

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



*Sedgwick County...
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Meeting Minutes

Wednesday, January 18, 2017

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

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

JANUARY 18, 2017

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:06 a.m. on January 18, 2017 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 Michael O'Donnell II; Commissioner David Dennis; Mr. Michael Scholes, County Manager; Mr. Thomas Golden, Deputy County Manager; Mr. Eric Yost, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Karen Bailey, Chief Deputy Clerk; Mr. Dale Miller, Director, Planning Department; Ms. Jvonnah Maryman PhD, MPH, Director, Public Health Performance Division; Mr. Justin Waggoner, Assistant County Counselor; Ms. Misha Jacob-Warren, Assistant County Counselor; Mr. Jon Von Achen, Assistant County Counselor; Mr. Joe Thomas, Director, Purchasing Department; Ms. Keturah Austin, Corporate Communications Officer; Ms. Laura Billups, Deputy County Clerk.

GUESTS

*Ms. Mary Lou Rivers, Chisholm Trail Historical Society
Bishop Wade Moore, Jr., Urban Preparatory Academy
Ms. Sheryl Wohlford, appointee
Ms. Ann Nelson, Executive Director, Central Plains Health Care Partnership
Mr. Lonnie Wright, 1721 South Lulu, Wichita*

CALL MEETING TO ORDER

INVOCATION: Reverend Titus James, North Heights Christian Church.

FLAG SALUTE

ROLL CALL

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

Roll Call

PUBLIC AGENDA

Chairman Unruh said, "I haven't been notified of anyone to speak on the public agenda and I don't see anyone making any movement so, we'll go to the next item."

CONSIDERATION OF MINUTES

A [17-137](#)

REGULAR MEETING MINUTES OF DECEMBER 7, 2016.

All Commissioners were present.

Chairman Unruh said, "Commissioners, you've had an opportunity to review the minutes. What's the will of the board?"

MOTION

Commissioner Ranzau made a motion to approve the regular meeting minutes of December 7, 2016.

Commissioner O'Donnell second the motion.

There was no discussion and a vote was called.

VOTE

<i>Commissioner Dennis</i>	<i>Abstain</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Howell</i>	<i>Aye</i>
<i>Commissioner O'Donnell</i>	<i>Abstain</i>
<i>Chairman Unruh</i>	<i>Aye</i>

Chairman Unruh said, "Next item."

Adopted

PROCLAMATIONS

B [17-140](#)

PROCLAMATION DECLARING 2017 AS THE 150th CELEBRATION OF THE CHISHOLM TRAIL.

Read by: Chairman Dave Unruh or his designee.

RECOMMENDED ACTION: Adopt the proclamation.

Chairman Unruh said, "Commissioners, I have a proclamation to read for you're consideration.

"Whereas, The Chisholm Trail played a vital part in the history and development of Sedgwick County, the State of Kansas and the American West; and

"Whereas, The promotion of the Chisholm Trail would be beneficial to all of the citizens of Sedgwick County and Kansas by attracting visitors and bringing recognition to the state; and

"Whereas, Volunteers from the Chisholm Trail area of the state have joined together to facilitate the planning, implementation, and promotion of the 150th anniversary year of the Chisholm Trail; and

"Whereas, the hundred and fiftieth anniversary of the Chisholm Trail in 2017 would be used to advance the cultural, educational, historical, and economic benefits of the state of Kansas.

"Now, therefore be it resolved, that I, David M. Unruh, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim 2017 as the 150th celebration of the Chisholm Trail year in Sedgwick County and encourage all citizens to participate in the year-long celebrations and remember the great heritage that the

Chisholm Trail brought to Kansas.

"Commissioner's, you've heard the proclamation, what's the will of the board?"

MOTION

Commissioner Dennis made a motion to adopt the proclamation.

Commissioner Ranzau second the motion.

There was no discussion and a vote was called

VOTE

<i>Commissioner Dennis</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Howell</i>	<i>Aye</i>
<i>Commissioner O'Donnell</i>	<i>Aye</i>
<i>Chairman Unruh</i>	<i>Aye</i>

Chairman Unruh said, "And here to receive the proclamation are a group of citizens, and I think Mary Lou Rivers will receive the proclamation.

Ms. Mary Lou Rivers, Chisholm Trail Historical Society, said, "Thank you, so much, for dedicating a year to the Chisholm Trail. The Chisholm Trail came through Wichita for a few years before the actual cattle loading happened in Wichita. But, it was a great economic boom to Wichita at that time, and a lot of us feel had not those cattle came through and all of those cowboys and those drovers dedicated their time and effort to bring those cattle here.

"Six hundred thousand dollars being put into the banks did help establish Wichita as a commerce area for that. The cattle industry took off after that. Of course, later on we became the Air Capital of the world, but we're still, particularly in Delano, we're still that cowboy town. So, we're very glad that you did the proclamation for us, thank you."

Chairman Unruh said, "Well, thank you, for being here and we're pleased to make the proclamation. Thank you, for the gifts that you provided for us. I haven't had a chance to look through it yet, but I'm sure I'll be delighted with what you brought us."

Ms. Rivers said, "Well, they're the souvenirs that will be available to the public and we wanted you all to have some of them first."

Chairman Unruh said, "Alright well, we wish you the best in this yearlong celebration and hope that you do a good job of calling all of the citizens attention to this, what is a historic year for us, thank you. Madam Clerk, next item."

Adopted

C [17-149](#)

PROCLAMATION DECLARING SCHOOL CHOICE WEEK.

Read by: Chairman Dave Unruh or his designee.

RECOMMENDED ACTION: Adopt the proclamation.

Chairman Unruh said, "Thank you and I've asked Commissioner Ranzau to read this proclamation."

Commissioner Ranzau thanked the Chairman and said, "Whereas, all children in Sedgwick County should have access to the highest-quality education possible; and

"Whereas, Sedgwick County recognizes the important role that an effective education plays in preparing all students in Sedgwick County to be successful adults; and

"Whereas, quality education is critically important to the economic vitality of Sedgwick County; and

"Whereas, Sedgwick County is home to a multitude of high-quality traditional public schools, public magnet schools, public charter school, and nonpublic schools from which parents can choose for their children; and

"Whereas, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and

"Whereas, Sedgwick County has many high-quality teaching professionals in traditional public schools, public magnet schools, public charter schools, and nonpublic schools who are committed to educating our children; and

Whereas, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options.

Now, therefore be it resolved that I, David M. Unruh, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim January 22-28, 2017 as School Choice Week, in Sedgwick County and I call this observance to the attention of all our citizens."

Chairman Unruh said, "Commissioners, you've heard the proclamation, what's the will of the board?"

MOTION

Commissioner Ranzau made a motion to adopt the proclamation.

Commissioner Howell second the motion.

Chairman Unruh said, "We have a motion and a second, Madam Clerk, call the vote. I beg your pardon, first, is there any discussion? I see Commissioner Dennis would like to make a statement."

Commissioner Dennis thanked the Chairman and said, "I will be voting in favor of this proclamation. I just want to state that Kansas has great educational opportunities for all of our students, public, private and home schooled students for the future of our workforce, and are the leader's of tomorrow.

"The backbone of our education system are our teachers. I am proud that I had the opportunity to serve as a public school teacher and a past member of the Kansas State Board of Education. In addition, both my sons are educators in public schools. I deeply appreciate every educator in Kansas and I strongly support each of our educational opportunities including public, private and home schools."

Chairman Unruh said, "Alright, thank you, Commissioner, any other comments? Seeing none, Madam Clerk, call the vote."

VOTE

Commissioner Dennis	Aye
Commissioner Ranzau	Aye
Commissioner Howell	Aye
Commissioner O'Donnell	Aye
Chairman Unruh	Aye

Chairman Unruh said, "And someone is here to receive this."

Commissioner Ranzau said, "We have Pastor Wade Moore, from Urban Preparatory Academy."

Bishop Wade Moore, Jr., Urban Preparatory Academy, thanked the Commissioners and said, "Thank you, for recognizing School Choice Week. Education as we all know, plays a great part in the success of our families, of our economy, of our nation, and we are honored to play a small role in this and really look forward to the challenge of educating our children, creating a powerful workforce here in the Midwest and creating some powerful leaders that will one day lead our nation.

"I see with the new president coming in and the appointment of a Kansan as the head of the CIA (Central Intelligence Agency) and this is not the first time that it has happened, it's the second time that someone from Wichita. I believe that we're raising up good powerful citizens that can effect change in the world, and we do it through education, educational choice that each family has an opportunity to choose where their children are educated and to choose that best journey for their children.

"So, on behalf of all children, of all educators, public, private and home school I accept this and thank you, very much for recognizing school choice and Commissioner Ranzau for the great support that you provide for Urban Prep Academy and all of our students, so thank you, very much."

Chairman Unruh said, "Thank you, and we do have a comment from Commissioner Ranzau."

Commissioner Ranzau said, "Yes, Pastor Moore, thank you, again, for coming and thanks for all that you do. You know there's a little concern with, by some people when you talk about school choice and concern about the President Trump elect's nomination to the Department of Education.

"Can you talk to the concerns that some may have that see school choice as an attack of public schools, how you view this, and why you think it's important. Kind of tell us what your school has done for the community to this point. Maybe talk a little bit about the successes and the recent test scores that you've had."

Bishop Wade, Jr. said, "Yes, sir. I don't think anyone should be nervous or alarmed by Ms. [Betsy] De Vos' appointment again, you know, she is for all children. The way laws are changed, their changed at a local and state level. So, we have been able to get the first piece of school choice legislation in the history of the state of Kansas, when the governor signed it into effect January 1, 2015. It's the tax credit scholarship for low income families and it enables children from low incomes to attend a private school.

"It does not take any public money, from any of the school districts. This is private citizens, and private companies that give anyway but, they direct or re-direct their giving toward a child's education.

"We started the Urban Prep Academy three years ago. We bought a closed public school that was going to become an eyesore in the community and it was already beginning to be vandalized, windows being broken out and everything. So, we went in and we purchased that school and we brought it back to life and did some programming there and started the Urban Prep Academy K [kindergarten] through five [fifth grade] and this is our third year. Now we're grade 7, we've grown a grade each year, and we are having some tremendous success with children.

"You know, with education it's not one size fits all. There's children that they learn different, they learn in different environments. We've been able to take children that have struggled in the private school and we have been able to give them up. As a matter of fact, a couple days ago we received our second round of testing and the results from it and we have seen scores rise.

"We have fourth graders that are on tenth grade level in math and in English now, and scores continue, children that came in, sixth graders that were reading on a first grade level, we've got them on grade level reading. So, it's some great things that are going on over there. Really changing some lives of children, and not only the children but it's changing the dynamics of their families."

Commissioner Ranzau said, "Thank you, Pastor Moore, I've talked to many of the kids and the parents and the staff there, people need to keep an open mind, be willing to talk and listen. There were families that didn't have a lot of hope, they were fearful for their kids, and now they have hope they didn't have before. I think the key is there's not a one size fits all. We're just asking for the freedom to choose, so that the child can go somewhere to a school that meets their educational needs."

Bishop Wade, Jr. said, "Yes."

Commissioner Ranzau said, "It's, God's working a miracle in north Wichita, at you're academy and I appreciate everything that you're doing."

Bishop Wade, Jr. said, "Thank you."

Chairman Unruh said, "Pastor Moore, thank you, for being here. I appreciate kind of a, update on what's been going on at your school and congratulations on your great success. These are the type of things that we, I know you're proud of it. We're proud of it also."

Bishop Wade, Jr. said, "Thank you, Mr. Chairman, thank you."

Adopted

APPOINTMENTS

17-159

RESOLUTION APPOINTING SHERYL WOHLFORD
(COMMISSIONER DAVID DENNIS'S APPOINTMENT) TO THE
SEDGWICK COUNTY SHERIFF'S CIVIL SERVICE BOARD.

Presented by: Eric Yost, County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Chairman Unruh said, "Alright, Commissioners, we have a need for an off-agenda item at this time. So, I would like to have a, it's a need to appoint someone to the

Sheriff's Civil Service Board."

Mr. Eric Yost, County Counselor, said, "Mr. Chairman, what do you want to do?"

Chairman Unruh said, "We need a motion to take an off-agenda item, if we could have a motion to do that."

MOTION

Commissioner O'Donnell made a motion to accept an off-agenda item.

Commissioner Dennis second the motion.

There was no discussion and a vote was called.

VOTE

<i>Commissioner Dennis</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Howell</i>	<i>Aye</i>
<i>Commissioner O'Donnell</i>	<i>Aye</i>
<i>Chairman Unruh</i>	<i>Aye</i>

Chairman Unruh said, "Counselor Yost."

Mr. Eric Yost said, "The off-agenda item is an appointment of Commissioner Dennis' recommending the appointment of Sheryl Wohlford to the Sheriffs Civil Service Board. The reason we need to take this off-agenda is that the term of the previous person expired Monday. We do have a meeting coming up for that board and so we thought it was best to expedite this.

"I've reviewed the paperwork, it appears to be in order and I would urge adoption of the resolution. I would tell you that Ms. Wohlford is present and ready to be sworn."

MOTION

Commissioner Dennis made a motion to appoint Sheryl Wohlford to the Sedgwick County Sheriff's Civil Service Board.

Commissioner O'Donnell second the motion.

Commissioner Dennis said, "I've know her for some time and she's a great asset to our community and she'll be a great member on that board.

There was no discussion and a vote was called.

VOTE

<i>Commissioner Dennis</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Howell</i>	<i>Aye</i>
<i>Commissioner O'Donnell</i>	<i>Aye</i>
<i>Chairman Unruh</i>	<i>Aye</i>

Chairman Unruh said, "And Karen Bailey Deputy Clerk for Sedgwick County is here, and I believe our new appointee is here, so Ms. Wohlford if you would step over to be

sworn in,”

Ms. Karen Bailey, Chief Deputy County Clerk, said, “Raise your right hand. 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 Sheriff Civil Service Board, so help me God.”

Ms. Wohlford said, “I do.”

Ms. Karen Bailey said, “Thank you, would you like to speak?”

Ms. Wohlford said, “No, well, thank you, for this appointment and I will do my best to do the job, thank you.”

Chairman Unruh said, “Thank you. Okay, no other comments so, Commissioners, we’re ready for the next item.”

Approved

PLANNING DEPARTMENT

D [17-139](#)

ZON2016-00059 - ZONE CHANGE FROM LC LIMITED COMMERCIAL TO GC GENERAL COMMERCIAL ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF PAWNEE AND GREENWICH (DISTRICT 5).

Presented by: Dale Miller, Director of Planning.

RECOMMENDED ACTION: Adopt the findings of the Metropolitan Area Planning Commission (MAPC) and approve the zone change; authorize the Chairman to sign the resolution and authorize the resolution to be published.

PUBLIC COMMENT.

VISUAL PRESENTATION

Mr. Dale Miller, Director, Planning Department said, “Commissioners this is a fairly simple straight forward zone change request from limited commercial to general commercial. It’s for a construction company that is wishing to build a new building and expand their operations on the site.

“The limited commercial zoning district does not allow for outside storage and with the new construction and their activities they feel like they need outside storage so they’ve requested the GC general commercial zoning.

“The Planning Commission reviewed this and recommended approval 11-0. There were no protests filed and as you can see here it’s on the southeast corner of Pawnee and south Greenwich. There’s the aerial, there’s an existing building there. To the west is agricultural, to the northwest are some homes, and north are some other commercial activities. With that I’ll try and answer any questions.”

Chairman Unruh said, “Commissioners, are there any questions for Mr. Miller? Seeing none, what’s the will of the board?”

MOTION

Commissioner Dennis made a motion to adopt the findings of the Metropolitan Area Planning Commission and approve the zone change; authorize the Chairman to sign the resolution and authorize the resolution to be published.

Commissioner Ranzau second the motion.

Chairman Unruh said, "Alright, is there any comment on the motion? I would before we vote ask if there's anybody who wants to make a comment on this zone change, anybody from the public that would like to make a comment? Seeing none, and no other comments then we will proceed to the vote. Madam Clerk, call the vote, please."

VOTE

Commissioner Dennis	Aye
Commissioner Ranzau	Aye
Commissioner Howell	Aye
Commissioner O'Donnell	Aye
Chairman Unruh	Aye

Chairman Unruh said, "Next item, please."

Adopted

NEW BUSINESS

E [17-112](#)

AGREEMENT WITH CENTRAL PLAINS REGIONAL HEALTH CARE PARTNERSHIP (CPRHCP), SEDGWICK COUNTY BOARD OF COUNTY COMMISSIONERS AND THE CITY OF WICHITA TO PARTNER WITH THE SEDGWICK COUNTY DIVISION OF HEALTH UNDER THE PROJECT ACCESS PROGRAM.

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

RECOMMENDED ACTION: Approve the agreement and authorize the Chairman to sign.

PUBLIC COMMENT.

Ms. JVonnah Maryman PhD, MPH, Director, Public Health Performance Division, greeted the Commissioners and said, "Before you today is an agreement between the Central Plains Regional Health Care Partnership (CPRHCP) Sedgwick County Commissioners, City of Wichita and with the Sedgwick County Division of Health to partner with the Project Access Program.

"Many of you are aware Project Access began in 1999 in our community. The program coordinates the access to donated medical equipment as well as prescription medications and medical care for members of our community who fall below 250 percent of poverty and are uninsured, low income residents of Sedgwick County. The participants are eligible for limited periods of time

"Since its inception the program has served over 13,000 individuals. In 2016 it served

over 1,000. The approximate value of donated hospital care from the program in 2016 was over \$4.5 million. Donated physician care was valued at over \$2 million. Over \$390,000.00 in purchased and donated medications were provided in 2016 as well, and over \$33,000.00 in medical equipment for patients.

"The program continues to engage in fund raising efforts, and seeks additional funding sources outside of the members of partnership that were mentioned earlier, being the Sedgwick County and the City of Wichita.

"If approved the 2016 allocation of \$175,000.00 will be used to fund a portion of personnel as well as prescription and medical supplies. I ask that you approve the agreement and authorize the Chairman to sign. Ann Nelson with Project Access is here today to help answer any questions that you may have."

Chairman Unruh said, "Alright, thank you, Commissioners are there any comments or questions? Commissioner Ranzau."

Commissioner Ranzau thanked the Chairman and said, "I just have a few questions. This is in the budget for this year, right?"

Ms. Maryman said, "Correct."

Commissioner Ranzau said, "This is the same amount we did last year?"

Ms. Maryman said, "Last year, we funded, yes, no, same thing \$175,000.00 in 2016."

Commissioner Ranzau said, "There are other people as you said, the City of Wichita, United Way, United Methodist Health Ministries also contributes and they have increased their fund raising effort, which I think is good.

"Do you know, is the Kansas Health Foundation contributing anything this year?"

Ms. Ann Nelson, Executive Director, Central Plains Health Care Partnership greeted the Commissioners and said, "We will be approaching the Kansas Health Foundation this year. We did receive a \$50,000.00 gift from them in 2016. We're very hopeful that they'll provide a gift again this year but, we don't know that yet. That conversation has not yet happened."

Commissioner Ranzau said, "Thank you, Ann."

Ms. Nelson said, "Thank you."

Commissioner Ranzau said, "I'll just say, I'll be supportive of this this year. This is in the budget. I've been a strong supporter of this all along. Actually, when I was working in medicine we participated in this program. It's a good program.

"I will continue to say however, I believe this can and should be funded entirely by the private sector. I think the Kansas Health Foundations a perfect example of organization that has the resources available in the private sector to fund this.

"If they can afford to pay their CEO (Corporate Executive Officer) \$400,000.00 a year they can afford to support this. If they support this that frees up money for us to do things like EMS (Emergency Medical Service) roads and bridges, drainage projects et cetera. There's just a matter of I think where the money should come from.

"There's a lot of non-profits out there that do tremendous work and Project Access is

another one. I'd encourage, I'm appreciative of the efforts you made to fund raise and I encourage you to keep doing that and keep up the great work, thank you."

Chairman Unruh said, "Thank you, Commissioner, is there any other comments. Commissioner O'Donnell."

Commissioner O'Donnell thanked the Chairman and said, "I just want to thank Ann for coming today. Project Access is a jewel in our community, what you do, the people you serve, I tell people it's God's work all the time."

"Dr. John Roselle, obviously got promoted to lead the Kansas Medical Society which is a huge promotion. There's only 50 leaders of medical societies in the whole nation. I think it's in no small part because of what has happened under his time at the Sedgwick County Medical Society alongside you of course, Ann, with Project Access being a leading example across the nation for what a community can do to come together to provide Health Care to the most vulnerable citizens."

"While it is truly a loss for Wichita, to not have Dr. Roselle here, it's a gain for the whole state of Kansas, because he's going to bring that expertise and knowledge and ability to make a difference in the medical community for all three million Kansans versus just the half million of us here in Sedgwick County."

"So, I just can't say enough positive things about what Project Access has done with doctors I know personally, and then people I have met that received care. It's truly amazing. I've told people Obama care and the Affordable Care Act, would not have been necessary if every community in America had a Project Access. Because, there would have been availability for medical care for everyone depending on their, regardless of their financial background and social status."

"But, I just so appreciate everything you guys do. You make miracles happen in Sedgwick County. As a member of the Board of Sedgwick County Health Department, that's one of our lead goals, having a healthy community, thank you, thank you Mr. Chair."

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

Commissioner Howell thanked the Chairman and said, "I just wanted to clarify Ms. Nelson, did you say \$50,000.00 was from Kansas Health Foundation this last year? Okay, so my back up material doesn't show that it does show that the Project Access was able to raise \$202,500.00. Was that included in that figure? Okay, so the charts not quite broken out the way I think it should be here, but that does help me understand that."

"Can you please, talk a little bit more about the fund raising efforts? I think I remember that you talked to a couple of cities in Sedgwick County asking them to help fund Project Access. Can you talk about how many cities you've talked with and what response you've received and that type of thing?"

Ms. Nelson said, "In 2016, we approached Goddard, and did receive \$1,000.00 gift from that community. We then approached Derby and they wanted to wait until later in the year, until 2016 to assess their budget and to see what other fund raising efforts we had been successful at and they declined in 2016."

"Part of our, we had to raise \$202,500.00 in 2016. We raised that fund raising goal to \$210,000.00 this year to make our budget. I'm not sure which communities we'll be approaching yet, that will be a goal that our Development Director, Michael Cayless

will be working on this year.

Commissioner Howell said, "Okay, thank you for the explanation. It looks like my back up material is not quite, it doesn't reflect some of the things you just mentioned a minute ago. It shows the goal for 2017 is \$200,000.00 rather than \$210,000.00, it doesn't talk about the Kansas Health Foundation \$50,000.00 gift."

Ms. Nelson said, "Okay."

Commissioner Howell said, "And so, anyway..."

Ms. Nelson said, "May I, sorry to interrupt."

Commissioner Howell said, "No, that's alright, go ahead, please, go ahead."

Ms. Nelson said, "Could we provide some kind of report for you that would break out the fund raising effort from last year? Is that something..."

Commissioner Howell said, "I'd appreciate, yes, I would appreciate some information that's great, just like, I know that a couple years ago we challenged Project Access to look out to the community, look for other places to find some sources of funding and I appreciate the fact that that has been going on. I'd like to see that expanded if possible. I do agree with the previous comments. I also support Project Access, but I think diversification is healthy."

Ms. Nelson said, "I agree."

Commissioner Howell said, "Trying to get large sums of money from a few donors or a few organizations is not as good as seeing I guess, a broad spectrum of fund raising sources. For the health of the Project Access, I think it'd be great for that to see diversification amongst the fund raising sources and so right now this is still just a handful, a half dozen or so sources of revenue right now, which I think makes things a little more vulnerable for long term stability in the overall dollars needed for Project Access."

"So, I'd like to see the fund raising efforts expanded, once again, to change our commitment to I think in Project Access in any way. But, I think it'd be great for that to be diversified as much as possible and those efforts expanded if possible."

Ms. Nelson said, "Thank you, for your advice. We're taking our, certainly."

Commissioner Howell said, "I want to thank you, for being here and I agree with my colleagues I do strongly support Project Access, what it's trying to do and that's all my comments. Thank you, Mr. Chairman."

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

MOTION

Commissioner Ranzau made a motion to approve the agreement and authorize the Chairman to sign.

Commissioner Howell second the motion.

Chairman Unruh said, "Alright, we have a motion and a second. I don't see anyone from the public that wants to speak. I would, before we vote I'd just like to express my

gratitude to Project Access for their benefit in our community and second the comments of Commissioner O'Donnell, and also want to applaud Ann Nelson for her outstanding leadership all these years and making this benefit to our community, tangible and real.

"We want to, we also want to express our gratitude to the doctors, physicians that donate so much time and effort to not just making this project work but, providing service to the citizens of our communities.

"So, thank you, very much, and then we've heard this unhappy rumor for us, Ann, that you're retiring." Well, thank you, very much. You know, we don't begrudge you that, sorry to see you go, but thank you, very much for your service to our community."

Ms. Nelson said, "It's been my pleasure, thank you all, for your wonderful partnership."

Chairman Unruh said, "Okay, I see no other comments so, Madam Clerk, we have a motion, please, call the vote."

VOTE

<i>Commissioner Dennis</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Howell</i>	<i>Aye</i>
<i>Commissioner O'Donnell</i>	<i>Aye</i>
<i>Chairman Unruh</i>	<i>Aye</i>

Chairman Unruh said, "JVonnah, thank you, alright, next item, please."

Approved

F [17-131](#)

DENYING PROPERTY TAX RELIEF K.S.A 79-1613.

Presented by Kelly Arnold, County Clerk.

RECOMMENDED ACTION: Issue orders denying property tax relief and authorize the Chairman to sign.

PUBLIC COMMENT.

Ms. Karen Bailey said, "This morning we're here to present some orders for denial of property tax. Just to give you a little back ground, Kansas statute number 79-1613 says that if a homestead is destroyed or substantially destroyed as a result of flood, fire, earthquake, tornado, storm or other event declared by a disaster of the governor, declared by the governor as a disaster, excuse me, the owner of the homestead may apply for a tax credit or an abatement.

"Under that statute, subject to any budgetary constraints from the county or the other taxing subdivisions the Board of County Commissioners is tasked with making three different findings: whether the property is a homestead, whether the homestead was destroyed, or substantially destroyed and the assessed valuation of the property.

"In order for the property to be deemed destroyed, or substantially destroyed the statute requires the cost to restore the structure to it's before damaged condition, that it would be greater than or equal to 50 percent of the market value of the structure prior to the damage.

"Sedgwick County adopted resolution 103-2014 to establish the procedures that we handled this statute and the declaration of disaster. On each of these orders, in item F, the property owners have filed an application with the County Clerk's Office.

"The estimate of the extent of the damage suffered to the property has been, I'm sorry, I meant to say a notice has been sent to the property owners that today the orders would be on the agenda. So, I'm going to start with order number one for Lounita Anderson.

"This particular application was applied to us, but the person does not own the property. She presented a contract for deed, but that does not meet the requirement for ownership and is not on the transfer record in our office. So, we have requested, or recommended that you deny that application.

"Would you like me to go through all five of the orders?"

Chairman Unruh said, "Unless there's some reason not to we might take them as one."

Ms. Bailey said, "Them as one, okay. Order number two from the Gillespie's, the property owners reside in Oklahoma and during the disaster this property was not inhabited. So, it does not meet the definition of a homestead. Staff has recommended that you also deny this application.

"The next three orders were all inspected by the county Appraiser's Office for whether there was substantial damage to the property. Order number three from the Mill's, the address was 12 Louis Drive was deemed to have been destroyed four percent. So it does not meet the 50 percent criteria.

"Order number four, for the Moore's at 20 Circle Street, in Mulvane, was deemed to have been destroyed 36 percent of the assessed value. Order number five, for the Terry's in Haysville at 1620 East 86th street south was deemed to be destroyed 39 percent. So none of the properties that were visited by the county appraiser for valuation were deemed to be 50 percent or more destroyed. Staff recommends that all five orders be denied."

Chairman Unruh said, "Alright, thank you, we do have a comment from Commissioner Ranzau."

Commissioner Ranzau said, "Thank you, just to clarify, so the statute says that if destroyed over 50 percent, then they get 100 percent property tax abatement, is that right?"

Ms. Bailey said, "I think I will defer to Justin Waggoner for that definition."

Mr. Justin Waggoner, Assistant County Counselor, greeted the Commissioners and said, "Commissioner Ranzau to answer your question the amount of damage to the structure does not impact how much of a credit or tax abatement that the property owner can get. So, that's correct, if there were to be damage and they meet that 50 percent threshold, it's the same as if the property had been completely destroyed."

Commissioner Ranzau said, "But, if you get 36 percent or 39, which is still fairly significant, you can't get 36 or 39 percent abatement."

Mr. Waggoner said, "That's correct, it doesn't meet the substantially destroyed

definition in the statute which Karen Bailey quoted was being 50 percent of the before damaged, market value of the structure."

Commissioner Ranzau said, "Thank you. So we, I guess we really don't have much leeway from a legal stand point."

Mr. Waggoner said, "The determination is for you to make the, the Appraiser's Office does go out and complete the inspections. They you know, I think they could speak to what their inspection involves. Obviously, if there were to be any other evidence presented to you as Commissioners, for example a separate appraisal or something along those lines, you could have discretion to make a determination to weigh the evidence and whether to grant relief or not."

"But there, I think there would need to be some evidence and before you there's been at least 50 percent damage."

Commissioner Ranzau said, "Well, that's what I mean, we at least have to have some sort of determination that's at least 50 percent."

Mr. Waggoner said, "That's correct, thank you."

Chairman Unruh said, "Thank you, Commissioner. We have a couple other comments, but I don't know who was first, so Commissioner Dennis."

Commissioner Dennis said, "Just a couple clarifications, if Anderson comes back with an ownership deed, then that can be reviewed, so proof of ownership?"

Ms. Bailey said, "She would not have owned the property at the time."

Commissioner Dennis said, "She had to own it at the time, okay, very good."

Ms. Bailey said, "Yes, we have, excuse me Commissioner, we have recommended that the property owners could make an application for the disaster."

Commissioner Dennis said, "Okay, and just to clarify the individuals that had less than 50 percent, as Mr. Waggoner said, they can come back with a private appraisal and if the private appraisal is above 50 percent then they can refile on this?"

Mr. Waggoner said, "Commissioner, to answer your question there is not any prohibition in this statute against filing application a second time on a property so, to answer the question I believe that they probably could file another application in front of this board if they had new evidence."

"We do provide notice to all the property owners on this so that if they would wish to come in front of you with that evidence they could."

"Also, if somebody did come in front of you with evidence there's no reason you couldn't defer it to give them the option of going out and receiving a private appraisal."

Commissioner Dennis said, "Okay, and the only other thing I've got is that when public asks the government agencies to do things like they sometimes get frustrated when we turn them down. It is clearly stated on their application that they have to meet the 50 percent threshold before any property tax relief can be granted, correct?"

Mr. Waggoner said, "I believe that's the case, I'll let Karen Bailey answer that"

though.”

Ms. Bailey said, “Yes, sir, that criteria is so stated on the application.”

Commissioner Dennis said, “Okay, that’s all I have, thank you.”

Chairman Unruh said, “Thank you, Commissioner. Commissioner O’Donnell.”

Commissioner O’Donnell thanked the chairman and said, “I just want to give a little bit of back ground on this because, this all happened, this bill happened back in 2012 after the tornado that hit a pretty large section of Commissioner Howell’s district. Both his commission district and his state house district.

“The Wichita Eagle did a story about all these homeowners that had their homes completely blown away and they were still getting the bills for it, and so I think our community owes Commissioner Howell still a debt of gratitude for that because had he not advocated for that, he got it tied into the budget on literally the very last day of session in 2013 I believe.

“It’s allowed for not just our community to benefit from that, but every community in the state of Kansas and before the County Commissions hands were tied here in Sedgwick County and the other 104 counties as well.

“It’s great to see that people are trying to utilize it, but it was made for those instances where people’s homes were at least 50 percent and in the case of all the people in Commissioner Howell’s district, about 80 property owners from what I remember had literally everything lost and they were adding insult to injury by receiving those property tax bills.

“It’s great to see that still, this bill, still alive and like I said I think not just people in our community but the whole state of Kansas, so it’s a lot for Commissioner Howell for getting that done.”

Chairman Unruh said, “Commissioner Howell.”

Commissioner Howell thanked the Chairman and said, “Thank you for the kind comments Commissioner O’Donnell, I appreciate that. I would just want to say that Commissioner O’Donnell also played a part in getting this passed. It was the last day of session in 2013 that we were able to revive the efforts.

“We had an axiom in early bi-partisan support, we had some democrats like Representative Brandon Whipple, we also had Senator Mike Petersen and a few others that were interested in this legislation. But, we were hitting a brick wall, couldn’t get anything to pass so the last day of the session we were able to revive the legislation and Senator O’Donnell at the time was very critical in getting that to move forward and so I appreciate his support.

“And then the following year, I think in 2014 we made this permanent law. So the first year was proviso in the budget and the following year it was permanent law. Unfortunately, this damage keeps happening in the county, in my district.

“We had the tornadoes in Oaklawn and Boeing and Spirit and that part of the county where it really spurred this issue to come forward is that and idea to pass legislation. But, those homes that were destroyed as Commissioner O’Donnell just said is adding insult to injury. It seemed unusually cruel to hand someone a tax bill after their home is gone.

"Their having a very serious situation of having to figure out how to move forward in their life and we're expecting them to pay a tax bill for a house that doesn't exist. So, that was the thought behind the bill. Unfortunately, the rules are very clear 50 percent and based on a declaration of the governor. So, those are the keys that has to, have to be a homestead. Those are the criteria that are very, very clear, so I don't think we have any leeway.

"I would encourage as you said the homeowner in the one property to please apply. That would be fine idea. We have approved a number of these already this year and unfortunately if they don't meet the criteria we don't have any option really but to deny these and so I am sympathetic to the suffering that continues to go on in my district.

"The floods that happened this last summer, there's still families in Mulvane, and families in Derby, but especially Mulvane that are still suffering with water in their basements and a water table that is higher than ever because the City of Derby is no longer using well water, their purchasing the water from the City of Wichita, which comes from Cheney reservoir. The water table has increased significantly since then and there's a lot of people with really lovely homes, many older homes that are having problems with water in their basements as a consequence of the water table is changed.

"That has nothing to do with this necessarily, specifically, but it's an issue that's going on because of changes in policy in different cities. Regarding the actual flooding that happened in Mulvane, there are still some families down there that are still suffering with serious mold issues and destruction that happened. They have not had any chance to fix it, they just don't have the resources to do so.

"So, I'm very sympathetic towards them, unfortunately the language of the bill is very clear, or the statutes are very clear. I appreciate the fact that they applied. I would encourage anybody to apply. I think we would like to do this if we possibly can, unfortunately the rules are clear."

MOTION

Commissioner Howell made a motion to issue orders denying property tax relief and authorize the Chairman to sign.

Commissioner Ranzau second the motion.

There was no discussion and a vote was called.

VOTE

<i>Commissioner Dennis</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Howell</i>	<i>Aye</i>
<i>Commissioner O'Donnell</i>	<i>Aye</i>
<i>Chairman Unruh</i>	<i>Aye</i>

Chairman Unruh said, "Thank you, Karen, next item."

Approved

G [17-148](#)

A CHARTER RESOLUTION EXEMPTING SEDGWICK COUNTY, KANSAS, FROM K.S.A. 19-260a and 19-260b, RELATING TO ALL

COUNTY PURCHASES AND CONTRACTS AND ADOPTING
SUBSTITUTE AND ADDITIONAL PROVISIONS FOR THE SAME.

Presented by: Mike Scholes, County Manager and Misha
Jacob-Warren, Assistant County Counselor.

RECOMMENDED ACTION: Approve and adopt the charter resolution.

Mr. Michael Scholes, Manager, greeted the Commissioners and said, "If you remember in early 2016, we talked about and I directed the Finance and Legal Staff to start reviewing potential required policy changes to the county's purchasing contracting procedures.

"Specifically, looking at charter 65. This is a result of, you know, getting on board 90 day review also prior to a lot of the reorganization that I started implementing, that I knew at the end of that would cause a change to charter 65. So, it was good timing, good impetus to look a little bit closer at the policies and procedures internally. In regards to purchasing and contracting.

"For us, purchasing and contracting are really two of the most visible interactions that the county has with the public. Competitive solicitation, fair competition and sound contracts really are essential elements of truly transparent government.

"Also, you know that I always consider and I've talked about it at this podium before, both during internal discussions with staff and public conversations, just like where having now that I use four tenants, in my decision and in all process and I ask: is it legal, is it ethical, is it moral and is it the right thing to do for the citizens of Sedgwick County, and or organization.

"It is the answers to these basic questions that guide my way forward and it's also these basic questions that I request that the county staff to keep at the fore front of their minds as they began work on this project.

"In going through this process I personally learned a couple of things. First off purchasing statutes for Kansas counties are non-uniform. Which means that each county can, within the confines of reason, choose its own path forward. This grant of discretion makes solid and transparent processes, procedures and practices even more critical for this commission.

"Both for the protection of our organization itself and the maintenance of the trust, the citizens of Sedgwick County places on this commission to county departments whether by confusion or reliance upon standard motto of: this is the way we've always done it. We're operating in silo's each with a slightly different interpretation of charter 65 and how it applies to their specific subject area.

"This allows for diminished oversight and room for error. The proposed changes within this charter provide oversight for each and every step of the process from the moment a department realizes a need for a purchase or contract to the time the signature are dry.

"It's not meant to micro-manage nor is it meant to be an obstacle to the departments and divisions carrying out their critical functions. Rather it is a sound business practice that allows greater coordination and cooperation amongst all layers of county government.

"This in turn allows policy and decision makers of this organization the tools they

need to be faithful public servants, and guardians of critical tax dollars. I'm proud to say this purchasing and contract and charter resolution before you today contains processes, procedures and policies that are rooted in integrity and resulting in transparency.

"I'm even prouder to say with the application of this document that I can truly answer yes to those four basic questions of is it legal, is it ethical, is it moral, and most especially is it the right thing to do both for our organization and for the citizens of Sedgwick County.

"Before I turn it over to Misha, who is much smarter than I, who is really been the critical element in putting this together. She is one of the most dedicated and professional young counselor's that we have in this organization. It's through her efforts through this last year that has basically guided us through this process and helped me implement this.

"She has put a lot of effort into that and I want to publically thank her for that and let everybody know that she has been the impetus to help put this together for me. But, I appreciate the opportunity to stand in front of you to basically explain the why of why we did it. But, I'm going to let her kind of explain the details of it, and answer any questions, thank you."

VISUAL PRESENTATION

Ms. Misha Jacob-Warren, Assistant County Counselor, greeted the Commissioners and said, "So, I think I told you a couple weeks ago when I was before you that I wouldn't see you again probably for a few months, apparently I lied. I apologize for that. I will try to make this presentation as brief as possible, there is a lot of material to cover. I'm going to start at the beginning and kind of work my way through the document. Please, stop me if you have questions as we go along, or if you'd like to save those for the very end, that's fine too.

"So, as the Manager said, this is not just a purchasing contracting, purchasing charter resolution, it really encompasses purchasing which is kind of on the front end of everything we do, and contracting which follows along kind of as the back end to tie everything together. That's why we're describing this as a purchasing and contracting charter resolution. It sets forth the policies, procedures, processes, both for purchasing and for contracting.

"First of all, you need to know that Kansas statute does set forth general guidelines for purchasing they are non-uniform statutes KSA 19-260a and b, because they are non-uniform statutes you as a Commissioner are able to charter out of those. So, that forms the basis for this charter resolution.

"What I'm going to go through here is kind of how this applies. This resolution will apply to the purchase of any goods, material, equipment, construction, services, regardless of how they are paid for. It also governs when Sedgwick County not only provides financial support or financial compensation but, it also applies when Sedgwick County offers its services. You see that a lot through Public Safety, you see that a lot through our public services, COMCARE, the Health Department. So, that also governs that because, those are county resources that are being provided.

"I'm going to go through just a couple of changes here in the key player section, which is section two. We of course have the Purchasing Director and the Purchasing Division who bear such a large responsibility under this charter resolution.

"Two new things to bring to your attention are what we call, what we're calling the evaluation team. When we send out requests for proposal (RFP), this is especially for request for proposal. Those responses come back and we have incorporated here the oversight of an evaluation team.

"The evaluation team will consist of at least three people. The requisite buyer, on behalf of the Purchasing Division. A representative of the user department or departments. Sometimes when we set forth an RFP there from multiple departments, not just one. Third will be a neutral county employee from a pre-selected pool of county employees.

"So, for example, let's say you have a Public Works project, and you'll have a representative from Public Works on that evaluation team. Perhaps you can put somebody from Human Resources, who doesn't have any stake in the game, if you will, who is evaluating it from a purely critical standpoint and is not guiding the process through previous contractors that we've had based on any other knowledge that they know other than what is right before them.

"We have specifically asked that this evaluation team meet and confer. Meet and confer means in person, not via email. That's not to say that the evaluation team won't have some emails back and forth but we require them to meet and confer to individually rate and to rank the responses and then to collectively do that.

"From there, that recommendation from staff will be taken through the Purchasing Director to the Board of Bid and Contracts, more commonly known as the Bid Board. There's a new make-up of the Bid Board to include the Deputy County Manager, who will serve as the Chairperson. An elected official to be chosen from those elected officials of Sedgwick County, Treasurer, Register of Deeds, that kind of thing. Sadly, I'm sorry, not all of you.

"One representative, just as we have now, from the 18th Judicial District, one staff representative, from the office of an outside elected official that is not serving in the same office as the elected official that's been appointed to the board, and one representative that is appointed by the County Manager. What's important to note here, is that the County Manager may appoint a Sedgwick County employee or may appoint someone from outside of the organization.

"Based on what we heard from current members of Bid Board, we have also allowed them to appoint a designee to serve in their place. There are times when we don't have quorum because we don't have at least three members to come and convene the Bid Board. If we have to delay Bid Board that automatically kicks everything back two weeks.

"So, in an effort to keep things moving and to keep things going, we've allowed each member of the Bid Board to choose a designee in the event that they can't attend a particular meeting. The designee will always have to be the same person, will have to be approved by the County Manager, but we're hopeful that will keep things moving in the event that not everyone can be at a particular Bid Board. Bid Board is a weekly commitment so we understand that is a big commitment to ask of people to serve.

"I want to talk a little bit about the process in the sense of going from the evaluation team to Bid Board. When we talk about the evaluation team we're asking for their conversations. To the point, up until the point that it gets to Bid Board, to remain confidential. We will have members sign non-disclosure statements.

"This is to protect the integrity of the process. This is so we don't have members of the evaluation team going out and discussing with their employees or outside of the organization such that it would get back to Bid Board. We want each part of the process to be truly individualized, to be protected from outside influence until such time as the matters come before them. We felt that was a critical piece of the process. So, just so you're understanding of that.

"Competitive procurement, these dollar thresholds will seem very similar to all of you. These are the same dollar thresholds that are in charter 65. Those purchases that are expected to remain under \$10,000.00 we encourage county departments to use their purchasing card, their credit card to do that. In the event that something does need a contract and it's under \$10,000.00 there will be an alternate process for them to follow.

"Between 10 and \$24,999.00, and then 25 to \$50,000.00, and \$50,000.00 and above. The difference in these thresholds are the type of competitive solicitations, if at all that is required for these types of purchases. When I talk about types of solicitations I mean request for bid, request for proposal, request for information, and informal bids all of that kind of thing.

"Just as with charter 65, the current policy we have left that discretion totally up to the Purchasing Director as to determine when something needs to go out for competitive solicitation and what type of competitive solicitation it will be advertised for, the duration, that kind of thing. That's all very similar to what we have now.

"Where we get into a bigger difference between this proposed charter resolution and charter 65 are the approval processes. I've already talked a little bit about what happens when we get responses back for the RFP that goes through the evaluation team. They meet and confer, they score individually and collectively. They make their recommendation to the Purchasing Director who carries that recommendation to Bid Board.

"Bid Board of course, as it has always been, is an open meeting. All information will be given to members of the Bid Board, responses, and that type of thing, the recommendation from staff, at least a week before. So members of the Bid Board will have an entire week to review that, formulate their questions, to determine for themselves what they think they want to do going forward.

"Also, the outside vendors will be advised of the date. Here's the date we'll appear before Bid Board, we encourage those vendors to show up, to speak to Bid Board. Sometimes their coming from out of state. We encourage them to send written comments that the Purchasing Director can read into the record. So, we encourage all of that because we want it to be an interactive process.

"Once it gets to Bid Board, of course follows the typical format just as we have now, Bid Board will make its recommendation and then the following week it will appear before all of you for approval and award or whatever the commission sees fit to do with that.

"Request for Bid (RFB), works a little bit differently. We often hear the phrase, lowest and best bid thrown out a lot and I get the question all the time, what does that mean? I give my very comprehensive answer of: I don't know. No one has really been able to come up with the answer of what is 'lowest and best bid'.

"This doesn't mean that we always take the lowest price, this means that you have to take into consideration all aspects of it and make the decision that is best for the

county. The law gives you as the commissioners the discretion to do that. Not to just say, you know, vendor A is the lowest bid we have to go with them. That's what lowest and best bid means to the best of our ability and ability to define that.

"So, request for bids work a little bit differently because it's not really an evaluation of proposals it's more looking at do they meet the specific specifications. You most commonly see these, for example, with Public Works projects. Public Works projects have very specific specifications that are developed by engineers and you rate those based on whether or not the vendor meets those exact specifications.

"The one difference here is where I will draw your attention to under request for bid for those construction related projects. The county as you are all aware under KSA 19214 does have to accept the lowest bid for those construction projects. So, that's construction of any type of county facility, roads, bridges, that type of thing. So, that is the one difference and we cannot charter out of it. That is a uniform statute for all counties. So, that is the one area of difference where discretion doesn't really come into play, just want to point that out to you.

"We've also broken up authority to reject bids. Currently, the current charter 65 has for the Purchasing Director the authority to reject the bids. I'll give you a for example situation, if all of the bids come back or the proposals come back and they are above the threshold. If they are above the budgeted amount for the project. The Purchasing Director has the authority to reject all of those when in his discretion it's in the best interest of Sedgwick County.

"We've allowed him to keep that authority but we've also broken it up into two stages. We've also included a provision in there for cancellation of solicitation. This would occur with the Purchasing Director again having that discretion but, it could occur anytime even after award has been made by the commission up until the time that a contract is signed.

"I'll give you for example on this. There are sometimes, although they are very rare that the commission makes an award based on Bid Boards recommendation or its own thoughts, and in between the time the award is made by the commission and the time that we get that contract signed, we find out additional information. We find out something about the vendor that wasn't previously disclosed, we find out something about the user department, needs have changed, you know the RFP, RFB process can be lengthy and sometimes that happens. So we've also given the Purchasing Director the authority to cancel that solicitation. To make sure that is in the best interest of Sedgwick County up until the point that a contract is actually signed.

"We've also broken down suspension of vendors and debarment of vendors. Right now, we have the authority to suspend vendors. We've retained that again within the sole discretion of the Purchasing Director. Suspension is meant to be an intermediary step until county staff can investigate, see what's happening with the vendor.

"In the event that debarment actions need to be taken, debarment again is within the discretion of the Purchasing Director for a period up to five years. That doesn't mean that it will be five years, it means that we have the authority to do that for up to five years.

"If you look at the resolution, these are very serious offenses for which a vendor could become debarred and prevented from doing business with Sedgwick County. Things like if they become debarred on the federal list, the federal government keeps a running list of all of its vendors that have been debarred, conviction of a criminal offense that directly relates to the business that their doing with the county. So, very

serious situations, not to be taken lightly by any means.

"Exceptions to competitive bidding. We have these now, there are those situations where competitive bidding doesn't make sense or the time frame does not fit. Examples, emergencies, joint governmental purchases. I'll explain that a little bit, every now and then we have the ability to do what they call piggy-back off of another governmental entities contract.

"Another governmental entity has basically done all the hard work for us and is allowing us to share in the rewards of the contract that they have already received. Often times, those are very well negotiated contracts and so we take that benefit if it applies.

"Sheriff's undercover vehicles, insurance, outside legal fees and legal counsel services. The biggest one of course is the ever popular professional services. Again, this is one of those terms where someone says what does that mean? I say I don't really know, now we know, we've defined that as a service that requires certification or licensing by the state. So, architectures, architectural services, engineering services, medical services, those kinds of things. So, it's not meant to be a catch all provision, which is occasionally how it's used but it's meant to apply in very specific situations.

"A large difference between current charter 65 and this proposed charter is the contract approval process. I talked to you at the beginning how charter 65 sets forth everything on the front end with purchasing. We need this charter to also encompass what happens on the back end with contracts.

"So, we've decided to create a contracting process. Now, if there are those contracts that are above \$50,000.00 those will automatically come to you. Most of the time they've gone out for competitive solicitation, every now and then they haven't based on the type of service or funding agreements, affiliation agreements that type of thing, don't go out for competitive solicitation.

"But, what happened, there was a hole in our policy for what happens to those contracts and those purchases, and those funding agreements that don't go out for competitive solicitation that may be our exceptions to competitive bidding, who looks at those? That was a hole in our procedure and so to tighten that and to kind of clamp down on that we've imposed the contract approval process. We are going to try very hard to use electronic means to streamline all of this through the Legistar process a department will be able to make the request for a contract, that is under \$50,000.00 again which is in the Managers purview same as it is now.

"They will fill out all of the requested information, the business name, the term, the duration, does anybody else in the county provide this, has this ever gone out to competitive solicitation. All of those kinds of things that the Manager and his staff will need to know to make a well informed decision it will go then to the appropriate member of the executive team depending on what type of service it is, public services, you know Public Safety that kind of thing.

"Once it gets that approval, it will go to the Deputy County Manager for his approval. It will also go back to purchasing for one more look to make sure indeed that it does not need to go out for competitive solicitation. Once everything has been approved it goes to the Manager for his approval.

"Based on his approval it will automatically kick to the Legal Department to draft that contract. It's a way to streamline that process to keep everything flowing so that it

doesn't slow departments down because we understand their need to get these contracts out, sometimes in very short order.

"The same thing goes for partnership agreements. These are affiliation agreements, funding agreements, it's not necessarily where we're paying somebody for a good, or paying somebody for a service. A very similar type of approval process. Again, only for those items and those contracts that are under \$50,000.00.

"As I mentioned to you earlier, we have a provision in here that deal with contracts for the sale of county goods or services. Again, you see this a lot in the public services arena. We again, because this is providing an item of value we again, want to make sure that somebody has eyes on that.

"Contract changes, we are breaking these modifications down into three basic groups. Renewals of contracts, extensions of contracts and modifications of contracts. Just like now the Purchasing Director has the authority if the duration of the contract or the cost of the contract is within a 10 percent of the original. We've given him the authority to go ahead and make that change and to authorize that change.

"I fear that if we had to bring even those small amounts to you that would really clog down your agenda. That's not a very efficient use of your time. Anything above that 10 percent threshold though will need to be approved by the BoCC (Board of County Commission).

"We've also closed a gap in here in here about termination of contract. Again, does not happen very often but when it does happen we need to have a procedure for who can do this, who can make that decision on behalf of the county. We've given that authority to the County Manager, but he will need to notify you as the Board of County Commissioners within one business day of the decision to terminate a contract, again, it doesn't happen very often.

"Just like we have now the Purchasing Director's required to make a variety of notifications to you at various times throughout the year. Those of Manager's approved purchases, emergency purchases, annual support and maintenance, undercover vehicles, as I just mentioned contract terminations. The one I want to point your attention to are the contract modifications.

"So, right now the Purchasing Director will notify you of any contract modifications, but we've also included a provision in there to, and we're going to do our best and I will tell you that this may be a little rocky at first to start off, to notify the BoCC of any upcoming automatic renewals or often times especially when it goes out for competitive solicitation it will be a two year contract with two one-year options to renew. We're going to do our very best to get to you four months in advance of those things that are coming up for renewal.

"The Purchasing Director and Legal have made a commitment to try and do that. It's a big project and so I will tell you in the beginning it may be a little rocky, but we'll work it out, we'll come up with a good system.

"Finally, just some general guidelines. You'll see a avoidance of competition or split invoice. Every now and then, and I won't point a finger, every now and then we get purchases that are large purchases but, there's the inclination to break it up into teeny tiny pieces so that you can avoid competitive solicitation. That is absolutely a no go under this proposed charter resolution. If it's a contract for \$50,000.00 it's got to go out for competitive solicitation, so we're not going to break it down into tiny

pieces. The total spent, if it is a three year contract, let's say for example, \$25,000.00 a year, the total spent of that contract is \$75,000.00. It's not \$25,000.00, it has to come before the BoCC.

"We put in a provision about conflict of interest. This is something we've started to implement at least at the Bid Board level. If at any level of review, there is a conflict of interest, personal interest, personal stake, a close relationship with the evaluation team, with Bid Board, and even with BoCC, we're asking that, that member that has a conflict of interest recuse him or herself just to avoid any impropriety and certainly to avoid the appearance of any impropriety.

"We've included an appendix A, which is a list of definitions for special terms that are used in this document we've also included an appendix b which is a sample evaluation team checklist. We understand that not all RFP's are going to be the same that they're not all going to be evaluated the same because they're for different services, they're for different goods.

"This is just a starting point for the evaluation team to consider these things and of course to add on any of those provisions and checklist items that they feel are necessary based on whatever the service is. But, what is critical to note is that that evaluation team checklist will match that criteria set forth in the RFP that the vendors were told that they would be evaluated on.

"They won't be evaluated on 10 things when they only were told they were going to be evaluated on five things. That's part of the integrity of the process, that's part of the transparency of the process. That is something that we want to ensure that we keep together.

"That's about the end of my comments. I will tell you I thank the Manager very much, for his confidence and faith in me. But, I will tell you I just put words on papers, it's really a team effort and so we appreciate very much everything that the Manager has done to support us in that. Happy to answer any questions."

Chairman Unruh said, "Alright, thank you, Misha that was very comprehensive for this document. I appreciate it. Commissioners, are there any comments or questions? Commissioner Dennis."

Commissioner Dennis said, "Thank you, for everything that you told us today."

Ms. Jacob-Warren said, "Absolutely."

Commissioner Dennis said, "I know that there was a lot of detail in this and it took a lot of time to put this together, but just a couple questions. Transparency is very high on my list of priorities. We talk about the evaluation team, and it talks about email communications is insufficient. My only worry there is someone might construe that to be that we're not transparent.

"I understand where you're coming from that you want people to actually meet. So, are there going to be minutes, or any kind of recordings or anything to show what this evaluation team did?"

Ms. Jacob-Warren said, "I don't know that there'll be recordings. I believe that there will be minutes kept as well as all of the checklists of the evaluation team. Individual members as well as the one final that they put together as a group."

Commissioner Dennis said, "Okay, and I think that's important because I want to

make sure that we show that we're transparent. We're not trying to say that we're not going to have a email trail, that someone could file a request, look at the emails. We're saying that we're doing this because we want the people to actually meet in person and that it's important that they do this to make sure that we have a very valid evaluation."

Ms. Jacob-Warren said, "Absolutely."

Commissioner Dennis said, "I just want to make that clear for anyone that's on this. The other comment that I have and saw it in today's newspaper too was the cone of silence. I was just wondering if rather than having cone of silence there if we could just pull the definition out of the back and say it's to protect the integrity of the procurement process by shielding it from undue influence prior to the recommendation of the correct ward."

Ms. Jacob-Warren said, "We can make any changes you so wish."

Commissioner Dennis said, "It reduces the questions of what that is. I know what's defined later on, but it seems to me like it would be a little smoother if we just took that wording out. It as I said showed up in the newspaper today as a question of what that means. So, I think we'll just eliminate it to be better."

Ms. Jacob-Warren said, "We can do that."

Commissioner Dennis said, "That's all I have right now, thank you."

Chairman Unruh said, "Thank you, Commissioner. Is there any other comment? I was just wondering, could I get one of those cones of silence for my personal use?"

Ms. Jacob-Warren said, "I'll see what we can do, Mr. Chairman."

Chairman Unruh said, "Okay, thank you. I had one other question, more serious. On the Bid Boards comprised of five members. You know we buy, procure a lot of material and we make a lot of contracts through our Public Works Department"

Ms. Jacob-Warren said, "Yes."

Chairman Unruh said, "A Public Works person is not listed on there. I suppose that could be appointed by the Manager, or is that something. I mean, when you wrote this out, what was the thought process that Public Works wasn't specifically named?"

Ms. Jacob-Warren said, "So, to answer your first question, yes, of course the Manager could appoint a staff member from the public works division to sit on Bid Board. I will tell you that Bid Board amongst staff went through multiple iterations over and over and over again and I talked to at the end about a conflict of interest.

"I will tell you, I'm going to take a guess here and Joe you can correct me if I'm wrong, that approximately 60 percent of the items that come before Bid Board are Public Works projects. Obviously, and for very good reason it's a huge part of what the county does.

"Because we are trying to avoid the conflict of interest which of course is having any final recommender being part of that process. We felt it would be somewhat unfair to seat a member of Public Works on there if we were constantly asking that individual to recuse him or herself only because in 60 percent of the time having to come to Bid Board, and having to do all of those things would just seem a little silly.

"I think the anticipated thought is so for example, I staff Bid Board, I'm the representative of the County Counselor's office that staff Bid Board, because there are so many Public Works projects I believe the intent and the hope would be that a Public Works individual would also staff Bid Board to answer all of those questions of those specific engineering questions, and specific questions about the project. That I can tell you is what our thinking was there."

Chairman Unruh said, "Okay, so be there as a staff representative and not a recommender."

Ms. Jacob-Warren said, "Right, not as a voting member of Bid Board."

Chairman Unruh said, "Okay, and then just for my clarification would the people on the, I guess it might be a perceived conflict of interest, I mean because they're not making the final authoritative decision when it comes to the Board to do that."

Ms. Jacob-Warren said, "That's correct."

Chairman Unruh said, "It's an effort to avoid perception, okay."

Ms. Jacob-Warren said, "That's correct, Mr. Chairman."

Chairman Unruh said, "Alright, I appreciate that. I don't see any other questions but, before we ask for a motion after this discussion, would someone from the public like to ask a question? It appears that they would."

Mr. Lonnie Wright, 1721 South Lulu, Wichita, greeted the Commission and said, "I have no objections to the resolution. But, it seems like a strong over-reaction. When I attend the City of Wichita meetings bids are on a consent agenda. I mean you can pull them out."

"When I started attending our meetings six or seven years ago, I wondered why it was on the action agenda. And our meetings there, we didn't have the public discussions and it seems like a lot of the meetings were just 45 minutes long and I thought maybe it was just to fill out the agenda."

"But, it is on and the bids are a regular part of the agenda. We see the minutes, we see the backup agenda sheets, but to me it shows kind of the additional transparency has come back and bitten you, thank you."

Chairman Unruh said, "Alright, thank you, Mr. Wright. Commissioner Howell."

Commissioner Howell thanked the Chairman and said, "Just a couple of questions, maybe comments. If I understand correctly, the evaluation team aspect of this is a new process entirely, in other words we don't have anything like that right now in our current process."

Ms. Jacob-Warren said, "We don't have anything in writing in charter 65. I will tell you that there are evaluation teams that do discuss responses to every RFP that comes in. This is just basically putting on paper what we are currently doing in practice."

Commissioner Howell said, "Okay, and just for my understanding it's the intent of this that we have separate groups that are independent and separate that they should not necessarily, for example let's say that someone on the Bid Board has an opinion they want to share with someone on the evaluation team, should they not share that?"

Ms. Jacob-Warren said, "That would certainly be the preference to protect the integrity of the process. Of course, during Bid Board itself, absolutely, it's an open meeting, open questions to ask questions of the evaluation team, any member of purchasing, the user department, the vendors. So, that would be the most appropriate place so that everyone understands those questions."

Commissioner Howell said, "So, if the evaluation team member wanted to share an opinion to the Bid Board, they could also attend the Bid Board and share that personally."

Ms. Jacob-Warren said, "Absolutely."

Commissioner Howell said, "What about our Manager, for example he shared an opinion on an issue with an auditor recently, and someone I guess some people thought that was inappropriate. My question is, is that appropriate for him to share an opinion at the Bid Board or for a County Commissioner to attend Bid Board and maybe give an idea or a thought."

"I guess my questions is what are the natural limits of who should share at a Bid Board or share ideas to the evaluation team?"

Ms. Jacob-Warren said, "I would say and I'm kind of guiding you from the legal perspective here is that to make any comments, any and all comments from anyone outside of the evaluation team or anyone outside of the Bid Board should be made in a public format just as the Manger did."

"There are no behind the scene issues, no behind the scenes allegations of trying to steer direction one way or the other. I would certainly advise you as your attorney to not make a presentation to Bid Board just simply because you have the final authority here on the bench the following week."

"That would certainly be my advice to you. But again, it is an open meeting and anyone including commissioners, including the Manager can speak and have the opportunity to be present."

Commissioner Howell said, "And I agree with that. I guess my question would be, let's just say for example we felt that the evaluation team maybe missed a point that we were interested in or Bid Board didn't speak to something we thought was important, and this is I don't make this up I feel like this as actually happened at least a couple times since I've been here and so downstream of that process something becomes the point that causes us to maybe think differently than the previous evaluation team or the Bid Board, we have some desire then to maybe go a different direction because of that new idea."

"It is okay, I guess, I assume its okay for the Bid Board to take the evaluation team information and maybe go a different direction."

Ms. Jacob-Warren said, "Absolutely."

Commissioner Howell said, "It would also be reasonable for the County Commission to take the information from the Bid Board and perhaps go a different direction if we needed to."

Ms. Jacob-Warren said, "Absolutely, and I will tell you at any point the Bid Board could recommend send it back to the evaluation team, I'm telling you a new piece of

information. We understand that this process is incredibly fluid and people all over the county get random bits and pieces of information about an RFP, about a vendor, about all kinds of things.

"All of that is important to you making the ultimate final decision and we want to be sure that we take into consideration absolutely everything that could affect your decision or the County Manager's decision depending on that threshold.

"So, the Bid Board always has the option to say we've told you this new piece of information, evaluation team take this new piece of information in your arsenal and in your evidence packet and go back and re-evaluate. You may come up with the same conclusion, you may not.

"Likewise, you always as the Commissioners have the ability to send it back to Bid Board or to send it all the way back to the evaluation team with any new piece of information, that's always within your authority to do."

Commissioner Howell said, "We also have the, likewise we also have the ability at that time to also make a decision based on all the information if we felt like we had, if we knew everything right then we could do whatever we thought was appropriate at the time."

Ms. Jacob-Warren said, "Absolutely, yes, yes, absolutely."

Commissioner Howell said, "Well I appreciate clarity, and I guess one more question. The evaluation team what's the product that they produce. I heard the word minutes, produce the minutes, but can they produce an opinion or they just do some scoring or..."

Ms. Jacob-Warren said, "They will do individual scoring, individual members of the evaluation team will have the opportunity to review all of the responses to the proposal for themselves. They will come together and meet as a team. From there they will produce a scoring checklist.

"You will be able to see all of the criteria that they were graded on and the corresponding score that was assigned to each of those criteria, so that will be produced."

Commissioner Howell said, "So a recommendation for the Bid Board."

Ms. Jacob-Warren said, "Yes."

Commissioner Howell said, "Okay, alright that makes sense. Again, that evaluation team can meet, this is not considered an open meeting, they're allowed to do this and they produce the minutes but it's not something that anybody would have the chance to necessarily attend or observe."

Ms. Jacob-Warren said, "That's correct."

Commissioner Howell said, "I appreciate all the work you have done. I'm just, as I'm sitting here thinking about this, I think to have a clearly defined process to get through all of this is good for the county. I think we're growing up in many ways. We learn to do things better as time goes by and I think there is a lot of places in Sedgwick County that we've done things better.

"I appreciate the fact that this has been evaluated and is growing up so to speak and

the processes in my opinion are much better in this document than maybe they've been in the past. But, I'm reminded of a Bible verse, and I'll just share it quickly, it's Proverbs 15:22 said, 'Plans fail for lack of counsel, but with many advisors they succeed.'

"Another way to say that this is verse three places in the book of Proverbs, but another way it says it is 'in a multitude of counselors there is safety.' I just think that to see that this has a defined process of independent, separate groups doing the evaluation, you know to provide that expertise to the ultimate decision makers is really smart.

"I think to have this defined is a great thing for us to consider today. So I will certainly be supporting the charter 65 charter resolution today. Thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. I don't see any other questions. I think there was one suggestion for modification in wording."

Ms. Jacob-Warren said, "Yes, absolutely."

Chairman Unruh said, "If we advance a motion does that exact wording have to be included in the motion or did you..."

Ms. Jacob-Warren said, "No, I've got it. I will tell you of course, because this is a charter resolution I would be remiss if I didn't tell you that it does require approval of super majority of this commission. It also has to be published in our paper, general circulation. We have to wait 60 days before its implementation for any type of protest period.

"So it will not become effective today, but I will take that language, I will incorporate that into all the applicable areas of this document. That is what I will give to the clerk's office for their publication."

Chairman Unruh said, "Alright, thank you. Well, Commissioners, what's the will of the Board?"

Commissioner Ranzau said, "Just a point of clarification, do we need to include that direction to do that in the motion?"

Mr. Eric Yost, County Counselor, said, "I think there needs to be a vote of the Commission on whether or not to adopt that change as recommended by Commissioner Dennis. There may not be any objection to it but I think we ought to have a vote."

Chairman Unruh said, "That language be included in the motion that we want to, I'll try a motion."

MOTION

Chairman Unruh made a motion to take the recommended action to approve the charter resolution with the language suggested by Commissioner Dennis.

Commissioner Dennis second the motion.

Chairman Unruh said, "Mr. Counselor will that be sufficient?"

Mr. Yost said, "That works."

There was no discussion and a vote was called.

VOTE

Commissioner Dennis Aye
Commissioner Ranzau Aye
Commissioner Howell Aye
Commissioner O'Donnell Aye
Chairman Unruh Aye

Ms. Jacob-Warren said, "Thank you, Commissioners."

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

Approved

H [17-152](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON JANUARY 12, 2017.

Presented by: Joe Thomas, Director, Purchasing.

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

Mr. Joe Thomas, Director, Purchasing Department, greeted the Commissioners and said, "The meeting that was held on January 12 with the Board of Bids and Contracts, resulted in two items.

1. OILS AND FLUIDS – FLEET MANAGEMENT FUNDING – FLEET MANAGEMENT.

"This recommendation is to accept the overall low bid from Heathwood Oil Company, Inc. and establish contract pricing for one (1) year with two (2) one (1) year options to renew at the rates listed.

2. CUSTODIAL SERVICES FOR FACILITIES MAINTENANCE SERVICES FUNDING –FACILITIES MAINTENANCE SERVICES.

"This recommendation is to accept the proposal from TFM Services to establish contract pricing at the rates listed for one (1) year, with three (3) one year options to renew.

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

Chairman Unruh said, "Alright Commissioners are there any questions. What's the will of the Board?"

MOTION

Commissioner Howell made a motion to approve the recommendations of the Board of Bids and Contracts.

Commissioner Dennis second the motion.

There was no discussion and a vote was called.

VOTE

Commissioner Dennis Aye
Commissioner Ranzau Aye
Commissioner Howell Aye
Commissioner O'Donnell Aye
Chairman Unruh Aye

Chairman Unruh said, "Next item."

Approved

CONSENT

Mr. Scholes, greeted the Commissioners and said, "Recommend you approve consent agenda items India through November."

MOTION

Commissioner Ranzau made a motion to approve the consent agenda.

Chairman Unruh second the motion.

There was no discussion and a vote was called.

VOTE

Commissioner Dennis Aye
Commissioner Ranzau Aye
Commissioner Howell Aye
Commissioner O'Donnell Aye
Chairman Unruh Aye

Chairman Unruh said, "Next item."

Approved

- I [17-154](#) Funding Agreement with Exploration Place, Inc.
- J [17-121](#) Consideration of an agreement with Wichita Housing Authority (WHA) for the Administration of Resident Service Coordination Program at McLean, Greenway Manor, Rosa Gragg, and Bernice Hutcherson Apartments in the amount of \$177,500.
- K [17-142](#) Government services agreement for Fire Code Inspection and Enforcement Services with the City of Goddard, Kansas.
- L [17-141](#) Changes to the Sheriff's Office Staffing Table.
- M [17-150](#) General Bill Check Register for January 11, 2017 to January 17, 2017.
- N [17-151](#) Payroll Check Register for the January 7, 2017 payroll certification.

LEGISLATIVE ISSUES

Mr. Jon Von Achen, Assistant County Counselor, greeted the Commissioners and said, "I have a few items for you today. First up is the special elections bill for congress. We anticipate the congressman [Mike] Pompeo will be confirmed at some point. There'll be an election to replace him.

"Last night late, the senate voted to pass the house bill as it was, as it passed out of the house yesterday morning there was some discussion in the senate committee regarding an amendment that Sedgwick County put forth regarding canvassing.

"There was I think some confusion in the Secretary of State's office as to what the effect of the amendment would be. So, they didn't really get on board with the amendment until it was too late, so the amendment literally missed it by that much.

"So, my understanding is that the amendment that we put forth will be introduced as a bill today, trailer bill to fix that particular problem. I expect that the governor will sign the bill that passed the senate since there were no changes, there's no conference, there's no need to concur by the house.

"So, if he signs today it can be in the register tomorrow and be effective upon publication in the Kansas Register. Which means that the main problem which is the not allowing for military and overseas ballots to be mailed on time will be fixed.

"Then, although a little unusual, if the amendment now bill passes through that only effects the back end of the election and the canvassing portion of the election. So, it really won't affect what the candidates do once that election is called. The only way it affects them is if we get to the canvassing election process and one of them asks for a re-count.

"So, expect that to be introduced I believe today and then I believe we'll get some support from the Secretary of State's office to push that through. Then we'll have the entire law fixed so that not only can we conduct a proper election and allow for those military and overseas ballots to get out on time but also to be able to have enough time on the back end to canvass, make sure the results are accurate.

"The other items that I had today were the request of one of the Commissioners to discuss the, there's actually there's seven bills, but there four different language versions. The list had a post audit committee introduced identical bills in the house and senate, there were three of them regarding civil forfeiture and then in addition to that Representative [Gail] Finney introduced a separate civil forfeiture bill so, on the house side their bills 2001, 2002, and 2004.

"Excuse me, 2001, 2003, and 2004 and Representative Finney's bill is 2018 on the senate side that is bills one, three and four. House bill number one would eliminate an accounting for special law enforcement trust fund. I think there's some misconceptions about that. My understanding is that instead of each individual law enforcement law agency having a fund that the move would be to one statewide fund and that all the monies would be pooled there.

"This would mean that if a local jurisdiction seized money and it was forfeited it would go into a general fund. This was a concept last year that was put forth in which the Attorney General would, and this isn't in this bill, but the version that was last year, the Attorney General would have an additional duty to create rules and regs (regulations) on how to disperse the funding.

"On a local level, the problem would be if you're law enforcement agency did all the work in order to do this forfeiture then they may not get the same amount of money back from that particular fund. So, that's what's in house bill 2001.

"In 2003, the change is regarding the local county or District Attorney regarding the forfeiture proceeding. This is in reaction to something that happened I believe is in Montgomery County where the County Attorney had assigned to his own private law firm the civil forfeiture proceedings. So, not only was he collecting money from the county as County Attorney, but he was also collecting money privately for the civil proceedings and the change here would prevent that from occurring. You could contract completely with outside entity that's unrelated or you can keep it in house as we currently do.

"And then in 2004, we have it hit all the ones from post audit. This is to make a little more specific what the monies can be used for, currently there is a federal standard that Kansas has not adopted fully the federal standard as to what the forfeiture monies can be spent on.

"In this case it would limit to anything, you couldn't use it on normal operating expenses, including salaries, benefits and salary enhancements for permanent employees. This was something that legislative post audit came to in one of the entities that they audited was that they found that this was occurring and this was clearly not what the intent of the funds were.

"Again, this is one of things where there is a federal standard and at some point it might work out better just to say we go with the federal standard which limits to only certain items you can spend those monies on which is extra of what your normal operating expenditures are.

"For example, currently, I believe the Sheriff's office uses these monies for training and equipment above and beyond what they can normally budget for. So, on a large seizure they could use those funds for additional training for officers, for additional equipment that we can't budget for because of the expense.

"At one point to kind of go back there was a large seizure in Miami County at one point that they eventually used for a whole 911 system. Because, it was large enough that they could fund the entire thing out of the forfeiture. So, it was something that they had extra in their budget they could actually do, that they would have probably had to budget long term for if not bond for.

"Then house bill 2018 from Representative Finney, this would require that in order for a forfeiture to occur that there be a conviction of an individual related to the property that was seized for forfeiture. So, those are the civil forfeiture items that I was asked to bring up. I'm here to stand for any questions."

Chairman Unruh said, "Okay, thank you, we do have a question from Commissioner Ranzau."

Commissioner Ranzau thanked the Chairman and said, "With respect to the house bill 2018, I'd like to work with Jon in commenting testimony in support of that bill. The other's one, three and four both the house and senate, three and four don't cause me any consternation.

"But, the first one house bill one, senate bill one, I was listening to your explanation but I'm not sure it's doing what you're saying. I have the language right before me, it

talks about the law enforcement agency putting the money into a special law enforcement trust fund. Which is what it does now, and right now they're required to produce a report annually on how that money is spent. This simply just deletes that requirement to do a report and I'm not so sure I like that idea. So, that is one of the concerns that I have.

"This is a big issue when you talk about transparency I think people want to know how that money is being spent et cetera. So, I think this is a step backward actually. Now, if this is in fact tied to collecting all the money at the state level. It's not in this bill, it's also something that I would oppose as we move forward.

"But, I think having this reporting requirement, I understand it takes some time to do that but, I personally I'm not sure I could support that particular one, but I just want to bring that to the attention to the rest of the Commissioners if they had any concerns about that. In particular house bill 2018 I'd like to move forward and work on some testimony on that. That's all I have, thank you."

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

Commissioner Howell thanked the Chairman and said, "Just a couple of comments. I want to say thank you, to all those that helped to get house bill 2017 passed. As Chairman last week, I did submit testimony on behalf of the county to the committee.

"I think they had the hearing a week ago today if I remember right. Unfortunately, the second page of our testimony did not get submitted to the committee. They did not get our request for the amendment in the house. It is extremely unusual for legislation to move this quickly from committee to the house, then from the house to the senate. They did everything they possibly could to expedite the bill to move forward, and unfortunately this amendment just couldn't catch up with the bill each step of the way.

"There was actually some I think some confusion on some of the folks that were testifying on the bill that didn't really understand what we were trying to ask for, and they were not really with us until I think yesterday. So now I think they're very supportive of the idea that this does need to have a trailer bill. I think we have their support at this point. I would expect that to move forward.

"But, to have an idea enter the legislative process and then five days later pass house and senate is extraordinary. I just would like to say thank you, to Mr. Von Achen, our lobbyist Jason Watkins and Scott Schneider as well as to Representative Keith Esau specifically.

"I did talk with him yesterday. I learned some things. I think I may have known this but I just kind of forgot about it a little bit, but he reminded me of the aspects of the bill which I just want to share with you all right now, because I think it is interesting.

"The petition to be on the ballot, it was original I think 7,000 or 7,500 signatures. That was lowered to 1,000 in the original bill and I believe the committee did change that to 3,000. So, there's 3,000 signatures for someone to get on the ballot.

"But, in addition to that it did fix the UOCAVA (Uniformed and Overseas Citizens Absentee Voting Act) discrepancy between the federal law and the state law. That was our major concern and that was obviously fixed extending this to 90 days was necessary to make that happen.

"I think I forgot this but I learned it yesterday through discussion with him, but it does allow for the major parties to just nominate a candidate for the ballot and obviously

that includes republicans and Democratic Party. But it also includes Libertarian Party.

“So, there’ll be, Libertarian Party I think working as well as the other parties to nominate the candidate so you’ll see at least three names on there. If there’s an unaffiliated candidates from maybe theirs as well on the ballot. To me that is very interesting information.

“I think we have good support from the Committee Chairman, Representative Keith Esau on the trailer bill I think is going to go very, very quickly. It seems like we had nearly unanimous support. Yesterday, unfortunately it wasn’t able to get the amendment on, but now that they understand exactly what the challenge is with the original bill needing to extend the canvass window out a little bit. I think we have really good support, bipartisan support from the legislators. I expect that to move forward very quickly.

“So anyway, I just wanted to say thank you to everyone and appreciate the fact that the legislature was able to move this forward so quickly and it has solved our problem. We are now able to comply with federal law. Should the trailer bill not pass, it would be challenging initially to the county to canvass in the very short window that they’ve given us.

“However, it could be done theoretically. So, the important part is we were able to get our state laws in compliance with the federal law so we’re able to provide those ballots to our overseas military members and that’s the one thing we tried to focus on. That obviously did get done, so I want to say thank you, once again to everyone. That’s all my comments Mr. Chairman.”

Mr. Von Achen said, “Commissioner, to piggy-back on that a little bit. The number was actually a lot larger. It was 17,000 to get on the ballot. Part of that provision and also the provision that will allow a recognized party in this case it would be a libertarian party to get on the ballot, was it allows for greater ballot access.

“Which also reduces the possibility that a law suit would be filed to get that access. Because, now the party, one party and the independent candidate have a lower threshold to be able to get on the ballot so they won’t be inclined to sue for that ballot access.”

Chairman Unruh said, “Okay, thank you. Are there any other comments or questions? Commissioner Ranzau, did you get your question answered, you indicated you wanted to make testimony on behalf of the commission.”

Commissioner Ranzau said, “On 2018?”

Chairman Unruh said, “On 2018, yes, so you’re satisfied with this? Okay, I don’t see any other questions Jon, so thank you, very much for your presentation.”

Mr. Von Achen said, “Thank you.”

The Board of County Commissioners recessed into Fire District Number 1 from 10:51 a.m. and returned at 10:53 a.m.

Chairman Unruh said, “Next item, Madam Clerk.”

OTHER

Chairman Unruh said, “Commissioners, is there anyone with other items to be

brought up before the board? Seeing none, next item.”

EXECUTIVE SESSION

MOTION

Commissioner O'Donnell made a motion that the Board of County Commissioners recess into executive session for 30 minutes to consider: consultation with an attorney for this commission which would be deemed privileged in the attorney-client relationship, preliminary discussions relating to the acquisitions of real property and that the Board of County Commissioners return to this room from executive session no sooner than 11:24 a.m. The executive session is required to: protect the County's financial interest and right to the confidentiality of its negotiating position.

Commissioner Dennis second the motion.

There was no discussion and a vote was called.

VOTE

<i>Commissioner Dennis</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Howell</i>	<i>Aye</i>
<i>Commissioner O'Donnell</i>	<i>Aye</i>
<i>Chairman Unruh</i>	<i>Aye</i>

The Board of County Commission recessed into Executive Session at 10:54 a.m. and returned at 11:24 a.m.

Approved

ADJOURNMENT

Chairman Unruh said, "Okay, we are back from executive session and while we were out no binding action was taken. Is there anything else, Mr. Manager, Mr. Counselor?"

Mr. Yost, said, "No, sir."

Mr. Scholes, said, "No, sir."

Chairman Unruh said, "That being the case, we will be adjourned."

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:29 a.m.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

DAVID M. UNRUH, Chairman
First District

MICHAEL B. O'DONNELL II, Chair Pro Tem
Second District

DAVID T. DENNIS, Commissioner
Third District

RICHARD RANZAU, Commissioner
Fourth District

JAMES M. HOWELL, Commissioner
Fifth District

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED: _____