

Kansas

GOVERNMENT JOURNAL

VOLUME 96-NUMBER 10

OCTOBER 2010

STATE OF KANSAS



PROCLAMATION BY THE GOVERNOR

TO THE PEOPLE OF KANSAS, GREETINGS:

WHEREAS, The League of Kansas Municipalities is celebrating 100 years of service to the cities of Kansas; and

WHEREAS, On May 18-19, 1910, in Wichita, Kansas, 48 city officials from 29 different incorporated cities came together to establish a statewide association of cities; and

WHEREAS, The visionary founders of the League of Kansas Municipalities set out to establish an organization dedicated to municipal research, training, and advocacy; and

WHEREAS, The city leaders and staff of the League of Kansas Municipalities have honorably served the cities and citizens of Kansas for the past 100 years; and

WHEREAS, The mission of the League is to unify, strengthen, and advocate for the interests of Kansas municipalities to advance the general welfare and promote the quality of life of the people who live within our cities:

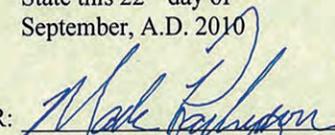
NOW, THEREFORE, I, MARK PARKINSON, GOVERNOR OF THE STATE OF KANSAS, do hereby recognize the

100th Anniversary of the League of Kansas Municipalities

in Kansas.

DONE: At the Capitol in Topeka
under the Great Seal of the
State this 22nd day of
September, A.D. 2010

BY THE GOVERNOR:



Secretary of State

Assistant Secretary



SPECIAL EDITION
LKM CELEBRATES 100 YEARS OF SERVICE

2010 LKM Regional Suppers

Please join us for the 2010 Regional Suppers!

These informative sessions will feature a discussion of the LKM 2011 Legislative Priorities. We hope you will take this important opportunity to network with local officials to discuss the upcoming Legislative session.

For More Information
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Topeka, KS 66603
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Oct. 27, Goodland

Sugar Hills Country Club
6450 Rd 16

Registration - 6:00 p.m. CST

Dinner - 6:30 p.m. CST

Registration - 5:00 p.m. MST

Dinner - 5:30 p.m. MST

Oct. 28, Dodge City

Cowtown Steakhouse
503 E. Trail

Registration - 5:30 p.m.

Dinner - 6:00 p.m.

Nov. 3, Wichita

Wichita Art Museum
1400 W. Museum Blvd.
Beren Conference Room

Registration - 5:30 p.m.

Dinner - 6:00 p.m.

Registration is available online at www.lkm.org/regionalsuppers.

Nov. 4, Concordia

City Hall

701 Washington

Registration - 5:30 p.m.

Dinner - 6:00 p.m.

Nov. 17, Leavenworth

Riverfront Community Center
(RFCC)

123 S. Esplanade

Registration - 5:30 p.m.

Dinner - 6:00 p.m.

Nov. 18, Parsons

City Hall Basement

112 S. 17th Street

Registration - 5:30 p.m.

Dinner - 6:00 p.m.

LEAGUE OF KANSAS MUNICIPALITIES



1910 • A CENTURY OF SERVICE • 2010



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About the Cover:
 On September 22, 2010, Governor Mark Parkinson issued a proclamation honoring the League of Kansas Municipalities for 100 years of service to the cities of Kansas.



October

27, 28 - LKM Regional Suppers

Goodland is the first stop for LKM's annual Regional Suppers on October 27. Dodge City will follow as the second stop on October 28.

November

3, 4 - LKM Regional Suppers

LKM will make its third stop in Wichita on November 3 for the annual Regional Suppers. Concordia will follow on November 4.

5, 6 - MLA: Community & Media Relations

LKM will be offering two MLA elective classes on *Community and Media Relations*. This course will be held in Manhattan on November 5, and Fort Scott on November 6.

17, 18 - LKM Regional Suppers

Leavenworth is the fifth stop for LKM's annual Regional Suppers on November 17. Parsons will follow as the sixth stop on November 18.

December

10 - LKM Governing Body Meeting, Topeka

17 - KMIT Board Meeting, El Dorado

The *Kansas Government Journal* is published monthly by:

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Nothing herein shall be construed to have the endorsement of the publisher unless expressly stated.

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Vice President

Carl Brewer, Mayor, Wichita

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Jack Rowlett, Jr., Councilmember, Paola

Past Presidents

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The mission of the League shall be to unify, strengthen, and advocate for the interests of Kansas municipalities to advance the general welfare and promote the quality of life of the people who live within our cities.



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LEAGUE OF KANSAS MUNICIPALITIES



1910 • A CENTURY OF SERVICE • 2010

Welcome to a special double edition of the *Kansas Government Journal* celebrating the 100th anniversary of the League of Kansas Municipalities. Our organization has been planning for a number of years in order to celebrate this historic occasion. Back in 2006, a 100th Anniversary Committee was named to guide our efforts. This Committee has served without compensation and with a tremendous respect for the great traditions of this organization. We thank them for their service and applaud the projects that they initiated.

In honor of our 100th Anniversary, the League undertook a variety of projects throughout 2010 including a logo redesign, a 2010 calendar featuring all 627 cities in the state, special events at City Hall Day, a double edition of the *Kansas Government Journal*, and a gala celebration at the Annual Conference. The

approach to this year's celebration went far beyond the membership itself, however. From the beginning, the 100th Anniversary Committee had the vision to use this opportunity to enhance our educational opportunities. To this end, a series of public service announcements were developed and broadcast around the state to promote civic engagement and to remind citizens about the role that local government plays in their lives. In addition, we enhanced our programs for youth to include materials for elementary schools, middle schools, and high schools.

The League of Kansas Municipalities is a strong and diverse organization that has served the cities of Kansas for a century. By honoring the League, we are honoring the cities who make up the membership of this fine organization, and we look forward to serving them for the next 100 years.

LKM 100TH ANNIVERSARY COMMITTEE

Name	Position Held	City	LKM Service
Don Anderson, Chairman	Mayor	Lindsborg	LKM President (1993)
Jack Alexander	Commissioner	Topeka	LKM President (1983)
Brenda Chance	City Clerk	Phillipsburg	LKM GB Member (current)
John Deardoff	City Manager	Hutchinson	LKM Member City (current)
Allen Dinkel	City Manager	Abilene	LKM President (2006)
Irene French	Mayor	Merriam	LKM President (1989)
Carl Gerlach	Mayor	Overland Park	LKM GB Member (current)
Ralph Goodnight	Mayor	Lakin	LKM President (1996)
Warren Hixson	Mayor	Colby	LKM President (2000)
Don Knappenberger	City Attorney	St. John	LKM GB Member (former)
Carol Marinovich	Mayor	Unified Government	LKM President (1999)
Clausie Smith	Mayor	Bonner Springs	LKM Member City (current)
Ron Stump	Mayor	Burlington	LKM GB Member (former)



THE LEAGUE OF KANSAS MUNICIPALITIES: A CENTURY OF SERVICE

BY KIMBERLY WINN



TOP PHOTO: DELEGATES WHO ATTENDED THE 2ND ANNUAL CONFERENCE OF THE LEAGUE OF KANSAS MUNICIPALITIES IN WICHITA IN OCTOBER 1910. BOTTOM PHOTO: DELEGATES WHO ATTENDED THE 21ST ANNUAL CONFERENCE IN TOPEKA IN 1929.



The first convention of the League of Kansas Municipalities was held May 18-19, 1910 in Wichita, Kansas. During those two days, 48 city officials from 29 different cities gathered at the invitation of Dr. Richard R. Price, Director of Extension from the University of Kansas. Dr. Price, a former school superintendent from Hutchinson and Harvard government scholar, identified two main deterrents to the effective functioning of local government:

fire chiefs, city engineers, city attorneys, and a number of local government academics. The founders of this organization recognized the importance of reaching across the state to bring together cities of all sizes from all corners to establish an organization to reach common goals with a shared vision.

The second convention of the League of Kansas Municipalities was held October 12-13, 1910 and was attended by 53 officials from 32 different cities.

ORGANIZATIONAL PURPOSE

The Constitution of the League that was adopted at the first convention specified three objectives for the organization: 1) to build the League into an agency for cooperation of Kansas cities in the practical study of city affairs; 2) to develop the best methods and procedures in all branches of municipal government through an annual discussion of problems at the League convention and subsequent dissemination of such information; 3) to obtain legislation of benefit to cities and to oppose injurious legislation. Kerle, Kenneth Eugene, *The League of Kansas Municipalities*,

1) the rapid turnover of the mayors and councilmen of cities, towns and villages; a man no sooner learned his job than he was dropped or retired voluntarily; 2) the lack of any counseling agency or research organization, or source of information, which could make up to the neophyte statesman his lack of knowledge or experience of what had been done elsewhere. Accordingly, the same old errors were repeated and the experiments and achievements of other cities were unknown. See Price, Richard R., "The Beginnings of the Kansas League," *Kansas Government Journal*, Vol. 36, No. 9, at 10 (1950).

CITIES IN ATTENDANCE AT THE FIRST CONVENTION (1910 POPULATION)

Anthony	2,669	Hutchinson	16,364	Osawatomie	4,046
Arkansas City	7,508	Iola	9,032	Parsons	12,463
Atchison	16,429	Kinsley	1,547	Salina	9,688
Chanute	9,272	Kirwin	626	Seneca	1,806
Concordia	4,415	Larned	2,911	Sterling	2,133
Dodge City	8,214	Leavenworth	19,363	Topeka	43,684
El Dorado	8,129	Lyons	2,071	Wellington	7,034
Eureka	2,333	McPherson	3,546	Wichita	52,450
Florence	1,168	Newton	7,862	Winfield	6,700
Horton	3,600	Nickerson	1,195		

Source: U.S. Census., *Population of Incorporated Places* (1910), www.census.gov.

Attendees discussed the virtues of establishing a statewide association and heard from Frank Pierce, Secretary of the Iowa League of Cities. By the end of the meeting, the League of Kansas Municipalities had been formed, an organizational Constitution had been drafted, and officers had been selected. Wichita Mayor C.L. Davidson was selected to serve as the first President of the organization, and Dr. Price was selected as the Secretary/Treasurer.

The cities that participated in the first League convention represented quite a diverse set of communities and individuals. The cities ranged in size from Kirwin (626 pop. in 1910) to Wichita (52,450 pop. in 1910). They came from as far west as Dodge City and from as far North as Atchison and everywhere in between. Attendees included mayors, councilmembers, commissioners,

Ph.D. dissertation, The American University (1967). While the various services and functions of the League have varied over the last 100 years, the core functions of research, training, and advocacy have remained at the heart of the organization.

As with any organization, specific mission statements for the League have been developed over the last 100 years to identify the focus and relevancy of the organization at any given time. The current League mission statement reflects the same history and core purposes that were identified in the first Constitution that was adopted in 1910:

The mission of the League shall be to unify, strengthen, and advocate for the interests of Kansas municipalities to advance the general welfare and promote the quality of life of the people who live within our cities.



PRIOR HISTORY

By the end of the 19th Century, five states (California, Iowa, Wisconsin, Michigan, and Indiana) had established municipal leagues. Jones, Donald L., *State Municipal Leagues: The First Hundred Years*, National League of Cities (1999). Records indicate that in 1892, cities of the first class in Kansas gathered to discuss working together on legislative issues. Some of the cities that participated in that initial meeting, then convened in Topeka in 1895 to attempt to form the Kansas Municipal League. However, this effort was not ultimately successful. See Jones, Donald L.; and Kerle, Kenneth above.

It was not until cities from all across the state, of varying sizes, were brought to the table that a successful organization was founded. That geographic and size diversity remains a foundation of the principles of this organization: that together, the cities of Kansas of all sizes, from all corners of the state, represent the citizens of our great state and work together to make Kansas a quality place to live, work, and play.

LEGAL STATUS

Under the theory that what one city can do individually, a group of cities can do collectively, the League was founded as a group

of cities working together to form a separate organization. As a collective of cities and an “instrumentality” of its member cities, the League is a public agency that is part of the governmental structure.

In 1913, the League was officially recognized by the Kansas Legislature when cities were specifically authorized to appropriate money to pay dues to the organization (1913 Kansas Session Laws, ch. 82 § 1). While Constitutional Home Rule has replaced the need for specific statutes authorizing city participation in the League, a series of statutes remain on the books regarding the League:

12-1610a – authorizes governing bodies to purchase annual subscriptions to the *Kansas Government Journal* and to maintain at least one bound set of *Journals* for their archives for reference.

12-1610b – authorizes political subdivisions to cooperate with the editor and publishers of the *Kansas Government Journal* in the compilation of statistical data.

12-1610c – authorizes cities to pay annual dues and to pay expenses of officers and employees to attend League meetings.



MAY 19, 1950, A LUNCHEON CELEBRATING THE 40TH ANNIVERSARY OF THE LEAGUE OF KANSAS MUNICIPALITIES. REPRESENTATIVES OF STATE, COUNTY, CITY, AND SCHOOL GOVERNMENTS, MEMBERS OF THE PRESS, AND STATE LEAGUE STAFF MEMBERS WERE ALL IN ATTENDANCE.



THE EDITORIAL ADVISORY COMMITTEE FOR THE KANSAS GOVERNMENT JOURNAL MET IN 1955 TO REVIEW POLICIES AND MAKE SUGGESTIONS FOR IMPROVEMENT. SEATED L TO R: FRANK LAWLER; MABEL I. MITCHELL, ASSOCIATE EDITOR; PRESTON DUNN; CHESTER WEIDE. STANDING: FRANCIS R. ROBERTS; JOE LANGHOFFER; L.W. CHESNEY, ASSISTANT EDITOR; A.E. WOESTEMEYER; AND, CHARLES L. STUTZ, ASSISTANT EDITOR.

12-1610d – authorizes political subdivisions to pay for research subscriptions and publications of the League.

12-1610e – declares the League to be an “instrumentality” of the member cities and authorizes city memberships.

12-1610f – authorizes cities to select delegates to represent the city in the conduct and management of the affairs of the League.

12-1610g – identifies the powers of the League to buy and sell property, participate in contracts, etc.

As a public agency, the League is subject to the Kansas Open Records Act and the Kansas Open Meetings Act and its employees are participants in the Kansas Public Employees Retirement System (KPERs). In the mid-1990s, Shawnee County questioned

the governmental nature of the League by challenging the tax exempt status of the organization when the current building that houses the League was purchased. In *League of Kansas Municipalities v. Board of Shawnee County Commissioners*, 24 K.A. 2d 294 (1997), the Kansas Court of Appeals had the last word on the legal status of the League when it opined that the League acts as an agent of its member cities and upheld the tax exempt status of the organization.

OFFICIAL PUBLICATION

By 1914, the League of Kansas Municipalities membership had swelled to 122 cities and there was a desire to establish an official publication and record for the organization. First published in December 1914, *Kansas Municipalities* was created as the official organ of the League of Kansas Municipalities. Subtitled, “A Monthly Review of Municipal Progress and Problems,” this



publication was designed for the development of the League, the dissemination of information on city and town problems, gaining needed legislation, and the furtherance of better local government.

In June, 1937, the publication was renamed the *Kansas Government Journal* to reflect the expanding nature of the magazine. What started out as a publication focused solely on cities, had become a statewide publication that was covering key governmental issues for cities, counties, school districts, and the state. Today, the *Kansas Government Journal* boasts a monthly circulation of nearly 5,000 and is widely respected for its research, information, and ability to connect the cities of Kansas with each other and with those interested in governance issues. The *Kansas Government Journal* serves as a history of government in Kansas over the last 96 years and it is archived on the League website at www.lkm.org.

MEMBERSHIP

One important aspect of the League is that the founders intended the organization to be one of municipalities and not of officials. The intent was to make sure that the membership in the League would continue regardless of changes in officers or councilmembers. See Price, Richard R. Only cities are authorized to be “members” of the League with full voting privileges. However, counties and school districts are authorized to become “research subscribers” and avail themselves of the *Kansas Government Journal*, the legal inquiry service, and member rates for trainings.

Originally, dues for the organization were established in state law and were based upon population. 1913 Kansas Session Laws, ch. 82, § 1. Over the years, the dues formula was amended by the membership as necessary to provide the basic funds to operate the organization. Today, the dues formula is set out in the League bylaws and is based solely on a combination of population and assessed valuation.

As of this writing, League membership stands at 588 member cities—an all time high for the organization. The amount of dues brought in by the League comes close to covering the cost of the 15-full time staff members that operate the various services that the League provides. All other expenses for the organization are derived from advertising and vendor sales, leases on the building, and other entrepreneurial endeavors.

OUTREACH

The League has long recognized the importance of working with other groups and associations on issues of mutual concern. Indeed, the League has served as an umbrella for a number of

LKM AFFILIATES

- Administrative Assistants/Secretaries of Kansas Cities (AAKC)
- City Attorneys Association of Kansas (CAAK)
- City Clerks/Municipal Finance Officers Association (CCMFOA)
- Heart of America Chapter, International Conference of Building Officials (ICBO)
- Human Resource Management Association
- Kansas Association for Court Management
- Kansas Association of Chiefs of Police
- Kansas Association of City/County Management (KACM)
- Kansas Association of Councilmembers/Commissioners (KACC)
- Kansas Association of Code Enforcement (KACE)
- Kansas Association of Public Information Officers (KAPIO)
- Kansas Chapter, American Planning Association
- Kansas Chapter, Public Works Association (APWA)
- Kansas Governmental Finance Officers Association (KSGFOA)
- Kansas Human Relations Association
- Kansas Mayors Association
- Kansas Municipal Insurance Trust (KMIT)
- Kansas Municipal Judges Association
- Kansas Recreation and Park Association
- Kansas State Association of Fire Chiefs



PAST LKM PRESIDENTS WERE HONORED AT THE 50TH ANNUAL LKM CONFERENCE. CLOCKWISE: DR. HERBERT L. STONE, MAYOR, CEDAR VALE; FRED C. LITTOOY, CITY ATTORNEY, HUTCHINSON; CLARK F. TUCKER, MAYOR, KANSAS CITY; HOWARD PAYNE, BOND COMPTROLLER, KANSAS CITY; ROBERT F. BENNET, MAYOR, PRAIRIE VILLAGE; AND, FRED DIEHL, UTILITIES SUPERINTENDENT, MCPHERSON.



other associations that serve specific municipal purposes. Today, the League Bylaws provide for the formal recognition of certain municipal associations as League Affiliates. The benefits and privileges of affiliate status are enumerated as: 1) recognition as a League affiliate in the *Kansas Government Journal*; 2) the privilege of meeting as a municipal association in conjunction with the annual conference of the League of Kansas Municipalities; and 3) the privilege of having one of its officers participate as a voting member of the League's Legislative Policy Committee. Bylaws of the League of Kansas Municipalities, Article 12.

In addition to the privileges cited in the League Bylaws, the League works closely with these associations on trainings, legislative matters, and a variety of publications. The League serves as the record keeper for several of these groups and as the

official secretariat for both the Kansas Association of City/County Management and the City Attorneys Association of Kansas.

The League's county counterpart is the Kansas Association of Counties (KAC). Founded in 1975, the KAC works directly with counties and county officials. The League maintains a strong working relationship with the KAC on legislative issues, trainings, and other research projects. The two organizations are even housed in the same location – the KAC leases the top floor of the League building as office space.

EXECUTIVE DIRECTORS

Over the course of the last 100 years, the League has been served by only eight executive directors (originally called executive secretaries).

LKM EXECUTIVE DIRECTORS



Richard Price
1910-1914



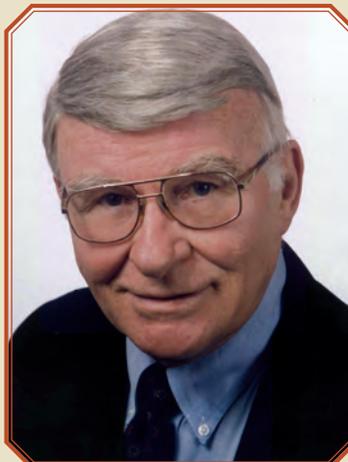
Homer Talbot
1914-1919



John G. Stutz
1920-1955



Allen E. Pritchard, Jr.
1955-1960



E. A. Mosher
1960-1991



Chris McKenzie
1992-1999



Don Moler
1999-Present

Not pictured Albert A. Long (1919 - 1920)



NATIONAL LEAGUE OF CITIES

The longest serving League director was John G. Stutz who served the organization for 35 years. In that time, Stutz became known nationwide as a local government expert and leader in the development of municipal associations. Indeed, it was during his tenure as executive secretary of the League of Kansas Municipalities that Stutz also became the first executive secretary of the American Municipal Association (AMA). The AMA, originally established in Lawrence, Kansas in 1924, was later renamed the National League of Cities (NLC) in 1964. (Jones, pg. 49)

Since 1961, the NLC has given the John G. Stutz Award to any person who has served for 25 years on the staff of a state municipal league or the NLC. Two Kansas executive directors, Ernie Mosher and Don Moler, along with three staff members have received the Stutz Award over the years.

BUILDINGS

From its founding in 1910 until August, of 1942, the League of Kansas Municipalities was housed at Fraser Hall on the campus of the University of Kansas in Lawrence. The League's strong ties to the municipal research and extension division at the University necessitated the location. However, during the war years, the League was asked to move to make way for U.S. naval trainees. Recognizing the growing services of the League and the importance of being near the State Capitol, the decision was made to relocate the organization to Topeka. On September 15, 1942, the organization moved to the fifth floor of the Capitol Federal Savings Building at 6th and Kansas.

In 1959, the League, with the approval of the membership, purchased the Aetna Savings & Loan building at 112 SW 7th in Topeka. In 1993, after a study of the cost to renovate the existing League building, the Governing Body and the League membership made the decision to purchase the Victory Life Insurance Building at 300 SW 8th Ave. Since March of 1995, the League has been



FRASER HALL, UNIVERSITY OF KANSAS,
LAWRENCE
1910-1942

CAPITOL FEDERAL BUILDING
534 KANSAS AVE., TOPEKA
1942-1959



housed in this location directly across from the State Capitol, underscoring the importance of the League in the governmental structure of the state. See, Parrott, Matthew, "League Celebrates 90th Anniversary," *Kansas Government Journal*, Vol 86, No. 5, 119 (2000).

LEAGUE SERVICES

At its root, the League is a service organization and the staff at the League of Kansas Municipalities has been providing high quality service to the cities of Kansas for a century. The programs of the League are designed to serve the cities of Kansas for the betterment of the citizens who live within those cities. Most of the services provided by the League fall into the three areas identified as the organizational purpose at the first meeting in 1910: research, training, and advocacy.

RESEARCH. The need for solid research about municipal government has always been a cornerstone of the organization.

The first four League executive secretaries held the position by virtue of their position as the director of the Municipal Reference Bureau of the University of Kansas. The Municipal Reference Bureau answered legal inquiries from municipal officials and disseminated model ordinances and a variety of statistical information. (Kerle, pg. 94). Eventually, it was John Stutz that would propose the separation of the League from the University of Kansas so that the services provided to cities could be expanded. Today, municipal research is still critical to the League's mission, and the legal staff still answers thousands of inquiries each year.

Much of the research is distributed through the monthly *Kansas Government Journal* or the electronic newsletter, the *League News*. Model ordinances are found on the website at www.lkm.org. The League continues to publish statistical information such as the *Kansas Tax Rate Book* and the *Directory of Kansas Public Officials* annually.



LEAGUE BUILDING
112 SW 7TH, TOPEKA
1959-1995

LEAGUE BUILDING
300 SW 8TH AVE., TOPEKA
1995-PRESENT



WILBER E. SMITH, LEFT, ASSISTANT DIRECTOR OF AMERICAN MUNICIPAL ASSOCIATION (AMA, NOW NLC), VISITED THE LEAGUE OFFICES TO DISCUSS THE SERVICES AMA PROVIDES FOR STATE LEAGUES WITH, FROM LEFT, ALBERT B. MARTIN, DIRECTOR OF RESEARCH; ALLEN E. PRITCHARD, JR., EXECUTIVE DIRECTOR; AND CHARLES S. MANLEY, DIRECTOR OF SERVICES IN AUGUST 1959.

attending each year. In recent years, the other trainings done by the League have become a part of the Municipal Leadership Academy. This formal training program allows individuals to attend a single training or to work toward the goal of various levels of achievement. At any one time, nearly 2,000 city officials are participating at some level in the Municipal Leadership Academy.

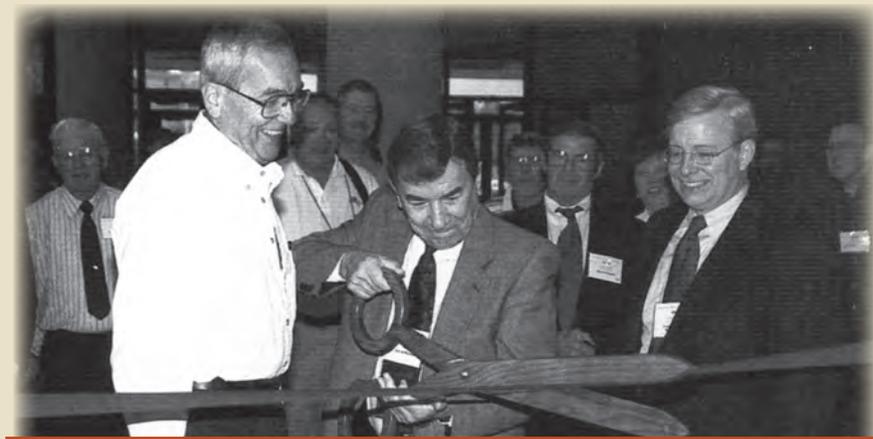
ADVOCACY. The League was also established to advocate on behalf of cities and the citizens who live within our cities. From the founding of the organization, the legislative policies of the League have been established by city officials through an open policy committee process and ultimate adoption of the annual League *Statement of Municipal Policy* by the convention of voting delegates. Prior to constitutional home rule, the League was a frequent visitor to the State Capitol seeking authority for cities to undertake some particular activity. However, in 1959, the Kansas

TRAINING. Education for city officials has always been a core function of the League as well. In addition to conducting the business of the organization, the Annual Conference serves as the premier training event with nearly 800 city officials

Legislature (after 50 years of lobbying by the League and city officials) approved the Constitutional Home Rule Amendment which was then approved the following year by the voters of Kansas.



MEMBERS OF THE COMMITTEE ON CODIFICATION OF MUNICIPAL LAW MET IN THE OFFICES OF THE LEAGUE IN 1957. CLOCKWISE: KENNETH SANBORN, CITY MANAGER, AUGUSTA; JACK COPELAND, CITY ATTORNEY, ST. JOHN; L.W. CHESNEY, FIRST ASSISTANT CITY ATTORNEY, WICHITA; ARDEN K. ENSLEY, LEAGUE RESEARCH ATTORNEY; LLOYD H. HAAG, CITY ATTORNEY, GARDEN CITY; KENNETH G. BITTEL, CITY CLERK, ABILENE; AND ALLEN E. PRITCHARD, LEAGUE EXECUTIVE DIRECTOR.



JOHN ZUTAVERN, LKM PAST PRESIDENT; CHRIS CHERCHES, LKM PRESIDENT; AND CHRIS MCKENZIE, LKM EXECUTIVE DIRECTOR OPEN THE 88TH ANNUAL CONFERENCE WITH A RIBBON CUTTING IN 1998.

Since the passage of constitutional home rule, the League's legislative program has been primarily defensive in nature. Home rule gives cities great flexibility and defending local control and home rule has been at the forefront of the League's legislative agenda in recent years. The League has also been a partner in working with other stakeholders to establish major programs such as the Kansas Public Employees Retirement System (KPERs) and a variety of transportation programs over the years.

The advocacy of the League also extends to the court system. The League routinely files *amicus curiae* briefs when cities are involved in appellate litigation that has statewide implications.

OTHER SERVICES. Over the last 100 years, the League has also branched out to provide fee-for-service programs for city officials. Utilizing in-house legal and governance expertise, the League can often provide a low-cost option for cities looking for particular services. The League of Kansas Municipalities was one of the first state leagues to begin doing city codifications. In 1923, Baldwin City became the first city in Kansas to use this service and since that time, literally hundreds of cities have come to the League for ordinance codification services.

In the mid-1990s, many smaller communities in Kansas were struggling to find affordable workers compensation insurance. In response to this need, the League formed the Kansas Municipal

Insurance Trust (KMIT) to provide a municipal group-funded workers compensation option for cities. Today, 143 cities (and the League itself) utilize this pool to provide cost effective and comprehensive workers compensation coverage. League staff administers the KMIT pool.

Other fee-for-service programs include an administrative search program (LEAPS), a number of personnel-related services, and administration of the enhanced wireless 911 funds (a joint effort with the Kansas Association of Counties).

In 1910, the founders of the League of Kansas Municipalities could not have anticipated the full range of services and the breadth of influence the League would have in 2010. They could not have envisioned websites, list serves, trade shows with hundreds of vendors, or a full color *Kansas Government Journal*. What

they did envision was a statewide association of cities, of all sizes, from all parts of the state. They envisioned an organization whose primary mission was service to the cities of Kansas through research, training, and advocacy. Today, and for the last 100 years, the League of Kansas Municipalities has fulfilled this vision through the efforts of strong leaders from the cities of Kansas and countless staff members of the organization. Today, the League of Kansas Municipalities celebrates 100 years of service with a commitment to honor the visionaries of 1910, and to continue the tradition of excellence for our cities and the citizens who live within them.

 Kimberly Winn is the Deputy Director for the League of Kansas Municipalities. She can be reached at (785) 354-9565 or kwinn@lkm.org.



L TO R : KIMBERLY WINN, LEAGUE DEPUTY DIRECTOR; DON MOLER, LEAGUE EXECUTIVE DIRECTOR; MIKE BOEHM, LEAGUE PRESIDENT; AND TONY FIEDLER, MCPHERSON COMMISSIONER & LKM PAST PRESIDENT, AT THE 2005 ANNUAL CONFERENCE IN WICHITA.



TOP LEFT PHOTO: EIGHT OF THE TEN MEMBERS OF THE 1946 GOVERNING BODY. L TO R: A.M. GOODRICH, OTTO WENRICH, JOHN G. STUTZ, SAM CHARLSON, A.M. FLEMING, RUSSELL E. MCCLURE, FRANK WARREN, V.J. MARHOFFER.



TOP RIGHT PHOTO: MEMBERS OF THE 1957 GOVERNING BODY, SEATED L TO R: ALLEN E. PRITCHARD, PAUL F. MITCHUM, KARL J. SVATY; STANDING: VIRGIL BASGALL, JAMES GARDNER, MERLE SMITH, L.H. SPEARS, FRED LITTOOY.

A CENTURY OF GOVERNING

The League of Kansas Municipalities (LKM) is led by a governing body made up of elected and appointed officials from around the state. Each year, the Convention of Voting Delegates selects the members of the LKM Governing Body. The current governing body is made up of 12 director slots, a vice-president, a president, an immediate past president, and all past presidents who have remained consecutively in their local office since they were LKM president.

The “past president’s rule” was added to the LKM bylaws in 1997. By moving those individuals who serve as president into an ongoing past president slot, two goals are accomplished: 1) it allows for a greater number of cities to be represented on the LKM governing body; and, 2) it provides for enhanced institutional memory for the organization.

Throughout the 100-year history of the League, 380 different individuals have served on the LKM Governing

Body. Governing body members have hailed from cities of all sizes, from Wichita (pop. 372,186) to Virgil (pop. 99). Of that number, 80 individuals have served as LKM president. While mayors make up the largest group of city officials serving as LKM president, councilmembers/commissioners, managers/administrators, clerks, attorneys, and many other officials have served in this capacity as well.

A number of LKM presidents have gone on to hold higher elected office. Previous past presidents include at least 15 individuals elected to the Kansas House of Representatives, 5 elected to the Kansas Senate, a Lieutenant Governor, a Governor, and an individual elected to the U.S. House of Representatives.

Today, we are proud to honor all LKM governing body members who have given their time and talents to serve this organization over the last 100 years.



LEFT PHOTO: MEMBERS OF THE 1958 GOVERNING BODY, L TO R: ALLEN E. PRITCHARD, E.P. WENGER, ROBERT F. BENNETT, JOHN T. WEATHERWAX, FRED C. LITTOOY, CHESTER E. PETERSON, JAMES L. GARDNER, JOHN B. FOSTER, L.H. SPEARS



MIDDLE PHOTO: MEMBERS OF THE 1973 GOVERNING BODY, STANDING L TO R: JOHN WINTER, RICHARD CRAMER, JACK ALEXANDER, J.C. HART, PAUL EVANS, RICHARD WALSH; SEATED ERNEST B. WILSON, AL THELAN, CONNIE PETERS, NANCY HAMBLETON, DOROTHY SODERBLOM.



BOTTOM PHOTO: MEMBERS OF THE 1962 GOVERNING BODY DISCUSS THE COMING YEAR IN A MEETING AT THE CLOSE OF THE ANNUAL CONFERENCE. SEATED L TO R: L.H. SPEARS, LEVI B. RYMPH, E. A. MOSHER; STANDING: KENNETH F. SANBORN, R.J. LEETE, C.N. HARPER, J.F. MITCHELL, FRED L. HEDGES, SAM W.G. LOWE, JAMES A. WILSON.



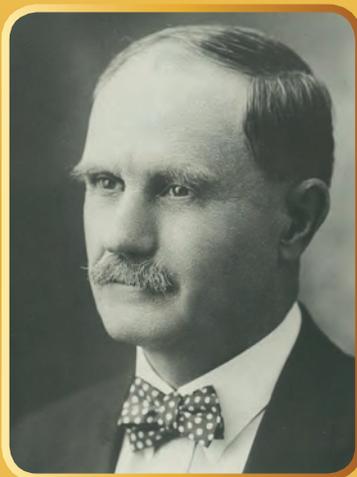
LEAGUE OF KANSAS MUNICIPALITIES



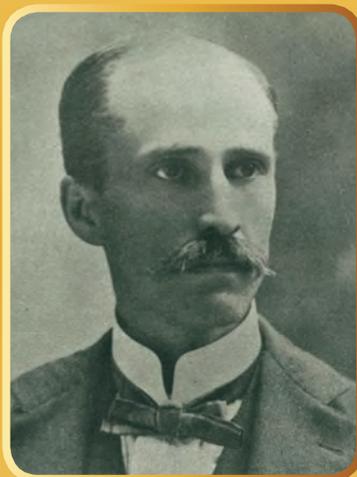
1910

2010

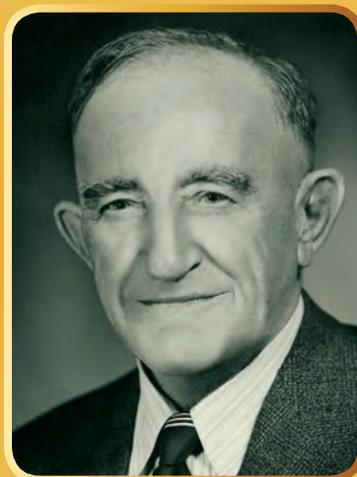
PRESIDENTS



C.L. Davidson,
1910, Mayor, Wichita



O.H. Stewart,
1911, Mayor, Parsons



Jerry Dunkelberger
1912, Mayor, Newton



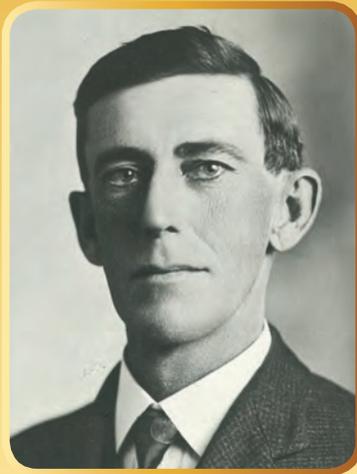
C.W. Green
1913-1914, Mayor, Kansas City



W.L. Porter
1915-1916, Commissioner, Topeka



Richard J. Hopkins
1917-1918, City Attorney, Garden City



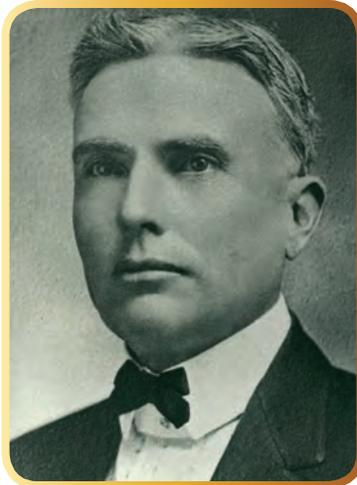
Charles E. Banker
1919, City Clerk, Salina



Charles A. Brown
1919-1920, Councilmember, Atchison



George L. Kreeck
1921, Mayor, Lawrence



Frank McClellan
1922, Mayor, Coffeyville



Walter F. Jones
1923, Mayor, Hutchinson



Harry C. Bowman
1924-1928, City Attorney, Newton & Walton



Frank L. Dunn
1929, Commissioner, Wichita



Leonard Gunn
1930-1931, Mayor, Great Bend



Leonard Boyd
1932-1936, City Clerk, Pittsburg



Howard Payne
1937-1946, City Clerk, Kansas City



Frank J. Warren
1947-1948, Mayor, Topeka



Sam C. Charlson
1949, Commissioner, Manhattan



Clark E. Tucker
1950, Mayor, Kansas City



E.J. Allison
1951, City Manager, Salina



Ted L. Sexton
1952, Mayor, Leavenworth



Harley E. McMillen
1953, City Manager, El Dorado



J. Glen Davis
1954, Commissioner, Topeka



Herbert L. Stone
1955, Mayor, Cedar Vale



Fred D. Diehl
1956, Super. of Utilities, McPherson



Paul F. Mitchum
1957, Mayor, Kansas City



Fred C. Littooy
1958, City Attorney, Hutchinson



Robert F. Bennett
1959, Mayor, Prairie Village



John T. Weatherwax
1959, Mayor, Lawrence



J.F. Mitchell
1960, Mayor, Leavenworth



L.H. Spears
1961 and 1963, Mayor, Rossville



Levi B. Rymph
1962, Commissioner, Wichita



Kenneth F. Sanborn
1963, City Manager, Junction City



Carl A. Bell, Jr.
1964, Commissioner, Wichita



Sam W.G. Lowe
1965, City Attorney, Colby



C.C. Arnett
1966, Mayor, Belleville



Joseph H. McDowell
1967, Mayor, Kansas City



H.C. Davis
1968, Mayor, Great Bend



Ray S. Wells
1969, City Manager, Lawrence



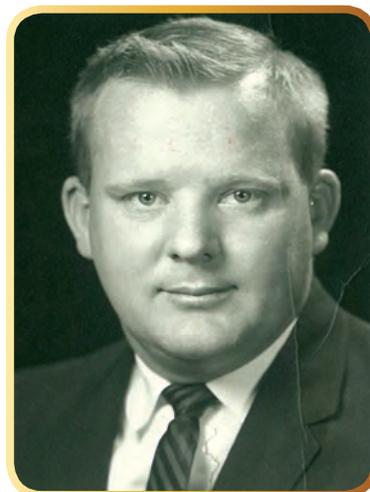
Janis L. Meyers
1969, Councilmember, Overland Park



Roger Williams
1970, Mayor, Russell



James R. Love
1971, Commissioner, Topeka



Al Thelen
1972, City Manager, Leavenworth



Ernest B. Wilson
1973, Mayor, Neodesha



Richard F. Walsh
1974, Mayor, Kansas City



John E. Winter
1975, Commissioner, Dodge City



Jack Walker
1976, Mayor, Overland Park



Virgil A. Basgall
1977, City Manager, Emporia



Glenn J. Shanahan
1978, Commissioner, Wichita



John E. Reardon
1978-1979, Mayor, Kansas City



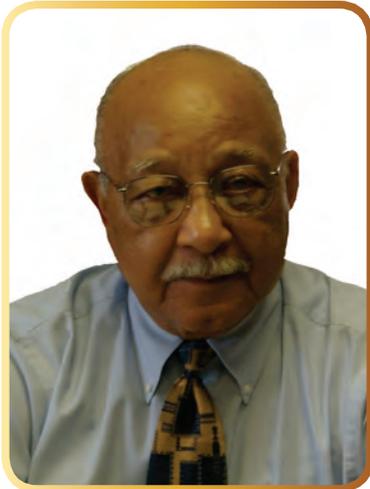
George W. Pyle
1980, City Manager, Hutchinson



Karen M. Graves
1981, Commissioner, Salina



Kent E. Crippin
1982, Mayor, Leawood



F.S. "Jack" Alexander
1983, Commissioner, Topeka



Peggy Blackman
1984, Mayor, Marion



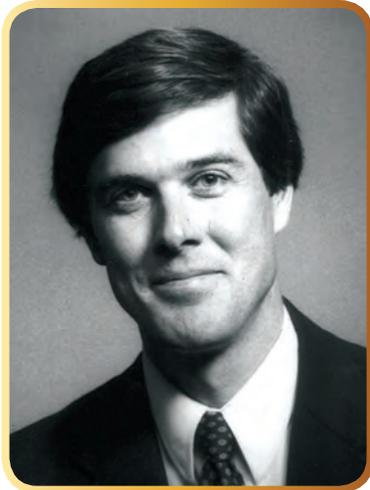
Ed Eilert
1985, Mayor, Overland Park



John L. Carder
1986, Mayor, Iola



Carl Dean Holmes
1987, Mayor, Plains



Doug Wright
1988, Mayor, Topeka



Irene French
1989, Mayor, Merriam



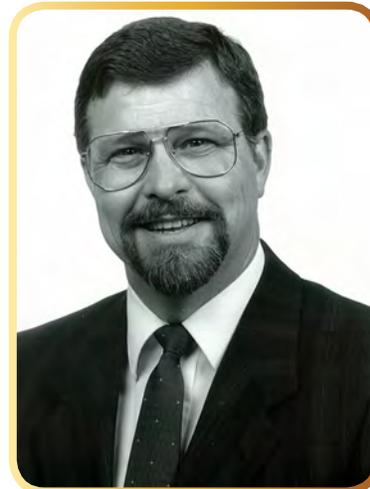
Frances J. Garcia
1990, Commissioner, Hutchinson



Bob Knight
1991, Mayor, Wichita



Joseph E. Steineger, Jr.
1992, Mayor, Kansas City



Don Anderson
1993, Mayor, Lindsborg



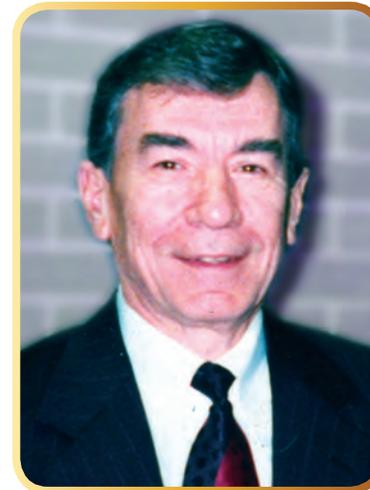
Harry "Butch" Felker
1994, Mayor, Topeka



John Divine
1995, Mayor, Salina



Ralph T. Goodnight
1996, Mayor, Lakin



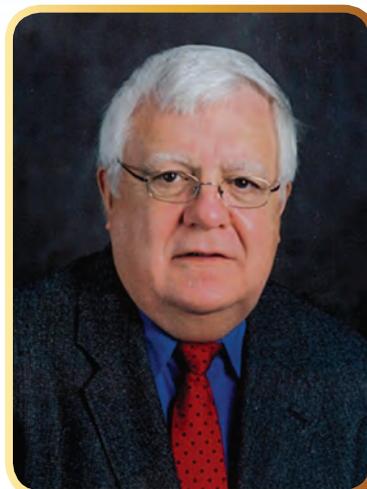
Chris Cherches
1997, City Manager, Wichita



John Zutavern
1998, Commissioner, Abilene



Carol Marinovich
1999, Mayor/CEO, Unified Gov.



Warren C. Hixson
2000, Mayor, Colby



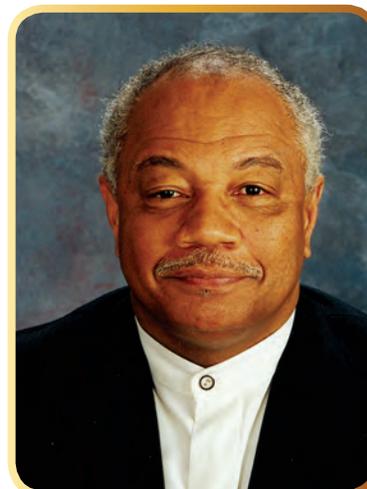
Joan Bowman
2001, Mayor, Lenexa



J. Patrick Lawless, Jr.
2002, Mayor, Osage City



Tony Fiedler
2003, Commissioner, McPherson



Richard Jackson
2004, Mayor, Ottawa



Michael Boehm
2005, Mayor, Lenexa



Allen J. Dinkel
2006, City Manager, Hoisington



Joe Reardon
2007, Mayor/CEO, Unified Gov.



Jack Rowlett, Jr.
2008, Councilmember, Paola



Carl Gerlach
2009, Mayor, Overland Park



Sheriff's Department Gets New Cameras

Butler County sheriff's deputies are wearing video cameras on their uniforms so that their interactions with the public may be recorded.

According to Sheriff Craig Murphy, the department is testing 50 new cameras. The footage is downloaded and stored at the end of

each shift. The Sheriff says the cameras are voice-activated and will be able to go wherever the deputies go. In addition to protecting officers, the new cameras are cheaper than those installed in patrol cars and are easier to use.

Foreign Trade Zone Designation Granted

The City of Lawrence and the Chamber of Commerce are pleased to announce Lawrence businesses will now benefit from the advantages of the Greater Kansas City Foreign Trade Zone (FTZ). This designation provides greater flexibility for manufacturers located in the city. The new designation allows Douglas County businesses that import, distribute, or manufacture products with imported components to export the final product without tariffs.

"This designation allows our local businesses to compete effectively with foreign manufacturers," said Tom Kern, Chamber

President and CEO. "It provides flexibility and reduced cost that ensures manufacturing and distribution remains economically viable and profitable now and into the future."

Traditionally, FTZs were limited to one or two areas within a metro region. Participating businesses will see costs of their investment pay off quickly through reduced customs duties and lower fees than they typically would pay on their imports. Customs duties can be reduced or even eliminated for certain manufacturing, processing, and assembly activities occurring in FTZs.

Magazine Readers Pick Topeka

Kiplinger's Magazine, a Washington, D.C.-based business and finance publication, named Topeka as one of the "Best Cities for the Next Decade." Recently, the publication announced that Topeka was selected as its Readers' Choice designation as the "Best City for Your Future."

According to the magazine, "Topekans made it clear there is no place like home" through a competition on Facebook.

Iola Receives Grant

The U.S. Environmental Protection Agency (EPA) has awarded \$768,000 to the City of Iola for improvements to the sewer system. EPA Region 7 Administrator Karl Brooks said, "It's always a pleasure to help Kansas communities better protect their water resources. These water infrastructure funds will partially fund the construction project which is estimated to cost \$2.6 million."

The purpose of the project is to repair and replace approximately 40,000 ft. of existing sewer which is deteriorating due to age. This will reduce sewage overflows to local streams, blockages that can cause sewage backups into buildings, and pavement failures above collapsing pipes.

Lenexa Police Chief Receives National Honor

The National Association of Women Law Enforcement Executives (NAWLEE) is recognizing Police Chief Ellen Hanson as the Woman Law Enforcement Executive of the Year.

Chief Hanson "has distinguished herself as a leader who is described as charismatic, decisive and one who 'does the right things for the right reasons,'" according to a release from NAWLEE. "Ellen's dedication to law enforcement, and her national recognition in leading innovative law enforcement programs make her an excellent choice for this year's executive of the year," said NAWLEE president Susan Rockett, Chief of Police at the City of Mexico, Missouri. Police Department.

In the 1990s, Chief Hanson was instrumental in forming NAWLEE, the first organization to address the unique needs of women holding senior management positions in law enforcement. Today, NAWLEE has about 400 members, including law enforcement agency leaders and future leaders nationwide.

She began her career with the Lenexa Police Department in 1975 as a patrol officer. She was later transferred to the investigations division, and served as a detective, sergeant, and lieutenant. She was commander of the investigations division for 12 years. She also served as captain of the patrol division and was appointed as Chief of Police in 1991. Last month, Chief Hanson received her 7th service star in recognition of 35 years of service with the Lenexa Police Department.

"Chief Hanson is highly regarded by her peers in the region, state, and across the country as an outstanding police chief and role model," said City Administrator Eric Wade. "But more importantly, she is well known and respected in our own community for her tremendous leadership, professionalism, and compassion for the officers in her department as well as all citizens of Lenexa."

Grant Supports Free Lunch Program

The National Recreation and Park Association (NRPA), has awarded a \$49,000 grant to the City of Wichita Park and Recreation Department to support its free lunch program at four summer activities camps. The grant money comes from the

Wal-Mart Foundation's \$2 billion, "Fighting Hunger Together" initiative. Part of those funds will be used to serve nearly 5 million meals to children in 2010 and 2011 through park and recreation programs across the United States.



Kansas Cities

A Historical Perspective

by Sandy Jacquot

We all have visions of what Kansas was like in the olden days, before paved streets, automobiles, and modern governmental structure and services. Dusty streets with a few storefronts come to mind when trying to look back in time and imagine what cities were like in the early days of Kansas history. It may be surprising to some people to know that cities predate statehood. In the spring of 1854, the Kansas-Nebraska Act was approved by Congress and settlement began in an area that now comprises parts of Kansas, Colorado, and Nebraska.

The legislative power and authority of the Kansas Territory was vested in the Governor and the Legislative Assembly. This era was marked by bloody battles between pro-slavery and anti-slavery forces, which shaped the beginning of the struggle leading up to Kansas becoming a state. Constitutional conventions attempted over several years to draft and ratify constitutions, some of which were pro-slavery and some of which were anti-slavery. After four attempts at adopting a constitution, all

of which were rife with controversy, Kansas finally achieved statehood in 1861.

The Wyandotte Constitution, ratified in 1859, formed the basis for the current Kansas Constitution. By then, the Kansas Territory was dotted with cities. In some cases, cities predated or were organized in conjunction with the formation of the counties within which they sat. For example, on May 2, 1857, a meeting was held to organize the town of Hyatt and two days later the meeting was held to organize Anderson County. (<http://www.kansasmemory.org/item/5494/page/1>) The officers of the town were then authorized to seek formal incorporation with the Legislative Assembly. The county was organized to redress grievances of decisions made by the towns within its boundaries, to organize a militia, to authorize a tax levy, and to address the development and maintenance of county roads. The town of Hyatt no longer exists, but may be found in the “dead town list” found at the Kansas State Historical Society (KSHS).



VIEW OF LEAVENWORTH, KANSAS TERRITORY SHOWS A NUMBER OF BUILDINGS AND STEAMBOATS ON THE RIVER. IMAGE WAS COPIED FROM FRANK LESLIE'S ILLUSTRATED NEWSPAPER IN 1858.



FOURTH STREET LOOKING NORTH FROM CHEROKEE STREET IN LEAVENWORTH BETWEEN 1900 AND 1919. IN THE BACKGROUND A WAGON IS SEEN TRAVELING DOWN THE SNOW COVERED STREET AS PEDESTRIANS WALK ALONG THE SIDEWALKS. TO THE RIGHT IS A SIGN FOR THE NATIONAL HOTEL AND NATIONAL CAFÉ.



CURRENT VIEW OF FOURTH STREET LOOKING NORTH FROM CHEROKEE STREET IN LEAVENWORTH. THE STREET IS NOW OCCUPIED WITH VARIOUS BUSINESSES DOWN THE MAIN STREET.

~Dead Town List~

The so-called “dead town list” is entitled *Little Known or Extinct Towns in Kansas*, by Mary Emma Milner Montgomery. This is a compilation that began in 1904 as a way for the KSHS to obtain and preserve information regarding lost towns in Kansas. The project waned for a few years, and after attempting to get counties to respond to information requests, was only successfully renewed after KSHS turned to its own vast newspaper collections and other archival resources. It was completed in 1912 and then enhanced by placing the information on printed forms during the 1930s as a Work Projects Administration project. The list contains a page for each of the several thousand towns and contains a legal description by township and range, post office information, and any other pertinent information about the town. This is a 20 volume set that is available to look at as a hard copy or on microfilm.

Some of the information included in typical listings had to do with the reason for the towns’ existence. For example, Stippville in Cherokee County was identified as a mining town. In these towns, when the post office closed, the town usually declined, which was apparently the case with Stippville. A great deal of information can be gleaned from the few words about each town. Abram in Lincoln County, named for President Abraham Lincoln, paid its postmaster \$10 in 1871, but the listing indicates, in a tragic turn of events, that the postmaster was hung in 1872 for shooting a man trying to steal lumber. A mob of 40 took him to the local square to hang him. They later stood trial, but were not convicted.

Abram, the name later changing to Rocky Hill, fought to become the county seat, but in two elections ultimately lost to Lincoln Center. (*Dead Town List*, Vol. 1) In those early elections, the town selected for the county seat often determined the survival or demise of the town. There is also a notation that a town company filed a charter for the town in 1871.

~Town Companies~

Town companies came into being in Kansas in the mid 1800s and were typically chartered to buy, sell, and organize platted lands into towns. There were many different town companies operating before and during the early days of statehood. Some organized only one geographic area, but some organized multiple areas. They had boards of directors and stockholders, and were incorporated much like any other corporation. Once a town was organized by the town company, it sometimes took on the name of the town company. Many cities in Kansas can trace their roots back to a town company.

Towns organized when Kansas was a territory can have a confusing history to research. Often these towns were incorporated by the Legislative Assembly as “towns” and then later as “cities,” with really no indication of the difference between the two. As city officials know, there are only cities in Kansas now and any reference to towns or villages is from a previous time in history.

In the Statutes of the Territory of Kansas for any given year, one may find mention of a town being incorporated. Even more confusing is that there may be authorization for the election of a board of trustees or for aldermen, terms which are no longer



IF YOU WANT A FARM OR HOME
 "THE BEST THING IN THE WEST"
Atchison, Topeka & Santa Fe
RAILROAD
LANDS
 IN SOUTHWEST KANSAS.

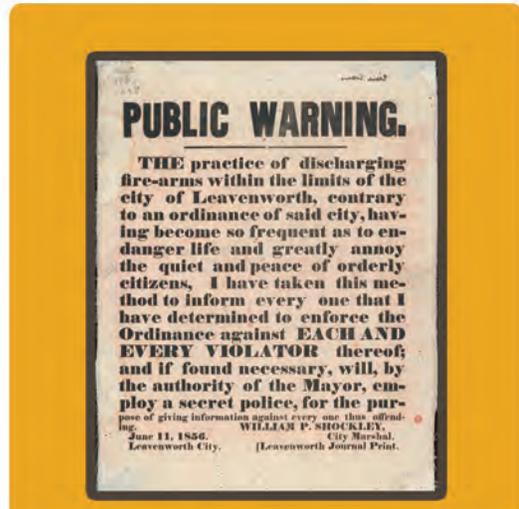
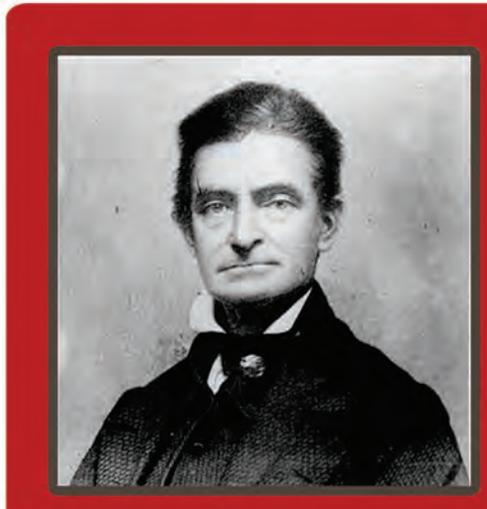
Temperate Climate, Excellent Health, Pure and Abundant Water.
GOOD SOIL FOR WHEAT, CORN AND FRUIT.
The Best Stock Country in the World.

Or to For Full Information apply to
 Agent, **LAND COMMISSIONER,**
 A. T. & S. F. R. R., Topeka, Kas.
 Huskuff ertzell, S. B. Schmidt, Deutscher Gen'l. Agt., Topeka, Kan.

in use when referring to Kansas cities. An example would be the City of Paola. In 1855, the Town Company of Paola was incorporated by the Legislative Assembly and the "town" of Paola was also incorporated. (1855 Statutes of the Territory of Kansas, Chapters 51 and 54) The authority of the town was vested in a five-member Board of Trustees and was a governmental organization to perform all of the functions cities normally undertake. The town company, however, was vested with the authority to divide the town into lots, parks, streets, squares, and avenues, and to sell or otherwise convey the lots. In 1860, Paola was incorporated as a city. (1860 Private Laws of the Territory of Kansas, Special Session, Chapter 81) Reading through the act is like reading Chapter 15 of the Kansas Statutes Annotated today. All of the powers of the city and of city officials are set forth in the act incorporating the city. It calls for the election of a mayor and a board of aldermen to be called the city council. The act then sets forth all of the powers and duties of the various officers and elected officials and how they are to be elected or appointed.

A good example of town companies is the Kansas Town & Land Company which was chartered in 1887 to organize and sell lots on the right of way of the Chicago, Rock Island, and Pacific Railway Company. These towns organized by the town company then supported the building of the rail lines and the operation of the railway once it was up and running. Workers needed places to live, with all of the amenities of a town, in order to further the mission of the railroad company.

A CIRCULAR PROMOTING LAND SALES AND SETTLEMENT IN SOUTHEAST KANSAS. THE AD STATES THE CLIMATE IS GOOD FOR FARMING AND RANCHING. THE ILLUSTRATIONS CONTRAST PRAIRIE VERSUS WOODLAND SETTLEMENTS AND CITE THE EXTRAORDINARY GROWTH OF COTTONWOOD TREES ON POLK STREET IN TOPEKA. THE GERMAN LANGUAGES REFERENCE INDICATES THE RAILROAD'S INTENT TO APPEAL TO EUROPEAN EMIGRANTS.



-1854-

Kansas-Nebraska Act was approved by Congress creating the Kansas Territory.

City of Leavenworth incorporated.

-1856-

Leavenworth notice about discharging firearms.



The Kansas State Historical Society (KSHS) has an extensive collection of the Kansas Town & Land Company records, which was donated in 1975 when the Chicago, Rock Island, and Pacific Railroad closed its Topeka office. The records are voluminous, but provide perhaps the only history of the development of many cities in Kansas. For example, the town company bought over 600 acres of land in Horton, which became the divisional headquarters of the Chicago, Kansas, and Nebraska Railway Company, which was part of the Rock Island system and was later deeded to the Chicago, Rock Island, and Pacific Railroad. There is further mention of the City of Herington serving as a division terminal for a southern line, which went through McPherson, Hutchinson, Pratt, and on to Liberal. A northern branch references the rail lines being laid through the cities of Belleville, Phillipsburg, Norton, Colby, and Goodland. The records contain documents detailing donation of lands by the town company for recreation, churches, schools, and other facilities. (The Kansas Town and Land Company records cover the period 1886 to 1910 and are Collection No. 130 at the KSHS)

The Arkansas Valley Town Company was another in operation during this time. Early records from 1879 show a dispute between that company and the Atchison, Topeka, and Santa Fe railway over whether the town company should plat and manage the towns laid out along the railway lines or whether the railroad's land subsidiary should control those lands. It is unclear how the issue was resolved, but there was

A PRINTED NOTICE FOR THE ELDRIDGE BROTHERS' COACH LINE ADVERTISING THE FARE TO LAWRENCE. THE COACH LINE HAD ROUTES FROM KANSAS CITY TO LECOMPTON, LAWRENCE, OSAWATOMIE, AND LAWRENCE TO LEAVENWORTH CITY. THE NOTICE INCLUDES INFORMATION ABOUT THE COACHES, FOOD, AND CHANGE OF HORSES.

97 8/1 - 6-6-87
Cal.

HO! FOR KANSAS!

ELDRIDGE BROTHERS'
Express & Daily
POST COACH LINE

Fare to Lawrence \$3.50

THROUGH FROM KANSAS CITY TO LECOMPTON IN ONE DAY

One Daily Line from LAWRENCE to OSAWATOMIE, and Two Daily Lines from LAWRENCE to LEAVENWORTH CITY.

Passengers by this Line have an opportunity of traveling over the most attractive and cultivated portion of the Territory in Splendid Four Horse Concord-built Coaches, and will save at least ten cents of tedious travel, making it the Shortest, as well as the Cheapest and most agreeable Route to the

INTERIOR OF KANSAS.

Passengers leaving Kansas City by the Morning Line, breakfast at Wyandott, dine at We Creek, and arrive at Leocompton in time for supper, making five changes of horses between Kansas City and Leocompton.

Express Freights taken at the Lowest Rates & delivered with Promptness & Despatch

OFFICE, 109 LEVEE, Opposite the Steamboat Landing, KANSAS CITY.

AGENTS.—Kansas City, M. F. Caswell; Wyandott & Lawrence, Eldridge Bros.; Leavenworth, Bro...



-1859-

Wyandotte Constitution ratified at the Union Pacific Railroad Co.



-1861-

Kansas becomes a state.

First state legislature convened in Topeka.



money to be made in laying out the towns that later became incorporated as some of the first Kansas cities. From time-to-time, dividends were paid to the stockholders from the sale of the land.

~City Services~

Cities and towns in Kansas came into being for various reasons, whether to support a railroad, a mining operation, a milling operation, or other commercial venture. Early Kansas cities,

however, performed the exact same functions during the territorial period and after statehood that they perform now—just in vastly different ways. Cities have always realized that there are certain public services which are necessary for the welfare of their citizens. Cities have always provided for infrastructure needs as one area of public services. Whether cart paths were needed for horse-drawn wagons or for cars, cities were in the business

of making sure there were ways for both people and goods to get from one place to another within communities and between communities. The building of streets, in fact, dates back to early Roman civilization. Water, wastewater, and solid waste disposal have always been in the province of cities. Evidence of early aqueducts to convey flowing water is present in many early civilizations. In early Kansas cities, there had to be a place to get safe drinking water and dispose of various kinds of waste. Now, of course, there are federal and state regulations with which cities must comply and the provision of those services is much more sophisticated.

Equality in Kansas

Kansas history is rife with interesting facts about early municipal government. One of those occurred in April of 1887. Susanna Salter was elected Mayor of Argonia, Kansas, the first woman mayor in the United States. This prompted a letter in the newspaper from the former City Marshal of Argonia stating that “female mayors are no good.” (www.kansasmemory.org/item/211741) Apparently, after her election she asked the local pharmacist to quit stocking alcohol and frowned upon the local poker games. Acknowledging that she was the “only woman mayor on earth,” the former marshal proceeded to discuss the foreign letters she received “askin’ for her autograph.”

That is not the only progressive aspect to early city government. An early photograph from 1888 shows the first all women governing body in Kansas and possibly the United States. The City of Oskaloosa had a woman mayor and five women councilmembers. (www.kansasmemory.org/item/215077) Women always had the right to vote in Kansas local and state elections, resulting in the kind of equality that took much longer to achieve at the federal level and in other states.



-1887-

Susanna Salter, Argonia first woman mayor elected in the United States.



-1888-

First all women city council elected in the City of Oskaloosa.



-1910-

League of Kansas Municipalities founded by Dr. Richard R. Price and city officials from 29 Kansas cities.



Electricity is another great example of a service that some cities provide. Over 100 cities still provide electric service to their citizens. Because of the size of the state and the relatively low density of the population, it was too expensive for the early utility companies to service some areas of the state. Thus, in order to provide the amenity of electricity to Kansas residents, cities stepped in to fill this gap. Some cities have peaking plants, but others generate and transmit the power to their customers. A few cities also have natural gas utilities.

Cities have traditionally provided for the public safety and health of their citizens. This has always been a core function of government, and continues to be one of the most important services that cities provide. From police, fire, and other emergency services to public health, people depend on cities to keep them safe. Many of the old ordinances that seem silly now, such as the prohibition against spitting on the sidewalk, and the ban on common drinking cups at the trough or well in the downtown, can be traced back to public health. The spread of disease was a realistic concern, with influenza epidemics and the rise in the incidence of tuberculosis. Now, we attack public health with vaccine clinics, wellness programs, and other communicable disease tools.

Cities have always regulated nuisances, prohibiting things like privies and slaughterhouses that caused a disagreeable odor, depositing or leaving dead animals within the city limits, and

creating other kinds of health nuisances. These types of ordinances remain in place today in cities across Kansas.

Cities still regulate what kinds of materials may be stored in downtown buildings and the materials used in constructing buildings in downtown areas. This relates back to the fire danger with downtown buildings sharing common walls and how rapidly fire can spread. A fair number of cities have experienced downtown fires in recent years.

Gun control as a public safety regulation, interestingly, has been a function of cities in Kansas since territorial days. Again, there is often a public perception that people walked around with firearms strapped to their hip and Kansas was essentially the wild west. There were, in fact, ordinances enacted regulating firearms prior to statehood—particularly in the eastern part of the state. A public notice dated June 11, 1856, by Leavenworth City from William P. Shockley, City Marshal, stated that violations of the ordinance prohibiting the discharge of firearms in the City were becoming “so frequent as to endanger life and greatly annoy the quiet and peace of orderly citizens....” Therefore, he determined that the ordinance would be enforced against all violators and, if necessary, “by authority of the mayor, employ a secret police, for the purpose of giving information against every one thus offending.” (<http://www.kansasmemory.org/item/90386>) The City of Lawrence had an ordinance dating back to 1866 that prohibited



-1924-

American Municipal Association (now NLC) was founded in Lawrence.



-1927-

Kansas flag adopted by the Legislature.



-1954-

The U.S. Supreme Court decision, *Brown v. the Board of Education of Topeka* required racial integration in schools and other public facilities.



both discharging firearms in the city and also carrying concealed or partially concealed firearms. Purportedly, even Dodge City regulated firearms by allowing guns on the south side of the railroad tracks, but not on the north side.

Another traditional city function, both early and current, is the support of business, or economic development. In the territorial days and early days of statehood, this took the form of providing amenities in the city to support the business enterprise around which the community was organized. This would have been the railroad, the mine, the mill, or other business that employed the citizens in the town. There needed to be all of the services discussed above, but also the ancillary services that relate to quality of life in these communities. There were city supported recreational areas, such as parks and, perhaps, community buildings. Now, cities actively solicit economic development opportunities and offer various incentives for businesses. Those might be the traditional economic development tools including bonds, building of infrastructure, authorized tax breaks, and other types of enhancements. Workforce development is another area in which cities are taking an active role. Recreational opportunities for residents are still important in providing a pleasant quality of life. Swimming pools, for example are popular, but almost never self-sustaining, so cities make the decision to subsidize such

programs. After school programs and summer recreational programs are often provided by cities, sometimes in conjunction with the local school district. The list is numerous and only limited by the imagination of city leaders.

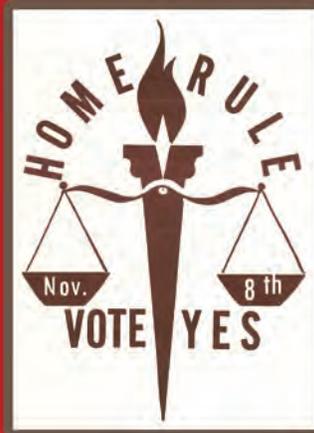
~City Incorporation~

Records indicate that of the 627 cities in Kansas today, 15 of those were incorporated prior to statehood. But, one can see from the discussion of early city formation, finding the incorporation dates for cities in Kansas is not particularly easy. The following information on the incorporation of Kansas cities is taken from a paper written in 1986 by then Assistant State Archivist Terry Harmon called *Locating the Incorporation Charters of Towns and Cities in Kansas*. During the territorial period, the Legislative Assembly incorporated towns and cities. In 1859, however, a process was adopted by the Legislative Assembly to allow incorporation to occur by action of the probate courts. In 1862, Chapter 46 of the Laws of Kansas provided for the incorporation of cities that had at least 7,000 inhabitants. Following that, in 1868, Chapter 18 of the Laws of Kansas provided for the organization of cities of the first class with a minimum population of 15,000; Chapter 19 for cities of the second class with a minimum population of 2,000; and Chapter 108 for cities with less than 2,000 population. Cities of the first class were declared by a proclamation of the



-1956-

Under the leadership of Kansas native son, President Dwight D. Eisenhower, the first section of Interstate in the nation opened west of Topeka.



-1960-

Constitutional Home Rule Amendment adopted by voters.



-1962-

Kansas Public Employees Retirement System (KPERs) begins operation.



governor. This was later added for cities of the second class as well. The probate courts also remained involved in incorporating cities.

In 1871, the role of the probate courts in incorporations was changed to the district courts in Chapter 60 of the Laws of Kansas for cities of the third class with less than 2,000 inhabitants. The next year, many changes were made in the powers and organization of all three classes of cities, but the incorporation methods did not change. Finally in 1886, the role of district courts in incorporations was changed to boards of county commissions, which is the law today.

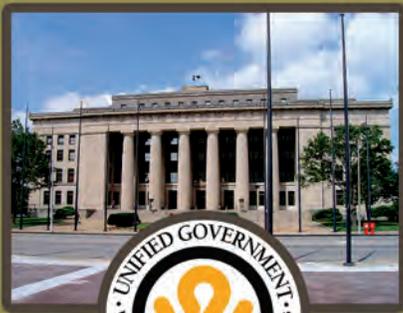
Pursuant to K.S.A. 15-116 *et seq.*, upon petition by at least 50 electors of an area proposed to be incorporated, a public hearing shall be held by the board of county commissioners to determine whether or not such area should be incorporated as a city. A territory may not be incorporated unless it has 300 or more inhabitants or has 300 or more platted lots which are served by water and sewer lines owned by a non-profit corporation or has been designated a national landmark by the Congress of the United States. The board of county commissioners has guidelines to follow to determine the advisability of the incorporation.

There have been few recent incorporations, the last being the City of Parkerfield in Cowley County on March 16, 2004. Prior to

that, the City of Linn Valley was incorporated in Linn County on April 2, 1998. The only city to unincorporate recently is the City of Harris in Anderson County on April 3, 2001. Pursuant to K.S.A. 15-111, the voters of the City of Harris approved by a vote of nine to two to dissolve as a City and all of the documents and the debts of the City became a part of Reeder Township. The City of Treece in Cherokee County will likely be the next City to dissolve. It is in the process of a federal Environment Protection Agency buyout of the remaining residences in the city as a result of environmental contamination from decades of lead mining.

~Dissolution~

Occasionally, LKM gets calls about assisting cities in dissolving their government. In walking through the process, which is a petition signed by a majority of the registered voters of the city and then an election on the status of the city, it becomes apparent that those inquiring want to continue to have the services provided by the city, but the governance structure has become difficult. For example, it has become more costly to operate the sewer or water utility because of more stringent environmental regulations. Pursuant to K.S.A. 15-111, however, any debt incurred by the city will remain with the residents in the former jurisdictional boundaries of the city. The township must levy a tax for the repayment of such debt by those citizens. In addition, questions arise about who will



-1997-

Kansas City/Wyandotte County became first consolidated government in Kansas.



-2010-

League of Kansas Municipalities celebrates 100 years of service to the cities of Kansas.



-2011-

Kansas celebrates its sesquicentennial, 150 years of statehood.



PHOTOGRAPH OF A STREET SCENE IN PAOLA DURING THE 1860S TAKEN BY BROWN'S PHOTOGRAPHIC GALLERY OF PAOLA, MIAMI COUNTY, KANSAS.



FOUR KANSAS GOVERNORS AT A MEETING IN PAOLA. ARTHUR CAPPER, A GARNETT NATIVE WHO SERVED FROM 1915 TO 1919; WILLIS JOSHUA BAILEY, AN ILLINOIS NATIVE WHO FOUNDED BAILEYVILLE AND SERVED FROM 1903 TO 1905; HENRY JUSTIN ALLEN, A PENNSYLVANIA NATIVE AND NEWSPAPER OWNER FROM MANHATTAN WHO SERVED FROM 1919 TO 1923; AND GEORGE HARTSHOM HODGES, A WISCONSIN NATIVE WHO SETTLED IN JOHNSON COUNTY AND SERVED FROM 1913 TO 1915.

operate the water or sewer utility. If the area is one in which rural water is not available, for example, there is almost no choice but for the city to continue to exist to provide the necessary amenities for the quality of life of its citizens. While on-site wastewater systems may be possible, they could be cost prohibitive for the residents. Thus, dissolving as a city is a difficult choice and may not be the best one for the city. It often becomes necessary for a general mill levy to be assessed to help support a utility that has too few customers to maintain the utility.

~Consolidation~

City-county consolidation has been at the forefront of legislative and municipal discussions for quite a few years now. Currently, such consolidation requires special authorizing legislation, because it is specifically prohibited in K.S.A. 12-3909. This statute, which is in the act allowing for the consolidation of certain functions of government, states that “[n]othing in this act shall be construed as authorizing the consolidation of any political or taxing subdivision with any other political or taxing subdivision.” The first such statutory authorization was for the consolidation of Kansas City, Kansas and Wyandotte County, K.S.A. 12-340 *et seq.* The first step in the process was an election to determine whether the governor should appoint a consolidation study commission, which passed. The governor appointed the commission which then put together a consolidation plan that was put to a vote of the electors. It passed and the Unified Government of Wyandotte County/Kansas City was established in 1997. Of course, this is a simplified version of events which took many years of preparation and a lawsuit to determine

the legality of various aspects of the consolidation. But, the consolidation has been very successful, with the development of destination entertainment and retail locations among the most visible sign of success.

The next consolidation legislation was for Topeka and Shawnee County in 2005. K.S.A. 12-351 provided for the appointment of the consolidation commission without a vote of the electors. The consolidation plan was then required to be put to a vote in the unincorporated area of the county and inside the City of Topeka. Only if it passed in both the city and in the unincorporated area of the county would the consolidation plan be implemented. The Wyandotte County/Kansas City consolidation statutes did not require this dual majority vote.

Not surprising, the vote passed overwhelmingly in the City of Topeka, but did not pass in the unincorporated area of Shawnee County. Thus, the two entities did not consolidate. The consolidation plan would have only consolidated the governments, not the entities. The boundaries of the city would have remained its boundaries subsequent to the consolidation, although the statutes would have made the new entity both a city and a county, like the Kansas City/Wyandotte County consolidation.

In 2006, the Legislature passed another set of authorizing statutes at the request of the City of Tribune and Greeley County. Rather than calling for a consolidation commission to study the issue and develop a consolidation plan, K.S.A. 12-361 called for the appointment of a unification commission. It was appointed locally with the City of Tribune appointing one member, the City



of Horace appointing one and the County appointing two members. Those four members then appointed a fifth member who became the chair. Like the other authorizing acts, the unification plan was put to a vote of the electors. It also had the dual majority requirement, much like the Topeka and Shawnee County statutes. The unification plan was approved and the governing bodies of the City of Tribune and Greeley County were unified. The City of Horace did not participate in the unification. The new government is called the Unified Greeley County, with the city entity being designated as the Unified Greeley Municipal Service. They are governed by a Unified Board of Supervisors, which has a chairman. All of the county elected positions, except the county commission, were preserved in the unification.

Another process which has been utilized from time-to-time is the ability of cities to consolidate with each other pursuant to K.S.A. 12-301, *et seq.* This process has been used most recently when the cities of Mission and Countryside in Johnson County consolidated effective January 15, 2003. The statutory process allows the matter of consolidation to be put to an election of the voters of each city, or the governing bodies of each city may adopt a joint resolution announcing their intent to consolidate, and if no protest petition is received, the consolidation moves forward. The voters turned down the first three attempts at consolidation, but the resolution in late 2002 went forward without protest. The City of Countryside thereby became incorporated into the City of Mission.

~Classification~

Another related issue is the process for cities to move to a different classification, city of the third class to city of the second class, and city of the second class to city of first class. This occurs somewhat more frequently than incorporations and dissolutions. The size of city determines when to move to the next class in the first instance, but once there, a city does not change class when it loses population. When a city of the third class reaches a population between 2,000 and 5,000, it has the option of becoming a city of the second class. K.S.A. 14-101. When the city has over 5,000 in population, but less than 15,000 it must become a city of the second class. The cities of De Soto and Goddard recently became cities of the second class and the City of Eudora will soon move to a city of the second class. For cities between the populations of 15,000 and 25,000, becoming a city of the first class is optional and having a population of over 25,000 requires a mandatory move to become a city of the first class. Currently, there are 627 cities in Kansas, 25 cities of the first class, 94 cities of the second class and 508 cities of the third class.

Prior to Constitutional Home Rule, the classification of cities was an important legal classification that defined municipal authority by sets of statutes that applied to each separate classification. While those classifications, and many of the enabling statutes, remain on the books today, the ultimate legal authority of a city does not vary based upon classification. All of the statutes that apply to specific classifications of cities are non-uniform, and therefore, a city may choose whether to follow that particular statute or substitute language of their own.

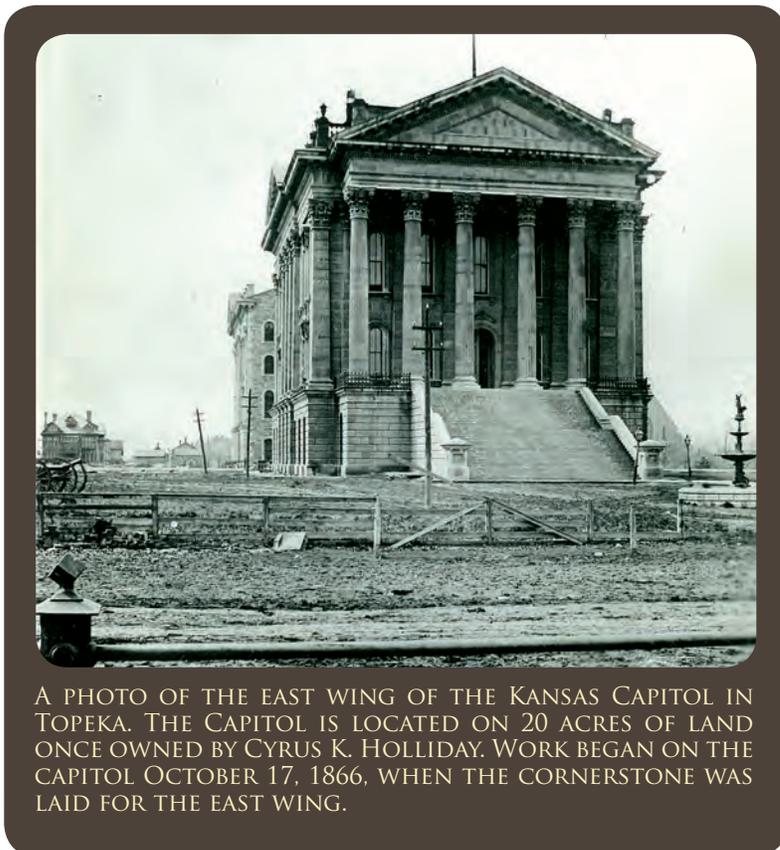
Hopefully this article has provided a framework and an interest for city officials to discover their own cities' history. There is a remarkable amount of information available to the diligent researcher and this article merely scratches the surface of the evolution of cities and city government in Kansas. The future is yet to be written for the coming years of city government in Kansas. Each city official in Kansas has the ability to influence that future and ensure the viability of the form of government that is closest to the people for the good of the citizens of Kansas.

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Various general sources were used for the background material in this article. Where a specific fact was cited, the source appears in the body of the article. The following sources can be found at the Kansas State Historical Society, www.kshs.org and kansasmemory.org:

- Finding Aid: Kansas Territorial Records
- Finding Aid: Local Government Records
- KSH Research Services Guide
- Kansas "Dead Towns List"
- The Kansas Town and Land Company Papers; Collection 130

A special thanks to kansasmemory.org and the Kansas State Historical Society for use of their historical photos and information.





...Along K-4 in Central Kansas

A mid-August daytrip found me touring west, along and near K-4, in McPherson, Rice, and Ellsworth counties. First stop, Marquette. Marquette (pop. 581) is a picturesque, Swedish-settled-village of a city, nestled alongside the north bank of the Smoky Hill River, eight miles west of Lindsborg, and just a bit south off of K-4. Its historic main (Washington) street features museums and art galleries galore along a three-block turn-of-the-century setting, a bit reminiscent (to me) of “River City” in *The Music Man* and/or Main Street, USA at Disneyland. Among the museums are the Kansas Motorcycle Museum (kansasmotorcyclemuseum.com), the Range School Museum, The Railroad Depot and Museum, and the Marquette Museum (and other neat “old” places). The Elizabeth A. Hopp Fine Arts Center is located within an old movie house. And, various shops carry the same theme and feel. There are unique and historical residences to enjoy, too. What a great place to visit. I must take the family back.

At city hall, City Clerk Fred Peterson shared some of his time with me, and filled me in about Marquette. He gave me some details about the Free Land Program—Marquette is one of several cities in central Kansas (nearby Ellsworth being another) that have used this, or similar, approach(es) to help bring young families to town.

When I noticed some astounding pictures of huge blown-up leaves on the wall, Fred filled me in on his personal hobby, which he got into pretty-much by chance. The art form is known as Giclee (pronounced zhee-clay) printing, and it involves making prints utilizing “pigment printing.” Though pigment printing has been around since the mid-19th Century, modern ink-jet printers have transformed the process into a highly-desirable modern form (Giclee), which has been brought to the forefront by some of the world’s most famous photographers. Fred’s prints are gigantic blowups of digital pictures of leaves of all types and in all colors, one leaf to a print. He utilizes a company out of Salina, and his prints are truly spectacular works of art. A number of the prints are on temporary display at city hall, and several are for sale next door. Fred is obviously a multi-talented guy. He has served as Marquette City Clerk for a decade or so, following a long career as a medical technician in Wichita.

From Marquette, I headed further west and stopped next at the northeastern-most city in Rice County, Geneseo (pop. 260), where I had a nice chat with City Clerk Shelly Peverly, mostly about our respective grandchildren.

At Lorraine (pop. 129), located north of K-4 a few miles, on a county road, in southern Ellsworth County, I visited with City Clerk Michael Boyer. Michael, who has served as clerk for four years or so, is from a small town in northwest Arkansas, and we had something in common there, as I am familiar with that area. We also talked about life in small towns, and Michael pointed out to me that Ellsworth (city) has the one-and-only spotlight in the county.

On west and northwest from Lorraine, just off K-156, I stopped by city hall in Holyrood (pop. 444), and had a marvelous time

chatting with City Clerk Neysa Brown and City Treasurer Joy Lee Warner. Neysa started with the City as the Treasurer in 1990, and moved up to City Clerk in 1995, and that’s when Joy took her current part-time position. City hall is a wonderful WWI-era brick building (1918, I think I remember), and it also houses the library... and it is holding up pretty darn well. During our visit, a lady from the Census Bureau (permanent-employee type) came in looking for an address in the area, and I was reminded of life in a small town, where the city clerk and the post master/mistress are more-or-less expected to know who everybody is (and was—who died, etc.), who used to live where, etc., within a 5 to 10 mile radius of the city... and they usually do.

On the first Saturday of the State Fair, our family made our annual trek to my original hometown of Hutchinson. I always like to mention the fair, simply because I love it so much. It would “feel funny” not to go every year. And, I also always see somebody I know there. This year, I caught up with old friend Carl Myers, who was counting fists full of bills at the Administration Building, where he volunteered about 6 hours each day for 10 days, and I chatted (by phone, actually) with my buddy (and a Past President of LKM) Allen Dinkel...he was coming out of the sheep building and we were enjoying a glorious sunset and the great view of everything from the air tram, which just happened to be passing over where he was standing at the time. It was a fun evening, and the weather was beyond perfect. And, yes, I just had to eat a corn dog slathered in mustard...I did stop at one, though.

My literary reference this month is really a memorial to WSU history professor Dr. Craig Miner, who passed away on September 12, at age 65. Often referred to as Kansas’ premier historian, Dr. Miner did his most important and well-known work studying and writing about the colorful and influencing history of Kansas. Previously, I mentioned in this column his 2002 seminal book, *Kansas: The History of the Sunflower State, 1854-2000* (I have a signed copy)—the fabulous cover of that book (by artist Jesse Reisch), in the form of a large, framed print, now hangs in the office of LKM Executive Director Don Moler. Dr. Miner wrote a number of additional books about Kansas (and about the railroad and Native American plains tribes, as well), most notably, perhaps, his 2008 work, *Seeding Civil War: Kansas in the National News, 1854-1858*. Miner was an historian’s historian, and his work was characterized by exhaustive research and incredibly thorough documentation. Dr. Miner, as do the very best of his craft, wrote not about supposition, conjecture, “rethinking” or hype, but about the facts...and the facts about Kansas, as recounted by Miner, are vivid and vast. Thank you for your invaluable contribution, Dr. Craig Miner.

☀ Don Osenbaugh is the Director of Finance and Field Services for the League of Kansas Municipalities. He can be reached at dosenbaugh@lkm.org



360 degrees

The only view that matters.

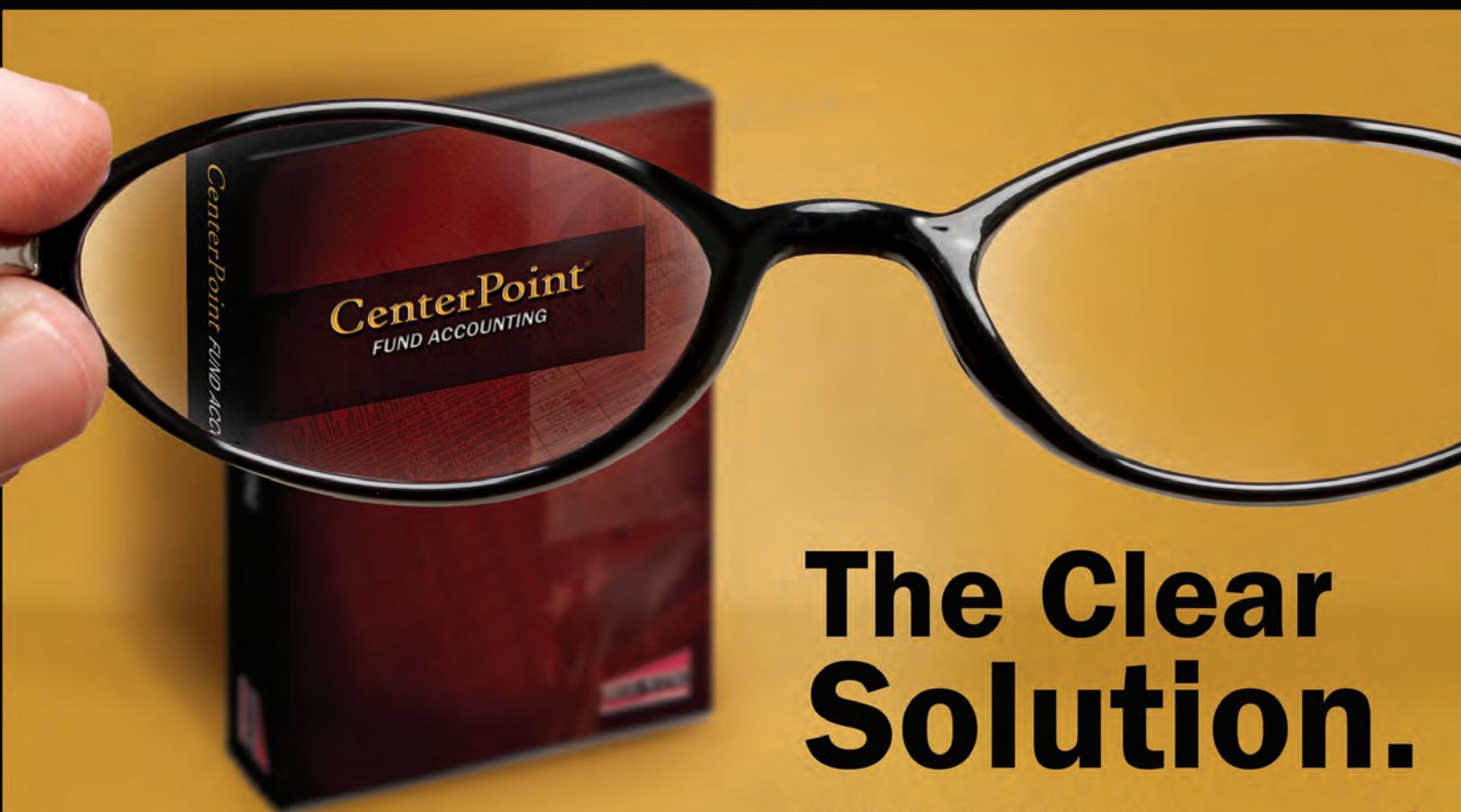
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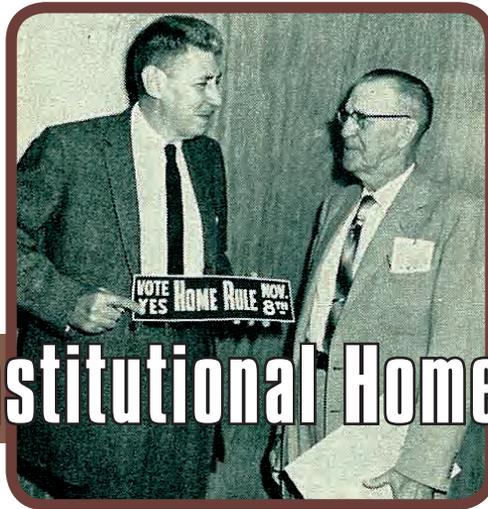
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THINK HOME RULE

by Don Moler



MAYOR ALFRED MANGELSDORF, ATCHISON SHOWS MAYOR N.O. REESE, DODGE CITY, A TIMELY REMINDER PRINTED ON A HOME RULE BUMPER STICKER IN 1960.

50 Years of Constitutional Home Rule in Kansas

It has been almost a half century since constitutional home rule became the cornerstone of city authority in Kansas. The original legislation was passed by the Kansas Legislature in 1959 which placed the constitutional amendment concerning home rule on the ballot for the electors of Kansas to vote on the following year. On November 8, 1960, the voters of Kansas approved constitutional home rule and paved the way for the local powers cities exercise today. The following year, on July 1, 1961, the constitutional home rule amendment took effect, and found its place in the Kansas Constitution at Article 12, Section 5.

So, we are within a few months of the 50th anniversary of constitutional home rule in Kansas. A history, however, of this seminal act, dates back much, much further. After studying League documents of various types for many years, it became clear that the argument for local control, and the self determination of individual cities across this great state, had been a part of the League since its very founding. Writings concerning home rule in one form or another are found throughout the League's literature and continued from the earliest days of the League until the successful passage of the original legislation in 1959, and on to today.

The League, and city officials from across the state, helped move this process forward by urging the Kansas Legislature in the 1950s to seriously consider the grant of authority which ultimately came at the end of that decade. The amendment, in its current form, was largely based on a constitutional provision from the State of Wisconsin. It came about in large part as a result of several years of study by the Kansas Commission on

Constitutional Revision which worked throughout the late 1950s to craft the amendment which we continue to enjoy today.

Consultants working with this body included then Executive Director of the League of Kansas Municipalities, Allen Pritchard, Jr. After passage of the Constitutional Amendment by the Kansas Legislature, the League of Kansas Municipalities took the lead in educating the public about the benefits of Constitutional Home Rule prior to the election in 1960. The work product of this effort may well have provided the most significant home rule provisions present anywhere in the United States.

Looking back to the almost 150 years since statehood, and before the constitutional home rule amendment became law, we find that cities across the state were subject to something known as Dillon's Rule. In a nutshell, Dillon's Rule meant that cities could only exercise that authority which was explicitly authorized pursuant to state statute. All other actions were prohibited. As a result, being a city attorney (or, for that matter, a League attorney) in those days would have been much simpler, as the width, depth, and breath of action allowed cities in Kansas was relatively narrow. If state statute did not allow the action, it could not be taken. Even if the state was silent in a specific area, a city was still unable to utilize local authority to take care of local problems. The only redress in those days was for city officials to petition the Kansas Legislature for specific legislation to allow a certain action to be taken. Since July 1, 1961, cities have had the power to initiate legislation without the need for authority from the state legislature.



The basic power granted to cities by the home rule amendment is included in these few words: “Cities are hereby empowered to determine their local affairs and government....” Except as to certain restrictions contained in the home rule amendment and conflicting state laws, cities may pass an ordinance on any subject without the need for enabling legislation. The basic plan of the Kansas home rule amendment was to provide for a broad grant of powers to cities to initiate legislation on any subject without regard to its characterization as “statewide” or “local,” but reserving to the legislature the power to preempt local action when passing uniform enactments and explicitly preempting the field.

legislation, and makes it possible for the legislature to devote more time and attention to matters of statewide concern.

For many years, there has been a reluctance to fully accept the fact that cities in Kansas have been granted home rule powers and are no longer dependent on the legislature for authority to act. This reluctance is understandable. From statehood in 1861 to the effective date of home rule in 1961, the courts and attorneys had accepted Dillon’s Rule which restricted the power of political subdivisions to those expressly or impliedly granted by the legislature. After working with this rule for 100 years, which had become lodged in numerous court decisions and state laws, it was



The Kansas home rule amendment does not prohibit the legislature from continuing to enact laws relating to city local affairs and government. The state and a city may both legislate on the same subject. In the event of a conflict between the provisions of a home rule ordinance and a state law, the state law prevails. However, cities are not necessarily bound by such conflicting state laws. Cities are empowered to pass charter ordinances to exempt from or modify state enactments which apply to them but do not apply uniformly to all cities.

The home rule amendment made two fundamental changes in the state-local distribution of government powers. First, it grants cities the power to legislate in regard to their local affairs and government. Second, it restricts the power of the state legislature to treat cities differently, and to enact binding non-uniform restrictions on local affairs. Cities are not bound to follow state laws except in certain specific areas unless those laws are uniformly applicable to all cities. These specific areas include: incorporation of cities; boundary alteration such as annexation or deannexation; city consolidations/mergers; dissolution of cities; tax levies; and bonded indebtedness limitations. The Kansas Legislature has the final and ultimate power, but the home rule amendment places restraints on the manner in which the legislature exercises this final control. Home rule recognizes the need for solving local problems locally so that constant trips to the legislature for enabling legislation to meet new and varied problems are not necessary. It also freed the state legislature from the burden of enacting local

difficult initially to draw the attention of the legal community away from the usual sources of information—existing state laws and prior court decisions—to a state constitutional amendment containing a new concept.

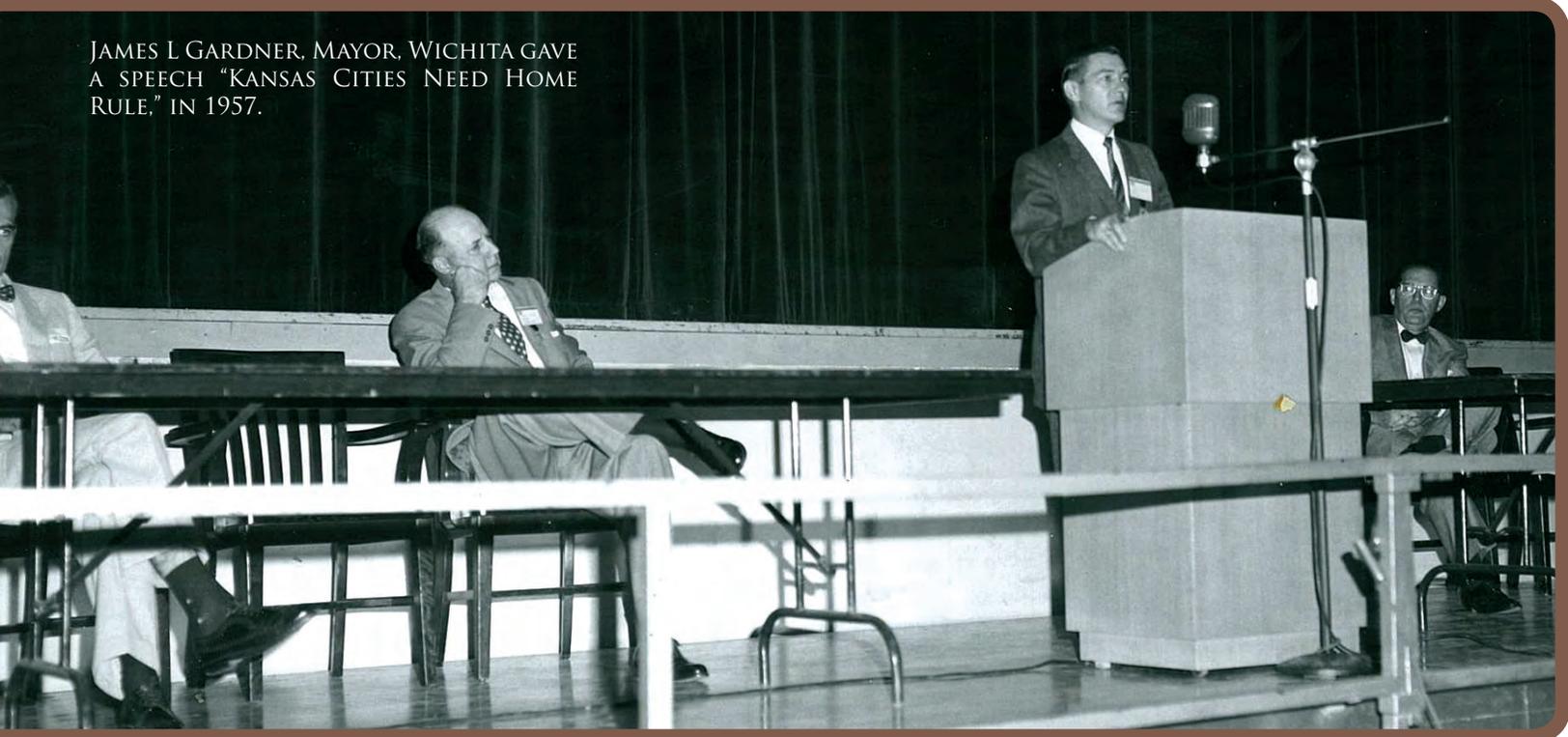
While this situation is much better today, after 50 years of constitutional home rule, it is still a challenge given the fact that most other areas of the law are still determined by statutory and case law without having to consult portions of the state or federal constitutions. Despite the reluctance of some to fully embrace the concept of constitutional home rule, a half century later it continues to allow for individual Kansas cities to chart their own course, and to allow city officials to make determinations which are based on local needs and the wishes of their citizens. It rejects the “one size fits all” paradigm by allowing the local crafting of rules, regulations, and laws for the operation of cities, and the benefit of the public within those communities.

Back in July of 1973, the League of Kansas Municipalities put together a special committee on home rule to review and comment on home rule which had been in place at that time a mere 12 years. They commented, in pertinent part:

For the first 100 years of statehood, the cities of Kansas were entirely dependent on powers granted to them by the state legislature. This situation changed when the home rule constitutional amendment took effect in 1961. City powers are no longer restricted to those delegated to cities by the



JAMES L GARDNER, MAYOR, WICHITA GAVE A SPEECH "KANSAS CITIES NEED HOME RULE," IN 1957.



legislature. Instead, the powers of cities are granted directly by the people through the constitution. The basic power granted by the home rule amendment is included in these few words: "Cities are hereby empowered to determine their local affairs and government...." The constitutional powers granted cities by the people are "to be liberally construed for the purpose of giving to cities the largest measure of self-government." Cities now have great opportunities, they are free to try new ideas and new means of accomplishing new or old functions and activities. City governing bodies now have the opportunity to provide their citizens with the best and most efficient and effective governmental operation possible, within their capabilities and financial resources. The challenge and the authority is there—all that remains is the acceptance of the challenge and the application of vision, imagination, initiative, and dedication. This must come from local officials!"

Constitutional home rule is about local officials charting their course on an individual basis. But this is not without its detractors and those that question this authority. There are 627 incorporated cities in Kansas. We all know that the largest city in Kansas is the City of Wichita, but fewer know that the smallest incorporated city in Kansas is...Freeport, population seven, located in Harper County. All of the 627 cities, from the very largest to the very smallest, enjoy the very same constitutional home rule authority. As noted

in the comment above, the limitations on the use of home rule authority are often either self-imposed or limited by lack of local financial resources. But, the reality remains that all 627 cities enjoy this enormous power which was granted by the people of Kansas.

That is an important point when thinking about home rule as its detractors continue to comment that it is merely a loophole which creates ambiguity in an otherwise clear law. Nothing could be further from the truth. The reality, in very straightforward and simple terms, is that constitutional home rule authority derives directly from the people of Kansas via the Kansas Constitution. Constitutional law always trumps statutory law. When a city exercises its constitutional home rule authority through either the use of an ordinary ordinance, or the more well known charter ordinance authority, it is exercising constitutional power granted by the people. This is anything but a loophole, caveat, or ambiguity. It is, in fact, the way our state constitution directs that powers be exercised at the city level of government. It should be pointed out that virtually every time a city exercises local authority via an ordinary ordinance or some other local action which is not explicitly allowed pursuant to state statute, it is exercising constitutional home rule authority, even though it is not using a charter ordinance.

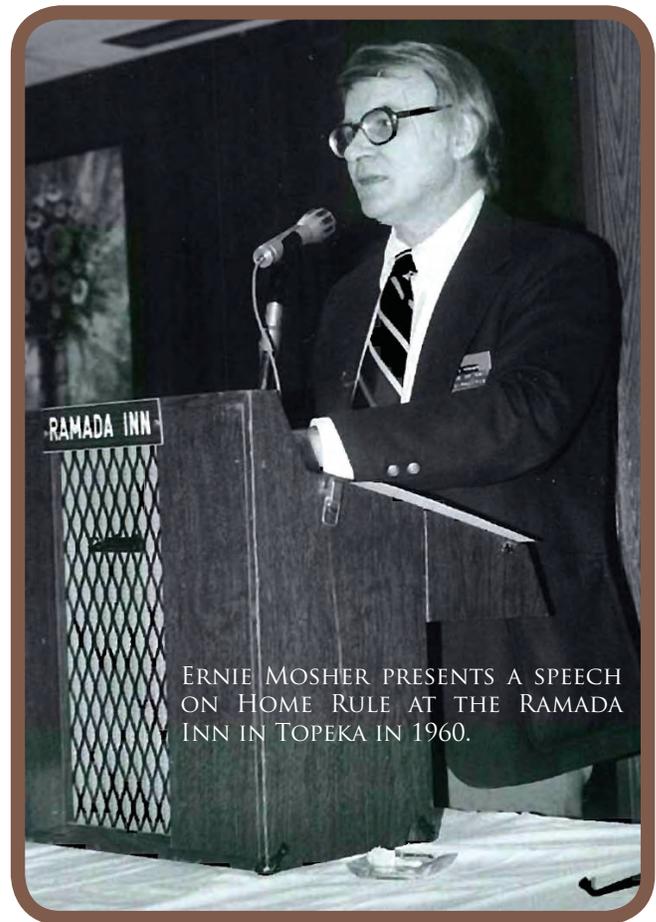
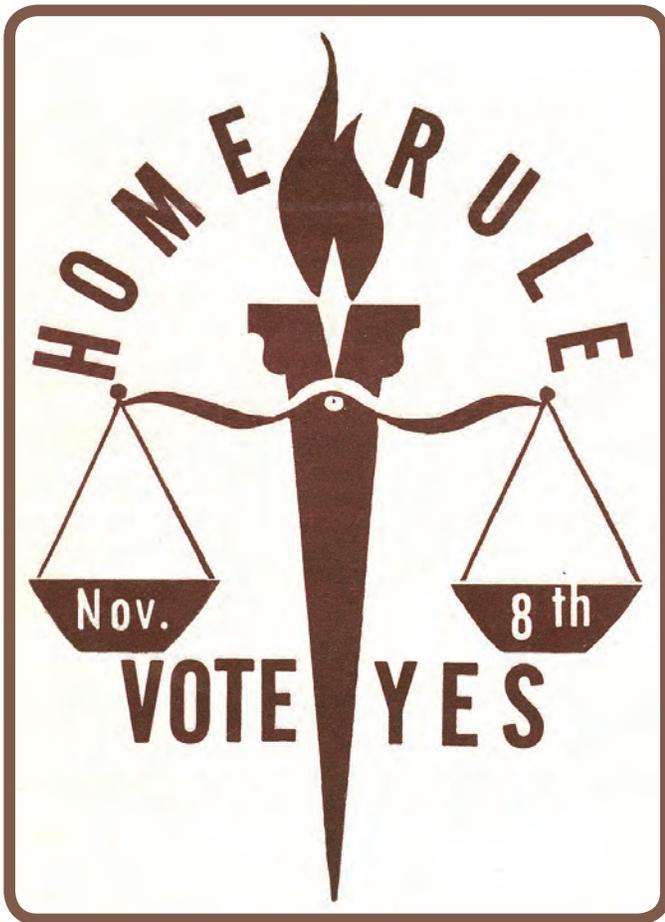
A charter ordinance requires a two-thirds vote of the governing body of the city, which the League has interpreted since day one



to include the mayor and the city council in a mayor-council city, and the entire commission in a commission city. After passage by a two-thirds vote of the governing body, the charter ordinance is then published once a week for two consecutive weeks in the official city newspaper. There is then a 60-day waiting period in which the public, should it take exception to what has been passed as part of the charter ordinance may challenge the action by the passing of a protest petition signed by not less than 10% of the electors voting at the last preceding regular city election. If a protest petition is received within the 60-day waiting period, the city governing body has two choices. The first choice is to simply withdraw the charter ordinance and continue on as before. The second option is to call an election of the public to vote on the recently passed charter ordinance in an effort to determine whether it should become effective or not. In some instances, the city governing body will simply take the step of calling an election on a charter ordinance when the issue is one which is so significant that the governing body feels the public should voice its opinion prior to it becoming enacted into law. An example of this would be when

a city is changing its form of government and it is felt for the government to be legitimate in the eyes of the citizens, that the citizens should have an opportunity to vote on this significant change in their form of city government.

There have been a number of significant constitutional home rule cases over the past 50 years. The cornerstone case which examined the issue of nonuniformity in state law was *Claffin v. Walsh*, 212 Kan 1, 509 P.2d 1130 (1973). *Claffin* upheld a Kansas City charter ordinance which exempted the City from K.S.A. 73-407 and provided substitute provisions which transferred management and control of the Soldiers' and Sailors' Memorial Building from a board of trustees to the city commissioners. The issue was whether K.S.A. 73-407 was "applicable uniformly to all cities" and therefore not subject to charter ordinance. The Court found that the statute was not uniformly applicable to all cities on two grounds. First, K.S.A. 73-407 permitted three exceptions in its application to various cities. Secondly, although K.S.A. 73-407 placed control of memorials in a board of trustees, there was another statute which was part of a separate enactment that made



ERNIE MOSHER PRESENTS A SPEECH ON HOME RULE AT THE RAMADA INN IN TOPEKA IN 1960.



it possible for the governing body of a county seat city to have control of a memorial. The Court said that in determining whether the legislature intended to have a statute applied “uniformly to all cities” that all statutes relating to the same subject, although enacted at different times, are *in pari materia* and must be construed together. The court stated: “In order for a statute to be applicable uniformly to all cities, there must be no exceptions.”

Any list of the most significant home rule cases following *Claffin* would have to include *City of Junction City v. Griffin*, 227 Kan 332, 607 P.2d 459 (1980) which interpreted a city ordinance providing for a mandatory jail sentence without probation or parole. Because one section of the Kansas Code of Procedure for Municipal Courts was not uniformly applicable (that being who can serve as a municipal court judge), the enactment was nonuniform and all sections of the enactment were subject to charter ordinance, including the section regarding parole. The Court said in pertinent part: “The division into chapter, article, and section in the Kansas Statutes Annotated does not have the effect of making separate enactments of a single bill passed by the legislature of the State of Kansas.” The court also concluded that the home rule amendment does not restrict city powers to matters of strictly local concern, and that legislative intent as expressed within an enactment will not overcome the constitutional requirement of uniform application.

This line of thought was then carried forward in the more recent case of *Kline v. Unified Government of Wyandotte County/*

Kansas City, Kansas, 277 Kan 516, 85 P.3d 1237 (2004). In the head notes of *Kline*, the Court states: “Generally speaking, where the legislature has not preempted the field with a uniformly applicable enactment, cities may exercise their home rule power by one of two means. Where there is a nonuniform legislative enactment that is in conflict with the action a city wants to take, a charter ordinance may be used to exempt the city from the legislative enactment. Where there is no legislative enactment in conflict with the local action, an ordinary ordinance will suffice.” The Court went on to say: “Since the adoption of the Home Rule Amendment, it is not the manifestation of the intent to apply a statute uniformly to all cities that controls but rather whether the constitutional requirement of uniformity is, in fact, met.”

The number of Kansas Supreme Court cases concerning constitutional home rule continues to grow on a yearly basis. The cases mentioned above merely provide a small sampling of these decisions, but does reflect the current state of the law. With only a few exceptions, which have been either limited or ignored by subsequent decisions, the courts continue to recognize, as provided in Article 12, Section 5(d) that the: “[p]owers and authority granted cities pursuant to this section shall be liberally construed for the purpose of giving to cities the largest measure of self-government.”

Constitutional home rule allows cities to move forward as time and circumstance dictate. It does not require petitioning of the state nor does it require a long delay as problems and challenges unfold for cities to react to these challenges. Rather, it allows city officials to be proactive in their ability to govern at the local level and to provide a basis upon which to move the city and its citizens forward regardless of constraints or the lack of authority found in state statutory language. While some citizens may not fully understand or appreciate the benefits they receive on a daily basis from constitutional home rule, the benefits are real and ongoing. The citizens of Kansas showed real foresight when approving constitutional home rule 50 years ago, and we continue to benefit from their actions today. (Note: The League manual *Constitutional Home Rule in Kansas*, as edited by Don Moler, was used as a basis for portions of this article. *Constitutional Home Rule in Kansas*, Ninth Edition, is currently under revision, and will be published in early 2011.)

☀ Don Moler is the Executive Director for the League of Kansas Municipalities. He can be reached at (785) 354-9565 or dmoler@lkm.org.



CARTOON GRAPHIC THAT APPEARED IN THE OCTOBER 1960 ISSUE OF THE KANSAS GOVERNMENT JOURNAL TO GAIN SUPPORT FROM CITIES IN FAVOR OF HOME RULE.



Best Practices

by Nathan Eberline

Lessons Learned

When I was a senior in high school, I met with our school's guidance counselor as part of our graduation requirements. Each senior had to meet with the counselor to discuss our future plans and establish a sort of high school exit strategy. I knew before the meeting that I would attend Wartburg College in Waverly, Iowa. I also planned to study history and English with a goal of attending law school.

The conversation about my college plan played out much like one would expect, other than the moment where I stated my interest in history. At this comment, the man charged with nurturing and guiding students scoffed at my intended pursuit. As he laughed, he asked why anyone would study history.

I shot back with a bit of incredulity that "those who don't know their history are doomed to repeat it." To this, he continued his chuckling, and we moved on to the topic of scholarships. Fortunately, my guidance counselor's quip only intensified my belief that knowing one's history is of great significance.

My youthful lesson seems particularly significant as the League of Kansas Municipalities enjoys its 100th year of service. The League mission is "to unify, strengthen, and advocate for the interests of Kansas municipalities to advance the general welfare and promote the quality of life of the people who live within our cities." A central component of that goal—and a central purpose of this monthly column—is to identify and recognize cities in Kansas that have demonstrated great success.

With those thoughts in mind, the 100th Anniversary Edition of the *Kansas Government Journal (KGJ)* is an ideal time to look back upon what constituted best practices in the past and consequently what might continue to be worth pursuing moving forward. The "Best Practices" column has been a part of the *Journal* for approximately 10 years, and one reoccurring theme connects the first articles with those today: collaboration.

In the January 2000 edition of the *KGJ*, the League began a series of articles intended to "focus on innovative projects and designs developed by local governments." The series began with an article discussing the renovation of Dodge City's Cavalier Field after the City worked together with the County and private entities to fund the project. The Dodge City website shows a thriving baseball facility and the fruits of a worthwhile community effort: <http://www.dodgecity.org/index.aspx?nid=499>. Dodge City's willingness to collaborate demonstrates a prime example of municipal best practices both then and now.

In May 2001, Harper began an intergovernmental effort to build a new swimming pool funded by a 1¢ sales tax increase. The project included a unique agreement with the City of Anthony while Harper was without a swimming pool. The school district provided a bus to transport swimmers to the neighboring city, and the City of Harper provided gas and lifeguard support for the increased use of the Anthony pool. Both cities worked together to ensure a positive result.

The collaborative theme continued in October of 2001 with the City of Emporia, which helped form a nonprofit charitable organization to revitalize dilapidated housing through Kansas Department of Commerce grants, private sources, and corporate partnerships. In August of 2002, the *KGJ* highlighted Baldwin City's emergency-planning approach after the City conducted a training in collaboration with more than 20 officials from the City, Douglas County, Baker University, and other local organizations. Not only did the City work with a number of local entities, but Baldwin City also used the Kansas Division of Emergency Management as a resource to guide their efforts. Each city initiated varied projects, but a singular theme of cooperation between governments, organizations, and the private sector flowed through each highlighted best practice.

Collaboration by cities extends beyond the local level—reaching even as far as joint efforts with federal programs. The March 2004 issue highlighted cities that improved energy efficiency through vehicle and fuel changes after Manhattan and Kansas City participated in the U.S. Department of Energy's Clean Cities Program. The federal program is still available today as an intergovernmental coalition: http://www.eere.energy.gov/clean_cities. In June that year, the *KGJ* described state and federal grant resources at [Grants.gov](http://www.grants.gov) and [Kansasgrants.org](http://www.kansasgrants.org). In the September 2005 edition, the League provided another federal support option at www.lep.gov, a workgroup that helps cities establish language assistance programs.

In the later part of the decade, cities have demonstrated cooperation in diverse fields ranging from a disaster-notification system (Hutchinson and Reno County in 2006) to regional approaches in economic development (September 2006 *KGJ*, <http://discoverwesternkansas.com> and <http://thinkonekc.com>). The recent highlights also include efforts by the Kansas Collaborative (www.thekansascollaborative.com) to create a joint inmate-prescription program for the cities in Harvey County and a public-private partnership in the City of Marquette to encourage city growth through land giveaways (www.marquetteteks.org/land). The list of cities initiating partnerships to better serve their residents is only limited by the 10-year scope of this column.

Though the 10-year run of the Best Practices column highlighted some of the successful efforts in Kansas communities, the League of Kansas Municipalities' 100 year existence is really a compilation of good governance—and successful community partnership—by each of the cities in Kansas. And whether those successes utilized federal, state, regional, or local-community resources, the value of collaboration is a history lesson that is always worth remembering.

 Nathan Eberline is the Intergovernmental Relations Associate for the League of Kansas Municipalities. He can be reached at neberline@lkm.org or (785) 354-9565.



Intergovernmental Relations

by Randall Allen

“A civilization flourishes when old men plant trees underneath whose shade they shall never sit.” -Greek proverb

Last spring, while walking on a sidewalk through a park in Dallas, I came across a sitting area at which there was a young tree with a small dedication plaque indicating that the tree was planted in memory of a local park enthusiast. The plaque was inscribed with the quotation above. Fearing I would forget the exact words, I typed them in the notes section of my iPhone.

Contemplating the 100th anniversary celebration of the League of Kansas Municipalities, our sister/brother/neighbor organization, I think of the proverb in tribute to the founders of the League who, 100 years ago, planted the seeds for an organization whose benefit would extend far beyond their life span. On behalf of the Governing Board and staff of the Kansas Association of Counties, I congratulate the League on its 100th birthday and wish you continued wisdom, discernment, and vision as you continue to assist Kansas communities in building a better future for all persons.

The epitome of leadership is to think of the future, planning for future generations while honoring the past and recognizing the present. It means leaving a community or an organization like the League of Kansas Municipalities a little better than it was before. Such has been the history of the League and its work with cities and other local governments... to leave our communities in better condition than when they were first entrusted to us. What will this leadership require in the coming decades?

For the League, the Kansas Association of Counties, and our partners, I think it will require a recognition that most societal

challenges—from building infrastructure to building “community,” will require cross-jurisdictional, multi-disciplinary approaches. Simply, most problems or societal challenges which cry out for solutions are not the sole responsibility of any one, or any kind of organization—whether it is a city, county, the state, the not-for-profit community, or the private sector. Our future will require a collaborative approach, meaning not simply that all stakeholders are at the table, but that all parties are actively engaged in learning together and jointly developing solutions.

We know that the budget and taxing authority of cities and counties is not unlimited. But, we also know that our responsibility in local government is not to always develop, implement, and finance the solution, but is to sometimes play a facilitative role. It is a crucial role which cities and counties are uniquely situated to play, but one which calls for different skill sets than we sometimes have among our organizations. In their book, *Governing by Network*, former Indianapolis Mayor Stephen Goldsmith and William Eggers talk about the emerging forms of networked organizations, replacing the traditional hierarchies which are no longer sustainable (and quite frankly, not sufficiently effective!)

In the coming days, therefore, we look forward to working as a partner with the League of Kansas Municipalities to develop new models of governance, service delivery, citizen participation, and accountability to serve our Kansas communities in the future. Several years ago before her untimely death, Lenexa Mayor Joan Bowman said something at a joint League-KAC Board event that I shall



never forget. Mayor Bowman said that for there to be strong cities, we need strong counties; and that for there to be strong counties, we need strong cities. I believe that Mayor Bowman was right on target, because to build strong, healthy Kansas communities, all parties have to pull together.

There is always room for constructive disagreement, and always a place for a dissenting opinion. What we have to remember in Kansas, in everything we do, is that citizens do not generally care one whit about whether a particular service or program comes from a county or a city or the State, or some combination. They just want the service—Congratulations to the League of Kansas Municipalities Boards—past and present; to my colleague, Executive Director Don Moler and his talented staff; and to the LKM member cities for what you have accomplished in the past 100 years. We look forward to a continued partnership in the future!

 *Randall Allen is the Executive Director for the Kansas Association of Counties. He can be reached at (785) 272-2585 or allen@kansascounties.org.*



On December 11, 1917, the Kansas Official Council was established as the first statewide association of county officials.

In 1976, the Kansas Association of Counties was founded and established in state statute as an “instrumentality” of its member counties. K.S.A. 19-2689 *et seq.*

The Kansas Association of Counties is a quasi-public agency, which seeks to advance the public interest by promoting effective, responsive county government in Kansas. The Association serves county governments through: legislative representation, technical assistance, leadership, and professional education.



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CONGRATULATIONS TO THE LKM ON 100 YRS!



Kansas Bio-Science Authority Receives National Ranking and Partnership

Kansas has taken a “major leap forward” in the last year, zooming up to #5 on *Business Facilities’* Top 10 list of states in the nation for biotechnology strength, according to the *Site Selection* magazine’s annual rankings report.

According to *Business Facilities* editor-in-chief Jack Rogers, Kansas’ upward movement was “one of the most significant improvements measured” this year. “Biotechnology strength is one of our most important and fiercely competitive rankings categories,” Rogers said. “Kansas clearly has shown that it is a biotech force to be reckoned with, and it has staked a claim to a leadership position for years to come.” Rogers noted the Kansas Bio-science Authority’s (KBA) role in Kansas’ success as well: “Kansas has an impressive and expanding program, spearheaded by the KBA, that brings together industry, higher education, and government in a coordinated, targeted effort.”

The U.S. Department of Agriculture’s Agricultural Research Service (ARS) recently announced its selection of the KBA as one of only nine partners nationally for an exciting program designed to boost economic growth by spinning technologies out of federal

labs and into the commercial marketplace. As part of USDA-ARS’ Agricultural Technology Innovation Partnership network, the KBA will serve as a portal for moving federal research outcomes to the private sector. Strong economic impact is expected as the KBA and USDA-ARS work to protect the food supply and agricultural economy and bring bioenergy solutions to the marketplace.

Kansas Bioscience Authority president Tom Thornton said both the #5 national ranking and the KBA’s selection for the USDA commercialization program were clear proof that the Authority’s strategy of focusing on key national bioscience challenges was working. “I couldn’t be prouder of how far we have come in just a few years. Bioscience researchers and businesses in Kansas are achieving amazing outcomes, and it’s creating a strong magnetic effect nationally in our state’s focused areas of bioscience success,” Thornton said. For example, in the area of human health, Thornton noted that Kansas ranked #1 in the nation for its increase in funding from the National Institute of Health, jumping 37% from FY04 to FY09.

Scenic Byway Receives “Historic” Designation

Logan, Scott, and Wallace counties are home to the Western Vistas Historic Byway, the first designated historic byway in the state and the 10th Kansas byway to receive official designation from the Kansas Department of Transportation.

“The state designation will create greater awareness of the historical significance and scenic beauty of this area for visitors and spur interest in the communities along the route,” said Scott Shields, Kansas State Byways Coordinator.

To be designated as historic, a byway must have resources that are significant historically, be numerous, be visible, and have a setting or character that is complementary to the resources. “We are pleased that the addition of historic byways to our program prompted local interest to qualify for designation,” said Shields. “Western Vistas provides visitors a visual relationship between the history, landscape, and structures that define the area, to promote tourism along with natural and cultural importance.”

Riley County and Kansas State University Receive \$3 Million DOE Grant

Riley County, Kansas, in partnership with GBA Architects and Engineers, GBA Builders, LLC, and Kansas State University, has been awarded a \$3 million grant from the U.S. Department of Energy for “Resourceful Kansas: A Sustainable Energy and Economic Development Blueprint for Communities Across Kansas.” The grant will be used to implement the program, which is designed to engage communities throughout the state in making a fundamental shift toward a less energy-intensive, more efficient economy.

The primary focus of the program will be one-day seminars offered to cities, counties, state agencies, colleges and universities, and agribusinesses across the state. The seminars, coordinated by K-State Engineering Extension, will be held at the Riley County Public Works facility, and will provide participants with an

unprecedented opportunity to learn first-hand about sustainable technologies and practices to improve energy efficiency as well as the resources available for implementing them.

“Resourceful Kansas is a very exciting program designed to reduce energy consumption, increase efficient energy practices, help Kansas harvest its abundant, nonpolluting wind and solar resources, and cultivate new economic opportunities throughout the state,” said GBA Project Manager.

Jennifer Gunby, P.E., LEED AP, who spearheaded the grant-writing effort on behalf of the Resourceful Kansas team said, “This innovative program will engage local governments and others in implementing projects that will save energy and demonstrate the cost-effectiveness of sustainable energy and economic development strategies for Kansas and surrounding states.”

Business Increases at New State Reservoir

Since opening over a month ago, approximately 8,000 people have visited the HorseThief Reservoir. Residents near the reservoir have seen an increase in people buying gas, food, water recreation supplies, and even worms. The 450-acre reservoir is the only big body of water available for water recreation in southwest

Kansas, where many small lakes are dry and the Arkansas River hasn’t flowed in years. HorseThief was funded by a sales tax approved by voters in 2005 in Ford, Finney, Hodgeman, and Gray counties.



Gun Control and Local Government

At the end of June this year, the U. S. Supreme Court in a 5-4 split decision in the case of *McDonald et al. v. City of Chicago, Illinois*, S.Ct. 3020, 177 L.Ed. 2d (2010), reversed both the District Court and the Seventh Circuit Court of Appeals that had upheld ordinances of the City of Chicago and Oak Park, Illinois, banning handguns. In short, the Court, consistent with its previous ruling in *District of Columbia, et al. v. Heller*, S.Ct. 2783, 171 L. Ed. 2d 637 (2008), found that the right to keep and bear arms in one's home for the purpose of self-defense is a "fundamental" constitutional right and the Second Amendment has been incorporated to the states and local governments through the 14th Amendment to the U. S. Constitution. The one thing that is clear from this opinion is that there will be coming litigation that will eventually flesh out the scope of state and local gun regulation going forward. In fact, several cases are already winding their way through the judicial system and will likely end up in the Supreme Court.

One feature of U.S. Supreme Court cases that makes them often difficult to read and understand is the Court's propensity for issuing opinions in which sections of the opinion receive a plurality (less than a majority) of votes, but not a majority. In the *McDonald* case, most sections were decided by a five-vote majority, but several received only four votes in support, with other justices concurring in the decision, but not joining the majority. There were two dissents with all four of the justices voting against the opinion dissenting. Thus, the implications and impact of the decision on local government gun regulation is still unclear until other cases are decided.

To recap, the *Heller* Court struck down a law adopted by the District of Columbia that banned the possession of handguns in homes in the District. The District of Columbia argued, and the lower courts agreed, that the Second Amendment to the U. S. Constitution did not confer any individual right to bear arms, except perhaps for militia members. The U.S. Supreme Court disagreed and held that the Second Amendment protected individuals' right to own and keep handguns in their homes for such purposes as self-defense, but only extended the Second Amendment applicability to federal enclaves. The opinion also made it clear that the decision did not preclude all regulation of guns. This set up the challenge to the Chicago and Oak Park ordinances, which were similar to the District of Columbia's regulation, but were outside of a federal enclave. The ordinances prohibited persons from possessing firearms that were not registered, but so restricted registration that it prohibited most firearms in the jurisdictional limits of the cities. The cities argued that the Second Amendment has no applicability to the states, although it may apply to federal enclaves.

The U.S. Supreme Court in its *McDonald* opinion underwent an extensive analysis of extension of rights that flow to the citizens through the 14th Amendment and also of the historical treatment of the right to bear arms. The analysis done by the Court was whether the Due Process Clause of the 14th Amendment makes the Second Amendment right binding on the states. Over the years, the Court has selectively incorporated particular rights to the states, such as

the Fourth Amendment search and seizure requirements. The Court specifically stated the following, "Self-defense is a basic right, recognized by many legal systems from ancient times to the present day..." (Slip Opinion at 19) The Court went on to note that the need for protection is most acute in the home and handguns have been the preferred method of protection. The Court cited to its analysis of the right to bear arms done in the *Heller* case, which noted that it was considered a "fundamental" right of citizenship back to the 1689 English Bill of Rights. (Slip Opinion at 20) The Court looked at the history of the Bill of Rights and ratification of the Constitution of the United States and determined that the right to bear arms was considered a fundamental right by the framers. Much of the Court's analysis in reaching its conclusion about the Second Amendment was based upon its reading of history. Many law review articles have been written since the *Heller* decision on whether the historical analysis was accurate, but the highest court in the land has spoken on the meaning of the Second Amendment. The Court in *McDonald* then remanded the case for further proceedings, although it did not explicitly strike down the ordinances.

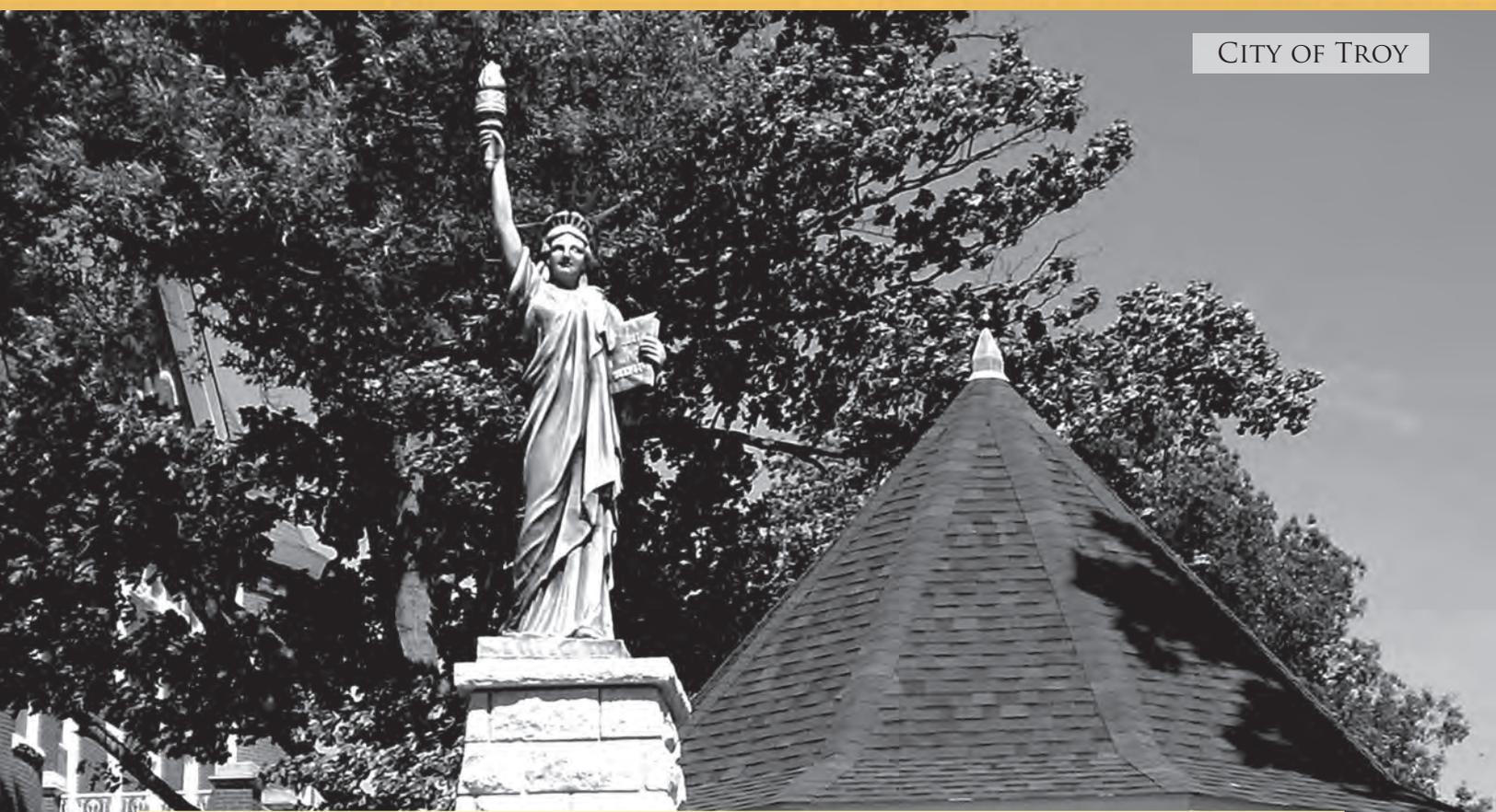
That brings the discussion to what, if any, impact might the Court's decision have on local firearm restrictions. Clearly, the State of Kansas has preempted local governments in the area of concealed carry and transportation of firearms, adopting laws that specifically regulate in those areas. What then, is the appropriate reasonable level of the regulation of firearms? As Justice Breyer notes in his dissent, future cases will have to balance the right of individuals to possess firearms against the traditional police power of states and local governments to regulate for the public health, safety, and welfare of their citizens. Some of the questions raised by Justice Breyer include, does the right to possess a weapon for self-defense extend outside the home, to the car, or to work? What kinds of guns are necessary for self-defense? For example, is it only handguns, or may rifles and semiautomatic weapons also be necessary? Other questions he poses include whether it matters if there is a child in the house, what time of day it is, what kind of pat-downs may be necessary for law enforcement to discover weapons, when do registration requirements become unreasonable, and so forth? These are the types of questions that cases will eventually answer and those answers will form the framework for gun regulations in the future.

Currently, cities in Kansas regulate such things as open carry, discharge of weapons in the city limits, concealed carry by unlicensed individuals, in what city facilities may licensed individuals carry concealed within the confines of the current law, and other types of public safety regulations. Those issues were not specifically addressed in this particular case, but cities should discuss any proposed regulations with their city attorneys in the future, to make sure such regulations are lawful.

 Sandy Jacquot is Director of Law/General Counsel for the League of Kansas Municipalities. She can be reached at sjacquot@lkm.org or (785) 354-9565.



CITY OF TROY



Perspectives on Modern Governing



by Charles Jones



CITY OF INDEPENDENCE

It is an honor to be included in the 100th anniversary celebration of the League of Kansas Municipalities (LKM). The Preamble of the U.S. Constitution speaks of commitment to a “more perfect Union.” I can think of no organization more deeply dedicated to that endless quest. Kansas and its citizens have benefitted from generations of fine leadership at LKM. May the League’s next century be even better than the last.

A few weeks ago, faculty of the KU Department of Public Administration met to consider future hiring needs. While the discussion began with the parochial concerns of an academic unit, it quickly evolved into something of greater scope: speculation by a very bright group of scholars about issues that will occupy the next generation of public administrators. So, even as the League of Kansas Municipalities considers its storied past, I would like to turn our eyes toward the future and share some thoughts inspired by that discussion.

-Sustainability-

As we cross the peak of global oil production and draw down groundwater reserves in western Kansas, we reach an inevitable conclusion: we cannot sustain current rates of natural resource consumption. It is hard to know whether we will arrive at critical thresholds in this generation or the next. It is, however, reasonable, and perhaps even prudent, to imagine a world in which groundwater resources are insufficient—at an affordable price—to irrigate the silage that nourishes the southwest Kansas feedlot industry. It is reasonable to anticipate gasoline prices in excess of \$4 per gallon, the point at which consumers significantly change their behavior by reducing trips and using public transportation, according to transportation planners. What does a post-Ogallala economy look like and how do we bridge to that reality? What will we do to accommodate the need for different transportation options, particularly among the poor and rural who suffer from too little money or too many miles?

I have faith that Kansans can innovate their way out of trouble, but shifts of these magnitudes do not happen overnight—and they do not happen at all where vision and leadership are lacking. Unfortunately, data on our resource future is often imperfect, and restructuring lifeblood social and economic

frameworks based on imperfect information is a very unsettling affair. For elected and appointed officials, near-term losses incurred by existing interests are painfully apparent while the benefits of future sustainability are distant and ephemeral. Nonetheless, certain disaster awaits those who require absolute proof before seriously considering prudent alternative strategies. Kansas will, of course, endure and prosper. However, not every Kansas community will thrive. Some may not survive. Some citizens will struggle with new eventualities more than others. Whether that process goes smoothly and humanely begins with seriously facing probabilities and keeping your options open. Toward that end: look 5, 10, and 15 years into the future. What strategic options must you consider in the short term to ensure long-term sustainability? What is your obligation to future generations in terms of resource and environmental stewardship?

-Resiliency-

Kansas communities spend a lot of time planning for disasters that might befall us. We are good at emergency preparedness: when a tornado hit the City of Lawrence a few years ago—wiping out scores of homes and apartment buildings—there was not a single serious injury. Heart-wrenching disaster was averted by terrific planning and outreach. Would-be victims watching TV could see the tornado’s movement, city block by city block, in time to scamper out of harm’s way. Emergency responders poured onto the scene within minutes to mitigate the secondary risks of broken glass, downed power lines, and unsafe structures. While we often complain about government in other contexts, we have come





CITY OF HORTON



to take for granted the sight of ready and able experts taking heroic action to protect citizens and their property.

The matter of resiliency speaks to government's ongoing capacities after the twister has drawn back into the clouds and the adrenaline has faded from the bloodstream. For then comes the hardest work. The displaced need housing, even as they sink into numb depression over their loss. Escaped pets roam the streets and howl in abandoned garages. Security lines must encircle emptied neighborhoods, triggering frustration among those who show up to help. Ruined food and clothing have to be replaced, particularly for those lacking adequate insurance. Disputes between victims—renters of habitable but damaged apartments and their lease-holding landlords—have to be resolved and arguments ensue between building inspectors and landowners over the fate of injured structures. The grinding work of recovery can go on for weeks, months, and even years, exacting a tremendous toll on responding organizations. The toll falls most heavily on those who happen to be both responders and victims. Imagine Steve Hewitt, City Administrator of Greensburg, surveying the destruction of his town while standing with his wife and infant son in the rubble of their own home.

I recently visited with a group of government reformers from South Africa. Their greatest challenge in community building was not cynicism or corruption; rather, it was the disabling impact of AIDS on the government workforce. So many public servants are themselves stricken with the disease that government programs, policies, and plans are consistently defeated by absenteeism, turnover, and grief. While Kansas is

far from that level of despair, we are not immune from the forces that undermine institutional resiliency: dysfunctional elected and administrative bodies, economic and population shifts, budget cuts and crumbling infrastructure, and the cries for greater social supports contradicted by the virulent anti-government ranting of talk radio.

There are technical measures we can take to enhance organizational resiliency. Included in those measures is reserving a sufficient "rainy day" fund in the budget (easier said than done); structuring backup communication and data management systems; increasing workforce flexibility through cross training and succession planning; and engaging in scenario planning.

However, the most critical aspect of organizational resiliency may be non-technical. It may involve tending to the ongoing emotional health of your workforce. Emotional stamina is the ability to bring energy, confidence, and an appropriate emotional presence—be it compassion, fairness, patience, gritty determination—to the job on a continued basis. Building emotional stamina is not always easy, and it does not come naturally to all managers. Here are a few questions to consider. How well attuned are you to the emotional state of your organization or yourself? If you have a tin emotional ear, who reads and interprets for you? Is there awareness and compassion among your troops? Does your organization have a collective sense of humor and celebrate its own accomplishments? Is the team generous with praise and support? Are your people comfortable in discussing struggles and mistakes? Does the organization remain open and inclusive, even during times of great duress?

These are tough times that are bound to get tougher. The resiliency of public service organizations will continue to be tested. Going through hardship together can be a very gratifying experience. Nevertheless, when energy and optimism fail, they usually fail just when people most need their government to be strong and effective.

-The Hollow State-

When I first started my civil service career, now more than 30 years ago, government was the engine, the cockpit, the wings, and pretty much the whole damn mechanism of public policy. We had the mandate, vision, and resources to advance whatever we defined as the public good. That is no longer



the case. A new trend is firmly at play in public administration. It goes by a couple of names within the academy, but most common is the “hollow state.” This refers to the outsourcing of core governmental functions to non-and for-profit entities, from engineering firms to commodity vendors to churches. So pronounced is the trend that public administration scholars generally replace the word “government” with “governance” when referring to that organic, interdependent confederacy of agencies, contractors, and constituency groups that must coalesce to define and advance the public good.

In many ways, “governance” may be better than the old ways of “government.” Interdependency serves to democratize the bureaucracy, competition pushes cost efficient use of resources, and different perspectives multiply the number of possible solutions. Nevertheless, this shift also raises some significant management issues: under what conditions does outsourcing make sense, and how do we ensure effective management of outsourced functions?

Historically, outsourcing served as a supplement to the primary workforce of governmental programs and personnel. Outsourcing was narrowly applied, reserved for such exigencies as temporary needs for exotic skills, transitions in technology, and seasonal work demands. On occasion, outsourcing was a function of raw politics: shifting funding streams to favored campaign supporters, masking the true size of the government workforce, or following through on campaign rhetoric about the private sector simply being better than the public sector.

Of late, outsourcing has gained a new legitimacy in the eyes of both public administration scholars and practitioners. Consider the experience of Sandy Springs, Georgia. In 2005, this unincorporated suburb of Atlanta decided to become a city. Rather than go the normal route of building a municipal government, Sandy Springs contracted with the engineering giant CH2M Hill to oversee and run all aspects of the newly incorporated community (not including schools, fire, and police). A five-year review process is underway, but the experiment certainly has its champions.

We are, however, quick to note that not all outsourcing experiences have gone well. Criticisms abound with regard to spending escalation,

jurisdictional issues and morale problems associated with military and intelligence contracts. Nevertheless, the hollowing of government is certain to be a dominant theme in years to come, and practitioners committed to the public good must carefully consider where, in the network of governance, public resources will produce the most good at the least cost.

-Accountability-

Hollowing of the state raises issues of accountability and management in this new outsourced world. The normal pathway is to shift the best subject area practitioners—be they social workers, engineers, or environmental scientists—into managing contracts, a task for which they may have little preparation or interest. The front end work of contracting is tedious, legalistic, and essential to a successful venture. It is the stuff of metrics, reporting, sticks, carrots, and enforceable language. Accountability calls the question so difficult to answer in public policy: what does success look like and how is it to be measured? Before throwing your people into the deep end of the hollow state, what training and support need to be in place? Moreover, are policy goals sufficiently clear to be put in writing and successfully pursued?

An important human resources question may be this: can even the best-prepared contract manager be successful if he or she finds no personal gratification in the work? Many public servants are driven by an altruistic nature and desire to do real, hands-on good. How will you sustain your employee’s public service motivation if, through outsourcing, they are put at arm’s length from the work and constituents that give meaning to their lives and labor?

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-Collaboration-

A few years ago, the Douglas County Sheriff gathered key members of the community to set in motion a re-entry program for released inmates. The gathering of this group reflected the sheriff's recognition that strong jail walls do not guarantee public safety, for at some point prisoners re-enter their communities for better or worse. In hopes of advancing better scenarios, the Sheriff's committee of mental health providers, educators, hospital administrators, social service providers, housing directors, and others joined to develop a healthy, coordinated re-entry pathway for released offenders. This sheriff—who had come of age in a “cuff-em-and-stuff-em” culture—presents a shining example of one of the most important capacities in effective public administration, the ability to establish and nurture enhanced forms of collaboration.

Governance and hollowing of the state put more people in play when it comes to framing and advancing almost any meaningful public policy. The days of simple command and control are gone, even in the strongly authoritative field of public safety. In lieu of raw power, effective leaders must apply their persuasive skills in pursuit of a sustainable consensus. Essential to that process is truly understanding and respecting the motivations and capacities of key involved parties, and building mutual understanding among disparate perspectives.

There are significant differences in the culture, motivation, and operation of the public, non-profit and private sectors, differences that can get in the way of effective collaboration. Public employees are used to transparency, even to the point of seeing their salaries and financial interest statements posted on the internet. Open meetings and fierce public scrutiny are as natural to the civil

servant as eating and breathing. The private sector may view public input as delaying, uninformative, and intrusive. Public workers are accustomed to the slow pace of building a democratic consensus. They exist in a defensive environment that offers no financial reward for excellence in performance, but where mistakes readily become fodder for damnation by the press and politicians. To government workers, each new election cycle represents a potential shift in ideology, expertise, and expectations—shifts that discourage climbing out on limbs too far, too quickly. In their world, slow and cautious movement is more than rational, it is essential to survival.

For the private worker, survival may depend on getting things done and done fast. The private sector may pay better, but the risks of unemployment are proportionately greater, especially for those who fail to move at the required pace...even if it is not their fault. Government workers often do not understand the pressure to produce experienced by their private sector counterparts. When I was a consultant, our public sector customers used to drive me crazy with their inefficient meetings, Byzantine paper trails, and general lack of awareness that time is, indeed, money to the private sector. I do not think they were purposely difficult, just unaware. While the private sector gauges performance with straightforward profit-and-loss statements, calculating the return-on-investment of the public workforce can be a maddening affair.

Managers in a time of collaboration must find ways to not only bridge these differences, but to do so in a way that builds mutual appreciation and respect. The goal is more than choosing the public or private pathway. The goal is to combine both approaches into a sum that is greater than its parts.

It is at this point that discussion of collaboration and governance leads straight to the matter of diversity. Our ability to define and advance the public good is completely dependent upon our capacity to understand the values, needs, and possibilities of the



people we serve. Toward that end, public administration scholars speak to the concept of “leveraging” diversity. “Leveraging” means more than just having a workforce that is demographically proportionate to the community, and more than having minority staff members assigned to minority segments of the community. “Leveraging diversity” recognizes that respect for and integration of differing worldviews and experiences increases the organization’s creativity, problem solving ability, and intellectual suppleness. Today’s public administrators should crave diversity, and not because it is nice or tolerant or even legally required. They should crave diversity because it is strategically essential to the ongoing success of the organization in an era of shifting populations and increasing complexities.

-Consolidation-

Existing units of government can be stubborn things that simply refuse to die. So rather than combining whole units of local governmental through top-end consolidation, we often join lower-tier functions such as dispatch, police, and fire to eliminate duplication in services and realize economies of scale. Partial consolidation has become quite common in recent years, especially in urban areas.

Still, I think whole consolidation of local government units—city, county, and schools—in Kansas is likely to become more common in the coming decade as rural areas lose population. Despite recurrent efforts to save rural Kansas, trends toward loss and aging of population seem to persist. Meanwhile, our state supports a high number of local governmental entities. The Kansas Division of Legislative Post Audit tallied, back in 2002, that Kansas has 14.76 local governmental units for each 10,000 residents: higher than any neighboring states (except Nebraska) and more than twice as many as Colorado, Iowa, Missouri, and Oklahoma. Kansas also supports 650 local gov-

ernmental employees per each 10,000 residents, more than any of our neighboring states and nearly 20% more than the regional average.

As the rural population continues to decline, I think we will reach tipping points where population and economic base are simply too small to support some county, municipal, and school systems. Many rural communities and residents bitterly reject this possibility. While I understand their emotion, I fear that rigid inability to face the demographic and economic facts may be as damaging as the facts themselves. The pressure to consolidate governments and their functions can only grow in many reaches of this state. The temptation among entities ripe for consolidation is to battle for survival. I certainly understand. Eliminating jobs in areas where jobs are few is brutally difficult, and the loss of local government—with its familiarity, identity, and dedication to local service—sends a message akin to hopelessness. Nonetheless, demographics and economics are erosive forces that will inevitably take their course over time.

So how do we prepare for a consolidated future? The most essential qualities are being realistic, trusting, collaborating, and recognizing that everyone wants the best for the community. Try to avoid burning bridges, even while battling for survival. You may well end up working for your fiercest rival. Remember that government exists for the taxpayers and that as unsettled as things may be, Kansas still relies deeply on your professionalism, productivity, and leadership.

-Identity and Civic Engagement-

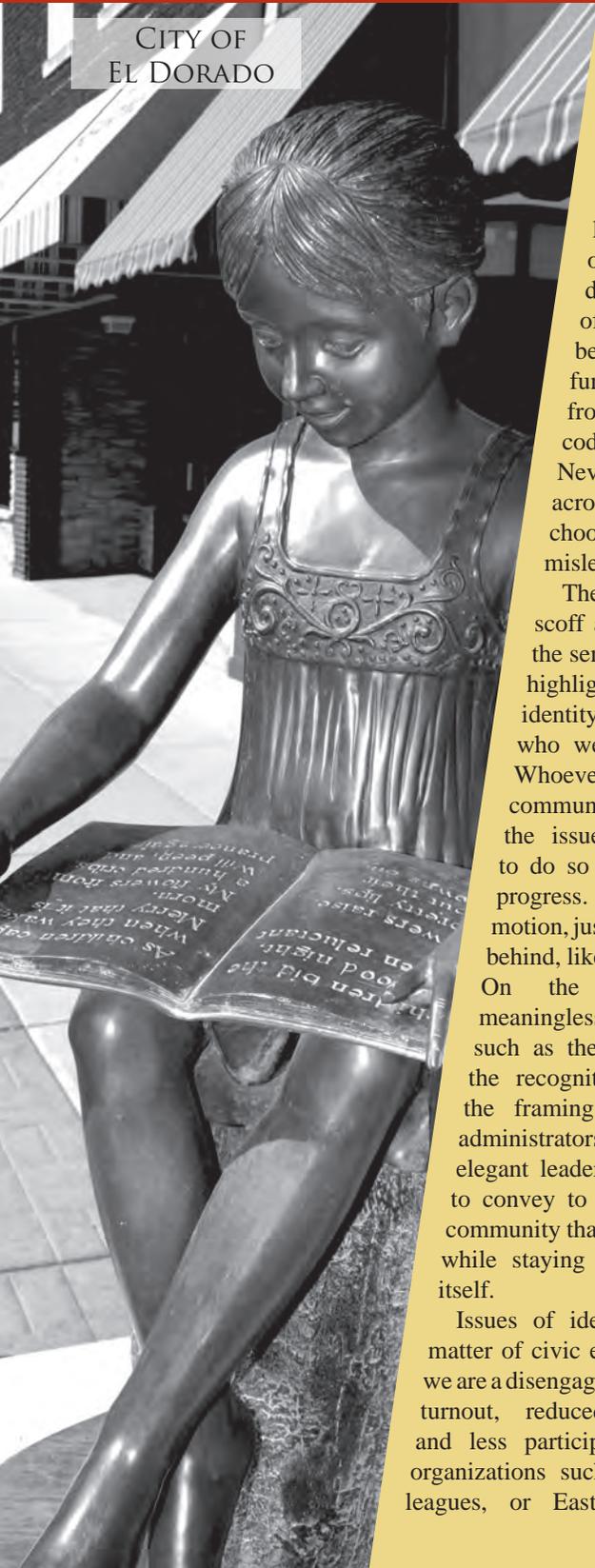
The next time you drive past a Wal-Mart, take a moment to study its architecture. Does the façade suggest a string of



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little shops rather than a vast singular space? The point is this: we want low costs and globally produced products, but we also want to believe that we live in the quaint village of our memory. Architecture designed to fit the reality of a Wal-Mart might actually be more interesting and functional than the false front required by planning codes and public sentiment. Nevertheless, time and again, across the entire nation, we choose a rather comfortable, if misleading, visual cliché.

The point of all this is not to scoff at Wal-Mart architecture or the sentiment it represents. It is to highlight the power of community identity, that cumulative sense of who we are and what we value. Whoever would advocate community change must address the issue of identity. The failure to do so will almost certainly mire progress. If you want to stop forward motion, just be dismissive, of things left behind, like a community's self-image. On the other hand, offering meaningless tokens to sentiment—such as the Wal-Mart façade—delays the recognition of new realities and the framing of new futures. Public administrators must gain a rare and elegant leadership skill. It is the ability to convey to a challenged, even fearful community that it can move ahead bravely, while staying true to the best parts of itself.

Issues of identity lead straight to the matter of civic engagement. In some ways, we are a disengaged population with low voter turnout, reduced newspaper readership, and less participation in traditional civic organizations such as Elks Clubs, bowling leagues, or Eastern Star. On the other

hand, the internet and other technological changes have given us well-connected and resource-rich citizens who very much want to have input into public policy.

The old model of public hearings down at the city hall or county courthouse may no longer be adequate mechanisms for informing public opinion or receiving public input. This is particularly true for citizens whose mobility or scheduling constraints get in the way of traditional participation. Fortunately, new forms of civic engagement are evolving, from community websites that poll citizens on pending policy matters, information management systems that allow citizens to get all their questions answered in one conversation, to new techniques for running effective public forums. Gaining skill and capacity in these new forms of civic engagement is essential to conveying that government is still “of, for, and by the people.”

-Contract Between Individual, Business, and the State-

As we all know, the U.S. federal budget is straining under the burden of spiraling entitlement spending, war costs, a struggling economy, and increasing debt. It seems reasonable to predict that these conditions will force further cuts in federal transfers to state government. The majority of state revenues support education and welfare. Cuts in education spending draw public ire and disapproval of the courts. The 40% state-match to Medicare costs continue to escalate, reducing that slice in the state fiscal pie available for other purposes. Here again, it seems reasonable to conclude that state transfers to local government may also continue to decline. I hasten to point out that news is not uniformly grim on the revenue side of the budget. Even in this economy, voters step up to support state and local sales taxes, most commonly earmarked for specific purposes such as infrastructure and public safety. Still, fiscal stress upon all governmental levels increasingly calls into question the contract between the individual and state.

My sense, as someone who sat through a decade of county budget discussions, is that the social service network is losing the battle and that more people tumble through the safety net every day. Their fate remains unknown. Maybe others such as churches, families and non-profits will step up to fill widening gaps. Maybe some of those at risk realize that there are



consequences to bad decisions and pull themselves up by the bootstraps. My fear is that more of our needy will live their lives in the dust, getting worse, moving further down pathways that make them a significant liability rather than community asset and their children—who are blameless in all this—will start their social arc in steep descent.

I often ask my students two questions. The first is this. Do you believe that government help programs, no matter how well designed, at some level relieve participants of the responsibility for making good decisions in how they choose to live their lives? The majority of students raise their hands in agreement. I then go on to ask the second question. Do you know someone who has lived an exemplary life—worked hard, paid their taxes, was a good citizen, spent money carefully—whose quality of life is now almost entirely dependent upon social security and Medicare? Even more hands go up. What does this mean? It means that our society will confront, more and more, a profound and perhaps even religious question. What kind of society do we want to be? Can we find a proper balance between being a compassionate state and inadvertently undermining the tremendous human resource of individual responsibility?

Meanwhile, we continue the rather ironic practice of applying virtually no business rigor—such as accountability and seeking a reasonable return—to our burgeoning investment in economic development. A couple of years ago, the state’s Division of Legislative Post Audit considered the \$1.3 billion cost of State economic development efforts between 2003 and 2007 (that figure does not include local government spending or foregone tax revenues). Post Audit concluded that the State’s economic development efforts had “a small, but statistically measurable relationship with job and business growth in recent years. However, other factors had a far larger impact on job growth, including pre-existing population and employment levels.” Post Audit notes, “Assessing the effectiveness of economic development programs can be hampered because of the lack of data, and when data are available, most traditional economic development programs or incentives show negative or inconclusive results.” We hope that economic development entities and chamber boards around the state manage the taxpayer’s money as

judiciously as they do their own. But, more than hope, we must question. Subsidy advocates sometimes dismiss eco-devo skeptics as “anti-business.” Woe be to those who are easily dissuaded from asking necessary, if difficult, questions.

Near term or far, public sector economics will spur fierce and unflinching stewardship of taxpayer’s dollars, whether those dollars fund a homeless shelter downtown or new warehouse at the city’s edge.

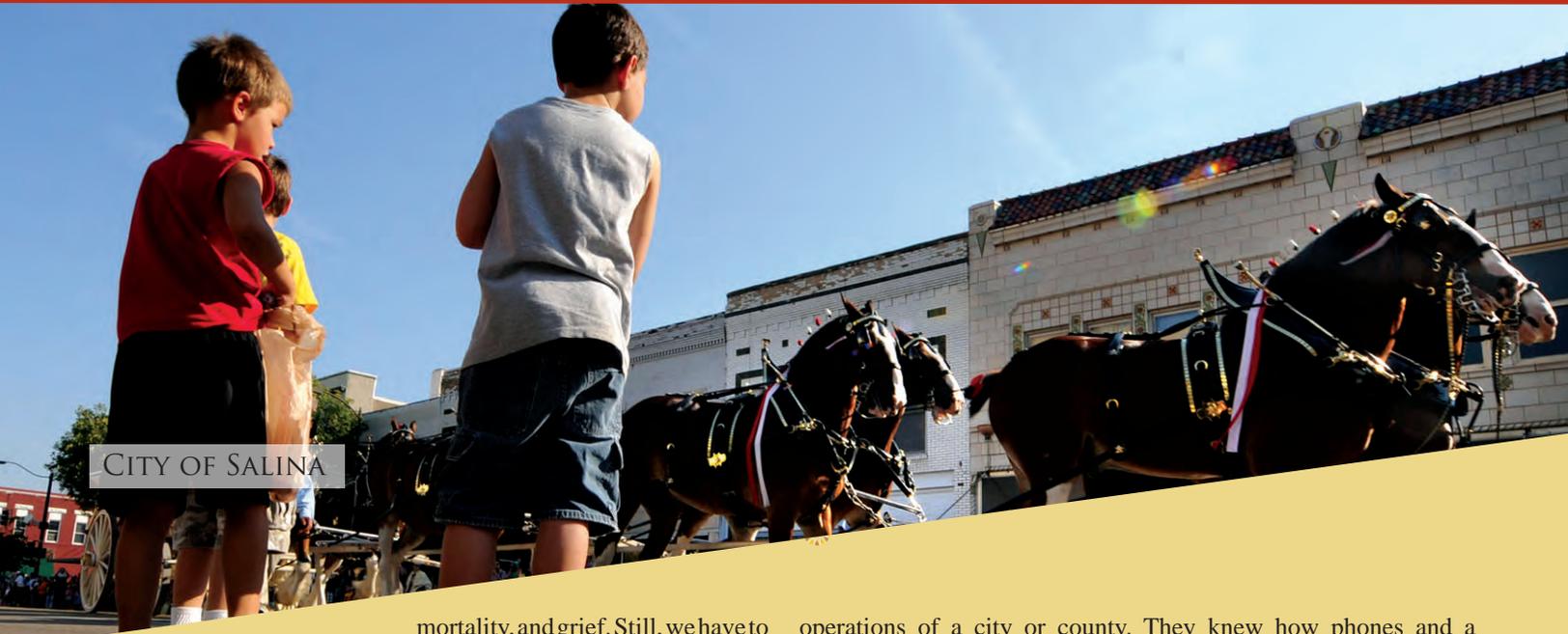
-A Few Random Thoughts-

A couple of my colleagues find greater hope for justice and equity outside the bureaucracy than in. They point out that advances in civil rights are most often won in the streets and courts, driven by activists and attorneys while public administrators gather toward the rear of the movement. It is an interesting observation that I ruefully conclude has a great deal of merit. After some 30 years as an appointed and elected official, I do believe that government too often loses its “normative” purpose—meaning its commitment to “a more perfect union”—and settles into a comfortable groove that tends to preserve the status quo. While appointed officials are ethically bound to follow policy directions set by elected representatives of the people, my colleagues’ skepticism should set our teeth on edge and challenge each of us to question the individual legacy of our career in public service.

We did not talk much about the aging of our most esteemed faculty members. The subject of succession planning always receives some mention, for we are a realistic lot. Nevertheless, this discussion brings with it feelings of loss,

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mortality, and grief. Still, we have to prepare for future. The current average age of Kansas state employees is over 50 years old. We will see waves of retirement in the coming decade, even as we bring reduced fiscal resources to bear on problems of greater severity and complexity. We need to be realistic about our human resources, now and in the future. We need to understand that the very best way to preserve the legacy of the current cohort of public servants is to equip, train, and educate the generations to follow. We must do more than just seek suitable replacements; our spirit must be that coming changes are an opportunity to make the department even better.

There is tension between the “research” and “applied” factions in our little academic community. Those inclined toward “research” find themselves engaged in questions of theory and methodology that scarcely resemble anything sitting on the desk of even the highest-ranking public servants in Kansas. They talk of statistics, interview protocols and peer-reviewed literature. Within the intellectual industry of higher education, research is the coin of the realm and key to both recognition and advancement. Meanwhile, “applied” scholars love street action and case studies. They seize upon case-in-point discourse, classroom effectiveness and their influence upon actual workplaces and communities. They talk of leadership, values, and personal competencies.

I rather like this tension in the department. Wit out research, there is no advancement in the science of public administration. Without application, there is little purpose to research. Nevertheless, this pulling apart of “research” and “application” gives rise to a new player in the field of public administration, the translator who can explain research to practitioners and practice to researchers. I bring up this dynamic, because skills in translating are critical to effectiveness in public administration. Thirty years ago, the average elected official could generally understand most of the

operations of a city or county. They knew how phones and a road grader worked sufficiently well to understand dispatch and public works. Today, the functioning of Computer Aided Dispatch (CAD) is beyond the grasp of all but the most advanced computer expert. New paving technologies, combined with an incredibly complex weave of funding streams requires a public works director who is in equal parts an engineer, accountant, and diplomat. In the ever more complex world of public administration—with its looping tangles of technology, finance, law, and citizen activism—the main task of city and county administrators may well be that of explainer-in-chief. Translating technical jargon into language and concepts accessible by elected officials is critical to effective policymaking. Helping technical staff understand not only policy decisions, but also the role of citizen legislators in a functioning democracy—building morale and trust of both groups.

-Our Enduring Partnership-

So there it is. A faculty meeting to consider recruitment strategies informs an article on the 100th anniversary of the League of Kansas Municipalities. So it should be, for partnership between Kansas municipalities and the KU Department of Public Administration/Public Management Center runs long and deep. Congratulations to the League for a job well done over the past 100 years. May it continue serving the people of Kansas for centuries to come.

☀ *Charles Jones is Director of the University of Kansas Public Management Center. He can be reached at (785) 291-3156 or cjones@ku.edu.*

All photos in this article were taken from the League of Kansas Municipalities photo database.



Classified Advertising

Assistant Cemetery Sexton

The City of Garden City, a progressive, culturally diverse city of 29,000 and the largest city in Western Kansas is seeking an Assistant Cemetery Sexton (current salary range \$35,763 to \$53,645 DOQ, with excellent benefits and retirement plan). The position assists in the administration, operation and maintenance activities of the Municipal Cemetery system. The desired candidate will have knowledge of Cemetery administration and operations or three to six years of related experience in grave digging, equipment, grounds, and facilities maintenance/construction required. Previous supervisory experience is required. Proven communication and interpersonal skills are necessary for working with employees, customers and other City Departments. Please submit Letter of application including salary history, resume, and three work-related references in confidence to Human Resource Director, PO Box 499, Garden City, KS 67846; 620-276-1175 (phone); 620-276-1169 (fax); mstegman@garden-city.org (e-mail). This position will remain open until filled. EOE

Assistant Public Works Director

The City of Derby (pop. 22,000) is accepting applications for the position of Assistant Public Works Director to assist in leading its progressive department of 50 employees. Derby is a family-oriented, growing community in the Wichita metropolitan area. Appointed by the City Manager, the Assistant Public Works Director is an exempt position responsible for assisting the Public Works Director with the operation and administration of the water and wastewater components of the public works department. The ideal candidate will have thorough knowledge of municipal water storage, distribution, planning and management or thorough knowledge of materials and practices involved in the treatment of municipal wastewater. Salary competitive, DOQ, excellent benefits. Bachelor's degree in management, chemistry, biological sciences, or related field, required. Master's preferred. At least 5 years of progressively responsible experience in public works, public administration, or related utility experience, required. Two years of municipal budgeting experience with enterprise funds, preferred. Full position profile available, apply on-line at www.derbyweb.com. The

on-line application, resume, cover letter and three professional references must be received prior to September 22, 2010. For information, contact Jenny Thrush, Human Resources Manager, at 316-788-1519 or jennythrush@derbyweb.com. EOE.

City Administrator

The City of Neodesha, KS, strategically located at the crossing of US-400 and US-75 highways, is seeking candidates for its City Administrator position. Neodesha is one of only a handful of cities that provides all utility services to its residents. The City staffs 49 full-time employees and enjoys the benefit of a host of local employers that swells the daytime population to over 4,000. The community, with its "can-do" spirit has a long history of being pro-business and welcoming of new residents. The new City Administrator will be friendly and outgoing, will be actively involved in the community and with its associated businesses and industries, and will have the skills necessary to continue to foster an excellent and professional team environment with staff and the Governing Body. A bachelor's degree in Public or Business Administration or related field is required, and a master's degree preferred. The successful candidate will have at least three years experience in a community of similar complexities. A full candidate profile will be available after October 1, to be downloaded from www.neodesha.org. The pay range is \$65,000-\$80,000 DOQ, plus an excellent benefits package.

Prefer cover letter, resume, salary history, and at least five professional references to be emailed to: City Administrator J. D. Cox, jdcoc@neodesha.org. First review will be held on October 29.

City Collector/Administrative Position

The City of Parkville is looking to hire a City Collector/Administrative Assistant. This full-time position is responsible for City receivables, financial reporting, business licenses, and online content. Applications must be received by September 20th. For more information, go to <http://www.parkvillemo.com> and click Employment Opportunities.

City Treasurer/Office Clerk

The City of Altamont is accepting applications for the position of City Treasurer/Office Clerk.

EEOC. Open until filled. Drug and Alcohol tested. City of Altamont, P.O. Box 305, Altamont, Kansas 67330. www.altamontks.com

Community Development Director

The City of Abilene, Kansas, (pop.6,893) is accepting applications for the position of Community Development Director. This position is responsible for overseeing all municipal economic development, development review, and historic preservation activities.

The Director will manage a department and of 3 employees and duties include: implementing the comprehensive plan, administering development regulations, promoting historic preservation, administer floodplain regulations, industrial recruitment, community data analysis and dissemination, overseeing code enforcement activities, developing and maintaining relationships with Fort Riley and related organizations.

A minimum of 4 years of planning and development experience and a degree in Public Administration, Planning, or a related field is required. Starting salary range is \$42,161 to 57,012 annually DOQ. The City offers a competitive compensation package.

Review of applications will begin on October 15, 2010 and the position will remain open until filled. Cover letter and resume including three (3) references should be submitted to City Manager, City of Abilene, and P.O. Box 519, Abilene, KS 67410. Electronic submittals can be made to citymgr@abilenecityhall.com.

Economic Development Coordinator

The Republic County Economic Development Corporation Inc. is seeking a qualified economic development professional to fill the position of Economic Development Coordinator. The Coordinator is responsible for implementing programs to promote economic development expansion, retention, and recruitment for commercial and industrial activities. Experience in economic development, business management and grants preferred. Salary dependent upon experience and qualifications. To learn more about Republic County Economic Development, visit <http://www.republiccountyks.com>. Send resume and references to the RCEDC Search



Classified Advertising

Committee, Box 178, Belleville, KS 66935, or email them to jimblechafamily@yahoo.com. Applications will be accepted until September 15, 2010. EOE

Lawrence-Douglas County Housing Authority, Executive Director

Excellent opportunity for a skilled administrator with proven leadership ability who is committed to public service, organizational integrity, and innovative solutions. The Board of Commissioners for the Lawrence-Douglas County Housing Authority (LDCHA), located in Lawrence, Kansas, is seeking highly qualified individuals to oversee this highly regarded and well-run organization. Top candidates will have excellent interpersonal and communication skills combined with a hands-on management approach. The Commissioners have a high regard for ethical leadership and will place significant value on a candidate's career history, personal and professional integrity combined with a strong commitment to public service. LDCHA is a Moving to Work Demonstration (MTW) agency, allowing greater flexibility on housing strategies. The Authority is also designated as a "High Performer" agency by HUD. Bachelor's degree required; Master's degree or other advanced degree preferred. Minimum of 5 years of progressively responsible work experience in a public housing authority, a non-profit housing corporation, non-profit organization, or in a related area that would include successfully working with active board, staff, residents, and government and/or a community services organization. Salary to \$119,662 with an excellent and competitive benefits package including a defined benefit retirement through the State of Kansas (with 6% employee cost) with participation in social security. Email cover letter, resume, salary history and 6 professional references to apply@ralphandersen.com. Review of resumes will begin September 30th with the first round of interviews scheduled for October 13, 2010. Detailed brochure at www.ralphandersen.com or call Heather Renschler at (916) 630-4900.

Public Works Director

The City of Oakley is seeking applicants for the Public Works Director position. Responsibilities include maintenance of streets, alleys and airport property, directing snow removal operations, supervision of

department staff, and department budgeting. HS degree required. 4-6 years relevant experience preferred. Ideal candidate will have knowledge of street maintenance and repair techniques, mechanical knowledge, ability to operate heavy machinery, and budgeting. DOE \$33,000+/yr + full health/excellent benefits. Applications available at City Office or www.discoveroakley.com. Return application and resume to 209 Hudson Ave, Oakley, KS 67748. Open until filled.

Public Works Director-Grain Valley, MO

Public Works Director, Salary DOQ/E, excellent benefits, residency required, reports to City Administrator, \$5.8 million budget, 20 FTEs, APWA Accredited. A financially stable suburb of Kansas City with room to grow seeks energetic professional w/excellent communication skills. Supervisory experience & background in public works or related field required; degree desired. Great opportunity w/\$30M+ in capital expenditures planned next 5 years; Responsible for traditional public works services plus planning, codes & inspections. (EOE) Questions to Art Davis (816) 246-4700. Confidential resume, cover letter, salary history + 8 work-related references by email (Word) to ArtDavis@ArtDavisGroupLLC.com by 10/8/2010.

Stormwater Superintendent

The City of Hays is accepting resumes for the position of Stormwater Superintendent. This position performs administrative duties and oversees the administration of the City's Stormwater Management Program with emphasis on implementation of the city's NPDES Phase II Municipal Stormwater Permit. This employee will conduct public education and outreach programs, facilitate public participation and involvement in stormwater issues, develop and implement an illicit discharge detection and elimination program, develop and implement a construction site runoff control program, develop and implement a post-construction runoff control program, and develop and implement a stormwater operation and maintenance program that includes employee training. A college degree or equivalent training and experience are preferred. This employee must possess a valid Kansas Driver's License, and obtain a Commercial Drivers License (CDL), Class B with air brakes within six months of

employment. Prior experience with erosion and sediment control, pollution prevention, or watershed management strongly preferred. Salary range \$47,800 - \$62,880 plus excellent benefits. Residency within the three mile planning boundary of the City is required within 180 days of employment. Resumes, including references and salary history, can be emailed to eniehaus@haysusa.com or mailed to the Human Resources Office, P.O. Box 490, Hays, KS 67601 prior to 5:00 p.m. October 22, 2010. Phone: 785-628-7320 Fax: 785-628-7323 EOE

Wastewater Treatment Plant Superintendent

This position is responsible for the operational control and maintenance of the city's wastewater treatment, biosolid handling and wastewater collection lift station systems; ensures compliance with all federal, state, and local regulations relating to municipal wastewater treatment, industrial pre-treatment, biosolids handling, wastewater collection pumping and illicit discharges; and performs other administrative functions such as managing personnel, producing the division's operating and CIP budgets, and recommending alterations/improvements to the facilities.

Requirements include: Bachelor's degree in environmental engineering, environmental sciences, or other closely related field with 4+ years of similar plant management experience with thorough knowledge of federal, state and local laws and regulations concerning wastewater treatment techniques, laboratory testing techniques, and a working knowledge of mathematics, chemistry and biology. Must also have experience with pumping and treatment systems, telemetry SCADA systems and personal computers for office and field use. Annualized Pay Range: \$54,705 - \$77,523.

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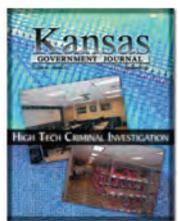
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A Call to Excellence



I thought that in this special edition of the *Kansas Government Journal*, I would muse on a question that has been bothering me for some time. Why do a seemingly large, and perhaps growing number of people in this country view government as the enemy? Once upon a time in America, government was not seen as the enemy, but rather was considered the solution to many of the problems which faced the society. At one time, governmental

service was widely seen as a very high calling. I wonder where those days have gone?

There seems to be endless chatter about this issue in the modern media. I am now talking about the internet, of course, and with it the numerous websites, blogs, and other forms of mass communication. I am also referring to the endless chatter on cable television, which often seems to conclude that government is the problem, not the solution. It has also become apparent that a sizeable number of people in our society are angry about government, and that the perceived grievances which they articulate seem to focus on government as the enemy of the people. This is a very interesting while at the same time disturbing line of thought. While it is easy to vilify government, it is less easy to fully understand the cost and complexity of providing governmental services in the modern age.

The quality of life which is enjoyed by the people of the United States is in large part the result of the governmental structures which have been put in place over the past almost 235 years. We have the best roads, streets, and highways, excellent police and fire protection, clean water to drink, and playgrounds to use because the public demanded these things, and expected government to provide them. Most of the services that we take for granted on a daily basis are in fact provided by none other than your friendly, local government. These are the services that we need to have a modern, efficient, and safe society. The frustration with government, I suspect, comes from a variety of sources, but I am beginning to believe that a number of people have simply gotten used to the services provided by government. People have largely forgotten that those services must be paid for in some fashion.

Lately, I have been involved in several discussions regarding questions of efficiency at the local level of government. I always respond, from where I sit in Topeka, Kansas, that the cities of Kansas are incredibly efficient, and that they are, in fact, providing services to a level and quality far in excess of the actual tax dollars being received by those governments. There seems to be a disconnect by some commentators who are endlessly droning on about efficiency in government without actually telling us how one more efficiently mows the grass in the cemetery, plows the streets, walks a police beat, or puts out a fire. While it is possible to save money in those areas, the only way one can really do it is by reduction of services. Now I would offer that the public does not really want a reduction in police service, or fire service, or any of the other essential services provided by local governments. The only time you notice you don't have enough police officers is when you actually need one. The only time you actually notice that the fire department now takes 12 minutes rather than 3 minutes to respond, is when your house is on fire. At that point, one really doesn't want to hear about cutbacks in local services.

At a recent League Governing Body meeting in Manhattan, I had the pleasure of dining with Mayor Bruce Snead and Mayor Pro Tem James Sherow of Manhattan, who spent a large portion of the evening discussing the many exciting things going on in their fair city. They spoke at length about the soon-to-be realized Flint Hills Discovery Center, and the vision of the city, and its citizens, to create and fund this wonderful project. They spoke of the downtown redevelopment projects which are ongoing in Manhattan, and the benefits these projects would have for the future of the city and its citizens. They were very excited as well about the construction of the National Bio and Agro-Defense Facility (NBAF) in Manhattan. As now anticipated, the construction on this nationally important facility is scheduled to begin in February 2011 for the central utility plant with the laboratory portion of the construction slated to begin in February 2012.

As I sat at the table and discussed these matters, it occurred to me that I had heard this conversation many times before. While it had not been about a state-of-the-art Bio Containment Facility, or about a Flint Hills Discovery Center, I still had heard a similar conversation before when talking with city officials from across this great state. What I have found in my 25 years of working with the League of Kansas Municipalities is that city officials are inevitably optimistic about their communities. They are always looking to the future. They are thinking, planning, and working to make their communities better. This is true regardless of the size of the city. It is true regardless of the assets available to the city or the challenges facing the city. It is true because that is what makes local officials, local officials. Local government officials are essential to the quality of life we enjoy today in this wonderful state and country of ours. The fact of the matter is simply that local officials are always trying to make do with what they have, while at the same time seeking ways to further develop their communities, and to make them better tomorrow than they are today. Is this always an easy task? Of course not, but it is a task that local officials have chosen to do.

Local officials are not in it for the money or the glory. What they do get to enjoy are the fruits of their labors. These include finding ways to improve public safety, expand economic opportunities, and provide a community environment which will allow children to have better opportunities to grow and thrive. These are our victories. After listening to our friends from Manhattan talk about their community, it reminded me that this is the conversation city officials are having day after day, week after week, and year after year. It is a conversation about hope, the future, and finding a way to make it happen. This is why I believe government, especially at the local level, is essential to our national fabric and well being. It is something to strive for because at the end of the day you are working on behalf of the people for the betterment of the society.

Government is, and I believe remains, a high calling. I would suggest that the local officials in Kansas exemplify this as well as any governmental officials anywhere. I am proud to be the Executive Director of the League of Kansas Municipalities, and I find great support and solace in knowing that this fine organization has helped city officials, and through them the people of Kansas, for a century. I can only imagine the great heights that we can reach after another century of service to the people of Kansas.

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