

MINUTES OF THE SENATE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Senator Dwayne Umbarger at 1:30 p.m. on March 26, 2001 in Room 123-S of the Capitol.

All members were present except: Senator Hensley (excused)

Committee staff present: Avis Swartzman, Revisor of Statutes
Ben Barrett, Legislative Research Department
Carolyn Rampey, Legislative Research Department
Judy Steinlicht, Secretary

Conferees appearing before the committee: Laurie McCammon, Citizen
Bea Bacon, Citizen
Mike Winzenried, Citizen
Tom Trigg, Asst. Superintendent, Blue Valley School District
Richard Bein, Chairman, Blue Valley Recreation Commission

Others attending: See attached list

HB2408--Blue Valley recreation system

Laurie McCammon offered testimony in support of **HB2408** representing the Blue Valley Community Coalition representing over 900 taxpayers desiring passage of **HB2408**. (Attachment 1) Laurie also gave the Committee a petition signed by approximately 883 residents of Johnson County who support the bill.

Bea Bacon offered testimony in support of **HB2408**. (Attachment 2) Bea's testimony addressed the budget and debt of the recreation center and the fact the people have no voice in how, or how much of their money will be spent.

Mike Winzenried offered testimony in support of **HB2408**. (Attachment 3)

Tim Trigg, Assistant Superintendent for the Blue Valley School District, testified in opposition to **HB2408**. (Attachment 4)

Richard N. Bien, Chairman, Blue Valley Recreation Commission, gave testimony in opposition to **HB2408**. (Attachment 5)

Written testimony was received in support of **HB2408** from Doris L. Riley (Attachment 6), Gary Brockus (Attachment 7) and Nancy Hanahan. (Attachment 8) Nancy's testimony was intended to be oral, but time did not permit.

Chairman Umbarger adjourned the meeting at 2:10 p.m.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE - 3/26

<u>NAME</u>	<u>REPRESENTING</u>
Bruce Dimmitt	Independent
Diane Gjerstad	Wichita Public Schools
Melva Rapp	Blue Valley Community Club
Bea Bacon	BVCC + Self
Tom Triag	USD #229
Rick Bie	BVCC Chair
Jacque Dukes	SELF
Bill Brady	Schools for Fair Funding
Denise Ault	USA - KCR -
Craig Grant	HNEA
Stacey Farmer	KASB
Elaine Frisbie	DOB
Pat Lehman	KRPA
LAURA CELLY	KRPA
DAVID BYRD	Blue Valley Recreation
DIMITRI SISCOS	SELF
CLIFF MARINE	SELF BV-CC
LUCIE McCAMMON	Self + BV-CC

Testimony before the
Kansas Senate
Committee on Education
Monday March 26, 2001
In SUPPORT of HB 2408

The Honorable Mr. Chairman and Members of the Committee:

My name is Laurie McCammon and I live at 12501 W. 155th Street in Overland Park, Kansas. I am a resident of the Blue Valley School District and am here today to testify in support of HB 2408. I am asking you to give my community the same safeguards you have provided for every other citizen in the state regarding voter input and oversight of recreation commissions. I am speaking for the Blue Valley Community Coalition representing over 900 taxpayers desiring passage of HB 2408.

I want to be clear this is an oversight issue not a dissolution issue. There appears to have been an attempt to change the focus and thereby cloud the legislation by those in favor of denying Blue Valley patrons the right to decide for themselves and vote.¹ I understand the possible motives of the opposition; having a vested interest as an employee wanting to keep his job, a school board who appoints the commissioners and would inherit the debt if the BVRC were dissolved, the school district who receives facility rental benefit from the BVRC, and those private clubs such as soccer, football, wrestling and cheerleading which receive money from the Blue Valley taxpayer through the BVRC.

When the legislature unified the recreation commission statutes in 1987 they provided the same opportunities and oversight for all. We applaud that effort.

At the 1994 legislative hearing on HB 2625 which gave the BVRC the special powers that are in question today, Laura Kelly testified the Kansas Recreation and Park Association was opposed to the bill on the grounds it negated the uniformity of the statutes governing recreation commissions. It would lead to difficulty interpreting the statutes; as it had been prior to 1987 before the statutes were recodified.²

It appears Ms. Kelly was right.

Rep. Nancy Brown gave testimony that recreation commissions are allowed to lease but not purchase property. She stated,

"The Blue Valley Recreation Commission is currently leasing a sports facility on a 20 year annual lease arrangement, which has resulted in a long term commitment of millions of dollars. Discussions were recently held to 'lease-purchase' (which cannot be done under current law) additional facilities. Not only will the mill levy increase, but 'debt' through leasing. This approach is ultimately costing the taxpayers a significant amount of money which is not shown as debt."²

Later in the same testimony Rep. Brown stated, "Further the clause to abolish the commission was deleted since the recreation commission not only will provide programs, but facilities as well."³

What she did not say was the **taxpayers were sacrificed to the benefit of investors.**

These issues are at the heart of the matter:

- 1.) In 1986 when the **recreation commission was created by a mere 61 votes** it included the statute allowing voters to petition to dissolve. I have spoken to people who lived in Blue Valley at that time and the provision to dissolve the recreation commission affected their decision. **They knew they had a remedy to avoid duplicate services and taxes from annexation. They had oversight.**³

Senate Education
3-26-01
Attachment 1

- 2.) In 1994 without allowing input from the Blue Valley school district voters; the school board, Blue Valley Recreation Commission and Rep. Brown took it upon themselves to change the structure of the legislation and remove the people's rights. The Blue Valley taxpayer became disenfranchised. ⁴

Today the residents within the BVRC boundaries are inundated with marketing materials, catalogues, and newsletters advertising the need for fields. These publications threaten that your child will not be able to play if you don't support building these fields. These mailings are paid by tax dollars.⁵

In 1994 there was dead silence as a small self-interested group disenfranchised the Blue Valley school district voter. Although it may be statutorily possible, and I am not sure that it is, under what authority did Representative Brown take away this right? She was an elected representative perhaps acting to protect forever the entity she had created. Read the legislative committee hearing minutes from that time. A BVRC commissioner accused Rep. Brown of a personal vendetta. The commissioner felt the vendetta was driving the legislation. ⁶ I am sure Representative Brown acted with the best intentions but six years later we are living with the results. **This experiment in its present form has failed.**

- 3.) **The 1994 legislation protected the investor** as the elimination of dissolution took away the investment risk. Why-who are these investors?

The legislation protected the school board as they receive the debt if the BVRC were to be dissolved. Does this not create a conflict of interest, as they are the same body that approves the purchases creating the debt? The same body that doesn't want the debt also appoints the commissioners and approves the BVRC budget.

Let me be perfectly clear, the school board who doesn't want the debt has a vested interest in keeping the BVRC funded. Yet the school board is the only mechanism the taxpayers have for redress and the board has a conflict on the issue.

In 1996 voters tried to exercise oversight by reducing the mill levy. The petition putting the reduction to a vote met statutory requirements, and was certified by Johnson County as having the requisite number of signatures. Between the time the petition was circulated and certified, the BVRC lowered their mill levy. A successful election to reduce the mill levy would have put the BVRC in a deficit position. The district attorney requested an Attorney General's opinion and was told it was up to the school district counsel to decide whether the petition was misleading. The school board advised by their counsel denied the petition and election.⁷

In order to have factual information I have researched the BVRC history. I requested copies of BVRC meeting minutes from 1986 to date.

My research slowed a bit when it cost \$183.00 for those minutes and \$66.00 for copies of deed information from the county. Although outrageously costly, there in black and white is the major reason for the problems we face today. The intertwined relationships between special interests approving and receiving financial reward have corrupted the decision making process.

- In 1987 the same person held positions on the school board and Blue Valley recreation commission at the same time.
- In 1989 the husband of a BVRC commissioner was president of the Blue Valley Junior Athletic Association baseball club. The baseball club received funds from the BVRC. A private club receiving tax dollars while a family member sat on the approving body.

- In 1991 a representative of the Blue Valley Soccer Club, which is private, requested and received funds from the BVRC. Those monies were to reimburse BVJAA clubs for funds committed to retire bonds for Heritage Park-a "County Park". So BVRC allocated taxpayer money to a private organization to pay off a county park. The school board has no authority over the private club or the county. Is this legal?

In June of 1991 the same individual was contracted to perform the 1990-91 annual audit. The audit was paid for out of BVRC general funds.

In 1994 He was appointed to the BVRC as a commissioner.

- In 1990 the BVRC entered into a lease-purchase agreement with the husband and wife owners of Miller Woods. (How did the BVRC enter a lease-purchase agreement with a 20-year life when the law only allowed recreation commissions to lease property, not purchase, with a 10-year maximum lease term? I refer you back to Rep. Brown's testimony in 1994.)

One of the same owners of the Miller's Woods property became a paid accountant employed by the commission.

- In January 1994 the BVRC was paying an employee to provide services as treasurer for the BVJAA (private club). A tax supported government entity paying for services to a private club of which the school board has no oversight authority.
- At the May 18th 1994 meeting the commission agreed to pay \$1877.00 in legal expenses for one of the commissioners. Reportedly in regard to a conflict of interest question.

The BVRC commissioner in question sat on the commission at the same time her husband was on the school board.

- At the February 1998 meeting, the BVRC waived the out of district fees for children and youth living out of the Blue Valley District but attending private schools. Why are tax dollars being used to pay for out of district children's recreation? **Doesn't this add to the numbers and desire for fields at a cost to the Blue Valley taxpayer while the out of district parent gets a free ride.**
- In 1995 the BVRC violated the public use doctrine and received a letter from the District Attorney of Johnson Co., Paul Morrison. The BVRC had been lobbying on its own behalf using tax dollars to gain approval of a bond issue through incentives to a paid consultant. ⁸

(The above bulleted items are sourced in the resource documents under the number # 8.)

Another example of how granting special privilege to BVRC has failed and created conflicts of interest of those involved is cited below:

This past July a group of concerned citizens met with Senator John Vratil to discuss BVRC issues and possible legislative remedies. One significant issue was the agreement proposed in the 2000-2001 budget for a joint agreement with the city of Overland Park to make improvements and add lights to four ball fields at Community Park. The Blue Valley Recreation Commission wanted to create a designated unreserved fund balance of \$800,000.00 in their general budget.⁹ Blue Valley school district taxpayers would be assessed an unfair higher percentage of the project costs than other Overland Park residents. The community group was not in favor of the proposed agreement and questioned the legality of taxing one population of the same city more than another for the project. The city rents the baseball field for \$35.00 per day. There are four fields. BVRC is to get use of the fields half the time during the season. With a seven month season at half the time the annual rent would be \$14,700.00 per year. The total 10-year lease cost should be \$147,000.00. Why are Blue Valley taxpayers paying \$500,000.00?

The community group asked a related question regarding creation of a capital fund that is undesignated (1) within the general fund and (2) creating a capital fund without voter approval. Is this legal within Kansas's statutes? Senator Vratil replied it was not and there was a Kansas statute that applied. He did not have the statute number with him, would get a copy, and forward it to us. We thanked him and stated we planned to present this at the August school board meeting to question the approval of the BVRC budget.

On the morning of the school board meeting we had not received the statute and I called Mr. Vratil at his law office. He faxed the statute to me.¹⁰ That evening I questioned the legality of creating the fund in the BVRC proposed budget before the Blue Valley Board of Education. They requested an opinion from Mr. Vratil, who was now school board attorney. I expected Mr. Vratil to say the same thing he had told our citizen group earlier. We had not heard from him so expected no changes. He said something to the effect the statute did not apply. He had discussed the issue with Mr. Steve Adams, BVRC attorney and would defer to Mr. Adams. Mr. Vratil, Mr. Adams and the school board discussed the statute.

The resolution of the question was stated in the August 14th, 2000 board briefs:

"The board then approved adoption of the BVRC budget as published by a vote of 7-0. The board then voted 6-1 to instruct legal counsel to obtain either an attorney general's opinion or a declaratory judgment and send notice to the Blue Valley Recreation Commission that it is not the board's intention to approve any land purchases or leases of land until receipt of a response from the attorney general or a declaratory judgement."¹¹

The school board published in their August 14, board briefs they were going to notify the BVRC of the school board's intent to not approve real property purchases or leases until the Attorney General's opinion or declaratory judgment had been received. In September Mr. Vratil requested the Attorney General's opinion.¹²

On January 11, 2001 the Attorney General's office did issue an opinion that the BVRC could not use a fund other than its capital improvement fund to purchase real property or for other projects listed in statute 12-1935. Creation of that fund required voter approval.¹³

I called Overland Park to check the status of the project since the BVRC could not use the monies and was shocked to find the proposed agreement came before the school board and was approved in November of 2000. ¹⁴

I spoke with Mr. Dave Byrd, director of the BVRC who confirmed the signed agreement, approval, and release of funds for the project. This was the same fund the attorney general had just rendered an unfavorable opinion on. He said Mr. Vratil and the school board had approved the lease.

I spoke with Superintendent of the schools Dr. David Benson and he stated school counsel, Mr. Vratil had determined the transaction was a lease. (Remember the board brief stated even leases would not be approved until the Attorney General Opinion was received. The opinion was received in January 2001.) I asked for a copy of Mr. Vratil's opinion. I was told it was verbal and there was no written record.

Setting aside the conflicts within the previous transaction. The Attorney General's opinion created problems for the commission, as they had not gone to the public for approval of real property since the 1995 defeat they suffered at 72%-28%. In fact no completed BVRC lease or purchase has ever been before the public for a vote. ¹⁵

The attorney general's opinion renders those purchases illegal. The question is do we just change the interpretation of the law to benefit the special interests or do we honor the unbiased correct opinion by the Attorney General of the State of Kansas? If we are not going to abide by the law, why have it?

- The record of the 1994 HB 2625 hearing testimony on behalf of the BVRC states specifically that approval of voters is required prior to purchase of property. That statement was made by a BVRC representative.
- In the March 16, 1994 BVRC meeting minutes Dave Byrd Director responded to a question by Commissioner Nohe about being able to purchase real property,

"... the voters have to approve it, and if they do, BVRC can levy annually up to a mill for capital improvements, acquisition and development. The mill is not for operating expenses." This was in reference to K.S.A. 12-1935. ¹⁶

The commission knew at one time they had to come to the voters. They did, were badly defeated and never came back. Instead they went on a spending spree using Certificates of Participation. COP's are more costly and left the taxpayers with millions of dollars of debt we have been paying against for over 10 years and will pay for at least 10 more.

(I requested the amount the certificate of participations have cost the taxpayers and received a response from Dawn Grosdidier that due to spring registrations she was not able to get the information to me in the three-day time frame so I cannot give you total or current costs. I do know in May of 2000 the debt was over \$11,284,243.20.)

I know your time is valuable and I apologize for the length of this testimony. This is a very complex issue. **I hope the message you receive is not about the people but the process.** If our goal is truly to serve our community we need to be able to look at the flaws in this process. We have an opportunity now to correct the mistake of taking away a taxpayer's right to public oversight. There has been much discussion of a level playing field. That is all we are asking for. I was always told, "Do unto others as you would have them do unto you." I can't imagine anyone wanting to trade places with me and pay recreation taxes to three entities, have no mill cap, no vote on approval of projects funded by my tax dollars and the debt they accumulate. Add to the equation an energetic recreation commission wanting to build swimming complexes, performing arts theatres, sports complexes and a gymnasium with an indoor running track. Our property valuations are going up 10-15% per year. **Please support restoration of the petition for dissolution as an oversight mechanism guaranteed to everyone in Kansas except Blue Valley. The recreation commission has creatively wound its way through and around the statutes to avoid the public oversight. The question is why are they opposing the legislation and the voice of the people they serve? Who would want to deny the people a voice?**

Sincerely,
Laurie McCammon

Blue Valley Kids Need Champions!

We're honored to serve you and your family. Most of all, we love seeing a child's eyes light up when he or she masters a new skill. Yet recent articles and letters published in local newspapers have given voice to a small group of activists who would have the Blue Valley Recreation Commission abolished.

Be a champion for Blue Valley kids by speaking out. As it stands, we'll reach the capacity of current fields by 2002.

However it's easiest for you to advocate - from letter writing to informal conversations with neighbors - we'll be happy to equip you with the facts. For information on how to help, please call or e-mail:

Jennifer Hughes
Community Information Coordinator
913-685-6004 or
jhughes@bluevalleyrec.org



6545 West 151st Street, Overland Park, KS 66223
Ph 913/685-6000 Fax 913/685-6060

Gary Brockus, Chairman of the Blue Valley Recreation Commission, testified in support of the substitute bill (see Attachment 3).

Matt Grogger, President of the Blue Valley Board of Education, testified in support of the substitute bill (see Attachment 4). He stated the additional mill levy (which in Blue Valley equals about \$600,000) permitted in the bill will be used primarily for land acquisition for baseball and soccer fields. Presently the Recreation Commission budget is only certified by the Board of Education. The Recreation Commission's operating budget is \$3.1 million (\$1.5 from user fees). Mr. Grogger stated the reason for change stems from the public's call for assurance of accountability by elected and appointed officials.

* Laura Kelly, of the Kansas Recreation and Park Association, objected to the special legislation created by the substitute bill (see Attachment 5). Ms. Kelly stated that the association is not opposed to special legislation for Blue Valley but has concerns about the bill establishing a precedent that may be chosen by other recreation commissions and ultimately cause piecemeal special legislation for other areas. Representative Mays suggested that perhaps a threshold dollar level, or similar requirement, would satisfy the association's objection. Representative Brown stated that the Blue Valley Recreation Commission area is identical to the school district's area and it includes three cities and three townships, thereby making it unique.

There being no others present to testify on the bill, the hearing on Substitute for HB 2625 was closed.

Chairman Brown opened the hearing on HB 2807 (cities, major trafficways, financing). Representative David Adkins testified in support of the bill and stated the city of Leawood is involved in litigation that will be impacted by this proposal. He stated this merely clarifies existing law (see Attachment 6). Representative Adkins encouraged passage of the bill to allow the city greater flexibility in improving infrastructure and assessing costs to those the improvements would benefit.

Chris McKenzie, of the League of Kansas Municipalities, testified in support of the bill, stating it is fundamental that elected officials be given authority to respond to the needs of the electorate (see Attachment 7).

Mr. John Eisele, representing the J. C. Nichols Company, testified in opposition to HB 2807 and stated that the lawsuit filed today (Homebuilders vs. Overland Park) will decide the intent of current law (see Attachment 8). Mr. Eisele recommended a study and recodification of the laws for financing roadways.

Tom Busch, representing the Homebuilders Association of Kansas City, testified in opposition to the bill (see Attachment 9). The Chairman stated that the bill will not be acted on due to the litigation and because a similar bill (SB 777) is being considered.

There being no others present to testify on the bill, the hearing on HB 2807 was closed.

Chairman Brown opened the hearing on HB 2812 (distribution of lease moneys from flood control project lands; Atchison and Doniphan counties). Representative Jerry Henry, sponsor of the bill, testified in support of the bill. Martin Asher, Secretary-Counsel of Drainage District 1545, described the district's needs to meet federal requirements and how the proposal would allow the drainage district to receive part of the federal funds allocated to the township to meet the federal directives. The funds are intended for the maintenance of roadways; but there are no roadways in this district (see Attachment 10).

There being no others present to testify on the bill, the hearing on HB 2812 was closed.

The Chairman opened the hearing on HB 3018 (local government computer technology and data management

ICY BROWN
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TOPEKA
HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
LOCAL GOVERNMENT CHAIRMAN
TAXATION
COMMUNITY DEVELOPMENT BLOCK GRANT
ADVISORY BOARD
EMERGENCY MEDICAL SERVICES BOARD
KCSL STATE-LOCAL TRIBAL RELATIONS
CHAIRMAN
KCSL THE WOMEN'S NETWORK BOARD

4

February 21, 1994

To: Johnson County Delegation

From: Nancy Brown

Re: Blue Valley Recreation Commission - HB 2625

* This past Friday afternoon I met with Dr. David Benson, Blue Valley School Superintendent, Matt Grogger, School Board President, Pat Cocherl, School Board Member and former Recreation Commission member, John Vratil, School District Attorney, Steve Adams, Blue Valley Recreation Commission Attorney, Gary Brockus, BVRC President, and David Byrd, BVRC Executive Director. The meeting was very productive and resulted in a consensus regarding proposed legislation and a substitute bill. A hearing will be held on Tuesday with both the school district and recreation commission members present in support of the substitute bill.

Enclosed is some information regarding the 1987 law for background information; the law was amended slightly since that time. The amendments in the substitute bill will include:

- A) Increasing the appointed membership from five to seven. The purpose is to share the workload, include more community members, allow more input and be able to arrange for committee meetings which cannot be done with current open meetings concerns. Members would serve at the pleasure of the school board.
- B) Increase the authority and control of the school board, as the elected body, by enabling them to approve, disapprove or modify the budget (currently they only certify). The Recreation Commission's current budget is over 3 million dollars and they are at 2.8 mills of the 4.0 they can levy. With the annual increase in assessed valuation and the potential to increase to four mills, five appointed officials would be responsible for a more than a half a billion dollars. No one appeared to want another separate taxing district with elected officials (including me), yet it is not responsible government to have appointed officials with little oversight spending that much money.

(5)

BLUE VALLEY RECREATION

6545 West 151st Street, Overland Park, KS 66223 Ph: 913/685-6000 Fax: 913/685-6060

April 26, 2000

Dear Parents,


We have scheduled a meeting to provide you with important information regarding the future of our girls softball and boys baseball programs.

Tuesday, May 2, 2000
at 7:00 p.m. in the commons of Overland Trail Middle School.
6201 W. 133rd Street, Overland Park
The middle school is one block North of 135th Street, at Lamar.

Continued growth in participation, which in the last two years has exceeded our projections, will force some program and scheduling changes in the near future. These changes will affect your children if they wish to continue participating in our team sports programs.

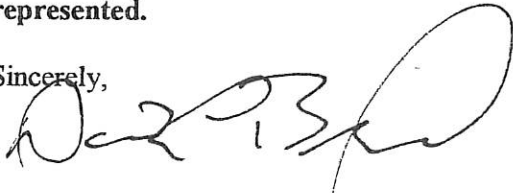
Projections show that our game and practice fields will reach maximum capacity as early as the 2002 season. Though we have identified a possible site and are in the early stages of approval, it is possible, though unlikely, that fields would be ready for play in the 2002 season. If we are not successful in obtaining this site, we may not have additional fields before 2003 or 2004.

It has always been our practice to provide for all the Blue Valley boys and girls who wish to play. Barring additional fields in the very near future, we will be faced with limiting participation in the program or significant changes in the size of teams and the game and practice schedule. It is not an exaggeration to say that the program may not have room for your young athletes in two seasons.

 To be fair to all residents, participation on a previous year's team would not assure participation the year(s) following.

We need your input and assistance in continuing to meet the team sports demand in our community. We all know how important these and other recreational experiences are to our young people. Please plan to attend this important meeting. We need every team represented.

Sincerely,



David L. Byrd
Director, Blue Valley Recreation

BLUE VALLEY SOCCER CLUB

12221 Carter ☉ Overland Park, Kansas 66213 ☉ Business Line 685-2872

⑤
A PRIVATE CLUB
PART OF THE BURC.

April 25, 2000

Are you tired of playing on soccer fields with no grass, on fields that flood when it rains, and on fields where there are no bathroom facilities? We are, and we're trying to do something about it.

The Blue Valley Soccer Club is an independent, not-for-profit, organization that promotes and organizes soccer for almost 5,000 children who live in Blue Valley. Over the past five years, we've been trying to get the City of Overland Park, the City of Leawood, Johnson County, and the Blue Valley Recreation Commission to work with us to build soccer fields in Blue Valley that our teams could use. **The Blue Valley Recreation Commission is listening because it has included plans for 7 soccer fields that our teams could use at the Park it has proposed to build at 151st and Quivira.**

The Blue Valley School District Board of Education and the City of Overland Park Commissioners are only hearing from the 350, or so, neighbors who live near the proposed Park that are dead set against it.

We need the 10,000 soccer parents to get behind us to support this Park. What can you do?

- **Come to an open house meeting next Tuesday, May 2nd from 7:00 to 9:00 pm at Overland Trail Middle School, which is located at 6201 W. 133rd Street. This meeting is being cosponsored by the Blue Valley Recreation Commission and the Blue Valley Soccer Club. At the meeting we will have more information about the Park and the approval process we're working through with the School Board and the City. We will also be able to answer your questions.**
- Sign a petition supporting the Park, which we will be distributing soon.
- Call your School Board or OP Commissioner, and tell them you support the Park.
- Write a letter to the editor of the KC Star or the OP Sun.
- Attend the next two School Board meetings, which are scheduled for May 8th and June 12th, and let the members of the Board know you support the Park.

Thanks for your help.

Blue Valley Parents

We do not want to miss any opportunity to inform our patrons of the mill levy election which will occur next May. This will be a mail-in ballot.

As you may know, we are facing critical shortages in youth sports fields and facilities and must gain voter approval to move toward solutions. On the short list for voter approval is a public use gymnasium with walking track that would enable us to better serve the boys and girls of the district who are interested in indoor team sports such as basketball and volleyball.

In addition to these sports, the building would host a variety of other recreational activities such as walking and jogging, dances and other supervised teen social gatherings, as well as a host of other activities. *Though the schools have gymnasiums, public use is very limited due to growing student populations.*

We will provide much more information as the time draws nearer. If you have specific questions or would like to help your community obtain such a facility, please call us at 685-6000.

Have a safe and fun season!





Attention Blue Valley Parents

We do not want to miss any opportunity to inform our patrons of the mill levy election, which will occur next spring or early summer. This election will be a mail-in ballot.

As you may know, we are facing critical shortages in youth athletic fields and facilities and must gain voter approval to move toward solutions.

If you're among Blue Valley residents who have concerns about...

- Swimming pools that, due to their competitive design, are too deep and too cold for youth learning to swim or senior adult exercise classes
- The need for a safe, climate-controlled indoor walking track
- Limited class availability, resulting in lengthy waiting lists
- Not having public access to gymnasiums for much needed after school and evening use for families' and teens

... We Need to Know.

We will provide more information as election time draws nearer. If you have specific questions, please call us at 685-6000. To help your community obtain such a facility, please contact the "Friends of Blue Valley Youth" committee. Call Robin Krieger, committee treasurer, at 339-9965.

BV
Ad
pat

Mail Call!

Dear Blue Valley Recreation and BV Community,

Thank you so much for all of the time and effort that went into collecting the wish list items for the Ronald McDonald House ("RMH"). Your Pumpkin Patch event must have been a success by the looks of all of the donations we received! The families that stay at the house are grateful to return from a stressful day at the hospital and to have food waiting for them at the house! We appreciate your continued support of RMH throughout the years. It is groups like yours that help make RMH a home-away-from-home for so many families each year. Thank you again.



Sincerely,

Krystal Pierce
Kansas City Ronald McDonald House

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Approved: March 15, 1994
Date

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Mark Parkinson at 9:00 a.m. on March 14, 1994, in Room 531-N of the Capitol.

All members were present except:

Committee staff present: Michael Heim, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Shirley Higgins, Committee Secretary

Conferees appearing before the committee:

Representative Jerry Henry
Representative Nancy Brown
LuAnn Pearson, Blue Valley Recreation Commissioner
Ray L. Jones, Mayor of Oxford, Kansas
Doug Tuebner, First National Bank of Winfield

Others attending: See attached list

HB 2812-Concerning municipalities; relating to the distribution of flood control lease moneys.

Ms. Kiernan explained that the bill as introduced amended the statute that provides for lease payments on flood districts from the federal government.

Representative Jerry Henry testified in support of the bill. (See Attachment 1) Rep. Henry said the bill was originally intended to apply to Atchison and Doniphan Counties only, but it was amended on the House floor to apply statewide. The problem arose in Atchison County where, due to the lack of statutory authority, none of the proceeds from lease payments by the federal government could be given to drainage districts even though the county and the federal government wanted to give the money to the townships. The bill passed in the House on a vote of 125-0.

3-14-94

Sen. Langworthy made a motion to report HB 2812 favorable for passage, Sen. Ramirez seconded, and the motion carried.

Substitute for HB 2625-Concerning recreation commissions; relating to the powers and duties thereof.

Representative Nancy Brown testified in support of the bill which she noted deals with special provisions for the Blue Valley Recreation Commission established by the Blue Valley Unified School District. (See Attachment 2) She also submitted written testimony in support which was presented to the House Local Government Committee. (See Attachments 3 and 4) Rep. Brown distributed copies of the results of a survey done during the interim on recreation commissions. (See Attachment 5) She informed the committee that other recreation commissions prefer not to have it. She called attention to the fact that the survey shows that the Blue Valley Recreation Commission has the highest budget.

The Chairman asked for reasons for the amendments. Rep. Brown said it is due to the large size of the budget for Blue Valley which makes it advisable for the Commission to be responsible to the school board which has elected members. She feels it is important that the school board be able to approve and modify the recreation commission's budget which currently the board cannot do.

LuAnn Pearson, Blue Valley Recreation Commissioner, followed with testimony in opposition to Sub. for HB 2625. (See Attachment 6) Ms. Pearson said the school board has more control of the recreation commission's budget than indicated by Rep. Brown, and the Blue Valley Recreation Commission is very

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Use this space to indicate the individual affidavits received herein have not been transmitted to the appropriate authority. Individual affidavits of recording herein have not been so certified to the individuals appearing on the certificate of filing or recording.

25x10

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT, Room 531-N Statehouse, at 9:00 a.m. on March 14, 1994.

accountable to the school board at present. Ms. Pearson stated that she feels the bill is a result of a personal vendetta Rep. Brown has against her and is primarily to remove her from the commission.

The Chairman asked Ms. Pearson for specific faults with the bill. Ms. Pearson said that Blue Valley is singled out in the bill because it would not be passed if made to apply statewide. She also feels that the provision that an all new commission may be appointed would be disruptive in carrying on business because of the lack of experience on the part of new members. Furthermore, currently four members of the commission are appointed by the school board and one by the commission, but the bill would change that to all members of the commission being appointed by the school board which she feels is directed to her to allow her removal. She stated that she feels the Legislature is the wrong arena for this conflict. Another point she opposes is the line by line veto authority given to the school board which gives the commission no autonomy at all. In her opinion, the commission is very accountable at present. As to the removal without cause language in the bill, Ms. Pearson stressed that this may be unconstitutional. Ms. Pearson concluded that while she sees some benefits in the bill, she sees it as basically a vendetta directed against her.

Sen. Ranson commented that giving the school board more authority with the budget makes sense because they are elected and accountable to the public.

Sen. Tillotson asked if there are other places in the statutes dealing with the removal of a person from an appointed commission. Ms. Kiernan said serving on a recreation commission would be basically the same as serving at the pleasure of the Governor which allows for removal without cause. With the old language, a recreation commissioner could not be removed without cause.

Rep. Brown stood to deny that the bill involves a personal vendetta against Ms. Pearson. She said the intent of the bill is to get responsibility to elected officials which in this case is the school board. With this, the hearing on Sub. for HB 2625 was concluded.

HB 2698--Concerning the City of Oxford; relating to certain abandoned property.

The Chairman explained that the bill regards royalty payments to the City of Oxford received from Conoco Oil Company since 1924. Due to the long period of time, there are no claims to this money. The bill would allow the City of Oxford to declare the funds held by the First National Bank of Winfield as abandoned. The money would be transferred to the city.

Mayor Ray L. Jones, Oxford, testified in support of the bill. Mayor Jones said that during the late 1920s many oil wells were drilled around Oxford involving about 400 property owners. The oil royalties have been so small that it is impractical to distribute them. As of January 14, 1994, there was \$47,610.00 held by the First National Bank of Winfield. This amount would not cover the expense of determining who the owners are. Conoco still makes payments of \$600 to \$700 every six months. The royalties were meant to be of benefit to the City of Oxford, and the bill would allow this.

Doug Teubner, First National Bank of Winfield, testified in support of the bill. He said the last actual disbursement on this account occurred in 1957 because it does not make sense to disperse 900 checks for \$.60 each. This account has not fallen into the category of an inactive account, which would be transferred to the state, because the bank has received funds on it. Upon the transfer of the money to the city, the bank will be immune from liability. An abandonment notice will be published to allow any heirs to make a claim. He added that royalty payments will stop in approximately six or seven years and then the money would become the property of the State of Kansas if the bill is not passed. Finding heirs would be very difficult. Mr. Teubner concluded that this is an unique situation in that it is a trust with a city and was designed for the benefit of the City of Oxford. There being no further time, the hearing on HB 2698 was concluded.

The meeting was adjourned at 10:03 a.m.

The next meeting is scheduled for March 15, 1994.



7

State of Kansas
Office of the Attorney General

301 S.W. 10TH AVENUE, TOPEKA 66612-1597

CARLA J. STOVALL
ATTORNEY GENERAL

September 18, 1996

MAIN PHONE: (913) 296-2215
FAX: 296-6296
TTY: 291-3767

ATTORNEY GENERAL OPINION NO. 96- 78

Don Jarrett, Chief Counsel
Johnson County Legal Department
111 S. Cherry, Suite 3200
Olathe, Kansas 66061-3441

Re: Elections--Sufficiency of Petitions--Application to Both State and Local Elections; Determination of Sufficiency of Petitions; Question to Be Submitted Filed With County or District Attorney Prior to Circulation; Determination of Legality of Form; Authority of County or District Attorney

Synopsis: The review of a petition by the county or district attorney conducted prior to circulation of the petition should be directed toward the form, rather than the content, of the question the petitioners seek to bring to an election. The opinion of the county or district attorney required under K.S.A. 25-3601 should address whether the question petitioners seek to bring to an election is in the form of a question, appears as it should upon the ballot, and includes the language set forth in K.S.A. 25-620. A rebuttable presumption as to these aspects of the question will attach upon approval of the question by the county or district attorney. The entity to which the petition is directed retains the authority to determine whether the question set forth in the petition is misleading or ambiguous. Cited herein: K.S.A. 10-101; 10-120; K.S.A. 1995 Supp. 12-1927; K.S.A. 25-620; 25-3601; 25-3602; L. 1992, ch. 194, §§ 2, 3; L. 1976, ch. 190, § 1.

* * *

Dear Mr. Jarrett:

As chief counsel for Johnson county, you request our opinion regarding the extent of the authority conferred upon the county or district attorney to determine the sufficiency of a

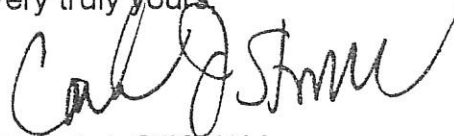
Don Jarrett
Page 6

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~~*~~

ambiguous. Given this determination, we defer to the legal counsel for the unified school district regarding whether the question set forth in the submitted petition is misleading, improper, vague, or ambiguous.

Very truly yours,



CARLA J. STOVALL
Attorney General of Kansas



Richard D. Smith
Assistant Attorney General

CJS:JLM:RDS:jm

86

1st amendment being that the Commission is allowed to use ^(OK) property listed on exhibit C of the licence agreement.

2nd amendment being that the license agreement begins on ~~March~~ ^{FEB} 1, 1989.

3rd amendment being that we are able to notify the YMCA of licence agreement renewal by ~~September 15~~ ^{Aug 1} of the year preceding rather July 15. ^{Aug 1}

4th amendment being that the Recreation Commission will have the option to terminate said licence agreement if there are special ^(OK) taxes or assessments assigned to said Sports Complex.

5th amendment being that the replacement value for insured items ^(OK) would be mutually determined by the owner and the licensee.

An additional consideration (but not part of the motion) is that ^(OK) the Commission make best efforts to reduce the annual payments by \$5,000.00 per year.

Bill Adams seconded. Motion carried 5-0.

AS BOUND TO
BY REC
COMMISSIONER
SHERRI LAUGHLIN

Dave Laughlin, BVJAA Baseball Club President, informed the Commission of the Club's concerns regarding improvements to the YMCA complex. Laughlin also requested that the Recreation Commission retire the remainder of the loan incurred by the BVJAA Baseball Club when the club replaced the athletic field lights on Stanley #1 and Stilwell #1. No action was taken.

Carol Vasko, BVJAA Softball Club President, informed the Commission of the Club's concerns over Summer maintenance fees and the possibility of conducting a summer tournament. No action was taken.

Patrick Cocherl moved that the Commission recess into executive session to discuss personal matters for the reason that such matters are confidential in nature and that we reconvene at 6:15pm. Bill Adams seconded. Motion carried 5-0.

The Commission discussed the revisions to the proposed Blue Valley Community Center plan. No action was taken.

(Patrick Cocherl and Ron Benjamin departed).

Sherri Laughlin moved to approve check disbursements for September through December 1988. Bill Adams seconded. Motion carried 3-0.

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Tim Wolken announced that the Commission's offices will be moved to the Old Stanley Elementary School's principals office on Monday, March 20. Wolken publicly thanked Patrick Cocherl, Mike Sampson, Gary Gordon and John Gilfillan for their help in locating new office space for the Commission.

Bill Adams moved to appoint the law firm of Bennett, Lytle, Wetzler, Winn, Martin and Wolfe as counsel for the Blue Valley Recreation Commission. Patrick Cocherl seconded. Motioned carried 5-0.

Bill Adams moved to appoint the Corporate Communications Group as public relations counsel for the Blue Valley Recreation Commission. Ron Benjamin seconded. Motion carried 5-0.

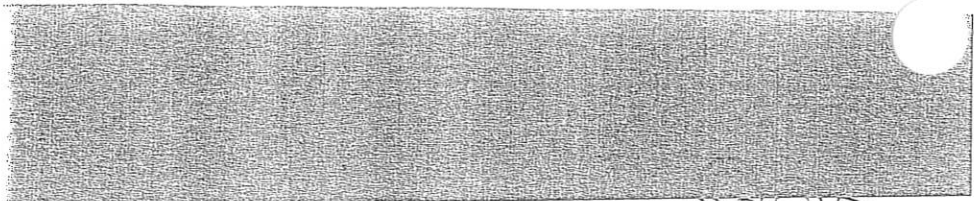
The Recreation Commission reviewed the following items concerning the development of the Blue Valley Sports Complex:

1. Wolken informed the Commission that Johnston Insurance Agency presented a quote of \$2053 to insure the personal property at the YMCA Sports Complex. The Commission directed Wolken to meet with YMCA officials to review the value of the personal property.
2. The Commission denied the request by the Kansas City Rugby Football Club to use the YMCA complex on March 31-April 1-2. The Commission did not feel the fields would be adequately prepared for tournament play.
3. Wolken updated the Commission on House Bill 2140.
4. Patrick Cocherl moved that the Recreation Commission reimburse BVJAA clubs for funds the respective club commits to the retirement of bonds for the Heritage Park Sports Complex. Bill Adams seconded. Motion carried 5-0.
5. The Commission reviewed the sub-standard lighting at the YMCA Sports Complex. The Commission will request bids from local electrical and lighting companies to improve the lighting to acceptable standards.

critique Sports Complex in light of why is Bond committing funds?

Bill Adams moved to purchase the BVJAA Baseball Club's tractor for the sum of \$8400. Patrick Cocherl seconded. Motion carried 5-0.

Sherri Laughlin moved to close the meeting. Patrick Cocherl seconded. Motion carried 5-0.



COPIY

Unapproved

Blue Valley Recreation Commission
Meeting Minutes
Friday, October 14, 1988

The regular monthly meeting of the Blue Valley Recreation Commission was conducted at the Blue Valley School District Office on Friday, October 14, 1988.

Chairman Mike Sampson called the meeting to order at 2:00pm. Other Commissioners present were Ron Benjamin, Patrick Cocherl and Sherri Laughlin (Bill Adams arrived late). Tim Wolken, Director, and Sam Weems, Sports Supervisor, were also present.

Sherri Laughlin moved to accept the September minutes as amended. Ron Benjamin seconded. Motion carried 4-0.

Patrick Cocherl moved to accept the October agenda as amended. Sherri Laughlin seconded. Motion carried 4-0.

(Bill Adams arrived)

The Commission reviewed the October Financial Report.

Tim Wolken presented the October Program Report to the Commission.

The Commission discussed the development of the Blue Valley Recreation Complex. No action was taken.

The Commission reviewed the working relationship between the Blue Valley Recreation Commission and the Blue Valley Junior Athletic Association. The Commission recommended a sixty/forty split be utilized to determine the amount the BVRC will subsidize functions completed for the respective BVJAA clubs (i.e. the BVRC will subsidize forty percent of the cost). The forty percent figure was utilized because the BVRC currently uses the same figure for it's youth programming. Annual contracts will be developed with each club to determine what services the BVRC will perform for each club and the cost for those services.

*Subsidize
BVJAA Private
Clubs. **

Tim Wolken updated the Commission on the FICA tax issues currently confronting the Commission. No action was taken.

The Commission directed staff to ^{Sulla}research the possibility of administrating youth league basketball[^]tournaments this Spring.

* The Commission discussed the scheduling of Miller's Woods Sports Complex for the 1992 summer season. Members of the baseball advisory board requested that the baseball program receive additional time at Miller's Woods to accommodate the anticipated increase in baseball program registrations. The Commission agreed to study the issue.

* Wolken presented a letter from administrators at Blue Valley Middle School (BVMS) concerning the construction of a fence to help resolve parking problems at the school. BVMS has requested that the Recreation Commission participate in the financing of the fence because community programs usually cause the parking problems. The Commission agreed to the proposal (not to exceed \$1400) but requested that Wolken contact the Blue Valley Soccer Club to assist with the fencing proposal.

**
Bree pay for
fence school?*

RISK MANAGEMENT MANUAL

Staff presented a draft of the Risk Management Manual to the Commission for review. After considerable discussion, the Commission requested that the Administration Committee consider incorporating the recommendations from Commission members and present a revised Risk Management manual at a future meeting.

ACTION ITEMS:

BASEBALL ADVISORY COMMITTEE APPOINTMENTS

Chuck Case moved we approve the following appointments to the Baseball Advisory Committee: Dave Laughlin - 1 year, Rick Sopha - 3 year and Brian Seickman - 3 year. Bill Adams seconded. Motion carried 4-0 (Sherri Laughlin abstained due to conflict of interest).

1991 BVRC AWARDS

Bill Adams moved that the Commission recess into executive session to discuss personnel matters of non-elected officials due to such matters are confidential in nature and that we reconvene at 6:15pm. Mike Sampson seconded. Motion carried 5-0.

SOCCER CLUB REQUEST

Staff presented a letter from the Blue Valley Soccer Club concerning the postponement of implementing the Youth Sports Standards until August 1, 1993. The Commission requested that staff inform all other BVJAA clubs of the Soccer Club's request and to encourage the respective clubs to implement the standards voluntarily before this date.

Chuck Case moved we adjourn the meeting. Bill Adams seconded. Motion carried 5-0.

**
Dave Laughlin
to Baseball
Ad. Committee
*
Sherri (wife)
Commissioner*

8
Deborah Park Green

administrative office open on Saturdays from 8-1pm, the Administrative Committee recommended that the Saturday hours remain in effect indefinitely. The Commissioners agreed that the Saturday hours will help the BVRC better serve Blue Valley patrons.

Facilities Report

The Commission reviewed a letter from Nottingham South Homes Association concerning the expansion of Miller's Woods Sports Complex. No action was taken.

Mike Sampson moved to approve the site plan for the development of Miller's Woods Sports Complex and proceed according to the time schedule set forth in the agenda with the stipulation that the Recreation Commission continue to pursue the resolution of the final areas of concern with the Nottingham South residents. Bill Adams seconded. Motion carried 5-0.

Add-ons

The Commission directed Wolken to contact the Blue Valley Soccer Club concerning the use of the subsidy given to the Soccer Club by the Recreation Commission (as a reimbursement for the lease fee paid to Johnson County Park and Recreation for the Heritage Park Soccer fields bond issue) and why the subsidy did not result in a lower fee for the players effected by the fee. Wolken will report to the Commission on his findings at the June meeting.

Bill Adams moved we adjourn the meeting. Chuck Case seconded. Motion carried 5-0.

Following the regularly scheduled meeting, a workshop on the 1991-92 budget was conducted. No action was taken.

Subsidizing a private club for a country facility out of BVRC funds?

Kevin Connealy - Chair

Unapproved

COPY

BLUE VALLEY RECREATION COMMISSION
Meeting Minutes
September 11, 1991

The regular monthly meeting of the Blue Valley Recreation Commission was conducted at the Blue Valley School District Office on Wednesday, September 11, 1991.

Chairperson Ron Benjamin called the meeting to order at 4:00pm. Other Commissioners present were Mike Sampson, Sherri Laughlin, Bill Adams, and Chuck Case. Staff members present were Tim Wolken (Director), Terry Thorman (Assistant Director), Jim Hook (Miller's Woods General Manager), Dick Wetzler (Attorney) and Marj Beane (Office Manager).

Mike Sampson moved to accept the consent agenda with said revisions. Chuck Case seconded. Motion carried 5-0.

BVRC Audit

Kevin Connealy, CPA with Boan and Connealy, was present to answer questions concerning the 1990-91 Audit. Bill Adams moved to accept the audit as prepared by Boan and Connealy with recommended revisions. Sherri Laughlin seconded. Motion carried 5-0.

FINANCIAL REPORT

The August Financial Statements were presented. No action was taken.

PROGRAM REPORT

Wolken presented the September Program Report which included the 1991 Summer Program Comparison Report and the new 1991 Fall Programs.

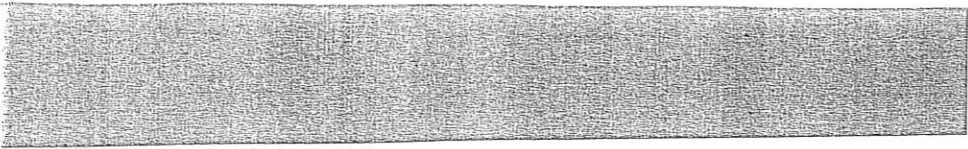
DISCUSSION ITEMS

Facilities Committee Report

The Commission received updates from staff on the following facility items: Miller's Woods improvements, 143rd and Mission school/community site, and the YMCA license agreement.

Appreciation Banquet

The Recreation Commission was informed of the date for this year's Appreciation Banquet (Thursday, December 5) and reviewed the guest list.



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Unapproved

BLUE VALLEY RECREATION COMMISSION
Meeting Minutes
December 12, 1989

The regular monthly meeting of the Blue Valley Recreation Commission was conducted at Stanley Station on Wednesday, December 12, 1989.

Chairperson Mike Sampson called the meeting to order at 4:10pm. Other Commissioners present were Ron Benjamin, Bill Adams and Patrick Cocherl (Sherri Laughlin was absent). Staff members present were Tim Wolken (Director), Sam Weems (Sports Supervisor) and Dick Wetzler (BVRC Attorney).

Ron Benjamin moved to accept the consent agenda as presented. Bill Adams seconded. Motion carried 4-0.

Staff presented the December Program Report to the Commission. The report included information on the following: (1) Fall registration comparison report (2) Revenue/Expenditure report for Fall programs (3) Request for additional office hours for several supervisors (4) Update on the 1990 Performing Art Series.

Ron Benjamin moved that the Commission recess into executive session to discuss confidential matters relating to the attorney/client relationship (K.S.A. 75-4319-2) for the reason that such matters are confidential in nature and that we reconvene at 4:45pm. Patrick Cocherl seconded. Motion carried 4-0.

Patrick Cocherl moved that the Recreation Commission authorize the Chairperson to execute an "Agreement for the Sale of Assets" which was presented to the Commission by staff whereby Mike Miller and Judy Miller and Mike Miller Companies agree to the sale of Miller's Woods sports facility to a trustee to be named, under specific terms and conditions set forth in the Agreement for Sale of Assets. Ron Benjamin seconded. Motion carried 4-0.

*SEE NEEDED
S ACCOUNTANT
FOR BURE*

Ron Benjamin expressed appreciation for Dick Wetzler's assistance on the Miller's Woods project.

The Recreation Commission scheduled it's annual Goals and Objectives meeting for Wednesday, January 17 at 5:30pm.

The Recreation Commission reviewed the updated Risk Management Study. No action was taken.

Patrick Cocherl moved to close the meeting. Ron Benjamin seconded. Motion carried 4-0.

ACCOUNTANT

Judy Miller, BVRC accountant, was introduced to the Commission.

FINANCE COMMITTEE

The Board of Education needs to appoint a member to the Finance Committee to replace Dr. Gilfillan. Pat Cocherl has expressed interest in the position.

Bill Adams left at 4:50pm

STAFF REPORTS

The July financials were presented.

The Boan & Conneally Staff have been completing the 91-92 Audit. The results of that audit and a year end report from Staff will be provided at the September meeting.

CERTIFICATE OF PARTICIPATION

92-42 Moved by: Ron Benjamin Second: LuAnn Pearson
To authorize Ron Benjamin to instruct George K. Baum to issue C.O.P. 's as soon as the correct amount needed can be determined.

PROGRAM REPORTS

Jan Smith included a report in the Commissioner's packet on the Art Department.

Terry Thorman reported on the Sports Department.

FACILITY REPORT

Jim Hook updated the Commission on the progress at Miller's Woods.

Chuck Case complimented the Staff on their hard work and patience on the 92-93 Budget the last two months.

92-43 Moved by: Mike Sampson Second: Ron Benjamin
To adjourn the meeting. Motion carried 4-0.

REMOVED

BLUE VALLEY RECREATION COMMISSION

Regular Meeting

COPY

September 15, 1993

The Regular Meeting of the Blue Valley Recreation Commission was conducted at the Blue Valley School District Office on Wednesday, September 15, 1993.

I. OPEN FORUM

A. VISITORS

*Former Blue Valley Commission
From 1986-1990*

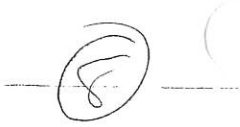
Pat Cocherl, a member of the Blue Valley Board of Education, suggested a Blue Valley Recreation Commission representative be present at all future Blue Valley Board of Education meetings. Cocherl will be the Board's liaison to the Blue Valley Recreation Commission. Several issues were discussed, including: (1) the raising of user's fees and the public's misconceptions; (2) the upcoming bond issue and how Blue Valley Recreation Commission needs to be more forward thinking on what their facility needs will be in the future, and whether the Blue Valley Recreation Commission needs a representative on the School Board's Facilities Committee; and (3) the possibility of the Blue Valley Recreation Commission working with the School Board on a survey of the School District patrons on recreational needs that could be included in the bond issue.

II. CALL TO ORDER

Gary Brockus called the meeting to order at 7:58 p.m. Other Commissioners present were LuAnn Pearson, Ken Kure, Marc Wagman and John Nohe. Staff members present were David Byrd (Director), Steve Adams (Attorney), Terry Thorman (Superintendent of Sports and Physical Activities), Jim Hook (Superintendent of Facility Operations), Phyllis Rowlen (Aquatics/Fitness Supervisor), and Marj Beane (Office Manager).

A. APPROVE AGENDA

93-89 Moved: LuAnn Pearson Seconded: John Nohe
To approve the agenda with the following changes:
Add Executive Session as Item D under Regular Business.
Motion carried 5-0.



Blue Valley Recreation

List of Past & Present Commissioners

1986-1992	Mike Sampson
1986-1992	Ron Benjamin
1986-1987	Aleta Rosenthal
1986-1992	Bill Adams
1986-1990	Pat Cocherl - ON BVRC & SCHOOL BOARD
1987-1994 1992	Sherri Laughlin
1990-1992	Chuck Case
1992-1994	LuAnn Pearson ON BVRC AT THE SAME TIME HER HUSBAND WAS ON BOE
1992-1996	Gary Brockus
1992-1997	Ken Kure
1992-1994	John Nohe
1993-1994	Marc Wagman
1994-1996	Bill Saum
* 1994-1998	Kevin Connealy SOCCER CLUB REP - BVRC ACCOUNTANT & BVRC COMMISSIONER
1994-1996	Charles Mills
1994-1999	Steve Wadman
1994-1995	Marcella Bently-Salmon
1995-1995	Susan Brown
1996-1997	Rick Kaiser
1996-1998	Pam Guthrie
1996-present	Martin DiNitto
1996-present	Rick Bien
1997-present	Bob Handleman
1997-present	Bill Flohrs
1998-present	Dave Leathers
1998-present	John Graverson
1999-present	Lucy Daniels

B. PERSONNEL

Pearson requested a corrected version of the questionnaire on evaluations from the Commission by March 1, 1994.

C. FINANCE

No report. The January financials were in the Commissioner packets.

D. ADMINISTRATION

No report.

E. PROGRAMMING

Nohe met with Herb Sizemore, president of the BVJAA Soccer Club for a general discussion about their facility and financial needs. Nohe stated we will continue to have good communication with their club.

Wagman asked Byrd about the obligation of non-profit organizations to collect sales taxes. Byrd said there is a tax law on the books now that non-profit, non-government agencies must collect sales tax on fees paid by participants. However, Kevin Connealy, from the BVJAA Soccer Club and an accountant with Boan & Connealy, stated that H. B. 2802 has been introduced by about sixty sponsors to override the statute and exempt non-profit youth organizations from this tax.

There was discussion concerning allowing players to refuse coaches. It was decided to have the Baseball Advisory Board handle this situation.

Byrd called attention to the BVRC's 1993 Annual Report and the Spring Brochure. Nohe stated he is very pleased with the look, representation of our organization, and the outstanding advertising in the Spring Brochure.

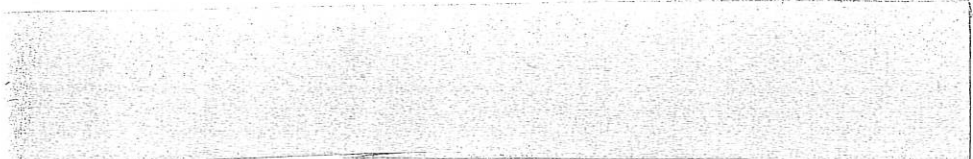
F. FINE ARTS

Kure stated Sue Huber has resigned from the Fine Arts Board.

Dopita reported on Fine Arts. The Blue Valley Youth Players auditions have been held. The Youth Players Board did an excellent job organizing the auditions. Community Theatre is in the process of rehearsing for "The Foreigner" and interviewing directors for next year's productions.

Wagman was concerned with articles in the *Overland Park Sun* regarding the Blue Valley Community Theatre which did not mention BVRC. Dopita stated a memo

*Becomes a
Commissioner
in 1994*



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98-04 (Revised Motion) Moved: Flohrs Seconded: DiNitto

RESOLVED, the Commission match up to \$15,000 in the form of a challenge grant to the BVJAA for the purpose of a site study for soccer and football fields in the Blue Valley service area. Release of the funds would be contingent upon the certification of receipts of \$12,500 from member clubs, and that the funds will be allocated from the Contingency Fund for this purpose.

Motion carried 5-0, 1 abstention (Handleman).

DiNitto requested the BVJAA should bring to the next Commission meeting more details about the study.

C. PRELIMINARY DISCUSSIONS RELATED TO THE FY 1998-99 BUDGET

Byrd reported it is the time of year to begin thinking about the FY 1998-99 budget. Committee chairpersons need to put budgeting on their next agendas. There was discussion about whether the parking problem would be fixed by the end of the budget year. DiNitto reported the Facilities & Programming Committee is still working with the city of Overland Park to resolve some of the Master Plan issues. Connealy feels it is very important to consider the piecemeal aspects of the Master Plan for budgeting purposes

V. ADJOURNMENT

A. NEXT MEETING

The next regular meeting of the Blue Valley Recreation Commission will be at 7:00pm on February 18, 1998, at the Activity Center.

B. ADJOURN

98-05 Moved: Wadman Seconded: Connealy
To adjourn the meeting at 8:10pm.
Motion carried 6-0

96-78 Moved: Connealy Seconded: Guthrie
Approval of the Policy Establishing Cost Recovery Levels which removes facilities from Direct Cost and allows superintendents flexibility in setting administrative charges, and that this policy as provided in the packet be made a part of BVRC policies
Motion carried 6-0.

F. CONSIDER WAIVER OF BVRC FIELD RENTAL FEES FOR BVJAA (AND OTHER BLUE VALLEY YOUTH SPORTS)

There was discussion on waiving facility fees for Blue Valley youth sports (BVJAA) and other BVRC activities. The savings would be passed on to the participants. The Commission will ask the BVJAA clubs to submit budgets so as to plan the BVRC FY97-98 budget.

96-79 Moved: Connealy Seconded: Wadman
The BVRC facility rental fees be waived for the youth activities of the BVJAA (and the Blue Valley Soccer Club) effective January 1, 1997.
Motion carried 6-0.

G. SET DATE FOR COMMISSION WORKSHOP #3

The commissioners set Monday, February 3, 1997, at 5:00pm, for Workshop #3. The Master Plan for the Recreation Complex will be on the agenda. Dinner will be provided.

V. ADJOURNMENT

A. NEXT REGULAR MEETING

The next regular meeting of the Blue Valley Recreation Commission will be Wednesday, January 15, 1997, at 7:00pm at the Activity Center.

B. ADJOURN

96-80 Moved: Connealy Seconded: Kaiser
To adjourn the meeting at 8:50pm.
Motion carried 6-0.

*Waiving fees to private clubs
not part of BVRC -
Super make up the balance*

1/19/1994

8

- 2) Pearson had spoken with the owner of 57 acres in Olathe. The owner has verbally given a proposal and requested the Commission write up the proposal for his review.
- 3) There has been no action taken on the parking at the Recreation Complex at Miller's Woods. Traffic studies will be conducted.
- 4) Kure, Hook and Byrd met with Stan Woodworth on January 14, 1994, to discuss monies owed Midwest Titan for the Recreation Complex expansion at Miller's Woods. This will be discussed further under Item G Titan Construction.

B. PERSONNEL

No report.

C. FINANCE

Byrd stated the December financial report has been distributed to the Commissioners. We should receive the January tax distribution check later this week.



Wagman asked about memos that discussed the BVRC's function as Treasurer for the BVJAA clubs, which has been Thorman. Discussion followed on explanation of the memos in the Commissioners' packets concerning prior subsidizing of the BVJAA clubs.

Brockus and Byrd will prepare a budget approval schedule prior to the planning meeting on February 5, 1994.

D. ADMINISTRATION

Byrd verified the BVRC does not qualify for the Kansas Municipal Insurance Trust pool in terms of Worker's Compensation. The Trust is written strictly for municipalities with no plans to include recreation commissions. Byrd will draft a letter requesting they consider allowing recreation commissions who meet certain criteria to participate.

E. PROGRAMMING

No report.

F. FINE ARTS

Kure asked and received direction on the type of report the Commission would like given regarding the Fine Arts.

Kure read aloud part of an article written by Sue Huber entitled "Can We

8



ned at 11:05pm.)

94-56 Moved: Wagman Seconded: Nohe
The Commission pay the statement of Stinson, Mag & Fizzell in the amount of \$1,877.00.
It was discussed that the statement related to legal fees of LuAnn Pearson relating to Commission business.
Motion carried 3-1. (Pearson abstained; Kure voted against.)

V. ADJOURNMENT

A. NEXT MEETING

The next meeting of the Blue Valley Recreation Commission will be June 7, 1994, at 5:00pm.

B. ADJOURN

94-57 Moved: Nohe Seconded: Brockus
The meeting adjourned at 11:23pm.
Motion carried 5-0.

A. Timetable and Method of Selecting Fifth Commission Member

The Commissioners would like to review the resume's of all Commission candidates the school board received in order to fill the vacancy of the fifth Commissioner. The Commissioners would like input from the Staff on potential Commissioners.

92-46 Moved by: LuAnn Pearson Second: Gary Brockus
For a 6-week timetable for the appointment of the fifth Commissioner. Motion carried 4-0.

B. Election of Officers


92-47 Moved by: John Nohe Second: Ken Kure
To have LuAnn Pearson act as Interim Chairperson until a full slate of officers is in place for a period of not to exceed 4 weeks after the 5th member is appointed. Motion carried 4-0.

C. Approve Appointments to Baseball Advisory Board

Tabled.

D. Fine Arts Board By-Laws

There was discussion on the By-Laws of the fine arts Board that were approved at the August 19 meeting of the BVRC. LuAnn felt the Fine Arts Board By-Laws were being misinterpreted and that some Theatre Board members mistakenly thought that the Theatre Board was defunct. The procedure of allowing people to speak after Open Forum was questioned. Sherri Laughlin, former Commissioner, suggested that in the past, public comments were not restricted to the "Open Forum" portion of the meeting.

 Nancy Brown clarified the role of the Fine Arts Board for the Commission and expressed their wish to move forward with the process of working with Standing Committees in the revision of their By-Laws. The Commissioners were invited to the Fine Arts Gala in December.

School Board member Pat Cocherl arrived.

92-48 Moved by: LuAnn Pearson Second: None
To ask the Fine Arts Board to delay until November 18 the proceeding with the implementation of that section of the By-Laws which applies to the rewriting of sub-committee rules and regulations and to advise current sub-committees to continue to function. Motion died for lack of a second.

E. Process of Election of the Baseball Advisory Board

Terry presented the process of electing the Baseball Advisory Board appointees. Darrell Roche' was present to answer questions about the Baseball Advisory Board.

Gary Brockus suggested we continue with the existing Committee until the process of electing new members is reviewed.

V. DISCUSSION

A. Commissioner Orientation and Role

Commissioner's Orientation postponed. A meeting needs to be set up for Commissioner orientation.

96-78 Moved: Connealy Seconded: Guthrie
Approval of the Policy Establishing Cost Recovery Levels which removes facilities from Direct Cost and allows superintendents flexibility in setting administrative charges, and that this policy as provided in the packet be made a part of BVRC policies
Motion carried 6-0.

NOT PART OF BVRC
Waiving fees to private clubs
not part of BVRC -
Super make up the balance.

F. CONSIDER WAIVER OF BVRC FIELD RENTAL FEES FOR BVJAA (AND OTHER BLUE VALLEY YOUTH SPORTS)

There was discussion on waiving facility fees for Blue Valley youth sports (BVJAA) and other BVRC activities. The savings would be passed on to the participants. The Commission will ask the BVJAA clubs to submit budgets so as to plan the BVRC FY97-98 budget.

96-79 Moved: Connealy Seconded: Wadman
The BVRC facility rental fees be waived for the youth activities of the BVJAA (and the Blue Valley Soccer Club) effective January 1, 1997.
Motion carried 6-0.

G. SET DATE FOR COMMISSION WORKSHOP #3

The commissioners set Monday, February 3, 1997, at 5:00pm, for Workshop #3. The Master Plan for the Recreation Complex will be on the agenda. Dinner will be provided.

V. ADJOURNMENT

A. NEXT REGULAR MEETING

The next regular meeting of the Blue Valley Recreation Commission will be Wednesday, January 15, 1997, at 7:00pm at the Activity Center.

B. ADJOURN

96-80 Moved: Connealy Seconded: Kaiser
To adjourn the meeting at 8:50pm.
Motion carried 6-0.

COPY

February 4 1987

MINUTES

BLUE VALLEY RECREATION COMMISSION

The meeting was called to order at 7:40 p.m. by Chairman Mike Sampson. Commissioners present were Bill Adams, Ron Benjamin and Aleta Rosenthal. School District Liason John Gilfillan was also present.

The agenda was approved as written.

A change in the minutes should read in paragraph 4 as "They have all agreed to accept the BVJAA By-Laws as representative of ours." The minutes were approved as amended.

It was requested by Mike that the agenda and minutes go out to everyone before the meeting date so everyone will have a chance to review them before the meeting.

Reporting on Liability Insurance, Mike said that Chubb and Seaboard Surety have withdrawn their proposals. They want a copy of our By-Laws. We are still waiting to hear from the others.

K.U. has been contacted by Aleta Rosenthal concerning helping us with a survey. Mr. Bill Stobart will respond in writing. Also M.U. has a graduate student who is interested in helping with our survey as part of his Masters Thesis. Aleta will contact him to see if he could come up to meet with us. We will still try to make further contacts at the State Recreation meeting later in February. All of the commissioners will be attending this meeting.

Mike reported that the Jorgenson land is not available. The land that was under consideration previously near the Blue Valley Olathe border is again available to us at a greater price, by the people who bought it out from under us originally.

Bill Adams will be contacting the Attourney Generals' office to a legal opinion on the possibility of purchasing and developing land outside of the School District boundaries concerning the land available on Pflumm Road.

* John Vratil has said that he can no longer work for us unless he is paid by us at \$85 an hour or \$60 a meeting. He will send us a proposal.

Work on the By-Laws will be tabled until after the State Meeting.

8 pp 1 of

OFFICE OF DISTRICT ATTORNEY

PAUL J. MORRISON, DISTRICT ATTORNEY

September 5, 1995

David L. Byrd, Director
BLUE VALLEY RECREATION COMMISSION
15020 Metcalf
Overland Park, Kansas 66223

Dear Mr. Byrd:

In June of this year our office received a complaint that the Blue Valley Recreation Commission had violated the Public Purpose Doctrine by expending public funds to advocate the passage of the mill levy increase by voters in the Blue Valley Recreation District.

As you probably know, discussion of the Public Purpose Doctrine arises whenever someone challenges actions of a local governmental entity as being done essentially for a private benefit rather than for a public purpose. The Doctrine can arise in a variety of contexts, including local government property transactions, condemnations, contracts, taxation, expenditures and bond issues. Briefly stated, this Doctrine is based on the fact that a municipal corporation is a public institution created to promote public interests as distinguished from private interests. All governmental powers and offices constitute a public trust and any power conferred must be exercised for the public good. Both the Kansas Supreme Court and the Attorney General's Office have interpreted this Doctrine on numerous occasions. Suffice it to say that the law is clear that public funds may not be used to promote or advocate the position of a governing body on a matter which is before the electorate. This is distinguished from the situation where public funds are used to inform or educate the public.

On March 22, 1995, the Blue Valley Recreation Commission hired a consultant to conduct an "informational campaign." The base fee to the consultant for these services was \$8,000.00. However, the agreement also added up to \$2,000.00 in bonus pay based upon the amount of funds the consultant raised. Additionally, the consultant could earn an extra \$1,500.00 if the mill levy increase passed.

- David Byrd -
- page two -

Our investigation has revealed that the consultant was heavily involved with the Friends of Blue Valley, a private entity formed to "push" the passage of the mill levy increase. Friends of Blue Valley did in fact disseminate information which aggressively sought the passage of the mill levy increase

Your position is that the consultant was hired merely to run the educational campaign and that involvement with the Friends of Blue Valley was strictly done on her personal time. You imply that because the bonus was not paid, there was no violation of the Public Purpose Doctrine. Frankly, we disagree.

It is probably permissible under Kansas law to hire a consultant strictly for the purpose of advising the public body on how to disseminate an informational campaign in this type of situation. (Attorney General Opinion 93-125) However, the facts in this case go far beyond that. By the incentive clause in the contract, the Blue Valley Recreation Commission obligated the use of public funds to pay a bonus for a favorable result. This would give a large incentive to any consultant to abandon the roll of neutrality and advocate, either directly or indirectly, for the passage of the measure before the electorate. We know from the facts in this case that the consultant did in fact become very involved with the "pro-vote" group.

Frankly, in my opinion, the Blue Valley Recreation Commission has come close to a violation of K.S.A. 21-3910, Misuse of Public Funds. It is a serious matter and a felony under Kansas law. *I am going to assume that the commission was ignorant of this fact and did not intend to violate the law. As such, we're not going to take any action on this matter. I would suggest that you take care to see that it does not happen again.*

Since this matter involves the public and there have been inquiries from the press on the subject, a copy of this letter will be available to the public and the press. If you have any questions or comments, don't hesitate to contact.

Sincerely,

Paul J. Morrison,
District Attorney

th

cc	Marcella Bentley-Salmion	Ken Kure	Steve Wadman
	Gary Brockus	Charlie Mills	
	Kevin Connealy	Bill Saum	

4-15-1998 Regular Mtg.

No report.

C. FINANCE, ADMINISTRATION & RISK MANAGEMENT

No report.

D. FACILITIES & PROGRAMMING

The report was deferred to later in the meeting when Rick Bien would be in attendance.

E. COMMUNITY RELATIONS

Flohers reported the regularly scheduled committee meeting had been postponed to possibly after this Commission meeting if time allows.

F. COMMENTS FROM COMMISSIONERS

Flohers inquired as to the resolution of Dennis Keffer's request at the February meeting to allow his Ascension students (some who live out of the Blue Valley school district) to form BVRC baseball teams. Thorman reported BVRC amended its definition of a Blue Valley patron to include those children who attend a school located in the Blue Valley area. Mr. Keffer was allowed to register his Ascension students into the BVRC baseball/softball league program.

G. LEGAL COUNSEL

No report.

H. STAFF REPORT

Colleen LaFavor, sports program supervisor, introduced herself to the commissioners. She is supervising the youth softball program and just finished supervising the girls basketball program.

Recreational Services is having a gymnastics exhibition on May 15 at 6:30pm at the District Office Gym. The Bike Rodeo is scheduled for April 25, 10am-12noon, at the Activity Center. The Youth Players will perform "Once Upon A Mattress" on the weekend of May 1-3 at Blue Valley North High School. Tickets go on sale April 20 for \$5 apiece. The Spring Dance Recital is May 7 at 7:00pm at Blue Valley North High School. The Hawthorne Plaza/BVRC High School Art Show will be Saturday, April 25, from 10:00am-4:00pm. BVRC is participating in Community Involvement Day May 15 at Prairie Star Middle School. We will have demonstrations of ceramics, drama, a puppet show and a fencing demonstration.



8

season. As per the BVRC policy, Steve Wadman and John Graverson mentioned that their sons officiate for BVRC.

98-99:06 Moved: Bien Seconded: Handleman

Move that item a. of section 7.4 of the Commission Policies is hereby waived and that Commissioners Bill Flohrs and John Graverson are permitted to be compensated as sports officials for BVRC programs for the 1998 baseball and softball season.



Motion carried 4-0. Flohrs and Graverson abstained.

E. ELECTION OF OFFICERS

Bien announced the proposed slate of officers to be considered for the 1998-99 year.

Chairman:	Steve Wadman
Vice-Chairman:	Rick Bien
Secretary:	Bob Handleman

98-99:07 Moved: Bien Seconded: Flohrs

Move the proposed slate of officers be approved for 1998-99.
Motion Carried: 6-0

F. CONSIDER A LONG RANGE PLANNING COMMITTEE

Wadman suggested the commission consider a Long Range Planning committee.

98-99:08 Moved: Handleman Second: Bien

Move the creation of a standing committee called Long Range Planning.
Motion carried 6-0.

G. ASSIGNMENT OF SUB-COMMITTEE APPOINTMENTS

Chairman Steve Wadman announced the proposed sub-committee assignments for the 1998-99 year:

Facilities & Programming:	Rick Bien, Chairman Martin DiNitto Bob Handleman
---------------------------	--

Personnel:	Steve Wadman, Chairman John Graverson
------------	--

Finance, Administration:	Bob Handleman, Chairman Bill Flohrs John Graverson
--------------------------	--

Community Relations:	Martin DiNitto, Chairman Dave Leathers
----------------------	---

Long Range Planning:	Bill Flohrs, Chairman Dave Leathers
----------------------	--

4
H.

CONSIDER WAIVER OF CONFLICT OF INTEREST POLICY

✱ Matt Handleman has applied for employment with the Field Operations Department. Because he is related to a commissioner, the Conflict of Interest policy must be addressed.

98-99:82

Moved: Wadman

Seconded: Flohrs

Move that the Conflict of Interest Policy be waived so Matt Handleman may be considered for a full-time position with BVRC in the Field Operations Department.

Motion carried 6-0

Handleman abstained

I. **DISCUSS PROPOSED 1999-00 BUDGET**

Handleman and Dawn Grosdidier presented the 1999-2000 budget.

V. **ADJOURNMENT**

A. **NEXT MEETING**

The next regular meeting will be **Wednesday, June 16, 1999** at 7:00p.m. at the Activity Center.

B. **ADJOURN**

98-99:83

Moved: Flohrs

Seconded: DiNitto

Move to adjourn the meeting at 8:23p.m.

Motion carried 7-0.

BLUE VALLEY RECREATION COMMISSION

9

Fifth D.

**2000-2001 Requested Budget
Designated Unreserved Fund Balance**

STATEMENT OF OPERATIONS

	<u>97-98 Actuals</u>	<u>98-99 Actuals</u>	<u>99-00 Budget</u>	<u>99-00 Estimated Actuals</u>	<u>00-01 Requested Budget</u>
REVENUES					
Total Revenue	0	0	0	0	0
EXPENDITURES					
DESIGNATED UNRESERVED FB	0	0	0	0	800,000
Total Expenditures	0	0	0	0	800,000
Net Income(Loss)	0	0	0	0	-800,000

Note: 2000-2001 is the first year for implementation of the designated unreserved budget. The budget is designated, yet unreserved at this time, for the development and acquisition of land for sports fields.

The budget is designated for the following:

Community Park in Overland Park

(The BVRC has been discussing a joint agreement with the City of Overland Park to make improvements and add lights to the ball fields at Community Park. It has been proposed that if the BVRC assists with half of the cost of the project, the BVRC would be allowed to use the fields half of the time for programming.)

500,000

Land Acquisition and Development

Site planning and engineering

50,000

First year debt service

250,000

(The BVRC is continually searching for land to acquire and develop for sports fields. This budget would allow the BVRC to acquire land and begin the development process in the 00-01 budget year.)

*Case Jim Cox
@ a.p.*

REQUEST FOR FIELD RENTAL OF COMMUNITY PARK

11

Name: _____

Sponsoring Team or Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Home Phone: _____ Work Phone: _____

Dates Requested: _____

Second Choice: _____

Fields Requested (Circle appropriate field (s)).

(Saturday) A B C D

(Sunday) A B C D

Fees - \$35 per field, per day

= \$

\$25 mandatory field maintenance charge

= \$ 25.00

If additional field maintenance is desired, \$6 per hour

=

TOTAL COST

\$ _____

\$50 deposit for each set of bases *

= \$

TOTAL

\$ _____

* A \$50 deposit for each set of bases is required at the time of request. This deposit will be refunded when the Leisure Services office receives verification that all bases have been returned.

Complete payment of fees must be received one week prior to the tournament.

I hereby certify that I am aware of all the rules and regulations concerning field rental and take full responsibility for the use of the fields.

Signature: _____

Date: _____

10

LATHROP & GAGE L.C.
1050/40 Corporate Woods
9401 Indian Creek Parkway
Overland Park, Kansas 66210-2007
913-451-5100

Facsimile: 913-451-0875

Direct Dial Number
(913) 451-5128

2345 Grand Boulevard
Kansas City, Missouri 64108-2684

1200 G Street, N.W., Suite 800
Washington, D.C. 20005

From: John L. Vratil

Date: 8/14/00

Matter No:

TO	COMPANY	FAX #
Lee Mc Cannon		851-1142

Number of Pages Transmitted (including this cover sheet): 2

Message: The Kansas statute you requested is attached.

Adm Jru

Fax Attendant: _____

Sent by Operator: _____

(816) _____

Acknowledgment Required Yes No

Original to follow Yes No

CONFIDENTIALITY NOTE:

The information in this facsimile message ("fax") is sent by an attorney or his agent, is intended to be confidential and for the use of only the individual or entity named above. The information may be protected by attorney/client privilege, work product immunity or other legal rules. If the reader of this message is not the intended recipient, you are notified that retention, dissemination, distribution or copying of this fax is strictly prohibited. If you receive this fax in error, please notify us immediately by telephone and return it to the address above. Thank you.

11

Subj: BV InfoNet - July (2) & August Board Briefs
Date: 08/24/2000 4:07:52 PM Central Daylight Time
From: bvinfo-net-owner@listbot.com (BV InfoNet)
To: LMacCrash@aol.com (List Member)

BV InfoNet - http://www.bluevalleyk12.org

BOARD BRIEFS
July 24, 2000
Blue Valley Schools

* Approve personnel report *

The July 24 personnel report includes the following recommendations:
Appointments: Shawn Altman, Andrew Burden, Cindy Dill, Jennifer Edwards,
Benita Elias, Raul Alberto Escobar, Eva Garcia, Claudia Gomez, Luber Lee,
Jill MacCabe, Kristin Myers, Celia Rocks, Kristen Ryan, Kristi Schremmer
Resignations: Jodi Juhnke, Kathy Kintzinger
Several Supplemental Appointments

BOARD BRIEFS
August 14, 2000
Blue Valley Schools

* Board conducts annual budget hearing *

* Several patrons spoke with regard to the approval of the Blue Valley Recreation Commission's (BVRC) portion of the budget. One patron questioned the legality of approving funding for capital improvement without a voter approval.

* Board adopts 2000-01 annual budget *

The board approved a motion 4-3 to separate the BVRC budget from the school district's budget for the purpose of voting. The board approved the budget for Blue Valley USD #229 as published by a vote of 7-0.

* The board then approved adoption of the BVRC budget as published by a vote of 7-0. The board then voted 6-1 to instruct legal counsel to obtain either an attorney general's opinion or a declaratory judgement and send notice to the Blue Valley Recreation Commission that it is not the board's intention to approve any land purchases or leases of land until receipt of a response from the attorney general or a declaratory judgement.

* Board provides direction on utilization issue *

The board voted on five motions with regard to elementary school



✓ DR Smith (12)

2000 SEP 15 P 2:45

JOHN L. VRATIL
(913) 451-5128
EMAIL: JVRATIL@LATHROPGAGE.COM
WWW.LATHROPGAGE.COM

SUITE 1050, BUILDING 40
9401 INDIAN CREEK PARKWAY
OVERLAND PARK, KANSAS 66210-2007
913-451-5100, FAX 913-451-0875

September 13, 2000

The Honorable Carla Stovall
Attorney General
120 SW Tenth Avenue, Second Floor
Topeka, KS 66612-1597

Re: Request for Attorney General's Opinion

Dear General Stovall:

As attorney for the Board of Education of Blue Valley Unified School District No. 229, I am writing to request your opinion regarding issues involving the Blue Valley Recreation Commission. As you may be aware, the Blue Valley Recreation Commission ("BVRC") is appointed by the U.S.D. #229 Board of Education and is the recreation commission referenced in K.S.A. 12-1926.

A question has been presented to the Board of Education involving whether BVRC can use money from its general fund budget for the purpose of making capital improvements, including the acquisition of real property, or whether BVRC is restricted by K.S.A. 12-1935 to making capital improvements, including the acquisition of real property, from a capital improvement fund authorized by K.S.A. 12-1935. The specific questions for which we are seeking your opinion are as follows:

1. Under Kansas law, is the Blue Valley Recreation Commission prohibited from maintaining a fund balance in its budget, a portion of which is designated for the purpose of acquiring real estate or for making capital improvements?

The Honorable Carla Stovall
September 13, 2000
Page 2

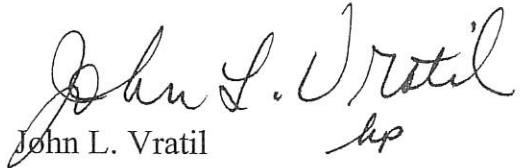
2. Does K.S.A. 12-1935 require the Blue Valley Recreation Commission to seek public voter approval for all capital expenditures, including the acquisition of real property, that it may make?

We will appreciate an opinion from your office at your earliest convenience.
Thank you for your assistance and cooperation in this matter.

Sincerely yours,

LATHROP & GAGE L.C.

By:


John L. Vratil *hp*

JLV/kkp

cc: Dr. David L. Benson, Superintendent of Schools
Stephen T. Adams

13



State of Kansas
Office of the Attorney General

120 S.W. 10th Avenue, 2ND FLOOR, TOPEKA, KANSAS 66612-1597

CARLA J. STOVALL
ATTORNEY GENERAL

January 11, 2001

MAIN PHONE (785) 296-2215
FAX 296-6296

ATTORNEY GENERAL OPINION NO. 2001- 1

John L. Vratil, Legal Counsel
Unified School District No. 229
Suite 150, Building 40
9401 Indian Creek Parkway
Overland Park, Kansas 66210

Re: Cities and Municipalities--Public Recreation and Playgrounds--Recreation Commission; Powers of Recreation Commission; Annual Budget; General Fund Budget; Capital Improvement Fund; Acquisition of Real Property

Synopsis: Levying a tax to make provision for a capital improvement fund established pursuant to K.S.A. 1999 Supp. 12-1935 requires voter approval. There is no other requirement in K.S.A. 1999 Supp. 12-1935 that voter approval be obtained prior to the Blue Valley Recreation Commission (Blue Valley) expending monies in its capital improvement fund to purchase real property or make other capital improvements designated in the statute. While Blue Valley is not required to obtain voter approval prior to allocating the monies in its capital improvement fund when the monies are spent for those purposes authorized in K.S.A. 1999 Supp. 12-1935, Blue Valley is required to obtain the approval of the Board of Education for Unified School District No. 229 prior to purchasing any real property. Blue Valley may not establish or use a fund other than its capital improvement fund for the purchase of real property or payment for capital improvement projects listed in K.S.A. 1999 Supp. 12-1935. Cited herein: K.S.A. 1999 Supp. 10-1101; K.S.A. 12-1922; K.S.A. 1999 Supp. 12-1927; 12-1928; 12-1935; K.S.A. 79-2925; 79-2927; 79-2934; 79-2937; Kan. Const., Art. 11, § 5; L. 1994, Ch. 150, §§ 3, 4.

November 13, 2000 Board Minutes

Page 7

10. Approve low bid for construction of elementary #19.

Bob Regnier moved to approve Building Construction Enterprises base bid and alternates 1,2,3,5, and 10 for construction of elementary #19 (147th & Greenwood, Olathe), \$8,912,200
K.O. Strohhahn seconded.
Carried, 6-0

11. Discuss legislative positions for 2001 session.

The board and superintendent discussed potential legislative issues for the 2001 session. New initiatives will include statutory language for business operations. The board will approve several legislative positions and proposed improvements to the Kansas School Finance System at their regular December board meeting.

12

- Approve interlocal agreement between the City of Overland Park and the Blue Valley Recreation Commission.

Marsha Monica moved to approve the inter-local agreement between the City of Overland Park and the Blue Valley Recreation Commission. (Agreement provides for Blue Valley Recreation Commission and City to jointly use four baseball/softball fields at 137th and Switzer, jointly make improvements to the fields including lighting and share the fields over a 15-year period of time.)

Bob Regnier seconded.
Carried 6-0

K.O. Strohhahn moved to adjourn.
Bob Regnier seconded.
Carried 6-0.

9:00 P.M. meeting adjourned.



Abstract for the
June 6, 1995 Mail Ballot Election

UNIFIED SCHOOL DISTRICT NO. 229
Johnson/Miami Counties, Kansas
Question Submitted Election
June 6, 1995

QUESTION SUBMITTED

Ward	Pct	YES	NO
		5190	13517
District Total		5190	13517

REFERENDUM DEFEATED By 72%.

1995 ELECTION - ONLY TIME SINCE
CREATION OF BVRC IN 1986 THAT
A PUBLIC ELECTION WAS HELD.

QUESTION SUBMITTED ELECTION
 UNIFIED SCHOOL DISTRICT NO. 229
 JOHNSON/MIAMI COUNTY, KANSAS
 JUNE 6, 1995

QUESTION SUBMITTED

Shall the following be adopted:

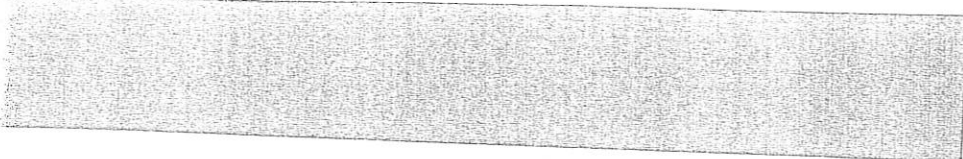
A proposition to levy an annual tax levy of one (1) mill upon all tangible taxable property within Unified School District No. 229, Johnson/Miami County, Kansas for the purposes of enabling the Blue Valley Recreation Commission to establish a capital improvement fund for site acquisition and improvements as may be necessary in order to construct, equip, furnish, repair and remodel a community recreation building and other facilities for Blue Valley Recreation Commission purposes and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. § 12-1774, and amendments thereto, by cities located within the Unified School District No. 229, all being pursuant to the provisions of K.S.A. § 12-1935

YES

NO

b7-1

6/5/1995 ELECTION FOR CREATION OF CAPITAL FUNDS TO ACQUIRE A COMMUNITY CENTER. DEFERRED BY 72% OF THE VOTE.
 PURSUANT TO KSA 12-1935



Adams stated he has not seen the revised legislation. It did pass the House, but has to go back to the House for changes. Wagman asked if the language of the bill is clear and Adams said no. We don't want legislation by intention.



Nohe asked about the process to purchase land. Byrd stated that the voters have to approve it, and if they do, BVRC can levy annually up to a mill for capital improvements, acquisition and development. The mill is not for operating expenses. Brockus felt that to get the voters to approve a mill, BVRC would have to have a piece of property in mind. There was discussion on the acquisition of property. Another thing the bill does is remove the clause for a protest petition. Nohe feels we should listen to counsel and voice our concerns with the way the bill is stated because of the unclear language. Adams said he will try to reach Rep. Brown or her aides to see if an adjustment can be been made.

Wagman asked if we have a consensus on the suggestions our legal counsel has made concerning the wording of the bill. If the bill comes to be, what happens to the commissioners presently on the board? Brockus said that effective with the bill becoming law, the present terms expire. The present Commissioners will continue to serve and do business until the School Board appoints and qualifies new Commissioners. New terms begin July 1.

V. ADJOURNMENT

A. NEXT MEETING

Brockus announced the next regular meeting will be April 20, 1994.

B. ADJOURN

94-32 Moved: Wagman Seconded: Kure
To adjourn the meeting at 9:10pm.
Motion carried 4-0.

March 26, 2001

When the Blue Valley Recreation Commission was created, their 1987 budget was \$133,120.00. Since 1987 to the year 2000, the Blue Valley Recreation Commission (BVRC) budget has risen to \$6,507,769, with an outstanding debt of \$11,284,243.

The Administrative costs for the BVRC are higher than the Recreation Administrative costs for the much larger City of Overland Park; and they are higher than the recreation Administrative costs for the entire Johnson County. Something is very wrong with this picture.

These taxes have been raised without a vote of the people because we, the voters in the Blue Valley School District, have been disenfranchised through 1994 legislation when we lost the ability to vote on taxes levied on us by the BVRC through the auspices of the Blue Valley School District (BVSD). Nowhere on my annual tax statement does the tax for the BVRC show - it is buried in the school budget and it has nothing to do with the school's function of education.

We are asking you to correct this legislation which gives us no voice in how - or how much of - our money will be spent. THIS IS TAXATION WITHOUT REPRESENTATION! Citizens in the Blue Valley School District are the only group in the state which has had their right to petition for a vote or dissolution of their recreation commission removed by legislation. If our vote is restored it does not automatically mean the BVRC will be dissolved, but it will provide the same voting rights of every other Kansas citizen.

We are willing to continue paying down the debt if this HB-2408 is passed. We just want the right to vote on who gets our money and how it is spent.

Taxes in Johnson County are already high enough that many seniors on fixed incomes are moving to other areas. I do not believe the Blue Valley School District or the Blue Valley Recreation Center should consider themselves so elite that they cause additional financial hardships on our citizenry.

Thank you for allowing me to appear before you.

Bea Bacon

Bea Bacon
11901 W. 148 St.
Olathe, KS 66062
Tel: 913 897 3352
Fax: 913 897 3802

Senate Education
3-26-01
Attachment 2

Good Morning. I want to thank you for this opportunity to speak today regarding a VERY SERIOUS PROBLEM in the Blue Valley Community.

I am here today as a lifelong supporter of recreation for our children whether in or out of the public school system. Unfortunately, I am also here today to address **unchecked empire building at taxpayer expense** that is taking place in the Blue Valley Community, unfairly in the name of our children. This is occurring because of the extremely serious abdication of responsibility since 1990 by the Blue Valley School Board.

In 1987, new legislation by this Legislature enabled the creation of recreation programs through school districts by **PUBLIC VOTE** when petitioned by its patrons. It was the voting taxpayers that created the Blue Valley Recreation Commission, not the State of Kansas and certainly not the Blue Valley School District or the Blue Valley Recreation Commission itself. We the taxpayer patrons in fact created a public trust to provide recreation. The Blue Valley Board of Education members were the elected trustees and the Blue Valley Recreation Commissioners were the administrative management. When the taxpayer patrons created this public trust, it was created as a **REVOCABLE** public trust in order to insure oversight and control the use of public funds. We retained the right for the Blue Valley **PUBLIC** to petition to dissolve the recreation commission at any time after it's third year of operation.

In 1994, Representative Nancy Brown, with the support of the Blue Valley School District introduced legislation to change the laws in regard to the Blue Valley Recreation Commission **EXCLUSIVELY**. The Blue Valley Recreation Commission was now to be the only recreation commission in the State of Kansas that could **NOT** be dissolved by public petition. Effectively, this legislation purported to remove any ability of the PUBLIC as creator of the BVRC **to have direct oversight or control the use of public funds**. However, to convert a REVOCABLE trust to an IRREVOCABLE trust would REQUIRE the affirmative approval of the creator – the Blue Valley PUBLIC. No such approval has ever been given by the Blue Valley Public through a public election and therefore this provision in the statutes **MUST** be reinstated since we retained the right of dissolution as part of the creation of the BVRC. Once again this will bring the Blue Valley Recreation Commission under our oversight and provide control of public taxpayer funds as we created it, just like every other recreation program in Kansas.

Additionally, as members of the Education Committee, you are all aware that for a school district in the State of Kansas to provide funds for the acquisition of land, building of schools, facilities or improvements, the statutes require bonds may be issued only after approval by public vote. Since 1990, the Blue Valley School Board has permitted the Blue Valley Recreation Commission to provide **millions of dollars** of funds for acquisition of land and improvements to the land without any public vote or approval whatsoever. Attached is page 14 of an offering prospectus for Certificates of Participation in a 1995 Trust executed by the BVRC. It lists the original principal amount of "CERTIFICATES OF PARTICIPATION" of the Commission that total \$10, 380,000.00. Also attached is Schedule 2 from the 1991 Declaration of Trust executed by the BVRC. The total payments the public is obligated to pay for that one offering is \$13, 495, 511.77. Attached also is a printout of Certificate of Participation Lease-Purchase Imposed Obligations since 1990 with sources. The total payments imposed on taxpayers since 1990 is \$18, 205, 880.00. The Blue Valley School Board approved the imposition of each of these financial obligations upon its patrons by the BVRC without calling for a public election. Yet, when the Blue Valley School District wants to provide building funds, they **MUST** provide a public election. The Blue Valley School District has violated our trust.

The **abdication of oversight responsibility** by our elected trustees, The Blue Valley Board of Education, is the source of this problem. We would expect the BVRC, much like a spoiled child, to want to expand their power and influence without public interference. However, we do not expect the Blue Valley School Board in the position of a parent or our elected trustees to allow this to occur, let alone approve it. Not only are they allowing this unchecked empire building to occur but also they are here today opposing these simple provisions that every other recreation commission in the state of Kansas must live under. With all due respect to Senator Vratil, the Blue Valley School Board has placed him since 1990, as their paid attorney, in the awkward position of placing the School Board's interest in real estate investment above the interests of his constituents. As the attached February 7th article in the Johnson County Business Times asked: Is he a true believer...or is he just shilling for the boss? We, the Blue Valley patrons have no one to protect our financial interests under the current structure. I appeal to you to support this bill in it's present form without further amendment so that the Blue Valley Community may conduct it's recreation programs just like any other recreation program in Kansas without the special privilege of avoiding the voters to raise funds for empire building. After all, that's what school districts must do.

Mike Winzenried
Olathe, Kansas
March 26, 2001

Senate Education
3-26-01
Attachment 3

**Certificate of Participation
Lease-Purchase
Imposed Obligations
By the Blue Valley Recreation Commission
(Approved by the Blue Valley School District)**

1)	February 1, 1990 Miller Woods Sports Complex Acquisition		
	Acquisition Cost ¹	\$3,950,000.00	
	Costs of Bond Issue ¹	\$ 210,000.00	
	Interest through 10/1/90 ¹	\$ 250,000.00	
	Reserve Fund ¹	\$ 470,000.00	
	Total Obligation ¹	\$4,880,000.00	
	Total estimated payments over life of agreement:		\$9,690,551.00 ¹
2)	November 1, 1991 Miller Woods Sports Complex Refunding & Improvements		
	Retirement of 1990 Series ²	\$4,760,000.00	
	Cost of issuance ²	\$ 200,968.00	
	Reserve Fund ²	\$ 180,000.00	
	Interest ²	\$ 124,032.00	
	Additional Funding ²	\$1,980,000.00	
	Total Obligation ²	\$7,245,000.00	
	Total estimated payments over life of agreement:		\$13,498,612.00 ²
3)	January 1, 1993 Millers Woods Improvements		
		³ \$535,000.00	
	Total Obligation	³ \$535,000.00	
	Total estimated payment of agreement	At Least	\$ 535,000.00 ³
4)	September 1, 1995 YMCA Complex Acquisition		
		⁴ \$2,600,000.00	
	Total estimated payment of agreement:		\$4,172,267.50 ⁵
	Total payments expected from taxpayers:		\$18,205,880.00

¹ Blue Valley Recreation Commission Accountants Report and Financial Statements – June 30, 1990 Note 4.

² Blue Valley Recreation Commission Accountants Report and Financial Statements – June 30 1992 Note 6.

³ Blue Valley Recreation Commission Component Unit Financial Statements – (with Independent Auditors' Report Thereon) - June 30 1994 Note 7.

⁴ Blue Valley Recreation Commission Component Unit Financial Statements – (with Independent Auditors' Report Thereon) – June 30, 1996 Note 5

⁵ Declaration of Trust dated September 1, 1995, Executed by Bank IV Kansas, N.A. as Settlor and Trustee – Schedule 2

FINANCIAL INFORMATION CONCERNING THE COMMISSION

Indebtedness

The Commission does not have the authority to issue general obligation bonds. However, the Commission does have the ability to enter into annually renewable lease agreements and issue certificates of participation to finance certain projects. The following is a list of the currently outstanding certificates of participation of the Commission.

<u>Series</u>	<u>Purpose</u>	<u>Date Issued</u>	<u>Original Principal Amount</u>	<u>Final Maturity</u>	<u>Outstanding Balance</u>
1991	Miller's Woods- Refunding & Imp.	November, 1991	\$7,245,000	October 1, 2011	\$6,555,000
1993	Miller's Woods- Improvement	January 1, 1993	535,000	April 1, 2007	485,000
1995	YMCA Complex Acquisition	September 1, 1995	2,600,000	October 1, 2011	<u>2,600,000</u>
					\$9,640,000

Accounting, Budgeting and Auditing Procedures

The financial accounts of the Commission are maintained on a modified accrual basis, with revenues being recorded when received in cash and expenditures being recorded when incurred. The encumbrance method of accounting is in use to facilitate budgetary control and ensure statutory compliance.

An annual budget of estimated receipts and disbursements for the coming fiscal year is prepared under the direction of the Recreation Commission and presented to the Blue Valley School District Board of Education in July for certification after a public hearing. The Commission has the ability to budget revenues of up to four mills from property tax collections to fund general operating expenses. In accordance with Kansas law, the Commission must receive authorization from the Blue Valley School District Board to increase its general tax levy. The maximum increase may not exceed one mill per year. The Commission also has the ability to levy up to one additional mill per year for payment of employee benefits. The Commission has the further right to petition the Blue Valley School District Board to adopt a resolution proposing to make an annual levy not to exceed one mill from property tax collections for the purpose of creating a capital improvement fund for the acquisition of sites. The levy must be submitted for voter approval, however. The Commission's fiscal year begins each July 1 and ends June 30. The budget lists estimated receipts by funds and sources and estimated disbursements by funds and purposes.

The financial records of the Commission are audited annually by a firm of independent certified public accountants in accordance with generally accepted auditing standards and the Minimum Standard Audit Program approved by the State Municipal Accounting Board. All annual statements of the Commission have been audited and approved without qualification by independent certified public accountants since the creation of the Commission.

Sources of Revenue

The Commission finances its operations from local property tax levies as well as from fees, charges, grants and donations. Property tax revenues for the Commission are submitted through the annual budget process to the Blue Valley School District for certification and collection as a part of the District's annual budget. The following table provides a summary of the historical fiscal year revenues of the Commission by source. Figures do not include revenues derived from the Commission's employee benefits mill levy.

SCHEDULE 2

TO DECLARATION OF TRUST DATED AS OF NOVEMBER 1, 1991, EXECUTED
BY BANK IV KANSAS CITY, N.A., AS SETTLOR AND TRUSTEE

----- Schedule of Basic Rent Payments -----

Date	Principal Portion	Rate	Interest Portion	Basic Rental Payment	Annual Rental Payments	Purchase Price
04/01/92			204,478.65	204,478.65		7,245,000
10/01/92	230,000	5.000	245,374.38	475,374.38	679,853	7,015,000
04/01/93			239,624.38	239,624.38		7,015,000
10/01/93	225,000	5.250	239,624.38	464,624.38	704,249	6,790,000
04/01/94			233,718.13	233,718.13		6,790,000
10/01/94	235,000	5.500	233,718.13	466,718.13	702,436	6,555,000
04/01/95			227,255.63	227,255.63		6,555,000
10/01/95	250,000	5.650	227,255.63	477,255.63	704,511	6,305,000
04/01/96			220,193.13	220,193.13		6,305,000
10/01/96	260,000	5.800	220,193.13	480,193.13	700,386	6,045,000
04/01/97			212,653.13	212,653.13		6,045,000
10/01/97	270,000	6.000	212,653.13	482,653.13	695,306	5,775,000
04/01/98			204,553.13	204,553.13		5,775,000
10/01/98	280,000	6.150	204,553.13	494,553.13	699,106	5,485,000
04/01/99			195,635.63	195,635.63		5,485,000
10/01/99	305,000	6.300	195,635.63	500,635.63	696,271	5,180,000
04/01/00			186,028.13	186,028.13		5,180,000
10/01/00	325,000	6.450	186,028.13	511,028.13	697,056	4,855,000
04/01/01			175,546.88	175,546.88		4,855,000
10/01/01	320,000	6.600	175,546.88	495,546.88	671,094	4,535,000
04/01/02			164,986.88	164,986.88		4,535,000
10/01/02	340,000	6.700	164,986.88	504,986.88	669,974	4,195,000
04/01/03			153,596.88	153,596.88		4,195,000
10/01/03	350,000	6.750	153,596.88	503,596.88	657,194	3,845,000
04/01/04			141,784.38	141,784.38		3,845,000
10/01/04	375,000	7.375	141,784.38	516,784.38	658,569	3,470,000
04/01/05			127,956.25	127,956.25		3,470,000
10/01/05	400,000	7.375	127,956.25	527,956.25	655,913	3,070,000
04/01/06			113,206.25	113,206.25		3,070,000
10/01/06	430,000	7.375	113,206.25	543,206.25	656,413	2,640,000
04/01/07			97,350.00	97,350.00		2,640,000
10/01/07	465,000	7.375	97,350.00	562,350.00	659,700	2,175,000
04/01/08			80,203.13	80,203.13		2,175,000
10/01/08	485,000	7.375	80,203.13	565,203.13	645,406	1,690,000
04/01/09			62,318.75	62,318.75		1,690,000
10/01/09	525,000	7.375	62,318.75	587,318.75	648,638	1,165,000
04/01/10			42,959.38	42,959.38		1,165,000
10/01/10	560,000	7.375	42,959.38	602,959.38	645,919	805,000
04/01/11			22,309.38	22,309.38		805,000
10/01/11	605,000	7.375	22,309.38	627,309.38	649,819	---
Total	7,245,000		6,253,611.77	13,498,611.77	13,498,612	

An unenviable dilemma for state lawmaker

Over the years, I've had many occasions to deal with Kansas Sen John Vratil, an Overland Park Republican. I've also spoken occasionally to Vratil in his professional capacity - as the attorney for the Blue Valley School



Phil LaCorte
Editor

District (and earlier, as lawyer for the DeSoto School District)

My impressions, that Vratil is a solid, honest, bright, honorable person, have never been contradicted, at least to me, by any of his profes-

sional or legislative colleagues.

But the senator, who was elected in November after being appointed to replace a senator who resigned, is currently engaged in a troubling ethical high-wire act, purporting to represent the citizens of his district,

even as he purportedly looks out for the best interests of his employer.

THE LAST WORD

Here's Vratil's dilemma: As a well-compensated contract employee of the Blue Valley School District, would Vratil feel comfortable opposing the education lobby's campaign to raise taxes on his constituents to provide more state funding for his employer? Would Vratil's contract with Blue Valley be renewed if he championed the \$50-a-head increase in per-pupil spending that the governor contemplates in his proposed FY 2002 budget, when the district that signs Vratil's paycheck says it needs \$650 a head?

Vratil isn't the only legislator, by a long shot, who has found himself in a potential conflict of interest. Larry Campbell, for example, until January served simultaneously as a member of

the Kansas House of Representatives, which distributes funds to cities in various ways, and as mayor of Olathe, which competes with other cities and regions for state funds.

Legally speaking, Vratil is on solid ground (as was Campbell). Attorney General Carla Stovall opined that Vratil's service to two masters was neither unlawful nor unprecedented. And, Vratil himself argues that what is good for the Blue Valley School District is good for his constituents - that their needs and the needs of the school district converge.

Whether that rationale is true is debatable. The fact remains that Vratil's service to both his constituents and to the school district leaves a hideous appearance. The appearance might not be so bad if Vratil was on the sidelines of the education funding debate.

But Vratil has been anything but a bystander. He is the lone

Johnson County) on the Senate Education Committee, where his expertise in the educational field is so respected that he was named vice chairman of that body. Vratil also has appeared and expressed enthusiastic support for additional funding for education on a frightfully unbalanced cable television program produced by the Blue Valley School District and hosted by a former member of that district's school board. Indeed, Vratil is emerging as a leading spokesman for the education lobby and its effort to procure more dollars from taxpayers, including Vratil's own constituents.

Perhaps Vratil can navigate this slippery slope without mishap. But, given Vratil's predicament, when he calls for tax hikes for increased educational spending, it begs the questions: Is he a true believer that throwing money at schools is sound fiscal policy, or is he just shilling for the boss?

SENATE EDUCATION COMMITTEE
Testimony on HB 2408
March 26, 2001 (1:30 p.m.)
Room 123S

Chairman Umbarger and Members of the Senate Education Committee:

My name is Tom Trigg and I am Assistant Superintendent for the Blue Valley School District. Thank you for the opportunity to testify.

The Blue Valley School District is supportive of the Blue Valley Recreation Commission (BVRC). Current law requires the Blue Valley Board of Education to appoint the seven recreation commissioners, to approve all leases, and to approve the BVRC's budget by levying the taxes necessary to fund the budget.

The BVRC faces significant challenges in a rapidly growing area. In short, there are not enough facilities available to support the thousands of students they serve. It is important that any legislative change under consideration not place impediments that make the BVRC's mission more difficult to accomplish.

If a change in current law that allows for the dissolution of the BVRC by public vote is deemed necessary, I am confident that such a vote would demonstrate support for the BVRC. In addition, if such a change is enacted, the recent amendment that allows for the continuation of any levy necessary to retire debt or obligation is a necessity.

The current bill contains a provision requiring approval by the Blue Valley Board of Education for any lease exceeding three years. This provision appears to be ambiguous, as approval by the Blue Valley Board of Education is currently required for all leases. [Section 2 (k)]

The current bill also includes language that excludes the BVRC from using general fund revenue to repair and maintain property and equipment. All recreation commissions in the state utilize general fund revenue to repair and maintain property and equipment. The proposed language in Section 1 (g) would only allow such repairs to be paid for from the capital improvement fund, which BVRC does not currently have.

In conclusion, the BVRC faces challenges that are unique to a rapidly growing area. I urge the legislature to keep this in mind when discussing potential changes to the current law. Please do not place unnecessary restrictions on the ability of the BVRC to provide recreational opportunities for the thousands of students and patrons they serve.

Thank you for your time and the opportunity to appear before you today.

Senate Education
3-26-01
Attachment 4

Testimony Prepared for the
Senate Committee on Education
Monday, March 26, 2001

Testimony in Opposition to HB 2408 As Amended

Richard N. Bien, Chairman
Blue Valley Recreation Commission

Mr. Chairman and members of the Committee:

I appreciate the opportunity to appear before the Education Committee today. I am the current Chairman of the Commission and have served as an appointed, volunteer, commissioner since 1996. The legislation proposed in HB 2408 is bad legislation for the thousands of Blue Valley School District families who utilize the recreational services provided by the Blue Valley Recreation Commission and for Recreation Commissions throughout the state.

HB 2408 proposes to change current Recreation Commission Statutes effecting BVRC and other commissions in the following five ways, each of which is problematic:

1. **GOVERNANCE.** Although the bill maintains the Blue Valley Board of Education's oversight of the Commission's budget in § 1(e) it adds an additional layer of oversight with government by revocation vote referendum. Adding the revocation vote on the existence of BVRC frustrates the legislature's intent in the 1994 amendments to § 1928 and § 1935.¹ These amendments balanced BVRC's additional authority to purchase land with additional oversight and control by the elected Board of Education. Reinstating the revocation petition and the other changes proposed in HB 2408 are part of the proponents strategy to either eliminate the BVRC or through the other provisions of this bill cripple the BVRC. This legislation does not increase local control it is an attempt to usurp it. In short, the proponents are trying to get the legislature to manage the BVRC – a local governmental entity because they don't like the management provided by the USD 229 School board. If there is concern about responsiveness of either the school board or the commission then the appropriate solution would be to make the BVRC an independent, elected commission fully and separately responsive to the electorate.

Assuming that BVRC survives a protest petition vote, and I think that it will, the revocation petition impairs the BVRC's additional authority to purchase land as allowed by Sec. 1935. First, the risk of a revocation election will increase the cost of any debt service. This risk will be translated to higher interest rates and therefore either fewer improvements or greater cost to the taxpayer. Because of the risk of a revocation petition, the taxpayer will get less for his or her money. Second, a revocation election places USD 229 in the position of being responsible for both the real estate purchased and the debt against such real estate. Although the amended bill allows the original levy to stay in effect to service any debt or obligation related to a purchase it provides no funding for programs on the property. Blue Valley tax payers would be left to pay for an obligation and would receive no benefit from the asset.

Senate Education
3-26-01
Attachment 5

2. **LAND PURCHASE.** Section 1(g) p. 4, HB 2408 deprives Blue Valley Recreation of its ability to purchase land without first holding an election. In our real estate market, this makes the authority granted to purchase land under Section 1935 basically meaningless. In south Johnson County owners who have ground for sale do not even consider, let alone accept, contracts that are subject to the delays and uncertainties of an election. In the last 18 months BVRC made offers on two different parcels of land where the offer was contingent on the outcome of an election. We did not get a reply from either landowner.
3. **CAPITAL IMPROVEMENTS.** The proposed language in Sec. 1(g) further muddies the waters about the purpose of the additional one mill for purchase and improvement of facilities. This provision may be the most problematic. It makes uncertain whether general fund revenues can be used to improve and maintain existing property or if Section 1935 and its capital fund provisions only apply to the purchase and equipping of new facilities. If it means the former, the legislation would unfairly and improperly prevent general mill levy funds from being used to improve and maintain existing properties, leasehold properties or properties acquired by gift. No other recreation commission is so limited. This limitation prevents proper use of the general fund and promotes deterioration of public assets.
4. **THREE YEAR LEASE PROVISION.** Section 2(k) of the proposed amended statute is completely unnecessary. This provision provides that lease terms of greater than three years require board approval. All leases and purchases already require board approval. The publication requirement is similarly unnecessary.
5. **MILL LEVY CAP.** Section 3(a) appears to reinstate a 4-mill levy cap on recreation commissions. In 1998, the Kansas Legislature repealed the levy limits for its subdivisions, including all recreation commissions. It is my understanding that several commissions across the state have now exceeded 4 mills. According to the Kansas Department of Education, 1999-2000 School Year Mill Levy Report the following commissions' mill levies exceeded 4 mills: Great Bend, 4.99; McPherson, 4.66; Derby 4.82 and Wellington 5.00. When employee benefit funds are included, an additional eight commissions levies exceed 4 mills. This bill will have a negative impact upon those and other Kansas recreation commissions. Further, the BVRC would be limited to an even greater extent if it chose to go to the voters to seek 1 mill for capital expenditures under Section 1935. This is a part of the proponents' strategy to prevent the BVRC from serving the public.

There is no compelling reason to change that relationship as contemplated by HB 2408. If the Committee is interested in addressing the issue of Recreation Commission governance, I request that it establish a subcommittee to study the governance of all recreation commissions in the state and reject HB 2408. Blue Valley Recreation is, of course, prepared to work with the committee or any sub committee appointed to study this important issue.

Thank you, for your attention and the opportunity to testify today.


Richard N. Bien
Chair, Blue Valley Recreation Commission

-
1. In 1994, the House and Senate passed legislation that is currently codified at KSA 12- 1927, 1928 and 1935 which did the following:
 1. Authorized BVRC to purchase land with approval of the USD 229 Board of Education;
 2. Gave Blue Valley Recreation the authority to ask the voters for up to one additional mill (beyond the then existing 4 mill cap) for the purchase of real estate and construction of facilities;
 3. Gave to the USD 229, Board of Education direct oversight of the Commission's budget and approval of all land purchases.
 4. Removed Blue Valley Recreation from possible revocation of its operating authority (the 5% revocation petition proposal before you today).

Doris L. Riley
10850 W. 154th Street
Stanley, KS 66221

March 24, 2001

Honorable Dwayne Amberger, Chairman
Senate Education Committee

Dear Senator Amberger and Members of the
Senate Education Committee,

HB 2408 is before you for consideration.
Please be aware that this bill is very important
to the taxpayers of the Blue Valley School
District.

I personally spoke with and obtained
petition signatures from over one hundred
Blue Valley taxpayers. They all thought our
petition, which supports HR 2408, is reasonable
and responsible. Only six people declined to
sign the petition.

HR 2408 provides up to 4 mills for funding
recreation programs for children participating
in Blue Valley Recreation Commission activities.
This is over and above the taxes assessed by
Johnson County Parks and Recreation and
assessments of each municipality in the Blue
Valley School District. HR 2408 provides up to
one mill for funding benefits for BVRC employees.
These benefits are not with KPERS.

Senate Education
3-26-01
Attachment 4

HR 2408 provides for voter approval of funding for capital improvements and acquisition of real property. It limits leases to three years. It restores the petition for dissolution of the BVRC, and provides oversight by the Blue Valley Board of Education. It even provides for payment of debt, that the voters did not approve, but was approved by the Blue Valley Board of Education, should the BVRC be dissolved.

As a constituent of Senator Dratil, I respectfully request that the Senator recuse himself from discussions of this bill and from voting on this bill to avoid the appearance of conflict of interest.

HR 2408 is reasonable legislation that provides a third level of funding and programs for children. It is very important in that it reinstates the citizen's right to vote for major expenditures of tax revenue.

I respectfully request that the Senate Education^{Committee} approve HR 2408 without amendment.

Thank you for your time and consideration

Doris L. Riley

(913) 897-2136

My name is Gary Brockus. I am a resident of the Blue Valley school district. I also served on the Blue Valley Recreation Commission (BVRC) from 1992 through 1996, and was elected chairperson two of those four years by my peers. I led the effort by the BVRC to build a community center in 1995 that Blue Valley voters turned down by a vote of 72-28%.

Testimony was made in the House hearing by opponents of this bill stating that the community center bond issue went down to defeat in 1995 due to bad timing. Testimony was that new property tax statements had come out and people were upset. **Since that time we have had 6 years of the most prosperous economic times in our country and county's history. Six years the BVRC had to come back to the voters and try again. They didn't.** They settled on buying in 1998, as staff testimony indicated, an existing "Butler" building, which the attorney general subsequently said they couldn't do. Now why, if the community center failed vote was due to bad timing in 1995, did the BVRC go down the road that ended up in a public mess with the attorney general **three years** later? Why didn't they just come back to the voters and get a nice new state of the art building? Ask the opponents of the bill that question when they testify.

Testimony by staff indicated the BVRC recently had planned to go to public vote to acquire land this summer. This was canceled when the donation of the east quarry from Mr. Reno came about. Since that donation may have gone awry, (which is a story unto itself,) why doesn't the BVRC go to the voters as was originally planned? The attempted Morse area land acquisition at 151st and Quivira this past year was but one more attempt to gain land without voter approval. **The BVRC has had 6 years of the most prosperous times in history, to come to the voters for what is a definite need and nothing has happened. Six years of the best opportunity to get land we may ever have.** Land is not getting cheaper, and they aren't making any more of it. Ask them why they keep avoiding the voters when they testify here today.

For what it's worth, I will always vote to support the BVRC if it ever came to that. But as it stands now, I have no recourse for the BVRC not getting the job done. I can't vote commissioners out. I can't vote to dissolve the BVRC, for not getting the job done. This would let the county and cities take over, most likely resulting in tax savings to residents. So what am I left with? Vote out a school board member because they appoint the BVRC commissioners?

Senate Education
3-26-01
Attachment 7

Staff testimony indicated total confidence the BVRC would prevail in a public vote over dissolution should reinstatement of the protest petition cause that to occur. If so, why be so against this? The BVRC has avoided a public vote since the 1995 community center defeat 72-28%? If they truly trust the people, their actions aren't matching their words. Blue Valley deserves better. Give the people a voice.

Restoring the protest petition clause will provide much needed accountability to the citizens of Blue Valley.

A handwritten signature in cursive script that reads "Gary Brooker". The signature is written in black ink and is positioned to the right of the text above it.

NANCY HANAHAN
10001 WEST 156 STREET
OVERLAND PARK, KANSAS 66221
913-897-3619

March 26, 2001

Mr. Chairman , Members of the Committee. Thank you for the opportunity to appear before you this afternoon.

In January of this year, the Kansas Attorney General issued an opinion requested by the Blue Valley Board of Education on behalf of a patron regarding the operations of the Blue Valley Recreation Commission. That opinion is based on Kansas Statute 12-1935 which states "levying a tax to make provision for a capital improvement fund requires voter approval". The opinion further states "Blue Valley may NOT establish or use a fund other than its capital fund for the purchase of real property or payment for capital improvement projects listed in Kansas Statute 12-1935".

Further, "no levy shall be made unless the proposal to make such levy is submitted to and approved by a majority of the qualified electors of the taxing district voting at an election thereon".

There is a problem here. Evidence of the violations of this statute appear to be numerous.

1. The Blue Valley Recreation Commission entered into a lease-purchase agreement (more expensive than a lease) January 1, 1990 to obtain Miller's Wood. The cost was \$3,950,00. According to the law (Kansas Statute 12-1928), section (h), every recreation commission shall have the power to: enter lease agreements for real and personal property. The term of any such lease shall not exceed 10 years. The lease-purchase, a copy of which I have provided for you, extends 20 years. This was a clear violation of law.

2. In 1994, unbeknownst to the taxpayers, the legislature removed our oversight and disenfranchised us by giving special powers to the Recreation Commission, allowing them to purchase property. According to the Attorney General's opinion, they still were required to receive voter approval to purchase real property.

Senate Education
3-26-01
Attachment 8

3. In 1995, the Blue Valley Recreation Commission did go to the voters for the 1st time with a \$6.5 million proposal that the voters defeated 2-1. We haven't heard from them since.

4. In 1998, the Blue Valley Recreation Commission purchased the Activity Center on 151 Street in Overland Park with monies from their general fund in the amount of \$700,000. Again, they did NOT follow the law.

5. The Blue Valley Recreation Commission budget has multiplied 50 times! Their first budget in 1987 was \$133,120. Today, their budget is \$6,507,769.00! Sixty Six percent of that covers principle and interest on debt, salaries and the designated unreserved fund.

6. According to the Superintendent of Finance & Administration of the Blue Valley Recreation Commission as of May, 2000, the taxpayer debt is \$11,284,243.20. This group is out of control!!

We, the taxpayers want our control and oversight back. We further expect them to follow the law.

Who WILL enforce the law?

I respectfully request your support for H.B. 2408.

American Land Title Co
J065299

1922204 ✓

record

STATE OF KANSAS 1990
COUNTY OF JOHNSON
FILED FOR RECORD

ISSD JAN 25 10 47.9

82 SARA FULLMANN
REGISTER OF DEEDS

BY _____ DEP.

LEASE PURCHASE AGREEMENT

between

BANK IV OLATHE, N.A.
as Lessor

and the

BLUE VALLEY RECREATION COMMISSION
as Lessee

Dated as of January 1, 1990

855044459

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EXHIBIT A

TO LEASE PURCHASE AGREEMENT DATED AS OF JANUARY 1, 1990, BETWEEN
BANK IV OLATHE, N.A. AND BLUE VALLEY RECREATION COMMISSION

SCHEDULE OF BASIC RENT PAYMENTS

<u>Payment Date</u>	<u>Basic Rental Payment</u>	<u>Principal Portion</u>	<u>Interest Portion</u>	<u>Purchase Price</u>	<u>Interest Rate on Principal Portion Due</u>
10/1/90	6261,556.88		9261,556.88	\$4,800,000.00	
4/1/91	174,371.25		174,371.25	4,800,000.00	
10/1/91	294,371.25	\$120,000.00	174,371.25	4,760,000.00	6.10%
4/1/92	170,711.25		170,711.25	4,760,000.00	
10/1/92	300,711.25	130,000.00	170,711.25	4,630,000.00	6.20%
4/1/93	166,681.25		166,681.25	4,630,000.00	
10/1/93	306,681.25	140,000.00	166,681.25	4,490,000.00	6.30%
4/1/94	162,271.25		162,271.25	4,490,000.00	
10/1/94	307,271.25	145,000.00	162,271.25	4,345,000.00	6.40%
4/1/95	157,631.25		157,631.25	4,345,000.00	
10/1/95	312,631.25	155,000.00	157,631.25	4,190,000.00	6.50%
4/1/96	152,593.75		152,593.75	4,190,000.00	
10/1/96	317,593.75	165,000.00	152,593.75	4,025,000.00	6.60%
4/1/97	147,148.75		147,148.75	4,025,000.00	
10/1/97	322,148.75	175,000.00	147,148.75	3,850,000.00	6.70%
4/1/98	141,286.25		141,286.25	3,850,000.00	
10/1/98	331,286.25	190,000.00	141,286.25	3,660,000.00	6.80%
4/1/99	134,826.25		134,826.25	3,660,000.00	
10/1/99	334,826.25	200,000.00	134,826.25	3,460,000.00	6.90%
4/1/00	127,926.25		127,926.25	3,460,000.00	
10/1/00	342,926.25	215,000.00	127,926.25	3,245,000.00	7.00%
4/1/01	120,401.25		120,401.25	3,245,000.00	
10/1/01	350,401.25	230,000.00	120,401.25	3,015,000.00	7.10%
4/1/02	112,236.25		112,236.25	3,015,000.00	
10/1/02	357,236.25	245,000.00	112,236.25	2,770,000.00	7.15%
4/1/03	103,477.50		103,477.50	2,770,000.00	
10/1/03	368,477.50	265,000.00	103,477.50	2,505,000.00	7.20%
4/1/04	93,937.50		93,937.50	2,505,000.00	
10/1/04	378,937.50	285,000.00	93,937.50	2,220,000.00	7.50%
4/1/05	83,250.00		83,250.00	2,220,000.00	
10/1/05	388,250.00	305,000.00	83,250.00	1,915,000.00	7.50%
4/1/06	71,812.50		71,812.50	1,915,000.00	
10/1/06	401,812.50	320,000.00	71,812.50	1,585,000.00	7.50%
4/1/07	59,437.50		59,437.50	1,585,000.00	
10/1/07	414,437.50	355,000.00	59,437.50	1,230,000.00	7.50%
4/1/08	46,125.00		46,125.00	1,230,000.00	
10/1/08	436,125.00	380,000.00	46,125.00	850,000.00	7.80%
4/1/09	31,875.00		31,875.00	850,000.00	
10/1/09	441,875.00	410,000.00	31,875.00	440,000.00	7.80%
4/1/10	16,500.00		16,500.00	440,000.00	
10/1/10	456,500.00	440,000.00	16,500.00	16,500.00	7.80%

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