

Approved: 2-11-97
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS.

The meeting was called to order by Chairperson Kent Glasscock at 9:00 a.m. on February 6, 1997, in Room 521-S of the Capitol.

All members were present except:

Committee staff present: Mary Galligan, Legislative Research Department
Mike Heim, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Fulva Seufert, Committee Secretary

Conferees appearing before the committee: Alan Herrel, Paola, Kansas
Greg Dye, Wichita
Glen Burdue, Wichita
Roger Mundy, Chairman Kansas Tenth Amendment Society
Steve Morgan, Miami County
Ed Powers, Shawnee, Kansas
J. R. Russell, Counselor and Attorney At Law, K.C., Kansas
K. C. Groves, NAACP
Nathan Barnes, City Councilman
Carol Marinovich, Mayor, City of Kansas City, Kansas
Dr. J. J. Swanson, Chairman for Citizens for Consolidation
Commission
Nick A. Tomasic, District Attorney
Tom Bruns, Councilman, 4th District Kansas City, Kansas
John Altevogt, Chairman Wyandotte County Republican Central
Committee
Ms. Loris Jones, Retired Teacher, District 500
Ed Jaskinia, Wyandotte County Citizen
Ms. Eve Kemple, Vice Chairman, Republican Central Committee
Ms. Wendy Wilson, Director Rosedale Development Association
Paul Davidson, Representing Rosedale Development Assn.
Senator Chris Steineger

Others attending: See attached list

The Minutes for the February 5, 1997 meeting were distributed. Committee did not take time for approval.

Chairperson Glasscock opened the Public Hearing for **HCR 5006**.

HCR 5006: A concurrent resolution rejecting the Kansas City, Kansas and Wyandotte County consolidation plan.

Chairperson Glasscock recognized Mr. Alan Herrel from Paola, Kansas, who spoke as a proponent of **HCR 5006**. He said that the primary purpose of government is protection of the individual's rights. (Attachment 1.)

The Chair recognized Mr. Greg Dye, Wichita, who spoke as a proponent of **HCR 5006** and said that he is against consolidation because he believes officials would simply implement policy handed down to them by those who appointed them rather than face an electorate. (Attachment 2.)

The Chair next introduced Mr. Glen Burdue, Wichita, who was a proponent of **HCR 5006** because he wants to keep a republic, and he is against any change away from the form of government created by the country's forefathers. He believes the proposal to consolidate government in Kansas City, Kansas and Wyandotte County would replace elected officials with appointees. (Attachment 3.)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on February 6, 1997.

Mr. Roger Mundy, Chairman of Kansas Tenth Amendment Society, was the next conferee who spoke in support of **HCR 5006**. He said that "it is inappropriate for the state of Kansas to put before the people a question to approve or disapprove a change in the form of government that is damaging to the rights of the people." He said that he believes that the consolidation of cities and counties has meant the consolidation of power to the detriment of the people and the loss of Constitutional government. (Attachment 4)

Representative David Huff asked Mr. Mundy where he was a resident, and he replied, "Leon, Kansas."

The Chair recognized Mr. Steve Morgan from Miami County who spoke as a proponent of **HCR 5006**.

Chairperson Glasscock introduced Mr. Ed Powers from Shawnee, Kansas, who spoke in favor of **HCR 5006**. He said that he opposed the consolidation plan and thinks that it is a flawed piece of legislation. He told the Committee that "if you follow the money, you find out what is going on."

During questioning, Representative Gerry Ray asked Mr. Powers for a copy of his testimony. He stated that it came from his head, but he would get a copy to the committee secretary.

Chairperson Glasscock recognized Mr. J. R. Russell, Counselor and Attorney at Law, Kansas City, Kansas, who spoke as a proponent of **HCR 5006**. His testimony included comments and observations on Chapter 11, 1996 Session Laws and specifically **SB 464** concerning Wyandotte County and Kansas City, Kansas Consolidation. (Attachment 5).

During questioning, Representative Lisa Benlon asked Mr. Russell if there were public hearings. He replied that there was no minority report, but there were 35 meetings which were all presentations without any dialogue, debate, or discourse.

Chairperson Glasscock recognized Mr. K. C. Groves, NAACP, who was a proponent of **HCR 5006** because the NAACP recommends rejection of the consolidation study report and the proposed consolidation of the government of the city of Kansas City, Kansas and Wyandotte County, Kansas. (Attachment 6.)

The Chair introduced Mr. Nathan Barnes, City Councilman, who spoke as a proponent to **HCR 5006** and said he did not have an ax to grind, but was here because he owed it to the citizens of his district and the city that says it is not comfortable with the consolidated plan. (Attachment 7.)

Mr. Barnes stood for questions, and Representative David Haley asked him if he knew of any elected Afro-Americans, currently or previously, who would endorse this plan. He said that he really did not. Representative Haley also asked him if he knew what percentage in Kansas City, Kansas is of minority population. He answered that the census shows 40%, but he felt like it was probably nearer 45%.

Chairperson Glasscock next announced that the Committee would be hearing testimony from the conferees who oppose **HCR 5006**.

Chairperson Glasscock recognized Carol Marinovich, Mayor of Kansas City, Kansas, who spoke as an opponent of **HCR 5006** because she said the issue of consolidation of Kansas City, Kansas and Wyandotte County government started at the grass roots level, received assistance at the state level, and now should be decided by local voters. (Attachment 8.)

While standing for questions, Representative Jonathan Wells asked on what the information was being based. She responded that research and a task force made the recommendation. She stated that Columbus, Georgia consolidated a number of years ago, and that the city is now thriving. She believes that unified leadership moves a community forward.

Representative Larry Campbell asked the Mayor how she planned to address the accusation of being held accountable. She replied that the Mayor, County Executive, and a total of ten County Commissioners are elected.

Representative Ralph Tanner asked about the current bond rating. She said that it is good and they are not going broke. She also they want to hold the line on debt. Representative Tanner also asked if it would preclude her or any other office holders from running. She responded that it would not, and that she intended to fun for the Mayor's office.

Representative Deena Horst asked if the concept of consolidation itself was approved by the voters. She answered that last year **SB 464** established the following: 1) not a vote of the people; 2) started at the grassroots level; 3) included a lot of discussion and input with several drafts and revisions done.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on February 6, 1997.

Representative Ralph Tanner told the Mayor that a broadening of the tax base meant to him a raising of taxes in the outlying areas. She responded that their intent is to rebuild the inter city by filling up housing additions. She stressed that there is no intent to increase taxes.

Chairperson Glasscock welcomed Dr. J. J. Swanson, Chairman for Citizens for Consolidation Commission, who spoke as an opponent to **HCR 5006**. Dr. Swanson said that he felt that **HCR 5006** would "in effect put a hound's muzzle on voters, silencing them from deciding the fate of the community at the ballot box." (Attachment 9.)

When standing for questions, Representative Larry Campbell asked Dr. Swanson about how much of Kansas City, Kansas encompasses Wyandotte County. He answered that it was about 98 percent.

The Chair recognized Mr. Nick A. Tomasic, District Attorney, who spoke as an opponent to **HCR 5006**. He said that he believes consolidation will form a partnership for governments, businesses, and the community. (Attachment 10.)

Representative David Haley asked whether his position as D.A. would be affected by this proposal in that his offices were located in the County building with County officials. He replied that his was one office that would not be affected by this proposal.

Upon standing for questions, Representative Jonathan Wells asked Mr. Tomasic what survey and base was used for his questions and answers in his testimony. He replied that his information was based on general public knowledge, the census, and his awareness from living in the community all his life.

The Chair recognized Mr. Tom Bruns, Councilman, 4th District Kansas City, Kansas, who spoke in opposition of **HCR 5006**. He provided the Committee a packet which included the current debt of Kansas City, Kansas, statutory debt limits of Kansas City, Kansas, etc. (Attachment 11.)

Chairperson Glasscock introduced Mr. John Altevogt, Chairman Wyandotte County Republican Central Committee, who spoke as a proponent of **HCR 5006**. He pointed out four things that this resolution does: 1) Deprives the citizens of Wyandotte County of the ability to vote on the consolidation issue; 2) Insults the citizens who devoted many hours to draft an acceptable consolidation proposal; 3) Allows some Democrat members of the Wyandotte County legislative delegation to deceive their constituents about their actual position on allowing the people to vote on the issue; and 4) Transfers the responsibility for the above three actions to the Republican majority. (Attachment 12.)

The Chair recognized Mrs. Loris Jones, Retired Teacher in District 500, who spoke as an opponent to **HCR 5006** on behalf of the citizenry of Wyandotte County who want to exercise their democratic right to vote on merging their city and county government. (Attachment 13.)

The Chair recognized Mr. Ed Jaskinia, Wyandotte County citizen, who spoke in opposition to **HCR 5006**. Mr. Jaskinia had no written testimony, but said that he felt it would do no harm if passed, and it was a new tool that could be used or misused. He also urged that any excess funds be returned.

Chairperson Glasscock recognized Ms. Eve Kemple, Kansas City, Kansas, who spoke in opposition to **HCR 5006**. She spoke from the heart as a concerned citizen who has become interested in learning about consolidation. She feels her community has applied good old American ingenuity and come up with a solution to its own problems. (Attachment 14.)

Chairperson Glasscock recognized Ms. Wendy Wilson, Director Rosedale Development Association, who testified in opposition to **HCR 5006**. She stated that their community needed this tool to move forward. She said that she was not lobbying for or against consolidation, but she wanted the right to vote and to participate in the democratic process of choosing the form of government that serves her community best. (Attachment 15.)

The Chair recognized Mr. Paul Davidson, Vice President for members of the Rosedale Development Association, who also spoke as an opponent to **HCR 5006**. He said that he has gone around the neighborhoods to talk with people and has learned that they want the right to vote and decide on their own future. He also said that his area is represented by 70% white and 30% minority. He provided no written testimony.

Chairperson Glasscock recognized Senator Chris Steinger who spoke in opposition to **HCR 5006**.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on February 6, 1997.

Since there were no more conferees, the Chair closed the Public Hearing on HCR 5006.

Chairperson Glasscock reminded the Committee of the ascending order of motions.

Representative David Haley asked of the Chair as to the whereabouts of Representative Gwen Welshimer who had left earlier and not returned during the time for HCR 5006 to be worked.

Representative Ray Cox made several comments. He said that he has lived in Wyandotte County 37 years and has observed that there was only one Wyandotte County resident who spoke to kill HCR 5006. He said that the epitome was that of local control and letting the county and city make their own decisions. He said of the 7,000 in Bonner Springs, he doesn't know how they are going to vote, but they should have an opportunity to vote.

Representative Ray Cox made a motion to kill HCR 5006, and Representative David Huff seconded.

Representative Herman Dillon made a substitute motion to adopt HCR 5006 without recommendation. Representative Ralph Tanner seconded.

During the discussion, Representative Dillon said he felt like the whole body of the House of Representatives should be allowed to vote on the Floor. Representative Tanner said that it would allow people to speak to their own destiny, but that the proposition is flawed and the issue can't be divided.

Representative Larry Campbell said that as he understands it, the vote is simply and strictly to allow people to vote or not to vote on their own destiny, and it is not a vote on the consolidation plan.

Representative Gerry Ray said that she has spent 14 years fighting for local control and that the Committee should kill the resolution. She said that she would not support protecting the people from their own vote.

A hand vote was taken with the result being 6 in favor and 7 opposed, so the motion failed.

Representative Ray Cox moved that HCR 5006 not be adopted, and Representative David Huff seconded. Representative David Haley said the issue for him is that the people who voted for him have called to say that they want to be able to vote. He said he knows the proposal is wrong, but regretfully will have to support the right to vote on it as his constituents have elected him to do. He said that if it were 130 years ago and he was a state legislator being asked by his constituency to allow them a democratic vote on the issue of slavery, he would have reservations, too, but he feels he should let his constituency vote on this issue of consolidation even though he believes this proposal will render many of his constituents into a political and thereby economic slavery.

Representative Jim Long said that he has received harsh criticism from the press and that all of his delegation support the right of people to vote. He said that he would be supporting the motion to kill the proposal because he supports the right of people to vote and will leave it in their capable hands.

Representative Ted Powers said he was speaking from the heart when he said that he believes there are inherent dangers in democracy and that he still stands with Representative Dillon.

The question was called. Nine voted in favor of killing HCR 5006 and four opposed. Motion passed.

Representative Tanner reminded the Committee that a bill is never dead in the Kansas Legislature.

Representative Ralph Tanner obtained special permission from the Speaker for the Committee to continue its legislative business even though the Session started at 11:00 a.m. The meeting adjourned at 11:20 a.m.

The next meeting is scheduled for February 7, 1997.

**GOVERNMENTAL ORGANIZATION & ELECTIONS
COMMITTEE GUEST LIST**

DATE: THURSDAY, FEBRUARY 6, 1997

NAME	REPRESENTING
Harvey Gillette	myself
M J Dye	myself
JOE DICK	KCK BPU
CAROL MARINOVICH	CITY OF KCK
Tom Bruns	City of KCK
John Hughes	Wj Co Rep. Central Committee
Paul Degener	Self
Don Denny	City of KCK
NICK, A. TOMASIC	WY CO. DATA
Kathy WOLFE.	Mayor's office KCK
JOHN CARRAS	KANSAS NEWSPAPER
Wendy Wilson	RDA
Winnie Aefe	K.C.K. Voters
Patricia Shaffer	KCK Voters
Mary J. Johnson	KCK
Kelly Kuitala	KCK
Tim Kuitala	KCK
JJ Swanson DUM	KCK CITIZENS FOR CONSOLIDATION
Norman Anderson	KCK Citizen for consolidation

Allan Herrel
1105 Main
Paola, Ks. 66071
Feb.6,1997

GOVERNMENTAL ORGANIZATION AND ELECTIONS
Chairperson and committee membership:

The primary purpose of government is protection. First for protection of the individual rights, then the state in the Union, and then for the Union. In the Declaration Of Independence we find, "That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed."

We can find a standard to be met for the necessity of changing governments. From the Declaration we read, "Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes;" County, township, and city governments were known before the Constitution was established and are recognized as long established governments. Consolidation is not defined in the Constitution and was not known or recognized as a governmental form before the Constitution was established.

Lawfull government is to be created by the body of "The People" of the State and not just the people of one county. A new form of government created in one county could be applied in another county and such a creation could affect all of the people of the State.

In the Kansas Constitution we find "We, the people of Kansas,.... do ordain and establish this constitution of the state of Kansas,..." "All political power is inherent in the people, and all free governments are founded on their authority, and are instituted for their equal protection and benefit." "The People" as named in the Preamble and 6 times in the Bill of Rights must be recognized as the same entity.

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What is the problem and how is unified government the solution?
From the consolidation study report we find that local governments are faced with options of increasing revenues, cutting services, becoming more efficient, or some combination of the three. The goals of consolidation include avoiding duplication of services such as street maintenance, bridge maintenance, park maintenance, and administrative services. The Unified Government is to provide a responsive, representative, and efficient government. We also read of a need for greater accountability of local officials.

If 90% of the county's population and geographic area lie within the city limits of Kansas City Kansas, then let the city be all of the things that a good government should be and the county can be 90% efficient. Would 90% be a bad thing?

Alan Kessel

Testimony of M. Greg Dye
623 South Grove
Wichita, Kansas 67211

Opponent of Regional consolidation.

I thank you Mr. Chairman, and members, for your kindness in allowing me to speak before this committee today.

The proposals of merging cities and counties comes under the promise of gaining "greater autonomy" or "greater efficiency" for local government. Under the overall plan, election of local officials is to be greatly reduced, to be eventually replaced by appointed persons, negating need of elections and election expense.

These officials would simply implement "policy" handed down to them by those who appointed them, rather than face an electorate. This would surely become another way in which the people would be even further separated from their representative government. From this we realize that what is labeled greater autonomy would actually mean less autonomy for LOCAL government, which would be under the dictates of higher government policy. This, of course, is the opposite of what is being promised.

In reality, then, the situation can only become more efficient in so far as the local governments are enabled to do as they are directed by their "superiors" in larger government, unencumbered by the wishes of the local taxpayers, even if they act in disregard and opposition to those wishes. This must increase as the "division of powers" erodes, as each governmental body becomes merged under the consolidated mass. Although some arguments about the efficiency that could be gained by such mergers may seem persuasive, it is certain that the interests of the larger governmental entities will override the concerns of the smaller entities. In other words, the larger cities decisions would prevail over the smaller cities and towns.

There is an even greater issue involved than these interests, however, important as they are. The question of "home rule power" is raised, and is not offset by the fact that it was so poorly defined when it was recently added to the Kansas Constitution. The tendency of the larger cities to legislate their way around Constitutional limitations in recent history, should not be forgotten.

If the state is to be made up of these new "merged" units, in effect creating the potential for border to border cities (known as metro government), what future abuses of our

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Constitutional protections can we expect under color of home rule? Judging by the conditions extant in our cities, do we really want their power to blanket our state?

With the influence that they could wield, would those outside of those cities find themselves forced to foot the bill for a city they may never have contact with? Could this be why the mayors of the large cities are the backers of these merger plans? It is imperative that we all understand the ramifications of this issue.

Finally, it appears that federal regionalism is a violation of Par. 2, sec 4, Art. IV, of the US Constitution. The US supreme Court ruled long ago that "All sovereign authority within the geographical limits of the US resides either with the Government of the United States, or the states of the Union; there exists within the broad domain of sovereignty but these two. There may be cities, counties and other organized bodies with limited legislative functions, but they are all derived from, or exist in, subordination to one or the other of these." Thus chartered forms of regional appointed governance violates our right to representative government.

Under these type proposals, all real decision making is held by an appointed County Executive, who in turn appoints, suspends, disciplines and removes personnel, appoints officers and members of boards and agencies, approves or vetoes ordinances and resolutions. Citizens become submissive serfs before this agent of the "king", and under Charter governance, they are permitted little or no input into the decisions affecting their lives, liberty, land, property. Those decisions are made far over the horizon.

Summary:

The US supreme Court has ruled,

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them... (Miranda vs. Arizona), and law repugnant to the Constitution is void... (Maybury vs. Madison).

I respectfully request that you not support this proposal. Thank you for allowing me to make this presentation before you.

Sincerely,

Greg Dye

In Support of HCR5006

I oppose any change away from the form of government our forefathers created for us.

The proposal to consolidate government in Wyandotte county includes a proposal to replace elected officials with appointees. I am very opposed to doing away with elections.

Benjamin Franklin was asked what kind of government he helped create for us and he answered "A republic, if you can keep it." His "if you can keep it" makes it obvious that he thought it would be difficult to keep the republic in place. He and the others who wrote our constitution for the United States of America had just fought a war against tyranny and they were very afraid that even the government they created would become a tyranny also, despite the safeguards they attempted to put in place.

In this legislative session you will be asked to make gradual changes in our form of government. Please do not change our carefully crafted form of government. Our forefathers very intentionally created a republic and not a democracy. Do not believe the propaganda you hear that our form of government is supposed to be a democracy.

I am sure you know the flag salute "I pledge allegiance to the flag and the republic for which it stands...." No one says "... and the democracy for which it stands."

In a democracy nothing is sacred: we could even vote to give up our most basic God-given rights. Our republic was formed in accordance with what the Declaration of Independence says the purpose of government is. What is the purpose of government? It is to preserve our "unalienable rights" among which are the rights to "life, liberty, and the pursuit of happiness." These rights and others existed before our constitution was written, but the constitution was written to protect these rights of men from usurpation by government. Our republic exists for the purpose of guaranteeing these rights: a democracy can vote them out of existence a little bit at a time.

I oppose any change to county government structure because the structure of our government was designed to preserve representative government through elections. I am opposed to being governed by appointees like in a dictatorship.

I understand that in his recent book, former head of the KGB and head of the U.S.S.R., Mikail Gorbechev quotes Lenin as saying that democracy must first exist in order to put communism in place. I believe that democracy is very dangerous to the rights of man.

The Wyandotte County government merger asks you to adopt the form of government used by Saddam Hussein in Iraq. This form of government is theoretically a very efficient form of government where he can pick the very best trained and educated people and appoint them to government office just as is proposed for Wyandotte County.

You will be choosing between a republican form of government which is messy because government officials have to try to please the public in order to get re-elected; as compared to a very efficient form of government like that of a dictatorship, or a fascist or communist style of government.

It is my preference to be represented rather than governed.

Glen Burdue
741 N. Clara
Wichita, KS 67212
(316)-943-8880

February 6, 1997

House 60 and E

Attachment 3

2.6.97

House Committee on Governmental Organization and Elections
Testimony in support of HCR 5006

Roger Mundy, chair
Kansas Tenth Amendment Society

I genuinely thank the Committee for this opportunity to support HCR 5006 and to address the issue of the consolidation of Wyandotte county and Kansas City. As chairman of the Kansas Tenth Amendment Society, I am privileged to be associated with a group of patriotic Kansans that are as vigilant as any in the state about actions of the state that effect our fundamental forms of government. I have some observations that I would like to share with you, based upon the Consolidation Study Report that we were very fortunate to obtain.

PREDICTABLE RECOMMENDATIONS:

The Consolidation Study Commission was appointed by the Governor and escaped being rejected by the people due to the cancellation of the primary election. The commission describes itself as "accepted by default." The people certainly have not "accepted" the commission, and being one of them, I can state that I do not accept this commission, whose approval of the proposed "Metro" regional government was a foregone conclusion. Months before the Consolidation Report was issued, I drafted a position paper entitled "The UN & Local Government" in response to Sedgwick county's proclamation in support of the UN. The position paper warned of "UN initiated moves towards greater unconstitutional power." Two specifics were given: "Local governments (especially mayors and county commissioners/executives)" and "Regionalism (regrouping of political land masses, ignoring current legal boundaries)." I concluded the paper with the warning: "Kansans will see a commissioned report delivered to the Kansas legislature this year recommending merging various Kansas City governments." (A copy is included for your reference.)

Therefore, it came as no surprise to me that the Executive Director of the Commission "serves as consultant to the Special Advisor for Central & East European Affairs to the Secretary General NATO", although it should naturally raise questions about why an Eastern European expert with international connections was named to head the Commission to consider the merger of an American county and city.

COST EFFECTIVE AND EFFICIENT:

Missing from "The History of Regional Consolidation Attempts" in the Report is any mention of the successful consolidations of counties with cities that have occurred in *House GO and E* different areas of the country over the past 40 years, such as Dade County/Miami and Chicago. According to our sources the overall cost to the citizens has increased rather than *Attachment 4*

been reduced, with an attendant loss of their ability to hold their own government accountable for their actions.

The words effective and efficient only have meaning in relation to the effort they describe. Regional consolidation has proven to be cost effective if the effort is to replace Constitutional limited government with an administrative state. It has proven to be efficient in many ways also, if the effort is to establish governmental control over the property and rights of the people.

"THE CONSOLIDATION RATIONALE":

Quoting from the Commission Report: "The leading national cause ... towards city-county consolidation is the fiscal stress that local governments have been experiencing since the early 1990's." This may be true, but the leading international cause since the 1950's has been the attempted implementation of UN sanctioned studies to regionalize all governmental bodies, local-state-national, into new forms of government. The result would be to destroy traditional Constitutional jurisdictions, changing the accountability of policy makers away from the people at the ballot box, to grant making authorities at the national level, who themselves have shifted the basis of their authority from the Constitution to treaties which pretend to supersede it, recognizing the pretensions to legitimacy of international unelected bodies.

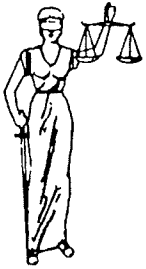
The consolidation of cities and counties for the past 40 years has meant the consolidation of power to the detriment of the people and the loss of Constitutional government.

CONCLUSION:

It should be observed that the mechanism by which the commission's recommendation would have gone directly to the ballot if the legislature did not act to reject it and bears a striking resemblance to the practice of Congress of allowing the executive to legislate by its agencies merely publishing 'regulations' that gain the force of law unless Congress objects. The state seems to be imitating the same violation of the division of powers, which is such a source of state-level anger at the Federal government for its mandates that impinge upon the rights of the people and the jurisdiction of the states, which the state condemned in passage of the Tenth Amendment Resolution.

It is inappropriate for the state of Kansas to put before the people a question to approve or disapprove a change in form of government that is damaging to the rights of the people, and equally inappropriate to risk such change by legislators who may not understand to what effort the cost-effectiveness and efficiency of such a consolidation of power serves. Therefore, I support HCR 5006 and thank the vigilant legislators who have sponsored it.

Royce M. ...



THE LAW OFFICES OF
J. R. RUSSELL _____

COUNSELLOR AND ATTORNEY AT LAW

801 Ann Ave. Kansas City, Kansas 66101 Off: 321-2400 Fax: 621-4717

COMMENTS AND OBSERVATIONS

ON

CHAPTER 11 , 1996 SESSION LAWS

SENATE BILL 464

WYANDOTTE COUNTY/KANSAS CITY, KANSAS

CONSOLIDATION

PRESENTED

THURSDAY, FEBRUARY 6, 1997

KANSAS HOUSE OF REPRESENTATIVES

TOPEKA, KANSAS

House GO and E

*Attachment 5
2.6.97*

POINT ONE: Section 4(e) s.b. 464

REPORT SUBMITTED JANUARY 13, 1997

- (A) NO MINORITY REPORT
- (B) NO RECITATION OF OPPOSITION
- (C) NO INPUT FOR OUTSIDERS OR OPPONENTS
- (D) ALL 35 MEETINGS WERE PRESENTATIONS
- (E) NO PUBLIC DEBATE, DISCOURSE, DIALOGUE
- (F) CHANGES AFTER DECEMBER 13, 1996
 - (1) DISTRICTS
 - (2) MAJORITY VOTE

NOTES *****

POINT_TWO: SECT. 5 s.b. 464

 "...CONFLICT WITH OTHER LAWS OF STATE."

SEE KAS. A 12-3901

 3902

 3903

 3904

 3905

CHAPT. 426 SESSION LAWS 1974

 SENATE BILL 59

KSA 12 - 3903 (b)

 "ELIMINATION OF ELECTIVE OFFICE BY CONSOLIDATION

 SUBJECT TO APPROVAL MAJORITY OF ELECTORS ... VOTING IN NEXT

 REGULAR GENERAL ELECTION"

NOTES*****

POINT THREE: TIME FACTOR

BILL 464 Sec. 4(e)

1997 JANUARY 13 - 18 DAYS

FEBRUARY 28 - 28 DAYS

MARCH 31 - 31 DAYS

TOTAL 77 DAYS

APRIL 1st, 1997 CITY ELECTIONS

1. RESTRUCTURE CITY GOVERNMENT
2. RESTRUCTURE COUNTY GOVERNMENT
3. CREATE NEW GOVERNMENT
4. 11 NEW OFFICIALS
5. 4 ELECTED COUNTY OFFICIALS ELIMINATED

NOTES*****

POINT FOUR: Sect. 4 (f) s.b. 464 /ARTICLE 28 1. KANSAS CONSTUTION
"UNLAWFUL DELEGATION OF LEGISLATIVE AUTHORITY"

"IMPERMISSIBLE DELEGATION OF LEGISLATIVE AUTHORITY TO PRIVATE PERSONS"

SEE: STATE Ex. Pe. DONALDSON VS. HINES
163 KANSAS 300 (Jan. 1947)

"SCHOOL COMMITTEES IN EACH COUNTY FOR UNIFICATION"

SEE: SEDLAK VS. JOE DICK, Sect. HUMAN RESOURCES
256 KANSAS 779 (Jan. 1995)

ESTABLISHMENT OF WORKERS COMP APPEAL BOARD UNCONSTITUTIONAL

DELEGATION OF LEGISLATIVE POWER TO PRIVATE ASSOCIATIONS

SEE ALSO: 179 KANSAS 435 227 KANSAS 179

189 KANSAS 259 228 KANSAS 579

NOTES *****

POINT FIVE: SENATE BILL 464 - (ENTIRETY)

ARTICLE 2, § 16 KANSAS CONSTITUTION

"... NO BILL SHALL CONTAIN MORE THAN ONE SUBJECT."

(1) SCHOOL DIST. NO. 71 VS THROCKMORTON
189 KANSAS 259 (Jan 1961)

SCHOOL UNIFIED ACT 1961 FOUND UNCONSTITUTIONAL ON TWO GROUNDS:

- (1) VIOLATION ART. 2§1 KANSAS CONSTITUTION
- (2) VIOLATION ART. 2 § 16

(2) STATE EX REL STEPHAN VS THIESSEN
228 KANSAS 136 (Jan 1980)

LEGISLATIVE BILL CONTAINING MORE THAN ONE SUBJECT VIOLATION OF
ARTICLE 1§16 KANSAS CONSTITUTION

SENATE BILL 464

- 1. CONSOLIDATES KANSAS CITY, KANSAS/WYANDOTTE COUNTY
- 2. ABOLISHES COUNTY TREASURER, COUNTY CLERK, COUNTY SURVEYOR

NOTES *****

POINT SIX: WYANDOTTE COUNTY PUBLIC ADMINISTATOR
CHAPTER 199, SESSION LAWS 1903

THE CONSOLIDATION COMMISSION HAS ORDERED THAT (1) THE OFFICE OF PUBLIC ADMINISTRATOR OF WYANDOTTE COUNTY BE ABOLISHED AND (2) THE JUDGES OF WYANDOTTE COUNTY APPOINT A NEW PUBLIC ADMINISTRATOR FOR WYANDOTTE COUNTY

SEE: PUBLIC ADMINISTRATOR LETTER OCTOBER 30, 1996(INDEX)

As Public Administrator, I am the only elected Wyandotte County official not asked to appear before the Consolidation Study Committee.

I formally request the opportunity to address the Commission. Prior to that, I submit the following information concerning this valuable, unique and misunderstood office.

JOHN P. BISCANIN - ... PUBLIC ADMINISTRATOR

NOTES *****

POINT SEVEN: RETAINED ELECTED OFFICIALS

SHERIFF.....WILL BE EXTENDED IN OFFICE TO APRIL 2001
(NON- PARTISAN)

DISTRICT ATTORNEY.....RETAINED AS IS

REGISTER OF DEEDS.....WILL SERVE OUT CURRENT TERM AND
WILL BE EXTENDED IN OFFICE UNTIL
ELECTION HELD APRIL 2001.
(NON-PARTISAN)

NON-RETAINED ELECTED OFFICIALS

COUNTY CLERK

COUNTY TREASURER

COUNTY SURVEYOR

" COUNTY ADMINISTRATOR WILL ESTABLISH POSITIONS OF UNIFIED
CLERK AND UNIFIED TREASURER TO CONSOLIDATE DUTIES AND
RESPONSIBILITIES OF PRESENT COUNTY AND CITY CLERK AND
COUNTY AND CITY TREASURER



THE LAW OFFICES OF
J. R. RUSSELL _____

COUNSELLOR AND ATTORNEY AT LAW

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2. COMMISSION RECOMMENDATIONS (4 PAGES)
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4. ARTICLE 2 SECT. 1 KANSAS CONSTITUTION
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Consolidation Study Report

BY

Wyandotte County /Kansas City
Consolidation Study Commission

Commissioners:

Rev. Robert L. Baynham, Chairman
Gary D. Grable, Vice-Chairman
Dr. Thomas R. Burke, Member
Aileen C. Eidson, Member
Richard A. Ruiz, Member

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Pages

January 13, 1997

Retained Elected Officials: Several offices have been retained for county-wide elections: Sheriff, District Attorney and the Register of Deeds. These offices provide unique functions for the County as a whole and are not duplicated within the Kansas City, Kansas municipal structure. Budgetary and administrative support for these offices will be the responsibility of the County Administrator.

Sheriff: The Sheriff is the Chief Law Enforcement Officer in the County and retains all current responsibilities. In addition, the Sheriff will assume overall responsibility for the Juvenile Detention Center insuring that it is kept separate from the Adult Detention Center. Elections for this position will be Non-Partisan and held during the regularly scheduled April election period. The term of office will continue to be for 4 years. The Sheriff will serve out the current term of election and will be extended in office until the election period held in April 2001. Compensation will be determined in the same manner as it currently exists under the Unified Board of Commissioners. The Under Sheriff will succeed the Sheriff in the event of a vacancy until the next election period.

District Attorney: The District Attorney position will be retained as it presently exists.

Register of Deeds: This office will retain the same duties and responsibilities that currently exists. Compensation will be determined in the same manner as it currently exists under the Unified Board of Commissioners. Elections for this position will be Non-Partisan and held during the regularly scheduled April election period. The term of office will continue to be for 4 years. The Register of Deeds will serve out the current term of election and will be extended in office until the election period held in April 2001.

Non-retained Elected Officials: The current elected offices of County Clerk, Treasurer, Public Administrator and Surveyor will become appointed positions. The County Clerk, County Treasurer, and County Surveyor will be incorporated into the Unified Administration's departments of the Executive Branch. The Public Administrator's position and functions will be incorporated into the appropriate element of the Judicial Branch. The County Administrator will establish positions of Unified Clerk and Unified Treasurer in order to consolidate the duties and responsibilities of the present County and City Clerks and the current County and City Treasurers.

All functions currently performed by these offices will be retained in a reorganized administrative structure to best serve the community as a whole. The County Administrator will be responsible for the appointment of the reorganized department directors and will ensure a separation of County functions through an activity based accounting system. This system will become a management tool for analysis of efficiency and effectiveness and will provide other cities in the County a means to review County support costs.

Consolidation Task Force Recommendation Summary

We recommend a Unified Government with Legislative, Executive and Judicial Branches that interact in a checks and balances system to provide a responsive, representative, efficient government that carries the County into the next century and the new millennium.¹

I. Legislative Branch

A. Ten Commissioners :

1. Eight nominated and elected in new districts with boundaries based on population
2. Two Commissioners elected at-large and nominated from newly created districts: north & south
3. Elections:
 - a) non partisan
 - b) held in April
 - c) four year staggered terms of office - first election determines terms of office - two or four years
4. Compensation:
 - a) in-district commissioners will receive \$1000 per month
 - b) at-large commissioners will receive \$1200 per month due to extra duties and committee assignments
 - c) all receive reimbursement for car expenses, paid medical and dental insurance
 - d) all may participate in life insurance at own expense
5. Duties:
 - a) approve codes, ordinances and budgets
 - b) make policies affecting the functioning of the government
 - c) serve as Mayor Pro Tem
 - d) adopt a Code of Ethics

NOTE: →

II. Executive Branch

A. Chief Executive/Mayor

1. Elected at-large
2. Four year term of office

¹ Expanded description of recommendations in next section.

3. Compensation:
 - a) at current rate with benefits of Kansas City, KS Mayor
 - b) use of a government car
4. Duties:
 - a) presides over the Unified Board of Commissioners
 - b) has veto power which can be overridden by 2/3 majority of Board
 - c) breaks ties by casting a deciding vote
 - d) appoints and removes County Administrator with consent of Board

B. Retained Officials

NOTE: →

1. Elected
 - a) Sheriff - chief law enforcement officer, head of juvenile detention center, in non-partisan elections
 - b) District Attorney - as current duties, partisan election
 - c) Register of Deeds - as current duties, non-partisan election

NOTE: →

2. Appointed
 - a) Legislative Auditor (currently County Auditor) - performance and financial auditing
 - b) routine financial auditing done by Chief Financial Auditor on staff of County Administrator

C. Elected positions' duties will become appointed or assimilated

1. County Clerk to be Unified Clerk
2. County Treasurer to be Unified Treasurer
3. County Surveyor - assimilated into Administration
4. Public Administrator - assimilated into Judicial

D. County Administrator

1. Appointed by Chief Executive/Mayor with consent of Unified Board of Commissioners
2. Reviewed by Board annually
3. Reports to Chief Executive/Mayor
4. Selects and supervises key division heads
5. Executes policies developed by Unified Board
6. Uses activity based budgeting and accounting
7. Uses attrition to reduce employee numbers during transition period

III. Judicial Branch

- A. Municipal courts are part of the Unified Government
- B. District Court Judges are elected in partisan elections
- C. The elected office of Public Administrator is eliminated
- D. District Court Judges appoint the Legislative Auditor
- E. District Court Judges appoint an Ethics Commission

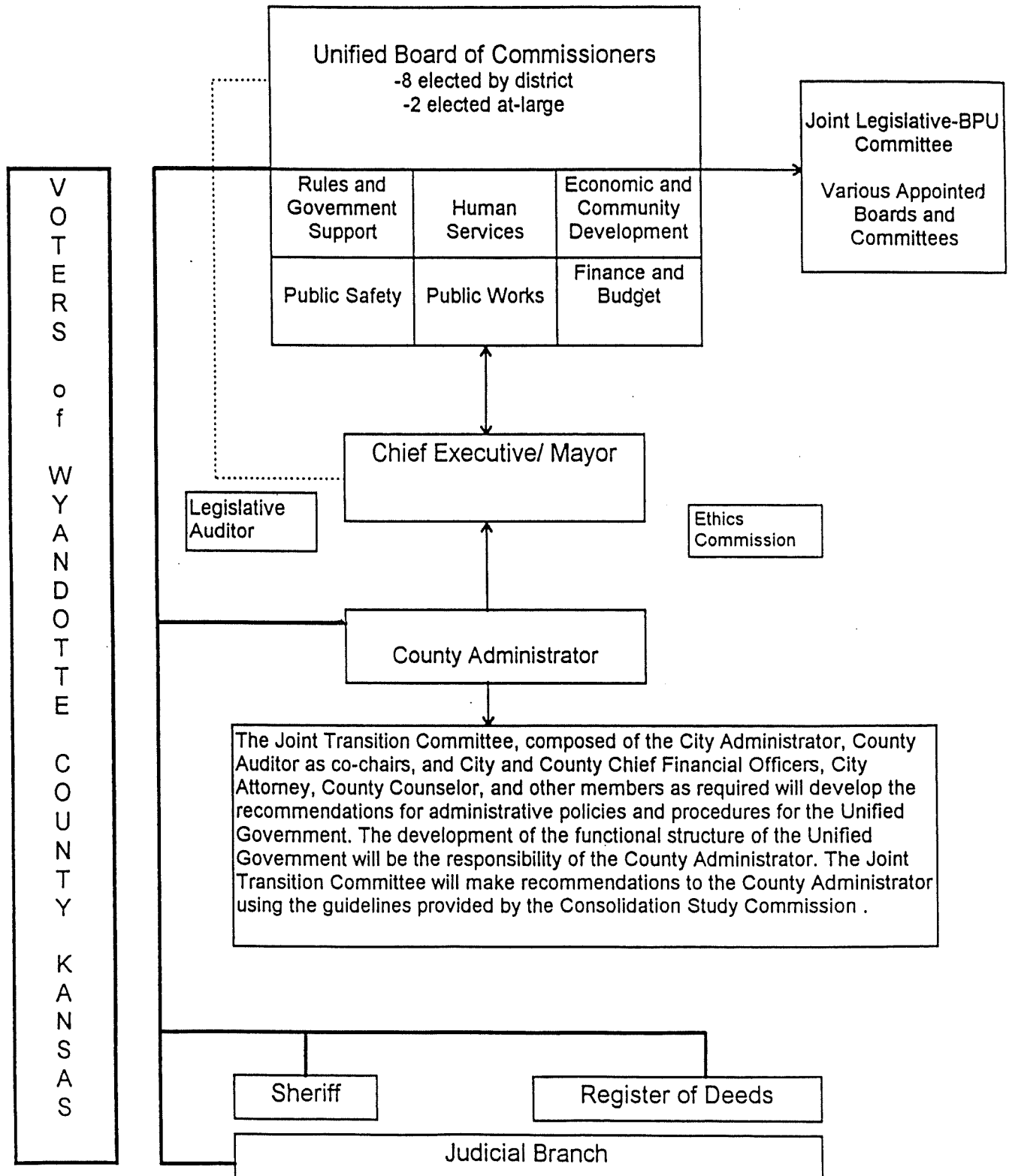
IV Unified Government Integrity

- A. Checks and Balances
 1. All branches have elected officers
 2. Consent to County Administrator resides in Legislative branch

3. A legislative auditor is appointed by the judicial branch
- B. Ethics Commission
1. Administers Code of Ethics adopted by Unified Board
 - a) all elected officials, applicable appointed board and commission members and committee members are subject to Code
 - b) Commission can censure violators
 2. Serve a single, full four-year term of office
 3. Can recommend Code improvements to Unified Board
 4. Recommends sanctions in cases of violation of Code
 - a) subpoena power
 - b) can swear witnesses
- C. Managed Transition
1. An interim period - April 1, 1997 to October 1, 1997
 2. Joint Transition Committee - A transition team
 - a) Kansas City, KS City Administrator and Wyandotte County Auditor will co-chair Committee
 - b) chief financial officers of both City and County, City Attorney, County Counselor, and other members as required will constitute the Committee
 - c) duties:
 - (1) establish procedures for transfer of authority
 - (2) recommend priorities for policy formulation
 - (3) set a date for functional consolidation
 3. Transfer of Authority
 - a) upon swearing in new consolidated government will assume existing authority of City ordinances and County resolutions
 - b) six permanent appointed committees recommend policy concerning community life

A study of consolidation issues concerning the BPU and the Unified Board will be made by a joint committee

Proposed Organizational Structure for Unified Government



THE STATE OF KANSAS

power of this state shall be vested in a house of representatives and senate.

History: Adopted by convention, July 29, 1859; ratified by electors, Oct. 4, 1859; L. 1861, p. 51; L. 1974, ch. 458, § 1; Nov. 5, 1974.

Revisor's Note:

No change was made in this section by the 1974 revision of this article.

Cross References to Related Sections:

Executive reorganization orders, see art. 1, § 6.

Research and Practice Aids:

Constitutional Law ¶ 50 et seq.; States ¶ 24 et seq. Hatcher's Digest, Constitutional Law § § 18, 19, 22 to 29, 32; Legislature § 8.

C.J.S. Constitutional Law § 106; States § 29 et seq. Am. Jur. 2d Constitutional Law, § § 227 to 230, 240 et seq.

Law Review and Bar Journal References:

"The New Kansas DUI Law: Constitutional Issues and Practical Problems," Gerard Little, Jr., 22 W.L.J. 340, 354 (1983).

Attorney General's Opinions:

State board of agriculture; constitutionality of board selection process. 79-243.

Inspections, storing, weighing grain; warehouses; additional indemnity fund for public warehousemen. 81-96.

Education; state board of education. 81-236.

Legislation; imposition of taxes. 81-277.

Consumer loans; finance charge; exemption of adjustable rate loans from maximum finance charge limits. 82-204.

Planning and zoning; planning board; membership; qualifications. 83-66.

Legislature; delegation of legislative power. 83-78.

Taxation; retailers' sales tax; transfers from general fund to highway fund; legislature; delegation of legislative authority. 85-6.

CASE ANNOTATIONS

1. Within power of legislature to designate day of rest. *The State v. Nesbit*, 8 K.A. 104, 54 P. 326.

2. Absent a specific provision in the constitution, commencement of terms of office is within defined powers of the legislature. *State, ex rel., v. Robinson, et al*, 1 K. 17, 25.

3. Corporations rightful subject of legislation; grant includes right to create. *City of Atchison, et al., v. Bartholow, et al.*, 4 K. 124, 142.

4. Legislative, executive and judicial powers of government, separate and distinct. *Coleman v. Newby*, 7 K. 82, 87.

5. Legislature no inherent power, but people may delegate any power. *Leavenworth County v. Miller*, 7 K. 479, 489, 500.

6. Legislative power delegated included power to pass mill-dam act. *Harding v. Funk*, 8 K. 315, 323.

7. Delegation of limited legislative power to county commissioners, not prohibited. *Noffziger v. McAllister*, 12 K. 315, 320.

8. Whole power of organizing new counties belongs to

POINT
#4

§ 1. Legislative power. The legislative

so amended shall be repealed. The provisions of this section shall be liberally construed to effectuate the acts of the legislature.

History: Adopted by convention, July 29, 1859; ratified by electors, Oct. 4, 1859; L. 1861, p. 53; L. 1974, ch. 458, § 1; Nov. 5, 1974.

Research and Practice Aids:

Statutes — 105 et seq.
Hatcher's Digest, Statutes § § 24 to 54.
C.J.S. Statutes § 212 et seq.

Law Review and Bar Journal References:

"Constitutional Law — Appropriation Bills and The Kansas One-Subject Rule — State ex rel. Stephan v. Carlin," Gary H. Hanson, 30 K.L.R. 625, 626, 627, 632 (1982).

Attorney General's Opinions:

Public improvements; combination and operation of sewer districts under single budgets. 79-184.

Election expenses of candidates and organizations; reporting of receipts and expenditures by certain organizations. 81-5.

Consumer loans; finance charge; exemption of adjustable rate loans from maximum finance charge limits. 82-204.

Ordinances of cities; signing or veto of ordinances in council cities; exceptions. 82-258.

Legislature; not more than one subject in a bill. 83-44.

Legislative article; requirements for passage of bill. 83-59.

Legislature; one subject in a bill; delegation of legislative power. 83-78.

Public health; health facilities; projects requiring certificate of need; exemptions by legislature through appropriations for state institutions. 84-69.

Civil procedure; liens for labor and material; certificate of deposit in lieu of surety bond for public works. 87-123.

Animal dealers; licensure and registration of certain persons dealing in animals. 88-74.

CASE ANNOTATIONS

1. Operation of act restricted to statement of title. *City of Concordia v. Hagaman*, 1 K.A. 35, 37, 41 P. 133.

2. Title to act not broad enough to cover subject. *Shepherd v. Shepherd*, 4 K.A. 546, 45 P. 658.

3. Fees and salaries one subject; repeal by implication unaffected by constitution. *Higgins v. Mitchell County*, 6 K.A. 314, 51 P. 72.

4. Title clearly expresses purpose of act. *Inlow v. Graham County*, 6 K.A. 391, 393, 394, 397, 51 P. 65.

5. Fees and salaries one subject; new act may repeal by express terms or by implication. *Lowe v. Bourbon County*, 6 K.A. 603, 604, 51 P. 579.

6. Provisions of old and new act construed together, if consistent. *Croasdale v. Davis*, 9 K.A. 189, 191, 59 P. 667.

7. Act relating to county officers broad enough to cover court costs of litigation involving surveyor. *Iretton v. Laubner*, 9 K.A. 561, 562, 58 P. 278.

8. Title to act relating to intoxicating liquors broad enough to cover violations. *The State v. Owens*, 9 K.A. 595, 58 P. 240.

9. Subject matter not included in title. *Howard v. Schneider*, 10 K.A. 137, 62 P. 435. Overruled: *Stewart v. Thomas*, 64 K. 511, 68 P. 70.

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§ 16. Subject and title of bills; amendment or revival of statutes. No bill shall contain more than one subject, except appropriation bills and bills for revision or codification of statutes. The subject of each bill shall be expressed in its title. No law shall be revived or amended, unless the new act contain the entire act revived or the section or sections amended, and the section or sections

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the operations, procedures or functions of any of the offices or agencies thereof can be more efficiently and effectively exercised or provided as a consolidated activity performed by a single intergovernmental office or agency or by a single office or agency of one of the participating political or taxing subdivisions, such governing body or governing bodies are hereby authorized to consolidate any or all of the operations, procedures or functions performed or carried on by such offices or agencies by the passage of a resolution or identical resolutions setting out the time, form and manner of consolidation and designating the surviving office or agency.

(b) The elimination of an elective office by consolidation under the provisions of this act shall be subject to the approval of a majority of the electors of the political or taxing subdivision served by such office, voting in the next regular general election of the county in which the office of governor is elected, and no elective office shall be eliminated prior to such election. Any such proposed consolidation which eliminates any such elective office shall provide that the elimination of such office shall become effective upon the date of normal expiration of the term of such office. Any such proposed consolidation which eliminates any such elective office shall not be voted on by the governing body of the political or taxing subdivision until a special public hearing is held within the political or taxing subdivision. Notice of such special hearing shall be published in a newspaper of general circulation in the political or taxing subdivision once each week for two consecutive weeks prior to the hearing. The first publication shall not be less than 21 days prior to such hearing. Any elected officer whose office would be eliminated in such consolidation and any other interested party shall be given an opportunity to appear and offer testimony at any of such hearings.

(c) Whenever the statutorily mandated duties of any elected county official are proposed for elimination, by transfer or otherwise, the question of the elimination of any such duties shall be considered as an elimination of the elective office itself within the meaning of this section, and shall be subject to an election prior to such elimination as required by subsection (b). The provisions of this subsection shall not preclude the transfer of duties of an elected office with the consent of the affected elected official.

History: L. 1974, ch. 426, § 3; L. 1988, ch. 80, § 1; L. 1991, ch. 61, § 1; April 25.

Attorney General's Opinions:

Consolidation of operations, procedures and functions of two or more political subdivisions. 82-78.

12-3903. Consolidation of operations, procedures and functions by a political and taxing subdivision or by two or more subdivisions; procedure; elimination of elective office, election. (a) Whenever the governing body of any political or taxing subdivision of this state shall by resolution determine that duplication exists in the operations, procedures or functions of any of the offices or agencies thereof can be more efficiently and effectively exercised or provided as a consolidated activity performed by a single office or agency, or whenever the governing body of any two or more political or taxing subdivisions of this state shall by the passage of identical resolutions determine that duplication exists in the operations, procedures or functions of offices or agencies of such subdivisions or that

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October 30, 1996

NOTE: →
Rev. Robert Baynham, Chairman
Consolidation Commission
c/o Robert Stockwell
Kansas City Kansas Community College
7250 State Avenue
Kansas City, Kansas 66112

Dear Rev. Baynham and Other Commission Members:

As Public Administrator, I am the only elected Wyandotte County official not asked to appear before the Consolidation Study Committee.

I formally request the opportunity to address the Commission. Prior to that, I submit the following information concerning this valuable, unique and misunderstood office.

1. Office Established in 1903:

The Public Administrator's office was created by Kansas law in 1903. Its basic duty is to administer estates when no executors or administrators are known. Enclosed is a copy of the 1903 Kansas Session Laws establishing the office. Please notice the great variety of duties required of the Public Administrator. Except for increasing the elected term from two to four years, the statute has remained unchanged.

2. The First "Privatized" Public Office in Kansas:

a. For 93 years, the Public Administrator's office has cost Wyandotte County taxpayers zero. The Public Administrator receives no salary, pays his own costs, expenses and staff salaries. All fees and expenses received are set by the Wyandotte County Probate Judge.

NOTE: →
PUBLIC ADMINISTRATOR

b. No money is received by the Public Administrator until after each case is closed. Typically, this is nearly a year after filing. Some estates may remain open longer, pending sale of assets to pay costs and taxes. The Public Administrator receives no fees or expenses until after all bills, federal, state and local taxes, and the expenses of administration are paid.

c. The size of estates vary from a few hundred dollars to many thousands of dollars. The variety of cases include estates where large amounts of money will be passed on to heirs; where most of the assets are needed to pay bills, taxes and expenses; and some cases where funds are insufficient to pay all claimants.

3. Public Administrator Forces Payment of State and Local Taxes and Returns Tax - Delinquent Properties to the Tax Rolls:

A large majority of Public Administrator cases involve out-of-state heirs. A non-resident joint tenant of Kansas funds is responsible for paying a share of taxes due. There is no method to collect state taxes on non-residents. But because those funds or other assets are included in the estate, the Public Administrator is able to collect state and local taxes that would otherwise be lost.

This is particularly true of Wyandotte County real property taxes. The Public Administrator has the authority to sell real estate to pay delinquent taxes. During the sixteen years I have held the office, hundreds of thousands of dollars in delinquent real estate taxes have been collected and returned to the Wyandotte County Treasurer. The sale of tax-delinquent properties through the Public Administrator's office returns them to the tax rolls without the time and expense of a tax sale. The expenses of sale are paid from the assets of the estate and not from public funds.

4. Unique Duties of the Office;

In addition to statutory obligations, the Public Administrator's office during my tenure has willingly performed public duties in liaison with the Wyandotte County Sheriff's office and the Kansas City Kansas Police Department; I have assisted investigations of abandoned properties and properties where crimes have been committed. And always without expense to the taxpayer.

More generally, the Public Administrator's office is recognized by a variety of official agencies. Issues of unknown ownership of real estate, bank accounts and other such assets, lost heirs, determination of heirs and other legal issues are frequently handled by this office.

5. Other Counties Recognize the Need for a Public Administrator:

It is interesting that the Consolidation Study Committee is recommending abolishing the office of Public Administrator. Johnson County Kansas Probate Judge and former Administrative Judge Sam Bruner has for years requested that a Public Administrator's office be created in his Judicial District.

Further, the Kansas Judicial Council, Probate Section, has the creation of the office of Public Administrator as an important agenda item for certain urban counties in Kansas.

Creation of the office in other counties is considered valuable for several key reasons:

- a. Its duties are flexible and unique.
- b. It operates without cost to the taxpayer.
- c. It assists a variety of public agencies without to them.

6. Public Administrator's Office is Unique and not Subject to Consolidation:

Consolidation of the Public Administrator's office into any other tax-supported public office will cost, not save, tax dollars. My duties as Public Administrator are handled as a part of my private law practice. A full-time lawyer and two secretaries would be required to handle the duties. The cost of supplies, equipment, office space, worker compensation insurance, etc., must also be considered. How much would that cost? To match the present cost to taxpayers, that sum would have to be zero.

7. Summary:

The desire to consolidate governmental functions to save tax money is laudable. The anomaly of the Public Administrator's office, however, is that it is the only "free" public office in Wyandotte County:

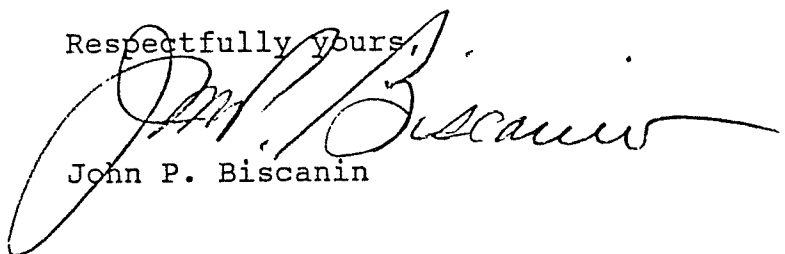
Rev. Robert Baynham
October 30, 1996
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- a. There are no salaries, no office expenses to the public.
- b. All fees and expenses are privately advanced by the Public Administrator;
- c. All ultimate fees and expenses of the office are paid from the assets of the estates the office administers;
- d. The office collects hundreds of thousands in federal, state and local taxes, especially Wyandotte County real estate taxes, which would otherwise be lost to Kansas and Wyandotte County.

In the case of this office, terminating its existence would be tantamount to "throwing the baby out with the bathwater." Change, only for change sake, is no improvement.

Thank you for your prudent consideration.

Respectfully yours,



John P. Biscanin

JPB/dsh

Encs.

PUBLIC ADMINISTRATOR

CHAPTER 199.

PROVIDING FOR PUBLIC ADMINISTRATOR, WYANDOTTE COUNTY.

AN Act providing for a public administrator in Wyandotte county, specifying the cases in which he shall have authority to act as administrator of the estates of deceased persons, and defining his powers, duties and liabilities as such.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. At the general election to be held in November, 1904, and every two years thereafter, there shall be elected in Wyandotte county a public administrator in and for said county, whose term of office shall be two years, commencing on the second Monday in January next after his election, and who shall hold his office until his successor is elected and

qualified. His powers and duties shall be as herein-after provided. Before the commencement of his term of office he shall take and subscribe and file in the office of the county clerk of said county an oath to well and faithfully discharge the duties of said office.

(SEC. 2. It shall be the duty of the public administrator to take into his charge and custody the estates in said county of all deceased persons in the following cases) First. Where any stranger or unknown person dies intestate in said county, or dies therein leaving a will and the executor therein named fails to qualify as such executor within thirty days after the death of such person, Second. When any person dies intestate in said county without any known heirs. (Third. When any person dies intestate in said county, or in any other state or foreign country, leaving no known heirs in this state.) Fourth. When any person dies in said county, or in any other state or foreign country, leaving no known heirs in this state, and leaving a will, and the executor therein named is not a resident of this state, or, being a resident thereof, fails to qualify as such executor within thirty days after the death of such person. Fifth. When any money, property, papers or other estate of any deceased person are left in said county in a situation exposed to loss or damage and no other person administers on the same. Sixth. When any estate of any person who dies intestate in said county or elsewhere is left in said county liable to be injured, wasted, or lost, when said intestate does not leave any known heirs in this state. Seventh. In any case in which the person or persons who, under the laws of this state, are entitled to letters of administration upon the estate of any intestate, shall appear before the probate court of said county and request said court to grant letters of administration upon such estate to the public administrator. (Eighth. When from any other good cause the probate court of said county shall order him to take possession of any estate to prevent its being injured, wasted, purloined, or lost.

SEC. 3. Before the public administrator shall take charge or control of any estate in any case, he shall make application to the probate court of said county to grant him letters of administration upon such estate, setting forth facts necessary to authorize the court to issue letters of administration to him by showing that it is one of the cases provided for in section 2 of this act, and shall also give bond as required of other administrators under the general laws of this state in relation to executors and administrators. Said court shall thereupon issue to him letters of administration upon such estate.

SEC. 4. When the public administrator has been appointed to take charge of an estate he shall continue the administration thereof until finally settled, unless he dies, resigns, or is removed for cause, as provided by law.

SEC. 5. The public administrator shall receive for his services the same compensation allowed by law to other administrators of the estates of deceased persons.

SEC. 6. All of the laws of this state relating to the administration of the estates of deceased persons by administrators and executors so far as the same may be applicable shall apply to the administration of such estates by the public administrator, and he shall have the same powers as are conferred upon, and perform the same duties, and be subject to the same penalties, provisions and proceedings in all respects as are provided by law in relation to other administrators of such estates.

SEC. 7. Upon the taking effect of this act, it shall be the duty of the governor to appoint some competent and suitable person, resident and elector of said county, as public administrator under the provisions of this act, who shall hold his office until his successor is elected and qualifies and enters upon the duties of said office as herein provided. The person so appointed shall, within ten days after being notified of his appointment, qualify as public administrator by

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taking, subscribing and filing the oath of office provided by this act.

SEC. 8. In case any vacancy shall occur in said office, the same shall be filled by appointment of the governor until the next regular election for public administrator. The person so appointed shall qualify as provided in other cases by this act.

SEC. 9. This act shall take effect and be in force from and after its publication in the statute-book.

Approved March 6, 1903. X

CHAPTER 200.

RELATING TO DEPUTY COUNTY ATTORNEYS.

AN ACT providing for the appointment of an additional deputy county attorney in all counties of the state of Kansas having a population of not less than sixty-five thousand, prescribing their duties, fixing the compensation therefor, providing for the payment thereof, and increasing the salary of the deputy county attorney now allowed by law to be appointed therein, and providing for the payment thereof.

Be it enacted by the Legislature of the State of Kansas:

SECTION. 1. That in all counties of the state of Kansas having a population of not less than sixty-five thousand, county attorneys therein shall have the power, by and with consent of county commissioners, to appoint a deputy county attorney in addition to the one now allowed by law to be appointed in such counties, whose duties shall be the same as those now devolving upon the deputy county attorney in such counties.

SEC. 2. Said additional deputy county attorney shall receive as full compensation for his services as such deputy the sum of seventy-five dollars per month, and said compensation shall be allowed by the board of county commissioners of their respective counties to be paid out of the county treasury monthly.

SEC. 3. That in all counties of the state of Kansas having a population of sixty-five thousand, the deputy county attorney therein, as heretofore allowed by law in such counties, shall hereafter receive the sum of one hundred dollars per month, as full compensation for his services as such deputy county attorney, which said compensation shall be allowed by the board of county commissioners of such counties, to be paid out of the county treasury monthly.

SEC. 4. All acts and parts of acts in conflict herewith be and the same are hereby repealed.

SEC. 5. This act shall take effect and be in full force from and after its publication in the official state paper.

Approved March 6, 1903.

Published in official state paper March 14, 1903.

CHAPTER 201.

RELATING TO STENOGRAPHERS FOR COUNTY ATTORNEYS.

AN ACT to amend section 1, chapter 134, Session Laws of 1901, providing for the appointment of stenographers by county attorneys, fixing the salary and providing for the payment thereof, and prescribing their duties.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section 1 of chapter 134, Session Laws of 1901, entitled "An act providing for the appointment of stenographers by county attorneys, fixing the salary and providing for the payment thereof, and prescribing their duties," of which this act is amendatory, be amended so as to read as follows: Section 1. In all counties of the state of Kansas having a population of not less than 45,000, it is hereby provided that the county attorney shall appoint a stenographer, whose duties shall be as hereinafter mentioned.

Retained Elected Officials: Several offices have been retained for county-wide elections: Sheriff, District Attorney and the Register of Deeds. These offices provide unique functions for the County as a whole and are not duplicated within the Kansas City, Kansas municipal structure. Budgetary and administrative support for these offices will be the responsibility of the County Administrator.

Sheriff: The Sheriff is the Chief Law Enforcement Officer in the County and retains all current responsibilities. In addition, the Sheriff will assume overall responsibility for the Juvenile Detention Center insuring that it is kept separate from the Adult Detention Center. Elections for this position will be Non-Partisan and held during the regularly scheduled April election period. The term of office will continue to be for 4 years. The Sheriff will serve out the current term of election and will be extended in office until the election period held in April 2001. Compensation will be determined in the same manner as it currently exists under the Unified Board of Commissioners. The Under Sheriff will succeed the Sheriff in the event of a vacancy until the next election period.

District Attorney: The District Attorney position will be retained as it presently exists.

Register of Deeds: This office will retain the same duties and responsibilities that currently exists. Compensation will be determined in the same manner as it currently exists under the Unified Board of Commissioners. Elections for this position will be Non-Partisan and held during the regularly scheduled April election period. The term of office will continue to be for 4 years. The Register of Deeds will serve out the current term of election and will be extended in office until the election period held in April 2001.

Non-retained Elected Officials: The current elected offices of County Clerk, Treasurer, Public Administrator and Surveyor will become appointed positions. The County Clerk, County Treasurer, and County Surveyor will be incorporated into the Unified Administration's departments of the Executive Branch. The Public Administrator's position and functions will be incorporated into the appropriate element of the Judicial Branch. The County Administrator will establish positions of Unified Clerk and Unified Treasurer in order to consolidate the duties and responsibilities of the present County and City Clerks and the current County and City Treasurers.

All functions currently performed by these offices will be retained in a reorganized administrative structure to best serve the community as a whole. The County Administrator will be responsible for the appointment of the reorganized department directors and will ensure a separation of County functions through an activity based accounting system. This system will become a management tool for analysis of efficiency and effectiveness and will provide other cities in the County a means to review County support costs.

POSITION STATEMENT OF
KANSAS STATE CONFERENCE OF BRANCHES
OF THE NAACP
REGARDING THE PROPOSED CONSOLIDATION OF
KANSAS CITY, KANSAS AND WYANDOTTE COUNTY

TO WHOM IT MAY CONCERN:

Feb. 6, 1997

The Kansas State Conference of Branches of the NAACP opposes and recommends rejection of the consolidation study report and proposed consolidation of the governments of the city of Kansas City, Kansas and Wyandotte County, Kansas. This objection and opposition should not be construed as a blanket opposition to consolidation of these local governmental units. However, such a step requires more than the study report has provided, specifically:

1. The report fails to provide a critical analysis of the proposed merger; and completely avoids confronting the difficult questions which must be confronted and answered if a consolidated government is to achieve any improvement in those local governmental units.

2. The report does not reflect certain crucial information pertaining to projected "savings" to be realized from the consolidation of the two governments; financial positions of the city and county. Nor does the report address the difficult concerns relative to removing personnel functions (including selection, retention, and compensation) from patronage politics. The inefficiency of the present system is grounded in that system and the new government cannot be expected to provide any improvement in the local government, its efficiency or tax burden.

3. Copies of the documentation referenced in the appendix should be made available in the city and county and made available to the public for review and copying before any hearings or votes are conducted with regard to the proposed consolidation.

4. The ethics commission and the legislative auditor should be independent of control by any local political machinery. The present proposal would place both squarely under the control of the local political machine by having the local judges, who are selected in partisan elections, make the appointments.

5. The Board of Public Utilities is not included in the proposed consolidation and, in the opinion of the NAACP, should be.

House GO and E

Attachment 6

2.6.97

6. The public input should be permitted and provided for during the transition process.

While this statement does not represent the totality of the objections of the Kansas State Conference of Branches of the NAACP, it does provide a summary of the primary points and the report should be rejected and sent back for further, in-depth study of the crucial issues, with any and all action and votes being delayed.

KANSAS STATE CONFERENCE
OF BRANCHES, NAACP

Louisa A. Fletcher, President

Louisa A. Fletcher

By

Mary C. Jackson

Mary C. Jackson, Chairwoman

Legal Redress Committee

By

Kenneth C. Groves, Chairman

Political Action Committee

K C Groves

Nathan Barnes, city councilman

I first give honor to God to the Governor of this great State, to the Speaker, to the committees to my wonderful mayor and my fellow council members, county officials, citizens and friends.

It brings me great pleasure and displeasure to be here. My presence here is not because I have an ax to grind with the city nor the county. I'm here because I owe it to the citizens of my district and the city that says that they are not comfortable with the consolidated plan.

I had promised not to take pot shots at the plan. I want it to be understood that this isn't a pot shot. I came here prepared to make one of two decisions. One is to commit political suicide by speaking up for what's right or choose to keep my integrity by speaking up for what's right. I choose the second. Just as my mayor and fellow council members are prepared to give up their council seats for consolidation, I'm prepared to give it up for my integrity as the lone minority representative on the city council, in exchange for doing what I believe is right rather than what is or would be personally profitable for me.

I examined the plan and decided that it's a plan and just a plan, nothing earth shaking and definitely not a plan that you will see in any other county anywhere in the USA.

I believe that a fair plan for change should be a plan that creates a win, win, for both the city, county and its citizens.

But once you go a step further you will see that, you create many new battles if you look closely. Suburban verses inner city, east verses west, Nathan Barnes against the city, neighborhood groups verses neighborhood groups and on and on, although the positives are present but few and unproven.

Before going any further I must describe to you how consolidation caught me off guard. A Committee is appointed Judge and Jury to put together a study on consolidation.

QUESTION #1 Who sanctioned this committee, and what was the makeup of that committee. Was it the voters or 7 or 8 people in a darkened backroom? Was consolidations origin done fairly?

House GO and E

Attachment 7

QUESTION #2 Define true consolidation. To make a long story short, endorsed consolidation. I have it documented by my endorsing our legislative packet which included consolidation. But today I'm here before you saying not this plan, because I lost confidence in this plan because it lost credibility with many when the districts were originally drawn, it lost credibility when it couldn't prove the economic gain.

Can you see this happening in other counties in Kansas, because of the plan fairness to all? NO

I lost my confidence when the commission failed to include the Board of Public Utilities, to any degree.

I lost my confidence when my request for a super majority vote was laughed at.

I lost confidence when we were told that we could get minorities and not told that we could also get no minorities.

I lost my confidence when I discovered that the only way for this plan to work was for my neighborhood to loose.

In closing, this was only part of my story, I still don't say not to consolidation but I do say no to this plan that said no to my constituents.



Executive Chamber
One McDowell Plaza

City of Kansas City, Kansas

Carol Marinovich, Mayor



Kansas City, Kansas 66101
Phone (913) 573-5010

February 6, 1997

Representative Kent Glasscock
Chairman, Government Organizations and Elections Committee
300 SW 10th Ave. Room #183-W
Topeka, Kansas 66612-1504

RE: *Opposition to House Resolution 5006*

Dear Representative Glasscock
and members of the Government Organizations and Elections Committee:

I am here to testify in opposition to House Resolution 5006. The issue of consolidating Kansas City, Kansas and Wyandotte County governments started at the grass roots level, received assistance at the State level, and now should be decided by local voters.

House Resolution 5006 was introduced by Speaker of the House Tim Shallenburger. I am issuing an invitation to Speaker Shallenburger to take him personally on a tour of Wyandotte County and show him the rebuilding that is occurring in structure, and in spirit.

Yes, Kansas City, Kansas does have its share of problems, but we have begun addressing them at the local level. The City Council and I have centered our goals and objectives on implementing initiatives toward building a solid foundation for the future of our community. We're now holding the line on taxes, increasing pay as you go for infrastructure needs, revitalizing our neighborhoods, and empowering people to be involved.

The future of our community hinges on the issue of consolidation. Status quo will not enable us to attain the degree of growth, and success we want Wyandotte County to achieve as we head into the 21st Century; nor will status quo lower taxes! That is why the City Council and I are on record endorsing the recommendation of the Consolidation Study Commission.

Throughout America where consolidation has occurred, communities have experienced continual economic growth, lowered taxes as a result of a higher tax base, and provided greater opportunity for their residents. Consolidation is an opportunity that everyone living in Wyandotte County must take very seriously.

I see consolidation as the driving force in making Kansas City, Kansas and Wyandotte County the community we all want it to be: a clean, safe and thriving community.

House GO and E

Attachment 8
2.6.97

Page Two
February 6, 1997

Concerns have surfaced that this consolidation plan has impact on other communities throughout the State. This simply is not the case. The recommendations apply only to Kansas City, Kansas and Wyandotte County. Also, consolidation research clearly evidences that consolidated governments vary, depending on the particular needs of the community.

Consolidation of Kansas City, Kansas and Wyandotte County will not destroy the Democratic Party in our community as has been stated. The leadership, or lack thereof, of the Democratic Party in Wyandotte County is the destructive force.

In closing, please do not underestimate the importance of this issue. We are deciding whether the political machine in Wyandotte County will survive into the next millennium. Politics cannot and must not impede the future progress of Kansas City, Kansas and Wyandotte County.

Respectfully,

A handwritten signature in cursive script, reading "Carol Marinovich". The signature is written in dark ink and is positioned below the word "Respectfully,".

Carol Marinovich
Mayor

RECEIVED

JAN 28 1997

MAYOR'S OFFICE

Consolidation Task Force Recommendation Summary

We recommend a Unified Government with Legislative, Executive and Judicial Branches that interact in a checks and balances system to provide a responsive, representative, efficient government that carries the County into the next century and the new millennium.¹

I. Legislative Branch

- A. Ten Commissioners :
1. Eight nominated and elected in new districts with boundaries based on population
 2. Two Commissioners elected at-large and nominated from newly created districts: north & south
 3. Elections:
 - a) non partisan
 - b) held in April
 - c) four year staggered terms of office - first election determines terms of office - two or four years
 4. Compensation:
 - a) in-district commissioners will receive \$1000 per month
 - b) at-large commissioners will receive \$1200 per month due to extra duties and committee assignments
 - c) all receive reimbursement for car expenses, paid medical and dental insurance
 - d) all may participate in life insurance at own expense
 5. Duties:
 - a) approve codes, ordinances and budgets
 - b) make policies affecting the functioning of the government
 - c) serve as Mayor Pro Tem
 - d) adopt a Code of Ethics

II. Executive Branch

- A. Chief Executive/Mayor
1. Elected at-large
 2. Four year term of office

¹ Expanded description of recommendations in next section.

3. Compensation:
 - a) at current rate with benefits of Kansas City, KS Mayor
 - b) use of a government car
 4. Duties:
 - a) presides over the Unified Board of Commissioners
 - b) has veto power which can be overridden by 2/3 majority of Board
 - c) breaks ties by casting a deciding vote
 - d) appoints and removes County Administrator with consent of Board
- B. Retained Officials
1. Elected
 - a) Sheriff - chief law enforcement officer, head of juvenile detention center, in non-partisan elections
 - b) District Attorney - as current duties, partisan election
 - c) Register of Deeds - as current duties, non-partisan election
 2. Appointed
 - a) Legislative Auditor (currently County Auditor) - performance and financial auditing
 - b) routine financial auditing done by Chief Financial Auditor on staff of County Administrator
- C. Elected positions' duties will become appointed or assimilated
1. County Clerk to be Unified Clerk
 2. County Treasurer to be Unified Treasurer
 3. County Surveyor - assimilated into Administration
 4. Public Administrator - assimilated into Judicial
- D. County Administrator
1. Appointed by Chief Executive/Mayor with consent of Unified Board of Commissioners
 2. Reviewed by Board annually
 3. Reports to Chief Executive/Mayor
 4. Selects and supervises key division heads
 5. Executes policies developed by Unified Board
 6. Uses activity based budgeting and accounting
 7. Uses attrition to reduce employee numbers during transition period

III. Judicial Branch

- A. Municipal courts are part of the Unified Government
- B. District Court Judges are elected in partisan elections
- C. The elected office of Public Administrator is eliminated
- D. District Court Judges appoint the Legislative Auditor
- E. District Court Judges appoint an Ethics Commission

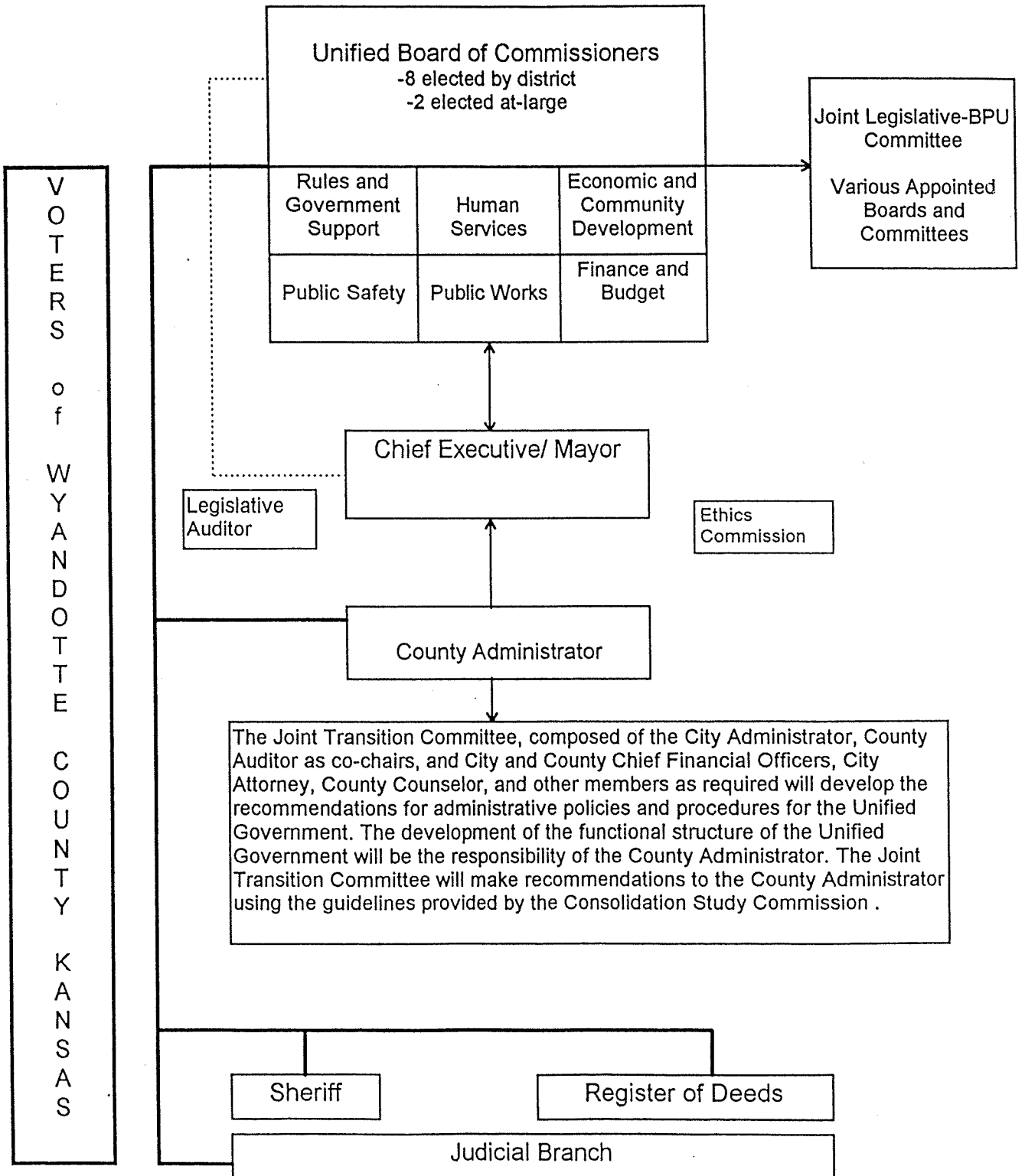
IV Unified Government Integrity

- A. Checks and Balances
 1. All branches have elected officers
 2. Consent to County Administrator resides in Legislative branch

3. A legislative auditor is appointed by the judicial branch
- B. Ethics Commission
1. Administers Code of Ethics adopted by Unified Board
 - a) all elected officials, applicable appointed board and commission members and committee members are subject to Code
 - b) Commission can censure violators
 2. Serve a single, full four-year term of office
 3. Can recommend Code improvements to Unified Board
 4. Recommends sanctions in cases of violation of Code
 - a) subpoena power
 - b) can swear witnesses
- C. Managed Transition
1. An interim period - April 1, 1997 to October 1, 1997
 2. Joint Transition Committee - A transition team
 - a) Kansas City, KS City Administrator and Wyandotte County Auditor will co-chair Committee
 - b) chief financial officers of both City and County, City Attorney, County Counselor, and other members as required will constitute the Committee
 - c) duties:
 - (1) establish procedures for transfer of authority
 - (2) recommend priorities for policy formulation
 - (3) set a date for functional consolidation
 3. Transfer of Authority
 - a) upon swearing in new consolidated government will assume existing authority of City ordinances and County resolutions
 - b) six permanent appointed committees recommend policy concerning community life

A study of consolidation issues concerning the BPU and the Unified Board will be made by a joint committee

Proposed Organizational Structure for Unified Government



February 6, 1997

**To: Rep. Kent Glasscock
House Committee on Government Organization**

From: Dr. J.J. Swanson

Re: HCR5006

Mr. Chairman:

Thank you for the opportunity to testify this morning.

My name is Dr. Joe Swanson, a resident and business owner in Kansas City, Kansas and Wyandotte County. I am a graduate of Kansas State University and have been a veterinarian in the community for over 35 years. I stand today opposed to HCR5006, which would in effect put a hound's muzzle on voters, silencing them from deciding the fate of our community at the ballot box.

*House GO and E
Attachment 9
2.6.97*

I am currently serving as chairman of a citizens committee for consolidation. It is made up of private citizens who favor our governor's committee report on consolidating the local governments of Kansas City, Kansas and Wyandotte County.

We believe that our community is at a vital crossroad. Our community continues to lose population for various reasons. One of the most important reasons is the fact that on average, Wyandotte County residents pay the highest taxes in the state of Kansas.

We agree with the governor's committee report that by consolidating the governments of Kansas City, Kansas and Wyandotte County, we can streamline local government, making it more cost effective. This will reduce the tax burden and help stabilize our local economic growth.

Of course, there are two sides to every story. While I believe we can offer voters a more compelling argument in favor of the effort to consolidate government, there are those who would prefer the status quo. They deserve the same opportunity to inform voters on whether it makes sense to consolidate.

In the end, we MUST all step aside and give voters the opportunity to weigh both sides of the issue and decide the future of Kansas City, Kansas and Wyandotte County. Any effort to deny the citizens their chance to decide this issue at the polls makes a mockery of the democratic process.

Please reject HCR5006 and give the voters of Kansas City, Kansas and Wyandotte County the power to decide the issue of consolidation on April 1.

Thank you.

REASONS FOR CONSOLIDATION

1. We should remember the reason we ran for elective office
To make the community a better place to live.
2. We should never forget the people that elected us. They trusted us to do what is best for the public.
3. We need to keep in mind that obligations we agreed to as elected officials . . . *to ensure good, sound, local government.*

If we don't keep these obligations in mind, we tend to forget our ultimate goal, to ensure good local government.

We must keep in mind that a popular decision to a **particular group** of citizens is not necessarily the best **choice for all of us.**

We were elected to make hard choices.

Anyone can decide the easy choices.

NUMEROUS PUBLIC HEARINGS HELD - SUGGESTIONS REQUESTED

None of those opposing consolidation offered any suggestions.

Now they say they are for consolidation, but they do not like this plan. They do not offer any alternatives.

The Commission appointed by the Government spent many hours working on this proposal.

WHY DO WE NEED CONSOLIDATION?

- (1) Smallest geographical area in state.
- (2) Competing governments.
- (3) Not in the interest of the people.
- (4) Present system not working.

*House GO and E
Attachment 10
2.6.97*

Decreasing population
Decreasing businesses
No new businesses locating here.

Contrary to what you may have been told, the two governments have been fighting for years. There is entirely too much patronage in the present system. The people have a right to vote on the form of government.

The Legislature: You let people vote on liquor by the drink - county option.

were about to
You let people vote on gambling - slots at the Woodlands.

Why not let them vote on their type of government?

Opponents: say it will weaken the two-party elective system.

We do not have a two-party system now.

Very little, if ever, is there any meaningful opposition.

Qualified, well meaning citizens do not want to get involved.

The only positions not elected under the consolidation plan are:

PUBLIC
~~County~~ Administrator: only one in the state.
County Clerk-Treasurer

It is time for a change to a form of government that will be responsive to the people.

QUESTIONS:

- (1) Why is Wyandotte County losing population?
- (2) Why are our brightest young people moving out of the county?

(3) Why are we losing our businesses?

(4) Why are we not attracting new businesses?

ANSWERS:

- Because of the present system of government.
- Services have been reduced: poor bus service; restaurants; movies; houses.
- The government should provide the maximum service in the Most efficient way.

THIS IS NOT BEING DONE NOW.

Consolidation will spark cooperation between governments, businesses and the community. Everything must done for the community and not for a special interest group.

I see consolidation as our future. I don't see it as a turf battle. I see it as an opportunity for our community to move into the 21st century with a form of government that will provide maximum services to the people in a cost efficient manner. I see this as a partnership involving the government and the business community. A partnership that will work together to improve the quality of life for our people; one that will work to keep businesses here and to bring new businesses here; one that will work to keep our best young people here.

We can't expect to go to sleep one night and wake up the next day to find out that this consolidation will save millions of dollars immediately. I don't care how much money is saved if there are no services provided. People will want to live and work here if we can give them a reason to stay here. I believe this plan offers that reason. I believe the people should have a chance to vote on it.

NICK A. TOMASIC
District Attorney

PACKET INDEX

1. Statement by Tom Bruns, Councilman 4th District, Kansas City, Kansas
2. Current Debt of Kansas City, Kansas
3. Statutory Debt Limits of Kansas City, Kansas
4. News article, Kansas City Star, February 1, 1997
5. Editorial, Kansas City Star, February 2, 1997
6. Consolidation Recommendations, including Legal Opinion by Consolidation Study Commission Special Counsel

House GO and E
Attachment II
Att. # 2:6.97



CITY COUNCIL

CITY OF KANSAS CITY KANSAS

MUNICIPAL OFFICE BUILDING • 701 NORTH 7TH • SUITE 979
KANSAS CITY, KANSAS 66101 • TELEPHONE AREA CODE (913) 573-5040
FAX NUMBER (913) 573-5540

Tom Bruns
Councilman District 4

February 6, 1997

Representative Kent Glasscock
Chairman, Government Organizations and Elections Committee
300 SW 10th Avenue, Room 183-W
Topeka, Kansas 66612-1504

re: Opposition to House Resolution 5006

Dear Representative Glasscock
and Members of the Government Organizations and Elections Committee:

I am here today to try and shed some light on this matter of the Consolidation of two governments to achieve "less government". Is this not what the people keep asking for and our elected leaders keep striving toward?

The issue of Consolidation and this Resolution of Rejection has caused more statements of mis-information and dis-information than any issue since Queen Isabella quit listening to the naysayers who insisted that "The World is Flat".

Last Saturday evening, I attended the regular monthly meeting of a local Democratic Club of which I am a member in good standing. At that meeting, our newly elected County Treasurer stated that, "Consolidation is being forced on Wyandotte County by certain individuals in Johnson County."

Representative Shallenberger is quoted by the Kansas City Star newspaper: "But consolidating two broke forms of government doesn't make anything more fair - one bankruptcy filing instead of two."

Others have stated in news releases that the whole county is in debt to the tune of 1.5 billion dollars.

"Consolidation" of the two governments has been talked about by Wyandotte Countians in Wyandotte County for at least 20 years. I used the idea in my campaign for my present office of Councilman.

Kansas City, Kansas, is not broke and the whole county is not in hock for 1.5 billion dollars. I will not belabor this committee with several pounds of financial rhetoric.

Government Organizations and Elections Committee

Page 2

The facts about the City's finances are in your packet.

I would, however, point out two items: Kansas City, Kansas, has a debt limit by Kansas Statute of approximately 149 million dollars. The City's indebtedness subject to this limit is only 31.3 million dollars. And, secondly, the only way that the "whole county" is in debt 1.5 billion dollars, would be to include the "Industrial Revenue Bonds" that the citizens of Wyandotte County of Kansas City, Kansas, are NOT responsible for.

Ladies and Gentlemen of this Committee, I plead for mercy in your deliberations. Be merciful to this Resolution of Rejection and "Table It", and let it die peacefully. It does not deserve to be brought to the floor of this House.

The Consolidating Recommendations brought forth by the Consolidation Study Commission (a copy is in the packet) is a very conscientious plan. It is the basis for progress and the first step forward in our efforts to make Kansas City, Kansas and Wyandotte County ready to face the 21st Century.

Respectfully,



Tom Bruns
Councilman, District 4

Current Debt of City of KCK

OUTSTANDING INDEBTEDNESS	DECEMBER 31, 1996
General Obligation Debt	\$99,882,971
Special Improvement Debt	\$1,547,467
Revenue Debt	\$14,024,218
BPU Revenue Debt	\$219,444,996
Temporary Short Term Notes	\$15,755,500
Other -- IRB Revenue Bonds***	\$1,223,465,285

*** IRB Debt is paid directly by the business to Trustee.
No property taxes are used to pay for IRB Debt.

STATUTORY DEBT LIMITS

Outstanding G.O. Debt as of December 31, 1996

STATUTORY DEBT LIMIT	KCK G.O. DEBT
Debt Ceiling Limit By Statute	\$148,922,084
Debt Subject to Limit	\$31,363,393
Legal Debt Margin	\$117,628,691

K.S.A 79-5037 (22.363% of Assessed Valuation - \$666,243,723)

K C K OUTSTANDING INDUSTRIAL REVENUE BONDS
SCHEDULE E

INDUSTRIAL REVENUE BONDS	DATE OF ISSUANCE	DATE OF MATURITY	BONDED INDEBTEDNESS	STATUTORY AUTHORITY
Hospital Linen Service	12-01-71	12-01-96	420,000.00	KSA 12-1740
Bethany Medical Center	06-01-74	12-01-04	13,630,000.00	KSA 12-1740
Providence-St. Margaret				
" " " Series A & B	01-01-75	Refunded by Series 1978		KSA 12-1740
" " " Series C	01-01-75	Refunded by Series 1985A		KSA 12-1740
International BAKERAGE of Kansas	07-01-77	07-01-97	2,500,000.00	KSA 12-1740
Catholic Housing Service	07-01-77	07-01-97	145,000.00	KSA 12-1740
Providence St. Margaret Refunding	06-01-78	Refunded by Series 1985A		KSA 12-1740
Swift & Company, Inc. Series A	01-01-79	11-01-98	1,000,000.00	KSA 12-1740
" " " Series B	11-01-78	11-01-98	7,900,000.00	KSA 12-1740
Styers-Whitson Investment Co.	08-01-80	08-01-2000	335,000.00	KSA 12-1740
Broadstreet Investment Co. (Sam Brown Co.)	09-01-80	09-01-96	115,000.00	KSA 12-1740
Swift & Company (derived from the Series 1978-B, \$24,000,000 auth.)	10-01-80	11-01-98	1,975,000.00	KSA 12-1740
Central States Thermo King	09-01-81	09-01-2002	145,000.00	KSA 12-1740
Boyer Properties	01-01-82	01-01-97	368,044.35	KSA 12-1740
Eighty-Ninety Associates	Refunded by Dean Realty Co, Series 1992			
P.Q. Corporation Series A & B	03-01-82	Refunded 08-01-85		
Lady Baltimore Foods, Inc.	08-01-82	Refunded 10-87		
Shoney's Inc.	12-01-82	12-01-92	150,000.00	KSA 12-1740
Rainbow Towers Series A & B	Refunded July 1994			
One Hundred Associates	Refunded by Dean Realty Co. Series 1993			
ENGCO	12-01-83	12-01-2008	367,258.81	KSA 12-1740
Interstate Oil	12-01-83	12-01-98	427,400.00	KSA 12-1740
James & Donna Muller	03-01-84	03-01-99	32,531.59	KSA 12-1740
General Motors	04-01-84	03-31-2006	13,400,000.00	KSA 12-1740
Roe Lane Properties	07-01-84	11-01-2004	591,568.16	KSA 12-1740
Fagan Company	10-01-84	10-01-2000	258,138.17	KSA 12-1740
Midwest Chandelier	11-01-84	11-01-96	363,394.35	KSA 12-1740
Bethany Plaza Apts.	11-01-84	Refunded 10-88		
Inland Container (Refunding 1981)	11-01-84	11-01-2009	5,200,000.00	KSA 12-1740
Plastic Packaging/Raden	12-01-84	Refunded 04/95		
James Barnett	12-01-84	12-01-99	160,000.00	KSA 12-1740
Ash Grove Cement Co.	12-01-84	12-01-2004	4,000,000.00	KSA 12-1740
Graves Truck Line Inc.	12-01-84	12-01-2004	700,000.00	KSA 12-1740
Prime Investments, Inc.	12-01-84	12-01-99	685,000.00	KSA 12-1740
Prime Investments, Inc. No. 2	12-01-84	06-01-98	160,000.00	KSA 12-1740
Security Storage	06-01-85	07-01-2010	683,122.57	KSA 12-1740
Moderate Income Housing Kansas Avenue Development Series "A"	06-28-85	06-01-2015	3,500,000.00	KSA 12-1740
	08-01-85	08-01-2005	680,116.18	KSA 12-1740
PQ Corporation Refunding	08-01-85	08-01-2015	9,600,000.00	KSA 12-1740
FMPD Purchasing	09-01-85	11-01-97	444,958.31	KSA 12-1740
HCF Limited	10-01-85	10-01-95	1,935,000.00	KSA 12-1740
Rainbow Heights Ltd.	10-01-85	12-01-2007	3,875,000.00	KSA 12-1740
General Motors	11-01-85	11-2007	25,500,000.00	KSA 12-1740
Providence-St. Margaret Series 1985A Refunding	Refunded 1992 Series (Sisters of Charity/Providence St. Margaret)			
Mathews Real Estate	12-01-85	12-01-2000	170,832.43	KSA 12-1740
Subtotal			\$101,417,364.92	

Schedule E (cont.)
K C K Outstanding Industrial Revenue Bonds

INDUSTRIAL REVENUE BONDS	DATE OF ISSUANCE	DATE OF MATURITY	BONDED INDEBTEDNESS	STATUTORY AUTHORITY
Arrowhead Center	12-01-85	12-01-2002	410,000.00	KSA 12-1740
Narga Investment	12-01-85	07-01-2001	514,171.77	KSA 12-1740
Woodview Associates	Refunded by Series 1993			
University Village Apts.	12-01-85	12-01-2027	2,502,143.15	KSA 12-1740
Two Hundred East Associates	Refunded by Series 1995			
One Seventy Associates	12-01-85	12-01-2005	1,220,000.00	KSA 12-1740
Dixon Tom-A-Toe	06-01-86	06-01-2006	2,585,000.00	KSA 12-1740
Colgate Palmolive Development	07-01-86	07-01-2006	636,363.60	KSA 12-1740
General Motors, Corp.	07-01-86	07-01-2006	200,000,000.00	KSA 12-1740
A. Reich & Sons	08-01-86	11-01-99	168,990.00	KSA 12-1740
MSG, Inc.	08-01-86	10-01-2001	3,662,002.42	KSA 12-1740
E. I. duPont deNemours	11-01-86	11-01-97	27,000,000.00	KSA 12-1740
General Motors, Corp.	12-01-86	07-01-2006	225,000,000.00	KSA 12-1740
M. E. Gravatt	12-01-86	12-01-2001	235,000.00	KSA 12-1740
Owen Industries, Inc.	06-01-87	06-01-99	6,000,000.00	KSA 12-1740
Lady Baltimore Refunding	10-13-87	04-01-97	1,180,000.00	KSA 12-1740
General Motors	12-10-87	07-01-2006	450,000,000.00	KSA 12-1740
Bethany Plaza Refunding	09-01-88	09-01-2004	950,000.00	KSA 12-1740
General Motors	12-01-88	07-01-2006	140,015,988.00	KSA 12-1740
Medical Management	09-01-91	09-01-2016	5,000,000.00	KSA 12-1740
Inland Container Corporation	10-01-91	11-01-2009	5,200,000.00	KSA 12-1740
626 Project	05-05-92	06-01-2002	788,261.00	KSA 17-1740
Hospital Refunding	08-01-92	08-01-2005	25,600,000.00	KSA 12-1740
Dean Realty Co. Series 1992	08-15-92	08-15-2005	1,815,000.00	KSA 12-1740
Wood View Apartments	06-01-93	06-01-15	10,385,000.00	KSA 12-1740
Dean Realty Co. Series 1993	11-01-93	11-01-98	1,830,000.00	KSA 12-1740
Rainbow Towers Refunding	07-01-94	07-01-2023	3,265,000.00	KSA 12-1740
Plastic Packaging	04-01-95	05-01-12010	2,200,000.00	KSA 12-1740
Two Hundred East Associates	11-01-95	11-01-2005	3,885,000.00	KSA 12-1740
Subtotal			1,122,047,919.94	
Subtotal Page 1			101,417,364.92	
Subtotal Page 2			<u>1,122,047,919.94</u>	
TOTAL :			<u>\$1,223,465,284.86</u>	

How about merging with wealthy neighbor?

House speaker has an answer to problems in Wyandotte County.

By JOHN PETTERSON
Topeka Correspondent

TOPEKA — With Johnson County's economy booming and neighboring Wyandotte County struggling, House Speaker Tim Shallenburger has come up with his own solution to the consolidation question.

"If you want me to solve it, I'd go up there and consolidate those two counties and take care of Wyandotte County's problems," he said at a news conference Friday.

While there is no plan afoot to consolidate the metro-area neighbors, Shallenburger, a Baxter Springs Republican, is the lead sponsor of a bill introduced Thursday to scuttle the consolidation of Wyandotte County's city and county governments.

He said he was just doing what the Wyandotte County delegation

wanted done when he proposed the bill. The county's House members asked him to sponsor the bill, "almost with no exception," he said.

"It's a hot deal," he said. "I had no idea. I was unaware of Wyandotte County politics."

He said once word that he had introduced the bill began to spread, his telephone began to light up, messages poured in and reporters filled their notebooks.

"I guess I underestimated the volatility of it," he said.

The House Committee on Gov-

ernmental Organization and Elections has scheduled a hearing on the bill for 9 a.m. Thursday at the state Capitol.

Shallenburger said the county's problems, stemming from flight to the suburbs, should have been addressed 30 years ago.

"But consolidating two broke forms of government doesn't make anything more fair — one bankruptcy filing instead of two," he said. "It doesn't help much, and I don't think taxpayers get a better break."

Consolidation Recommendations

BY

Wyandotte County /Kansas City
Consolidation Study Commission

Commissioners:

Rev. Robert L. Baynham, Chairman
Gary D. Grable, Vice-Chairman
Dr. Thomas R. Burke, Member
Aileen C. Eidson, Member
Richard A. Ruiz, Member

January 13, 1997

**Wyandotte County/Kansas City, Kansas
Consolidation Study Commission**

January 13, 1997

Honorable Bill Graves
State Capitol
Topeka, Kansas 66612-1590

Dear Governor Graves:

The Wyandotte County/Kansas City, Kansas Study Commission has completed its tasks authorized by your appointment on May 15, 1996, and outlined in Senate Bill no 464.

We recommend to you and the State Legislature that the existing governments of Wyandotte County and Kansas City, Kansas be consolidated into a Unified Government. This government should have 3 branches: 1) Legislative branch -- consisting of eight Commissioners elected from districts and two elected at-large, plus the Chief Executive/Mayor, all elected on a non-partisan basis; 2) Executive branch -- consisting of the Chief/Executive/Mayor, an appointed County Administrator and a professional administration; 3) Judicial branch -- consisting of a municipal court and, to the extent authorized by law, the districts courts.


We further recommend that the elected offices of County Treasurer, Clerk, Surveyor and Public Administrator be incorporated into the Unified Administrations as appointed positions.


We believe that these measures and the others contained in the complete recommendation and study will provide the citizens of Wyandotte County and Kansas City, Kansas with the most efficient and cost-effective form of government to lead them into the next century and the new millennium.

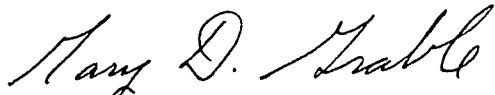
We thank you for your trust and confidence in us. We are proud to have served you and the citizens of Wyandotte County and Kansas City, Kansas as members of this historic commission.

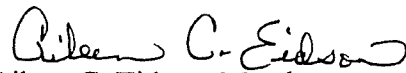
Sincerely,


Rev. Robert L. Baynham, Chairman


Dr. Thomas R. Burke, Member


Richard A. Ruiz, Member


Gary D. Grable, Vice-Chairman


Aileen C. Eidson, Member

**Wyandotte County/Kansas City, Kansas
Consolidation Study Commission**

**Final Recommendation
for the
Unification of the Governments
of
Wyandotte County and Kansas City, Kansas**

January 13, 1997

ACKNOWLEDGMENT

The Study Commission held 35 public meetings lasting an average of 3 hours each. Additionally, the Commission conducted 3 Citizen's Forums and 3 Public Hearings to obtain as much information as possible from the community. The Commissioners worked without any compensation, choosing to return their Kansas State meeting stipends to the community.

Two daily newspapers, the Kansas City Kansan and the Kansas City Star, provided gavel to gavel coverage of each meeting.

The research staff from the University of Kansas, Dr. Charlene May, Suzanne Leland and Chris Cannon, provided the Study Commission with historical and contemporary information pertaining to the question of consolidation.

A special thank you to the members of the community who faithfully sat through every session of the Study Commissions meetings.

Robert L. Stockwell
Executive Director

Wyandotte County/Kansas City, Kansas Consolidation Study Recommendations

Preserving the history of Wyandotte County, the ethnic diversity that is its strength and the cultural past of each of its cities;

Building on the legacy of past and current governments while recognizing the need for affordable, simple, and responsive government for the future;

Understanding the need for a more efficient and effective form of government to identify and respond to citizen and community needs;

Strengthening the checks and balances in government and providing for independent assessments of the organization, its policies and its elected and appointed officials;

Believing in the wisdom, integrity and intelligence of the voters and their right to choose their representatives and their form of government,

The Wyandotte County/ Kansas City, Kansas Consolidation Study Commission recommends:

A Unified and Simplified Structure

The newly created government shall be called the **Unified Government** and will have a Legislative, Executive and Judicial branch directly responsible to the citizens of Wyandotte County. The proposed structure unites the County and City governments into a streamlined administration. It provides the elected officials with the authority to respond directly to its citizens in the most efficient and effective ways. Consolidated departments make it easier for citizens to obtain the necessary services and to receive prompt response to their requests.

PLAN:

Legislative Branch

Legislators: The new Unified Government will have a legislative branch which will consist of the **Unified Board of Commissioners** elected in Non-Partisan elections held in April of odd numbered calendar years. Eight of the Commissioners will be nominated and elected in-districts newly designated (see

Unified County Commission District map, Alternative 6, change 2) in order to increase the diversity of representation in the new Unified Government. Two more Commissioners will be nominated from within two newly designated Unified County Commission districts and elected at-large by eligible County voters. These two new County-wide districts will comprise the four Northern most Unified County Commission districts and the four Southern most Unified County Commission districts of the County. The Chief Executive/Mayor will act as the eleventh member and will be elected at-large.

Succession: In the case of a vacancy, the Unified Board of Commissioners will solicit recommendations from eligible voters in the district affected. The Unified Board of Commissioners will appoint from that list an individual to serve as that Commissioner until the next election.

Duties: The Unified Board of Commissioners will have the power to adopt codes and ordinances and approve and adopt a budget. The Board will retain all County policy-making authority except those administrative duties which will be handled by the County Administrator. The Unified Board of Commissioners will review and revise, as required, the Commission districts at the conclusion of each Federal Census period.

Terms: The Commissioners will serve four-year staggered terms, with the exception of the very first election. In the first election, the four Commissioners receiving the highest number of votes will serve a four-year term. The four Commissioners receiving the next highest number of votes from the eight "in-district" areas will serve a two-year term. The "at-large" Commissioner receiving the highest number of votes will serve a four-year term. The "at large" Commissioner receiving the next highest number of votes of the two "at-large" areas will serve a two-year term and will be designated Mayor Pro Tem for the first two-year period and will rotate the position to the remaining "at-large" Commissioner. The Mayor Pro Tem position will rotate thereafter every two years among the two "at-large" Commissioners.

Compensation: All commissioners will serve part-time and will be eligible to receive medical and dental insurance for themselves and participate in KPERS if they so choose. They may participate in a life insurance program at their own expense. The eight Commissioners elected from "in-district" areas will receive \$1000 a month as compensation. The two Commissioners elected from "at-large" districts will receive \$1200 a month in view of their additional responsibilities and extra committee assignments. (See Standing Committees). All Commissioners will be reimbursed for car expenses by a per-mile rate set by the Federal Internal Revenue Service.

Executive Branch

Chief Executive/Mayor: The Chief Executive/Mayor is the visible head of Government. The Chief Executive of the County provides unified vision and

leadership to the people in the community. As Chief Executive/Mayor of Kansas City, Kansas, he/she represents and officiates on behalf of the City at all official functions and events.

Succession: In the absence of the Chief Executive/Mayor, the Mayor Pro Tem will assume daily responsibilities of the Chief Executive/Mayor. In the event of a vacancy of the office, the Mayor Pro Tem will serve as Chief Executive/Mayor until the next scheduled election.

Duties: 1) The Chief Executive/Mayor will preside over the Legislature. 2) Like its national counter part, the Chief Executive/Mayor of the new Unified Government will have veto power which can be overridden by 2/3 of the Legislature. 3) In the case of a tie within the Unified Board of Commissioners, the Chief Executive/Mayor casts the deciding vote. 4) The Chief Executive/Mayor is an ex officio member of all committees. 5) The Chief Executive/Mayor appoints and removes the County Administrator with the consent of the legislative body.

Term: The new Chief Executive/Mayor will be elected by the voters of the County in a Non-Partisan, at-large election in April and will serve a four year term.

Compensation: The new Chief Executive/Mayor will be compensated at the same rate as the current Mayor of Kansas City, Kansas. The same benefits that are authorized to the Mayor now will be authorized to the new Chief Executive/Mayor. However, a government car will be provided for the official use of the Chief Executive/Mayor in lieu of mileage reimbursement.

County Administrator: A County Administrator will be appointed and dismissed by the Chief Executive/Mayor with the consent of the Unified Board of Commissioners. The County Administrator will report directly to the Chief Executive/Mayor and will be reviewed by the Unified Board of Commissioners for retention on an annual basis. The County Administrator is directly responsible for the daily functions of the Unified Administration. The County Administrator will organize the Unified Administration. The County Administrator will select/dismiss key division heads (cabinet level positions). All other department head selections/dismissals and personnel actions will be in accordance with the personnel classification system under the sole jurisdiction of the County Administrator.

Judicial Branch

A Judicial Branch consisting of a municipal court and, to the extent authorized by law, the districts courts shall serve the community. The Municipal Court Judges will be appointed by the Unified Board of Commissioners. Since the elected office of Public Administrator will not be retained, that position and its functions will transferred to the Judicial Branch for proper alignment within that branch.

More Responsive to the People

The Unified Government should provide more representation for its citizens while preserving the cultural, ethnic and neighborhood affiliations that have molded the community. It should provide for the local authority of each district while maintaining the historic flavor of the County as a whole. The County and each city in the County should retain their own identities.

PLAN:

In every case, the voters of Wyandotte County will select their own representatives to govern them on a Non-Partisan basis. The roles and functions of each branch of the Unified Government will ensure systemic checks and balances. Mechanisms for grievances established in an Ethics Commission and a Legislative Auditor will provide direct access into the system for the citizens suspecting organizational failure or personal improprieties of government officials.

Checks and Balances

The three-tier approach (legislative, executive, and judicial) to government will provide the community with the traditional, democratic safeguards of our country. By differentiating roles and functions of a Unified Government, the people of Wyandotte County can be assured that their interests will be represented fairly. The unique powers of each branch of government to perform the functions required of it provide the checks on the other two branches and offer the balance for the community.

PLAN:

All branches of the new government are directly elected by the voters of the County. The Legislative Branch - the Unified Board of Commissioners- has the responsibility to consent to the appointments and dismissals of the Chief Executive/Mayor. The Executive Branch - the Chief Executive/Mayor, with the consent of the Unified Board of Commissioners, appoints the County Administrator. The County Administrator has the responsibility of executing the policies of the Unified Board of Commissioners through the functional divisions and departments of the administration. The Chief Executive/Mayor, presiding over the Legislative Branch, has veto authority over policies enacted by that body. That power is tempered by a 2/3 over-ride authority of the Legislative Branch. The Judicial Branch enforces State, County and Kansas City, Kansas municipal laws. The Judges of the District Court, through the Administrative Judge of the Court, also appoint and dismiss the Legislative Auditor and appoint and dismiss members of the Ethics Commission. The District Court Judges themselves are responsible to the voters through the election process.

Ethics Commission: An Ethics Commission will be created as an additional safe guard against unethical behavior in the new Unified Government. The new Unified Board of Commissioners will draft and adopt a Code of Ethics. The

Ethics Commission members, appointed by the Administrative Judge of the District Court with the consent of the sitting District Judges of Wyandotte County, will serve a single, full, four year term. The terms will be staggered at the initial appointment with one-half of the Commission serving a two-year term and one-half serving a single, full, four-year term. The Ethics Commission may recommend ways to improve the Ethics Code to the Unified Board of Commissioners. The Ethics Commission will have the power to make recommendations for actions to be taken for violations of the Ethics Code to the Unified Board of Commissioners. The Ethics Commission will also have subpoena power, the ability to swear witnesses and have power to censure those in violation of the Ethics Code. All elected officials, and any appointed board and/or committee member as the Unified Legislature may include, will be subject to this Code.

Citizen Oversight

Two additional safeguards will ensure each citizen can question, challenge and seek redress for unethical or illegal behavior of its government officials. An Ethics Commission is established to uphold the responsible behavior of its elected officials. A Legislative Auditor will provide independent scrutiny of the performance and operations of government offices and employees. Mindful of the right of the citizenry to demand the highest standards of conduct from its public servants, these safeguards give the community its own checks and balances.

PLAN:

The current governing positions of County Commissioners, City Council and City Mayor will be eliminated and replaced by the Unified Government structure in Non-Partisan elections conducted in April of odd calendar years. The first election will be a special election. The new governing positions, 8 in-district County Commissioners and 2 at-large County Commissioners will serve four-year staggered terms, with the exception of those elected in the first special election. The Chief Executive/Mayor will serve a four-year term.

Retained Elected Officials: Several offices have been retained for county-wide elections: Sheriff, District Attorney and the Register of Deeds. These offices provide unique functions for the County as a whole and are not duplicated within the Kansas City, Kansas municipal structure. Budgetary and administrative support for these offices will be the responsibility of the County Administrator.

Sheriff: The Sheriff is the Chief Law Enforcement Officer in the County and retains all current responsibilities. In addition, the Sheriff will assume overall responsibility for the Juvenile Detention Center insuring that it is kept separate from the Adult Detention Center. Elections for this position will be Non-Partisan and held during the regularly scheduled April election period. The term of office will continue to be for 4 years. The

Sheriff will serve out the current term of election and will be extended in office until the election period held in April 2001. Compensation will be determined in the same manner as it currently exists under the Unified Board of Commissioners. The Under Sheriff will succeed the Sheriff in the event of a vacancy until the next election period.

District Attorney: The District Attorney position will be retained as it presently exists.

Register of Deeds: This office will retain the same duties and responsibilities that currently exists. Compensation will be determined in the same manner as it currently exists under the Unified Board of Commissioners. Elections for this position will be Non-Partisan and held during the regularly scheduled April election period. The term of office will continue to be for 4 years. The Register of Deeds will serve out the current term of election and will be extended in office until the election period held in April 2001.

Non-retained Elected Officials: The current elected offices of County Clerk, Treasurer, Public Administrator and Surveyor will become appointed positions. The County Clerk, County Treasurer, and County Surveyor will be incorporated into the Unified Administration's departments of the Executive Branch. The Public Administrator's position and functions will be incorporated into the appropriate element of the Judicial Branch. The County Administrator will establish positions of Unified Clerk and Unified Treasurer in order to consolidate the duties and responsibilities of the present County and City Clerks and the current County and City Treasurers.

All functions currently performed by these offices will be retained in a reorganized administrative structure to best serve the community as a whole. The County Administrator will be responsible for the appointment of the reorganized department directors and will ensure a separation of County functions through an activity based accounting system. This system will become a management tool for analysis of efficiency and effectiveness and will provide other cities in the County a means to review County support costs.

Retained Appointed Officials: The County Auditor will be retained under a new title of Legislative Auditor and the Election Commissioner will be retained as it currently exists. Budgetary and administrative support for these offices will be the responsibility of the County Administrator.

Legislative Auditor: The routine financial auditing functions of the present County Auditor will be transferred to the Chief Financial Officer of the Unified Administration. The Legislative Auditor will retain all performance and financial auditing functions that may be required to oversee, examine or inquire into any aspect of the Unified Government in order to prevent or discover irregularities of the system or individuals in the system. The Legislative Auditor will be appointed and dismissed by the Administrative Judge of the District Court with the approval of a

majority of the Judges of the District Court of the Twenty-ninth Judicial District. The appointment and retention of the Legislative Auditor will be for a two-year period. The Legislative Auditor will report all findings to the Unified Board of Commissioners.

Non-retained Appointed Officials: The appointed County Offices of the Appraiser, Counselor and Coroner will be absorbed into the Unified Administration structure. These functions will be retained in accordance with the Kansas State Statutes under which they operate.

Effective and Efficient Government

The careful scrutiny of functions and offices by the new government will provide for a more streamlined and cost effective operation. This will allow for realignment of functions or services to prevent duplication and improve services.

Plan:

Standing Committees: The Unified Board of Commissioners will establish six permanent committees to address all aspects of community life. The Chief Executive/Mayor will appoint at least two of the eight "in-district" Commissioners to each Committee. The two "at-large" Commissioners will serve on three separate committees each and will determine the Chair for each of their Committees. The Committees will discuss aspects of community life according to their areas of responsibility and will recommend policy or policy changes for action to the Unified Board of Commissioners as a whole. These Committees will review applicable existing County Resolutions and Kansas City Ordinances and will recommend appropriate changes to the Unified Board of Commissioners for adoption. Upon enactment by a majority of the Board, these Unified Resolutions will supersede existing County Resolutions and Kansas City, Kansas Ordinances and will be effective immediately.

Committees:

- 1) Rules and Government Support
- 2) Human Services
- 3) Economic, Community and Neighborhood Development
(Committee includes 1 BPU board member as a voting member and at least one member from each of the other five standing committees.)
- 4) Public Safety
- 5) Public Works (Includes 1 BPU Board member as a voting member)
- 6) Finance and Budget (includes BPU board member as a voting member. The Chair of the Finance and Budget Committee will

serve as a voting member of the BPU Finance and Budget Committee)

Appointed Boards and Commissions: The Unified Board of Commissioners will set the number of members on each Board/Commission and will determine how the appointments will be made, except those specified by contract or outside authority. All existing Boards and Commissions will continue to function as currently mandated until such time as they are reviewed and re-appointed by the Unified Board of Commissioners.

Joint Legislative-BPU Committee: Functional consolidation issues between the Unified Board of Commissioners and the BPU will be studied by a joint committee composed of six voting members-three elected BPU Board members and three Unified Board of Commissioners (excluding the 2 "at-large" Commissioners and the Commissioner from the Bonner Springs/Edwardsville district. This is because the BPU does not provide electric retail service to Bonner Springs and Edwardsville). The joint committee will make recommendations to the Unified Board of Commissioners for their decision. The Unified Government Attorney may hire an attorney to report to the General Manager of the BPU to assist the BPU in deregulation.

Cost Savings: The Consolidation Study Commission recommends: 1) that the Unified Board of Commissioners target a minimum of 8% reduction in per capita costs of daily operations over a five year period based on 1997 budget figures (an estimated \$8.7 million savings). These savings will be targeted at 2% per year after the first year of transition; 2) that the Unified Board of Commissioners cap the general obligation debt service at \$20 million per year, and 3) that the Unified Board of Commissioners be the establishing authority for user fees for sanitary and storm water.

Employment Safeguards

The Unified Government is founded on the principle of employee protection. Reduction in job positions will be accomplished over time and through attrition. The County Administrator will ensure that a personnel classification plan is developed which allows the Unified Government to systematically and fairly identify and select individuals with the proper level of skills, abilities and knowledge associated with each position that is required for the new government.

A compensation plan which corresponds to the classification system will also be developed. This plan will provide a just wage for graduated levels of skills and responsibilities. All current union negotiated contracts will be honored.

During the transition period -- from the effective date of unification to full integration -- employees will continue to provide the services they currently do until such time as their positions are considered for consolidation and they are

re-classified into a new system. Attrition-based reductions will provide current employees with a sense of stability while allowing the Unified Government the flexibility to adjust to new situations in governance and service.

Managed Transition

The "Interim" period between an affirmative vote of the community - April 1, 1997 - and the effective date of Unification - October 1, 1997 - will allow sufficient time for a Joint Transition Committee to establish procedures for a smooth transition of power into the hands of the newly elected government.

This transition team will also recommend and prioritize policy issues that the new government will undertake in the first period of governance.

PLAN:

Effective Date: New elections will be held July 8, 1997, for the primary election and September 9, 1997, for the general election. The newly elected unified officials will take office on October 1, 1997, which will be the effective date of consolidation

Joint Transition Committee: Immediately following the passage of this recommendation, a transition team shall be formed and will serve until October 1, 1997. The City Administrator and the County Auditor will co-chair the transition team. The team will also include both Chief Financial Officers of the City and the County, the City Attorney and the County Counselor, and other members as required. The team members will establish procedures for the transfer of authority to the Unified Government, recommend priorities for policy formation during the first period of governance, and will set an effective date for functional consolidation. The Consolidation Study Commission will remain in effect until October 1, 1997, to serve as an advisory board to the transition team.

Transfer of Authority: Immediately upon swearing-in of the Unified Board of Commissioners and the County Chief Executive/Mayor, all authority inherent in existing County Resolutions and City Ordinances will transfer to the Unified Government.

Transfer of Property: On the effective date of consolidation, title to all real and personal property currently vested in Wyandotte County and Kansas City, Kansas, together with other rights, claims and assets of the two governmental entities, shall vest in the Unified Government. If necessary, the appropriate public officials shall execute documents of conveyance.

Assumption of Debt: In accordance with the provisions of Senate Bill no 464, any bonded indebtedness and interest thereon incurred by the city or county prior to consolidation shall remain an obligation of the property subject to taxation for the payment thereof prior to such consolidation.

Method of Amendment: In the event that this recommendation needs to be modified, the Unified Board of Commissioners may do so with a vote of not less than 8 of 10 Commissioners voting for amendment. The citizens of the County may petition for an amendment under existing referendum processes established by the Kansas Legislature for cities and counties.

Severability: A single provision of this recommendation or separate aspects that may be found to conflict with existing laws shall not void other provisions or aspects of this recommendation.

Conclusion

The Consolidation Study Commission strongly believes that the Unification of Governments of Wyandotte County and Kansas City, Kansas will provide its citizens with the kind of representative, efficient, and responsive government they need to carry them into the next century and the new millennium.

Ballot Question: Proposition 1.

CONSOLIDATION of the Governments of Wyandotte County and Kansas City, Kansas

Shall the following be adopted:

That the governments of Wyandotte County, Kansas and Kansas City, Kansas be consolidated into a single entity known as "the Unified Government", as authorized in KSA 1996 Supp 12-340 through 12-346 and in accordance with the Final Recommendation for the Unification of the Governments of Wyandotte County and Kansas City, Kansas dated January 13, 1997?

SHOOK, HARDY & BACON LLP

A LIMITED LIABILITY
PARTNERSHIP INCLUDING
PROFESSIONAL CORPORATIONS

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OVERLAND PARK, KANSAS
HOUSTON, TEXAS
LONDON, ENGLAND
ZURICH, SWITZERLAND
MILAN, ITALY

January 13, 1997

Mr. Robert Stockwell
Executive Director
Consolidation Study Commission
of Kansas City, Kansas and Wyandotte County

Dear Mr. Stockwell:

At your request, I have been serving as special counsel to the Consolidation Study Commission of Kansas City, Kansas and Wyandotte County (the "Study Commission"). The Study Commission was created by Senate Bill 464, Chapter 11 of the 1996 Kansas Session Laws. Under the provisions of SB 464, beginning in May 1996 the Study Commission held a number of open meetings, citizen forums, and working sessions addressing the issues and alternatives related to the issue of consolidation of the governments of Kansas City, Kansas and Wyandotte County. This work has led to a Final Recommendation for the Unification of the Governments of Wyandotte County and Kansas City, Kansas, dated January 13, 1997 (the "Consolidation Plan"). Under the terms of SB 464, the Consolidation Plan is to be presented to the Kansas legislature by January 13, 1997. If not rejected by the legislature by February 12, 1997, the Consolidation Plan will be voted on by the citizens of Wyandotte County on April 1, 1997.

Section 4(e) of SB 464 provides that the Consolidation Plan include "a written opinion by an attorney admitted to practice law in the state of Kansas and retained by the executive director for such purpose that the proposed plan is not in conflict with the constitution or the laws of the state." The purpose of this letter is to provide that opinion. I am licensed to practice law in Kansas, and have been since 1971. For 16 years I taught local government law at the University of Kansas School of Law, and I have written extensively on Kansas local government law issues. (I also served for ten years as City Commissioner of Lawrence, Kansas, including two terms as Mayor.)

Mr. Robert Stockwell

January 13, 1997

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For purposes of rendering this opinion, I have examined a number of documents, including SB 464; other relevant Kansas statutes governing county and city activities; relevant provisions of the Kansas Constitution; earlier drafts and final version of the Consolidation Plan; the Consolidation Study Report; background material dealing with consolidation issues including various newspaper stories; various Kansas Attorney General opinions; and various secondary sources such as DeWitt's Report on Metropolitan Government Reform. I also attended a number of meetings of the Study Commission.

Based on this review, and subject to the qualifications and limitations set forth below, I am of the opinion that the Consolidation Plan is not in conflict with the Constitution or the laws of the State of Kansas.

I have not undertaken any independent investigation to determine the existence or absence of facts, conditions, and circumstances which might bear on the consolidation Plan, and no inferences as to my knowledge of the existence or absence of such facts, conditions, and circumstances should be drawn from the fact of my representation of the Study Commission.

I am opining herein only regarding the present laws of the State of Kansas, and I assume no responsibility as to the applicability thereto, or effect thereon, of the laws of any other jurisdiction, or of federal laws. As to all statutes reviewed for purposes of this opinion, I have assumed that they were duly enacted and are not unconstitutional, other than as reflected in reported decisions of Kansas courts.

The opinion herein is directed solely to the Study Commission and may not be relied upon by any other party. This letter is not to be otherwise used, circulated, quoted, relied upon, or referred to in connection with any matter other than the matters referred to herein, nor may copies be filed with any governmental agency or other person, without my prior written consent; provided however, that you may furnish copies of this opinion to the governor and legislature as contemplated by SB 464. The opinion is effective as of the date hereof.

Mr. Robert Stockwell
January 13, 1997
Page 3

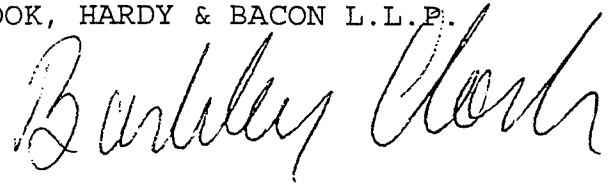
SHOOK, HARDY & BACON LLP

No expansion of my opinion may be made by implication or otherwise. I express no opinion other than as herein expressly set forth. I do not undertake to advise you of any matter within the scope of this letter that comes to my attention after the date of this letter and I disclaim any responsibility to advise you of any future changes in law or fact that may affect the above opinions.

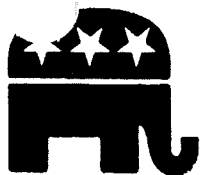
Very Truly Yours,

SHOOK, HARDY & BACON L.L.P.

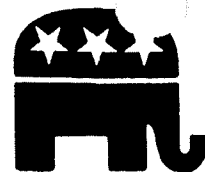
By

A handwritten signature in cursive script, appearing to read "Bartley Clark".

BC/rw



*Wyandotte County
Republican Party Central Committee*



Good Morning.

My name is John Altevogt. I am the Chairman of the Wyandotte County Republican Central Committee and I am here today representing the officers and Executive Committee of that organization.

While the Wyandotte County Republican Central Committee has not taken an official position on the issue of consolidation we strenuously oppose any bill which would deprive Wyandotte County citizens of the opportunity to determine, for themselves, the fate of consolidation.

This bill does four things.

- 1) Deprives the citizens of Wyandotte County of the ability to vote on the consolidation issue.
- 2) Insults the citizens of Wyandotte County who have devoted countless hours of good faith efforts to the process to come up with an acceptable consolidation proposal, and makes a mockery of the process itself.
- 3) Allows certain Democrat members of the Wyandotte County legislative delegation to deceive their constituents with regard to their actual position on allowing those constituents to vote on this issue. These legislators are, indeed, the only beneficiaries of this bill.
- 4) Transfers the responsibility for the previous three actions to the Republican majority.

I think most legislators would be amazed at how well informed the average citizen of Wyandotte County is on this issue. Obviously, on such a complex issue, people of good conscience will differ. But, those differences need to be resolved at the ballot boxes of Wyandotte County, not the back rooms of Topeka.

I thank you for your time, and include as a part of my testimony a far more succinct and eloquent analysis taken from the February 2, 1997 issue of the *Kansas City Kansan*.

Sincerely,

John D. Altevogt

P.O. Box 13303, Edwardsville, KS 66113

*John D. Altevogt, Chairman (422-1796) Eve Kemple, Vice-Chairman (788-7472)
Carolyn Beaton, Secretary (321-7912) JoAnn Hughes, Treasurer (432-5090)*

*House GO and E
Attachment 12
2.6.97*

FEBRUARY 6. 1997
REPRESENTATIVE KENT GLASSCOCK
STATEHOUSE CAPITOL. ROOM 521
TOPEKA. KS. 66612

RE: HOUSE CONCURRENT RESOLUTION NO. 5006

CHAIRMAN GLASSCOCK AND MEMBERS OF THE HOUSE GOVERNMENTAL ORGANIZATION
AND ELECTIONS COMMITTEE

NAME: LORIS VINCSON JONES

RESIDENCE: WYANDOTTE COUNTY

CAREER: RETIRED TEACHER-DISTRICT 500

PURPOSE: I RISE TO SPEAK ON THE BEHALF OF THE CITIZENRY OF WYANDOTTE
COUNTY REQUESTING THAT THEY BE ALLOWED TO EXERCISE THEIR DEMOCRATIC
RIGHT TO VOTE YES OR NO ON APRIL 1, INVOLVING THE ISSUE OF CONSOLIDATION.

I WAS PRIVILEGED TO GIVE IMPUT AND TO INTERACT WITH THE CONSOLIDATED
STUDY COMMISSION FOR OVER EIGHT MONTHS WHICH ENTAILED 3 to 6
HOURS PER MEETING.

EARLY ON, I ADDRESSED THE COMMISSION ON BEHALF OF THE REBECCA VINCSON
FEDERATED WOMEN'S DEMOCRATIC CLUB EXPRESSING A DIRE CONCERN AS TO HOW
REPRESENTATIVE, RESPONSIVE, AND ACCOUNTABLE SUCH A CONSOLIDATION PLAN
WOULD PROVIDE.

MY MAIN CONCERN HAD A HISTORICAL BACKGROUND DUE TO THE FACT THAT I
REMEMBERED HOW VERY DIFFICULT IT WAS TO ELECT AN AFRICAN AMERICAN TO A
POLICY MAKING POSITION DURING THE 1940'S. THIS FEAT WAS DONE FOR A
DEMOCRATIC CANDIDATE IN 1951 AT THE COUNTY LEVEL AFTER MANY YEARS OF TURN
REPUBLICAN AFRICAN AMERICANS INTO DEMOCRATS WHICH MY MOTHER, THE LATE
REBECCA VINCSON, DID ALMOST SINGLE HANDED TO PROVIDE A BLOC OF VOTES
IN THE NORTHEAST SECTION OF WYANDOTTE COUNTY SO AS TO SPONSOR AND
SUPPORT GOOD CANDIDATES THEREBY HOPEFULLY RESULTING IN GOOD GOVERNMENT.

YEARS WENT BY AND NOT UNTIL ANOTHER GROUP OF CITIZENS HEADED BY OUR
SUPERINTENDENT OF SCHOOLS DEVELOPED THE COUNCIL FORM OF GOVERNMENT
KNOWN AS CHARTER # 84 PASSED IN 1982 GAVE ANOTHER AFRICAN AMERICAN A CHAI
TO RUN AND WIN A POLICY MAKING POSITION AT THE CITY LEVEL.

MY APPREHENSIONS WERE ALLEVIATED WHEN SENATOR SHERMAN JONES AND
REPRESENTATIVE DAVID HALEY WERE GIVEN THE CHANCE TO REDRAW THE DISTRICT
BOUNDARY LINES SO AS TO INSURE TWO AFRICAN AMERICAN POSITIONS PROVIDING
THOSE CITIZENS AVAIL THEMSELVES OF THEIR RIGHT TO VOTE IN ORDER TO
CONTINUE AND TO EMBRACE AS WELL AS PROTECT THE STRUGGLES OF THEIR
EARLIER PIONEERS WHICH WAS TO MAKE WYANDOTTE COUNTY AND KANSAS CITY
KANSAS REPRESENTATIVE OF THE BLACK ELECTORATE ALONG WITH OTHER RACIAL
GROUPS.

THERE IS ALSO A POSSIBILITY AS TO THE WAY THE BOUNDARY LINES ARE DRAWN
THAT IT IS HIGHLY LIKELY WITH HARD WORK AND COALITIONS, ANOTHER AFRICAN
AMERICAN CAN BE ELECTED TO ONE OF THE AT LARGE POSITIONS.

House 60 and E
Attachment 13
2.6.97

THE CONSOLIDATION STUDY COMMISSION MET IN OPEN SESSIONS WITH INPUT FROM THE CITY, COUNTY, BPU, MAYORS, UNIONS. DATA PROCESSORS, SPECIALISTS LAWYERS. AND THE CITIZENS, CAREFULLY CRAFTED A PLAN THAT HAS THE POTENTIAL OF MEETING THE NEEDS OF THE COMMUNITY AND OVER A PERIOD OF TIME HOPEFULLY CAN REFLECT A REDUCTION IN TAXES WITHOUT THE LOSS OF QUALITY SERVICES.

ACCOUNTABILITY FOR THE PLAN PROVIDES FOR AN OVERSIGHT COMMITTEE AND AN OPPORTUNITY TO REJECT THE PLAN BY REFERENDUM WITHIN A SPECIFIC TIME.

MY CRITERIA I FELT HAD BEEN MET.

I SINCERELY ~~THANK~~ YOU FOR YOUR ATTENTION AND HOPE THAT YOU WILL ALLOW THE CITIZENS OF WYANDOTTE COUNTY TO VOTE ON APRIL 1. AS TO WHETHER THEY WANT TO MERGE THEIR CITY AND COUNTY GOVERNMENTS.

SINCERELY,



LORIS JONES

Eve Kemple, 5310 N. 99th St., Kansas City, KS 66109

Hello, my name is Eve Kemple and I am a resident of Kansas City, KS.

I stand before you to today, as a concerned citizen of Wyandotte County. Like many in my community, I've taken the time to learn about consolidation. Among other things, I was quite surprised to learn that consolidation of city and county governments is nothing new in this country. Virtually everywhere consolidation has been implemented, it has proven to be successful. When making a decision, one must give the highest consideration to what works. Consolidation works.

I'm not here today to spread the cancer of Wyandotte County politics to Topeka. I'm doing my best to work for a cure for that cancer. I'm not a member of any political machine. In fact, I'm a member of Wyandotte County's "politically incorrect" party. My point is that I don't believe consolidation is a party issue. I believe it is a progressive attempt by people who love their community, to keep it alive.

My understanding is that the argument against your supporting consolidation in Wyandotte County is that it would set a precedent. Excuse me? This is an argument against consolidation? Isn't there something in our Constitution about "consent of the governed?" Since when did American citizens lose their right to have input in their form of government. To the best of my understanding that's right up their with the pursuit of happiness and the other inalliable rights endowed by our Creator.

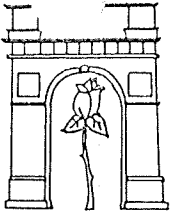
Wyandotte County is not asking to secede from the Union. (Though the Legislature might welcome such a bill.) All we're asking for is the right to participate in changing our form of government to a form that is more directly based on that of the federal government, to cut overhead, reduce the size and streamline our local government. I think Thomas Jefferson would be proud of us! And you should be too.

If we set a precedent of reducing the size of government and cutting government overhead, saving money for tax payers, shouldn't we be commended? What is wrong with effective government? There may be other communities who will be inspired to consider consolidation. If there are, I hope that they will be granted their inalliable right to vote on the issue.

In conclusion, I think it's important that you know that most of the countless people I've talked with about consolidation, support it. The few who don't, do agree that the citizens of Wyandotte County should have the right to vote on it.

I trust that after you have carefully considered all the information submitted to you today, you will not stand in the way of community that has applied good old American ingenuity and come with a solution to it's own problems and that you will let Wyandotte County vote on consolidation.

*House 60 and E
Attachment 14
2.6.97*



Rosedale Development Association

3408 Rainbow Boulevard, Kansas City, Kansas 66103
677-5097

February 5, 1997
Rep. Kent Glasscock
300 S.W. 10th Ave., Rm. 183 w
Topeka, KS. 66612-1504

Dear Representative Glasscock:

As many of you know Wy. Co. has one of the highest tax rates in the State of Kansas and lowest per capita income. As such we must seek ways to reduce our expenditures and make better use of our limited resources. If the State Legislature, by denying the citizens of Wy. Co. the right of vote on the issue of consolidation of **our** local governments, limits Wy. Co. businesses' and residents' ability to change an expensive and ineffective form of government (that we can no longer afford) they must be willing to accept more of the financial burden.

I propose that every city in the State allocate a % of their annual revenue to assist in funding the City of KCK and that every county in the State also allocate a % of their annual revenue to help fund Wy. Co. government. If you, as representatives of **the people**, feel threatened by allowing us the right to vote on the form of government we shall live under and support or feel we are incapable of making a wise decision and that you must **protect** us from ourselves then you must support the above proposal. We in Wy. Co. can not vote for most of you and yet you have the power to force an unfunded mandate on us as to how we govern ourselves at the municipal and county level. **HOW CAN YOU TAKE AWAY OUR RIGHT TO VOTE!**

If you feel the proposed plan is flawed then work to defeat it at the polls, or better yet, help improve the plan so that it will truly strengthen our urban community, reduce taxes and spur economic growth. If you are opposing our right to vote because of some personal feelings or friendships, please put them aside. To meet the serious challenges we are facing now and into the 21st century we need statesmen who will take the high road, empower local communities to solve their own problems and give them the tools they need to do so. We are the ones who must live with our decision, good or bad.

We wish to work with government, to share responsibility for the condition of our community and work to improve it. **PLEASE HELP US.** Do not deny us the tools we need to move forward. I am not here to lobby for or against Consolidation. All we are asking is for the right to vote, to participate in the democratic process of choosing the form of government that serves us.

Wendy Wilson
Director

House 60 and E
Attachment 15
2.6.97