

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



*Sedgwick County...
working for you*

Meeting Minutes

Wednesday, February 1, 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

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:02 a.m. on February 1, 2017 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman David Unruh, with the following present: Chair Pro-Tem Commissioner Michael B. O'Donnell II; Commissioner David T. Dennis; Commissioner Richard Ranzau; Mr. Michael Scholes, County Manager; Mr. Thomas Golden, Deputy County Manager; Mr. Eric Yost, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Sheriff Jeff Easter; Ms. Teresa Hatfield, Adult Development and Aging Agent; Mr. Rick Durham, Deputy Chief Financial Officer; Ms. Lindsay Poe Rousseau, Interim CFO/Budget Director; Mr. Joe Thomas, Director, Purchasing Department; Mr. Jon VonAchen, Assistant County Counselor; Ms. Kate Flavin, Public Information Officer; Ms. Heddie Page, Deputy County Clerk.

GUESTS

Ms. Marilyn Bower, 156 N. Sedgwick Street, Wichita

CALL MEETING TO ORDER

INVOCATION: Dr. Michael O'Donnell, Grace Baptist Church.

FLAG SALUTE

ROLL CALL

The Clerk reported, after calling roll, that Commissioner Howell was absent.

PUBLIC AGENDA

Chairman Unruh said, "I don't have a list of anyone that has signed up to speak, but is there anyone here who wanted to speak during this portion of our agenda? Ms. Bower, would you please step to the podium and state your name and address and you will have five minutes."

Ms. Marilyn Bower, 156 N. Sedgwick Street, greeted the Commissioners and said, "I'm here to, once again bring up the, as I understand you are going to relook at the immunization for overseas. I'm here to speak to that and I read what Mr. Howell said in the paper about it and unfortunately he wants to stay with his ideology instead of what is best for the people of Kansas. I've did my research, you all got a report, I hope."

Chairman Unruh said, "Yes, we did."

Ms. Bower said, "Yes, okay, good. The first time I had to go out of the country was to Kenya, Eastern Africa, to go to the Embassy and find out why my four grandchildren were being held, their visas being held at, that was not my choice. I would have loved to had them here, but it had to happen. "I went to my doctors and said okay, give me my shots. They said, oh we don't do that, we have a wonderful working relationship with the Sedgwick County Health Department and we, they know everything you need to

know for where you're going and they said we don't have to keep the serums that are very, very expensive and they go out of date very quickly. It has been a really wonderful, this was in 2008. We've had this for some years now and it has worked perfectly.

"Later, I found out when this came up, as a question that was being taken off the budget, okay, that I think it is about \$138,000 that is put up by the county, but not all of that was used. Most of it was paid for by the people or their insurance companies. The only thing the county ends up paying is a little bit under \$500 for this whole program.

"Since that time I had gone back in 2013, with a missionary group, medical missionary that was very, very much needed. I think sometimes, unfortunately the Commissioners who, this came up in the political printing time that make about \$90,000 a year. That's not going to be a problem to go to these places that more expensive like Dillon's, because they do tack on another \$25 for every shot that's given. So if you saw a price on there that looked pretty good that's not exactly the way it goes and so they.

"Most of these people that volunteer to go, through their churches, usually or other people that just get stuck in a situation they have to go. We don't make that kind of money, you know, some of them make \$20,000, some of them are on Social Security, like I am. So please keep that in mind and let's do what is best for the people of Sedgwick County. It's all the people for Sedgwick County, it's not just the citizens, we have lots of people here from overseas that are either here for either green cards or they're here student visas and things like that. So they're the people who are givers and the churches are not happy. I don't know if anyone is here from that this morning, but they are not happy with this this really made them, a lot of people, a lot of delay. So I would to have like you consider that please. What's best for the people of Sedgwick County over your personal ideology, please? Thank you."

Chairman Unruh said, "Alright. Thank you for being here, appreciate those comments, Madam Clerk, next item."

CONSIDERATION OF MINUTES

- A** [17-155](#) REGULAR MEETING MINUTES OF DECEMBER 14, 2016.
Commissioner Norton was absent.
Action for this item was taken with Item C.
- B** [17-169](#) REGULAR MEETING MINUTES OF DECEMBER 21, 2016.
All Commissioners were present.
Action for this item was taken with Item C.
- C** [17-157](#) REGULAR MEETING MINUTES OF JANUARY 4, 2017.
All Commissioners were present.
Mr. Eric Yost, County Counselor, greeted the Commissioners and said "Mr. Chairman?"
Chairman Unruh said, "Yes, sir."
Mr. Yost said, "Before the Commission takes up the minutes, I'm taking it like this, I

think, in the absences of one of our Commissioners, I think, it would be appropriate if one of the Commissioners who weren't on the board for the meetings of these particular minutes were to vote on it. I know that Commissioner Dennis sat through all of these meetings and observed everything that took place. I think it would be fine if he would go ahead and vote, if he wished to on these particular minutes."

Chairman Unruh said, "Okay, we have two Commissioners perhaps weren't here. Is that right? So both can vote."

Mr. Yost said, "If they wish."

Chairman Unruh said, "Okay."

Mr. Yost said, "But I don't know if Commissioner O'Donnell actually witnessed the meetings in question. But I know that Commissioner Dennis did."

Chairman Unruh said, "Okay, but the opinion is that both can vote on this without any implication."

Mr. Yost said, "Correct."

Chairman Unruh said, "Okay, thank you, sir."

Mr. Yost said, "That is my opinion."

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

MOTION

Commissioner Dennis moved to approve the minutes of December 14th, 21st, 2016 and January 4th, 2017.

Commissioner Ranzau seconded the motion.

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

VOTE

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

Chairman Unruh said, "Next item, please."

Approved

NEW BUSINESS

D [17-195](#)

**INFORMATION ON PRESIDENTIAL EXECUTIVE ORDER ON
BORDER SECURITY AND IMMIGRATION ENFORCEMENT**

IMPROVEMENTS.

Presented by: Sheriff Jeff Easter.

RECOMMENDED ACTION: Receive and file.

VISUAL PRESENTATION

Chairman Unruh said, "Good morning, Sheriff Easter."

Mr. Jeff Easter, Sedgwick County Sheriff, greeted the Commissioners and said, "Let me get this brought up here, oops, wrong one. Thank you for allowing me to come today. I've provided each of you with a packet that contains the actual presentation and then also supporting documents of what I am going to discuss today."

"As you know in 2014 the decision was made to honor the, what was called then detainees only in part. The part that we would not honor was the additional 48 hours that ICE (Immigration and Customs Enforcement) was requesting for us to hold these individuals. That was rooted into court decisions that had taken place that basically had said those detainees were illegal. We researched it and met with ICE on several occasions. The decision was made to book for the detainer, notify ICE at the time of release for them to come pick them up and but not to hold for the additional 48 hours."

"So that occurred in 2014 and now I will go through what has occurred now with some executive orders that's come out, other case laws that have been ruled, or other court cases that have been ruled upon and kind of where we are at on this. As you know, President Trump has given out two executive orders. The first one was border security and immigration enforcement improvement, I am only covering what pertains to law enforcement, section two subsection (E) says cooperate fully with states and local law enforcement enhancing federal-state partnerships to enforce federal immigration priorities as well as state monitoring and detention programs that are consistent with federal law and do not undermine federal immigration priorities."

"Section 10 of that executive order, federal-state agreements. It is the policy of the executive branch to empower state and local law enforcement agencies across the country to perform the functions of an immigration officer in the interior of the United States to maximize the extent permitted by law. Currently, for law enforcement to be able to enforce federal law, we are a part of a federal task force. What that means is, is that we have deputies assigned to the DEA (Drug Enforcement Administration) task force, right now to a postal task force and also to the FBI (Federal Bureau of Investigation) task force in two different functions. They have to go through background checks, they have to be trained and they are deputized, which allows them to enforce federal law. I cannot enforce federal law only those particular deputies can, that are deputized and that becomes important because by this executive order is that what they plan on doing, deputizing all of law enforcement across the United States to be able to enforce immigration, we don't know the answer to that."

"Section 10 subsection (A) says in furtherance of this policy the Secretary shall immediately take appropriate action to engage with the Governors of the states as well as local officials for the purpose of preparing to enter into agreements under section 287. We have what's called memorandums of understanding with each one of those law enforcement, federal law enforcement agencies to enter into those agreements and to be able to be deputized. So I don't, I think that's what that is referring to."

"Section 10 subsection (B), and I will not, I will let you read this cause this is a rather

large section, but this is where it's saying that they will give us law enforcement the ability to arrest any illegal alien. The issue that is perplexing on that particular item is what will that do to our call load and answering our regular calls. That's something if laws are passed to support this we will really have to take a look at if we are going to be doing nothing but rounding up illegal aliens for ICE and all the other responsibilities we have to this county.

"Executive order, which is the second one. Enhancing public safety in the interior of the United States, again I only put in here, it is a very large order, you have the packet that contains everything that was in it. I only put in here what pertains to law enforcement. Ensure the faithful execution of the immigration laws of the United States, including the INA (Immigration and Nationality Act) against all removable aliens, consistent with Article II, Section three (3) of the United States Constitution and section 3331 title five (5), United States Code (USC). Make use of all available systems and resources to ensure the efficient and faithful execution of the immigration laws of the United States. Then C, ensure that jurisdictions that fail to comply with applicable federal law do not receive federal funds, except as mandated by law; ensure that aliens ordered removed from the United States are promptly removed; and support victims, and the families of victims of crimes committed by removable aliens.

"In Section nine (9), sanctuary jurisdictions. In furtherance of this policy, the Attorney General and the Secretary, in their discretion and to the extent consistent with law, shall ensure threat jurisdictions that willfully refuse to comply with eight (8) U.S.C. 1373, which they are terming sanctuary jurisdictions because I will point out numerous times in this presentation, there is not any law, any court case nothing in government that defines what a sanctuary city is, county, state nothing. But they are not eligible to receive federal grants, except as deemed necessary for law enforcement purposed by the Attorney General or the Secretary. The Secretary has the authority to designate, in his discretion and the extent consistent with law, a jurisdiction as a sanctuary jurisdiction. The Attorney General shall take appropriate enforcement action against any entity that violates 8 U.S.C. 1373 or which has in effect a statute, policy or practice that prevents or hinders the law enforcement, the enforcement of federal law. I have provided you with 8 U.S.C. 1373."

"In general notwithstanding any other provision of federal, state or local law, a federal, state or local government entity or official may not prohibit or in any way restrict the government entity or official from sending to or receiving from the Immigration and Naturalization Service information regarding the citizenship of immigration status. Additional authority of government entities notwithstanding any other provision of federal, state or local law, no person or agency may prohibit or in any way restrict a federal, state or local government entity from doing any of the following with respect regarding the immigration status, lawful or unlawful of any individual.

"Sending such information to or requesting or receiving such information from the Immigration and Naturalization Service (INS). Maintaining such information, exchanging such information, obligation to respond to inquiries. What this is referring to is, is when an individual is booked into jail, if we did not send over the information of the individuals that were booked into jail, we would be violating this 8 U.S.C. 1373.

"We produce a report every day that is sent to ICE, Immigration Control Enforcement is what that stands for, every day that report is sent to them, they run those names

through their computer databases and then they respond back to us if they think someone is here illegally and then they provide us a form, which is the detainer/request form that we book.

“So as I pointed out in the earlier slide, the sanctuary city aspect of it is what and they talk about in violation of 8 U.S.C. 1373, we don't violate that. Our policy that changed in '14, in reference to illegal aliens. Individuals arrested solely for the charge of illegal alien or a BICE (Bureau of Immigration and Customs Enforcement) detainer will not be accepted. Aliens may be accepted for admission and processing only if they are arrested on violations of other federal, state or local laws. Illegal Aliens will be accepted from or on the authority of the Bureau of Immigration Control and Enforcement (BICE) if they are able to provide paperwork showing the inmate has had judicial review. That also comes up again because we are talking about probable cause statements.

“Every law enforcement agency in the United States, including federal agencies with the exception of ICE have to provide us a probable cause statement for us to hold them, that's called due process. So ICE is the only ones that do not do that that's why these court rulings that I am going to discuss have thrown this into a flux. If a BICE detainer is received it will be placed in the inmate file, but the detainer will not in any way delay the release of the inmate. Releases after intake processes, all inmates who are housed in the facility will be released through property release. I'm not going to read all of that, the main section of that is if a BICE detainer is on file an email will be sent notifying the agency of the pending release. The inmate's release will not be delayed pursuant to 107.00 admission standards.

“What this is saying is we book the detainer, it is in their computer, we have three people right now that have a detainer on them, now they are here because of other charges, that's what is holding them in jail. If we get paperwork that say release them, then what we do is we immediately email ICE to say hey these folks are getting ready to be released, come get them. On most occasions two hours to five hours it takes to release these individuals, depending on how many people releasing and how busy we are in the booking. As you know, ICE use to be two blocks away, now they're on Woodlawn [Street] they do not come and get these individuals in time frame.

“Again, the history of that change is rooted in the Galarza and I can't pronounce the last name very well, Szalczyk and basically what this is saying is that individuals that are booked on detainers and held for that 48 hours, solely based on the detainer is illegal. This came out of the United States Court of Appeals Third Circuit.

“They are also saying that detainers aren't really detainers, they are simply requests. So what happened on this one, the federal government did not show up to testify on this. If you didn't know it federal law enforcement is immune from lawsuits. We are not in local law enforcement. The Sheriff ends up paying out taxpayer dollars to this individual of a \$100,000, is around \$116,000 that was paid out on this lawsuit.

“Part of the reason for this was the tenth commandment, I'm sorry, tenth amendment not commandment, was the tenth amendment that says the federal government cannot dictate the states, what you are supposed to do. The conclusion was the detainer section authorizes issuance of detainers as requests to local law enforcement agencies, does not compel law enforcement agencies to detain suspected aliens.

“After that I received three phone calls, two of them from immigration attorneys. Two of

them said hey Jeff we like you, but we're going to sue you. We are going to sue you based upon this case law. Yes, it is in the third circuit, we're going to try to bring it into the tenth circuit, which is what governs us here in Kansas, because we feel this is illegal.

"I spent several days with attorneys looking over that particular ruling and then another ruling comes up in reference to Miranda Olivares versus Clackamas County, which is out in Oregon, which was United States District Court, District of Oregon and you can read all the facts on it. But basically they're saying that it was a violation on the tenth amendment and fourth amendment and a new holder for ICE detainer lacked probable cause, because there was nothing in there saying what the probable cause was to hold them for those additional 48 hours, like everyone else has to do. Therefore, violated this persons fourth amendment rights.

"At that point we started meeting with ICE supervision and again, I think some of you, two of you that are here today were here at a meeting when I came in after this meeting and for 24 years, 25 years of my law enforcement career always thought it was illegal to come into the United States. This particular ICE supervisor told me it's not a crime, it is simply a civil procedure to remove them. We debated this for some time, then I came in here based upon this person's expert opinion, since he's worked for ICE and we don't deal with immigration laws and said it's not a crime. However, it is a crime, it's a misdemeanor crime. They just don't charge it that way in the State of Kansas. We discussed alternatives with ICE to author a probable cause affidavit like all other LEO (Law Enforcement Officer) agencies.

"It's my opinion that once they run people through databases they determined that someone is potentially here illegal, they write an affidavit, they attach the name to it and they email it or fax it or now send it by email and scanning it to us, which gives documentation to hold them for the 48 hours. I was told by this ICE supervisor, first off they don't have to and second off they're not going to do that.

"They refused to complete probable cause affidavits and there was four (4) other meetings we conducted with ICE to try to figure out how we could hold these individuals for ICE to start their process, none of those alternatives were seen as probable with ICE and so the decision was made to go ahead and change our policy to what I had discussed before. We also discussed with ICE on 8/5 of '15 that Sedgwick County being, could be a ICE under 72 hour holding facility. There is a lot of rules and regulations on doing that, but we were willing to go through that process because it was my understanding from the ICE supervisor that would circumvent the 48 hour hold detainer, they wouldn't have to do that anymore because we're an ICE hold facility. Sorry.

"ICE used a outside audit team to come in and conduct an inspection of the Sedgwick County Jail from 5/3 to 5/5[16]. They had a list of things that they wanted us to do. One of which, remember I told you we have three (3) people in there right now that have ICE detainees. With that what they want us to do is those folks could not be housed with any other inmates. That means I would have to empty a pod of 49 other inmates, ship them out of county just to house these three. We told them we are not going to do that, there were a lot of other things that are completely against our policy, completely against safety and security of our facility, but there were something's we could, we could accommodate that wouldn't upset the entire operations of the jail.

"In June, we sent back the corrective actions form to ICE, I was informed by the ICE

supervisor not to worry about some of the corrective actions the inspection group pointed out, because ICE makes the determination if they want to house with us. We've been waiting for an answer since last June. We've emailed them, called them, and now they're not even answering our phone calls. In September 30th of 2016 there was another decision that came down, that decision was out of the northern district of Illinois in a federal circuit court there, basically this judge says that detainers are illegal and that they should never be used and that they are requests, we have as local law enforcement the opportunity to say yes or no to them. This judge went further on to say that, well I will go through conclusions, because immigration detainers issued, under ICE detention program seek to detain subject without warrant, even the absence of a determination by ICE subjects are likely to escape before a warrant can be obtained. The court will enter judgment for plaintiffs, which was these folks that challenged this detainer. Declaring immigration detainer used against plaintiffs void, meaning you can't use them.

"The judge in this case ordered the Chicago office of ICE to no longer issue detainers, the Chicago office of ICE actually, controls all of the ICE agents that region including Kansas, there were six (6) or seven (7) states that were affected by this. Virtually telling ICE in Kansas you can't issue detainers any longer. ICE had the opportunity to file an appeal, by conducting our research, we don't know where that's at, if they filed appeal to stay the judgment, we don't know.

"Last year, the state legislation produced a bill to basically say that we can't be a sanctuary county, city, those types of things. We met with legislators and asked them, hey we're with you on the fact if someone's committed a crime and is here illegally, they should be deported, whether they are convicted or not, deport them. The problem is all this case law that I just went through will, opens up those counties, specifically Sheriff's to civil liability. So we asked for them to put in there that we would immune from lawsuits and that the state would cover any of the lawsuits, everything to do with it, the attorney fee and if there were payouts at the end, the state would pay for that. That bill died and they did not pass that particular bill to give us immunity from those types of issues.

"House Resolution 83, which is also in your packet, in January 3rd of this year was introduced, and basically it's about a page and a half long that says, prohibits the receipt of federal financial assistance by sanctuary cities and for other purposes, that's what's being introduced that will be debated now at the federal level.

"Sanctuary state, city or county is not clearly defined nor spelled out in any court case or by the Federal Government, there has been no laws defining, nothing. The term derives from Center of Immigration studies website, which is partisan non-government website.

"This occurred after the tragedy that took place in San Francisco, [California]. Sedgwick County supposedly qualifies by this websites definition due to not honoring ICE detainers, our contention is we do book for the detainer, request as they are called now, if other charges exist, thus honoring a portion of the detainer or the request that is declared to be still legal. We place the hold in the computer and email ICE at the time of release for them to pick up the illegal alien, however they do not pick them up.

"There is another attachment that you have, which is a Congressional Research Service (CRS) that basically goes out, if a Senator or Representative, says we want

you to look at this and provide us with the facts back, this was that study that was done. ICE and Enforcement and Removal Operations (ERO) have the primary responsibility for locating, removable aliens and ensuring that aliens directed to depart from the United States do so. Sanctuary jurisdictions, jurisdictions that have it expressly defined or limited the jurisdiction's roles regarding immigration enforcement by passing resolution, executive orders or local ordinances. That's talking about those cities, like Chicago or San Francisco that this governing body would pass those type of resolutions to prevent immigration from doing their job. We at Sedgwick County have not done that.

"No generally agreed upon definition for a sanctuary jurisdiction because of the range of such enforcement policies. Policies range from limited cooperation with ICE, typically regarding the cooperation with detainees, to restricting what type of information the local agency can inquire about or share with ICE. Some jurisdictions restrict information regarding individuals with little to no criminal activity, we don't do that as well.

"Some sanctuary cities cite federal court decisions, decisions that find holding an alien solely on the basis that an ICE detainer could violate the fourth amendment, potentially subjecting law enforcement to liability for doing so. I, kind of, find it funny saying potentially, there is no potential about it, it already happened in Pennsylvania, I'm sure that Sheriff there would say it's not potentially there, it occurred to me. We do make this argument due to court case rulings and sheriff's pay out. Center of Immigration's website states four (4) states plus Washington, D. C. dozens of cities and hundreds of counties are sanctuaries. The term itself has no formal definition and there exists no official list of sanctuary jurisdictions from the Federal Government.

"In 2014, I was notified that I would be sued and I have already covered this for honoring the detainer, detainer language has been changed to request due to court rulings. ICE sent new paperwork called Immigration Detainer Request for Voluntary Action. I would like to point out that particular document, that's this document that's in your packet. The title of it is Immigration Detainer Request for Voluntary Action, I don't know exactly what that means, they still term it a detainer but it is requesting this for voluntary action, so it's not mandated. What I want to point out is in section A, if you look at all the things that the subject is an immigration enforcement priority because he or she, all of these say has been convicted.

"The problem with that is, again remember ICE works basically eight (8) to five (5), weekends off. We have individuals that get booked for DUI (driving under the influence) other misdemeanors that are booked after five o'clock and released before eight o'clock in the morning, because of their bonds or they don't even have a bond it's called own recognizance, those types of thing. We don't even know if they're illegal because we can't determine that, we don't have the databases, unless they tell us, we're here illegally. The problem is those folks get released and if you read the executive orders, the entire thing, the catch and release system is done. So how do we keep those people in jail if we were to honor any type of detainer, without a detainer? I don't know how that's possible.

"None of that section A, covers that issue, because all it talks about is conviction. The other part I want to point out is the middle section, that's bullet pointed that says it is therefore requested you, and there's a paragraph there at the bottom part, portion of it is in black, bolded in black, this request takes effect only if you serve a copy of this form on the subject and does not request or authorize that you hold the subject

beyond 48 hours. This request arises from DHS (Department of Homeland Security) authorities and should not impact decisions about the subjects bail, rehabilitation, parole, release, diversion, custody classification, work, court assignments or other matters.

“So in their own immigration detainer request for volunteer action its saying, it shouldn’t have an effect on the release, doesn’t make a lot of sense to us, what this actually means. ICE also advises that the box up above, that they just check, fulfills the probable cause affidavit in their opinion. Through our research we have not found a court case being filed to challenge this particular paperwork.

“Now where do we go? The paperwork does not encompass all the avenues that we come into contact with illegal aliens, such as I have described before as people arrested for DUI, other misdemeanor charges, and again I want to point out, this form also this request takes effect only if you serve a copy of this form on the subject, it does not request or authorize that you hold the subject beyond 48 hours. This request arises from DHS authorities and should not impact decisions about the subjects bail, rehabilitation, parole, release, that’s the key one that we don’t know exactly, because that goes against what the sanctuary website says we’re doing, but this says it shouldn’t impact our decision on it. This section of the new detainer request is very confusing because it says the release, so does this mean we can release and it should not impact us, such as being labeled as Sanctuary County.

“Finally, here’s is the two options that I see. We can start honoring the new request in its totality and risk being sued as pointed out in previous slides or continue on the path of not honoring the 48 hour hold section of the request only. Those are the two options that I put to you for your input back to me. The fact of the matter is, is that we’ve really tried to dig in to executive orders, there is doubt that executive orders hold the federal agencies to that standard, they have to do that. Now there is all types of case law out there that says the feds can’t impose their will on the states. I don’t know if all of this is being thrown to Congress so that, A this is my directive and you need to start passing bills to enforce this directive.

“Now once that happens and a law is passed, we have to follow the law, plain and simple, whether it gets us sued or not, because in Arizona they passed laws on immigration, all of those laws were challenged, were found to be unconstitutional and Sheriff Arpaio, who is no longer there in Maricopa County. Those lawsuits they’ve paid out up to \$50 million now because of that. So all I am trying to do is to ensure that our taxpayer dollars here are not going to be wasted on lawsuits. I again, truly believe that if someone is here illegally and they are arrested, not even convicted, they’re arrested and we have probable cause to believe that they should have been arrested, they should be deported. But with all the information I just gave you, I am putting taxpayer dollar at risk. So thank you for your time, but I would really like some input from you all, which direction you would like to see the Sheriff’s Office take.”

Chairman Unruh said, “Well, thank you for that presentation, I think it had about thorough explanation as we could possibly want. So now we have to make a decision on how we want you to proceed. We will discuss that, Commissioner Ranzau has a comment.”

Commissioner Ranzau thanked the Chairman and said, “Thanks, Sheriff for coming by and explaining this, this is very helpful, it seems like we’re kind of, we have taxpayer dollars at risk regardless and I think, maybe going forward I would like to have some

conversation with our attorney, you know, before we make a decision. But I have a question about this new detainer, they're using this now, is that correct?"

Sheriff Easter said, "The new detainer, they are using. That is correct."

Commissioner Ranzau said, "And it says that they need to mark at least one option in A or B or skip down to section two. What is their practice? Are they filling out one option in A and B or are they using option..."

Sheriff Easter said, "They can fill out as many options that qualify."

Commissioner Ranzau said, "I know, but is that what they are doing or they going down and just marking something in..."

Sheriff Easter said, "No, we have some that, that folks were previously convicted. I would have to look at, at the detainers specifically to see which ones they are using more because that I don't know."

Commissioner Ranzau said, "Yeah, I guess what I'm saying is if you need to do it up here in A and B or they can use number two (2)."

Sheriff Easter said, "That is correct."

Commissioner Ranzau said, "I'd like to know, which route they are using, because option two doesn't, the first option includes the probable cause statements, but that option two does not necessarily, it does say they are going to resume custody, but if they do something at this top A and B and have a probable cause, I mean, is there, is there legal concern? Does that not meet the legal requirement then or are we concerned that is not good enough or what's..."

Sheriff Easter said, "Yeah, the concern is, is that...that is not a normal probable cause statement just checking boxes. Checking boxes is not something that I've ever seen the courts rule upon. We have to fill out an actual probable cause affidavit with the person's name actually what the crime that they have done or that we have probable cause to believe that they have done and the location where it was at. That's a normal probable cause affidavit. Checking the boxes could it be, you know, we will have to wait and see if it gets challenged in court, whether it's a true probable cause affidavit..."

Commissioner Ranzau said, "That's the problem."

Sheriff Easter said, "But is there an option there to say, yes we accept this as a probable cause affidavit and hold them for the 48 hours. That option is there, that's why I say that's the second option. We could accept this, now, and that's why I also put in there that there is no court cases that we are aware of pending challenging that this is a probable cause affidavit."

Commissioner Ranzau said, "That's the problem, it's so new. We don't know if..."

Sheriff Easter said, "We don't know."

Commissioner Ranzau said, "Okay, thank you that helps, thank you."

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

Commissioner Dennis, thanked the Chairman and said, "Thank you Sheriff Easter for being here today and I appreciate the detailed descriptions you gave us. Couple questions, first of all, do you know the total amount of dollars that are at risk to Sedgwick County?"

Sheriff Easter said, "I have read some of the things in the paper from certain Commissioners that was between \$11 and \$12 million, yes."

Commissioner Dennis said, "Okay and that's if we are declared a sanctuary city. How often does your, the Sedgwick County Sheriff's Department come across an event where that you have someone that you're submitting to ICE that get a decision back. Is this a daily occurrence, is this a weekly..."

Sheriff Easter said, "No this isn't a daily occurrence, but I will tell you that I would almost say we are a sanctuary country, because for years we have contacted ICE, that we have come in contact with illegal immigrants, who have said were illegal aliens, who have said I am here illegally. We would contact ICE and ICE would say, well where are they heading and we will tell them. Well, we would let them know. They wouldn't even come out and get them. That has been going on for years, so if ICE isn't taking care of federal law that they can only enforce, we can't enforce and now we have this issue that is being shoved down, that it's all the locals fault. That's a problem and that has been a problem for years all of that needs to be fixed.

"May be through some of the executive order where they are wanting to add 5,000 border agents and 10,000 ICE agents, they can fix that, but again, you know, we have pretty much quit calling ICE. I talked to the DA (District Attorney) last night, he doesn't call ICE anymore because he can't get an answer from them."

Commissioner Dennis said, "Well, I understand exactly where you are coming from that you need a decision on which direction to go."

Sheriff Easter said, "Well, I want to correct, I want to make sure that you understand that what I am asking for is your input."

Commissioner Dennis said, "Okay."

Sheriff Easter said, "I'm the ultimate one that has to make the decision."

Commissioner Dennis said, "But ultimately, why it's going to be taxpayers and Sedgwick County that is either going to lose \$11 or \$12 million or they are going to have to start paying court cases if you get sued for not releasing them. So one way or another it's going to come out of the budget, so if we provide input, I really think we probably need to consult with our attorney, I just..."

Sheriff Easter said, "Yeah."

Commissioner Dennis said, "Don't know how long it's going to be before you need that decision back on what kind of input we have."

Sheriff Easter said, "You know, again we've been, this policy has been in effect a little

over two years. So it's not a thing like I need any input by tomorrow, but I'm not here to keep federal monies, taxpayer money that comes from this county that goes to the federal government that's brought back here. From that being put into harm's way. I'm not here to do that, I am here to simply to ensure that we're abiding by the law, that we're not going to cost taxpayer payers extra money, because of a decision I have made that could possibly put us in jeopardy."

Commissioner Dennis said, "Right. Well, I think that your presenting this special with the news media here today, why it's probably going to get some of the things out in the open, where the public can start providing input on this and maybe some of our lawmakers can start weighing in on what we're doing. But in the meantime, I appreciate what you've provided to us today."

Sheriff Easter said, "Thank you."

Commissioner Dennis said, "I think we do need to consult with our attorneys a little bit, but I think we need to provide some feedback to you on which direction we're considering."

Sheriff Easter said, "Thank you, you know, one of the things I also want to point out, we have not hidden this, we've been interviewed by the media on numerous occasions. In fact we put this out to the media in '14, because it was a change. So this topic has been discussed numerous times in this community since 2014."

Chairman Unruh said, "Thank you, Commissioner. Mr. Sheriff are we to assume that all the counties and communities across the United States that were not identified as sanctuary cities, are we to assume that they are honoring these detainees?"

Sheriff Easter said, "I would say that, yeah, you could assume that in Kansas there are six counties, I know by talking to Sheriff's at different Sheriff Conferences, there not honoring them either, they just haven't publicly said it. They don't run into illegal immigrants that often or illegal aliens. So ICE doesn't really deal with those particular counties. There's more counties out there in the State of Kansas, but if you look at the counties that are listed, it is all the populous centers of Kansas."

Chairman Unruh said, "Okay. Well, I think that there is attitude from the Commissioners that we want to have some discussions with our attorney before we offer any advice, but I think that it's clear and I believe in discussion that I've had with you that we do not want to expose ourselves to potential loss of millions of dollars and federal funds to, you know, our health had human services agencies really rely upon that. So I appreciate your presentation and we will have discussions and give you our opinion, fully realizing that this is the elected Sheriff's ultimate decision."

Sheriff Easter said, "Thank you, I appreciate it."

Chairman Unruh said, "Alright, thank you. Commissioners, can we have a motion to receive and file?"

MOTION

Commissioner Ranzau moved to receive and file.

Commissioner Dennis seconded the motion.

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

VOTE

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

Chairman Unruh said, "Once again, thank you Sheriff for that report to me that took a lot of effort to compile all this information. So we appreciate that. Madam Clerk, next item."

Received and Filed

E [16-207](#)

COUNTY EXTENSION QUARTERLY REPORT.

Presented by: Teresa Hatfield, Adult Development & Aging Agent, Sedgwick County Extension.

RECOMMENDED ACTION: Receive and file.

Ms. Teresa Hatfield, Adult Development and Aging Agent, Sedgwick County Extension, greeted the Commissioners and said, "My focus area there is adult development and aging, each one of our ten agents has a particular focus area that we do and my focus is on that. Some of the programing that I do is, I help older adults remain strong, we've got a program called Stay Strong, Stay Healthy going on right now that is for seniors over 60 that supports muscles growth and helps prevent falls. I teach classes on memory, things that affect memory such as medication, exercise, eating right, things like that. I do things on advance directives and help seniors prevent scams and frauds.

"The program though, that I wanted to talk to you about today is my SHICK program. SHICK stands for Senior Health Insurance Counseling for Kansas. There are SHICK programs all across our state. We are providing free Medicare counseling for anybody that wants it. So regardless of income, people can come into the [Sedgwick County] Extension office and receive Medicare counseling. We are seeing more and more people turn 65, it is kind of surprising to look at the dates on the card now that people are born in the 1950s, are turning 65. So we are seeing more and more people come in and Medicare is very complicated and often very confusing. So I get a lot of people that are professionals that are retiring saying they understand a lot of things, but Medicare is totally complicated. So we see a lot of people coming in for that.

"Most of the help I get is from my volunteers. I have 50 trained volunteers that help out at Extension. Some of them work in senior focused housing out in the community and then I have about 20 volunteers that come into Extension office year around to help with counseling. My volunteers are all trained, so they are all trained by the Kansas Department of Aging and Disability services and Medicare. They are not allowed to be insurance salesman or sell investments, so they are totally non-bias.

"My volunteers, I've got retired attorneys that work for me, retired social workers, other retired professionals that work for me. They find SHICK is a very good volunteer opportunity because it allows them to give back to the community. So they can honestly see the rewards right away. We get a lot of hugs, and thank you's, and bless

you's and stuff like that at the Extension. So I think, they really do see that they are giving back to the community.

"Medicare open enrollment just finished up, that's every year from October 15th through December 7th and my volunteers saved our Sedgwick County community \$1.6 million last year. So they did this by helping beneficiaries compare their current plan they were on, to see if there was a better Medicare prescription drug plan that they change to that would save them some money. So they did an excellent job with that and I have kind of, a story to tell. One of my new volunteers, he's a retired anesthesiologist, called me over during open enrollment and said Teresa come over here and take a look at this. He was looking at man, who on his old plan was not going to cover one of his medications, that medication cost \$25,000 a month. So if this man hadn't of switched a new plan, he probably wouldn't have been able to get his medication this year. So it's really important for people to look at those plans every year, because simply because their insurance company may not pay for that particular drug. We had another one that was \$9,000 a month drug, so that was two pretty big saves that we had. So one person, you know, we could say that we saved them, you know, about \$100 over a \$100,000 a year, but the fact is they probably wouldn't just got their medication. So it's a big deal.

"We also do other educational programs for Medicare, during the year, I do Medicare options class monthly, after hours, you know, after work hours just kind of like Medicare 101, to introduce people to how Medicare works. We also do things like health fairs and things like that to get the word out. Last year we saw over 6,800 people with the SHICK program. Like I said just going to be getting bigger as more and more people turn 65. I think it's a good program. I think it's important and I just wanted to share some of those things with you today. So thank you for letting me come and do the [Sedgwick County] Extension quarterly report."

Chairman Unruh said, "Well, we want to thank you for taking the time to bring us up to date on some of those facts and figures, but I think, most of the Commissioners get regularly emails from individuals who've been able avail themselves of your service and not a negative thing has ever said. They just heap praises upon you and the volunteers for the help that they have received. I had to help my folks through part of that one time, didn't understand what I was doing. We had some staff here that gave me some help."

Ms. Hatfield said, "Uh huh."

Chairman Unruh said, "But I fully understand how complicated and daunting it is to try to make a good decision and one as you have indicated that is comprehensive enough that you actually get the coverage."

Ms. Hatfield said, "Yeah."

Chairman Unruh said, "So it's a great program, we're glad you are doing it. Are you, do you have enough volunteers, I mean, if you had more people trained, could you serve more? Waiting list?"

Ms. Hatfield said, "I could definitely always use more volunteers. We got a lot of computers that we can use out at the Extension office, we even invaded Master Gardener's hotline room, during Medicare open enrollment, because they weren't using it at the time. So we last year during open enrollment we filled up all of our

appointments. So we could definitely use more volunteers, like I said, it is a good challenging volunteer opportunity for people who are retired professionals, because you're not stuffing envelopes, you're actually see a difference you make in the community and I think they like it because they know they aren't insurance salesman, people know that they aren't trying to sell them a product. They are just trying to let them know what their choices are, so that they can make that informed decision."

Chairman Unruh said, "In the time frame for this program for folks to get help, is it a month period?"

Ms. Hatfield said, "It's all year long."

Chairman Unruh said, "All year long."

Ms. Hatfield said, "Yes, we even help with things like Medicare appeals. So if somebody gets a claim denied by Medicare, they can come into our office, we can look at that and help them file that appeal. We get a lot of interesting things that happen around Medicare. I have been doing this for over 10 years now and every once and a while I go, huh haven't heard of that one before. So we just dive right into it. I think they like coming out there because they know they are going to get to talk to somebody. They know we are going to try to help them and that we care about them."

Chairman Unruh said, "Well, very good."

Ms. Hatfield said, "Thank you."

Chairman Unruh said, "Well, it's clear that the Extension center is not just a 4-H and Master Gardeners and some other very practical help for our citizens."

Ms. Hatfield said, "Yeah, thank you."

Chairman Unruh said, "Thank you very much for your presentation."

Ms. Hatfield said, "Thank you, Commissioner Unruh."

Chairman Unruh said, "Commissioners, is there a motion to receive and file?"

MOTION

Commissioner O'Donnell moved to receive and file.

Commissioner Dennis seconded the motion.

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

VOTE

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

Chairman Unruh said, "Next item, please."

Received and Filed

F [17-188](#)

PRESENTATION OF THE QUARTERLY FINANCIAL REPORT.

Presented by: Rick Durham, Deputy Chief Financial Officer.

RECOMMENDED ACTION: Receive and file.

VISUAL PRESENTATION

Mr. Rick Durham, Deputy Chief Financial Officer, greeted the Commissioners and said, "At the end of each quarter. Thank you for putting that slide up. The Department of Finance reports on Sedgwick County's financial condition. This quarterly financial report provides an analysis through the end of fiscal year 2016. The information contained in this report is based on the unaudited financial statements and excludes judgments that might be required at a later date, after our audit. I believe you've all received the report and it will be placed on the county's website, so the public can also see that.

"The first section of the report that you have outlines financial information on a budgetary bases and it compares year to date information with previous fiscal years data. The second section of the report outlines financial status of active capital projects. The final section of the report consist of fund statements, which provides a broad overview of the county's finances in a manner similar to the private sector business and that is based on GAAP (Generally Accepted Accounting Principles) principles.

"So this morning I'm just going to provide you with some highlights of this report, give you a snapshot of our investment portfolio and finish up on how we see the county's financial condition and what prognosis for the future is. Once again, I would be remiss didn't let you know that the quarterly report is prepared by the budget staff and the accounting staffs, they do all the hard work, the heavy lifting, so I would be remiss if I didn't recognize those folks for their hard work.

"So we begin with the slide that identifies year end revenues, expenditures, fund balances in the county's governmental funds and those are categorized by group. So when reporting financial status we typically aggregate information into one of several possible groupings. It's the general fund, property tax supported funds or other operating funds or all operating funds. So I will begin here as we just move across from left to right on this slide the general fund. This is the county's primary operating fund and accounts for county services that do not have a designated fund of their own. The general fund includes most general government and law enforcement functions and currently there are 42 divisions that are funded from the general fund.

"So as you can, as we run down revenues and expenditures there is a net income \$25.4 million, there's transfers out of the general fund of \$26.5 million for the net change in fund balance in 2016 was 1.1 million. So what I am saying is, is that the beginning balance at the beginning of the year was \$63 million that decreased by \$1.1 million, so at the end of 2016 our funding, fund balance was \$61.89 million.

"I will skip over debt service fund for now, we will go to the next column, other county tax funds. The county has seven (7) other property tax supported funds and those include bond and interest, EMS (Emergency Medical Services), COMCARE, Aging, Highway, Noxious weeds and Wichita State University. Each fund provides services

related to that specific function and the property taxes levied in each fund are only to be used for those specific functions.

“So if we move back one to the debt service fund, which is part of that other tax supported funds, you can see revenues at 15.3 [million], expenditures at 8.8 [million] and then there’s a net income, but if you see then the net transfers. The transfers into the debt service fund results in a net change in fund balance of 160,000. So you can see there is a slight increase from our beginning to ending fund balance.

“Then you move to other county tax funds, those other funds that I just described. Then we can run down the same way, you can see revenues of 41.2 million, expenditures of 39.4 and then the next transfers out of that 1.3 million, so the net change in fund balance about 300,000. So again, a slight increase in our ending fund balance in other tax supported funds. So as I move forward through this presentation and when I discuss property tax supported funds, I’m going to refer, that means the general fund, plus all other property tax supported funds here.

“So as we move over to the non-tax funds, the county has 31 budgeted other operating funds that are not supported directly with property tax. Those are grant funds, enterprise funds, and internal service funds. Running the numbers the same way you can see that the other non-tax funds actually had an increase in ending fund balance of about \$3.4 million. In the next to the last column, is the Fire District fund. [Sedgwick County] First District One (1) is a distinct governmental entity that is operated as a part of Sedgwick County, but is reported separately. The fund balance increase here of 762,000 and has an ending fund balance of \$4 million. The increase in that fund balance is largely due to a reduction in anticipated lease purchase payments, along with lower personal cost were one time retirement pay outs in 2015.

“Staying with the county property tax supported funds, as you recall that’s the general fund, plus all seven (7) other property tax supported funds that I’m reporting here. So yearend revenues total \$234.3 million for county property tax supported funds, this represents an increase of \$1.7 million or seven tenths of a percent as we compare it to 2015. Year to date increases were recorded in current property taxes, charges for service, and other revenues. These increases were offset by decreases in intergovernmental revenue and miscellaneous revenues.

“County property tax supported funds, expenditures totaled 234.8 for county property tax supported funds and that is an increase of \$2.8 million or 1.2 percent when compared to 2015. Increases are recorded and transfers out of about \$7.1 million and that was an increase for cash fund and capital improvement projects. These were offset by decreases in contractual services and that was largely due to the payment that we made to the [Sedgwick County] Zoo in 2015 that wasn’t there obviously in 2016.

“So we look at that year over year, so what this represents is the revenue is the brown or the yellow colored bar there, shows that our revenues increased by seven tenths of a percent and our expenditures increased 1.2 percent, that’s from a year ago. So for all county property tax supported funds our ending balances decreased by a half a million dollars. That was the general fund plus the seven other tax supported funds.

“So we will drill down into that a little bit and talk about some of the specifics of those funds. So here are the top ten revenues on a budgetary basis of those county property tax supported funds. So we start at the top, obviously, current property tax collections

increased 1.8 million, retail sales and use collections show an increase of about 300,000 of note receipts in seven of the twelve months for 2016, exceeded receipts from 2015 in sales and use tax, motor vehicles increased half a million dollars. Then we move down, a large percentage decreased 19.9 percent mortgage registration fees decreased, however, what's not on this list here is that the officer fees will offset that because those fees increased about a million dollars.

"There is a large percentage decrease in back taxes, 11 percent but it is about \$300,000. So if we restate that, you have seen this information on previous slides, so all revenues are \$234.3 million or an increase of 1.7 [percent] and there is that seven tenths of a percent. Sticking with expenditures for the tax funds, we look at personnel expenditures, personnel represents the largest, single category of expenses that we incur. That represents 53.7 percent of county tax supported funds, as far as expenditures. So if we look down that, the most significant increases, were in salaries and wages and employee insurance premiums. But on the bottom line, I wanted to draw your attention to the bottom line the decreases note that the 700,000 that is noted there is primarily due to a decrease in work comp premiums.

"Still talking about the county property tax supported funds, here are some of the other additional non-personnel expenditures. The top line, grant awards includes payments to Exploration Place, Wichita Area Technical College (WATC), Wichita State [University], Extension Council payments and the [inaudible]. The decrease there obviously is where we reported the Zoo payment in 2015, so that reduction is identified there. So that accounts for that reduction there. Reduction in fleet charges and interest on debt that were here were offset by increases in software and hardware maintenances, the bottom line there, and that was due to the move of MABCD (Metropolitan Area Building and Contract Department) move and the hardware and software maintenance there.

"Okay, we will move away from the tax supported funds now to the non-tax funds. Okay, and as stated before there are 31 budgeted operating funds that are not supported with property taxes. So there is non-tax special revenue funds are enterprise fund or internal funds and grants. So as you can see the revenues for 2016 decreased \$1.7 million or 2.3 percent from last year.

"Non-tax special revenue funds, expenditures decreased \$8 million or 10.5 percent and I am going to explain, I am going to go into the reduction of that in a slide here in the future. So hopefully that will answer your questions about what why there is a 10.5 percent reduction in expenditures there. So you can see there is the percentages, 2.3 percent reduction in revenues and a 10.5 percent reduction in expenditures.

"So here are the revenues. I will go to the revenues first, before we get to expenditures. So a decrease in Medicaid fees is primarily due to a budget reduction actions by the state, which reduced Medicaid funding to service providers. The state revenue in DCF (Department of Children and Family) increase is due to revenue received for the sobering unit and Health Homes Program. You can see the huge increase in affordable airfares that's a result the state paying us in June, at the end of their state fiscal year. That hit our 2016 fiscal year. Then another note is the federal revenue pass through, the reduction there, is that Sedgwick County is no longer the fiscal agent for the HUD (Housing and Urban Development) regional economic area partnership (REAP) sustainable communities regional planning grant, that explains that.

"As promised, the, here's the, some of the highlights of the expenditures in that large

reduction you are going to see. So you can see, we have salaries and wages down nearly five percent that is a result of having fewer positions and again, salaries and wages in the non-tax funds are still the largest expenditure that there is and represents 40 percent of the non-tax special revenue fund. So that's a large percentage of their expenditures. The decrease, there is a large decrease in Medicaid pass through the grant awards decreases are attributed to the Community Crisis Center, specifically detox services and a economic development incentive, 57 percent there even though we received funds for the affordable airfares on the previous slide that program has since stopped and so there is no expenditure for that affordable airfares program.

"This will be a part of, where I discussed earlier, that third part of the quarterly report that shows Sedgwick County's statements on a GAAP bases and what this shows is that the general fund balance, the total fund balance for the general fund on a GAAP bases. You can show, you can see there is a clear pattern as we go back through, the total six years there, the fourth quarters identified by the red here and what that shows is an ending fund balance for 2016 on a GAAP bases of \$63 million. The pattern that you see there is obviously the tax collection cycle and then we spend it down through the fiscal year. So that identifies what the ending fund balance by quarter for each of those years and you can see there is a clear pattern. We end the year at \$63 million fund on a GAAP bases.

"This slide has a similar look to the previous one, but what this one shows is what our unrestricted balance as a percentage of budgeted expenditures are. The county has a fund balance policy that states that unrestricted general fund balance be at least 20 percent of budgeted expenditures. So you can again, see the clear pattern of the tax collection cycle and then spending it down through the fiscal year. So 2016 we end 2016 with an unrestricted fund balance as a percentage of budgeted expenditures at 27 percent, so we are above that 20 percent threshold.

"Okay, now we will shift gears and we will go away from, some, the particulars of 2016, but we will look at the investment portfolio. So right now what you will see is that our yield, which is represented by the blue line and data points is below our benchmark. What our benchmark is, is the one year Treasury bill rate. So what we have going on here is that the feds adjusted the rate so that the funds that were invested earlier in year at a lower rate that causes that inversion. If you will take note and look at December of '15, similar thing happened. So as those, as those investments mature we are able to pull those out of a lower interest rate, we can invest them at a higher rate now.

"Okay, we move to a significant capital projects. Just some highlights of some project that are open. Obviously, the Reagan building, this construction documents are in design and are is to be completed in March, I believe, references the entire project not just floors four, five and six that will be coming up, so that is the entirety of the project. The Law Enforcement Training Center, construction begun and then real estate purchase agreements are in process.

"The new Southeast post, the construction, and these statuses are, I've been updated, it's on a planned weather hold and will resume one March on schedule and it's on for completion by, in July. Again, the large interstate, interchange project at 235 and 54 [Highway] and then finally a bridge on Broadway. It's currently advertising for bids and it will be open February 28th and then the project will be completed by the end of 2017.

"So wrapping up, what do we see as some of the potential threats to our fiscal health

going forward? Well, obviously the federal action and the Department of Labor, I should of deleted that line that is irrelevant here, but again, the unknowns of the federal budget moving forward and the Sanctuary City status, obviously, that is going to impact grant funding as you received your information from Sheriff Easter this morning. So I don't need to discuss that. This state budget still poses question marks for us, you know, projected deficits, the school finance, so these are question marks. Some of these are just question marks that we don't know, what we don't know yet. Again, the local economy is just, it's relatively flat, it's sluggish, there's modest growth, but it's just not as robust as it could be or that we hoped it would be.

"So some key points for 2016. Expenditures outpace revenues by half a percent in county property tax supported funds. There was a general fund deficit in 2016, but less than originally forecasted. Our economy continues to recover slowly and the most direct threat to the county fiscal health is posed by the state. So in 2016, financial performances is what we expected, we used some fund balance in tax and tax non-tax funds and fundamentals continue to reflect a strong financial position at the end of 2016. To that I would be happy to stand for any questions and if there are no questions, I would ask that you receive and file."

Chairman Unruh said, "Well thank you, Rick. Appreciate the presentation, I also thank as you have acknowledged a lot of work by your staff, appreciate the hard work that you all did, keeping this information current and giving us some information upon which to make decisions. I did have a couple of questions though, we talked about potential threat earlier in this meeting, with this Sanctuary City issue. I've been led to believe that we are exposed in that grant funding that somewhere around \$11 to \$12 million, is that an accurate number?"

Mr. Durham said, "That would be accurate if all of the federal funding were at risk."

Chairman Unruh said, "Okay, is there a separation there or a distinction there, I mean, we don't know, I guess."

Mr. Durham said, "Right, I don't know if I could give you an accurate answer to Commissioner, because I'm not sure that we know the specific impact or what to anticipate."

Chairman Unruh said, "Alright. Alright, I understand that. I had another question back on slide number 10. Non-tax special revenue funds, in 2014 we had about 80 million and that's about eight million more than this last year, is there, you may have explained that and I didn't hear it in all the conversation. It went down about six million from '14 to '15 and then another two million."

Mr. Durham said, "Right, I am trying to put my fingers on that slide. When you look at revenues, probably best, would best be to look at, and I know this is a '15 to '16 comparison, but if we look at slide 13 that might begin to answer some of the questions because, you know, there is that reduction in revenues there. But as far as specific things, what I would be happy to do is, do some research, give you the specific information on why there is such a large decrease from '14 to '16."

Chairman Unruh said, "Okay. If I had a good memory I would probably remember the explanation from last time we got this report, but just need to be refreshed, cause that's a pretty good size drop, so."

Mr. Durham said, "Yes, sir."

Chairman Unruh said, "Then one other question I had and you may not, significant capital projects, I think, we have under consideration and EMS post in the northeast part of the county, also. Is that correct?"

Mr. Durham said, "Yes, that is correct."

Chairman Unruh said, "Okay, well it is not on the list and I represent the northeast part of the county, so I'm sensitive to that. Okay, well thank you. Is there any comments, Commissioner Ranzau."

Commissioner Ranzau said, "Thank you for the presentation."

Mr. Durham said, "Yes, sir."

Commissioner Ranzau said, "I would like to some information on the fund balances and I know we have the, of how they change compared to what we projected. I think, you know, that mother of all spreadsheets that you give me, Lindsay."

Mr. Durham said, "Oh, she's ready to go."

Ms. Lindsay Poe Rousseau, Interim CFO/Budget Director, greeted the Commissioners and said, "Commissioner, actually we transmitted the monthly report to you back on January 15th and so you will see a table actually in there that compares those two, in that email. But I will resend it to you."

Commissioner Ranzau said, "Okay, I will take a look at that and I'm thinking about that spreadsheet format that you give me."

Ms. Poe Rousseau said, "Yes."

Commissioner Ranzau said, "That you give me. That..."

Ms. Poe Rousseau said, "And you will get that at your retreat."

Commissioner Ranzau said, "Okay, but I want see the ending changes compared to what we originally budgeted, so that I can see, which individual funds, how they performed..."

Ms. Poe Rousseau said, "Okay, and that won't be in the retreat materials, but I'll get that information to you via email."

Commissioner Ranzau said, "I will come by and make sure understand what I am trying to say. Okay, thank you."

Chairman Unruh said, "Okay. Thank you, Commissioner. Are there any other comments or questions? I don't see any. So we need a motion to receive and file."

MOTION

Commissioner Ranzau moved to receive and file.

Commissioner Dennis seconded the motion.

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

VOTE

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

Chairman Unruh said, "Thank you, Rick."

Mr. Durham said, "Thank you."

Chairman Unruh said, "Next item."

Received and Filed

G [17-191](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON JANUARY 26, 2017.

Presented by: Joe Thomas, Director, Purchasing.

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

Mr. Joe Thomas, Director of Purchasing Department, greeted the Commissioners and said, "The meeting of the Board of Bids and Contracts of January 26th resulted in nine items we would like to present to you this morning:

1. AT&T VESTA SUPPORT RENEWAL -- EMERGENCY COMMUNICATIONS FUNDING -- 911 TELEPHONE TAX

"On the recommendation of Kimberly Bush, on behalf of Emergency Communications, Jennifer Dombaugh moved to accept the quote from AT&T Kansas in the amount of \$173,752.08.

2. ANNUAL SUPPORT -- EMERGENCY COMMUNICATIONS/ITS FUNDING -- NETWORKING AND TELECOM/911 TELEPHONE TAX

"On the recommendation of Kimberly Bush, on behalf of ITS and Emergency Communications, Jennifer Dombaugh moved to accept the quote from Emerson Network Power, Liebert Services, Inc. in the amount of \$138,346.66.

3. AERIAL PHOTOGRAPHY -- GEOGRAPHIC INFORMATION SERVICES (GIS) FUNDING -- GIS

"On the recommendation of Kimberly Bush, on behalf of GIS, Tim Kaufman moved to accept the quote from The Atlantic Group, LLC in the amount of \$71,094.87.

4. CAPILLARY ELECTROPHORESIS INSTRUMENT (GENETIC ANALYZER) -- REGIONAL FORENSIC SCIENCE CENTER (RFSC)

FUNDING -- FY2016 DNA CAPACITY ENHANCEMENT

"On the recommendation of Kara Kingsley, on behalf of the Regional Forensic Science Center, Linda Kizzire moved to accept the bid from Life Technologies Corporation for a total amount of \$99,600.00.

5. CUSTODIAL SERVICES -- APPRAISER'S OFFICE
FUNDING -- APPRAISER'S OFFICE

"On the recommendation of Britt Rosencutter, on behalf of the Appraiser's Office, Tim Kaufman moved to accept the proposal from TFM Services to establish contract pricing at the rates listed above for one (1) year, with three (3) one year options to renew.

6. CUSTODIAL SERVICES -- COMCARE
FUNDING -- COMCARE

"On the recommendation of Britt Rosencutter, on behalf of COMCARE, Jennifer Dombaugh moved to accept the proposal from Air Capital Building Maintenance Co. and establish contract pricing at the rates listed above for one (1) year, with three (3) one year options to renew.

7. CUSTODIAL SERVICES -- SHERIFF'S OFFICE
FUNDING -- SHERIFF'S OFFICE

"On the recommendation of Britt Rosencutter, on behalf of The Sheriff's Office, Tim Kaufman moved to accept the proposal from Amazing Touch Cleaning Service, LLC and establish contract pricing at the rates listed above for one (1) year, with three (3) one year options to renew.

8. CUSTODIAL SERVICES -- PUBLIC WORKS
FUNDING -- PUBLIC WORKS

"On the recommendation of Britt Rosencutter, on behalf of Public Works, Tim Kaufman moved to accept the proposal from Amazing Touch Cleaning Service, LLC and establish contract pricing at the rates listed above for one (1) year, with three (3) one year options to renew.

9. CUSTODIAL SERVICES -- TAG OFFICES
FUNDING -- TREASURER'S OFFICE

"On the recommendation of Britt Rosencutter, on behalf of The Tag Offices, Tim Kaufman moved to accept the proposal from TFM Services and establish contract pricing at the rates listed above for one (1) year, with three (3) one year options to renew.

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

Chairman Unruh said, "Commissioners, are there any questions?"

MOTION

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

Commissioner O'Donnell seconded the motion.

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

VOTE

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

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

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

Approved

CONSENT

Mr. Mike Scholes, County Manager, greeted the Commissioners and said, "Recommend you approve consent agenda items Hotel (H) through Uniform (U)."

MOTION

Commissioner Ranzau moved to adopt the consent agenda.

Commissioner Dennis seconded the motion.

Chairman Unruh said, "Thank you, Madam Clerk, call the vote. Excuse me, one moment, we have one comment from Public Works Director Spears."

Mr. David Spears, Director, Public Works, greeted the Commissioners and said, "I thought it would be important to point out, I don't know if Commissioner Howell would have, if he was here, a win/win situation on items H & I. That's the partnering with Derby, that would, I think, that's important to show how they county partners with some of the cities.

"Basically, when it's talking about construction engineering that's inspection. So we're going to, and we've done this for Derby in the past and we get paid for it through federal money down to the state to us.

"So we have KDOT (Kansas Department of Transportation) certified inspectors. They do not because they don't have that many jobs, it's not efficient or effective for them to have somebody on staff full time, but we do. So we preform those services for them. On one of the projects, we're going to get back \$109,000 and on the other project we're going to get 50,000 about \$50,000. So, just wanted to point that out that we're always trying to work with other cities in the county."

Chairman Unruh said, "Director Spears, thank you for that comment and I think it is worthy to highlight where we have great, great cooperative efforts. Any other comment? We have a motion and a second then, Madam Clerk, call the vote."

VOTE

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

Chairman Unruh said, "Next item."

Adopt the Consent Agenda

- H** [17-146](#) Agreement with the City of Derby to Perform Construction Engineering Services for a Federally Funded Project on Madison Avenue from Derby High School to High Park in Derby. District 5.
Approved on the Consent Agenda
- I** [17-147](#) Agreement with the City of Derby to Perform Construction Engineering Services for a Federally Funded Project on Nelson Drive at the Intersection with Meadowlark Boulevard in Derby. District 5.
Approved on the Consent Agenda
- J** [17-163](#) One (1) Easement for Right of Way for Sedgwick County Project 642-16-3150; Bridge on 95th Street South between 151st & 167th Streets West. CIP# B476. District 2.
Approved on the Consent Agenda
- K** [17-164](#) Five (5) Easements for Right of Way and Three (3) Temporary Construction Easements for Sedgwick County Project 640-32; Road Project on 87th Street South in Derby. CIP# R342B. District 5.
Approved on the Consent Agenda
- L** [17-165](#) One (1) Drainage Easement for Sedgwick County Project: Stone Post Farm Addition. District 1.
Approved on the Consent Agenda
- M** [17-144](#) Amendment to the Annual Affiliation Agreement with Res-Care Kansas, Inc., Life Choices.
Approved on the Consent Agenda
- N** [17-166](#) Agreement to Provide After Hours Mental Health Emergency Services for Sumner Mental Health Center (SMHC).
Approved on the Consent Agenda
- O** [17-173](#) Payment Card Industry Data Security Standard Policy.

Approved on the Consent Agenda

- P [17-179](#) Resolutions appointing Commissioners to various boards/committees.
Approved on the Consent Agenda
- Q [17-161](#) Year-end Transfer from the Auto License Fund to the General Fund.
Approved on the Consent Agenda
- R [17-156](#) Treasurer Claim Certification.
Approved on the Consent Agenda
- S [17-180](#) General Bill Check Register January 18, 2017 - January 24, 2017.
Approved on the Consent Agenda
- T [17-181](#) General Bill Check Register January 25, 2017 - January 31, 2017.
Approved on the Consent Agenda
- U 17-182 Payroll Check Register for the January 21, 2017 payroll certification.
Approved on the Consent Agenda

LEGISLATIVE ISSUES

Mr. Jon VonAchen, Assistant County Counselor, greeted the Commissioners and said, "I have a few items for you today. First off about, right about now almost 10:30 a.m., Senate Bill 40 is being heard in senate judiciary that is a bill that Sedgwick County put forth on behalf of our Corrections Department, to allow pretrial services to detain people who were on bond who may have violated conditions of bond. This is a power that probation officers have post-conviction, but our pretrial services does not have. I know that the courts have expressed their desire to see this as well as our Corrections Department.

"I spoke with Correction's yesterday and part of what we are putting forth to the committee is that this would essentially be used for a major actual violation, not a technical violation, a substance violation for example, if you commit a new crime there's not time to go get a warrant to detain that individual then pretrial services could inform the Sheriff to detain that individual with the proper paperwork and then that individual would get another bond hearing and at that point the judge could determine to either increase the amount of the bond for the crime they are being detained on or to add additional terms and conditions. So again, that is being heard in senate judiciary this morning.

"Today, at 1:30 p.m. the House, Commerce, Labor and Economic Development committee will be discussing income tax credits for aerospace and aviation program graduates and their employers. This has a tie into WATC (Wichita Area Technical College) where employers and employees would get income tax credits for additional training or if an employer hires somebody that meets the criteria under the bill.

"Those are the specific items Senate Bill 43 to fix the canvassing portion of the special congressional election is in the Senate. It is not yet above the line, but we have been

told that we, it will either be done tomorrow our early next week. And for that I stand for any questions.”

Chairman Unruh said, “Alright. Thank you, Jon. Commissioners, do you have any questions for legislative activities. Okay, I see none. So...”

Mr. VonAchen said, “Okay, thank you.”

Chairman Unruh said, “I don’t know if we need to receive and file this. Okay, we haven’t been doing, thank you Jon. Next item.”

OTHER

Chairman Unruh said, “Commissioners, are there other items that you would like to bring before the Commission this morning? Seeing none, I think, next item, Madam Clerk.”

OTHER

EXECUTIVE SESSION

Mr. Yost said, “I think I have, distributed an amended motion form regarding Executive Session.”

Chairman Unruh said, “We have it.”

Mr. Yost said, “We have a little item we would like to take up. That one is the one I would prefer that we use.”

MOTION

Commissioner O’Donnell II moved that the Board of County Commissioners recess into executive session for 30 minutes to consultation with an attorney for this commission which would be deemed privileged in the attorney-client relationship and 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 11:01 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 seconded the motion.

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

VOTE

<i>Commissioner Dennis</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Howell</i>	<i>Absent</i>
<i>Commissioner O’Donnell II</i>	<i>Aye</i>
<i>Chairman Unruh</i>	<i>Aye</i>

The Board of County Commissioners recessed into executive session at 10:32 a.m. and returned at 11:30 a.m.

Chairman Unruh said, "Okay we are back from executive session and according to Kansas law no binding action was taken while we were in Executive Session. Excuse me, I will call our meeting back to order from recess and then I will say what just said. So I think we have no more business, Mr. Manager?"

Mr. Scholes said, "That's it."

Chairman Unruh said, "Well, that being the case, Commissioners we have nothing else then we will be adjourned."

Approved

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:30 a.m.