



BOARD OF COMMISSIONERS

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February 24, 2015

Chairman Steve Huebert
Committee on Local Government
Kansas State Capitol, Rm 281-N
Topeka, KS 66612

Re: H.B. 2296 – Written Testimony in Opposition

Dear Chairman Huebert and Members of the Committee:

The Board of Riley County Commissioners respectfully opposes the current form of H.B. 2296.

Riley County created its public building commission (“PBC”) December 14, 2014. The resolution creating it and Riley County’s Bylaws are attached. Our Board conducted two evening public comment meetings, as well as several months of discussion in its public meetings before forming our PBC.

Our PBC is merely a financing tool for public building projects. It is a transparent and open financing tool because we have taken the following steps, none of which we were legally required to do:

1. The only members of our PBC are the 3 sitting Riley County Commissioners. If the public disagrees with any action we take through the PBC, we are directly answerable to the public at the voting booth. (Section 2 of attached “Resolution No. 121514-52,” Article II, Section 3 of attached “Riley County Public Building Commission Bylaws.”)
2. We established a separate advisory council “to review proposed projects” of the PBC. (Article V, Section 2 of attached Bylaws.)
3. As the PBC, we “shall convene at least two public forums to obtain public input on every public building project before a final decision on financing such project is made...” (Article VI, Section 1 of attached Bylaws.) We must make “a reasonable effort to schedule such public forums after regular business hours, in order to provide the greatest opportunity for public attendance.” (Article VI, Section 2 of attached Bylaws.)
4. Our PBC Bylaws have been designed to be followed. They cannot be changed at the whim of our Board. Instead, any changes to the current Bylaws may only be made if “the amendment has been submitted in writing at a previous PBC meeting.” (Article VIII, Section 1 of attached Bylaws.)

There is no logical reason to fear that the Riley County Public Building Commission will somehow misuse its lawful authority, or ignore the will of Riley County voters. Our Board has ensured that by the above voluntary restrictions it has placed upon the operation of our PBC.

We respectfully submit there is no factual basis for altering the existing statutory framework by passage of H.B. 2296.

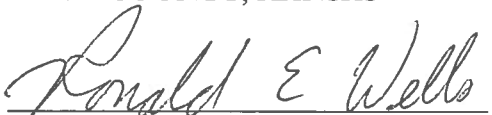
The Riley County PBC has been formed in a very public and straightforward manner. Public input was sought before it was formed, and public input will be sought in advance of any financing generated, as provided in its Bylaws.

PBCs have existed across the state for decades. There is no evidence that the existing statutory framework has generated wild overspending or other violations of the public trust by counties or cities.

Thank you for allowing this Board to provide written testimony opposing H.B. 2296.

Sincerely,

BOARD OF COMMISSIONERS OF
RILEY COUNTY, KANSAS

A handwritten signature in cursive script, reading "Ronald E. Wells", written over a horizontal line.

Ronald E. Wells, Chair

cc: Kansas Association of Counties

RESOLUTION NO. 121514-52

A RESOLUTION OF RILEY COUNTY, KANSAS, CREATING THE RILEY COUNTY PUBLIC BUILDING COMMISSION, SPECIFYING THE MEMBERSHIP OF THE GOVERNING BODY OF THE PUBLIC BUILDING COMMISSION AND STATING ITS PURPOSE, FUNCTIONS AND POWERS

BE IT RESOLVED BY THE GOVERNING BODY OF RILEY COUNTY, KANSAS:

SECTION 1. Creation of Public Building Commission. Pursuant to K.S.A. 12-1757 *et seq.*, as amended (the "Act"), the governing body of Riley County, Kansas (the "County"), creates and establishes a public building commission to be known as the Riley County Public Building Commission, which shall be a body corporate and politic.

SECTION 2. Composition of Public Building Commission. The Riley County Public Building Commission shall consist of three (3) commissioners who shall be the same persons as are then serving as the Chair and Commissioners of the governing body of the County. The commissioners of the Riley County Public Building Commission shall serve terms simultaneous with their terms as members of the County's governing body. The commissioners of the Riley County Public Building Commission shall serve without additional compensation. The commissioners of the Riley County Public Building Commission shall appoint a Chair and Secretary. Initially, the Chair of the Riley County Public Building Commission shall be the same as the Chair of the County's governing body and the Secretary of the Riley County Public Building Commission shall be the County Clerk, although the County Clerk shall not be a member of the Riley County Public Building Commission.

SECTION 3. Powers. The Riley County Public Building Commission is authorized to exercise the following powers and functions:

- A. To exercise all powers and authority conferred on it by the Act, including, but not limited to, the authority to acquire a site or sites for and to construct, reconstruct, equip and furnish a building or buildings or other facilities of a revenue producing character, including parking facilities, and to purchase or otherwise acquire such building or buildings or facilities. Such building or buildings or facilities shall be maintained and operated for a county courthouse, the housing and accommodation of county offices or county business or for city offices or such other purposes as are commonly carried on in connection with such facilities or in county courthouses and general city buildings, including administrative offices for school districts and housing, accommodations and parking facilities for offices of state and federal agencies, and including such buildings or facilities and furnishing and equipment maintained for any purpose hereafter specifically approved by a Resolution or Charter Resolution of the County;
- B. To lease or sublease all or any part of the buildings and facilities owned by the Riley County Public Building commission to the County or other agencies or entities, as authorized by the Act or a Resolution of the County;

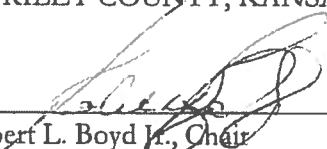
- C. To acquire fee simple title to real estate, including easements and reversionary interests in streets, alleys and other public places and personal property required for its purposes, by purchase, gift, devise or other lawful means, and to take title in the corporate name of the Riley County Public Building Commission;
- D. To issue revenue bonds in the manner provided by the Act or a Charter Resolution of the County, for the purpose of paying the cost or portion of the cost of acquiring real estate or buildings and constructing, equipping and furnishing such facilities; to fix rents, fees and charges for the use of such buildings or facilities; to pledge the net revenues from the facilities to secure such revenue bonds and to make covenants with respect to the maintenance, operations, repair and insuring of such improvements;
- E. To repair, maintain and operate such buildings and facilities owned by the Riley County Public Commission;
- F. To sue and be sued;
- G. To adopt a seal; and
- H. To do all things necessary or incidental to and consistent with the powers granted to it under this Resolution, the Act and any Charter Resolution of the County hereafter enacted.

SECTION 4. Effective Date. This Resolution shall take effect and be in force from and after its passage and approval and publication one time in the official County newspaper.

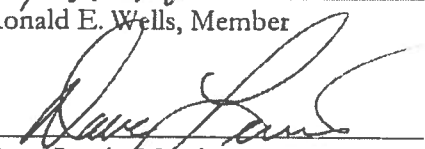
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PASSED AND APPROVED by the governing body of Riley County, Kansas, on December 15, 2014.

BOARD OF COUNTY COMMISSIONERS
OF RILEY COUNTY, KANSAS

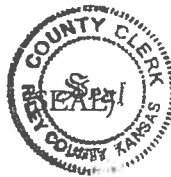

Robert L. Boyd Jr., Chair


Ronald E. Wells, Member


Dave Lewis, Member

ATTEST:


Rich Vargo, County Clerk



**RILEY COUNTY PUBLIC BUILDING COMMISSION
BYLAWS**

**ARTICLE I
General**

Section 1. NAME.

The Public Building Commission created by Riley County Resolution No. 121514-52 shall be known as the Riley County Public Building Commission (hereinafter "PBC").

Section 2. PURPOSE.

The purpose of the PBC shall be to provide financing only for public building projects approved by the Board of Riley County Commissioners (hereinafter "BOCC"). The building projects eligible for such PBC financing are only those identified within Riley County Resolution No. 121514-52, and as limited by the terms of these bylaws, or by an amended version of these Bylaws.

**ARTICLE II
Chair and Secretary**

Section 1. CHAIR.

The Chair of the PBC shall be the Chair of the BOCC.

Section 2. SECRETARY.

The Secretary of the PBC shall be the Riley County Clerk. The Secretary shall not be a member of the PBC.

Section 3. TERMS OF COMMISSIONERS OF PBC.

Commissioners of the BOCC shall serve as Commissioners of the PBC, for terms simultaneous with their terms as Commissioners of the BOCC.

Section 4. CHAIR: DUTIES.

It shall be the duty of the Chair to preside at all meetings of the PBC as executive head and perform such other duties as may be specifically assigned to him/her by the PBC. He/she shall sign the minutes of the PBC meetings when approved.

ARTICLE III

Meetings

Section 1. MEETING.

The PBC shall determine regular and special meeting times and dates.

Section 2. QUORUMS.

A quorum is required in order to convene a PBC meeting. Two or more Commissioners shall constitute a quorum for the transaction of business at any regular or special meeting.

Section 3. AGENDA.

Regular meetings shall be conducted according to an agenda prepared by the Secretary, in consultation with the Chair. The agenda shall be prepared and sent to each Commissioner no later than two days in advance of the meetings, unless the Chair determines an emergency exists. In the event of such an emergency, such notice as is reasonably possible shall be given to Commissioners.

Section 4. OPEN PUBLIC MEETINGS.

All meetings for the conduct of the affairs of the PBC shall be open to the public. All meetings shall be conducted according to the Kansas Open Meeting Act, including executive sessions.

ARTICLE IV
Conflict of Interest

Section 1. CONFLICT OF INTEREST.

In order to preserve public trust, all Commissioners of the PBC shall announce and fully disclose any personal or professional concerns or connections that may appear to affect their ability to put the welfare of Riley County before personal benefit. Each PBC Commissioner shall disclose to the other Commissioners at an open meeting of the PBC any personal interest which he/she may have in any matter pending before the PBC and shall refrain from participation in any discussion or vote related to such matter.

ARTICLE V
Advisory Council

Section 1. CREATION; MEMBERSHIP.

The Riley County Planning Board, plus two (2) Riley County residents appointed by the Board of Riley County Commissioners, shall serve as the PBC Advisory Council (hereinafter "Advisory Council"). The Riley County Planning and Development Director shall serve as Secretary for the Advisory Council. The Director's office shall provide administrative support to the Advisory Council.

Section 2. PURPOSE; NATURE OF AUTHORITY.

Such Advisory Council shall exist for the following purposes only: to review proposed projects and/or questions forwarded from the PBC, or from the Board of Riley County Commissioners; to make reports and/or recommendations to the PBC or the Board of Riley County Commissioners on all matters referred to it by either body; to act as a sounding board and source of input for the PBC and the Board of Riley County Commissioners.

ARTICLE VI
Public Forum(s)

Section 1. PUBLIC INPUT.

The PBC shall convene **at least two** public forums to obtain public input on every public building project before a final decision on financing such project is made by the PBC.

Section 2. TIME OF FORUM(S).

The PBC shall make a reasonable effort to schedule **such** public forums after regular business hours, in order to provide the greatest opportunity for public attendance.

ARTICLE VII
Projects Excluded

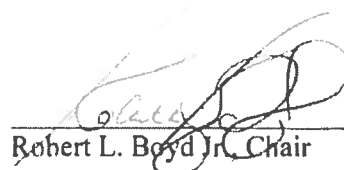
The PBC shall not have authority to approve financing for any public building project of a unified school district, university or college.

ARTICLE VIII
Amendments

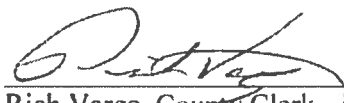
Section 1. AMENDMENTS.

The Bylaws can be amended at any meeting of the PBC by a majority vote of a quorum of the board, provided that the amendment has been submitted in writing at a previous PBC meeting.

ADOPTED this 5 day of Jan 2015, by majority vote of the PBC.


Robert L. Boyd Jr., Chair

ATTEST:


Rich Vargo, County Clerk

