

Note: Resolution No. 7488 was not approved by the County. The County Commissioners approved a different resolution on August 23, 2005.

1 SHAWNEE COUNTY RESOLUTION NO. _____

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3 CITY OF TOPEKA RESOLUTION NO. 7488

4
5 A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA RESOLUTION
6 encouraging the Kansas State Legislature to adopt legislation concerning
7 the consolidation of the City of Topeka and Shawnee County into one
8 governmental entity.
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10 WHEREAS, current state law does not allow the City of Topeka or Shawnee
11 County to consolidate into one governmental entity, and

12 WHEREAS, the City of Topeka and Shawnee County believe that the question of
13 consolidation of offices, functions, services and operations should be presented to the
14 electors of Shawnee County for study and recommendation.

15 BE IT RESOLVED by the Board of County Commissioners of the County of
16 Shawnee, Kansas, on this ___ day of _____, 2004.

17 BE IT RESOLVED by the Council of the City of Topeka, Kansas, on this 20th day
18 of July, 2004, as follows:

19 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
20 OF TOPEKA AND THE BOARD OF COMMISSIONERS OF SHAWNEE COUNTY that
21 the Kansas State Legislature is encouraged to approve the legislation attached hereto
22 as Attachment A, that would:

- 23 1. submit to the electors of Topeka and Shawnee County the question of
24 whether consolidation should be studied and a consolidation plan
25 developed, and, if this question is approved,
26 2. submit to the electors of Topeka and Shawnee County for adoption or
27 rejection, a consolidation plan developed by the study committee.

28 PASSED and APPROVED by the Board of County Commissioners, Shawnee
29 County, Kansas _____

30 BOARD OF COUNTY COMMISSIONERS
31 Shawnee County, Kansas

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33
34 APPROVED AS TO FORM AND LEGALITY

35 DATE _____ BY _____

36
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38 Theodore Ensley, Chairman

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41 Victor Miller, Vice Chair

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43 Marice Kane, Member

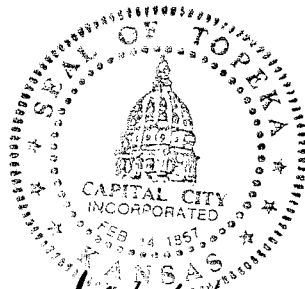
44 ATTEST:

45
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47 Cynthia Beck, County Clerk

48 PASSED and APPROVED by the City Council JUL 20 2004

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51 ATTEST:

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55 Iris E. Walker, City Clerk



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57
58 James A. McClinton
59 James A. McClinton, Mayor

60 APPROVED AS TO FORM AND LEGALITY

61 DATE 7-6-04 BY FL

**Unified Government of Shawnee County, Kansas
Proposed Legislation**

Consolidation of Topeka, Kansas, and Shawnee county; definitions.

As used in the act:

(a) "Commission" means the consolidation study commission of Topeka, Kansas, and Shawnee county.

(b) "City" means Topeka, Kansas.

(c) "County" means Shawnee county.

Same; election, when required.

(a) The following question shall be submitted to the qualified electors of Shawnee county for their approval or rejection:

"Shall a consolidation study commission be appointed by the governor to study the consolidation of Topeka, Kansas, and Shawnee county or the consolidation of certain offices, functions, services and operations thereof?"

(b) The question shall be submitted at the primary election held on the first Tuesday in August, 2006. Such election shall be called and held by the county election officer in the manner provided by the general bond law.

Same; consolidation study commission, appointment; executive director.

(a) If a majority of the electors voting at the election vote in favor of the question submitted pursuant to K.S.A. 12-341, the governor shall appoint a five-member consolidation study commission. Such appointments shall be made by September 15, 2006. No more than three members of the commission shall be from the same political party. Members of the commission shall include, but not be limited to, persons with experience in accounting, business management, municipal finance, law, education, political science or public administration. No elected official of the cities of Auburn, Silver Lake, Rossville and Willard or Topeka or Shawnee county, nor any person appointed to fill a vacancy in an elected office of such cities or county, shall serve on the commission. No full-time paid employee of the cities of Auburn, Silver Lake, Rossville and Willard or Topeka or Shawnee county shall serve on the commission. Members of the commission shall be residents of Shawnee county.

(b) Members of the commission shall be paid compensation, subsistence allowances, mileage and other expenses as provided by K.S.A. 75-3223, and

amendments thereto.

(c) The governor shall appoint an executive director of the commission. The executive director shall receive compensation established by the governor, within the limits of appropriations for that purpose. The executive director shall employ other staff and may contract with consultants, as the executive director deems necessary to carry out the functions of the commission. Staff employed by the executive director shall receive compensation established by the executive director and approved by the governor, within the limits of appropriations for that purpose.

(d) Within 30 days following the appointment of all members of the commission, the commission shall meet and organize by the election of a chairperson and vice-chairperson and other officers deemed necessary. The commission may adopt rules governing the conduct of its meetings.

Same; commission, powers and duties; studies and investigations; consolidation plan, submission to legislature, voter approval.

(a) The commission shall prepare and adopt a plan addressing the consolidation of the city and county or certain city and county offices, functions, services and operations. The commission shall conduct such studies and investigations as it deems appropriate to complete its work. Such studies and investigations shall include, but not be limited to:

(1) Studies of the efficiency and effectiveness of the administrative operations of the city and county.

(2) Studies of the costs and benefits of consolidating the city and county or certain city and county offices, functions, services and operations.

(b) The commission shall hold public hearings for the purpose of receiving information and materials which will aid in the drafting of the plan.

(c) For the purposes of performing its studies and investigations, the commission or its executive director may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, agreements or other documents or records which the commission or executive director deems relevant or material to its studies and investigation.

(d) On or before September 30, 2007, the commission shall prepare and adopt a preliminary plan addressing the consolidation of the city and county or certain city and county offices, functions, services and operations it deems advisable. Copies of the preliminary plan shall be filed with the county election

officer, city clerk and each public library within the county and shall be available to members of the public for inspection upon request. The commission shall hold at least one public hearing to obtain citizen views concerning the preliminary plan. Notice of such hearing or hearings shall be published at least once in a newspaper of general circulation within the county. Following the public hearings on the preliminary plan, the commission may adopt, or modify and adopt, the preliminary plan as the final plan.

(e) On or before January 13, 2008, the commission shall submit its final plan to the governor and legislature. The final plan shall include the full text and an explanation of the proposed plan, and comments deemed desirable by the commission, a written opinion by an attorney admitted to practice law in the state of Kansas and retained by the executive director for such purpose that the proposed plan is not in conflict with the constitution or the laws of the state, and any minority reports. Copies of the final plan shall be filed with the county election officer, city clerk and each public library within the county and shall be available to members of the public for inspection upon request. The commission shall continue in existence at least 90 days following the submission of the final plan pursuant to this subsection.

(f) Unless the legislature, by concurrent resolution adopted on or before February 12, 2008, rejects such plan, the plan shall be submitted to the qualified electors of the county at the primary election on the first Tuesday of August, 2008. Such election shall be called and held by the county election officer in the manner provided by the general bond law. A summary of the final plan shall be prepared by the commission and shall be published once each week for two consecutive weeks in a newspaper of general circulation within the county. If a majority of the electors voting on the plan vote in favor thereof, the consolidation plan shall be implemented in the manner provided by the plan. If a majority of the electors vote against such plan, the proposed consolidation plan shall not be implemented.

(g) If the commission submits a final plan which does not recommend the consolidation of the city and county or certain city and county offices, functions, services and operations, the provisions of this subsection shall not apply.

Same; consolidation plan, required provisions.

(a) Any plan submitted by the commission shall provide for the exercise of powers of local legislation and administration not inconsistent with the constitution or other laws of this state.

(b) If the commission submits a plan providing for the consolidation of certain city and county offices, functions, services and operations, the plan shall:

(1) Include a description of the form, structure, functions, powers and officers and the duties of such officers recommended in the plan.

(2) Provide for the method of amendment of the plan.

(3) Authorize the appointment of, or elimination of elective officials and offices.

(4) Specify the effective date of the consolidation.

(5) Include other provisions determined necessary by the commission.

(c) If the plan provides for the consolidation of the city and county, in addition to the requirements of subsection (b) the plan shall:

(1) Fix the boundaries of the governing body's election districts, provide a method for changing the boundaries from time-to-time, any at-large positions on the governing body, fix the number, term and initial compensation of the governing body of the consolidated city-county and the method of election.

(2) Determine whether elections of the governing body of the consolidated city-county shall be partisan or nonpartisan elections and the time at which such elections shall be held.

(3) Determine the distribution of legislative and administrative duties of the consolidated city-county officials, provide for consolidation or expansion of services as necessary, authorize the appointment of a consolidated city-county administrator or a city-county manager, if deemed advisable, and prescribe the general structure of the consolidated city-county government.

(4) Provide for the official name of the consolidated city-county.

(5) Provide for the transfer or other disposition of property and other rights, claims and assets of the county and city.

Same; consolidated city-county, powers, duties, limitations; bonded debt; sales tax; special service districts.

(a) If the voters approve a plan which provides for the consolidation of the city and county, such consolidated city-county shall be subject to the provisions of this section.

(b) Shawnee county is hereby designated an urban area, as authorized under the provisions of section 17 of article 2 of the constitution of the state of Kansas, for the purpose of granting to such county and urban area powers of local government and consolidation of local government.

(c) The consolidated city-county shall be subject to the cash-basis and budget laws of the state of Kansas.

(d) Except as provided in subsection (e), and in any other statute which specifically exempts bonds from the statutory limitations on bonded indebtedness, the limitation on bonded indebtedness of a consolidated city-county under this act shall be 30% of the assessed value of all tangible taxable property within such county on the preceding August 25.

(e) The following shall not be included in computing the total bonded indebtedness of the consolidated city-county for the purposes of determining the limitations on bonded indebtedness:

(1) Bonds issued for the purpose of refunding outstanding debt, including outstanding bonds and matured coupons thereof, or judgments thereon.

(2) Bonds issued pursuant to the provisions of article 46 of chapter 19 of the Kansas Statutes Annotated, and amendments thereto.

(3) Bonds issued for the purpose of financing the construction or remodeling of a courthouse, jail or law enforcement center facility, which bonds are payable from the proceeds of a retailers' sales tax.

(4) Bonds issued for the purpose of acquiring, enlarging, extending or improving any storm or sanitary sewer system.

(5) Bonds issued for the purpose of acquiring, enlarging, extending or improving any municipal utility.

(6) Bonds issued to pay the cost of improvements to intersections of streets and alleys or that portion of any street immediately in front of city or school district property.

(f) 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.

(g) Upon the effective date of the consolidation of the city and county, any retailers' sales tax levied by the city or county in accordance with K.S.A. 12-187 *et seq.*, and amendment thereto, prior to such date shall remain in full force

and effect, except that part of the rate attributable to the former city shall not apply to retail sales in the cities of Auburn, Silver Lake, Rossville and Willard.

(h) Upon the effective date of the consolidation of the city and county, the territory of the consolidated city-county shall include:

(1) All of the territory of the county for purposes of exercising the powers, duties and functions of a county.

(2) All of the territory of the county, except the territory of the cities of Auburn, Silver Lake, Rossville and Willard and the unincorporated area of the county, for purposes of exercising the powers, duties and functions of a city.

(i) For the purposes of section 1 of article 5 of the constitution of the state of Kansas, the "voting area" for the governing body of the consolidated city-county shall include all the territory within Shawnee county.

(j) Except for the consolidated city-county and unless otherwise provided by law, other political subdivisions of the county shall not be affected by consolidation of the city and county. Such other political subdivisions shall continue in existence and operation.

(k) Unless otherwise provided by law, the consolidated city-county shall be eligible for the distribution of any funds from the state and federal government as if no consolidation had occurred. Except as provided in this subsection, the population and assessed valuation of the territory of the consolidated city-county shall be considered its population and assessed valuation for purposes of the distribution of moneys from the state or federal government.

(l) The consolidated city-county shall be a county. The governing body of the consolidated city-county shall be considered county commissioners for the purposes of section 2 of article 4 of the constitution of the state of Kansas and shall have all the powers, functions and duties of a county and may exercise home rule powers in the manner and subject to the limitations provided by K.S.A. 19-101a, and amendments thereto, and other laws of this state.

The governing body of the consolidated city-county shall be responsible for any duties or functions imposed by the constitution of the state of Kansas and other laws of this state upon any county office abolished by the consolidation plan. Such duties may be delegated by the governing body or as provided in the consolidation plan.

(m) The consolidated city-county shall be a city of the first class. The governing body of the consolidated city-county shall have all the powers, functions and duties of a city of the first class and may exercise home rule

powers in the manner and subject to the limitations provided by article 12 of section 5 of the constitution of the state of Kansas and other laws of this state.

(n) The governing body of the consolidated city-county may create special service districts within the city-county and may levy taxes for services provided in such districts.

(o) Changes in the form of government approved by the voters in accordance with the consolidation plan are hereby declared to be legislative matters and subject to initiative and referendum in accordance with K.S.A. 12-3013 *et seq.*, and amendments thereto.

Same; annexation, limitations.

(a) The governing body of a consolidated city-county may not annex any land located outside the county.

(b) 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.



CITY OF TOPEKA

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FOG1

Sponsor:	Mayor McClinton
Current document dated:	June 11, 2004
FOG:	Unified city/county
Governing body; salaries	To be determined by Study Commission
Council/Commission	To be determined by Study Commission
Mayor	To be determined by Study Commission
Quorum & voting	To be determined by Study Commission
Local government administrator	To be determined by Study Commission
Effective date	To be determined by Study Commission

NOTE: The dependence on city/county cooperation, legislative action, outcome of two elections, and the appointment and work of a governor's commission are determinative of a proposal to combine city and county into a unified government, using the KCK/Wyandotte County experience as a model