

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



*Sedgwick County...
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Meeting Minutes

Wednesday, December 12, 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 9:19 a.m. on December 12, 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. Thomas Stolz, Interim County Manager; Mr. Michael D. Pepoon, Interim County Counselor; Mr. David Spears, Assistant County Manager of Public Works, Facilities Maintenance, Project Services and County Engineer; Ms. Joan M. Tammany, Executive Director, COMCARE; Mr. Tim Kaufman, Assistant County Manager, Public Services; Mr. Michael Fessinger, Assistant County Counselor; Mr. Joe Thomas, Director, Purchasing Department; Ms. Kate Flavin, Public Information Officer; Ms. Lynda Baker, Deputy County Clerk.

GUESTS

Mr. Jason Watkins, Watkins and Schneider Consulting, LLC

INVOCATION: Father James Schibi, St. Elizabeth Ann Seton Catholic Church

FLAG SALUTE

ROLL CALL

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

Chairman Dennis said, "Next item, please."

PUBLIC AGENDA

Chairman Dennis said, "I don't have anyone signed up to speak on public agenda. If anyone's in the audience that would like to speak though, now is the opportunity. Seeing no one, next item, please."

CONSIDERATION OF MINUTES

A [18-1010](#)

REGULAR MEETING MINUTES OF NOVEMBER 14, 2018.

All Commissioners were Present.

Chairman Dennis said, "Thank you. Commissioners, everyone has had an opportunity to review the minutes for November 14th, the special meeting on November 16th, special meeting November 19th and the special meeting on November 20th.

MOTION

Commissioner Dennis moved to approve the meeting minutes of November 14, 2018,

November 16, 2018, November 19, 2018 and November 20, 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

Approved

- B** [18-999](#) SPECIAL MEETING MINUTES OF NOVEMBER 16, 2018.
All Commissioners were Present.

Action was taken with item A.

- C** [18-1000](#) SPECIAL MEETING MINUTES OF NOVEMBER 19, 2018.
All Commissioners were Present.

Action was taken with item A.

- D** [18-1022](#) SPECIAL MEETING MINUTES OF NOVEMBER 20, 2018.
All Commissioners were Present.

Action was taken with item A.

NEW BUSINESS

- E** [18-1030](#) ACCEPTANCE OF DONATIONS TOTALING \$750 FOR COMCARE'S
COMMUNITY CRISIS CENTER (CCC).
Presented by: Joan M. Tammany, LMLP, COMCARE Executive Director.

RECOMMENDED ACTION: Acknowledge the donation and authorize
the Chairman to sign letters of appreciation.

Chairman Dennis said, "Good morning again, Joan."

Ms. Joan M. Tammany, Executive Director, COMCARE, greeted the Commissioners and said, "I'm here today because we received donations for COMCARE's Community Crisis Center (CCC) from Grace Presbyterian Church in the amount of \$750. While the donation doesn't reference that is, this is in honor of a specific individual. We appreciate their donation and will apply it to our suicide prevention education efforts. As always, this is a good opportunity to educate everyone on the fact that suicide and mental illness do not discriminate by age or other demographic, and that mental illness impacts one in four individuals at some point in his or her life. The number of deaths by suicide locally and nationally has continued to rise.

"I'm proud to say that COMCARE, at COMCARE, we have staff trained to deliver

mental health first aid. This particular curriculum offers tools to help start the conversation, to listen compassionately to someone who has thoughts of suicide and then to give them information about community resources, where they can get help. Our Community Crisis Center is available 24 hours a day, seven days a week. Anyone can either pick up the phone and give us a call or walk in for help, or a loved one or friend can bring them in. That number is [316]660-7500. Just a reminder to the public that if anyone is worried about someone, let them know you care and ask if they're thinking about death. Talking is one of the most promising intervention and helps reduce the amount of suicide intent in others. So, I'm here to ask you to acknowledge the donations and to authorize the Chairman to sign a letter of appreciation."

Chairman Dennis said, "Thank you, Joan. We all recognize what a great asset that COMCARE is to our community and the impact that it has on the families and people in our community. We want to thank those that are donating to help provide support to our COMCARE people."

MOTION

Commissioner Dennis moved to acknowledge the donation and authorize the Chairman to sign letters of appreciation.

Commissioner O'Donnell seconded the motion.

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

VOTE

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

Chairman Dennis said, "Next item, please."

Approved

F [18-1031](#)

ACCEPTANCE OF DONATIONS TOTALING \$390 FOR THE SUICIDE PREVENTION COALITION.

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

Ms. Tammany said, "Good morning again. This time we're here to acknowledge donations designated for the Suicide Prevention Coalition. We received several donations totaling \$390 to support the coalitions ongoing efforts to he educate the community and raise awareness about suicide prevention. Two of these donations were in memory of Suzanne Milan whose family has allowed us to speak about the fact that she has used COMCARE services, and people continue to provide donations in her behalf, this time totaling \$235. Suzanne was just 40 years old when she lost her battle with depression.

"Then one was to honor an individual by the name of Chris, and that donation was in the amount of \$155. We know that suicide is an act of hopelessness, and talking with another human being can make all the difference in the world. In addition to mental health first aid that I mentioned previously, we also have staff trained to deliver assist training, and this is actually designed to help people actually not only identify but

actually intervene with someone who is voicing suicidal ideation. So anyway, our Community Crisis Center, as noted previously, is available to all residents in our community, and I'm here again to ask that you acknowledge these donations and authorize the Chairman to sign letters of appreciation."

Chairman Dennis said, "Thank you, Joan. I know that our Commissioners, all five of us, understand the importance of the Suicide Prevention Coalition. We appreciate the donations that are made to help us and that important work."

MOTION

Commissioner Dennis moved to accept the donations and authorize the Chairman to sign letters of appreciation.

Commissioner O'Donnell seconded the motion.

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

VOTE

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

Ms. Tammany said, "Thank you."

Chairman Dennis said, "Thank you, Joan. Appreciate it. Next item, please."

Approved

G [18-1065](#)

2018 ROAD AND BRIDGE PRESENTATION

Presented by: David Spears, Assistant County Manager, Public Works

RECOMMENDED ACTION: Receive and file.

VISUAL PRESENTATION

Chairman Dennis said, "Well here's something we've been waiting all morning for."

Mr. David Spears, Assistant County Manager of Public Works, Facilities Maintenance, Project Services and County Engineer, greeted the Commissioners and said, "Been waiting one year for it."

Chairman Dennis said, "I'll tell you that after I hear your presentation."

Mr. Spears said, "Workwise, it's my favorite day of the year. I would like to report to

you on the projects that were constructed in year 2018, including roads and bridges and preventive maintenance. This year, we completed 12 miles of chip seal, one mile of scrub seal with our county forces. I'll explain scrub seal, what that is, later in the show. In addition to these projects, the 2018 construction program can be summarized as follows: Ten miles of road were treated with hot mix recycling. Seven and a half miles of gravel roads were replaced with cement-treated base (CTB) and asphalt surfacing. That was the Commissioners' miles this year.

"Five and a half total miles of asphalt rejuvenation was performed. Fifty-seven total miles of NovaChip was constructed. One and three quarter total miles of high density seal was constructed, plus the parking lots at the Sedgwick County Park. Nine miles of Bond Tekk was constructed, 2.6 miles of BM-1 (bituminous mix) overlays was performed. Three bridges were constructed by contract. Five bridges were constructed by our crews. All of the projects are in accordance with Sedgwick County's Capital Improvement Program (CIP). In total, improvements were made to 105 miles of the 566 miles of paved roads that Sedgwick County is responsible for. That means that 18 percent of the county's road system was improved in the year 2018, and let me remind you, infrastructure is the mother's milk of economic development.

"Now we're ready to view the show. Hold your applause until it's over. There's a map of everything we've done this year. Now we'll go over each of these. These are the Commissioners' miles that we did this year where we put the new base down on gravel roads. It's a dry mix that we used instead of a wet, and then we put hot mix asphalt (HMA) on top of that. Seven and a half miles. A picture is worth a thousand words. This is that road before it was done that you just saw on the film. That's us doing the preliminary work, our crews. There's the result. It's on Hoover between 69th and 85th, that's towards the north end. This is Hillside down between 111th and 119th, Commissioner O'Donnell's district. This was the final link of a paved roadway to get us down to K-53, which is also where the casino is, and we have noticed an uptick of traffic on this road since it was paved.

"This is 37th Street North between 127th and 143rd Street East. This was unique in that we had a citizen that participated and gave the county, I believe, \$43,000 for this project. This is Central, Commissioner Dennis' area. This also connected up some other paved roads. This is before. All of these were gravel roads, and they're now paved, seven and a half miles. This is 87th Street South between Webb and Greenwich down in Commissioner Howell's district. This one was pretty wooly on each side. You can see the trees. That was quite an undertaking. This is after. After. After. Flint Hills Materials did the work, like we said in the film. We did the hauling of the asphalt, and that saved some money. It turned out to be about 150 grand per mile.

"Okay, crack, chat, scrub and fog seals. I'll show you a little bit of that. We're not showing every single thing that we've done, every single mile. Here's the locations. This is 71st Street South between 327th and Viola Road before. This is after. After, same road. Okay, this is the new device that we purchased this year to do a new thing that we're going to, we really liked what happened with this, and we're going to do all of our roads next year with what's call a scrub seal. You see, these look like regular brooms, and they are, but they're heavy duty, and you can, see that bottom one folds out, and you can do different widths on the road and then there's different angles you can use. What you do, you'll see here on, there's one lane that's been done, and we've got a video.

"Here's a lane that's been done on the other side that's been done, and the chat [seal] has been put on top of it. But the difference between this and our regular chat seal is

that this oil, well, it cost \$5,000 more per mile, but it's a savings because it fills every single crack, so we don't have to go out ahead of time with a lot of labor and fill these cracks, because this process does it for you, and the nice thing is there's no thinking involved, it's failsafe. This is actual speed. You can see the oil down, it's like a little wave of oil, and then the brooms make sure it gets in every crack. So there's a result on Seneca between 79th and 87th. There's also a rejuvenator in that oil, and it makes the pavement a little more pliable. A lot of times this pavement is old, and with traffic going over it, it will help seal the cracks. It'll push them back together. So altogether on all of those things that we did, we spent \$570,000 across the county.

"Okay, this is a BM-1 overlay. One location, this is two inches thick. It's a surface overlay, and we did that to get down to the ICM [Inc.] plant, which is the new state-of-the-art ethanol plant is going to be built next year, so we needed to beef up this road coming down from K-96 to get there. Then also, I'd report to you today we have finished the plans for 61st Street, and that will be out for bids in January, and if we have good weather, we can meet the deadline that they imposed on us to get it finished. Now, this is before on 167th, and this is after. Here again, that's just to beef up the road for the traffic.

"There'll be a lot of trucks coming in with corn to go to the ethanol plant. Flint Hills did that. See the price. Crack seal, 175-H, we did all these places. People think crack seal is not a big deal, but it is, because you seal up the cracks. You keep the water from getting down into the base, and that's, with the freeze-thaw we have here in Kansas, that's what really gets us. So you keep that sealed up, even the micro cracks, and you can keep a good road good. Now, here's some work out at the fire station that we dedicated this year. You can see some before's. It's on 53rd. There's the after. Pavement Pros [Inc.] did all of that this year, about \$357,000. Okay, asphalt rejuvenation had three locations.

"We thought that was great. Tony did the drone work there. I want to thank him. Also today, I want to thank Mara before I forget. Mara Roman did the PowerPoint, she did all the heavy lifting on this. Okay, so that road we just did, this is a picture of it before, 63rd between Greenwich and 159th, and there's the after. It looks like brand new. This is the same process up on Central between K-96 and the county line. Before. There's after. These roads look really good after it's done. Now, this over in Garden Plain on Main Street, same process. Before pictures. After. I think Garden Plain is pretty happy about this. Now, over there to the upper left, you can see the old railroad track. That track went all the way across the street, and we worked with the railroad company to get that taken out. Then Garden Plain put that sign up there. Cutler [Repaving] did that, a little over one and a quarter million dollars.

"Okay, this is hot-in-place recycling (HIR) where you need a long stretch to do. They do two inches and put the same two inches back. There's no new asphalt put with it. This is up on 21st between 247th and 407th West. Before's. You can see how the old pavement is oxidized. Now here's the result. Another thing on this, we had a lot of calls from bicycle folks who ride their bikes out. This is one of the places in the county where we have wide shoulders all the way out to the county line, and the bicyclers like it. So we took special care to make sure there wasn't a drop-off, because with those folks that ride those kind of bicycles, the bicycle tires are only about that wide, and just any drop at all bobbles them. They're very happy how we did this. Bettis [Asphalt and] Construction did it, this is the first year we used them. They were the low bid, and

they did a good job.

"High density seal. This is in Cheney, the Main Street, before. There's the golf course on the right, Lubbers [Chevrolet] on the left. This is after. That's in town. I think they're also happy with that. This type of, this HA5 high density seal is like a seal on steroids.

"It's one of the best ones you can do next to actually putting an overlay on, but not quite that far, but it's better than just a regular fog seal. Okay, this is out at Sedgwick County Park. Before pictures. There's after, and Andale Construction did that about \$220,000. Bond Tekk, that is a one-inch overlay of BM-1 put down with a spray paver. You can see before. Before. After pictures. That's 167th between Kellogg and Pawnee. This was 183rd between Kellogg and Maple over there, sort of a connecting link at Goddard. After pictures. Cornejo [& Sons] did this for \$600,000. NovaChip, this is really our bread and butter.

"That's one of my favorites. This is about a little over a half inch thick, so it doesn't raise your road up too high. You don't have the shoulder drop-off very bad. Did 57 miles of this. Won't show all that, all 57 miles. Meridian between 61st and 69th. I know Commissioner Ranzau and I talked about this several times. Meridian between 61st and 69th, that's after. This is 247th West between Kellogg and 53rd. After. 95th Street South between K-15 and 159th. This is down in Commissioner Howell's area. After. 45th Street North between Ridge and Tyler. After. 53rd between Meridian and Maize Road, before's. You see how it's oxidized. It's over by K-96 and Maize. Here's after. After.

"Oliver between 85th and 101st, Cornejo also did this. It's not finished, going to finish up next spring. They're budgeted for three and a quarter million dollars. This is the HAWK (High-intensity Activated crossWalk) signal out at Spirit [AeroSystems]. This is a before picture. You see where the crosswalk is there where the red truck is? That's where the HAWK signal is going, and there you see it. I don't know how we got pictures without traffic being there, but somehow we did. Phillips Southern [Electric Co.] did that for us, almost [\$]50,000.

"Bridge projects by contract, only three. We have three others that we had trouble getting the right-of-way on, so we've still got a little catching up to do next year. There's the prices on those, the budgeted and actual. That's on 39th Street South between 327th and 343rd, it's MacArthur. Some before pictures. That looks really bad. That's after. Haunched slab bridge, it's a nice looking bridge. L & M Contractors [Inc.]. This is on 95th Street South between 151st and 167th. This is after. King Construction [Co. Inc.], half a million [dollars]. 295th West between 45th and 53rd North. Here's an after. This is one of my favorites. I think that looks really good. Klaver [Construction Co. Inc.], four and a quarter [million dollars].

"Bridges by county personnel. We're getting better at this all the time. You know, we're doing these pre-cast, and we're doing bigger ones. I think you'll see here. There's five. We did one that was even almost \$140,000. There's a before picture. After. That's a better one there on 87th between Webb and Greenwich. Remember, it's about [\$]28,000. Remember this is done with our own forces. 87th between 167th and 183rd West, before's. This is an after. This is a three barrel structure, \$90,000. That's materials and our labor and the machinery costs. It's on 87th between 167th and 183rd. Four barrel, about [\$]140,000. So I'm real proud of our folks. We're just getting better at this all the time. Remember years ago, we used to build timber bridges, and we don't do that anymore.

"We still have a lot of timber bridges out there that we make repairs to. This is on Webb between 61st and 69th. Before, and there's the after. After, [\$]48,000. 117th North between West Street and Meridian, [\$]60,000. Stream Maintenance. This has really exploded this year, the things that we've done. This is a spillway over by Lake Afton. It's the after. This is a lagoon for the [Judge Riddell] Boys Ranch (JRBR) that had to be filled in. We did that and saved probably \$30,000 rather than have a contractor do it. Our Stream Maintenance guys did it. There's the after. Doesn't that look great? Oaklawn, 47th Street and the Arkansas River to Chestnut. Before. Now look at this. That's what it looks like now."

"Water can get through there a little better. We did that with our new equipment and new personnel that we got that you authorized for us this year. We did a lot more projects this year. Okay, here's the new equipment. We got that excavator and that attachment, a grinder. Now the nice thing is, you can grind these trees up, before we just had to knock them down, cut them down, more labor intensive, and then you had to bring a truck in and pick up all the trees. Now you just grind them up. So that has really speeded things up for us this year."

"We've done more projects than ever before in Stream Maintenance. Now, this is something that we did. Look how bad this looks out at Sedgwick County Park, and there was an item in the CIP for a future year to pay a contractor to do this, but we decided we would take it on. Look at that, how bad that is. That's what it looks like now. Our Stream Maintenance guys did that. Stream Maintenance projects completed in 2018, I think there's 22 of them across the county that we did. We didn't used to be able to do that many at all, but with the two extra people and extra equipment, we made up another crew, and so we can do more. We still have a backlog. Well, there's a backlog right there. I think there's 40 still on the backlog. We keep doing this, and doing more and more now. I don't know, we never seem to get below 40. They keep coming in. Alright."

Commissioner Unruh said, "That was dramatic."

Mr. Spears said, "Tony did this drone. This is out at Sedgwick County Park. The pictures you just saw, this shows it in process. They're not really going that fast. Oh, there's the new work we're doing at the north end. I met with Commissioner Dennis out there. We're going to separate the cars where that high-loader is, where the cars will go, and then over that culvert is where the people will go. So we're going to separate that out, where now it's altogether. So we're doing that work also instead of hiring a contractor. This, you'll see we added a piece of a new path to get away from the parking lots and get the cars away from, I'll show it to you here in a second, get the cars away from the people. See the parking lot on the left and a new path on the right. That's what we built. Then up real quickly, there was another one up there at the rock park. I'm not sure what that's called. I think rock park garden. That's, again, everything we did. You ought to come down and see our new Christmas tree. I know Commissioner Howell has been done, he's seen it. Pretty tall, we had to get a new one this year. So, that's it."

Chairman Dennis said, "Well, thank you, David. Great show, as always. I ate your candy bar just to keep me awake during your show. No, it was good. Appreciate it. Commissioner Howell, first of all."

Commissioner Howell thanked the Chairman and said, "Well, I just wanted to say you

guys do great work. I'm so impressed. I really appreciate your staff and your engineering, your crews are just tremendous. I've had the opportunity to interface with them numerous times, and I just think they're just the best people, they're very highly skilled. They do great work. I think overall, your estimates were pretty good. I was noticing the numbers were pretty close this year. Again, I think, I don't know how it ended up at the end of the year.

"I assume you're probably just a little bit under. That's usually how you are."

Mr. Spears said, "It's a little under."

Commissioner Howell said, "A little under, which is good. Anyway, I just wanted to say, number one, thank you for all you do. I appreciate your staff and all the work you do as well. I wanted to highlight the Spirit HAWK light was tremendous. That was a risk of closing down MacArthur Road through the middle of Spirit, and I just think that the traffic there would have certainly suffered, so I know that was a very contentious topic, but I do appreciate the fact that it's done. By the way, it's working very well. We haven't had any problems with traffic backing up. So I think that was the right thing to do there, and it looks great."

Mr. Spears said, "We've been out there a lot working with the timing."

Commissioner Howell said, "Yeah. Overall, I think it was a very good solution to the problem, and Spirit definitely does appreciate that. Then I am curious about the NovaChip. You said 57 miles. Are we done with that this year? Are we all caught up?"

Mr. Spears said, "No."

Commissioner Howell said, "There's still more to go."

Mr. Spears said, "About, I think, what I say, 89 percent complete, 87..."

Commissioner Howell said, "Okay."

Mr. Spears said, "...so we're going to finish it next spring."

Commissioner Howell said, "Okay."

Mr. Spears said, "No, there's more to do."

Commissioner Howell said, "Alright, that was a pretty big chunk, 57 miles is a lot."

Mr. Spears said, "The contractor left us a couple of times, and it kind of messed things up, especially where we had places ground up. I know I talked to Commissioner Ranzau several times on Meridian, but we're going to change it around next year so that can't happen. Well, it can happen, but it's going to be expensive for the contractor if it does. But we've got a new idea on how to do that so that it's not delayed like it was this year."

Commissioner Howell said, "I also want to say I especially appreciate the Stream Maintenance efforts in the southeast part of our county. It was just, we've had the impact, I think, districts two and five have had the greatest impact on flooding in the last couple of years, and so that's where the, you know, trying to get water flow away from the county, which means you have to start at the downstream and kind of work

upstream, and I think you've done that. Overall, it's just been very well appreciated. It's been noticed by folks that live down there, and I want to say thank you for that, that focus and priority on that southeast part of the county there. I am curious about the Sedgwick County Park. The bank stabilization there, is that complete now, or is that still more to be done in terms of, I mean, is it still in the CIP?"

Mr. Spears said, "We got it seeded. It's complete right in that area. There may be more to do, and we'll have to talk to [Mark] Sroufe on other ponds there, but where this one was, which was in the CIP, it's almost complete, that part of the stabilization is complete and it's seeded. Where you saw us separating those paths out, that's not complete yet, but it soon will be."

Commissioner Howell said, "So you think that'll be in the CIP going forward still?"

Mr. Spears said, "No."

Commissioner Howell said, "Okay."

Mr. Spears said, "No. I think we save that money. My recollection is, and somebody correct me, is over \$200,000 that was in the CIP that we won't need that."

Commissioner Howell said, "That's wonderful. Well, thank you."

Mr. Spears said, "I'm sorry. The other thing we're doing, and we have received several complaints about, you know, when the Farmer's Market is going up there on the corner, there's two entrances, one on 21st and one on Ridge. What the problem is, and we've had a lot of complaints about it, is that there's cars backed up to turn in both of those locations. Well, but then you've got your people on bikes and rollerblades and walkers that are coming across there, and cars are trying to turn in. It's kind of a bad situation. So we are building a new path. It's north/south. It's a north/south path just to the east of the [Sedgwick County] Extension Center. So it would be east of the parking lot.

"That runs north/south and connects the two existing east/west paths. That's going to solve that problem. We've got already, we've got the drainage structures in, but we did not quite get the paving in this year, so that's going to happen next spring too."

Commissioner Howell said, "Well again, I just want to say thank you. I'm very impressed. As always, I love the roadshow. That is your favorite day you say. I love this as well. It's impressive. I would just want to say that we always get, the Commissioners always get, you know, road complaints, so one of my first questions is, whose road is it? Is it a township road or is it a city road or a state road or whatever. When they realize it's a county road, usually county roads we don't get complaints on. I think we have some of the best county roads in the state. It just shows all that you've done to make it that way. It's taken many, many years to get our roads so wonderful. We don't get complaints on county roads. So I just want to say thank you and appreciate all you do. Thank you, Chairman."

Mr. Spears said, "Thank you for the comments."

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

Commissioner O'Donnell thanked the Chairman and said, "David, great presentation. I received two text messages from constituents during the program. The first one says

kudos on great county road maintenance, and the other says, I wish the city's roads were as good as the county roads. So at least you know you had some audience there from district two..."

Mr. Spears said, "That's great."

Commissioner O'Donnell said, "...so thank you for that, and great work, and we're looking towards some great projects, for sure, down in my district in 2019, that wouldn't be possible without your work and dedication, so thank you."

Mr. Spears said, "Thank you. Thanks for those comments."

Chairman Dennis said, "Thank you. Well, a couple things. First of all, you know we have more bridges in Sedgwick County than any other county in the entire United States. I want to make sure everybody knows that. That's an important fact. The fact that we worked on 18 percent of the roads is important, because we do have 600 miles of roads out there that we've got to take care of, and we need to cycle through that. But a couple things that I wanted to make sure that everybody was aware of, first of all, there's some outside projects, besides everything you're doing, we're involved in a lot of other things that are impacting our citizens here in Sedgwick County. The junction of Kellogg and [Interstate] 235, which Sedgwick County helped support, is just finishing up. It's not finished yet. They've still got to do some landscaping and so forth, but the traffic is moving well on that. But again, that is a major accomplishment here in Sedgwick County, and Sedgwick County was part of that."

Mr. Spears said, "\$11.6 million worth, the county put in."

Chairman Dennis said, "So another project that we're involved in is the North Junction, and just a couple weeks ago, we had the governor came down, Governor [Jeff] Colyer, Secretary [Richard] Carlson was there, along with the City, and they announced first phase of the North Junction, which is also very, very important to us, getting that done. Thanks to a lot of work that Public Works did to prepare that. We had applied for, I think it was a BUILD (Better Utilizing Investments to Leverage Development) Grant, was it called?"

Mr. Spears said, "Yes, BUILD Grant."

Chairman Dennis said, "Okay, we applied for a BUILD Grant trying to get some more money going into the North Junction, and just yesterday we were notified that it went to Hays and up somewhere around Kansas City got BUILD Grants, but we didn't. But it doesn't preclude us from looking at some other BUILD Grants, types of grants in the future to help us pay for that area up there. What David didn't mention also in Sedgwick County Park, he did talk about some of the paths and so forth, but the other important thing is that those paths were starting to get kind of old, and in some places, if you were rollerblading through there, you had a bicycle with small tires, you were going to fall into some cracks or hit some ruts that were caused by some trees nearby, and he went through and worked on all of those paths this past year, which I was very pleased with."

"He did show you Garden Plain and some of the works that they did out there. That's one area that I got a lot of feedback from the community on taking out that railroad and putting in the new road down through the middle of Garden Plain. David and I went out there and had a little trip down the road in Garden Plain just so that we could try it

out a little bit. So, there are a lot of other things that are going on besides what he put in his road and bridge show today that are impacting the citizens here in Sedgwick County, and I just want to let everyone know that Public Works is involved in an awful lot of different things that impact our folks day in and day out, and I appreciate everything that they're doing."

Mr. Spears said, "Thank you."

Chairman Dennis said, "Anyone else have anything? Seeing nothing."

MOTION

Commissioner Dennis moved to receive and file.

Commissioner O'Donnell seconded the motion.

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

VOTE

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

Chairman Dennis said, "Well thank you, David. Appreciate it."

Mr. Spears said, "Thank you. Appreciate it."

Chairman Dennis said, "Next item, please."

Received and Filed

H [18-1048](#)

LEGISLATIVE PLATFORM 2019.

Presented by: Michael Pepoon, Interim County Counselor.

RECOMMENDED ACTION: Take action as the Board deems necessary.

VISUAL PRESENTATION

Chairman Dennis said, "Mr. Pepoon."

Mr. Michael Pepoon, Interim County Counselor, greeted the Commissioners and said, "It's almost unfair following a presentation like that, but I'll give it a shot. You have before you today the suggested legislative platform for 2019. Each year the [Sedgwick County] Board of County Commissioners adopts a platform, and it's with the specific purpose of really advancing issues that we think are important for the county in Topeka that gives our local legislative delegation guidance on matters that we feel are important to the county. It provides our lobbyists with a framework in which to react quickly in Topeka. Mr. Jason Watkins is here this morning, contract lobbyist for Sedgwick County. I'm sure he will be happy to give some input into the proposed platform as well.

"As Commissioner Howell understands, things in Topeka can go very quickly. We need to react very quickly, and we often don't have the luxury of being able to convene a meeting and adopting positions, and it's nice to have something in place that our lobbyists, our department heads, anybody advancing issues or arguing against issues in Topeka can do so in a quick and efficient manner. You have before you and on the screen a suggested platform that has a couple of changes in it that weren't in the, it's not in the backup to your materials today. Two of the changes we'll discuss today is one that was, we've amended the language that we had suggested earlier involving the so-called Dark Store Theory, which is how appraisers are appraising the box store properties, and the other is an issue that was brought up just very recently by the District Attorney (D.A.) in Sedgwick County, Marc Bennett, on juvenile reform, a position on juvenile reform legislation.

"How we'll do this today, we'll go through the, this document, we had a Board of County Commissioners staff meeting on December 4th, as you remember. Unfortunately, the Chairman wasn't there to give his input because he had another important meeting out of the county to attend, so I'm sure he'll have some thoughts today, but this was essentially what was voted on and discussed at that staff meeting with the revised language I've added today. I would propose that we go through the issues, some maybe in a group, like the first one, and some maybe individually. Then at the end of the discussion, then vote on the platform as a whole with any possible amendments, of course, the Commissioners would want to make to this.

"The first items on the legislative platform are the behavioral health initiatives, which were discussed in detail by Assistant County Manager Tim Kaufman, who is here today and can address any of these. "Unless you want to take these up individually, maybe bring these up all six items in whole and discuss them and open them up for discussion."

Chairman Dennis said, "Why don't we discuss this as a whole unless the Commissioners have an objection? Okay, I think everyone agrees."

Mr. Pepoon said, "Anybody have any comments or discussion about these items?"

Chairman Dennis said, "Commissioner Howell."

Commissioner Howell said, "Thank you. I just had some questions on the presentation that was given earlier today. I wanted to just get a couple of things clarified. So with the school pilot program funding, I have a question regarding that. If I understand correctly, this was actually for students, it originally said students and their families. Are their families receiving services for this program as well?"

Mr. Tim Kaufman, Assistant County Manager, Public Safety, greeted the Commissioners and said, "There are opportunities for families, particularly those families that are identified through the teachers or counseling staff in the school may first identify a student who needs some help, and then if that process would benefit from family involvement as well, our staff are available to provide services to those family members as well."

Commissioner Howell said, "The numbers we were given this morning didn't really capture that part of this, and so I assume there's additional services being provided, but we didn't see them this morning."

Mr. Kaufman said, "Correct. The reporting format that we're using for the State focuses primarily on those children that are being served in the schools, again, because this is a school-based service, but we recognize that services for the family are going to be beneficial for that child in their regular natural life and in their educational aspects as well."

Commissioner Howell said, "Very good. Is there any way you can remind me of the funding of this? Most of this was grant funding, but there was some local funding as well. I think I about know the numbers, but is there any? Can you help remind me of how much money we received from the State versus how much money we provided locally?"

Mr. Kaufman said, "There's no local dollars involved in this particular pilot. There's a million dollars that has been identified for the uninsured and underinsured, and then the remainder of the funding for the project, roughly an additional \$5 million is going to be through fee-for-service payment from Medicaid and other third party payers."

Commissioner Howell said, "Well that kind of answers my next question, so I just did some calculations. She said 77 percent were receiving Medicaid funding. There was 55 that had other insurance, and then that leaves about 37 out of the 401 that didn't have any insurance at all. So that's what the million dollars was for was to cover those?"

Mr. Kaufman said, "That's correct. That funds the staff that deliver those services."

Commissioner Howell said, "Then finally, this program really is just getting started, because this is the first year, and here we are basically about, you know, not quite halfway through the first year. We have about 400 students receiving services, and about 50 percent of our staff have been placed at this point. Do we have any idea how big this program is going to get in terms of how many students do we expect, let's say a couple years from now should this continue?"

Mr. Kaufman said, "For the first year, we anticipate we'll serve about 800 children, and so we know that that's kind of the target that we're at for this year. I believe that it will be larger than that. I think that once, if the program does get expanded into additional schools, of course, we're going to see more kids, but as kids have success, as teachers see the improvements that children make in their academic life, they're going to be comfortable referring other kids and other families to the program as well. So it would not surprise me at all if we exceed that 800 number by the end of the year."

Commissioner Howell said, "Very good, and then because this is a county administrated program, we're not just doing [USD]259 (Unified School District), we're doing other school districts that happen to be inside Sedgwick County as well."

Mr. Kaufman said, "Right now the pilot is for 259 only."

Commissioner Howell said, "Okay."

Mr. Kaufman said, "If after the first two, right now the project is funded for two years. It's a two-year funded pilot."

"If the successes that we're seeing right now are played out, and the legislature determines that it's a program worthy of additional funding, the plan would be to have a phase, a third year pilot that would expand to all the other schools, all the other

districts within the county. So, we're trying to get a jump on that with those five positions that we requested through the budget process, and so we anticipate, as Joan mentioned, working with a number of different suburban districts in advance of that pilot project."

Commissioner Howell said, "Alright, well I just want to say generally speaking, I think this is a good program, and I'm looking forward to seeing how this continues to perform, and I think it's good that it's on the platform. So, I'll be supportive of the behavioral health initiative as written. Thank you, Chairman."

Chairman Dennis said, "Thank you. Just to follow-up a little bit, Tim, while you're still there. On the decision package that you were talking about for the other school districts, is that going to come out of our budget then?"

Mr. Kaufman said, "Those are what we call grant-funded positions, and so they are dependent on the revenue that we'll be able to collect from third party payers. Again, so there is no local funding attached to those five positions."

Chairman Dennis said, "Okay, and I noticed you identified like four other school districts to put in that. How did you pick those?"

Mr. Kaufman said, "Some of those are based on, primarily they're based on the knowledge that we have of working with, we have staff that work with kids in probably every school in this district at one level or another, but we know that those schools that were identified have a concentration of kids that help support a caseload. As Joan mentioned in her presentation, on these fee-for-service funded positions, we need to make sure that we have an adequate caseload that will support through the billing process the cost of that staff person, and so we know that there are concentrations of kids in services already in some of those schools, and so that's how we've identified those initially. What we see is, as children have success and schools see the value of having our staff available in that particular setting, they'll increase referrals and we'll see it kind of starts to flywheel a little bit, and we see more and more referrals, and so at some point, we're going to need to add positions probably to those suburban schools as well."

Chairman Dennis said, "Okay, and as we finish this two-year pilot program, are we putting together some kind of a paper analysis or something to go back up to the legislature so that we show that this is a successful program that ought to be expanded?"

Mr. Kaufman said, "I'm going to invite Joan to respond. There is an extensive data collection component to this. I'll let her describe that."

Ms. Tammany said, "Each of the partnerships has to make a report on a quarterly basis, and that is all being put together and shared frequently with the sponsoring legislators, and yes, we anticipate we'll have to testify to the success and challenges of that program during the legislative session. So lots of tracking of data and outcomes."

Chairman Dennis said, "Okay, as you get to the point where that it's going to be looking that it's going beyond a two-year pilot program, we're trying to get the state to institute that at least throughout all of Sedgwick County, probably need to get the Commissioners involved in it so that we can work with Jason and make sure that they've got our endorsement to keep this going forward."

Ms. Tammany said, "Yeah, we have indication that it will be very, very quickly discussed in the legislative session, so it'll be fast and furious, we believe. Lots of supporters, lots of nay-sayers, so it will be an interesting debate."

Chairman Dennis said, "Alright, thank you. For Tim, one other area, especially for Jason Watkins, our lobbyist, the second one down is a very high priority for a number of us, and that is support for a regionalized state mental health facility, including Sedgwick County. So, hoping we that we keep that at the forefront. I know it's the second one down on the list, I don't want people to think that that's a priority. That is a very high priority as far as we're concerned. Even though that these aren't in any kind of order, the support of our Community Crisis Center funding is also critical to keep going. So, there's some things on here that, I know we've got six items. I don't want any of them to get lost, saying that any one is more or less important than another, because they are very critical to our community."

Mr. Kaufman said, "Exactly and that second item that you mentioned is really illustrative of the partnership that we have with the State of Kansas for behavioral health services. So it's a local government, state government partnership that happens, and the 2017 and the 2018 legislature authorized and reauthorized a mental health task force, and one of the key findings that they identified was the need for regional behavioral health hospitals. Right now there are two state hospitals, one in Osawatomie, Kansas and one in Larned, Kansas, and so folks that are in Sedgwick County that need that level of service, they're going to be two to three hours away from their loved ones and their families, and that presents hardships in itself, and so there's a recognition that if you can deliver that level of care, that state hospital level of care more close to home for individuals, they're going to recover more quickly. They're going to reintegrate back into the community more quickly. So that's why we recognize that as a critical component going forward at the state hospital level service. As you've identified, we may have some possible land available for something like that, and we're eager to partner with the State on some kind of a regional hospital here locally."

Chairman Dennis said, "Very good. I appreciate it. I think that everything under behavioral health initiatives are critical to us. I just don't want anyone to ever take a look at it and say this is in order. It's all critical. I hate to say that it's all critical, but it is."

"Okay, anything else from the Commissioners today? Okay, let's go on to, does anyone else have anything for behavioral health that we need to talk about? I think we're going to leave that intact as it is."

Mr. Pepoon said, "Thank you, Mr. Chairman. The platform, besides the behavioral health initiatives, is broken down into what we call key initiatives, which we would consider the more important issues that we will be lobbying for in this legislative session, and then we have secondary initiatives as well. The first key initiative on the platform is to permit counties to publish any statutorily required legal notices on the internet with appropriate measures to ensure archival records are available to the public. This is an issue that's been before the legislature a number of years. In fact, it was when I was lobbying for the county back in the early 2000's, this was an issue that was strongly being proposed by the Kansas Association of Counties (KAC) and other local governments. There are a lot of good reasons to have this issue on our agenda. I'll open it up for discussion."

Chairman Dennis said, "I'll start the discussion on that. Joe Seiwert is my

representative in my district. I've talked to him a number of times about this issue. For example, just here in Sedgwick County, we recently moved to, the lowest bidder was Derby [Informer], and I don't have anything whatsoever against Derby, but we publish it online. If you've got the app on your cell phone, you can get all of our legal notices on your cell phone. We're spending, I think as I recall, somewhere around \$50,000 a year to publish it in the Derby Informer. I'm not certain that that's a wise use of taxpayers' money. I understand there are places outside that are not as urban as Sedgwick County is, that this may be the best way of doing things. All we want is the option. We're not asking to do away with people printing it in the newspaper, and the Commission in the future may choose to use that option, but all we're asking is an option to be able to choose whether or not we publish it in a newspaper or we use means that we're already using today to make sure that folks have the information.

"I heard some comments that people are worried that you can't go back into the archives and reclaim any information if it's not published in a newspaper. Well, I think that Sedgwick County is going to have archives. I don't see any chance that we're not going to keep archives going for Sedgwick County online that people can access in the future. The problem that I see with people using the argument that it's not going to be archived, we were using the Wichita Eagle up until recently, and now we're using the Derby Informer. We might be going out and using Clearwater or some other newspaper in the future, depending on who is the lowest bidder, so how would you find it in an archive if you have to check all the different newspapers that are available in the county? So I'm just asking for an option, and we may or may not use that option. But that's the reason I think that this is important. Any other Commissioners have anything that you believe we need to leave this on here? Okay, it looks like we have consensus to leave that on."

Mr. Pepoon said, "Yeah, in addition to your last comments, Mr. Chairman, we could easily amend the Records Retention Act that deals with retaining county records to make sure that those records, there was a State law that required counties to retain the records that we would be publishing on the internet. So, the next item is to allow counties designated as urban areas the same power as cities to abate nuisance properties and assess the costs to the property owner. This was an item that has also been before the legislature before. I know we brought it up 2001. It can spur emotions on both sides of the issue, but this would allow essentially Sedgwick County to have the same authority the City of Wichita has, for instance, to deal with nuisances that are occurring on properties in the county. I open this up for discussion."

Chairman Dennis said, "Okay, do any Commissioners have any discussion? Commissioner Ranzau."

Commissioner Ranzau thanked the Chairman and said, "Yeah, I'm not supportive of this. This has come up before in the past, come up in the legislature, and there's been widespread opposition to this by citizens throughout the state. I think we're asking for a stink fight that we probably don't really need, particularly with all these other priorities that we have. I wouldn't spend time on this. We have a lot of tools in our toolbox. Nothing is perfect. But there's a lot of people out in the county that are worried about personal property rights, and you'll have a big fight about it. You know, sometimes freedom is a little messy, and we can't expect a perfect solution just by giving our government bureaucrats more power and control. I just don't think this is worth spending bandwidth on. When you compare it to some of these other things that we've

already talked about and some of the others we'll talk about in the future, so I think..."

Chairman Dennis said, "Thank you. Commissioner Howell. Were you finished, Commissioner Ranzau? Okay. Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. I don't know if the intent is to vote on these one by one, if we want to deal with them independently, but I agree with the comments of Commissioner Ranzau. I do say that our current powers are not ideal. I don't know the answer. But I think this is probably not the right language I would support. It says that we would allow us the same power as cities. I think it goes a little bit too far. My biggest concern for me as a Commissioner is the community of Oaklawn, which is an unincorporated area. It seems like a city, because it's a neighborhood with very compact housing, and there are a lot of problems there. But we're dealing with those through the court system."

"We're using county attorneys and the judicial system to address those problems there, so we do have some power there. It's not super aggressive, but we do have some power there. I think the cities are continuing to want to add more power to what they already have. So again, I think for us to say we want to have the same power as cities is a bit too far, so I won't support this as written. I don't know the right answer. "I have some concerns about our inability to address some situations, but I don't think this is the right answer here, so I would like to not support this. So I think we should make a motion at this point to not include this."

MOTION

Commissioner Howell moved to omit the allowance of counties designated as urban areas the same power as cities to abate nuisance properties and assess the costs to the property owner from the legislative platform.

Commissioner Ranzau seconded the motion.

Chairman Dennis said, "We have a motion and a second. Discussion? Well, I was hoping that the MABCD (Metropolitan Area Building and Construction Department) would be here today. I think this is their issue, isn't it?"

Mr. Pepoon said, "I believe so, Mr. Chairman, but I also have Michael Fessinger here from our office that does a lot of the work in county court and has to deal with these kinds of situations, if you have any specific questions on the direct experience that we've had in trying to deal with this issue, and I might also follow up on what Commissioner Howell said is an option would always be to just amend the language here, take out the words as cities, just basically give the county nuisance abatement authorities, so that if a bill was in front of the legislature that was less than the power that was given to cities, for instance, we could argue in support of that bill. But that's just a comment."

Chairman Dennis said, "Okay, well I think there's some need to take a look at nuisance property. I've got one piece of property right now in my district that we've been working on for over a year and nothing whatsoever has happened there. We've gone to court with it. The court case says that it has to be finished before the end of the year and nothing has been started, so I don't know, I guess we got to go back to court again or something to take some kind of action. But right now, we have, without going to court, we have some fairly limited ability to do anything. So I'm kind of concerned

with just completely taking it off of our agenda, or if we can somehow reword it that would be more palatable, I would rather do something like that, because I think that there is a need. There's a problem out there. This is not unique to this one piece of property that I'm talking about. There are other pieces of property that are causing some problems. Commissioner Unruh."

Commissioner Unruh thanked the Chairman and said, "I'm not completely familiar with what powers the city has or whether it just refers to the ability to clean it up and assess the cost to the property owner. I assume it's limited to that, or is there more powers that this might imply?"

Mr. Pepoon said, "I'll turn this over to Mr. Fessinger."

Mr. Michael Fessinger, Assistant County Counselor, greeted the Commissioners and said, "Cities through their home-rule powers have the ability to abate nuisance, but that power of abatement is still gated behind due process rights of any defendant that they're attempting to do that to. So a court case in city municipal court would need to be initiated and a verdict would need to be obtained against that defendant and then a judge would order abatement of that nuisance, and so understand that any home-rule power that the city might have to do that is checked by the due process rights of any defendant."

Commissioner Unruh said, "Okay, so what's contemplated here is it would go through that hearing process."

Mr. Fessinger said, "Correct. We would have to. We would have to do that."

Commissioner Unruh said, "Okay, thank you. Well, I would support the language as is, or I would support it as it's been suggested by Mr. Pepoon, but I think that we need to have this in our legislative agenda, so that's my position."

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

Commissioner Ranzau said, "Well, you know there has to be a balance between the government wanting to solve problems and people's property rights and the problems and protecting against the abuses of government. I mean, there's this idea out there that if we just pass enough laws, we can create this utopia, right? We apply that to lots of issues, and it's simply not true. We already have complaints now, and I hear complaints about the, you know, the municipal court and how they deal with all these sorts of things. You'll have more complaints of just a different type of nature. I think we are at a sweet spot, I mean, like I say, no one's ever going to be happy in any situation, but now we're going to tilt it even more so on the side of the government."

"These cases, although not exclusively, but more often than not, are applied at people who are poor or elderly. You know, taking them to court again and again and give them more power, and it keeps expanding and it keeps expanding. At some point, we got to say, alright, I mean, you know, we're not going to have a utopia. Then like I say, you're going to open up a stink fight and have some problems there that I don't think is worth the bandwidth when compared to some of these other legislative issues that you want to get through. So, I would just, I understand when you have certain complaints that at this point aren't resolved, there's other complaints going on and you'll get more complaints of another if we go too far in one direction, and that's my concern is that we're going too far in the other direction."

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

Commissioner Howell said, "Thank you, Mr. Chairman. I just, you know, it's hard to look at the extremes of situations and then try to draft up policy to address the extremes. I think there are some extreme examples, and I can give you some examples. I don't think I need to that here today, but you know what I'm talking about. There are some extreme examples, and I hate to set policy based on those examples because the problem is, there's a lot of other people out there that are, I think, as Commissioner Ranzau said, that are, they are doing their best. They may not have the resources or the money or the energy or whatever it is to really address the problems in a way that other people would appreciate. So, we are able to some things with our current tools in the toolbox."

"My concern is that, I don't know if this belongs on the legislative platform or legislative priorities. This is not the top thing in Sedgwick County. Maybe we should address this, but let's work on the right language. Maybe develop a process or procedure that we would like to see us use to address those extreme situations. We can always, if it requires legislation, we can always do some work down the road, but this isn't ready for that right now. We don't really have a process or procedure. We don't know exactly what we're asking for here."

"The fear is if we pass something that shifts this clear to the other side, that in some places, you'll have a very aggressive government that's going to go after people, you know, with private rights out in the county, out in the middle of nowhere. We have some very, very rural areas of Sedgwick County. I can see a very aggressive government would be very difficult on those folks. So, we want to be careful when we move this line in one way or the other, what we're actually asking for. This isn't really been well defined yet. I don't know what we're asking for. So in terms of putting this on the platform as a priority, I think we're just not ready for that yet. We need to come up with a better plan exactly what we're asking for. We can always add this to our legislative initiatives at some point in the future, but this isn't it. Thank you, Chairman."

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

Commissioner Unruh said, "Thank you, Mr. Chairman. Mike, do we have any cases or examples where there's been an egregious overreach of this authority by cities. I mean, do we know where elected council people have acted beyond what's reasonable."

Mr. Fessinger said, "I have no example for you of an overreach. There has been arguments in the past about whether or not there's been an overreach. An example of that would be, there was a Court of Appeals case from the mid-2000's, actually in which counties lost the ability to abate nuisance because there was an analysis of whether or not counties had the home-rule power to do so, but the particular facts of that case, as I recall, I can't give you specifics, but the county's reach itself, and this wasn't Sedgwick County by the way, but it was another county in Kansas. That particular county was acting reasonably. The argument was whether or not the county had the power to do so at all."

"So we see that these things tend to get challenged, not necessarily in egregious situations, but just whether, just as an analysis of whether counties have the power to do this at all. So, that's a long way of saying that no, I don't have an example for you of an overreach."

Commissioner Unruh said, "Alright, thank you. I just wondered if it had been abused, so thank you."

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

Commissioner Ranzau said, "I will say there is a citizen's group, it's called KARZ (Kansas Advocating Reasonable Zoning). They meet once a month here in Wichita at the Spangles down on Broadway and Kellogg. I think the next meeting is December 19th. They're going to have a free meal for Christmas. If my colleagues or anyone else wants to hear some of their stories, feel free to show up and you'll hear about some of the abuses and issues that go on. Not just here locally, there's some people who come from out of town just to attend these meetings. They'd be happy to share their stories with you. Thank you."

Chairman Dennis said, "Thank you. Well, I wish we had a little bit more information on what powers the cities or whether or not that that's something that should be in there or not, but I'm not sure that I think that we're heading towards, as Commissioner Ranzau talked about, a utopia where big government takes care of everything for everybody, because that's not what we're trying to do in this little tiny piece of legislative agenda here. The other concern I have is that I understand property rights, but where do your rights end and the neighbor's rights begin, when you have a piece of property like I'm talking about out in my district that is surrounded by very nice homes, and yet we have a huge pile of rubble, a huge pile of trash right in the middle of nice homes."

"Where does that property owner's rights to have that there end and the property around that that they're now worrying about rats living in this debris and so forth, when the neighbors have very nice homes right next to it? So we need some controls. I'm not trying to be big government, I'm not trying to, as he put, utopia of big government, but people, everyone has some kind of rights to enjoy their property. When someone's next to you affects the rights for you to enjoy your property, I'm concerned about that. So Commissioner Ranzau, maybe you want to address that."

Commissioner Ranzau said, "Well I'll say, I understand that. I mean, I understand about living close to big mounds of trash and garbage and whatever debris you're talking about, with maybe rats, I mean, I've lived across the river from the dump, and it's huge. You go down K-96 on both sides of the road, and there's a lot of nice houses not too far away from there, and everybody lives just fine. But I understand you're not trying to create a utopia, but what I'm trying to say is, there's this idea out there that if we can just pass enough laws, everything will be perfect and there'll be no problems, but we don't often realize the counter-effect that happens if we create additional problems, so I understand where we're at on this issue, so I'm ready to vote."

Approved As Amended

Chairman Dennis said, "Okay. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Would it be agreeable, then, to use the language suggested by Mr. Pepoon that says allow counties designated as urban areas power to abate nuisance properties and assess the cost to the property owner and leave reference to the city out, and let the legislature argue the issue. But we want to make clear that we'd like to have more authority to deal with this issue that

seems to have some relevance to our county."

Chairman Dennis said, "Is that a substitute motion?"

Commissioner Unruh said, "No."

Chairman Dennis said, "Okay, very good then. Do we have any further discussion on the motion?"

Commissioner Unruh said, "I would like to have it restated, please."

Chairman Dennis said, "Sure. Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. The motion is to just eliminate this from the platform, this entire clause as a priority on our platform. I think we need to work on this separately, so my motion is to just not include this in the platform."

Chairman Dennis said, "Okay, and you understand that's seconded."

Commissioner Ranzau said, "Yes."

Chairman Dennis said, "Very good. Do you have any further questions, Commissioner Unruh?"

Commissioner Unruh said, "No, there's no, except there's no timetable on the motion, and if this is important, we probably ought to at least have a timetable to reconsider it. That would make the motion more acceptable to me. The way it is, it's vague, and it clearly implies to me that it's going to go off the agenda and it'll go away."

Chairman Dennis said, "Well, thank you. Actually, I would vote for the motion if we added some more information to it, such as why don't we send it back to MABCD for further clarification, further discussion so it doesn't just die. Commissioner O'Donnell."

Commissioner O'Donnell said, "Thank you, Mr. Chair. I think this has been vetted, we've talked about it. I know I've have talked to Mr. Fessinger about it quite a few times.

"I have some severe issues in my district that people's civil liberties are going to be impacted because they're going to end up going to county jail because they refused to address their property condition. Isn't that correct, Mr. Fessinger?"

Mr. Fessinger said, "That's correct. There are some instances in which the property owner may wish to perform the cleanup, but does not, that do not have the means to do so."

Commissioner O'Donnell said, "So we are in a situation where the citizen will go to jail if we do not have other remedies, because the neighbors will not drop the challenge. I think this makes sense. When I was on the Wichita City Council, we had the city options that we're trying to get here at the county. This is not for small property violations. This is for severe property violations. I believe that Chris Labrum and the staff over at MABCD are very competent, great public servants that aren't going to abuse this. So I think we need to move forward with this, and have faith that MABCD will be applying this accordingly. That's to say that this legislation would have to make it through the legislature, and that's a gamble, too."

Mr. Fessinger said, "To also to clarify, were this to make it through the legislature, a nuisance abatement wouldn't immediately commence in Sedgwick County. That would also, our code itself would have to be adjusted to allow that. If no change to our code were to occur, then no nuisance abatement would occur. Also to your point about the specific instance that you were discussing, that particular citizen may see time inside of a county jail due to the contempt of court powers, not necessarily a sentence from that nuisance from that code enforcement case."

Commissioner O'Donnell said, "But it all stems from the code enforcement case and his lack of response to the property conditions."

Mr. Fessinger said, "That's correct."

Chairman Dennis said, "Okay, Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. I think the obvious answer here is there is a session plan or session calendar, if you want to think of it that way, that there is a date where bills can no longer be introduced by individual members. I think we have some time, so I guess I would like to say let's defer this until the Wednesday before that date on the session plan so we can take this up and reconsider whether or not we want to have this introduced as a piece of legislation for this current session. I would like to give us a challenge to say, send this back to MABCD, let's develop a policy so it addresses the most egregious, extreme cases, but it doesn't come after people who are doing, I think, reasonable things in the county."

"People in the county are going to have cars, and they're going to have four wheelers and bonfires and guns. That's part of what they live there for. People in cities have HOA's (Homeowner's Association). This is essentially trying to put standards on people who may live in an area where this is not really a problem, but yet we're going to have some tools in the toolbox that may be very egregious to those folks. So again, trying to give us something that we can deal with very, very extreme cases that doesn't cause property right issues for everybody else. That's a challenge. I don't know how we get there, but we need to go back to the table."

"We have some time. Either put this on a platform, once we vote on this today, we're going to print this today, we're going to go to print this week, and we're going to start lobbying our legislators, the South Central Legislative Delegation. We're going to give these items to our lobbyist to go start working these items. We're not ready for that yet. So we have some time. Let's send this back to MABCD and our attorneys, and let them see if they can develop some policy to address the most egregious, extreme cases without impacting everybody else. I don't know how we do that, but that's the challenge. We can bring it back on a Wednesday before the date whereby the bills can no longer be introduced by individuals. I think that's around the end of January that that happens, so we have at least a month to do this."

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

Commissioner O'Donnell said, "Thank you, Mr. Chair. I think sending this back is, you know, unnecessary, mainly because we haven't addressed what our personal requirements are going to be, we haven't addressed what we're going to implement. This is just pretty broad language that says it's going to allow counties designated as

urban areas, and are there three of those, do you remember? I know Johnson [County], I think Greeley [County], Sedgwick now, but there's only a few, so we don't even know what the language will look like. This will just allow us to draft a code. So I think it's putting the cart before the horse to tell MABCD to draft the language when we don't know if it'll go through. I think we just leave this broad initiative to say that it would allow us to abate nuisance properties and assess the costs to the property owner. We don't need to go any deeper than that until we actually get it through. Then we'll develop a code here at the county. Isn't that the plan?"

Mr. Fessinger said, "That would be how we would, that's how we would use this power, it'd have to be pursuant to our own code as well."

Commissioner O'Donnell said, "Right. Okay, thank you."

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

Commissioner Howell said, "Thank you, Mr. Chairman. I'm not actually asking that we would draft up the actual bill language. I'm actually asking that we would develop this conceptually. What would our policy look like that we think is a reasonably good policy that we would want to support?"

"It may or may not even require legislation. But if it requires legislation, we have time to address it. But I just think we need to develop conceptually what we're asking for. I don't want to spend a huge amount of time drafting bill language. We have people in the state that can do that, we don't need to draft the actual language. So that's just to address the previous comments. Thank you, Chairman."

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

Commissioner Ranzau said, "I vaguely remember some legislator at the federal government saying we need to pass it before we find out what's in it. I don't think we need to go down that road. I'm willing to go with the compromise that the Chairman offered to send it back to MABCD and let them reevaluate it and take a look at it more. But when they take a look at it, they really need to take a look at it from the other side as well. I mean, people live out in the county, because they don't want to be treated like the city. So anyway, and if someone can't afford to clean up themselves, they're not going to be able to afford to pay the fees that we charge them for it either. Anyway, we've got time. I think what the Chairman and Commissioner Howell both said, we have time, we can look at this, and determine later on, and I think Commissioner Howell says it right, of all the things we've got going on, you know, this is not the biggest deal."

Chairman Dennis said, "Commissioner O'Donnell."

Commissioner O'Donnell said, "I'm just confused to why we would draft language that we have no authority or any control of at this time, we're not allowed to do it. We might as well ask to draft language to fix the southern U.S.-Mexico border because we have no control over that either. Let's just allow this to go through and then we can draft the language. We don't even have the authority to do it at this point. Is that correct, Mr. Fessinger?"

Mr. Fessinger said, "Right. Were we to draft, yes, you're correct."

Commissioner O'Donnell said, "Alright, thank you."

Chairman Dennis said, "Thank you. Well, I have a question from Commissioner Howell's comments. If we wait and send this back to MABCD, what is the date? I don't know if you all know it, or if Jason knows it. We can't make a motion, and it's kind of open-ended, just send it back and have it back by, do you have the date that we could put in this motion?"

Mr. Jason Watkins, Watkins and Schneider Consulting, LLC, greeted the Commissioners and said, "No, Mr. Chairman, because the session planner, is what they call it, the session calendar has not been issued by the joint leadership of both chambers. If you did want to go that route, that is a titled day on the calendar, which is, as Commissioner Howell said, the title of that day is the last day for members, individual members to do bill introductions."

Chairman Dennis said, "But historically do you have kind of an estimate of when that is?"

Mr. Watkins said, "Yes, Mr. Chairman. Commissioner Howell is correct that it's typically towards the very end of January. However, this session is starting on the latest possible day that it can start, which is the 14th, the second Monday of January. So that date is going to actually probably be in early February this year."

Chairman Dennis said, "So if I'm looking at our calendar for January, we're not going to have a meeting on the 2nd, I don't believe. The 9th is probably not a day that we would want to do anything, because it's the last day that we're going to say goodbye to Commissioner Ranzau and Commissioner Unruh, so probably the 16th or 23rd, if you were going to put a date in here."

Commissioner Howell said, "The 23rd."

AMENDED MOTION

Commissioner Howell moved to send the item to MABCD for further development and to be reconsidered on January 23rd.

Commissioner Ranzau seconded the motion.

Chairman Dennis said, "You concur? Very good. Commissioner Unruh."

Commissioner Unruh said, "Well, that motion is much more palatable for me, but I think I agree with what I think I understand Commissioner O'Donnell's comments, is that this just simply would authorize us the authority and power to deal with this issue, and then it would be up to Metropolitan Area Planning Department (MAPD) and the Commission as seated at that time to decide what the specifics would be, or whether they would want to apply that new authority. So I am good with going ahead with the language as is, to have the authority to do it, and then we work out in Sedgwick County what we think is best for our citizens. But having a drop-dead date to come back and discuss it again is not objectionable for me."

Chairman Dennis said, "Okay. I don't see any other comments. I can support sending it back until January 23rd to have MABCD come back to us and give us a little bit more detail on this, so I will be supportive of the motion. You understand the motion?"

Ms. Lynda Baker, Deputy County Clerk, greeted the Commissioners and said, "Yes, but I did not hear who seconded it."

Chairman Dennis said, "Say that again."

Commissioner Ranzau said, "I did."

Ms. Baker said, "Okay, thank you."

Chairman Dennis said, "Oh, Commissioner Ranzau. Very good. Any other questions? Madam Clerk, call the roll."

VOTE

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

Chairman Dennis said, "Okay. That took forever, so let's try and get through the next one, please."

Mr. Pepoon said, "Thank you, Mr. Chairman. The next item is an item that is on the Kansas Association of Counties platform as a priority this year. It's an item that's also very important to the urban counties, there's Wyandotte and Johnson County, and this is to support legislation that basically would provide vacant properties shall not be used as comparable properties to value occupied properties under appeal. This is otherwise thrown around as called the Dark Store Theory, where we are having properties that are being in, big box stores that are in use, the Best Buy's, the Walmart's, those type of stores that are actively being used as a property, arguing that their property ought to be comparable for purposes of appraisal as vacant properties or properties that might be not only vacant, but 30 years old.

"We want to draft language, this may not be exactly the language the Kansas Association of Counties has at this time, but we want to draft language supporting legislation that would oppose that theory that's been brought up by property owners. Trish Parker in our office is unfortunately out of town, she's attending a conference in Chicago involving property appraisal, but we'll try to answer any questions you have on this."

Chairman Dennis said, "Very good. As I recall, KAC (Kansas Association of Counties) had this in their legislative platform."

Mr. Pepoon said, "Yes, it's one of their few priorities this year, Mr. Chairman."

Chairman Dennis said, "Good. I don't have any problem with supporting this legislation. Commissioner Ranzau."

Commissioner Ranzau said, "Yeah, this is another one that I'm not going to support being on here for a couple reasons. First of all, I mean, a few weeks ago we were briefed on this, and we were told that the reason we want it on ours is because of a court case we lost. Well, the problem is we lost that court case because we weren't

prepared to back up our position adequately. Had we been able to do that, we probably would have won. So, and plus, so and there's both sides of this, should the building be appraised simply because it's a building or because of what's going on inside of it. I still need to do some more research on that.

"But that being said, I would argue once again that this isn't that big of a deal to us. I think a bigger deal, if we want to worry about property tax values, because we've had this on our agenda in the past, we dropped it off, is the fact that cities can grant property tax abatements through a variety of mechanisms, and we have no say in that. That hurts our property tax values more than this has. So like I say, we've had that on our agenda in the past, so that we could have some say in that. I actually think that would be a better item and better way to go, something that's actually going on right now, in which the City of Wichita just gave one for Mead's Corner that was unnecessary. That affects property taxes for both the city and the school district. That's just one example. It happens, you know, in a lot of cities and for a lot of reasons. Then we have no say in it. We've complained about it in the past, and it's an ongoing issue. I think that would be a better one to be actually put on here, be more meaningful for us, so that's where I'm at on that."

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

Commissioner Howell said, "Thank you, Mr. Chairman. I'm just curious if Mr. Pepoon can explain to me, what does this mean by the word artificially?"

Mr. Pepoon said, "We have taken that language out..."

Commissioner Howell said, "Oh, I'm sorry. I'm looking at the wrong sheet."

Mr. Pepoon said, "...Commissioner. That was one of the problems that Ms. Parker had with the language is she was afraid that that might have unintended consequences, and we were trying to narrow the language as much as we could. If I may, I might respond to Commissioner Ranzau's comments. I've talked to Trish Parker, and we'll be happy to provide information later, but this issue according to her had nothing to do with that lawsuit that we lost. This is a broader issue than that, and wasn't specifically in response to that case."

Commissioner Ranzau said, "Well, that's what we were told in our staff meeting, that's why I say that."

Mr. Pepoon said, "Again, I've had conversations with her. That's why we'll get back with you that information. I understood it to be otherwise, Commissioner."

Commissioner Howell said, "So for clarification, this current language on the one you handed out this morning, this is what the KAC has proposed?"

Mr. Pepoon said, "No, the KAC has proposed the language that's been deleted."

Commissioner Howell said, "Okay."

Mr. Pepoon said, "This was language that was proposed by the Appraiser and the County Counselor in Riley County, and at the time, people up at the KAC and Riley County thought that language would specifically address it. Again, I'm going by my attorney, Trish Parker, and some of our appraisers and thinking that that language needs to be modified. In effect, this process will work its way through the legislature

and we can come up with the appropriate language. I'm sure the legislators won't allow unintended consequences to happen if they can prevent it, but the main thing is not allowing occupied facilities, active businesses to be appraised against vacant facilities. That's the purpose of the language."

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

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

Commissioner Ranzau said, "I will say this language is better than what was originally proposed, but I'll still make the argument that we've got bigger fish to fry if we're concerned about losing, you know, property tax valuations, and we should go after those instead. Thank you."

Chairman Dennis said, "Thank you. Okay, I don't see any other discussion."

MOTION

Commissioner Dennis moved to support the amended language that provides that vacant properties shall not be used as comparable properties to value occupied properties under appeal.

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>Aye</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Dennis</i>	<i>Aye</i>

Chairman Dennis said, "Alright, next item, Mr. Pepoon."

Mr. Pepoon said, "The next item is an item I mentioned earlier in my presentation that was brought for us by the District Attorney, Mr. Marc Bennett. This is, and I drafted this language for him which he and his staff approved of, and it's to support juvenile reform legislation that increases accountability and offers more local control by the 18th Judicial District for responding to moderate risk/nonviolent offenders. Mr. Howell was in the meeting, Commissioner Howell was in the meeting in which Mr. Bennett presented this issue, and I'm not sure I fully understand it. I invited him to the meeting, but I'm sure he's got many important things on his agenda.

"But essentially, and Commissioner Howell can jump in, I think it has to do with a large number of juvenile offenders that we have that they don't think the courts have enough

flexibility to deal with. Not the most violent juvenile offenders and not the least violent juvenile offenders, or nonviolent at all, but a middle tier of juveniles that are nonviolent in nature, but don't seem to want to follow judicial orders. This hopefully, they think this will, there'll be legislation this session, and that they think legislation following this platform position would be very beneficial to their operation then."

Chairman Dennis said, "Thank you. Commissioner Howell will be able to give us a little bit more detail on this. I did sit in a meeting with Commissioner Howell with Judge [Kevin] Smith, with D.A. Bennett and our attorneys yesterday to talk about this, and our judges don't really have an organization like we do that looks at just specific issues here in Sedgwick County. The D.A.'s look at it across the state, so this is more an issue to large communities, so I'll let Commissioner Howell explain it a little bit more, because he's been working this issue longer than I have. Commissioner Howell."

Commissioner Howell said, "Well thank you, Mr. Chairman. Again, just to reiterate what's already been stated, we did have a very good meeting, some of our juvenile corrections staff also attended that, Judge Smith, and he came with the blessings and agreement of Judge [Patrick] Walters, I believe, and the District Attorney Marc Bennett was also there. Really the issue is, in my opinion, is that Senate Bill 367, which I think was passed in 2015, if I remember correctly, but it's been fully implemented by now. The consequences of some of the provisions in that, I think it's well intentioned. I understand the reasons for the juvenile corrections reform that's in there. But maybe it's gone just a little bit too far.

"It's removed some options for us to deal with some of the situations that develop. Once again, I just think we need a little bit more local control and some more graduated responses to things that might happen. Right now we've got kids that probably should be considered juvenile offender kids that are in the CINC (Child in Need of Care) system that seem to can't transition back into the J.O. (Juvenile Offender) system. We have situations happening that there really isn't a county response unless these kids commit something extremely heinous or violent or extreme, in which case we do have tools in the toolbox at that point. So what I'm actually asking for is for us to reconsider, I guess, the consequences of Senate Bill 367. There's been, I think, four or five details of what this is actually asking for, and D.A. Bennett also said he has about four more items he'd like to add to that. So we have Judge Smith and Attorney Bennett that are working together to develop, if you will, the specific details of what's being asked for by the county.

"But we do need to have this on the platform, because we need to address this as a county. I want to be more successful in getting our lobbyist and the power of the county behind this initiative. This is not just for south central, or I should say, just for Sedgwick County, but this might be something that Johnson County and maybe other counties would want to participate in as well, so they're expanding the discussion to other parts of the state, but we do need to have this on the platform as a priority, so we can begin the process of adding some options back in there for the judges and for the prosecutor and for our staff to deal with some of the issues that have developed as a consequence of [Senate Bill] 367."

MOTION

Commissioner Howell moved to support juvenile legislation that increases accountability and offers more local control by the 18th Judicial District for responding to moderate risk/non-violent offenders.

Commissioner Dennis 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, "Alright, that one was easy."

Mr. Pepoon said, "The last item we have under key initiatives, Mr. Chairman, is to support legislation that allows a voter to vote at any polling place within the county if the machines are technologically capable. This would include having locations available to vote centers or other locations where a voter could avoid having to cast a provisional ballot. My understanding is this legislation is supported by our Election Commissioner and it's before you for discussion."

Chairman Dennis said, "Thank you. Actually, this became apparent to me when we were doing vote canvas this year, and we had hundreds of provisional ballots that we were deciding whether or not to count. Those provisional ballots were cast because the people went to the wrong polling location, so they gave them a provisional ballot, which allowed them to vote. The problem is, some of the different candidates on that provisional ballot wouldn't be applicable to them because they were at the wrong location. When we had our early voting location across the street set up, you could go in and it didn't matter what precinct you were in in Sedgwick County, you could go to that location and vote, and then we had the early locations that were limited across the county, and you could go to any of those locations and you could still vote, but the way the State law reads right now, is that on Election Day, you have to go to your precinct."

"So if you live in Cheney and you work downtown, you need to make sure that you schedule time to be in your precinct in Cheney. However, we have machines right here locally that would be perfectly capable of allowing them to vote, because our machines are capable of voting in any precinct on any of the machines. So all this does is says no matter where you're at in Sedgwick County, because our machines are capable, and I'm not trying to make this so it's applicable to every county, because every county may not have machines that are as good as the ones that we have, but allow, if a county has a machine that's capable of voting at any polling location on Election Day, that they can do that. So that's where that the idea came from, why that I asked that this be added to our legislative agenda. Commissioner Howell."

Commissioner Howell said, "Thank you, Mr. Chairman. I completely agree with your comments. The unfortunate thing about voting provisional is it has to be paper. That is something that the canvassing board then has to later on decide whether or not they're going to accept it. I think in every case, we accepted those provisional ballots, no problem. We understand that someone went to a different poll site than what they were assigned to on Election Day, and they were given a paper ballot, that in the eyes of the election worker was most closely related to what they should have been given. The problem is, there are some races on that ballot that don't apply to where they live. So maybe they'll vote for a State Representative, for example, that they're not really allowed to vote for, because that race doesn't apply to where they live."

"So there's some conflict between the ballots that are actually provided on Election Day and what they should've been provided because we don't have every ballot style of the entire county available at every poll site. So they're given, if you will, a substitute ballot. The races that are common, let's say governor, in this case, or fourth district congress, for example, those would be counted, no problem.

"But there may be some things on that ballot that don't count. So some of the races were not counted, and it is very manual. The election workers have to go through and figure out which races count and which races don't count on those provisional ballots. It's just unfortunate. So this is really a high priority. We need to fix this. In this case, they can go to any poll site. Maybe we could, I can imagine even some software, an app, for example, maybe a website they can say the wait times or whatever poll site is less than where I was assigned to. They can still be assigned to a poll site, but if this was to pass, they could go anywhere and bring up the proper ballot style on an electronic machine. They probably can't vote paper anywhere, but if they want to vote on electronic machine, they can go anywhere in Sedgwick County and actually vote on their exact ballot style for exactly where they live, and every race would count that they voted for. To me this is a very, very important priority, so I absolutely do support this, and I appreciate this being on the platform."

Chairman Dennis said, "Thank you."

MOTION

Commissioner Dennis moved to support legislation that allows a voter to vote at any polling place in Sedgwick County if machines are technologically capable.

*Commissioner O'Donnell seconded the motion.
There was no discussion on the motion, the vote was called.*

VOTE

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

Chairman Dennis said, "Alright Mr. Pepoon, you're getting down towards the end."

Mr. Pepoon said, "Yes, we are. Secondary initiatives the county has on its proposed platform this year, first one is to support legislation that lessens restrictions on counties entering into design-build contracts for construction. I know there's been some discussion with Commissioner Ranzau on this, and I'm not sure that this takes care of all of his concerns, but I'll let him address those at this time."

Chairman Dennis said, "Commissioner Ranzau."

Commissioner Ranzau said, "Well I had conversations yesterday, including with Mr. Fessinger, we've been talking about this. I think maybe the best, no..."

Mr. Pepoon said, "Justin."

Commissioner Ranzau said, "It was Justin, sorry. I had so many conversations here. I think it might be best to remove this. I think we agree, but then instruct staff to continue to work with Commissioners and maybe even the lobbyist, because this is a complicated issue. I think what we really need to do, I think if we put this on there and we send it to the legislature, trying to find a legislator that would sit down and draft language and all that, it would be a mess. I think we need to sit down and look and see if we can come up with some legislative language ourselves, that we can then propose and then our lobbyist can take it to a legislator and say, hey here's what we want to pass, because it's a complicated deal, but I think it would be important going forward to give us an opportunity to clean up some things and do some things when it comes to buildings."

MOTION

Commissioner Ranzau moved to remove the item from the legislative platform that lessens restrictions on counties into design-build contracts for construction and instruct staff to continue to work this issue with the intent to bring it back and take it to the legislature.

Commissioner Howell seconded the motion.

Chairman Dennis said, "To my knowledge, we can do design-build, we just have to jump through a lot of hoops right now."

Mr. Pepoon said, "That's correct, Mr. Chairman."

Chairman Dennis said, "So if we take it off of our legislative agenda, it still won't preclude us from doing this if we feel that it is something that's in the best interest of the county."

Mr. Pepoon said, "That's correct."

Chairman Dennis said, "Okay."

Commissioner Ranzau said, "I think it could take a while to sit down and really get it done, otherwise we're just wasting our time."

Chairman Dennis said, "Okay. Did you want to make a motion?"

Commissioner Ranzau said, "I did."

Chairman Dennis said, "Oh, you did, I'm sorry. Very good. We have a motion and a second. Any discussion? Seeing none, Madam Clerk, call the roll."

VOTE

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

Chairman Dennis said, "Alright, Mr. Pepoon."

Mr. Pepoon said, "The last two issues have some impact on the federal level. The first is, again, I think an issue that's been raised by Commissioner Ranzau. It's to lessen restrictions on employers in the hiring of 14 and 15-year-old workers. This falls primarily under the purview of the Fair Labor Standards Act (FLSA), federal legislation, even though the State also has wage and hour laws. So any action that the State would take would be probably more in the nature of as listed here, a support resolution to try to get Congress to make some changes that the State might agree with, so I'll stand down to your comments."

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

Commissioner Ranzau said, "Yeah, matter of background, this came up when we were considered a grant from the federal government to help with youth and employment, one of which of the groups they were targeting was 14 and 15-year-olds. I, you know, I have kids in that range, and there's problems finding jobs for those kids. I've had a lot of parents, a lot of people have complained about it, very few, because all the rules with respect to hours that they can work, there's few businesses that will accommodate that, and so this is a form of economic development, besides it helps get kids to work early so they learn a work ethic."

"I think it's beneficial for society for a lot of reasons. Quite frankly, I think this is an issue that shouldn't be controlled by the federal government to begin with. Ultimately, I think, it should be the parents' responsibility to decide where they work and how often. But at the very least, you know, we need to allow some sort of action, or allow the State to take it over, or allow the parents to make the decision or something, but it would need to be done at the federal level. We talked about legislation at the state level, but since this is driven by the Feds, if we put this on there, then I'm more than willing to take the initiative, or take the lead and pass this on to our federal delegation to see if they can at least put that out there as some of the rules and regulations that maybe can be changed."

Chairman Dennis said, "Okay, further discussion?"

Commissioner Howell said, "Well Mr. Chairman, I just want to clarify, this is what we're asking for is a resolution, ideally a joint resolution from the House and Senate that would actually ask Congress to address this. We're not asking the State to address this without Congress. We're asking for Congress itself to take this up as an issue they need to address. Thank you, Chairman."

Chairman Dennis said, "Very good. Alright."

Mr. Pepoon said, "Okay, the last item has to do with abolishing daylight saving time (DST) or phasing out daylight saving time. This has been an issue involved in a number of states. I think there's maybe one or two states, Arizona and maybe Hawaii right now that do not have, that have not switched to daylight saving time. I know this is an issue that has been brought up by the Chairman. I think one of the things you may want to clarify is whether you're looking at permanent daylight saving time or standard time, but this is the issue before you now, and this would also, as I understand it, once the State acted, would be subject to [Kansas] Department of

Transportation (KDOT) approval, so the State's action would only be the first piece of doing away with daylight savings time."

Chairman Dennis said, "Good, and again all we're asking for is our legislators to say that they think that this is a good idea for us to press on with. I understand that it does require some action by the Department of Transportation. There are already a couple states that don't change back and forth. This also came up at my Citizen's Advisory Board, and they were 100 percent in favor of this. I think probably the predominant thought is that we go to daylight saving time and just stay there. I know that there's been some discussion about farmers on whether or not it's going to impact farmers.

"Having grown up as a farmer, I'm not sure that it has a whole lot of impact, because they work when they need to work, and when the sun comes up, a lot of them are already working and when the sun goes down, a lot of them are still working. So I don't know that that's a big issue to farmers. But the other thing that I've heard, and I did a little bit of research on the internet, it looks like the day that more people have heart attacks is the day that we spring forward and they lose an hour of sleep. So that's something else to consider for the health of our community, too. So I believe we ought to just leave this on and just as we did the previous one. I don't see any objections."

Mr. Pepoon said, "Mr. Chairman, we may want to vote on the entire platform. I know we voted on individual issues, but I'm not sure there was an actual motion or vote for behavior or health initiatives. Maybe there was in some of these secondary issues, so it may be a good idea to vote to adopt the whole platform as amended and approved or in the discussion today."

Chairman Dennis said, "Okay. Well, we've gone through a lot of these."

MOTION

Commissioner Dennis moved to adopt the legislative platform as amended.

Commissioner O'Donnell seconded the motion.

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

Commissioner Ranzau said, "I'll just say I'll continue to oppose the abatement issue, but I voted on that, so I'll go ahead and support this in general."

Chairman Dennis said, "Sounds good, thank you. I see no other comments, so Madam Clerk, call the roll."

VOTE

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

Chairman Dennis said, "Next item, please. Thank you, Mike. Appreciate it."

Mr. Pepoon said, "I don't have any applause, but..."

Chairman Dennis said, "Mr. David, can you run that thing again? There we go."

I [18-922](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR
MEETING ON DECEMBER 6, 2018.

Presented by: Joe Thomas, Director, Purchasing.

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

Chairman Dennis said, "Joe, welcome."

Mr. Joe Thomas, Director of Purchasing Department, greeted the Commissioners and said, "The meeting we had of last Thursday, December 6th for the Board of Bids and Contracts results in six items that we bring to you this morning."

1. CHANGE ORDER #1 - AMENDMENT TO STARKEY, INC. CONTRACT --
SEDGWICK COUNTY DEVELOPMENTAL DISABILITY ORGANIZATION (SCDDO)
FUNDING -- SCDDO

"The recommendation is to accept the change order to extend the contract for six (6) additional months with Starkey, Inc.

2. WEED CHEMICALS -- NOXIOUS WEEDS
FUNDING -- NOXIOUS WEEDS

"This recommendation is to accept the low bids for items one and two from Sims Fertilizer and Chemical, for item three from Red River Specialties LLC. and item four from SiteOne Landscape Supply and then establish contract pricing for one (1) year.

3. STORAGE MEDIA AND STORAGE DEVICES -- VARIOUS DEPARTMENTS
FUNDING -- VARIOUS DEPARTMENTS

"This recommendation is to accept the overall low bids from CDW Government LLC, and this is for the USB 3.0 Flash Drives, which is represented by items 9 through 14 and the CD/DVDs items 21 and 24, and then the overall low bid was from Adorama, Inc. for SD Cards, which are items 15 through 20 and CD/DVDs items 22 and 23, and that would be at the rates listed for one (1) year with two (2) one (1) year options to renew.

4. COMMUNITY CAPACITY DEVELOPMENT TECHNOLOGY SOLUTIONS
FOR STAFF SHORTAGES -- SEDGWICK COUNTY DEVELOPMENTAL
DISABILITY ORGANIZATION (SCDDO)
FUNDING -- CAPACITY DEVELOPMENT

"This recommendation is to fund the proposal from Community Living Opportunities, Inc., and this amount is \$122,690 and also Disability Cocoon, LLC for \$119,925 for a total amount of \$242,615.

5. CUSTODIAL SERVICES -- SEDGWICK COUNTY EXTENSION OFFICE

FUNDING -- FACILITIES MANAGEMENT

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

*6. COST ALLOCATION PLANS, INDIRECT RATE PROPOSAL, JAIL STUDY PLAN AND FULLY-LOADED HOURLY PERSONNEL RATES REPORT
FUNDING -- DIVISION OF FINANCE, DIVISION OF HEALTH, AND COMCARE*

"This recommendation is to accept the proposal from MGT of America Consulting, LLC and execute a three (3) year contract with two (2) one (1) year options to renew, and this total cost is \$104,600.

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

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

Commissioner Howell said, "Well thank you, Mr. Chairman. I'm curious about item number three, items number 9 through 14 on there. Are these special in some way that makes them much more expensive than what I can get on the consumer market?"

Mr. Thomas said, "Yes, I.T. (information technology) has requested that these items be special encryption. So this particular storage media, storage devices, we discussed with I.T., and it was specifically vetted that these particular types be used by all departments."

Commissioner Howell said, "A lot of, okay so for listeners, these are flash drives between 4 gigabytes all the way up to 128 gigabytes. I'll give you some examples, the 4 gigabyte drives are \$55 each, I guess, and they go up to say the 32 gigabyte drives, \$144 for a flash drive. A lot of flash drives I'm familiar with have encryption software built into them. Are these, is this software something that's unusual, or is this embedded software that comes with the flash drive?"

Mr. Thomas said, "I wish we had someone from I.T. to go into the technical details. They called it a FIPS 140-2 (Federal Information Processing Standard), I believe or [140]- 3. It was encouraged that this level be used. This is what they say all departments should use."

Commissioner Howell said, "Do you know how many of these we purchase over a year total?"

Mr. Thomas said, "Now this is relatively new, and so there was no reports on, we tried to get this together for quite a while, and various departments order from different places, and they've ordered some encrypted, some not, so we really don't have a total price at this time."

Commissioner Howell said, "Well I guess I'll just say, you know, these are very expensive. If you need the encryption, that maybe is a good answer, but I have purchased flash drives over the years. A lot of times you buy a reasonably good flash drive, they do come with encryption software built into them. If you use that software,

again, I don't know if this is somehow different than what I'm familiar with, but you type in a password and it encrypts that, so if someone was to find that thumb drive, they can't get to the data without the password. Anyway, just to give you an example, the 64 gigabyte thumb drive here is over \$200. I can find them online for about \$15, so I'm just a little concerned that these are very, very expensive. I don't understand why we would do that. Maybe I need more explanation. Mr. Chairman, I would like to defer item three. I don't know if we can take items 9 through 14 out of this or not, or if we have to do this as a whole, but item number three, I think we should give ourselves a week to understand this a little bit deeper. So I would like to see us not consider item number three on this contract today."

Chairman Dennis said, "Do you have a motion for the rest of them?"

MOTION

Commissioner Howell moved to approve the recommendations of the Board of Bids and Contracts with the exception of item number three.

Commissioner O'Donnell seconded the motion.

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

VOTE

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

Chairman Dennis said, "Thank you, Joe."

Mr. Thomas said, "Thank you."

Chairman Dennis said, "Mr. Manager, next item. I'm sorry, Madam Clerk, next item."
Approved As Amended

CONSENT

Chairman Dennis said, "I'm taking away your job here."

Mr. Thomas Stolz, Interim County Manager, greeted the Commissioners and said, "Recommend you approve consent items J through T with the exception of K. Regarding item K, staff would like another week to do further analysis, and we will re-present that next week."

Chairman Dennis said, "Thank you Commissioner Ranzau."

MOTION

Commissioner Ranzau moved to approve consent agenda items with the exception of items K and M.

Commissioner Howell seconded the motion.

Chairman Dennis said, "Okay, we have a motion to go except for K (Kilo) and M (Mike).

I will not be supporting that motion, but..."

Commissioner Ranzau said, "I would except (inaudible) on that item."

Commissioner Unruh said, "Mr. Chairman, we can approve the motion and then come back to item M, if you'd like to."

Commissioner Ranzau said, "Yes."

Chairman Dennis said, "Okay, alright. We can do that. Commissioner Unruh, do you have anything else?"

Commissioner Unruh said, "No."

Chairman Dennis said, "Alright, so we have a motion for Juliet (J) through Tango (T) and defer Kilo (K) and Mike (M)."

Commissioner Ranzau said, "Not defer, we'll defer Kilo (K) for a week, and M we'll have more discussion on for after."

Chairman Dennis said, "Okay. Defer Kilo (K) and more discussion on Mike (M). Everybody understand the motion? Okay, Madam Clerk, you understand the motion?"

Ms. Baker said, "Yes."

Chairman Dennis said, "Very good. Call the roll."

VOTE

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

Chairman Dennis said, "Commissioner Ranzau."

MOTION

Commissioner Ranzau moved to approve the community program funding agreements with the exception of the agreement for The Arts Council.

Commissioner Howell seconded the motion.

Chairman Dennis said, "We have a motion and a second. Now, Commissioner O'Donnell."

SUBSTITUTE MOTION

Commissioner O'Donnell moved to approve consent item M with all four community program funding agreements.

Commissioner Dennis seconded the motion.

Chairman Dennis said, "I don't see anyone want to, Commissioner Ranzau."

Commissioner Ranzau said, "Yeah, I am supportive of all of these except for the Art Council. I can't support funding. I think that it's unnecessary and politically motivated, so I'll have to vote no on this, even though I support most of them."

Chairman Dennis said, "Thank you. Well, let me make a statement a little bit. I did some research. Commissioner Ranzau asked me about this yesterday, so I went to the Arts Council and asked them a little bit about what they've been doing to help our community. The Arts Council is part of what makes this a great place to live, because the arts are something that stimulates the mind. First of all, Arts Council has been working very hard to put in the turtle maze out at Sedgwick County Park, and although we provided the land for that, there was no expense from Sedgwick County, so that's a great addition to Sedgwick County."

"Little bit of information that they sent to me says, for more than 50 years the Arts Council has worked to advance and promote arts and culture in Wichita through advocacy, leadership, education and collaboration. They make it happen. They provided over \$50,000 in grants since 2008 to local artists and cultural events. Implement an annual sculpture walk since 2009. Collaborative partner with City Arts, The Community Art Center that hosts arts events, houses art displays, provides ongoing education classes. In partnership with the City of Wichita, provide leadership on arts funding through cultural funding committee. For 2018, they have awarded 21 organizations, three individual artists, operational support that has totaled more than \$3.2 million."

"They stand up for the arts, they advocate for public art, art funding and public art programs. They inform on public policy. They host candidate forums. They advocate for elected leadership who champion arts and culture. They advocate for local arts organizations and artists. They promote the arts. They celebrate and recognize outstanding local art and artists at the Annual Art Award. They build awareness of local arts through promotional marketing, support artists, art projects, cultural events to enhance quality of life for the community, and they support and promote Final Friday, they promote a vibrant and inclusive and diverse arts community. They connect youth with the arts. They provide \$16,000 in youth scholarship to City Arts since 2002."

"The creation of a Youth Arts Council, Scholastic Art Award partnerships. The other thing that they didn't discuss in here was when I went to NaCo (National Association of Counties) last time, there was a breakout session that I talked, that I went to, that talked about art and how that it's helping our disabled veterans that are coming back to help them with PTSD (Post-Traumatic Stress Disorder) and other things that are bothering our veterans that are coming back into the community. It has a significant impact on that. As a result of that, the Arts Council is taking a look and working with some of our veteran provider organizations here in this area to see what they can do to help with our veterans. So I will, do we have a motion to support item M, and it's fully..."

Commissioner O'Donnell said, "Yes."

Chairman Dennis said, "We do have that motion? Okay, so I will..."

Commissioner O'Donnell said, "You made a second."

Chairman Dennis said, "I will support the alternate motion. Commissioner Ranzau."

Commissioner Ranzau said, "I just say I fully understand the impact of arts, and I have no problem with that. I don't dispute anything that you've said, but I think it's important to know the facts. I wasn't really going to go into detail, but, you know, a few years ago we cut them out of the budget and they received \$100,000 from the Knight Foundation, at least in part due to that to compensate for that, so that's seven years' worth of funding that we really didn't need to give now from the taxpayers. So the question is why would we do it when they received funding to replace that, and it's because of political support, and that's not the right way to give, that's not the right reason to give people taxpayer money, so that's why I'll oppose it."

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

Commissioner Howell said, "Thank you, Mr. Chairman. Just a clarification. This was in our August budget, \$15,000. Is that correct? This is planned spending? I think I see some heads going yes."

Mr. Kaufman said, "Yes, sir."

Commissioner Howell said, "Okay, alright. I appreciate the information from Commissioner Dennis. I probably will support this motion to go ahead and fund it right now, but I just want to say this is, again, a Wichita Arts Council, it doesn't represent necessarily every city in Sedgwick County, but although people across the county do tend to use things in Wichita, so this is centered in Wichita, and maybe that makes sense, but you know, other communities don't get access to this money, as far as I know. This is a Wichita Arts Council. Second thing, as I would say, you know, our budget, we did pass it with this in mind, I think they're expecting this funding at this point. But I would say this is tier three funding.

"I know we're not using that phrase any longer, but in my mind if we have the funds to support it, then that's a decision we make in August when we passed our budget. This is the time for us to go ahead and follow through with what we said we would do, so I will support the motion today. Thank you."

Chairman Dennis said, "Thank you. Any other comments? Seeing none, we have a substitute motion. 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>Aye</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Dennis</i>	<i>Aye</i>

Chairman Dennis said, "Next item, please."

J [18-1044](#)

Hire Division on Aging Controller above Grade Minimum.

Approved on the Consent Agenda

K [18-959](#)

Amendment to the Capital Improvement Program for Security Camera

Upgrades and Standardization.
Deferred

- L** [18-1028](#) Agreement with Sedgwick County and Kansas Public Telecommunications Services, Inc. (KPTS) for 2019.
Approved on the Consent Agenda
- M** [18-1037](#) Community Programs' 2019 Funding Agreements
Approved on the Consent Agenda
- N** [18-1021](#) Agreement with the City of Haysville to Provide Reimbursement for a Portion of the Local Funding Match for the Meridian Pedestrian Bridge over the Wichita Valley Center Floodway. (B-462A) (District 2).
Approved on the Consent Agenda
- O** [18-1024](#) Agreement with Occidental Chemical Corporation (OxyChem) for Construction of Drainage Improvements on Ridge Road and 63rd St. South. (R-264) (District 2)
Approved on the Consent Agenda
- P** [18-1033](#) Agreement for Coordination Services with the Association of Community Mental Health Centers of Kansas, Inc.
Approved on the Consent Agenda
- Q** [18-980](#) Consideration of a grant renewal in the amount of \$285,500 from the Kansas Department for Aging and Disability Services (KDADS) to provide enhanced Supported Employment Services.
Approved on the Consent Agenda
- R** [18-1029](#) Plat.
Approved by Public Works. The County Treasurer has certified that taxes in 2017 and all prior years have been paid for the following plat:

YODER AIRPORT 5TH ADDITION
Approved on the Consent Agenda
- S** [18-1038](#) Resolution authorizing 2010 Personal Property Tax Judgments to become dormant.
Approved on the Consent Agenda
- T** [18-1013](#) General Bill Check Register for November 28, 2018 - December 4, 2018.
Approved on the Consent Agenda

LEGISLATIVE ISSUES

Chairman Dennis said, "I don't think we have any other ones, do we Mr. Pepoon? No thanks. Very good. 'Other', I'm sorry. Madam Clerk, next item."

OTHER

Chairman Dennis said, "Does anyone have anything for 'other' today? Seeing nothing, Madam Clerk, next item."

EXECUTIVE SESSION

Commissioner Unruh moved that the Board of County Commissioners recess into executive session for 30 minutes until 12:00 noon under the justification of meeting with an attorney on a matter that would be deemed privileged under the attorney-client relationship to discuss the subject of use and dissemination of attorney-client privileged documents, and that the Board of County Commissioners return to this room from executive session no sooner than 12:00 noon.

Commissioner Dennis seconded the motion.

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

VOTE

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

The Board of County Commissioners recessed into executive session at 11:31 a.m. and returned at 12:05 p.m.

Approved

18-1087

LIMITED PURPOSE WAIVER OF ATTORNEY-CLIENT PRIVILEGE.

RECOMMENDED ACTION: Take action as Board deems necessary.

Chairman Dennis said, "Mr. Pepoon, do we have anything?"

Mr. Pepoon said, "No, just that no action was taken in executive session, Mr. Chairman, and with that, I would entertain any motions by the Board."

Chairman Dennis said, "Thank you. I'd like to declare that no action was taken during executive session. Do we have any motions?"

MOTION

Commissioner Unruh moved that we, as the Board of County Commissioners, waive our attorney-client privileges for the limited purpose of allowing the U.S. Attorney's Office to review a copy of the Leadership Study provided to the Board of County Commissioners by Stephanie Scheck.

Commissioner O'Donnell seconded the motion.

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

Commissioner Ranzau said, "If we're going to do this, despite attorney recommendation not to, I think I would like to make a substitute motion."

SUBSTITUTE MOTION

Commissioner Ranzau moved to waive our attorney-client privilege for the limited purpose of allowing the U.S. Attorney's Office to review a copy of the Leadership Study provided to the Board of County Commissioners by Stephanie Scheck, and in addition waive the attorney-client privilege with respect to email communication between the County Counselor and Commissioner Dave Unruh with respect to whether or not it was possible to fire County Manager Scholes as a result of his cooperation with the FBI investigation.

Commissioner Howell seconded the motion.

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

Commissioner Howell said, "Thank you, Mr. Chairman. In the spirit of cooperation with the investigators and the prosecutors, and to be transparent and open, I would second the motion."

Chairman Dennis said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chair. I think just for the record we need to say that the U.S. Attorney has a copy of the email, along with I don't know how many other people, so I have no objection to having it disclosed and/or publicized that the County Counselor sent me an email back in November in response to a question I asked him. I think it's been pretty well publicized and talked about, and so anyway, I'm not going to oppose the motion. I don't know all the verbosity that was included, but I get the intent of it."

Chairman Dennis said, "Commissioner Ranzau."

Commissioner Ranzau said, "Mike, is my motion..."

Mr. Pepoon said, "I think your motion is sufficient..."

Commissioner Ranzau said, "It's sufficient."

Mr. Pepoon said, "...to waive privilege on any documents that U.S. Attorney's office

may have with respect to former County Counselor Eric Yost."

Commissioner Ranzau said, "Okay."

Chairman Dennis said, "Okay, I will support the motion. We've been open to every single thing. We've been cooperating with the U.S. Attorney and everyone that's been involved every step of the way. At this point I don't know why we wouldn't continue to cooperate with the U.S. Attorney.

"I have not seen that any action has been taken whatsoever. I'm not afraid of anything that might come up as a result of any kind of investigation. The Scheck report that we're talking about, we're asking for very limited and controlled circumstance on how that that can be released. So I think that we need to continue to be open and transparent with any investigation that's ongoing. Commissioner Ranzau."

Commissioner Ranzau said, "Well, there are always good reasons to maintain attorney-client privilege, and in general, it's the best to do that. There are other legal ways for them to get this, which would probably be the better way to go if that were possible, but I understand the direction we're going, and as long as we're going to waive attorney-client privilege, we do it for both documents, then that's a much more fair way to do it."

Chairman Dennis said, "Again, this is under very controlled circumstances in our County Counselor's office. It's not something that we're just releasing that they can keep. Any further discussion? Commissioner Howell."

Commissioner Howell said, "Just to clarify, I do think this is not in the best interest of Sedgwick County, but it is cooperating with those that have asked for access to this. It does add some risk to our personnel that have added to that report. Again, we will do our best I think to protect them, but there is additional risk to them that their information may somehow get leaked out, again, to other attorneys by waiving this privilege, we're not necessarily able to limit this to just U.S. Attorney. Others may be able to gain access to that document. I don't know that this is necessarily good for Sedgwick County, but again, in the spirit of cooperation, I guess this is what we're going to do today. Thank you."

Chairman Dennis said, "Thank you. Any further comments? Seeing none, we have a substitute motion. Everybody understand the substitute motion? Madam Clerk, call the roll."

VOTE

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

Chairman Dennis said, "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 12:10 p.m.