

# Sedgwick County

525 North Main Street 3rd Floor  
Wichita, KS 67203



*Sedgwick County...  
working for you*

## Meeting Minutes

**Wednesday, February 6, 2019**

**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](mailto: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 9:07 a.m. on February 6, 2019 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 Peter F. Meitzner; Commissioner Michael B. O'Donnell II; Commissioner Lacey D. Cruse; Commissioner James M. Howell; Mr. Thomas Stolz, Interim County Manager; Mr. Michael D. Pepoon, Interim County Counselor; Mr. Jim Weber, Deputy Director, Public Works; Mr. Rick Durham, Deputy Chief Financial Officer; Mr. Justin Waggoner, Assistant County Counselor; Mr. Dale Miller, Director, Metropolitan Area Planning Department; Mr. Joe Thomas, Director, Purchasing; Mr. Joe Currier, Director, Internet Technology Infrastructure; Ms. Kate Flavin, Public Information Officer; Ms. Lynda Baker, Deputy County Clerk.*

### **GUESTS**

*Mr. Wess Galyon, Wichita Area Builder's Association  
Mr. Lonny Wright, 1722 South Lulu Street*

### **INVOCATION: Pastor Marsha Haney, Bethany United Methodist Church.**

### **FLAG SALUTE**

### **ROLL CALL**

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

*Chairman Dennis said, "Next item, please."*

### **PUBLIC AGENDA**

*Chairman Dennis said, "I have not seen anyone that signed up on Public Agenda. If anyone is in the audience would like to speak at this time, now is an opportunity. Seeing no one, next item please."*

### **CONSIDERATION OF MINUTES**

- A**     [19-092](#)     REGULAR MEETING MINUTES OF JANUARY 9, 2019.  
All Commissioners were Present.

*Chairman Dennis said, "Thank you. We have two sets of minutes today. One was from January 9th and one from January 16th. All the Commissioners have had a chance to review those."*

### **MOTION**

*Commissioner Dennis moved to approve the meeting minutes of January 9, 2019 and January 16, 2019.*

*Commissioner O'Donnell seconded the motion.*

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

VOTE

|                           |     |
|---------------------------|-----|
| Commissioner O'Donnell II | Aye |
| Commissioner Cruse        | Aye |
| Commissioner Howell       | Aye |
| Commissioner Meitzner     | Aye |
| Chairman Dennis           | Aye |
| <b>Approved</b>           |     |

- B**     [19-102](#)     REGULAR MEETING MINUTES OF JANUARY 16, 2019.  
All Commissioners were Present.  
*Action for this item was taken with Item A.*

**APPOINTMENTS**

- C**     [19-105](#)     RESOLUTION REAPPOINTING TONY MARTINEZ (COMMISSIONER MICHAEL O'DONNELL'S REAPPOINTMENT) TO THE SEDGWICK COUNTY SOLID WASTE MANAGEMENT COMMITTEE IN POSITION #12 FOR THE SECOND DISTRICT.  
Presented by: Mike Pepoon, Interim County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

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

*Commissioner O'Donnell said, "Thank you, Mr. Chairman. I don't see Tony in the room, okay, but I did see Karen Bailey just come in, so I thought maybe she was here to appoint him, but I appreciate Tony's willingness to serve in this role once again. He's the Public Works Director for Haysville and has done a fantastic job."*

MOTION

*Commissioner O'Donnell moved to adopt the resolution.*

*Commissioner Howell seconded the motion.*

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

VOTE

|                           |     |
|---------------------------|-----|
| Commissioner O'Donnell II | Aye |
| Commissioner Cruse        | Aye |
| Commissioner Howell       | Aye |
| Commissioner Meitzner     | Aye |

Chairman Dennis

Aye

County Clerk has assigned Resolution No. 015-2019

**Adopted**

## **NEW BUSINESS**

D

[19-009](#)

### **PRESENTATION OF THE QUARTERLY FINANCIAL REPORT.**

Presented by: Rick Durham, Deputy Chief Financial Officer.

**RECOMMENDED ACTION:** Receive and file.

Chairman Dennis "Well welcome back, Rick."

*Mr. Rick Durham, Deputy Chief Financial Officer, greeted the Commissioners and said, "I am here this morning to present to you the Fourth Quarter Quarterly Financial Report. As you are aware, at the end of each quarter, the Finance Division reports on the financial condition of Sedgwick County. So the following financial report that I'm going to give you provides an analysis of fiscal year ending December 31st, 2018. However, I will say that the information in this is pre-audit information, so it could change at the end of our audit for any adjustments that may be required by the county auditors at a later date. Each of you should have received your quarterly report already, and the first section of that report outlines a financial information on a budgetary basis for applicable fund types, and it has comparisons of activities with the previous fiscal year and the adopted and revised budgets.*

*"The second section of the report outlines the status of active capital projects, and then the final section of the report is the fund statements, which provide a broad view of the county's finances in a manner similar to a private sector business, and those are based on GAAP (Generally Accepted Accounting Principles) Standards. So real briefly, I'll talk to you about the difference between GAAP standards and a budgetary basis. Really what the difference is mainly, at a very high level, is when we record expenses. On a budgetary basis, we record the expense, or we realize it when we encumber the funds. On a GAAP basis, what we do is we don't realize that until we pay the bill, until we received an invoice and we pay that. So that's the difference when we look at GAAP standards versus budgetary basis, and we'll talk about a little bit of that as I move through the report, but I kind of wanted to kind of just give a general understanding of the difference between GAAP basis and budgetary basis.*

*"That's important to my accountants in the room. Everyone else is like, well. So overall, this report shows continued modest improvement in the property tax supported funds as compared to 2017. Again, so I bring to light my accounting staff is here, but also this report is put together not by me. I'm just the guy that gets to stand up here and be the pretty face of the Division of the Finance, but the hard work is really done by the budget staff led by Lorian Showalter Arie and her staff here is Carli Sanchez, Todd Kawawa, I don't see Lee here, and then also the Accounting Department led by Hope Hernandez and her staff of Mandy Estes, Melissa Slaughter and Marty is here and Brandi Baily, and I'm going to recognize Brandi in a minute too for some of her outstanding work.*

*Mr. Durham continued, "So let me get into the report here. We begin with essentially the end. By that I mean, is these are the ending fund balances for these funds as we move through the year. When we report on financial status for the county, we aggregate that information into one of several possible groupings. It's the general fund,*

*property tax supported funds, other operating funds or all operating funds. Like I said, this chart shows the ending fund balances at the end of the year for these particular funds. So I'm going to start with the general fund. The general fund is the county's primary operating fund, and that accounts for county services that don't have a designated fund of their own.*

*"The general fund includes most general government, law enforcement functions, and it receives the broadest variety of revenues. Currently, the operations of 42 divisions are funded from the general fund. Revenues exceeded expenditures by \$1.4 million, and that's primarily due to a transfer of cash into the general fund from the sale of bonds from the Reagan Building, the Greyhound Park land auction, and the net change in fund balance was \$1.4 million, and that results in an ending fund balance in the general fund of \$68.1 million. As we move to the right, the next column is debt service funds. Expenditures were \$200,000 greater than revenues, and the net change in fund balance there is \$238,000, and that results in an ending fund balance of \$2.6 million.*

*"Moving then we go into special revenue funds that are property tax supported, and the county has seven other property tax supported funds, and those are Bond and Interest, EMS (Emergency Medical Services), COMCARE, Aging, Highway, Noxious Weeds and Wichita State University. Each fund provides services related to a specific function, and the property taxes levied in each of those funds can only be used to support those specific functions. These funds had a net decrease of approximately \$100,000 at year end, and primarily that was a decrease in medical charges collected from the operation of EMS. Now here I should note that we have since outsourced the EMS billing function, and so we anticipate that we won't see those same results next year. The net change in fund balance of \$131,000 resulting in ending fund balance in those special revenue funds of \$3.9 million.*

*"The next column, also special revenue funds that are not supported by property tax. The county has 31 budgeted other operating funds which are not supported with property taxes, and those include grant funds, enterprise funds and internal service funds. These funds decreased by \$200,000, also a combined fund balance, and that's primarily due to an increase in expenditures for technological equipment in the Division of Corrections. So that net change in fund balance results in an ending fund balance of \$29.8 million in those non-property tax supported special revenue funds.*

*Mr. Durham continued, "We move now to the Fire District. Again, the Fire District No. 1 is a distinct governmental entity, and it's operated as part of the Sedgwick County government and levies property taxes, but it's reported financially separately. So the fund balance increased by \$800,000 at the end of 2018, and a lot of that is due to changes in their vehicle replacement plan, staff restructuring and higher than anticipated tax collections. So the net change in fund balance was \$836,000, resulting in a fund balance of \$6.4 million. So now we have the enterprise and internal service fund. The fund balances within this group decreased by \$2.5 million at the year end, and that's primarily due to a projected increases in health insurance premiums, and that results in an ending fund balance in those funds of \$28.4 million. So if we roll all those together, we report on total governmental funds, we show an ending fund balance in those of \$139 million.*

*"So now I'll go into some of the details as we move through the report. So this represents the property tax supported funds of the county on a budgetary basis, and*

*this shows net revenues of \$255.4 million. This is an increase of \$11.7 million or 4.8 percent when compared to 2017. Most significant increases occurred in other revenue of \$9 million, current property taxes of \$4.2 million and reimbursements. The increase in other revenue is due to the transfer of debt proceeds from the sale of the bonds for the Spirit AeroSystems that's related to Project Eclipse, as well as a transfer of cash into the general fund from the sale of bonds from the Reagan Building. The increase in reimbursements is largely due to claim recovery payment from an insurance loss, or the insurance reimbursement from a loss that we had. Then license and permits increase is due to an increase in plans being reviewed, some of which are very large projects, and then that increases the fees that were collected.*

*"This shows the expenditures of county property tax supported funds, and for all county property tax supported funds, the expenditures increased \$11.1 million or 4.5 percent, and that totaled \$254.3 as depicted on this chart. Increases were reported in contractals, personnel, and the contractual increase was largely due to the economic development, it's the \$7 million of the Project Eclipse, so we show the revenue as we have the income from that sale of the bonds. Then the expenditure is in the contractual for that agreement. That was an agreement with the City of Wichita, Spirit for Project Eclipse. There were also increases in professional services, legal professional services for the District Court and external counsel for the Counselor's Office. There was an increase in out-of-county housing for Sheriff, and the increase in personnel cost is mostly attributed to budgeted increase for compensation and benefits.*

*"So as we take those two into account, you'll see there's the 4.8 percent increase in revenue and a 4.5 percent increase in expenditures, and that results in a net income for the year of \$1 million. So we'll drill down a little further into those county property tax supported funds, and here we show the top 10 revenues of property tax supported funds, and as you can see, the largest is current property tax collections, and that increased just over \$4 million when you compare that to 2017. A reminder the county's assessed value grew 3.2 percent for the 2018 budget year.*

*Mr. Durham continued, "Retail sales and use tax collections increase \$1.4 million when compared to 2017, and collections in 11 of 12 months in 2018 exceeded collections in those same months in 2017. There's actually a chart in the quarterly report that has that broken down month-by-month. The next thing I would like to draw your attention to is officer fees toward nearly the bottom of that chart. Officer fees increased 17 percent as compared to 2017, and what officer fees are are those per page filing fees for documents that are recorded in the Register of Deeds Office. I bring that to your attention because as of 1 January, 2019, we no longer charge mortgage registration fees, so that revenue is gone in 2019. You don't see that. So the officer fees, while it doesn't replace all of that revenue, it's meant to offset and be that revenue stream. So I bring that to your attention that that's why that 17.9 percent increase. Then of course there's a 24 percent decrease in Medicare fee revenue, and that's tied to the lower EMS collections that I discussed earlier.*

*"So as we move now, we look at some of the expenditures in the property tax supported funds. This is key personnel expenditures. Personnel is the largest single category of expense that we incur here at the county. So some of the changes of note, you'll see pension contributions increased 9.1 percent, and those are due to KPERs (Kansas Public Employees Retirement System) changes, and again, there's a chart in the quarterly report that shows those changes for KPERs and KP&F (Kansas Police & Firemen) for the past six fiscal years, so you can see those changes over the time. Then we'll see overtime increased 16.2 percent. That largely is due to overtime costs in*

*Sheriff, Corrections and EMS. Then you can see all other personnel expenditures have decreased 6 percent. Other personnel expenditures include things like allowances, vacation sales, wages, work comp premiums, unemployment taxes and things of that nature.*

*"Sticking with expenditures in those property tax supported funds, listed here are some of the additional non-personnel expenditures. So draw your attention to some of the red numbers on the page. Obviously, Fleet Management charges down \$1.2 million or 18 percent, and that is due to the refunding of Fleet Management charges to EMS to prevent a deficit in that fund, in that EMS fund, so we refunded their Fleet Management charges for the year.*

*"Interest on debt, down 10 percent. That's due to no issuances of debt in 2017, so there was no interest payments due in 2018. However, recall we did issue bonds in 2018 for the Reagan Building for the economic development program and some road and bridge projects and improvements. The bottom line there, the software and hardware maintenance, a 14.6 percent increase. While not a very large dollar amount, that's due to voting equipment maintenance costs for the new voting equipment.*

*"So now we shift gears a little bit, and we look at those special revenue funds that are not supported by tax dollars, so these are non-tax special revenue funds.*

*Mr. Durham continued, "As I stated at the beginning of this presentation, the county has 31 operating funds which are not supported directly with property taxes. So in these, revenues have increased \$2.7 million as compared to 2017. The most significant increases occurred in intergovernmental revenue, and that's primarily due to an increase in state revenue that was received by COMCARE as a participating Community Mental Health Center contract was increased by \$1.5 million for State Fiscal Year 2018. COMCARE also received an amendment for an additional \$1.3 million for the Community Crisis Center, and additionally, there were increases in federal revenue in the Health Division.*

*"Here we look at expenditures. Those expenditures increased \$1.9 million as compared to 2017. So when we look year-over-year, we see there's a 3.9 percent increase in revenues, and a 2.7 percent increase in expenditures. Like we did with the tax supported funds, we'll now look at the revenues, and we'll drill down a little bit into some of those top 10 revenues for the non-tax special revenue funds. So obviously, you're probably drawn to the large percentage increase in the state revenue from KDADS (Kansas Department for Aging and Disability Services). It's 172 percent.*

*"As I briefed the Commission at the end of the second quarter and the end of the third quarter, so that large increase percentage-wise is the way we put it in our accounting system. That revenue used to be reported under state revenue DCF (Department of Children and Families), and you see that on the next line. There's a 43 percent decrease there. So, it's due to how the revenue was recorded in the accounting system, so it's not truly a 172 percent increase in revenue coming in. It's pretty much net-neutral.*

*"Other key numbers on this page that may stand out is the red numbers at the very bottom of the page. You see the reduction in state revenue JJA (Juvenile Justice Authority). That's as a result of the SCYP (Sedgwick County Youth Program) closing. The miscellaneous federal revenue. That's due to the elimination of the HUD (Department of Housing and Urban Development) voucher program. Then Medicaid*

*waiver, the reduce of 12.6 percent. That's due to a timing of billing in 2018 as compared to 2017, so that's just an accounting thing. It's a timing thing, so we'll see that level out as we move into 2019. At least I would anticipate that.*

*"We look at expenditures now, and again, the largest expenditure is people. So you can see there are actually several entries on this chart that are directly tied to personnel expenditures. Salaries and wages, obviously, is one. The next one is employee insurance premiums, also a personnel cost. Then we move down, and we see pension contributions increased 9.5 percent, also a personnel cost, so you can see some of the key expenditures that we're tracking are all tied to people, and then other things you see there are relatively small changes. So overall, the key expenditures in those non-tax special revenue funds increased 2.7 percent for the year.*

*Mr. Durham continued, "Okay. Up to now, we were talking about numbers on a budgetary basis. So we're going to shift gears a little bit now, and we move into the next section of the quarterly report that would be found behind the tab in the report called fund statements, and there you're going to find balance sheets and income statements and all of those accounting reports.*

*"These figures are on a GAAP basis that I'm showing you, and what this chart shows you is the total fund balance on a GAAP basis of the general fund, and at the end of 2018, the general fund balance shows \$67 million. So as you can see, as we look over the past six fiscal years from '13 through '18, there's a clear pattern that you can see. That pattern is the tax collection cycle. We collect tax dollars in, in the first and second quarter, and then we spend those down in the third and fourth quarter. You can see there's really a clear cycle as we move through each fiscal year, and fairly consistent numbers, and 2018 ends at \$67 million of fund balance, which isn't necessarily out of line with any of the previous fiscal years.*

*"This is the same data but shown differently. What this chart shows is the general fund balance as a percentage of budget expenditures. So it's important at this point that I tell you the county has a fund balance policy that states that unrestricted general fund balance be at least 20 percent of budgeted expenditures. That policy line is depicted along the line on that 20 percent line. So you can see where that policy is, is that 20 percent line. Again, we see the clear pattern of collections and then spending down through the third and fourth quarters. So at the end of 2018, the unrestricted general fund balance, as a percentage of budget expenditures, is 32 percent, and again, not out of line with any of the five previous fiscal years, so you can see a six-year trend there.*

*"Okay, we'll shift gears again, and now we'll look at the investment portfolio. So this chart represents the investment portfolio of Sedgwick County, and it measures two things. It measures the size of the investment portfolio and the performance. So the size of the portfolio is depicted in the brown bars that you see. Again, you can see that clear pattern as we look back. So December, there's a spike in December of every year. Again, that's tax collection cycle, so we have a very large amount of money in our portfolio to invest. So that represents the size of it. Currently, the end of 2018, the total portfolio sits at \$528.6 million that we invest. So the yield of the portfolio then, that's the performance piece. So there are two lines depicted there. The county's yield is that blue line, and then the benchmark is that dashed gray or green line.*

*"The benchmark that we measure against is the one-year federal Treasury Bill, the*



*T-Bill. So currently, that is, at you can see, over 2.5 percent, its 2.8, I believe is what it is. So the county's yield is behind that, and it's at 2.41 percent. That's up from 2.24 for the third quarter of '18, but what I would truly like to draw your attention to is where we were last year at this time. So if you look at December of '17 in the county, we were at 1.01 percent. So you can see there's a spike in March.*

*Mr. Durham continued, "It was flat in June, and then a tremendous spike in September, and I told you I was going to draw attention to Brandi. I was going to call her out again. Brandi Baily manages our investment portfolio, and what she did, she did an analysis. When the Fed started raising the rate, and you can see that happening through '18, when the Fed started raising the rate, we have investments that are locked in for two and three years at the old rate.*

*"So she did the analysis, looked at what would happen if we rolled those over early, took the penalty, and what would the payback be. What the result is what you see here, is that the payback period was less than a year. In some cases, some of these things were locked in for two and three years. So you can see that we've essentially nearly caught up in a year to what the benchmark rate is. So I just wanted to say, great job, Brandi.*

*"Okay, we're going to shift gears one more time. Well probably not one more, a couple more. So we're going to look at the other part of the quarterly report is those capital projects. So typically, I show the status of active capital projects, but since we were at the end of the fiscal year, I thought maybe I would do a little wrap-up and show some of the significant projects that were completed during 2018, and we just kind of randomly pulled some out to show you. So we start with the jail annex. This project took approximately seven months to complete. The existing work release building at 701 West Harry was converted to a detention grade facility that houses 180 inmates. This included removing and replacing corroded piping for all the pod restrooms, installing detention grade doors, lights, plumbing fixtures and furniture. Additional security features were also added to the doors, yards and windows.*

*"The next project is the new EMS post or Post 15. This project took seven months, approximately, to complete, and this is a nearly 3,000 square foot pre-engineered steel structure with two drive-through bays that accommodate four vehicles and four full-time staff on the inside. The next one is the Murdock Tag Office remodel. This project took approximately five months to complete, and it transformed a vacated tag office into a simulation training space for EMS that has offices, conference space, a video recording room and a break room. Then we repaired EMS Post 8. That project took approximately three months to complete. That consisted of exterior and interior work, including a new roof, window repairs, painting and correcting drainage. The interior remodel was done to service and deploy EMS apparatuses and house a four-person crew.*

*"Then you see there are three bridge projects there listed. The first was 95th Street South. This project was completed in March of 2018. It involved replacement of the bridge. The bridge was constructed to meet modern safety standards, generally longer to address flooding issues, as well as wider to address traffic issues. This has 924 vehicles per day go across it. The next one, 295th Street West. I would say it's the same, addressed all of those things. It's longer. Addressed flooding issues, and that bridge has 420 vehicles per day on it. The last one, I would say same, has 968 vehicles per day on it.*

*Mr. Durham continued, "Of course, this is just a snapshot of a few of the projects that were complete. There were many more routine things like roof repairs and parking lot*

*repairs and roads and things. I know David Spears shows you his Road and Bridge Show, so you see all those completed projects. A plug in there for you, Jim.*

*"So we change now from looking at the performance of the county's finances to some of the outside factors that impact some of the decisions that we make. This information comes from the Center for Economic Development and Business Research at Wichita State, and this is a leading economic indicators through October of '18. November and December's data is not out on their website yet. So what this depicts is, I show you every quarter is that slow steady recovery that was discussed yesterday by Project Wichita, so this kind of just shows you that snapshot, that slow recovery that may not be as steep of a recovery as some of the other areas that we regionally, around here. So when I look at some of the short-term trends for the economy, and what this chart shows, so I feel like I need to, this compares the fourth quarter of 2018 to the fourth quarter of 2017.*

*"So we look at home sales. Obviously has decreased in the fourth quarter of '18. The number of mortgages registered is down. Sales and use tax is up, as I discussed earlier. The total number of employed is up 1.72 percent, and the total unemployed is a decrease of 5.19 percent, but that's a positive trend. Unemployment is down, which is a positive trend. I know, you see the negative number and the arrow up, and people are like, wait. Okay, it's correct.*

*"So this shows some long-term trends in the economy. As you can see, this is annualized data through the end 2017, and as we complete the audit and the CAFR (Comprehensive Annual Financial Report) is done and we start getting annualized data, we'll put a 2018 column on there, and you'll see that. But you can see for the numbers for 2017, tax base growth was up, home sales was up, new home permits was up, the number of mortgages registered were down, sales tax up, and the unemployment rate down.*

*"So the next four slides are slides that Commissioners Dennis, O'Donnell and Howell have seen in the past, so for Commissioner Cruse and Commissioner Meitzner, I wanted to bring this and then refresh each of you. This shows key metrics that we measure in Sedgwick County, and our trends over the past three years, again annualized data. So we look at liquidity. That's the number of days cash we have in the general fund. As you can see, it trends up a little bit, but it's fairly consistent over those three fiscal years. Then we look at flexibility, and again, that's the unrestricted balance as a percentage of expenditures, and we look at property values, because that's where revenue comes from, from ad valorem taxes.*

*Mr. Durham continued, "We look at debt, and that's direct debt per capita, and you can see that is going down. We look at burden, debt burden service as a percentage of general fund revenues. Again, a downward trend. We look at effective property tax rate, and we look our reliance here at the county on the property tax. So what I've done is, I take these numbers then, and then we compare those exact same measures with Johnson County, Wyandotte County, Tulsa County in Oklahoma and Douglas County in Nebraska.*

*"So you can see the comparisons as we move down that. Our liquidity is obviously not maybe as good as Johnson County, but better than Wyandotte or Tulsa County, Oklahoma, and then maybe relatively close to Douglas County, Nebraska. Then you*

*move down, and you can use those and see the comparative measures as you move down through flexibility, property values, our debt, our debt burden and then the property tax reliance and rates. So as we move to the next slide then, and I know that you all want to study that, this shows the same measures, and we compare to the City of Wichita, the City of Tulsa and then Oklahoma City with the same measures. So you can see, we look at it on a regional basis as a county, and then as we compare ourselves to the city, so we can see where we are based on these measures.*

*“So with that, I would move on, and I would start to wrap up this presentation. Here are some of the things that we see as impacts from the external environment. Obviously, our federal government, there’s threats of more shutdowns, which could impact grant funding and perhaps highway funds. But then again, these are unknowns. Our state government, we have a new administration, so there may not be threats coming from that, but how about opportunities? We don’t know what school funding is going to look like, and there is a possibility of Medicaid expansion, so we see maybe opportunities coming from that. Of course, the local economy has, you got your briefing yesterday from Project Wichita, you saw some of that, and we talked about the lack of a skilled labor pool.*

*“Some of the key points I want you to take away from this is our revenues outpaced expenditures in property tax supported funds slightly. There was a general fund surplus in 2018. Non-tax supported funds revenues were 1.2 percent more than expenditures, and again overall, the report illustrates continued modest improvement for property tax supported funds. The financial performance was consistent with what we expected. Our fundamentals continue to reflect strong financial position, and as we went through 2018, the focus was to address core government function, and here are just two key numbers to show that we addressed those governmental functions was \$4.9 million increase in budgeted expenditures in those core functions, and an addition of 20.05 FTE’s (Full Time Equivalent) were added to support those core functions. With that, I would attempt to answer any questions you may have, and if there are no questions, I would ask that you would receive and file the report.”*

*Chairman Dennis said, “Thank you, Rick. Do we have any questions for Rick’s presentation? Commissioner Howell.”*

*Commissioner Howell said, “Thank you, Mr. Chairman. I always have questions, but first of all, I want to say thank you. Excellent job, once again. You and your staff that works with you do a tremendous job. This was a great presentation, and I think it just shows that Sedgwick County is doing a pretty good job overall, and I really appreciate that. I had one question. You said something, and I kind of missed what you said. I wanted to ask for clarification, if you don’t mind, on, here it is. On page 13, federal revenue, miscellaneous went down 25.2 percent. Can you describe that again? What was the cause of that?”*

*Mr. Durham said, “If I can find it in my notes, yes, sir.”*

*Commissioner Howell said, “Okay.”*

*Mr. Durham said, “The elimination of the HUD voucher program.”*

*Commissioner Howell said, “Okay, thank you very much. That helps me very much. I had one other question. On slide 17, do we have those rates? Those are quarterly rates*

*shown on the slide. Do we have those rates in annualized format, by chance?"*

*Mr. Durham said, "Yeah, we can get those."*

*Commissioner Howell said, "That'd be great. I'd just like to get that later on."*

*Mr. Durham said, "You bet."*

*Commissioner Howell said, "That would be wonderful. Then that final slide that you talked about, the 20 FTE's and the \$4.9 million increase on the very last statement, that's a summary for 2018. Is that correct?"*

*Mr. Durham said, "That's correct."*

*Commissioner Howell said, "Okay. That's all my questions. Thank you, Mr. Chairman."*

*Chairman Dennis said, "Thank you. Commissioner Meitzner."*

*Commissioner Meitzner said, "Thank you, Chairman. Rick, thanks for the presentation. It's good for the two of us that are new. Thanks for walking us through it."*

*Mr. Durham said, "Yes, sir."*

*Commissioner Meitzner said, "Kind of familiar a little bit with some of it based on previous stuff. But just out of curiosity more than anything, on your slide 24, on the metrics compared to other cities. Obviously, the City of Wichita \$2,823 jumps out. I'm going to make an assumption, because I don't know this off the top of my head. So the city, this is related to debt, right?"*

*Mr. Durham said, "Yes."*

*Commissioner Meitzner said, "So the city does all of the water, so does this include the water debt..."*

*Mr. Durham said, "All the debt."*

*Commissioner Meitzner said, "...and the airport debt..."*

*Mr. Durham said, "Yes."*

*Commissioner Meitzner said, "...and the special assessments?"*

*Mr. Durham said, "Yes, sir."*

*Commissioner Meitzner said, "Okay."*

*Mr. Durham said, "All of those numbers are pulled off of their CAFR."*

*Commissioner Meitzner said, "Right. Okay."*

*Mr. Durham said, "That's where all of the numbers are pulled off from, so yes, it includes all the debt."*

*Commissioner Meitzner said, "So just to..."*

*Mr. Durham said, "Yes, sir."*

*Commissioner Meitzner said, "...restate, I mean, most of you know, but the water debt is paid by the water users, and airport debt is paid by the airport users, and special assessments on homes are obviously paid by if you're buying a home and agree to pay the specials. So I know the city has always struggled with some of those, because it inflates the total debt indebtedness. I don't know if there's a breakdown is necessary, but it's just..."*

*Mr. Durham said, "Okay."*

*Commissioner Meitzner said, "...something to point out that might be their true debt versus, and I don't know if Oklahoma City and Tulsa have those kind of things in there as well, but it's good. It's good information. I've got a few other questions, but I think I'll do those one-on-one."*

*Mr. Durham said, "Okay."*

*Commissioner Meitzner said, "Or maybe with Commissioner Cruse. She might want to join us some time in the future on that. Okay, thanks."*

*Chairman Dennis said, "I don't see any other questions, Rick. I do appreciate the briefing. I appreciate everything that the entire staff does up in our Finance Department. It is a lot of information, and it doesn't matter if you're a new Commissioner or not, there's still a lot of information to take. The descriptions really, I think, show that we're doing what we need to do for the public. When you look at some of the major expenditures that we've had on building some of the EMS posts and all of the major Capital Improvement Programs and all of the different things that we do day-in and day-out to support the public, that's exactly what our job is, so I appreciate you pointing out what we have been able to accomplish in the past, and we look forward to doing similar things in the future. I appreciate it."*

#### **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 Cruse</i>        | <i>Aye</i> |
| <i>Commissioner Howell</i>       | <i>Aye</i> |
| <i>Commissioner Meitzner</i>     | <i>Aye</i> |
| <i>Chairman Dennis</i>           | <i>Aye</i> |

*Chairman Dennis said, "Well thank you all very much. I appreciate it. Next item, please."*

**Received and Filed**

E [19-116](#)

CONSIDER REQUEST FOR PROPERTY TAX RELIEF PURSUANT TO  
K.S.A. 79-1613 (District 4).

Presented by: Justin M. Waggoner, Assistant County Counselor.

RECOMMENDED ACTION: Approve an order denying the requested  
property tax relief, and authorize the Chairman to sign.

*Chairman Dennis said, "Good morning, Justin."*

*Mr. Justin Waggoner, Assistant County Counselor, greeted the Commissioners and said, "Actually the slideshow is actually for the next item I'm going to present. My apologies on that. What's in front of you on this particular item is a property owner's request of property tax relief due to fire damage that occurred on a property. Before I get into specifics of that particular property and the application, I wanted to briefly go through K.S.A. 79-1613. Pursuant to that statute, if a homestead is destroyed or substantially destroyed as a result of a flood, fire, earthquake, tornado, storm or other event declared a disaster by the Governor, the owner of that homestead can apply for property tax relief through an abatement or a tax credit.*

*"The Board of County Commissioners, under that statute, is tasked with inquiring into and making findings on three different items. First, whether the structure was a homestead. Second, whether the homestead was destroyed or substantially destroyed, and then third, the assessed value of the property. In order for a property to be qualified as destroyed or substantially destroyed, the statute requires the cost to restore the structure to its before damaged condition would have to be greater than or equal to 50 percent of the market value of the structure prior to the damage. In 2014, the Board of County Commissioners adopted a resolution that established operating procedures for county staff when these items come up.*

*"To summarize, the County Clerk's Office is tasked with receiving the applications, and they also process them and prepare them for the agenda. The County Appraiser's Office, their role is to evaluate the property damage that occurs on these. Typically, that's through, one of the tools they use is an onsite inspection of the property, to visually see the damage and make an estimate as to how much it would cost to repair it. They also would review any paperwork the property owner may submit.*

*"This particular application that's in front of you today is for a structure at 1430 North Broadway in the City of Wichita. It's in District Four, and it suffered fire damage on July 5th of 2015. The owner of record of that property is Guadalupe Martinez, and she filed her application for property tax relief with the County Clerk's Office on November 1st of 2018. With regard to the three findings, I'm going to present each of them. First, I'll give the staff recommendation and then some relevant information for each one of those as well. The first question is whether this was a homestead. County staff has recommended that the Board of County Commissioners make a finding that this was not a homestead.*

*Mr. Waggoner continued, "The property is zoned Limited Commercial. Ms. Martinez's application describes this as a commercial building/property. During a discussion with county staff, Ms. Martinez was asked if the property had been utilized as a residence, and she said that it had not. Some of the paperwork in the back-up material, as well as the County Appraiser's record for this property, also indicate that it's been used for commercial purposes and not as a residence. The State Statute's definition of a*

*homestead describes that as a dwelling occupied as a residence.*

*"With regard to the second finding, and the statute does require you to make additional findings even if you did follow staff recommendation on that. But the second item is whether the structure was destroyed or substantially destroyed. The county staff recommendation, included in the order that's in front of you today, provides there's not adequate evidence to establish that the property was destroyed or substantially destroyed. To explain that a bit, there's some complicating factors. First, it's worth noting that in this case, the damage occurred more than three years before the application was filed, and usually the application is filed a number of weeks or months after the damage occurs. The reason that that's a little atypical and where it complicates things is that the County Appraiser's Office was not able to look at the property and evaluate the damage in person on this, because they didn't have any reason to because there was no application filed at that time. By the time that the application had been filed, the property owner had already pulled a building permit and had the damage repaired.*

*"While there is no time limit under the statute for when these can be applied for, but I just mention that and explain how it made things a little more challenging for the County Appraiser's Office. The second complicating factor is that some of the information that county staff has received on this is contradictory. Not to say that, that can happen. But the structure is appraised at approximately \$110,000. The Wichita Fire Department report, which was included in the back-up materials, indicated a total loss of \$100,000. They estimated the structure at \$100,000 on that report as well. That report that's in the back-up materials does have some pictures of the fire damage that was suffered; however, the building permit that was pulled for the property for fire repair, roof structure, electrical and mechanical work, indicated the cost of the work would be \$25,000, which would be roughly a quarter of the property's value.*

*"After the building permit was pulled in October 2015, the Appraiser's Office completed what's referred to as desktop review and a windshield review of the exterior of the structure. They didn't actually go inside the property. They were unable to see any structural damage on the exterior of the property. Also in the back-up materials, Ms. Martinez had submitted, for your consideration, some insurance paperwork, which demonstrates the insurance company may have paid out a net claim as high as \$141,000. I'm not certain as to what exactly was paid out, but that could potentially serve as justification to support a finding that the structure was destroyed or substantially destroyed.*

*Mr. Waggoner continued, "Ultimately, it is up to you as the Board of County Commissioners to make that finding, and staff, of course, has made a recommendation that there is not enough evidence to make a clear finding that it was destroyed or substantially destroyed, and Interim County Appraiser, Mark Clark, is here if you have any questions regarding the review of the damage to the structure. Then lastly, the third finding is regarding the assessed valuation. That one's pretty easy. In 2015, the assessed valuation was \$2,930.22. So the staff recommendation on this is to approve an order denying the requested property tax relief and to authorize the Chairman to sign.*

*"The primary basis is that this is not a homestead as defined under the statute. The secondary basis is that there's not enough evidence to establish that the structure was destroyed or substantially destroyed. In conclusion, I want to point out a few other things. First, if the property does meet all the statutory requirements that I mentioned,*

*that still doesn't mean you have to grant them, the property owner, tax relief. That determination is discretionary and the statute mentions the budgetary constraints the various taxing subdivisions may have, so you can take that into account if you wish to. Also, while this is not a public hearing by statute, I would suggest that you allow the property owner, their agent or any other interested parties to provide comments and evidence if they wish to do so. Then lastly, you can take action by a simple majority vote. I'd be happy to stand for any questions."*

*Chairman Dennis said, "Thank you, Justin. First of all, thank you very much for that in-depth analysis of this issue. I know that you and Karen Bailey have been by and talked to each one of the Commissioners also individually, so that we have a thorough knowledge of this. Also, we have a couple Commissioners that are seated with us today that were instrumental in getting the bill passed that we're discussing today, so they have very intimate knowledge of exactly what the issues are involved.*

*"So first of all, I need to find out if any of the Commissioners have any questions that haven't been addressed to this point. I will then open it up to see if there's anyone in the audience that would like to speak on this issue, and then I'll bring it back for a decision from the board, so are there any questions from the Commission? Seeing no questions from the Commission, I'd like to open it up to the public. Does anyone in the public, in the audience today that would like to speak on this issue? Seeing no one in the audience, I'll bring it back to the bench. Commissioners, Commissioner Howell."*

*Commissioner Howell said, "Well thank you, Mr. Chairman. As you mentioned already, I'm very familiar with this law because I was involved in writing the law to begin with. Senator Michael O'Donnell at the time was very supportive of it. It was with his help we got this as a proviso into the budget bill of 2013, and it was made a permanent law the following year with changes.*

*Commissioner Howell continued, "Those changes in 2014, I don't know that I agree with them, but the initial intent of this was based on some things that had happened across the state with flooding and tornadoes and that type of thing, but what really got the conversation moving forward was the tornado that happened in the Oaklawn community in 2012. There was an, I don't know the exact number, but let's just say there was 100 homes or so that were essentially destroyed and not livable. It just seemed like, you know, when a community, let's say Greensburg, for example, was wiped out, that the community has very little ability to help themselves, because it's a very broad expansive community event. You can correct me if I'm wrong, but I believe that property taxes are paid in arrears.*

*"In other words, you live in the property, and you pay them for the time you've already lived there. It just seemed especially cruel to ask someone in that situation to pay a property tax bill for a home that doesn't exist, that they can't live in. So that was the basis for this law. It took a number of years. Senator Mike Peterson worked on this, a Senator for the area as well. I'd just like to credit him. I think the law was well intentioned, but it has taken a turn for the worse. I think we need to clean this up. I would like to see us put this on a legislative platform to do some review of this law. It is no longer serving the intended purpose that it started out with. I think it was well intentioned, but it's turned out to be something that wasn't what we intended. So to the extent this is not a homestead, in my opinion, I don't think we have much of a decision. My opinion is because, for this to be qualified for an abatement, it must be a homestead, and it's not a homestead. To me, that's the most compelling evidence that's been presented this morning. So if I understand that incorrectly, please correct me."*



Mr. Waggoner said, "I think your understanding is correct."

Commissioner Howell said, "Okay, so you know, in my opinion is, the way the law is written, this is only available for homestead. In fact, I would say this would be unfair to other taxpayers if we were to provide this abatement, knowing it's not qualified as a homestead. We really don't have a legal basis to make an abatement. I don't know. We can't just abate property because we feel like it. We must have legal authority to do so, and this is not a qualified application on that one thing alone. You made a number of other points, I think are all valid. Just to summarize, the way this law is being used right now, it's being used on an individual basis without a declaration of a Governor of a community disaster.

"To me, that was the compelling thing in the original law, and that's no longer required. This is being done on an individual basis, even when insurance proceeds are available. So someone may actually have the ability to take care of their own issue. It's not a community-wide problem, and so this is really, the law is just taking an entirely different direction than what it was originally intended. But the bottom line is, this is not a homestead, so I don't think we have a legal right to do this."

MOTION

Commissioner Howell moved to approve the order denying property tax relief.

Commissioner O'Donnell seconded the motion.

Chairman Dennis said, "Thank you. Let me have Commissioner Cruse speak first, and then we'll finish up with the motion. Thank you. Commissioner Cruse."

Commissioner Cruse said, "Thank you, Chairman. I just have to kind of reiterate what Commissioner Howell said. You know, I'm not a lawyer, so these laws are sort of complicated and hard to understand, but I appreciate the briefing that I had over this. So the law, as I understand it, you know, and was explained today and was explained to me over the course of my conversation with our legal team, you know, only applies to homesteads, and so while I am empathetic to this situation, I just can't support this and would have to deny this request simply on the basis of I have to follow the law."

Chairman Dennis said, "Thank you. We have a motion, and I would second that motion. Is there any further discussion on this issue? Seeing none, Madam Clerk, call the roll."

VOTE

|                           |     |
|---------------------------|-----|
| Commissioner O'Donnell II | Aye |
| Commissioner Cruse        | Aye |
| Commissioner Howell       | Aye |
| Commissioner Meitzner     | Aye |
| Chairman Dennis           | Aye |

Chairman Dennis said, "Next item, please."

**Approved**

F [19-112](#)

RESOLUTION TO ESTABLISH A MORATORIUM FOR WIND AND  
SOLAR ENERGY ZONING APPLICATIONS.

Presented by: Justin M. Waggoner, Assistant County Counselor.

RECOMMENDED ACTION: Take action as deemed appropriate by the BOCC.

*Mr. Waggoner said, "This particular item that's in front of you today, I'll just kind of give you a quick background as to how it got here. On January 22nd, you had a Board of County Commissioners staff meeting where, during that meeting, wind and solar energy uses were discussed with a number of various staff members came up and gave presentation on that.*

*Mr. Waggoner continued, "The consensus that was developed out of that meeting was to recommend Planning Department staff to look at developing potential standards for consideration for the Metropolitan Area Planning Commission (MAPC) or perhaps any subcommittee of the MAPC, and having those potentially placed into the zoning code. Those would be specific to solar and wind uses. That process would likely take a handful of months, and that doesn't just happen in a couple weeks. That usually takes a few months for any code change in the zoning code, because there is a process that has to go, again, with the Metropolitan Area Planning Commission and ultimately to the Board of County Commissioners for adoption, and this is also a very complicated issue.*

*"So, it's worth noting that today, as far as I know, there are no pending wind or solar applications that the Metropolitan Area Planning Department has received. However, in the interim time between now and the potential adoption of any standards, it's possible that an application could come in, and the thought would be that a moratorium could be put in place so that you could have those standards adopted potentially before any of these applications would come forward. So after that Board of County Commissioners staff meeting on January 22nd, on the heels of that, the County Manager suggested that we bring a moratorium item in front of you for your consideration, so that's the resolution that's in the back-up materials.*

*"Talking a little bit of detail, I'm an attorney, so I have to talk about, you know, the law, the legal authority and that kind of stuff, but the moratorium, what's it mean? Well, it's a temporary prohibition on an activity. Moratoria have been utilized and upheld by United States Supreme Court decisions as well as decisions from the Kansas Supreme Court. Essentially, it's a valid planning tool that you may have, for you as a governing body, you may want to come up with some conditions and standards that you want to put in place on these types of items. While those are being reviewed and studied, the moratoria could be adopted.*

*"Whether to do so is discretionary for the five of you today. The action is not required, so there's no requirement that you have to do it. It's ultimately your call. The next slide here, I think it's important to know, what if you did not adopt a moratorium, what would happen. Well, what would happen if somebody came in today before this moratorium would be effective is, if they filed an application for conditional-use for utility major that would be applied for at the Planning Department, Planning Department staff would make a recommendation on the item. They'd do their review like they do any zoning item, and make a recommendation for the item before it'd go the Metropolitan Area Planning Commission.*

*"Before that, a public hearing in front of the MAPC, there'd be notice given to the neighbors who all live within a thousand feet of the area that would be subject to the zone change or the conditional use, I should say.*

Mr. Waggoner continued, "The Metropolitan Area Planning Commission would review the item, hold the public hearing and then ultimately make a recommendation as to what should occur, whether to approve or deny the item, and if they did approve the conditional use, they could impose reasonable conditions. Then from there, the matter may very well end up going to Board of County Commissioners for review. There might be a protest, there might not, but ultimately, the final decision would be up to the governing body typically in those situations, and again, the Board of County Commissioners could approve, deny and they could also impose conditions as a part of any approval. Really the difference between that and having standards in place is the conditions would be fashioned on a case-by-case basis as that zoning case is being heard as opposed to being developed and adopted prior to the application coming in.

"I would welcome, Dale Miller is here, the Planning Director, in case you have any questions on any of that process, because he knows it better than I do. I want to go over a few of the details of the moratorium that's on your agenda. It would prohibit the acceptance and processing of an application for commercial, wind or solar energy systems during the term of the moratorium, which would be for 180 days from anticipated publication if it were to be adopted. This would not impact your smaller scale solar and wind uses, for example, if somebody had a solar panel on their house that they use for their own personal usage. It would only apply to, again, the bigger larger scale commercial uses.

"This moratorium could be extended, amended or terminated prior to that August 12th date as well, and that would ultimately be by any resolution by the Board of County Commissioners. This map here, you can see the arrow and the mouse. I'm going to try to orient you. This is U.S. Highway 54 West. This is Cheney. You can see down here on the bottom right. This is kind of a cut-out of a portion of District Three, the Chairman's district. This would be Garden Plain right here, and the yellow color indicates leases that are already existing on parcels for wind projects. It doesn't mean that the wind projects are in place. It just means the leases are in place. The blue cross-hatching is for solar that's in place.

"There's one particular area right here that's both wind and solar actually, and then the red indicates transmission line for easements for electrical utilities to come through. So as you can see, again, this doesn't show that any of this stuff is actually going on today, but there are leases in place. That's an indicator that there may well be some applications in the future on this. Ultimately, this item there, I think there are really three options for you to consider. You can approve the resolution that's in your materials today to impose the moratorium. You can elect not to impose the moratorium, or you could approve a modified version of that resolution as you would see fit. The recommended action on this is mutually worded to take action deemed appropriate by the Board of County Commissioners, and I'd be happy to stand for any questions."

Chairman Dennis said, "Thanks, Justin. Before we have any questions, a couple things I'd like to say about what this moratorium is. First of all, it is not a position for or against any kind of alternate energy. We are not taking any action on trying to say that we approve or disapprove of alternate forms of energy. What started with, I was invited by a number of folks to go over to Reno County, because there is a wind farm going in near the Sedgwick County border. So I listened to the public and the Commissioners in Reno County, and came back with more questions than I had answers to. I spent

*nine years before I came on this Commission as a member of the Metropolitan Area Planning Commission. When a project would come before the Metropolitan Area Planning Commission, we had a set of rules that said that if it's this type of project that these are the things that must happen.*

*"There has to be certain setbacks. There has to be certain screening. Sometimes it requires paved roads. Unfortunately, we don't have a set of rules right now for any kind of alternate energy projects, and that's really what this moratorium is designed to do, to give us the chance of looking at what the impact is going to be on Sedgwick County specifically if one of these projects were going to happen. The other thing, as you saw from this one slide, when I came back, I asked our Register of Deeds and our County Appraiser to take a look to see if there was a possibility that anyone was even considering any type of alternate energy in Sedgwick County, because I didn't even know that information.*

*"What I learned, and you saw on the slide, was that there are already leases out there for this type of situation. These leases mean that if someone decided that they wanted to put in some type of alternate energy program that they would go up and file the necessary paperwork, and at that point, we wouldn't have any rules and regulations to decide what to do. The other thing is we kept researching it, and I asked the staff to take a look at it. This has a lot of impact on Sedgwick County.*

*"First of all, maybe our Fire Department is going to have to be trained on how to do a rescue from one of these large windmills. Our EMS may have to be involved in it. It's going to impact Public Works, because we're going to have large pieces of equipment moving over our roads and our bridges in the country. What I also learned is that it could have some health impacts, so our Health Department and our Environmental Department needs to get involved in it to take a look, because there's something called flicker that I learned about that I'd never heard of before, but it can cause people with certain types of epilepsy to have seizures based on the sun turning on and off as the windmills go around.*

*"There is noise that comes off of these windmills, and we need to know what the tolerable level is to the public. I heard rumors, and I can't substantiate it, but even at a quarter of a mile away, the noise of this is still around 50 decibels, which is like having a refrigerator run all night in your bedroom. So is this satisfactory or not. I don't know. Chairman Dennis continued, "The other thing is, if we put some type of a standard on that says so many decibels, who is responsible for measuring that? How do we get that information back to whoever is operating it, and what action can they take? So our building construction department is involved in it. These properties will be assessed, so our assessor is involved in it. It will go through the regular planning process, through our Metropolitan Area Planning Department, will be involved in it. So almost every department in Sedgwick County is involved one way or the other in it, and we just don't know the answers right now. So again, all we're asking for in this moratorium is a six-month, just pause so that we can assess what we need, what kind of screening, what kind of setbacks, all the different rules and regulations you would normally have on a zoning application, and at that time, all of our experts will come up with a solution. So that's kind of an explanation from my point of view.*

*"Obviously, I'm fairly involved in it because all these are in District Three, the district that I represent. So I am not an expert, by any means, but I've been looking into it in great detail, and I want to make sure that we do what's right for Sedgwick County. Sedgwick County is a little bit different. I own land way out in Western Kansas. You*

*can go miles and not see a house. I would love to have a windmill on my property out west, because it pays pretty good, but in Sedgwick County, we're more of an urban county. You can't throw a rock without hitting a house somewhere in Sedgwick County. So it has a little bit of a different impact, even though if you look at western Sedgwick County, it looks pretty rural, it is not as rural as some counties out west.*

*"So all we're looking for is to take a look at this, give us a pause so that we can take a look at it, so that's my explanation. What I would like to do at this point is to see if anyone in the audience would like to speak on this issue and give them an opportunity, and then I will bring it back to the bench, so is there anyone in the audience today that would like to speak on this issue? Seeing no one, I'd like to bring it back to the bench. Commissioner Cruse."*

*Commissioner Cruse said, "Thank you, Chairman. I would like to just say that I'm excited that we are starting this discussion. I think it's a good way to open up that Sedgwick County is paying attention to the future of renewable energy, and I would just, I think that this is a good thing. I think that this is going to allow us time to study the effects, both negative and positive, on our environment, and I'm just excited at the fact that we're doing this, so good job, Sedgwick County today."*

*Chairman Dennis said, "Thank you. Commissioner Meitzner."*

*Commissioner Meitzner said, "Thank you, Mr. Chairman. You pointed out a lot of questions that are to be answered, so Dale, I'm not asking you to address, because you just don't know the breadth of what we have to try to analyze. Commissioner Meitzner continued, "I assume what we're going to do, there's already wind farms and solar farms around the country, so I assume that you're going to be able to locate some good data there. You want to say something?"*

*Mr. Dale Miller, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "Yes, sir. We've been doing the Google search, and the American Planning Association has a nearly 800-page document where they have collected most of the rules and regulations, and we're currently reviewing that, so hopefully we'll have a good document for you to review."*

*Commissioner Meitzner said, "So six months seems to be a decent opinion?"*

*Mr. Miller said, "Shooting for May."*

*Commissioner Meitzner said, "Okay, thanks. Thank you. I would also, I see Mr. Galyon here in the audience. You might pay attention or be engaged or feel free to weigh-in on this through Dale's group, as development happens. So, you're aware that this was kind of going on? Okay, thank you. Alright, appreciate it."*

*Chairman Dennis said, "Very good. I don't see any other comments. I appreciate the staff. I appreciate the Commissioners listening to this during the staff meeting."*

#### **MOTION**

*Commissioner Dennis moved to adopt the resolution.*

*Commissioner Cruse seconded the motion.*

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

VOTE

|                           |     |
|---------------------------|-----|
| Commissioner O'Donnell II | Aye |
| Commissioner Cruse        | Aye |
| Commissioner Howell       | Aye |
| Commissioner Meitzner     | Aye |
| Chairman Dennis           | Aye |

*County Clerk has assigned Resolution No. 016-2019*

*Mr. Waggoner said, "Thank you, Commissioners."*

*Chairman Dennis said, "Thank you, Justin, the Planning Department, MAPD, the [Metropolitan Area] Building [and] Construction [Department], everyone that's going to be involved in this, has got a big job ahead of them. I appreciate it. Thank you. Next item, please."*

**Approved**

**G**     [19-128](#)

DISCUSSION RELATING TO THE COUNTY MANAGER HIRING  
PROCESS.

Presented by: Michael D. Pepoon, Interim County Counselor.

RECOMMENDED ACTION: Take action as Board deems necessary.

*Chairman Dennis said, "Thank you. Mr. Pepoon."*

*Mr. Michael Pepoon, Interim County Counselor, greeted the Commissioners and said, "Yes, Mr. Chairman. I asked that this item be put on the County Commission agenda because I'd been approached by a couple of individual Commissioners that have asked to begin talking about the process of hiring our next County Manager."*

*"As I've discussed with some of you, and as I can explain to the public, you know, we're entitled to go into an Executive Session and discuss individuals, employees who work for the county. We're entitled to go into Executive Session to talk about candidates for a job with Sedgwick County, but the process of selecting a County Manager is something that needs to be discussed in open, and the public needs to be aware of that process. So this morning, we're going to talk about the process that we're going to use in selecting a County Manager, and the process that was used before for the previous County Manager."*

*"Approximately three and half years ago, we hired a former County Manager, and with the help of our Human Resources Director, Sheena Schmutz, and with an assist from our Purchasing Director, Joe Thomas, we've been able to go back and look at some of the data we had from that process. In the previous search, it was decided to use an executive search agency or a head hunter. We went out for proposals in 2014, and the proposals at that time, and I believe we received 14, ranged from around \$16,000 to about \$35,000. That didn't include the other expenses that these search firms would have. We ended up selecting the proposal from NP&S, doing business as Renee Narloch. Her proposal at the time was \$16,500, and she estimated expenses of \$7,500, and I believe we ended up using the entire amount and paying about \$24,000 for that search firm at that time."*

*"In discussing this with our HR (Human Resources) Director, we believe that if we again engage a head hunter, we're probably looking at around \$30,000, up to \$40,000 for both the firm and the expenses entailed with that. Another option this Commission has, if they want, would be to limit the search, use our employment website, HRePartners. There would be no cost involved with doing a search in that manner. Mr. Pepoon continued, "But to probably get the exposure that we would need to hire a candidate for this kind of a position, we'd probably still want to have some advertising and professional journals or regional newspapers to get the word out to as many candidates as possible, so that we'd have a good pool of candidates.*

*"From a timing perspective, the last time we went for a search, and I was actually Interim County Counselor at that time as well, primarily just engaged with the legal aspects of the search, but at that particular time, we went out for proposals, and on November 21st of 2014, we ended up selecting Renee Narloch in, I believe it was early February of 2015. The interviews did not occur until mid-August, 2015. I'm sure the budget process had something to do with that. In Mid-August of 2017 [2015], we ended up drafting a contract with the former County Manager, and that was signed on and approved by this Commission on September 2nd, 2015, and the start date was November 15th, 2015.*

*"So you can see that using that process from beginning to end was just about six days shy of one year. In the previous search, the county used two different separate committees to interview candidates along with the County Commission interviews. We had what was called a Business Civic Community Leader Panel and then a County Management Panel. The County Management Panel, at the time, consisted of our County Clerk, the Sheriff, Public Works Director, our CFO (Chief Financial Officer) at the time, Communications Director at the time, Human Resource Director at the time, CIO, Chief Information Officer, and our Public Safety Director. They interviewed all of the individual candidates.*

*"We also had the business, as I mentioned, Business Civic Community Leaders interview panel.*

*This was made up of some very significant individuals from our community, which included the Chairman, Joe Johnson, who represented the Wichita Independent Business Association, Wess Galyon, who was President of the Wichita Area Builder's Association, Jeff Fluhr, President of the Greater Wichita Area Partnership, Colin McKenney, Chairman of Nonprofit Chamber of Services, Kenya Cox, President Of Wichita Chapter of the NAACP (National Association for the Advancement of Colored People), Jeff Longwell, Mayor of the City of Wichita, and Jennifer Basinger, Coordinator Coalition for a Better Wichita. Those seven members were on the Business Civic and Community Leader Panel, which was moderated and assisted by Ron Holt, who was the Interim County Manager at the time.*

*"So in summary, that was the process that's used before. I have given you a little bit of an idea of the processes that can be used, and just in summary, I'll now turn this over to Mr. Chairman and the board to discuss."*

*Chairman Dennis said, "Thank you, Mr. Pepoon. Before I open it up to the public to see if they have any comments, are there any questions of Mr. Pepoon from the bench? I see no questions. Thank you very much. At this time, I'd like to open it up to the public. If anyone, member of the public would like to speak, why, please approach the podium and state your name for the record. Good morning, Wess."*

*Mr. Wess Galyon, President, Wichita Area Builder's Association, greeted the Commissioners and said, "Before I get started with my remarks, I want to welcome Mr. Howell back to the bench as a result of his reelection. Mr. Meitzner, come over to the good side. Just kidding. Lacey, it's good to have you on the Commission. I'm here this morning to speak to you a little bit impromptu, but I've been watching what has been taking place, and listening to comments and what have you about the process of hiring the County Manager. More than any other organization in the city, I think it's fair to say that for the last three decades plus, we have been involved in virtually every level of local government, whether it's city, county, both for Wichita, Sedgwick County, surrounding counties, small cities, and we've had the good fortune of being asked numerous times to sit in on screening committees, review committees, and what have you, to look at candidates that applied and were being selected and ultimately hired for key positions.*

*"I think it's fair to say that given the interaction we have had with individuals in key positions, and the way the persons worked in terms of their responsiveness, their willingness to come to the table when there was an issue or concern and deal with it, looking for solutions rather than drawing the line and saying, well we don't do it that way and causing conflict, you're not going to be able to beat Tom Stolz. I would evidence that by the effort he put in when he was hired early on to handle the management of the consolidation of the Code Enforcement Department and the City of Wichita and Sedgwick County. Some of you may or may not know, we focused on trying to get that accomplished for 25 years.*

*"I think it's fair to say the economy was a big reason it got accomplished the way it was, because we were looking for efficiencies. We were looking for the development of an attitude toward delivering world-class service, not only to us in the industry, but people in the community, and if anyone even thinks for a moment that was a simple task, you'd be mistaken. There were strong feelings on both sides of the street in terms of how that structure ought to be put together, who ought to be in charge of what, and there were numerous people that were involved that didn't want to see it happen. But I didn't know Tom Stolz up to that point. I met him, and we worked together, and I can tell you without exception that it would not have happened, and it would not be this smooth organization running like it is today without Tom present.*

*"It's been my opportunity when I've sit in on these committees, and they were reviewing and selecting people over the years, there's a lot of things you look for in an individual. I would say that when you lay them all down, Tom comes out at the top of the heap. Mr. Galyon continued, "He's straightforward. He's concerned about doing the right thing. He's honest. He's transparent. He doesn't take sides. He deals on a fact basis when making decisions, and he, in his capacity here at the county and when he was in charge of the Code Enforcement operation, he was in touch with our group and other groups, allied groups, to the degree that he would be able to sense if there were concerns that we might have and things were happening that should not necessarily be happening the way they were, and he would bring the issue to us.*

*"I think that's the kind of management you want. People that are open to the public, don't sit back and wait for things to occur, and then have to deal with them with all that goes with doing that sort of thing. So you might find somebody with more stuff on their resume, but you won't find anybody any more qualified than that man right there. Tom and I aren't close friends or anything else. He has facts. I share opinions because I don't have any facts. So you can't ask me any questions about it, I want you to know*



*that. But I would encourage you to move forward as quickly as possible. I have members everyday out of the thousand members that come from 635 companies say, when is the county going to hire a Manager, and is it going to be Stolz, because the interaction they've had with him, I think in their mind, justifies him being the one. The county needs stability, he can bring it, and we'd love to work with him and you on whatever is important to you, but that's why I'm here today."*

*Chairman Dennis said, "Wess, thank you very much for being here. Let me see if they've got any questions for you before you go away. Commissioner Meitzner may have a question for you."*

*Commissioner Meitzner said, "Just as a quick follow-up. Wess, thanks for sharing your experience and appreciate your recommendation. So I think my question is more for Mike as a follow-up from Wess's comments. So the process as of now is described, you described the head hunter process, cost, potentially up to a year, assuming it could be less than that, and then you also discussed an internal limited search on the website with minimal advertisement. So another option would be to help evaluate what we have currently as our acting County Manager in discussion and consideration of that. That's a process as well, one of the options?"*

*Mr. Pepoon said, "Oh, absolutely. Actually, you could even have that discussion in Executive Session, but you can have it in open session as well."*

*Commissioner Meitzner said, "Okay."*

*Mr. Pepoon said, "But that's a fair discussion from this agenda item."*

*Commissioner Meitzner said, "Okay. Alright. Thank you for clarifying the options."*

*Chairman Dennis said, "Very good. As long as we've got Wess here, before I bring up the next speaker, you've got a home show, you might as well put a plug in for it."*

*Mr. Galyon said, "I would love to put a plug in for the home show. We're going to open the home show this Thursday, the 7th at 1:00 p.m. It'll run until 8:00 p.m. in the evening. Friday and Saturday, will be 10:00 a.m. until 8:00 p.m. Sunday will be 10:00 a.m. until 5:00 p.m. This is the 65th year for the home show. It was started, actually kind of in a tent-type setting years ago, when some builders built some model homes and wanted to decorate them and try to do something to merchandise them and get the public to come to them, and did. They set up a little tent so that suppliers of products could show other products other than what they put in these homes. Caught fire, so they built this show over time from a small beginning to now.*

*"We run 240 to around 260 companies a year, take up all the space in Expo Hall and Convention Hall. It is a consumer show. They're in charge when they come to the show. It's grown to the point because of the quality of the exhibits and the number of exhibits, and the way the show is managed and done. It's viewed now as a regional show, and because of that, and we pull exhibitors in not only from Wichita and Sedgwick County and surrounding areas. We have them come in from Oklahoma, Denver, got a call the other day from someone from New York that was wanting to come in and potentially display something.*

*"It is sold-out as far as the number of exhibitors go. I think it's almost become a community event. We encourage people to come down and see what's new, which a lot*

*of stuff is because of the R&D (Research and Development) that goes on in product development anymore. The other thing we have is county services and city services there. They can answer questions of people that might live in the county or the country and want some answers to certain things, and we are doing a number of seminars to help people make decisions. Learn about products, learn about services and make good decisions when they decide to do something, so that they know they're making a good decision and the money they're spending, they're not overspending to get for the benefit they want to get out of it. So, love to have you there, a VIP (Very Important Person) night, I think most of you are coming Thursday evening, starts 4:30 p.m. We'd welcome you then."*

*Chairman Dennis said, "Just a moment because Commissioner O'Donnell has his light on."*

*Commissioner O'Donnell said, "I do, but it is not really a question, Wess, so you don't have to..."*

*Mr. Galyon said, "You're not cancelling, are you? You can't cancel."*

*Commissioner O'Donnell said, "No. But, what I did want to say is that your organization is dedicated to good government."*

*Mr. Galyon said, "Absolutely."*

*Commissioner O'Donnell said, "I mean, you have been there for over 30 years now in your current capacity, but your board are people that aren't even necessarily home builders as well, they're community leaders..."*

*Mr. Galyon said, "Yes."*

*Commissioner O'Donnell said, "...and servants that care about good government. You talk about this. I know you're telling the truth, because I've heard from some of the key people in your organization about Tom's leadership at MABCD (Metropolitan Area Building and Construction Department)..."*

*Mr. Galyon said, "Yes."*

*Commissioner O'Donnell said, "...because that wouldn't have happened without the push from WABA (Wichita Area Builder's Association) telling the city and the county that this is good for our entire community to get this. It's saved us money, and it's streamlined the process. It's a model as we are going to continue to look for ways to consolidate, save, taxpayers' money and make government more efficient."*

*"That's a model. Tom was obviously there from the very beginning. It couldn't have got done if you didn't hire the right person. So I understand what you're saying, and I just want to reiterate that your organization, you really don't have a dog in the fight, other than you want us to hire somebody that's competent. But your experience has led you to believe, because over 30 years, you've known quite a few City Managers, County Managers, Commissioners, Councilmembers, and I think that brings a lot to the organization, just your own intellectual history with this, that you know what to look for."*

*Mr. Galyon said, "I appreciate that. I think everyone in the public and both the private sector want good management. They want transparency in government. They want responsive government. They want solutions to problems, not continued discussion"*

*about problems. I think Tom can help bring that to the top."*

*Commissioner O'Donnell said, "I appreciate that. Thank you, Wess. See you Thursday."*

*Chairman Dennis said, "Well Wess, thank you very much for being here. I know you've got a busy day, trying to get ready for the home show. By the way, the only down side I see to the home show is it costs me a lot of money every time I bring my wife."*

*Mr. Galyon said, "Well, we're looking to taking more of it this time."*

*Chairman Dennis said, "Thanks very much. Okay, Lonny, you're up."*

*Mr. Lonny Wright, 1721 South Lulu Street, greeted the Commissioners and said, "I completely agree with Mr. Galyon's comments about the assessment and value of Tom Stolz. We got to know him as we consolidated our city and county inspection departments, and his leadership and ability to identify problems before they come and being able to resolve them was great. He has a great balance in his evaluation of what government should and should not do in our lives, and how government can provide just what's needed, but be effective. So I don't think there's any way we could possibly do better than having Tom Stolz as the County Manager. I really deeply appreciate him, and I think he's a fair man, and would do us a great job. Thank you."*

*Chairman Dennis said, "Thank you, Lonny. Thank you for your talk. Does anyone else in the audience that wishes to speak? Seeing no one, I'll bring it back to the bench. I'll start out, a couple things. First of all, I actually had Communications put out an e-mail on Monday and ask our staff, who we truly want to make sure that everyone understands is, is we truly value our staff and their opinions. So I said, hey, all of our Commissioners have an open door or an open e-mail, send us your thoughts."*

*"Well, it wouldn't have been too long ago, I don't think I'd have received any e-mails back because I think that there was some fear in the organization to give us true feelings of what they really, truly believed in, but instead, I got, and I'm certain that other Commissioners received a flurry of e-mails, which really did impress me, because it means that the entire atmosphere in Sedgwick County has changed to one of trust, that they trust that we would listen to what they had to say, and there wouldn't be any retribution based on what they felt. I was asking for their true feelings, and I was getting their true feelings back. I can't speak for the other Commissioners, because I'm not sure what they saw in the e-mails, but what I saw was 100 percent of the e-mails told me that we've already got the person in place. Let's move forward in Sedgwick County and make the decision sooner rather than later. Give us stability, do this transparently, which we are doing right now."*

*"But we have the person that we need to lead Sedgwick County into the future. I sincerely, sincerely appreciate our staff feeling comfortable enough to be able to tell us that directly. The other thing is, I spoke to a number of people in the public community. Mr. Pepoon mentioned the civilian, I call it civilian, I'm sorry, the business community, that addressed the issue three years ago. So I called Joe Johnson, because he's a good friend of mine. He served with me on the Metropolitan Area Planning Commission for a number of years, so I know him very well. He was the Chairman of the committee that was interviewing the candidates that were up three years ago."*

*Chairman Dennis continued, "What Joe told me, is he said, three years ago, the*

*committee unanimously chose as the number one candidate as Tom Stolz. I said is there any change in your feeling since then? He said absolutely not. He still believes that Tom Stolz is the number one candidate for the County Manager.*

*“Other folks that I’ve talked to around the community have echoed the exact same comments. So I have to believe what our staff says. I have to believe what the business community tells me. I have had an opportunity over the past two years of actually watching him as he moved forward with our county, and I’ve watched him especially during the last couple months with his title with the interim on the front of it. What I’ve seen is that we have now poured oil on the water. It’s a different atmosphere, in my belief, in Sedgwick County as a result of his leadership. So I have to believe exactly what the staff is telling me. I have to believe exactly what the business community is telling me, and every single one of them, without an exception, not a single exception, has told me that this is the direction we need to go. So in my opinion, that is the direction that we need to go in the future. So I value any other comments from any other Commissioners to see what their thoughts are. Commissioner Cruse.”*

*Commissioner Cruse said, “Tom, don’t you just love us talking about you.”*

*Mr. Thomas Stolz, Interim County Manager, greeted the Commissioners and said, “This is awful.”*

*Commissioner Cruse said, “I love it. I just want to say that as a young woman who is new to all of this who could, I’m the same age as your children, he has treated me with the utmost respect. Okay, listen, listen, listen Linda. He has treated me with the utmost respect, and there have been some people who haven’t. So I really appreciate how you treat me as an adult. You treat me as a Commissioner. You have been just from day one ever since the election, the transition period, I’ve been fortunate to have somebody who really does respect me and wants to see me succeed. I’m really not interested in spending tax dollars to find somebody that we already have right in front of us, because my fear is it will take us a long time and what happens in that process. Do we lose Tom, do we lose other folks that might not want to stay because we have decided not to go with the person we already have? I mean, he has more than 30 years’ experience.*

*“You know, from what I’ve heard, speaking with staff and other community members, we already had the guy three years ago, and so we shouldn’t even be having this conversation, because he should already be there. So in my own personal opinion, I feel like he brings stability and a sense of calm, which is what we need as an organization, and I will stop talking about you, Tom, right in front of your face, because I believe that, you know, I really appreciate what you’ve done, and I know that you’ll do a great job.”*

*Chairman Dennis said, “Thank you. Any other Commissioners wish to speak? Commissioner Meitzner.”*

*Commissioner Meitzner said, “Thank you, Chairman. Lacey, you spoke well, and if I was looking at this from a broader perspective, the time involved to do something, the expense involved to taxpayers to do something that may be just evidently in front of us, really approaches me as something that I think it should be avoided, and it would show responsible, as a responsible Commission. Then obviously, the stability of the staff and the quality of what Mr. Stolz has done in the interim, and I became friends with Tom, not because we wanted to be friends, but I worked with him when he was at the*

*City and the Police Department, so we had occasions to work closely on some things, and then it migrated, and so I have a tremendous professional respect for Tom, and it's grown into a friendship, as many things would do, in business and who you work with.*

*"So based on that feeling, and I've got another, many comments I could say, the feedback from the public, as Chairman has said, and the feedback from my connections within the community have been, I was waiting to hear one to say let's pause, let's go another way, let's look at all the options. It's one of those things when it's obvious. You should move when it's obvious. So with that, I've kind of written up even a motion to take a next step. I don't know if we're ready to hear a motion, but I'd be glad to present a motion. But I'd first like to make sure, Mike, this discussion has been okay, and the comments..."*

*Mr. Pepoon said, "Yeah, absolutely, as long as Tom's okay."*

*Commissioner Meitzner said, "Well we don't care about Tom's feelings right now."*

*Mr. Pepoon said, "It does discussing personnel matters in public."*

*Commissioner Meitzner said, "This isn't personal, this is business."*

*Mr. Pepoon said, "No, it's certainly okay."*

*Commissioner Meitzner said, "Okay. So I don't see anything. I've written a motion here, and please correct if it's not apparent."*

#### **MOTION**

*Commissioner Meitzner moved to direct the County Counselor to enter into negotiations with Tom Stolz and bring back a contract to the Commission for consideration of approval.*

*Commissioner Cruse seconded the motion.*

*Chairman Dennis said, "We have a motion and a second. Is there any discussion on the motion? Commissioner Howell."*

*Commissioner Howell said, "Well, thank you, Mr. Chairman. Well I've been, let me just say, I appreciate the comments of Wess Galyon. It looks like he maybe left. But Lonny as well, thank you for speaking up, and I just want to say, as I've gotten to know Mr. Stolz, you have done a tremendous job, so I want it start off with saying I appreciate your leadership and your ability to get things done and somehow find a way to make five very different people happy, which is hard to do. So I want to say, I have great confidence in you, but I do want to reflect on a couple of things. Number one, hiring a Manager is probably the most important thing we have to do besides pass a budget. It has a tremendous responsibility, and this really should not be a political thing. Bill Buchanan, as I said before, served with over 20 County Commissioners during his 24 years at the county.*

*"People of all political ideologies, he worked with them, very well. I supported Bill Buchanan while he was here. I just looked it up. He did announce his retirement plans in November of 2014. I don't think we really got serious about trying to find a process to move forward until we had the new Commission seated in 2015. I was part of that*

*process. I just want to say, what I like about the process is that it was open and transparent and competitive. We actually looked it up, I received, I think, 85 applications. Many of them were absolutely not qualified. There were about, I would say, 11 that were, that caught our attention. Actually, I take that back. There was 10 that caught our attention.*

*"Seven of those were brought to us by Ms. Narloch, and then we reviewed all the rejections, and we found 3 that we wanted to bring forward as well. So we started out with roughly 10 out of the 85, we thought actually had qualifications that we should take a look at them. We followed a process where we had telephone interviews, we had group interviews, both with the Commission, as well as other directors and staff across the organization, as well as outside organizations.*

*"We brought some of them in for community tours and face-to-face meetings, both with the community, as well as those other groups and the Commissioners. We had individual interviews. I think I had two individual interviews with numerous candidates. I would tell you that, and Mr. Stolz, you were one of those candidates, and you did a great job, and so I'm fairly familiar with your experience and education. In fact, I've got it right in front of me, and I can read it if anybody wanted to know what that was. I'd be glad to share that. But nevertheless, what I liked about the process was, it was open and transparent and competitive, and anybody in the community that wanted, or in the nation, for that matter, that wanted to get our attention and make an effort to be recognized in that process, they had the opportunity to do that.*

*Commissioner Howell continued, "So one of my concerns is, I want to be supportive of Mr. Stolz, assuming that's where we're headed. But I also have a concern that the public perception is that this is pre-determined, and we're not open to other folks. I didn't understand why I was meeting with two people, but two people have contacted me in the community that said they were interested in this position, after I found out what they were wanting. It doesn't mean that, and I cautioned them. I said it really would be inappropriate for me to have this conversation, so I shut those off. But I'm aware there are other people out there that want to get our attention.*

*"To the extent we would like to be open and fair and, you know, transparent, I have some concerns about just moving in this one direction. With respect to the \$30,000 to \$40,000, you said we spent \$24,000 this last time. It did take quite a long time, but again, I don't know when we actually got started with the actual process of trying to locate, I'm not sure when the 14 bids were received, for example, and how long that process took, but I have in front of me, reports from that organization. We started the process of interviewing in June of 2015. I don't know that we ought to go through that same process. I don't mind necessarily an HRePartners process. I don't know what the cost for advertising would be. I think it'd be fairly minimal, and it wouldn't necessarily take six months. It might take 30 days.*

*"So I guess in an effort to say we ought to be open and transparent, I would prefer to see us post this. Again, I would expect that Tom Stolz would be probably one of the top candidates, if not the one we would settle on, only because I know him, and he's obviously the most experienced in the position. But I just think we need to, my opinion is, we need to be open to learning what we don't know. That's never wrong to take our time and be thoughtful and analytical and open this up to other things we don't know.*

*"As much as I would love to settle this quickly, you know, it has been, I believe, you know, 24 days we've had two Commissioners on the bench for, actually should say,*

*that have been in their offices for 24 days, since the 13th of January thus far. We've had a lot of turmoil. There's been a lot of, you know, things getting through the holidays and letting the dust settle and that type of thing, so it has been a, you know, probably not the best month necessarily to get to know exactly how everything is working. But I don't want to be in such a hurry that we don't respect the process. I like to be process driven, if possible. So to the extent that the motion is made, I want to support Mr. Stolz as much as possible going forward, but I just want to register my concerns that we are moving in a way that is not as open and transparent as some of the people in the community might like us to be. I would like us to give them the opportunity, and more than likely, I would assume that Tom would be probably the very top contender for that position, but I think we ought to be open to what we don't know. So with that, I guess that's all my comments. Thank you, Mr. Chairman."*

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

*Commissioner O'Donnell said, "Thank you, Mr. Chairman. So since we've been talking about this after an Executive Session last week, I have also reached out to people that were on the external committee. I know you have as well. You just said it. One thing that was startling and striking to me is that when they met, and this would have been the summer to fall of 2015, so a little over three years ago, not only was Tom Stolz the first choice of the committee, but he was the first choice of every single member as recorded by their own minutes. Is that what you understand as well, Mr. Chair?"*

*"Our past County Manager came in fourth place out of the four candidates. Is that correct, Mr. Chair? Right. I mean, that's just startling to me that every single member, in a good way certainly, in a good way, that every single member selected Mr. Stolz to be their top choice, and then our former County Manager came in fourth out of four. So I think we have had an open, transparent process, both internally and externally, in the not-too-distant past, that would make me comfortable with moving forward to install Tom Stolz as Manager for Sedgwick County. Thank you, Mr. Chairman."*

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

*Commissioner Howell said, "Thank you. Just two points of clarification. The outside group you are referring to was seven community leaders. I have that data right here. I have it, and he's correct. Tom Stolz was the top choice of these seven people. That is true. We did have other groups. It was a very thoughtful and methodical process. Again, I think I spent, I would say, somewhere between eight and ten hours interviewing our former County Manager. If you add up the other interviews, it was a very lengthy process, and we did not do this lightly."*

*"It was a very serious matter, and we spent a lot of time at this, and I took this into consideration, although we didn't have names, these are all anonymous, except for there's one name on one of them, but they're basically anonymous. I don't know who these people are. I can't ask follow-up questions, and that was a little bit frustrating at that time. But nevertheless, there were other groups that came to different conclusions, and as, you know, politics is this way, you take in all the data, and you make the very best decision that you can."*

*"It wasn't like we had unanimous opinion everywhere. In fact, I would tell you that among the Commissioners, there was three Commissioners, one of those not being Karl Peterjohn that selected our former Manager as our first choice. I believe it was unanimous at the end, but it was a 5-0 vote, but one of the Commissioners, I guess, registered an objection that he didn't care for the process we followed. Furthermore, we*

*were actually criticized by the media and the public for not being transparent, and not being open to their satisfaction, despite the fact we actually had a very, I thought, a fairly good process to get to that point.*

*Commissioner Howell continued, "Finally, with respect to the Chairman's note out to staff, I had one question. I'll let you answer this in just a moment, but my first question is, was this written to all of our employees? Did they all receive this? I assume they did. We have just under 3,000 employees altogether. I would make a note, you mentioned we had a flurry of responses. I received two responses on Monday and five responses on Tuesday. Altogether, six directors responded to that. They were all specifically naming Tom Stolz as an excellent choice. Again, I wanted to make that clear. Again, I don't disagree with what they said. I think he is an excellent choice, but I don't know if I call that a flurry out of 3,000 employees.*

*"You know, finally, I just want to make sure this is clear. This can't be about friendship. We sometimes get accused of doing things for the wrong reasons. I would like to make sure that people understand that we want to do this because of qualifications and experience. Again, Tom Stolz has got tremendous qualifications and experience. I'm not against Tom in any way. I love you, Tom, you're a great guy, okay? But I just want to say that we want to be open to what we don't know, and we have to make our choice based on everything, not just on a personal relationship. So alright, I think I've said too much already. Thank you, Mr. Chairman."*

*Chairman Dennis said, "Thank you. Commissioner Cruse."*

*Commissioner Cruse said, "I just want to say that any other organization I've ever been at, we've always looked to hire from within because it makes the most sense. When you have somebody already qualified right in front of your face, why wouldn't you hire that person? We have too much to do as a Commission. We need to move forward, and dragging this out, I don't believe, I'm not sure it's genuine, helpful or transparent to have a search when it's clear that we have a top candidate from a recent search with a proven track record and the support of the community and staff."*

*Chairman Dennis said, "Thank you. Well, I'll just make a couple concluding comments before I call for the motion, but first of all, the e-mail I sent out earlier this week, did go to every single employee, but by the same token, a lot of those employees, those 3,000 employees you mention, don't work with Tom Stolz every single day. The responses you got back were from people that work with Tom Stolz every single day, and they know him best. The other comment that you made earlier was that we got two Commissioners that's only got a couple days on the bench. I don't think that that's even close to accurate, because first of all, Commissioner Cruse attended meetings for the last six months and has had an opportunity to see Tom Stolz in action for an extended period of time.*

*"Commissioner Meitzner has had an opportunity at the city to know Tom Stolz both at the city and in the county. So the fact that they've only been on the bench a couple days doesn't make their vote any less valid by any means.*

*Chairman Dennis continued, "The fact is that we've got to see Tom Stolz in action, and especially in action in a very trying times. He's a known entity. Others may look very good on paper, but we can end up with someone that is not a leader. Just because they look good on paper, doesn't mean that they're what we need.*

*"Right now, Sedgwick County needs stability. That's the most important thing that we*



*need in this county, and Tom Stolz brings stability to us. I mentioned yesterday in our staff meeting that I'm reading this book called Multipliers. There are certain leaders that are multipliers. Tom Stolz is a multiplier. So therefore, I am going to place my vote as approving the motion that's already been generated. Commissioner Howell."*

*Commissioner Howell said, "Again, just to be absolutely clear, I'll support the motion. I just wanted to be on record of saying I have some concerns. That's fine. Clearly the majority of this Commission wants to go in the other direction. I want to support Tom Stolz, so I'll support the motion as well, but I did not say a couple of days. I did say 24 days, and my point was not that these people should be disrespected. That's not meant to be a negative comment. It's meant to say that there's a different relationship when you work this closely with the Manager. It's much different being here as a Commissioner than simply sitting in the audience and having him in the room. This is a much different relationship. I'm not trying to be negative or critical of anybody, but we have a different relationship with our Manager. When you actually sit in the seat and have an office up on this floor, it is a different relationship. So, I was just stating the fact it was 24 days, not a couple of days. Thank you, Mr. Chairman."*

*Chairman Dennis said, "Thank you. I see no other comments. Madam Clerk, call the roll."*

VOTE

|                           |     |
|---------------------------|-----|
| Commissioner O'Donnell II | Aye |
| Commissioner Cruse        | Aye |
| Commissioner Howell       | Aye |
| Commissioner Meitzner     | Aye |
| Chairman Dennis           | Aye |

*Chairman Dennis said, "Thank you. Mr. Pepoon, you have a big job ahead of you. We expect a report next meeting. Thank you. Next item, please."*

**Enter Negotiations**

**H      [19-107](#)**

**REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON JANUARY 31, 2019.**

Presented by: Joe Thomas, Director, Purchasing.

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

*Chairman Dennis said, "Good morning, Joe."*

*Mr. Joe Thomas, Director, Purchasing Department, greeted the Commissioners and said, "The regular meeting of the Board of Bids and Contracts on January 31st results in six items that we would like to present to you.*

**1. MULTI-FUNCTION COPIERS, PRINTERS, AND EQUIPMENT APPLICABLE TO SCANNED DATA AND MANAGEMENT, IMAGE DUPLICATING, AND RELATED SOLUTIONS, ACCESSORIES, SUPPLIES, SERVICES -- VARIOUS COUNTY DEPARTMENTS**

**FUNDING – VARIOUS COUNTY DEPARTMENTS**

*"This recommendation is to establish a contract with Konica Minolta Business*

*Solutions U.S.A., Inc. based on the Staples, Minnesota Sourcewell contract, and that's 083116-KON. This contract's good through April 1, 2019. It has a one (1) year option to renew.*

2. MULTI-FUNCTION COPIERS, PRINTERS, AND EQUIPMENT APPLICABLE TO  
SCANNED DATA AND MANAGEMENT, IMAGE DUPLICATING, AND RELATED  
SOLUTIONS, ACCESSORIES, SUPPLIES, AND SERVICES -- VARIOUS COUNTY  
DEPARTMENTS

FUNDING -- VARIOUS COUNTY DEPARTMENTS

*"This recommendation is to establish a contract with Canon Solutions America, Inc., and it's based on a DuPage County, Illinois National IPA Contract, which is FI-R-0251-18, and this is good through September 30, 2023.*

3. MAINTENANCE AND SUPPORT FOR COMPUTER AIDED DISPATCH SYSTEM  
(CAD) -- EMERGENCY COMMUNICATIONS

FUNDING -- 911 TELEPHONE TAX

*"This recommendation is to accept the quote from Northrop Grumman Systems Corporation (Northrop Grumman), and this is in the amount of \$328,191.*

4. ONBASE MAINTENANCE AND SUPPORT -- INFORMATION TECHNOLOGY  
AND SUPPORT SERVICES (ITSS)

FUNDING -- DOCUMENT MANAGEMENT

*"This recommendation is to accept the quote from Konica Minolta Business Solutions USA, Inc., and this is in the amount of \$177,325.96.*

5. INTERNET CIRCUIT -- INFORMATION TECHNOLOGY AND SUPPORT  
SERVICES (ITSS) AND DIVISION OF HEALTH

FUNDING -- INFORMATION TECHNOLOGY AND SUPPORT SERVICES

*"The recommendation is to accept the quote from Cox Business Services (Cox) at the rates listed for a thirty-six (36) month period.*

6. CABLE SERVICES -- INFORMATION TECHNOLOGY AND SUPPORT  
SERVICES (ITSS)

FUNDING -- INFORMATION TECHNOLOGY AND SUPPORT SERVICES

*"This recommendation is to accept the quote from Cox Business Services (Cox) at the rates listed, and this is also for a thirty-six (36) month term.*

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

*Chairman Dennis said, "Thank you. Do we have questions? Commissioner O'Donnell."*

MOTION

*Commissioner O'Donnell moved to approve the recommendations of the Board of Bids and Contracts.*

*Commissioner Howell seconded the motion.*

*Chairman Dennis said, "We have a motion and second. Discussion? I have one question. The Cox was sole source. Is there a good reason why we went sole source on Cox rather than putting that out for bid?"*

*Mr. Thomas said, "My understanding, and Mr. Joe Currier can verify this, is that it would be more cost effective to go with Cox as opposed to any other carrier or service. Is that correct? Yes, sir."*

*Chairman Dennis said, "But do you know that by going sole source? Good morning."*

*Mr. Joe Currier, Director, Internet Technology Infrastructure, greeted the Commissioners and said, "Back when Cox did the digital conversion, we had analog throughout the courthouse and everywhere else. When they did the digital conversion, we looked at other options with DIRECTV, Dish Network or antenna installations. This was the best course of action for the county at the time. Reviewing those costs again, for Dish Network and those as we brought this forward, the same findings were still accurate."*

*Chairman Dennis said, "Okay. But like AT&T can run over Ethernet, and we got Ethernet all through the building. You can't run that off of our Ethernet?"*

*Mr. Currier said, "I haven't looked at that recently, sir, but the services provided are significantly reduced in price, compared to anything we've seen other places."*

*Chairman Dennis said, "But when the infrastructure allows it, shouldn't we go out and take a look and see that it's not an option?"*

*Mr. Currier said, "How do we do that with Purchasing?"*

*Mr. Thomas said, "As Purchasing, we normally look to our departments as our subject matter experts, and I believe, and the term sole source, it's also correct to say single source, but yeah, there are other options, but we have deferred to Mr. Currier's and the ITSS (Information Technology & Support Services) evaluation."*

*Chairman Dennis said, "If we approve this, how long is it approved for?"*

*Mr. Thomas said, "This is for a 36-month period."*

*Chairman Dennis said, "So that precludes us from going out and looking to see if there's other opportunities for 36 months?"*

*Mr. Currier said, "My understanding is we can cancel outlets in different areas if we find that a building is closing, or if we're moving out of a place and have other services elsewhere. We can cancel the outlets. This is a cost-saving measure for us, at this point, to move forward with it."*

*Chairman Dennis said, "Okay. Well, I can approve it, if you go out and look. My concern is the sole source. If the infrastructure that we've got in place handles someone else, then they can do it cheaper. I don't know why we wouldn't look at it."*

*Mr. Currier said, "I would be happy to take it back and look at AT&T and talk to them."*

*I can tell you that from looking at, I did write some notes down for Dish and DIRECTV. They were \$29.99 a month as opposed to the \$10 per month that we're looking at here."*

*Chairman Dennis said, "Okay. Well I just think we ought to look at it, rather than going sole source. I try and shy away from sole source whenever I can. Okay?"*

**MOTION**

*Commissioner Dennis moved to approve the report of the Board of Bids and Contracts with the stipulation they go back out and take a look at the sole source portion of it.*

*Commissioner Meitzner seconded the motion.*

*Commissioner O'Donnell said, "I was just going to ask you if you just wanted me to rescind my motion."*

*Chairman Dennis said, "Say that again."*

*Commissioner O'Donnell said, "If I should just rescind my motion."*

*Chairman Dennis said, "Oh that was your motion?"*

*Commissioner O'Donnell said, "Yes."*

*Chairman Dennis said, "Okay, I apologize. He already had a motion. Very good."*

*Commissioner O'Donnell said, "So I would move to rescind my motion."*

*Chairman Dennis said, "Okay. So we have an alternate motion actually in place.*

*Commissioner O'Donnell said, "You can make a substitute, sure."*

**SUBSTITUTE MOTION**

*Commissioner Dennis moved to approve the recommendations of the Board of Bids and Contracts with the stipulation of looking at the sole source contract.*

*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 Cruse</i>        | <i>Aye</i> |
| <i>Commissioner Howell</i>       | <i>Aye</i> |
| <i>Commissioner Meitzner</i>     | <i>Aye</i> |
| <i>Chairman Dennis</i>           | <i>Aye</i> |

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

*Chairman Dennis said, "Sorry. It's been a long meeting. I missed that motion. I'm sorry. Next item, please."*

**Approved As Amended**

**CONSENT**

- I. One (1) Temporary Construction Easement for Sedgwick County Stream Maintenance Project north of 111th South between the Arkansas River and BNSF Railroad tracks. District 5.*
- J. One (1) Temporary Construction Easement for Sedgwick County Stream Maintenance Project south of MacArthur between the Arkansas River & Clifton. District 5.*
- K. One (1) Easement for Right of Way for Sedgwick County Project 642 27 519; Bridge on 95th Street South between Broadway and KTA. CIP# B 484. District 2.*
- L. Agreement with Butler County Department on Aging (BCDoA) to provide case management services to Butler County residents for the Older Americans Act (OAA), In Home Services program FY 2019.*
- M. Signature authority to sign applications, reports, plans, and other documents for submission to the Kansas Department for Aging and Disability Services (KDADS).*
- N. Establish 2019 Budget Authority Federal Asset Forfeiture Fund, 18024 259.*
- O. Establish 2019 Budget Authority in Asset Forfeiture Fund (Prosecuting Attorney Trust Fund) 18014 259.*
- P. Establish Additional Budget Authority in the Prosecuting Attorney Training Fund, 18002 216.*
- Q. Plat. Approved by Public Works. The County Treasurer has certified that taxes in 2018 and all prior years have been paid for the following plat: Road's End Ranch District 5.*
- R. Plat. Approved by Public Works. The County Treasurer has certified that taxes in 2018 and all prior years have been paid for the following plat: Headquarters' Addition District 5.*
- S. Plat. Approved by Public Works. The County Treasurer has certified that taxes in 2018 and all prior years have been paid for the following plat: M & W's First District 3.*
- T. Plat. Approved by Public Works. The County Treasurer has certified that taxes in 2018 and all prior years have been paid for the following plat: Hidden Acres Estates 2nd Addition District 3.*
- U. General Bill Check Register for January 23, 2019 January 29, 2019.*

*Mr. Stolz, said, "Recommend you approve consent items I through U this morning."*

**MOTION**

*Commissioner Dennis moved to approve Consent Agenda Items India (I) through Uniform (U).*

*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 Cruse</i>        | <i>Aye</i> |
| <i>Commissioner Howell</i>       | <i>Aye</i> |
| <i>Commissioner Meitzner</i>     | <i>Aye</i> |
| <i>Chairman Dennis</i>           | <i>Aye</i> |

*Chairman Dennis said, "Next item, please."*

- I     [19-076](#)     One (1) Temporary Construction Easement for Sedgwick County Stream Maintenance Project north of 111th South between the Arkansas River and BNSF Railroad tracks. District 5.  
**Approved on the Consent Agenda**
- J     [19-077](#)     One (1) Temporary Construction Easement for Sedgwick County Stream Maintenance Project south of MacArthur between the Arkansas River & Clifton. District 5.  
**Approved on the Consent Agenda**
- K     [19-080](#)     One (1) Easement for Right of Way for Sedgwick County Project 642-27-519; Bridge on 95th Street South between Broadway and KTA. CIP# B-484. District 2.  
**Approved on the Consent Agenda**
- L     [19-081](#)     Agreement with Butler County Department on Aging (BCDoA) to provide case management services to Butler County residents for the Older Americans Act (OAA), In-Home Services program FY 2019.  
**Approved on the Consent Agenda**
- M     [19-089](#)     Signature authority to sign applications, reports, plans, and other documents for submission to the Kansas Department for Aging and Disability Services (KDADS).  
**Approved on the Consent Agenda**
- N     [19-085](#)     Establish 2019 Budget Authority Federal Asset Forfeiture Fund, 18024-259.  
**Approved on the Consent Agenda**
- O     [19-086](#)     Establish 2019 Budget Authority in Asset Forfeiture Fund (Prosecuting Attorney Trust Fund) 18014-259.  
**Approved on the Consent Agenda**
- P     [19-087](#)     Establish Additional Budget Authority in the Prosecuting Attorney Training Fund, 18002-216.

**Approved on the Consent Agenda**

- Q**     [19-100](#)     Plat.  
Approved by Public Works. The County Treasurer has certified that taxes in 2018 and all prior years have been paid for the following plat:

ROADS END RANCH  
DISTRICT 5

**Approved on the Consent Agenda**

- R**     [19-088](#)     Plat.  
Approved by Public Works. The County Treasurer has certified that taxes in 2018 and all prior years have been paid for the following plat:

HEADQUARTERS ADDITION  
DISTRICT 5

**Approved on the Consent Agenda**

- S**     [19-094](#)     Plat.  
Approved by Public Works. The County Treasurer has certified that taxes in 2018 and all prior years have been paid for the following plat:

M & W'S 1ST  
DISTRICT 3

**Approved on the Consent Agenda**

- T**     [19-099](#)     Plat.  
Approved by Public Works. The County Treasurer has certified that taxes in 2018 and all prior years have been paid for the following plat:

HIDDEN ACRES ESTATES 2ND ADDITION  
DISTRICT 3

**Approved on the Consent Agenda**

- U**     [19-065](#)     General Bill Check Register for January 23, 2019 - January 29, 2019.  
**Approved on the Consent Agenda**

**LEGISLATIVE ISSUES**

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

*Mr. Pepoon said, "Yes, Mr. Chairman. Very briefly, we're continuing to work with our contract lobbyist, Jason Watkins, on several matters that are important to Sedgwick County. We're still in the process of getting two bills out of the Revisor's Office, one dealing with nuisance abatement, the other dealing with voting at any polling place. Yesterday, we had two representatives from Sedgwick County testifying against House Bill 2050, which was a bill which would put considerable stress on our jail population,*

*and essentially an unfunded mandate. Sheriff Easter was up testifying, and Glenda Martens, our Director of Corrections, testified. Talking to Glenda this morning, she said that she thought the hearing went very well. There was only one proponent for the legislation, and all the others were opponents. The Election Commissioner is reviewing some election bills, and we're working with our regional partners and our lobbyists on our behavioral health initiative, which are very important to Sedgwick County as well."*

*Chairman Dennis said, "Thank you, Mr. Pepoon. Any questions on the Legislative Issues from anyone? Seeing none, Madam Clerk, next item."*

#### **OTHER**

*Chairman Dennis said, "Does any Commissioner have anything for Other? Seeing nothing, next item. We have no Executive Session today. Any Commissioners have anything else that needs to come before the board? Before we adjourn, I want to thank the Commissioners for, a lot went on today. Truly, we had a lot of major issues, and I appreciate all the hard work of each of the Commissioners. I sincerely appreciate the hard work of the staff bringing all of these issues to us to be able to work today."*

#### **EXECUTIVE SESSION**

#### **ADJOURNMENT**

*There being no other business to come before the Board, the Meeting was adjourned at 11:15 a.m.*