

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



*Sedgwick County...
working for you*

Meeting Minutes

Wednesday, March 9, 2016

9:00 AM

BOCC Meeting Room

Board of Sedgwick County Commissioners

Pursuant to Resolution #007-2016, adopted by the Board of County Commissioners on January 20, 2016, members of the public are allowed to address the County Commission for a period of time limited to not more than five minutes or such time limits as may become necessary.

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 Crissy Magee, Sedgwick County ADA Coordinator, 510 N. Main, Suite 306, Wichita, Kansas 67203. Phone: 316-660-7056, TDD: Kansas Relay at 711 or 800-766-3777

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

ORDER OF BUSINESS

CALL MEETING TO ORDER

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:38 a.m. on March 9, 2016 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman James M. Howell, with the following present: Chair Pro-Tem Commissioner Richard Ranzau; Commissioner David Unruh; Commissioner Tim Norton; Commissioner Karl Peterjohn; Mr. Michael Scholes, County Manager; Mr. Eric Yost, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mrs. Karen S. Bailey, Chief Deputy County Clerk; Mr. Joe Thomas, Director, Purchasing Department; Col. Richard Powell, Sheriff's Office; Mr. Jon Von Achen, Assistant County Counselor; Ms. Kate Flavin, Communications; Ms. Laura Billups, Deputy County Clerk.

Guests

*Mr. William Ellison, Appointee
Ms. Adrienne Byrne-Lutz, Director, Health Department
Lt. Travis A. Rakestraw, Wichita Police Department
Dr. Timothy Rohrig, Director, Regional Forensic Science Center*

INVOCATION: Reverend Rick Thornton, United Methodist Church.

FLAG SALUTE

ROLL CALL

CONSIDERATION OF MINUTES

- A** [16-0132](#) REGULAR MEETING MINUTES OF JANUARY 6, 2016.
All Commissioners were present.
Chairman Howell said, "Commissioners, what's the will of the Board?"

MOTION

Commissioner Unruh moved to approve the regular meetings of January 6, 2016, January 13, 2016, and January 20, 2016.

Commissioner Peterjohn seconded the motion.

There was no further discussion and the vote was called.

VOTE

<i>Commissioner Unruh</i>	<i>AYE</i>
<i>Commissioner Norton</i>	<i>AYE</i>
<i>Commissioner Peterjohn</i>	<i>AYE</i>
<i>Commissioner Ranzau</i>	<i>AYE</i>
<i>Chairman Howell</i>	<i>AYE</i>

Approved

- B** [16-0133](#) REGULAR MEETING MINUTES OF JANUARY 13, 2016.
All Commissioners were present.

Item B taken with Item A

Approved

- C** [16-0134](#) REGULAR MEETING MINUTES OF JANUARY 20, 2016.
All Commissioners were present.

Item C taken with Item A

Approved

APPOINTMENTS

- D** [16-0127](#) RESOLUTION REAPPOINTING MEMBERS (FIRST AND THIRD
CLASS CITIES, PRIVATE INDUSTRY, AND PRIVATE RECYCLING
INDUSTRY POSITIONS REAPPOINTED BY THE BOARD OF
COUNTY COMMISSION) TO THE SEDGWICK COUNTY SOLID
WASTE MANAGEMENT COMMITTEE.

Presented by: Eric Yost, County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Mr. Eric Yost, County Counselor, greeted the Commissioners and said, "Items D through G are all appointments by the commission to the Sedgwick County Solid Waste Management Committee. You want me to take them up individually or as a group?"

Chairman Howell said, "Without objection, I would like to do this as a group. Seeing no objection."

Mr. Yost Said, "I believe we do have at least one person who is present to be sworn in. But, I will tell you that the individuals who are being appointed in Item D, it is Zach McHatton, in Item F, the person being appointed, Eric Bergin, and Item I, sorry Item H, I am sorry that was Item D, Mr. McHatton, Item E, and then Item F, is William Ellison, who I believe is going to be present here today. And Item G is Eric Bergin. Is Mr. Ellison present? Are any of the other individuals present? Mr. Chairman, the paperwork appears to be in order. I would urge adoption of all four of those resolutions."

MOTION

Commissioner Peterjohn moved to adopt the resolutions appointing various members to the Sedgwick County Solid Waste Management Committee.

Commissioner Ranzau seconded the motion.

There was no further discussion and the vote was called.

VOTE

Commissioner Unruh AYE

Commissioner Norton AYE
Commissioner Peterjohn AYE
Commissioner Ranzau AYE
Chairman Howell AYE

Chairman Howell said, "And for those members that are here, and ready to be sworn in, if you will please approach the microphone."

Ms. Karen Bailey, Chief Deputy County Clerk, greeted the Commissioners and said, "Thank you. Raise your right hand and say I do. I do solemnly swear that I will support the constitution of the United States, and the Constitution of the State of Kansas, faithfully discharge the duties of the office of Sedgwick County Solid Waste Management Committee position number five, so help me God."

Mr. William Ellison, Appointee, greeted the Commissioners and said, "I do."

Ms. Bailey said, "Thank you, would you like to say something?"

Mr. William Ellison said, "No, that's fine."

Ms. Bailey said, "Okay."

Chairman Howell said, "Thank you, Mr. Ellison for being here today. For taking the responsibility for one of these board positions. We appreciate your willingness to do so. All right, Madam Clerk, next item please."

Adopted

E [16-0128](#)

RESOLUTION APPOINTING ZACH MCHATTON (SECOND CLASS CITIES MEMBER APPOINTED BY THE BOARD OF COUNTY COMMISSION) TO THE SEDGWICK COUNTY SOLID WASTE MANAGEMENT COMMITTEE.

Presented by: Eric Yost, County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Item E taken with Item D

Adopted

F [16-0137](#)

RESOLUTION APPOINTING WILLIAM ELLISON (GENERAL PUBLIC MEMBER APPOINTED BY THE BOARD OF COUNTY COMMISSION) TO THE SEDGWICK COUNTY SOLID WASTE MANAGEMENT COMMITTEE.

Presented by: Eric Yost, County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Item F taken with Item D

Adopted

G [16-0130](#)

RESOLUTION APPOINTING ERIC BERGIN (PRIVATE SOLID WASTE MANAGEMENT INDUSTRY POSITION APPOINTED BY THE BOARD OF COUNTY COMMISSION) TO THE SEDGWICK

COUNTY SOLID WASTE MANAGEMENT COMMITTEE.

Presented by: Eric Yost, County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Item G taken with Item D

Adopted

NEW BUSINESS

- H [16-0129](#) A RESOLUTION MODIFYING CHAPTER 14, DIVISION 2, SECTION 76 OF THE SEDGWICK COUNTY CODE AND ALTERING THE MEMBERSHIP OF THE MENTAL HEALTH ADVISORY BOARD BY RESCINDING RESOLUTION NO. 137-2001.
Presented by: Eric Yost, County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Mr. Yost said, "Item H is a resolution by which this Commission would reduce the number of members on the Mental Health Advisory Board. We've had two positions unfilled for some time. This would still allow each member of the commission to a point three people. It would be a board of 15 people that would remain after this resolution is adopted."

Chairman Howell said, "Any discussion from Commissioners?"

MOTION

Commissioner Unruh moved to adopt the resolution modifying Chapter 14, Division 2, Section 76 of the Sedgwick County Code and altering the membership of the Mental Health Advisory Board by rescinding Resolution no. 137-2001.

Commissioner Peterjohn seconded the motion.

There was no further discussion and the vote was called.

VOTE

Commissioner Unruh	AYE
Commissioner Norton	AYE
Commissioner Peterjohn	AYE
Commissioner Ranzau	AYE
Chairman Howell	AYE

Chairman Howell said, "Madam Clerk, next item please."

Adopted

- I [16-0088](#) CONSIDERATION OF A GRANT IN THE AMOUNT OF \$1,965,732 FROM THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) FOR SERVICES PROVIDED AT THE SEDGWICK COUNTY HEALTH DEPARTMENT.
Presented by: Adrienne Byrne-Lutz, Director, Health Department.

RECOMMENDED ACTION: Approve the application of the grant; the electronic submittal of 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 the application; and approve the establishment of budget authority as provided in the financial considerations section of this request at the time the grant documents are executed.

Ms. Adrienne Byrne-Lutz, Director, Health Department, greeted the Commissioners and said, "Before you this morning is our Annual Aid to Local Grant from Kansas Department Health and Environment. It is the main way that State Health Departments funnel federal and state money to local health departments so we can do the work that we do."

"We have received this funding for well over 35 years, and it supports our mission to prevent disease, promote wellness and protect our community from health threats. This year we are requesting \$1,965,732. There is a match requirement of both in kind and hard which we can meet without asking for any additional local funds."

"This application funds portions of several program areas as well as portions of 31 positions. This funding helps support public health infrastructure, family planning, maternal child health service, mobile immunization services, sexually transmitted disease control and our public health preparedness. Without this funding, many of our programs would be drastically reduced or not be able to provide services at all."

"We are requesting an overall increase of \$73,008, or 3.86 percent above the 2016 state fiscal year award. This contribution from the Kansas Department of Health and Environment is the foundational piece of many of our public health programs. It allows us to continue to work towards improving the health status of our residents by assuring that our children are immunized, our most vulnerable receive well women checkups and education about how to stay healthy in between and during pregnancies. These programs help to strengthen the health of our community, and I recommend that you authorize the chair to approve the application and to sign any and all related documents. I will be happy to answer any questions."

Chairman Howell said, "Thank you for being here and for the presentation. Commissioners, any comments or questions? I have one real quickly. You mentioned there is a 3.86 percent increase, in the request this year."

Ms. Byrne-Lutz said, "Yes."

Chairman Howell said, "Can you talk about what's going on in the community that's causing us to want to ask for 3.86 percent increase?"

Ms. Byrne-Lutz said, "Well, actually it's a 3.86 percent increase from what we were awarded, but not from what we actually requested in 2015 – [20]16 year. The KDHE (Kansas Department of Health and Environment) has given us more money for STD (Sexually Transmitted Disease) program because of an increase in syphilis cases, it requires a lot more person power to be out investigating contacts. So that is the only program area, if you look back to the [20]15 –[20]16 year, where actually there is an increase of funds."

Chairman Howell said, "Regarding the accounting of this, let me make sure I get this right. We requested a certain amount, received a little less bit less. Do we account

for that money specifically, separate from other things we do in the Health Department, so we can know how much money we actually spent in these categories?"

Ms. Byrne-Lutz said, "Yes."

Chairman Howell said, "Is this in the background information somewhere? How much money was actually spent last year?"

Ms. Byrne-Lutz said, "I do have the Finance Manager with me. We would have to spend the money that we are awarded from them, because they go to a lot of staff positions, 31 positions, so the money that we are awarded from KDHE, we do spend that money."

Chairman Howell said, "So it is basically 100 percent spent?"

Ms. Byrne-Lutz said, "Yes."

Chairman Howell said, "There is nothing left over. Do we need additional funds to fund these services, or is this just perfectly matches, expenditures and revenue exactly the same?"

Ms. Byrne-Lutz said, "Well, with the increase for the STD control program, that is going to help us be able to get out there and do those investigations more so we're thankful they decided to give us more money in that area."

Chairman Howell said, "I noticed the amount is kind of a strange amount, \$1,965,732. Is there a formula or a worksheet to get you to that number?"

Ms. Byrne-Lutz said, "No. But, there are, some of the funding KDHE provides us with a set amount, and we don't get to request whether they raise that or decrease that. The other programs, we are requesting money based on the positions that we need to fund through those programs, and any commodities and contractuals, and then when we are able to we do request an increase to cover benefits, that might be increasing for that fiscal year."

Chairman Howell said, "All right. Other questions from Commissioners?"

MOTION

Commissioner Unruh moved to approve the application of the grant.

Commissioner Norton seconded the motion.

Chairman Howell said, "Let me just say I probably should ask the community, is anybody here from the public would like to speak to this item? I didn't do that on the previous item. I intended to."

There was no further discussion and the vote was called.

VOTE

Commissioner Unruh	AYE
Commissioner Norton	AYE
Commissioner Peterjohn	AYE
Commissioner Ranzau	AYE

Chairman Howell

AYE

Chairman Howell said, "Madam Clerk, next item please."

Approved

J [16-0100](#)

MEMORANDUM OF UNDERSTANDING REGARDING THE
WICHITA/SEDGWICK COUNTY EXPLOITED AND MISSING CHILD
UNIT (EMCU).

Presented by: Col. Richard Powell, Sheriff's Office.

RECOMMENDED ACTION: Approve the Memorandum of
Understanding and authorize the Chairman to sign.

Col. Richard Powell, Sheriff's Office, greeted the Commissioners and said, "You have before you, actually two separate agenda items pertaining to the Exploited Missing Children Units (EMCU) this morning. The first item is up for discussion is the renewal of the annual memorandum of understanding between the three entities that comprise the Exploited and Missing Children's Unit, that being the Sedgwick County Sheriff's Office, the Wichita Police Department, and the Department of Children and Families (DCF), formerly known as SRS (Department of Social and Rehabilitation Services), this is a simple renewal that we do on an annual basis, there are no substantial changes to the MOU (Memorandum Of Understanding) that we have had in the previous year. Funding has remained the same. We will see a couple minor changes with regards to the naming change from SRS to DCF, and that will be covered in the second document that we will be talking on the next agenda item."

"The MOU explains in detail what you have in your package for your review. Various staffing makeup of the organization, the functions and mission of the organization, the duties performed, accountability of the organization. As you all know, this is the same as in previous years, all of the budgetary oversight is handled by the Sheriff's Office on an annual basis, but the individual agencies, and that's for the operational overhead costs, the physical personnel cost tied to individual employees are handled by the individual agencies themselves respectively with their own budgets.

"Before I end on this particular agenda item, I did bring with me this morning Lieutenant Travis Rakestraw from the Wichita Police Department, Lt. Rakestraw is the commander of the Exploited and Missing Children's Unit, and I don't believe last year we gave a courtesy overview of the status of EMCU (Exploited Missing Children Units). I know we did one for ICAC (Internet Crimes Against Children), we do that on a regular basis because of I know the concerns you have. The significance of the information, the progress of the organization. We thought this year we would bring you some highlights of the larger umbrella organization which is EMCU, and, again, Lt. Rakestraw is prepared to offer some review of the organization, some year-end statistics from the progress, and the calendar year 2015. So if there are no objections, I will have Lt. Rakestraw make a few comments."

Chairman Howell said, "Welcome to our board meeting, Lt. Rakestraw. Looking forward to hearing what you have to say."

Lt. Rakestraw, Exploited Missing Child Unit, greeted the Commissioners and said, "Exploited and Missing Child Unit was established back in 1985, with six detectives and six social workers to investigate sexual abuse cases within Sedgwick County. Since that time we have grown substantially. The working relationship that we have between the Wichita Police Department, Sedgwick County Sheriff's Office, and the

Department of Children and Families has been sensational.

"Today the Exploited and Missing Child Unit investigates everything from sexual abuse, physical abuse, neglect, endangerment, runaways, child abductions, and human trafficking of child victims. So the amount of cases that we investigate today is quite a bit different than what it was back in 1985. We also have a great working relationship with the Child Advocacy Center (CAC) of Sedgwick County, the Child Advocacy Center provides free advocacy services, as well as counseling to victims of these crimes to help them deal with the trauma that's been inflicted upon them.

"In 2015 we established a human trafficking investigative unit within our section, we already investigated human trafficking crimes, which involved all victims, but assigned two detectives specifically to work those cases, because of the technical expertise that goes into those investigations and the amount of time that it takes to do those investigations. It greatly improved the quality of the work that we were providing.

"Some of the statistics that we had for the year ending 2015, we worked 620 sexual abuse investigations in our unit. We worked 750 physical abuse cases down in our unit. To go along with our runaway cases, our human trafficking cases, and then we also get additional reports through the Department of Children and Families that were not reported to the police that we also investigate. So we stay very busy in our unit. We have always appreciated the support we've gotten from the County Commission."

Chairman Howell said, "Thank you for the information Lt. Rakestraw."

Col. Powell said, "I was just going to state, if there are any other questions or comments you may have, the Lieutenant or myself would stand and try to address any you have."

Chairman Howell said, "We have some questions or comments from Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you. Would you talk just a minute, in terms of how the challenges your unit is facing, because you mentioned the unit has grown since the 1980s, and the technology at the certainly has certainly has changed. That's raised problems going forward.

"But I think folks I hear from say, gee, how do we stand in this very challenging and difficult area. What can the average citizen out there say or do, you know, in terms of helping you all operate and understanding what we need to do to try and keep the kids in our community safe in particular. Children in particular, but everyone safe in our community."

Lt. Rakestraw said, "Well, I think to get involved, number one, you know, I think we all recognize that we are a better informed society than we were 20 or 30 years ago, especially in regards to child abuse crimes. We as law enforcement have done a great deal as far as training and education to be better equipped to deal with these types of cases, but we still need the community as a whole to be understanding that these crimes do exist, and we can't turn a blind eye to it. We always request, and quite frankly, expect that when we see a crime, we want the community to get involved and to report it. There's numerous ways to do that, through the hotlines through the Department of Children and Families, as well as calling 911 to report a crime.

"We also need more services, people getting involved with kids that are in need.

There is a lot of kids out there that are in foster care, that don't have that good, strong family unit at home. So we need people that are good mentors in our community, people that can be good role models to get involved, and to step up and provide opportunities for kids to, you know, that quite frankly may not have a lot much opportunities available to them."

Commissioner Peterjohn said, "Let me be more specific then. In terms of runaway situations, or running away, is that a growing problem or pretty stable, or where do we stand?"

Lt. Rakestraw said, "Last year actually we had an increase in runaways. We had approximately, it was over 1800 runaways within Sedgwick County. That's very taxing on our services. We do our best to try to go out and follow up on any leads that we have. We also try to identify kids that we would consider to be high-risk runaways, kids that are a danger for various reasons specific to their case, falling victims to human trafficking. And so we try to do everything we can to recover them, and then to do an assessment on them through our office, on the high-risk runaways, as well as the Children's Home does an assessment, and JIAC (Juvenile Intake Assessment Center) does an assessment to find out what they have been exposed to on the street, have they fallen prey to human trafficking type situations. Have they fallen into drugs, things like that, and then we try to get the appropriate Social Services involved on some of those issues to help and on the criminal issues, of course we get notified and try to do what we can to solve those crimes."

Commissioner Peterjohn said, "You mentioned human trafficking. Talk about human trafficking, and how it overlaps with runaways, and how that impacts what you all are doing and how you all operate."

Lt. Rakestraw said, "Absolutely. As law enforcement, we are always looking for trends in crimes to help us become more efficient in what we do, and to better target our resources. One consistent theme we have seen through human trafficking victims or the sexual exploitation of children is that many of these kids have been victims of sexual assault at some point in their life."

"The second thing is they're runaways. A lot of them are running away from foster care, but many of them are just running away from home for various reasons. When they run away from home, to get away from whatever is going on at home, many times then they are out on their own on the street, and they as kids, they are not as emotionally stable or mentally stable to make the appropriate judgements in their lives, so they are easy targets sometimes, for people that wish to do them harm, and so runaways are of particular importance to us in regards to human trafficking cases, because those kids are vulnerable. We know from experience that there are people out there that want to take advantage of them."

Commissioner Peterjohn said, "Thank you."

Chairman Howell said, "Commissioner Norton."

Commissioner Norton said, "Well, Lt. Rakestraw, please tell all your staff and your colleagues how much we appreciate what you do. I have been very involved with the Child Advocacy Center, and all that you do for many years, and I think the public needs to know that there is going to be a game-changer in our community this spring, maybe early summer when we move into the brand new Child Advocacy Center where all of the multidisciplinary groups that deal with child abuse, neglect, trafficking, internet crimes, sexual assaults, for the most vulnerable in our community will all co-locate in a facility built just to take care of that issue in our community. And I think

our community should be real proud of that. Sedgwick County was part of the early adopters of that program, and I hope that makes your job a little easier, because you are co-located with medical professionals, with interrogation facilities that are going to be built just for that.

"And to be co-located with the D.A. (District Attorney) and Division [SIC] of Children and Families, and all the entities that work on this. I hope that helps improve your ability to be efficient and effective, and take care of more cases, because you are almost overrun as it is now. To be more effective and co-located with everybody you need to deal with. I have gone into the basement of this State Office Building and seen the facilities you have had to work in, and we are really trying to upgrade what the facility looks like that you get to work in. So I am pretty excited about that. But I thank you for the work you have already done. Because it's pretty amazing."

Lt. Rakestraw said, "Thank you very much."

Chairman Howell said, "Commissioner Norton, do you know the approximate date that the building is going to be able to be occupied?"

Commissioner Norton said, "It's under construction right now. It is moving pretty fast. I think we had hoped late spring. I really believe it will be summer, early summer, maybe June, but it's coming up pretty fast. We'll get everybody moved in there."

"Once again, I really believe it's going to be a game changer. You know, kids that were sexually abused could have to go to five different places and many times to get medical treatment, to get interrogated, to visit with the D.A., to go through all the processes, and now they can go to one place where everybody can meet and co-locate, and discuss the case very easily where the child is not re-traumatized over and over. And that's going to help the system in itself."

"So I am pretty excited that we really have taken a step in our community to say our children are important. Our most vulnerable children are even more important, and we are going to take this darn serious. Because it is a serious issue. Human trafficking is not getting any better just because we have I-35 (Interstate 35) running right through the middle of our community. And that's a conduit to move these young, vulnerable women and young men up and down the Interstate system from Texas to Minnesota. And we need to be aware of that. We need to understand it."

"The other thing that will be there is the ICAC unit. Internet Crimes Against Children. And that's a statewide entity there. We run that for the state. Because internet crimes have no county line. They have no state boundaries. I mean, when you know that we've had to investigate people from California, Minnesota, Florida, that are preying on our kids here locally, you understand the magnitude of that problem really fast. And I wouldn't do that job. Over the years, I have observed what our law enforcement people do in that ICAC unit, and I couldn't do that job. I could not sit and look at pornographic images all day and try to understand who is on the other end of that computer that is stalking our youngest and most vulnerable kids. So, I mean, I could go on and on, because I spend a lot of time on it. But my hat is off to the work that you do, and I am pretty excited that we are going to make it easier for you here real soon."

Lt. Rakestraw, "Thank you."

Chairman Howell said, "I would say I did tour the facility that's being remodeled for this, these new offices, and it is going to be an extraordinary organization, and resource for this community. My only comment walking away, I am kind of sad that

this is even needed you know. You said 1985 we had six. Now, I guess I am not sure if you want to tell me how many we have now. I am sure it is a lot."

Lt. Rakestraw, "Yes, if I remember correctly, we have got 18 investigators. I believe two of those are payed through Federal Funds for the ICAC grant. I believe we have 18 investigators total counting, two officers and 16 detectives."

Chairman Howell said, "I think if I remember correctly they were hoping this would open, I heard the word May. Based on the complexity of the construction project, I'm going to guess it will be later than that. We'll see. I am excited for ribbon cutting to get that building done. So I'm very excited about that."

"It's a good thing for this community. And by the way, Sedgwick County did invest in this. Sedgwick County Government I think, donated a million dollars to the cause to get this building moving forward. So I want to make sure we highlight the fact that we were partners with other donors to make this happen. Anyway, I don't have any other questions for you. My only comment, I am just sorry the community has such a need for this type of organization. I wish it was going the other way."

Lt. Rakestraw said, "Yes."

Chairman Howell said, "That's unfortunate. I am glad we have something in place to deal with the problem that's going on in our community."

MOTION

Commissioner Norton moved to approve the Memorandum of Understanding and authorize the Chairman to sign.

Commissioner Peterjohn seconded the motion.

Chairman Howell said, "I want to just do this as a matter, anybody from the community want to speak on this item before we take action?"

There was no further discussion and the vote was called.

VOTE

Commissioner Unruh	AYE
Commissioner Norton	AYE
Commissioner Peterjohn	AYE
Commissioner Ranzau	AYE
Chairman Howell	AYE

Chairman Howell said, "Madam Clerk, next item please."

Approved

K [16-0103](#)

AMENDMENT OF A CONTRACT WITH THE KANSAS
DEPARTMENT FOR CHILDREN AND FAMILIES TO FUND
ONE-THIRD OF THE COST OF THE EXPLOITED AND MISSING
CHILD UNIT FOR CALENDAR YEAR 2016.

Presented by: Col. Richard Powell, Sheriff's Office.

RECOMMENDED ACTION: Approve the amendment and authorize

the Chairman to sign.

Col. Powell said, "This particular agenda item is secondarily in addition to the MOU (Memorandum of Understanding) that you just approved. The state of Kansas, DCF requires a separate contractual agreement in addition to the MOU that we just discuss. In front of you that contractual agreement, that basically amends the agreement we've had from the previous year.

"In the agreement, it defines the fact that they will be responsible for one-third of the expenses of the EMCU. It defines in there that there were some name changes. Again, they changed from SRS to now DCF as we know it, and it also spells out specifically what their actual budgetary authorization or commitment will be to the organization itself. That dollar amount, \$40,894. Again, this is consistent with previous years. If there are any questions or discussion, I would be happy to stand for any questions you may have. If not, I would recommend your approval on this document also, please."

Chairman Howell said, "Thank you for the presentation."

MOTION

Commissioner Unruh moved to approve the amendment and authorize the Chairman to sign.

Commissioner Norton seconded the motion.

Chairman Howell said, "I don't think anybody from the public wants to speak on this. I don't see anybody here."

There was no further discussion and the vote was called.

VOTE

<i>Commissioner Unruh</i>	<i>AYE</i>
<i>Commissioner Norton</i>	<i>AYE</i>
<i>Commissioner Peterjohn</i>	<i>AYE</i>
<i>Commissioner Ranzau</i>	<i>AYE</i>
<i>Chairman Howell</i>	<i>AYE</i>

Col. Powell said, "Thank you Commissioners."

Chairman Howell said, "Thank you Col. Powell, and thank you Lt. Rakestraw. Madam Clerk, next item please."

Approved

L [16-0131](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON MARCH 3, 2016.

Presented by: Joe Thomas, Director, Purchasing Department.

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

Mr. Joe Thomas, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of the board of bids and contracts on March 3rd results in three items for your consideration.

1. BRIDGE IMPROVEMENTS.

"This bridge is located 51st street south, between 77th and 85th streets north. The recommendation is to accept the low bid from B&B Bridge Company in the amount of \$273,836.80.

2. SERVICE PLAN FOR REGIONAL FORENSIC SCIENCE CENTER.

"This recommendation is to accept the quote from Waters Technologies Corporation, in the amount of \$96,657.75.

3. A CHANGE ORDER NUMBER ONE, OR CONTRACT AMENDMENT TO THE TREATMENT CHEMICALS AND SERVICES FOR THE CLOSED AND OPEN LOOP HVAC SYSTEMS FOR FACILITIES DEPARTMENT.

"This recommendation is to extend the current contract for an additional one-year term.

"I will be happy to answer any questions you may have. I recommend approval of all three items."

Chairman Howell said, "Thank you. Commissioners, any questions or comments?"

Mr. David Spears, Director, Bureau of Public Works, greeted the Commissioners and said, "Mr. Chairman."

Chairman Howell said, "Yes sir?"

Mr. Spears said, "Joe, there was a typo in your table, you said 51st Street South. It is actually 151st Street West."

Mr. Thomas said, "Thank you very much for that correction. Thank you."

Chairman Howell said, "I guess I have a question on the Regional Forensics Science Center request. This is for a liquid chromatograph mass spectrometer. Someone is laughing at me out there. Just kidding around. So the liquid chromatograph, am I saying that better? Mass spectrometer, is this a replacement of this equipment?"

Dr. Timothy Rohrig, Director, Regional Forensics Science Center, greeted the Commissioners and said, "No sir, this is a service, a maintenance contract for an existing piece of equipment that we have in the laboratory."

Chairman Howell said, "Okay, so this is a service contract."

Dr. Rohrig said, "Yes sir."

Chairman Howell said, "Is this basically similar to a service contract we have had in the past?"

Dr. Rohrig said, "Yes, it is. Most service contracts run about 10, 15 percent of the acquisition cost of the instrument. We received this instrument about four years ago, we paid a little over \$250,000 for it."

Chairman Howell said, "That's all my questions. Commissioners, what is the will of the board?"

MOTION

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

Commissioner Norton moved to second the motion.

There was no further discussion and the vote was called.

VOTE

<i>Commissioner Unruh</i>	<i>AYE</i>
<i>Commissioner Norton</i>	<i>AYE</i>
<i>Commissioner Peterjohn</i>	<i>AYE</i>
<i>Commissioner Ranzau</i>	<i>AYE</i>
<i>Chairman Howell</i>	<i>AYE</i>

Mr. Thomas said, "Thank you Commissioners."

Chairman Howell said, "Madam Clerk, next item please."

Approved

CONSENT

- | | | |
|----------|--------------------------------|--|
| M | <u>16-0115</u> | Resolution designating and classifying certain roads to the Afton Township road system. District 3.
Approved |
| N | <u>16-0076</u> | Changes to the Court Trustee's Staffing Table.
Approved |
| O | 16-0111 | Order dated 2/18/2016 to correct tax roll for change of assessment.
Approved |
| P | <u>16-0125</u> | General Bill Check Register for March 2, 2016 - March 8, 2016. |

Mr. Michael Scholes, County Manager, greeted the Commissioners and said, "I recommend you approve the Consent Agenda Items Mike through Papa."

MOTION

Commissioner Ranzau moved to Approve Consent Agenda.

Chairman Howell moved to second the motion.

There was no further discussion and the vote was called.

VOTE

<i>Commissioner Unruh</i>	<i>AYE</i>
<i>Commissioner Norton</i>	<i>AYE</i>

Commissioner Peterjohn	AYE
Commissioner Ranzau	AYE
Chairman Howell	AYE

Chairman Howell said, "Madam Clerk, next item please."

Approved

PUBLIC AGENDA

Chairman Howell said, "All right. Is there anybody here from the public who would like to address the Board of County Commissioners? Seeing none, Madam Clerk, next item, please."

LEGISLATIVE ISSUES

Chairman Howell said, "I would just like to report that Commissioner Peterjohn and myself did travel to Topeka yesterday and testified on Senate Bill 316. It has been very interesting to listen to the other people testifying at that hearing yesterday. The opponents were testifying as we speak today. Actually, it maybe it is actually still going on right now, so yesterday at 9:30 in the morning Commissioner Peterjohn and I were there listening to testimony of many others. They made compelling arguments.

"What we did offer yesterday was an amendment to fix the tax lid. And that, again, one of the arguments we discussed yesterday was that it is really not inch it end to be a lid it was intended to be, we used the word voter empowerment, but simply allow an election process to happen so that voters can weigh in on whether or not they want their government, their governing body to raise taxes, property taxes, faster than reasonable growth factors that are outlined in the bill. Outlined in the legislation that was passed last year.

"The election is necessary. I don't anticipate Sedgwick County needing this, but I do think other communities may want this. So one of the arguments against the legislation passed last year was there is not a window of opportunity for an election to happen. So we used our county experts, our Treasurer, our Election Commissioner, our Clerk and our Appraiser, all worked together to develop a recommendation on how to move the dates in such a way to make an election possible. That was really the content of our testimony, trying to provide a solution. And by the way, I think we do stand alone in that. There was nobody else from the Legislature or any other organization that provided a solution to what is in fact a de facto lid.

"So by the adoption of our amendment, which I anticipate will happen, seemed like there was plenty of support from amongst the committee members, yesterday, when our amendment is adopted it creates an opportunity for an election to happen. So governing bodies are not really limited in the ability to raise revenue. They will be able to raise revenue, so this is no longer a lid. As long as the voters understand that, and give them permission to do so. One of the arguments that was made was we work for the people that have elected us, and actually, they are our boss. So they are the highest form of Home Rule is the people that empower the government to do their job. So we are servants of the people.

"In that regard, and when we have really important business, things like Constitutional Amendments and other things we want to make sure we ask the voters for permission to do things and work with the policy that's really important, I think that's what this tax lid, the property tax, call it a tax lid is. Basically a desire for people to put a checks and balances on government officials. I think it is reasonable legislation.

What we did yesterday was provide a solution to the Legislation to make an election possible. Commissioner Peterjohn, you have some comments."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I want to publicly express my appreciation for your comments, which I agree with fully. Also thank you personally for actually doing the driving on the trip up and back. But I wanted to point out a couple of items that I think are quite important, because this voter empowerment provision is going to, I think solve one of the big questions, when cities and counties want a local sales tax increase, it is quite clear state law says they have got to go to the voters and voters have to approve it. I think that should simply be extended to property taxes, too.

"Article two of the Kansas Bill of Rights and the Kansas Constitution clearly states, and I may not have been as clear as I meant to be when I testified yesterday, but I will try and get it right today, that the Kansas Bill of Rights Article two says all political power in the state is inherent in the people. And the voter empowerment provisions in Senate Bill 316 can only take effect if we can change a number of state laws, and Mr. Chairman, you outlined the challenges and the hard work that a lot of folks here at Sedgwick County did to go through those statutes and make this workable.

"One of the problems that was presented, and there were a lot of folks from the private sector in support of this legislation. Let me take a minute to mention, because the State Chamber, the National Federation of Independent Businesses, State Office, the Kansas Association of Realtors, the Kansas Policy Institute, and Americans for Prosperity were also co-conferees with us in supporting this legislation. Having said that, the local government lobby is adamantly opposed to this legislation. I publicly commended the lead sponsor, Senator La Turner from down in the Crawford, Cherokee County area, southeast part of the state for his leadership in this area, and with the Legislators overwhelmingly, I think it was over 30 senators from both parties who supported this bill when it first went through. But we've got to make it workable.

"In the form it initially passed, there were all sorts of problems in place, and there is an effort to try and delay implementing this bill because of the statutory problems. But if that happens, a lot of local governments, cities and counties will take advantage of this by raising mill levies before the voter empowerment provisions can kick in. And I think that would be unfortunate. I think there needs to be a balance, and I think there needs, we need to bring the provisions of the Kansas Constitution Bill of Rights where it says the power is inherent in the people into place and we need to catch up with our neighboring states. Three out of four neighboring states to Kansas already have provisions similar to this in place, covering in their cases all of state and local governments too.

"So I know the majority of this commission for the last few years has been supportive. It's not been unanimous, we are obviously in the minority, Kansas Association of Counties (KAC) and League of Kansas Municipalities (KLM) will be testifying in opposition to this legislation, and or is in the midst of doing that right now. But I think it's important if we really want to be competitive economically we've got to reduce the risk and uncertainty of doing business in Kansas. And the fiscal part of the uncertainty, the ease of being able to raise property taxes by a simple majority at local government level is one of the challenges in an area where we measure up very badly with three of our four surrounding states.

"So I wanted to get this on the record in terms of discussion I was able to provide to the committee in Topeka. I think it is important the public know that the majority of this Commission stands, and I will even point out Mr. Chairman, your predecessor helped us adopt this provision has been in place for several years, well before you

joined us on the Commission, Commissioner Howell."

Chairman Howell said, "Thank you for those comments. I would like to say a few more things real quickly. I am looking at a chart that talks about property tax increases that happened just in 2015 alone. One of them is as high as 40.2 percent for one county in Kansas that raised their property taxes last year. One of the cities raised property taxes 12.7 percent. Another one, 11.3 percent.

"There are many governing bodies that have raised their taxes a significant amount percentage of increases throughout the state of Kansas. So I think that's the reason why the bill drafter wanted to expedite the implementation of this law, trying to get it down to 2016. However, our amendment actually suggests basically a midpoint. Our amendment actually is asking for 2017 implementation, not 2016. And I did talk to the carrier of the bill, talked to him yesterday, and also talked to the main lobbyist in favor of the bill up there, and I heard yesterday they were in favor of the amendment again, encouraging basically the legislators to not target 2016 for implementation, but 2017. I was encouraged with that.

"I also talked with some of the Council Members City of Wichita, who are very concerned about the remodeling costs being included in the new construction calculation. I see their point, I agree with them, and I did talk to the same people yesterday about those provisions. They seemed like they were very agreeable to that as well. I think at the end of the day this amendment will pass. I think you will see remodeling costs added back in, probably an implementation date of 2017 is my speculation. They mentioned yesterday they did some polling about what people think about the idea. The number I heard was overall 85 percent of agreement by people asked the question about whether they want taxpayer approval of property tax hikes in the State of Kansas. I think it was 85 percent. There was other data I heard between 80 and 90 percent yesterday.

"So that seems to be a very popular thing amongst voters. People we represent. They think this is very important. I think, again, that drives us towards this policy. Also, I heard yesterday 21 other states have provisions like this. Kansas also had a provision in place, albeit a little different than we have today here, but had something in place until 1999. So it hasn't been that unusual for states, other states to have this type of provision in place, and even Kansas itself had the provision in place until 1999. So it's popular with the people we represent. Without this, property taxes have gone up drastically in many places.

"I would also say the KAC and LKM, League of Kansas Municipalities and Kansas Association of Counties, their hope is for House Bill (HB) 2609 to pass, believing that's the answer to the quote, unquote tax lid. But unfortunately, [HB] 2609 does not have an election option. It does not solve the problem. Their hope is, their real hope for that repeal of the law that was passed last year. They discussed the process by which the legislation was passed, it was not proper in their opinion, and they want Home Rule. They have already spoken to the issue of Home Rule, saying we work for the people. But their solution really is [HB] 2609, House Bill 2609 which does not include an election option.

"That surprises me that would be the position. I did ask Nathan Eberline, the attorney for the Kansas Association of Counties if they would be willing to support our amendment. It sounds like, I will just speculate, it sound like he is fairly agreeable to it. Moving [HB] 316 forward, the election option is very necessary. So I guess, I think at the end of the day, I think the KAC will actually potentially support the amendment, and may actually appreciate the fact that someone stepped upped and provided a solution.

"So we are not, there is no animosity between us and Nathan Eberline, again The Wichita Eagle, on the front page, the article they spoke about this they, in the picture caption it says we were arguing with Nathan Eberline, that's not true at all. We were simply discussing some of these details. There was no argument going on, no passion in the discussion that was happening there. So for The [Wichita] Eagle to use the term argument, or there was arguing going on, I think is not a description. I do appreciate the balance perspective of Nathan Eberline, he's doing his best to bring all these ideas together, at the end of the day, I think he sees the value of the amendment that we provided. I think he supports it personally, I think he encourages the KAC to do the same. See what happens. Next in line is commissioner Ranzau."

Commissioner Ranzau said, "Thank you, Mr. Chairman, I just wanted to take the time to thank the Chairman and Commissioner Peterjohn for going up there yesterday and testifying on behalf of not only Sedgwick County Commission but Sedgwick County taxpayers. Just to reiterate quickly, the vast majority of taxpayers support voter approval for tax increases. This is a proud day for Sedgwick County Commissioners and Sedgwick County citizens to know we were up there representing their interests. It is disappointing that we were the only municipality that sees fit to actually take this position. But never the less it's the right, it's a good fight, the right fight. I appreciate the efforts."

"I think it's important for people to understand that the law does allow for increased revenue in relations to growth in inflation and population and a variety of other things, but if you want to go above and beyond that, that's when the requirement for voter approval kicks in and I that's very reasonable, and clearly the vast majority of our citizens support that as well. We are glad to be able to support them in this effort. I appreciate the efforts of my fellow Commissioners, thank you."

Chairman Howell said, "Thank you for that. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. I just need a clarification. HB 2609, does it have a provision for a referendum approval by the electors?"

Mr. Jon Von Achen, Assistant County Counselor greeted the Commissioners and said, " [HB] 2609, it contains the same language regarding the vote that's in the current statute, but again that does not, I think adequately provide for one to occur within a budgetary cycle, [HB] 2609 also changes the measure of how the increase from consumer price index to municipal cost, which is a very different way to assess the increase. It also does have a provision that would allow cities and counties to opt out under home rule. That's contained within the provision."

"It also on the election side, it would be by petition of the electors. In other words, the vote would still occur in the way it would, which is you would approve a tax increase and approve a budget as a board, and then within a time frame under the statute, the electors can come and petition. [HB] 2609, I believe the number on that one is 10 percent of the electors. There is a subsequent bill introduced that would reduce that number to five percent of the electors. Frankly, there were five different bills dealing with the same statute here."

Commissioner Unruh said, "But there is a provision for an election by the electors in [HB] 2609."

Mr. Von Achen said, "Yes. It would not be automatic."

Commissioner Unruh said, "Not required."

Mr. Von Achen said, "The current statute is and what [HB] 316 would cover, it would be by petition of the electors. Again, if you're trying to do it within a budgetary cycle it still creates problems, because of the requirements for the Election Commissioner to be able to conduct an election in a timely fashion. Because the Election Commissioner is not only governed by state law, but also federal law."

Commissioner Unruh said, "That same problems currently existing in HB 316. They both have problems."

Mr. Von Achen said, "In the Senate Bill the solution in the amendment would allow for a mail ballot vote, in order to do a polling vote, which I believe ultimately would I think be the preference of supporters of the bill and I believe the majority of the Commission. That would be a situation where we'd have to move a lot of budgetary dates in order to make that work."

"I think the indication was that we gave in the testimony yesterday was that the mail ballot was a step in that direction, and they would have to have an extended period of time to look at all the statutes that deal with the budgetary cycle and determine what would need to be changed in order to accommodate a polling place, and then that, you know potentially, with moving municipal elections into the fall cycle looking at perhaps having that question when it's required to be had on a ballot in August along with the primaries."

Commissioner Unruh said, "I realize the problem. I guess my question was in the house bill, there is a provision for an election?"

Mr. Von Achen said, "There is a provision that provides for an election and it is by petition of the voters."

Commissioner Unruh said, "And the measurement for what when we reach a threshold for when an election might be required in that in the Senate Bill it's just on the basis of the consumer price index. Is that the, that's what the Governor said in his speech. I believe that he just wanted the CPI (Consumer Price Index)."

Mr. Von Achen said, "It is CPI. It is an increase or decrease in CPI. As we've kind of looked at the language, a decrease could potentially effect. In [HB] 2609, that provision changes from a measurement of CPI to a measurement municipal costs. In other words, what it actually costs a municipality for goods and services."

Commissioner Unruh said, "Do you think that might be included in a revised Senate Bill where they use a measurement that more accurately measures the cost of doing business, than MCI (Municipal Cost Index)?"

Mr. Von Achen said, "Like I said, there's five bills out there. Three of the five switch to municipal costs as opposed to CPI. I don't know specifically what the will of the committee and obviously, you know, this is one that has not yet passed the house of origin. It's an exempt bill, but it hasn't gotten out of the house of origin yet."

Commissioner Unruh said, "A change to the MCI would be a huge improvement, I would think. One other question. The state doesn't have any legislation pending that would require the State Legislature to get voter approval for their tax increases. Say, like the very large tax increase that was imposed last year?"

Mr. Von Achen said, "There is no provision for a legislative."

Commissioner Unruh said, "Just for cities and counties. Schools are exempted and states are exempted."

Mr. Von Achen said, "Yes, and that's one of the things that I do want to point out. Obviously we had the Appraiser here early on, and he talked about the other taxing entities. The provisions in [KSA 17-] 7929(b), that's the statute, the provisions regarding the vote only apply to cities and counties. It would not apply to any other taxing district. So anything anybody sees on their statement each year as to where those taxes are going, this only affects the city and the county. If they live in the city, in fact if it affects the city it obviously affects the county. But it does not affect school district, township or anything else."

Commissioner Unruh said, "Well, thank you. It's already been referred, the official Sedgwick County position, by the majority of the Commissioners. It doesn't represent every Commissioner. Like Sedgwick County is adverse to another 104 counties in the state. That's already been stated by my colleague. So we won't have to talk about that anymore. That's all I have."

Chairman Howell said, "I'd like to just comment. Commissioner Unruh, again I think at the end of the day, the KAC May realize the [HB] 316 is moving forward, and it may be something they'll actually embrace. We'll have to see what happens."

"I'm not so sure they're against what we're trying to do. I think what we did yesterday I think was actually a solution that nobody else is talking about. With respect to [HB] 2609, the two issues I think that are most likely to kill that bill, one of those is the idea that they're going to be able to opt out. I think the opting out provision that's in that bill, I talked to many legislators yesterday about this, and that is not something they're going to support, I don't believe. Trying to figure out the likelihood of bill moving forward in its current format, what's going to happen to the bill. I asked a number people yesterday about [HB] 2609, and I don't think there's a lot of support for it. It's got some issues, again this opt provision I think is a major one. I forget the other issue now. There's a couple of issues I thought were especially likely to kill the bill, but that was the main one. Commissioner Ranzau."

Commissioner Ranzau said, "I just want to say I share commissioner Unruh's concerns that this law doesn't extend to the state and school districts. I don't think that's a reason to oppose it. I think we should take what we can get and perhaps in the future we can work together on modifying or introducing legislation and supporting legislation that would extend that to the state school districts as well, but I think when the voters said they would like to vote for, have approval of tax increases, I think they do mean at all levels of government, and so I certainly do support that, and I share commissioner Unruh's concerns in that regard. Thank you."

Chairman Howell said, "Commissioner Unruh. Commissioner Peterjohn, excuse me."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I wanted to get on the record and second your remarks, Mr. Chairman, concerning Nathan (Eberline) with the Kansas Association of Counties. I did visit with him yesterday. It was very cordial."

"We kind of agreed to disagree, which is one of the ways they operate up in Topeka. In fact, it's part of the boilerplate of legislative language up there where people agree to disagree and Nathan is a very bright young fellow who's got, I think a great future ahead of him regardless. But I think he's representing his Association's position, and we were on different grounds. I hope KAC will see the light, in terms of where we're trying to make this language workable. Having said that, I want to get into [HB] 2609 a little bit, because a question was raised. Most elected officials here in Kansas I've

talked to, they don't petition to get on the ballot. They file a filing fee and go on down the road.

"Now, I'm going to mention publicly and put a couple of my colleagues on the spot, because they didn't do it that way. They went out and petitioned and got their names on the ballot and had to collect hundreds and hundreds of signatures, and in fact in 2012, when I was elected I did that too. And that's one of the ways to proceed, but it's a challenging process. You've got to be politically organized to be able to do so. The reason I bring this up is, Mr. Von Achen if you'd answer this question, did they in this legislation [HB] 2609, did they set a duration on how long you'd have to collect the signatures, regardless of whether it's 5 to 10 percent of the registered voters in the county in place?"

Mr. Von Achen said, "In [HB] 2609, specifically 10 percent, and there is a duration, and I can't recall off the top of my head that limitation, but you have a certain time frame to present the petition. Obviously, as we've learned with any petition for election in the county, it's difficult to get signatures. It's difficult to get signatures verified, which is what is required in order to go forward to get a petition on the ballot. So there are some difficulties. Whatever the petition question may be, whether it be related to something in this bill or some of the other petitions that we've seen circulated recently, it's a difficult requirement to meet because you do have to not only get the signatures, but they have to meet a standard and be verified."

Commissioner Peterjohn said, "Here's the reason I'm raising this. When you're petitioning as a candidate, you've got six months to collect the signatures. I know on some petitions they only give you 30 days, or 60 or 90 days. To give you a frame of reference, I think there are close to about a quarter million Sedgwick County residents registered to vote. They said 10 percent of the registered voters that would be 25,000 valid signatures collected, I don't care whether its 30 days or 6 months, that is a huge, huge petition drive. If you wanted to get your name on the statewide ballot to run for statewide office for U.S. Senate, for Governor, you would need only a tiny fraction of that amount.

"To have that provision in place is basically an affront to the taxpayers and the citizens of this state. It's one of the reasons why we've fallen behind our neighbors, because they don't require that. If you want to raise the mill levy, put it on the ballot, the voters either vote up and say, yeah we want to do this and spend it on this or that and get something for it, or they say no, we're not going to support it. Instead of going through this incredible process that I would suspect in at least one other county, if you had this requirement in place, the petition drive would have to be larger than the numbers I mentioned.

"And just for the record, to get my name on the ballot in 2012, I had to turn in petitions of just under 900 valid signatures. Now, it's almost a little less than a thousand, but it's a significant number of valid signatures. I've got six months to collect them, and if I was running for the legislature, it would be a tiny, tiny percentage of that number to run for the Kansas House or the Kansas Senate. So they've come up with this requirement of 5 or 10 percent of the entire electorate. This is a poison pill provision, in my opinion and it's a reason why Mr. Chairman, when we get to Legislative Issues, I think we need to be in opposition to [HB] 2609. Thank you."

Chairman Howell said, "Commissioner Unruh."

Commissioner Unruh said, "You know, I think probably we've beat this to death. Jon, were you up there yesterday?"

Mr. Von Achen said, "No. I was here, working."

Commissioner Unruh said, "Good for you. Our effort as counties is not just to change procedure but that the majority supports the principle and then advocates for a change of procedure. It's different from the KAC who says, well, we'll get on board with you on the process change, the procedure change, because it simply is not workable. I mean, they pass something, but there is no way it even works. In principle, I think that the vast majority of counties still pose it on principle. You know, we can talk for a long time on this so I'll just quit."

Chairman Howell said, "Thank you. I do remember the other thing I was going to say was I think the State Legislature, although I do agree with Commissioner Peterjohn's comments and Commissioner Ranzau's comments, I think that it would be nice if the state, when they raised taxes, would allow for the vote on the people. Just a comment. In the other short session, there is not time to do one of these mail, even a mail ballot. It takes 45 days to mail ballots to our military personnel overseas, for example."

"You would actually have to have this ballot question set at the very beginning of the session and then let the results drive something at the very end of the session, so I just don't see that this is workable in a 90 day session. It's really a logistical barrier to the idea, although I'm not opposed to the idea, I just think logistically it's impossible."

"Commissioner Peterjohn, we actually are on legislative issues. I guess I would say on House Bill 2609 I would be opposed to passage of [HB] 2609 based on the fact that there is no election opportunity within the bill. Although it says you can have an election, there is no moving of deadlines within the bill to make that election possible in its current state. The fact that cities and counties can opt themselves out of the provisions of the law I think is a problem. There's no point in passing the law if that was the opt-out provision in there."

"Finally as you mentioned, from the poison pill of the petition, that in my opinion actually makes this worthless legislation. So I would be opposed to House Bill 2609 and if we have a consensus amongst members, I would like to have that position officially and offer that to legislators in Topeka. Mr. Peterjohn."

Commissioner Peterjohn said, "Thank you. I neglected to point out that I'm in agreement with Commissioner Ranzau and your comments concerning the state and other governmental bodies. This may be a case of let's walk before we try to run, and I support that, and I'd second your motion in terms of [HB] 2609, if there's three or more of us who are in opposition to that legislation, I'd like to be in a position to include that as part of our legislative recommendations to the folks up at the Statehouse."

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

Commissioner Ranzau said, "Thank you Commissioner, just to clarify, have we not already taken a position in support of [HB] 316 or the efforts? Because we participated in that. Have we enough guidance to staff that they can already say we're opposed to [HB] 2609 because we are in fact, already supporting the other one?"

Mr. Von Achen, "I believe the direction given staff was that not only to craft an amendment to make an election work but be supportive of that bill. So that's what we have done, put the amendment in place with the help of our elects and appointees, and then regarding the remaining bills, I think it would be inconsistent to say we

support [HB] 316 and to support some of the other provisions in the bills that make, my understanding was anything that makes an election really unworkable was not the will of the board."

Commissioner Ranzau said, "I oppose [HB] 2609, if we need to make a motion, fine. If we can do it under your discretion I'm fine too, whatever the majority wants. I'll be willing to support the Chairman, whichever way we want to go."

Mr. Von Achen said, "The direction that I've taken from the Board, my understanding was that anything that made an election unworkable within a budgetary cycle, which was the whole point of the amendment to [HB] 316, was not the will of the Board. So the other four bills that don't address that issue would be bills that we wouldn't support or we would oppose depending upon how they were crafted, and the other four bills, since they don't solve the problem, I've taken that we're opposed to those bills, and I think that's been communicated to lobbyists as well."

Commissioner Ranzau said, "For the record, I am opposed to [HB] 2609 as well. If we need to make a motion, I can."

Chairman Howell said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "I think we had made a motion. I'd like to clarify as we get specific legislation that's in front of us and in front of the legislature in Topeka, I think we ought to be clear, at least as it currently stands, if they do a gut and go on it, becomes the Senate substitute for House Bill 2609, I guess we could revisit it, but the concepts that are contained within it in terms of the petition process, the Home Rule opt out, whatever duration position they have, I think and I'm sure they did not go through the effort we made to try and make it workable. I think their effort would probably be the exact reverse, which would be to have a bill in place that would be totally unworkable. I'd like to get us on record in terms of being opposed to [HB] 2609, Mr. Chairman."

Chairman Howell said, "Commissioner Ranzau."

MOTION

Commissioner Ranzau moved to make a motion that the County Commission take the position to oppose House Bill 2609 and any other bill that is contrary to our stated goals, and Senate Bill 316 and authorize the chairman or his designee and the legal department to offer testimony in that regard.

Commissioner Peterjohn seconded the motion.

Chairman Howell said, "Commissioner Unruh."

Commissioner Unruh said, "Just a short comment to say I don't think the State Legislature has the slightest clue of what it takes to run the government in Sedgwick County, Kansas."

Chairman Howell said, "We have a motion and a second. Any other discussion?"

There was no further discussion and the vote was called.

VOTE

Commissioner Unruh NO

Commissioner Norton	NO
Commissioner Peterjohn	AYE
Commissioner Ranzau	AYE
Chairman Howell	AYE

Chairman Howell said, "Still on Legislative Issues. Any other comments from the Counselor or Commissioners?"

Mr. Von Achen said, "You have a couple of items, just kind of a heads-up for the Commission.

First of all to double back, any time I get direction on a particular piece of a particular bill, I always look at it as the concept, because some of these bills during the course they die during turn around but the concept is still out there somewhere, and they can show up somewhere else.

"So that's the interesting part of the second part of the session is to look at some of those concepts that may have died in a bill that get brought back to life later on in another bill. Regarding Senate Bill 421, which is sponsored by our friends across the street, that is scheduled for discussion and possible final action today. In fact, it is going on right now. I believe the indication that I have is that that bill will move forward and over to the house. It would allow people who, it would allow for people to have people utilize particularly our courthouse on a regular basis, the ability we would control the ability for them to be able to bypass adequate security measures that are required for this building, in order to keep it secure, and so that bill is going to move forward, and I will keep the Commission updated on that one. Obviously we support our friends across the street on that issue.

"The other thing, there was a new bill last week [HB] 2714 regarding the appraisers office. We talked to the Appraiser early in the meeting today. There are some concerns about how it might affect his ability for evaluations, and there is one other item on that. There's also, it would move to a biannual appraisal which can create some problems when you have a market shift. For example in late 2000's, when the market crashed, the Appraiser's Office on an annual basis could address the drop in value because of the market crash more quickly on an annual basis than a biannual basis. There would have potentially been a two-year cycle when property values were overvalued, and obviously that's not what homeowners want for tax purposes. So that bill was heard yesterday. It's going to be worked. I will keep the commission updated on the movement on that particular bill, and so that's all I have. I'll take any questions."

Chairman Howell said, "Considering the lateness in the session of a [House] Bill 2714 being introduced, I would guess it probably has some interest by some Legislators. I wouldn't be surprised if it moves forward. I would like us to understand that bill as Commissioners and maybe develop a position on that bill, probably at next staff meeting would be a good time to have further discussion on that bill so we can develop a consensus."

Mr. Von Achen said, "I will continue to gather information. I do have some materials that were provided to me that were part of the testimony yesterday that I can provide. I know the Kansas Association of Appraisers opposes the bill. The Kansas Chamber is in favor of the bill. But I will gather the information and get it to the Commission so you guys can make an informed decision on what position you want to take on the bill, if you want to take a position on the bill."

Chairman Howell said, "Thank you very much. All right. Any other legislative issues, commissioners? I see none. Madam Clerk, next item please."

OTHER

Chairman Howell said, "Commissioner Ranzau."

Commissioner Ranzau said, "Last week I spoke a little bit about the County's efforts to get the message out and some comments, some things written by the [Wichita] Eagle Editorial Board and about their efforts trying to silence some Commissioners from speaking on issues. Well, they're at it again today. But today they tried to add a little humor. They said that I claimed during last week's meeting that the [Wichita] Eagle Editorial Board wants to silent speech, meaning us. Of course, I did say that. Of course, they do. But then they say 'huh'?"

"They act like they're not trying to do that but then they go on to say we should keep our meetings professional and focused on county business, which we do. Instead of talking about national and international politics. So they're saying we should only talk about certain things that they want us to talk about and don't talk about anything else. They're trying to silence us and limit the types of things that we talk about. Why would they do that? They make their livelihood off freedom of speech. What's wrong with local elected officials speaking on behalf of and to the constituents when they have the opportunity? The problem is, we speak about a lot of things in a clear, thoughtful and factual manner that exposes liberal policies for what they really are. And they don't like that.

"You know, we don't live in a bubble here in Sedgwick County, so there are things that happen in Topeka and Washington D.C. and all over the world that can affect us here. It affects our constituents. There's a lot of people out there that are concerned about those things. We have an obligation to speak to those things. We can't always change them, but to let our constituents know what's going on, how it may affect us here locally. We take that opportunity to speak and help get our message out because we need to. We're supposed to. And they want to say we shouldn't talk about those things, particularly about in the other portion. That's what they don't like.

"Repeatedly they've said this in the past and will continue to say it. Yes, we've talked about, for example, Obamacare. We've talked about Islamic terrorism, Medicaid expansion, gun control and gun registration, Agenda 21 Sustainable Development, all of these things, because people are concerned about these things and they have an affect on us here locally.

"It's just kind of interesting, they want to act like they're not trying to silence speech, but at the same time they advocate for us to not talk about certain things they don't like us to talk about. It's kind of a humorous way to do that. We need to continue to work on getting our message out. This is an opportunity to do it. We're also going to do it with our newsletters that the Chairman's working on. I'm very appreciative of those efforts. I hope they don't say we should stop sending out e-mails to people too once that gets going.

"The problem is when we do things, we've got to get facts out there, and we know the local media often has a problem getting the facts out there accurately. I know they can do it, but they don't always choose to. I know they can do it because they actually did it today. I'll give credit where credit is due. There is an excellent article on the Westar seeking rate hikes written today by Mr. Lefler. I'm a facts guy, numbers guy. I like seeing numbers and facts, and there are a lot of numbers and facts here that I think the citizens would be interested in hearing.

"For me, the number that jumps out is the 11.3 percent that Westar get right now,

11.3 percent profit guaranteed for the stock holders, but yet they're continuing to repeatedly increase rates, which I think something needs to be done about that in Topeka, I think. But nevertheless, this is good solid reporting with facts and figures. People can judge for themselves. I'm just asking they be more consistent in other areas as well. So I know they can do it. In the absence of that happening, we've got to try to find a way to get the facts out. We'll continue to do that and continue to have an honest dialogue with our citizens on behalf of them and for them. I thank you for this opportunity to exercise my right to free speech and my duty as an elected representative to represent my people and speak out for them. Thank you, Mr. Chairman."

Chairman Howell said, "Well thank you Commissioner Ranzau. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I'm in agreement with my colleague, Commissioner Ranzau, in terms of approving our ability to communicate with the public and the folks who follow what Sedgwick County is doing, and frankly, we do have an important role, particularly in Topeka but also in Washington [D.C.], whether the issues are direct or indirect and whether it's things like Medicaid expansion under Obamacare or any other issue that has a state and federal aspect. I think it's important to speak out."

"Mr. Chairman, I would also be remiss if I did not point out that March 9th is an important day in American history. In fact, it was a turning point of sorts. On this date in 1862, the modern age of naval warfare began with the first battle between two ironclad ships. The Union's [USS] Monitor and the Confederate ship Merrimack, and this was off Norfolk, Virginia."

"What was important, the Union forces during the Civil War imposed a blockade through their naval forces around Confederate ports and the Confederate ship Virginia went out to try and break the blockade. If that had happened, they would have been able to get supplies in from Europe and it would have had a big impact on the war. They had gone out on the previous day and sunk a number of Union ships that were wooden, and the Confederate ship Virginia, which looked kind of like an ironclad, slanted ironclad floating barn with 10 cannons sticking out, had sunk two union ships and run a third aground. The next day when they went out to finish their job, the Union ship Monitor was there. They fought to a duel and neither ship prevailed. It was viewed as kind of a draw, although the Union ended up as the victor, because eventually Union forces came in and took Norfolk and Confederates had to scuttle to Virginia. The model for the Monitor with rotating cannons became a turning point, and interestingly enough the inventor John Ericsson, a legal immigrant from Sweden, came up with a whole host of innovations that were to drive naval warfare literally to the present."

"March 9th is also an important date at other times. Arguably, one of the first direct terrorist attacks occurred on March 9th, 1916. When a group of Mexican raiders during the Mexican Civil War, headed up by Pancho Villa came in to Columbus, New Mexico and slaughtered 18 Americans. I pointed out the fact that unfortunately terrorism, whether it's from Islamic jihadists or from other folks, we've had problems with this going back in history."

"On March 9th, 1945, a major turning point occurred and arguably more people died during this event even than during Hiroshima or Nagasaki atomic attacks that occurred a few months later. U.S. B-29 bombers dropped incendiary bombs on Tokyo and created a firestorm that destroyed much of that city during World War II. I think it's important for this date and on a much lighter note and pleasant note, on

March 9th, 1964, an iconic American motor car, the Mustang, came out from the Ford Motor Car Company. So March 9th is an important day in history. I wanted to get that on the record. Thank you, Mr. Chairman."

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 10:59 A.M.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

*JAMES M. HOWELL, Chairman
Fifth District*

*RICHARD RANZAU, Chair Pro Tem
Fourth District*

*DAVID M. UNRUH, Commissioner
First District*

*TIM R. NORTON, Commissioner
Second District*

*KARL PETERJOHN, Commissioner
Third District*

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED:
