

CAPTION FILE

Johnson County Charter Commission Meeting

Public Hearing

Wednesday, October 27, 2021

5:30 p.m.

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>> Chairman Musil: Ladies and Gentlemen, members of the Commission, welcome to the October 27th meeting of the 2021 Johnson County Charter Commission. I'm Greg Musil, Chair of the Commission. Welcome to those in the audience as we hold our second public hearing tonight. The first item on the agenda is roll call to determine the presence of a quorum. Deputy Clerk Sader.

>> Clerk: Wendy Bingesser? Mike Boehm? Karin Brownlee? Karin Brownlee? I'll mark absent at this point? Vicki Charlesworth.

>> Speaker: [Off mic].

>> Clerk: Thank you. Jim Denning?

>> Speaker: [Off mic].

>> Clerk: Thank you. Jane Dirks?

>> Speaker: [Off mic].

>> Clerk: Thank you. Jimmy Gaona?

>> Jimmy Gaona: Jimmy Gaona, present.

>> Clerk: Thank you. Tedrick Housh?

>> Speaker: [Off mic].

>> Clerk: Thank you. Randy Hutchins?

>> Randy Hutchins: Randy Hutchins, present.

>> Clerk: Thank you. Chris Iliff?

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>> Chris Iliff: Here.
>> Clerk: Thank you. Laura Klingensmith?
>> Laura Klingensmith: Laura Klingensmith, present.
>> Clerk: Thank you. Joy Koesten? Absent at this point. Brent McCune? He's absent. Eric Mikkelson?
>> Eric Mikkelson: Eric Mikkelson, present.
>> Clerk: Thank you. Ed Peterson?
>> Speaker: [Off mic].
>> Clerk: Thank you. Dawn Rattan?
>> Speaker: [Off mic].
>> Clerk: Thank you. Leslie Rivarola?
>> Leslie Rivarola: Leslie Rivarola is present.
>> Clerk: Thank you. Don Roberts?
>> Don Roberts: Don Roberts, present.
>> Clerk: Thank you. Kyle Russell?
>> Kyle Russell: Kyle Russell present.
>> Clerk: Thank you. Paula Schwach?
>> Paula Schwach: Present.
>> Clerk: Thank you. Brenda Sharpe?
>> Brenda Sharpe: Brenda Sharpe, present.
>> Clerk: Thank you. Greg Shelton?
>> Greg Shelton: Greg Shelton, present.
>> Clerk: Thank you. Greg Smith?
>> Speaker: [Off mic].
>> Clerk: Thank you. Zach Thomas?
>> Zach Thomas: Zach Thomas, present.
>> Clerk: Thank you. And Chair Musil?
>> Chairman Musil: Here.
>> Clerk: Karin Brownlee? Joy Koesten? Brent McCune? We have 22.
>> Chairman Musil: 22 Commissioners are present. 13 represents a quorum, so I will declare that a quorum present.

The next item on our agenda is to consider approval of tonight's agenda, which essentially has our public hearing. Are there any questions or comments about the agenda, or a motion to approve it as published?

>> Speaker: [Off mic].
>> Chairman Musil: Moved by Zach Thomas and seconded by Ed Peterson to approve the agenda as published. Any discussion? If not, all in favor say aye.
>> All: Aye.
>> Chairman Musil: Any opposed? That motion carries, so the agenda as published is what we will follow tonight.

The second item is a consideration of the October 11th meeting minutes, which was our first public hearing, which were previously circulated. Are there any additions or corrections to the minutes?

Hearing none, I would accept a motion to approve the minutes from the October 11th meeting.

>> Eric Mikkelson: So move.

>> Speaker: [Off mic].
>> Chairman Musil: Was that Randy? Who made the motion, please?
>> Eric Mikkelson: Eric Mikkelson.
>> Chairman Musil: Eric Mikkelson moves. I think, was it Brenda Sharpe second?
>> Brenda Sharpe: That's correct.
>> Chairman Musil: All in favor say aye.
>> All: Aye.
>> Chairman Musil: Opposed, no? Motion carries. The October 11th, 2021, minutes are adopted as published.

We have no old business. New business on our agenda tonight is to conduct our second public hearing. I want to welcome members of the public here tonight. Every meeting of the Charter Commission is a public, open meeting, and citizens of Johnson County and anyone else are welcome to observe the meetings. We have been meeting since March, 2021, either virtually or by a hybrid meeting, with commission members able to attend in-person or virtually, and members of the public likewise able to attend either in-person or virtually. Our meetings are generally the second Monday of the month and the fourth Wednesday of the month. Johnson County Home Rule Charter was initially adopted by the voters in 2000. The Charter requires the appointment of a 25-member volunteer Charter Commission every ten years for the purpose of reviewing the Charter and considering whether any amendments to the Charter should be placed on the ballot for voters to consider. The Charter can be amended only by the voters. Opposed amendments can be placed on the ballot by the Charter Commission or by a super majority of the vote of the seven-member county commission. The Charter requires the Charter Commission to conduct at least one public hearing. We have committed to hold two public hearings. And as I noted, the first was held on October 11th. This is the second planned public hearing. All information about the Charter Commission process, including the agendas, minutes, video recordings of each meeting, and other resources are posted on the Charter Commission's website, which may be found at charter.jocogov.org, charter.jocogov.org. The Charter Commission website, as I mentioned, includes future meetings, agendas, minutes, videos, as well as a copy of the Home Rule Charter, and other information about the history of the Johnson County Charter. The Charter, as I mentioned at the last meeting, no amendments have been presented to the Commission to be discussed. We have established a deadline of November 1st, so, this weekend, to submit proposed amendments to the Charter. Those amendments will then be discussed at future meetings of the Charter Commission. The next Charter Commission meeting will be scheduled on November 8th. According to the rules adopted by the Commission back in April or May, the proponent of an amendment will have the opportunity to present it and explain it to the Commission. We also have a written form for them to submit. At the end of that, there will be some brief questioning and discussion, and then a vote of the Commission. If you receive nine votes, then the amendment will proceed to what I would call a second reading, so that it can be discussed in more detail. At the second reading, a vote would be taken the following meeting, and it requires 13 votes out of the 25 members of the Charter Commission for anything to be placed on the ballot next November, 2022. As I noted, no amendments have been presented at this point. Those amendments will ultimately be posted on the website and then discussed at future meetings beginning on November 8th. At the end of this public hearing tonight, I believe we will have time, and the Commission will discuss a potential calendar, which will include some changes to our original calendar. For example, the fourth Wednesday of November falls on

Thanksgiving Eve, and we will probably try to move that up to November 17th, the week before.

For purposes of the public hearing tonight, we have two preregistered virtual speakers who will go first. We have nine preregistered in-person speakers who will be taken in the order of the registration. And six people who registered tonight to speak in person. So, at this point, we have a total of 17 speakers registered for tonight. As with the first public hearing, each speaker will be entitled to two minutes to make their comments. Deputy County Clerk Lynda Sader, to my left, will call out the names of the speakers as we move through the evening. We're going to -- if you were here at the first meeting, we had some technical problems. I think we've got those fixed. The first speaker, if you would, in-person speaker, if you would come to the podium on my left, the second speaker, to my right, and then alternate so we can not have as much down time between speakers. We think both podiums will be working tonight. There will be a countdown clock for you to speak showing the amount of time. I do want to emphasize that written comments are encouraged and are welcomed and can be accepted at charter.jocogov.org. Those are distributed to all the members of the Commission at a biweekly basis. We will certainly see all of the comments before any discussion of any proposed amendments. If someone has made the same point you have, feel free to say I agree with person X who spoke in front of me on this topic, and we will certainly take that into account.

The purpose of tonight's meeting is to hear your public comment, and as a result, the Charter Commission members will not be asking questions or responding to comments tonight. The Charter Commission will have ample time at future meetings to discuss, ask questions, and hear from one another regarding proposed amendments. Finally, we encourage speakers to be respectful and civil. Everybody followed that rule on October 11th. I have no doubt that we will follow that again tonight. We would like to have this as an example of a public hearing that can be done respectfully and passionately for the positions that you are here to tell us about tonight.

With that, we are ready for the first speaker. Lynda.

>> Clerk: The first speaker on Zoom will be Nikki McDonald.

>> Hi, can you hear me?

>> Clerk: Yes, we can.

>> Okay. Great. My name is Nikki McDonald and I reside in Olathe, Kansas. I'm here to speak to you today because I want to ask that you keep the county Charter as it is and not make any changes to it. Prior to the pandemic, I regularly attended county commission meetings whenever I could. It was because I realized I needed to better understand the workings of our local government. I think most Johnson County residents are largely unaware of all the effort it takes by county staff, as well as county commissioners, to look after our community. But as a whole, most residents believe we get a good value for our tax dollars. Since the pandemic began, I've felt that attending these meetings in person is unsafe for me. I watch online instead, and I am ashamed at the way many of the members of our public have treated our county staff and our county commissioners. Public safety, excellent public schools, vital infrastructure, are just some of the key things that our tax dollars fund. These essential services are an important reason we all choose to live here, raise our families here, and grow old here. I would argue that the vocal dissenters who continue to bombard your meetings are a louder than normal group of a small minority of residents. Many of us are quite happy with the quality of the services provided to us, so we don't feel the need to show up on days like this to say that we're satisfied. I'm here to speak up for the majority of Johnson County residents who would rather not spend our evenings in a room in a hostile environment with angry members of the public who refuse to wear masks and

who have been at times ruckus, so much so that the meeting had to be postponed. Please do not think that they speak for all of us. The loudest voices are very often the most extreme. I'd like to thank each of you for serving our community in this capacity and for allowing me to speak remotely tonight. Thank you.

>> Chairman Musil: Thank you, Ms. McDonald. Our second speaker is Richard Pund, P-U-N-D.

>> Hello. Can you hear me?

>> Clerk: Yes, we can.

>> Great. Thank you. Good evening. My name is Richard Pund, and I live in Overland Park. I have heard you talk about making county commission elections partisan, and so I am speaking tonight to oppose this idea. I think this participation in some cases. Here's an example of what I mean. In last year's election for District 3 commissioner, all three candidates were registered members of the same party. Because this -- their affiliation didn't effect how the election was run. All voters in that district had an opportunity to participate in the primary and then again in the general election. If the election were partisan, in a closed primary, the general election would have then been a formality since the primary winner would have been the only name on that ballot. It's plain to see how a closed primary greatly reduces voter participation here. More details are in my written testimony. I'd estimate turnout would have been reduced by about two-thirds in this example. To be clear, this is just one example of many. In the Kansas House elections last year, there were several races in Democratic and Republican dominated areas that only had competition in the primary. I think this is a big problem wherever it's happening. If there are multiple candidates running for an office, voters should not have to register with a party just to have a say in the matter. If the Charter Commission -- I suggest it pursues reform that improves turnout and representation. Adopting instant write-off voting would be one way to streamline our existing process, allowing the primary to be eliminated completely. A more significant change would be to merge our six commissioner districts into two or three-member districts and then use single transferable vote to elect commissioners proportionately. This would give more resident the commissioner they personally voted for. Thank you for your time.

>> Chairman Musil: Are you in the audience able to hear that? We could hear it up here. You're fine, even in the back? Anybody in the front getting that echo? We don't know why, but is it --

>> Speaker: [Off mic].

>> Chairman Musil: Is it terribly distracting or just a little nuisance? It's at least a little nuisance to me. But I wanted to check on that before we go forward.

>> Clerk: Now in person -- and if we would start over here on this podium, please. We have Phil Bauer. Phil Bauer. Then we will have Robert Cutler. Robert Cutler.

>> I'm Phil Bauer and I live in Leawood. I know you've all heard a lot about how much we disagree with one particular county commissioner and her desire to appoint her own sheriff, so I'm not going to talk about that. Instead of all of this talk about changing elected positions to appointed positions, which is really just wrong-minded, let's give some power back to the voters by changing currently appointed positions to elected positions.

[Applause in background]

Let's reinstate the County Manager and the County Treasurer as elected positions. Until 20 years ago, these were elected positions. But at the recommendation of the Charter Commission back then, we relinquished our right to vote for them. We would like to get that right back because we learned that appointed officials are not accountable to the voters. Elected officials are

accountable because we can vote them out. Or at least they should be accountable. While we're at it, let's change two other appointed positions to make them elected. Let's make the Director of the county's Department of Health and Environment an elected position. Local municipalities and school districts rely on this position for policy decisions. And this position should be accountable to the voters. And maybe if it was accountable to the voters, we would have an MD in that position. Let's also give the voters the power to elect a county appraiser. This office has a direct impact on our property taxes and should be accountable to all taxpayers. Finally, 20 years ago, at the recommendation of the Charter Commission, we changed the Board of County Commissioners' elections to nonpartisan. That's a joke. Sorry to disagree with the previous speaker. But these nonpartisan elections allow the misuse of language that confuses voters about their issues. So, to sum up, let's do three things. Reinstate the County Manager and County Treasurer as elected. Make the Director of Health and Environment and County Appraiser elected positions. And change the Board of County Commissioners' elections back to partisan. Let's give the power back to the voters, please.

[Applause in the background]

>> Clerk: Robert Cutler. Okay. Then we will have Stephanie Berland. Stephanie Berland. Then we will have Sheila Barkofske.

>> Good evening. Stephanie Berland, Olathe, Kansas. Last time I spoke, I emphasized how the slow erosion of oversight upon the BOCC as originally intended by the Charter has manifested. And by the points I will make tonight, most likely intentionally. Their most recent action of appointing a non-qualified county auditor through a series of solutions, the Board has been able to usurp the original Charter and impose their divine ability to determine what is best for the county. In fact, that is how the resolution is stated. Resolution 14-21. The Board of County Commissioners may adopt human resource policies applicable solely to an individual department, agency, or office, as a supplement to or alternative to one or more of these human resource policies when the Board determines that doing so is in the best interest of the county.

Not only did they ignore the Charter resolution about the auditor being a CPA or CIA, they ignored Section 2.07: No commission member shall directly interfere with the conduct of an agency or a department. Let's think about this. Seven commissioners can override approximately 600,000 people by declaring that it is in the best interest of the county. So why do they want an unqualified auditor? Here's how it works. I used to work in the audit department at the county. Hypothetically, you are a county commissioner or a county leader and you think the sheriff should be appointed. Why not appoint an auditor whose beliefs that are the same, and coincidentally has a great admiration for King County. That report that she referred for you to read, ended with an appointed sheriff is more accountable for performance and for complying with county ordinances and policies. It also concluded that appointing a person is more democratic than an election. I know. Please keep following me here. A report is issued by audit services, and that shows the benefits of the appointment. Then you have your tool to prove and to make your argument as true. Use an audit as a tool to get what you want. I just came from the audit committee meeting --

>> Chairman Musil: Time to wrap up.

>> I will. Thank you. As a citizen, would you like to know if your property taxes are being assessed correctly? Not on the audit plan. Would you like to know if there are any back room deals on multimillion dollar real estate projects? Not on the audit plan. This county has too much money, has abuse, has waste, and needs an independent elected official to determine if

there's fraud.

[Applause in background]

>> Clerk: Now we have Sheila Barkofske. Then we will have Cassie Woolworth. Sheila Barkofske.

>> Hi. My name is Sheila Barkofske. I live in Overland Park. First I want to say I realize that all of you are volunteers, and acknowledge the civic spirit behind your service. This now represents the second time I have addressed this Commission, not including the canceled public forum at which I spoke to those members who stayed to hear us out. I was hesitant to sign up again to speak against making the county sheriff's position and possibly that of the district attorney appointed versus elected. But this is such a bad idea, I felt compelled to speak out again. I will go no further than the canceled public forum to prove my point. At that meeting, we were told that the public forum could not proceed because we were in violation of the facility's COVID -- because of that facility's COVID restriction. That facility being an extension of Kansas University, is by all rights a public institution. A public institution located in a city, a county, a state, and a nation that currently does not have any mask or social distancing mandates. Yet somehow is allowed to manufacture its own set of rules. Although, in all fairness, the public meeting that was -- while the public meeting was canceled, no one from the facility threw us out. So, a public forum was moved from a public space to a private place that has no mask or social distancing restrictions because there are no city, county, state, or nationwide requirements. This is bureaucracy run amuck. And while I acknowledge that being elected does not ensure that the county sheriff will uphold their oath of office, at least as long as it remains an elected position, I have some recourse if they do not. I have no recourse against someone that is appointed. Thank you very much.

[Applause in background]

>> Clerk: Now we have Cassie Woolworth. Cassie Woolworth. Then we will have Vicki Kline. Case Woolworth.

>> Good evening. My name is Cassie Woolworth. I live in Olathe, Kansas. I have been to several of these forums for the Board of County Commissioners. And I have seen, as Nikki McDonald stated it, the division. I am one of the pro-maskers, pro-science people, and I am one of the few that show up because, you know, science, and they all don't want to die. So, I really was one of the few that would be there and would see all of the people very, very, very upset about their infringement on their liberty. And now we're looking at possibly making this a partisan thing? Really? I think it already is. I'd like to direct your attention to two years ago in the County Commissioner's race where one of the Commissioners who was attempting to get reelected put an elephant on his trailer and used that as a campaign prop. So, I think we're already there. I don't know why you would want to do that and separate us more. The nonpartisan is the way to go. Leave the Charter as-is. I understand people are angry. I get it. I have been at the meetings. I have seen it. People have been concerned for my safety. We can't keep going down this road. We can't keep doing this. I want my community back. I'm sorry we have a -- an epidemic that brought everybody out. But you know the people showing up and screaming the loudest are not the majority. Look at the approval. Johnson County is in the top ten everywhere. You can't take that away from us. Stop with the partisan politics and let's bring unity back to Johnson County. This has got to stop.

>> Clerk: For the record, I didn't state earlier that we had Brownlee come into the meeting and she is present here, around 5:47. And then we just had Joy Koesten come in on Zoom at about

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5:57 for the record. Thank you. Now I have Vicki Kline. Vicki Kline. Then we will have David Ball.

>> Thank you. I am representing 75 people this evening. And that is just the ones who will be behind these reports that we have. These are your hard copies. We will be sending them to you. The last time -- I should say our fun time together when we all went crazy. Many of us got together, and in fact, in one of the reports you will see at the first paragraph, we wanted to sort of apologize to you. It wasn't fair. We didn't understand. And we're hoping you know we did not fully understand what was going on. And so we realized we needed to read all the charters, we needed to understand where you guys, what you're doing, because this us and them idea is not working for anybody. And therefore, we read everything, and we're gonna read everything you're gonna do. Because we realize we're not on opposite ends. You're supposed to be, in a sense, representing us. You're one of us. There isn't supposed to be them and us. But we do know that there are people in power, and we did read, as my -- the person who spoke before me said so adequately, we have a Charter that is setting itself up as an oligarchy. And in our reports, which we've been working on from all kinds of people that you're probably been talking to, too, we have been compiling our own and we wanted to share with you what we found and our suggestions from the citizens' report. We hope you receive this. And like I said, these are your hard copies. We give them to you graciously. And we thank you for accepting them. And we will be giving them to you -- we'll be sending them through your Charter thing. Thank you for allowing us to speak.

[Applause in background]

>> Clerk: We have David Ball. David Ball. Then we will have Bob Talley.

>> Good evening. My name is David Ball. I live in Overland Park. I am here tonight to discuss the election of our sheriff. And the fact that we're even discussing that tonight is just absurd. If you agree with changing our election of our sheriff, I'm embarrassed for you that you would even consider this. It would be a waste of our taxpayers' time and money. I would ask how distrusting are you of the people of Johnson County? Do you think we are unable to make a decision of who we want as our sheriff intelligently? Or do you just not like the sheriff that we have elected? What exactly is it about Sheriff Hayden that you don't like? And further, what political crony would you prefer to put in his place? You can probably tell that I am fully opposed to giving the Board of County Commissioners the authority to appoint our Sheriff. That authority belongs to the citizens and voters of this county, period.

[Applause in background]

I like Sheriff Hayden. And there isn't enough time in this session to list all the positive ways he has served and supported our community. He has definitely set a very high standard that all public offices in this county and in this state should admire and strive to achieve. I would ask: Can the same be said about your positions? That's a question I think every member in front of me or listening should consider. And while you're self-reflecting, consider why it is that you think you deserve political authority over this community. This country is already plagued with political corruption and you want to bring it to our front door. Johnson County isn't interested in your progressive politics, and we don't want West Coast tactics incorporated here. End this discussion. Remove it from the agenda. And stop chasing non-existent political power and leave the decision to the people. Thank you.

[Applause in background]

>> Clerk: Now we have Bob Talley. Bob Talley. Then we will have Robert Davis.

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>> My name is Bob Talley. I'm 29-year Johnson County resident. I've been blessed with a great job, a loving wife, raised two boys out in western Shawnee. I worked hard. Been entertained by our local sports teams. And spent my leisure time doing whatever I wanted. I've never engaged in politics. I have always assumed that the people who wanted to be involved and in charge, had always assumed that they had the best interests of their citizens in mind. Over the last 20 months, we've experienced lockdowns, restrictions on businesses, masking, small businesses have been hurt. And to this date, we're still masking kids without parental consent. Restrictions on freedoms that we took for granted have been completely stripped. Now, I'm one of a growing number of mobilized people concerned and paying attention. I'm off the couch and the sports are turned off. I've read the U.S. Constitution, Kansas Constitution, Federalist papers, and more. We are seeing the continued stripping of freedoms across the world. And, yes, even in the United States. Who would have thought someone would have to show proof of vaccination to enter a business. Especially a vaccine that does nothing to stop transmission. It's here. So I ask you, Committee members, in a time when we are seeing this unprecedented stripping of freedom, why would you even entertain the idea of removing power from the people in choosing the sheriff? This is shameful. This question should not be on the ballot. We should be looking at ways to provide unbiased truth and information to the people about candidates, including having candidates run with party affiliation. We should be adding questions that would add more offices that are elected by the people. Not less. The Constitution begins with "we, the people". That is where the power resides. I saw the turnout at the first public session. I was here at the last public session. And I am here now. The people have spoken. Your next action will show whether you are a commission of the people, or something else entirely. Thank you.

[Applause in background]

>> Clerk: Now we will have Robert Davis. Robert Davis. Then we will move to Charmin McCollum.

>> Hi. My name is Robert Davis. I'm a resident of Shawnee, Kansas. I've been in Johnson County for 33 years. I've been a business owner and employer for 20 years. On the topic of appointing a sheriff, I've never been involved in politics, never paid much attention to what was happening. That's because I trusted the process and the will of we the people to collectively vote for the right things. It's become harder for me to trust the process, and there's apparently an undercurrent of activity to take away our votes. It feels like thieves in the night are trying to steal away our control. To be clear, the idea of appointing a sheriff is appalling and alarming to me, and I strongly oppose it. We've all seen questions on ballots that are worded in either a confusing or leading manner, resulting in people voting one way when they think they're voting another. The question of appointing versus electing a sheriff absolutely should not be placed on the ballot. The sheriff represents the county citizens and should be loyal to them, not to a committee that holds the power to appoint or terminate them. The traditional process of voting for our county sheriff has worked too long to think that all of a sudden there's a problem with it. Beyond that, I'd like to know the motivation for this proposed change. Who benefits from changing how our sheriff is chosen and why is this even a topic of discussion?

[Applause in background]

Second, on the topic of nonpartisan voting. This sounds like a nice concept on the surface, and some candidates will say that their position is non-political. But every candidate should not only be proud of, but required to share their opinion on important issues. Too many times I see political flyers that tell me nothing, or at least very little. People often vote for whoever has the

niciest marketing materials and the most signs along our streets. And they really have no idea what the candidates truly stand for. My opinion is that every position in today's climate is political in some way, and all candidates need to own their position and tell us their party affiliation. We'll figure out the rest. Finally, I'd like to say I totally agree with Mr. Bauer on other positions that have become appointed and really need to go back to being elected. Thank you.

[Applause in background]

>> Clerk: Now we have Charmin McCollum. And then we will have Robert McCollum.

>> Hello. Thank you for this opportunity. As a citizen of this country, it is not only our privilege but our duty to speak up. I really wanted to go home tonight, but I'm here because this is important. I don't have anything fancy to say. I echo what my friend Phil said, the gentleman before me. But I'm here to just speak a little bit and say that I'm here to stand for the Constitution of our country. Part of protecting our Constitution is having an elected sheriff, accountable to us, the people. Sheriff has kept us safe from Antifa and other things this past year and a half. He also kept us protected from some of the worst COVID hysteria and tyranny, for which I'm very thankful. He has chosen the path of liberty in his own department and what he has asked of his staff. I'd like to read a quote from Daniel Webster that applies. He said many years ago: It is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions. There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters. But they mean to be masters.

By having an appointed sheriff, we would be under the tyranny of the masters who think they know best. They do not. We must have a person in this position, and others, as Phil said, who are accountable to us, we, the people. That is what our Constitution says. And if you're not sure what all that means, I would suggest reading it. Thank you so much.

[Applause in background]

>> Clerk: Now we have Robert McCollum. Robert McCollum. Then we will have Erica Payne.

>> Robert McCollum. Can you hear me now? I've been around this county, lived in this county since 1970. I remember my grandma -- in fact, my great uncle used to farm some of the old town square. So our family goes way back. And we had appointed sheriffs at one time. And it became a problem. They were beholden to who had appointed them. An elected sheriff, if he does his job correctly, is done. He is answerable to the Constitution. And if we don't have a base to stand on, we have real shifting sand to stand on. And we need that, that solid base. And I think that he has been one of the best ones that we have ever had. We've had other good sheriffs, too. And I agree with Phil and Mr. Bauer, we need to get back to more elected people, fewer and fewer appointed. Thank you.

[Applause in background]

>> Clerk: Now we have Erica Payne. Erica Payne. Then we will have Steve Snitz.

>> Hi. My name is Erica Payne. I live in Roeland Park, Kansas. Unlike Ms. McDonald, I don't live in fear. But I'm very opposed to appointing the sheriff. One of the biggest things about Johnson County, and I have worked around the criminal element, is that they fear justice in Johnson County. They do not want to get hemmed up here. They do not like our justice system. And I would be fearful of what kind of person would be appointed, especially a DA or sheriff, and what would happen. It's especially appalling since Commissioner Janee -- is it Hanzlick? Used to run Safehouse. She used to run an agency devoted to domestic violence victims. She should know that we need a very strong judicial system here. Her judgment, I don't know, I

mean, she -- her, from what I understand, her model was Seattle. Apparently she hasn't seen the programs out of Seattle saying Seattle is dying. So, I'm opposed to it. I'm also opposed to partisan elections. I want to know if you're a communist or not. I mean --

[Applause in background]

And after what -- and I'm not -- I'm one of these people that got off the couch, too. That has been seeing what's been going on. And I'm not gonna sit around anymore. Thank you.

[Applause in background]

>> Clerk: Now we have Steve Snitz. Steve Snitz. Then we will have Matthew Christiansen.

>> Okay. Thank you. This is my third time up here. The unofficial one and the first official one and now this one. Like both the other times, I am not happy with what I wrote because of what's transpired here, so I will do the best I can. The Charter Commission is set up to be nonpartisan. I thought you were the gatekeeper of what goes on the ballot. But after further research, I find that you make a report to the Board of County Commissioners. In fact, in 2011, you made two reports: A majority report and a minority report. And then the Board of County Commissioners, I guess, decides what actually gets on the ballot. If I'm wrong, then -- I read that online, and, so, I think it's incumbent, as you presented earlier, for us to know what the procedure actually is.

Okay. But nevertheless, what it turns out to be is we have a couple of gatekeeping situations before something actually gets on the ballot. Okay. Nonpartisan. We've had people on the Zoom tell us what nonpartisan is and how great it is. But the fact that you declare something to be nonpartisan doesn't mean the people that are on it will behave in a nonpartisan way. One of the hardest things we have to do in elections is to figure out -- is to vet candidates. Okay. Nonpartisan allows candidates that have an opinion to hide behind the nonpartisanship. So that's not acceptable. The sheriff is the perfect example. So, we, over the past two years, we have had a chance to see how things work. And what the people want is we want people to stand for election rather than being appointed. That's the lever of power that we are interested in. As a group here today, notifying you that we want to see this on the ballot. We feel like a majority of Johnson Countians want elected officials, not appointed officials. Okay? One final thing I'd also like to ask. We've had 20 years of rule under Charter Home Rule construct. I'd like to see if the Commission, or whoever gets the result of this work, will produce a report that characterizes the benefits that have occurred under this rule. Because we're not seeing it. Okay. Appreciate your work. And thank you.

[Applause in background]

>> Chairman Musil: Mr. Snitz. To your comment, I do want to make it clear that if this Commission, by a vote of 13 or more members, opposes an amendment, under the Home Rule Charter, the Board of County Commissioners shall submit all proposed Charter amendments to the electorate. So, although we report to the Board of County Commissioners, if we propose an amendment, it must go on the ballot next November.

>> Clerk: Now we have Matthew Christiansen. Matthew Christiansen. Then we will have Steve Klein.

>> Ladies and Gentlemen of the Charter Commission. My name is Matthew Christiansen from Overland Park. Local elections should be partisan, as the absence of party labels can confuse the voters. A voter who must choose from among a group of candidates whom he knows nothing about will have no meaningful basis in casting a ballot. This is compounded by candidates who hide behind the nonpartisan cloak, and refuse to disclose their affiliation, which mainly represents their beliefs in government. A peer research center put out an article in 2019 stating nearly 100

million of U.S. adults identifies political independent, but in reality, 80 million of them lean Republican or Democrat. That same article points out, the remaining 20 million independents are typically those who are less politically engaged than partisans. The point is that all candidates gravitate towards either the conservative right or the socialist liberal left. Think Senators Angus King of Maine, and Bernie Sanders of Vermont, where both claimed to be independent, but yet only caucus with the Democrats, regardless if in the Senate Majority or in the Minority. Is that really nonpartisan? We understand that in deep red Kansas, the Democrats are the underdog, and that if they skew the lines, it can help with deceiving traditional Republican voters electing a candidate that fundamentally believes in a different form of governance. This can go hand-in-hand with election of sheriffs where some voters may prefer a specific partisan candidate, but yet desire law and order that a specific sheriff would provide. The radical position of appointing sheriffs is only done in the leftist states Hawaii and Rhode Island, along with liberal strongholds New York City and Denver, Colorado. There's a reason the other 48 states elect their sheriffs. Elected sheriff is beholden to the people only and not to another political entity, whether at the city, county, or state level. I just spoke of the fictitious nonpartisan. So who would hold this awesome power appointment? The same Board of County Commissioners that issued an edict last year on wearing ridiculous cloth masks without any sourced cited scientific data? They're more inclined to appoint a sheriff who is more apathetic to drug-induced tent cities and theft of private enterprises; whereas, the majority of an electorate may be in favor of law and order with be ideal condition of respect and care for the rule of law. Thank you.

[Applause in background]

>> Clerk: Now we have Steve Klein. Steve Klein. Then we will have John Purdue.

>> If I could, could I give my time to Shara, Shara Collins?

>> Clerk: She can sign up.

>> Okay.

>> Good evening. I hadn't even planned on speaking but I wanted to -- I'm sorry. Shara Collins, Overland Park. Shara. Sorry. I hadn't planned on speaking. But I wanted to ask for you all to put on the ballot to make our Johnson County health officer an elected position. One specific reason. Here is a government document, a government document from the State of Kansas. It's called the Pandemic Assistance Vaccine Equity Grant. The overview is for the COVID-19 pandemic vaccination equity supplemental funding program, providing funding for Kansas to support local efforts to increase vaccine uptake. Allowable activities. Requested funds must be utilized to support and strengthen critical immunization planning and implementation requirements and activities, to ensure effective and efficient COVID-19 vaccine distribution. This includes expanding the existing immunization infrastructure, engaging additional partnerships, and implementing and evaluating new strategies to reach affected populations such as those who may be vaccine hesitant. This all comes along with a quid pro quo. So, the government has to fill out sheets, and turn it in, and they get paid. This is not about any kind of a virus or any kind of -- it's not even a vaccine. It's a job. It's a genetically modified, engineered biological weapon.

[Applause in background]

And, anyway, I'd like you to put the Johnson County health official to become elected, please. Thank you.

[Applause in background]

>> Clerk: Now we have John Purdue. John Purdue.

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>> Good evening. My name is John Purdue. And I'm a lifelong area resident. Grew up in Lenexa. Currently live in Overland Park. I was raised in this county. We have an excellent tradition of safety in the community all throughout the county. We currently have a sheriff that supports the city jurisdictions across the county and across the metropolitan area. I'm proud to say myself that I served in the department. I'm a retired deputy sheriff. And I just want to state that the so-called hand grenade that was thrown out a few meetings ago did cause some chaos, but I think it's just brought the light to a lot of citizens around here that the sheriff needs to remain an elected position.

[Applause in background]

I think that offers some checks and balances. I think that's truly needed. Also, the recommendation that we consider a different model for law enforcement I think is a huge mistake. When you mention King County, Washington. I mean, when we look back last year, Seattle was in flames. I mean, there's no other way to put it. So, I appreciate your time. And thank you very much.

[Applause in background]

>> Clerk: Now we have Rick Strickland. Rick Strickland.

>> Thank you so much. My name is Rick Strickland. I'm from Olathe. County resident for 31 years. And I just want to thank you for the opportunity to speak because we, the people, want to speak. After this year, we want to speak more. And one of the things I want to say is balance and power. We're not seeing that on the federal level like we want to. Sure want to see it on the local level. That the sheriff be elected, please. Let's keep it that way. Now, I see some Baby Boomers in here. We've got time, and we've got some money, and we're about to boom.

Because we know what this nation is supposed to be about and supposed to do, and we can knock on a bunch of doors. All these young people, you may not want to listen to. But us, you might need to listen to. Because we gonna get involved. We gettin' involved now. And we are gonna get more involved. So, please, let we, the people, continue to have a vote and have a voice. And with this open border thing, we're gonna need a good strong sheriff and we want one we can vote in. Because we're gonna need it.

[Applause in background]

We got some leftist liberal, the county is in trouble. This is Johnson County. This is not King County, Washington. And this is Olathe, Kansas, this is not Seattle, Washington. And let's keep it that way. Thank you.

[Applause in background]

>> Chairman Musil: Thank you all. That is all of the registered speakers we had for tonight. Before I close the public hearing, if you haven't spoken and would like to, we will give you two minutes. If there's anybody else that would like to speak. Seeing nobody, I would encourage everybody here and everybody that's watching to consider submitting written comments. Charter.jocogov.org. Those are, as I mentioned earlier, circulated to all of the Charter Commission members. And with that, I will close the public hearing. You're welcome to leave. Although we're going to have a quick discussion, I think, about our calendar and modifying that so we can continue with our consideration of proposed amendments.

So, with that, members of the Commission, I had sent out an e-mail last week after conducting some discussions with Lynda and staff. November 1 is our deadline to submit proposed amendments. At this point, Lynda has received five proposed amendments. If you have a proposed amendment, please get that to her by Monday, close of business. We will immediately

circulate those so we can begin consideration on Monday, November 8th, at our regularly scheduled meeting at 4:00 p.m. That meeting will be held at the Johnson County administration building, if the KU Edwards campus is not available. It's at rooms LL, lower level, 200 and 201. Meeting will also be broadcast on Zoom so you can observe it. There is some limitation on space in the basement. It will be broadcast to another room in the basement and also available on Zoom. And it's broadcast on Facebook Live as well. So there are multiple opportunities to view the meeting.

I had proposed in that calendar moving our November 24th meeting to November 17th. Moving it up one week so we weren't trying to meet -- actually, we didn't have a meeting scheduled on the 24th because that was Thanksgiving Eve. I am hopeful, as everybody knows on the Commission and many of you in the audience may know, that we will have any proposed amendments voted on before the holidays so we can spend January writing, completing our report, and getting that to the County Commission. So, I am proposing that we add a meeting on November 17th, that Wednesday, at 4:00 p.m. Let me go through the rest of the proposed calendar and then we can talk about each of those dates and how they work on everybody's calendar. December 6th is a tentative new meeting date. That will be the first Monday of the month instead of the second Monday. Presumably at 4:00 at KU Edwards. And then we would have our regular meeting on December 13th. I've also proposed a potential additional meeting on December 15th, a Wednesday. Again, the fourth Wednesday of the month is December 22nd, which is the week of Christmas that I was trying to avoid. It will depend significantly on how many proposed amendments we get, how many of those make it past the first reading with nine votes, and the amount of time spent discussing those before voting on them to see if there are 13 votes. One of the things we included in our rules was that if we discuss amendment A in our second reading, at one meeting, we will not vote on it until the following meeting. That means, gives us time to think about it, but it also means we have a longer schedule to get something done. That's why I'm proposing some additional meetings.

So why don't we start with, does anybody have specific concerns about meeting on November 17th, which is a new meeting date? Obviously, we want 25 people to participate if possible.

>> Speaker: [Off mic].

>> Chairman Musil, this is Joy. Is that November 17th meeting at 4:00 or at 5:30?

>> Chairman Musil: 4:00. Our other meetings will go back to our 4-6 time frame.

>> Okay. Thank you.

>> Chairman Musil: Zach, are you available by Zoom for that or is that a situation where you won't be available virtually?

>> Speaker: [Off mic].

>> Chairman Musil: We would be doing some good for the peer then if we make you come to our meeting. Right? Okay. Other folks other than Zach that are concerned at this time that they will not be able to make that meeting either in person or by Zoom?

Let's move on to December 6th. The December 6th new meeting, which would be the first Monday in December. Again, 4-6 at the KU Edwards campus. Concerns about that meeting? I know we have mayors here.

>> Speaker: [Off mic].

>> Chairman Musil: Okay. Mayor Schwach is concerned about the 13th, which is our regular meeting. Mayor Mikkelsen, do you have a meeting on Monday the 6th?

>> I do. It starts at 6, so I could presumably do the Charter Commission from 4 to 5:30 and then

break off. So that should be okay, Chairman. I can make that work. Maybe leaving just a little early from this one.

>> Chairman Musil: Okay. Thank you. Anybody else? On Zoom or here?

>> Mr. Chair, I'm unable to make the December 6 meeting, but all the others work. I will do my best to participate by Zoom, but we're attending memorial services in California.

>> Chairman Musil: That's Brenda Sharpe?

>> Yes. Thank you.

>> Chairman Musil: Thank you, Brenda.

>> Chairman, this is Don Roberts. I will be out of town, but I'll do my best to log on virtually.

>> Chairman Musil: Okay. Thank you, mayor.

>> Chairman Musil, this is Joy Koesten again. I will also be out of town on the 16th but will I do my best to join by Zoom.

>> Chairman Musil: On the 16th or the 6th?

>> Wait a second. On the 6th. My apologies. On December 6th.

>> Chairman Musil: Okay. So you will try to join by Zoom, is that what I heard?

>> Yes.

>> Chairman Musil: Anybody else about December 6? If not, let's go to our regularly scheduled meeting on December 13th. Mayor Schwach has expressed her concern about being able to attend. Either? Okay. May have to leave early because of your obligations as mayor.

>> Joy Koesten: What was the date of that meeting?

>> Chairman Musil: December 13th, which is a regularly scheduled meeting from 4-6.

>> Joy Koesten: I will not be able to attend that meeting. I will be in transit.

>> Chairman Musil: That was Joy Koesten?

>> Yes.

>> Chairman Musil: December 15th is another new meeting, if you will. It would be the third Wednesday of the month instead of the fourth. Again, planned 4-6 at the KU Edwards campus. Please let me know if you have problems with the December 15th, date.

>> Speaker: [Off mic].

>> Chairman Musil: So, the point is, if we discussed a recommendation on December 13th, our regular Monday meeting, and it received 13 votes, then we would be considering it for an up or down vote -- I'm sorry -- if it received nine votes on December 13th, we would be considering on an up or down vote to see if it received 13 votes two days later, and that's not much time.

>> Speaker: [Off mic]

>> Chairman Musil: The alternative that I could see is to go to Monday, December 20th, instead of Wednesday, December 22nd, to try to get done earlier -- we can stick with the 22nd if folks are okay with that. That was our regularly scheduled meeting that you may have had on your calendar. But I'm open to suggestions. I just think we need to try to make this work for as many people as possible. I can do the 22nd.

>> Speaker: [Off mic].

>> Chairman Musil: December 22, December two, two. You will not have to wear a tutu. But our fourth Wednesday of the month at 4:00 on the 22nd.

>> I'm open that day. It's just a consideration of the process.

>> Brenda Sharpe: Mr. Chair, I would support that just because we've all had that date on our calendars for so long, I think we will have fewer conflicts than trying to find another date in that month in particular.

>> Chairman Musil: Unless I hear otherwise, we're going to stick with December 22nd and forget December 15th. And we will have some kind of a gift exchange that night probably, secret Santa. So, the 15th -- we will do the 22nd. We may be back at the county administration building because the campus, KU Edwards may be closed for their winter break by December 22nd but we will let you know that by the next meeting.

For the public, let's say we get ten proposed amendments and none of them get nine votes after first presentation. There would be no more meetings other than to finish our report. If we get -- if five of those receive nine votes, then they will move on to the second reading. And if none of those get -- don't either get 13 votes and be forwarded on, or they won't get 13 votes and the report will be that we didn't have any amendments that got 13 votes. So some of these last meetings may or may not occur depending on how many amendments we get and how many get nine votes in the first reading. That's a little confusing, but that's -- we set it up very deliberately to see, hopefully, spend our time efficiently but have enough of it that everybody had a thoughtful process before they voted. So I'm going to recap then. November 1, deadline to submit proposed amendments. November 8, begin consideration of the proposed amendments on first reading. You must have nine votes to advance to second reading. November 17th, we will consider -- continue considering proposing amendments that were not reached on the first reading on November 8th. Seeing if they get nine votes. Depending on time, we could consider at that time the full discussion of any -- this gets confusing -- any amendments that received nine votes on November 8 could be considered for a final vote on November 17th. We would then meet on December 6th, December 13th, and December 22nd. As needed. Or no -- okay. Quickly, sir.

>> Speaker: [Off mic].

>> Chairman Musil: Let's get you a mic real quick. I don't want to turn this into a back and forth, but I'm willing to -- the process is a little confusing. So go ahead, sir.

>> Unidentified Audience Member: So, on the amendments, some of the things we've talked about, if we want to change an appointed position to an elected position, we need to go online and submit a proposal for an amendment?

>> Chairman Musil: A member of the Commission needs to propose that as an amendment submitted by November 1st.

>> Unidentified Audience Member: Okay. So that's not -- like, if I want to propose an amendment, I just need to talk to one of you.

>> Chairman Musil: Right. It's limited to Charter Commission members.

>> Unidentified Audience Member: Okay. Cool. Thank you.

>> Chairman Musil: And your name? Is that Mr. Snitz?

>> Phil Bauer.

>> Chairman Musil: Okay. Mr. Bauer, thank you. Alright. With that, we have no further agenda for tonight. Do I hear a motion to adjourn?

>> Motion.

>> Speaker: [Off mic].

>> Chairman Musil: Moved by Senator Smith and seconded by Mayor Schwach. All those in favor say aye.

>> All: Aye.

>> Chairman Musil: Opposed no? Motion carries. Thank you all for coming. We are adjourned.

[Adjourned at 6:40 p.m.]

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