

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



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Meeting Minutes

Wednesday, September 5, 2018

9:00 AM

BOCC Meeting Room

Governing Body of Fire District 1

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 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, 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 10:20 a.m. on September 5, 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; Ms. Karen Powell, Deputy County Counselor; Mr. David Spears, Assistant County Manager of Public Works, Facilities Maintenance, Project Services and County Engineer; Ms. Kate Flavin, Public Information Officer; Ms. Heddie Page, Deputy County Clerk.

CALL MEETING TO ORDER

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 signed up to speak on the public agenda today for the Fire Board. Does anyone in the audience wish to speak on the Fire District [No. 1] today? Seeing none, Madam Clerk, next item."

CONSIDERATION OF MINUTES

- A [18-650](#) FIRE MEETING MINUTES OF AUGUST 1, 2018.
All Commissioners were Present.

Chairman Dennis said, "Commissioners, everyone has had a chance to review the minutes from August 1st, 2018. All Commissioners were present at that meeting."

MOTION

Commissioner Dennis moved to approve the meeting minutes of August 1, 2018.

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, "Next item, please."

Approved

CONSENT

Chairman Dennis said, "We have one item on the consent agenda, item Bravo (B)."

Mr. Mike Scholes, County Manager, greeted the Commissioners and said, "Commissioners, I recommend you approve item Bravo (B)."

Chairman Dennis said, "Very good, thank you. Any questions for our County Manager?"

MOTION

Commissioner Dennis moved to approve the consent agenda item Bravo (B).

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 |

Chairman Dennis said, "Commissioner Ranzau."

Commissioner Ranzau thanked the Chairman and said, "I know we don't usually have an 'other' here, but I have some questions pertaining to the Fire District, if I may, Mr. Chairman?"

Chairman Dennis said, "Go right ahead."

Commissioner Ranzau said, "I'd like to get an update on the Andale fire issue. I was out at a [Kansas] Farm Bureau (KFB) forum last night, and I had somebody ask about it then. I still haven't, there is still some concern out there. I still have concern about exactly who authorized or required that apparatus leave the scene. Have we got a definitive answer that we know for sure exactly how far up the chain, and what happened there? What the rationale was?"

Mr. Scholes said, "Commissioners, we have heard back from the city, which prompted us to work the mutual aid agreement to ensure that there are no human elements that could make that happen in the future, so that was the driving force behind us redoing that mutual aid agreement. As far as, who within the city of Wichita, they handled that as a personal matter and did an internal investigation, which based off the personal nature of it, we weren't privy to. But in an effort to ensure that it would never happen again is why we did the mutual aid agreement update, which was signed on August 30th, which takes away the ability for that to happen in the future."

Commissioner Ranzau said, "So this agreement has been signed? I haven't even had a chance to review it."

Mr. Scholes said, "It's an agreement between the two Fire Chiefs, so..."

Commissioner Ranzau said, "I made it very clear that I didn't want anything to go forward until I had a chance to read that thing. I made that very clear to you, Mr. Chairman. All the Commissioners should know this. This is an important issue, and so first of all, was that reviewed by Legal at all?"

Ms. Karen Powell, Deputy County Counselor, greeted the Commissioners and said, "Commissioner, I'm not sure whether it was or not. I don't recall that."

Commissioner Ranzau said, "So with that being said, how do we know that this will prevent the same problem from happening in the future, if we don't even know what caused the problem to begin with?"

Mr. Scholes said, "Well, we..."

Commissioner Ranzau said, "You still haven't answered my original question. How far up the chain of command? Who made the order to remove that apparatus? Do we know the answer to that question? It's a simple yes or no."

Mr. Scholes said, "Yes."

Commissioner Ranzau said, "Who?"

Mr. Scholes said, "Somebody within the fire chain."

Commissioner Ranzau said, "No, that isn't..."

Mr. Scholes said, "The Deputy Fire Chief."

Commissioner Ranzau said, "...the Deputy Fire Chief."

Mr. Scholes said, "Along with the Battalion Fire Chief who was on scene."

Commissioner Ranzau said, "We know that for sure. How do we know that?"

Mr. Scholes said, "There was an investigation done within that chain of command, within the city of Wichita, and so that was what was relayed to us."

Commissioner Ranzau said, "So the Fire Chief wasn't aware of it? City Manager wasn't..."

Mr. Scholes said, "Not that I know of."

Commissioner Ranzau said, "...how do we know this?"

Mr. Scholes said, "I'm just relaying what I was told, Commissioner."

Commissioner Ranzau said, "So, why was that apparatus pulled?"

Mr. Scholes said, "I can get you the details later."

Commissioner Ranzau said, "I mean, the person who was punished was..."

Mr. Scholes said, "There were people punished as part of this."

Commissioner Ranzau said, "For going out there, not for bringing them back."

Mr. Scholes said, "There were people punished for this."

Commissioner Ranzau said, "Okay. I'm not going to play games. I want you to answer my question. People were punished."

Mr. Scholes said, "I can't give you the full answer, Commissioner, because I don't have the report in front of me."

Commissioner Ranzau said, "Okay."

Mr. Scholes said, "But what I did do was ensure that it wouldn't happen again and we did that with..."

Commissioner Ranzau said, "Well, how are you going to do that?"

Mr. Scholes said, "...because we did that with a mutual aid agreement. Is it lock solid? I mean, we had a mutual aid agreement for the, for the last incident. Nothings for sure, but we did establish a mutual aid agreement between the two organizations that would keep that from happening in the future."

Commissioner Ranzau said, "I don't, you've not provided me any evidence to indicate as to why that would stop. We had an apparatus that was sent out there."

Mr. Scholes said, "Correct."

Commissioner Ranzau said, "Then it was recalled in the middle of an active fire..."

Mr. Scholes said, "Correct."

Commissioner Ranzau said, "...that allowed that fire then to go on for multiple hours, because we were about five minutes away from shutting down the fire. I've heard estimates that there may be over a million dollars of additional damage as a result. I don't know. But, and then the person who went out there was reprimanded, not who brought it back, and I'm not sure we actually do know how far up the chain of command because, how many stories have you heard from the Wichita side? Haven't you heard multiple stories..."

Mr. Scholes said, "Sir, I..."

Commissioner Ranzau said, "...from a variety of people?"

Mr. Scholes said, "...I mean, I can't give you the details of the city of Wichita's, you know, investigation. What I can do and what I did do was ensure it wouldn't happen again by a mutual aid agreement, sitting down with Bob (Robert) Layton and the two Fire Chiefs."

Commissioner Ranzau said, "I don't believe that you have. I don't think you can say that."

Mr. Scholes said, "They could violate it, they could violate that agreement, yes, but I

can't predict that."

Commissioner Ranzau said, "Was anyone reprimanded for directing, ordering the fire apparatus to leave the scene while they were in an active fire?"

Mr. Scholes said, "There were multiple people. What I believe, there were multiple people disciplined for that and I don't..."

Commissioner Ranzau said, "For pulling the vehicle back?"

Mr. Scholes said, "Correct. I don't have the names in front of me to tell you that right now."

Commissioner Ranzau said, "Okay. I want you to follow up or Rusty with me on that."

Mr. Scholes said, "Okay."

Commissioner Ranzau said, "I want to know, I want to make sure that's, that's the truth. See I'm hearing all different sorts of stuff, there's a lot of concern out there in the public. Okay. We need to have transparency and accountability on this issue. It didn't happen in my district, but I don't want it to happen in my district. This seems, I'm a little concerned that maybe this new agreement is a way to kind of sweep things underneath the rug and not actually get the whole story. So, I continue to be very concerned about this."

Mr. Scholes said, "Commissioner, sitting down with the City Manager and the City Fire Chief and also Chief Leake, I am, they do take it seriously. That is why we wanted, the two Managers got together just to ensure it didn't happen again. We established this mutual aid agreement that we'll make this, that reality. You know future, I mean, they could, they could violate that agreement. I mean, sure, but we have gone as far as we can in terms of establishing a mutual understanding, a mutual agreement, signed between the two Fire Chiefs, that I believe will keep that from happening in the future. So..."

Commissioner Ranzau said, "So, why was the apparatus pulled?"

Mr. Scholes said, "I can give you the details of that after I get more information."

Commissioner Ranzau said, "You don't know why the apparatus was pulled?"

Mr. Scholes said, "The communication between the two individuals and the city fire. I can't give you the specifics on that exactly, but from what I believe and what I understand, it was communication between the Deputy Fire Chief and the Battalion Fire Chief that was misunderstood, and if they had to do it all over again, it wouldn't have happened."

Commissioner Ranzau said, "Somehow this new agreement addresses that miscommunication."

Mr. Scholes said, "This takes the human element out of it, yes. It supports the Incident Commander who is on scene, who makes those decisions of who displaces equipment and apparatuses. It puts it on his shoulders. Whereas in the past agreement, it wasn't written into that. The new agreement does have that written into it"

and makes it the Incident Commander's responsibility."

Commissioner Ranzau said, "I think we need to have a briefing on this new agreement include a map with the, I know there's a, I can't remember the term used to call it, but there's a line or an area and it's described in that. But we need to have that mapped out."

Mr. Scholes said, "Yeah."

Commissioner Ranzau said, "We need have, I think, the Commissioners need to have a briefing on the understanding on this. I am not satisfied with the result, with the answers I'm getting here as far as..."

Mr. Scholes said, "I had, I have instructed the Assistant County Manager for Public Safety, Rusty Leads, last Thursday to come by to all the Commissioners and sit down with them and show them the changes and show them what it means in terms of future, future protocols and agreements. So he's going to do that."

Commissioner Ranzau said, "When you sat down with the Manager and Chief, did you ask them if they knew that that apparatus was being recalled at all?"

Mr. Scholes said, "I asked them about the circumstances behind the incident, and they were not part of that decision-making authority in terms of pulling that back. So, yes."

Commissioner Ranzau said, "How do we know that?"

Mr. Scholes said, "Because based off of what they told me, Commissioner."

Commissioner Ranzau said, "Okay, and there is no way to..."

Mr. Scholes said, "I believe it to be true."

Commissioner Ranzau said, "Okay. We trust..."

Mr. Scholes said, "Absolutely."

Commissioner Ranzau said, "Did you verify, how did you verify?"

Mr. Scholes said, "Well..."

Commissioner Ranzau said, "Or is there any way to verify?"

Mr. Scholes said, "...the City Manager told me, and I take him at his word."

Commissioner Ranzau said, "Okay. Well, I am not happy that, you came and spoke to me a couple times and I made it very clear that all the Commissioners need to see this, we needed it review it before anything was finalized, and I don't understand why that hasn't happened. This is an important issue and I am not just going to sweep it under the rug and say, well, this contract or this agreement, which we haven't even had an opportunity to review or be briefed on, is going to solve the situation. We'll have more discussion as we move forward."

Mr. Scholes said, "Okay."

Chairman Dennis said, "Thank you. I agree each one of the Commissioners needs a copy of that agreement. It was just signed the 30th of August, as I recall."

Mr. Scholes said, "Between the two Fire Chiefs, correct."

Chairman Dennis said, "I did get a copy of it, either a day or two ago, not too long ago. So, I need to make sure that all the Commissioners also get a copy of that. Couple points, though. Commissioner Unruh and I did sit down with the Mayor and Vice-Mayor and discuss it at length. At this point, us trying to cast blame is not as productive as making sure it doesn't happen again. That's what I'm hoping this agreement does. The Mayor and Vice-Mayor assured us it would never happen again. From what I understand, the Fire Chief Snow assured us that it would never happen again."

"Hopefully this agreement that has been developed between the Fire Chiefs sets out the guidelines on who is in command at these different incidents, so that it never happens again. But for us right now to try and say this person is to blame, and it's a personnel issue for Wichita, I don't think that that's as productive as making sure that we have fire protection across the county that we can trust and rely on. That's what the agreement is supposed to do, and that's what the Mayor and Vice-Mayor assured us is going to happen at this point. So, Commissioner Howell."

Commissioner Howell thanked the Chairman and said, "I just wanted to make a point. We did have a two-hour meeting yesterday on the Fire District, and a lot of information was presented. One thing that came up yesterday which I thought was an interesting aspect of this, was the idea of jumping fires, or jumping calls, I think is the term they used. The idea is that basically they are not dispatched, and we don't necessarily track the response of those vehicles if they respond to a fire call, they hear it on the radio and they respond, but it is not dispatched, they don't necessarily track that information."

"A question would be, and I don't know the answer to this question, maybe if you know, Mr. Manager, you can certainly answer it now, or can answer it later, but was this a jump call or was this an issue, were they dispatched to the fire or were they simply just responded because they wanted to, felt like it was necessary? I don't know the answer to that question, so I'd be interested in knowing that."

"Second of all, I would agree with some of the comments, I would like to see the agreement, and one of my questions to you and to possible Legal is aren't we going to vote on this at some point? I would assume that these agreements, if this is a mutual aid agreement, do we not vote on those?"

Mr. Scholes said, "No. This one, this is a mutual aid agreement between the two Fire Chiefs. It always has been, the last one, 2012, was between the two Fire Chiefs, and so on and so on. These have always just been between the two, but in this case the difference is, the two Manager's got involved and we made sure that it was a good agreement that my concerns were taken into account into the agreement. Bob made sure that from his side that they were taken care of in the agreement, and in the end, it's a solid agreement. It's much better than we've ever had in the past."

Commissioner Howell said, "Well, that sounds promising. I would like to know more, so please, I look forward to a briefing on that. I guess if for some reason the agreement isn't carried out or exercised properly, is there something in the agreement that allows us some way to resolve that?"

Mr. Scholes said, "It's a mutual aid agreement, there is no punishment clause in there..."

Commissioner Howell said, "Okay."

Mr. Scholes said, "...because it is two different jurisdictions..."

Commissioner Howell said, "Sure."

Mr. Scholes said, "...just agreeing to provide support."

Commissioner Howell said, "Okay."

Mr. Scholes said, "Then there's internal protocols, like the transitional zone between the black line and the boundary of the city and how we respond in that, and what we are going to send."

Commissioner Howell said, "Okay."

Mr. Scholes said, "So internal agreements, can you violate it in the future. You can violate them now."

Commissioner Howell said, "Okay."

Mr. Scholes said, "Also, mutual aid compacts. But it's just a promise by a jurisdiction that you are going to follow it and follow the practices and protocols listed in the agreement. I have been assured that they are going to follow it, and I also relayed that we are going to follow it, so."

Commissioner Howell said, "Since we are kind of taking the opportunity to talk about 'other' than the Fire District, a little bit, I would just say I believe there was a call last night that city and county worked together, it was a structural fire. They saved a couple lives, I understand. At least they saved one, but if I understand, I heard that through the grapevine this morning, I'm very proud of them working together and providing mutual aid at a structural fire that happened last night, I understand. So I would like to know more about that, that particular fire. So thank you, Mr. Chairman."

Chairman Dennis said, "Thank you."

Mr. Scholes said, "I would like to add, you know, with firefighters, fire chiefs, the different agencies, I mean, they live to support the public, they live to provide a safe and secure environment. They are not looking for opportunities not to support and save lives. I think in this case and the case of the city, it was a mistake, it won't happen again, but there's not a firefighter out there or a fire chief that is not going to respond to a call when needed. You have that commitment, and it's always been that practice, and it will continue to be that practice."

Chairman Dennis said, "Once again, the Mayor apologized to me the day of the Andale fire, called me personally, said it was a mistake. He said it would never happen again. I have to trust the Mayor at his word that it will never happen again, because it's going to make a big difference to us as the Board of Fire District No. 1 on whether or not we spend as much as a million dollars to buy one of those pieces of equipment ourselves. At this point it does not make sense to me to spend a million dollars to buy one of those, when we have four of them sitting in Wichita, and we have a mutual aid

agreement that was recently signed that says that they will support us if we need it. So I feel confident that we will get the support that we need. I know that they, from the apology that I received from the Mayor, and they truly will not allow this to happen again. I feel confident. Commissioner Ranzau."

Commissioner Ranzau said, "So, let's clarify. You can give me the names of people who were, I mean, I know one of them. But you can find out who was reprimanded and why? Get that..."

Mr. Scholes said, "Correct."

Commissioner Ranzau said, "Okay. This, you can't fix a problem, unless you, I mean, you can't say we're going to fix a problem unless we know what the problem is to begin with. I'm talking about transparency, I'm talking about accountability. There's a lot of distrust in the community out there surrounding this issue, and I haven't been able to give, people ask me. I can't give them solid questions. There's just not a lot of trust there in what happened with respect to the Wichita Fire Department. I don't want that same distrust to bleed over to our Fire District and to this Commission. "If we give the appearance that we are just going to sweep this underneath the rug, that's what's going to happen. The guy who went and provided, took the truck out to help us put that fire out was reprimanded after you got the assurance that it would never happen again, okay. Well, why would you reprimand somebody for going out there in the first place, if we are going to say in the future, we'll never, you know we'll let it happen, this won't happen again. It doesn't make sense, okay. I can't help but think there's just more to the story, because it just doesn't make sense, alright."

"Like I said, I got questioned about it last night at the Farm Bureau forum. So I'm troubled by just kind of how this is going. I kind of get a sense we are just going to try to sweep this underneath the rug, and that's not going to help our image. It's not going to help the Wichita Fire Department, not going to help the Fire District. Okay, I look forward to getting the information and having some more detailed discussions as we move forward. Thank you."

Chairman Dennis said, "Thank you. I don't want to prolong this discussion, but it did happen in my district, and I truly want to make sure my district is protected as well as all the districts in Sedgwick County. But I have to believe the Mayor and the Vice-Mayor that it is not going to happen again. That's what I believe."

Mr. Scholes said, "You know, by doing a mutual aid agreement and signing it, the Managers working towards making sure that it is doesn't happen, is not sweeping it under the rug. We've gone above and beyond. There was nobody on the day of this incident that was madder than me. You look at Tom's, Rusty and the Chief's phone, their phones were burned up by my remarks about what I thought about what happened on that day."

"So you know, of anybody, I was committed to making sure this didn't happen again. For me, that mutual aid agreement is the means in which for us to have an agreement to make sure the human error is taken out of it and the City Manager was committed to that, as well as the Fire Chief. So that is not, to me, sweeping it under the rug."

Commissioner Ranzau said, "You bring..."

Chairman Dennis said, "Commissioner Ranzau."

Commissioner Ranzau said, "You bring up a good point about your phone messages and texts and stuff. Maybe that would be helpful to see your phone messages and texts. Maybe it would be helpful to see the phone messages and texts of a variety of people over on the Wichita side as well. That could shut down a lot of this discussion and a lot of things that were going on behind the scenes of, you know, who heard what, and who knew what, and who really made the decision. You want transparency, just something to think about. Thank you."

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

Commissioner Unruh said, "Thank you, Mr. Chairman. I just feel compelled to make a comment, and that is that I think we all recognize that this was an egregious error, that it cost property and created expenses, and it is the wrong way to do business. I think it's been acknowledged by the city. I think they have a personnel issue that according to all personnel policies are, much of that is kept private, and they have indicated it's a personnel issue, they don't want to, they're not going to discuss that any further."

"I think that the acknowledgment that we need to make a change, we worked to set the framework to effect that change is good, it's satisfying to me, and I think the thing we need to keep in mind as we consider it, can talk about this, is that Wichita is our partner in providing safety and fire safety around here. We help them, they help us, and we need to go together as good working partners, and so this mutual aid agreement, I think, is a good step to do that, and if we are going to have conversation about consolidation, I think that we need to posture ourselves in such a way that we want to go forward on a positive note rather than try to continue to talk about a past incident. I realize that it was very bad, and that we had quite a reaction to it when it happened. But now is the time to figure out a platform to go forward and be good partners for the fire safety of our citizens. That's all I have, Mr. Chair."

Chairman Dennis said, "Thank you. Anything else need to come before the Board of Fire District No. 1? It's probably the longest board meeting we've had since I have been on the Commission for the Fire District."

- B** [18-671](#) Revise Sedgwick County Fire District One Personnel Policies.
Approved on the Consent Agenda

OTHER

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 10:45 a.m.