

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Vice Chairperson Marian Reynolds at 9:00 a.m. on February 23, 1994, in Room 531-N of the Capitol.

All members were present except:

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

Conferees appearing before the committee:

Jim Murphy, Mayor of Leavenworth, Kansas
Clarkson Brown, Former Mayor & V.A. Fire Chief, Leavenworth, Kansas
Don Moler, League of Kansas Municipalities
Frank E. Kohl, Leavenworth County Attorney
Michael E. Kelly, Leavenworth County Bar President
Senator Don Sallee

Others attending: See attached list

SB 561--Concerning certain cities; relating to the exclusion of land therefrom.

Senator Tillotson introduced Jim Murphy and Clarkson Brown who had come to testify in support of the bill.

Jim Murphy, Mayor of Leavenworth, Kansas, testified first, emphasizing that the bill would give the City of Leavenworth a negotiating tool with the federal government. (See Attachment 1)

Ms. Kiernan explained that the bill gives authority to the governing body of the City of Leavenworth to exclude V.A. Medical Center land. It also provides that the city must hold a hearing, and if it is deemed advisable to exclude the land, the city can do so.

Sen. Ranson asked if there would be a way to broaden SB 561 to speak to other federal facilities such as the penitentiary. Mr. Murphy said that the city does not anticipate any problem with the prison.

Clarkson Brown, Former Mayor and V.A. Fire Chief of Leavenworth, followed with further testimony in support of the bill, emphasizing that the fire protection of the V.A. Medical Center is its responsibility and not that of Leavenworth. (See Attachment 2)

Sen. Tillotson informed the committee that HB 2570 is identical to SB 561. House Bill 2570 passed the House.

Don Moler, League of Kansas Municipalities, testified in support of SB 561, noting that the demand by the V.A. Center in Leavenworth for fire protection by the City of Leavenworth is another example of an unfunded federal mandate being imposed on a local jurisdiction. (See Attachment 3)

Sen. Ranson asked how this situation is handled in other communities. Mr. Moler answered that for many years the cities have handled the fire protection for the V.A. Hospitals in those cities where there are V.A. hospitals only, however, the land at Leavenworth includes a large complex or center. With this, the hearing on SB 561 was concluded.

Sen. Parkinson took the Chair and explained that HB 2570 provides additional time for the city hearing to take place than SB 561 does. He then said that he feels the committee should act on HB 2570 at this time.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT, Room 531-N Statehouse, at 9:00 a.m. on February 23, 1994.

Mr. Heim said that there may be a technical problem with HB 2570 in that the Kansas Constitution requires that the legislature must provide laws about boundaries, and this bill may not meet that Constitutional test. In the House hearing, it was felt this would not be a problem, but Mr. Heim felt the committee should consider this aspect. Mr. Heim said this could be remedied by amending the bill to read, "any city with less than 50,000 population."

Sen. Tillotson made a motion to amend HB 2570 by striking the population requirement and making it effective upon publication in the Kansas Register and that the bill be recommended as favorable for passage as amended, Sen. Feleciano seconded, and the motion carried.

SB 792--Concerning certain foundations created by municipalities; relating to the investment of moneys held thereby.

Sen. Langworthy, who chairs the committee from which this bill came, said the conferees could not be here today. The Chairman said the bill would be heard on Friday, February 25.

SB 776--Providing for the election of district attorney in the first judicial district.

Ms. Kiernan explained that this bill creates the office of District Attorney in the first judicial district which includes Atchison and Leavenworth Counties. It would eliminate the office of county attorney in this area.

Frank E. Kohl, Leavenworth County Attorney since 1984, testified in support of the bill. He said there are currently five District Attorneys in Kansas, and the remaining counties still have county attorneys. He feels Leavenworth County needs a full time prosecution operation. This bill would be the first to establish an office of District Attorney in a multi-county district. He explained that the difference between a county attorney and a District Attorney is that a county attorney is elected as a county officer, but a District Attorney is an executive of a judicial district, and the salaries for the two are set differently. The County Commission in Leavenworth County has supported funding the office of District Attorney.

The Chairman asked Mr. Kohl if the office of county attorney is part time. Mr. Kohl responded that county attorneys can have a private law practice as he does, but it is a matter of being able to handle the time for both interests, and in his case, he has found handling both jobs a challenge.

The Chairman asked Mr. Kohl if Atchison County could be taken out of the first judicial district and put into another so that the bill would apply to Leavenworth County only. Mr. Kohl said that this could be done, however, it would impact many other positions such as judges.

The Chairman determined that a county attorney and a district attorney would both be paid by the county. The differences would be that with a district attorney, the staff would be mandated to be full time, the bill would result in a merge of Leavenworth and Atchison counties and the district attorney would be an executive position rather than a county position as in the case of a county attorney. The Chairman asked further why the position of District Attorney is needed. Mr. Kohl responded that it is needed to allow prosecutors to devote full time to the prosecution of crimes in Leavenworth County.

Sen. Reynolds asked how many murders there have been in Atchison County. Mr. Kohl said there have been four murders and noted that crime is ever increasing. Sen. Reynolds asked further how the bill would affect the county attorney in Atchison County. Mr. Kohl said the Atchison County Attorney would be full time and would be required to be a resident of Atchison County.

Sen. Feleciano felt that passage of this bill could be a piece meal approach to a statewide D.A. system.

Michael Kelly, Leavenworth County Bar Association, stood to explain that the end result of the bill would be the development of a professional support staff working full time which would be very beneficial. The Chairman asked if the county attorney of Atchison County was in agreement with the bill. Mr. Kelly said he had made no decision yet as he was not certain that he would want to give up his private practice.

Mr. Kohl noted that a technical amendment is needed on page 2, line 22 where district 7 should be inserted.

Senator Don Sallee testified in opposition to SB 776. He related to the committee that the Atchison county attorney is fearful that his office will end up as a step child of Leavenworth County. Also, he is not certain that the county commission would be willing to fund the position. Sen. Sallee concluded that the Legislature should not force this if both counties do not agree.

The Chairman noted that Leavenworth appears to need the bill and he is hopeful that a solution can be found.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT, Room 531-N Statehouse, at 9:00 a.m. on February 23, 1994.

Sen. Sallee felt the problem could be solved if Leavenworth County had a full time county attorney. Mr. Kohl agreed with this and said that the county commission would fund it. However, Mr. Kohl said a county resolution can be changed in the next election, but a state statutory provision would be binding.

There being no further time, the hearing on SB 776 was concluded.

The next meeting is scheduled for February 24, 1994.

Date: February 23, 1994

GUEST REGISTER

SENATE
LOCAL GOVERNMENT

NAME

ORGANIZATION

ADDRESS

Don Moler	League of KS Mun.	Topeka
Jim Murphy	Mayor, Leavenworth	Leavenworth
Clarkson Brown	Former VA Fire Chief Former Mayor Leavenworth	Leavenworth
FRANK E. Kohl	Leav. Co. Atty	4th & Walnut St. Leav. Co. 66048
Jim Clark	KCBAA	Topeka
Kyle Smith	KBI/AG	Topeka
Mike E. Kelly	Lv Co. Ben. President	Leavenworth
Loren Bowery	KSBB	Topeka
Helen Stephens	Topeka	KPOA
Sam Don Dallen	Senate	Topeka

TESTIMONY BEFORE THE SENATE LOCAL GOVERNMENT COMMITTEE
IN SUPPORT OF HOUSE BILL 2570 **SB561**

By Jim Murphy, Mayor
City of Leavenworth, Kansas
February 24, 1994

I appreciate the Senate Local Government Committee allowing me to give testimony this morning in support of House Bill 2570. **SB561**
As State and local officials, we are all familiar with Federal mandates which have forced us to pass the costs of mandated programs on to our citizens and taxpayers. Unfortunately, the City of Leavenworth has been singled out by the Department of Veterans Affairs and is faced with a mandate that would cost our citizens almost \$500,000 a year.

After operating its own full-time paid fire department for over 50 years, last July the Eisenhower VA Medical Center announced its intent to disband its in-house fire department and shift fire suppression responsibility to the City of Leavenworth. House Bill 2570, if enacted into law, would give the City of Leavenworth the option to de-annex, or "exclude" from the City, the Eisenhower VA Medical Center, thereby forcing the Department of Veterans Affairs to consider keeping its fire department intact. I'm here today seeking your assistance, through House Bill 2570, to convince the VA to withdraw this demand.

In 1970 the City of Leavenworth annexed the VA Medical Center which included 83 buildings located on 270 acres in the southeast portion of our community. Prior to the annexation the VA had its own fire department, and has continued to operate the department since the annexation 24 years ago. Although the City of Leavenworth had a mutual aid agreement with the VA prior to the 1970 annexation, bringing the VA within the City's corporate limits enabled the City to provide mutual aid, if needed, on the same priority basis as a fire call to any other part of the community.

*Senate Local Gov't
2-23-94
Attachment 1*

In the mid-1980's VA administrators approached the City of Leavenworth regarding the possibility of contracting for fire protection service. However, after considerable negotiations the VA determined that it could continue to operate its own "in-house" fire department cheaper than contracting with the City or a private service-delivery company.

In 1992 VA administrators and City staff renewed negotiations regarding a possible contract for fire suppression service. Since the Medical Center's average of 264 responses during 1990 and 1991 would have constituted a 34% increase in the City's total number of fire responses, the City's proposal to the VA called for an annual fee of \$485,000 per year, which reflected the equipment and manpower needed to provide adequate fire suppression service. The Medical Center's Director felt that the City's proposal was once again too expensive, and the City assumed that the VA would continue to operate its own fire department.

The City Commission and I were shocked when we received a letter on July 7, 1993 from the Director of the Eisenhower VA Medical Center informing us that the Medical Center's fire department was being disbanded and that all fire suppression responsibility was being shifted to the City of Leavenworth. Although we have worked with our Congressional delegation to delay the VA's announced implementation date, and as of today, the VA continues to operate its own department, the Department of Veterans Affairs has made it clear that this issue is not being dropped and will be pursued in Federal Court if necessary. They are basing their demand for service upon the fact that the City annexed the Medical Center in 1970. We contend that the City does not have jurisdiction on federal property.

We have had a long and mutually beneficial relationship with the Federal installations located in our community. However, over 46% of the value of all property in Leavenworth is not on the tax rolls. If the City is forced to provide fire protection

for the VA, it will only increase the property tax burden on the remainder of our residents. It will also raise the issue of whether or not the City is obligated to provide fire protection to the U.S. Penitentiary and Ft. Leavenworth.

The Department of Veterans Affairs has publicly stated that shifting fire suppression responsibility to the City will save "the nearly one-half million dollar annual salary expenditure" which the in-house fire department is costing the Federal government. This one-half million dollar figure does not surprise me since in 1992 we had calculated the City's cost to be \$485,000 were we to provide the service on a contractual basis. There is no way the City of Leavenworth can extend first response fire coverage to an additional 83 buildings, including a 7-story hospital complex and a 3-story psychiatric hospital, without either comprising safety or incurring substantial additional cost for manpower and equipment.

Although we continue to pursue through our Congressional delegation a political solution to this problem, it is becoming apparent that the City must be in a position to exclude the Eisenhower VA Medical Center from our boundaries if the fire protection issue cannot be satisfactorily resolved. KSA 12-520(a)(3) gives a city the authority to unilaterally annex land which "adjoins the city and is owned by or held in trust for any governmental unit other than another city...." However, KSA 12-504 and 12-505 which deal with the exclusion of land from a city's boundaries can be read to prohibit the right of the City to exclude territory if an affected property owner files written objection. Attorneys for the Department of Veterans Affairs are aware of the possibility of de-annexation, but believe it can be prevented by filing a written objection.

Once again, I appreciate your taking time this morning to hear the City of Leavenworth's testimony and I would be happy to respond to your questions.

TESTIMONY BEFORE THE SENATE LOCAL GOVERNMENT COMMITTEE
IN SUPPORT OF HOUSE BILL 2570 *SB561*
by Clarkson Brown
February 24, 1994

Good morning, my name is Clarkson Brown. I want to thank you for letting me appear before you today in support of House Bill 2570.

I am a native of Leavenworth, Kansas. Other than the 2 1/2 years spent in the Navy in World War II I have spent my entire life in Leavenworth. I served on the Leavenworth City Commission for 6 1/2 years, and was Mayor in 1986 and 1987. On more than one occasion during that time I had discussions with the staff at the VA Center pertaining to providing them with firefighting services. I will let the present political situation be addressed by Mayor Murphy. I would like to approach this problem with the VA from another view. I will address this situation from a moral viewpoint and responsibility.

First, I spent practically my entire working life in the firefighting service, a total of 35 years. I was on the Leavenworth City Fire Department for 2 years, from 1941 to 1943. During World War II I was a Navy Firefighting Instructor for 2 1/2 years at the school in Manchester, Washington in Puget Sound, and the school at Treasure Island, California in San Francisco Bay. After military service I spent a short time on the Crash Firefighting Crew at the Sherman Army Airfield at Fort Leavenworth, and in May of 1946, at the ripe old age of 27, was appointed Fire Chief at the Leavenworth VA Center, with instructions to form a full-time paid firefighting force with a minimum of 5 men on duty. I officially retired from the Eisenhower VA Medical Center in 1976 with a total of 32 1/2 years of government service. I would like to point out that the Eisenhower VA Medical Center has always in its 113 years of existence maintained a firefighting crew. Until 1946 it

*Senate Local Gov't
2-23-94
Attachment 2*

consisted of a paid firefighter on duty 24 hours a day, who drove the pumper to the fire scene, which was then manned by trained volunteers who lived at the VA Center. These were, of course, civilian male single employees who lived in non-housekeeping quarters on the reservation.

With the influx of World War II veteran patients and many of the employees moving off the reservation, the Director decided he should have a full-time paid professional fire department. Firefighters were recruited from the Fort Leavenworth and City of Leavenworth Fire Departments, Kansas City, Kansas, Kansas City, Missouri, the Sunflower Ordinance Plant, etc. All those recruited were veterans and most, as I did, served as firefighters in the military. A minimum of five firefighters per shift was maintained until the mid-1950's, when all of the 14 wood-structured barracks-type buildings were provided with sprinklers, along with the mess halls and kitchens. It was then decided that 4 men on a shift was sufficient. This was later reduced to the absolute minimum of 3 men on duty when additional buildings were provided with sprinklers. Throughout this time the VA Center had a mutual aid agreement with the City of Leavenworth and, if necessary, the backup of the Fort Leavenworth Fire Department, some 6 or 7 miles to the north. I might add that during this time I lived at the VA Center in quarters across the street and within 300 feet of the fire station.

The Eisenhower VA Medical Center at Leavenworth cannot be compared to the VA Hospitals at Topeka, Wichita, Kansas City, or many others. It is a VA Center with medical and surgical patients, a domiciliary home, and psychiatric and drug treatment programs along with long-term nursing care patients. It is not a one-building hospital complex surrounded by a large city such as the VA hospitals in Topeka, Wichita and Kansas City. The Eisenhower VA Medical Center lies on the southeast corner of Leavenworth, bounded entirely by the Missouri River on the east and partially by the City of Lansing on the south. The City of Leavenworth is mostly north and is located to the west along Highway 73.

The Eisenhower VA Medical Center is 113 years old. Most of the buildings are of wood structure with brick facing dating back to 1881. There are 83 buildings consisting of a 4-building hospital complex, one of which is 6 stories high and one of which is 7 stories high. There are attached quonset hut-type buildings with therapy shops and offices. The hospital has a bed capacity of 500 medical and surgical beds and 45 nursing home beds.

Another large building is Building 122, housing approximately 250 psychiatric, alcohol and drug abuse patients. Along with the domiciliary barracks-type buildings with a bed capacity of 900, the Eisenhower VA Medical Center has a total bed capacity of approximately 1700. In addition to this ground-breaking ceremonies were held last July for an additional extended care building near the main hospital complex with a bed capacity of 210. Plans are underway to have a private concern build a child daycare center on the VA grounds to care for 75 children of VA Center employees. Construction is also underway to provide a large pharmaceutical facility at the Center which will supply drugs to out-patient veterans in a region covering 5 or 6 states.

Other buildings at the Eisenhower VA Medical Center include a large theatre-library, a separate chapel large enough that Catholic and Protestant services can be conducted simultaneously, a pool hall, bowling alley, U.S. Post Office, barber shop, and a large dining hall and kitchen for full-time patients in the barracks buildings. There are support concerns including a large 3-story supply warehouse, a central heating plant providing steam and hot water, a plumbing shop, carpenter shop, paint and paint spray shop, sheet metal shop, electric maintenance shop, motor pool and grounds maintenance shop, and a large furniture repair and refinishing shop for the therapy of patients and domiciliary members. There is a separate building for the Engineering and Civilian Personnel Offices. There are also 26 housekeeping resident quarters for staff members and their families. There is a large laundry building doing linens not only for the Eisenhower

VA Medical Center but also for the Topeka and Kansas City VA Hospitals. Two 18-wheelers with linens leave daily for the other two hospitals, and I understand they may in the future do laundry for both the hospitals at Wichita and Columbia, Missouri. Also on the VA grounds is an approximately 5-acre lake for fishing recreation for the VA patients and patient-members. Ice skating is also available when appropriate.

In addition to all these facilities, which virtually makes it a small city, there are a total of 1200 employees on the VA complex. It also has one of the largest National Cemeteries in the United States, consisting of approximately 100 acres with over 22,000 graves.

I understand that the present Eisenhower VA Medical Center's Fire Department responds to some 250 alarms per year pertaining to smoke odors, heat detectors, false alarms pulled by patients and to actual fires, a number of which do occur there. The VA presently maintains a 12-man fire fighting force with 1 pumper truck in service and 1 in reserve. In order for the City of Leavenworth to provide equal and adequate fire protection to the VA Center, it is my opinion that it would be necessary for the City to build a fire station just outside the main gate of the VA and staff it with 1 pumper truck and 12 firefighters who would respond only to alarms at the VA Center. This would be a tremendous burden and permanent tax liability to the taxpayers of the City.

I would like to add that upon a direct order by Congress in the 1970's, the Department of Veterans Affairs was responsible for policing all VA installations. The Eisenhower VA Medical Center organized a 17-man Police Department, which they still maintain.

In closing, I would like to say that due to the knowledge I have of the situation, both from a professional firefighter's

view and from the administrative view, I believe the Department of Veterans Affairs is not fullfilling its responsibility of the care and protection of veterans in this case.

Anything this committee and the Kansas Legislature can do to help the City of Leavenworth in resisting the shift of this awesome responsibility for fire protection from the Eisenhower VA Medical Center to the City of Leavenworth will be deeply appreciated. Thank you.

Department of
Veterans Affairs

Memorandum

Date May 17, 1993

From Regional Director, Central Region (132)

Subject ~~Facility Fire Department~~

To Director (00)
VAMC Leavenworth

1. If handled correctly, dissolving the VAMC fire department need not result in negative publicity nor a "legal quagmire." It is our understanding that the city mistakenly believes they will incur an additional \$400,000 in expenses annually by providing suppression coverage to the Medical Center. The city of Leavenworth does not have to increase fire department staffing, purchase additional equipment or construct an additional fire station. When the myth of increased cost is dispelled, the threat of de-annexation should no longer be an issue.

2. The number of false or unwanted fire alarms at the Medical Center must be brought under control. The city cannot be expected to respond to the VAMC, 95 to 100 times per year. Ensuring that fire alarm devices are installed and maintained in accordance with manufacturer recommendations will help to eliminate nuisance alarms. For example, smoke detectors should not be installed in attic areas. Our recent review of your fire department revealed that only 14 actual fire runs were made by the VA fire department over a 12-month period. Providing the city with the number of actual fire alarm runs in conjunction with apprising them of your activities to eliminate unwanted alarms should help allay the city's concerns. The city should also be made aware that pre-fire plans have been developed and will be made available to them.

3. A proactive approach, which includes briefing congressional representatives before they are contacted by VA fire fighters, and providing a news release on the day the fire department closing is announced will help minimize negative media coverage. As this is a cost savings effort, we believe that when handled correctly, community support for the VA will not be diminished.

4. Please proceed with your plans to close your fire department. If you have any questions, please contact Mr. Joseph DeRosier, Regional Safety and Fire Protection Program Manager, at (313) 930-5941.


A. ZAMBERLAN, FACHE

cc: RSFPE St. Louis
Ken Faulstich (138C3)

Department of
Veterans Affairs

Memorandum

Date: June 8, 1993

From: Director (686/138), DDE VAMC, Leavenworth, Kansas

Subject: Facility Fire Department Action Plan

To: Regional Director, Central Region (132), Ann Arbor, MI

1. In response to your recommendations 1 through 13 from the Fire Department Evaluation, this medical center submits the following:

RECOMMENDATION #1:

This facility has performed an extensive evaluation as to whether to maintain fire suppression service in house or to turn this function over to the City of Leavenworth. Factors analyzed included meeting with the city and discussing their capabilities, response time and distances, duties other than fire suppression (i.e. fire detection and suppression systems inspection, fire safety training, etc.) and cost effectiveness. We determined that at this time it is to the best interest of this Medical Center to maintain fire suppression services in house.

RECOMMENDATION #2:

Based on the fact that all patient buildings are fully sprinkler protected, a waiver has been set to Region to reduce manpower from 15 FTEE to 12 FTEE.

RECOMMENDATION #3:

Our facility fire department does have pre-fire plans for all buildings on station. They have been revised to include fire truck positioning, identification of all "high hazard" items within each specific area of each building and the need to obtain an adequate water supply from hydrants.

RECOMMENDATION #4:

This fire department is presently enrolling in Hazardous Waste Operations and Emergency Response (HazWoper) training given by "ON GUARD" in order to meet the OSHA requirements of the operation level as stated in 29 CFR 1910.120. Training will be documented and on file at the fire station.

RECOMMENDATION #5:

Contingency plan for station ambulance to be pursued if a fire alarm occurs while fire department personnel are engaged in ambulance operations.

a. Firefighters who are on a non-emergency transfer of a patient will immediately respond to the fire call with patient and if necessary, will make other arrangements to have the patient transferred to his appointment.

b. Firefighters who are on an emergency ambulance call but have not arrived on the scene will radio the VA security or telephone operator and instruct them to call 911 (EMS). The ambulance driver will then respond to the fire alarm in order to meet the fire truck at location of fire alarm.

c. Firefighters who are committed on the scene of an emergency ambulance call will be notified by the fire captain after he assesses the fire alarm situation. The fire captain will then radio the ambulance driver to assist in firefighting evolutions.

RECOMMENDATION #6:

The fire department's SCBA's have had the new upgrade as required by NFPA 1500 on December 8, 1992. This includes positive pressure demand only.

RECOMMENDATION #7:

The fire department has been equipped with a radio which has the capability for direct communications with outside fire departments.

RECOMMENDATION #8:

The fire department now has on hand 400 feet of ultra light weight fire hose for carry-up packs for use in the hospital.

RECOMMENDATION #9:

The fire department has contacted a supplier of AFFF foam and does have a minimum amount to deal with situations where this capability may be required.

RECOMMENDATION #10:

The fire department has additional emergency lights on hand and they are carried on the fire truck.

RECOMMENDATION #11:

Confined spaces; a station MCPM 138-24 and Fire Department SOP #46 has been implemented for firefighters responding to these types of emergencies.

RECOMMENDATION #12:

a. Condition of ambulance. A 2237 request has been submitted for a newer station ambulance.

b. This facility has reviewed current practices to ensure that the drug kit and defibrillation unit arrives at the scene of a code blue incident. The VA police meet the team at the hospital and transports them to the scene.

RECOMMENDATION #13:

Consideration has been given to the installation of a shower stall in the fire department. Work Order #P930412-001 has been submitted. In the meantime, a lock will be installed on the shower stall downstairs in the event a female firefighter is ever hired.

2. If you need further information, please feel free to contact Mr. Brian Weldy at FTS 700-758-2251.

JAMES H. CUER

cc: RD, (132), VACO WASHDC
RSFPE, St. Louis RDO



**THE LEAGUE
OF KANSAS
MUNICIPALITIES**

**Municipal
Legislative
Testimony**

AN INSTRUMENTALITY OF KANSAS CITIES 112 S.W. 7TH TOPEKA, KS 66603-3896 (913) 354-9565 FAX (913) 354-4186

TO: Senate Committee on Local Government

FROM: Don Moler, General Counsel

DATE: February 23, 1994

SUBJECT: SB 561, Exclusion of Land, City of Leavenworth

The League appears here today in support of the City of Leavenworth initiative to enact statutory language which would give the city the ability to exclude the VA Medical Center property from the city if it is deemed by the City governing body to be in the best interests of the city and its citizens.

We are supporting the City of Leavenworth not only because they are a member city of the League but also due to the nature of the problem they have encountered. Whether it appears so at first blush, this is yet another example of a **federal mandate** which is being imposed on a local jurisdiction and its taxpayers. After years of telling the city that the VA would take care of its own firefighting responsibilities, the VA has apparently encountered a budget crunch of its own and now is taking the position that the city must provide firefighting services to the property even though it was never allowed to provide these services in the past, when the VA didn't want them to be provided.

Furthermore, it is our understanding that no building, fire or safety codes of the city or state may be enforced on VA property, but that they are now taking the position that the city **must** provide fire protection on demand. The League is concerned about this apparent inconsistency. We believe this simply is a **mandate in disguise** which is to be imposed upon the citizens and taxpayers of the City of Leavenworth.

In summary, the League believes that the City should be allowed to exclude the VA property from the City if it is determined by the governing body, after a notice and opportunity for a hearing, to be in the best interests of the city and its citizens. Thank you for allowing the League to comment on this legislation.

*Senate Local Gov't
2-23-94
Attachment 3*