

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



*Sedgwick County...
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Meeting Minutes

Wednesday, June 27, 2018

9:00 AM

BOCC Meeting Room

Board of Sedgwick County Commissioners

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

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Sedgwick County, should contact the office of Crissy Magee, Sedgwick County ADA Coordinator, 510 N. Main, Suite 306, Wichita, Kansas 67203. Phone: 316-660-7056, TDD: Kansas Relay at 711 or 800-766-3777

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

ORDER OF BUSINESS

CALL MEETING TO ORDER

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:10 a.m. on June 27, 2018 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman David T. Dennis, with the following present: Chair Pro-Tem Commissioner David M. Unruh; Commissioner Michael B. O'Donnell II; Commissioner Richard Ranzau; Commissioner James M. Howell; Mr. Michael Scholes, County Manager; Mr. Thomas Stolz, Deputy County Manager; Mr. Eric Yost, County Counselor; Mr. David Spears, Assistant County Manager of Public Works, Facilities Maintenance, Project Services and County Engineer; Ms. Mary Mattingly, Captain, Sheriff's Office; Ms. Susan Erlenwein, Director, Environmental Resources; Ms. Joan M. Tammany, Executive Director, COMCARE; Ms. Karen Powell, Deputy County Counselor; Mr. Joe Thomas, Director, Purchasing Department; Ms. Kate Flavin, Public Information Officer; Ms. Heddie Page, Deputy County Clerk.

GUESTS

No guests recognized.

INVOCATION: Pastor Justin Jamis, Mt. Vernon United Methodist Church.

FLAG SALUTE

ROLL CALL

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

Chairman Dennis said, "Next item, please."

PUBLIC AGENDA

Chairman Dennis said, "I don't have anyone that's signed up on the public agenda. Is anyone in the audience wish to speak on the public agenda this morning? Seeing none, Madam Clerk, next item."

CONSIDERATION OF MINUTES

A [18-492](#) REGULAR MEETING MINUTES OF JUNE 6, 2018.

All Commissioners were present.

Chairman Dennis said, "Thank you. All the Commissioners have had a chance to review the minutes of June 6, 2018."

MOTION

Commissioner Dennis moved to approve the meeting minutes of June 6, 2018.

Commissioner Howell seconded the motion.

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

VOTE

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

Chairman Dennis said, "Next item, please."

Approved

PROCLAMATIONS

B [18-504](#) PROCLAMATION DECLARING LAW CAMP DAYS.
Read by: Chairman David Dennis or his designee.

RECOMMENDED ACTION: Adopt the proclamation.

Chairman Dennis said, "Thank you. Commissioners, I have a proclamation to read. It says:

WHEREAS, approximately 150 youth between the ages of 10 and 14 will attend the 23rd Annual Sedgwick County L.A.W. Camp July 9 - 13, 2018 at Lake Afton Park; and

WHEREAS, the mission of the L.A.W. Camp is to create a partnership between law enforcement and youth by providing a positive experience using law enforcement and National Guard personnel as role models to build self-esteem, confidence and trust; and

WHEREAS, the youth will be assigned to mentors who will keep track of the activity schedule. The mentors will operate in teams of two, consisting of one deputy and one soldier from the Kansas Army National Guard; and

WHEREAS, L.A.W. Camp is a partnership involving more than 32 public and private organizations;

NOW, THEREFORE BE IT RESOLVED that I, David Dennis, chairman of the Board of Sedgwick County Commissioners, do hereby proclaim July 9 – 13, 2018 as

SEDGWICK COUNTY L.A.W. CAMP DAYS

in recognition of this effort to involve our youth in alternatives to crime and violence.

MOTION

Commissioner Dennis moved to adopt the proclamation declaring L.A.W. Camp Days.

Commissioner Unruh seconded the motion.

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

VOTE

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

Chairman Dennis said, "I understand Mary Mattingly is here to accept. Good morning."

Ms. Mary Mattingly, Captain, Sheriff's Office, greeted the Commissioners and said, "I very much appreciate this proclamation. We have been working, I myself am in charge of the camp for the last several years. We've been working since January. We actually have 158 youth that are coming this year. We added a few extra. We have 40 on the wait list. We've got a lot of different activities. Lot of people work really hard to put this on every year. It's a free camp for youth in Sedgwick County and you all are invited to come out to the V.I.P. (very important person) barbeque, if you would like to join us on Wednesday night, at 6 O'clock or any other time you would like to come out during the week. We set up on the [July] 9th and the camp starts, all the kids will be out there at about 11 O'clock on Tuesday and they will not leave until 1 O'clock on Friday. Thank you very much."

Chairman Dennis said, "Super. Thank you very much. We appreciate you doing this for us each year."

Captain Mattingly said, "Thank you."

Chairman Dennis said, "Thank you. Madam Clerk, next item."

Adopted

APPOINTMENTS

- C** [18-506](#) RESOLUTION REAPPOINTING GILBERT ALVAREZ (BOARD OF COUNTY COMMISSION REAPPOINTMENT) TO THE SEDGWICK COUNTY JUVENILE CORRECTIONS ADVISORY BOARD IN THE EDUCATION POSITION.

Presented by: Eric Yost, County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Mr. Eric Yost, County Counselor, greeted the Commissioners and said, "Item C is a resolution reappointing Gilbert Alvarez to the Sedgwick County Juvenile Corrections Advisory Board in the education position. Mr. Alvarez has been serving in this position and his new term would expire on June 30th of 2021. He's not expected to be present here today, although you may wish to inquire. I would urge adoption of the resolution."

Chairman Dennis said, "Thank you. I've known Gil Alvarez for quite some time. I think he's a great appointee."

MOTION

Commissioner Dennis moved to adopt the resolution reappointing Gilbert Alvarez to the Sedgwick County Juvenile Corrections Advisory Board in the Education Position.

Commissioner O'Donnell seconded the motion.

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

VOTE

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

Chairman Dennis said, "Next item, please."

Adopted

NEW BUSINESS

- D [18-439](#) CONTRACT FOR A HOUSEHOLD HAZARDOUS WASTE REMOTE COLLECTION EVENT ON JUNE 30, 2018, WITH CITY OF HAYSVILLE, KANSAS.
Presented by: Susan Erlenwein, Director, Environmental Resources.

RECOMMENDED ACTION: Approve the contract.

Ms. Susan Erlenwein, Director, Environmental Resources, greeted the Commissioners and said, "Sedgwick County has a household hazardous waste facility located at 801 Stillwell. This facility is where people can take unwanted chemicals from the home such as cleaners, old oils, old paints, pesticides, herbicides, fluorescents lightbulbs, materials that is cluttering the house that they're no longer using, they have chemicals in them, they can take to this facility. It's open Tuesday through Friday from 9:00 [a.m.] to 5:00 [p.m.] and Saturday 9:00 [a.m.] to 3:00 [p.m.], but to better serve our community we also have remote collection events.

"This Saturday, June 30th will be our last one that's a remote event for this year. It's located in the City of Haysville at a City Hall, which is at 200 West Grant Street. So we encourage anyone in the Haysville or surrounding area to go to that event this Saturday from 9 a.m. to 1 p.m. So that four hour period we actually expect a lot of people to be there. We encourage anyone to go. The Mayor of Haysville, Mayor [Bruce] Armstrong, has signed the contract, and I would recommend that you approve the contract before you. I'll be happy to answer any questions."

Chairman Dennis said, "Thank you, Susan. First of all, I want to thank you for the event you held out in Garden Plan recently. I went out and was pleasantly surprised at the number of cars, it was a steady stream the entire time I was there. So, it is a great event."

Ms. Erlenwein said, "Thank you."

Chairman Dennis said, "Commissioner O'Donnell, do you have a recommendation?"

Commissioner O'Donnell thanked the Chairman and said, "Yes, I do. Thank you, Susan for your work on this, and the folks down in Haysville I know are excited about bringing it back this year for their, it's actually the whole city-wide cleanup day."

MOTION

Commissioner O'Donnell moved to approve the contract.

Commissioner Unruh seconded the motion.

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

VOTE

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

Ms. Erlenwein said, "Thank you."

Chairman Dennis said, "Thank you, Susan. Next item, please."

Approved

E [18-495](#)

CONSIDERATION OF A FUNDING AGREEMENT BETWEEN UNIFIED SCHOOL DISTRICT 259 AND COMCARE IN THE AMOUNT OF \$1,029,000 FOR MENTAL HEALTH SERVICES PROVIDED TO CHILDREN AND THEIR FAMILIES.

Presented by: Joan M. Tammany, LMLP, COMCARE Executive Director.

RECOMMENDED ACTION: Approve the funding agreement, authorize the Chairman to sign the establishment of budget authority as provided in the Financial Considerations section of this Request, and implementation of the Staffing Table changes identified in the Personnel Considerations section of this Request.

Ms. Joan Tammany, Executive Director, COMCARE, greeted the Commissioners and said, "I'm here today because COMCARE was approached earlier this year to be part of a pilot program with USD (UNIFIED SCHOOL DISTRICT) 259, because of the expertise we have working with youth with mental health needs. We're one of six pilot sites in the State of Kansas selected by the legislature, three rural, three urban sites. The funding agreement before you today establishes behavioral health intervention teams in 22 of the USD259 school district sites, and this should be staffed by 34

therapists and 45 case managers with a target of serving 800 youth in the first year.

"The school sites that were selected were strategically selected by leadership at USD259, because they have no need for mental health services, will be serving five special day schools, five elementary schools, six middle schools and six high schools. The overall arching goal of the program is to improve the social and emotional mental health wellness and outcomes for students by increasing access to treatment. This is a new and novel experience of having teams of a school liaison, therapists with master degrees and case managers working collectively in school setting.

"Funding for this program is a combination of the proposed \$1,029,000 funding from the Kansas Department of Education (KDE) paid through USD259 along with fees that we'll collect by billing for the services we deliver to Medicaid and commercial insurance. We have to say we're pretty excited about this opportunity, because it increases access for services for youth in our community. We're hoping that it really has benefit to the youth in the school. We also get to connect with teachers and families by being in this natural setting all day with the school staff.

"I would ask that you approve the funding agreement, authorize the Chairman to sign the establishment of budget authority as provided in the financial considerations section of the request and also implementation of the staffing table changes requested in personal considerations of the request. So I thank you for having the opportunity to talk about this today. I'm here to answer any questions."

Chairman Dennis said, "Thank you, Joan. I know you've been around and talked with each one of us on this subject. I think it's a great opportunity that we've got that was provided by our legislature in the last legislative session to be able to do this. I know you're busily hiring people..."

Ms. Tammany said, "We are."

Chairman Dennis said, "...right now to be able to fill the positions that we need in order to do this. One thing I know, our attorney Eric Yost has been keeping track of things that we need for the legislative agenda next year. One of the things when Joan and I talked, is that we can't hire someone that's a retired schoolteacher that would be very qualified to do this because they would be retired on KPERs (Kansas Public Employees Retirement Systems). So I think we probably need something in the next legislative agenda so that folks that are verily highly qualified to do work like this that might not be qualified just because they're drawing KPERs, we need a change, and since we are an urban area, we can have a change that applies just to Sedgwick County.

"So that's one more reason it was a great decision to get urban areas. So I know that Eric Yost has made a note for our next legislative agenda to talk about this, but the other thing, I know that this is just a pilot for Wichita, and we've got something like nine school districts in Sedgwick County, but I also understand that next year in phase two of this, the year two, that it will expand to the rest of the school districts in Sedgwick County. Is that not correct?"

Ms. Tammany said, "Correct. If this is a success in the six school districts that are selected for the pilot, then it will expand to the catchment areas for those six sites the second year, and if it continues to a third year, which we're very hopeful it will, it will

expand statewide.”

Chairman Dennis said, “Good. Well, I just happened to have lunch with Dr. [Justin] Henry, the superintendent for Goddard [School District] just right after you briefed me, and he’s really excited at the possibility that it may expand into some of our urban districts around. But I think that this is a great opportunity for us here to be able to help our youth in the high schools and middle school areas that need some of this assistance that we can provide, and we have the talent and the capability of doing.”

MOTION

Commissioner Dennis moved to approve the Funding Agreement and authorize the Chairman to sign.

Commissioner O’Donnell seconded the motion.

Chairman Dennis said, “We have a motion and a second. We have one question from Commissioner Howell.”

Commissioner Howell thanked the Chairman and said, “Just, perhaps it’s a question, but I want to say thank you for bringing this to us. I think it’s a great opportunity for us. I want to just commend the legislature. This is, it’s easier for us to complain about the legislature a lot of times and think they’re doing things that are wrong, but this is a step in a direction that’s actually providing funding from the State and provides this pilot program for us to do our part of this.

“But I think the two biggest problems of Sedgwick County, if I was going to, if someone was to ask me that question, what are the two biggest problems, I would say mental health and substance abuse and addictions are our two biggest problems. So this is trying to help solve the mental health side of this, which I think is desperately needed, and I appreciate the State Legislature for leading on this, providing some funding. The rest of the funding of this we, can you please explain the funding side of this because I think people might be interested to know. What’s happening with our budget on this? Can you please talk about to that a little bit?”

Ms. Tammany said, “Yeah, I can speak to it. We provide our services under Medicaid and many commercial insurance plans, so for youth and families that have that option, we will bill for the services we deliver and then the funding provided by the Kansas Department of Education is targeting the kids and families that do not have an insurance option, so that we can deliver care to them as well.”

Commissioner Howell said, “Very good.”

Ms. Tammany said, “So for us, we’re not asking for any general fund dollars. We’re looking at this being a revenue producing program.”

Commissioner Howell said, “So right now it’s not a hit to our budget.”

Ms. Tammany said, “Nope.”

Commissioner Howell said, "It's going to be a new service. But the other thing is parents have the right to opt in. In other words, if their child's, if the school system thinks their child could benefit from their services, the parents, if they disagree, can say I don't want to do that, that's fine, but the parents have control of their child."

Ms. Tammany said, "Absolutely."

Commissioner Howell said, "Yeah. Those are the points, I think, that really make this program a good pilot, and I'm looking forward to seeing this work. The other, my other concern was this is that we have good baseline data, we have to know if it does work. The only way to know that is if we have a good baseline and you can see the difference that this program makes. So it's important we do that. I think, you and I already spoke about this, but do you want to talk about the baseline a little bit?"

Ms. Tammany said, "Yeah. I think we're going to use data from last year's school year to talk about the number of kids that were reassigned, which means they moved from school to school because of behavioral issues or other social-emotional needs or kids that disrupt in the classroom or tracking the number of times children are sent to the school nurse or the school Principal's Office for some behavioral outbursts or other things that go on in the classroom."

"So they're using last year's, but then during the first 30 days as children are identified to participate in this program, they will measure their baseline performance so that we can see what the treatment services do in terms of changing behavior over the course of several months after that. So to your point specifically, since this is legislatively driven dollars, there is a lot of attention and focus on making sure this works. So we'll be sharing data as we move along."

Commissioner Howell said, "Well thank you for the opportunity to support this, and thanks for bringing it to us. I do plan to support the motion this morning. Thank you, Mr. Chairman."

Chairman Dennis said, "Thank you. Do we have any other further comments or questions? Seeing none, Madam Clerk, call the roll."

VOTE

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

Chairman Dennis said, "Thank you, Joan..."

Ms. Tammany said, "Thank you."

Chairman Dennis said, "...for bringing that to us. Appreciate it. Next item, please."

Approved

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, "Our regular meeting of June 21st of the Board of Bids and Contract, results in five items that we'd like to have your approval on."

1. TOILET PAPER AND PAPER TOWELS -- FACILITIES MAINTENANCE
FUNDING -- FACILITIES MAINTENANCE

"This recommendation to accept the low bids from Lafe T. Williams & Associates dba Williams Janitorial Supply Warehouse for standard toilet paper, Danisksco Business Solutions LLC dba Office Plus of Kansas for standard paper towels and jumbo paper towels and [Maintenance & Supply Company dba] Massco Option #3 for jumbo toilet paper at the rates listed above and establish contract pricing for one (1) year with four (4) one (1) year options to renew.

2. COMPREHENSIVE MEDICAL SERVICES -- DIVISION OF CORRECTIONS
FUNDING -- JUVENILE DETENTION FACILITY AND JUVENILE RESIDENTIAL
FACILITY

"This recommendation to accept the low proposal from Correct Care Solutions, LLC and that's in the amount of \$761,913 for the contracted period of 18 months.

3. PUMPER TRUCK -- SEDGWICK COUNTY FIRE DISTRICT #1
FUNDING -- SEDGWICK COUNTY FIRE DISTRICT #1

"This recommendation to accept the low proposal from Smeal Holding, LLC and this is in the amount of \$631,325.

4. CHANGE ORDER #2 - 2018 COLD MIX & GRAVEL -- PUBLIC WORKS
FUNDING -- GRAVEL ROAD REPLACEMENT 2 MILES - DIST.

"This recommendation to accept the change order from Flint Hills Materials, LLC in the amount of \$355,556.65.

5. CHANGE ORDER #4 -- TIME AND LABOR MANAGEMENT SYSTEM -- DIVISION
OF FINANCE
FUNDING -- PAYROLL

"This recommendation is to accept the change order from Kronos, Inc. in the amount of \$42,475.

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

Chairman Dennis said, "Thank you. Do we have any questions for Mr. Thomas today? Commissioner Unruh."

Commissioner Unruh thanked the Chairman and said, "Joe do we, we don't typically get all change orders coming through the bid board, do we?"

Mr. Thomas said, "When it reach, to explain that, change orders can be done administratively, which does not go through bid board when it reaches a certain level. For example, if it's multiple departments or divisions, we're allowed 10 percent of the original contract value that we can report to you administratively, and then above that would go to bid board. On single divisions and departments, we're allowed 6 percent or [\$]75,000, whichever is greater. Anything above that is also reported to you. So what you've seen is an accumulation of change orders that now goes over that allowable administrative reporting amount, and then we have to bring that to you for bid board. Hope that explains it."

Commissioner Unruh said, "Okay. Well this is, thank you for that explanation. That's all I have."

Chairman Dennis said, "Do we have a recommendation on bids and contracts?"

MOTION

Commissioner Howell moved to approve the Board of Bids and Contracts' meeting on June 21, 2018.

Commissioner O'Donnell seconded the motion.

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

VOTE

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

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

Chairman Dennis said, "Thank you. Next item, please."

Approved

CONSENT

Mr. Mike Scholes, County Manager, greeted the Commissioners and said, "Commissioners, I recommend you approve consent agenda items Golf (G) through Lima (L)."

Chairman Dennis said, "Commissioner Howell."

MOTION

Commissioner Howell moved to approve consent agenda items Golf (G) through Lima

(L) with the exception of item Juliet (J).

Commissioner Ranzau seconded the motion.

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

VOTE

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

Chairman Dennis said, "Okay, next we need a motion on Juliet (J). Discussion."

Commissioner Howell said, "Yes, there is some discussion."

Chairman Dennis said, "Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. This is just kind of a follow-up to what we did a couple of weeks ago. I wanted to just reflect on that. I don't plan on talking a long time. The last time I spoke, I tried to educate, if you will, the audience, the public, and my colleagues on some of the reasons why I was so passionate about that. I'm not going to go through all of that again. It's already on YouTube for people to go look at. I would encourage anybody who wants to know more about this vaping topic to go look at that.

"Let me just focus on the differences in what's being proposed in this resolution today. The one we did a couple weeks ago was about employees. The genesis of that was I noticed there were employees out with smokers that were vaping out in the hot or the cold or the rain or whatever, and it occurred to me that the policy at the time should have reflected the fact that vaping and cigarette smoking is not the same thing. So let me start off once again by saying I don't smoke cigarettes, I never have, pipes or cigars. I don't do vaping. It's not my thing. I don't mind if others do it. It's just not my thing. So that's fine. This is not about me. But I saw employees doing that, and it caused me to wonder about whether our policy should reflect the differences between vaping and cigarette smoking. So we passed a resolution in 2016 that basically said employees could vape in designated areas, odorless devices, out of public view, inside of our building if that's what they wanted to do. We repealed that two weeks ago.

"Today's resolution is about the public. The public is going to, we're going to change how we relate to the public. The public right now is under the statewide smoking ban. I think further, I don't know if the counselor wants to speak to this or not, but I think further our resolution that's in place right now allow, only allows for the public to use these devices in public spaces in our buildings if these odorless devices currently. So but in terms of trying to present a professional image and that type of thing is really not about, that's not our issue.

"Okay so, this would change what the public can do in places like the Tag Office or whatever, jury room or whatever. This would change what they can do. If they wanted to vape, use electronic nicotine delivery device like what we call electronic cigarettes and they're not really cigarettes. I went into that a couple weeks ago, but they're going to have to go basically 25 feet from any, from a public entrance to a designated area, at

least 25 feet from the door to do that. Basically where the other smokers are.

“So in a sense if we’re concerned about public health, we’re asking someone to, if they want to participate in this type of nicotine consumption, that they’ve got to go out and do this with the other smokers. So that to me just seems contrary to our Board of [Sedgwick] County Health. I think this is not good for, not good for anybody to be in a cloud of smoke that has carcinogens and harmful effects on people’s health. So to me, this is pushing people into an area that is actually more dangerous for their health, and I think that ought to be a concern for our board.

“The statewide smoking ban does not get into vaping. The statewide smoking ban is based on the idea that secondhand smoke is harmful to bystanders, and that’s the reason that the statewide, the state took that up and prohibits smoking in businesses as well as public buildings. But it’s based on that science of the facts that secondhand smoke from cigarette smoking and other tobacco use is harmful to other bystanders. So the State took that up, but it does not get into vaping, and rightfully so, because I made the point two weeks ago that the science of vaping, as the smoke cloud you see is really not smoke at all, it’s water vape. What’s in that water vapor is harmless to others. Can I say that definitively? Well, here’s the thing, it’s hard to prove a negative. You can’t prove a negative, but you can look at the data, and we know that there are literally millions of people dying from cigarette smoking. The data does not apply to vaping. So clearly there is a significant difference from vaping and cigarette smoking. I think if we want to just simply look at this logically, we recognize there is a significant difference and we shouldn’t treat them the same because they’re not the same.

“Nevertheless, I think this is a politically correct resolution this morning. It seems like there are people in the medical establishment that will celebrate this move today. But I think, just like I said two weeks ago, that vaping is a game changer. It is saving lives, and the medical establishment needs to get on board. They’ve done this in Europe. The incidence of cancers and lung disease and heart disease that relate to cigarette smoking have plummeted in European countries, because they’ve taken a different approach, and for some reason in America, we’re not doing that. So I think this is politically correct. I think this is a big government move, even though we’re small government. I would expect to see something like the state or federal legislation to do things like this, but not local government.

Then finally, I think this does create confusion, because as a county code, what we’re saying is if you’re within 25 feet of a public building owned by the county, then this is prohibitive, and it’s punitive. But you can go across the street to the City of Wichita and do the exact same thing, and it’s okay. This creates confusion. Years ago, I got involved in knife legislation and even open carry legislation, trying to simplify state law, because punitive laws ought to be clear to the public.

“We should not create a patchwork of laws. I guess I have one question for our counsel, and that is, can you please confirm for me what is the penalty if someone is caught doing this in one of our buildings?”

Ms. Karen Powell, Deputy County Counselor, greeted the Commissioners and said, “The first requirement before citing anyone would be to give a verbal warning. Then at that point, if the activity continues, then the Courthouse Police or enforcing officer could then give a citation. The first citation would be a \$50 fine, and it escalates if there are multiple citations within a year.”

Commissioner Howell said, "So you're talking about probably a practical application of this, but can you point to somewhere in the resolution that it says we would give them a verbal warning?"

Ms. Powell said, "Yes. Let's see. Take a look at subsection, oh, gosh. Justin, are you able to pinpoint that? I've got it. Yeah, look in here, it's in subsection (d) about midway through there.

"After issuing a verbal warning to cease the prohibited activity identified within subsection (b) of this section, the enforcing officer may serve upon such accused person a uniform complaint and notice to appear or in the alternative may sign a complaint, etc. So it's there..."

Commissioner Howell said, "So if someone doesn't cease once they've been given the verbal warning and the person giving the verbal warning, does it have to be a certain person or can it be anybody? Could it be, does it need to be an employee, could it be another person in the public? Could it just be..."

Ms. Powell said, "Well, the enforcing officers are listed on subsection (h), County Courthouse Police Chief and that person's designee's, Building Managers, County Code Enforcement Officers or any County Law Enforcement Officer. So..."

Commissioner Howell said, "But just another employee doesn't necessarily constitute someone who could give that verbal warning? In other words, could it be any employee?"

Ms. Powell said, "Any employee, we're talking about, in subsection (d), going back to that subsection, whenever any County Code Enforcement Officer or any County Law Enforcement Officer has probable cause to believe, so those persons. So it would not be just like me, for instance. I wouldn't, I wouldn't, my verbal warning to someone wouldn't count to word that meeting subsection (d)."

Commissioner Howell said, "The reason I asked that is because when we spoke about this earlier, I think it was, that's not what I understood when we talked about this in my office. I guess this is a bit of a change to my understanding. Second of all, if there is a subsequent violation, you mentioned a \$50 fine, but is that shown in here somewhere? Because I see in subsection (f), it's up to a \$500 fine."

Ms. Powell said, "It's in another section of the county code, which is 8-3, yeah, 8-5."

Commissioner Howell said, "8-5 okay, I'm not that familiar with 8-5."

Ms. Powell said, "It's when a particular county, a particular penalty code is not set forth in a county code, it's assumed to be a class F violation, and that was what I was reiterating, that a class F violation first offense is [\$]50, [\$]100 and then I believe it's [\$]250, [\$]150 for the third."

Commissioner Howell said, "Is that considered a misdemeanor?"

Ms. Powell said, "It's an unclassified misdemeanor."

Commissioner Howell said, "Okay, but this would go on someone's record so to speak? You keep track of things like this on our..."

Ms. Powell said, "It would go on their criminal record as an unclassified misdemeanor."

Commissioner Howell said, "Okay, okay."

Ms. Powell said, "I don't know what purpose you mean."

Commissioner Howell said, "I guess, okay. Alright, excuse me. I think I have one other question, but I seem to have lost it now, so I guess I'll let it go. I know this is going to pass, that's fine. I just think it's the wrong thing to do. I think it sends the wrong message. Again, I'm not pro-vaping or pro-cigarette smoking, but this sends the wrong message. I think, if this ought to be the right thing for the state, we should have this as a state-wide led policy change. So I'm disappointed to see this happening once again."

"I know what the question was, please can you confirm? Have we had any complaints or violations in the past we can speak of that's driving this policy change today?"

Ms. Powell said, "To my knowledge there have been no complaints, but this was intended to be consistent with the policy change for employees as to the same activity."

Commissioner Howell said, "So we're creating some continuity between employees and the public in our buildings, but we're creating confusion between our buildings and other buildings in the community. So once again, I understand the intent. Its well intentioned. I just don't think it's the right approach to solve this problem. I use the word problem very loosely, because there really isn't a problem. We've had no complaints, we've had no violations to speak of."

"So we're simply passing a code because I think it's politically correct to do so. With that, I'm going to oppose any motion made to pass this resolution today. Thank you, Mr. Chairman."

Chairman Dennis said, "Thank you. Commissioner O'Donnell."

Commissioner O'Donnell said, "Thank you, Mr. Chair. I just wanted to clarify something regarding what Commissioner Howell said about the City of Wichita. They don't have this in code, is that correct Karen? They don't have any policy against this? But what I do understand is they don't allow it in their buildings."

Ms. Powell said, "I believe that the Deputy County Manager, Mr. Stolz, had done some checking on that, if he might want to respond."

Commissioner O'Donnell said, "Right, because what I just want to clarify is that even though they don't have it in policy, the practice is the same. They're not going to let somebody walk around City Hall vaping."

Mr. Thomas Stolz, Deputy County Manager, greeted the Commissioners and said, "I believe that's correct, sir, there is no code. But it is a, I believe you would be asked to stop if you were doing it."

Commissioner O'Donnell said, "That's what you were told that by the head of security."

Mr. Stolz said, "That's correct. Chief [Darrell]Haynes from our office called over and

confirmed that, yes.”

Commissioner O'Donnell said, “So their policy would be if somebody is smoking, whether it's a cigarette or vape, they're going to tell them to stop...”

Mr. Stolz said, “Yes.”

Commissioner O'Donnell said, “...if they're inside City Hall.”

Mr. Stolz said, “I believe that's correct, sir.”

Commissioner O'Donnell said, “The other thing to clarify is that we've reached out to all the department heads, we've reached out to our elected officials in the building and also the Court Chief.”

Ms. Powell said, “Judge Fleetwood.”

Commissioner O'Donnell said, “Judge Fleetwood right...”

Ms. Powell said, “Mr. Stolz reached out to them and...”

Commissioner O'Donnell said, “...they all said they don't want this, that they would stop it too. So really if we wanted to respect all the other elected officials, we could make a policy that says because I'm personally not offended by it, but when you look at the courthouse and most of our other buildings, we take up a very small footprint in this building. It's mostly courts and DA (District Attorney), along with the Treasurer, Register of Deeds and County Clerk. So if we're going to respect those people duly elected, we should pass this policy. So thank you very much, Karen.”

Chairman Dennis said, “Thank you. Commissioner Ranzau.”

Commissioner Ranzau thanked the Chairman and said, “I won't be supportive of this today either. There haven't been any issues or complaints. I feel like our current policy is very balanced and it allows vaping only if there is no, if it's unscented. This really isn't about the other electeds or the department heads. This is about our constituents, many of whom have an addiction to tobacco and want to quit before they die from it, and our current policy, I think, is a way to send a message to them that we support that efforts, and if they want to find an alternative nicotine delivery system to help them do that, this is just a small way to say we support you is that.

“I'm disappointed that we're now going to tell them a different message that we're not going to support them in that. I will continue to oppose this and others. I think this really is not in the best interest of public health. So, thank you.”

Chairman Dennis said, “Thank you. Commissioner Howell.”

Commissioner Howell said, “Thank you, Mr. Chairman. Again, this is not about the opinion of who happens to be elected at the moment. I think this is about the science behind the policy. There's not a science that says this is smart for us to do this. If someone could please present the evidence and have it be solid evidence that secondhand water vapor is somehow dangerous to other's health, then I'd love to see that. There's not a science that supports what we're doing here. So it's really more about opinion of who happens to be elected in those positions at this moment. You

say they don't want it in their area. Well, that's fine. I don't want to smell someone's cologne sometimes or their perfume. I don't like to see someone, someone's face all tatted up with tattoos and weird piercings sometimes, that's just my personal preference. It's not my thing, but it's not for me to prohibit that.

"The public has a right to make adult decisions, and if they are addicted to nicotine and they want to participate in nicotine consumption, whether they use gum, patches, prescription drugs to get them past their addictions, or they want to use vaping or cigarettes, or whatever is they're addicted to, however they want to do that, as long as they follow state law, I don't have a problem with it. I'll just tell you, the public has a right to make those adult decisions and do those in the public places.

"We require them to come to our buildings, into our public spaces, if they own, that's taxpayer owned facilities. They have a responsibility and requirement to come and do business in our facilities. It's not, if it's a restaurant, you have a choice whether you go to the restaurant or not. The owner of that restaurant can make a decision, and you can say I don't want to be around that. So I don't want to go to that restaurant. That's your choice. But they don't have a choice when they go to the Tag Office or go to jury duty or have to go to the Appraiser's Office. I guess, in some ways that is a bit of a choice, but they can't go to someone else's Appraiser's Office that allows different things.

"So our public buildings are accessed by the public, and we need to have a reason to prohibit something that is otherwise legal every place else. This is not scientific. This is about political correctness, and so to the extent the public has no other option but to do their business in our spaces, if we're going to prohibit their activities in some way, it should be based on science or some kind of danger or something that is logical, but no one has presented that yet. I've talked about this for 42 minutes the last meeting, and no one stood up and gave me any type of rebuttal. Here I am again today doing this again, and where is the rebuttal. If this is scientifically driven, if this is a danger to the community in some way, fine, let's have that discussion. But no one has presented that evidence today. We have no science to back this up. In fact, by doing this, we're pushing these people out into a smoke cloud which can actually harm them. For them to participate in their nicotine delivery choice, they've got to go out in to a smoke cloud with other smokers which can harm their health. That doesn't seem smart to me, and we're creating confusion.

"Our signage is going to have to somehow be reflective that we have prohibited vaping, and by the way, our signs right now are in accordance with state law. We're going to create I guess, a local attempt to communicate what is and is not allowed in our buildings. It has to be something the public will recognize, because there is a fine attached to them not understanding what is and is not allowed in our buildings. So I don't know how we're going to do that. That's not defined in this resolution this morning, but that's another challenge we have to figure out. So I think there's a lot of reasons to oppose this, and I haven't even given them all. I'll stop right now, because I could probably go on for another hour, of reasons why this is a bad idea, but I'll stop. Thank you Mr. Chairman."

Chairman Dennis said, "Thank you."

MOTION

Commissioner Dennis moved to approve consent agenda item Juliet (J).

Commissioner Unruh seconded the motion.

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

VOTE

<i>Commissioner O'Donnell II</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>No</i>
<i>Commissioner Howell</i>	<i>No</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Dennis</i>	<i>Aye</i>

Chairman Dennis said, "Next item, please."

- G** [18-481](#) CON2018-00018 County Conditional Use to Permit an Event Center in the County on Property Generally Located East of South Hoover Road and North of 87th Street South (8720 South Hoover Road) (District 2).
Approved As Amended
- H** [18-485](#) CIP Amendment: Public Works Building - Remove and Replace Damaged Roof.
Approved As Amended
- I** [18-500](#) Hire an Emergency Management Director above Grade Minimum.
Approved As Amended
- J** [18-516](#) Resolution to Amend Section 20-2 of the Sedgwick County Code to Prohibit the Use of Electronic Cigarettes in County Buildings.
Approved
- K** [18-405](#) General Bill Check Register for June 13, 2018 - June 19, 2018.
Approved As Amended
- L** [18-406](#) Payroll Check Register for the June 9, 2018, payroll certification.
Approved As Amended

LEGISLATIVE ISSUES

Chairman Dennis said, "We have anything for legislative today?"

Mr. Yost said, "Nothing about the legislature."

Chairman Dennis said, "Sounds good. Next item, please."

OTHER

Chairman Dennis said, "Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. I just wanted to echo your comments earlier on the [Sedgwick County] Fire District No. 1 and other firefighters, by the way. It wasn't just Fire District No. 1. But there were other folks represented in the Andale[Kansas] St. Joseph Catholic Church fire. I want to say thank you to all of them. I'm very, very impressed with their public safety folks. They did a tremendous job. We had a couple of injured firefighters. I want to say, praying for their healing and I want to say thank them for their bravery. I understood, I got to see the space where they were injured. It was very scary actually to be in the position that they were in, so I want to say thank you to them, and I want to say they demonstrated bravery and heroism. The entire event was very interesting to go and understand exactly what happened there.

"Secondly, I want to echo the comments from the Chairman that the cardiac arrest survivor's celebration we had a few days ago was tremendous. Again, we got to celebrate Wichita Fire Department, Sedgwick County Fire Department and even some other departments in the area, 911, and then what they call citizen heroes. Citizen heroes are those that understand hands only CPR (cardiopulmonary resuscitation), and they are willing to engage someone who is apparently having, someone who is unresponsive and they want to engage that. One of the challenges, of course, is for the public to step up and recognize and then to engage someone that they don't know that may be having a problem.

"So we saw 11 survivors of cardiac arrest that public safety officials and 911 and dispatchers and call takers were able to over the phone give instructions to people to provide lifesaving skills and 11 of them were there that day. We had another young lady, when she was 13 years old, had cardiac arrest. They live in Rose Hill, [Kansas] but there is a nice video that they put out regarding her. But they did CPR for 45 minutes and saved her life. I just want to say tremendous, tremendously inspiring event. I appreciate that.

"Then finally, I want to say thanks to Public Works. Greenwich Road this morning is closed. There in the process of doing kind of an emergency repair on Greenwich Road between 23rd Street South and 31st Street South. So if they live in my district out in that area, they might find the road is closed. There is a culvert that collapsed due to a lot of rain that basically took out that culvert. So just kind of an emergency repair that's happening right now. Normally a repair like this would be, would require planning and perhaps, you know, an extended period of time. This is one of those things where we have the parts on-hand. We have the technology and experience on hand, and they're going to go in there and before the end of the day today, that road is going to be back open. So it just demonstrates planning and skill and aggressive solution. I want to say I appreciate Public Works for doing that. Sorry the road is closed, but I'm glad we have got great staff that can solve that problem quickly and aggressively and get the road back open. So thank you to Public Works. Thank you, Mr. Chairman."

Chairman Dennis said, "Thank you. Anyone else have anything for 'other'? Seeing none, Madam Clerk, call the next item."

EXECUTIVE SESSION

MOTION

Commissioner Unruh moved to recess into executive session for 20 minutes until 10:15 [a.m.] to consult with an attorney for this Commission which would be deemed privilege in the attorney-client relationship. The executive session is required to protect the attorney-client privilege and that the Board of County Commissioners returns to this

room from executive session no sooner than 10:15 a.m.

Commissioner Dennis seconded the motion.

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

VOTE

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

The Board of County Commissioners recessed into executive session at 9:55 a.m. and returned at 10:15 p.m.

Chairman Dennis said, "I would like to call the meeting back to order, state that no binding action was taken during the executive session today. Is there anything else that needs to come before the Commission?"

Approved

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:16 a.m.