

Good afternoon, Senator Thompson.

As you likely know, KSA 12-3013 is a valuable avenue for citizens to bring to a vote certain proposed ordinances. The statute requires a proposed ordinance supported by signatures, in a first-class city, of at least 25% of the electors, to either be adopted by local government or placed on a ballot for the public's vote, with certain exceptions, including where the proposed ordinance is 'administrative'.

Clearly, KSA 12-3013's legislative intent is for residents to have a voice in matters where that statute's requirements are met. Ensuring that legislative intent is carried out necessarily depends on the responsible and reasonable exercise of the great trust and authority placed in local city government. Unfortunately, KSA 12-3013's avenue for residents to propose an ordinance was blocked by a local city government when it recently betrayed that trust in exercising its authority in an arbitrary, capricious, and tone-deaf manner toward residents as follows.

The City of Prairie Village, acting through its City Council, attempted (and likely will continue to seek) rezoning of the use of decades in existence single-family residential neighborhoods to multi-family units. For the avoidance of doubt, these single-family neighborhoods constitute more than 90% of the land in the fully built-out City of Prairie Village, and the City Council sought to rezone all of it to multi-family units.

In response to these attempts by the City of Prairie Village, registered voters in Prairie Village presented to the City Council, petitions signed by more than 25% of registered Prairie Village voters together with proposed ordinances to be either adopted by the Council or placed on an upcoming ballot. In effect, the resident-proposed ordinances opposed City Council's attempts to rezone over 90% of the land constituting the City of Prairie Village. In response, the City of Prairie Village, using taxpayer money, then sued its residents in the District Court of Johnson County, Kansas using taxpayer money to block the resident proposed ordinances from appearing on a ballot.

To avoid the mandate in KSA 12-3013 to put proposed ordinances on a ballot where supported by a petition signed by 25% or more of the electorate, the City made the astounding argument that its attempts to rezone the use of decades in existence single-

family residential neighborhoods - constituting over 90% of the land in City of Prairie Village - to multi-family units, were “**administrative**”. The City’s characterization of fell swoop rezoning of 90% of the land in a fully built-out city, such as Prairie Village, as ‘administrative’ defies any common or plain meaning of that word and borders on disingenuous. More importantly, the City making such an argument, in the face of its plain and ordinary meaning, is a glaring betrayal of the trust and exercise by local government of reasonable judgment necessary to carry out the legislative intent of KSA 12-3013 – to allow residents a voice to propose ordinances where supported by 25% or more of the electorate in a first-class city.

The foregoing betrayal of trust is one example of the overreach and abuse by local city government occurring under existing KSA 12-3013, and thus the need for SB 474.

SB 474 is needed to ensure the voices of those governed are heard and acted upon rather than subjugated by City Council’s filing lawsuits, using taxes levied by the City Council, to block those voices with arguments that rely on tortured definitions of what constitutes “administrative” actions.

I strongly encourage you and your colleagues to move SB 474 ahead and adopt it or something substantially similar so that resident voices cannot be blocked. Without such a measure local government will know it can continue to be free to block citizen voices under the guise of the exception in KSA 12-3013 for ‘administrative’ matters.

Respectfully,

Daniel Runion

Prairie Village, KS

Date: February 19, 2024

Bill number: SB 474

Disposition: Proponent

Name: Daniel M. Runion, self

Chairman Thompson and Members of the Committee:

As a former two-term Council Member of the City of Prairie Village and Chair of its Pension, Finance and Insurance Committees, respectively, as well as being a 30+ year resident of the City I closely follow the actions of our local government.

The following testimony concerns the subject matter of SB 474 by offering a very timely example of the need for the amendments to KSA 12-3013 proposed in that Bill where *local government continues to ignore large portions of its electorate*, including as follows.

It is my understanding that one or more of a contracted lobbyist and/or a staff member of the City of Prairie Village will provide or has provided testimony on SB 474, and that testimony is or will be offered as the official position of the City of Prairie Village opposing SB 474.

In determining such positions, it is important to note that the City Council of Prairie Village sets policy for the city. Specifically, “The **City Administrator has responsibility for management** of all City programs and departments **in accordance with policies** and annual budgets **adopted by the Council.**” City of Prairie Village website, <http://tinyurl.com/me9s6rya> (accessed Feb 19, 2024) (emphasis not in original). Indeed, the City Administrator does not act unilaterally, but rather at the direction of the City Council.

Consistent with my interest in following the actions of our local government I reviewed the City website for possible notice from the City of scheduling City Council discussion of SB 474 in advance of testimony by its contracted lobbyist and/or staff member. Not finding any such notice I then asked several current Council Members if they were aware of such a public discussion having been had or being scheduled. Again, no Council Member I asked is aware of such discussion, past or otherwise. It obvious that the City Council has neither discussed SB 474, let alone adopted any related policy or position, nor offered Prairie Village residents an opportunity to provide input to City Council on this Bill.

Where the City Council of Prairie Village has not discussed or adopted a policy relevant to SB 474, it is not obvious under what authority, if any, the lobbyist contracted by the City and/or a staff member of the City of Prairie Village, can tell you their testimony on behalf of

the City of Prairie Village in opposition to SB 474 represents the official policy and position of the City of Prairie Village. This is particularly so where the City Council has not noticed this Bill up for discussion to give residents an opportunity for input during the public input portion of City Council meetings.

It could be said the lobbyist, perhaps unwittingly, and/or staff member are 'out over the tips of their skis' in proffering testimony as the official position of the City on a Senate Bill where the City Council, charged with setting policy for the City, has not discussed, much less decided on a position to take, if at all.

The foregoing is another and timely example of the need for SB 474. This is in addition to the example in my earlier testimony that the City of Prairie Village, in response to residents submitting petitions and related proposed ordinances all in accordance with KSA 12-3013, suing its own residents, using taxpayer funds, to block those petitions and proposed ordinances from appearing on a ballot.

Respectfully,

Daniel Runion
Prairie Village, KS