

RESOLUTION NO. 7573

A RESOLUTION introduced by Mayor James A. McClinton concerning House Bill No. 2083, a proposed bill relating to consolidation of cities and counties.

WHEREAS, in July 2004, the Council of the City of Topeka adopted City of Topeka Resolution No. 7488, asking the state legislature to consider and adopt legislation that would permit the full or partial consolidation of the governments of the City of Topeka and Shawnee County; and

WHEREAS, in November 2004, the voters of Shawnee County overwhelmingly approved a ballot question on the question of city and county consolidation; and

WHEREAS, state legislators have proposed House Bill No. 2083 (HB 2083), which would establish a process for the study and possible consolidation of the governments of the City of Topeka and Shawnee County; and

WHEREAS, HB 2083 also includes a provision that would prohibit the City of Topeka from exercising its authority under K.S.A. 12-520 to consider the unilateral annexation of land surrounding the City of Topeka until the consolidation study process is completed.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Topeka strongly objects to provisions of HB 2083 that prevent the City of Topeka from utilizing its statutory rights and authority to annex areas surrounding the City of Topeka in the city for the following reasons:

1. No such limitation was imposed on the study and implementation of the consolidation of Kansas City and Wyandotte County, the model for city-county consolidation in Kansas.

26 2. An annexation prohibition was not a component of City of Topeka
27 Resolution No. 7488, where consolidation was first proposed, nor was it included in the
28 ballot question considered by the electorate in November.

29 3. The annexation prohibition severely damages the future economic viability
30 of the City of Topeka by restricting the potential growth of City of Topeka without
31 similarly restricting other cities in this state.

32 4. The annexation prohibition is another in a series of annual attempts by
33 some legislators to restrict the growth of the City of Topeka and fulfill anti-annexation
34 campaign promises made to those who live in urban environments near the borders of
35 the City of Topeka.

36 5. There is no legitimate reason why unilateral annexation as allowed by
37 K.S.A. 12-520 cannot be studied and, if appropriate, initiated during the pendency of a
38 consolidation study. Annexation can co-exist with the study of consolidation.

39 BE IT FURTHER RESOLVED, the provisions of HB 2083 require county electors
40 residing in and out of the City of Topeka to approve any consolidation plan. In doing so,
41 HB 2083 gives the minority of Shawnee County electors (those residing outside the City
42 of Topeka) more voting power than a majority of Shawnee County electors (those
43 residing within the City of Topeka), in violation of the one person-one vote principles
44 guaranteed by the Equal Protection Clause of the Fourteenth Amendment to the United
45 States Constitution.

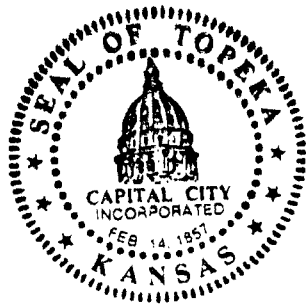
46 BE IT FURTHER RESOLVED, if the annexation prohibition, bond repayment
47 provisions and voting inequities remain in HB 2083, the Council of the City of Topeka

48 hereby expresses its strong objection to HB 2083 and withdraws its support for the
49 study of and possible consolidation of the governments of the City of Topeka and
50 Shawnee County into a single unified government.

51 BE IT FURTHER RESOLVED, that any consolidation legislation adopted by the
52 legislature should advance the goal of equalizing the ad valorem and personal property
53 tax mill levies for all county property owners and achieving tax equity for city residents
54 who currently provide a significant majority of the funding for services and projects in
55 those parts of the county not located within the city limits of Topeka.

56 FINALLY, BE IT RESOLVED that upon adoption, this Resolution shall be sent to
57 the Governor, the Shawnee County legislative delegation and the members of the
58 House Governmental Organization and Elections committee.

59 ADOPTED and APPROVED by City Council JAN 25 2005.



CITY OF TOPEKA, KANSAS

James A. McClinton
James A. McClinton, Mayor

68 ATTEST:

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71 *Iris E. Walker*
72 Iris E. Walker, City Clerk
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APPROVED AS TO FORM AND LEGALITY DATE <u>1/26/05</u> BY <u>JL</u>
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