

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



*Sedgwick County...
working for you*

Meeting Minutes

Wednesday, June 22, 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

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:05 a.m. on June 22, 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 Karl Peterjohn; Mr. Ron Holt, Assistant County Manager; Mr. Eric Yost, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. Kelly B. Arnold, County Clerk; Ms. Susan Erlenwein, Director, Environmental Resources; Ms. Debbi Zavala, Management Intern, County Manager's Office; Col. Richard Powell, Chief Deputy Sheriff; Mr. Marty Hughes Revenue Manager, Finance; Mr. Jon Von Achen, Assistant County Counselor; Mr. Joe Thomas, Director, Purchasing; Mr. Brian Ritchey, Firemaster Technician, Sedgwick County Fire District No. 1; Mr. Justin Waggoner, Assistant County Counselor; Ms. Dee Staudt, Director, Sedgwick County CDDO; Mr. Michael North, Assistant County Attorney; Ms. Kate Flavin, Communications; Ms. Laura Billups, Deputy County Clerk.

Guests:

*Ms. Taunya Rutenbeck, Appointee
Ms. Janice Bradley, 214 Buckridge, Wichita
Sergeant Jeff Swanson, Wichita Police Department
Ms. Billie Knighton, 7 Landsdown Drive, Wichita
Mr. Lynn Rogers, 912 North Spaulding Avenue, Wichita
Ms. Emira Palacios, 1407 North Topeka, Wichita
Ms. Guadalupe Magdaleno, 1751 North Ash, Wichita
Ms. Cristal Magdaleno, 1751 North Ash, Wichita
Mr. Bill Anderson, 1227 Jefferson, Wichita
Sister Mary Ellen Lock, 3700 East Lincoln, Wichita
Ms. Ponka-We Victors, Representative of 103rd District
Dr. Gretchen Eick, 1536 North Park Place, Wichita
Ms. Claudia Yaujar, 6602 E. Harry St. Apt. 1010, Wichita
Ms. Janice Bradley, 214 Buckridge, Wichita
Sister Dorothy Leblanc, 3700 East Lincoln, Wichita
Mr. Djuan Wash, 547 Trotter, Maize
Ms. Cybil Strom, 326 N. Walnut Street, Wichita
Ms. Janet Ferguson, 6715 South. Grove Court, Wichita
Ms. Margy Altdual, 1414 North Woodland Avenue, Wichita
Ms. Teresa Day, 2417 North Lindberg, Wichita*

FLAG SALUTE

INVOCATION: Pastor Ron Pracht, Olivet Baptist Church

CALL MEETING TO ORDER

ROLL CALL

The Clerk reported, after taking roll, that Commissioner Norton was absent.

PUBLIC INFORMATION ANNOUNCEMENTS

PUBLIC AGENDA

Chairman Howell said, "We have an off-agenda item we want to insert between Items G and H. It's a small idea, will take just a couple of minutes, I believe. We want to amend the agenda now. It's an item related to a public hearing. We set a hearing for August the 17th, and that needs to change. We're going to change that to a different date. So that's what that's about."

MOTION

Chairman Howell moved to take into consideration an Off Agenda Item between Items G and H.

Commissioner Peterjohn seconded the motion.

There was no further discussion and the vote was called.

VOTE

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

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

CONSIDERATION OF MINUTES

A [16-378](#)

SPECIAL MEETING MINUTES OF MAY 26, 2016.

All Commissioners were present.

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

MOTION

Commissioner Ranzau moved to adopt the Special Meeting Minutes of May 26, 2016.

Commissioner Peterjohn seconded the motion.

There was no further discussion and the vote was called.

VOTE

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

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

Approved

APPOINTMENTS

- B** [16-387](#) RESOLUTION APPOINTING KRISTIN PETERMAN (BOARD OF COUNTY COMMISSION AT-LARGE APPOINTMENT) TO THE SEDGWICK COUNTY JUVENILE CORRECTIONS ADVISORY BOARD.
Presented by: Eric Yost, County Counselor.
- RECOMMENDED ACTION: Adopt the Resolution.
Adopted
- C** [16-389](#) RESOLUTION REAPPOINTING TERRI S. MOSES (BOARD OF COUNTY COMMISSION AT-LARGE APPOINTMENT) TO THE SEDGWICK COUNTY JUVENILE CORRECTIONS ADVISORY BOARD.
Presented by: Eric Yost, County Counselor.
- RECOMMENDED ACTION: Adopt the Resolution.
Adopted
- D** [16-405](#) RESOLUTION REAPPOINTING TAUNYA RUTENBECK (BOARD OF COUNTY COMMISSION AT-LARGE APPOINTMENT) TO THE SEDGWICK COUNTY JUVENILE CORRECTIONS ADVISORY BOARD.
Presented by: Eric Yost, County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Mr. Eric Yost, County Counselor, greeted the Commissioners and said, "Items B, C and D are all three appointments to the Sedgwick County Juvenile Corrections Advisory Board. Item B is the appointment of Kristin Peterman. Item C is the reappointment of Terri Moses. Item D is the reappointment of Taunya Rutenbeck. The paperwork all appears to be in order, and I would urge adoption of all three resolutions. I would also point out that Ms. Rutenbeck is present to be sworn in."

Chairman Howell said, "Thank you, Counselor. Commissioners, what's the will of the Board?"

MOTION

Commissioner Ranzau moved to adopt the resolutions for Items B, C, and D.

Commissioner Unruh seconded the motion.

There was no further discussion and the vote was called.

VOTE

Commissioner Unruh Aye

Commissioner Norton Absent
Commissioner Peterjohn Aye
Commissioner Ranzau Aye
Chairman Howell Aye

Chairman Howell said, "Thank you, for that. If Taunya Rutenbeck is here..."

Mr. Kelly B. Arnold, County Clerk, greeted the Commissioners and said, "I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge the duties of the office of Sedgwick County Juvenile Corrections Advisory Board so help me God."

Ms. Taunya Rutenbeck, Sedgwick County Juvenile Corrections Advisory Board, greeted the Commissioners and said, "I do. Thank you very much for this appointment, and I'm looking forward to serving another three years in this position. Thank you very much."

Chairman Howell said, "I just want to say thank you so much for your service as well. Appreciate you. Madam Clerk, next item please."

Adopted

NEW BUSINESS

- E [16-317](#) CONTRACT FOR A HOUSEHOLD HAZARDOUS WASTE REMOTE COLLECTION EVENT ON JUNE 25, 2016 FOR OAKLAWN CLOTHING 'N STUFF, WICHITA, KANSAS.
Presented by: Susan Erlenwein, Director, Environmental Resources.

RECOMMENDED ACTION: Approve the contract.

Ms. Susan Erlenwein, Director, Environmental Resources, greeted the Commissioners and said, "A lot of people have chemicals in their homes that they don't use anymore. Those might be found under the sink or in the garage. It could be that can of paint that was used on a bedroom five years ago, that has just been sitting there ever since. It could be something that someone saw on a TV commercial and it was a miracle cleaner and they discovered it didn't live up to what was advertised, so it's just sitting under the sink all this time. Kids can get into these chemicals, so it's best to properly dispose of them."

"Sedgwick County has a Household Hazardous Waste Facility for proper disposal of these unwanted materials. People can take it to the facility. It's located at 801 Stillwell, and it's open from Tuesday through Friday, 9 a.m. to 5 p.m., and Saturday 9 a.m. to 3 p.m. In order to better serve our community, we also offer Remote Household Hazardous Waste Collection events. We have one coming up this Saturday, June 25th, and it's at Oaklawn Clothing 'n Stuff, and it's located at 4858 South Clifton, just south of the intersection of Clifton and 47th Street South on the east side of the road. The event will run again this Saturday from 9 a.m. to 1 p.m. We encourage anyone in the area to bring their unwanted chemicals to that location. If you're not sure what chemicals we'll accept, you can go to www.sedgwickcounty.org, our website, and look to see a list or simply call 660-7464 for more information. Clothing 'n Stuff has signed a contract that's in front of you, and I recommend your approval of the contract for this event, and I'll be happy to answer any questions."

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

MOTION

Chairman Howell moved to approve the contract with Oaklawn Clothing 'n Stuff for a Household Hazardous Waste Remote Collection Event on June 26, 2016.

Commissioner Peterjohn seconded the motion.

Chairman Howell said, "I just want to say, once again, I appreciate this program. I think it's been hugely successful. Every time we do this, it's a great response from the community, so this one happens to be in my district, and I'm excited to see this down at Oaklawn, down in the southeast part of the county. I might stop by with some of my own stuff to get rid of."

There was no further discussion and the vote was called.

VOTE

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

Chairman Howell said, "Thank you, Director Erlenwein. Madam Clerk, next item, please."

Approved

F [16-390](#)

CONSIDERATION OF GRANT IN THE AMOUNT OF \$331,032.00 FOR THE 2016 EDWARD J. BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT: 2016 PUBLIC SAFETY CRITICAL NEEDS PROGRAM.

Presented by: Debbi Zavala, Management Intern, County Manager's Office.

RECOMMENDED ACTION: Open the public hearing, accept public comments and close the public hearing. Approve the grant application and related Agreement with the City of Wichita and authorize the Chairman or his designee to submit the application through the Justice Department Grants Management System (GMS) and accept a grant award agreement containing substantially the same terms and conditions as the application. Approve establishment of budget authority at the time the grant documents are executed.

PUBLIC COMMENT

VISUAL PRESENTATION

Ms. Debbi Zavala, Management Intern, County Manager's Office, greeted the Commissioners and said, "I am here today to present to you the 2016 Edward J. Byrne Memorial Justice Assistant Grant (JAG Grant). It's primary provider of federal justice funding to state and local jurisdictions. Currently, the City of Wichita and

Sedgwick County are classified as disparate jurisdictions. This means they receive funding in one lump sum. The sum can be divided up through a memorandum of understanding between the city and county. The total amount of funding available for both jurisdictions for 2016 is \$331,032. Sedgwick County and the City of Wichita have decided to split the amount 50/50. Sedgwick County's share for the year is \$165,516.

"Today, in addition to accepting staff's recommendation to accept this grant, we also ask that you conduct a public hearing to accept public comments as required by the grant by the United States Department of Justice (DOJ).

"The JAG grant allows funding for a variety of components. These components include within the criminal justice system; law enforcement, prosecution and courts, prevention and education, corrections, drug treatment, planning, evaluations, technology improvements as well as crime victim and witness programs.

"This year, we received funding requests from five different departments. The Regional Forensic Science Center (RFSC) requested \$46,750. The District Attorney's (DA) office requested \$79,674. Corrections requested \$44,000. The Courthouse Police requested \$34,520. And the Sheriff's Department requested \$64,694.

"After submission, these requests went to an internal advisory committee, which was made up of elected officials and county staff. This committee met on June 8th and it consisted of the listing members. Normally these members review the request, prioritize the items and determine which projects are most deserving of funding. This year, the total requests were \$104,000 over our allocated amount of \$165,516. So the review took a little bit more consideration time than normal. As you can see from the committee's recommendations, there are quite a few differences in the amounts requested from these departments, and you will notice that their request from the Courthouse Police was rejected.

"The remaining information will cover what the grant funds are going to be used for. This includes the RFSC's request and committee recommendation for two hydrogen generators, including one replacement. The other is to attach to gas chromatographs, which are being purchased by the department. The acquisition of an additional hydrogen generator will significantly reduce the need for expensive and dangerous high pressure cylinders of high pressure gas within the laboratory. As a result, this purchase will eliminate the need to interrupt analysis in order to change out gas cylinders. Therefore, improving case processing efficiency. The purpose of this purchase is to acquire necessary equipment to support forensic analysis of evidence from criminal activity for all law enforcement agencies and prosecutors investigating and prosecuting crimes that occur within Sedgwick County. These items will increase capabilities and timeliness of forensic services.

"The DA has two items recommended for purchase. The storage area network for electronic evidence with a one-year maintenance contract, and a Tybera API (Application Programming Interface) Interface for electronic filing. Technology used by public safety agencies is rapidly increasing, including evidence such as recordings from body cameras and automobile dashboard cameras, digital photographs, surveillance videos and cellular records, just to name a few. The DA's existing storage area network is not sufficient to accommodate current and anticipated capacity needs. The e-filing interface will utilize data and documents already contained in the District Attorney's case management system and submit both through a third party API interface reducing duplication and manual input, via the state's web interface.

"The purpose of this purchase is the District Attorney's office is required to store, manage and distribute to defense all case-related information regardless of the format. The increase in technology based evidence has a direct impact upon the need for additional digital storage capacity. Each year, the District Attorney's office files thousands of documents within the normal course of business. The 18th Judicial District Court will soon mandate electronic filing of all documents and associated data.

"Corrections recommendations are to purchase drug testing and electronic monitoring services for adult offenders supervised within the community. The purpose for this purchase is because the Adult Intensive Supervision Program needs additional resources in order to continue providing these services at the same level as previous years.

"Additionally, while the Sheriff submitted nine items, the Advisory Committee is recommending the purchase of six of these requests. Two Star Chase GPS (Global Positioning System) Systems, 14 chairs, 6 computers, a new heavy duty copier with electronic filing capabilities, several TVI (Tactical Vehicle Intervention) wraps and 50 shotgun conversions. The purpose for these items are listed. The Star Chase GPS is used as a tracking device designed to adhere to a suspect's vehicle if they should fail to stop for law enforcement and this results in a vehicular chase scenario.

"Purchasing an additional 10 bumper wraps to accelerate the number of patrol vehicles with the protection for tactical vehicle intervention, a less than lethal method to stop some pursuits when conditions are favorable, and a conversion of 50 retired Remington shotguns to less lethal. The desk chairs and computers are replacement items for out of date equipment and the heavy duty copier is to accommodate the number of warrants and future e-filed documents as well as offset their existing machine.

"At this time, it is staff's recommendation that you open the public hearing and allow comments. Then it's the Advisory Committee's recommendation for disbursement of funds as well as approve the agreement with the City of Wichita. If you have any questions about the projects, I believe each department has a representative here to answer those questions."

Chairman Howell said, "Very good. Thank you, Ms. Zavala. I think this is the first time you've had to stand up there and brief us. You did a great job. Thank you for your expertise and for doing a great job this morning.

"Commissioners, are there any questions at this time for Ms. Zavala or any of the agencies receiving funds? Seeing none right now, I will go ahead and open the public hearing for this agenda item. Is there anybody in the audience that would like to speak regarding the JAG grant for 2016? Please come to the podium and state your name and address for the record, please."

Ms. Janice Bradley, 214 Buckridge, Wichita, greeted the Commissioners and said, "I just have a question about the almost \$400 chairs that the Sheriff's Office is purchasing. I just thought that was a little bit over the top. This is a grant, and maybe it's not tax money, but still. Anybody from the Sheriff's office can answer that?"

Chairman Howell said, "We'll take your comments now, and I'll give them a chance to respond if they want to. Anything else that you'd like to say before you're done?"

Ms. Bradley said, "Does anybody know who Edward Byrne was?"

Chairman Howell said, "I don't know if I, I'm not going to answer the question right now. I want to go ahead and just take your comments. Whatever you'd like to say is fine. You've got your time to say whatever you'd like and questions afterwards."

Ms. Bradley said, "My comment is just it seems a little bit over the top to pay almost \$400 per desk chair."

Chairman Howell said, "Well, thank you so much for your comments. Is there anybody else in the audience that would like to speak to the JAG grant for 2016? Okay. Last call. Anybody else want to speak on the JAG grant before we close the hearing? Seeing no other interest, we're going to close the public hearing for the 2016 JAG grant. At this time, I'll bring it back to the Board. Commissioners, any comments or questions? Commissioner Peterjohn."

Commissioner Peterjohn thanked the Chairman and said, "My recollection, and we used to have a retired law enforcement officer and had been a Commissioner, and I believe Edward Byrne is a deceased law enforcement officer who died in the line of duty. If I'm incorrect in that regard, that's my recollection. I believe there's a memorial in Washington, D.C. where his name is enshrined along with the other law enforcement officers very similar, of course, obviously, they've got a lot more names than the one across the street here for the law enforcement officers who gave their lives in the line of duty here in Sedgwick County, but that's my recollection concerning the late Mr. Byrne and the federal grant that his name is on."

Chairman Howell said, "Any other comments from Commissioners? Commissioner Ranzau."

Commissioner Ranzau said, "I just wanted to say staff would like to address the issue that was brought up about the chair for \$400."

Colonel Richard Powell, Sheriff's Office, greeted the Commissioners and said, "Regarding the cost on the desk chairs, office chairs; Sedgwick County has a standing list of preferred vendors or accepted vendors for all types of products and services for the county and its respective entities, agencies and departments use on a regular day-to-day basis."

"The chairs that we are requesting for replacement in this particular program are chairs already identified within the county's purchasing policy and meet the requirements of the purchasing policies that we have within the county and have been previously identified as appropriate. Honestly, I can say that office equipment is expensive, and quite honestly, we were surprised we got them for this small of amount of funding, to tell you the truth. It is not uncommon in the business community with concerns for ergonomic issues and ADA (American Disability Act) issues to easily spend significantly more than \$400 per chair. That will last in the long-term business environment over many years of service."

"We can't typically go to a retail store and buy something like you might put at a breakfast counter in your home or something like that, because we'll be buying them every year, especially organizations that operate on a 24/7 schedule like the Sheriff's Office does with a variety sized individuals that work for us, et cetera. Hopefully that's sufficient explanation."

Chairman Howell said, "Very good. Thank you, Colonel. Commissioner Ranzau."

Commissioner Ranzau said, "Now, when you say that, I think I remember a few years back we had a lengthy discussion when we approved this contract, and I know there

were some, I think I brought some issues up about chairs and some other things, and there were some much more costly alternatives. I thought we made some changes to make more expensive and as you say this may be, as expensive as it is, it's less expensive than what we originally had. With that being said, it may be time to revisit some of these things, not for you, but the Manager, to see if there are more cost effective alternatives out there, but I understand we do need heavy duty chairs that last, because they are continually used, et cetera."

Col. Powell said, "Thank you, sir."

Commissioner Ranzau said, "Thank you."

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

Commissioner Peterjohn thanked the Chairman and said, "My recollection, and maybe this was more after purchasing question than for you, Colonel Powell. I was thinking we were trying to get the best value to meet the requirements that you mentioned; ergonomics, ADA and all the other mandates that come down from various sources on us for one thing or another. There is a state contract, and I think we buy office furniture, some office furniture, through a state contract, and I don't know, would these chairs fall under that or not?"

Mr. Joe Thomas, Director, Purchasing, greeted the Commissioners and said, "Right now, currently, we do not buy off a state contract. We did go through a competitive bidding process to get these chairs. As Colonel Powell mentioned, they're ergonomic situations and other things. \$400 was probably on the low end of some of the bids that we received. Some of the chairs were \$600 to \$700."

Commissioner Peterjohn said, "Let me ask you, do you recall offhand, Joe, how many bidders we had on that?"

Mr. Thomas said, "I'm going to say at least five, to the best of my recollection."

Commissioner Peterjohn said, "Thank you."

Mr. Thomas said, "Thank you."

Chairman Howell said, "Any other discussion? Obviously my experience is, I have purchased office furniture in the past in some of my other positions, and I was also surprised at the high cost of these chairs. I think that if you don't spend the money here, you'll potentially have workplace injury claims down the road. It's important to have a chair that fits the body and it can be adjusted fully, and people will sit in those chairs for the entire shift. I assume these are for office folks that are sitting in these chairs all day long, and so it's important that they have a chair that fits them and can be adjusted properly. Having said, that they are very expensive. I have seen that myself. Any other discussion?"

MOTION

Commissioner Chairman Howell moved to approve the 2016 Edward J. Byrne Memorial Justice Assistance Grant (JAG) application and related agreement with the City of Wichita and authorize the Chairman or his designee to submit the application through the Justice Department Grants Management System (GMS) and accept a grant award agreement containing substantially the same terms and conditions as the application and approve establishment of budget authority at the time the grant documents are executed.

Commissioner Peterjohn seconded the motion.

Chairman Howell said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Just for the record, I'll add that this is a grant that we've been receiving all the time I've been on the Commission. I don't know. There is at least one person here who has been on the Commission longer than I have, and I know this goes back a ways. How far back it goes, I'm not sure, but it's a renewal of a grant that we've been regularly involved with. Thank you."

Chairman Howell said, "Very good. I'd like to just point out, again, this is a long-term grant. They've been doing this for a long time. This is, again, a 50/50 partnership with the City of Wichita, a great relationship we've had with them over the years. I think this is good for them and good for us as well. I appreciate our partnership with Wichita on this one. With that, we have a motion and a second. Seeing no other comments, Madam Clerk, please call the vote."

VOTE

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

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

Approved

G [16-402](#)

CONSIDERATION OF GRANT IN THE AMOUNT OF \$288,881 FOR THE CONTINUATION OF THE INTERNET CRIMES AGAINST CHILDREN TASK FORCE FUNDED BY THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

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

RECOMMENDED ACTION: Approve the Chairman or his designee to submit the application for the grant, and if awarded authorize Chairman to sign award documents for the grant, establishment of budget authority as provided in the Financial Considerations section of this Request, and implementation of the Staffing Table changes identified in the Personnel Considerations section of this Request.

PUBLIC COMMENT

Approved

OFF AGENDA ITEM

Resolution Scheduling a Hearing as Required by K.S.A. 40-3903 and K.S.A. 12-1752, for a Structure Claimed To Be Dangerous Or Unsafe At 16511 West 87th

Street South In Clearwater.

Mr. Justin Waggoner, Assistant County Counselor, greeted the Commissioners and said, "During last week's County Commission meeting, a public hearing was set on this item for August 17th. To explain in a little bit more detail, the county had received insurance proceeds on this matter because a house burned down and has been claimed to be dangerous or unsafe by the director of the MABCD (Metropolitan Area Building and Construction Department). Since then, the August 17th meeting has been cancelled, so what's in front of you in the backup materials is a resolution to reschedule that hearing for August 24th. The recommended action would be to approve that resolution, and if it were approved by statute, it would be published twice and notice would be sent to the property owners. I'd be happy to stand for any questions."

Chairman Howell said, "Thank you, Counselor. Any questions from the Commissioners? What's the will of the Board?"

MOTION

Commissioner Peterjohn moved to change the date for the public hearing for the structure claimed to be dangerous or unsafe located at 16511 W. 87th Street South, Clearwater, Kansas, from August 17, 2016 to August 24, 2016.

Chairman Howell seconded the motion.

There was no further discussion and the vote was called.

VOTE

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

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

H [16-363](#)

RESOLUTION REGARDING ILLEGAL IMMIGRATION.

Presented by: Justin Waggoner, Assistant County Counselor.

RECOMMENDED ACTION: Adopt the resolution.

PUBLIC COMMENT

Mr. Jon Von Achen, Assistant County Counselor, greeted the Commissioners and said, "Our office was asked to research and then draft a subsequent resolution regarding items that the state can control regarding immigration. Immigration is largely controlled by the federal government, but there were some items in the research that we did find that the state can control.

"One of them had previously been identified as changes to the WIC (Women Infants and Children) program that the state could make a request of the U.S. Department of Agriculture, allow KDHE (Kansas Department of Health and Environment) to change their procedures, which would allow for screening of citizenship.

"The other item that was identified was a Kansas Statute that allows in-state tuition for undocumented persons. That statute requires that if an undocumented person otherwise would qualify if they were a citizen that they or their parents can sign an affidavit requesting the in-state tuition, which would then be approved by the institution that they would be requesting it from. It covers all post-secondary institutions, which in Sedgwick County would be WATC (Wichita Area Technical College), WSU (Wichita State University), as far as a publicly funded institutions, along with the community colleges that have satellite campuses here in Sedgwick County.

"Before you is the resolution that was drafted. It asks that we inform the Governor of the State of Kansas, the Kansas Legislature and the Director of the Department of the Kansas Department of Health and Environment that we are requesting that the state pursue these changes. I stand for any questions regarding the resolution."

Chairman Howell said, "Alright. Thank you so much for the presentation. Commissioners, any questions to start up, start conversation on this agenda item? Okay. Thank you so much. We're going to go ahead and move over to public comment, and I'll just say we've got a number of folks that are signed up to speak this morning. As far as I know, everyone that signed up to speak this morning is here to speak on this agenda item. So we've got at least 14 and maybe a few more. We'll see. And so with that, we'd like to try to get through this in an hour or so, so I'd like to go ahead and start off. Let's try to do three minutes, if possible. If you want to, if you need more time, please let me know that, but I'd like to, if you can, just mentally think and try to do it in three minutes if possible. Again, if there is anyone that needs a little bit more time, I would understand that. Please just ask for that and we will accommodate you if possible. So with that, I would like to go ahead and call up our first public speaker today. That's Billie Knight."

Ms. Billie Knighton, 7 Landsdown Drive, Wichita, greeted the Commissioners and said, "I'm grateful for this opportunity to address this particular resolution relating to people who might be undocumented immigrants. Alright? I thought, you know, I had the big picture, and I knew what I wanted to say. Well, the lead editorial this morning kind of said it for me. If I could approach the bench, I'd like to distribute copies of the editorial, and then I won't even have to take my full three minutes."

Chairman Howell said, "That would be fine. If you would just hand them in, and we'll be glad to accept them from you, and at the time of the time, we will receive comments, and it will be entered into the public record here."

Ms. Knighton said, "Yes. It's puzzling to me that we would want in Sedgwick County to even spend much energy on these questions because these are federal and state questions. And beyond what, or maybe part of what they said in the editorial is I think it's very much in our interest to help insure the health of all the residents in our state. And the funding for these things are coming from the federal government. It's in the interest of, in terms of just our economics of having our residents be healthy.

"One big thing is, with the WIC program, if a child is born here, whether the mother is documented or not, that child is a citizen. So something is wrong with that proposal. There's other people who are ready to speak to it, and they'll be very eloquent in what they have to say. Thank you very, very, very much."

Chairman Howell said, "Thank you, Ms. Knighton. I appreciate your comments this morning. I'd like to recognize next Lynn Rogers. I might also ask, Lynn Rogers is an elected official, serves on the USD 259 School Board. Thank you for your service there."

Mr. Lynn Rogers, 912 North Spaulding Avenue, Wichita, greeted the Commissioners and said, "I really don't feel there's any need for this resolution. I tend to try not to speak to other elected officials in terms of you doing your job and us doing our job, but this really does stretch over into our bailiwick. Really the only people that will ultimately be burned by this are taxpayers. It really means fewer students and fewer dollars at the universities. There will be fewer educated residents, and there will be a loss of over \$150,000 per student of what we've already invested in our kids if they've gone through our schools from Kindergarten to 12th grade.

"The only students that can take advantage of the in-state tuition is they have to be a graduate of a Wichita or Kansas school, they have to have attended our schools for at least three years, so already put at least \$45,000 of investment into those students, and they also have to be in the process of applying for citizenship, and so most of these are legal and will be legal residents of the state.

"Also, what's really important to know is that these students don't have any access to financial aid, nor can they get loans, and so many of them work multiple jobs in order to pay their tuition. There is no break in tuition for them other than the in-state portion, which any other resident can qualify for.

"As of 2011, I don't have the most recent, but we're talking about 100 students in our four-year institutions across the state and about 300 to 400 in the community college level. So if you look at the tuition that those 500 students would pay, you're looking at a cut of tuition income for our universities and our community colleges of over \$5 million to \$7 million. That would be a huge cut to them as well.

"I'd like to tell you a story about a young man who went to high school with my son. Actually, he went to school all 13 years. He came at the age of five with his parents. He had no choice in the matter. He went to our schools for all of those periods of time. When they both graduated from high school, my son went off to college, and this young man was not going to be unless he could do this. He chose to stay in Wichita, go to Wichita State [University] and not follow his family to another state. He worked three jobs to pay for his tuition at Wichita State, and he is now a resident of Wichita, an engineer at one of our large aviation companies and literally pays thousands and thousands of dollars in taxes, property, sales and income taxes. So that would be an individual that we would not have in our community or as well educated or someone that's meeting the needs of our community.

"Finally, not finally. I'm sorry. One other thing I wanted to say, if we're really concerned about subsidizing these kinds of things. I was traveling recently in Southwest Missouri there are billboards all throughout Southwest Missouri that students and residents of Southwest Missouri, with no tie to Kansas can get in-state tuition at Pittsburg State [University]. So, if we're concerned about in-state tuition to nonresidents, we need to be as concerned about that as we can.

"Finally, I just want to remind you that this is a process, a law that really works for kids. They are inspired and they aspire to higher education. They stay in school because they know they can get a better job and a better living. It works for our schools as well. Teachers tell us over and over again that when kids are engaged, they learn, they don't make trouble. They graduate. And so I think if we pass this resolution, not only will we have a much poorer educated county, which I've dedicated my service life to public education, but I also want people to be healthy, and so I've got as much concern on the other side, but I wanted to share with you some of the facts of the situation. So thank you very much."

Chairman Howell said, "Thank you so much. I have a couple of questions for you, but I think I'll go to Commissioner Peterjohn first."

Commissioner Peterjohn said, "I'll let you go."

Chairman Howell said, "I have just a couple of questions. Did you say, how many dollars were invested in the student over three years?"

Mr. Rogers said, "According to KPI (Kansas Policy Institute), one of our organizations, they say \$13,000 to \$14,000 a student. So for 13 years, if they go Kindergarten through 12th grade, upwards of \$150,000. That does include, you know, lunches from the federal program. It would include grants, all of those kinds of things."

Chairman Howell said, "That's just a number I've never heard someone from the USD (Unified School District), from the School Board actually say that number before."

Mr. Rogers said, "It's in the budget. We talk about it every Board meeting."

Chairman Howell said, "I understand. Again, you understand there's been a lot of discussion about how many dollars per student, and apparently it's debatable. With respect to headcount, in the school system that you represent, if there's more students, your dollars from the state and the federal, they go up?"

Mr. Rogers said, "Not anymore. Not since the block grants."

Chairman Howell said, "But even right now, your funding is based on the historical formula that we had before the block grants were put in place."

Mr. Rogers said, "But it is less, because the extraordinary grants, we lost about a \$1.8 million out of that, so it is less than out of the old formula and we no longer get anything for additional funding when any extraordinary needs do go up, English as Second Language (ESL), poverty or special education."

Chairman Howell said, "I really don't know the answer to this question, so I'm truly asking the question here. In terms of headcount, in terms of students who are considered in-state students at the universities and colleges, are the dollars that the regents split up, because the state appropriates a certain amount of money, and the regents, KDOR (Kansas Department of Revenue), gets the chance to divide that money against different institutions. Do they look at headcount as one of the factors in terms of how they do that?"

Mr. Rogers said, "I am not aware. I don't know that, because I'm not involved in the higher education side. I know the legislator allocates for the regents, and then they allocate it out, but I don't know how that goes out."

Chairman Howell said, "The example of your student you said that was working here locally, he was able to get his citizenship?"

Mr. Rogers said, "Yes. He applied for that as well. And that's part of the problem. A lot of these kids, when they're in high school, they're kind of caught in a wedge. They can't apply until they reach a certain age. I believe it's 18. There's probably others that could answer that question. If they're in high school, they can't even request citizenship. There's a few that their parents were able to apply and younger children, but they weren't able to do some of the older kids, so in many cases, they were at a disadvantage."

Chairman Howell said, "The law that was passed in 2004 that allowed the in-state tuition to be available to non-citizens. There is a clause in there that says they have to sign an affidavit that says they're working on getting citizenship."

Mr. Rogers said, "Yes."

Chairman Howell said, "And they have to sign that affidavit, either themselves or parents. Is there any type of enforcement or auditing that happens because it is a sworn affidavit? Is there any..."

Mr. Rogers said, "Again, I'm not aware, because I'm not involved in the higher education side."

Chairman Howell said, "Again, I think our interest, my interest personally is we're interested in workforce development. We want those dollars back in our community."

Mr. Rogers said, "Yeah."

Chairman Howell said, "That's one of the things that again, to be honest with you, I'm the one that added this to the resolution. My interest is, again, workforce development is a very, very important topic. They want to make sure they've got people they can hire that can fill those positions and have those skills they need to help the business move forward. It's extremely important. We have to be invested in this. That's why we, as a state, subsidize. It is actually a subsidy to help our Kansans, our citizens here get those skills that they may be able to fill those positions at our local community."

"Ideally, our students that receive these in-state subsidies would be able to get jobs locally. I don't want to see them leave the state, although they have the freedom to do so. One of the challenges I have with this particular population is there is an I-9 requirement. They've got to fill out an I-9 to verify citizenship. If you get a job at Spirit AeroSystems, for example, they will make you fill out an I-9 form. So if you graduate as an engineer, you're not going to be able to work at Spirit AeroSystems without being able to prove your citizenship or your right to be here."

"There are some other documents that you can use to provide legal status, you don't have to be a citizen, necessarily, but you have to have legal status. The I-9 form, of course, is required for you to have a job at Spirit AeroSystems. I think many of the businesses, if not all of the professional businesses in this community, require a citizenship verification. So if they graduate and they do not have this taken care of, they will not be able to get a job locally."

Mr. Rogers said, "Exactly, or anywhere."

Chairman Howell said, "I have heard many of these students are basically not able to perform in their desired role because they don't have the legal status to get those jobs, and so we essentially waste, in a sense, and I hate to use the word waste, but we're using very precious dollars to move our work force development needs forward. If you use those dollars on students that can't rightfully get a professional position in our community, there is somebody else out there not getting those dollars that would love to have access to those as well. There is a zero sum game, in terms of the more folks that are in there, the less dollars available per person, so to speak. That's my interest in this. I want to make sure we don't use dollars for folks that can't actually impact workforce development."

Mr. Rogers said, "I think you're making a bigger deal than it probably is. We're not talking about that many students. Again, the last numbers I saw at Wichita State [University] were about 25, and 63 at Butler [Community College], four or five in the WATC. Those are several years old. So it would be very easy for those schools to track that. But if those students don't have the credentials when they graduate, I mean, there isn't any reason why they would be working three to four jobs to pay their tuition.

"Tuition at WSU, last I looked, was over \$10,000. That's just the tuition. That's a huge chunk of change for them to have to come up with, and if they're going to invest, if they're going to work that hard, they're going to make sure they get a payback for that. So I don't see, in some cases, some of our students that already have citizenship work quite as hard as some of our students that don't have these advantages. We're really not giving these kids extra. They're really getting what any other resident of the State of Kansas has. That's, I think, the thing we miss. They're residents here. They came without their permission, they came with parents and things of that nature, but they're not taking away, they're really adding to the culture.

"I guess I would also be one to say that having an educated workforce or an educated individual that is never going to be a waste. Now they may choose to waste it. There are a lot of us that do. But I don't see these kids doing that."

Chairman Howell said, "Again, let me be very clear. I don't mean that we're, getting an education is always valuable. I don't mean to use the word waste in that regard. We have precious dollars. I want those dollars to impact our local community."

Mr. Rogers said, "All of our statistics show that there aren't enough educated at a high level of college degree of what we need in the year 2020. The last I saw was, you know, the number of jobs that are going to be required for that. We're way under where we need to be. We need to be increasing our higher education levels, not decreasing it."

Chairman Howell said, "How many students does WSU have? Do you know?"

Mr. Rogers said, "Again, I can't tell you, since I don't work with them."

Chairman Howell said, "If anybody has the answer later on, I'd love to hear from you."

Mr. Rogers said, "I would say 20,000 plus, but that's all I can say."

Chairman Howell said, "So that's 20,000 plus students roughly, maybe more. And you said there are roughly 25 students?"

Mr. Rogers said, "Again, because it's so hard, because they can't get loans, they have to come up with the cash to pay their bills or they may borrow from a family member, but again, they're working their tails off to make their tuition. It has not had as many as many people have wanted, because they don't have any access to federal student aid or any of the student loans that you can receive through the federal government."

Chairman Howell said, "So, should the state legislature repeal that statute that was passed in 2004, these students will still have the opportunity to go to school, but it would cost them more money."

Mr. Rogers said, "It would almost double their costs if they would even be allowed to. And I think it would drop it down to almost nil. I just know what our family went

through to try to look at in-state versus out of state tuition at other schools, and you go from \$10,000 to \$24,000. That's not a practical thing for most families or individuals to do. I'll try to find the dollars in-state versus out of state. I will try to find those numbers. I don't know that now."

Mr. Rogers said, "I just Googled it yesterday. That's the numbers I came up with. But you can't always believe everything you read on the internet."

Chairman Howell said, "But in terms of the operations of WSU, I hope you would agree that 25 students out of 20,000 plus students is probably not a huge impact on WSU's operations."

Mr. Rogers said, "It would be over \$250,000. Yet again, it would be a cut of tuition that they wouldn't receive and that would be a big chunk."

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

Commissioner Peterjohn thanked the Chairman and said, "Because as a person who strongly believes in legal immigration and strongly supports the promises that America put out, your testimony raised a question for me, especially when you alluded to a discount that Pittsburg State (University) has with Missouri residents. I wasn't aware there was anything like that in place, because my understanding is that for [Kansas Board of] Regents' institutions, if you're out of state, you've got to pay more."

Mr. Rogers said, "I did too. I was really surprised to see all the billboards up. It wasn't just one either. It was all the way up and down the highway."

Commissioner Peterjohn said, "I see, because that's different, especially in light of the massive increases in tuition that have just been announced by all six Regents' schools. But that's taking the part a little bit away from where I wanted to go. I'm going to stick with Oklahoma, Colorado and Nebraska, just close ones. Almost every university system in the United States charges more for out-of-state students coming into those institutions. I was interested, if you could give me an explanation, why folks, I'm not going to get into motives, and I'm not going to get into the language of undocumented people versus illegal immigrants. We could save that for another time, but why the folks who are not here legally for whatever reason should receive a discount as opposed to citizens from another state when it comes to college tuition in your opinion, whether they're from Oklahoma, Colorado or any of the other 49 states."

Mr. Rogers said, "I don't know exactly, but I believe a couple of the Oklahoma schools actually do now offer Kansas residents in-state tuition. My children could get in-state tuition in Nebraska because of my alumni situation there. So it does happen in those regards. You know, I think the big difference is that if my child growing up in Wichita would go to Nebraska, the reason I have that discount is because of my alumni situation. Otherwise, if I didn't have that, I would have had to have them live with my parents for a year and get residency."

"But the real difference is these kids have graduated and lived in our community. They are products of our schools and, quite frankly, if we want them to stay, you know and I look at any one of our graduates. I want them to stay. One of the saddest things in our society, in our state right now, is the export. I don't know if you knew this or not. I just found this out last week, but Wichita State is the second largest exporter of engineering degrees in the country, only behind MIT (Massachusetts Institute of Technology). That's bad for Wichita. I mean, we need to keep those graduates here"

in Wichita and put them to work in our plants and our factories. That's a lot of investment. Wichita State or all the other schools. So any of these kids, we want them to stay in our communities to build our communities and not have an export of talent. That's partly what I'm saying here. Let's keep them here. Let's not encourage them to leave any more than we already do."

Commissioner Peterjohn said, "So discrimination against out-of-state citizens is okay for folks who have violated, who are not legally here. Okay, thank you."

Chairman Howell said, "Thank you, Commissioner Peterjohn. Seeing no other comments, I'm going to call up Emira Palacios. If I didn't say that correctly, please correct me. It's fine, and please state your address for the record, as well."

Ms. Emira Palacios, 1407 North Topeka, Wichita, greeted the Commissioners and said, "You know, I could spend all my time over here telling you about how I came here undocumented and I lived here for 13 years as an undocumented immigrant. During that time, I did pay my taxes. I don't know if you are aware of the IRS (Internal Revenue Service) giving you an ITIN (Individual Tax Identification Number) number so that those people who don't qualify for a social security number can still report their taxes, and I pay them. As I should, and there's a lot of people that pay them. I have a lot of the answers to the questions you have, but I'm not going to take any time on doing, that because I know there's plenty of people here who are probably going to talk about the in-state tuition. And so what I'm going to just focus on and I'm going to be very brief.

"I really love the prayer said this morning. He said 'allow us to be merciful and compassionate.' And then a lot that has been said on this ordinance is, you know, we're concerned about our taxpayers' money going to, you know, those who are living here illegally or however you want to put it. Well, we do work, and we do pay taxes, even us undocumented immigrants. Either way. I'm now a naturalized U.S.A. citizen, and I exercise very seriously my right to vote. And I know that right now we don't have the infrastructure to really elect people who represent us, but we will. And like I said, I can tell you about all my history and the things that I've done and my involvement in my community, and it will take me a long time, and how my kids, because I chose to come here and look for better opportunities, now my son is working on his doctorate as a bio med engineer and my daughter graduated with two majors. But you know, that's beyond the point.

"The fact of the matter is that what you are trying to do here is take food out of the mouth of infants and pregnant women, and to me, that is irrational, that is unmerciful, that is not compassionate, and I can assure you that my kids will not have a need any more to participate on the WIC program, because thankfully, they are now going to be better off than their parents did, but they will be merciful and compassionate. I'm sure they will not oppose the less fortunate to get a little bit of food so that they can survive, because you know, you're so concerned about the taxpayers' usage of money. I mean, you don't mind to spend \$400 on a chair, but you mind, like, probably \$60 a month for people so they can have a little bit better food. If you're really concerned about our taxpayers' money, you dedicate your time to do your job, the job that you were elected to do, not worrying about issues that are a state or federal concern. Thank you."

Chairman Howell said, "Thank you very much for your comments. I'd like to call up Guadalupe Magdaleno."

Ms. Guadalupe Magdaleno, 1751 North Ash, Wichita, greeted the Commissioners and said, "I think that there is not very much to be said after the passionate

comments of Emira Palacios. I work with Sunflower Community Action. I am very passionate about justice, and I want to start reading a little bit about how the Declaration of Independence begins. We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights that among those are life, liberty, and the pursuit of happiness.

"I think we need to remember the beginning of our country. Like I said, my name is Guadalupe. I am a mother. I am a member of this community. I did arrive to this country at the age of 18, carrying a 2-year-old daughter, trying to exercise human rights. I was fleeing violence and hunger in my country, trying to perform my God-given job as a mother, to ensure that my daughter will not die but will live and have the opportunity to contribute back to the community where she has been welcomed, and we call Wichita our home for over 25 years. She is now a teacher in the USD 259 school district. I also have a daughter, soon-to-be a lawyer. She will be graduated from Newman University this upcoming school year. I also have a CNA (Certified Nursing Assistant)/CMA (Certified Medication Aide) son who is very proud to take care of the elders regardless of the color of the skin, because those are the traditions from the cultures that we have engrained in our kids and their future. His goal is to be a nurse. He is working full-time, living on his own, and going to school.

"I am here to speak against your in-state tuition stance, because that is not a freebie. They have to pay in-state tuition, because they contribute here. They cannot apply to a college as a foreigner or exchange students because they do not have all the requirements. To apply for a college as a foreigner, they have to graduate from out of the state or out of the country; college or high school. They cannot provide that because they had graduated in Wichita, Kansas or the State of Kansas, so automatically, they cannot attend college, not even paying triple the tuition that is mandated by the state.

"And as a mother, my family had worked two jobs all the time to ensure that our kids at least had food on the table and clothes to wear to go to school. We did pay taxes. And as far as I understand, and I am not a lawyer, what I understand on the requirements of the in-state tuition is that it's for people living in the state, physically living in this state, and these people are living in this state, in the city and paying taxes. Whether we choose to, as my friend mentioned, by getting through the system and getting a number to do our taxes at the end of the year, or paying as we contribute, buying groceries, buying cars, paying rent.

"Again, I am going to go through our prayer, I think that's so appropriate. It just makes me cringe because I don't see merciful and compassionate in resolution. Denying food to unborn children and small children that they have the God-given right to pursue their health. The mothers, the young mothers; they have the right to protect their children, and if they don't have the means to provide food while they're pregnant, this WIC help is temporary. It's not something they can live on or they can stay on long-term. It's just temporary while they get situated with their newborn.

"I believe that all human beings are created equal and have God-given rights known by us as human rights, and it is up to the elected officials and the community at large to protect those rights that are given by God. I know that there's laws, and we want to obey those laws, but one of the rights is to pursue to stay alive. I don't know if you know, but many of the children that are right here are fleeing violence. They're fighting for just the right to be alive. And they love this country, and their commitment to give back to the community is greater because they know they would not be alive if it wasn't for the protection of our community and the opportunities, even though they are very little. Access to education, to be able to provide back to the community.

"Going back to some of the points before, do the kids stay in Wichita? Yes. My older daughter, I was carrying her as a two-year-old baby. She did not make the choice to come here. I made the choice as a mother to save her life and bring her to a safer place, but I have also reminded her where she came from and her responsibility that she has to give back to our community. So she's a teacher that has chosen to stay in Kansas despite the crisis that we are leaving on our education system at this time. I have the soon-to-be attorney that is wanting to keep fighting for the rights of all human beings, regardless of color or religion. We want to do the Christian thing. We want to protect the unborn regardless of the legal status of the mother. Thank you."

Chairman Howell said, *"Thank you very much. I'd like to call up Cristal Magdaleno."*

Ms. Cristal Magdaleno, 1751 North Ash, Wichita, greeted the Commissioners and said, "I am a senior at Newman University. I am here this morning speaking against the resolution 2016, because I am pro-education and pro-life."

"Supporting the resolution will stop many young adults from continuing higher education and bettering themselves and their community around them. By taking away the in-state tuition, these students would be forced to try and apply as international students, and as you already heard, that's impossible, because they did not graduate from a high school or college out of the United States."

"In my opinion, that's not right. And we, the young people, are the future of the United States, and recently with the executive action, many of these undocumented students are getting deferred action for childhood arrival and are getting work permits, so they will be able to contribute to our community and the workforce."

"We all pay taxes and in February of this year, the Institute on Tax and Economic Policy released a report stating that 11 million undocumented immigrants are paying annually an estimated amount of \$11.64 billion in tax dollars; about eight percent of their income. The report states that in the State of Kansas, the estimated amount of money paid in taxes is \$69,278,000, all by undocumented human beings. The way they pay their taxes are through the ITIN numbers and also through the purchase of groceries, gas, things that are necessary to survive."

"The WIC program is to help women who are carrying children and children under the age of five years old. These children depend on us for their nutrition. The WIC program is not for life but for a short period of time, and mostly in times of need. This period of time is the most important time for the children, because it's the part where they get the most nutrition and help from. In addition, many of these young adults are in the process of getting citizenship, but it takes over 20 years to complete the whole process. It took my mother 15 years to become a citizen. This resolution is not good for our community. Thank you."

Chairman Howell said, *"Thank you, Cristal, I appreciate your comments. I'd like to call up Bill Anderson."*

Mr. Bill Anderson, 1227 Jefferson, Wichita, greeted the Commissioners and said, "I don't want to be here today, but I feel compelled because of the stories people have shared with me from Mexico, Guatemala, Colombia and Honduras. I want to begin with a metaphor. Imagine an arsonist setting fire to a house and then attacking the people fleeing the house. Actually capturing some of them and sending them back into the burning house. Okay?"

"My point today is a simple one. The policies of our government, in large measure, create the conditions from which people from countries such as Mexico, Guatemala,

El Salvador, Honduras need to escape. I'm going to repeat. That the policies of our government, in large measure, create the conditions from which people from countries, such as Mexico, Guatemala, El Salvador, Honduras need to escape. What conditions? I'll simplify it; violence and poverty. What U.S. Policies? The war on drugs and trade policy.

"I have been fortunate in the past few years in participate and witness (inaudible) delegations to Colombia, Honduras and Mexico. We heard over and over that the weapons and training provided to those governments by the United States is used against social activists, union organizers, people defending their land and way of life. The war on drugs has been a war on people, a very, very violent one which causes people to have to flee for their lives. A great book on the racist history on our drug war is 'Chasing the Screen.' I recommend it to all of you. It's called 'Chasing the Screen.' It's worth a read.

"Our neoliberal trade policies, we can thank the Clintons partially for that. I know some of you guys are not particularly fond of them. They contribute to conditions of violence and poverty. In Mexico, for example, after NAFTA (North American Free Trade Agreement), tons of United States subsidized corn was dropped on the Mexican market, lowering the price of corn and driving those who could no longer make a basic living off the land, which then became open for development by multi-nationals. It's intentional. It's cruel, and we had a big hand in it. All over the land of indigenous people is being taken illegally. Their way of life is under assault, houses are burning and we blame them for not having the correct documents.

"The path to the U.S. is a perilous one, we learned. Estimates that four out of five women trying to reach the U.S. are raped. We learned in Honduras that women were taking birth control prior to their making an attempt to flee. The conditions are absolutely terrible. That's why people are leaving. They're not leaving to have an easy life here. They're leaving because they have to.

"I noticed today that we began the meeting with a Christian prayer. I'm not religious, but I recall something from the Bible, and I'll paraphrase it as, whatever you do to the least of them you do to me. The least of them. Please think about that and reconsider this resolution. I would suggest you consider a resolution condemning U.S. policies which create the conditions. Thank you very much for your attention. Appreciate it."

Chairman Howell said, "Thank you very much. I'd like to call up Mary Ellen Lock. Please state your name for the record. Please state your address for the record, excuse me."

Sister Mary Ellen Lock, 3700 East Lincoln, Wichita, greeted the Commissioners and said, "I'm really reading a statement that was written by Sandrine Lisk, who is an immigration lawyer, but I agree with it.

"First of all, the proposal that you have given to us is an affront to all non-citizen residents in Sedgwick County, who by living, working and shopping in Sedgwick County contribute to the County's general operating budget, in sales, property, vehicle, and certainly the sales of food and clothing. The undocumented immigrants are not exempt from paying the same taxes as all other county residents pay. They are, in fact, a source of money for the county funds that provide public services at the local level. It is really untrue that the targeted population regardless of their number are draining or diverting county resources away from anyone when, in fact, they are a source of the county's resources.

"Secondly, babies born in the country are an American citizen regardless of whether

their parents are immigrants or undocumented or documented. As stated in the 14th Amendment of the United States Constitution, that this Commission has neither the authority nor the power to change or overturn.

"This proposal seems to be discriminatory and worthless actually and intended to unlawfully deny U.S. Citizens access, especially the babies' access to county services. The proponents of this proposal, do they want certain babies born in this country to go hungry, denied immunizations, medical assistance and other county services available to all other U.S. Citizens? How does the county plan to deliver nutritional foods like milk, cheese, eggs and beverages to low income U.S. Citizen babies and children if their immigrant parents are denied access to the county's health or public services?"

"For those of us who are pro-life and hopefully that's everybody in this room, this proposal does not intend to attend to the needs of unborn we all care about very much. Furthermore, the County Commission really has no authority over or power over immigration enforcement and it has no legal or moral basis to discriminate against anyone in the use or enjoyment of public services available to all county residents. Our State Constitution, articles seven and four, require the County Commission to provide for those inhabitants who by reason of age or financial need may have claims upon the aid of the society without limiting state participation based on immigrant status.

"This proposal demanding that the Kansas Legislature bar undocumented immigrants from receiving in-state tuition and block undocumented parents from participating in the Women, Infant and Children's program is therefore really outside the scope of your authority granted to this body. It's unconstitutional and unlawful discrimination under state and federal law, and it is regrettable that you have placed this item on the agenda at our expense.

"Now, this is my opinion totally. I really find it embarrassing and disheartening that you would think the citizens of Sedgwick County, who we really call ourselves Christian and also pro-life, very strongly would agree to this proposal. I certainly know the Sisters of St. Joseph and I think I could speak for the (inaudible), we are not in favor. We have all really given our resources, dedicated our lives to preserve the lives of all people, born and unborn in this county, and actually throughout the United States and also through our social services and we also dedicate our lives and our resources to education of all children without distinction in regard to race, and we know how important it is for babies and their mothers to have the proper nutrition to be a real citizen, healthy, productive citizen of our world and of our county. Thank you."

Chairman Howell said, "Thank you very much, Sister Lock. Appreciate your comments. I'd like to call up State Representative Ponka-We Victors. Please state your address for the record."

Ms. Ponka-We Victors, State Representative, greeted the Commissioners and said, "I am here today representing my constituents of the 103rd District. I am here today to stand in opposition to this resolution that is before you today. Every year in the Kansas Legislature there seems to be some type of anti-immigration legislation introduced into the House [of Representatives]. Every year, I see that it doesn't get far in the legislative process. One thing it does bring is a hostile and negative environment, much like our country is experiencing today with the presidential race.

Tabled

"As ranking minority on the House Agriculture Committee, I do witness firsthand how undocumented workers contribute to our agriculture in this state. Their hard work grows our agriculture businesses and helps us to strive to be a leading agriculture state in the country.

"Now, as adults, we want our children to dare to dream, not to limit your dreams based on your income or where you were born. To even qualify for in-state tuition, one must satisfy requirements in order to be eligible. These Kansas students have proven their strong work ethic and talent by completing high school. Also we can't pick and choose which children we want to choose and we can't deny them their citizenship. Please remember, there are misconceptions on how hard it is to legally migrate to the U.S. or legalize their status once here. There are many barriers legalizing immigration status.

"Now, in closing, I believe and every year I testify when there is a repeal of in-state tuition that it is Congress that is charged with this responsibility of fixing our broken immigration system, and updating our flawed laws. Thank you for your time, and I ask that you please oppose this resolution."

Chairman Howell said, "I have one question for you."

Representative Victors said, "Yes."

Chairman Howell said, "Do you know whether or not all 50 states have this provision?"

Representative Victors said, "They don't."

Chairman Howell said, "They don't. Do you have any idea how many states do have this provision, or do not?"

Representative Victors said, "I do not."

Chairman Howell said, "That's all my questions, thank you."

Representative Victors said, "Thank you."

Chairman Howell said, "Let's call Dr. Gretchen, I won't be able to say this last name, Eick. Tell me how to say that, appreciate that."

Dr. Gretchen Eick, 1536 North Park Place, Wichita, greeted the Commissioners and said, "I'm a Professional Historian, and someone who has taught Kansas history for 20 years at Friends University, as well as teaching many other kinds of history, Mexican history, and African-American history, et cetera.

"I come before you today, never having spoken to this Commission before. And I come because I was outraged when I read about the plan to put this into effect. I am outraged on several bases. I believe that probably most of you in the Commission, if you look at your own heritage, have immigrants in your background, and that probably, like most people in Kansas, your people came here to homestead, and were in many cases recruited from Europe with posters in their own language saying come and settle in Kansas, and we will give you free land. The Homestead Act gave

free land. And it went through the 1920s. If you look at that, and you think about the heritage that most Kansans, who are of Caucasian heritage, European, I prefer to say European-American, to think about denying in-state tuition, which is such a small thing, but such a major assist to people who have come to this country, fleeing both economic and political oppression, who have come and lived as full-time residents, who pay taxes, contribute to the community in so many ways, graduate their children to stay in the community and do good for the rest of us, I think it's completely inconsistent to behave by passing a resolution like this.

"I would like to say, I worked on Capitol Hill for 14 years in Washington, D.C. One of the things that I learned in those years as a lobbyist for a non-profit organizations was that members of Congress had repeatedly told me that they have never met anyone who was an undocumented immigrant, never met anyone who was poor, and yet they legislated again and again and again for people who were in these situations.

"I notice today that questions, you didn't have questions for the people who have lived through the situation that you are now planning to legislate about, and I would challenge you, we have in this room today people who would be very happy to provide you with an opportunity to gather information about what is it like. I'm sure you've learned some things as you've listened to their testimony. And they would be very happy to put you in the room for a conversation with an off the record conversation with people who experience what you are now trying to legislate about.

"We also, one last thing I want to say. And that is I don't understand how you can pledge allegiance to the flag with liberty and justice for all, and remove these students and these women and children from equal treatment under the law. As a requirement of the 14th Amendment to the Constitution of the United States of America. It's a requirement that I take very seriously, and I hope you take very seriously. I know most of us in the room depend on that requirement. And so I urge you, both to meet with people who are directly affected by what you are trying to do here today, before you make any decisions, and then I also urge you to just withdraw this. Do not embarrass our state, and do not behave in an uncompassionate, unmerciful, and really, very stingy manner. Thank you."

Chairman Howell said, "Thank you, Dr. Eick. I would like to call up next, Claudia Yaujar. Again, if I say that incorrectly, I apologize. Please state your address for the record."

Ms. Claudia Yaujar, 6602 East Harry Street, Wichita, greeted the Commissioners and said, "I am an undocumented person. Mr. Peterjohn, you said, this may not be the time to discuss it, but I think it is time, I want to ask why you call me an illegal immigrant.

"I came into this country when I was 12 years old. My mom brought me with a visa. Yeah, my mom decided to overstay the visa. I didn't know what was going on. I went back to Mexico, because my husband was deported and I came back and asked the federal government to allow me to come back home, because this is my home. They allow me to be here, but I still don't have any status. So it is really sad, and really bad faith, when you are going here, because according to what the gentleman said earlier when he presented this resolution, he said we know that this is a federal issue. Immigration is a federal issue. And you have no idea what you are talking about here.

"Mr. Peterjohn, you said you believe in legal immigration. So do I. Show me the path, and I am fighting really hard to find that path, in Kansas, the Land of Oz. I am actually on the yellow brick road. Mr. Howell, you are not informed of what you are doing here, as you are saying that, for example, the students are going to have to fill out an

I-9 form. Apparently you don't know anything about the DREAM (Development, Relief, and Education for Alien Minors) Act, you don't know anything about DACA (Deferred Action for Childhood Arrivals), you don't know anything about our status. Like I said, I don't have a legal status. Why? I mean, I don't even know.

"I do have a work permit. I am a Family Engagement Educator in one of the school districts in Sedgwick County. I did fill out an I-9 form. So you said illegal immigrants are not allowed to fill out I-9 forms. Yes, we are, it just depends on the status, which is very complicated. Apparently you don't understand it. You don't know what you are doing here.

"Regarding the illegal immigrant, I want to know why you call me that, because, like I said, if it's because I did something illegal by getting a speeding ticket, then I accept that I am an illegal immigrant. But if it is not because of that, I don't understand what other laws I have broken here.

"I couldn't attend college. I came here as age 12, growing up as an American, I did my high school in Colorado. And I couldn't attend college because back in the 1990s, we didn't have even in-state tuition, I wasn't allowed to get into college without a green card. Although despite that, I got a lot of skills through the school system. To have the position I have now, and I acquired the skills to fight for my community and to believe I am not citizen of this country, and I am a citizen of this city, which I call home.

"So my question is, why are you trying to take away in-state tuition from young immigrants? Do you prefer zero money, like you mentioned earlier, than just a few that are going to be paying in-state tuition, which is thousands of dollars? And like somebody, like Emira Palacios expressed earlier, do you prefer to spend \$400 than, you talked about money, like very important, and like, needed money, and then you are kind of like not worrying about 20 students paying in-state tuition? I don't understand that.

"My son is a U.S. Citizen, he was a recipient of WIC, and thanks to that program, he's a very healthy man, which is saving thousands of dollars to the state and the federal government in health services. All I have to do with him is take him every year for his checkup. Just to assure that he's a healthy boy. And he is in school right now, he is in sports. He is actually right now attending WSU summer camp for engineering, because he wants to become an engineer. He is a healthy boy. He can do that, because he received good health and good services and good food when he was an infant.

"We immigrants, undocumented immigrants, are serving this community in many ways. We are even serving your families. Mr. Ranzau, do you know who had scheduled the dentist appointment for your kids? Do you know who smiles at your wife and kids and makes sure they have a gentle dentist appointment? That would be me. To end, I would like to thank this Committee, especially Mr. Ranzau, because with his messages of hate against my community has awakened the interest, not only in the undocumented community, to be more involved, but also our kids. My son is 16 years old. He won't forget this. And I make sure that they won't forget this. My son, his friends, and everybody else. I myself have registered more than a hundred new immigrants to vote, and I am making sure they know what you are trying to do to us and to our kids.

"The Latino community will be one before this Committee and especially Mr. Ranzau and after this Committee. Thank you."

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

Commissioner Peterjohn thanked the Chairman and said, "Yes. Can you help me out, you said you are a citizen, are you registered to vote?"

Ms. Yaujar said, "No, I am a citizen in this, I am not a United States citizen. I am a citizen in this state and this country. I am just a citizen."

Commissioner Peterjohn said, "Do you have a green card?"

Ms. Yaujar said, "No, I don't."

Commissioner Peterjohn said, "Okay. I was trying to understand, because you made a number of assertions. So people who have green cards, but you are employed."

Ms. Yaujar said, "Yes, I am."

Commissioner Peterjohn said, "But we have restrictions for people to come into this country legally that they have to do certain things to be able to be employed with an I-9. You said you completed the I-9, even though, as you said, you are undocumented, and you don't have a green card."

Ms. Yaujar said, "Yes, sir."

Commissioner Peterjohn said, "I think you may be making a point on the larger federal side of the issue. We focused on WIC and the resolution here in terms of how we treat people. You think you should have in-state tuition as for any of your children who would go to college here, let me rephrase that. Would you want in-state tuition for yourself if you were going to go to the university as opposed to the folks who live in Oklahoma, or Colorado?"

Ms. Yaujar said, "I would. Just like people who live in California and Chicago."

Commissioner Peterjohn said, "Thank you."

Ms. Yaujar said, "Thank you."

Chairman Howell said, "I have one question as well. You said you completed an I-9 form. I am looking at the form right now."

Ms. Yaujar said, "Yes."

Chairman Howell said, "It does require documentation. I would like to know if you can recall what type of documentation did you provide to pass the I-9 form. Please share that."

Ms. Yaujar said, "Sure. I can show it to you, if you want. It's a work permit, which is not a green card. That doesn't give me a legal status. I have a work permit, but I am illegal status right now. So that's a question for the federal government to address."

Chairman Howell said, "So looking at the form, it says, okay, so there's documents that establish both identity and employment authorization. You can have a U.S. Passport, or a permanent resident card or alien registration receipt, foreign passport that contains temporary I551 stamp or temporary I551 printed notation on a machine-readable immigrant visa. These are things you might have, I don't know."

Employment authorization document that contains a photograph."

Ms. Yaujar said, "That's what it is."

Chairman Howell said, "Employment authorization document."

Ms. Yaujar said, "Yes. I766 form."

Chairman Howell said, "Okay. How do you get that form? What is the process to get that form?"

Ms. Yaujar said, "Right now I am seeking asylum."

Chairman Howell said, "You're seeking asylum."

Ms. Yaujar said, "Yes, I am."

Chairman Howell said, "So your status of seeking asylum is what gives you right to have that document?"

Ms. Yaujar said, "Yes, sir."

Chairman Howell said, "Okay. Is that what other illegal immigrants in our community, is that what they are doing, too, to get..."

Ms. Yaujar said, "There are again, I am undocumented, and there are many people in my same situation regarding the work permit, but they have different status. Like I said, this is a very complicated item that you need to address with the federal government, because the system is broken, and there's no way we can ex-plain this to you and probably the federal government wouldn't be able to explain this to you, either."

Chairman Howell said, "I am just trying to find out if you are unique how you were able to do this. Is this something..."

Ms. Yaujar said, "No, there are many, many people."

Chairman Howell said, "I did not know that. That's what I am trying to learn. I heard the outcry in the audience. I'm just, honestly trying to understand. So don't be offended, I am just trying to understand. If this is typical, or this is very unique. That's a very good question. I hope you agree that's a good question."

Ms. Yaujar said, "Like most of the DREAMER, the ones that are actually getting in-state tuition are in a similar, not the same, but similar situation like me. They have a work permit, they can work, but they don't have an illegal status. There are like many other different situations I can list here, but I don't have the time, or you don't have the time for me."

Chairman Howell said, "Thank you. I appreciate the answer. I'm trying to learn, okay?"

Ms. Yaujar said, "I can sit down with you, sir any time. Thank you."

Chairman Howell said, "Thank you very much. Appreciate that. All right I see no other discussion. I am going to call up the next person, Janice Bradley."

Ms. Janice Bradley, 214 Buckridge, Wichita, greeted the Commission and said, "I am a retired Spanish teacher, USD 259. And in that work, there was a lot of study of history, and I know that oftentimes this opposition to immigrants takes the form of opposition to the Spanish language, or people using their language, in even dealings with government, and it just floors me. I mean, we have, you know, these representatives from the community who have spoken here, who obviously know two languages, English and Spanish, I'm wondering if anybody on the bench up there speaks two languages. You don't have to answer that now. But you know, I think about history, and I appreciate Mr. Anderson's remarks about why people come here, due to U.S. Policy of arming repressive governments, drug war, trade policy, dumping products and ruining farmers and forcing them to immigrate on economic reasons.

"But also I want to go back a little bit to history, because, you know, our whole Southwest, even a tiny corner of Kansas used to be Mexico, but we had a war with Mexico and U.S., and the U.S. ended up taking half of Mexican territory, 1848. And why did this happen? Well, to be truthful, I mean, things were going on in Texas before that, Mexico had abolished slavery in about 1820, and they didn't want people in Texas settling in Texas, bringing their slaves.

"But then we had, you know, we had a lot of stuff going on leading up to the Civil War in the United States and part of the reason, the main reason for that war was to grab territory for the expansion of slavery west. They couldn't go past this certain parallel, and I don't remember the number of it. So it was, you know, policy that we would go west, take that corner of Kansas, New Mexico, Arizona, part of Colorado, Utah, California for the expansion of slavery. These people here spoke Spanish, they were Spanish-speakers. We also have Puerto Rican colony of Spanish-speakers, so I'm speaking to this issue of Spanish because it's part of this immigration issue, because Anglos who don't speak another language get upset when they hear people speaking Spanish. They don't like it that they can't understand it, it puts them off. They say, this is America. We speak English here. Well, we speak a lot of languages here.

"Spanish is a home language. It's part of our history. It's part of our country. It's part of where the people came from. But beyond that, just that little history lesson, I have spoken here about this WIC issue before, and it's just heartless. It's cruel. To do what you're doing, to take this federal money, for nutrition, for babies and pregnant women, and turn it back or say no, you can't have this. Or we want to advise the federal government or the Kansas Department of Health and Education Environment or whatever it is, to deny this to these people who might be in need.

"The other issue is the in-state tuition that I want to touch on, is that almost every year this comes up in the legislature, since it was passed in 2004, and every year it has been defeated. In fact, several of the anti-immigrant pieces of legislation that our Secretary of State has tried to push through over the years besides the, I believe it was 2010 law on voter I.D., and eventually the requirements for proof of citizenship for voter registration, that law passed, but every other anti-immigrant measure that Kris Kobach has tried to get through the legislature had failed, and that's because there is a huge coalition of people, people with broad minds and big hearts who do not agree with this kind of hateful treatment of people who are working here.

"You had a big coalition of farmers and ranchers stand up to say, no, we're not going to go there. We're not going to pass it. But you guys want to get involved in a state issue, in a federal immigration issue, and step in (inaudible). Anyway, that's my comment. It's failed. Last year it didn't even get out of committee because the representative from northeast Kansas called it for what it was. Bigoted and racist legislation. Thank you. I don't think I have anything."

Chairman Howell said, "Unless you want to talk about it right now. Commissioner Ranzau."

Commissioner Ranzau thanked the Chairman and said, "I just have a question. The legislation and possibly what we are doing is bigoted and racist. Can you tell me what race we are being racist toward?" Please use the microphone.

Ms. Yaujar said, "Sure. Well, I think there's a question about whether we really have, quote, races, but we have racism against people of color. Not everybody who is an immigrant who might be trying for this legislation is from any particular country, Mexico, you know, we can talk about Latino.

Commissioner Ranzau said, "I understand. You inferred there was racism involved. I want to know what specific race you are accusing us of being racist towards."

Ms. Yaujar said, "Anybody who is different, who is maybe not an immigrant, but who seeks services like food, nutrition from WIC, or in-state tuition. So no specific race. Let's say Non Anglo. Non Anglo. Maybe you can talk to some of these people, because I'm sure they experience racism."

Commissioner Ranzau said, "You're using racism. Do you know what the definition of racists are? Races or racism? What race are we racist against?"

Ms. Yaujar said, "Non-Anglo's I guess I would say."

Commissioner Ranzau said, "All right. That's all I have. I will have more later."

Ms. Yaujar said, "I mean, I don't even really agree with the concept of race. There's no pure white race."

Commissioner Ranzau said, "You accused us of being racist. I want to know what race am I against."

Ms. Yaujar said, "You're against people who don't have papers."

Commissioner Ranzau said, "That's not racism."

Ms. Yaujar said, "A lot of times those people are not white."

Commissioner Ranzau said, "I want to talk about race. What race?"

Ms. Yaujar said, "Yes."

Commissioner Ranzau said, "What race?"

Chairman Howell said, "I would ask the audience to please be quiet."

Commissioner Ranzau said, "I will have more to address later. Thank you."

Chairman Howell said, "I would like to also ask the audience, please don't use foul language. I appreciate that very much. All right? I would like to call up Sister Dorothy Leblanc. Hopefully I said your last name correctly. Please correct me if I am wrong. State your address for the record."

Sister Dorothy Lablanc, 3700 East Lincoln, greeted the Commissioners and said, "As

a Sister of St. Joseph, very heart felt for people, and am always working that people will have the highest capacity taken care of. It kind of puzzles me that we've read scripture, a lot of us, and we try to live by it, but then, you know, when Jesus himself says in the end of our lives, in a parable he says that we would be either on the right hand or on the left, and he said those on my right hand, come, because I was hungry, you gave me to eat. I was thirsty, you gave me to drink, and he goes on down, and he says, and I was seeking refuge, and you let me in. I was a stranger, and you took me in.

"And I'm wondering shall you know, as we read I'm wondering as we read these things and meditate upon them, what happens in our hearts, you know, as we say, yes, one day I will have to answer for my actions of this day. You know, what are we to think that the Lord wants us to do with the strangers in our midst.

"And so I'm here today to advocate that since they're contributing in every way towards their taxes. That all of us pay. That they're therefore, seems to me, should receive the benefits that come from those taxes. So I stand up for them. And I ask us to just think, you know, when we pray, how we are treating the stranger in our midst."

Chairman Howell said, "All right, thank you, Sister Leblanc. I would like to call up Djuan Wash. Please state your address for the record, please."

Mr. Djuan Wash, 547 Trotter, Maize, greeted the Commissioners and said, "My name is Djuan Wash, I am an advocate with Kansas Appleseed, a member of Sunflower Community Action. To answer the question you had for representative earlier, there are 18 states that have in-state tuition resolutions on their books. I will go ahead and get started here.

"I am dismayed, as usual, with the far right wing ideological grandstanding of this Commission in regards to the issue of immigration. This is not fair, nor is it impartial. Immigrants support our community in a myriad of ways. Our community wouldn't be the same without their contributions. Further, we continue to deal with symptoms of a larger issue and refuse to accept American culpability in creating the problem to begin with. Terrible trade agreements and the failed war on drugs has long fueled migration, and these resolutions will do nothing to curb the problem, while taking the liberty of punishing people who are no different than you or I in their pursuit of life, liberty and the pursuit of happiness. Poor policy is how we got here; adding more poor policy won't stop it.

"Instead, I implore you to try to get our congressional delegation to actively work towards comprehensive immigration reform, if you can get Mike Pompeo to call you back. He is difficult to get ahold of, unless it is an election year, which it is. You might have a shot at getting him to call you back and do something for a change.

"Commissioners, I encourage you to get to know some of the immigrants, some of which have spoken here today. See their contributions to our community, and the fact that they only want the best for their families. Get to know their story, the violence they are fleeing, and the slave wages that the companies are paying, due to these awful trade agreements that we have entered into, such as NAFTA, CAFTA (Central America Free Trade Agreement) and the upcoming TPP (Trans-Pacific Partnership). We have created this problem. It will take all of us working together, and not focusing on the symptoms, but rather the problems themselves. Thank you."

Chairman Howell said, "I have a comment or question, Commissioner Peterjohn."

Commissioner Peterjohn thanked the Chairman and said, "Yes. You said you were

with Sunflower Community Action?"

Mr. Wash said, "I am a member of Sunflower Community Action. Yes, sir."

Commissioner Peterjohn said, "My understanding is you all receive about \$200,000 from the Kansas Health Foundation for your program within the last year. Is that number about right?"

Mr. Wash said, "Yes. This has nothing to do with that, with that program, though. So I'm unsure as to why you are asking me that?"

Commissioner Peterjohn said, "Well, I was interested, because we've had talk about, you know, providing for folks who don't have things, and I was just curious how much Sunflower Community Action had provided for some of the folks, whether they need eggs or milk or whatever."

Mr. Wash said, "That's not a part of what it is we do. The grant agreement has absolutely nothing to do with it. It is about water access. So, again, I am confused as to why you would ask that question. Do I volunteer and do things with my church? Absolutely. I go to St. Paul Lutheran church every month we have a commodities program that we actually provide eggs and food and cheese and meat and different things like that to different people who are in need of those things. So I do that through my church, not through my former job. Do you have any other questions?"

Commissioner Peterjohn said, "No."

Chairman Howell said, "Thank you, Mr. Walsh. Appreciate your comments. I am not quite sure why this is the second bite at the apple. I have Sister Maryellen Lock. You have spoken one time, you don't need to go again, right? Thank you very much. Sister Maryellen Lock. I would like to call Cybil Strom."

Ms. Cybil Strom, 326 N. Walnut Street, greeted the Commissioners and said, "One of those people call me a racist, you're a racist. I am not a racist. I have been on USD 259 school board, working at schools. I do believe that you should speak English. Maybe they think I am offensive, but when I was working with kids that spoke Spanish, their parents came up to me and stated 'teach my child English right now.' I said we have a Hispanic group that teaches Spanish. He said, no, I don't want that. And my sons went to college, and they are U.S. Citizens, and they had to go get jobs to afford their degrees."

"I am a U.S. Citizen. Some of these illegals are saying they are getting mistreated. I can't even get medical. I can't even get cash assistance. I worked myself off at the age of 16, working as a nurse's aide, got certification at Emporia VoTech at Emporia, Kansas, at the age of 13. I went to medical assisting. How did I get the money? I didn't get it from welfare. I worked as a waitress. Yes, the WIC program is wonderful organization. I got it. People bring up that I am an illegal document, feel sorry for me. I have got a job. That's good. That's what, you know, but when my relatives came to this country, you heard the teachers talk about white people. My family was hated, because they were Irish. Hated because they were Polish. Hated because I have a dab of Native American."

"But I am not getting \$3,000 to be proving it. I taught my kids, if you want something, go out and earn it. Don't think you're going to get it. I felt offended about that, because I was in the back saying why are you calling me a racist? Why are you calling all these people racists? You don't even know the background. She can smile all she wants, but I am outraged that when these people come and, you know, you

should ask them to quit laughing, because it is disrespect. I had to listen to every one of those speaking, and I just urge you for any of you people, I know Vila. I know her. The reason I know her is because my son was a boxer, and her dad was the coach. But, you know, I had relatives from different countries, I didn't get it free.

"And I urge you guys to understand, the reason people are going against this issue is because there are citizens right now that were born, raised in this community, aren't getting nothing. I'm getting nothing. I'm getting food stamps, yeah. Oh, wait a minute. For your little comment, lady? I don't get that much. But I earned it. You understand what I am saying? You are trying to say I get something. I do. Let me tell you something, at the age of 13, what were you doing? Any of you? At the age of 13, I was out getting me a degree. I was emancipated at the age of 16. Emancipation means you got to have a job. You got to have a bank account. So don't go there, making fun of me. You don't make fun of me. You are asking people, and I quote, that they should get the WIC program. Are you not? What is WIC? Welfare. Bam. You are offending a lot of people falsely accusing these people. I know that guy right now, Unruh. He's a wonderful man. I know Peterjohn. I know him. All I'm saying is, you put me down. Then you are being judged.

"Because I worked with kids that are from different countries. And I know that they want to learn to speak English. And they want to be citizens. I got a stepmom right now, a step-family from the Philippines. My step-sister is a nurse's aide at Lakepoint. She wanted her citizenship. She wanted it. She said they asked her when she came to the United States, 'Do you want some fringe benefits?' She said, 'No. I want citizenship.' You go everywhere in your history, I am sure she knows it, when any person comes to this country, they kiss the ground. They kiss the ground, and they thank God that they're citizens. They thank God that they are citizens.

"And as for illegals, all I ask these illegals to do, try to get citizenship. You know? Try. Don't give them trouble for wanting to get citizenship. Give them ways to get that citizenship. Get it? Those that say, well, I don't like you because of your race. I don't like you because you come from another country. The hate stops, yes. But helping these people. I even know that girl right there. She don't remember me. Tell them, tell them and help them get their citizenship. And I think it's kind of offensive that this persons are laughing at me. I listened to them. I know what they said. And, yes, the WIC program, I am pro-life. I am for children learning to get schooling. I am one of these parents that was single, raising my seven children, and I told them, if you want something, go get it. Go earn it.

"My one son went to Friends University. I don't know if she was there. He got a business degree. His name is Franklin Strom. Franklin proved even though his mother was a single parent, he wanted that degree. He went and worked at the lowest jobs of ever, seriously. But he proved if you want something, go for it. Thank you. And have a nice day."

Chairman Howell said, "Thank you for those comments. Appreciate that. I would just like to let's ask the audience again, I would really like it if everyone would be quiet while the speakers are speaking. Let's show them respect. I think that's the right thing to do. I would ask you to please help me do that? Commissioner Ranzau? Are we done? Let me see, is there anybody else who did not sign up that would like to speak on this agenda item? Okay, please come to the podium, state your name and address for the record."

Ms. Janet Ferguson, "6715 South. Grove Court, Wichita, greeted the Commissioners and said, "I am not a public speaker, and I don't even think I've used a microphone in my life. But as I woke up this morning and heard about this meeting, I felt I really

needed to come and speak, just briefly, to say of course we should give these children the WIC program. Of course. They are human beings. They are human babies. They deserve appropriate nourishment. As Christians, it is our duty to assure that children get what they need and can survive in this world. The nuns very eloquently spoke about this. There isn't anything I can add to that, except we Christians really need to be taking care of people the way Jesus requested us to do. Thank you."

Chairman Howell said, "Thank you, Ms. Ferguson, I appreciate your comments. Anybody else in the audience who would like to speak on the agenda item? If so, please come up to the podium shall and state your name and address for the record."

Ms. Margy Altdual, 1414 North Woodland Avenue, Wichita, greeted the Commissioners and said, "I just wanted to address something that came up a couple times in the conversation, and that is the question of language, about calling someone documented, versus illegal immigrant or illegal alien. As you mentioned before, this is a conversation that has a lot of learning points for us. So to kind of dig into that just a little bit more, when we use language like illegal immigrant and illegal alien, it is very dehumanizing, it distances us from the reality that whatever legislation we are dealing with, we are talking about people. And we are talking about the relationships we have within our community with other people in our community.

"So using the humanizing language, which happens to be the officially recognized language of the [United States] Department of Homeland Security (DHS). That is accurate. However, there is a lot of a growing wave nationally to change that language, because if we look back at our history, we know that language is created by society and we know that language has power. So how we name people has an impact on how we treat people and how we think about these issues.

"And so I just wanted to address that, and raise to the attention of all of us that using terms like undocumented, while they are not perfect, they do actually bring some of the humanity back into our conversation, and whatever position we might be taking on these issues, if we are rooting our own position in our own sense of compassion. Then that's something to just think about, and be aware of, how we talk about other people matters. Thank you."

Chairman Howell said, "Thank you and I think we have a comment from Commissioner Peterjohn."

Commissioner Peterjohn thanked the Chairman and said, "I have a question, please."

Chairman Howell said, "Margy, please come back to the podium."

Ms. Altdual said, "Sure."

Commissioner Peterjohn said, "I have heard from a large number of folks in this country who are not here legally, overstayed their visas and just stayed. How would you describe a person who has violated the immigration laws of this country by overstaying their visa? How would you describe them?"

Ms. Altdual said, "I would also use the term undocumented for a person in that category. It's an umbrella term that refers to and places the emphasis on the fact that a person has a certain status, but again, is not pointing to their personhood. And as Claudia mentioned earlier, the situation about getting a speeding ticket. I have gotten speeding tickets before. There are other laws I have violated, I have jaywalked. There are things that people who have citizenship or residency or non-residency

have, I mean, we break laws all the time, not necessarily intentionally or not necessarily from hostility, but like I said I speed sometimes, and I've gotten caught for it. That does not make me an illegal. That does not categorize me as an illegal."

Commissioner Peterjohn said, "If you overstay your visa, it's just like jaywalking?"

Ms. Altdual said, "Well, the legal consequences are different, because that's how our system is set up. However, what I'm saying, my point is, how we talk about people has power. That matters. And so if we want to have a conversation that has mutuality to it, regardless of our political position, then we need to keep in mind that we are talking about people, and how we call each other is dehumanizing or not dehumanizing."

Commissioner Peterjohn said, "Thank you."

Chairman Howell said, "Thank you, Commissioner. Anybody else in the audience who would like to speak, please come to the podium. State your name and address for the record."

Ms. Teresa Day, 2417 North Lindberg, Wichita, greeted the Commissioners and said, "I don't have any prepared comments, because I did not plan to speak. But what she was saying brings to mind something I have been thinking about, that has to do with affinity. And I have been thinking about that because it really has something more to do with what Mr. Peterjohn has been talking about, and that it also falls into the whole discussion of the use of illegal immigrant versus undocumented."

"Mr. Peterjohn, clearly has been struggling with the idea of having undocumented persons getting a break on in-state tuition, versus someone who might live in Colorado, or something, or Oklahoma, or Missouri. For me, the distinction is if they live in Kansas, live in Wichita, they should get a break on their tuition, because they have an affinity for the community. They have lived here. They have an affinity for living here. And we think they will stay here. That also is important to the discussion of using the term illegal immigrant versus undocumented alien. Because on the one hand you talk about wanting to have these persons stay in the community, and be part of our workforce.

"If they were to go to a state college, and graduate from that state college, would they then come back to our community and be part of our workforce. You are concerned about that. If I were a young person and I would go to the state college, and get my citizenship, I would be a lot more apt to come back to Wichita and be part of the workforce here if I felt welcomed. And I'm going to be a lot more apt to feel welcomed if you used nice words when you talked about me. If you called me an undocumented alien instead of an illegal immigrant, that's going to make me feel better about my life here. And right now if I'm hearing some of these persons, I think they don't feel very welcome. I think they feel like people are talking about them in a hateful way. I think they feel like people using terms like illegal immigrant and some of the things that have been said here today, just the fact that this resolution is on the table for discussion, makes them feel like they're being pushed away from the community.

"So why would they or their children want to stay here and be part of the workforce? I don't think there's any reason. On the other hand, if you treat them more like human beings, and more like part of the Wichita community and embrace them, then I think they will be more apt to want to go to colleges here in the state, get their citizenship,

which by the way, takes 20 years to get, something like that. It is not an overnight thing. And if you embrace them, they will be more apt to get their college degrees and come back here and be part of the workforce. That fear you are having, you're creating it. You're making it happen. You're making it come to fruition. They are not going to want to come back here, because you make them feel unwanted. It is what I am thinking. Does that sound fair? Thank you for your time."

Chairman Howell said, "Thank you, Ms. Day. Is there anybody else in the audience that would like to come and speak on this agenda item? Last call. Anybody want to come and speak on the agenda item? I am going to close public comment on this agenda item and go back to the Board, back to the bench here. Commissioner Ranzau."

Commissioner Ranzau Thanked the Chairman and said, "I would like to thank everybody for coming here today to express their opinion. I think we have been patient and tolerant of everybody's views. I hope we receive the same consideration. I have a number of things I would like to say, some prepared, some of them not. First, I don't agree the terms illegal alien or illegal immigrant are dehumanizing, they are simply accurate legal terms. Immigrant or alien, which means foreigner, who is in the country illegally. I know there is an attempt to change the language in order to hide what's really going on here, but if someone is here illegally, they are here illegally. No attempt to be mean or dehumanizing, just that it's actually the legal term they use.

"That being said, I want to explain why we're here today, because we've discussed this before. We are here today on behalf of the approximately 70 percent of Americans who oppose taxpayer subsidies of illegal immigration. We are here today on their behalf to demand that the bureaucrats in Topeka respond to our previous request. Now, regardless of whether you approve or disapprove of the request we have made, we asked them to limit participation in WIC as authorized under federal regulation and law, back in October of 2015, but they have still not provided an official response. That is unacceptable. Evidently the bureaucrats in Topeka, because they are unelected, feel they are untouchable and unaccountable to the people's representatives. The people deserve an answer, once again, regardless if you support the request or not, the people deserve an answer. We are here today to demand that answer. Let the people know where you stand.

"Do you stand with American citizens and legal immigrants that oppose taxpayer subsidy for illegal immigrants, or do you support illegal immigrants and their establishment supporters? That's all we want to know. They have inferred that one of the reasons they haven't responded publicly is that we haven't taken a formal resolution. So, we said we will take that excuse away from them. I feel like the citizens of Sedgwick County deserve an answer. From crony capitalist to illegal immigrants, the collective establishment in both the Democrat and Republican parties have created a politically motivated caste system which they use their power and authority to pick winners and losers in an effort to gain political advantage. And they do so upon the backs of middle class Americans. And this must stop. Someone needs to stand up for middle class America, and that's what we are here to do today.

"Bureaucrats in Topeka need to respond one way or another to our request. If they continue to refuse, our legislature and government needs to get involved. The sovereignty of our nation and the respect for the rule of law are core American values that must be respected if we are going to survive as a nation. I would hope we could all agree on that. Everyone must be equal under the law, we don't have that in this situation. In fact, current state and federal policy gives special treatment to people who violate the sovereignty of our nation, and disregard the rule of law. Either we all follow the law, or none of us follow the law. No more of this politically motivated caste

system in which certain groups of people are given special favors, while middle class Americans get hammered over and over again.

"Let me give you just a few examples of what is created when we reward illegal immigration. For example, legal immigrants, who come here legally, and let's correct some inaccuracies. There's nothing anti-immigrant that we're talking about here today. No one is anti-immigrant. In fact, I heard from many legal immigrants who support my position on this issue and they are offended that they spent years and thousands of dollars to come here the right way, but then people who come here illegal, then, come here expecting special favors like taxpayer subsidies and path way to citizenship, they didn't do it the right way. They're offended.

"Let me ask you something, are those legal immigrants, are they racist and bigots? Or do they just have an honest difference of opinion? American citizens in other states pay out-of-state tuition at our universities. Illegal immigrants from foreign countries get special treatment. Illegal immigrants, while many of them, or some of them pay taxes, many of them, as we know, work in the large underground cash mark that happens with illegal immigration. They get welfare benefits from WIC and other programs because they don't report the full cash earnings. So they get benefits that law-abiding citizens who do have all their income reported aren't eligible for. Where's the justice and equity in that?

"Now, I know that there is a lot of emotion involved, and a lot of words and things thrown out there. We need to clarify some things, okay? This has nothing to do with race. And there is no virtue in using government authority to force middle class America to subsidize illegal behavior. There is rule of law. The sovereignty of our nation are the core American values that must be respected. Now, no one is entitled to include someone who comes here illegally. Entitled to other people's money. You are, however, free to use your own money.

"Think about this. If someone breaks into your home because they are hungry, are they entitled to your food and money? Of course not. And their hunger, their need, does not justify their unlawful behavior. You have the right to give of your own property, time, and resources to those in need, and I encourage that. But they are not entitled to your money or food if they break into your house, regardless of the reasons, nor is the government entitled to take or have the right, entitlement to take your money or food and give it to someone else who has broken into your home. This is not the rule of law. You cannot be, as some say, compassionate and merciful with other people's money. In fact, if you take other people's money and give it to somebody else in violation of the law, that's showing a lack of mercy, compassion for those people you took the money from.

"Let's be honest, no child is going to go hungry because the WIC program is not about the children, it's about subsidizing the parents so that they don't have to pay for the food the taxpayer does, and they can spend their money on other things. No child is going to go hungry. And we know that. The responsibility for a child belongs with the parent. I guess what some of the speakers are saying, we have illegal immigrants coming in here and having children that they can't afford to support and therefore the taxpayer now must bear the burden. That is apparently what is being said here, and I disagree. There are tons of people I've heard from a lot of people from all political parties, who resent that attitude. It is an issue of fairness.

"You have lots of families and children who are struggling out there, who obey the law. Not right to force them to subsidize unlawful behavior. Now you may feel differently, and you can call us racist and bigots, but that means you are calling all of those other people racists and bigots that I hear from Democrats, Republicans,

unaffiliated. They're all racist, the whole community is racist. Now, the issue of race came up again like it normally does in these discussions. I personally don't believe race has anything to do with it. I have asked someone who said we were racists, what race we were racist against. She couldn't say. Somebody said my race. I am assuming that means Latino or Hispanic. There's a problem with that. Hispanic, Latino is not a race, it is an ethnicity. We are the same race. We are from European descent. So you're misusing the term."

Audience member said, "So why..."

Commissioner Ranzau said, "It is my time to speak. I was patient and tolerant of you. I am asking for the same consideration. With that being said, it's just wrong. I understand it brings in a lot of emotions, this issue. But to say its racist motivated is flat out wrong. It has absolutely nothing to do with it. We had someone say if we don't speak a different language, somehow we are wrong, we don't understand, we need to get to know people all that stuff, our opinion doesn't matter, simply because we may or may not speak a second language. I could say you don't know me, either. I do speak a second language. I have a degree in Spanish from Wichita State [University]. I spent six weeks in Pueblo, Mexico studying Spanish in 1995 through the Wichita State [University] program. Took classes on my own, took four years in high school. I love the language, culture and history. Just because I wanted to.

"My first job as a physician assistant, was with this doctor who was Puerto Rican. We flew once or twice a week to Liberal and Dodge City to provide care for the workers in the beef packing plants, many of whom were Hispanic, and many of whom were here illegally. I loved that job. I loved using my Spanish to help those people. Did I do that because I am a racist?"

"Another time in my life, I worked as a translator for Via Christi for patients, and my wife was an occupational therapist, they needed help translating for Hispanic patients, and I did that. And I enjoyed doing that. I didn't care if they were here legally or illegally, but I helped them. And that's how we as individuals can help the poor and needy through our own time, money and resources. That's the Christian way to do it. And I encourage everyone to follow their Christian values to actively get involved. That's what Christ taught. Never once did He say that you can fulfill your obligation to take care of the poor and needy by going to Caesar and having Caesar take money from one group of people and give it to another. That is not charity. That is not compassion. That is not love. That's government force.

"So as you can see through my life I have helped a variety of people who have different colors of skin. I can tell more stories, but it doesn't matter. I don't have anything against your race or my race, or anyone else's race. It is not about race. I have worked with people of different skin colors and different languages of my own free will and my own time. My own money. My own resources. And I will continue to do so. But I'm here today as a County Commissioner, and I have a matter of public policy. Is it appropriate to use my authority to take money from other taxpayers, Americans, legal immigrants and residents, and use that money to subsidize people who are here illegally? I believe the answer is no, just as the vast majority of Americans believe the answer is no.

"Now we can agree to disagree on this. But please don't sit there and say that my motivation for my position is based upon racism when you don't know me or anything that I have done in my life. You don't even know whether or not I speak another language or what I think about other people or other cultures. We can have differences of opinion and not have to say each other is racist. I understand the position of where you're coming from. I am asking that you just take the time and

consider what I am saying and give me the benefit of the doubt that maybe I have a difference of opinion, and maybe it's not based upon race or hatred or bigotry or anything, just a difference of opinion of the proper role of government when it comes to helping those who are here unlawfully.

"That's what the question is in my mind. Is it appropriate to use government authority to force the taxpayers of America to subsidize unlawful behavior? You may say yes or you may say no. And I can respect that. Appreciate the opportunity to clarify my position, explain some of the things I am coming from. I do appreciate the dialogue, and I will be happy to meet with and discuss with anyone else in the future if you so desire. Thank you."

Chairman Howell said, "Thank you, Commissioner for those comments. Any other comments from Commissioners? Commissioner Peterjohn."

Commissioner Peterjohn Thanked the Chairman and said, "We have covered a lot of very interesting, but to some degree I think tangential to the resolution before us, which is rather narrow, and specific. I would like to try and bring it back to that, because it is basically asking the State whether they would follow the provisions under seven CFR 246.7 subsection C3, and in terms of how we administer the WIC program to follow up. And I appreciate the recalling by Commissioner Ranzau of the provisions of the discussion we had last year on this.

"I think it's important at this time that the larger issue, there may not be a lot of agreement in this room on everything, but one area where I do think there is agreement is the federal government has created a mess and we live in a troubled world. I heard some comments about what's going on overseas, the disaster of Marxism, socialism, communism in Venezuela, as we are seeing it today. It's proving once again that that form of statism doesn't work. But for folks who are struggling, who are refugees, this is not the first time this has happened.

"I was talking to a friend who has similarities with myself, and he was talking about what it was like being in a refugee camp as a young person in the United States. He was contrasting it with what is going on now it's like night and day. It's so different in terms of how we operated when there was a rule of law. Of course, now we have in my view, hate speech. I know we had some examples of it here today, where the motives of everyone up here is being questioned. I think it's a sad commentary on the times we live, and the effort to use George Orwell's, of course, George Orwell isn't taught in the schools these days like it used to be when I was younger, but it's an Orwellian trend we are in here, and the resolution we have in front of us is narrow.

"As a person, and I am not going to get too personal concerning myself, but the folks out there who know me, I am a strong supporter of legal immigration. I am a strong supporter of the rule of law, and I think the resolution in front of us today talking about our goal, we are dedicated to protecting the citizens and the legal immigrants who call Sedgwick County home. We support a rule of law and the laws of the United States and the State of Kansas concerning immigration. The right of citizens and legal immigrants to work and to live in Sedgwick County, free from interference from folks who break the law. Sometimes they are illegal immigrants. If you do it by overstaying your visa. You have got half a million, according to a news report I saw.

"We are converting public money for this, and we are involved with the WIC program. I mean, we can have Ronda Welch down at the newspaper can illuminate about how we are not supposed to be involved, but the WIC program is a program that Sedgwick County is involved in. Folks can say we will ignore that. We will just do whatever the folks on high tell us to do and proceed.

"I think we have a responsibility for county resources, for county tax funds to take the ideas and the concepts that are part of this resolution in front of us today. Try and create some accountability in a terribly difficult situation. I will agree, the federal government has made a complete disaster out of immigration and we are in an interesting position. The percentage of immigrants whether illegal or legal, is the highest in terms of absolute numbers and I think it is approaching the highest percentage since the census department started to record this data. So we live in challenging times. So the resolution in front of us is one that is narrow in scope and is part of, I think imperative for us to approve in relationship to the county's role with the WIC program. So I will be supporting it today. Thank you, Mr. Chairman."

Chairman Howell said, "All right, thank you, Commissioner. Any other comments from Commissioners? Commissioner Unruh."

Commissioner Unruh thanked the Chairman and said, "I guess first of all, I just want to express my gratitude for everyone who came here today, and spoke. I thought that you all were articulate and mainly gracious in your comments. I appreciate that. And expressed your perspective on this quite clearly. I came to the meeting today thinking that I was not going to be supportive of this proclamation, or resolution, and from your testimony and the facts and the logic, your general arguments and the passion you expressed, I am very much reinforced in my opinion that I don't think this is a good action for this County Commission to take."

"Probably right from the get go, I think we are trying to ask other governing bodies who have authority over this to do certain things as if we had some authority over them. I think this is beyond our scope, and I think one of the speakers today mentioned that. My perspective of this in regards to the WIC program is that we have the resources provided to us, it's our money. Its resources provided to us to work for the benefit of residents in our community. I think it makes our community better, if we have healthy people, and the WIC program helps do that. I don't see how it helps or improves our community by denying those sort of resources, or benefits to a certain class of people. It doesn't make sense to me. We ought to be working together."

"Now, if the federal government said we are going to change it, then I will work with whatever the change is, but right now they provide them, they say it is for these particular types of situations. I think we should access and use them for the benefit of our citizens. We pay the taxes. It has been said here previously, that all the folks that we talked about who are undocumented for the most part, have jobs and are paying taxes. So I just don't see that this is where we should be going with Sedgwick County's energy and time. I have no problem with my colleagues, anybody else writing their own letters and telling the Kansas Department of Health and Environment you should change your policy and I wish you would do that right now, and all these reasons. They can do that as an individual."

"They can also say I really don't think that you ought to let a person who has gone through school here and lived here for 12, 15 years and got a high school degree, and wants to pay in-state tuition in the state where they have been living for at least three years, I guess, according to the testimony, that they can't have in-state tuition. I don't understand that, either. So I'm opposed to this, and I appreciate that there's difference of opinion, and I encourage my colleagues to individually take their case forward. But as a County Commission, I don't think we should do it."

"I do want to make a comment about the narrow scope of this resolution. It is narrow, but it clearly says that we request the legislature to pass legislation for any provision to allow persons without lawful immigration status to receive the benefit of in-state"

tuition. That's very narrow, but very specific. We are saying please don't let these folks have in-state tuition. I think I would let the Board of Regents and the state legislature handle that. In the meantime, I am going to encourage everybody I see, get as much education as you can. It will be better for me.

"And the same thing with the WIC program. I don't want to exclude a mother and child that has a need, and I have the resource in my hand. I am not going to ask them the questions. I am going to say resource has been provided you need it, you can have it. I just think that is the right thing to do. I don't want to rehearse all the arguments in detail, but I am not going to be supportive. That's all I have."

Chairman Howell said, "All right, thank you, Commissioner Unruh. I guess I will say a few things. Someone gave us a copy of the article that came out this morning, authored by Ronda Holman. It says, stay focused on county issues. I would like to address whether this is a county issue or not. I think, again, I like to reflect first of all on the comment from, I believe an attorney at KDHE that said because we have not taken formal action and they refused to answer any questions regarding the administration of the WIC program.

"We needed to take action in order for them to actually answer any questions. The state does have the authority to change the rules on how WIC is administered in our state, but whatever those rules are, we have been very clear as a Commission, and I think I would say me personally, that whatever those rules are, that are given by KDHE, we are going to follow them. We are not going to make any movement here locally to not follow the rules as set out by KDHE. They have got the authority under federal law to change those rules and provide things to citizens and not illegal immigrants if they want too. Whatever the rules are that they hand to us to administrate the program. I think it is up to the county to follow those rules.

"The biggest discussion before now is whether or not these benefits really are being largely consumed by illegal immigrants or not. I have maintained my comments throughout the debate. I am not convinced that we have a large population of illegal immigrants taking these welfare benefits. We don't know that for sure. We want to find out. Let's ask the question and do it anonymously. So there is no way you can connect the answer to the question back to the person receiving benefits. We were committed to providing those benefits, regardless of the answer of the question. We wanted to find out. I wanted to find out. What actually is the nature of this issue? Is there a large population of illegal immigrants receiving benefits through the WIC program or not. We don't know. And I wanted to find out for a period of time whether or not that in fact was the case or not. And unfortunately, this debate has gone back and forth.

"We have had a number of letters go to KDHE. They have been non-committal and haven't really answered our questions. Their attorney said because we have not taken formal action, they're not going to answer the question. So that brings us to the reason why this resolution is before us today. I think it is a good question. In fact, I will just reflect on a couple of other things.

"You know, I first ran for office in 2010. I remember it was a very hot summer like it is this year. And I would say the second most popular topic that year as I knocked on thousands of doors in my district, the second most popular topic was the issue of illegal immigration. You might remember back in that year, it was nationalized, Arizona passed Senate Bill 1070. Senate Bill 1070, an enforcement bill. People asked me, do you support an enforcement bill in Kansas like what Arizona passed. And I answered the question, yes, I will. I think Representative Ponka-We Victors is gone now, but I think the second year I was in the legislature, I served on the House

Federal State Affairs Committee along with Ponka-We Victors, and we had several bills that came before us that year that dealt with illegal immigration. I don't remember now if it was four bills that were considered amnesty bills, three that were enforcement bills or the other way around. But I do remember there were seven bills. We had I believe, about two weeks' worth of hearings on those seven bills.

"The biggest proponent was Secretary Kris Kobach, the biggest opponent to amnesty bills was Agricultural Secretary Robin [Schepper]. And we worked a tremendous amount. At the end of the two-week period we did get information from the U.S. Justice Department that if we passed any of those laws they would sue the State of Kansas. They would stop any action, for example, in-state green card program. They said we don't have the authority in the State of Kansas to deal with the issue of immigration. It is not a state issue, only a federal issue. And with respect to that, I would say the federal government has been very negligent in their ability to actually deal with the issue. My evidence for that is what is going on politically today. One of the presumptive nominees for President this year has made this his platform issue. And he has excelled himself to the lead position of his party because of this issue of illegal immigration. People are frustrated. Just like it was in 2010. This is become a national discussion and I think what people recognize is the U.S. Government has not been serious about this.

"Now most recently we have been accused by some in the nation. Again, this is not a major issue for me. I am not going to talk about this much. I want to make a point. We have been accused by some in the nation of being a sanctuary county. Because they don't think we've done anything to actually address the issue of illegal immigration. I would say the state does have some authority in at least a couple areas. One of those issues is the WIC program. They can under federal law choose to change the rules on how we administrate WIC in Kansas if they want to. And they have taken the position so far that they're not interested in dealing with that issue. So the state again, if the state wants to stay where they are at status, they have the right to do that.

"We are asking in a resolution for them to answer the question. That's all this is. It is not an advocating we locally make any decisions to change the way the program is administered locally. The second thing the state has the authority to do and mentioned by Mr. Wash that 18 states have in-state tuition. But the rest of the states don't. Majority of the states in the United States do not provide in-state tuition for illegal immigrants. So we have again as I made my comments earlier, with School Board Member Lynn Rogers. When he was here. He has also left. I made the point that we have limited dollars available for workforce development and let me say one of the points in the resolution says that Sedgwick County government believes that providing public money to support illegal aliens diverts valuable resources away from the sources of those funds fame namely live the citizens and legal immigrants who call Sedgwick County their home.

"Let me tell you, Sedgwick County provides just about \$12 million a year in our local institutions here for workforce development. We provide more than \$7 million to WSU and the balance of that to WATC (Wichita Area Technical College). Our interests, I believe, is that we want to make sure we are invested in providing skilled workforce for the business needs of our community. We've done a good job, I think, in Sedgwick County of being committed to that. But that statement I believe is relevant. If we use those dollars for someone who can't lawfully take a position on one of these companies, then there's someone else out there in the community that would have been able to potentially get those dollars and they were not able to because they were consumed by someone else. We have a zero sum game in terms of dollars.

"I would like to read out of a document. I will tell you about this in just a minute. I am

not trying to be partisan. This is a document that has inspired me. I believe this is very well written. And this represents my viewpoint. I would like to read a couple paragraphs.

"Immigration is a blessing to this country and with the promises of America. A blessing to all preserving that promise for future generations. Requires that we protect the sovereignty of our country and secure our borders. Illegal immigration is not compatible with this goal. Immigration and citizenship with all of its privileges, executed pursuant to the law are essential component of that promise. It is therefore the duty of all who seek the promise of America to respect the laws of our land, therefore we oppose amnesty.

"That's a statement, I think, is very well worded. I think that reflects the viewpoint of people in my district as I spoke to them. Not everybody agrees. I'll tell you in just a moment. Again, not everybody agrees. We have diversity of thought, diversity of opinion. This is not something everybody would agree with. I am just telling you, when I knock on doors, anecdotally, this is the majority opinion of my district.

"Second statement I would read here, says that incentive programs to entice illegal immigrants to Kansas must be terminated. And these programs include the issuing of driver's licenses to illegal immigrants, illegal aliens and granting of in-state tuition to college and universities to illegal immigrants. By the way, it is already state law that you have to have citizenship to have a driver's license in Kansas. There was some debate earlier in the year on our legislative platform. Where Sedgwick County took the position that we would not support changing the law to grant driver's licenses to illegal immigrants. Wichita took the opposite position. They later on changed their opinion to match what Sedgwick County had already said. So we are on the same position with respect to this issue. But that's already state law. But this is in the Republican platform. So those who call themselves Republicans, I want you to know, this is the platform of our state, whether you agree or disagree.

"For those running for office, for those who are currently in elected positions that are Republicans, this is in your platform of your state. Again, I am not saying we have to follow everything that's in that platform, but I think it is inspiring language. I think it's very well worded. The reality is we've got limited resources in our state and I want to make sure that we provide the best we can for those that can absolutely benefit our local community in terms of in-state tuition. That was my motivation. I did not inspire most of the resolution today, although I agree with it.

"I did add the part about in-state tuition, because this has been a topic. I have been following now for about five or six years, and I think that our state is an outlier. Majority of the states don't do this, yet Kansas does. And to the extent that we are invested in our community with workforce development. I want to see those dollars come back and benefit our businesses to the greatest extent possible and there is an issue that needs to be realized with what I'm saying. I would tell you I do not know that someone could get the card, again. I don't remember who it was now, someone talked about how they filled out the I9. So even though they were technically here undocumented or illegal, they were able to find a document that would allow them to be here legally for as position. Would like to study that issue a little bit more. I think that's important. I would like to learn more about that. Okay. There have been some discussion in the community regarding the timing of this. This has nothing to do with the legislature meeting this week.

"There has been accusations that said we are trying to insert this into the activities of Topeka. They start Thursday this week. That's not true. To the extent that people called me ignorant and said I don't know what I am talking about. I need to study

some things. I am going to make a motion in just a minute. Before I do, I would like to recognize comments from Commissioner Peterjohn."

Commissioner Peterjohn said, "Thanked the Chairman and said, "I wanted to thank my Commission colleagues and everyone in the room. Some of the folks who are no longer here for their comments. But I wanted to bring out and thank specifically, I'm sure Commissioner Ranzau's Spanish is better than mine, although there are some other languages, I think, I am more proficient in some foreign languages than he is. I very much appreciate the comments, because his comments concerning motives, I think it's unfortunate when we have a discussion where our motives are questioned. I think that's unhelpful, and it leads in a direction to polarize and is unproductive.

"I wanted to thank the Chairman for reading from the resolution. I thought about doing that, but I think having the key point, showing that Kansas is in the minority of the states is very helpful. I want to mention an unintended consequence of what we are facing. Regardless of what action we would take here today, I would ask our Health Department, we serve as a Health Board and have to monitor Tuberculosis (TB). And tuberculosis (TB) came close to being eradicated almost in this country, but it's popping up. Of course, we have got new things popping up, Zika. But tuberculosis is an ongoing problem.

"I asked our Health Department, I asked them the question, variation on the WIC. Of the WIC question, they said, well, we can't answer your question. I said, Okay, can you answer this question? What percentage of the TB cases in Sedgwick County are foreign-born? Went back five years, it was interesting. It varied significantly year to year, between 30 to 85 percent were, 30 percent to 80 some percent, I'm thinking 85 percent, were people who were foreign born.

"Now, could be all here perfectly legally, I don't know. Can't find out. It is not politically correct to ask those types of questions in this day and age. So regardless of TB as a medical problem, there are other illnesses that are coming back. Whether it's largely removed or eradicated. That could be debilitating or life-threatening. Whether its whooping cough, plague, measles, mumps, and a number of them that have gone on because of the situation we face today.

"So I provide this as a, for everyone here who is interested in trying to make Sedgwick County a better place, we have some new and expanding challenges because of where things are going that are outside the control. I think, of everyone in this room. I will close the comment with my colleague and friend, Dave Unruh, appreciate his comments. I will chalk this up as one where we agree to disagree. Thank you, Mr. Chairman."

Chairman Howell said, "Thank you, Commissioners. Any other comments from Commissioners? All right. I don't know if this will pass or not. Again, with respect to the fact that there's been accusations that we are being political with respect to the legislature meeting this week, I don't like that connection, it is not true. But I would like to recognize that point and to the extent that people have called me ignorant and want me to go study some issues. There are issues I need to understand a little deeper before we make an action here. I think that's fine. Would be glad to study those issues and learn a little bit more about some of the things that came up today. I would like to understand the magnitude of the cost of in-state tuition for these folks attending our universities. Especially our local university, Wichita State University. I think that's another point I would like to understand a little bit deeper.

"So, I guess I am going to make a motion that we would table the item today with the intent to add this to a future agenda. I also want to say, this was a very great

discussion, I appreciate all the speakers, the decorum and the respect that has been given today. I hope that we can continue this discussion respectfully. I think the discussion is healthy for this community. My motion is to table the item today with the intent to add it to a future agenda. As a comment to myself. I do support the resolution as written. So if this does not pass, I will be supporting any other motions to adopt the resolution. Is there a second? Commissioner Ranzau."

Commissioner Ranzau thanked the Chairman and said, "I am prepared to vote on this today. That being said, in general, it's been my position that as a Commissioner, if a Commissioner wants something to be postponed, I am supportive of that. I have asked in the past to postpone items and gotten support from my fellow Commissioners. So out of consideration for my fellow Commissioner, I will second that motion."

MOTION

Chairman Howell moved to table the Resolution.

Commissioner Ranzau seconded the motion.

Chairman Howell said, "We have a motion and second. Any discussion on the motion? Commissioner Peterjohn."

Commissioner Peterjohn thanked the chairman and said, "Since you left it kind of open-ended. To avoid the legislative session. Of course, I don't know how long they maybe meeting up in Topeka. So I guess that would provide us with some avoiding date conflict with whatever they have. I guess my question was more procedural. I think I understand your motion a little bit better. Thank you."

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

Commissioner Unruh thanked the Chairman and said, "I am not going to support delaying it. I think this whole discussion has brought, is going to stimulate criticism and ill will, and anger in the community, and so if we table it today and do it again later, you know, I want to defeat the thing now. So I just think, you know, we've made a concerted effort as a Commission to try to improve our image in the community, and this I do not think is going to do it. I don't think continuing it is going to do it. We need to deal with it. I think we've had pretty clear indication of the positions among the Commissioners and maybe that will change. But I am rambling. I will just, those are my comments."

Chairman Howell said, "Very good. Thank you, Commissioner Unruh. Any other comments on the motion? Okay. We have a motion to table the item today with the intent to add it to a future agenda. Our next meeting potentially is July 6, I believe. That will probably be the case, this would go back on the agenda. But anyway, we can certainly pick any agenda going forward, it is not committed to July 6th, necessarily. We have a motion and a second. Madam Clerk, call the vote."

VOTE

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

Chairman Howell said, "All right. Thank you. So we will revisit this issue again in a future meeting. And thank you, everybody, for the good discussion, once again, appreciate that. We don't have a whole lot more, we don't have too much more coming up, I don't believe. Does anybody want to take a five-minute break? Absolutely. We are going to recess until 12:15. Take about an eight-minute recess, so 12:15, we will come back. Thank you."

The Board of County Commissioners recessed at 12:10 p.m. and returned at 12:15 p.m.

Chairman Howell said, "All right, folks, we are back from recess. Let's call back to order the meeting. Madam Clerk, next item please."

I [16-386](#)

RECONSIDERATION OF ITEM 6 OF THE MINUTES OF THE
FEBRUARY 26, 2016 MEETING OF THE BOARD OF BIDS AND
CONTRACTS: TENDER/PUMPER TRUCKS - SEDGWICK COUNTY
FIRE DISTRICT #1.

Presented by Joe Thomas, Acting Director, Purchasing Department.

This item was deferred at the March 2, 2016 Commission Meeting
(item #16-0107).

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

PUBLIC COMMENT

Mr. Joe Thomas, Director of Purchasing, greeted the Commissioners and said, "As mentioned, this item was originally presented to you during the March 2nd County Commission meeting. At that time we made the recommendation for the tender/pumper trucks to accept the proposal from Pierce Manufacturing, Inc. in the amount of \$805,274. At that time, it was the will of the Board to defer this item for further review. Since that time, subsequent meetings have taken place and now we are bringing this item back to you with the same recommendation. I will be happy to answer any questions you have as well as we have representatives from the Fire District and Public Safety if any questions pertain to them. I recommend approval of this item."

Chairman Howell said, "Thank you Mr. Thomas appreciate your presentation. Commissioners, any comments or questions for Mr. Thomas? I would like to open this up to the public. Anybody from the public would like to come and speak regarding the agenda item? Okay. Seeing none, come back to the Board. Commissioners, any comments or questions? What is the will of the Board? Commissioner Peterjohn."

Commissioner Peterjohn thanked the Chairman and said, "I had a question. We've got a specification on here that the vehicle be able to operate at 75 miles per hour. I was thinking normally there was some restrictions from National Fire Protection Association (NFPA) how fast we operate our vehicle. And I wanted to know the connection the number seemed high to me. I will let Mr. Brian Richey, Firemaster Technician answer the question."

Mr. Brian Richey, Sedgwick County Fire District greeted the Commission and said, "The question on the 75-mile-per-hour question that you asked, something that we built into our trucks so we can operate on interstate highways and not be a traffic

hazard on the interstates. The national standard for these trucks is 60, which creates a bigger issue if we run 58 to 60 miles an hour, we are a bigger traffic hazard. For those reasons that's why we build the speed into it. We can always derate it, we typically do, to engine software, we can go in there and set the parameters to lower it to 70. Typically most of our trucks run 68 to 72 miles an hour maximum speed."

Chairman Peterjohn said, "Regardless of whether you are in an emergency or non-emergency mode?"

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

Chairman Peterjohn said, "Okay. I was thinking there was a limitation on the national that we try and comply with at a slower speed."

Mr. Richey said, "The [National Fire Protection Association] NFPA recommends 60 miles an hour on any fire truck. That's 50,000 pounds or heavier. Whether it be this type of truck, or an aerial platform or pumper truck, that weighs over 50,000 pounds, they recommend you limit the speed of these trucks to 60 miles per hour."

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

Chairman Howell said, "Thank you for the answers to those questions. I have a couple more. I see at the bottom, typically we sell the used vehicles. Is that what is going to happen to the ones we are replacing? Are we replacing two now?"

Mr. Richey said, "These will be replacement vehicles. We will sell the other vehicles that are going out of service through the purple wave auction the County uses to dispose of these vehicles."

Chairman Howell said, "Typically do they go to other departments elsewhere and they are used for a while longer? What typically happens down the road?"

Mr. Ritchey said, "We've had people from farmers buy them to water their cattle, or they use them for, you know, their own fire protection in a rural environment. We've had other municipalities buy them and use them in a more reduced role than what we currently do."

Chairman Howell said, "The status of these particular vehicles we are trying to replace, do we have a condition of those, and can we talk about why they are not something we can continue to use?"

Mr. Ritchey said, "Typically, these vehicles that are going to be replaced, these two trucks will go in frontline. These trucks that they will be replacing frontline will go into our reserve status. So the Sedgwick County Fire District will still have these trucks that we are replacing probably for five to seven more years. So what we are going to be replacing are trucks that's way on down the line. We may go to the Bentley Fire Department or Viola, that, you know, we supply fire trucks too. We will probably replace those older trucks first and then reissue these two trucks to something, you know, used in less capacity."

Chairman Howell said, "Looking at the, there is a list of things that do not need specifications, you say the Weis truck; is that correct?"

Mr. Ritchey said, "Yes."

Chairman Howell said, "The Weis truck and some things do not meet the

specifications on the custom fire apparatus. I was just curious, have we contacted, I know this is a complicated question but I think I remember seeing some data about if they were to rebid this, they would potentially be able to meet all the specifications, and it wouldn't cost very much to do that. Do we have some data on that?"

Mr. Ritchey said, "I don't know that we have any more data than what we've talked about in our meeting that we had, you know, a couple months ago. My bigger concern with the Weis or the fire apparatus was not so much that the components that they did not bid that they had the opportunity to, their construction method I don't feel is conducive to our environment that these trucks operate in. Just in my professional opinion, I think those trucks go through a life cycle that's going to cost us a lot more money than what the difference is in the cost for the Pierce fire truck is."

Chairman Howell said, "Do we actually specify the type of construction. They just didn't pay attention to that? You said they are welded versus bolted or something like that?"

Mr. Ritchey said, "Typically all the bodies we've used in the Fire District, since I have been there, my whole fire career for the last 30 years, have always been a welded body. Always provided very good service to the Fire Districts. There is some cost savings in doing it a different way, which is the way Toyne build theirs. They bolt the bodies together. Once the body is on the truck, it is not always easy to inspect for issues. As far as you know, valves breaking or stuff like that. If that was to happen, you are talking huge labor cost and down time for repairs to take place. So I didn't feel it was in Sedgwick County's best interest to consider that truck an equal to the one that we chose to recommend."

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

MOTION

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

Commissioner Peterjohn seconded the motion.

Chairman Howell said, "Alright. Commissioner Peterjohn. Any other comments or is that it?"

Commissioner Peterjohn thanked the Chairman and said, "I was just going to explain the reason I interjected, because we've got the next item is the Board of Bids and Contracts. That's Item J."

Chairman Howell said, "I understand."

Commissioner Peterjohn said, "That's why I wanted a clarification, we weren't mixing apples and oranges on the agenda. That's all I wanted to provide, Mr. Chairman."

Chairman Howell said, "I did ask, I think earlier, that the balances in the Fire District No. 1. That would be used to pay for this. This is reflected in all the numbers we saw during the contract negotiations. I believe that is correct. I see someone in the back row going, yes. Okay. So all the numbers we saw are reflected. This is considered part of our vehicle replacement program. There's money set aside specifically for these purchases. These are roughly \$18,000 more per vehicle over 20 years. About 4 percent higher than the low bid. Actually I take that back. Not from the low bid. A lot

more than that. I should calculate that. Just a second, please. Again, we plan on using these roughly 20 years. Is that correct? That's typical?"

Mr. Ritchey said, "Yes, sir."

Chairman Howell said, "That's about \$3300 per year more to have the preferred vehicle. In terms of a percentage increase. Commissioner Peterjohn, did you want to add something?"

Commissioner Peterjohn said, "I basically, I was trying to compare the Pierce with the Weis. I am not sure how to pronounce that name. Just looking at the unit and the price differential. About \$133,000."

Chairman Howell said, "Alright. It is just under 20 percent. The most expensive bid here is roughly, just under 20 percent more expensive than the least expensive bid. The question is whether we want to accept that increase, for what we perceive is a better vehicle. That's really the point. Any further, Commissioner Ranzau. Comments."

Commissioner Ranzau thanked the Chairman and said, "Thank you Chairman Howell. I struggle with this decision. We have a cheaper alternative that would save the Fire District \$133,000. Beyond that I have argued that the financial issues, I think we need to reevaluate virtually everything we do in the Fire District; staffing, pay structure, vehicle replacement, whatever we need to do to get some ideas to see how we can get long-term viability out of the Fire District. That's the difficulty I face here today, buying really anything at this point and in particular, spending \$130,000 more than we have too. There's actually two cheaper alternatives. Nevertheless, that's kind of the struggle that I am facing."

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

Commissioner Peterjohn thanked the Chairman and said, "I respect the group that worked on this in-house, and the recommendation that the Pierce would offer the best, quoting here from backup, offers the best long-term product with the lowest cost of ownership over the life cycle of the apparatus. So it's a question of to what degree we are looking at pay me now or pay me later. That's why I have been struggling with the issue. When the issue first came up, had that problem. And had been interested, obviously, in getting a little bit more in detail on these items, which is why I had some of the questions I had earlier. Thank you."

Chairman Howell said, "Mr. Thomas, how often do we replace vehicles? Is this a yearly event? Do we do this every year, or every couple years?"

Mr. Thomas said, "We have done the fire vehicles, we did one last year. Before that, I don't know how long it was. Do any of you gentlemen remember? I know we had the same issue last year. I think it was two last year. Oh, one last year."

Chairman Howell said, "Do we have the option of using \$133,000 for anything in the Fire District, for example, salaries, or is this money set aside that's reserved for equipment only? Do we know?"

Mr. Thomas said, "You would have to ask one of the representatives here from the Fire District. These vehicles would actually be paid on a lease purchase plan for the next seven years, I believe is the lease agreements. So typically we can't use this money, the savings, for other things. That's my interpretation of the understanding."

Chairman Howell said, "I guess let me rephrase the question. Is money set aside for this purchase? Is that money available to be used other ways or does it have to be used for vehicle purchases?"

Mr. Thomas said, "I would have to refer to the finance side. I believe we typically, only monies we have set aside for this year is the lease payments of these vehicles for that. So that being said, I think the whole lease amount for the two vehicles for the year would probably be in the neighborhood of around \$130,000 period."

Chairman Howell said, "There is one point on this I would like, I am struggling with, and that is if we reject all bids and turn this back to start over again. It is unfortunate. I mean. Right now everybody knows what everybody else bid. It is really not fair at this point to give a second bite at the apple, when everyone has already seen. Normally things are sealed bid, until you open all the bids at one time. We let people compete based on what was request. If we turn this back. There's been an awful lot of discussion. An awful lot of debate about whether we should go forward or not. I think at this point if we start over again, there is going to be a definite advantage given to companies by seeing the bids of the first round of bidding."

"So I don't think that's fair. And I believe what we ought to do, in my opinion, next time this comes up. Next time we do a vehicle purchase. Let's make it really clear, I guess, exactly what we needed. Again, I would like to also justify the reasoning as to why some of these specifications are in here. I mean, does it really impact the use of the vehicle over time? Are they really critically important? Or are they simply being used, I am not suggesting so, I'm not arguing that this is what happened here. But when you get very specific, you begin to exclude all the competition, only one truck that could possibly meet all the specs. And there have been some discussions about whether that happened in this case or not. Only one company that really meets all of the specs out the door and that's Pierce. So you know, again, I would like to challenge ourselves and say do we need to be so specific it eliminates all the competition. Please respond."

Mr. Thomas said, "If I could add to that. In the fire truck manufacturing world, anybody that built a fire truck could have met that spec. It wasn't proprietary to any one builder. The people that didn't meet spec chose not to meet spec, for whatever reason."

Chairman Howell said, "Right. Again, let me go back to this, but there's some things on the spec sheet, for example, steps not as specified. How critically important are the steps? I mean, assuming you can get in and out of the vehicles. Why are we specifying details around the steps, I don't know why that's an important detail. I am not a firefighter, I don't know the answer."

Mr. Thomas said, "I can answer those questions. That's part of the NFPA (National Fire Protection Association) standard."

Chairman Howell said, "So, there is a standard on step design and for these other vehicles are not following the national standards. That's what you are saying."

Mr. Thomas said, "It is left to interpretation on how you want to, when we design a fire truck, we have a book or a bible that we follow. It's called the NFPA 1901. It dictates what we do and don't do on fire trucks. So there's nothing in that spec that isn't paid attention too. So, when we say that a step has to be 35 square inches, is that four by four, or five by seven. Or is it six by six. So it pays to say that, you know, we are going to provide five by seven step, which would meet spec. If it's six by six, that would exceed spec. That's not necessarily a good way to analogize it, but there's so

many interpretations that have to be made on these things. If you don't have that working relationship with all these vendors. I mean, you don't know what you are going to get until you are there and it's too late."

Chairman Howell said, "Do we have any requirement to actually follow the NFPA standards? Are we free to follow them, but we don't have a requirement to do so?"

Mr. Thomas said, "Everywhere that I have ever been a part of has followed the NFPA 1901. As much as they can. There are slight variations."

Chairman Howell said, "It just surprises me that we have companies who are in the business of selling fire trucks are not following a required national standard. They are not going to be in the business very long if they are going to do that. They have to come up to that standard, otherwise they will be out of business quickly."

Mr. Thomas said, "I would agree."

Chairman Howell said, "Very interesting. Further comments from Commissioner Ranzau."

Commissioner Ranzau thanked the Chairman and said, "Thank you Chairman Howell. Just to clarify. This NFPA standard, we don't follow every single detail?"

Mr. Thomas said, "We follow about 98 to 99 percent. Only place that I know that we waive the liability on this is the road speed. That does not meet the NFPA 1901 standard. And that's because we chose not to do that just because of the interstate speeds that these trucks need to see to get to where they are going."

Commissioner Ranzau said, "Thank you."

Mr. Thomas said, "Having said that, we also add other safety devices on these trucks to help resolve the additional speed of these trucks."

Chairman Howell said, "Alright. Further comments, questions? I believe we have a motion and second. Alright. Seeing no other comments or questions."

There was no further discussion and the vote was called.

VOTE

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

Chairman Howell said, "Alright. Thank you very much. Madam Clerk, next item, please."

Approved

J [16-383](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON JUNE 16, 2016.

Presented by: Joe Thomas, Director, Purchasing Department.

RECOMMENDED ACTION: Approve the recommendations of the

Board of Bids and Contracts.

PUBLIC COMMENT

Mr. Joe Thomas, Director, Purchasing Department greeted the Commissioner's and said, "The meeting of the Board of bids and contracts on June 16th, resulted in five items that we now bring to you:

1. ROAD IMPROVEMENTS FOR PUBLIC WORKS

"Recommendation is to accept the bid from Andale Construction, Inc., in the amount of \$1,397,022.60. The approval of this item will be contingent on the approval of funded agreement and Capital Improvement Plan (CIP) amendment, both to be considered at the June 22nd BoCC meeting under the Consent Agenda.

2. 2016 BOND TEKK (R175J) FOR PUBLIC WORKS

"Recommendation to accept the low bid from Cornejo & Sons, LLC, in the amount of \$550,064.19.

3. ON-CALL ELEVATOR MAINTENANCE FOR FACILITIES DEPARTMENT

"Recommendation to accept the low bid from Minnesota Elevator, Inc. at the rates listed for three (3) years with two (2) one-year options to renew.

4. ON-CALL BALLOT PRINTING FOR ELECTION OFFICE

"Recommendation to accept the bid from Mainline Printing, Inc. at the rates listed for one (1) year with two (2), one-year options to renew.

5. AUDIO VISUAL EQUIPMENT FOR INSTALLATION FOR METROPOLITAN AREA PLANNING DEPARTMENT (MAPD)

"Recommendation to accept the low bid from Electronic Contracting Company, Inc. in the amount of \$90,182.45.

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

Chairman Howell said, "Thank you Mr. Thomas. Any comments or questions for Mr. Thomas? I have one question on item 4. I know we're in the process of hopefully theoretically selecting some new equipment for the Election Office. Is this going to be needed once that other equipment is purchased?"

Mr. Thomas said, "This is in case there is a problem with equipment failure malfunction. This is like a backup plan. So because of the time limits of the elections. In case there was an equipment malfunction we have the option of using this Mainline Printing, Inc. as a backup for these ballots. So, it's plan B."

Chairman Howell said, "What is the total cost for the year before?"

Mr. Thomas said, "Total cost? These are contracted rates."

Chairman Howell said, "Ok, that's all I need to know. Thank you very much. Anyway. Any other comments or questions from the Commissioners? Alright, seeing none, what's the will of the Board?"

MOTION

Commissioner Peterjohn moved to adopt the recommendations of the Board of Bids and Contracts.

Commissioner Unruh seconded the motion.

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

VOTE

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

Mr. Thomas said, "Thank you, Commisioners."

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

Approved

CONSENT

- | | | |
|---|-------------------------------|--|
| K | <u>16-391</u> | Agreement with the City of Valley Center for Funding and Construction of 93rd St. North between Meridian and Broadway. District 4. |
| L | <u>16-392</u> | Capital Improvement Program Amendment for Project R-338: 93rd St. North from Meridian to Seneca. District 4. |
| M | <u>16-374</u> | Affiliation Agreements with Fountainview Home Health Services and Helpers, Inc. |
| N | <u>16-376</u> | Bylaws of the Sedgwick County Intellectual and Developmental Disabilities Advisory Board. |
| O | <u>16-385</u> | Approval of an agreement between Sedgwick County and Tanganyika Wildlife Park, LLC for the closure of certain County roadways for the purpose of hosting the Meritrust Tiger Trot at Tanganyika on Sunday, September 18, 2016. |
| P | <u>16-397</u> | Revise Sedgwick County Personnel Policies. |
| Q | <u>16-368</u> | Plat.
Approved by Public Works. The County Treasurer has certified that taxes in 2015 and all prior years have been paid for the following plat:

SPRING ACRES ESTATES. |
| R | 16-384 | Order dated 5/31/2016 to correct tax roll for change of assessment. |

S [16-340](#) General Bill Check Register for June 8, 2016 to June 14, 2016.

T [16-341](#) General Bill Check Register for June 15, 2016 to June 21, 2016.

U **16-342** Payroll Check Register for the June 11, 2016 payroll certification.

Mr. Ron Holt, Assistant County Manager, greeted the Commissioners and said, "You have the consent agenda that's items K through U. Recommend approval."

MOTION

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

Commissioner Unruh seconded the motion.

There was no discussion and the vote was called.

VOTE

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

Chairman Howell said, "Alright. I think we are on Item N, now."

MOTION

Commissioner Ranzau moved to approve the bylaws as amended with the word 'majority' crossed out in Article 5, Section 1 and the words 'two-thirds' reinserted and authorize the Chairman to sign.

Chairman Howell seconded the motion.

Mr. Yost said, "The motion is clear, yes."

Chairman Howell said, "So the motion is acceptable to you?"

Mr. Yost said, "I don't have a problem with it."

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

Commissioner Unruh thanked the Chairman and said, "I know that Dee Staudt is here. Would you give an explanation of the rationale for this change that we recommended?"

Ms. Dee Staudt, Director, CDDO greeted the Commissioners and said, "I would ask Justin to come up. I believe he sent an email about that earlier today. He can speak to the change. We did have a discussion with the Advisory Board. The recommendation from the Advisory Board's perspective was that a simple majority would be easier to reach, and it was specifically only for making changes or

amendments to the bylaws. However, Justin did clarify that there is a reference in the Developmental Disability Reform Act that talks about a simple majority. So I will let Justin speak to that."

Mr. Waggoner said, "To clarify a bit, the point of clarification is currently the bylaws say that in order for this Advisory Board to initiate a change to its bylaws, it would require two-thirds vote. Proposed change would be to change that to a simple majority. There is a resolution in place for this Advisory Board. The last dates to 1987, it says by majority vote, the bylaws can be changed. There is no reason you couldn't change that. As I understood your motion, Commissioner Ranzau, it is to send back a recommendation for this. If there were to be a change to it through two-thirds majority. I think that resolution, I would advise it would have an accompanying change. If that's the will of this Board. But that's, as I understood your recommendation, it would be to send this back to the IDDAB (Intellectual & Developmental Disability Advisory Board) to consider that change."

Chairman Howell said, "No. It is just approved with this change."

Mr. Waggoner said, "Okay."

Chairman Howell said, "Originally it was in here, then it got changed."

Mr. Waggoner said, "Okay."

Chairman Howell said, "Right? It currently says two-thirds."

Mr. Waggoner asked, "You're talking about the bylaws or the resolution?"

Chairman Howell said, "The copy I have has two-thirds marked out and replaced by majority."

Commissioner Unruh said, "You're talking about Article five."

Mr. Waggoner said, "Correct. The bylaws currently say two-thirds majority. What is proposed to be changed is to change that to a simple majority vote in order for them to initiate a change to the bylaws. Ultimately the County Commission has to approve the changes to the bylaws. The reason I was saying there is a current resolution the Board of County Commissioners passed in 1987 that said that the Advisory Board may by majority vote adopt its bylaws. I believe that also means amend the bylaws as well."

Chairman Howell said, "I would suggest that would be changed as well. I would feel more comfortable if the Board comes in with two-thirds of the people recommend changes as opposed to a simple majority. To me, it means there's more of an agreement. I mean, if Commissioners don't want to support that, that's fine."

Mr. Waggoner said, "I would suggest that if the Board votes to make that change, that we would also change the resolution. It can be done in a subsequent agenda item, I think. Unless County Counselor has concerns on that end."

Mr. Yost said, "No, I think we would have to do that. We would need to pass a resolution amending the 1987 resolution to comport with your change here. I think you can do this. Then we can come back and put the other resolution on the consent calendar."

Chairman Howell said, "To clarify, right now it says..."

Mr. Yost said, "Right now it says majority."

Chairman Howell said, "This does? No, I'm talking about this right here."

County Counselor Mr. Yost said, "Oh, this right here. It says two-thirds, but you are thinking of adopting before your amendment says majority. This would move it back to majority. And I am taking your motion to be that you want to leave it two-thirds."

Chairman Howell said, "Okay. Yeah, right now it has two-thirds."

Mr. Yost said, "Right."

Chairman Howell said, "The proposal was to move it to majority. I am saying retain the two-thirds as it currently is now."

Mr. Yost said, "Right."

Chairman Howell said, "It's already incongruent with our resolution. One way or another we need to rectify that."

Mr. Yost said, "Okay."

Chairman Howell said, "I think we are clear on the motion. Commissioner Unruh."

Commissioner Unruh thanked the Chairman and said, "How many members are on the Board?"

Ms. Staudt said, "When all of the seats have been appointed, there are 15."

Chairman Howell said, "Okay, and if this Board by substantial majority approve a simple majority? That came from the Board."

Ms. Staudt said, "Yes, it did. We had a special meeting specifically to approve these bylaws and we had ten of 14 members participate in that and all of them unanimously approved that change. We only have 14 current members on the Advisory Board shall so ten of 14 approved it."

Commissioner Unruh said, "Okay. If they ever had a change in the bylaws, if they approve it unanimously, or if they by simple majority still come to the Board of County Commissioners on the bylaw change."

Ms. Staudt said, "That's correct."

Commissioner Unruh said, "That being the case. I would yield to the will of the Board as it is now. I mean, if ten people are there, they voted 100 percent they thought simple majority was sufficient. I am inclined to support their desires, especially in light of the fact that we can still review anything they do regarding bylaws. That's all."

Chairman Howell said, "I have a question. If there are 15 seats on the Board, and in order to do business, you need eight folks to show up, that's according to section four."

Ms. Staudt said, "Correct."

Chairman Howell said, "If that happens, only eight people show up, a simple majority

would be eight again. Or is it going to be basically one more than half of eight would be five people? So five people could theoretically change the bylaws if that were to happen."

Ms. Staudt said, "Correct."

Chairman Howell said, "So it is."

Ms. Staudt said, "They could make a recommendation to amend the bylaws, which would then come before you for approval or not."

Chairman Howell said, "So, again, it would be majority of the members present. So if only eight show up to do business, the majority of them make the change. That would be a legal change?"

Ms. Staudt said, "Yes. They could make the recommendation to you for consideration."

Chairman Howell said, "I notice also under the article five, majority vote of those present. So if you only have eight that show up. Two-thirds of that would be, I guess would be six."

Ms. Staudt said, "Right."

Chairman Howell said, "So you are going to go from five to six. I don't know. I think that this is reasonable to have a higher standard for changing the bylaws. I would support the motion. Doing business with just members present, to me it lowers the requirements anyway. So that's concerning anyway. Commissioner Peterjohn."

Commissioner Peterjohn thanked the Chairman said, "Thank you. I am inclined to agree with the Chairman's comments, so I my vote will reflect that today. Thank you."

Chairman Howell said, "Very good. Commissioner Ranzau."

Commissioner Ranzau thanked the Chairman said, "Just a clarification, I prefer a two-thirds vote of those sitting on the Board, not just those who show up. That would push it even farther. Not proposing that, but I would just keep it the way it has been."

Chairman Howell said, "Alright. So we are clear on the motion, was there a second? Motion and second. Any other discussion? Mr. Counselor, did you have something you wanted to say?"

Mr. Yost said, "I wanted to clarify that you're moving for adoption of this with that one change. Is that correct?"

Chairman Howell said, "Yes. So, the crossed out word where it says two-thirds at the bottom of the page under article five. Crossed out underline that says majority, we are going to delete the word majority and reinsert the words two-thirds. That's what we are doing. That's what the motion is intending. We have a motion and second. Seeing no other discussion, Madam Clerk, please call the vote."

VOTE

Commissioner Unruh	No
Commissioner Norton	Absent

Commissioner Peterjohn Aye
Commissioner Ranzau Aye
Chairman Howell Aye

Chairman Howell said, "Okay. Thank you. Madam Clerk, next item, please."

RECESS

The Board of County Commissioners recessed into the Fire Meeting at 12:48 p.m.
and returned at 12:50 p.m.

LEGISLATIVE ISSUES

OTHER

Chairman Howell said, "Commissioners, do we have anything for "other" today?
Commissioner Peterjohn."

Commissioner Peterjohn thanked the Chairman said, "Well, with the 4th of July coming at us, and there's going to be a lot of folks wanting to celebrate. I urge caution out there. I think it's imperative, we mentioned the non-emergency number. I wanted to get that back in the record. Even for folks watching at this point, 290-1011 in lieu of calling 911, if they have fireworks or a related issue, I know the stands will be open very shortly and a lot of enthusiasm for celebrating the 4th of July. But that's an important factor to put in place.

"I would also point out that June 22nd is an important day in American history, point out that in 1944, June 22nd, President FDR [Franklin Delano Roosevelt] signed one of the very important pieces of legislation that continues to this very day. Which was the federal GI Bill of Rights legislation [Servicemen's Readjustment Act of 1944].

"And on that date, a year later, one of the bloodiest, I think the bloodiest battle in the pacific involving U.S. Troops, battle of Okinawa ended with the United States victory there. June 22nd, 1970, President Richard Nixon lowered the voting age to 18. June 22nd, is an important day in American history. Thank you, Mr. Chairman."

EXECUTIVE SESSION

Chairman Howell said, "Thank you very much, Commissioner. Any other comments for "other?" Alright. Seeing none, we have a need for Executive Session.
Commissioner Ranzau."

MOTION

Commissioner Ranzau moved to recess into Executive Session for twenty minutes to consider consultation with an attorney for this Commission which would deem privileged under the attorney client privilege relationship. And that the Board of County Commissioners return to this room from Executive Session no sooner than 1:13 pm. The Executive Session is required to protect the Counties financial interests right to the confidentiality of its negotiating position.

Chairman Howell seconded the motion.

There was no further discussion and the vote was called.

VOTE

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

Chairman Howell said, "Alright we will be at recess until 1:13 p.m."

RECESS

The Board of County Commissioner recessed into Executive Session at 12:53 p.m. and returned at 1:13 p.m.

Chairman Howell said, "Alright folks, we're back from Executive Session. There was no binding action taken. However, we do have an item for the Board to consider. I would like to recognize Counselor Mike North."

Mr. Michael North, Assistant County Counselor, greeted the Commissioners and said, "I'm approaching the Board here today to recommend authorization of a settlement in a pending lawsuit. The lawsuit is titled Groover vs. Board of County Commission, it is 13CV1342 filed in the Eighteenth Judicial District. That's Sedgwick County District Court. And again this settlement amount that we're recommending is \$41,500. In very summary form.

"This case involves allegations of negligence in the transfer of a patient. This is a patient that was transferred from St. Joseph Hospital. This was ventilatory support to an Operational Select Specialty hospital which operates a unit at St. Francis Hospital. The patient expired shortly after the transfer of care from EMS to Select Specialty. The circumstances was in serious and heated controversy between the parties. Our information is Select Specialties, who is also a co-defendant in this case, settled their end of the case a couple of months ago.

"The case is pending and is set to go to trial in August. We have been in negotiations between the plaintiff's counsel and our office over the past couple of months. We have arrived to this figure, this \$41,500 figure as an adequate compromise that would be acceptable to both sides in this case, but subject to approval the County's Commission here today. Now we have calculated the expenses of what it would take to try this case from the Counties stand point. Giving the risks going forward with trial in this case, we think this figure is a settlement figure that we can live with and I would advise the Commission approve this settlement in that amount at this time. I'm certainly open for questions of the body at this time."

Chairman Howell said, "Mr. North, thank you for the good explanation. Is there any comments or questions from the Commissioners? If not, what is the will of the Board?"

MOTION

Commissioner Unruh moved to approve the settlement in the amount of \$41,500 in the case of Groover vs. the Board of County Commissioners (13CV1342).
Commissioner Ranzau seconded the motion.

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

VOTE

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

Chairman Howell said, "Thank you, Mr. North. Now we're at the end of our agenda. Mr. Manager, Mr. Counselor anything else for the good of day? See none. Commissioners anything else you want to bring up before we adjourn? Seeing none, we are adjourned."

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 1:15 p.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:
