

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:38 a.m. on Tuesday, March 8, 2005, in Room 231-N of the Capitol.

All members were present except:  
Senator James Barnett (E)

Committee staff present:  
Athena Andaya, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Mary Ann Torrence, Revisor of Statutes Office  
Dee Woodson, Committee Secretary

Conferees appearing before the committee:  
Mayor James McClinton and Jim Langford, City of Topeka's Budget and Finance Director  
Onis Lemon, Mission Township and Sherwood Improvement District, Topeka  
Richard Johnson, Menoken Township, Topeka  
Richard Maginot, Soldier Township, Shawnee County  
Jane Kelsey, Shawnee County Farm Bureau Association  
Dennis Schwartz, General Manager of Shawnee County Rural Water District No. 8  
Bob Haselwood, Topeka Township  
Al Ward, Clerk of Mission Township, Topeka  
John Alcala, Topeka City Councilman (written)

Others attending:  
See attached list.

Chairman Brungardt noted that copies of written testimony on **SB 263** from Tuck Duncan, on behalf of American Medical Response, was distributed in regard to the March 2 hearing. (Attachment 1) Minutes for the February 17, 22, and 24 meetings were presented for committee review and consideration.

**SB 262 - City and County Consolidation**  
**HB 2083 - Consolidation of Topeka and Shawnee County**  
Chairman Brungardt continued the hearing on **SB 262** and **HB 2083**.

In response to a committee member's question during the hearing last week on **SB 262** and **HB 2083**, Chairman Brungardt recognized Mayor James McClinton and Jim Langford, City of Topeka's Budget and Finance Director, who appeared to furnish additional information regarding the city's indebtedness. Mr. Langford explained the handouts consisting of a Statement of Indebtedness for the City of Topeka from year 2000 through February 17, 2005, and a Comparison of Indebtedness and Mill Levy for Shawnee County and City of Topeka. (Attachment 2)

Senator O'Connor asked in the Shawnee County mill levy vs the City of Topeka mill levy, how many dollars for every increase in a mill are brought in approximately. Mr. Langford responded that 1.0 mill for the city is about \$900,000, and 1.0 mill for the county is about \$1.3 million.

Mayor McClinton stated that if bonded indebtedness is a question of concern, he felt that could be addressed by the commission. The commission itself could decide who will pay that debt, and make sure that is a fair way of dealing with that issue.

Onis Lemon, Mission Township and Sherwood Improvement District, testified in favor of **HB 2083**. He said it was imperative that the people in the townships and Shawnee County have a voice in whether or not to accept a consolidation plan. He also supported a moratorium on unilateral annexation, because allowing the city to continue its October 2004 annexation plan would cause manifest injury to townships and county voters. Mr. Lemon explained that Mission Township would lose approximately 80% of their

## CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:38 a.m. on Tuesday, March 8, 2005, in Room 231-N of the Capitol.

township budget if the city was allowed to unilaterally annex per its annexation plan. The township people left would not be able to afford a fire department or a road department on 20% of their current budget. (Attachment 3)

Richard Johnson, Menoken Township, spoke in support of **HB 2083**. He said that unilateral annexation amounts to taxation without representation, and that people chose their homes based on the amenities the location offers to them. He stated that Topeka's desire to initiate annexation after elections lacks integrity and suggests a conspiracy to prevent those being annexed from voicing their concerns. Topeka's government wants to control the selection of the consolidation committee, and he believed the selection should remain with the Governor. Mr. Johnson explained that Menoken Township would lose 25% of their tax base, and the carefully selected land to be annexed only takes in 1.5 miles of roadway, which amounts to less money for the township to maintain the existing roads and fire department. He said the annexation of 32,000 acres will be expensive and the city does not have the resources to provide services to its newly acquired citizens in a timely manner. Mr. Johnson, being a retired Topeka police officer, spoke about the number of uniformed police officers in Topeka, and problems associated with more area to cover and citizens to protect with the proposed annexation. He pointed out that Topeka's debt should not be the burden of those who have no vote or representation. (Attachment 4)

Richard Maginot, Soldier Township, testified in favor of **HB 2083**. He explained one of the reasons the vote in November passed was the idea that there would be a dual majority vote required to adopt any consolidation plan. He stated that the passage of this bill gives the citizens living in the unincorporated county a say in their future rather than again being forced into being governed by an entity, the City of Topeka, where those citizens have not chosen to live. Mr. Maginot talked about the annexation plan which discussed annexing up to approximately 50 square miles of land surrounding the city, and the area targeted in Soldier Township for annexation consists of approximately 17 square miles leaving over 50 square miles for the Township to service. Soldier Township would lose 50% of their tax base including more than 95% of all commercial property and many of the larger residential subdivisions from the Township tax base. He shared that in the late 1950's, early 1960's, Topeka annexed large areas from Soldier Township, and to date this area still has many of the same streets, septic tank systems and other features that were in place at the time of annexation with little or no improvements. Mr. Maginot said that this has galvanized the remaining citizens to fight any attempts to annex their properties when the only things they can depend on receiving are out of control spending by the city, higher taxes, skyrocketing debt, and a loss of services.

Mr. Maginot referred to the third page of his written testimony which showed the costs of water, sewer, and stormwater charges for the city and county residents. The water rates for residents outside the city are almost double the rates for city residents, and Soldier Township residents pay an extra \$23 a month in surcharges. Sewer rates are nearly double of those in the city. (Attachment 5)

Senator Reitz asked if the township's sewer system was uniformly distributed throughout the township, or was it a septic tank system. He also inquired about the health issues related to those systems. Mr. Maginot responded that there were two main branches of the sewer system that serves two parts of the township. He said there were approximately 5,000 residents in the township, and estimated that at least half to two-thirds are still on septic or lagoon systems in that area. The areas where the sewers have been extended were modified because there had been some problems with the septic systems in those areas. Those residents are now getting on to that extended sewer line, and are financing that by residents paying connecting fees and through the additional fees paid over and above what the city residents pay.

Senator Reitz expressed his concern for areas like that, and the potential for increased health problems as these types of residential areas grow. Mr. Maginot talked about one subdivision that was built 50-60 years ago which started having septic systems fail, and the County Health Department got involved in those issues as the people in the area were also concerned about it. The County Commission has been very active along with the Health Department and the effected communities, in looking at the problems and working out the solutions for those problem areas.

Jane Kelsey, Shawnee County Farm Bureau Association, testified in support of **HB 2083** with several recommended modifications. She stated that the county association did not support the consolidation



## CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:38 a.m. on Tuesday, March 8, 2005, in Room 231-N of the Capitol.

when it appeared on the 2004 November ballot, but believes that this bill is the fairest bill to all Shawnee County residents. She asked that consideration be given for additional language to clarify that positions currently held by elected officials should not be replaced by appointed officials in the new government. She explained that appointed officials are less accountable to the actual voters and tax payers within their counties. The county association also requested that the ballot question not be conducted by a mail ballot as is currently written in the bill, but done through the General Election of 2006. Ms. Kelsey stated the county association strongly supports the dual majority provision, the requirement to hold at least two public hearings to obtain citizen views on the proposed consolidation plan, the provision that specifies the selection process of commission members, the provision that maintains the bonding limits and payment obligations currently in place, and the provisions of the bill that restrict the annexation authority of the City of Topeka during the development and approval of the consolidation plan. Farm Bureau policy opposes the use of unilateral annexation by cities without input and agreement of a majority of the residents living in an area proposed for annexation. (Attachment 6)

Senator Vratil inquired why Shawnee County Farm Bureau Association opposed a mail ballot election. Ms. Kelsey responded that it was the association's belief that there would not be as many people involved, and it would be easier for citizens to overlook the mail ballot. There would be a better turnout in a General Election than by doing a mail ballot. Senator Vratil asked if that was the history of mail ballot elections in Shawnee County. Ms. Kelsey replied that she had not checked with the County Election Commissioner on this issue; but at the place where she personally votes, there had been only one mail ballot issue and all the rest had been through a General Election. Senator Vratil commented that the history of mail ballot elections state-wide was that there is a better turnout with mail ballots.

Senator Brownlee asked in regard to positions currently held by elected officials and that those positions should not be held by appointed officials; and if the outcome then would be a reduced number of elected officials due to combining a county commission and a city government, would the county association be open to fewer elected officials? Ms. Kelsey said that the thoughts of the county association related to the consolidation of the Sheriff's Office and the City Police Department, and that the county association believed the elected positions should be retained because it gives the citizens of the county the opportunity of more input into the management of that office. Senator Brownlee inquired as to whether the county association would want the commission to make such decisions. Ms. Kelsey replied that they would probably want the opportunity to vote because this whole idea would be a major change in how government has been operated.

Senator Hensley inquired of the Revisor and staff how do these bills deal with the disposition of future bonded indebtedness. The Revisor said she would have to research that point, and get back with the answer. Senator Hensley said he was looking at **HB 2083**, page 4, beginning at line 42 (e), where it says, "Any bonded indebtedness and interest thereon incurred by the city or county prior to consolidation shall remain an obligation of the property subject to taxation for the payment thereof prior to such consolidation." Senator Hensley referenced back to Mayor McClinton's comment when he said he felt like any future disposition of bonded indebtedness should be left with the commission and the commission should make that decision. He noted on page 5, line 33, of **SB 262**, it says, "Any bonded indebtedness and interest thereon incurred by the city or cities or county prior to reorganization or refunded thereafter shall remain an obligation of the property subject to taxation for the payment thereof prior to such reorganization." Senator Hensley commented that it appeared to him the bills were identical, and there was no language in the bills that said it should be left up to a commission.

Dennis Schwartz, Shawnee County Rural Water District No. 8, spoke in favor of **HB 2083**. He testified in strong support of improved efficiency in local government, and believed that the consolidation of some or all of our governmental functions may result in improved delivery of services at a reduced cost to all taxpayers in Shawnee County. Mr. Schwartz stated that the plan that will be developed by the consolidation commission, must provide clear benefits for both the residents of the city and the rural areas of the county for it to be fair and beneficial to all. He said **HB 2083** contains many provisions that address issues that are unique to Shawnee County, and they would never suggest that the provisions of this bill should be applied to all the other counties of Kansas, any more than the law which provided for the Wyandotte consolidation would serve Shawnee County. (Attachment 7)

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MINUTES OF THE Senate Federal and State Affairs Committee at 10:38 a.m. on Tuesday, March 8, 2005, in Room 231-N of the Capitol.

Bob Haselwood, Topeka Township, testified in favor of **HB 2083**. He stated he was not in favor of city and county consolidation, but felt that **HB 2083** does a good job of establishing guidelines for commission appointment and includes other provisions that are fair and equitable. He especially liked the provision for the dual majority vote, but there were a couple of points he would like the committee to consider. Mr. Haselwood said he would like to see some kind of limit to the number of commission members as to their residence be it city or county, would like to see some kind of provision in the bill that would guarantee that any regulations in regard to any agricultural operation not be restricted more than what is in current state statute. (Attachment 8)

Al Ward, Mission Township, testified in support of **HB 2083**. He stated it was the consensus of the twelve townships in Shawnee County that the best option for the townships is consolidation of the City of Topeka and Shawnee County governments. He explained that if there was no consolidation of the governments and the City of Topeka could unilaterally annex the township areas, the financial structure of the townships would be destroyed. The townships were in favor of the commission members selection provision, the dual majority vote of city and county residents, the moratorium on unilateral annexations remaining in place while the plan was being developed, and the provision that county owned land may be annexed upon petition of the owners of any such land. Mr. Ward added that there were many suburban residents that own businesses and property within the city limits of Topeka that pay property taxes to the city, contrary to the City of Topeka's contention that suburban residents regularly use city services, but don't pay taxes to the city in return. (Attachment 9)

John Alcala, Topeka city Councilman, submitted written testimony in favor of **HB 2083** (Attachment 10)

Joseph Ledbetter, Topeka resident, testified in opposition to **HB 2083**. He handed out Topeka and Lawrence, Kansas, maps distributed by WIBW Radio for the committee to use as information and consideration regarding the comparison of growth patterns outside of the city limits. He stated that Lawrence did not have all the appendages around the city limits in comparison to Topeka. He said that Lawrence has always had a policy regarding this, and Lawrence has always been professionally run as a City Manager's city. Topeka has not had that same type of government. He explained that Topeka did not require people be annexed before they got services for the last 30-40 years, and it has only been within the last two years that particular policy has been changed. Mr. Ledbetter told the committee that he had a Masters in Public Administration from Kansas University in the Manager of Government Program, and also has a Political Science degree from Washburn University. He commented that mail ballots have a higher turnout, and he didn't understand the earlier objection to it.

Mr. Ledbetter stated that he was not opposed to all of **HB 2803**, and was very much for consolidation and is on record stating same. He furnished copies of the November 2, 2004, ballot question regarding county consolidation with his written testimony. He said the vote that was taken on the consolidation question and this bill did not have any comparison except for the commission provision. He said he did not have a problem with the makeup of the commission, but what was voted on was to get a commission to make recommendations. All the rest of this bill was not on the ballot, and the ballot as voted on in November is the will of the people. He stated he would have voted against it if there had been a dual majority contained within the ballot question. There was not a dual majority when the vote was done on a county-wide sales tax for twelve years last August, and all road projects are outside the city limits, but we all pay. He suggested that an interim study be done, and no action on this bill be taken unless the provision for dual majority is stricken from the bill. (Attachment 11)

Senator Reitz stated he was very concerned about healthcare and the sewers, and this being an urbanized area and possibly running risks of having health problems with regard to sewer service, then that should be a major issue to be addressed, but there has not been one conferee speak on this important concern. He said the trouble with this issue is that it represents a significant cost to bring it under some sort of jurisdiction that has some clout. He wants reinforcement and fairness, but is not sure we're getting this in this particular body. He emphasized that this bill would have to speak to that in order to get him to support it.

Mayor McClinton asked to make a final comment in regard to consolidation. He said there had been a lot of talk about annexation, and firmly stated that there was no annexation plan. He emphasized that this



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MINUTES OF THE Senate Federal and State Affairs Committee at 10:38 a.m. on Tuesday, March 8, 2005, in Room 231-N of the Capitol.

hearing was simply about consolidation, and ask the committee to give the city and county residents an opportunity to save money to create efficiencies. He stated that if everyone could stay focused on this consolidation, he thought this plan could be moved ahead.

Chairman Brungardt closed the hearing on **SB 262** and **HB 2083**.

Senator Hensley stated he had a two-sided handout he wanted to share with the committee members. One side contained the statute, K.S.A. 12-1261, created by the Legislature to establish a Topeka and Shawnee County Public Library. He explained that reference had been made to that statute during the hearing, and referred the committee to sub-paragraph (b) which was a provision that allowed for a dual majority vote in Shawnee County when the question of a consolidated library was brought up to the voters. He said the statute speaks to a majority of the qualified electors within the corporate limits of the city in a separate vote of the voters who reside outside the corporate city limits. On the other side of his handout was a statute, K.S.A. 82a-640, that deals with water districts, and referred to the third sentence which says, "A majority of the members attending such special meeting of each district to be consolidated shall first authorize the consolidation of such districts and approve the assumption and payment of all liabilities and obligations of the districts to be consolidated by the consolidated district." He explained that if there were two or three water districts that were going to merge, a majority vote would be required of each district in order to consolidate. Senator Hensley said that was recently done in Shawnee County, and wanted to share that Kansas does have statutes containing dual majority provisions. (Attachment 12)

The meeting was adjourned at 11:40 a.m. The next meeting scheduled is Wednesday, March 9, 2005.

SENATE FEDERAL & STATE AFFAIRS COMMITTEE GUEST LIST

DATE Tues, March 8, 2005

C. W. (Bill) SOMERS	MISSION TOWNSHIP
GINNY SOMERS	" "
FRANK L. KIRKCOFF	Topeka Ks 66607
Fred Sanders	Sn. Co. 66609
Al WARD	Mission Township, Clerk
CRAIG KABERLINE	MISSION TOWNSHIP
Enie Mashak	Topeka
David Thurbon	Topeka Planning Dept.
Louise Pierce	Soldier Township
Paul Degener	Resident Soldier Twp
VIC MILLER	SN CO COMMISSION
DWAIN NIGHTINGALE	RESIDENT - MISSION TWP
Ted Enslin	MISSION TWP
Chris L. Leman	Mission TWP
Walker Whit	Shawnee & Emp District
Chak Nicoloy	Soldier Township
James R. Coble	Consolidated RWD #4
Sharyll	Sen. Kelly
Nancy Beaman	Shawnee Co. Resident
Dennis Schwartz	Rural Water Dist #8
Marilyn Nichols	Shawnee Co. Reg. of Deeds
Wesley Umov	Wabaunsee Co Reg of Deeds
Thonda M. Underwood	Resident
Den Mober	LKM
DAN RICKEL	menoken township



SENATE FEDERAL & STATE AFFAIRS COMMITTEE GUEST LIST

DATE Tues, March 8, 2005


IRVIN HULSING	Soldier TWP
AL. METZ	MISSION
Steve Anderson	Monmouth Twp.
ED PECK	TECUMSEH Twp.
ROBERT PORUBSKY	SOLDIER TWP
KEN DROLETT	TECUMSEH TWP
NANCY VAN DRUFF	Tecumseh TWP
Cate Katherine	SOLDIER TWP
Denise Fabedone	Soldier TWP
Albert O Amore Jr	Soldier TWP
Jack David	Tecumseh Twp.
Eric Melnyk	Tennil Twp.
Stelen Underwood	Stelen Underwood, Soldier
Bob & Phyllis Koole	Tecumseh Twp.
Geraldine Berry	Tecumseh Township
Roy BERRY	Tecumseh Township
Phyllis West	Soldier Twp
Nancy Lamer	Mission Township
M. Jey	Shawnee
Thomas P. Browne, Jr	Tecumseh Township
CRAIG SEELEY	SOLDIER TOWNSHIP
David J. Rubin	" "
Richard Johnson	Menoken T.S.
RICHARD MAGINET	SOLDIER TOWNSHIP
Stephen Hennessey	Tecumseh Township







**AMERICAN MEDICAL RESPONSE**

To: Senate Committee on Federal and State Affairs  
From: R.E. "Tuck" Duncan   
RE: SB 263

American Medical Response supports SB263.

The bill provides that the EMS Board will also have as members as follows:

*“(F) two shall be administrators of ambulance services for which current valid permits have been issued pursuant to K.S.A. 65-6127, and amendments thereto; ...*

American Medical Response provides emergency transport services in Shawnee, Wabaunsee, Osage, Johnson and Wyandotte counties. The Board of EMS should number among its members the administrators of EMS services, who will provide practical day-to-day operational knowledge.

*Thank you for your attention to and consideration of this matter.*

Senate Federal & State Affairs  
Committee  
3-08-05  
Attachment 1

**CITY OF TOPEKA, KANSAS**  
**Statement of Indebtedness**

For the periods ending December 31

	2000	2001	2002	2003	2004	2005*
General Obligation Bonds	\$ 109,155,000	\$ 115,420,000	\$ 108,215,000	\$ 112,885,000	\$ 127,980,000	\$ 133,615,000
Utility Revenue Bonds	41,740,000	66,380,000	65,190,000	63,960,000	100,750,000	100,750,000
KDHE Revolving Loan	-	27,633,083	35,417,045	64,454,296	77,905,587	77,905,587
Temporary Notes	13,530,000	13,565,000	11,850,000	17,000,000	23,140,000	23,140,000
<b>Totals</b>	<b>\$ 164,425,000</b>	<b>\$ 222,998,083</b>	<b>\$ 220,672,045</b>	<b>\$ 258,299,296</b>	<b>\$ 329,775,587</b>	<b>\$ 335,410,587</b>

\* As of February 17, 2005. Includes the purchase of the EBA building.

The majority of the increase in the indebtedness is generated by Utility Revenue Bonds and monies borrowed through the Kansas Department of Health and Environment State Revolving Loan Program. This debt has financed improvements to the water, wastewater, and stormwater systems in Topeka and the surrounding area. The improvements were either required to meet Environmental Protection Agency standards; to replace an aging infrastructure and improve service; or to meet the capacity needs of development. The debt service is financed by revenue generated by the City Utilities, with no support from tax dollars.

The increase in General Obligation debt in 2004 was caused by the decision to issue \$13.4 million in bonds to pay off the City's unfunded liability to the Kansas Police and Fire Retirement (KP&F) System. Issuing the bonds to pay the unfunded retirement liability resulted in a present value savings of about \$1.1 million over the 11-year life of the bonds. The savings is generated by the lower interest rate charged through the bonds (4.8 percent) versus the rate the Kansas Public Employees Retirement System (KPERS) charged (8.0 percent). The 2005 increase results from the purchase of the EBA Building, which will be used as offices for City Departments, which are currently leasing space. Eventually, the City will realize economies from owning the office space versus making escalating rent payments.



Comparison of Indebtedness and Mill Levy--Shawnee County and City of Topeka

<b>Indebtedness as of January 1, 2004</b>		
	<u>Shawnee County</u>	<u>City of Topeka</u>
General Obligation Bonds	55,125,000	112,885,000
Utility Revenue Bonds	-	63,960,000
KDHE Revolving Loans	15,416,558	64,454,296
Temporary Notes	<u>6,665,000</u>	<u>17,000,000</u>
Total Indebtedness	77,206,558	258,299,296

<b>Mill Levy History</b>		
<u>Fiscal Year</u>	<u>Shawnee County Mill Levy</u>	<u>City of Topeka Mill Levy</u>
1998	37.19	32.59
1999	36.96	31.67
2000	37.01	31.79
2001	35.97	32.57
2002	40.59	32.45
2003	40.73	33.13
2004	43.04	33.22
2005	42.09	32.39

Testimony For House Bill 2083

I'm Onis Lemon, Treasurer of Mission township. I'm here representing mission township and Sherwood Improvement District. We are here to ask your full support of house bill 2083. WE thank it's Imperative that the people in the townships and shawnee county have a voice in whether or not to accept A consolidation plan. If it is a fair plan to all concerned then we will support it. One might compare this Consolidation plan to two companies merging, both should have a vote in the final outcome.

WE also support a moratorium on unilateral annexation, to allow the city to continue on it's October 2004 Annexation plan would cause manifest injury to township and county voters. Those people who are left in The township's after annexation will have to pay higher taxes, higher insurance premiums on their homes And no longer will have the snow removal and road maintenance they now enjoy.

To give you a quick example of what will happen in mission township, if the city is allowed to unilaterally Annex per their plan. We would loose approximately 80% of our township budget. The people left could Not afford a fire department, or a road department on 20% of our current budget. All but one of our local Legislative delegation supports House Bill 2083, therefore the majority should prevail here.

WE would appreciate your support of this bill.

Sincerely

Onis Lemon Treasurer mission Township

PH-785 478-3351



Senate Federal & State Affairs

Committee

3-08-05

Attachment 3



HB 2083

**MENOKEN TOWNSHIP**

**Richard Johnson**, representative for the township board (785-224-5068).

I am a native of Shawnee County. Fifty years as a resident of Topeka. The past eight years I have lived in Shawnee County a resident of the Menoken Township. I am a retired Topeka police officer. My assignments included research and planning.

**Menoken Township Supports a Moratorium on Annexation for the Following Reasons:**

1. Unilateral annexation amounts to **taxation without representation**. People chose their homes based on the amenities the location offers them. Assimilating land into the city without representation creates animosity and resistance, which creates obstacles to overcome when considering government consolidation.
2. Topeka's desire to initiate **annexation after elections lacks integrity** and suggests a conspiracy to prevent those being annexed from voicing their concerns. Topeka's government wants to control the selection of the consolidation committee. Selection should remain with the Governor.
3. **Menoken Township will lose 25% of their tax base, a sum of \$5,301,528.00**. The City has carefully selected land that only takes in 1.5 miles of roadway, which amounts to less money for the township to maintain their existing roads and fire department.
4. The annexation of 32,000 acres will be expensive and the **City does not have the resources to provide services to its newly acquired citizens in a timely manner**. Such an undertaking would be like buying a lawn mower for \$100 and spending \$125 to fix it.
5. **Urban Blithe**. Topeka needs to focus their resources toward developing what they already possess and often neglect. Investing in expansion would only create more debt and place a tax burden on all Shawnee County citizens.

**The time has come for consolidation of city and county government.**

Before initiating a merger, we must consider the financial issues for both parties.

Topeka's government may have good intentions, but their actions have amassed a debt of 325 million. **100 million of that debt has occurred in the last two years.**

The current government has focused on expanding retail, parks and entertainment, despite the lack of population growth. **Sales tax has shown a decline since 2002**, see attachment. Parks and entertainment depend on city revenue to remain open.

**Long term planning for the city goes as far as the next election.** The City has failed to introduce new industry, which would bring new families into the area.

If annexing occurs, residents must be assured of a plan that promises they receive services in a timely manner. Topeka's debt should not be the burden of those who have no vote or representation. **Shawnee County needs a qualified government to control spending.**

Senate Federal & State Affairs  
Committee  
3-08-05  
Attachment 4

# CITY OF TOPEKA

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Harry "Butch" Felker, Mayor  
215 SE 7<sup>th</sup> Street, Room 352  
Topeka, Kansas 66603  
Phone 785-368-3895  
Fax Number 785-368-3850

June 30, 2003

Dear Councilmembers and Citizens:

The accompanying volume contains the proposed 2004 budget. In order to meet all contractual requirements and policy initiatives adopted to date will require a 3.274 mil levy increase.

Mr. Langford's narrative in the volume lays out in detail the reasons for the proposal. The following scenario sums up the major reasons for the increase:

**2002.** Sales tax came in lower than expected.

The final payment from the state demand transfer was not made.

Interest income was less than projected.

These items led to a reduction in 2002 total budget and a lower fund balance on which to build 2003.

**2003.** Lost all of the demand transfers.

Sales tax income declined again.

Interest income declined again.

In addition, motor vehicle insurance increased.

Police and Fire pension contribution was raised.

**2004.** Demand transfers were not reinstated by the Legislature so no revenue is forthcoming.

Sales tax is not anticipated to reach previous level.

Auto insurance premiums are to rise again.

Existing costs of labor contracts will necessitate increases in salaries and corresponding benefits.

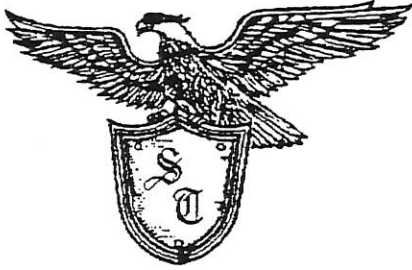
Police and fire pension benefits will raise due to orders from the state. (This item along is over \$650,000).

The desire to conduct inspections outside the City will require four more full time inspectors.

One item saving us from an additional mil levy increase is the forthcoming debt refinancing plan. This should bring in around 2 million dollars. The money which originally was programmed into bond and debt retirement is reprogrammed to the remaining tax supported funds. (This will be a one time item in the budget).

Council has asked that we look at a no mil levy increase. In order to accomplish this we need to drop the GIF rehabilitation and repair item (\$850,000); cut Parks and Recreation by \$900,000; cut bridge repair for 2004 by \$150,000 (This would be a one time cut); cut Fire by \$750,000; cut Police by \$500,000 and cut Grant to Other Agencies by \$500,000. This totals \$3,650,000. As you will note, these cuts will be significant. There are other scenarios but those

Telephone 286-2123



# Soldier Township

600 N.W. 46th, Topeka, Kansas 66617

Federal and State Affairs Committee  
Testimony on House Bill 2083  
Relating to Consolidation of Cities and Counties  
By Richard Maginot, Township Business Administrator  
March 3, 2005

In November 2004 the citizens of Shawnee County voted to request that the State form a commission to study consolidation of government in Shawnee County and present a consolidation plan. A vote of the people was then to be taken to decide whether or not to consolidate. One of the reasons the vote in November passed was the idea that there would be a dual majority vote required to adopt any consolidation plan. The dual majority vote would require that the consolidation plan would have to be passed by a majority vote of the citizens of Topeka AND also by a majority vote of the citizens living in the unincorporated county. Finally, the citizens living in the unincorporated county would have a say in their future rather than again being forced into being governed by an entity, the City of Topeka, where they had not chosen to live. HB2083 as passed by the Kansas House with an overwhelming majority vote gives this right to decide to the people.

The bill also seeks to ensure that all Shawnee County citizens will take an honest look at a consolidation plan by placing a temporary moratorium on unilateral annexation. This will alleviate some of the animosity caused by the City of Topeka's current plan to annex up to 32,000 acres surrounding the city.

For many years the citizens of Soldier Township have dealt with the problems caused by annexation forced upon them by the City of Topeka. In the late 1950's, early 1960's Topeka annexed large areas from the Township. To this date this area still has many of the same streets, septic tank systems and other features that were in place at the time of annexation with little or no improvements. This has galvanized the remaining citizens to fight any attempts to annex their

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properties when the only things they can depend on receiving are out of control spending by the City, higher taxes, skyrocketing debt and a loss of services.

A recently published City of Topeka annexation plan discusses annexing up to approximately 50 square miles of land surrounding the city. The area targeted in Soldier Township for annexation consists of approximately 17 square miles leaving over 50 square miles for the Township to service.

Unilateral annexation that allows cities to take property without the consent of the landowner has caused major contentions, pushed people to build further out into the rural areas to avoid annexation and deprived the citizens of basic services which are important to them, such as snow removal,. Another consequence of forced annexation is the inability of the Township to continue the same level of services currently provided. Topeka's plan to annex 17 square miles in Soldier Township would take 50% of the Township tax base including more than 95% of all commercial property and many of the larger residential subdivisions from the Township tax base. The taking of only the high value areas of the Township would place a burden on the citizens remaining in the Township to pay the overhead and operating expenses for the basic services now provided.

We believe that without the two critical components of a moratorium on annexation and a dual majority vote in HB2083, the efforts to develop a consolidation plan that will consider all of the needs of the citizens living both inside the City of Topeka and outside of the city will be doomed to failure.

We ask for your favorable support of HB2083 as written and passed by the Kansas House.

**Water:**

Water Rate Increases Based on Cost of Service (Effective January 1, 2005).

City: First 1,500 gallons \$8.29  
Each 1,000 gallons after that:

Single Family	\$2.74	per 1,000 gallons
Multifamily	\$2.23	per 1,000 gallons
Commercial	\$2.04	per 1,000 gallons
Industrial	\$1.75	per 1,000 gallons

**Outside City:** First 3,000 gallons \$19.33

Each 1,000 gallons after that:

Single Family	\$4.80	per 1,000 gallons
Multifamily	\$3.90	per 1,000 gallons
Commercial	\$3.57	per 1,000 gallons
Industrial	\$3.06	per 1,000 gallons

**Wholesale** (Rural Water Districts) \$3.03 per 1,000 gallons

**Sewer**

Wastewater Rate Increases Based on Cost of Service (Effective January 1, 2005). Based on average water consumption for first 3 winter months.

City: First 1,500 gallons \$9.97  
Each 1,000 gallons after that: \$2.87

Outside City: First 3,000 gallons \$22.53  
Each 1,000 gallons after that: \$5.03

# Shawnee County Farm Bureau Association

Senate Committee on Federal & State Affairs  
HB 2083 – Consolidation of Counties and Cities  
March 3, 2005

Jane Kelsey  
Local and State Policy Committee  
Shawnee County Farm Bureau Association  
3801 SW Wanamaker Road  
Topeka, KS 66610  
(785)273-7077

The Shawnee County Farm Bureau Association wishes to go on record as supporting HB 2083 with several recommended modifications. The Farm Bureau has a long history of supporting good government. Our county association did not support the question of consolidation when it appeared on the ballot in November 2004, but believe that this bill is the fairest bill to all Shawnee County residents.

We ask that you consider additional language to clarify that positions currently held by elected officials should not be replaced by appointed officials in the new government. The commission should not have the authority to abolish elected positions and replace them with appointed positions.

We request that the ballot question not be conducted by a mail ballot as is currently written, but in the general election of 2006.

We support the dual majority provision of HB 2083 requiring approval of consolidation by a majority of voters living within the City of Topeka and approval by a majority of voters living outside the City of Topeka. Dual majority voting ensures that the concerns of residents in the large area outside of Topeka are taken into account in the drafting of the plan and that any consolidation plan is fair to all residents of Shawnee County.

We strongly support the change made by the House Government Organizations and Elections Committee to require at least two public hearings to obtain citizen views on the proposed consolidation plan.

We agree with and support the provision of this legislation that specifies the selection process of commission members.

We agree with and support the provisions of this bill which maintains the bonding limits and payment obligations currently in place. Those limits should be retained in any consolidated government to ensure that residents who had no input in the issuance of those bonds are not burdened with the obligation to pay for them.

We support the provisions of the bill that restrict the annexation authority of the City of Topeka during the development and approval of this plan. Farm Bureau policy opposes the use of unilateral annexation by cities without input and agreement of a majority of the residents living in an area proposed for annexation.

We would like for the committee to carefully consider our recommended changes in the language to ensure that the interest of the citizens of Shawnee County outside the limits of Topeka are fairly represented. We ask you to support this legislation and move it forward in the legislative process.

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SHAWNEE COUNTY  
RURAL WATER DISTRICT NUMBER 8

Replacement ed'n  
Testing

3260 SE TECUMSEH RD • P.O. BOX 95 • TECUMSEH, KS 66542-0095  
PH 785/379-5553 • FAX 785/379-5592

**Comments on House Bill 2083  
Before the Senate Federal and State Affairs Committee  
Thursday March 3, 2005**

Mr. Chairman and Members of the Committee:

I am Dennis Schwartz, General Manager of Shawnee County Rural Water District No. 8, and resident of Southeast Shawnee County for 29 years. I believe that my views on House Bill 2083 fairly represent those of the 6,000 or so residents of my water district.

We are strongly supportive of improved efficiency in our local government, and believe that the consolidation of some or all of our governmental functions may result in improved delivery of services at a reduced cost to ourselves as taxpayers. This bill provides for a method to pursue the development of a plan that will be a "win/win" for all concerned. The plan that will be developed by the consolidation commission, must provide clear benefits for both the residents of the city and the rural areas of the county for it to be fair and beneficial to all.

The only way that fairness can be assured is through the "dual majority" vote that the plan will be subjected to. Without "dual majority", the plan that is developed will only need to appeal to the majority of the county voters; which in the case of Shawnee County would be those residing within the city. Without "dual majority" the rural residents of Shawnee County will be subjected to what Thomas Jefferson referred to as the "tyranny of the majority".

House Bill 2083 contains many provisions that address issues that are unique to Shawnee County. We would never suggest that the provisions of this bill should be applied to all of the rest of the counties of Kansas, any more that the law that provided for the Wyandotte consolidation would best serve Shawnee County.

I strongly support House Bill 2083, and encourage you to give it favorable consideration.

Respectfully,



Dennis F. Schwartz

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**HOUSE BILL No. 2083**

**Bob Haselwood**

Chairman Brungardt, members of the committee, I would like to thank you for the opportunity to speak before you today in favor of HB 2083.

My name is Bob Haselwood and I am a farmer and life long resident of southeast Shawnee County. I also serve as clerk of Topeka Township.

I will be honest with you that I do not like the subject of city and county consolidation. But after the November ballot question, I do know that there will be a commission appointed to address the issue. As a whole I do feel that HB2083 does a good job of establishing guidelines for commission appointment and other provisions in a fair and equitable manner. I especially like the provision for the dual majority vote of the city residents and those who reside outside the corporate limits of the city. But there are a couple points that I would like for the committee to consider.

I would like to see some kind of limit to the number of commission members as to their residence be it city or county.

I would also like to see some kind of provision in the bill that would guarantee that any regulations in regard to any agricultural operation be no more strict than current state statute.

Once again I would like to thank you for the opportunity to speak to you today.

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Chairman Brungardt, members of the committee, I would like to thank you for the opportunity to speak before you today in opposition to Senate Bill 262.

My name is Bob Haselwood and I am a resident and farmer in southeast Shawnee County. I also serve as clerk of Topeka Township.

I have concerns that in any consolidation, regulations that once were city regulations are now county wide regulations. I wonder how these regulations will affect agricultural operations.

I also have concerns that many consolidation plans might be praised as a way to improve efficiency in local government, but actually are ways for the city to spread its current debt over the whole county.

This issue really came to view in an article in the Jan.25 Capital Journal. The article stated a Topeka city councilman's complaints about HB 2083 where centered around the fact that the bill would prevent the city's debt from being spread over the entire county.

Another concern I have with these bills is the fact that the city's vote will ultimately decided the fate of any consolidation plans. I feel that a dual majority vote is the only way to insure that a consolidation plan will be fair to all residents of the county. A dual majority vote can work as is evident with the Topeka Shawnee County Library which was passed with a dual majority vote.

Once again I would like to thank you for the opportunity to speak to you today.

Al Wan

## CONSOLIDATION

**It is the consensus of the 12 townships in Shawnee County that the best option for us is consolidation of the City of Topeka and Shawnee County governments.**

**If there is no consolidation of the governments and the City of Topeka can unilaterally annex the Township land the financial structure of the Townships will be destroyed.**

**House Bill #2083 must be passed intact.**

**We want the five (5)-person commission picked by the Governor, the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives.**

**The governing body of a consolidated city-county may not initiate annexation procedures of land located within the county, but may annex land upon petition of the owners of any such land.**

**Dual majority of the city residents and non-city residents vote separately to approve the final merger.**

**The moratorium on unilateral annexations by Topeka would remain in place while the plan is under development. The plan would be put to a vote in 2006 and the dual approval process would apply.**

**We want action on House Bill #2083 not delayed while the Legislature considers a possible draft of a statewide bill. This**

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would just muddy the water on the City of Topeka-Shawnee County consolidation.

The City of Topeka contends suburban residents regularly use city services—like streets—and don't pay taxes to cities in return.

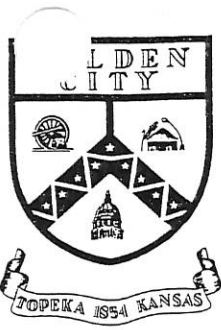
There are many suburban residents that own businesses and property within the city limits of Topeka and pay property taxes to the City of Topeka. TO NAME A FEW---Terry Bettis of Bettis Asphalt, H. T. Paul with property all over the city, Bill Kobach of Bill Kobach Buick, Ed Peck of Anderson Peck Ins., Harry Craig of Martin Tractor Co., Mark Bunting of Countrywide Real Estate, George Hersh, Jr., who owns property in Topeka, Jerry Glasgow of Performance Tire and Wheel (2 locations) and myself, Al Ward, who owns property at 6<sup>th</sup> and Washburn. WE all enjoy living outside the City of Topeka.

Senator Brumgardt, we ask your committee to pass House Bill #2083 out of committee intact with no changes.

Respectfully submitted,

J. Alan "Al" Ward  
Clerk, Mission Township





# CITY OF TOPEKA

City Council  
215 S.E. 7th St. Room 255  
Topeka, Kansas 66603  
Phone 785-368-3710

March 3, 2005

Mr. Chairman and Members of the Committee:

My name is John Alcalá. I am currently serving my second four year term as a member of the Topeka City Council. **I support the consolidation of city and county government and I support House Bill 2083 as the vehicle to accomplish that end.** Unlike others, my talk is not hollow. I have twice sponsored resolutions to consolidate the two parks and recreation departments, only to have my efforts frustrated by an unwilling City Council. I opposed my colleagues' move to divide the joint city-county planning department-a move that now costs Topeka taxpayers an additional \$300,000. I have waited for four years to have a meaningful discussion of the creation of a joint law enforcement agency-a proposal submitted four years ago to the City Council by the Shawnee County Commissioners.

Talk is cheap. However, House Bill 2083 is the first real progress we have ever seen to make consolidation a reality. I do not believe we need two parks and recreation departments, two law enforcement agencies, two purchasing departments, two payroll departments, two sets of lawyers, two sets of clerks, two information technology departments . . . I think you see the point.

As a supporter of consolidation, I do not object to the requirement of a dual vote. If a plan is not fair to both groups of City and non-City residents, it does not deserve to be passed. I am confident, however, a plan acceptable to both can be developed. I think we deserve a chance to make this attempt.

I do not object to the short moratorium on unilateral annexation and neither do most Topekans. Look to Tuesday's election results for evidence. Sylvia Ortiz states clearly that she does not support unilateral annexation but received almost twice the votes of her nearest opponent. Brett Blackburn correctly states that unilateral annexation of unwilling county residents is a bad policy but received over two and one half as many votes as his closest rival. Lisa Stubbs pronounces that you can't be an advocate of Topeka without being an advocate of unilateral annexation but finishes a distant second in her quest to be Mayor.

We have had thirty five annexations in the last four years and none have been by unilateral means. We have not had a unilateral annexation since the eighties. Rome will not burn if we now must wait for the consolidation commission to complete its work.

Please pass HB 2083 as currently crafted. This community needs to move **forward** on this issue. Do not leave the decision to local politicians who talk one game but play another. They will simply find a new way to stall our efforts to consolidate.


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## OPPOSITION TO DUAL-MAJORITY PROVISION IN HB2083

Ref. Shawnee County Consolidation Bill 3-2-2005

1. My problem with this bill is Dual -Majority which is grossly unfair to City of Topeka taxpayers. We city residents pay the lion's share of County taxes (68%).
2. We did not have a dual majority when we took this Consolidation vote last fall.
3. We did not have a dual-majority when we voted on a County -wide sales tax for twelve years last August. All the road projects are outside the City limits; but we all pay.
4. We don't get a separate vote as City residents on 44 mils of heavy County property taxes we have to pay each year for services we don't get from them.
5. I believe a summer study should be taken, and no action on the bill taken, unless that provision( dual-majority ) is stricken from the bill.

Dated:



Joseph Ledbetter MPA  
305 Country Club Drive  
Topeka, Ks. 66611  
Ph .232-6946

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**QUESTIONS SUBMITTED****COUNTY CONSOLIDATION COMMISSION QUESTION****SHALL THE FOLLOWING BE ADOPTED?**

Shall a consolidation commission be appointed to recommend a plan of consolidation of Topeka, Kansas and Shawnee County governments or the consolidation of certain offices, functions, services and operations thereof?

- YES 45,122  
 NO 31,209

**CITY OF TOPEKA COUNCIL-MANAGER QUESTION****SHALL THE FOLLOWING BE ADOPTED?**

Shall Charter Ordinance No. 94 changing the form of government from a strong mayor-council form to a council-manager form entitled: "A Charter Ordinance introduced by Councilmembers Lisa Stubbs, Bill Haynes, Duane Pomeroy, Jeff Preisner, and Gary Price relating to a change in the form of government for the City of Topeka, Kansas, repealing Charter Ordinance Numbers 65, 66, 72, 73, 75, 87, 90, and 92 and any other ordinance in conflict herewith" take effect?

- YES 33,424  
 NO 17,585

**TOPEKA, TECUMSEH AND MONMOUTH TOWNSHIPS FIRE DISTRICT QUESTION****SHALL THE FOLLOWING BE ADOPTED?**

Proposition to create a new fire district consisting of all land within the boundaries of Topeka Township, Tecumseh Township, and Monmouth Township.

- YES 4,626  
 NO 1,743

**TECUMSEH TOWNSHIP LAND QUESTION****SHALL THE FOLLOWING BE ADOPTED?**

Shall Tecumseh Township, Shawnee County, Kansas, be authorized to spend \$12,000.00 plus closing costs to purchase approximately eight (8) acres immediately west of the existing township road department to be used for township purposes including the storage of township equipment, as authorized by K.S.A. 80-104, 2003 Supp. as amended by Session Laws Chapter 166?

- YES 2,891  
 NO 1,410

**ROSSVILLE TOWNSHIP ROAD MAINTENANCE QUESTION****SHALL THE FOLLOWING BE ADOPTED?**

Shall the Rossville Township assume control and responsibility for the maintenance, repair, and construction of all township roads in Rossville Township, Shawnee County, Kansas?

- YES 269  
 NO 88

**AUBURN CITY QUESTION****SHALL THE FOLLOWING BE ADOPTED?**

Shall City of Auburn Charter Ordinance No. 3, entitled "A Charter Ordinance exempting the City of Auburn, Kansas from the provisions of K.S.A. 41-712 prohibiting alcoholic liquor sales on Sunday and certain holidays", relating to the retail sale of intoxicating liquors and beverages, as passed and approved by the Council of the City of Auburn, Kansas on July 6, 2004, take effect?

- YES 259  
 NO 242

*A. Hunsley*

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**12-1261**

**Chapter 12.--CITIES AND MUNICIPALITIES**

**Article 12.--LIBRARIES**

**12-1261. Same; procedure to create district; election; transfer of assets and liabilities.** (a) The board of trustees of the Topeka public library may adopt a resolution proposing to create a library district. A copy of such resolution shall be filed with the county election officer who shall call and hold an election thereon. Such election shall be called and held in the manner provided by the general bond law.

(b) If a majority of the qualified electors of the proposed library district who reside within the corporate limits of the city and a majority of the qualified electors of the proposed library district who reside outside the corporate limits of the city voting on the proposition vote in favor thereof:

(1) A library shall be established and maintained and a library board shall be appointed as provided in this act;

(2) all contracts entered into by the board of directors of the Topeka public library shall be binding on the library board appointed pursuant to this act;

(3) all outstanding bonds, debts and other obligations of the Topeka public library shall become an obligation of the Topeka and Shawnee county public library; and

(4) all rights, property and other assets of the Topeka public library shall be transferred to the Topeka and Shawnee county public library.

**History:** L. 1992, ch. 133, § 2; July 1.

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*- over -*



## Kansas Legislature



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**82a-640****Chapter 82a.--WATERS AND WATERCOURSES  
Article 6.--WATER DISTRICTS**

**82a-640. Same; meeting prior to consolidation; notice; approval of consolidation; petition to county, contents.** Prior to the formation of a consolidated rural water district, a special meeting concerning such consolidation shall be held in each district to be consolidated. All members of each such district shall be sent notice by first-class mail of the time, place and purpose of such special meeting at least ten (10) days prior thereto. A majority of the members attending such special meeting of each district to be consolidated shall first authorize the consolidation of such districts and approve the assumption and payment of all liabilities and obligations of the districts to be consolidated by the consolidated district. A petition addressed to the board of county commissioners of the county with the largest number of participating members, executed by the chairman and secretary of each district seeking consolidation, and filed with the county clerk of such county shall: (1) Set forth the names of each district seeking consolidation; (2) be accompanied by a map showing the boundaries of such districts; (3) state that the consolidation has been approved by a majority of the members attending the special meeting of each district seeking consolidation; (4) state whether or not the boards of the districts proposed to be consolidated have agreed to assume all existing liabilities of such districts as provided in K.S.A. 82a-643, and whether such agreement has been approved by the holders of all outstanding revenue bonds and promissory notes; and (5) state that the consolidated district will provide adequate water service within the area of the consolidated district.

**History:** L. 1976, ch. 438, § 3; L. 1979, ch. 332, § 4; April 26.

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