

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Nancy Brown at 1:30 p.m. on February 11, 1993 in Room 521-S of the Capitol.

All members were present except: Representative Ted Powers (excused)

Committee staff present: Michael Heim, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Lois Hedrick, Committee Secretary

Conferees appearing before the committee: Gerry Ray, Johnson County Commission
Rod Richardson, Chairman, Johnson County
Fire District No. 2 (Rural)
LaVerne Bartel, Douglas County Volunteer Fire Department

Others attending: See Guest List ([Attachment 1](#))

The Chairman opened the hearing on **HB 2227** concerning certain fire districts (powers and duties of the governing body). Gerry Ray, Johnson County Commission, spoke in favor of the bill ([Attachment 2](#)). She described the history and organization of fire districts in Johnson County. **HB 2227** is designed to place responsibility and accountability for the appointed boards with the board of county commissioners, including levying of taxes and issuance of bonds. The bill also provides for increasing the size of the board from three to five members if the commission so chooses. If enacted, the commissioners could remove an appointed board member for cause. Mike Heim stated "for cause" is determined by case law; and unless criminal or negligent action is done by an appointed member, removal would follow due process and provide board members the rights of law.

Rod Richardson, a member of the board of Johnson County Fire District No. 2, detailed the organization and operation of that district. He endorsed **HB 2227**, especially the provisions placing responsibilities for budgeting and contracting with the board of county commissioners so that electors are provided accountability. He also endorsed increasing the size of the board from three to five, stating there are times when gaining a majority to act is next to impossible. The fire district board administers a budget of about \$1 million and oversees the operations of the ambulance and fire services to some 167 square miles in rural Johnson County. The services are actually contracted to a volunteer agency and it is Mr. Richardson's concern that in contracting with the agencies that the board retains some control of the quality of services delivered by the agencies. He also stated he has a problem with page 2, line 22(a), wherein he questions the elected board's authority to contract for all services with volunteer agencies (which in actuality gives the volunteer agencies the right to elect directors and officers of the board and an executive committee--which runs the department). Aubry's elected board loses control in this scenario and he questions how much control is retained by the board.

LeVerne Bartel, Douglas County Volunteer Fire Department, rose to question whether **HB 2227** would affect mutual aid agreements between fire districts for safety services. He was advised there is no effect.

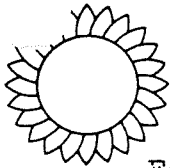
There being no others present to testify on **HB 2227**, the hearing was closed.

The meeting was adjourned at 2:31 p.m. The next meeting is scheduled for 1:30 p.m., February 15, 1993, in Room 521-S of the State Capitol.

DATE: February 11, 1993

11.

[illegible]



**Johnson County
Kansas**

February 11, 1993

HOUSE LOCAL GOVERNMENT COMMITTEE

HEARING ON HOUSE BILL NO. 2227

TESTIMONY OF GERRY RAY, INTERGOVERNMENTAL COORDINATOR
JOHNSON COUNTY BOARD OF COMMISSIONERS

Madam Chairman, members of the Committee, my name is Gerry Ray representing the Johnson County Board of Commissioners. I am appearing today in support of House Bill No. 2227.

The bill pertains to the fire districts in the unincorporated areas of Johnson County. Legislation was first adopted in 1955 giving the County Commissioners the authority to create fire districts. Those statutes have been added to and amended several times since then. Fire districts in Johnson County are organized in a very complicated manner which I will not attempt to explain, because it is not pertinent to the bill. The purpose of the bill is to provide a level of accountability to the fire districts boards that are appointed by the County Commissioners. Existing law gives the County Commissioners the authority to appoint the members of the fire boards but following those appointments the elected county board has no authority over those appointed boards.

HB 2227 not only permits the Commissioners to appoint the fire boards, but also provides a process to remove those appointees for any cause that justifies removing an appointive officer of the county. Further the bill requires that the fire districts' budgets and issuance of bonded indebtedness are subject to approval by the County Commission. The purpose of this change is to put the expenditure of funds under the authority of an elected body rather than an appointed board.

The bill also increases the three member fire district boards to five members. It is felt that five members provides a more representative body and does not put an undue burden on those who serve on those boards.

The Johnson County Commission feels HB 2227 offers a procedure under which the Fire District Board will retain the flexibility to manage the day to day operation while providing the protection of a certain level of oversight by elected officials. The County requests that the Committee recommend the bill favorable for passage.

Thank you for your consideration.

*ATTACHMENT 2
2-11-93*