

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



*Sedgwick County...
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Meeting Minutes

Wednesday, February 18, 2015

9:00 AM

BOCC Meeting Room

GOVERNING BODY OF FIRE DISTRICT #1

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

Phone: (316) 660-7058, TDD: Kansas Relay at 711 or 800-766-3777

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

ORDER OF BUSINESS

CALL MEETING TO ORDER

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 10:21 a.m., on Wednesday, February 18th, 2015, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Richard Ranzau, with the following present: Chair Pro Tem Commissioner Karl Peterjohn; Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner James M. Howell; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Kristi Zukovich, Director, Communications; and Ms. Jill Bailey, Deputy County Clerk.

ROLL CALL

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

CONSIDERATION OF MINUTES

- A** [15-0053](#) REGULAR FIRE MEETING MINUTES OF DECEMBER 17, 2014.
All Commissioners were present.

MOTION

Commissioner Peterjohn moved to accept the resignation.

Commissioner Howell seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Howell	Aye
Commissioner Peterjohn	Aye
Chairman Ranzau	Aye

Chairman Ranzau said, "Next item."

Approved

NEW BUSINESS

- B** [15-0105](#) A RESOLUTION OF SEDGWICK COUNTY FIRE DISTRICT NUMBER ONE PROVIDING FOR THE EMPLOYMENT OF A FIRE CHIEF FOR SUCH DISTRICT.
Presented by: William P. Buchanan, County Manager.

RECOMMENDED ACTION: Approve the Resolution, Ratify and Confirm

the Selection and Appointment of Tavis Leake as Fire Chief.

Mr. William Buchanan, County Manager, greeted the Commissioners and said, "Commissioners, you have the resolution before you, and it's appropriate to take whatever action you deem necessary."

Chairman Ranzau said, "Do we have any questions or comments from Commissioners? Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. This is a resolution that specifies the authority for hiring of the Fire Chief, that that authority be vested in the County Commission. Is that correct, Mr. Manager?"

Mr. Buchanan said, "Say it again."

Commissioner Unruh said, "What this resolution does, it specifies that the authority for the hiring of the Fire Chief be vested in the Board of County Commissioners?"

Mr. Buchanan said, "The resolution says employ, discipline, and terminate the Fire Chief by the Board of County Commission, yes."

Commissioner Unruh said, "Employ, discipline and terminate. The recommendation came from the Board of County Commissioners for this. Did it come from staff or from the Fire District or from representatives from the communities in the Fire District?"

Mr. Buchanan said, "As far as I know, it came from the Board of County Commissioners."

Commissioner Unruh said, "Is there a problem we're trying to solve with this, or is this just a, or is the purpose of this just structural?"

Mr. Buchanan said, "You would have to ask the Chairmen."

Commissioner Unruh said, "Mr. Chairman, would you want to comment on that, Mr. Chairman?"

Chairman Ranzau said, "Do you have any other comments?"

Commissioner Unruh said, "Well, I do have some thoughts about it. I just want to, I don't know. I guess it's, to be specific about what I'm talking for or against is what I'm trying to get to the point here. I've talked to some representatives from the communities who are in the Fire District who are also in my Commission district, and leadership of those communities have asked why are we doing this, and the first question, and then they gave their opinion that their leadership of their communities would not support this move. They didn't have a lot to say, because they weren't aware this was coming until we saw the publication of our agenda, and I asked why this? What's the objection? And they said, well, they're afraid that the appointment of the Fire Chief might become more politicized and more political in nature rather than dependent on qualification and professionalism."

"My response was that's not the intent of it. I mean, we still would intend to hire someone who is qualified and professional. And so they, I think that was their main

thing, had to do with professionalism and with the idea of patronage or politicizing this appointment. In my understanding of, or my trying to analyze this and come to a personal position on it, I can understand perhaps the theory or the overall structural reason for doing this, but as a pragmatic or practical issue, I'm wondering what might be the consequences of us taking this action.

"Right now our Fire Chief, his particular position resides within the Department of Public Safety, and he reports, I believe, directly to the director of public safety. And then that chain of Command goes to the County Manager. We are not excluded from that in any way, and we have the opportunity and authority to challenge any appointments or any hires. We can express, I think, a fuller inclusion in a hiring process if we desire that, but it just seems to me that this is falling under, as far as I know, ever since I've been here, but certainly longer than that, it's fallen under the authority and the responsibility of the County Manager. I don't know if there's a problem we're trying to solve. I don't think there's a problem we're trying to solve. And as we think about negotiation with the Fire District No. 1 Union and those labor negotiations, I don't know if this implies we're getting more involved in that, whether we're taking our director of public safety out of that or whether we're going to make this change and none of the other operational processes will be changed. So those are some of the questions I have that hopefully we can clarify, and that's all I have right now, Mr. Chair."

Chairman Ranzau said, "Any other questions from Commissioners? Commissioner Norton."

Commissioner Norton said, "Well, I do have some concerns. I'm probably not going to be supportive of this resolution. It appears to me that there's going to be a duality of reporting. Because you hire, give information and direction to and can terminate that individual, that would indicate to me that they would directly report to the County Commission and on a daily basis. I don't know that as a Board we need to try to micromanage and try to understand every little detail of what goes on. I think that's why we have a hierarchy of a County Manager and a Public Safety Director, that a lot of that can go through their filter. They're professionals. They're on the spot every day. So that duality of reporting of whom the Fire Chief reports to, right now, as the Fire District, we have plenty of input. We are the board that sets policy, directs the County Manager on items of personnel. I think we have plenty of authority. If we are not pleased with a hire or not please with the direction the Fire Chief is taking, we have plenty of input to the County Manager and Public Safety Director to make some changes or do some alterations or to address issues. So I think we've got a pretty good system right now. It's worked for many years, and I'm not going to be supportive today unless new information comes up. That's all I have, Mr. Chair."

Chairman Ranzau said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Well, thank you, Mr. Chairman. We're in an interesting situation this morning, and I appreciate my colleagues' comments, because the Fire

District is very important because it is not all of Sedgwick County, unlike almost all our other departments that are county wide. The Fire District is its own separate entity. That's why we're at this part in this meeting. We're the elected body. We're the body that ultimately the responsibility comes to in terms of public accountability for the Fire District. I view this as ratifying the decision that was made earlier. I don't see the problems that we have. Organizationally, there are four folks who report directly to the County Commission, and unlike other local forms of government, you've got here in Sedgwick County, County Manager, Mr. Buchanan, our Director of Public Works, Mr. Spears, our County Counselor, Mr. Euson, and who was with us a little earlier, the County Appraiser, Mr. Borchard, who report directly to the County Commission. I don't see this as changing that in a way that would on a day-to-day basis be significantly different.

"But we are sitting here today not as the, right at the moment as the Board of County Commissioners. We're sitting here as the Board of Fire District No. 1. There are other fire districts around the state just like there are other local governmental bodies. The ultimate responsibility, the buck is going to stop with the elected folks. I view this as an effort to ratify and confirm the decision in the selection that was made earlier. I don't see this changing on a day to day basis in any significant way. I do plan on being supportive at the appropriate time. Thank you, Mr. Chairman."

Chairman Ranzau said, "Do we have any other Commissioners with questions or comments? Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman, just a couple questions. As a State Legislator the last few years, we have had a number of items come to the legislators that relate to public safety and fire regulations and things like that. The elected at the state level would have had a responsibility, I think, to rein in some of the ideas that have been brought forward. I am it is a very good effort to try to create more public safety but it is very burdensome to people. One of those examples was the idea that we would install, require sprinkler systems inside all new home construction. Great idea, certainly would save lives if you had a fire, you would want to add that in their home. But any homeowner can certainly make the choice to do that, but we do not want to regulate or mandate that would be a state law. The folks across the state that are in the business of public safety came out and supported that idea and pushed it forward and the elected do not agree.

"This disagreement, that naturally happened, those in the public safety group like to provide as much public safety as possible, but to regulate, mandate and control, and push forward limits to people who have choices to do those things, understanding the risks they take, I think that someone needs to be responsible to provide, I guess a little bit of balance. I don't have any problems with anybody in Sedgwick County as far as anything they have done to promote something I think would be unreasonable, I have examples whatsoever so I do not anticipate anything would change as a result of this resolution. I just think as a matter of principle, someone needs to be elected to represent the people if there is ever a situation we would disagree on, you know, if the fire personnel, the fire chief would bring something to become a policy of our county, we would have to have a way to, I guess, to appeal that, or provide, I guess, the democratic voice of our constituents in this regard. So I would support this resolution. I think there is a proper way to set up government. I think this is the right thing to do today. Thank you."

Chairman Ranzau said, "Mr. Euson? Would you care to comment? We spoke on

legality of this thing. Would you share your legal opinion on this?

Mr. Richard Euson, County Counselor, greeted the Commissioners and said, "I am happy to share it if the Commissioners allow me share it."

Commissioner Howell said, "I have no objection."

Chairman Ranzau said, "No objections. Okay."

Mr. Euson said, "I was asked to look at this issue, and in looking at it determined that the authority for hiring and disciplining and terminating the Fire Chief does reside in the Board of County Commissioners. It is an issue that to my knowledge in the 30-plus years I have been in the County Counselor's office, it has never come to our attention. I guess we always assumed, along with everybody else, that the Manager has that authority, but in looking at it, I think it is pretty clear that the authority resides with the Board of County Commissioners. Having said that, of course, you can give that authority to the Manager if you want to, but the fact is that in our investigation, that has not been done. So you can either adopt this resolution, or you can give that authority to the County Manager as you have for many positions that are under the report of the Board of County Commissioners."

Chairman Ranzau said, "In respect to other Commissioners, for example, we have a resolution that says we appoint the Manager, the County Counselor, the Public Works Collector, and then authorizes the manager to hire everybody else, basically. But there's been nothing with respect to the Fire District, we just kind of, this is basically, I guess, I am characterizing it as correcting an oversight, we have not addressed this issue specifically. We have one or two options. We could specifically say the manager has the authority and delegate it, or we could reserve that for ourselves as we are doing here today."

Mr. Euson said, "Yes."

Chairman Ranzau said, "Okay. This doesn't say anything about the day-to-day operations will change or anything like that."

Mr. Euson said, "It does not address the day-to-day operations. If really leaves that up in the air, I suppose."

Chairman Ranzau said, "Everyone who has talked to me about this, asked me about it, I have made it very clear the day-to-day operations wouldn't change. I have spoken to Chief Leake and he is fully supportive of this resolution. I don't know if he has anything he would like to say or if the commissioners have questions. But we are the governing body of the Fire District, and I think we should hire the Fire Chief, just like we hire the County Manager. I understand in the past the manager has been allowed to, but as we found out, we really didn't have the authority to do that. So I believe it is the correct measure to preserve that authority to ourselves, as we are the governing body. I think the intent is not to have any effect on the day-to-day operations of the Fire District, that will not change. Are there any other questions?"

MOTION

Chairman Ranzau moved to Approve the resolution, ratify and confirm the selection and appointment of Tavis Leake as Fire Chief.

Commissioner Peterjohn seconded the motion.

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

VOTE

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

Chairman Ranzau said, "Motion passes 4-1. Seeing no other business to come before the Board of the governing body of the Fire District No. 1, we are now adjourned."

Adopted

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 10:38 a.m.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

RICHARD RANZAU, Chairman
Fourth District

KARL PETERJOHN, Chair Pro Tem
Third District

DAVID M. UNRUH, Commissioner
First District

TIM R. NORTON, Commissioner
Second District

JAMES M. HOWELL, Commissioner
Fifth District

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED:
