

**STATE OF KANSAS)
WYANDOTTE COUNTY)) SS
CITY OF KANSAS CITY, KS)**

SPECIAL SESSION, THURSDAY, FEBRUARY 28, 2019

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, February 28, 2019, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. Walters, Commissioner Seventh District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Misty Brown, Deputy Chief Counsel; Gordon Criswell, Assistant County Administrator; Lynn Melton, Assistant to the Mayor; and Officer Doleshal, Sergeant-at-Arms.

MAYOR ALVEY called the meeting to order.

ROLL CALL: McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs, Townsend, Alvey.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, February 28, 2019, at 5:00 p.m. in the 5th floor conference room of the Municipal Office Building, for the Municipal Court Judge Selection.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Alvey said tonight we will have three interviews for the three candidates recommended by the subcommittee for Judge in Municipal Court. At this time, I will turn it over to Commissioner Markley, the Chair of the Subcommittee, to provide an overview.

Commissioner Markley said as you all recall, we promoted from within for Moe Ryan's position which meant we now have an open position we need to fill. We went through the exact same process a second time with a new posting for that job. We only got one applicant that was different from the prior round of applicants. We did three additional interviews and out of the pool of candidates we have three more candidates for interviews; Meaghan Shultz, Karen Wittman, and Ryan Haga that will be with us tonight. Just like last time, I plan to ask each of them three questions, so they will have an opportunity to introduce themselves and talk to you all a little bit and then we have the same balloting procedure as last time as well.

Commissioner Burroughs said you said you only had one new applicant that applied?

Commissioner Markley said right. All the prior applicants were invited to roll their application forward and did so and then we had one new applicant who hadn't applied for the prior position.

Commissioner Markley said Meaghan Shultz will go first and they drew numbers in case anyone is curious as to how we determined that.

Doug Bach, County Administrator, said our first candidate is Meaghan Shultz.

Commissioner Markley said I have the honor again tonight of asking you—I have three questions for you. Everyone here has seen a copy of your resume and we will dive right into those questions.

1. What do you think are the greatest opportunities or challenges the court faces in the next five years and how do you hope to address them?

Meagan Shultz said I think that our biggest challenge is continuing to keep up with technology. Judge Ryan along with Judge Roberts are the ones that brought us Regis which contains LE WEB which we use to check peoples backgrounds and IMDSPlus Court Software. Using that software

has been so phenomenal in moving our court forward. We have learned many new ways to utilize it and I think it will continue to help us on this journey. However, there are other things technologically that I feel like we need to consider. The KBI now has an established conference room with the potential to do witness testimony for DUI—for their toxicologists on DUI cases and other drug cases, but for us it would be primarily DUI cases, but we do not have the technology in our courtrooms to facilitate this right now. I think it would be very important for us to consider it. It's not right in every case, but it is definitely right to use it in some of our cases.

The usual thing that happens on a DUI case when there is a toxicologist involved, the toxicologist shows up at court. The other witnesses show up at court and then often the defendant enters into a plea, so the toxicologist has traveled from Topeka and sat in court and not usually testify. It would be great if we good allow them the luxury of at times not actually having to make that commute as long as we can do it in a way that still ensures the rights of the defendant.

I think our biggest opportunity that we have has to do with mental health issues. We have a segment of the population that we end up dealing with because their mental health issues have caused them to behave in a pattern of conduct that puts them in jail and then puts them in front of us. We now have a Court Liaison, Jeff Robinson, who is with Wyandotte Mental Health. He works with us and we are doing some work with Judge Lynch with her care and treatment docket crossovers between her clients—or the people that she sees and our defendants. I believe that we have an opportunity to increase not only the coordination, but also the new KU Campus that is being renovated will contain a courtroom. I believe there is a large opportunity for us to maybe siphon off some of the mental health issue cases into that courtroom if we're able to coordinate that with KU and with the District Court.

2. What type of professional relationship should Municipal Court have with the Mayor/CEO, County Administration and commissioners and how would you deal with potential conflicts between those stakeholders?

Ms. Shultz said in my opinion the Commission sets the policies through its stated goals through the passing of ordinances and resolutions. The court, whether it's the Court Administrator or the Judges, should be able to come to Commission meetings, for example, at the state of the court, and other times when necessary to communicate with commissioners, the Mayor/CEO, and the County

Administrator regarding the direction that the court is going, other things that are happening in the court, but not about individual cases. Any person that is a judge has to uphold the judicial ethics which require an independent judiciary and also requires the avoidance of the appearance of impropriety. It would be improper for a judge to communicate with any about an individual case.

3. Our final question is kind of open-ended, so you can speak about yourself. In 5 minutes or less, tell us why you would be the best candidate and should be selected for the position.

Ms. Shultz said I think that I'm the best candidate because I am ready to hit the ground running. I am familiar with the court software, I am familiar with the court procedures, I have handled all of the dockets that we hold, I am familiar with all of the court personnel. I have good working relationships with all the court personnel and I believe that I would be a great addition to the team. I believe that my strengths compliment the strengths of the people that are already there, in particular Crystal Sprague, the Court Administrator and Judge Brajkovic. I really believe that the three of us work well together and I would be an asset in that respect.

I am really passionate about, and excited about, the changes that our court has made over the last few years. We hold regularly scheduled dockets that are called Ability to Pay Dockets. They are on the second and fourth Wednesday of the month. There are people, because of historic accumulation of fines, that don't have the ability to pay their fines. We deal with that by doing an Ability to Pay Hearing and we're doing those frequently and I'm not sure that people are aware that we're doing them. I like the direction that we're going with it especially when it comes to traffic fines. It's best for all of us if people are able to be licensed drivers and one of the ways to do that when they have excessive fines is to look at their actual ability to pay those fines and forgive the fines or come up with some sort of alternative means of them satisfying the fines.

We have also allowed people to automatically sign up for community service. It used to be we required you to attempt to pay your fine first, but when you come in and you plead guilty and you say can I do community service, the answer is yes. You can do either community service in full or you can do a combination of making partial payments and community service. I really think that has helped our court increase compliance. I believe it has helped increase our efficiency. We allow people to make payments online, but unfortunately at this time, we're only doing payments in full. I would love to be a part of making it so that we could do partial payments

online. That would increase, I believe, compliance with payment. It would decrease the need for people that appear in court. We have had over the course of the last couple years, we have transitioned our DUI diversions off of the regular docket for their check-in. This has reduced waiting time from three hours down to 30 minutes or less for those people which I believe helps them as far as keeping employment and being able to pay and do all the other things in their life that are important to them.

Lastly, but maybe even most importantly, I love this community. I moved here in 2005 and I didn't know anything about Wyandotte County, but I am extremely proud to live here, I love the people here, I'm involved in the community, and I really feel like having a passion for Wyandotte County is important to have with the judge. I'm from an Air Force family, so I have lived a couple of places to put it mildly. My husband and I have raised our children here and we are very happy to call this place home. I really believe that this place has the best of both worlds. We have a small-town feel, but with big city amenities and I think it's critical that you have a person in the Municipal Court Judge position who appreciates that.

Ms. Cobbins said you have one minute.

Ms. Shultz said thank you for your time. I appreciate it.

Mr. Bach said our next candidate is Karen Wittman.

Commissioner Markley said welcome Karen. We're going to put you through the three questions like last time. Everyone has seen your resume just like last time and we will dive right in.

1. What do you think are the greatest opportunities or challenges the court faces in the next five years and how do you hope to address them?

Karen Wittman said I did watch the people last time and I know you all asked about computer. I know that Judge Brandy mentioned computerized things for the court. I do know that when I get stuff over at the DA's Office from it, it is now more computerized than it used to be. The older ones were handwritten notes. I would like to at least tell the Commission that I was one of the

stakeholders in the Kansas Criminal Justice Information System that is housed within the KBI. Back, I would say maybe five years ago, it became very apparent that we were not tracking DUI offenders very well in the state. For example, here, I'm sure it happened here, it happened in Topeka; there was a Municipal Court and a District Court, there could be literally two different view eyes pending in both of the courts and neither court knew that was happening. KDOT realized that this was a safety issue for our state and they put up money to create something in the KCJIS realm in the KBI to keep track of these DUIs. They needed stakeholders that used the system, can design the system, etc., so I was one of them that helped first of all look at the business process how it is now and how it was and how it wasn't working and then help the designers actually put together the system that we currently have. It took over 2.5 years. They hired a company outside to help design it, but the KBI did a lot of the work also and basically it was for all District Courts and Municipal Courts to be able to get the information to the KBI almost in real time because we found that how it was happening. If somebody got convicted of a DUI in Municipal Court or District Court, they would fill out the papers, they would put it in a manila envelope, and when the manila envelope got full then they would send it. Well, I'm trying to prosecute a guy and he's now got—you know he's not a second, he's a third and so that's what was going on.

This system that was put together is revolutionary for states because it literally—we knew all the information was out there somewhere, it was just nobody was talking to one another. Now how the system operates is, a person can sit at their computer and access the portal to the KBI to the Criminal Justice information and it will go out and search all of those different places and bring that information in. Once it was completed, I was lucky enough that they chose me to roll out the design of the thing and how it works. I also even got to present at the KCJIS meeting that they have annually for stakeholders about how the process came about. Even after that was designed I wanted those documents to be able to be admissible in court and so they tasked me with actually writing the law to create that mechanism. I went and surveyed all the states. I'm like somebody else has to be doing something like this. Well nobody did it, and I was like how am I going to do this. I had nothing and so finally I just decided I'm going to say this, so I wrote the law to allow for that stuff to be certified and be admissible in court and now that is the law.

I have a lot of background in dealing with criminal justice records, how they need to be done and where they need to go and how it's done there at the KBI. I know at least that part of it

and I know that was one of judges priority and I feel like I could bring good information to the table for that.

2. What type of professional relationship should Municipal Court have with the Mayor/CEO, County Administration and commissioners and how would you deal with potential conflicts between those stakeholders?

Ms. Wittman said my answer is a little different this time only because this is not for the Administrative Judge. I feel that the Administrative Judge is the one that should have the voice to the Commission. It should be a single voice. Obviously, I am in hopes that the Administrative Judge would get input from me, you know we have a united front in that communication, but clearly, I don't think I should have a voice as a second. It should be the Administrative Judge speaking to the Commission as one single voice.

3. In 5 minutes or less, tell why you would be the best candidate and should be selected for this position.

Ms. Wittman said I didn't want to just say ditto, so I thought I would take at least this five minutes to give you a little bit—I know you have my resume, but to give you kind of a little overview of what I have done. Right, currently, I am Deputy District Attorney over at the Courthouse, but I have a really unique background. I have a degree in Forensic Science with a Minor in Chemistry. I have worked in a crime lab and I testified as an expert witness in the field of Forensic Chemistry. I did that for six years prior to going to law school because I kind of liked that law thing. It seemed interesting and so I ended up coming to Washburn, never been to Kansas before. I got my law degree. I also met my husband. He's a lawyer too, but he was out of school by the time I got there. I've been basically a Prosecutor, but I had some experience in racing and gaming which was a lot of fun. I used to come to the Woodland's to work and, of course, by husband was, you're going to the racetrack to go to work, but it was a great job. I also worked in insurance fraud, worker's compensation fraud, but my passion has always been traffic safety and keeping our roads safe. During my work in the District Attorney's Office in Shawnee County I created, and I brought a copy because I just came out with my—I called it the 14th Edition because the 13th Edition scared

me; but I've done 13 editions of a DUI Law Book. I am considered an expert in the field of DUI in the state of Kansas and I had that job for eight years. I did all sorts of things. I trained thousands of law enforcement officers all across the state. I've trained prosecutors. I've trained judges. I was a Municipal Judge for 21 years. I was invited to the Municipal Judges Conference and gave presentations to them specifically on DUI law or traffic safety law. I have written a number of articles and I know I've listed them there for you and I've done two since I turned that into you.

My husband and I just celebrated 28 years of marriage. We have two children. My daughter who is finishing up Graduate School was a dual athlete. She played ice hockey from Kansas, ice hockey, and soccer and she wants to be a law enforcement officer and so she has applied to be a law enforcement officer. My son is a Junior at KU and he wants to be a computer geek. He's an Eagle Scout. I'm very proud of both of them.

I will finish up by saying I hope that I will have an opportunity to work with the Administrative Judge to meet the goals that she has as well as the Commission goals to make this community as safe as we can. Thank you very much.

Mr. Bach said the next candidate is Ryan Haga.

Commissioner Markley said I have three questions that I will ask you similar to our previous interview with the committee. I'll ask all three questions and everybody here including the commissioners that aren't on the committee have seen your resume and has had access to that information.

1. What do you think are the greatest opportunities or challenges the court faces in the next five years and how do you hope to address them?

Ryan Haga said I think in particular to Wyandotte County I know that we've prioritized trying to do things we can to raise up the community in terms of some of our housing issues and blight issues while also dealing with economic disparities that help undergird those issues. I think a big part of what is going to be the Municipal Court Judge's job is to make sure that whenever people come in front of them regardless of whether it's some sort of housing issue or you know more typically a traffic or some other misdemeanor that has a positive affect on showing that we take

such violations seriously and that we want to hold them accountable without also using the system to put people into basically no end situations where they really can't dig themselves out from under a situation where they maybe have fines upon fines and other disparities as far as going forward.

2. What type of professional relationship should Municipal Court have with the Mayor/CEO, County Administration and commissioners and how would you deal with potential conflicts between those stakeholders?

Mr. Haga said obviously given that the Municipal Court Judge serves at the favor of the Mayor and the Commission, obviously, there's a significant amount of accountability there so I do think it's the Municipal Court Judge duty to a certain extent to be aware of what the county's priorities are and to the extent participate and fairly help move those priorities forward and hopefully share those priorities, quite frankly, given that we're all members of the same community. At the same time, it's important that the Municipal Judge be fair and objective to where whenever there's a defendant comes in front of you that the front of your mind isn't what can I do to this person to get them to comply and push forward our community priorities without listening to the persons actual circumstances which they're living under and what led to the violation that has come up. Now, not to say that if someone comes in with a sad enough story, they shouldn't comply with the law and make sure to hold that person accountable.

It's important whenever a citizen comes in front of the Municipal Court that they know they're getting a fair independent care regardless of what other priorities that the Unified Government should be pushing.

It is a tough balance to maintain because I do believe a Municipal Court Judge is a representative of the Unified Government. I do think it is part of their job besides us running those dockets to get out into the community and make sure people know them, understand them, and know that whenever they come in front of them that they're going to get a fair shake. It's important the community has general access to the UG, so they can understand what our priorities are and what we're doing and why we're doing it. I think that can be an interesting line to try to tread as a Municipal Court Judge and to a certain extent you do need to be a legal computer. The offense goes in here, the likely outcome comes out there, but it isn't that mechanical we all know. The judges have discretion in terms of crafting certain penalties and fines that we can take into account

the persons circumstances and, quite frankly, to a certain extent the county's goals and aspirations as well.

3. In 5 minutes or less, tell us why you would be the best candidate and should be selected for this position.

Mr. Haga said I think what I really bring to the next series is I have a real diversity viewpoint as a practicing attorney. When I graduated law school in 2005 I started doing firm work, but I only did that for about three years before I opened up my own practice here in Wyandotte County. I had my office on 26th & Armstrong in Don Taylor's building and Ray Probst building doing District Court criminal appointments, doing bankruptcy, doing divorces, tickets, and other various other criminal law work here in the county. I did that for about 2.5 years. For those 2.5 years I represented defendants in all different types of circumstances, you know economic and what have you. As an advocate for those people during that time I feel like I'm going to have a strong perspective what it's like to be on the defensive end and not just simply from the prosecutor's point of view. Also, during that time, I worked regularly as a Judge Pro Tem here in Kansas City, Kansas so while I was doing that type of work in the District Court I was also over here working the traffic dockets, the domestic dockets, the DUI dockets as a Pro Tem.

In 2012 I got a job here as a Municipal Attorney and in the six, seven years I was here I had a bunch of different duties. I started off doing internal litigation, but during that time a big part of what I was doing here on a regular basis was filling in for the dockets down on the second floor, filling in for Meagan, filling in for Vickie, doing the traffic dockets, doing the DUI dockets, doing the domestic dockets and having a strong familiarity with those works and I would be willing to bet my numbers that I was probably the primary substitute for at least my first two or three years. In fact, my first jury trial for Wyandotte County was taking in an appellant—was taking an appeal from Municipal Court and trying it in the District Court.

Some time ago, some of you may be aware, I became the Codes Prosecutor, so I ran the regular Wednesday morning codes docket and dealing with those issues primarily. Obviously, housing issues, code violations for not cutting your grass, dealing with unsafe housing and what have you and helping craft those ordinances as well as working on the administrative program that's currently in place.

I really think one of the things that I really bring to the table as Municipal Judge is that I've done defense work and I've done prosecution work and I've already spent some time in the role of judge. I think the most important thing is that I really think that I have a track record that I can point to where I don't just come in and sit down and just do my job. When I took over—I look for opportunities for improvements and to make changes. When I took over the codes court docket after a couple of months of coming in on a typical Wednesday morning where you know we have a 2-hour docket, we have a line of citizens, we've got a line of code officers, they come up they open up in front of the judge, the code officer opens up his book and starts pulling out photographs. The citizen starts arguing about them, it took forever, it was long, it was noisy.

Ms. Cobbins said you have one-minute sir.

Mr. Haga said while working with Judge Brajkovic, after consulting with her, I made a decision to take my code officers out of the courtroom. Instead of bringing everyone in on Wednesday morning I would meet with the code officers on Tuesday afternoon to go over their cases, find out the status of the different cases so I could talk about them with the citizens when they came in, explain to them whether the case needed to be closed, keep it open, what problems needed to be addressed and what that lead to, quite frankly, was a much quieter, faster docket and certainly less contentious as well as scurrying up 10 to 15 code officers every Wednesday morning. They go out and look at properties instead of coming in and sitting in court for two hours.

I guess what I'm trying to say is I bring a diversity of viewpoint to the job, but also, I have a track record of looking for ways I can make a positive change and if I can find those opportunities, I will do that. Thank you.

Kenneth Moore, Chief Legal Counsel, said Mayor and Commissioners, like last time there will be a ballot with three names. They are in alphabetical order and we ask that you rank the three candidates in your order of preference and then we will see what the results of that is. If one candidate gets six or more votes, then there is no need of having further ballots.

Mr. Bach said we did not have one candidate that had the majority of the votes, so in doing this we went through and tabulated out who the two top place candidates would be based on the lowest

score between 1 through 5 and those two candidates turn out to be Ryan Haga and Meaghan Shultz. Now you will go to your second ballot and you will vote between them as to who you would pick as first. I mean you can vote for two, but it's pretty apparent. You're voting between just these two, so Karen Wittman is eliminated by the first ballot. Now instead of taking the person that may have five, which both of these had two five first place votes, so this could be interesting, but you're to go to it from a standpoint of vote for your first-place candidate and that's all we need on the sheet of paper is who you are voting first between Meaghan Shultz and Ryan Haga.

Mr. Bach said the votes are in. We have five first place votes for Meaghan Shultz and five first place votes for Ryan Haga. Do you want to have discussion about this? You're kind of at a point now—I mean you can keep voting.

Commissioner Markley said I'll just make a comment just as the Committee Chair. The one thing that I would say that distinguished these two candidates just in terms of how things played out as a committee, we actually interviewed Meaghan for the Administrator's job. We interviewed her for Moe Ryan's position and she didn't make the top three because she didn't have a judges background, but we actually interviewed her initially to potentially be the boss so then obviously when we moved on to the second round she was sort of obviously in the running from that perspective. Ryan, we did not interview the first time around, but obviously he came out of the top three this time. I think they're both great candidates. I feel like maybe it's kind of awkward, but I feel like I should mention that Ryan—I'm not helping because I'm saying good things about both of them, but Ryan spent some time in the hospital between both rounds of interviews, so he came basically straight from the hospital to interview with us so he's obviously incredibly dedicated both times. Again, I don't know if that was helpful because I just said great things about both of them. Just giving some lay of the land.

Commissioner Townsend asked is it possible to delay the vote or what would be the repercussion so that you have the elect. Is it imperative that we make a decision tonight? **Commissioner Murguia** asked could we wait for Walters? **Mr. Moore** said there is no requirement that you make the decision tonight. The timing of tonight was that it would allow time for the judge to be onboard before Judge Ryan left and that's at the end of March. **Mr. Bach** said we do have a

Commission meeting next week on the 7th and at this time, to our knowledge, you are all scheduled to be here. **Commissioner Townsend** said I would surely like to see us do that if it's not going to be a detriment by not making a decision tonight. That way you do have the input from eleven. We just had a wealth of talent, but to give each of these candidates the full benefit of you know, fair as it can be, that's what I would personally like to see happen.

Mayor Alvey said my concern would be, and I understand that, that if Commissioner Walters is back, then he would at least need to have viewed the interview before we would decide to vote again and whether there would be opportunity for us to have maybe just one question with each of the candidates. I don't know.

Mr. Bach said I'm going to say this. One week is not going to be detrimental to the operation of the court. I mean all of our operations suffer through shortages that go much more than that, so I'm sure that Judge Brajkovic can figure that out and we can manage as we go through that. If we're short, we'll have a Pro Tem for a longer period of time. That's a very manageable scenario on one week.

The other issues of coming in, I mean you have the option, it's not 6:00, you could bring the two candidates in individually and ask them another question if you want to or something like that, that could weigh that or wait for next week and we can visit with Commissioner Walters as he comes in and try to make sure he has the—I mean we will have it on YouTube since we put it out there. He can watch the recording from that perspective and if you want to during the meeting next week we are full up in a Special Session at this point, so we have a few things going on at 7:00, but we could still have the candidates come up and you could ask them questions during the meeting if you wanted to do that as well.

Commissioner Kane said well Haga just got out of the hospital and Jim isn't here. In my world normally, what you do is you have them come back in, but I think we cool off for a week, have them come in, give them five minutes of their spill and then we vote. That would then be fair to everybody. **Mayor Alvey** said I agree. Okay, so that's what we will do.

Mr. Bach said okay. We will work with you Mayor on the logistics of how we can do that between either the Special Session or the 7:00 which is probably going to be where we're at. **Mayor Alvey** said fine, that's good.

Commissioner Markley said while we have this moment of silence, I would just like to thank my committee because this was very time-consuming, and I do appreciate all of you making time in your schedules to do all the interviews and come up with questions and everything else that you did.

**MAYOR ALVEY ADJOURNED
THE MEETING AT 5:55 p.m.**

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Bridgette D. Cobbins
Unified Government Clerk