

Approved: Feb 6, 1995  
Date

## MINUTES OF THE SENATE COMMITTEE ON ASSESSMENT AND TAXATION.

The meeting was called to order by Chairperson Audrey Langworthy at 11:00 a.m. on February 2, 1995 in Room 519--S of the Capitol.

Members present: Senator Langworthy, Senator Corbin, Senator Martin, Senator Bond, Senator Clark, Senator Feleciano, Jr., Senator Hardenburger, Senator Lee, Senator Ranson, Senator Sallee and Senator Wisdom.

Committee staff present: Tom Severn, Legislative Research Department  
Chris Courtwright, Legislative Research Department  
Don Hayward, Revisor of Statutes  
Elizabeth Carlson, Secretary to the Committee

Conferees appearing before the committee: Jim Lichty, Archetype Design Group, Inc.  
Richard Comfort, Ottawa County Attorney  
Kenneth Yager  
Sheriff Kenneth White  
Kathy Luthi  
Sherryl Kindall  
R. B. Barefield  
Gregory Steward  
Eunice Stubbs  
A. E. "Doc" Wesley

Others attending: See attached list

Senator Phil Martin called the meeting to order. He called the committee's attention to a response from Gloria Timmer, Budget Director, in answer to Senator Sallee's question yesterday on **SB 150**. (Attachment 1)

### **SB 88--OTTAWA COUNTY JAIL FACILITY SALES TAX AUTHORIZED**

Proponents of **SB 88** and opponents of **SB 90**

Jim Lichty, Archetype Design Group, Inc., spoke as a proponent of **SB 88**. He gave a history for the action taken by Ottawa County in seeking a sales tax to build a county jail facility. He said the present jail is sub-standard. There has been an election and he said the two questions now are how to pay for the jail and where to place it. He spoke for a facility with 48 beds because other counties could bring their inmates to the Ottawa County Jail and the sales tax would be retired in a shorter time.

There were questions from the committee concerning when the vote was taken; it was voted on at the general election in November 1994. Another question was asked if the people who voted on the sales tax for the new jail facility knew it had to come before the legislature for the authority to collect the sales tax.

Richard Comfort, Ottawa County Attorney, spoke in favor of **SB 88**. (Attachment 2) He said Ottawa County has followed the process set in Jackson County in seeking an exemption from KSA 12-187. He spoke of many public meetings being held and information placed in the official county newspaper about the proposed facility. At the general election, the vote approved the assessment of a 1% sales tax for construction by a margin of 1,483 "yes" vote to 964 "no" votes. He gave many reasons why the legislature should approve and pass **SB 88** favorably. He said the passage would affirm the efforts of the locally elected officials and uphold the majority will of the Ottawa county voters.

Kenneth Yager said he was the Chairman of the Jail Advisory Committee. (Attachment 3) He reviewed the actions of the committee and said these actions were not binding upon the County Commissioners. After their work was done the committee was disbanded. However, when the issues of **SB 90** were raised the committee again met. After that meeting, the committee again disbanded and felt there were no further recommendations necessary.

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ASSESSMENT AND TAXATION, Room 519-S  
Statehouse, at 11:00 a.m. on February 2, 1995.

Sheriff Kenneth White, Ottawa County, said the present jail was built between 1912 and 1915 and is the oldest operational jail facility in the state of Kansas. (Attachment 4) The jail is unsafe, not only for the inmates but also for the staff. It has never passed an inspection by the Kansas Department of Corrections. He said Ottawa County could be subject to lawsuits because of the condition of the present jail. The present number of beds total 7 but they have been advised by the Kansas Department of Corrections to hold only 4 inmates. Eventually the county will have to ship their inmates to other counties at a cost of both transportation and housing. He spoke in favor of SB 88 and said he is an opponent to SB 90.

Kathy Luthi said she is a past chairperson of the Board of County Commissioners of Ottawa County. (Attachment 5) She came before the committee to request the legislature to grant Ottawa County authority to impose a 1% sales tax to construct a jail facility. She gave a brief history of the process in coming to the election in November 1994. She said the new jail facility passed with a 61% vote in favor and the election was lawfully held and validated.

Sherryl Kindall said she spoke as a taxpayer. (Attachment 6) She spoke of the vote which was held on November 8th, 1994 being challenged by a minority of taxpayers. She said another vote would cost several thousand dollars and the delay could add additional expense to the construction of a new jail facility. She submitted some copies of petitions which have been collected (These are not attached to the minutes but are available in the office of the Chairperson of the Assessment and Taxation Committee.) She asked the committee to move forward with SB 88.

The hearing was closed on SB 88

### SB 90--OTTAWA COUNTY JAIL FACILITY SALES TAX AUTHORIZED

Proponents of SB 90 and opponents of SB 88

R. B. Barefield spoke on his own behalf. (Attachment 7) He said it was his understanding of the law that the statute provides that certain counties, set forth in the statutes, could have an election. If the statutes were amended to include Ottawa County, then an election could be held. He also believes that Ottawa County should be included. He said the election on November 8, 1994 was confusing. No amount of money was mentioned nor was the size nor location of the facility. He also spoke of the precedent in Jackson County but thought that was different than Ottawa County since there was no controversy. He urged the committee to approve SB 90 so another vote can be taken and the voters can understand exactly what it is they are voting for or against.

The committee thought the amount of information which was provided before the election was very adequate. They did not understand why the Legislature should thwart the will of the Ottawa County voters. It was also stated by the committee the question on the ballot was quite clear.

Mr. Barefield said the people of Ottawa County thought their real estate taxes would go up if they did not vote for the 1% sales tax. He said it was very confusing.

Gregory Stewart said he preferred the Committee to reject both SB 88 and SB 90. (Attachment 8) He spoke of Ottawa County having one of the worst economies in Kansas. He said the sales tax base is very precarious. He also spoke of the size of the facility and the 80% occupancy rate forecasted. He felt if this was successful for Ottawa County, other counties would follow suit and build their own jail cells. He was also concerned about security. They have been assured it will be for only short-term nice guys but if the beds are available they will probably accept any inmate offers. He thought the voters of Ottawa County did not say yes to a new 48 bed jail but no to higher property taxes. He thought there was a lot of misleading information being given out and he felt the people of Ottawa County did not know what they were voting on.

Eunice Stubbs said she is a taxpayer and a registered voter of Ottawa County. (Attachment 9) She has concerns about building a 48-bed jail, the residents of the neighborhood in which this jail is to be built and how a jail facility of this size will affect their small community economically. It is her belief that the county officials submitted to the voters a ballot that was unprofessional, poorly written, misleading and incomplete. She asked that Ottawa County be allowed to return to the polls to determine what steps should be taken in regard to a new jail.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ASSESSMENT AND TAXATION, Room 519-S  
Statehouse, at 11:00 a.m. on February 2, 1995.

A. E. Doc Wesley said he was a newly elected Ottawa County Commissioner. He believes they need a new jail but not the size of the 48 bed facility being proposed. He said they are a county of retired people and if they lose some of their businesses because of the increase in the sales tax it will be very difficult to make it up. He has talked to commissioners from other counties and they are not interested in sending prisoners to any other than adjoining county jail facilities.

Senator Martin said it appears the County Commissioners can determine the size of the jail facility if a contract has not been signed. Senator Ranson also suggested seeking a private concern to build the jail.

The hearing was closed on **SB 90.**

The meeting adjourned at 12:15 p.m.

The next meeting is scheduled for February 6, 1995.

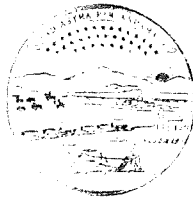
# SENATE ASSESSMENT AND TAXATION COMMITTEE GUEST LIST

11:00 a.m.

DATE: February 2, 1995

NAME	REPRESENTING
R B Barefield	self
Greg Stewart	5-18
<del>C. [unclear]</del>	Ottawa County Atty
Jim Lichty	Archetype Design Group, Inc.
Eunice Stubbs	self
Ann Stewart	self
Carol Glauk	Ottawa Co Clerk
Carol Gregg	self
Kenneth D. Hendrix	self
Don King	Self
Zale Luengood	Self
Shawn Kimmel	Ottawa Co.
Alyssa Kimmel	OTTAWA CO.
Max W Haesli	Ottawa Co Comm.
Darlenz R. Haesli	Ottawa Co.
Bill R Brown	Ottawa Co Comm.
Dorothy A Brown	Ottawa Co
MARK CRISWELL	RDOR
Donna White	Self





DIVISION OF THE BUDGET  
 Room 152-E  
 State Capitol Building  
 Topeka, Kansas 66612-1504  
 (913) 296-2436  
 FAX (913) 296-0231

Bill Graves  
 Governor

Gloria M. Timmer  
 Director

M E M O R A N D U M

TO: Senate Committee on Assessment and Taxation  
 FROM: Gloria M. Timmer, Director of the Budget  
 DATE: February 2, 1995  
 SUBJECT: Information Request for Senator Sallee

At the conclusion of my testimony on the Governor's proposal to reduce motor vehicle taxes (SB 150), Senator Sallee requested an additional comparison of the Governor's plan with current law. I had provided a table comparing the taxes paid on a 1995 Chevrolet Lumina over four years of the Governor's plan. Senator Sallee requested that I provide an additional table that would present a new car of this value for each of these years. The Lumina had a taxable value of \$15,000 and the following table presents current law and the Governor's proposal for a car valued at \$15,000 for each year presented.

Impact on a New \$15,000 Car

	<u>Current</u>	<u>Graves</u>	<u>Tax Cut</u>	<u>% Cut</u>
1995	\$511.34	--	--	--
1996	524.48	465.06	(59.42)	-11.3%
1997	535.48	415.56	(119.92)	-22.4%
1998	546.82	406.30	(140.52)	-25.7%
1999	558.50	396.18	(162.32)	-29.1%

Please let me know if you have any additional questions regarding the Governor's motor vehicle tax reduction plan.

Senate Assess + Tax  
 February 2, 1995  
 attach 1-1

*C. Richard Comfort*

OTTAWA COUNTY ATTORNEY



OTTAWA COUNTY COURTHOUSE  
307 N. CONCORD, SUITE 120  
MINNEAPOLIS, KS 67467  
PH. (913) 392-2953

WRITTEN STATEMENT OF C. RICHARD COMFORT  
OTTAWA COUNTY ATTORNEY

Pursuant to K.S.A. 12-187(b)(2), the Board of Commissioners of Ottawa County, Kansas, seek to join the ranks of Barton, Butler, Jefferson, Lyon, Montgomery, Riley, Saline and Wyandotte County's in requesting an exemption from your body to permit them to collect sales tax for the purpose of erecting and constructing a new law enforcement center and jail facility.

If Ottawa County, Kansas, had approached this body in January, 1994, there would be no opposition to Senate Bill 88. Everyone agrees that Ottawa County needs a new law enforcement center/jail facility. The pictures provided by Sheriff White and the statements of the Sheriff and former Highway Patrolman Kenneth Yager validate this statement.

However, in January, 1994, a committee of citizens, under the direction of Kenneth Yager, were still busy studying the best proposal for a jail facility.

In July of 1994, the Jail Advisory Committee made nonbinding recommendations to the Commissioners on the site, size, and method of financing and cost of the proposed facility.

Rather than wait for the 1995 legislative session to convene, the Commissioners determined that the General Election on November 8, 1994, would have the better voter turnout, when compared to an April, 1995, election on City and School positions. Interest rates were being raised and the Commissioners wanted to secure the lowest rate of interest available, which would reduce the total costs of the jail. Finally, the community hearings necessary for informing the public needed to be held just prior to the election. The volunteers that served on the committee were important to this process. A nine (9) month delay would have cost Ottawa County the participation of these vital people in this process through attrition in attendance and meetings and a loss of enthusiasm and interest in the project.

Ottawa County, Kansas, determined they would utilize the same process adopted by Jackson County in 1991 (See K.S.A. 1991 Supp. 12-187(b)(3)), and would hold the public referendum on November 8, 1994, and then seek exemption from K.S.A. 12-187 in the 1995 legislative session. Interestingly enough, if Ottawa County, Kansas, had decided to wait and hold the election in April, 1995, you would not be hearing anything from the proponents of Senate Bill 90 and opponents to Senate Bill 88. There would have been nothing to oppose, except the utilization of general ad valorem property taxes as a funding source, rather than sales tax. We all know that using ad valorem taxes to fund a jail is never popular to the voters.

Subsequently, on the 10th day of October, 1994, the Commissioners adopted Resolution 94-12 identifying that they intended to erect a dual purpose law enforcement/Jail Facility containing 48 beds at the courthouse location in Minneapolis, Kansas. Information was continuously placed in the official county newspaper about the proposed facility. Public meetings were held at every incorporated city in the County. Special meetings were held for the Minneapolis Chamber of Commerce and the Bennington Lion's Club. Pamphlets were privately prepared and funded which detailed the proposed facility.

On November 8, 1994, a general referendum was held and a vote approving the assessment of a 1 cent sales tax for construction was overwhelmingly approved by a margin of 1,483-YES to 964-NO.

Ottawa County, Kansas, has requested that Senate Bill 88 be introduced in this august body to approve an exemption from the sales tax lid imposed by K.S.A. 12-187.

- \* A vote in favor of Senate Bill 88 will validate the majority vote of the people of Ottawa County, Kansas.
- \* A vote in favor of Senate Bill 88 will validate the decisions and actions of the local elected officials.
- \* A vote in favor of Senate Bill 88 will be a strong message to the voters that they can make a difference by exercising their constitutional right and that democracy does work.

The opponents of Senate Bill 88 and proponents of Senate Bill 90 will tell you that there are problems with the ballot, i.e. there is no amount stated for the cost of the facility or that the ballot did not contain an ending payout date thereon.

In response, I will tell you that I prepared the ballot and followed the wording utilized by Saline County, Kansas, in their successful effort to pass a jail.

The opponents of Senate Bill 88 will tell you that misleading information was given to the voters. I can assure this body that the information was as accurate as could be obtained. The opponents seem to fail to understand that this jail is being built to be used for the next 40 to 50 years. The demographics of Ottawa County, Kansas, will change in that period and Ottawa County needs to be assured that expensive additions will not be required.

The opponents complain about the size and site. Those issues, by statute (K.S.A. 19-1901 and 19-15,115) are solely within the domain of the local elected officials, the Board of County Commissioners of Ottawa County, Kansas.

Additionally, Ottawa County, Kansas, has been extra-legally operating their jail by the dual use of female dispatchers, who also serve in the capacity of guards. The dispatchers are not police officers or correction officers trained in security. The risk attendant to this methodology of doing business and attendant liability is simply too great to continue this practice. The tax lid



and present tax base prevented the Commissioners from using ad valorem increases to fund the expense of operating the new jail correctly. The Jail Advisory Committee studied ways to obtain revenue to fund the operating expenses of the new jail and recommended to the Ottawa County Commissioners that they consider utilizing bed leasing for the following reasons:

1. Kansas has a traditional history of underbuilding jails; and
2. The Koch Crime Commission reports indicated that rural crime and Kansas crime are on the increase in amounts that are some of the highest in the nation; and
3. The cost to build a 16 bed facility was approximately \$950,000.00; and
4. The cost to build a 48 bed facility increased to only \$1.2 million; and
5. Ottawa County contacted several other counties and were assured that they could fill the beds, if a larger facility were erected.

The site next to the courthouse was picked because this is where the old jail is located. There are no acquisition costs for land, and it provides a safe, secure environment for transfer to court proceedings and the interaction necessary between the Sheriff's Department and other elected officials, judicial officers, and staff.

I would urge you to support Senate Bill 88 and affirm the efforts of the local elected officials, and citizens, and uphold the majority will of the Ottawa County voters.

Respectfully,

C. Richard Comfort  
Ottawa County Attorney

CRC:ps

WRITTEN TESTIMONY OF KENNETH YAGER  
CHAIRMAN OF THE JAIL ADVISORY COMMITTEE

The organizational meeting of the Jail Advisory Committee had its first meeting in the basement of the Ottawa County Courthouse on March 15, 1993, at 7:00 o'clock p.m.

Those present were the Ottawa County commissioners and the persons asked to serve on the committee.

The committee was asked to study the present jail facility and to come up with recommendations for the County Commissioners on a solution.

At this time, I was nominated as chairman of this committee.

Meetings were held monthly after this. During the next 18 months, the Sheriff gave information on the present facility, the State Jail Inspector presented information on the present jail facility, and the Administrative Judge as well as our District Magistrate Judge presented information on sentencings of defendants. The architect/representatives from Fiberbond attended numerous meetings to assist in problem solving solutions.

The committee discussed several sizes and sites for a new facility.

Information presented was discussed at numerous meetings by committee members at these meetings. a recommendation was made to the commissioners on the site, size, and how to finance the construction of the facility. These recommendations were presented to the Ottawa County Commissioners to assist the commissioners in arriving at a solution. This was done in July, 1994.

The committee further recommended that a brochure be put together to be handed out to help educate the public as to the decision made by the Commissioners. A brochure was compiled and financed by Fiberbond. The committee further recommended that town meetings be scheduled throughout Ottawa County to further acquaint the citizens of Ottawa County of the solution arrived at by the commissioners.

The recommendations made by this committee were not binding on the commissioners nor any person or persons. This committee acted in an advisory capacity only and had no by laws or formal rules adopted.

The committee, after making the recommendations to the Commissioners, disbanded. The committee was recalled to discuss issues raised by proponents of Senate Bill 90. A motion at the last meeting was made to again disband the committee as it was felt by a majority of its members that our job had been completed and there was no further recommendations necessary.

Thank you,

Kenneth Yager  
Chairman of the  
Jail Advisory Committee

*Senate Assers + Jay*  
*Feb 21 1995*  
*attach 2-7*

WRITTEN STATEMENT OF SHERIFF KENNETH B. WHITE

My name is Kenneth B. White and I am currently the Sheriff of Ottawa County, Kansas, and have been continuously since 1985. Prior to that I was Chief of Police in Minneapolis, Kansas from 1979 to 1985 and Undersheriff from 1978 to 1979.

The current Ottawa County Jail and Sheriff's Department was constructed between 1912 and 1915 and is currently the oldest operational jail in the State of Kansas. The jail was originally constructed to house seven inmates with no availability to house juveniles or females. Although we can still physically house seven male inmates, standards set out by the Kansas Department of Corrections advise us to hold only four inmates at one time due to space limitations. I have been associated with this facility since 1978 and to my knowledge, it has never satisfactorily passed a jail inspection.

During the annual inspection conducted on May 17, 1994, by Mr. Larry Dixon, he stated that, **"OVERALL, THE CONDITIONS IN THIS FACILITY WARRANT CONCERN IN REGARD TO SECURITY AND SAFETY, HEALTH AND SANITATION FOR STAFF AND INMATES"**. In essence the facility has been and currently is a liability and potential lawsuit to Ottawa County, in its current condition.

Realizing the potential liabilities, the Ottawa County Board of Commissioners asked a group of citizens from throughout Ottawa County to form a Jail Advisory Committee. The committee was asked to make recommendations to the commissioners as to the feasibility of constructing a new jail and sheriff's department. These recommendations were to include basically four items: (1) size of facility, (2) location, (3) cost to include operation and construction and (4) how to pay for it.

As a member of the committee, my job was to supply information concerning the current facility, cost of holding prisoners there and projecting what it would cost to house our prisoners out of county in the event our facility was closed down. When asked what I thought the annual estimated cost of housing Ottawa County prisoners out of county would be I projected the cost to be approximately \$280,000.00.

During October, 1994, I wrote a letter to the editor of our local newspaper outlining the current costs of housing prisoners in the Ottawa County Jail as compared to what it would have cost to house them out of the county. In arriving at the published figures I went back to January 1, 1990 and used actual figures concerning how many prisoners we had during that time frame of January 1, 1990, through October, 1994. These figures were then averaged out and computed at \$25.00 per prisoner per day to determine ONLY the cost of housing the prisoners as compared to holding them in the current facility. These figures did not include transportation costs, medical costs or wages of officers involved in transporting the prisoners back and forth. Agreeably, these figures did not come close to the \$280,000.00

projected figured I had also stated. That is because I was using current and past actual figures, averaged out, to determine basic housing costs ONLY at \$25.00 per day per prisoner as compared to \$8.00 per day per prisoner in my own facility.

The projected figure of \$280,000.00 annually to house our prisoners out of county is just that, PROJECTED. It could be less or it could be more, depending on how many prisoners we have in a year, how far we have to transport them and how much we have to pay per day to house them. During 1994 I had to house prisoners in four separate counties ranging in cost from \$25.00 to \$35.00 per day per prisoner and distance travelled round trip from 60 miles to 180 miles. This would occur when my jail population would exceed seven prisoners and I would have to house excess prisoners and all female prisoners out of county.

During 1994 I physically held 122 inmates in my facility plus five female inmates in Beloit for a total of 127. When determining what it would cost to house these inmates in Beloit for the year of 1994, I utilized the following information: averaging 11 prisoners per month at \$25.00 per day per prisoner times 365 days is \$100,375.00. Figuring four trips to court per prisoner (total of 508 trips) at 90 miles round trip each at a cost of .295 cents per mile, the mileage cost would be \$13,487.00. Actual medical costs for 127 prisoners was \$6,278.64 or \$49.44 per prisoner per year. 508 trips at 2.5 hours per trip at \$9.28 per officer hour comes to \$11,785.60. TOTAL COST WOULD BE APPROXIMATELY \$131,926.00 FOR 127 PRISONERS. Using the same 127 prisoners, but at a cost of \$35.00 per prisoner per day, THE TOTAL COST WOULD CLIMB TO APPROXIMATELY \$172,021.00 A YEAR.

In August of 1993, District Magistrate Judge Adrian A. Lapka estimated that, had space been available in our jail, 60% of all defendants in criminal cases filed from 1989 to 1993 (186 total for an average of 37 defendants per year), not including DUI cases, would have been sentenced to jail. During 1994, there were 74 criminal cases filed. Based on Judge Lapka's estimate, 44 of these defendants would have gone to jail in addition to the already 127 prisoners. This would theoretically bring the total prisoners in 1994 to 171 or an average of 14 prisoners per month. Using the same formula for 171 prisoners as was used for 127 prisoners at \$35.00 per day per prisoner, THE ESTIMATED COST OF HOUSING NOW BECOMES \$221,558.00.

When figuring annual budgets or how many prisoners I may have in a given year, I use what I spent for the current year or how many prisoners I housed and then add 10% for the next year. Adding 10% to the already 171 prisoners represents an increase of 17 prisoners or a total of 188 prisoners. This averages out to 16 prisoners per month. Again, using the same formula for 188 prisoners as was used for 171 prisoners, THE ANNUAL COST NOW COMES TO APPROXIMATELY \$251,024.00. Factor in the costs of a new transport vehicle at approximately \$25,000.00 and THE ANNUAL COST NOW COMES TO APPROXIMATELY \$276,024.00.

Please keep in mind that my letter to the editor strictly utilized current and past existing figures. I only showed the basic

costs of housing prisoners and how that would increase over the cost of housing prisoners in our own facility.

The \$280,000.00 annual estimated cost was a projected cost for the future expansion of the prisoner population.

I do not believe that 61% of the voting populace used my figures as a sole basis for voting for or against a new 48 bed facility and utilizing a one cent sales tax to construct it with. Instead I believe they considered all the information provided them and then expressed their right to vote for what they felt was just and correct.

ATTACHMENT TO SHERIFF WHITE'S STATEMENT

127 prisoners for 1994 for average of 11 prisoners per month

11 pris p/mo avg x \$25.00 x 365 days	\$100,375.00
127 pris x 4 trips x 90 mi x .295 p/mi	13,487.40
127 pris x \$49.44 p/yr medical	6,278.88
508 trips x 2.5 hours x \$9.28	11,785.60

Approximate cost of \$131,871.00

11 pris p/mo avg x \$35.00 x 365 days	\$140,525.00
127 pris x 4 trips x 90 mi x .295 p/mi	13,487.40
127 pris x \$49.00 p/yr medical	6,223.00
508 trips x 2.5 hours x \$9.28	11,785.60

Approximate cost of \$172,021.00

Judge Adrian Lapka estimated that had space been available, 60% of the defendants in criminal cases from 1989 through 1993, (186 total for average of 37 prisoners per year), not including DUI cases, would have gone to jail. During 1994 there were a total of 74 criminal cases filed 60% of 74 is 44 extra prisoners for 1994.

171 pris (127 + 44) for 1994 for average of 14 pris per mo

14 pris p/mo avg x \$35.00 x 365 days	\$178,850.00
171 pris x 4 trips x 90 mi x .295 p/mi	18,160.00
171 pris x \$49.00 p/yr medical	8,379.00
684 trips x 2.5 hours x \$9.28	15,869.60

Approximate cost of \$221,258.00

Factor in 10% increase for prisoners due to increase in crime and criminal cases, you have 171 prisoners plus 17 for an estimated 188 prisoners. Average of 16 prisoners per month.

16 pris p/mo avg x \$35.00 x 365 days	\$204,400.00
188 pris x 4 trips x 90 mi x .295 p/mi	19,966.00
188 pris x \$49.00 p/yr medical	9,212.00
752 trips x 2.5 hours x \$9.28	17,446.00
Cost of new transport vehicle	25,000.00

Approximate cost of \$276,024.00

Good Morning

My name is Kathy Luthi, and as past chairperson of the Board of County Commissioners of Ottawa County, I am pleased to come before you to request that you grant Ottawa County authority to impose a 1% sales tax to construct a new jail facility as submitted in Senate Bill No. 88.

About 20 years ago Ottawa County began developing a problem. About 10 years ago the problem should have been addressed--and now as a result of many hours of discussion, investigation, projections, and presentations, Ottawa County has exposed its deficiencies with the current jail facility and gained approval from its community to move forward with a new facility.

Early in 1992 the Board of County Commissioners of Ottawa County along with the Ottawa County Sheriff, Ken White, contacted the U. S. Department of Justice for help in "getting the ball rolling" toward evaluating the jail delima. This request for technical assistance led to the NIC (National Institute of Correction) which brought forth a team to perform a Local System Assesment (LAS). The community was involved in discussions and meetings for 3 days, March 9th, 10th, and 11th of 1992. The consultants appointed by the NIC came to Ottawa County to achieve five objectives:

- 1.) To perform an assessment of the existing jail.
- 2.) To conduct an assessment of the use of the jail and other pre and post trial options.
- 3.) Toreview the overall functioning of the criminal justice system, including its planning and coordination capacity.
- 4.) To provide options or recommendations for improvements, if appropriate, in any of the above areas.
- 5.) To present some of the findings and information gathered in a community meeting format.

A full copy of this report will be included in Exhibit D which is to follow.

*Among* The recommendation from this assessment <sup>WAS</sup> ~~stated~~ this: "IT IS RECOMMENDED THE SHERIFF AND THE COUNTY BOARD OF COMMISSIONERS ESTABLISH A COMMUNITY STUDY AND PLANNING GROUP WITH A DESIGNATED PROJECT DIRECTOR."

This led to our next step, establish a committee of citizens representing the county which were willing to serve in an advisory capacity to help evaluate the needs and future of the Ottawa County Jail facility. On March 15, 1993 the jail

*Senate Assess + Tax  
Feb 2, 1995  
attach 5-1*

advisory committee was born. Ken Yager has already explained the function and result of the committee and now I would like to assure you our steps toward the election were carefully taken.

After the Jail Advisory committee made their recommendation to the Board of County Commissioners, Resolution 94-12 was properly passed and published, which called for the referendum to the Ottawa County voters on the general election ballot of November 8, 1994. (Please see Exhibit D for copy of Resolution).

The ballot was then prepared and the election on November 8, 1994 resulted in a 74% county wide turn out of our registered voters, as reported by the Ottawa County Election Officer, Carol J. Salvik. The election officer continued to state the 1% Sales Tax Issue for the construction of the new law enforcement center and jail facility PASSED at the General Election with a 61% vote in favor of.

Please see letter dated November 11, 1994 from the Ottawa County Clerk, Exhibit C.

The Board of Canvassers for Ottawa County certified that the abstract of votes cast at the General Election held in the several precincts in Ottawa County on the 8th day of November 1994, is true and correct, as shown by the returns of said election on file in the office of the County Election Officer, and canvassed on November 11, 1994. (Please see in exhibit book C)

The voters of Ottawa County have spoken--Research and committee involvement started the process. The resolutions were properly passed and published, the ballot was acted upon, the election was lawfully held, the Board of Canvass validated the election.

Some say that they were not informed. Previous testimony proves we have spent many hours working on a solution to the jail delimma during my 4 year term as county commissioner.

Some say the facility is too big-- in an effort to be conservative we looked at many options from 16 bed to 32 bed to 48 bed, and when you put a pencil to it, the 48 bed facility will provide enough income from outside sources to pay for the expenses to run the facility. Its an economies of scale--if you are going to build the facility anyway--why not build it big enough to recoup some of your costs. Therefore, the only increased tax burden to our county residents will



be the 1% sales tax to build the project-- and anyone who buys in Ottawa County will help pay the 1% and will help build the facility.

My position as County Commissioner began with an oath to uphold the constitution of the United States. We have done our homework, presented the project to our constituents, and received approval with a 61% YES VOTE !!

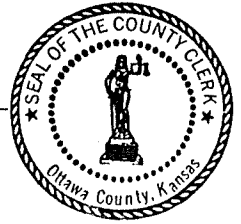
The answers should be clear to you--How often does a tax increase issue of any kind pass the voters if they do not understand it?????

It is difficult enough to get an increase to pass often times when the voters DO understand it!!!

Thank You for your time and consideration.

OFFICE OF

*Ottawa County Clerk*



*Carol J. Slavik*

November 11, 1994

Ottawa County Board of Commissioners  
Ottawa County Courthouse  
307 N. Concord, Suite 140  
Minneapolis, KS 67467

Dear Commissioners,

As the Ottawa County Election Officer, it is my duty to inform you that the 1% sales tax issue for the construction of furnishing of a new law enforcement center and jail facility passed at the General Election.

We did have a 74% county wide turn out of our registered voters and of that 61% voted in favor of the sales tax for the proposed jail.

Sincerely,

Carol J. Slavik  
Ottawa County Election Officer

cc Senator Ben Vidricksen  
Representative Joann Freeborn

5-4

EARL BODSWORTH CO., N.C. 2724

NAME OF OFFICE	NAME OF PERSON VOTED FOR		Berlington	Blaine	Buckeye	Center	Chapman	Concord	Culver	Durham	Fountain
Court of Appeals Judges, Retention Con't											
	Gary W Rulon, Pos. 9	YES	214	26	21	18	11	38	82	3	33
		NO	60	9	6	11	6	15	32	1	23
	Robert L Gernon, Pos. 10	YES	217	28	23	17	11	36	79	3	34
		No	61	8	5	12	6	17	35	1	23
City of Culver Special Question ( Sewer )											
		YES	-	-	-	-	-	-	35	-	-
		NO	-	-	-	-	-	-	38	-	-
Retailer's Tax 1% (Jail)											
		YES	222	40	23	24	8	34	92	5	45
		NO	125	17	13	17	11	37	44	9	37
District Court Judges, Retention, 28th District											
	Daniel L Hebert, Div. 1	YES	258	35	21	29	13	49	101	5	49
		NO	53	10	8	7	6	14	29	1	20
	David S Knudson, Div. 2	YES	257	36	23	28	11	44	88	6	53
		NO	63	9	8	9	7	20	38	1	16
	Gene B Penland, Div. 3	YES	251	34	25	25	12	44	99	5	47
		No	65	8	5	8	5	19	32	1	21

Bayfield	Stant	Henry	Lincoln	Jogan	Morton	Ottawa	Richard	Stanton	Sherman	Shanton	mpo. I	mpo. II	mpo. III	ABSENTEE	TOTAL	MAJORITY
24 10	17 11	5 1	31 9	20 7	112 27	14 1	44 16	122 47	14 5	11 2	173 59	107 47	156 46	87 14	1385 464	
27 7	18 11	5 1	29 12	20 6	116 24	13 1	41 20	122 45	10 9	10 3	176 54	107 46	155 47	93 10	1389 466	
1 1	1 1	1 1	1 1	1 1	1 1	1 1	1 1	1 1	1 1	1 1	1 1	1 1	1 1	1 4	35 42	
19 20	20 18	8 2	32 23	23 15	102 89	15 4	45 32	122 90	15 10	9 4	190 125	127 71	180 90	83 61	1483 964	
27 10	20 10	9 1	38 5	25 6	134 24	13 3	46 22	147 47	15 6	8 4	218 50	133 44	195 33	112 13	1700 427	
26 11	27 8	10 1	36 13	26 6	138 29	15 2	48 21	145 48	16 6	10 3	223 60	139 44	263 35	113 14	1721 473	
26 9	20 11	8 1	33 12	22 7	135 21	15 1	48 19	130 46	15 6	10 2	211 50	124 49	184 37	109 18	1632 453	

STATE OF KANSAS, Ottawa County, ss.

WE, THE UNDERSIGNED, Board of Canvassers for said County, do hereby certify that the foregoing abstract of votes cast at the \_\_\_\_\_  
General election held in the several Precincts in said County on the 8th day of November,  
 A. D. 1994, is true and correct, as shown by the returns of said election on file in the office of the County Election Officer, and canvassed by us this  
11th day of November, A.D. 1994.

WITNESS OUR HAND, This 11th day of November, A.D. 1994  
 Attest: Carol J. Heavil County Clerk.  
Kathy M. Luthi  
May W. Shesek  
Bill R. Brown } Board of Canvassers

WITNESS STATEMENT SHERRYL KINDALL

LADIES AND GENTLEMEN:

Good Morning. Sherryl Kindall speaking as a taxpayer and privileged, informed, active voter.

The importance of a vote held on November 8th, 1994, is being challenged by questionable self-serving tactics of a very small minority of taxpayers. These individuals have not used the laws of our land to properly challenge the election as required by law (within the five day legal allocation). Are there ways to destroy a vote? Hopefully not!! Ottawa Countians are wondering what democracy really consists of, if a legal ballot vote can be changed by unhappy minority powers.

Asking for a re-vote every time something doesn't please us would be quite chaotic. In addition, this would cost the taxpayers five to seven thousand dollars a shot, plus the delay would add additional expense to the construction of a new facility. Our antiquated, unsafe jail could bring a serious lawsuit to the County.

I believe Senate Bill 90 should be voided on its questionable merits. Senate Bill 90 was drafted from Senate Bill 88 and has purposely omitted the paragraph authorizing the one cent sales tax for a jail which was passed by the voters on November 8th, 1994.

The fact finding committee(Jail Advisory Committee) had no binding power, they simply made recommendations to the Commissioners.

The Ottawa County Commissioners submitted to the voters in advertisements, pamphlet materials, and open meetings, a proposed courthouse site with 48 beds. After the vote, they put their plans into motion to proceed with the courthouse site/48 bed facility to be constructed with 1 cent sales tax funding, which was to be authorized by the Legislature. The public who voted in the November, 1994, election were aware of the Commissioners plans. The law gave the Commissioners the power to make these decisions.

We are not here today to settle local politics. The majority of voters have spoken. Propaganda politics could be business suicide no matter what our status. I should hope this wouldn't materialize. There are laws to govern citizens, plus elected officials along with definite office guidelines. The majority of local business owners I have talked to supported the majority vote of November, 1994.

Voters of Ottawa County would hate to be the first case in history to have the will of the majority be denied and their constitutional right to vote extinguished through the actions of this Legislative body.

*Senate Assess + Tax  
Feb 2, 1995  
attach 6-1*

I would like to submit copies of a few petitions of informed majority voters names for the record. Many feel their vote on the ballot in November should be enough. Should we not be exercising the power of the majority voter as opposed to the power of minority manipulation and control?

Thank you for your time, we are thankful for the democratic process which has definite guidelines. Informed voters are the backbone of a free and fair society. Let us move forward with Senate Bill 88 for the people. May we respect the will of the people and I would ask this body to affirm their confidence in the referendum system by voting in favor of Senate Bill 88.

Respectfully yours,

Sherryl S. Kindall  
HC66, Box 40  
Minneapolis, Kansas 67467

The Honorable Aubrey Langworthy  
Chair, Assessment and Taxation Committee  
Kansas Senate

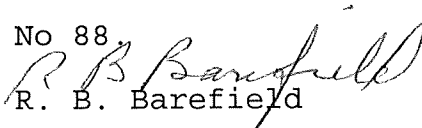
My name is R. B Barefield, I am an attorney from Minneapolis, Kansas, but I appear before you today on my own behalf; although my views on this subject are held by a good many citizens of Ottawa County, Kansas. I urge you to approve Senate Bill No. 90 as opposed to Senate Bill No. 88. As you know, both of these bill provide for the amendment of K. S. A. 12-187; however Senate Bill No. 88 has an additional amendment validating an election held on November 8, 1994 as the election called for in KSA 12-187. This statute provides that certain counties, set forth in the statute, may have an election to see if they can build a jail and other public buildings to be paid for by an additional sales tax levy in that county. In other words after this statute is amended, so that Ottawa County is included, then they can have an election. I submit that it was not the intent of this legislature that an election be held, and then the legislature would pass a law, making it fit in to the statute. I believe that Ottawa County should be included in that list of counties who have the right to hold such an election.

There has been a lot of controversy in Ottawa County about what kind of Jail to build, where it is to be located and how it is to be financed, and I do not propose to take up a lot of your time about problems that apply only to Ottawa County, but the election that was held November 8, 1994 was confusing. Many of us thought that it was only for the purpose of advising the county government

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that the voters would approve sales tax as a means of financing a jail, a referendum, not as approval of a particular jail or a particular amount. How could it be so. At the time of the election Ottawa County had no authority to have an election to build a jail and pay for it with sales tax. Unless one of these bills before you is passed, they still don't. The question presented to the voters of Ottawa County was Shall Ottawa County impose a sales tax at the rate of 1% for the purpose of erecting a jail. No amount of money was mentioned nor was the size of the jail, only that the tax would remain in force until the debt was paid. It would be a blank check if it is allowed to stand. At no time were we advised that this election would be validated to be the election called for in the statute.

Now I know there is some precedent for your validating an election. It was done in 1988 for Jackson County, but the facts were different, there was no controversy, and there were matching funds and time constrictions involved. That is not so here. We do have a controversy, and the question as presented to the voters was ambiguous when seen with the advertising and promotion that the County Government presented to the public. It makes more sense to present the question to the voters again after it can lawfully be done, and the voters can understand exactly what it is they are voting for or against. I urge you to approve Senate Bill No. 90 and to disapprove Senate Bill No 88.

  
R. B. Barefield

205 W 2nd Street

Minneapolis, Kansas 67467



February 2, 1995

The Honorable Audrey Langworthy  
Chair - Senate Assessment and Taxation Committee  
Room 143 North  
State Capitol Building  
Topeka, KS 66612

Dear Ms. Langworthy,

Basically, there are three decisions before you.

First, you could approve Senate Bill 88. This measure would allow Ottawa County citizens to have an election to determine whether or not they want to increase the local sales tax rate one percent for the purpose of building a new jail. This Bill would also declare the referendum held on November 8, as valid and binding on the citizens of Ottawa County and make it retroactive for this purpose.

Or, second, you could approve Senate Bill 90. This Bill includes the same provisions as Senate Bill 88 except that it requires a new election.

Or, third, you could simply reject both Bills.

Personally, I'd prefer that you reject both bills. This "48-bed jail" idea doesn't even look good on paper. You'd be doing the citizens of Ottawa County a favor by protecting us from ourselves.

However, I wouldn't be opposed to the passage of Senate Bill 90. If you pass Senate Bill 90, we can then carry the message I'm delivering to you today to the voters and let them make the choice.

But, I'm strongly opposed to Senate Bill 88.

We don't need a 48-bed jail. Contrary to what our local officials contend, there isn't overwhelming support for this proposal. They will cite the 3 to 2 margin by which the earlier referendum was passed as evidence of overwhelming support. However, we were only given a choice between a "huge" property tax increase and a new 48-bed jail with an obviously "avoidable" sales tax increase. It's only surprising that they rejected a "huge" property tax increase by such a slim margin. Given the question, if it weren't for significant opposition to the jail, the margin would have been much greater.

Ottawa County has one of the worst economies in the State of Kansas. We rank #100 out of 105 Kansas counties with regard to keeping our business at home. (*Exhibit #8*) Currently, we retain only 31% of our disposable income while our neighbor to the south, Saline County, retains 140% of their disposable income. We can't afford any more deterrents to "shopping at home" and an increased sales tax rate is certainly another deterrent.

Our local sales tax base is too vulnerable to depend upon for such a large project. My business, Town & Country Chevrolet, generates about 15% of all sales tax revenue. A combination of just four

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local businesses provides nearly half of all our sales tax revenue. The loss of any of these businesses, for any reason, would put Ottawa County in financial jeopardy. Especially with this jail proposal.

And, it's "double jeopardy" at that. Our County's 1% sales tax collections in 1993 were about \$140,000. If we lose between 10% and 15% of this revenue, our "jail tax" will come up short between \$14,000 and \$21,000 per year and our County's 1% sales tax will lose another \$14,000 to \$21,000 per year, too. Therefore, the loss of any local sales tax revenue is actually doubled.

But, the biggest loss to our local economy is that, if we lose any businesses, we probably lose them forever. In larger cities, any business can be replaced. And, few businesses carry the responsibility for even 1% of local sales tax revenue. But, Minneapolis and Ottawa County don't have this luxury. If we lose a business, that business and the sales tax revenue it generates will be very difficult to replace. Maybe, impossible.

Now, keeping in mind the precarious nature of our sales tax base, let's turn our attention to the proposed budget of this new 48-bed jail. (*Exhibit #4*) If sales tax erosion doesn't clearly put our County in financial jeopardy, the proposed operating budget will.

The forecasted revenue for this new jail is based on an 80% occupancy rate. Based on past history, this would require us to attract and maintain 32 "outside" prisoners on a constant basis. This is much too high for budgeting purposes. If it wasn't a proposal from a government entity, it wouldn't be a "bankable" deal.

But, even if we were "booked up" on a year-round basis, efficient management of this jail will be essential. A 48-bed jail is a large enterprise with big problems and a big budget. Any shortfall in revenue or any miscalculation in proposed expenses could cost us much more than the imminent decline in sales tax revenue. In order to avoid such a misadventure, this jail will require a "business-type" manager and our current budget makes no provision for such an individual.

Hypothetically, though, let's say that we can attract an 80% occupancy rate and our budget forecast is perfect. Even then, the success of such a venture will be self-defeating. If this proposal is as easy as we're being led to believe, other communities will follow suit and before long we'll have too many jail cells available. This competition will have a negative effect our occupancy rate and the user fees we're able to charge.

On several occasions, our County has said that our "best prospects" for increased inmate population come from Johnson, Sedgwick and Wyandotte counties. This is probably true. But the problem is that we're too far from Kansas City and Wichita. If one jail cell is open between our jail and theirs, these Counties will send their inmates to the closest available jail thus saving time and transportation costs. It's only reasonable.

There are some security concerns, too. We've been assured that we will selectively house only "short-term nice guys" and that we won't experience any significant security risks. But, faced with our County's financial mortality because we can't find enough "nice guys," or because operating costs have exceeded expectations, or because we've had a decline in our sales tax collections, we'll accept

about any inmate offered. A 48-bed jail will create significant changes for Ottawa County and the City of Minneapolis for which we may not be prepared.

The reasons I've given thus far are good reasons for the rejection of both Bills. Ottawa County doesn't need and can't afford a 48-bed jail. Because the public wasn't made aware of these problems prior to the election, these are certainly good reasons for the rejection of Senate Bill 88. As a matter of fact, the information given the public made it appear that the only problems with the jail proposal were with what would occur if we didn't pass the measure. And, these problems were frightening.

As I said at the outset, the voters of Ottawa County didn't say "yes" to a new 48-bed jail. They said "no" to higher property taxes.

To a significant degree, the voters of Ottawa County were manipulated. Through the use of misinformation, intentional or not, the issues and the way these issues were presented by the County gave the voters no choice. Approve the jail or bad things would happen.

To show how fervent the County became in their pursuit of this new jail, we can go back a year and a half to the formation of the Citizen's Jail Advisory Committee. This 29-member committee was charged with exploring the options available to us regarding a replacement facility for our outdated jail.

Over time, many of the Committee members simply quit attending these meetings. From personal conversations I've had with a few of these members, they've told me they felt there wasn't any reason to keep attending since their input wasn't being considered. It appeared to them from the outset that County Law Enforcement was going to do what they wanted to do, regardless of their opinions.

When it came time for the "big decisions," the decisions about what size of jail we would build and where it would be located, the agenda sent to all 29 members didn't indicate that this would be a "special" meeting at all. As a result, only 6 members were present. (*Exhibit #2*)

At this meeting, it was decided that it would be a 48-bed jail or nothing, that it would be located at the downtown Courthouse location, and that it would have a \$40,000 tunnel leading from the jail to the Courthouse. Of the 6 members present, four were affiliated with County Law Enforcement. This was not a Citizen's Advisory Committee. But it was sold to the public as such.

With these events quietly behind us, the County could move on the the process of "selling" this jail to the public. So, they held "sales meetings." One of the first slides shown at these meetings displayed the names of the 29 members of the Committee. Only 6 members voted, four of them Law Enforcement, but the County wanted it to appear as though all these members agreed that a 48-bed facility was a good idea.

After being shown video "close-ups" of the cracks in the walls of our current facility, we were told that if we didn't pass this sales tax, dire events would occur.

First, we would immediately shut-down our current jail facility. Then, we'd send our inmates to other

locations. All of this would result in a "huge" expense to Ottawa County taxpayers. In retrospect, it's apparent that people became frightened of the alternative to building this large jail, even though the cost of these alternatives weren't initially discussed.

On October 27, less than two weeks before the election, the County's estimated costs of the alternatives were discussed. An advertisement (*Exhibit #4*) the Minneapolis Messenger, placed by the County and paid for by the taxpayers, which read as follows...

"If **no** jail is built, then the current facility will be closed. Sheriff Kenneth B. White has projected that the **annual** estimated cost of transporting prisoners and housing them outside of Ottawa County, Kansas, will be \$280,000.00. This would increase this line item in the annual budget by 1,400%. This cost will be taxed to Ottawa County property owners through the ad valorem tax on real and personal property. A new facility will still have to be built to house law enforcement."

Without a doubt, the citizens of Ottawa County were being threatened with a large property tax increase if they didn't support the passage of this sales tax. However, the information contained in this advertisement wasn't true. It wasn't even close.

This advertisement clearly states that it will cost an estimated \$280,000 for "transporting prisoners and housing them outside of Ottawa County, Kansas." The fact that the ad says this is irrefutable..

However, it's also possible that this ad attempts to create the impression that property taxes might go up by as much as 1400%. If not 1400%, certainly a lot. In general, County budgets and "line items" are not widely understood. Many people don't understand that if one "line item" goes up 1400%, then maybe another "line item" will go down the same amount. This 1400% "footnote" was unnecessary, reprehensible and intended purely to frighten the public.

But, for \$280,000 per year, at \$25 per day, we could keep 30 prisoners housed in jails outside of Ottawa County for 365 days a year. Sure, there are some other expenses. But this number just doesn't seem reasonable. And, it's not.

On November 3, just 5 days before the election and one week after the advertisement I've referred to, Sheriff White wrote a "Letter to the Editor" (*Exhibit #7*) which appeared in the Minneapolis Messenger. In this letter, Sheriff White detailed the number of prisoners we hold in our jail and more accurate cost estimates of housing our prisoners outside of Ottawa County.

In this "Letter to the Editor," Sheriff White writes...

"Since January 1, 1990, the Ottawa County Jail has physically housed 555 prisoners with 10,711 prisoner days being spent. This is the total number of days prisoners spent in jail during the period of January 1, 1990 through October, 1994."

The time period referred to is 4.83 years. From this excerpt, we can see that our jail houses 6.07 inmates per day on a constant basis. How many of these prisoners are already "imported" from other

jails, we don't know. But there's obviously no reason to "budget" for 30 prisoners per day.

The letter continues...

"During this time frame, Ottawa County housed these prisoners at a cost of \$7.50 to \$8.00 per day per prisoner for a total cost of \$100,407.00. There was an additional \$16,431.44 spent on medical bills for these prisoners. If these 555 prisoners had been housed out of county at \$25.00 per day per prisoner, the cost would have been \$267,775.00 plus medical expenses."

Again, the \$267,000 referred to by Sheriff White encompasses a 4.83 year period. On an annual basis, the cost of transporting and housing our prisoners out of our County would then total about \$55,000 per year. You can add a lot of other expenses to this, but \$55,000 per year isn't even close to the \$280,000 per year we'd been told.

Also, Sheriff White says that it costs over \$100,000 per year to house these prisoners locally. This means there is about \$21,000 per year in potential savings which could be realized by housing our prisoners elsewhere.

Finally, Sheriff White continues...

"During this five year period, my average authorized budget for the Sheriff's Department was \$258,412.00. At \$25.00 per day per prisoner, the average basic housing increase is \$33,474.00 per year above my average budget."

By Sheriff White's own account, it doesn't cost \$280,000 per year to provide prisoner housing outside of Ottawa County. It costs just \$33,474 per year. Sheriff White goes on to make reference to additional expenses. But, since we run our County Sheriff's vehicles to the County line as a matter of course, and since medical bills would occur whether the inmate is in our jail or somewhere else, the additional expenses Sheriff White refers to can't add up to a lot more money.

In trying to reconcile the difference between Sheriff White's first estimate, and the actual costs detailed one week later, one can only assume from the information provided that the rest of the \$280,000 per year pays for an entire Sheriff's Department.

There were other problems with the campaign. For example, the ballot (*Exhibit #9*) didn't include an amount. Granted, \$1.5 million was referred to on several occasions, but the ballot didn't say this and the legal notices referred only to an "approximate" 48-bed facility. But one thing is certain, if this measure is allowed to pass, it will result in the largest blank check ever written in Ottawa County.

The ballot didn't have a specific time limitation, either. It simply said we'd be collecting these taxes until the debt was paid. The County did make an estimate that it would take 13.5 years to retire this debt. (*Exhibit #4*) However, if we suffer absolutely no decline in sales tax revenue, at an interest rate of 7% per year and based on annual payments, it will require between 20 and 21 years to pay off this obligation. And, as of today, 7% money may be difficult to find.

However, if we are so fortunate as to suffer only a 10% decrease in sales tax collections, the time required to pay off this debt becomes 27 to 28 years at 7%, and 45 to 46 years at 8%. This is like having a "life sentence" in your own jail.

County employees weren't given much choice in the issue, either. We were all told that if the "jail issue" was defeated, then "Our next step would be to borrow funds from every department to keep the sheriff's department in operation." (*Exhibit #6*) It's reasonable to assume this means there would be significant budget cuts from other County departments. If one worked for the County, one might think their job security was being threatened. Ironically, these employees jobs are more threatened by building this jail than by not building it.

And then in the last week before the election, in a last minute attempt to convince us of the conservative nature of our County officials, on the front page of the Minneapolis Messenger, we were told "it may be possible to trim the construction cost of the new jail by \$40,000 if the tunnel which is to connect the jail with the courthouse were eliminated. The amount of personnel to operate the facility might also be trimmed from nine individuals to as few as four." We were also told that "It is possible that some of the inmates could be used to help with meal preparation." (*Exhibit #6*)

If these issues hadn't been decided at this point, how can the County say the voters knew what they were voting on? Obviously, even the County didn't know. And, if we build this jail, it's a sure bet it will include a \$40,000 tunnel.

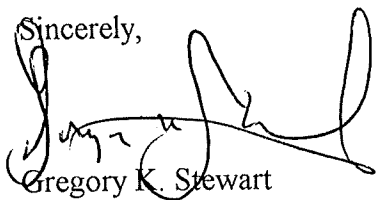
The information used to "sell" this jail was misleading. And some of it may have been intentional. But, regardless of anyone's intentions, it should be apparent that the citizens of Ottawa County had very little to say in what size of jail we were going to build, where the jail would be located, or whether or not we were going to have a jail, at all. And, it's even more apparent that an obvious and reasonable fear of a "huge" property tax increase played an important role in the decision.

Our Sheriff is a good man. Our County Commissioners are good people, too. I believe they became so frustrated with our jail problems and getting "something" accomplished that, what we built, how we financed it, and the effects it would have on our community, became secondary to getting "something" done. But, the County has an obligation to provide the public with clear, concise and accurate information before a vote of this nature. And they did not do so.

Therefore, if you cannot reject both Senate Bills 88 and 90, I ask that you please vote yes on Senate Bill 90 and give a properly informed electorate the ability to determine their own fate.

Thank you.

Sincerely,



Gregory K. Stewart

I am Eunice Stubbs, a taxpayer and registered voter of Ottawa County. I am a wife, a mother raising 3 children, and a resident of the neighborhood where this 48 bed jail facility is proposed to be built.

I am concerned about this jail issue. I am concerned about building a 48-bed jail on the site where a 4-cell jail now stands. I am concerned that the residents of the neighborhood in which this jail is to be built were not contacted for their input on this proposal. I am concerned about how a jail facility of this magnitude will affect our small community economically. I am truly concerned for the individuals and others in power who have misled or misinformed us on this issue.

Our county officials kicked off their jail sales campaign at the County Fair last summer. I received a flyer presented to me by a uniformed county sheriffs deputy. The flyer, paid for by tax dollars, tells about the proposal and clearly tells me how to vote. On the cover it reads "Vote Yes" for the jail tax.

In an effort to be informed voters, my husband and I attended one of the jail town meetings. The meeting, referred to as an information meeting, was clearly a "sales" meeting.

On November 8, Election Day, I knew I had to make a decision as to how I would vote. I made my decision but when I saw the ballot I wasn't sure how to vote. The ballot didn't read the way I expected it to. I was in favor of a new jail, and after hearing what the proponents of the jail question

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attach 9-1*

had said about voting "yes" to a sales tax in order to prevent an increase in property tax, it sounded like a good idea. But I definitely did not agree to a 48-bed jail at the Courthouse site.

After reading the ballot, I realized that the two objections I had (the location and the size of the jail) weren't even mentioned on the ballot. It appeared to me that we were voting "yes" or "no" to a new jail financed by sales tax. Once I finally made my decision, I looked on down the ballot for my instructions. That is when I discovered the instructions on how to vote "against against" the question.

Now that Election Day is past, we have been informed by our county officials that the size and location of the jail was in fact decided that day.

It is my belief that our county officials submitted to the voters a ballot that was unprofessional, poorly written, misleading, and incomplete. I ask that Ottawa County voters be allowed to return to the polls to determine what future steps should be taken regarding a new jail.

Eunice Stubbs  
315 N. Ottawa  
Minneapolis, Ks. 67467