

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



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Meeting Minutes

Wednesday, June 1, 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 9:02 a.m. on June 1st, 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. Ron Holt, Acting County Manager; Ms. Karen Powell, Deputy County Counselor; Mr. David Spears, Bureau of Public Works; Mr. Justin M. Waggoner, Assistant County Counselor; Mr. Dale Miller, Director, Metropolitan Area Planning Department; Ms. Tonya Buckingham, Register of Deeds; Ms. Adrienne Byrne Lutz, Health Director; Mr. Marty Hughes, Revenue Manager; Mr. Marvin Duncan, Public Safety Director; Mr. Mark Bowman, Management Intern; Mr. Joe Thomas, Director, Purchasing Department; Ms. Kate Flavin, Interim Public Information Officer; Ms. Laura Billups, Deputy County Clerk and Ms. Erika Hills, Deputy County Clerk.

INVOCATION: Moment of Silence.

FLAG SALUTE

ROLL CALL

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

PUBLIC INFORMATION ANNOUNCEMENTS

PUBLIC AGENDA

PUBLIC HEARING

- A [16-302](#) POST-ANNEXATION PUBLIC HEARING CITY OF DERBY
ANNEXATION ORD. NO. 2157.
Presented by: Justin M. Waggoner. Assistant County Counselor.

RECOMMENDED ACTION: Open the public hearing; receive testimony; close the public hearing and make the required statutory finding.

VISUAL PRESENTATION

Mr. Justin M. Waggoner, Assistant County Counselor, greeted the Commissioners and said, "What is in front of you, a post annexation hearing involving a service plan for properties that were annexed by Derby in 2013. Referring to the map that's on the screen, if you look, there's a lighter, tannish-colored kind of square, rectangle, I should say. Those are the properties that were annexed. 14 total parcels, with 13 separate owners. They range in size from four and a half to seven acres. Generally the area near the intersection, north of the intersection of Patriot Avenue and

Woodlawn. The current city limits indicated on the map in red, and, again, these are residential properties, and one of the 14 tracts are vacant; I believe that the other 13 all have houses on them."

"By statute, three years after any annexation, after this type of annexation that occurred in this matter with the service plan, the Board of County Commissioners is required to review the service plan, to determine whether the terms of the service plan have been met, statutes required notice of this hearing provided to the property owners, whose properties were annexed, the notices were provided after April 18th meeting in Derby, furthermore, pre-hearing questionnaires are made out to all 13 of the landowners. Both the pre-hearing questionnaire and notice of hearing were also sent to the city. Only response that the county received to any of that was the City of Derby's response to the pre-hearing questionnaire. It is included in your backup materials.

"The service plan requirements that they included were street maintenance, culvert cleaning, ditch cleaning, fire and police protection, city building code enforcement, city health code enforcement, minimum housing code and zoning enforcement, and installing new guard rails on a culvert. There are also a number of other items that the residents could petition for or request to receive. Again, I reference to the city service plan formulated back in 2013. It did substantially meet the requirements established by statute for what a service plan needs to include. It is worth noting, as a bit of historical matter, back in 2011 the city initially contemplated annexing these properties, but there were concerns raised by the property owners. The City worked with the property owners to address those with zoning and city code revisions. The City does have a couple representatives here today that could address any questions you may have on that, and also with regard to any of the service plan requirements and their obligation to meet those.

"Unless you have any questions from me, my recommendation would be that you open the public hearing. If you've had any ex parte communications, or if there's any additional information on this matter, outside of the hearing process, that you would like to consider as part of your determination, I would suggest you mention that at the start of the hearing, so that if any of the parties wish to respond to that, they would have the opportunity to do so. Then you would accept comments from the landowners and the city. That's all I have. Thank you."

Chairman Howell said, "Thank you for the report. I would like to say so far, I had no ex parte communication on this within my district. No one approached me from the City or the residents that live there. So it's probably a quiet issue so far. I don't see any comments or questions from Commissioners. So with that, I would like to open up the public hearing. Ask for anybody from the audience who would like to speak to this issue, Post-Annexation Public Hearing for the City of Derby Annexation. Anybody like to speak to the issue. Now is your opportunity. Seeing nobody interested in speaking at this time, I would like to close the public hearing. I would like to ask the Commissioners, what is the will of the Commission? Commissioner Ranzau."

Commissioner Ranzau said, "Mr. Chairman, I want to publicly state that I had no ex parte communication."

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

Commissioner Peterjohn thanked the Chairman and said, "I had no ex parte communications with anyone on this issue, either with the City or residents in the affected area. Thank you."

Chairman Howell said, "Commissioner Unruh."

Commissioner Unruh thanked the Chairman and said, "Just to repeat what's been said, I had no ex parte communication."

Chairman Howell said, "Commissioner Norton."

Commissioner Norton said, "I had no ex parte communication."

MOTION

Commissioner Norton moved to adopt the resolution and make the finding that the City of Derby has provided services in accordance with the service plan and authorize the Chairman to sign.

Commissioner Unruh seconded the motion.

Chairman Howell said, "We opened and closed the public hearing. We didn't have any comment. Now we are on the motion. I want to say further, of course, just to let everyone know, I live walking distance from this neighborhood, and it is a very nice neighborhood. It is a quiet neighborhood. I actually know some people who live there, and I anticipated somebody might contact me and give me some of their thoughts. Again, no one has commented, although they have had opportunity. We sent out the notices. We are doing exactly what we should be doing. If people don't speak up, we have to assume silence is consent. So with that, I don't see any further comments or questions from Commissioners. We have a motion and second. Madam Clerk, call the vote."

VOTE

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

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

PLANNING DEPARTMENT

- B** [16-353](#) ZON2016-00011 - ZONE CHANGE FROM SF-20 SINGLE-FAMILY RESIDENTIAL TO MF-18 MULTI-FAMILY RESIDENTIAL ON PROPERTY LOCATED APPROXIMATELY 1,800 FEET WEST OF SOUTH 143RD STREET EAST, ALONG THE SOUTH SIDE OF EAST PAWNEE ROAD (DISTRICT 5).
Presented by: Dale Miller, Director, Metropolitan Area Planning Department.
- RECOMMENDED ACTION: Adopt the findings of the Metropolitan Area Planning Commission (MAPC), approve the zone change subject to MAPC approved conditions; authorize the Chairman to sign the resolution and authorize the resolution to be published.

VISUAL PRESENTATION

Mr. Dale Miller, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "This is the request, as she indicated, to go from Single Family 20 (SF-20) zoning to Multi-Family 18 (MF-18), which means that they could have up to 18 dwelling units per acre, the MF-18 district. What they are proposing to do on the application area, outlined in the black tape on the south side of East Pawnee, about a half mile west of 143rd [Street East], is to develop 39 units that would be mixed between two-family, three-family and four-family units. As you can see there, it is the south side of Pawnee is all in the county, as well as this property to the northeast that would be the northwest corner of 143rd and Pawnee. The area in white and light blue is in the City of Wichita. Aerial showing the application area is nestled here between couple of creeks. The area to the north is zoned Single-Family 5, it is being developed single-family residential uses. There's a golf course over here to the northwest with a clubhouse and a maintenance facility, as well, two large lot residences to the northeast. Farm ground to the south.

"The applicants own the area from here to there, so it is all part of their ownership that the application area is on, separate owner to the west. New residential is what the 2035 Wichita Future Growth Concept Map is recommending. This is looking south from Pawnee, there's, as you can see, a significant hedgerow there that blocks the view of the application area from the street right-of-way. This is looking west. This is the subdivision that is developing to the north on the north side of Pawnee. The buildings way down here are the beginning of the golf course maintenance shed and clubhouse. Another shot of the developing subdivision to the north.

"The Planning Commission approved this unanimously, 11:0. It is recommended that you adopt the findings of the Metropolitan Area Planning Commission (MAPC) and approve the zone change. On page 2 of your alternatives, it indicates subject to platting, but that should be deleted. That was a typo. So we are suggesting that you recommend this approval without the requirement for platting, and there have been no protests. I'll try to answer questions if you have any."

Chairman Howell said, "I just have one question on the recommended action in front of me, it says approve the zone changes subject to MAPC approved conditions. Is that the plat language you are referring to?"

Mr. Miller said, "Yeah. I would delete that."

Chairman Howell said, "I should delete that phrase from the recommended action?"

Mr. Miller said, "Yes."

Chairman Howell said, "Okay. Commissioners, do you have any questions or comments? I would like to ask the audience, anybody here would like to speak to this agenda item this morning? Seeing no none. This is in my district. This is progress, in my opinion. I am anxious and excited to see more housing available in my district. I think this is a good thing overall. To the extent that we see some land being developed, I think that just shows the economy is beginning to thrive in other areas. I like the fact that this is being proposed."

MOTION

Chairman Howell moved to adopt the findings of the Metropolitan Area Planning Commission, and authorize the Chairman to sign the resolution and authorize the resolution to be published.

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, "Thank you. Madam Clerk, next item, please."

Adopted

NEW BUSINESS

- C** [16-333](#) A RESOLUTION AUTHORIZING THE TRANSFER AND USE OF
MONEYS FROM THE REGISTER OF DEEDS TECHNOLOGY FUND
PURSUANT TO K.S.A. 28-115A.
Presented by: Tonya Buckingham, Register of Deeds.

RECOMMENDED ACTION: Adopt the Resolution and authorize the
Chairman to sign.

*Ms. Tonya Buckingham, Register of Deeds, greeted the Commissioners and said,
"Mr. Chairman, in accordance with K.S.A. 28-115a, I have determined that the
balance of the Register Deeds Technology Fund at the end of the 2015 calendar year
is greater than \$50,000, and that \$500,000 is not needed by the Register Deeds
Office for technology purposes. K.S.A. 28-115a thereby provides the Board with the
authority to transfer those funds from the Register of Deeds Fund to a county fund to
be used by other county offices for equipment or technological services relating to the
land or property records filed or maintained by the county. I recommend that you
approve the resolution and I would be happy to answer any questions."*

*Chairman Howell said, "First of all, I would like to say, this is, I believe, the first
opportunity you have had to do this type of meeting agenda item; is that correct?"*

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

*Chairman Howell said, "I want to say thank you for being our Register of Deeds.
Tonya Buckingham was recently elected because of the passing of Bill Meek. I want
to say thank you for being here and for the good report. You did a great job.
Commissioner Peterjohn."*

*Commissioner Peterjohn said, "Yes. Since we're over \$50,000, can you be a little
more specific, Madam Register of Deeds, in terms of how much money is exactly
going to be provided? Because this is one of the more fun events from being up here
on the Commission bench, when we're in this position."*

*Ms. Buckingham said, "Yes. Well, with the \$500,000 that's going to be transferred
that you will approve today, we will be right over \$5 million. And that started in 2002."*

Commissioner Peterjohn said, "Wow, \$5 million total overall?"

Ms. Buckingham said, "Yes."

Commissioner Peterjohn said, "Thank you very much."

Ms. Buckingham said, "You are welcome."

Commissioner Peterjohn said, "I think that's an important figure. Glad to be able to get it on the record this morning. Thank you."

Chairman Howell said, "Any other comments or questions from Commissioners?"

MOTION

Commissioner Peterjohn moved to adopt the resolution, authorize the Chairman to sign.

Commissioner Unruh 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, "Commissioner Norton."

Commissioner Norton said, "Just a reminder, this money doesn't go into the General Fund, it goes into a Technology Fund for other land use areas, like the Appraiser and the County Clerk, so it doesn't just go to offset other bills. It has to be used for technology that would affect land use."

Chairman Howell said, "Thank you for that clarification, that reminder, Commissioner Norton. Madam Clerk, next item."

Adopted

D [16-265](#)

AMENDMENT TO EXTEND EXISTING GRANT FROM THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) IN THE AMOUNT OF \$915,295 TO PROVIDE OUTREACH, PREVENTION AND INTERVENTION SERVICES THROUGH THE HEALTH DEPARTMENT'S HEALTHY BABIES PROGRAM AND THE HEALTHY FAMILIES AMERICAN PROGRAM AT THE KANSAS CHILDREN'S SERVICE LEAGUE (KCSL).

Presented by: Adrienne Byrne-Lutz, Health Director, Sedgwick County Health Department.

RECOMMENDED ACTION: Accept the award; authorize the Chairman to sign the grant award amendment; authorize the

Purchasing Director to provide written notice to the Kansas Children's Service League of the County's intent to exercise the third of the three one-year options to renew the parties' agreement; and establish budget authority as provided in the financial considerations section of this request.

Ms. Adrienne Byrne Lutz, Health Director, Sedgwick County Health Department, greeted the Commissioners and said, "This morning I am asking for the grant award in the amount of \$915,295 from the Kansas Department of Health and Environment to provide services to at-risk pregnant women, children, and families for the Health Department's Healthy Babies Program and the Healthy Families American Program at the Kansas Children's Service League. Approximately \$745,000 of that would stay with the Health Department and Healthy Babies Program, and \$170,000 of that passes through to the Kansas Children's Service League.

"We received this funding for 14 years. This agreement for the Health Department pays for part or all of ten positions, and then contractuels and commodities. Healthy Babies is an educational program for prenatal and parenting families. Education and family support is provided through home and office visits. Services are available to all Sedgwick County residents, regardless of income or insurance coverage. Program outcomes focused on decreasing the number of preterm and low birth weight babies to Healthy Babies participants, as well as increasing safe practices of putting the baby in the bed on its back, and if there are any blankets or pillows, toys, in the crib with the baby, to make sure that all that is removed so it is a safe sleep environment.

"In 2015, Healthy Babies provided services to 775 women and 602 babies. I would recommend you accept the award, authorize the Chairman to sign the grant award amendment and authorize the Purchasing Director to provide written notice of the Kansas Children's Service League of the County's intent to exercise a third of the three one-year options to renew this grant. I would be happy to answer questions."

Chairman Howell said, "Thank you, Director Byrne-Lutz. Anybody from the audience like to speak on this agenda item? Commissioner Peterjohn."

Commissioner Peterjohn said, "Yes. Thank you, Adrienne. Been a while since we've had an update on the number of SIDS case in our community. Can you give us a ballpark in terms of how we are doing countywide on those cases? Because I was thinking it was about this time last year we had an approval, and had some discussion on SIDS at that time, and I know we talked about it a number of points, and the idea of trying to get people to have the babies sleep on their back instead of on their stomachs. It's been a continuing challenge."

Ms. Byrne-Lutz said, "I am only familiar with the most recent ones that occurred in 2016. I don't off the top of my head have the 2015 numbers. We do partner very closely with the SIDS Network, and their primary focus is adding that additional education for safe sleep. In 2016, we know we have at least seven already that have been identified as co-sleeping deaths. I don't know if those have been confirmed through autopsies, but there were seven reported deaths so far."

Commissioner Peterjohn said, "When you say co-sleeping, what are we talking about exactly?"

Ms. Byrne-Lutz said, "Sleeping in the same bed with mom."

Commissioner Peterjohn said, "We've had seven cases, is that statewide or local; county wide?"

Ms. Byrne-Lutz said, "I believe it's local; county numbers. I will confirm that for you."

Commissioner Peterjohn said, "Okay. I was going to say, that's continuing, sounds like a continuing educational challenge. Most of the SIDS cases previously had been an infant was sleeping alone on their stomach, as opposed to sleeping with anyone else."

Ms. Byrne-Lutz said, "Absolutely. It is a challenge. There are lots of families and women that co-sleep where the baby is safe, but it is a risk that really isn't worth taking. Moms are tired, they are breastfeeding, and so to ease the transition, lots of moms go ahead and make that choice. And, again, there are plenty of instances that don't become cases, but it is just not worth the risk to co-sleep."

Commissioner Peterjohn said, "Thank you."

Chairman Howell said, "Along that questioning, I believe I heard you say, or someone say that one of the cases was in fact a Healthy Babies client, I don't know what the word is. But someone involved in the program. They also had, I guess, one of these SIDS cases was related to the program?"

Ms. Byrne-Lutz said, "I believe that is true."

Chairman Howell said, "The other six, again, apparently were people we didn't actually provide services to. I will just go ahead and say, last year, one of my concerns about this program, and, again, I think it is a good program, I certainly appreciate the intent of the program, by my calculations, we are only touching 1/32nd of the population that actually is having children that are identified as higher risk people. But there's a lot of folks out there that are having these same issues that are not in the high-risk pool. So somehow, it would be my wish that we could somehow expand the program. I believe we are spending a lot of effort on a few people. I would like to see lesser effort on a much larger audience. So we have hopefully some effective outcome that would be much broader than just 1/32nd of the population. So it is just my opinion. I know this is the program designed by someone at the state level, I assume. Is this program a state program?"

Ms. Byrne-Lutz said, "This has federal pass-through."

Chairman Howell said, "So this money is intended to be utilized exactly as we are utilizing the money."

Ms. Byrne-Lutz said, "That's correct."

Chairman Howell said, "We don't have the freedom to reengineer this program. But if we did have that freedom, again, my opinion is to have communication to the majority of moms, would be my hope. Unfortunately that's not the way the program is designed to be utilized. Out of these seven, sounds like six were folks we didn't have any communication with. That's unfortunate. Add one that we did. I know that looking at the statistics for the folks in the program, it has been effective for them. It's not very often that someone in the program actually has a SIDS event. That's extremely unfortunate it happened in 2016. I guess my wish would be the program could be expanded so many more moms would have the information. Maybe not as many visits, but have some input from the program. That's not the way the program is designed to be implemented. So that's unfortunate."

"Commissioners, any other comments. Commissioner Norton."

Commissioner Norton said, "I think you are right. But there is a system out there between the SIDS Network, Safe Sleep, the hospitals, places where people receive prenatal care. This is a sliver of the whole system that talks about infants and how they sleep, how you keep them healthy, how you keep them safe. So even though we would like to maybe reach more people, I really believe there are plenty of fingers out in the community that try to reach the total population, and then we really zero in on those at most risk.

"Between the Kansas Children's Service League and Safe Sleep Coalition and SIDS Network, I think there's plenty of information out there for the general population. We are focusing on the hardest to get to population."

Chairman Howell said, "Thank you, Commissioner Norton. Any other comments from Commissioners. What the will of the Board?"

MOTION

Commissioner Unruh moved to accept the award, authorize the Chairman to sign the award amendment, authorize the Purchasing Director to provide written notice to the Kansas Children's Service League of the County's intent to exercise the third of the three one year options to renew the parties' agreement and establish budget authority as provided in the financial considerations section of this request.

Commissioner Norton 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, "Thank you. Next item, please."

Approved

E [16-321](#)

RESOLUTION TO REVISE THE SEDGWICK COUNTY GRANT APPLICATION AND AWARD POLICY.

Presented by: Justin M. Waggoner, Assistant County Counselor.

RECOMMENDED ACTION: Take the action deemed appropriate by the Board of County Commissioners.

VISUAL PRESENTATION

Mr. Justin M. Waggoner, Assistant County Counselor, greeted the Commissioners and said, "Today I am presenting to you the proposed modification to the County's Grant Application and Award Policy. Just to kind of go back to how this document was initially put together, it was initially established in 2008, and then it was amended most recently in 2013. It really outlines kind of the scope of the County's grant participation and delegates authority to the County Manager to approve grants based on dollar amounts, match requirements, whether the grants do or do not add FTEs

(Full Time Employees), and it also lays out the procedure so that staff can look to the document and understand how to process those grants through our Legistar software and some of those features. The item up today is the proposed grant modifications, really the key change to it would be to have the county not accept certain grants, HUD grants, that fit within the Affirmatively Furthering Fair Housing Regulations (AFFH). And in the draft that was in front of you, the red line draft, there was also I believe a clean version of it, subsection 4G of the grant policies and procedures. Commissioners Ranzau and Commissioner Peterjohn had requested this item in an attempt, and what they indicated was to be proactive and not have the county enter into grants that are subject to these Affirmatively Furthering Fair Housing Regulations. And I will get into a little bit more detail as to what those regulations include. But really, that's the gist of what the modification would include.

"I call them AFFH regulations are new HUD regulations that were promulgated last year. The stated purpose was to expand upon the fair housing act statute, which was enacted back in 1968. It directs all executive departments and agencies to affirmatively further the purposes of the Fair Housing Act. The scope of these regulations, I mentioned earlier, they apply to HUD grants, to certain programs within HUD. In particular, on this side you will see different programs, Community Development Block Grants, Home Investment Partnerships, I understand those are for repairs to dilapidated housing, Emergency Solutions Grant, Housing Opportunities for Persons with AIDS, and so Section 8 and Section 9 housing, which those are both housing voucher types of programs.

"The only program out of those six that the county currently participates in is Section 8 housing. The revision to the Grant Policies and Procedures that's been drafted in front of you today would prevent the county from participating in the first four programs that were mentioned. And they are listed on the slide there. In other words, those are the four that are mentioned, chiefly in the material from HUD, some of the commentary, and essentially the county would continue, if you all adopted this policy, would continue to not apply for those grants or enter into grant agreements for those.

"The revision to the grant policy would apply to Section 8 and Section 9 housing at whatever point HUD would require the county to complete an assessment of fair housing as part of its application and agreement process. The timeline included within the regulations, of course it is not as explicit as just saying Sedgwick County is required to do it on this date. There's different time frames for different, how you are classified as a housing authority. Best I can tell and how we are classified now, assuming that would still be the case into the future, it would be January 1st of 2020, is when the county would be required to have an assessment of fair housing completed for our Section 8 Program. Really, to kind of give an idea of the scope of that, just so it is understood, the impact if you pass this, there are 167 current Section 8 housing contracts, and I understand the County's authorized to have up to 342 total. If the county were to approve these grant policies changes, at whatever point HUD would require that assessment of fair housing, the county would not participate in Section 8 housing agreements any further.

"It is important to note that there are two pretty vastly different lenses that you can view some of the positions on HUD and these Affirmatively Further Fair Housing regulations. Also important to point out as noted on the slide here, that these regulations have been the subject of some scrutiny in Congress. In particular, actually, about two weeks ago the senate actually just voted to, for lack of a better term, defund these particular provisions and HUD's enforcement of these regulations. It failed 60:37, there's also a similar vote last summer by the House of Representatives that initially passed, but then it didn't go any further. It did not make it further as part of the Omnibus Bill at the end of 2015.

"Really as I mentioned, this can be viewed, I think there are two distinct lenses. The first the position that HUD has put forth, and promulgating these regulations. They indicated the regulations give the grant recipients clear guidelines. Also provide quite a bit of data so that their housing operations can further fair housing. The claim that HUD has made is this allows grant recipients to address housing disparities, also they say I think they have some, in their commentary, some recognition of the term Affirmatively Furthering Fair Housing is very vague, and they wanted to provide some clarity to the grant recipients. Also, they have a duty to do this under the Fair Housing Act statute, and they are following their charge to know it's been through the Fair Housing Act to do this. The opponents on the Affirmatively Furthering Fair Housing regulations, broadly stated, has viewed this as intrusion into the local government by the federal government that amounts to overreach.

"And really, there is a whole host of claims have been made, and some of those are that the regulations they are proposed exceed the scope of the Fair Housing Act, because it gets into things such as items that are conceivably viewed as non-housing elements, such as transportation, planning and zoning, employment determinations, there have also been claims by some of the opponents that these regulations are overly burdensome or amount to what's been referred to as social engineering. Also, some of the concerns, this would lead to increased enforcement by HUD in terms of following the grant recipients to making the grant recipients follow the regulations and possibly pursuing legal action if they didn't. The claim there is the grant recipients as part of the assessment of fair housing may kind of build a case against them by noting all the things in the community that are not supportive of the Fair Housing Act, and then, you know, through their grant receipt, they fail to adequately address those, they get sued.

"There is a case out of Westchester County, New York, that's viewed as a kind of a cautionary tale, if you are an opponent. Just briefly speaking on that, I mean, it's the most extreme case that we can see, the concern is in that case the county in Westchester County, New York, they accepted some of this HUD funding. The claim was that they did not adequately address their housing disparities and actually exacerbated the housing disparities with how they were locating some of the housing they provided. And ultimately there was a lawsuit, there was a settlement agreement reached. Then years later the same plaintiffs from the earlier case came and said they failed to meet the settlement agreement obligations. As part of the settlement agreement they reached, they were supposed to take any and all measures to affirmatively further fair housing, and really, the court found that they didn't meet up the terms of that settlement agreement. The concern from the opponents of these Affirmatively Furthering Fair Housing Regulations is that lawsuits like that may become more prevalent.

"Moving on to the conclusion here, it is very important for me to stress, you know, I am an attorney, myself and other attorneys in the County Counselor's Office, we will often tell you what the law requires, we will often tell you recommendations on the law. This item isn't really one that is a legal required action. It is squarely a policy decision for you all to make. It is up to the will of the Board as to what you would like to do as a policy decision. In my opinion, this is not a significant liability concern. First, for a couple reasons, it is unclear how HUD is going to utilize these regulations into the future, and secondly, when I say it is not a major liability concern, that's kind of specific will to Sedgwick County. That's assuming our current participation, which is just Section 8 Housing. These are smaller contracts, kind of disparately located in different places around the incorporated area, second and third-class cities. I think that where you would see a higher likelihood of liability concern would be, for example, if we were taking several millions of dollars in a community development

block grant, or something along those lines. But really, as I noted, it is a policy decision. Commissioner Ranzau and Commissioner Peterjohn can speak to this, but the concern from their standpoint was trying to get ahead of this.

"The recommendation that I would have is take whatever action you all as a Board deem appropriate, and I would be happy to stand for questions as well."

Chairman Howell said, "Thank you for the good report this morning. Commissioner Ranzau."

MOTION

Commissioner Ranzau moved to adopt the provisions of the Sedgwick County Grant Application and Award Policy.

Commissioner Peterjohn seconded the motion.

Commissioner Ranzau said, "As we were told, this is an attempt to be proactive, and stop the federal government from intrusion into our local affairs. This is clearly an attempt on the federal government to exceed their constitutional authority with respect to local planning and housing decisions, and right now we have not participated in a lot of these programs a whole lot, I think it is in our best interests to avoid doing so in the future. We don't need the federal government intruding any more than they do. This is how they try to control us. They give you money, then they want to tell you how to live and where you have to build a house and what you have to build it, what you have to eat and drink.

"Frankly, I think the people of Sedgwick County and the State of Kansas are just fed up with it. We are going to stand up and say enough is enough. Rather than intruding into things for which the federal government has no constitutional authority, want you do something about things that you do have authority in. But of course that's not the situation we are at right now, so I appreciate the work that the Counselor's Office has done on this and I fully support this change today."

Chairman Howell said, "Any other comments from Commissioner Unruh."

Commissioner Unruh thanked the Chairman and said, "I'm in harmony with the position that we don't want any more intrusion from the federal government. I think I said pretty strongly about I don't like intrusion in my decisions from the state government. I also don't like them from the federal government I am just wondering in my consideration of this, it doesn't seem like it hurts us in any way. Do we not have the ability to turn down these grants? The way our current policy is, anything over \$25,000, it's up to the Board of County Commissioners to make that decision to receive the grant."

Mr. Waggoner said, "Marty Hughes is here, he may be able to answer, if he needs to correct me on this. My understanding is on the Section 8 grant, we don't have like an annual grant that we get, like a chunk of money that comes for approval. These are individual contracts, or agreements that we have with the landlords, and then we also have an agreement with the tenants as well. They have to follow the program requirements. So those individual agreements, I don't believe, come in front of you in that context.

"However, what this grant policy would do is if you all approve it, once HUD requires that assessment of fair housing to be completed, which we think, again, is going to be in 2020, that you would no longer apply for that unless and until the County

Commission would amend the policy at that point. At this point, we are not required to run a major grant in excess of \$25,000 in front of the Board of County Commissioners. Instead, there are individual grants that come up for approval with the tenants and the landlords."

Commissioner Unruh said, "I understand what you said, but we do not have to approve application for this?"

Mr. Waggoner said, "You know, like a lot of the grant programs we have, they have annual applications. Section 8 housing, there is not actually an application. I think Marty Hughes is going to come up, maybe address some of that a little more specifically."

Mr. Marty Hughes, Revenue Manager, Finance, greeted the Commissioners and said, "On the Section 8 program, the funding is an annual allocation from the federal government from HUD, and so we don't really apply for it each year. It is basically allocated to us, and we have it available to use for these vouchers for rental assistance. So in that respect, we don't really go through application process. In general, on the current grant policy is that if the grant is \$100,000 or more, it would come before the Commission, before the Board, to be approved. Anything less than \$100,000, would be under County Manager's approval process."

"So in that regard, under normal circumstances, a grant would, you know, over \$100,000 would come to the Board for your approval before we accept it. Or even apply for it. But in this case, for the HUD voucher program, it is just basically an allocation of funds. It doesn't really go through an application process. I don't know if that answers your questions."

Commissioner Unruh said, "That's helpful, I appreciate that. I guess the question is how would this work, then, if in 2020, it is the potential that they may apply this AFFH to Section 8 housing so that would trigger, we would send them a note saying don't send the money."

Mr. Waggoner said, "That's a good question, Commissioner Unruh. There is a couple different thoughts that I have on that. First, the way the language in the regulations is worded, it says for a qualified housing authority, which is what Sedgwick County is classified as now, after the last year of the current five-year plan, which our current five-year plan ends December 31, 2019, after that we would be required to do this to follow these regulations for Section 8 housing."

"In pointing that out, the thing to know is, I would imagine the way HUD is going to do this, it's worth noting that our staff has communications with HUD, I don't think, especially enlightening in terms of helping staff understand how HUD is going to apply this to Sedgwick County. But I think the way it would probably apply is included in the five-year plan. The language, it is addressed as a certification that the county would affirmatively further fair housing in our five-year housing plan approved in 2015, but there is not the assessment of fair housing that's required. That would apply likely as part of our five-year plan then, if the current regulations stay in place, as we are understanding them. Again, still have sought feedback from HUD on that. But that's how I believe it would occur."

"You asked how the existing housing would be required. There are due process rights attached to probably both the landlords and the tenants in their agreements with the county. That's something that would have to be addressed in the future if this policy is passed. Time to do that between now and then. There are some due process rights. Probably more than just sending a letter. And, you know, probably

one of those things, providing as much notice as possible would be advisable as well."

Commissioner Unruh said, "Okay. Well, I just, you know, like I say, I am in harmony with this. I think the federal government in this thing, is a deplorable overreach, especially in the example we have from that case in New York State. I just don't want to be tying our hands if there's something about this AFFH that we can live with that's workable, and we can still provide this housing for some of our citizens in the future. I don't know what the regulations are as they apply to Section 8, because they haven't been determined yet. Is that right."

Mr. Waggoner said, "Well, maybe I should have explained this in a little more detail. Here's what the regulations require. The assessment of fair housing is where you look at, you analyze all this data, from various things, whether it's jobs, whether it's demographics, you know, all these different factors, trying to find areas that your community has disparities in fair housing. You identify those. There is a public hearing process. It not just a one-page document, it is a very involved process that would have to be undertaken, and a lot of analysis of data that's taken, so that when you apply for those grants subject to those regulations, you are indicating what the disparities are and how you will address them. The concern, again, from some of the opponents, is that you take the funding in this, and maybe things don't go as you planned in that assessment of fair housing, then you may be subject to either HUD trying to file suit or claw back for funds. I think that's the concern that was expressed. But that assessment involves a lot of analysis, public hearing process, and it is really kind of tying all that together and pointing out where your disparities exist. And there's some mention of taking into consideration in your planning and zoning some of the transportation, I believe, was mentioned as well. Some of those types of things you do in local government. And does that help answer your question, Commissioner?"

Commissioner Unruh said, "I think so. I am not sure what my question was, if you want to know the truth. I guess I am just thinking about passing a resolution about a potential move by the federal government which we will not like, though we don't know what that is yet. We are just thinking it might apply in 2020, and I understand preemptive action. I understand that's legitimate. But are we presently in a situation where we think we might be in violation?"

Mr. Waggoner said, "No. We haven't had any claims that there was lack of compliance. That's part of our status as a qualified housing authority. You have to have less than 500 total agreements. We certainly have less than at that. You also can't be essentially in the warning status, where you've had concerns and problems raised."

Commissioner Unruh said, "Okay. Well, I notice that Annette Graham is here and she is the one that runs our housing program. She hasn't jumped up to say anything is wrong. If we are doing a good job now, we don't know what those regulations might be. They haven't applied them to us yet. If they do what we think, it is a good thing what we are contemplating here. Seems like I would prefer that we make our policy when we know what more of these details are. I agree that it looks like they are heading down that road of being able to put restrictions on us, and requirements on us that we will not like. So, I understand all that. It is just, I guess my initial thought is, we could wear our law department out trying to make resolutions about things we think might happen that we won't like. And when we don't know exactly what they are yet. And I know that as has been said by Commissioner Ranzau, he put a lot of work in on this. I don't know. I am not opposed to the intent of this thing. However, it seems like with this particular preemptive action we're being too aggressive on our side, it seems like. Anyway, that's all I have."

Chairman Howell said, "Thank you, Commissioner Unruh. I would like to give the public an opportunity to speak to this agenda item. Anybody from the audience who would like to provide comments this morning? Seeing none, Commissioner Peterjohn."

Commissioner Peterjohn thanked the Chairman and said, "I agree with Commissioner Unruh, in terms of we've got examples nationally, in other parts of the country, I think you called it deplorable overreach. Unfortunately, think that's not a rare example. It is increasingly a commonplace event. That's the reason why I was supportive. I want to try and provide information for the record. I do think it is important to be proactive instead of reactive. We have a policy in place where we have appointed county staff involved in grants, and especially with the description on how Section 8 is handled, but also, we have got grants, I believe it is \$50,000 and less, that can be approved without having to come to the Commission. We need to set policy, so I'm supportive of this proposal which is why I seconded it. I appreciate Commissioner Ranzau's work in this area.

"I want to provide just a little bit of background. This variation on previous discussions we have had. Washington all too happy to put money out in a grant and have all sorts of hooks in terms of regulations, rules, whether it's affecting planning, housing, zoning or what they generally call social engineering, putting more provisions in place to come at us. I think this is important for some other reasons. I think it would be a benefit to other local units that might be following what direction we are proceeding here with Sedgwick County.

"I have had cases where other KAC (Kansas Association of Counties) events, I've had other Commissioners come up to me and asked me about what we did, and why we did it at the County Commission level here. I think it is important, because there are other local units that will be affected by this, and mandates, edicts, whatever you want to call it, no law has been changed from Washington. This is an interpretation that has come down, and it's often unclear, but I am going to assume that it is coming out of the bureaucracy in one form or another. We can talk about motivations, and the people who administer current federal statutes, but in the rather challenging environment that we live in at the moment, I think it is important for us to be out front, and to give guidance because if staff ends up in a situation where there's grants and the Commission is in a position where we aren't meeting for a while, and action needs to be taken, I would like to have our policy set in place so that we are going to be determining the policy. There is a lot of talk about local control.

"I think the closer we can bring it back to the people, a better step. I think certainly, at the local level, a better determinant than what Washington wants to do in terms of coming out of our capitol. I would be supportive of this proposal today, and I really hope that this won't be necessary in terms of the near future, but like I've said in other context, the old Boy Scout in me, Boy Scout motto, 'Be prepared.' and I view this as a step of being prepared. Thank you."

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

Commissioner Ranzau said, "Just to clarify, we do know what the federal government will require. They will require furthering fair housing assessment. That means we that participate and pay for and fund an extensive assessment, a lot of people will be involved in it, and people would say they think this or that is unfair practice, and we have to come up with a plan to address that. If you don't do that satisfactorily, some of the people actually participate in that assessment could then sue the county. Who

could sue us?"

Mr. Waggoner said, "You know, it is a good question. Standing is really the issue, and I believe sometimes you have, for lack of a better term, interest or advocacy groups who may come forward and bring suits. That could be a possibility. I don't think necessarily just the participants in the process of developing that would have standing to sue. Certainly, you know, there is a possibility that HUD, you know, the federal government through HUD could sue you and say you are not following the regulations that are in place."

Commissioner Ranzau said, "We had a discussion in my office about maybe the advocacy groups."

Mr. Waggoner said, "I think there is an advocacy group involved in the Westchester County case for the chief plaintiff. I think the United States was one of the plaintiffs, but I believe that they, you know, it wasn't just the United States, he think there were a couple of other parties that were involved. I don't know if any individuals as well. But when you ask about the question about the participation developing the assessment, I don't think if you are just somebody who participates in that that you would have standing. You are just somebody who gets up and speaks. I don't think you have standing in a future lawsuit. I think that it is tough to predict how this would work out. If you are somebody who says that you are harmed because your housing was located in an area, economically disadvantaged area, and that was not compliant with fair housing, maybe that person would have standing, too. I am not certain on that. But those are probably the more likely plaintiffs in those types of situations."

Commissioner Ranzau said, "Nevertheless, we will open ourselves up to litigation, and it is about controlling people saying, well, this type of housing needs to go here, or there, or there. And enforcing zoning and planning regulations to do that rather than allow a market-driven type of solution to whatever the housing market desires. So it is a form of centralized government planning they are trying to exert upon us in their vision and control us to do it, either we will get sued or lose funding. I think now, when we are not taking that funding, is the best time to say we won't participate in the future. So if they make the decision to try and force us to do it, it will ultimately be their decision, but we will be prepared to address that and avoid consequences of the federal government's action. Thank you, Mr. Chairman."

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

Commissioner Norton said, "I am probably not going to support this today. I understand what we feel about the overreach of the federal government, the state government. I think this right now, this is much to do about nothing. We don't participate much in housing. It's more municipalities and other governments than us. In fact over the years that I have been here, we diminished what we've done on housing, and our partnerships with HUD, so I think having this conversation is healthy, because that does raise the red flag that maybe in the future we'll need to do something, but to eliminate our flexibility, not knowing exactly what will happen, I don't think I can support that today."

"Although the conversation is good, because now we understand what may happen in the future, 2020 is pretty far on the horizon, and as I see it, we continue to diminish our footprint as far as any kind of housing, and that falls more towards many of the other programs that were defined here that we don't participate in, and never have. So I am not going to be supportive of this action today at all. That's all I have, Mr. Chair."

Chairman Howell said, "Thank you, Commissioner. I have a couple questions. Looking at the actual policy proposal on page 3 of 5, Item G-1, it says requires an assessment of fair housing and slash (/) or."

Mr. Waggoner said, "Correct."

Chairman Howell said, "I think we need to make that or. It needs to be one or the other. To me, and/or together does not create clarity."

Mr. Waggoner said, "I think it can be or."

Chairman Howell said, "Okay. Because let me go back a couple pages, in the backup material, on page number 2, backup material, top paragraph. It says if the proposed revision to the grant application and award policy were to be adopted and if HUD were to begin requiring the AFFH assessments as a condition of the county receipt of Section 8 funding and absent any subsequent modification, then we would be prohibited from applying for these funds. So the word is there in that paragraph is and. I would like to be clear, which is it?"

Mr. Waggoner said, "Well, let me explain the thought behind how this is drafted, since you brought it up. It indicates that, if you look under G-2, that specifically identifies, if you refer to the regulations which are referenced midway through, 24 CFR 5154-B-1, those are the four programs included in there. So those specifically encompasses those. I think there's some concern as to if future programs were brought into the Affirmatively Furthering Fair Housing Regulations, so one is a catch-all, G-1 is intended to be a catch-all, that would include at any point in time when Section 8 and 9 housing is required to complete the Affirmatively Furthering Fair Housing's assessment of fair housing, or any other program that may fall into those regulations in the future, it's intended to be a catch-all.

"There's overlap between G-1 and G-2, but that's intentional so as to be as broad as possible. And also give specificity to staff on G-2 it, as to what regulations we are referring to."

Chairman Howell said, "Just from my question, would it be troublesome to change that word to the word 'or' to make it clear?"

Mr. Waggoner said, "I think 'or' would clear up the confusion on that."

Chairman Howell said, "Do I need to make a motion to make that change."

Mr. Waggoner said, "If you made your motion subject to the change."

Chairman Howell said, "I'd like to do a red line change to that phrase and remove the word 'and' so it's clear. For further questioning here, under G-2, A through D, are we receiving or have we received any of those types of funds in the past?"

Mr. Waggoner said, "Yes, we have. I know we've participated, and if you have further questions, Marty would be better able to answer those. I know we have participated in the home investment partnerships as recently as three years ago. We had participated in that. But I don't believe we've ever participated in the community development block grants as far as I know. Actually, I am going to have Marty Hughes answer your questions."

Chairman Howell said, "As you answer the question, please talk about the magnitude of the grant and how long ago it was, please?"

Mr. Marty Hughes, Finance, greeted the Commissioners and said, "Okay. Actually, I went over, did a little history study on this recently. This item. So what I found dating back to 1991, we received the following number of grants in different categories. Under the CDBG (Community Development Block Grant) category, we received eight grants totaling about \$1,644,000. There was a Wichita Heights Water Project that we did, a 1993 Road and Bridge Urgent Need Grant related to flooding that happened back then. And then we had some CDBG Housing Rehabilitation Grants and we had Sunview Sewer Urgent Need Grant, we had a sewer problem from a flood back in 1997, I think it was. And then we had an economic Development Grant; United Warehouse Grant in 2003. So those are the primary. Of course we had the CDBG Microloan program, too. Those are the primary projects under the CDBG Program. Under the home program, we had multiple housing, either Rental Assistance or Housing Rehabilitation Programs from 1993 through I think 2010 was the last award we received on the home program. We had 16 of those totaling \$2,426,000, and then there was one other program that's not mentioned in the regulations, or in the federal register, that's Neighborhood Stabilization Program, which we just completed a couple years ago. It had a requirement for this particular requirement, federal requirement. And that was just one grant for about \$5,600,000. So that's the summary of what we had in the past. In the past, there was Affirmatively Fair Housing Requirements, but it was more passive requirement in that we did basically outreach, you know, notifying, making loans available or, you know, through fairs or senior expo, you know, things like that. So it wasn't really any planning related to it, or anything like that."

Chairman Howell said, "Just to confirm, how long ago was the Stabilization Program?"

Mr. Hughes said, "The Stabilization Program began in 2009, and it wrapped up, I think our last expenditures were in 2013 on that grant."

Chairman Howell said, "Was there an assessment done at that time?"

Mr. Hughes said, "An assessment wasn't required. Requirement was more of a passive notification, just making it available through brochures or bulletin boards, posters, you know, we had, I think we had some Proclamations we did, in April, for Fair Housing Month just to make it publicly known that there are Fair Housing laws."

Chairman Howell said, "Thank you for your answers. Mr. Waggoner, one more question for you. Just to confirm, if we adopt this policy change today, there is nothing in this policy that prohibits us from revisiting this in the future. Say we want to go ahead and do the assessment required by the government, we would do the assessment and we would be able to receive block grants at the time. We could do that at anytime?"

Mr. Waggoner said, "Correct. You could amend them at any time with a simple majority vote."

Chairman Howell said, "Okay. So it would just take a simple majority to reverse direction. Thank you for your answer. I have some further comments. I will recognize Commissioner Ranzau first."

Commissioner Ranzau thanked the Chairman and said, "Just to clarify some of the history of how we got here. When we first found out about this, one of the first things I did, I asked if we participated in any of these programs, and they said no, but we had in the past. With the exception of Section 8, which we're still doing. Some of the four

that are the primary programs at issue here, we are not currently participating. So it really made sense, and keep in mind in the past, this new rule was passed in 2015, correct? So in the past, although it was the Fair Housing requirement, it wasn't as specific as what it is now. Moving forward, participating in the same grants could trigger additional requirements and much more specific requirements. So this makes sense now the timing we are not receiving those particular grants to put this in our policy so we don't inadvertently apply for and get ourselves involved in something, not really understanding the additional requirements that would now be required.

"That's the rationale behind this. And we did identify specific ones, but the first, number one there, previously discussed, a catch-all in the event that the federal government decides to make this assessment a requirement of some of the program that's currently not required, so that staff is aware as they go through and apply for grants to ask that question to ensure that we are not inadvertently getting into something that would trigger this requirement."

Chairman Howell said, "Thank you, Commissioner. Couple comments here. I was in the legislature in 2011 when the Kansas Department of Education made the choice to move into Common Core. This was done, I would say, for the most part, without the knowledge or the consent of the Kansas State Legislature. They spent a number of years trying to repeal the move towards Common Core just in the State of Kansas. And had they had something like this in place, then that would have had to go to the legislature for approval in the first place to move in that direction. They didn't have that type of stopgap policy in place. Therefore, the agency on their own made a decision to go in that direction, and the legislature spent a number of years, and tremendous number of hours debating whether this is the right direction for the State of Kansas. Been very controversial, and very political, and I see this as not a limitation on our ability to move in this direction, but what this is, it allows us to make a thoughtful, conscientious decision to move in this direction, should that be what comes at us.

"Obviously this is political. On page 2 of the backup material, it says that the AFFH Regulations have come under some scrutiny and have been both in the U.S. House of Representatives and the Senate to not apply for or enforce the regulations. This is, you know, Congress has spoken to this to some degree, they don't have control over the agency of HUD, so HUD is making rules on their own without necessarily the consent of Congress. I see this as a very similar situation, and I think this allows us to make thoughtful decisions, should this be the way the agency begins to mandate what we have to do here. We can always go that direction, but it gives us a stopgap to make that decision, thoughtfully, rather than just assuming that it will be done by agency decision.

"I think the Commission needs to be involved in this. I would like to support the resolution today. On that note, let me just say the government does have many, many examples of ways they control local decisions with money, most recently we have the President, who has spoken to the restroom policies of our local schools. That's a good example. I think there's many who are concerned that might involve federal funding for our schools and therefore there is a great interest whether or not we need to amend our policies based on that alone. That is a good example, it is very recent, but having an addiction to other people's money they make decision that is are not really local decisions, but decisions because we are simply attached to the grants and can't make thoughtful decisions when these things happen, to me, I think this is a timely decision today to amend this policy so that when this comes at us, and if it comes at us, we'll have the chance to have a much more robust debate at that time and make a choice whether to go down this path or not. Commissioner Unruh."

Commissioner Unruh thanked the Chairman and said, "I guess I want it reiterate what was confirmed. Our program now is fully in compliance. This is not an action to try to protect something that, what we feel like we are not up to speed on any of our housing programs, is that correct?"

Mr. Waggoner said, "To the question, yes, I am not aware of any claims or any action by HUD against the county for any of our housing authorities, or any along those lines. This is really, I think the word proactive has been used. The intent behind it was to make it clear the county is not going to participate in this if it were passed, in these types of programs passed. Not the result of any claims from HUD that we are failing to affirmative further fair housing or anything along those lines."

Commissioner Unruh said, "And this action is on the basis of what we have seen in our places we think might apply here?"

Mr. Waggoner said, "I think that's some of the concern. I mean, there's a number of other concerns, but I think that the potential for some lawsuit or something like that is part of the concern."

Chairman Howell said, "We are going to vote in just a moment. My final comment, again, I believe there are folks that are administer this program right now, doing a great job. So this is not, in any way, a criticism to them. I think we are doing a good job. I believe that in the absence of any current lawsuits or criticisms from anybody, I think that's evidence right there that we are doing it right, and once you get into this assessment, I think it opens us up to criticisms we don't currently have. The idea of fairness is a theoretical idea, but it does open up the idea of whether or not things are really being done fairly."

"Again, I look at the equity lawsuit that's going on in our schools right now. The idea of equity is a synonym to the word fairness and I think what that does is open us up to scrutiny and whether or not it's being done correctly."

"Again, I think it is obviously desirable to be fair, but I think when you go down this path, you do open yourselves up to people to criticize whether it is being done in their idea, whether it is being done correctly or not. I think we are better off right now where we are at. Again, we of course can make a decision to go down this path, should that be something we have to contemplate down the road. Right now, it is best to have a policy that allows that robust and thoughtful debate to happen when it is right before us. I would like to recognize our Legal."

Ms. Karen Powell, Deputy County Counselor, greeted the Commissioners and said, "I think before we take a vote we need a clarification on the motion. The actual recommended action is to take the action deemed appropriate by the Board of County Commissioners. If it is the intent of the Board to support the change to the policy, then I would suggest the motion might state that the resolution that's included with the policy be adopted. The policy is incorporated within that resolution."

Commissioner Ranzau said, "I think I did say that, did I not?"

Ms. Powell said, "We have the motion that it was to take the recommended action. Since the recommended action."

Commissioner Ranzau said, "I think that I went on to say it approve the policy. Let me clarify my motion is to approve the change, Sedgwick County Grant Application Award Policy, with the exception that on item G-1, we delete the word 'and.' is that okay?"

Ms. Powell said, "That's fine, but also adopt the resolution."

Commissioner Ranzau said, "Okay, and adopt the resolution."

Chairman Howell said, "And authorize the Chairman to sign."

Ms. Powell said, "Yes."

Commissioner Ranzau said, "That is my motion clarified, if my second will support that."

Commissioner Peterjohn said, "Your second will support that."

Chairman Howell said, "Are we good to vote now? I am getting a thumbs up. We have a motion and a second. Any other discussion? Seeing none, Madam Clerk, call the vote."

VOTE

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

Chairman Howell said, "Next item, please."
Approved As Amended

F [16-345](#)

CRIMINAL JUSTICE PROGRAM REVIEW.

Presented by: Marvin Duncan, Public Safety Director.

RECOMMENDED ACTION: Receive and file the report.

VISUAL PRESENTATION

Mr. Marvin Duncan, Public Safety Director, greeted the Commissioners and said, "Today we will begin with Criminal Justice Program. And we will be looking at first quarter 2016, comparing it to last year's. First up is the average daily population of bookings, detentions, work release, out of county, and the average daily population (ADP) is a statistic that's captured in a snapshot of time. And it counts the number of inmates that are assigned to a particular location. So the first area we will look at is bookings. Bookings were up a little this year over the quarter last year by 30. Detention was up only about 16, and work release was up 27, good news for work release. Out of county, that population was up 11.

"On the next slide, we look at the percent of municipal inmates that had charges from one arresting agency and charges from multiple agencies. Look at the bars on the right, March 31st, 2016, there were 1,366 inmates, and of those, 150, or 11 percent were being held on charges from one municipality.

"This slide indicates the number hours billed to the City of Wichita for their municipal inmates. This goes back to when it was initiated in January of 2008. In January 2008, we had almost 198,000 hours, and this March of 2016, we had 111,000 hours. So that's 87,000 hours fewer for March than it was eight years ago.

"Next we look at bookings and releases. For the year to date bookings, compared to last year, we have 169 more this quarter. For releases, though, we had 178 more releases than the last year's quarter.

"Here's the average length of stay. Average length of stay in bookings in hours, and so that's just hours on the length of stay in the booking process, housing is measured in days, and then you see the combined there, that's both booking and housing, and because there are so many bookings, that's what drives down the combined, because bookings are in hours. Here's the average length of stay. We are talking about booking hours going up over the last couple CJCC (Criminal Justice Coordinating Council) meetings.

"One of the items the Sheriff had not seen as many violent crimes that he's seen earlier this year, those take more time in booking. We also found in the Sheriff's Office, that some of the inmates kept in booking over the weekends and they shouldn't have been. I did check April's booking hours, it dropped down to 20, so hopefully we will see another drop this next month.

"Average length of stay. We talked about booking already. You can see how much higher it was this first quarter than last year. I think we corrected part of that problem. Housing was up a couple of days, but then when you look at the combined year to date average, we are up .7 of a day, over the last year.

"Here's the slide that really tells the effects CJCC has had on the system. These are the trends at the bottom. You see that the average daily population for booking and for work release is in red, and for out of county is in green. The big drivers are detention population there in the middle in the blue, and then you add all those together, we are holding our own. It is kind of leveled out over the last few years and one of the things we talked about at the last CJCC meeting is what do we need to start looking at next, maybe possibly affect getting the numbers even lower than what we've kind of leveled out at.

"Here is the total monthly ADP; bookings, detention, facility, work release and out of county, you can see the history there, over time. Here's the Adult Supervision snapshot. Daily reporting will not exist after this month. Pretrial services was up 66 over last year's quarter, and that's good. The DA Diversion Program is up, which is good. SCOAP (Sedgwick County Offender Assessment Program) is up a little and that's good and so is the drug court. We're making good use of those other programs.

"Here's the Adult Supervision snapshot for other funded agencies. You can see most of them are Wichita there. Most of Wichita's other funded items are lower this quarter than they were last year for the first quarter. Corrections, the Adult Intensive Supervision is 174 more this quarter than last year. So that's a good indicator. The Adult Residential is being used more, had 17 more this quarter than last year. Here's a look at the BICE (Bureau of Immigration and Customs Enforcement) holds; we had five on March 31st.

"Here are the felony inmates that are in our system right now. There's 196. It dropped significantly. And then here's the long-term inmates. There's 62 inmates that are in the system for a year or more, and they have all the other things that you see below that mixed in with the 62. I saw a huge spreadsheet, trying to figure out how many have both pretrial, work release, it gets pretty complicated, but I think it's important you know there's 62 long-term inmates in the system.

"So that concludes this briefing. If there are no questions or comments, I would

recommend that you receive and file."

Chairman Howell said, "Thank you, Mr. Duncan for the report. Commissioner Peterjohn."

Commissioner Peterjohn thanked the Chairman and said, "I very much appreciate the report. Some important data in here for the community. We took a little action earlier today to talk about problems we had with potentially what can come out of Washington [D.C]."

"Slide 14 that you presented up here, you talked about how there is a decrease, but you go back to last year there was a big jump in these numbers in terms of the number of felony inmates, and normally felons serve their sentences in the Kansas Department of Corrections, but because of state law that basically says they must serve if they're convicted of certain crimes, they have to serve their sentences; I believe it's felony DUI's (Driving Under the Influence) and also if they write bad checks they serve time in county jails across all 105 counties here, and since we've got 196 people, I mean, the work of the CJCC and I think all of us who have followed CJCC closely, the excellent work that they've done in terms of being able to keep this community safe but not overtax our detention facilities, whether it's the jail, work we lease or anything else, deserves some credit."

"To have roughly close to 200 people who are felony inmates in the jail, in that population, that is a very significant percentage. I mean, that's close to 20 percent of just the jail's capacity by itself. It's well over 15 percent. I'll pull the number back a little bit, and that's still about one out of every seven people who the Sheriff has in custody."

"I think the data in this report is very important, and it's a trend that we need to continue to monitor, because if this gets out of control, costs of operating the statutorily mandated facilities that we have for Public Safety are going to increase significantly. So this is an important report."

MOTION

Commissioner Peterjohn moved to receive and file the report.

Commissioner Ranzau seconded the motion.

Chairman Howell said, "Any other comments from Commissioners? I have one question. Please remind me, what is the capacity of our detention facility here, the jail?"

Mr. Duncan said, "Do I have that number?"

Chairman Howell said, "Commissioner Peterjohn, he answered my question. He said a little over 1,100. That's the number. I was curious, has the City of Wichita given us any official communication regarding their intention with their reporting center? Have they indicated their plan?"

Mr. Duncan said, "The last that I heard, they were looking at some options."

Chairman Howell said, "So as of right now, as far as we know, we are going to shut down that program at the end of June."

Mr. Duncan said, "Yes."

Chairman Howell said, "That's the current plan. It was Commissioner Peterjohn's explanation on slide 14, that big jump, is that the result of the state leaving some of the inmates that would normally go to other facilities, leaving them in our jail? Is that's what's going on there?"

Mr. Duncan said, "I want to say yes, but I know you used to be a legislator, so I need to check."

Chairman Howell said, "I had no idea this was happening. I probably should have known this. It seems like a tremendous change in the data starting there about September 2015, and it's very significant."

Mr. Duncan said, "I'll check with the Sheriff. But I seem to remember there were some DUI things that came out of the legislature."

Mr. Mark Bowman, Intern, Manager's Office, greeted the Commissioners and said, "There were a couple of things that were discussed at CJCC recently. One of them has been that there have just been more warrants out than there has been in the past, for felony crimes. There was one other issue talked about a little bit with the Department of Corrections. I think there was one other issue, and I will look through the CJCC minutes today and get you some more information on that."

Chairman Howell said, "That would be great to find that out. Commissioner Peterjohn."

Commissioner Peterjohn said, "Mr. Chairman, in terms of this chart, I'm not familiar with any specific change that the state made that would explain the jump that occurred in the end of the third quarter, beginning of the fourth quarter last year, but this has been an ongoing, continuing problem and I'm going to say several years ago we managed to put a provision into the KAC (Kansas Association of Counties) Legislative Agenda that basically requests that the state remove convicted felons from county jails across the state. We've had that policy in place."

"These numbers that are here, I know this goes back, we're talking, years. I'm not sure why we had the spike last year. That's not related to any specific change that I'm aware of, and maybe that there's more additional information from someone who has been following and perhaps been on CJCC that can explain that spike more recently, but it's been a long-term continuing problem. Whether we're talking about 100 prisoners, 150, or it looks like here we actually went up to almost around 250, almost 250. I really believe the convicted felons ought to be serving their sentences in the Kansas Department of Corrections. Thank you."

Chairman Howell said, "Thank you for that clarification. The only other chart that I have that this really pops up and I guess that really needs to have an explanation; that would be slide 7. You said there was an increase in violent crimes, but obviously the trend line has changed drastically since about this time last year. I guess we need to understand what's going on there more deeply. Again, it's very concerning to see the trend going that direction so steeply."

Mr. Hughes said, "Mark reminded me that the last time we talked to the Sheriff about this that it had been an unusually warm winter, and so people were more active outside, but we do have the issue where they were keeping people in the booking section that should have been in other areas of the detention facility, and they got added in. He's corrected that. It's coming down. April numbers, when I checked, they were down to 20 hours. But the Sheriff did say he had a lot of violent crimes early in

the year."

Chairman Howell said, "It just makes me wonder if some policies changed or some process has changed that caused this data to jump. Anyway, any additional thought or analysis on that you might be able to develop and provide to us would be very welcomed."

Mr. Mike Scholes, County Manager, greeted the Commissioners and said, "Just to clarify, on the number of beds in the jail, Commissioner Peterjohn is near, 1,122 exactly."

Chairman Howell said, "Very good. Thank you for the absolute number there. Appreciate that good information. Commissioners, any other comments or questions? We have a motion to receive and file. We have a second. Any other discussion? Seeing none, Madam Clerk, place call the vote."

VOTE

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

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

Received and Filed

G [16-104](#)

PRESENTATION OF THE JUVENILE JUSTICE REPORT.

Presented by: Marvin Duncan, Public Safety Director.

RECOMMENDED ACTION: Receive and file the report.

VISUAL PRESENTATION

Mr. Duncan said, "We're going to switch a little bit and look at the juveniles in our system. We always start off with the Juvenile Justice Services Continuum. This is kind of the stairway to a bad place, to jail, and how we can intervene or prevent as we work with those juveniles as they go through the system. It starts out with prevention programs in the upper left and then ends up down in the juvenile correctional facilities on the right. Those boxes that have 'M' are mandatory for the county to have those programs.

"Here are the prevention programs. The ones in yellow, programs are funded by the Crime Prevention Juvenile Intervention Program. And in the green are those that are funded by Kansas Department of Corrections. The primary ones, which we don't have any right now, but they're directed to the population at large. The secondary column there in the middle is focused on at-risk youth, and it's designed to prevent juvenile crimes before it occurs. And then finally the tertiary on the right, that follows the arrest, and that's when we get involved with those individuals.

"Here's the statistics on JIAC, the Juvenile Intake and Assessment Center. JIAC prevents youth from getting deeper into the system. They do assessments on the juveniles while they are there, and then they offer them referrals to take advantage of; 70 percent of the youth do take advantage of the referrals. They're there in an effort to help the youth avoid reoffending and becoming more deeply entrenched in

the system. Most juveniles are brought in by law enforcement because they were suspected of some sort of illegal behavior. Replacement dispositions of JIAC, you'll see the red line there in the middle. Most kids that go to JIAC actually get released to their family. However, there are some that go to a shelter, detention, or other, and those are down at the bottom. And in the orange line at the top is a combination of all of those.

"Juvenile Detention Facility admissions, which we call JDF, is a 24 hour facility. It has male and female offenders and alleged offenders who are awaiting court hearings or placements by the state or in out of home placements somewhere. As you can see there, the reasons. Either courtesy hold, writ, warrant, charge, and total of JDF admits.

"There are 108 beds in JDF, but the facilities only staffed, right now, for 81. So there is the trend, the population that's going into JDF. What's the cost? The cost is \$229 per day, and the average length of stay is 21.2 days. This is a Juvenile Residential Facility, and it's a residential staffed secure facility, and it provides a less costly alternative to secure detention. You're probably familiar with it. It kind of sets off to the side of JDF. Kids actually get on the bus and go to school from the Juvenile Residential Facility.

"Community based supervision, it's much like probation, and those numbers are up a little bit this quarter than they were at the end of 2015. The weekend alternative detention program, I'm told that this is an interesting program where the youth have to get up on Saturday morning and go in for training, and their parents have to get up and get them there. So it gets the family involved as well.

"Graduated sanctions. There's three programs operated by Sedgwick County. The intensive supervision probation, juvenile case management, and then the residential facilities are the YRC's (Youth Reporting Center), and then we have SCYP (Sedgwick County Youth Program). SCYP is a 20-bed YRC II facility for male offenders 16.5 to 21 old. It's designed to assist the juveniles in preparing for independent living. They get coaching and help with resume writing. They get jobs. I think there's a fairly high percentage that have employment. And then the two programs operated by the other agencies are juvenile division, District Attorney's (DA) office, and juvenile probation by district court.

"Here is what's going on in intensive supervision. It serves offenders on probation and ones that are at risk of entering state custody or some sort of juvenile corrections facility. The average ADP for this program is 146. Juvenile case management, case management services are provided to juveniles in state's custody, and those on conditional release, and the supervision term is usually about a year increment, and this is trending down slightly.

"Here's SCYP. We talked about SCYP a little while ago. The employment rate for those juveniles are 92 percent. SCYP was down in March and in April. It looks like it will be about the same. It will be up to 14 in April. So it will jump back up a little bit. But remember. It's only a 20-bed facility.

"Here are the total funding costs for juvenile programs. You see grant funds are a little over \$4 million. Department of Corrections is funded for \$7.6 million, and then Corrections has a maintenance fund that's about \$1.2. So the total for Sedgwick County is about \$8.8 million, and then the grand total is \$12.9.

"Here's the cost of the mandated programs. JIAC at \$692,000, JDF, it's a grant of \$191,000, but then Sedgwick County has about \$6 million in that, and then there's

facilities cost again for \$7.2 total. Cost of other programs, prevention programs, the residential facility as a Department of Corrections, and the total for the general fund is about \$1.45 million. Community based alternatives, we have another \$224,000 in there, and then SCYP is a grant, and it is \$808,000.

"That's a quick look at the juvenile programs, and I'll stand for questions and comments. If none, I would ask that you receive and file a report."

Chairman Howell said, "Commissioners, any questions or comments?"

MOTION

Commissioner Unruh moved to receive and file.

Commissioner Peterjohn seconded the motion.

Chairman Howell said, "Mr. Duncan, thank you for a good report. Apparently there's no questions. You did a good job."

Mr. Duncan said, "Well, I had good help from Mark Bowman, our intern."

Chairman Howell said, "I appreciate that. We have a motion and a second. No other discussion, Madam Clerk, please call a vote."

VOTE

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

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

Received and Filed

H [16-346](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON MAY 26, 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 of May 26th resulted in five items we would like to present to you this morning:

1. 2016 Nova Chip (R175B) for Public Works

"Recommendation is to accept the low bid from APAC – Kansas, Shears Division in the amount of \$4,164,608.47.

2. 2016 Super Seal (R342) for Public Works

"Recommendation is to accept the bid from Andale Construction, Inc. in the amount of \$1,234,645.34

3. *Shredding Services for Various County Departments*

"Recommendation is to utilize State of Kansas Contract 3905 with Underground Vaults and Storage, d/b/a Document Resources (UVS) and establish contract pricing through March 31, 2019.

4. *Prevention and Early Intervention Services for the Division of Health and Human Services*

"Recommendation is to accept the proposals and execute service provider agreements for annual spending as listed above with Youth for Christ – McAdams Academy for \$115,000.00, Kansas Legal Services for \$25,760.00, Youth for Christ – City Works Program for \$60,000.00, The Pando Initiative, Inc. for \$41,854.00, Mental Health Association of South Central Kansas for \$54,300.00, Tiospaye, Inc. d/b/a Higher Ground for \$95,000.00, Episcopal Social Services for \$79,286.00, and Ember Hope for \$187,952.00 for a contract period of three years.

5. *2017 Ford Police Interceptor Utility Marked and Unmarked Vehicles for Fleet Management*

"Recommendation is to accept the low bid from Rusty Eck Ford in the amount of \$303,838.00.

"That's all I have. I recommend your approval and I will be happy to answer any questions."

Chairman Howell said, "Commissioners, what's the will of the Board?"

MOTION

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

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."

Approved

CONSENT

- I [16-308](#) Contract renewal with the City of Wichita to provide treatment services for the Municipal Drug Court.

- J** [16-315](#) Amendment to the Annual contract between the Kansas Department on Aging and Disability Services and the Sedgwick County Developmental Disability Organization.
- K** [16-319](#) Agreement to provide After Hours Mental Health Emergency Services for Compass Behavioral Health.
- L** [16-320](#) Partnership Agreement between COMCARE and GraceMed for the Integration Clinic.
- M** [16-343](#) Agreement for Director/Chief Toxicologist Services for the Regional Forensic Science Center.
- N** [16-331](#) Waiver of policy to hire an Enterprise Resource Planning (ERP) Business Analyst with 40 hours vacation accrued and a vacation accrual rate of 15 days per year.
- O** [16-323](#) Resolution to authorize the destruction of Aging Department records 1980-2010 (DISP 2016-254 HS-Aging).
- P** [16-328](#) Resolution to authorize the destruction of Elections records 2009-2010 (DISP 2016-260 Elections).
- Q** [16-324](#) Resolution to authorize the destruction of Health Department WIC Records (DISP 2016-255 HS-Health WIC 2009).
- R** [16-325](#) Resolution to authorize the destruction of Health Department records 1991-2012 (DISP 2016-256 HS-Health).
- S** [16-326](#) Resolution to authorize the destruction of Human Resources records 2008-2012 (DISP 2016-257 Human Resources).
- T** [16-329](#) Resolution to authorize the destruction of Sedgwick County Developmental Disability Organization (SCDDO) Records 1996-2010 (DISP 2016-261 HS-SCDDO).
- U** [16-334](#) Resolution to authorize the destruction of Sheriff Records 1980-2014 (DISP 2016-259 Sheriff).
- V** **16-313** Order dated 5/2/2016 to correct tax roll for change of assessment.
- W** **16-322** Order dated 5/11/2016 to correct tax roll for change of assessment.
- X** **16-327** Order dated 5/16/2016 to correct tax roll for change of assessment.
- Y** [16-335](#) General Bill Check Register for May 18, 2016 to May 24, 2016.

Z [16-336](#) General Bill Check Register for May 25, 2016 to May 31, 2016.

AA **16-337** Payroll Check Register for the May 14, 2016 payroll certification.

Mr. Scholes said "I recommend you approve Consent Agenda Items India through Alpha Alpha."

MOTION

Commissioner Ranzau moved to adopt the Consent Agenda.

Commissioner Unruh 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."

Adopt the Consent Agenda

OTHER

Chairman Howell said, "Commissioners? Commissioner Ranzau."

Commissioner Ranzau thanked the Chairman and said, "I want to address a couple things that were in the editorial in the [Wichita] Eagle today. I'm not going to talk to the main issue that it was about, but there were a couple of things I want to clarify and correct for the record.

"First of all, they make a statement that the County Commission's behind the scene role in a decision about a subcontractor in a roads study. This is at least the third time the editorial page has given the impression or stated that the majority of the Sedgwick County Commission had something to do with the Bothner and Bradley issue. There have been two editorials that stated this and a cartoon that gave that impression. That is false. It is a lie. I'm not sure where the Editorial Board gets this idea. I don't recall anyone actually reporting on it. I know I personally had absolutely nothing to do with it, but yet the head of the Editorial Board continues to lie to the community about this. Why would they do that? I find it very disconcerting. But then I'm not surprised. We're entering into an election cycle, so the propaganda and misinformation, deception will accelerate at every level, local, state and federal. But when you use your platform to mislead and intentionally lie to the public, that's not helpful to the community. There are plenty of policy differences, which are fair, but I would encourage the Editorial Board to review its criteria, its policies. Opinions, you're entitled to have opinions, but intentionally deceiving and lying to the community should be outside the bounds of, well, they should have higher ethical standards, I would say. Quite frankly, they owe the community, not the Commission, I don't care about myself, but the community a retraction and apology for intentionally

deceiving them.

"Next issue, the agreement being extending to November 18th. I think it's important to point out that the Sedgwick County Zoo Board asked for an extension, and we accommodated that request. What were we to do? Say no? We accommodated it and we made it, as the Manager said, the latest date possible from a practical standpoint to give them the maximum amount of time, although they expect to have it done beforehand. But the fact of the matter is, they couch this as something we forced them to do, when, in fact, they requested an extension and we accommodated. That's about being a good partner, but nevertheless, I could make it a full-time job commenting on the false and misleading information you hear from the media oftentimes. I can't undo it, but on occasion I do take the time to correct it, particularly when misstatements are about what the majority of the County Commission did or did not. It's repeatedly misstated, and it was done repeatedly without any basis for it. I can only assume that it's intentional, and I hope to correct that for the record. Thank you."

Chairman Howell said, "Thank you for your comments, and by the way, I completely agree with everything you just said. I appreciate those comments. Commissioner Peterjohn."

Commissioner Peterjohn thanked the Chairman and said, "I am going to go in a slightly different direction this morning, because I do plan to participate in the County's portion in the River Festival Parade Friday evening with at least one other member of my family. I anticipate there will be other folks participating, too."

"I would like to see accuracy in all the news media, whether they're reporting nationally, state or locally, too. Let me talk about June 1st for just a moment. Because June 1st is an important day in American history."

"June 1st, 1990, President George H. W. Bush and the Soviet leader, Mikhail Gorbachev, signed an agreement to end chemical weapon production and begin destroying stockpiles of these hideous weapons. On June 1st, 1789, President George Washington signed the first official Act of Congress and two very important events also occurred on June 1st for U.S. History. In 1813, the captain of the USS Chesapeake sailed out of Boston harbor and engaged during the War of 1812 with the British warship Shannon in a ship to ship duel. The Americans were in bad shape. The Shannon had one of the best trained crews in the Royal Navy. Lawrence had an inexperienced and very young crew, and the battle did not go well for the Americans. Captain Lawrence, in charge of the American vessel, basically, was mortally wounded and was carried below deck and gave his last order, 'Tell the men to fire faster. Don't give up the ship.' Despite this command, [USS] Chesapeake was captured and Captain Lawrence died the next day leaving behind a wife and daughter."

"A friend of his heard of his death and statement, and he had his friend's dying words stitched on to a large banner, which he flew on his flagship, the USS Lawrence during the Battle of Lake Erie in September 1813 during the War of 1812. Oliver Hazard Perry is not very well known. But we won that battle. The United States won that battle, and that flag now hangs in place of honor in Memorial Hall at the United States Naval Academy in Annapolis, Maryland with the words, Don't Give up the Ship and it's now a rallying cry for the United States Navy."

"But there was something even more important that happened on June 1st, going back to 1774. In response to the Boston Tea Party, Britain closed the Port of Boston, and interestingly enough, the colonies rallied behind the Massachusetts Colony in"

this, and the colonial assembly in Virginia, including a relatively obscure retired military officer, militia officer, by the name of George Washington, Washington and his House of Burgess colleagues basically passed a resolution to engage in a day of prayer and fasting in solidarity with Boston. And this was a key event that led up to obviously the American Revolution and in 1775 the Shot Heard Around the World in Lexington, the Battle of Concord, the Battle of Bunker Hill, and of course, in 1776, the Declaration of Independence and all the events that followed. So June 1st is a very important day in American history. I wanted to provide that for the record this morning, Mr. Chairman. Thank you."

Chairman Howell said, "Mr. Manager, anything else to come before the Board this morning?"

Mr. Scholes said "Nothing else."

Chairman Howell said, "Well, we completed our agenda, and we'll see you back here hopefully on June 8th."

AJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:05 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:
