



CITY OF TOPEKA

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To: House Committee on Local Government

From: Amanda L. Stanley, City Attorney on behalf of the City of Topeka

Date: January 31, 2024

Re: Written Opposition Testimony HB 2537

I would like to thank Chair Emil Bergquist and the Committee for allowing the City of Topeka the opportunity to provide opposition testimony on HB 2537.

Cities in Kansas are empowered to determine their local affairs and government by Article 12, section 5 of the Kansas constitution. K.S.A. 12-101 enumerates the corporate powers of city. One of the core powers is the power to “[m]ake all contracts and do all other acts in relation to the property and concerns of the city necessary to the exercise of its corporate or administrative powers.” HB 2537 flies in the face of that very fundamental power in an apparent effort to be helpful.

The City of Topeka has a robust contracts and procurement department and legal department. We negotiate each contract according to the needs of the City. Negotiations are a give and take. We do not need the “guardrails” of the Department of Administration in order to enter into contracts that are in the best interest of our client.

The City has concerns about being bound to contract provisions written by the Department of Administration. While we may not have issue with any current requirements, the City would not have any control over requirements should they change in the future. Additionally, automatically deeming all contracts entered into after July 1, 2024, to incorporate the required terms has the potential to cause conflict in prior contracts up for renewal which terms have already been negotiated. This may also hinder our ability to contract and negotiate for products and services the City needs like software licenses where there is no ability to modify certain provisions.

HB 2537 states it is the public policy of the state that all contracts entered into by a city’s governing body provide that the city shall be solely responsible for the actions of the city’s governing body. If the contracts and the terms in them (even if we are now no longer allowed to decide all of those terms) are solely our responsibility, why is the State then trying to dictate those terms?

We would respectfully ask that this legislation not be passed out of the committee. It goes against home rule and the corporate powers of the city.