



Written Opposition Testimony Submitted to the
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Written Testimony in Opposition to SB 474

Thank you Mr. Chairman and members of the Committee for allowing the City of Derby to provide testimony in opposition to SB 474.

Public accessibility is a hallmark of local government in Kansas. Local governments are the closest democratically elected units of government to the people they serve, and because of that meetings can frequently be well attended by community members, particularly when there is a topic of great community interest. Municipal elections occur every two years, giving great opportunity for turnover if the community wants to move in a different direction. Taken as a whole, cities in Kansas have more attendees at their meetings, field more open records requests, and have more meetings where the public can come and speak than any other unit of government in Kansas.

On top of that accessibility, residents of Kansas municipalities also have K.S.A. 12-3013, which provides for the power of initiative and referendum at the local level. This is a power given to voters that is not even extended to Kansans at the state level, and allows members of a community to petition for change on the most important legislative matters of their community. We support the citizens of our community having this power.

However, we oppose SB 474 because it expands much to broadly the language in K.S.A. 12-3013 to include the ability to petition administrative ordinances as well as legislative ordinances. Administrative ordinances deal with a small segment of an overall policy question, whereas legislative ordinances declare a public purpose and provide ways to accomplish that purpose. Additionally, if an ordinance makes new law, it is legislative, but if it only executes existing law then it is administrative. Think of the difference between the two as the broad direction City leadership is chartering for the community versus the day-to-day operation of the community. An administrative ordinance can be as simple as where to put a new splash park for children, or management of a stormwater or sewer utility.

While we understand that the location of services or management decisions can frequently be a topic of considerable discussion in a community, there are already myriad ways for the public to provide input during a decision making process. There are the City Council meetings themselves, often times planning and zoning meetings depending on the projects, and

on larger projects there are frequently ad hoc groups formed to provide even greater opportunity for public input. In Derby, we also do two readings of any new ordinances. The first reading is intended to help provide feedback and stir discussion to be given before a second final reading occurs at the next Council meeting. The elected members of the community tasked with making the decision weigh the public input and make the best decision possible. What determines if it is the “right” decision? In some respects, the next election is the best method of making that determination.

SB 474 would effectively create an environment where a small group of vocal opponents on the administrative decisions of a community could slow down decisions considerably. Remember – we refer to administrative decisions as part of “day-to-day” operations of a community. If these decisions were subjected to petition, then a special election would need to be called and a decision would not be made for an extended period of time, sometimes until well after the municipality needed to formulate its position. The delay in timing on many of these items could have very detrimental effects on things such as project grant funding for a project that is tied to a specific deadline.

The City of Derby prides itself on its accessibility to the public it serves. We believe our City Council is reflective of the thriving neighborhoods that make Derby one of the fastest growing communities in Kansas. However, we also know that sometimes the public might want a stronger or different direction for Derby, which is why initiative and referendum exists, and we are proud to support that. But setting the direction for the City and running the City are two different things, and we encourage the Kansas Legislature to maintain the current channels for the public to engage on these day to day decisions.