterjohn said, "That's fine. I would just make the comment that

amending this policy at this time in light of the fact that we've got this salary and wage presentation that's going to come before us in the foreseeable future, and I don't know exactly when, but I think we're talking weeks as opposed to months or years. If I'm wrong on that, you know, I'll see if anybody wants to shake their head no out in the audience. I don't see any no shakers."

Mr. Buchanan said, "She's nodding yes."

Commissioner Peterjohn said, "She's nodding yes. I think this motion, if we go forward with it today, my guess is we probably will, I think we're putting a cart before the horse in more than one sense, but, because I think really that's connected with part of the challenge that may exist with, in this one circumstance. But if the price tag, as I understand it, is a big problem for me this morning and my vote today will reflect that fact. Thank you, Mr. Chairman."

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

Commissioner Ranzau said, "Mr. Chairman, I would like to...get ready...amend the motion to read that we adopt, that we take staff's recommended action except that we instruct that the Manager not implement this policy in relation to JRBR and instead instruct him to spend \$190,000 to keep JRBR open until December 31, 2014, and we make the public commitment to the legislature and our community today that if we receive \$750,000 again we will commit to keeping JRBR open until December 31, 2015."

Chairman Unruh said, "Commissioner, rather than get into a dialogue of whether that amendment destroys the original motion or whether it's germane to the original motion, I'm going to ask for a second, and we'll just vote on that amendment, rather than getting into a..."

AMENDED MOTION

Commissioner Ranzau moved to take staff's recommended action on Item R, except instruct that the Manager not implement this policy with respect to Judge Riddel Boys Ranch and instead spend \$190,000 to keep Judge Riddle Boys Ranch open until December 31, 2014; make public commitment to the Legislature and our community today that if we receive \$750,000 again we will commit to keeping Judge Riddle Boys Ranch open until December 31, 2015.

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>No</i>
<i>Commissioner Norton</i>	<i>No</i>
<i>Chairman Unruh</i>	<i>No</i>

Chairman Unruh said, "We're back to the base motion. Is there any further discussion

on that? Seeing none, Madam Clerk, call the vote."

Ms. Amanda Lee, Deputy Clerk, greeted the Commissioners and said, "Commissioner Peterjohn."

Chairman Unruh said, "Excuse me, pardon me, Madam Clerk, we have someone who wants to speak. Commissioner Ranzau."

Commissioner Ranzau said, "I'll just say I'm going to support this motion because I do want to keep JRBR open. This is not the best solution. It is a poor solution to what, in my opinion, to what I offered. But I've got to work with what I get, and I think we should do what we need to to keep it open and try and extend it on to the future."

Chairman Unruh said, "Thank you, Commissioner."

Commissioner Skelton said, "It's me."

Chairman Unruh said, "Commissioner Skelton."

Commissioner Skelton said, "Yeah, and I, certainly that's very admirable, but you know, we do need a long-term solution and we need to try to do what we can to keep the program alive by working with the state. I mean, they're going to, I mean, they've cut our funding, of course, and we're just running out of the room, and that was my whole point on where we can cut without really doing some public harm, and I know that we need more money to run this program as it was designed and originally run. So I would prefer, and the reason I'm not going to vote for it is we need, we can't run the program on \$750,000 a year. That's my opinion."

Chairman Unruh said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I'd like to state for the record, I mean, I've had problems with the motion. I think there is a better way to proceed. But I do want to correct for the record, a lot of the legislators from South Central Kansas, not all of them are from Sedgwick County, worked very hard to get that \$750,000 in additional funding last year, and that's on top of the base amount of \$126 per day per resident out at JRBR that has been ongoing and is continuing. So if we talk about a cut, if they would decide not to fund this program again when they approve their budget for the last year of the corrections budget, Commissioner Skelton would then be correct, but at this point, I'm not going to, I don't want to, I think that's taking it a bridge too far. And I do want to commend publicly the legislators who have worked hard and are working with us to try and keep this facility and the way it's going open. So my vote today is going to reflect the fact that I want to keep Judge Riddel Boys Ranch open at least through December 31, 2015, presuming that the state will continue to fund it like they did for the current state's fiscal year that we're right in the middle of right now and leave us with that going forward. Thank you, Mr. Chairman."

Chairman Unruh said, "Thank you. I don't see any other..."

Commissioner Skelton said, "I just want to ask, Karl, you said you have an issue and disagreed with one point I said and I just want to understand that so we can visit about it."

Commissioner Peterjohn said, "Well, you said that there was a cut in state funding. I

mean, there's been cuts in state funding to counties on a whole host of issues."

Commissioner Skelton said, "Yes, sir."

Commissioner Peterjohn said, "But on this issue, they actually gave us an increase last year, and it would only become a cut going forward if they would not fund it for our calendar budget of 2015."

Commissioner Skelton said, "Yeah, I agree with that. I do agree with that, sir. Okay, thank you."

Chairman Unruh said, "I would, there's no more comments. So I'll ask the Clerk to call a vote on this motion relating to a change in personnel policies and procedures."

VOTE

<i>Commissioner Peterjohn</i>	<i>No</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, "Thank you. Commissioners, I think we're at the end of our agenda. We do not have Executive Session or Fire District [No. 1] meeting, so I think we're ready for 'Other'. Commissioner Norton."

OTHER

Commissioner Norton said, "Thank you, Mr. Chair. I just have one item. We have just recently closed down a portion of 135th Street going south into Clearwater, its Clearwater Road. We're doing some major road projects there. KDOT (Kansas Department of Transportation) is involved. The county is involved. There's going to be a bridge that will have to be closed down for a couple of months, I believe, to be totally replaced, and it's a pretty big project. We've had quite a bit of communication with citizens that travel southward towards Clearwater. I want to make sure that I at least recognize that project, let the citizens know that are affected by the closures that we're working on making sure we communicate alternate routes, that people stay safe and that we do those protocols that are acceptable when you're doing a project of that magnitude.

"It will be a great improvement, and I'll tell the public that I have been through projects that are problematic because of the closure, 71st Street West was a big project that we had some closure. The railroad corridor project through Haysville that closed down the center of town for 18 months really changed the dynamic of how people traveled in and out of that community. And Clearwater, yes, they will be inconvenienced, but at the end of the day I think very quickly they'll realize it's a great project.

"It's going to enable them to travel safer and quicker, in and out of their community, and it will improve the infrastructure going into that community.

"But I wanted to be sure that I made a comment about it, because I have had some

people, not only elected city council members, but other community members that have a little angst, a little concern about road closures and detours and how do we get in and out of the community and how long is it going to last, and we'll try to communicate that ongoing as that project moves forward. Thank you, Mr. Chair."

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

Commissioner Skelton said, "Mr. Chairman, you know, I want to tell you I really enjoyed last year being the Chair, but I developed some, you know, I don't know what you want to call them, habits. There's no button over there for me to push, so I wanted to just let you know I'm going to work on that."

Chairman Unruh said, "No problem. We handled things very nicely, I think."

Commissioner Skelton said, "Okay. If I interrupted you, I do want to apologize."

Chairman Unruh said, "I appreciate that."

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

Chairman Unruh said, "I appreciate that. Well seeing nothing else to come before us, gentlemen, I declare the meeting adjourned."

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:53 a.m.

SEDGWICK COUNTY, KANSAS

*DAVID M. UNRUH, Chairman
First District*

*TIM R. NORTON, Chair Pro Tem
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:
