

**Written Testimony to the
Senate Assessment and Taxation Committee
In Support of House Bill No. 2033**

Submitted by: Randy Partington, Finney County Administrator

Matt Allen, City Manager of Garden City

February 20, 2019

Honorable Chairperson Tyson and Committee members,

Thank you for the opportunity to provide this written testimony in support of House Bill No. 2033.

In the summer of 2017, the Garden City Commission and the Finney County Commission were contemplating separate sales tax ballot issues. Finney County was interested in a sales tax to complete their obligation to a partnership with Garden City dating back nearly 20 years earlier in the reconstruction of Jennie Barker Road to an urban, expandable three-lane design. Jennie Barker Road is on the eastern edge of Garden City's corporate limits and with the community's expansion has become an important north-south trafficway. Finney County also was needing a way to fund HVAC improvements in four County-owned buildings. The City of Garden City had identified through their citizen-based Capital Improvement Planning process three projects at Lee Richardson Zoo, an indoor gun range, a third fire station/police substation, and a new airport terminal as projects which had routinely received high scores from the public, but were left out of annual budgets because of the overall price tag or being just outside of the line between funded priority projects and non-funded priority projects. Both the City and County calculated that respective .25 sales taxes, if approved, provided the resources to meet their individually identified needs.

In July 2017, The City of Garden City Commission voted to direct staff to draft ballot language at the next regular meeting to place a multi-project ballot issue before the voters in November 2017. County Commissioners subsequently directed staff to contact the City to set up a meeting to discuss the possibility of placing a combined issue on the ballot, rather than separate .25 ballot issues.

Consistent with past practice and the governance culture of both entities, the City and County worked to find a way to cooperate on a single ballot measure. After a considerable amount of financial analysis, it was determined that there wasn't enough capacity in a county wide .25 issue to accommodate the entire slate of projects. It was a consensus opinion that it was not desirable to ask voters to approve an issue at the .50 amount. The entities compromised by each dropping a project (the City dropping the airport terminal and the County dropping the HVAC projects at County-owned facilities). This is the origin of the .30, 15 year County-wide sales tax ballot issue, and in August 2017 the Finney County Commissioners adopted the necessary resolution to place it on the ballot.

A great deal of effort was put into clearly explaining the collection of projects and the proposed timing of their construction to voters. The result of the election showed that voters were interested as over 3,500 persons cast a vote on this ballot which had only local races and issues. The sales tax passed with 56.84%-43.16%, a decisive margin for a tax measure.

Following approval, work began on establishing a local sales tax oversight committee made up of community members. The City and County chose that the first two years or more (depending on receipts) of projects would advance in a pay-as-you-go manner. Therefore, the three projects at Lee Richardson Zoo began moving forward with design engineering as did Jennie Barker Road.

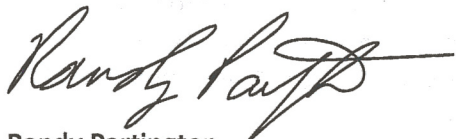
In late June 2018, a former local government administrator stopped through town and visited with County Administrator Partington who, when asked about what was going on in Garden City and Finney County, told him about the successful ballot issue. The next thing out of the former County Manager's mouth was "What was your statutory authority?" The next few days were a whirlwind of research and discussions with our respective attorneys in an attempt to properly understand the situation and our options.

Staff, in working with our counsel, agreed that we would introduce legislation for the 2019 session to get a post-election ratification of the results of the election held in November 2017 where local voters clearly expressed their approval of the sales tax and the projects. We also agreed that had we been aware that K.S.A. 12-187 and K.S.A. 12-189 did not address our situation when we changed to a countywide sales tax approach in 2017, we would have come to legislature and sought amendments to the statutes to grant exceptional authority to Finney County before proceeding. As it stands, we now are in the position of asking the legislature to ratify the will of the Finney County voters.

We are a proud staff, represented by proud elected officials, and proud third-party advisors. We recognize that we missed bringing a bill to you in the 2018 session to provide post-election approval of our issue. It is embarrassing and falls short of our own expectations of ourselves. We also recognize that ideally the tax would not have been collected or distributed beginning in April 2018 (with distributions beginning in June 2018). We believe the bill before you provides Finney County voters the appropriate remedy to the situation. It keeps the costs of the projects they approved in line with projections and continues to encourage the intergovernmental cooperation between Garden City and Finney County.

We respectfully ask for your approval of House Bill No. 2033, as presented with no amendments. Thank you for your service to the State of Kansas and for allowing us the opportunity to provide written testimony. One or both of us will be present at the hearing and available for questions from the Committee.

Respectfully submitted,



Randy Partington
County Administrator
Finney County



Matt Allen
City Manager
City of Garden City