

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



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Meeting Minutes

Wednesday, October 24, 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 9:11 a.m. on October 24, 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. Lindsay Poe Rousseau, Chief Financial Officer; Ms. Annette Graham, Director, Division on Aging; Ms. Adrienne Byrne, Director, Health Department; Mr. Joe Thomas, Director, Purchasing Department; Ms. Karen Powell, Assistant County Counselor; Ms. Kate Flavin, Public Information Officer; Ms. Heddie Page, Deputy County Clerk.

GUESTS

*Ms. Kim Anderson, TAYM Adjutant, Tornado Alley Young Marines
Cadet Colonel Zerrick Nance, JROTC
Cadet Colonel Grant Harter, JROTC
Cadet CSM Lynsey Fleming, JROTC
Colonel Robert V. Hester, Director, JROTC and Leadership Instruction
Mr. Chris Carlson, Appointee
Mr. Tom Kaleko, Springsted, Inc.
Mr. Garth Herrman, Gilmore & Bell, P.C.
Ms. Stephanie Scheck, Attorney, Stinson Leonard Street, LLP*

INVOCATION: Reverend Godfrey Patterson, St. Paul African Methodist Episcopal 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 have not seen anyone sign up on public agenda this morning. Is there anyone in the audience that did not have a chance to sign up for the public agenda that would like to speak? Seeing no one, next item, please."

CONSIDERATION OF MINUTES

All Commissioners were Present.

Chairman Dennis said, "Commissioners, everyone has had a chance to review the minutes from October 3rd, 2018."

MOTION

Commissioner Dennis moved approve the regular meeting minutes of October 3, 2018.

Commissioner Unruh 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, "Next item, please."

Approved

PROCLAMATIONS

B [18-892](#)

PROCLAMATION DECLARING RED RIBBON WEEK.

Read by: Chairman David T. Dennis or his designee.

RECOMMENDED ACTION: Adopt the proclamation.

Chairman Dennis said, "Thank you. Commissioners, I have a proclamation that I'd like to read."

WHEREAS, communities across America have been plagued by the numerous problems associated with illicit drug use and those that traffic in them; and

WHEREAS, there is hope in winning the war on drugs, and that hope lies in education and drug demand reduction, coupled with the hard work and determination of organizations such as the Young Marines of the Marine Corps League to foster a healthy, drug-free lifestyle; and

WHEREAS, governments and community leaders know that citizen support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and

WHEREAS, the red ribbon has been chosen as a symbol commemorating the work of Enrique "Kiki" Camarena, a Drug Enforcement Administration agent who was murdered in the line of duty, and represents the belief that one person can make a difference; and

WHEREAS, the Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts; and

WHEREAS, October 23-31 has been designated National Red Ribbon Week, which encourages Americans to wear a red ribbon to show their support for a drug-free environment;

NOW, THEREFORE BE IT RESOLVED that I, Chairman David T. Dennis, and the Board of Sedgwick County Commissioners, do hereby proclaim October 23-31, 2018, as

RED RIBBON WEEK

and urge all citizens to join in this special observance.

MOTION

Commissioner Dennis moved to adopt the proclamation.

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

County Clerk has assigned Resolution #145-2018

Chairman Dennis said, "This will be accepted by Kim Anderson from the Tornado Alley Young Marines (TAYM). Welcome. Good morning. Would you like to say a few words?"

Ms. Kim Anderson, TAYM Adjutant, Tornado Alley Young Marines, greeted the Commissioners and said, "Thank you."

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

Adopted

C [18-893](#)

PROCLAMATION DECLARING JROTC LEADERSHIP WEEK.

Read by: Chairman David T. Dennis or his designee.

RECOMMENDED ACTION: Adopt the proclamation.

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

WHEREAS, Junior ROTC was officially implemented in American high schools in 1916, began in Kansas in 1917 and in Wichita in 1994; and

WHEREAS, cadet Leadership Programs were started in selected middle schools in 1997 making Wichita a leader in the nation in this initiative; and

WHEREAS, the Junior ROTC and Leadership Programs are recognized in Wichita for building citizenship and good character in our youth; and

WHEREAS, there are now more than 2,400 Wichita youth participating as cadets in 18 of our public schools.

NOW, THEREFORE BE IT RESOLVED that I, Chairman David T. Dennis, and the Board of Sedgwick County Commissioners, do hereby proclaim November 10 – 16, 2018 as

WICHITA JUNIOR ROTC LEADERSHIP WEEK

in recognition of these fine young men and women who are becoming better leaders and citizens for the future through their involvement in the Junior ROTC and Leadership programs.

MOTION

Commissioner Dennis moved to adopt the proclamation.

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

County Clerk has assigned Resolution #146-2018

Chairman Dennis said, "This morning we have one of my favorite people in the world, Colonel Robert Hester here, and I see Colonel George in the audience and three of his leadership cadets are going to be here to speak to us, so welcome."

Mr. Zerrick Nance, Cadet Colonel, JROTC, greeted the Commissioners and said, "I'd like to start off by thanking you guys for allowing us to be here. It's a great honor. I'm the Cadet Colonel, Zerrick Nance. I'm the City Corps Commander over all 2,500 cadets. This is my Deputy Cadet Lieutenant Colonel, Grant Harter. This is my Command Sergeant Major (CSM), Lynsey Fleming. I'd like to tell you guys about a couple of events we have coming up. Obviously, the 7th, we have the Veterans Day ceremony at Century II, and then on the 10th, we have the Veterans Day Parade. Grant will tell you a little bit about the Veterans Day ceremony."

Mr. Grant Harter, Cadet Lieutenant Colonel, JROTC, greeted the Commissioners and said, "I am the Deputy Corps Commander for the Wichita Public Schools. For our Veterans Day ceremony, we will obviously be honoring the veterans. We'll have all 2,500 JROTC (Junior Reserve Officers' Training Corps) and leadership cadets from all the schools in Wichita, and at the end we will have a Pass in Review entirely cadet led. I hope to see you guys there. Thank you."

Ms. Lynsey Fleming, Corps Command Sergeant Major, greeted the Commissioners and said, "I go to Wichita North High School. I will talk about the Veterans Day Parade, which will be held on November 10th, and it will start at the [Sedgwick County] Courthouse and will go all the way to the Waterwalk Hotel. We will be presenting the colors. I think that's all. Thank you."

Mr. Nance said, "Okay, again I'd like to thank you guys for being here. It's honestly an honor to have this opportunity for us as cadets, because we don't usually get to do things like this and to meet our city leaders, our County Commissioners, General Scholes, everybody else to come here and meet so high up, it's just honestly amazing, so I'd like to thank you all again for being here. I'd like to invite you all out again on the 7th to the Veterans Day ceremony, it's at Century II, and on the 10th, the Veterans Day Parade starts here. Thank you."

Chairman Dennis said, "Well cadets, thank you very much for being here. I had the honor of sitting on the selection board that put each one of these fine young men and women on the leadership team. That's an honor that I've had for the past several years to be able to do that. Also on the Veterans Day Parade, one thing that we probably ought to mention is that the Tornado Alley Young Marines normally at the end of the parade, there is a ceremony that's held down at Waterwalk, and there will be several speakers at that, and there will be a ceremony that the Tornado Alley Young Marines put on that honors our fallen, which is a very moving ceremony. If you've never had a chance to see it, it's something that is definitely ought to be on your bucket list to see one time and followed by the playing of Taps, which is always very moving.

"But these young people, 2,500 of them here will be who is putting on the bulk of the ceremony on the 7th at Century II. If you've never seen a formal military ceremony, drill and ceremony with a Pass in Review, it's something that you need to see anyway, and all of the public is invited to that on the 7th of November. It is to honor all of our veterans, but you don't need to be a veteran to come to recognize our veterans. Please come on the 7th and fill Century II up, because you've got 2,500 young cadets, our children, our students, that will be marching in honor of our veterans. Then our Commission for the last several years has participated in the parade on November the 10th. It will start right out in front of our courthouse here promptly at 11 o'clock in the morning. Colonel George in the audience is the one that is in charge of that, putting it together.

"We were hoping to have a couple things, like a flyover from a KC-46. I don't think that's going to happen, because the latest press release I saw, it's not arriving until the 16th. So probably won't see a KC-46 go over, but hopefully we'll have a (KC)-135 go over top in addition maybe some commemorative Air Force planes will be able to fly. Last year, there were thousands of people in the parade and thousands of people lining the Main Street and down to Waterwalk afterwards to honor our veterans. So, I want to thank the cadets especially for doing that, for all of the people here in this area, and thank the citizens for coming out to recognize our veterans. Thank you very much. I'm sorry, Commissioner Howell."

Commissioner Howell thanked the Chairman and said, "I just wanted to say, I've been listening carefully. I don't think I heard a time of day for the Century II, the event on the 7th. What time would that start?"

Colonel Robert V. Hester, Director, JROTC and Leadership Instruction, greeted the Commissioners and said, "It's at 10 o'clock."

Commissioner Howell said, "Okay 10 o'clock, and it's at Century II, correct?"

Colonel Hester said, "Century II at the Expo."

Commissioner Howell said, "Alright, and just a comment, I remember when I was in the military, one of my proudest moments personally was when I got to wear that uniform, and I got to do a formal parade, and no one was there to see me, but I was so proud of us marching like a machine almost. It was just an amazing thing to be a part of. So I got to witness this, the ROTC, the young men and women at the event that we're going to do on the 7th, and it's just a tremendous event. It gives me faith in our next generation. I just want to say thank you for your leadership Colonel Hester. I also got to sit on the selection board a couple years ago. It was a tremendous experience. These are great young men and women that are competing for leadership, and they are smart, and they're able to answer questions. So I just want to say thank you for all you do. I just want to make sure people knew when that was supposed to happen on the 7th. So thank you for that clarification. Thank you, Chairman."

Chairman Dennis said, "Thank you, Commissioner Howell. I'm glad you brought that up one more time, because Congressman Estes is the keynote speaker on the 7th also. Anyone else have anything? Again, Colonel Hester, Colonel George, Cadets, [Tornado Alley] Young Marines, thank you all very much for being here today."

Colonel Hester said, "Sir, thank you."

Chairman Dennis said, "Madam Clerk, next item."
Adopted

APPOINTMENTS

- D [18-884](#) RESOLUTION APPOINTING MILES MILLSPAUGH (BOARD OF COUNTY COMMISSION APPOINTMENT) TO METROPOLITAN AREA BUILDING AND CONSTRUCTION DEPARTMENT BOARD OF CODE STANDARDS AND APPEALS.
Presented by: Eric Yost, County Counselor.

RECOMMENDED ACTION: Adopt the resolution.

Chairman Dennis said, "Mr. Yost."

Mr. Eric Yost, County Counselor, greeted the Commissioners and said, "Item D is a resolution appointing Miles Millspaugh to the MABCD (Metropolitan Area Building and Construction Department) Board of Code Standards and Appeals in the real estate position. This position is a BoCC (Board of County Commissioners) appointment and has been held by Mr. Warren Willenberg who has resigned. The appointment of Mr. Millspaugh is to fill the unexpired term of Mr. Willenberg which ends on July 31st of 2019."

Chairman Dennis said, "Very good. Ladies and gentlemen, Commissioners, I'm sorry, you've heard the resolution appointing Miles Millspaugh. Is there any discussion? Seeing none, do I have a motion?"

MOTION

Commissioner Unruh moved to adopt the resolution.

Commissioner O'Donnell seconded the motion.

Chairman Dennis said, "We have a motion and a second. Any further discussion? Seeing none, Madam Clerk, call the roll. I beg your pardon. Commissioner Ranzau."

Commissioner Ranzau thanked the Chairman and said, "This particular appointee is supposed to be for real estate interest. Unfortunately, our staff got this recommendation from the [Wichita Area] Builder's [Association] (WABA), which I respect the builders, but I think we need to have some diversity of opinion and representation and influence on these boards. The realtors did offer a name of Jeffrey Richardson, and I think since this is supposed to represent the real estate, that's who I will be supporting in this particular instance."

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

Commissioner Howell said, "Thank you, Mr. Chairman. I just wanted to say I appreciate the comments from Commissioner Ranzau. The process, in my opinion, the reason we delayed this till today was because we failed to ask the realtors group basically for input, and so we have done that, and they did come back with the name of Jeffrey Richardson. But after additional discussion with them, they did finally come back and also recommend Miles Millspaugh. So I'm going to support what the realtors are at right now, but I would like to just throw out there as well that Mr. John Todd, who actually attends the BCSA (Building Code Standards and Appeals) meetings regularly, is tremendously talented and has all the certifications and had high regards from everyone I spoke with, so I want to just commend him for his interest in this topic and thank him for being willing to serve on this board."

"It's rare we have three people who, we have three names for one position, it's a little bit rare. But I guess my position, the reason I'll vote for this resolution today is because this is what the realtors finally ended up is their position. So I don't know any of the, I don't know Mr. Millspaugh and I don't know Mr. Richardson. I do know John Todd is a man of integrity, so I trust him, but I'm going to go with what the realtors have asked me to do, so thank you Chairman."

Chairman Dennis said, "Thank you. Any further comments? Again, it's great that we have three different people that want to volunteer for a non-paying job. The realtors did recommend with an e-mail, I think Monday, Miles Millspaugh, so I will be also voting in favor of that. Madam Clerk, call the roll."

Commissioner Ranzau said, "Hold on."

Chairman Dennis said, "Oh, I'm sorry."

Commissioner Ranzau said, "They recommended Jeffrey Richardson, that's the name they put forward. They said both Millspaugh and Richardson are good candidates, but that's their guy. That's why I'm voting for him."

Chairman Dennis said, "Okay, thank you. Madam Clerk, call the roll."

VOTE

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

County Clerk has assigned Resolution #147-2018

Chairman Dennis said, "Is he here today? Not here, okay. Very good. Next item, please."

Adopted

E [18-895](#)

ACCEPT THE RESIGNATION OF RICK MOYER (BOARD OF COUNTY COMMISSION APPOINTMENT) FROM THE MINNEHA TOWNSHIP BOARD AS TREASURER.

Presented by: Eric Yost, County Counselor.

RECOMMENDED ACTION: Accept the resignation.

Chairman Dennis said, "Mr. Yost."

Mr. Yost said, "Items E and F can actually be combined. Item E is the resignation of Rick Moyer as Treasurer of Minneha Township. He has served as Treasurer for nine years, but his term would expire on January 11 of 2021. Item F is a resolution appointing Mr. Chris Carlson to fill that vacancy and only until January 11 of 2021. Minneha Township is located within two Commission districts, and Commissioners Howell and Unruh are recommending that Mr. Carlson be appointed to this position, and I would urge adoption of this resolution, and I'm told that Mr. Carlson is going to plan to be here, but I have not met him."

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

MOTION

Commissioner Howell moved to accept the resignation of Rick Moyer from the Minneha Township Board as Treasurer and adopt the resolution appointing Chris Carlson to the Minneha Township Board as Treasurer.

Commissioner Unruh seconded the motion.

Commissioner Unruh said, "I have spoken with both of these gentlemen. Appreciate Mr. Moyers service, and I think Chris Carlson will do a good job representing the township board."

VOTE

Commissioner O'Donnell II	Aye
Commissioner Ranzau	Aye
Commissioner Howell	Aye

Commissioner Unruh Aye
Chairman Dennis Aye

Chairman Dennis said, "Is he here to be, welcome. Come on up and be sworn in."

Mr. Kelly Arnold, County Clerk, thanked the Commissioners and said, "I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas and faithfully discharge the duties of the office of Sedgwick County Minneha Township Board Treasurer, so help me God."

Mr. Chris Carlson, appointee, greeted the Commissioners and said, "I do."

Mr. Arnold said, "Congratulations."

Mr. Carlson said, "Thank you. Commissioners, thank you for this opportunity. I appreciate the appointment. I look forward to serving the people of Minneha Township. Thank you."

Chairman Dennis said, "Thank you. Thanks for being here. Thanks for serving. Madam Clerk, next item."

Adopted

- F [18-896](#) RESOLUTION APPOINTING CHRIS CARLSON (BOARD OF COUNTY COMMISSION APPOINTMENT) AS RECOMMENDED BY COMMISSIONER DAVE UNRUH AND COMMISSIONER JIM HOWELL AS TREASURER OF THE MINNEHA TOWNSHIP BOARD.
Presented by: Eric Yost, County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Action for this item was taken with item E.

County Clerk has assigned Resolution #148-2018

NEW BUSINESS

- G [18-790](#) A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION BONDS, SERIES B, 2018, OF SEDGWICK COUNTY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.
Presented by: Lindsay Poe Rousseau, Chief Financial Officer.

RECOMMENDED ACTION: Award the sale of the Bonds to the best bidder and adopt the Resolution.

Chairman Dennis said, "Good morning, Lindsay."

Ms. Lindsay Poe Rousseau, Chief Financial Officer, greeted the Commissioners and said, "The item before you this morning is a follow-up to what you approved on September 19th. That day, you approved Finance staff to coordinate with our bond counsel, Gilmore & Bell and our municipal advisor Springsted [Inc.] to put together documents to facilitate a bond sale, and then to hold that competitive bond sale. So what we're presenting to you this morning are the results of that. Before we get into the details though, I want to make sure to say thank you to our partners at Gilmore & Bell, Joe Norton and Garth Herrman, who are both here in the audience, as well as Tom Kaleko and Jack Ryan-Feldman from Springsted also here in the audience, and Tom and Garth will be addressing you here shortly. But of course, I also want to thank our Finance staff for all of their hard work. They also are here in the room. That includes your Deputy CFO (Chief Financial Officer), Rick Durham, your Accounting Director, Hope Hernandez, your Budget Director, Lorien Showalter-Arie, and Principal Accountant Mandy Estes, who really does the day-to-day hard work on this program.

"So with that, you may recall that what you approved was a resolution to work toward a bond sale to fund four bridge Capital Improvement Projects (CIPs), one road improvement project to be funded with special assessments, and then an economic development grant. In total, that was about \$10.2 million worth of project spending. So we'll have some folks come up and talk with you about how the sale went yesterday. That will be Mr. Kaleko, and then Garth Herrman from Gilmore & Bell will come and walk you through the bond resolution, which you'll be asked to approve. I will be happy to come up after they're done and answer any questions you might have. But otherwise, I'll go ahead and recommend that the board accept the best bid and approve the resolution that Garth will discuss with you. So with that, I will turn it over to Tom Kaleko from Springsted."

Chairman Dennis said, "Thank you. Good morning and welcome."

Mr. Tom Kaleko, Springsted Inc., greeted the Commissioners and said, "It's my pleasure to present to you the results of the county's recent bond sale of its General Obligation (G.O.) Bonds, 2018 B. As Lindsay mentioned, the action that you have before you this morning is consideration of a resolution which authorizes the sale of the bonds and sets the terms. The projects, Lindsay covered. Well also I won't repeat that. I will tell you that we took bids yesterday at 1 p.m. We received two bids representing 39 banks. The winner was Robert W. Baird [& Co.] with a winning true interest cost of just under 3 percent, 2.997 percent, 2.997.

"We have done some work yesterday afternoon to confirm that Baird's bid is consistent with current market rates that we would expect for AAA issue like the counties. We base that on the municipal market data AAA yield scale that's published each day by Thomson Reuters. However, because we did receive two bids, which is a relatively low amount for the county's obligations, we did a little extra work. We did call five underwriters who typically would bid on the county's bonds just to inquire as to why. What we received was really no consistent response. It was a wide variety of different reasons unique to each individual underwriter. So we didn't really see one central theme that came out of that conversation.

"I will note that, as I said, we only had two bids representing 39 banks. So we had

each of the two bidders had syndicates. Baird had a very large syndicate. FTN Financial, which was the other bidder had a smaller syndicate. Some of the names that appeared in those syndicates are names that we would sometimes expect to be bidders on their own, such as Dougherty [& Company LLC] out of Minnesota, George K. Baum [& Company], Commerce Bank, UMB [Financial Corporation], Stifel Nicholas [& Company Inc.], Morgan Stanley, Raymond James [Financial] and UBS [Financial Services Inc.]. So I think it was really, to a large degree, it was a busy market yesterday, and I think we saw a lot of folks participating in syndicates, which obviously compressed the number of bids that you would expect to receive. Based on that favorable result and the underwriter feedback we got, we don't really see a reason for concern or any reason for any kind of action, different action on upcoming bond issuance.

"Turning to the bond rating. As you know, with each bond issuance, we do pursue a bond rating. In this particular case, we pursued one from Standard & Poor's (S&P). Standard and Poor's did assign a AAA rating to this bond issue and they affirmed the AAA rating on all of the county's outstanding general obligation debt. In their report, Standard and Poor's cited a great number of strengths of the county. That included management, which specifically addresses financial management, your policies and practices, budgetary performance, and the fact that the county consistently produces budget surpluses, budget flexibility, which is adequate reserves to address unforeseen circumstances, liquidity, ready access to sufficient cash to do the county's business, debt, which in this case, what they really cited was that debt charges make up a relatively minor percentage of the county's overall expenditures.

"Then institutional framework, which is the state laws that this county operates under. All of those were listed in the report as strengths. The only mitigating factor to those strengths that was noted in the report is the county's economy. S&P does recognize the Wichita MSA (Metropolitan Statistical Area) economy as both broad and diverse, which is as good as it gets in credit rating agency speak, but they do note that the per capita buying income is 91.2 percent, just a little less than the national level, which is the somewhat mitigating factor attributable to the economy. With that, I'll conclude my remarks and just recommend the award of the 2018 B general obligation bonds to Robert W. Baird."

Chairman Dennis said, "Very good. Do we have any questions? How do I get you to negotiate my auto loan?"

Mr. Kaleko said, "We'll see what we can do."

Chairman Dennis said, "Thank you."

Commissioner Unruh thanked the Chairman and said, "Mr. Chairman, I move that we award the sale of the bonds..."

Chairman Dennis said, "Wait a minute. We've got some more discussion."

Commissioner Unruh said, "Oh, I'm sorry."

Ms. Poe Rousseau said, "I appreciate you moving ahead, Commissioner. I'm glad to know you're supportive, but we actually have Garth Herrman here from Gilmore & Bell

who wants to talk through the bond resolution for just a minute if we can let him speak, please.”

Mr. Garth Herrman, Gilmore & Bell, greeted the Commissioners and said, “I’ll keep this brief. Basically Lindsay and Tom have already gone over many of the major and important factors regarding this bond sale. Before you there is the resolution, which is the legal document which formally, you know, awards the sale of the bonds to Robert W. Baird, sets the principal amounts and repayment terms and the final interest rates that were realized from the sale yesterday as well as authorizes the county, through its Chairman, to execute the various documents and certificates necessary under both the state law as well as under the federal, tax and securities laws in order to properly authorize the issuance of closing of the bonds. The closing date is scheduled to occur on November 15th. So that will actually be the date that the possession of the bonds is released to Robert W. Baird as the purchaser in exchange for the payment of the purchase price to the county’s bank account. With that being said, I’ll entertain any questions that there may be, and if not, I would request a motion and a second to approve the award of the sale and the resolution.”

Chairman Dennis said, “Very good. Any questions? Okay Lindsay, do you have anything else for us?”

Ms. Poe Rousseau said, “No, sir. Now would be a lovely time to make that motion.”

Chairman Dennis said, “Commissioner Unruh.”

MOTION

Commissioner Unruh moved to award the sale of the bonds to the best bidder and adopt the resolution.

Commissioner O’Donnell seconded the motion.

Chairman Dennis said, “We have a motion and a second. Any discussion? Commissioner Ranzau.”

Commissioner Ranzau said, “Thank you. In the past, I’ve stated my support for the underlying issues on some of these bonds here, but I continue to believe that the bonding of much of this is unnecessary, and therefore incurs unnecessary interest costs, which burden the taxpayer and take away money for additional programs and resources that we might like to have. I think we can accomplish our ultimate goals without bonding unnecessarily, and so with that, my vote will reflect my concern with unnecessary spending of taxpayer dollars on interest.”

Chairman Dennis said, “Thank you. Any other comments? Before we vote, Lindsay, I want to thank you and your entire staff for working this issue. We appreciate it very much. We appreciate all the support from the folks that helped with this bond issue, and I am supportive. Thank you. I see no one else that wants to speak, so Madam Clerk, call the roll.”

VOTE

Commissioner O’Donnell II Aye

Commissioner Ranzau No
Commissioner Howell Aye
Commissioner Unruh Aye
Chairman Dennis Aye

County Clerk has assigned Resolution #149-2018

Ms. Poe Rousseau said, "Thank you."

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

Approved

H [18-883](#)

CONSIDERATION OF A GRANT APPLICATION TO THE KANSAS DEPARTMENT OF TRANSPORTATION (KDOT) IN THE AMOUNT OF \$1,148,300 FOR THE FUNDING OF COORDINATED TRANSIT DISTRICT 9 (CTD 9) WHICH INCLUDES THE SEDGWICK COUNTY RURAL TRANSPORTATION PROGRAM AND OTHER PARTICIPATING COUNTIES.

Presented by: Annette Graham, LSCSW, Director, Sedgwick County Division on Aging.

RECOMMENDED ACTION: Approve the grant application, and if awarded, authorize acceptance of the grant and any related documents and establish two new positions, 1.5 FTE positions, as outlined in the Personnel Considerations section of this item.

Chairman Dennis said, "Good morning, Annette."

Ms. Annette Graham, Director, Division on Aging, greeted the Commissioners and said, "This is a one year grant renewal that would provide continued funding for demand response general public transportation to rural Sedgwick County citizens. The program service areas include the incorporated cities of Andale, Bentley, Cheney, Clearwater, Colwich, Garden Plain, Mount Hope, Sedgwick, Peck and Viola as well as 11 unincorporated areas. This renewal will continue to fund a volunteer-based transportation program that we work with to provide in Bentley, Mount Hope and Clearwater as part of the coordinated transit plan, and included in the long range transit plan with MOVE 2040.

"The first agreement with the Kansas Department of Transportation (KDOT) was initiated by Sedgwick County in 1995. The grant application is November 9th, 2018. The total budget cost for this are \$1,257,125. This includes the grant amount of [\$]1,148,300 that includes state and federal sources and the grant funding. This also includes the attached Sedgwick County application that you have in your documents, and it also includes the nine agencies that are under the Coordinated Transit District number 9, and this is administered through Sedgwick County, because we are the designated CTD (Coordinated Transit District) 9 administrator. So those other entities, there are seven counties total, so that is Sedgwick County, Harvey County, Butler [County], Cowley County, Harper County, two providers in Kingman County and two providers in Sumner County.

"So the money funnels through us. They have to apply on their own for this funding, and they also supply their own match for this. But as the administrator, it flows through

us and we report back up to KDOT (Kansas Department of Transportation) for that. So the match amount is included and was approved in our budget for 2018, I mean, for 2019, and that is the Rule 5311 program. In this grant, we have requested a half-time scheduler position with the estimated salary of \$12,295 and one full-time van driver position with an estimated salary and benefits of \$47,691. You do have the breakdown of the amount of the dollars for all the other providers and ours.

“So the federal grant amount is [\$]876,800. The grant match is state dollars is [\$]271,500. The required match is [\$]90,825. That is our match amount that was included in our budget. So this would provide for 6,800 one-way general rule public rides. A majority of those rides are to work, medical, education and other essential needs. As that’s general public, we can’t limit that, but those typically are the rides that are provided and typically the majority of riders are elderly and disabled. I would request that you approve and authorize us to submit the application. I’ll be happy to answer any questions.”

Chairman Dennis said, “Thank you. Do we have any questions for Annette? Annette, I appreciate what you do for all of our folks that are elderly and disabled in our community. This is a great asset that we have, and I am definitely supportive of this grant.”

MOTION

Commissioner Dennis moved to approve the grant application, and if awarded, authorize acceptance of the grant and any related documents and establish two new positions, 1.5 FTE positions, as outlined in the personnel considerations section of this item.

Commissioner Unruh 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

Ms. Graham said, “Thank you.”

Chairman Dennis said, “Thank you for being here, Annette. Thanks for doing that. Next item, please.”

Approved

J [18-776](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON OCTOBER 18, 2018.

Presented by: Joe Thomas, Director, Purchasing.

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

Chairman Dennis said, “Good morning, Joe.”

Mr. Joe Thomas, Director of Purchasing Department, greeted the Commissioners and said, "The meeting of the Board of Bids and Contracts on October 18th results in three items. The first two originally were brought to you on October 3rd and were deferred and we're ready to bring those to you now.

1. INTERNET CIRCUIT -- INFORMATION TECHNOLOGY AND SUPPORT SERVICES (ITSS)
FUNDING -- INFORMATION TECHNOLOGY AND SUPPORT SERVICES

"This recommendation is to accept the quote from CenturyLink, Inc. at the rates listed to expire January 18, 2022.

2. INTERNET CIRCUIT -- INFORMATION TECHNOLOGY AND SUPPORT SERVICES
FUNDING -- INFORMATION TECHNOLOGY AND SUPPORT SERVICES

"This recommendation is to accept the quote from Cox Business at the rates listed for sixty (60) months.

3. NON-CONTRACTED ITEMS -- VARIOUS COUNTY DEPARTMENTS
FUNDING -- VARIOUS COUNTY DEPARTMENTS

"This is a recommendation to establish a contract with Amazon Business based on the Prince William County School Bid #R-TC-17006 that's available through U.S. Communities. These are for non-contracted items that are good through January 18, 2022 and we also have options to renew for three (3) additional two (2) year periods.

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

Chairman Dennis said, "Thank you, Joe. Do I have any questions from the Commissioners?"

MOTION

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

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, recommend you approve consent agenda items Kilo (K) through Alpha Golf (AG)."

MOTION

Commissioner Dennis moved to approve consent agenda items Kilo (K) through Alpha Golf (AG).

Commissioner Unruh 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

- K** [18-877](#) One (1) Easement for Right-of-Way and One (1) Temporary Construction Easement for Sedgwick County Multi-use Path along Rock Road from Derby to Mulvane; CIP# R-343. District 5.
Adopt the Consent Agenda
- L** [18-878](#) One (1) Easement for Right-of-Way and One (1) Temporary Construction Easement for Sedgwick County Bridge 642-27-519; Project on 215th Street West between 13th & 21st Streets North. CIP# B-488. District 3.
Adopt the Consent Agenda
- M** [18-879](#) Two (2) Easements for Right-of-Way and One (1) Temporary Construction Easement for Sedgwick County Bridge 642-27-519; project on 95th Street South between Broadway & KTA. District 2.
Adopt the Consent Agenda
- N** [18-887](#) One (1) Easement for Right-of-Way for Sedgwick County Project on 61st Street North in Colwich; CIP# R-346. District 3.
Adopt the Consent Agenda
- O** [18-907](#) Capital Improvements Program Amendment NCAT Water Intrusion

Repairs
Adopt the Consent Agenda

- P** [18-889](#) Agreement with the Kansas Department of Transportation for Federal-Aid Construction Engineering Inspection Services by the County for a County Administered Bicycle/Pedestrian Bridge Project on Meridian over the Wichita-Valley Center Floodway (CIP Project Number B-462A) (District 2).
Adopt the Consent Agenda
- Q** [18-762](#) Short-Term Respite Care and Professional Resource Services Agreement with DCCCA, Inc.
Adopt the Consent Agenda
- R** [18-763](#) Agreement between Sedgwick County and Behavioral Link.
Adopt the Consent Agenda
- S** [18-802](#) Agreement for Drug Court Case Management Services.
Adopt the Consent Agenda
- T** [18-880](#) Amendment to the Professional Service Agreement to Provide Inpatient Psychiatric Care for COMCARE Consumers.
Adopt the Consent Agenda
- U** [18-888](#) Professional Service Agreement to Provide Inpatient Psychiatric Care for COMCARE Consumers.
Adopt the Consent Agenda
- V** [18-867](#) A Resolution Repealing and Replacing Resolution 209-2017, Amending Chapter 16, Article II, Division 3, Section 16-52 For The Sedgwick County Division of Corrections.
Adopt the Consent Agenda
- W** [18-882](#) Consideration of an agreement between Sedgwick County and the City of Wichita for the distribution of the Department of Justice, Office of Justice Programs, grant funding in the amount of \$129,157.00.
Adopt the Consent Agenda
- X** [18-885](#) Waiver of policy to hire an Enterprise Resource Planning (ERP) Business Analyst with a starting salary of \$78,500, 80 hours vacation accrued and a vacation accrual rate of ~15 days per year.
Adopt the Consent Agenda
- Y** [18-903](#) Employment agreement with Scott W. Kipper, M.D., to provide Forensic Pathology Services as Deputy Medical Examiner and Deputy District Coroner.

Adopt the Consent Agenda

- Z** [18-908](#) Hire an Emergency Management Planner above the grade minimum, with vacation leave.
Adopt the Consent Agenda
- AA** [18-898](#) 2019 Holiday Schedule.
Adopt the Consent Agenda
- AB** [18-905](#) Proclamation Declaring Cox Farm Appreciation Day.
Adopt the Consent Agenda
- AC** [18-891](#) Treasurer Claim Certification.
Adopt the Consent Agenda
- AD** [18-821](#) General Bill Check Register for October 10th, 2018 - October 16th, 2018.
Adopt the Consent Agenda
- AE** [18-830](#) General Bill Check Register for October 17th, 2018 - October 23rd, 2018.
Adopt the Consent Agenda
- AF** [18-822](#) Payroll Check Register for the September 29, 2018 payroll certification.
Adopt the Consent Agenda
- AG** [18-838](#) Payroll Check Register for the October 13, 2018 payroll certification.
Adopt the Consent Agenda

[18-924](#) WHAT CONSTITUTES A QUORUM.
Presented by: Chairman David T. Dennis.

RECOMMENDED ACTION: Take action as the Board deems necessary.

Chairman Dennis said, "I do not believe we have any legislative issues today. We'll skip that. Before we go into 'other', if you all remember recently, we had questions regarding what constitutes a quorum."

OFF-AGENDA ITEM

MOTION

Commissioner Dennis moved to take up an off-agenda item to discuss what constitutes a quorum.

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, "Okay, we have an off-agenda item to discuss a quorum. What I asked was for Karen Powell to do some research for us on what involves a quorum since there were some questions at a meeting three weeks ago, so I'm little confused why anyone wouldn't want to learn what it takes to have a quorum. Karen Powell, Commissioner Ranzau, do you have a question?"

Commissioner Ranzau said, "Well I'm a little confused as to why you would take this as an off-agenda item as opposed to talking to us beforehand or having it in a staff meeting. I mean, I'm not opposed to finding out, but this doesn't smell good. It doesn't pass the sniff test that you're just dropping this on us and we had no idea this was coming up. This is exactly the sort of thing that we should discuss in staff meeting. I would welcome that opportunity, Commissioner."

Chairman Dennis said, "Okay, if I had all of this information yesterday, I would have."

Commissioner Ranzau said, "Well then we can talk about it at the next meeting."

Chairman Dennis said, "No we can't because we still have to conduct business."

Commissioner Ranzau said, "We are."

Chairman Dennis said, "Thank you. Can you tell me what the statutes are statewide on what it takes to have a quorum?"

Ms. Karen Powell, Deputy County Counselor, greeted the Commissioners and said, "There is a Statute [K.S.A.] 19-206, which was recently changed in 2017, which made it into a uniform statute. Previous it was non-uniform. Then a little bit of the background on what happened to create a quorum of four, it was in 1987 that this Commission adopted a resolution to make the quorum four, and that was because the definition of a meeting in the [Kansas] Open Meetings Act (KOMA) required that. It made it a meeting if there was a majority of a quorum.

"In the meantime, that case was, that was litigated. The fact that Sedgwick County changed the quorum to four was litigated. The Attorney General (AG) brought a lawsuit against the county. It was actually upheld on appeal. The finding that the four was appropriate was upheld. However, in the meantime, that statute, 19-206, which was, like I mentioned, it was made uniform. So now it is perfectly proper for the Commission to have a quorum of three, and it is more closely aligned with State Statute to have that done, so I have a resolution prepared. If you would like me to pass that out, I'd be glad to."

Chairman Dennis said, "So State Statute, uniform across the entire state, is that we could have a quorum of three, correct?"

Ms. Powell said, "Yes, yes."

Chairman Dennis said, "If we went into any kind of an executive session with three, would that be a violation of State Statute or Open Meetings Act or anything like that?"

Ms. Powell said, "If you did that right now without adopting a resolution to change the quorum, is that the scenario you're referring to? If you did that with the quorum as it is, four, there would not be any problem going into executive session, and I've spoken with the attorney..."

Chairman Dennis said, "Based on State statute and KOMA (Kansas Open Meetings Act)."

Ms. Powell said, "Right, correct, and I've spoken with the Assistant Attorney General."

Chairman Dennis said, "However, we have a local requirement to have four, correct?"

Ms. Powell said, "Correct, correct."

Chairman Dennis said, "That is in a local policy."

Ms. Powell said, "It is."

Chairman Dennis said, "So if we went in to executive session with three, with the local policy saying four, then we would be violating a local policy. Are there any penalties to that?"

Ms. Powell said, "There are no penalties whatsoever for that."

Chairman Dennis said, "So it's just a local policy that we've established that it's four, and state law allows us to go in with three, correct?"

Ms. Powell said, "Correct."

Chairman Dennis said, "Do any other Commissioners want to clarify anything that I've asked? Commissioner Howell."

Commissioner Howell said, "I do have one question. That is, if a quorum is three, then two Commissioners can't talk to each other about items that might come before the board, is that correct?"

Ms. Powell said, "No, no. It's a, previously, before the definition of a meeting was changed, that was true, and that was why the change was made to four. But now that the Kansas Open Meetings Act changed the definition of a meeting, you can have two Commissioners speaking if the majority is three, the quorum is three."

Commissioner Howell said, "So two Commissioners can talk, legally talk to each other and agree, if you will, with each other, and then come out and constitute a quorum to conduct business?"

Ms. Powell said, "Are you saying two?"

Commissioner Howell said, "I mean three Commissioners would be able to conduct

business as a quorum, and two of them would have essentially pre-determined, if you will, positions and understandings with each other?"

Ms. Powell said, "There's nothing that I know of that would prohibit that."

Commissioner Howell said, "Interesting. Okay. Well that's new information for me. I think we might have a new legislative issue to talk about later. Thank you."

Chairman Dennis said, "Thank you. I've asked to you draw up a resolution that allows us to change local policy to comply with State law. Have you drafted that?"

Ms. Powell said, "I have, Chairman."

Chairman Dennis said, "Can you pass that out to our Commissioners so they can take a look at that?"

Ms. Powell said, "I can certainly do that."

Chairman Dennis said, "To make sure that everybody knows what we're talking about, because there's a lot of people that will be watching on TV (television) or in the audience that don't understand what I'm talking about right now, is there's a section 2-26, it's a section within chapter 2 of our Sedgwick County Code. What the change that I'm proposing is that we change just one portion of that Sedgwick County Code to be consistent with State law. This resolution reads,

'Whereas pursuant to K.S.A. 19-101, the Sedgwick County Board of County Commissioners may exercise the powers of home rule to determine its local affairs and government and is further authorized by K.S.A. 19-212 Sixth to enact this resolution; Whereas, county resolution 200-1987 (codified at Sedgwick County Code section 2-26) created a requirement that four out of five County Commissioners be present in order to constitute a quorum for the purpose of transacting all county business of any kind; Whereas, pursuant to K.S.A. 19-101a(a)(1), the county is subject to acts of the legislature that are uniform to all counties; and Whereas, the county wishes to amend said resolution (as codified) to more closely align with state law as set forth in K.S.A. 19-206, which indicates meetings of the board are to occur as established by resolution adopted by the board and in special session on the call of the chairperson for the transaction of any business at the request of a majority of the members on the board. Now therefore, be it resolved by the Board of County Commissioners of Sedgwick County that Section I: Sedgwick County Code, section 2-26 shall read as follows: Quorum, three (3) County Commissioners shall constitute a quorum for the purpose of transacting all county business of any kind whatsoever, and none of the powers of the Board of County Commissioners shall be exercised unless a quorum of such Commissioners is present at a board meeting. Section II: Repeal. Section 2-26 of the Sedgwick County Code, as established by resolution number 200-1987, is hereby repealed and replaced with the text from Section I of this resolution. Section III: Publication. Upon approval of this resolution, the Sedgwick County Clerk is directed to publish forthwith this resolution once in the official county newspaper.'

"That's the sum total of the resolution. Do I have questions about what State Statutes are or what the purpose of this is? Commissioner Ranzau."

Commissioner Ranzau said, "Ms. Powell, do we have to do this?"

Ms. Powell said, "There's no absolute requirement that you do this, but it does more closely align with State Statute."

Commissioner Ranzau said, "But we could choose to maintain the status quo."

Ms. Powell said, "I don't see a prohibition against that. However, I do see, you see the plain language of 19-206, which does indicate that the transaction of business would be by the call of the majority, so it is the preferred legal route to change it."

Commissioner Ranzau said, "Mr. Yost, have you reviewed this?"

Mr. Yost said, "I had no notice that this issue was being raised, and I've done no research on it, Commissioner."

Commissioner Ranzau said, "That's incredibly problematic that our County Counselor is not aware of this situation. I would like to know why our County Counselor has no knowledge of this and why this is being brought up and sprung upon us and our community without prior notice."

Chairman Dennis said, "I think it's pretty simple. The answer to that is that at our meeting three weeks ago, we had two Commissioners that would not go into executive session and are preventing the board from conducting business, so as long as we have two Commissioners that refuse to allow us to conduct business, and we don't know what kind of business we may have to conduct in the future, we're going to have to have it so at least we comply with State law."

Commissioner Ranzau said, "Why did you not inform our County Counselor of this?"

Chairman Dennis said, "Because to be quite frank, our County Counselor is an attorney that I believe is bound by attorney-client privilege that he has violated numerous times."

Commissioner Ranzau said, "Well, this is a terrible moment for this community. We are not stopping you from doing business. Let's have discussions in the open and be transparent about what's going on, if you so desire. Think about this. If we change this, this means we'll have a majority of three. They can, I was always told that the reason that we had four as a quorum is to prevent us from doing business with three, you could exclude two Commissioners, and that just wouldn't be good business. Now we're going back to where you can do business with three, and two of them can meet and decide ahead of time what they're going to do. For example, let's say hypothetically speaking, you had two Commissioners who were the targets of an ongoing F.B.I. (Federal Bureau of Investigations) investigation.

"They could then control what happens. They could decide to make decisions in private behind the scenes, and then come forward with one of their friends and decide anything. Is that, ladies and gentlemen, good government? Is that the kind of government you want here in Sedgwick County? I know, I'm sure a lot of people have read the paper this morning. I am very troubled, regardless of, this is a simple thing. This should be run by our County Counselor who is a man of honesty and integrity, who has refused in the past to do things that are unethical and illegal. That's a good thing.

"I actually would like to ask Assistant County Counselor, Karen Powell, to recuse herself from this issue and anything related to the outside investigation, because she

participated in the meeting that precipitated the ongoing F.B.I. investigation. I believe her ability to provide sound legal advice is compromised."

Ms. Powell said, "Commissioner Ranzau, that has nothing to do with this issue that's before you, and I don't have a reason to recuse myself in any of these matters."

Commissioner Ranzau said, "That's not true. He just said we're doing this so he can conduct business to push through the personnel investigation, that in my estimation, is an attempt to cover up illegal activity that began in a meeting that you attended. We need a different attorney to take over this issue that we can trust to give us sound legal advice and has not participated in some of the events that have caused this F.B.I. investigation to occur. If you want to have a discussion, let's have it openly. I'm going to read a statement here today. I was hoping we wouldn't have to go down this road, but I'm going to read a statement, and I'll have plenty of copies for the press.

"With respect to this and your desire to have a supposed outside investigation, I will say that 'I cannot participate in a proposed investigation into staff performance or anything else related to it because, one, I believe this is likely an attempt to cover up possible illegal conduct of Commissioners O'Donnell, Unruh and Dennis. There has been an attempt by these Commissioners to fire the County Manager because they believe he cooperated with an ongoing F.B.I. investigation related to Commissioner O'Donnell. This effort is possibly a violation of KOMA and the federal whistleblower law. Number two, the above mentioned Commissioners have on multiple occasions sought to fire county personnel in a manner that intentionally avoided having any discussion or input from other Commissioners was likely a violation of KOMA.

"Number three, the repeated behavior of Commissioners O'Donnell, Unruh and Dennis has led me to believe that they cannot be trusted to conduct themselves with honesty, candor or integrity when it comes to these issues. Number four, I believe it is in the best interest of Sedgwick County and its citizens to allow the ongoing F.B.I. investigation to run its course before any potential personnel investigations or decisions are made.' I'll add to that that I believe we need a different attorney to take on this issue for us internally, somebody who has not been involved from the outset with this whole issue."

Chairman Dennis said, "Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. I appreciate the comments of Commissioner Ranzau. I'd like to just say that a change of quorum is not an urgent matter. We probably should discuss this in a staff meeting. I think we ought to have legal advice before we take an act today, before we make an action today to change this suddenly.

"The urgency is, I think, politically motivated. We should take our time at this, and this is not the way to do it. An off-agenda item, a surprise to this community. We have not had time to think this through. I'd like to talk maybe to some attorneys and study the law or maybe talk to some state officials, perhaps, before we change our quorum with this resolution.

"I would also say this is not, the personnel matter should not be termed as an investigation. We might want to, the word investigation is a negative term. It implies wrongdoing or unethical behavior, illegal acts. I don't think that anything that's being discussed is of that nature with respect to the personnel matter that's been our discussion the last couple of meetings. I will tell you there are investigations going on

of a criminal nature. I have prepared a short statement about my decision today.

"I'm going to use the same logic for opposing a change to a quorum as well as a decision I've decided not to participate in the executive session for the very same reasons. Let me read my statement.

'Regretfully, I will not attend an executive session. I will not support a change in quorum today regarding personnel matters. This is my decision based on the following. It is now public knowledge that there is an ongoing F.B.I. investigation into the actions taken by certain members of this board. I am not under investigation. I know that these things are true because I'm a witness in the investigation. I have fully cooperated with the F.B.I. because I want them to be able to find out if any wrongdoing has occurred. Additionally, it is no secret that this investigation is looking into matters which are the subject of this proposed executive session. I do not state this information with the intent to make anyone look bad or with the intent to politicize this process. I state this information because these are the facts. Considering these facts, I cannot support a closed door meeting while there is an ongoing F.B.I. investigation into the proposed subject of that meeting. We should wait until the F.B.I. investigation is concluded. Further on October the 16th, I requested outside legal counsel to guide me through this next step. This outside counsel has yet to be provided to me. I am open to attending this executive session at a later date when I have had an opportunity to consult with outside legal counsel and when the F.B.I. investigation is complete. But until that time, I cannot attend an executive session on this topic.'

"Thank you, Mr. Chairman."

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

Commissioner O'Donnell thanked the Chairman and said, "I just, a lot of accusations were thrown around, and I just want to make sure that everyone knows that my concerns with the personnel issue, and I'm not going to say who it is that we're discussing, because we're not supposed to talk about personnel issues out here, have nothing to do with the F.B.I. investigation and go back well over a year, two years ago, zero. My concerns with management at this county has zero to do with the F.B.I. investigation and 100 percent to do with morale and staff that have come to me with concerns. We've got to protect our staff, and we have to protect the integrity of the county, and we have to protect the half million people that we serve on a daily basis, so thank you, Mr. Chair."

Chairman Dennis said, "Thank you. Any other comments before I make a few?"

Commissioner Ranzau said, "Do we have a motion?"

Chairman Dennis said, "I'd be happy to make a motion."

Commissioner Unruh said, "Go ahead."

MOTION

Commissioner Dennis moved to adopt the resolution amending Section 2-26, a section within Chapter 2 of the Sedgwick County Code dealing with quorum.

Commissioner Unruh seconded the motion.

Chairman Dennis said, "We have a motion and a second. Now discussion. Commissioner Ranzau."

SUBSTITUE MOTION

Commissioner Ranzau moved to table the resolution until the county attorney, Eric Yost, reviews the resolution as well as have the opportunity to get additional counsel. Included in the motion is that Karen Powell be removed from the issue and anything related to the ongoing F.B.I. investigation and a new attorney be appointed.

Commissioner Howell seconded the motion.

Chairman Dennis said, "We have a motion and a second. Discussion on the alternate motion? I was going to make a couple comments, and I might as well make them on this one. First of all, in response to Commissioner Howell where he said it is not an urgent matter, it is. It's been three weeks that we've been trying to get a scope to do an open, external, independent analysis of county leadership. Three weeks, an open, external, transparent analysis of county leadership. Again, external, open, transparent. I want to make sure everybody understands that this is something that we're looking for someone outside of Sedgwick County to take a look at this. I can't believe that any Republican would be against something that's open, external and transparent.

"Second of all, we have a question from Commissioner Ranzau that says that we have a flawed premise here, and because two people can then decide what's going to happen. In fact our Commissioners are doing their job that they're supposed to do, we will always have five Commissioners sitting there ready to do it. A flawed premise because he's saying that two can do this. Hopefully everyone shows up. As a matter of fact, K.S.A. 19-2609 says, 'Removal of county officer.

"If any Board of County Commissioners, or any Commissioner, or any other county officer, shall neglect or refuse to perform any act which it is his duty to perform, or shall corruptly or oppressively perform any such duty, he shall forfeit his office and shall be removed therefrom by civil action in the manner provided in the code of civil procedure.'

"Well, what I'm saying is that if all five Commissioners attend the meetings as they are supposed to do by K.S.A. 19-2609, and there are exceptions obviously if someone is sick and so forth, but we will never run into a situation where that we will have two people being the majority with a third person making decisions. As far as another comment by Commissioner Ranzau about unethical and illegal information going out, whether he is touting County Counselor Eric Yost to protect us from that, Eric Yost is part of the problem. Eric Yost has provided information to people that was confidential in nature, attorney-client privilege. Therefore, that is why that I have not used Eric Yost. So again, I cannot believe that anyone would be opposed to an open, external, transparent analysis of county leadership, and that's what I'm trying to get across. Commissioner Ranzau."

Commissioner Ranzau said, "This is a farce, and you know it. The idea, this is ridiculous. If you think you're going to threaten me to participate in an illegal or what could be a cover-up for illegal activity because I might be recalled or lose my position,

you've got another thing coming. I will do what's right regardless. People like Eric Yost are not the problem. The majority of this Commission is the problem. I wish I could say a lot more. You have at least one Commissioner right now who is trying to spread hate and disconnect around this county and is doing things, I believe, committing additional crimes. You better think long and hard about this. Let me tell you, if my fellow Commissioners had listened to my advice throughout the last two years, we would not be here today.

"I personally went to Commissioner O'Donnell and asked him to stop doing what he was doing last year when it came to trying to help his friends and his buddies. Had he taken my advice, he would have never been indicted and we wouldn't be here. Probably at least a dozen times last year I went to Commissioner Unruh when he was the Chairman, and I pleaded with him, please do not tie yourself to Commissioner O'Donnell like you're doing on a regular basis, and had he listened to me, we would not be here. I've talked to you, Commissioner Dennis, a man that I had respect for and thought that you were different, and I said do not tie yourself to these two this year when you're the Chairman, otherwise there's going to be problems, and had you listened to me, we would not be here today.

"I have throughout my tenure here taken a stand against corruption and unethical behavior. I have completely supported transparency and openness. That's not what this is about. I've read my statement. I've got copies here for the press. I would never want my attorney to hide unethical or potentially illegal behavior from me or anybody else. Apparently, at least the Chairman does. That is staggering, ladies and gentlemen, what is going on here today. I wish you had listened to sound logic and reason and not let people pull you in a direction that you ought not be going, Chairman, because this is not a good day for this county. I'm afraid things are going to get worse at some point once the F.B.I. investigation is complete."

Chairman Dennis said, "Thank you. I have no objections to any outside agency looking into anything happening here. I want to make sure that everyone understands that. If there is illegal wrongdoings going on, that is something that needs to be looked at. I completely agree with Commissioner Ranzau on that.

"In this case, what I'm looking at is just a quorum on how we can conduct business. I believe it is an urgent matter that we need to be able to conduct business when necessary. With that, we have an alternate motion to, what was your motion, I'm sorry."

Commissioner Ranzau said, "To table this until Eric, to get Eric to review this and we get further advice and take Karen Powell off this issue and anything related to the F.B.I. investigation or external investigation and appoint a new attorney."

Chairman Dennis said, "Thank you for clarifying."

Commissioner Ranzau said, "Is that your understanding, Madam Clerk?"

Ms. Heddie Page, Deputy County Clerk, greeted the Commissioners and said, "Yes, sir."

Chairman Dennis said, "Very good. Does everyone understand the alternate motion? Madam Clerk, call the roll."

VOTE

Commissioner O'Donnell II	No
Commissioner Ranzau	Aye
Commissioner Howell	Aye
Commissioner Unruh	No
Chairman Dennis	No

Chairman Dennis said, "Okay that brings us back to the primary motion. Madam Clerk, call the roll."

VOTE

Commissioner O'Donnell II	Aye
Commissioner Ranzau	No
Commissioner Howell	No
Commissioner Unruh	Aye
Chairman Dennis	Aye

Chairman Dennis said, "The primary motion passes. Okay, thank you Karen for that."

Ms. Powell said, "You're welcome."

Chairman Dennis said, "I also have one other concern, and that's we've been going for some time trying to come up with an open, external, transparent analysis of county leadership, and what has stymied us on that was the ability to establish a scope. We had an executive session about three weeks ago where that we voted to do this after the executive session and open meeting, we voted to do that, but we've been stymied from the ability to develop a scope because we couldn't go into an executive session when I tried. So therefore, one of the things that Commissioner Ranzau mentioned several times is that we need to be open and transparent on this also. So I want to be open and transparent, and I want to go through the scope that I believe needs to be provided to our external person that has been selected by Eric Yost. That is his prerogative as the County Counselor to select someone outside. He has selected an individual. I met with her very, very briefly yesterday.

"I did not want to give her any guidance whatsoever or any direction. I invited Commissioner Ranzau to sit in on this. He's read you the reasons that he wouldn't sit in on this. I respect his reasons on not sitting in, but it still doesn't preclude us, or it actually causes us problems on trying to make sure that we have Commissioners that will help us develop a scope. So yesterday, a copy of a scope was provided to all of the Commissioners in an e-mail, and I believe we can discuss the scope in open session. I have provided a copy of the scope to each of the Commissioners again today."

Adopted

[18-925](#)

DISCUSS THE SCOPE OF AN OPEN, EXTERNAL, TRANSPARENT ANALYSIS OF COUNTY LEADERSHIP.

Presented by: Chairman David T. Dennis.

RECOMMENDED ACTION: Take action as the Board deems necessary.

MOTION

Commissioner Dennis moved to take up an off agenda item discussing the scope of an open, external, transparent analysis of county leadership.

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, "Okay, each of the Commissioners have been provided what I thought the scope should be, and I've invited Commissioner Ranzau on several occasions to participate in developing the scope with me, and he has declined.

"The copy of it was provided to each of the Commissioners, the exact copy that is before them today. I'll go through it and see if anyone has any questions so that everyone in the audience knows what I'm talking about. This was my ideas, and it is solely something that I presented, and I've asked other Commissioners, and they've all had a copy of it, so they've had a chance to think about it. But it says, develop a process that provides confidential information and feedback in the aggregate about county leadership and behavior in essential areas of county business. As a part of the process, have a basic background of public governmental practices, management code and ethics, International City-County Management Association (ICMA), Sedgwick County policies, including employee policies, Sedgwick County values.

"Some of the essential areas that I put in was decision-making. How does leadership make complex decisions, involve staff in gathering information and providing input, practice good stewardship and consideration of financial costs of decisions, share information with elected officials for their decisions. Policies and procedures, how does leadership follow existing policies, develop and implement procedures. Leadership, how does leadership communicate with staff, demonstrate integrity, develop staff.

"Management, how does leadership promote or move internal staff, hire new staff, handle separation of staff, ensure open and honest exchange of information without fear of retaliation. External partners, how does leadership collaborate with partners for community success, develop relationships with community leaders and peers. Gather information from staff, including staff who are retired or resigned, and external partners with direct interaction. Individuals should be interviewed from the following groups, executive teams, directors, retired, resigned, others with direct interaction and external partners."

"That is the total scope that I put together. Did not name any individuals, never have named any individuals, while some of the other Commissioners have. That is what I thought the scope should be. I was open all along. I've provided this in the past.

"I've been open every step of the way to change, add, delete, modify from this, but the point we're at is that three weeks ago we voted to do this, and I've been stymied on doing it because we haven't been able to come up with a scope. So therefore, first let

me let the Commissioners talk. Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. Has the person appointed by the County Counselor, that outside counsel seen this scope?”

Chairman Dennis said, “That individual has seen this scope.”

Commissioner Unruh said, “That individual thinks this is adequate?”

Chairman Dennis said, “When I talked to them individually, and Commissioner Ranzau was invited, they thought it was adequate.”

Commissioner Unruh said, “Okay, thank you. That’s all I have.”

Chairman Dennis said, “But again, I talked with her very, very briefly, and I did not want to get into a situation where that I was making any of my concerns known to her. I wanted it to be impartial, external and fair. Commissioner Ranzau.”

Commissioner Ranzau said, “We’re here talking about a scope of an investigation that I believe should be stopped until such time that the ongoing F.B.I. investigation is completed, because as I stated earlier, you need to understand the majority has repeatedly in the past done things to lead me to believe they can’t be trusted in these areas, in these issues. You have a Commissioner right now who is doing things that could very well influence how people would respond to this inquiry, actually any investigation. That is very problematic. I can’t trust three Commissioners to not manipulate this and do things that are inappropriate. Those are the facts.

“Now if you want to investigate something and change the scope, then why don’t you have somebody come in and investigate the unethical conduct of Commissioners over the last two years, repeated attempts to help their friends and campaign contributors, about the toxic environment that the Commissioners have created here with respect to leadership in the county, hostility towards people who have honor and integrity. Let’s investigate that. How about the Commissioners involving themselves in hiring decisions that they shouldn’t be involved in and trying to get somebody hired that is not the best candidate for a position for political reasons or for whatever reasons.

“Let’s investigate the failed leadership of the majority of this Commission who don’t like it when people stand up against unethical behavior or behavior that could be criminal. Let’s investigate that. Put that in your scope, and let’s see what happens. I suspect that the majority of this Commission doesn’t want transparency on those issues. That would take a long time, because we’d have a lot of staff that would have to be talked to about all the shenanigans that have gone on.

“So if you really want openness and transparency, because it’s all connected, it’s all connected. If you want to understand truly what’s going on, then you’ve got to include the misconduct and unethical and inappropriate behavior by Commissioners for the last two years.

“See, that’s the problem. You’re going to have a very slanted view of things. I don’t know if it will be honest or not, because I can’t trust, based on past conduct, that this will be done in an evenhanded manner. But beyond that, there is an ongoing F.B.I. investigation to this. We need to let that pan out. That I suspect would answer a lot of the questions for us. So, this isn’t about the scope. This is about the best way to proceed, and Chairman I’ve told you multiple times, you need to allow the F.B.I. investigation to conclude, and then if it’s appropriate at that time, we’ll do a review of

everything. But it needs to be everything, to include Commissioners. Are you willing to put that on there? That's my suggestion. If you want to modify the scope, then let's add that to it."

Chairman Dennis said, "Commissioner Howell."

Commissioner Ranzau said, "Madam Clerk."

Commissioner Howell said, "Thank you, Chairman. I have a couple of questions. First of all, I don't like using the word investigation when we talk about this performance review. This is not an investigation, this is a performance review into, do you want to clarify who it's for? I mean, who are we doing a performance review, what level are we talking about, you talk about county management, you keep using that phrase, is that accurate? I've heard that phrase a couple times in the discussion. I'm not sure who this is directed at. I guess my point is, I have a couple questions.

"If they're going to be reviewed, what are the standards by which the review is going to be compared to? In other words, if I ask people for their opinions, I might find some people that have all kinds of opinions on someone else, but we're going to ultimately make a decision, it sounds like, we're ultimately going to make a decision based on whatever is documented in the report of this performance review. My question is, what are we comparing that document to, to make a decision going forward? What's the standard of performance? Do we have a document that says what, how all these things are supposed to be handled? Is there documents to guide our staff in how they do job performance on these things? That's the question."

Mr. Scholes said, "I can answer that, Commissioner."

Commissioner Howell said, "Okay."

Mr. Scholes said, "None of this is in my employment contract."

Commissioner Howell said, "Okay. I'll just say once again, we're moving forward, and I have asked three weeks ago, I made a comment that I've asked for people who want to go in this direction, please inform me, let me know. I had one conversation with the Chairman. I asked him for some reason why we would go in this direction and do this review at this time. By the way, it's not required to do a performance reviews at this time. This is not a calendar event. Not a check box we have to do. We obviously can do this anytime, we have the right to do so, but I asked the Chairman, you know, what is the reason why we would go in this direction, and he did not give me an answer. So I ask once again, what are we doing and why are we doing it?"

"So we're going to spend a lot of money on the outside process to come up with a bunch of information that we can't release to the public to support a decision which may be illegal. This is backwards. That's not how this should be done. If there's a concern about someone, we should have an executive session first, and then understand what we're doing and why we're doing it and move forward. But this is backwards. So I do support, the terms were open, external and transparent. Those are great terms. I love those terms. I want to be all of those things, but that's not what this is. This is a way to develop a document to make a decision that may not be legal. So that's my concern.

"That's why I will not support this. I will make a point here, there's, well, some of the phrases used in this draft document are very interesting, because I believe if you look at what the Commissioners have done, they're not following the very same things that are listed on this sheet. Thank you, sir."

Chairman Dennis said, "Thank you. A couple points. First of all, what started all this? First of all, I had a number of employees that came to me and talked about a situation here in Sedgwick County. It concerned me greatly because they were very disturbed. Some of them were applying for jobs outside of Sedgwick County. As a matter of fact, this morning I got an e-mail from an individual who works for Sedgwick County that is applauding the fact that we are taking a look at the leadership and gave me a number of details. I've got an unidentified letter in my desk right now from another individual that's not happy, but I've had three or four that have actually come before me and had the nerve to be able to do it one-on-one with me on concerns."

"So that's the reason we're doing it is because we've got a significant number of high-level employees that are having concerns. Again, I never mentioned one time who it was that we were talking about. The document that I passed out was something that you all have, Commissioner Ranzau has had a chance to weigh in on. In addition, I do not know this individual, Stephanie Scheck, who was identified by Mr. Yost. He selected her without me knowing who it was. I have met with her very briefly. Don't know her very well because of the very short time that we talked, and all I did was provide her with what I thought the scope ought to be. So as far as Commissioner Howell saying that this is something that's going on a direction that he believes that is not the direction we should be going, they've had a chance for an input on what the scope should be."

"I appreciate the fact that Commissioner Howell believes that we need to have open, external and transparency in everything that we do, and that's what we're trying to do, and that's what Stephanie Scheck was hired by Eric Yost to do and is ready to start. So I don't see a problem with us moving forward with providing the scope to this lady and letting her take a look. Whether or not that it needs to be expanded, that's, I've given Commissioner Ranzau the chance a number of times to join me in figuring out what needs to go into this scope. I believe that the focus needs to be on our employees, but we do have an external investigation already underway that Commissioner Ranzau and Commissioner Howell have spoken about on TV that I've watched in the recent days."

"So everyone's aware that there's another investigation going on, and I've never confirmed that until just now. Yesterday afternoon when I spoke with Dion was the first time I mentioned that there was an external and didn't even say who it was with, just that there was an external investigation. So as far as Commissioner Ranzau wanting this to look at a number of things involving the Commission, I believe that that's ongoing, from what I can understand. So I don't know why that this would need to include that, but I'm open. I've been telling Commissioner Ranzau all along that I'm open to sit down and talk about it. I'll let Commissioner Unruh talk."

Commissioner Unruh said, "Well Mr. Chairman, in order to bring some close to the discussion, I would like to make a motion."

MOTION

Commissioner Unruh moved to proceed with the independent review of the county

leadership to be conducted by outside counsel in a manner consistent with the scope discussed, that Chairman Dennis and Commissioner Ranzau are designated as contact points for the project, and that the Chairman is authorized to sign a waiver of conflict.

Commissioner O'Donnell seconded the motion.

Chairman Dennis said, "Thank you. We have a motion and a second. Commissioner Ranzau."

Commissioner Ranzau said, "First of all, let me clarify. I was present yesterday when you confirmed to the TV reporter that there was an ongoing F.B.I. investigation, so I believe that was the first time."

SUBSTITUTE MOTION

Commissioner Ranzau moved to expand the scope to include an investigation into unethical behavior by Commissioners over the last two years and the toxic environment that has resulted in the county.

Commissioner Howell seconded the motion.

Chairman Dennis said, "Okay. Commissioner Howell."

Commissioner Unruh said, "That was the substitute..."

Commissioner Howell said, "That was the substitute motion, and I will just tell you that I have no problem..."

Commissioner Ranzau said, "They would take the scope and amend it."

Commissioner Howell said, "I have no problem with Commissioners being part of this investigation if you want to use that word. So I would be glad to second the motion, but I do have a question in regards to the maker of the motion, Commissioner Unruh's motion. If this is to investigate a contract employee, my question is, is this even legal? I mean, are we doing something that complies with the terms of the contracts of our contract employees?"

Ms. Powell said, "Would you like me to address that?"

Commissioner Howell said, "Yes, please. I need someone to address it, please."

Ms. Powell said, "This is an overall review of county leadership and it is not, it doesn't have any particular directive to do anything against any county employee. So whatever results from that is not going to mandate any employment actions, it will just be a summary of what is in the scope."

Commissioner Howell said, "So I understand, this may be a performance review of many people in management, county management."

Ms. Powell said, "Just what the scope says. That is what the intent is is what the scope says."

Commissioner Howell said, "So this will be an overarching performance evaluation of many people in management."

Ms. Powell said, "I might offer that Stephanie Scheck is in the audience today, if you would like to discuss something with her, she's perfectly willing to do that."

Commissioner Howell said, "Okay. Then I also see this as very open-ended in terms of who is going to speak with, and so I don't know how far back it goes. It talks about people who have resigned or retired. Curiously, how far back will this go? How long is this going to take to get this complete?"

Ms. Powell said, "Stephanie, would you like to address those questions?"

Chairman Dennis said, "I'd like to introduce Stephanie Scheck. She is the individual that I met with briefly yesterday morning and provided a copy of what I thought the scope should be that had been provided to the Commissioners. You can verify that I gave you very little direction."

Ms. Stephanie Scheck, Attorney, Stinson Leonard Street, LLP, greeted the Commissioners and said, "Starting on Friday is when I first was contacted, and so except for what I perhaps have read in the news and heard today, the scope is really the extent of what I know about the request for this review. To the specific question, Commissioner Howell, regarding how long this would take and how far back, I will, part of that initial discussions that I need to have with various people will determine the exact timeframe of how far I'm going to go back and look, but when talking to the individuals, I would anticipate it would be the last couple of years."

"I understand the concerns that are raised are within that particular scope, but again, I don't have a whole lot of information. Chairman Dennis was, now I understand more, was very cryptic in our meeting and did not give me a whole lot of information, and was encouraged me to reach out to Commissioner Ranzau, which I did, and he provided me a thoughtful response of why he was not, didn't participate in the meeting yesterday, and I appreciated his insight on that."

"My hope would be that this would be a rather quick process that I, as long as I have the opportunity to meet with all the people I need to and get relevant documents and information, that I could come back to the Commission, I think, to give an initial update at your next meeting, and then I think there is a meeting in mid-November where, if I don't have a final report finalized, it would be to give you an update of where I am on the process. But this is not a multi-month, multi-year investigation, and I agree with you, it's not, I use that word a lot because it's what I do in my practice as I do internal investigations."

"It wasn't really presented to me in that scope. I'm glad the scope is public because I also wanted to make sure that people were aware of what it wasn't. I haven't been provided any information that there's been any wrongdoing, any unethical violations of statutes, violations of the law. So I think it's important to be fair to the individuals that I'm going to speak to who are within the scope of county management and leadership that they not be under some cloud that that's what this is about, because my understanding is, it's not."

"I would also add that I made it clear to Chairman Dennis when I was retained, and I've actually never spoken to Mr. Yost about this, it was all e-mail communication, and I

was retained. I represent the entire Commission. I don't obviously represent any of you individually. I know you understand that. But for this process to be viewed with integrity, I have to make it very clear about I'm representing the entirety of the Commission and not any individual Commissioner or voice because then it wouldn't be a fair and impartial investigation. I do need guidance from the Commission on scope, and I think that's more appropriately handled in executive session, but I'm happy to answer any questions that you have now about the process."

Chairman Dennis said, "Thank you, Stephanie. Commissioner Ranzau. Did you have a question for Stephanie? You had your light on."

Commissioner Ranzau said, "I think it was left over from..."

Commissioner Unruh said, "He didn't. It was left over."

Chairman Dennis said, "It was left over, I'm sorry. Okay, does any other Commissioners have a question for Ms. Scheck?"

Commissioner Howell said, "Just to finish up my comment, I guess, I'd request that you would, number one, if there's an employment contract that's something you should review, I would like you to do that and determine whether or not it's even legal or ethical to even do this at all. Second of all, I'd like to have a cost estimate before we dispend, you know, a month doing this. I'd like to know about what we're going to spend on this process. Thank you so much."

Chairman Dennis said, "Thank you. Any other questions for Ms. Scheck?"

Commissioner Unruh said, "Do we have a second of the substitute?"

Commissioner Howell said, "Yes, I did second that."

Chairman Dennis said, "I believe he did. Okay, I guess we don't have any further questions for you, but we look forward to finding out what you can find out."

Ms. Scheck said, "Alright, thank you."

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

Commissioner O'Donnell said, "Thank you, Mr. Chair. Because of the timeframe we're looking at, I don't oppose Commissioner Ranzau's suggestion of looking into Commissioners' conduct and applying that to us as well. I would just suggest that it be subsequent to this initial investigation so we can get this one done in a more time efficient manner, and then we'll come back and we'll investigate ourselves. I do think the one key difference between these two is that we are accountable to the public and that management is accountable to us. So we can go all day investigating each other. I think they do that in Washington, D.C. (District of Columbia) quite well, if that's the type of activity you want to have up here, I'll go along with that. However, I do believe for time constraints, let's get this first one out and then we can do the second one. So thank you, Mr. Chair."

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

Commissioner Ranzau said, "I'm not aware of any time constraints unless we're worried about an election or something. There are no time constraints. If we're going to do an

investigation, you need to do it right. You need to take the time to do it right. Don't rush this through. The idea that you're going to investigate yourselves later on, that doesn't fly. It's all connected gentlemen, and we all know it. The fact that we want to rush this through and keep things separate only confirms my suspicion of the intent of this endeavor. So I've made a motion, I say let's vote on it."

Chairman Dennis said, "Okay. Commissioner O'Donnell."

Commissioner O'Donnell said, "Thank you. I only say time constraints is because obviously there's a whole lot of friction. I think there's a lot of people in this organization, staff, that we need to be concerned about, because they're concerned or unhappy or uncomfortable, and that's what I hear and that's why we need to hurry up and evaluate that. Then we can come back and evaluate our own conduct, but, or have an outside entity do that. However, I am concerned about staff and morale and some of issues that have been addressed to me, and I know Commissioner Dennis has said that on numerous occasions today. We can't just continue to ignore a problem and have an exodus of staff because we're responsible for the 3,000 employees that care about this community. Thank you."

Commissioner Ranzau said, "Mr. Chairman, I wish I could say more to respond to Commissioner O'Donnell's comments, but I won't at this time. It will all come out in the end. With that being said, you're talking about, there's been issues and concerns for two years, okay, that have been generated from Commissioner conduct. We haven't been seeing an urgent need to address that, but that's where everything stems from. That's the underlying problem."

Chairman Dennis said, "Thank you. I don't have a problem with your substitute motion, Commissioner Ranzau, but I do believe that because I personally am very concerned about our staff, we do need to concentrate on that part of it initially, to get back with us at our next board meeting for that. If we expand it beyond that, beyond our next board meeting, I don't have a problem with that. So I'll support your substitute motion. Any further discussion?"

Commissioner Ranzau said, "My motion expands the scope, it would be included in any report."

Chairman Dennis said, "We're going to have to have a report at the next meeting, and we can have reports following that."

Commissioner Ranzau said, "No, same time. It's all the same thing. The idea that you can get this done in a week, is that when our next meeting is, two weeks?"

Commissioner Howell said, "Three weeks."

Commissioner Ranzau said, "Three weeks. I don't even think you can get it done in three weeks. We're talking two years of misconduct. Are you kidding me?"

Chairman Dennis said, "Okay."

Commissioner Ranzau said, "I mean, the F.B.I. can't do it that fast, what makes you think you can? But I want it all. That's what my motion is."

Chairman Dennis said, "We're going to get a report in three weeks, and we'll find out

where she can be.”

Commissioner Ranzau said, “Of all of it, Commissioner misconduct included.”

Chairman Dennis said, “If she has an opportunity...”

Commissioner Ranzau said, “No. No ifs, ands or buts, that’s included in my motion, Mr. Chairman. Don’t try and sweep this under the rug. You say you want transparency and openness, now is your time to step up and demonstrate it.”

Chairman Dennis said, “Alright. We’ll see what she can do in three weeks. I can’t tell you, I have given her almost no guidance on this thing just so that I can make sure that I didn’t taint anything that happened.”

Commissioner Ranzau said, “You need to talk your other colleagues as well.”

Chairman Dennis said, “Okay. Commissioner O’Donnell.”

Commissioner O’Donnell said, “Yes, Mr. Chair. I learned we could do this a couple weeks ago when we met, but do a substitute to the substitute to the substitute.”

SUBSTITUTE MOTION

Commissioner O’Donnell moved to proceed with the initial scope and then expand the scope to the Commission once the initial investigation is concluded.

Commissioner Unruh seconded the motion.

Chairman Dennis said, “We have a substitute to the substitute motion. Okay, any discussion on that? Seeing none, Madam Clerk, I’m sorry, Commissioner Ranzau.”

Commissioner Ranzau said, “Just take note of the Commissioner that made the motion and seconded the motion to delay that part of the scope. That’s all I’ll say.”

Chairman Dennis said, “Thank you. It is three weeks before that we’re going to meet again, and I would anticipate in three weeks she’d have ample opportunity to take a look at, expand it to the unethical behavior of Commissioners is what I wrote down. So I would hope that in that three weeks we need to have a report of some type in three weeks, okay. Any further discussion? Seeing none, Madam Clerk, call the roll.”

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, “Okay, that is all the off-agenda items. ‘Other’, does anyone have anything that they’d, I’m sorry, Madam Clerk, next item.”

Approved

LEGISLATIVE ISSUES

OTHER

Chairman Dennis said, "Does anyone have anything that they'd like to speak to on 'other'?"

Commissioner Unruh said, "Mr. Chairman, just a matter of procedure. We have a Fire District [No. 1] meeting."

Chairman Dennis said, "Yes, we will have a Fire District."

Commissioner Unruh said, "Then we need, I'm going to have a call, a motion for executive session, so I just wanted to put that in your thinking as to how you put these things in order."

Chairman Dennis said, "Okay. Well we can cover 'other' real fast."

Commissioner Unruh said, "Okay."

Chairman Dennis said, "Does anyone have anything that they'd like to discuss on 'other'? I have one thing. Yesterday when I attended the zoo board meeting, they announced that they received the AZA, American Zoological Association award for the best display of any zoo in the entire AZA accreditation, which they said is equivalent to an Oscar, a Tony or some award at the national level. So I want to congratulate the [Sedgwick County] Zoo. That was for the elephant exhibit that they had. So I appreciate that very much. I think that's fantastic. Anyone else have anything else that they would like to cover during 'other'?"

The Board of County Commissioners recessed into Fire District Number 1 from 10:54 a.m. and returned at 10:55 a.m.

Chairman Dennis said, "Next item, please."

EXECUTIVE SESSION

Commissioner Unruh moved that the Board of County Commissioners recess into executive session for 30 minutes, until 11:25 a.m. to discuss personnel matters of nonelected personnel. The Board of County Commissioners will return to this room for open session no sooner than 11:25 a.m. The executive session is required to protect the privacy interests of an identifiable individual.

Commissioner O'Donnell seconded the motion.

Chairman Dennis said, "We have a motion and a second. Commissioner Ranzau."

Commissioner Ranzau said, "Have we been given notice of an executive session?"

Chairman Dennis said, "Let me ask our attorney. Did we give a notice of executive session?"

Ms. Powell said, "I didn't know if you were looking at me or not, but there was no previous notice. I wasn't sure if you were going to do this or not until very early today."

Chairman Dennis said, "Okay. I guess we've got a second question then. Is it legal to have an executive session if we didn't put out notice?"

Ms. Powell said, "Yes."

Chairman Dennis said, "It is legal? Okay, is that your opinion, Mr. Yost?"

Mr. Yost said, "Yeah. I think the notice is usually just as a courtesy to the Commissioners and other people. I think you can always make a motion from the bench."

Chairman Dennis said, "Okay, thank you. Commissioner Ranzau."

Commissioner Ranzau said, "Once again, why was no notice, we always put out notices. Why was no notice given to at least me as a Commissioner and the press about in this executive session?"

Chairman Dennis said, "I wasn't aware that a notice wasn't put out, I'm sorry."

Commissioner Ranzau said, "You called for it. I was never briefed, but I'm going to oppose this motion."

Chairman Dennis said, "Okay. Well, I guess we can do it in open session"

Commissioner Unruh said, "No, I don't think we want to do that in open session."

Chairman Dennis said, "We don't want to do it in open session? Okay. Alright."

Commissioner Ranzau said, "I'm concerned that since I haven't had the opportunity to talk to you to know what's going on, that what might be conducted back there might be inappropriate or unethical and I will not participate."

Chairman Dennis said, "Okay."

Commissioner Ranzau said, "But you've rigged the system now so that you can ramrod anything through that you want to, so I suspect that's what's going to happen. It's not good government, but I'm going to do what I think is right."

Chairman Dennis said, "Thank you, Commissioner Ranzau. Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. My previous written statement that I read is still standing. I would like to just reiterate two paragraphs of it, because it has been a very long time since I was able to read that relevant to an executive session. So I would like to just state once again considering the discussion we've had over about the last hour, 'I cannot support a closed door meeting while there's an ongoing F.B.I. investigation into the proposed subject of that meeting. We should wait until the F.B.I. investigation is concluded. Further, on October the 16th, I requested outside legal counsel to guide me through this next step. This counsel, outside counsel, has yet to be provided to me. I am open to attending executive session at a later date when I've had the opportunity to consult outside legal counsel, and when the F.B.I. investigation is complete. But until that time I cannot attend an executive session on this topic.' Thank you, sir."

Chairman Dennis said, "Thank you, Commissioner Howell. Commissioner Ranzau."

Commissioner Ranzau said, "I agree with Commissioner Howell's statement. I'll just point out that the Chairman has spoken about openness and transparency, yet in this meeting alone we've had two off agenda items and now one executive session that are being taken up without the rest of the Commissioners and the public being informed about any of it prior to this meeting. It was clearly orchestrated that all these things were going to happen prior to the meeting, and we knew nothing about it. That's not openness, and that's not transparency."

Chairman Dennis said, "Thank you. Any further discussion? Commissioner O'Donnell."

Commissioner O'Donnell said, "Thank you. I would just like to say it clearly wasn't orchestrated because I knew nothing about the executive session either, but I'm still going. I didn't know about the off-agenda items that Commissioner Dennis had prepared, and you never spoke to me about these items, so I don't know how it could be orchestrated if he wasn't informing for."

Chairman Dennis said, "Further discussion? We had a motion and a second. Madam Clerk, call the roll."

VOTE

Commissioner O'Donnell II	Aye
Commissioner Ranzau	No
Commissioner Howell	No
Commissioner Unruh	Aye
Chairman Dennis	Aye

Chairman Dennis said, "All five Commissioners are invited in the executive session. There'll be several people that'll be on stand-by for executive session. We probably need Karen Powell to join us initially, but probably not through the entire meeting. We will meet back in our small room."

The Board of County Commissioners recessed into executive session at 11:00 a.m. and returned at 11:26 a.m.

Chairman Dennis said, "I'd like to state that we had an executive session and no binding action was taken during the executive session. Does anything else need to come before the board today?"

Approved

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:26 a.m.