

Approved February 4, 1992  
Date

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by Senator Audrey Langworthy at  
Chairperson

9:06 a.m./~~p.m.~~ on Wednesday, January 29, 1992 in room 531-N of the Capitol.

All members were present except:

Committee staff present: Theresa Kiernan, Revisor of Statutes  
Mike Heim, Legislative Services  
Elizabeth Carlson, Committee Secretary

Conferees appearing before the committee:

Gerry Ray, Johnson County Board of Commissioners  
Anne Smith, Kansas Association of Counties  
Ernie Mosher, Research Counsel, League of Kansas Municipalities  
Janet Stubbs, Executive Director, Home Builders Association of Kansas

Gerry Ray, Johnson County Board of Commissioners read from a prepared statement (Attachment 1.) saying the county commissioners are in favor of consolidation but there is little citizen support to relinquish autonomy. She spoke about townships in Johnson County and the need for legislation for disorganization of a township.

Anne Smith, Kansas Association of Counties, submitted a statement (Attachment 2.) prepared by John T. Torbert, Executive Director Kansas Association of Counties. She presented recommendations on statutory changes. She requested no mandates but stated it should be made easy for city-county consolidation.

The committee held a discussion of a bill draft on city-county consolidation with staff putting together about 15 options for the committee to look at. Mike Heim, Research staff stated under current law, city-county consolidation is not permitted. Senator Langworthy stated the problem of the exemption to the tax lid where agencies combine needs to also be looked at. This would probably be a separate issue. The consensus of opinion was that staff would draft an options paper for further review by committee.

The committee moved on to the introduction of bills.

Senator Daniels asked about the introduction of a bill to create a Kansas Advisory Council on Intergovernmental Relations. Senator Langworthy stated there is a bill in the House local Government Committee which would do this.

Senator Petty asked about the introduction of a bill so the committee could look at state mandates that increase the costs of city-county government. When research is done, the fiscal note should include the increase of these costs to the city and county. Ernie Mosher, Research Counsel, League of Kansas Municipalities, stated this could be a mandate to be studied by the ACIR. It is a substantial task. Staff reported it is difficult to get any information, it isn't impossible, but it will take a lot more effort. Ernie Mosher reported that the Division of Budget does not have the resources to do this. The framework is there, however.

Senator Langworthy suggested when the ACIR bill comes from the House, staff research this problem and more time can be spent on it then.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT,

room 521-N Statehouse, at 9:06 a.m. ~~9:00~~ on Wednesday, January 29, 1992

Senator Frahm requested a bill be introduced for SB 443 to insert the words "cities of the first class" would pay \$200 for the pounds to be licensed. Senator Frahm made the motion and Senator Lee seconded the motion. Motion carried.

Senator Lee made a motion which was seconded by Senator Frahm that a bill be introduced so a township could become a part of the county if the township so desires. Motion carried.

Senator Lee made a motion to introduce a bill if a township becomes a part of the county, the road machinery and equipment become the property of the county and the township also turn over all the monies to the county.

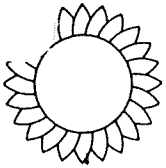
Staff reported SB 527 has been introduced which covers this problem. Senator Lee withdrew her motion.

Janet Stubbs, Executive Director, Homes Builders Association of Kansas appeared to request the introduction of legislation which will correct problems created by SB 23 and the rules and regulations promulgated by the Divison of Water Resources. This is in regard to the floodplain development and a compromise during conference committee. (Attachment 3.)

Senator Lee made the motion, seconded by Senator Frahm to introduce this bill. Motion carried.

Meeting adjourned at 9:55 a.m.





**Johnson County**  
**Kansas**

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January 23, 1992

SENATE LOCAL GOVERNMENT COMMITTEE

HEARING ON CITY/COUNTY CONSOLIDATION

TESTIMONY OF GERRY RAY, INTERGOVERNMENTAL OFFICER  
JOHNSON COUNTY BOARD OF COMMISSIONERS

Madam Chairman, members of the committee, my name is Gerry Ray with the Johnson County Board of Commissioners. I appreciate the opportunity to present the County's position on city/county consolidation.

Johnson County, with 20 cities, 6 school districts, 9 townships and a variety of other local units, would seem to present ample opportunity for consolidation. However, there is little citizen support to relinquish autonomy. In other words many do not believe that bigger is better.

In light of this, the approach Johnson County and the cities have taken is to practice cooperation for the provision of many services on a county wide basis. Thus the level of services can be enhanced while holding down the cost of delivery. The attached list gives a brief description of some of these countywide services.

The greatest need of local governments is the authority and the flexibility to solve the local problems in the manner best suited to the area. Statutes tend to seek uniformity, whereas, in reality what serves the rural areas best, may not meet the needs of the urban areas, and vice versa. If the local jurisdictions were allowed to govern without overly restrictive regulations, the needs of all areas could be better served.

A problem the County is currently experiencing is the issue of diminishing townships. As townships are reduced in area and population due to annexation, there are instances when no one is available to serve as township officials, and there is no means by which to fulfill statutory requirements for budgets and expenditure of remaining funds. The existing statutes provide a mechanism to disorganize a township when the population is 200 or less. However, it must be attached to a contiguous township. This cannot be applied to our problem because the affected townships are surrounded by cities. To address the problem the County is seeking legislation authorizing the County Commissioners to order the disorganization of a township, subject to a protest petition, and vest the governing and financial authority of the township in the Board of County Commissioners.

Johnson County supports cooperation and coordination among all local units. It also supports efforts to consolidate services, where appropriate and cost effective. Further the County encourages statutory changes that will allow local governments to seek innovative and creative approaches to service delivery and administration. The retention of strong home rule powers for counties and cities is the basis for effective and efficient government at the local level.

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## COOPERATIVE SERVICES

The Johnson County Economic Research Institute (CERI) was created by the Board of County Commissioners in 1986 to help expand the public-private partnership for economic development between government, chambers of commerce and the business community. CERI readily makes available a comprehensive economic data bank, provides technical assistance to business prospects, provides information needed to retain businesses and generates strategic recommendations based on an on-going analysis of economic conditions.

The Johnson County Library system serves the entire County with the exception of Olathe. The County Library permits the Olathe Public Library and Johnson County Community College Library to utilize the computerized data base for retrieval of books and periodicals. The three entities function as one library system in terms of sharing books, documents and periodicals.

**Financial Coordination** - An executive committee has been formed including the County, Community College, school districts and cities for the generic purpose of analyzing mutual financial concerns. Specifically, this committee is reviewing debt that is outstanding and expected to be issued by the various municipalities, and capital improvement planning for the County as a whole.

The County Assisted Road System (CARS) program involves County participation with the cities for repair and replacement of roads that meet specific requirements. Typically, the County provides funds for 50% of certain costs including construction.

The Stormwater Management Advisory Council is responsible for defining the stormwater management program and devising solutions to address the needs. The program is to be funded through a one-tenth cent sales tax generating approximately \$3.6 million per year. The committee is comprised of a representative from each city and the County.

The County's Emergency Communications Center dispatches all fire calls as well as the County's Med-Act ambulance units. The Sheriff's Communications Center dispatches 911 emergency calls for nine small cities in the County.

The Johnson County Wastewater District provides sewers to most of the incorporated areas and portions of the unincorporated areas. The cities of Olathe and Lenexa provide sewers to portions of the cities, but contract with the County for treatment of the sewage. The District also contracts with the cities of Kansas City, Missouri and Kansas for sewage flow either to or from the County.

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The Johnson County Sheriff's Department offers the only crime lab in the County using the latest technology combined with highly trained chemists and technicians. All municipalities in the County use the facility.

Johnson County Med-Act provides ambulance service to the entire County. The cities and fire districts offer transport and first responder services with the County's Service as a backup.

Johnson County's Public Health Department serves all cities of the County. The smaller cities are served through multi-purpose centers which make Library, Human Resources and Public Health services available to smaller communities. Public Health operates clinics in the Northeast and Central portions of the County.

The County Park & Recreation Department has assumed the role of provider of regional parks. Such parks complement the cities local parks and expand the recreational opportunities for citizens. Regional parks are in place in the populated areas and future parks are planned as the County develops.

The County operates two of the three public airports. The Executive Airport serves corporate and private aviation concerns and is the second busiest airport in the state. The Industrial Airport accomodates larger planes including the shipping needs for the industrial development at the airport.

Johnson County Transit offers three levels of service to County residents. A commuter service takes passangers to Kansas City, Missouri in the mornings and a return in the evenings. An intra-county system operates to transport citizens from one location in the County to another. The special services operation is limited to handicapped and aged and offers transport to specific locations by reservation.

Members of the Johnson County Commission serve on the Board and sub-committees of the Mid-America Regional Council (MARC). Also serving on the Board are representatives of the cities and County in the metropolitan area. The Board coordinates planning in various topics for the entire Kansas City region.

Johnson County has a Council of Mayors made up of the Mayors of each of the cities in the County and one of the County Commissioners. This group meets monthly to discuss and coordinate areas of interest to multiple jurisdictions.

Local Elected Officials (LEO)/Job Training Partnership Act (JTPA). The LEO Board is composed of elected officials from the counties of Wyandotte, Leavenworth and Johnson, and the city of Kansas City, Kansas. LEO appoints representatives to a Private Industry Council (PIC), and in conjunction with PIC, is responsible for oversight of JTPA related activities within the service delivery area.

GR/sw

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"Service to County Government"

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Keith Devenney  
Geary County Commissioner  
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**Executive Director**  
John T. Torbert

January 23, 1992

**TESTIMONY**

**To:** Senate Local Government Committee

**From:** John T. Torbert  
Executive Director

**Subject:** County Reorganization

I appreciate the opportunity to appear today to provide thoughts and comments relative to the issue of county reorganization. I congratulate the committee on being willing to tackle a politically unpopular subject - one that is not likely to make you a lot of friends or win a lot of votes.

The Kansas Association of Counties has been active in reorganization issues and on at least two occasions within the past two general assemblies has successfully sponsored legislation in this area. I have considerable professional background in this area. In another state, I was instrumental in the process of bringing a state advisory commission of intergovernmental relations into being. I also served on a task force that drafted successful legislation that put the process in place whereby charter or "unigovernments" could be created. In this state, I was appointed by Topeka Mayor Butch Felker to serve on a committee that studied the possibility of consolidating the city and county health departments. So, I do bring some experience in this complex and controversial area "to the table."

Representative Wagon states in an article she authored for our association magazine, that the literature on consolidation suggests there are four criteria which should be considered together in evaluating whether or not consolidation should be undertaken. It is not sufficient to meet only one criteria. These criteria are; 1) Efficiency - Does the current arrangement provide for the management and delivery of public services? 2) Equity - Does the current arrangement treat citizens of similar income levels fairly in the levels of taxation imposed for public services? 3) Quality - Does the current arrangement enable public

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service providers to manage and deliver services effectively and with high quality? 4) Accountability/accessibility - Does the current arrangement ensure that local policy makers are accountable to the public served? Are services convenient and accessible and is there the opportunity for public input into decision making? These criteria are fine and I can find little to quarrel with on the surface. The problem though is that these criteria are subjective, not objective. The question is, who makes these determinations? Who decides? For example, I think that Fred Phelps and Eric Rucker could evaluate exactly the same fact situation against this set of criteria and come up with far different analyses.

The second cautionary note that I would voice is that it seems that the driving force behind this discussion is the issue of money. Consolidation is often portrayed as the solution to saving tax dollars. Charlie Warren, President of Kansas Inc. said in an article that he wrote for our magazine that "the cherished values of local autonomy and independence are now in direct conflict with fiscal capacity and responsibility." He continues; "Can Kansans afford to support with local and state tax dollars 105 counties?" I would suggest that the "savings" portrayed by consolidation are first of all pure conjecture. There is no way that anyone can "know" that dollars will be saved. Every situation is going to be different with differing variables and influencing factors. Such projections often look at only one side of the ledger- the savings side. They fail to project where or how other costs may increase as a result of the consolidation.

For example, there is discussion currently taking place in Topeka/Shawnee County about consolidating the police department and sheriff's office. A local tax protest group has suggested that such a consolidation would save considerable dollars. This projection was based on the assumption that the city and county departments would be brought together under the umbrella of the county and, because of the fact that the wages in the sheriff's department are not as high as those in the police department, there would be savings because of all of the city employees being moved to a lower wage bracket. Anybody who has ever had anything to do with management of employees knows what kind of problems that kind of scenario would create. Can you imagine what the morale of the law enforcement officers would be in this community if they suddenly lost their employment identity and had their wages cut at the same time? One of the main problems we had in the committee work looking at city/county health department consolidation was exactly this issue. The city employees would have been paid less if they were transferred to the county's wage system. Several of them lobbied their city council members vigorously and to date, this consolidation has not occurred.

Also, on the issue of consolidating the office of sheriff and city police, I would like to point out that one of the things that makes it attractive is the fact that the city is desperately in need of a new police station. The thinking is, as long as they need a new

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facility anyway, why not build a bigger one that could handle both functions. That's all well and good but if the city were not in the place of needing a new facility, I wonder how good these cost savings projections would look. Our own particular fact situation may make consolidation look attractive and viable, but that is a fact situation that may exist nowhere else in the state. My point is, take these projections of "savings" with a very large grain of salt. Look at and question the assumptions on which the numbers are based. Do not focus entirely on the potential savings. Look also at costs that may increase as a result of a change in the governmental structure. Make sure you get the whole picture. Money should not be the only criteria by which these issues are judged.

A final point that I want to make as strongly as possible is that it has been a consistent position of this association that reorganization or consolidation should only be effectuated after approval of the voters, either by direct vote or by some sort of petition/referendum requirement. Kansas citizens take their government very seriously and they should have the ability to sign off on major structural or organizational changes.

I would suggest that the committee consider making recommendations on statutory changes in several areas.

1) Endorse the formation of a permanent state advisory commission on intergovernmental relations composed of state, city and county officials. Make sure it has a budget and a staff so that it can be a functional agency. This state is in dire need of this sort of forum to look at problems that cross cut different levels of government. The concept has been successful in other states and it could be successful here.

2) Allow an additional exemption to the tax lid where agencies combine or consolidate. As an example, when our committee looked at health department consolidation, one of the problems was that the county did not have the budget authority under the tax lid to allocate more tax dollars to an agency that would now be solely their responsibility. In this situation, everything else being equal, the county taxes would have gone up in an amount that was reasonably close to the amount of decrease in the city taxes. So, there was no net gain or loss foreseen initially in this consolidation. However, because health was not an exempt function under the tax lid, the tax issue became a real impediment.

3) Study how consolidation will impact the area of mandated services. For example, if the city police and county sheriff's offices are combined under some new mantle, what happens to those areas where the sheriff has certain mandates to meet, set by this and other legislatures? What if this new top law enforcement office isn't called a sheriff? You will face situations like this with almost any elected office and this is a problem that needs resolution.

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4) Determine in what other fashion existing statutes may impede functional consolidation. Most statutes that mandate certain services speak of the county as a single entity. They do not speak to or allow multi-county approaches. The solid waste area is a good example of this where it is not at all clear what legal ability there is to join counties together for the collection and disposal of solid waste. Each county is required by law to have a solid waste plan. The law does not state whether a county can "delegate" authority under this plan to another county and whether such delegation is legal. There is a group of counties in this state that is attempting to put a multi-county plan together but it has been a long slow process and is a long way from over.

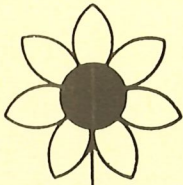
5) Do not mandate consolidation. If you are convinced that this discussion must continue to move forward, put the process in place by which this could happen. These are decisions that should be made locally. It may not make sense to you or you may not care as we sit in Topeka that Wallace and Greeley Counties with a combined population of 3,676 people are independent entities. I would suggest that such a question is very important to the residents of those counties however. It also may not make sense to a resident of a very populace state like New York or New Jersey that a small rural state like Kansas has any business being a state and should be consolidated with Missouri or Oklahoma.

Representative Wagnon suggested in her article that a committee could be established that would have a three year charge to study consolidation issues and make recommendations to the legislature. I think this is a good idea. The committee could be separately constituted or this task could be one of the first assignments of the Kansas Advisory Commission on Intergovernmental Relations.

We appreciate the opportunity to appear before this committee and stand ready to assist in any way that we can as you move through this discussion.

tsjccol

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Jan 29, 1992



# HOME BUILDERS ASSOCIATION

OF KANSAS, INC.

Executive Director  
JANET J. STUBBS

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Ken Murrow 1968  
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Denis C. Stewart 1975-76  
Jerry D. Andrews 1977  
R. Bradley Taylor 1978  
Joel M. Pollack 1979  
Richard H. Bassett 1980  
John W. McKay 1981  
Donald L. Tasker 1982  
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Harold Warner, Jr. 1984  
Joe Pashman 1985  
Jay Schrock 1986  
Richard Hill 1987  
M.S. Mitchell 1988  
Robert Hogue 1989  
Jim Miner 1990  
Elton Parsons 1991

## MADAM CHAIR AND MEMBERS OF THE SENATE LOCAL GOVERNMENT COMMITTEE:

My name is Janet Stubbs, Executive Director for the Home Builders Association of Kansas, appearing today to request introduction of legislation which will correct problems for our industry created by SB 23 and the rules and regulations promulgated by the Division of Water Resources.

SB 23 of the 1991 Session was the recodification of the planning and zoning statutes of Kansas. I am sure you will recall the controversy over the language in the bill regarding floodplain development and the ensuing compromise during the conference committee. However, on December 18, 1991, a public hearing was held by DWR on the rules and regulations proposed for this portion of SB 23. The Home Builders Association of Kansas was among those who submitted written comments at this hearing. On December 30, 1991, the Joint Committee on Rules and Regulations met on these proposed regulations which became effective on January 1, 1992.

In addition to the Home Builders Association of Kansas, the City of Salina and the counties of Saline and Sedgwick have communicated their concern and displeasure over some of the provisions of these regulations. The Salina Chamber of Commerce and the Legislative Chairman for the Kansas Chapter of the American Planning Association joined us in a meeting two weeks ago to review the regs and express their concern over the effects of these regulations.

The effects of these regulations have several areas of concern for those involved in work on this type development. One would require additional fills in flood plain areas to that required by FEMA, meaning additional expense to the home owner and would prohibit basement construction in these areas. This is in a state where the loss of life and property is still very fresh in the minds of many Kansans thus making houses constructed in these areas difficult, at best, to market.

The KAPA is concerned with the requirement for review by DWR on any annexation proposed in a floodplain area.

Madam Chair, we request introduction of legislation which would have the effect of negating regulations which make housing less affordable in these areas and which are unnecessary to protect the safety and health of the occupants.

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