



TO: House Local Government Committee

FROM: Sandy Jacquot, Director of Law/General Counsel

DATE: January 31, 2012

RE: Opposition to HCR 5004

Thank you for allowing the League of Kansas Municipalities to testify in opposition to HCR 5004, an amendment to the Kansas Constitutional Home Rule Amendment, Article 12, Section 5. The impetus behind this proposed change, which would prohibit a city from changing its form of government for four years after an election on the form of government, is solely based upon the actions of one city out of 627 cities in Kansas.

The City of Iola, which had a three commissioner governing body, received some citizen requests to add more governing body members, which it chose not to address. As a result, the City received a petition pursuant to K.S.A. 12-184 to abandon its current form of government and revert to a statutory form, which, in Iola's case, would be eight councilmembers and a mayor. An election was held and the issue passed, although most citizens did not understand what they were getting with the vote. There was then an advisory election after a blue ribbon committee was formed to determine whether the City should stay with the eight councilmembers and a mayor or move to a somewhat smaller governing body. That vote was in favor of a five member council and a mayor, and the governing body then drafted a charter ordinance to that effect, which received a protest petition. The vote was held on the charter ordinance, which failed, and the City of Iola remains an eight member council with a mayor.

There are numerous reasons why this proposed amendment is a bad idea. HCR 5004 is attempting to "fix" a problem that does not exist. While the City of Iola's process might have been messy, ultimately the will of the citizens was respected. In fact, initially many citizens did not understand what abandoning the form of government meant and were surprised at what a drastic change a positive vote in the first election would make in their City. This amendment could potentially have resulted in the will of the people being thwarted. Ultimately, the City was able to thoroughly vet all of the options, which would have been prohibited if this amendment were in place. Proposing a regular bill, much less a Constitutional change, for a process followed by one out of 627 cities is terrible public policy. Such an election would be costly and is totally unnecessary.

For all of the reasons cited above, LKM is strongly opposed to HCR 5004 and urges this committee not to report the bill out of committee.