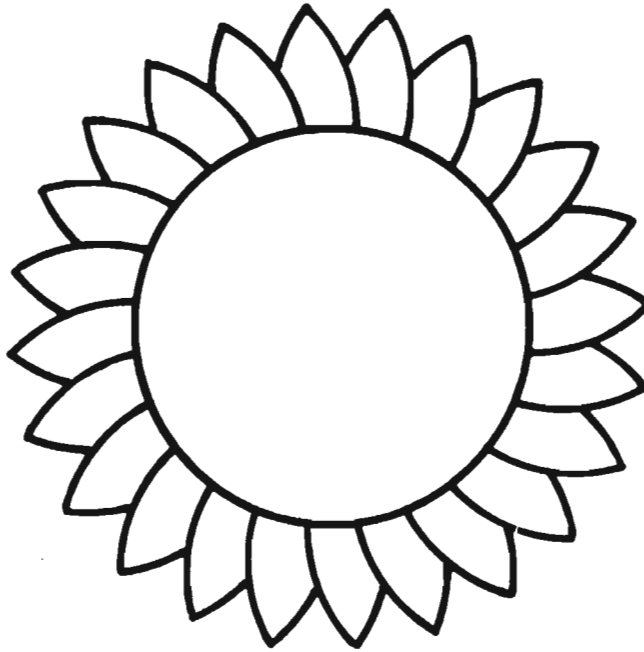


FINAL REPORT

BD4

JOHNSON COUNTY CHARTER COMMISSION



JOHNSON COUNTY, KANSAS

PRESENTED TO THE

**BOARD OF
COUNTY COMMISSIONERS**

CITIZENS OF JOHNSON COUNTY

MAY 11, 2000

(Approved 5-0)

FILED

MAY 11 2000

**BEVERLY L. BAKER
COUNTY CLERK
JOHNSON COUNTY, KANSAS**

JOHNSON COUNTY CHARTER COMMISSION

May 11, 2000

Johnson County Board of Commissioners
Johnson County Administration Building
111 South Cherry Street, Suite 3300
Olathe, Kansas 66061-3441

Re: Johnson County Charter Commission –Final Report

Honorable Commissioners:

The Johnson County Charter Commission is pleased to present its final report to the Johnson County Board of Commissioners, in accordance with Sec.3. K.S.A. 19 – 2684, as amended.

This final report documents the recommendations of the Johnson County Charter Commission, and presents the proposed Home Rule Charter within the appendix to this report. Comments received from the Board and the general public have been considered and the appropriate revisions have been made. The appendix also includes a minority report prepared by Jan Meyers, a member of the Charter Commission, as well as a letter from the Charter Commission's legal counsel stating that the proposed Home Rule Charter is not in conflict with the constitution and general laws of the state of Kansas.

The Charter Commission would like to extend its appreciation to the Board and its staff for the assistance provided over the past year.

Respectfully submitted,
Johnson County Charter Commission

Edwin Kinney, Chairman

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The Johnson County Charter Commission's final report incorporates comments received from the Board of County Commissioners (herein after referred to as the "Board"), as well as comments received from the general public. The following is an overview of the final report.

❖ **Formation.** The 25-member Johnson County Charter Commission was created according to enabling legislation enacted by the Kansas Legislature in 1999 (House Bill 2429). Four committees were appointed.

1. **County Reviews.** Charged with reviewing the structure and operation of counties with a profile similar to Johnson County.
2. **Governing Boards.** Charged with reviewing the County's five agency governing boards to determine if service delivery improvements could be realized by altering their relationships with County government. The County's five agencies include the Airport Commission, Johnson County Developmental Supports Governing Board, the Library System Governing Board, the Mental Health Governing Board, and the Parks and Recreation District Governing Board.
3. **Electeds.** Charged with reviewing the offices of the elected County officials, including the organization, information, and professional management of those offices to determine if service delivery improvements could be made.
4. **Board and Administrator.** The Charter Commission, as a whole, reviewed the Board and the County Administrator (which was renamed as County Manager) to address issues of representation, as well as issues involving the legislative and executive functions of County government.

❖ The work of the Charter Commission concentrated on:

1. **Examining the institutions of Johnson County government and interviewing personnel of such institutions.**
2. **Collecting information from other county governments with profiles similar to Johnson County.**
3. **Making an early determination about the need for change in Johnson County governance.**

❖ **Composition of the Board.** The Charter Commission determined that the Board should include seven members—including a Sixth District County Commissioner and an At-Large District County Commissioner who would serve as Chair of the Board.

❖ **County Manager.** The Charter Commission determined that the Board should appoint a professional **County Manager** to serve as the County's chief administrative officer by December 31, 2001.

- ❖ **Chief Counsel and Internal Auditor.** The Charter Commission determined that these two positions should continue to be appointed by, and be responsible to, the Board.
- ❖ **County Clerk, Register of Deeds, and Treasurer.** The Charter Commission determined that the offices of the County Clerk, Register of Deeds, and Treasurer should be appointed, not elected, and that the functions of those offices should be performed under the administrative authority of the County Manager.
- ❖ **Sheriff.** The Charter Commission determined that the office of Sheriff will continue to be an elected. However, the Charter Commission understands that with the growing need for cooperation and collaboration between detention and correction functions, the Charter Commission is recommending that the Board consolidate these functions under a single management function by December 31, 2005.
- ❖ **District Attorney.** The Charter Commission determined that the office of the District Attorney will continue to be elected.
- ❖ **Governing Boards.** The Charter Commission determined that all five of the County's agency governing boards should follow the County's best practices in matters relating to legislation, personnel, insurance/risk management, purchasing, budgeting and budget making, accounting, auditing, and finance. All governing boards would comply with this recommendation by December 31, 2001.
- ❖ **Partisan/Non-Partisan Elections.** The Charter Commission concluded, after much discussion, that the issue of partisan/non-partisan elections for members of the Board should be placed as a separate question on the ballot with the proposed Charter.
- ❖ **Charter Review Commission/Charter Commission.** The Charter Commission determined that a seven-member standing **Charter Review Commission** should be appointed by the Board from the 1999 Charter Commission to meet at least annually for five years after the effective date of the Charter. A separate **Charter Commission** should also be created within 30 days of the date that follows by 10 years the effective date of this Charter and at least every ten years thereafter.
- ❖ **Ballot questions** before the voters will include:
 1. **The Proposed Charter**—the Charter as proposed, but including the status quo of five County Commissioners.
 2. **Alternate Article II. - County Commissioners' Representation** - expand the Board to seven members, with an At-Large County Commissioner as Chair.
 3. **Alternate Article III. - Method of Election of County Commissioners** - a decision about partisan/non-partisan elections.

If the Charter and the Alternate Articles are approved, the Alternate Article language will be inserted into the Charter.

JOHNSON COUNTY CHARTER – MAJOR PROVISIONS

- ❖ **Article I. Powers of the County**
- ❖ **Article II. Board of County Commissioners** - focusing on the size and structure of the Board.
- ❖ **Article III. Method of Election of Commissioners** - response to the issue of partisan/non-partisan elections for County officials.
- ❖ **Article IV. County Manager** - appointment of the Manager and the respective powers and duties of the position
- ❖ **Article V. Administrative Departments and Organization** - issues of County organization and appointment of department directors.
- ❖ **Article VI. General Provisions** - provides for amending the Charter, and the establishment of future Charter Review Commissions.
- ❖ **Article VII. - Transition Provisions** – specifies the questions to be placed before the voters in the November 2000 general election.
 1. **Shall the proposed Charter for Johnson County, Kansas, as submitted on May 11, 2000, by the Johnson County Charter Commission be adopted?**
 2. **If the proposed Charter for Johnson County, Kansas, is adopted, shall Alternative Article II, increasing the membership of the Board to seven members, to include one additional district Commissioner and one Commissioner elected at-large who shall serve as Chair of the Board, be adopted?**
 3. **If the proposed Charter for Johnson County, Kansas, is adopted, shall Alternative Article III to the Charter, providing for the non-partisan election of County Commissioners, be adopted?**
- ❖ **Effective Date.** If the proposed Charter is approved, the provisions contained in the Charter, as well as any approved Alternative Articles, would become effective on the **second Thursday of January 2001.**
- ❖ **Redistricting.** Prior to **April 1, 2002**, the Board, under its current procedures, as prescribed by law, would **re-district to create the Sixth Commission District.** The

Seventh District will not require any reapportionment of the population, as the Seventh District County Commissioner would represent the County as a whole.

- ❖ **Effect.** On the effective date of this Charter, **all employees** of Johnson County government prior to this Charter would **continue without change in benefits and compensation** from that in effect prior to the Charter's effective date. All proceedings, actions, and obligations preceding adoption of the Charter would be and remain effective unless repealed or modified by official action of the Board.

The Charter Commission can only recommend its position on the best principles of governmental administration tempered by the realities of Johnson County, as the latter has been assessed and interpreted by 25 citizens of the County.

This report is a summary of the creation, organization, and activities of the Johnson County Charter Commission. It provides an outline and brief commentary on the proposed Charter's contents, and briefly reviews some of the concerns and issues deliberated by the Charter Commission over a twelve-month period. Additional information on any issue summarized in this report is available from the Charter Commission. The actual Charter is included as an appendix to this report.

THE CHARTER COMMISSION—ITS CREATION AND ORGANIZATION

Legislation creating the Johnson County Charter Commission was passed by the Kansas Legislature in 1999 in response to interest expressed by citizens, County officials, the media, at the initiative of the Johnson County legislative delegation.

The Charter Commission was composed of Johnson County citizens, appointed as follows:

1. (A) **Three members shall be appointed by the members of the Senate of the State of Kansas who are residents of Johnson County; and,**
(B) **Three members shall be appointed by the members of the House of Representatives of the State of Kansas who are residents of Johnson County;**
2. **Two members shall be appointed by the governing body of the Johnson County Republican Central Committee;**
3. **Two members shall be appointed by the governing body of the Johnson County Democratic Central Committee;**
4. **Eight members shall be appointed by the Board. Of such members, one member shall be appointed for each County Commissioner district and the remaining shall represent the County at-large;**
5. **Two members shall be appointed by the Johnson County Chamber Presidents Council;**
6. **Three members shall be appointed by the Johnson County members of the Johnson and Wyandotte Counties Council of Mayors. Such members shall be Mayors or their designees of cities located in Johnson County; and,**
7. **Two members shall be appointed by the Johnson County Planning Commission. Such members shall be residents of the unincorporated area of Johnson County.**

A membership roster is provided in the appendix.

CHARTER FORMULATION AND DEVELOPMENT

The Charter Commission was empowered to study Johnson County government, including the entire organization and all of its administrative systems, and to recommend changes to improve the County's operations and service delivery. These changes were to be incorporated into a Home Rule Charter for Johnson County to be submitted to the Board, and by the Board to the electorate for approval or disapproval.

The last Charter Commission was organized in 1975. That proposed Charter was narrowly defeated by the electorate in November 1976. However, under home rule authority, the Board subsequently put in place many of the recommendations contained in that Charter, including an expansion of the membership of the Board from three to five County Commission Districts, and the hiring of a professional County Administrator. The only recommendations not implemented were those relating to governance and other issues dependent upon the approval of the proposed Charter.

The County Clerk, pursuant to K.S.A. 19-2683, convened the 1999-2000 Johnson County Charter Commission on May 13, 1999.

The Charter Commission held approximately 30 meetings and six public hearings in its study to arrive at conclusions regarding potential changes in the County's structure and the function of its various offices.

The work of the Charter Commission concentrated on:

1. **Examining the institutions of Johnson County government and interviewing personnel of such institutions.**
2. **Collecting and reviewing information from other County governments similar in profile to Johnson County.**
3. **Determination of what changes in governance, if any, were needed.**

The Charter Commission, after considerable review, established principles that guided its study of the organization and its governance. The issues of service delivery, management, and leadership were ranked highest in importance, followed by issues of efficiency, at-large representation, district representation, professional management, and partisan/non-partisan elections.

The Charter Commission organized itself into four committees:

1. **County Reviews.** This Committee investigated how counties with a similar profile to Johnson County were organized and addressed issues related to the respective organization.
2. **Governing Boards/Agencies.** This Committee reviewed the County's five agency governing boards and investigated these boards' relationships with the organization of Johnson County government. The Committee sought to

provide insight into these relationships and to determine if there was any need for reorganization.

3. **Electeds.** This Committee focused upon the relationships, organization, and processes involved in the various elected offices to determine if a revised governmental structure, including an emphasis on professional management, could improve efficiencies in service delivery and effectiveness.
4. **Board and Manager.** Because the Board and its Manager are essential to the success of any revised governmental structure, the Charter Commission addressed, as a Committee-of-the-whole, issues of fair and equal representation on the Board, as well as clearer separation between the County's legislative and executive functions.

The Charter Commission unanimously presented its preliminary report to the Board on November 11, 1999, accompanied by a preliminary draft of the Charter outlining the initial recommendations of the Charter Commission.

Following submission of the preliminary report, the Charter Commission conducted a series of public hearings to receive community feedback and input on the proposed Home Rule Charter. Comments received from the Board and from the public, both during public hearings and by mail, provided a basis for further review and revision of the preliminary Charter language. As a result, the proposed Charter has been revised for submission to the Board and the Johnson County electorate.

OVERVIEW OF THE RECOMMENDATIONS

The Charter Commission concluded that the following recommendations should be presented to the Board and the electorate in the November 2000 general election. A minority report submitted by one member is included within the appendix to this report.

1. COMPOSITION OF THE COUNTY COMMISSION

Based on the assumption that Johnson County's growth would continue at a steady rate, Charter Commissioners concluded the Board should be expanded to more equitably represent the future population increase.

The Charter Commission determined that seven County Commissioners would more adequately provide equity in representation for the County's future population growth. Six of these members, each representing one of six districts, would be elected to a four-year term.

The seventh County Commissioner would be elected from an At-Large District that included the entire County. This County Commissioner would serve as Chair of the Board, providing leadership of the Board, as well as representing the County and serving as a spokesperson.

The Sixth District County Commissioner and the At-Large District County Commissioner would be elected in November 2002.

County Commissioners' compensation and benefits would continue to be determined by the Board. However, the Chair would receive additional compensation, not less than 25 percent greater than the other County Commissioners' compensation.

2. APPOINTMENT OF A COUNTY MANAGER

The Charter Commission concluded that the Board should appoint a professional County Manager to serve under its direction as the County's chief administrative officer. The Charter Commission determined that a professional County Manager could best administer the County's daily services and activities, thereby allowing the Board to assume its proper role as "citizen legislators."

The County Manager would be responsible for preparing the annual budget for the Board's approval and would have the authority to appoint and terminate County employees. However, after discussions with the Board and members of the public, it was determined the Internal Auditor and Chief Counsel would continue to be appointed by, and be responsible to, the Board.

The County Manager would be appointed by December 31, 2001.

3. ELECTED COUNTY OFFICIALS

The Charter Commission reviewed the duties and operations of the other five elected County officials, including the District Attorney, Register of Deeds, County Clerk, Treasurer, and Sheriff. With the exception of the District Attorney, there are no specific statutory qualifications for these offices. This creates the possibility that a person without the appropriate experience and training could be elected to any one or all of these offices.

The Charter Commission devoted considerable attention to the position of County Sheriff. As a result, the Charter Commission's initial recommendation was to have the Sheriff remain as an elected position. The Charter Commission did, however, initially recommend that management and oversight of the County's jail should be placed under the authority of a Director of Corrections, who would report to the County Manager.

This recommendation, however, has been removed from the final report and proposed Charter as a result of feedback and comments received from the public. In addition, after extensive discussion with County staff members, it became evident that disparities in compensation and benefit levels between employees of the Sheriff's department and the current Department of Corrections would complicate this transition.

Therefore, the Charter Commission recommendation is as follows:

- ❖ **The preliminary Charter would be amended to delete all references to the Sheriff's statutory duties pertaining to the County jail being consolidated under the office of the County Manager. This will allow the Sheriff to retain jurisdiction over the County jail.**
- ❖ **The Board, under its authority provided by K. S.A. 12-3901, should establish a plan to consolidate the functions of detention and corrections. If the Board hasn't addressed this recommended consolidation by December 31, 2005, the next Charter Commission could make appropriate recommendations.**

The Charter Commission, following interviews with each of the elected officials, determined that the positions of County Clerk, Register of Deeds, and Treasurer were ministerial in nature and did involve formulation of public policy. Discussion focused upon the need for coordination of information systems as related to recording, appraising, and taxing of property. Based on recommendations from consultants on local government operations, the Charter Commission concluded that consolidation of these positions under the County Manager could result in greater efficiency and service delivery.

- ❖ **County Clerk.** The office of the County Clerk would be consolidated under the administrative authority of the County Manager. Compliance with this provision would occur when the County Clerk elected in November 2000 leaves office.
- ❖ **Register of Deeds.** The office of the Register of Deeds would be consolidated under the administrative authority of the County Manager. Compliance with this recommendation would occur when the Register of Deeds elected in November 2000 leaves office.
- ❖ **County Treasurer.** The office of the County Treasurer would be consolidated under the administrative authority of the County Manager. Compliance with this recommendation would occur when the County Treasurer elected in November 2000 leaves office.

4. GOVERNING BOARDS

The Charter Commission's initial concern with the County's five agency governing boards focused on whether these board have too much autonomy in directing their activities and expenditures. The Charter Commission concluded that, while in most instances these boards are in compliance with County policies, language should be incorporated into the Charter to ensure such compliance.

Recommendations are as follows:

- ❖ Governing board members would be appointed by the Board for definite terms.

- ❖ Each governing board would be obligated and given authority to make and determine all policy matters related to its agency in fulfilling its mission statement, and would be responsible for selecting an executive director from a candidate pool that meets qualifications and experience levels as from time to time are determined by the County personnel guidelines.
- ❖ Each governing board's policy decisions would be administered by its executive director in accordance with general administration policies of Johnson County government, in matters relating to legislation, personnel, insurance/risk management, purchasing, budgeting and budget making, accounting, auditing, and finance, and in cooperation with the County Manager.
- ❖ Compliance by all governing boards should be in effect by December 31, 2001.

SUMMARY: GOVERNANCE AND ADMINISTRATION

The 1999-2000 Charter Commission focused on issues of governance and how changes in governance could best serve the County and its continued population growth. The Charter Commission limited its review to the following areas: Composition of the Board; Appointment of a County Manager; Elected County Offices; Governing Boards.

OTHER AREAS OF REVIEW

1. Partisan/Non-Partisan Elections

The Charter Commission deliberated on how it could ensure the most qualified candidates were elected to office, which resulted in a review of the issue of partisan versus non-partisan elections for members of the Board. It became evident that there was no consensus among the Charter Commissioners on this issue. Therefore, the Charter Commission decided to submit the issue of whether members of the Board should be elected on a partisan or non-partisan basis as a separate, third question on the ballot along with the proposed Charter, thus allowing the voters to decide the issue.

2. Future Charter Commissions

Charter Commissioners discussed the need for future Charter Commissions, as a means of shaping county government to the future needs of its citizens.

As a result, the following provisions are part of the Charter.

- ❖ **Charter Review Commission.** A seven member standing Johnson County Charter Review Commission would be appointed by the Board from the 1999-2000 Charter Commission's membership which would meet at least annually

for five years after the effective date of the Charter to review compliance with Charter provisions.

- ❖ **Future Charter Commissions.** A Charter Commission would be created within 30 days of a date which follows by 10 years the effective date of this Charter, and at least every 10 years thereafter.

BALLOT QUESTIONS BEFORE THE VOTER

Legal Counsel to the Charter Commission determined that a vote on the Charter should be one question and will stand alone if approved, regardless of the vote on other questions.

Due to a statutory requirement that any proposal to enlarge the Board or alter its structure must be submitted to the voters as a separate question, this proposal is presented as a second question on the ballot. The second question would offer the voter the opportunity to vote for enlarging the Board to seven members, providing for a Sixth District County Commissioner and an At-Large District County Commissioner to serve as Chair of the Board.

The question relating to the partisan/non-partisan issue will be placed upon the ballot as a separate, third question. The recommendation of the Charter Commission is that the voters of Johnson County should decide if they want to retain partisan elections or change to non-partisan elections for members of the Board.

The provisions of questions 2 and 3 could only be adopted if question 1 is approved.

Therefore, accompanying the proposed Charter are two alternate articles representing Questions 2 and 3. If the Charter is approved and the Alternate Articles are approved, the language of each approved Alternate Article will be inserted into the body of the Charter. The articles are titled:

Alternate Article II. Board of County Commissioners

Alternate Article III. Method of Election of County Commissioners

In summary, Question 1 embodies the Charter as proposed, but retains the status quo of five County Commissioners. Question 2 before the voters is whether they desire to have a seven-member Board, with one of the additional members being an At-Large County Commissioner who would serve as Chair of the Board. Question 3 would give the voter the opportunity to make a decision about the partisan/non-partisan election issue.

CONCLUSION

The Charter Commission can only recommend. Whether or not Johnson County operates under its present form of government or with the revisions proposed by this Charter is a

decision to be made by the voters. The Charter Commission offers this alternative with the hope that each voter will consider it on the basis of its merits.

The proposed Charter is a contract of governance which enhances governmental accountability and responsibility to the citizens of this county. It proposes the best of what now exists be retained, complemented by reasoned changes.

The Charter is a position of the best principles of administration tempered by the realities of Johnson County, as the latter have been assessed and interpreted by 25 citizens of the County.

APPENDIX

❑ CHARTER COMMISSION MEMBERSHIP ROSTER

❑ PROPOSED JOHNSON COUNTY CHARTER

❑ ALTERNATIVE ARTICLE II.
BOARD OF COUNTY COMMISSIONERS

❑ ALTERNATIVE ARTICLE III.
METHOD OF ELECTION OF COUNTY COMMISSIONERS

❑ LEGAL COUNSEL LETTER

❑ MINORITY REPORT

**MEMBERSHIP ROSTER
JOHNSON COUNTY CHARTER COMMISSION**

Member	Residence
---------------	------------------

Officers

Edwin Kinney, Chairman
Blake Schreck, Vice Chairman
Jean Wise, Secretary
Thomas A. Robinett, Jr, Treasurer

Board of County Commissioners

Charles Battey	Mission Hills
Clay Blair, III	Mission Hills
William E. Franklin	Prairie Village
Sandy Howell	Lenexa
Jan Meyers	Overland Park
Rod Richardson	Spring Hill
Arlen Siegfried	Olathe
Jean Wise	Leawood

Johnson County Legislative Delegation

Vernon A. Avant	Olathe
Robert F. Lytle	Prairie Village
Stephen S. Richards	Overland Park
Thomas A. Robinett, Jr.	Overland Park
Vickie Truitt	Shawnee
Bill Tschudy	Olathe

Johnson & Wyandotte Counties – Council of Mayors

E. Allen Roth	Westwood Hills
Joan Wendel	Roeland Park
David Wysong	Mission Hills

Republican Party Central Committee

Jill Gerlach	Overland Park
Jerry Hedrick	Olathe

Democratic Party Central Committee

Arnold Cole	Overland Park
Carol Sader	Prairie Village

Johnson County Chamber Presidents Council

Keith Drill	Overland Park
Blake Schreck	Lenexa

Johnson County Planning Commission

Edwin Kinney	Olathe
William R. Klassen	Olathe

HOME RULE CHARTER

Proposed by the Johnson County Charter Commission
Presented to the Board of County Commissioners on May 11, 2000

PREAMBLE

We, the people of Johnson County, Kansas, in order to avail ourselves of the benefits and responsibilities of home rule powers, to create a County government to serve our present and future needs, and to permit the people of this County to make changes in our own government, do, under God, adopt this Home Rule Charter and any Alternative Sections or Articles as determined by the electorate.

ARTICLE I. POWERS OF THE COUNTY

Section 1.01. POWERS OF THE COUNTY. Johnson County is a body corporate and politic, and as such, shall have all powers possible for a county to have under the Constitution and laws of the state of Kansas as fully and completely as though they were specifically enumerated in this Charter, and all other powers as provided for in this Charter. Such powers shall include all rights and powers of local self-government not inconsistent with the Constitution and laws of the state of Kansas.

Section 1.02. EXERCISE OF POWERS. All powers of the County shall be executed as provided by this Charter, or if the Charter makes no provision, as provided by statute or otherwise as provided by resolution of the Board of County Commissioners, hereinafter referred to as the "Commission."

Section 1.03. CONSTRUCTION. The powers of the County under this Charter shall be construed liberally in favor of the County, and the specific mention of particular powers shall not be construed as limiting in any way the general powers stated in this Article.

ARTICLE II. BOARD OF COUNTY COMMISSIONERS

Section 2.01. SIZE AND STRUCTURE. The size, structure, term, qualifications, duties, district formation and compensation of the Commission shall not be affected by this Charter.

Section 2.02. PROHIBITIONS. No Commission member shall directly interfere with the conduct of any agency or department or part thereof, including the appointment or removal of employees, except at the express direction of the Commission or as otherwise provided by this Charter. No former Commission member shall hold any compensated appointive office or County employment until one year after leaving office.

Section 2.03. MEETINGS OF THE COMMISSION. Meetings of the Commission shall be conducted as provided by law. The Commission shall hold its meetings at such times and places as will allow the general public the opportunity to attend and participate in such meetings.

ARTICLE III. METHOD OF ELECTION OF COMMISSIONERS

Section 3.01. METHOD OF ELECTION. All elections shall be on a partisan basis or as otherwise provided by law.

ARTICLE IV. COUNTY MANAGER

Section 4.01. APPOINTMENT. The Commission shall appoint, based on education and experience in public administration, a professional County Manager who shall be the chief administrative officer of the County. The County Manager shall be appointed by December 31, 2001. The County Manager shall maintain residency within Johnson County and shall not engage in any other business or occupation while serving as County Manager. The Commission shall establish the salary of the County Manager.

Section 4.02. ABSENCE OF COUNTY MANAGER. The Commission may designate a qualified administrative officer of the County to assume the duties and authority of the County Manager during periods of absence and disability.

Section 4.03. POWERS AND DUTIES. The County Manager shall be the chief administrative officer of Johnson County government and shall be responsible to the Commission for administration of all Johnson County government affairs. The County Manager shall:

- (1) be directly responsible for the daily administrative functions of Johnson County government;
- (2) organize the administration, direct and supervise the organizational structure of all offices, the appointive officers and employees of Johnson County government, except as otherwise provided by law or as provided in this Charter;
- (3) have the responsibility to execute the policies of the Commission through the functional divisions and departments of administration;
- (4) after appropriate consultation with the Commission, prepare and submit a recommended annual budget, including all revenue sources, to the Commission for final adoption, and administer the budget after its effective date;
- (5) report to, confer with, assist and advise the Chair and make recommendations to the Commission on all matters concerning the welfare of Johnson County government;
- (6) ensure that all ordinances, resolutions, codes, regulations, rules, policies, directions and actions of the Commission are faithfully enforced, administered, and executed;
- (7) attend, or provide appropriate staff to attend, and participate as necessary and advisable in all official Commission meetings, including regular, special, and executive session meetings and other official proceedings for the conduct of County business, except any meeting in which the continued employment of the County Manager is the business under consideration;
- (8) assist the Chair and the Commission in the preparation of meeting agendas, resolutions, rules, regulations, policies, and all such other matters as may be requested by the Commission;

- (9) submit to the Commission and make available to the public periodic annual reports of the financial administrative affairs of Johnson County government and keep the Commission advised of the financial conditions and needs of Johnson County government; and,
- (10) prepare and submit to the Commission, annually before May 1st, recommendations for a capital improvement and financing program for Johnson County.

The County Manager shall, in addition to the powers and duties listed above, assume all powers and duties conferred upon the County Administrator. The County Manager shall also have the powers and duties otherwise conferred upon the position by law, this Charter, actions of the Commission, or those inherent in the administration of Johnson County government.

ARTICLE V. ADMINISTRATIVE DEPARTMENTS AND ORGANIZATION

Section 5.01. GENERAL PROVISIONS. The activities of the County shall be distributed among such departments and divisions thereof as are established or as may be established by reorganization of the County administration or as provided in this Article. Each department and division thereof shall have those duties and responsibilities provided by the Commission or the County Manager.

Section 5.02. DEPARTMENT DIRECTORS.

- A.** The director of each department shall be the principal officer of the department and shall be responsible for its operations. The County Manager shall appoint, suspend, or dismiss all non-elected department directors and division heads, except as provided by law or this Charter. The County Manager may authorize any appointive County administrative officer to appoint suspend or remove subordinates in that officer's department or division. All appointment and dismissal authority of the County Manager and his or her subordinates shall be subject to provisions of law and personnel rules adopted by the Commission.
- B.** The positions of Chief Counsel and Internal Auditor shall remain under the authority, direction and supervision of the Commission.

Section 5.03. ORGANIZATION OF COUNTY GOVERNMENT

ADMINISTRATION. The Commission SHALL ADOPT A RESOLUTION FOR THE STRUCTURAL ORGANIZATION OF county government and may, as necessary and advisable, adopt changes or modifications to that structure. The County Manager may organize and reorganize the offices and responsibilities of the organization consistent with the structure adopted by the Commission and may recommend changes in the administrative organization of the County to the Commission, which shall act upon the recommendations within 90 days. Any action which creates, abolishes, or merges departments shall be made by resolution approved by the Commission, in accordance with law.

Section 5.04. GOVERNING BOARDS. The members of the governing boards of the Johnson County Library System, the Johnson County Parks and Recreation District, the Johnson County Mental Health Center, Johnson County Developmental Supports and the Johnson County Airport Commission shall be appointed by the Commission for definite terms. Each board shall be obligated and given authority to make and determine all policy matters in fulfilling its mission statement. Each board shall be responsible for selecting its Executive Director from a candidate pool that meets qualifications and experience levels as from time to time are determined by County personnel guidelines.

The policy decisions once made by each board shall be administered by its Executive Director and in accordance with the general administration policies of Johnson County government in matters relating to personnel, legislation, insurance/risk management, purchasing, budgeting and budget making, accounting, auditing and finance. The respective policies shall be carried out in cooperation with the County Manager. Compliance by all governing boards shall be in effect by December 31, 2001.

Section 5.05. ELECTED COUNTY OFFICIALS. Provisions for the following elected County officials shall be as follows:

- A. County Clerk:** The position of County Clerk shall be appointed, not elected, and the functions and operations of the Office of the County Clerk shall be performed under the administrative authority of the County Manager. The statutory duties of the County Clerk shall be performed by or, as necessary, consolidated under the authority of and as delegated and assigned by the County Manager. Compliance with this provision shall occur when the County Clerk elected in November 2000 leaves office.
- B. Register of Deeds:** The position of the Register of Deeds shall be appointed, not elected, and the functions and operations of the Office of the Register of Deeds shall be performed under the administrative authority of the County Manager. The statutory duties of the Register of Deeds shall be performed by the County Clerk, or, as necessary, consolidated under the authority of and as delegated and assigned by the County Manager. Compliance with this provision shall occur when the Register of Deeds elected in November 2000 leaves office.
- C. County Treasurer:** The position of the County Treasurer shall be appointed, not elected, and the functions and operations of the Office of the County Treasurer shall be performed under the administrative authority of the County Manager. The statutory duties of the County Treasurer shall be performed by or, as necessary, consolidated under the authority of and as delegated and assigned by the County Manager. Compliance with this provision shall occur when the County Treasurer elected in November 2000 leaves office.
- D. County Sheriff:** The County Sheriff shall continue to be an elected position, subject to changes or amendments as provided or allowed by law.
- E. District Attorney:** The District Attorney shall continue to be an elected position.

The offices of the elected County Sheriff and District Attorney shall comply with the administrative policies adopted by Commission to the extent not inconsistent with law.

ARTICLE VI. GENERAL PROVISIONS

Section 6.01. CHARTER AMENDMENT.

- A.** The Commission, upon a three-fourths (3/4) vote of its full membership, may, unless otherwise prohibited by law, propose amendments to this Charter subject to a referendum of the electors of Johnson County. Such referendum shall be held at the next regularly scheduled election at which all qualified electors of the County are eligible to vote and which follows by at least 60 days passage of the amendment resolution.
- B.** The Charter Commission referenced in Section 6.04 of this Article may propose amendments to the Charter and such amendments will be acted upon pursuant to Section 6.04(D) of this Article.

Section 6.02. EFFECT OF THE CHARTER. This Charter shall be liberally construed in aid of its declared purpose. If any article, section, subsection, sentence, clause or provision of this Charter or the application thereof shall be held invalid for any reason, the remainder of the Charter and of any resolutions or regulations made thereunder shall remain in full force and effect.

Section 6.03. CHARTER REVIEW COMMISSION.

- A.** A seven member standing Johnson County Charter Review Commission shall be appointed by the Board of County Commissioners from the 1999 Charter Commission and shall meet at least annually for five years after the effective date of the Charter.

Section 6.04. FUTURE CHARTER COMMISSION.

- A.** A Charter Commission, composed and appointed as provided by statute, shall be created within thirty (30) days of a date which follows by 10 years the effective date of this Charter, and at least once every 10 years thereafter.
- B.** Each Charter Commission shall meet in an organization meeting within 30 days following appointment of its members. Each such Charter Commission shall determine and elect its own officers. All members shall serve without compensation except for necessary expenses authorized by the Board of County Commissioners. Each Charter Commission shall meet as frequently as its membership deems necessary. Minutes of each meeting shall be reported in an official journal of the Charter Commission. At least one meeting of each Charter Commission shall be a public hearing.
- C.** Each Charter Commission is empowered to conduct comprehensive studies of any or all phases of County government operations, including a review of the existing

County Charter and major resolutions of the Commission as they affect the operation of Johnson County government. On or before a date, which follows by one year the organization meeting of each Charter Commission, a report of the Charter Commission's findings shall be presented to the Board of County Commissioners. Such report shall include recommendations of the Charter Commission and such other information deemed important. Recommendations of the Charter Commission may include suggested changes in the administration of the County government, programs, and activities. It may also include proposed amendments to the Charter. All recommendations of a Charter Commission shall be adopted by a majority vote of its membership. Each Charter Commission shall terminate on the date that follows by 30 days the submission of its report.

- D.** The Board of County Commissioners shall consider all suggested changes, as allowed by law, of the Charter Commission. It shall submit all proposed Charter amendments to the electorate. Such election shall be held at the next regularly scheduled election at which all qualified electors of the County are eligible to vote and which follows by at least 60 days the submission of the Charter Commission report.

ARTICLE VII. TRANSITION PROVISIONS

Section 7.01. CHARTER REFERENDUM. In accordance with law, a referendum on adoption of this Charter shall be held at the November 2000 general election. The majority of those electors voting on the issue shall be necessary for adoption of the Charter.

Section 7.02 QUESTIONS TO BE SUBMITTED TO THE ELECTORATE. The questions to be decided by the electorate of Johnson County are, subject to appropriate phrasing by the Board of County Commissioners and the Election Commissioner, as follows:

1. Shall the proposed Charter for Johnson County, Kansas, as submitted on May 11, 2000 by the Johnson County Charter Commission to the Commission of Johnson County, Kansas, be adopted?
2. If the proposed Charter for Johnson County, Kansas, is adopted, shall Alternative Article II to the Charter, increasing the membership of the Johnson County Board of Commissioners to seven members, to include one additional district Commissioner and one Commissioner elected at-large who shall serve as Chair of the Commission, be adopted?
3. If the proposed Charter for Johnson County, Kansas, is adopted, shall Alternative Article III to the Charter, providing for the non-partisan election of Commissioners, be adopted?

Section 7.03. EFFECTIVE DATE. The Charter shall become effective the second Thursday of January, 2001, and all powers and duties provided in the Charter shall become effective.

Section 7.04. INITIAL COUNTY MANAGER. The Commission shall initiate the necessary procedures to employ a County Manager, as provided in Article III of this Charter. Pending the selection of the County Manager, the Commission may appoint an acting Manager.

Section 7.05. OFFICES AND OFFICERS PRIOR TO THIS CHARTER. Unless otherwise provided by this Charter, all offices, officials, governing boards, commissions, agencies, and advisory boards of Johnson County government shall continue to exist on the effective date of this Charter and all powers, duties, and functions thereof shall continue pursuant to their current status and operations.

Section 7.06. EMPLOYEES' CONTINUATION. On the effective date of this Charter all employees of Johnson County government prior to this Charter shall continue without change in benefits or compensation from that in effect prior to the Charter's effective date.

Section 7.07. CONTINUATION FOR EXISTING REGULATIONS, CONTRACTS, LEVIES, OBLIGATIONS, AND OTHER OFFICIAL CONDUCT. All proceedings, actions, regulations, resolutions, contracts, levies, obligations, and other official conduct of the County government in process preceding adoption of this Charter shall be and remain effective unless or until repealed or modified by official action of the Board of County Commissioners or unless such items are contrary to the provisions of this Charter.

ALTERNATIVE ARTICLE II. BOARD OF COUNTY COMMISSIONERS

ARTICLE II. BOARD OF COUNTY COMMISSIONERS

Section 2.01. COMPOSITION. The Commission shall be a governing body of citizen legislators composed of seven members. Six of the districts shall each have one Commissioner elected from its respective district. The seventh Commissioner shall be elected at-large and shall serve as the Commission's Chair.

Section 2.02. TERMS OF OFFICE. The Commissioners currently holding office shall remain in their current staggered terms for election to four-year terms in November 2002 and 2004 respectively. The Sixth District Commissioner shall be elected to a two-year term in November 2002 and a four-year term in November 2004. The Seventh District Commissioner shall be elected to a four-year term in November 2002 and shall serve as Chair of the Commission immediately upon taking office.

Beginning in November 2004, three Commissioners shall be elected to four-year terms, and in November 2006, four Commissioners shall be elected to four-year terms.

Section 2.03. QUALIFICATIONS. Members of the Commission shall be qualified electors of the County. Members shall reside in the district from which they are elected. Any Commissioner who changes residence from the district from which elected shall be disqualified to represent that district, and the office shall be vacant. The Commission shall be judge of the qualifications of its members.

Section 2.04. COMMISSION DISTRICTS. There shall be seven County Commission districts. Six of the districts shall be as compact and equal in population as possible. The seventh district shall be the County at-large and shall include the County population as a whole. The districts shall be subject to alteration by resolution of the Commission at least once every three years.

Section 2.05. COMPENSATION. The Commission shall continue to determine the salary and benefits of its members by resolution. The Chair shall receive additional compensation no less than 25 percent of the base compensation of Commissioners.

Section 2.06. DUTIES OF THE CHAIR. The Chair shall:

- (1) be considered a member of the Commission and vote as provided by law;
- (2) have all rights and privileges of any other Commission member, except as provided by law or by the Charter;
- (3) provide leadership in the communication and interpretation of policy to the public;

- (4) lead the Commission in developing its long-range plans and policies, establishing annual priorities, and planning for economic growth and stability of Johnson County government;
- (5) officiate and preside at all meetings and events;
- (6) call special meetings of the Commission as deemed necessary and in such manner as required by law;
- (7) attend, or designate a representative of the Commission to attend, meetings, conferences, and negotiations relating to County policy matters involving other units of government and legislative bodies;
- (8) receive reports of the County Manager;
- (9) prepare, at least annually, a written message to the Commission and the citizens detailing such information concerning the economic, physical, and social conditions and needs of Johnson County government; and,
- (10) sign, if authorized by the Commission, all contracts and other documents of Johnson County government.

The Chair shall have, in addition, all other powers granted by the Charter, the Commission, and applicable state law.

Section 2.07. PROHIBITIONS. No Commission member shall directly interfere with the conduct of any agency or department or part thereof, including the appointment or removal of employees, except at the express direction of the Commission or as otherwise provided by this Charter. No former Commission member shall hold any compensated appointive office or County employment until one year after leaving office.

Section 2.08. INITIAL COMMISSIONER DISTRICTS. Prior to April 1, 2002, the Commission, under its current procedures, as prescribed by law, shall re-district in a manner to create the Sixth District. The Seventh District will not require any reapportionment of population and revision of district boundaries since the Seventh District Commissioner represents the County as a whole.

Section 2.09. MEETINGS OF THE COMMISSION. Meetings of the Commission shall be conducted as provided by law. The Commission shall hold its meetings at such times and places as will allow the general public the opportunity to attend and participate in such meetings

ALTERNATIVE ARTICLE III. METHOD OF ELECTION OF COUNTY COMMISSIONERS

ARTICLE III. METHOD OF ELECTION OF COUNTY COMMISSIONERS.

Section 3.01. COMMISSIONERS TO BE ELECTED ON A NON-PARTISAN BASIS. Elections of the members of the Commission and, if authorized, any elected Chair of the Commission shall be non-partisan. Elections for members of the Commission and, if authorized, any elected Chair of the Commission, shall be conducted in the manner provided by law for elections of State and County officials to the extent not in conflict with this Charter.

Section 3.02. QUALIFICATIONS OF THE COMMISSIONERS. The laws pertaining to the qualifications of the members and Chair of the Commission shall apply to the extent such laws are not in conflict with this Charter.

Section 3.03. VACANCIES. Should a vacancy occur on the Commission, the Board of County Commissioners shall, within ninety (90) days of the occurrence of such vacancy, appoint a replacement to serve until the end of the term to which he or she is appointed or until the next regular county election, whichever is sooner. If a regular county election is held prior to the end of the unexpired term, then an election shall be held for an individual to fill the remaining portion of said unexpired term.

Section 3.04. PRIMARY ELECTIONS.

- (A) If there are more than two (2) qualified candidates for one (1) commissioner position in any commissioner district, including any authorized at-large district, the county election officer shall call, and there shall be held, a primary election in each such commissioner district. The names of the two (2) candidates receiving the greatest number of votes for any commissioner or chair position at the primary election shall appear on the ballots in the general election.
- (B) If a commissioner is to be elected to fill an unexpired term, the rules in this section shall be modified consistent with the provisions of this subsection. If there are more than two (2) candidates for such unexpired term, the county election officer shall call and there shall be held, a primary election. The names of the two (2) candidates for such unexpired term receiving the greatest number of votes shall appear on the ballots in the general election for such position.
- (C) No ballot in a primary county election shall have either names or write-in blanks for any commissioner position unless more than two (2) candidates have filed for such position.

- (D) If a primary is required under this Section, it shall be held on the first Tuesday of March in even-numbered years for the nomination of all candidates to be voted for at the next following general election.

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May 3, 2000

Chairman Ed Kinney
Charter Commission
Johnson County Administrative Offices
Olathe, KS 66061

Re: Charter Document and Alternate Articles

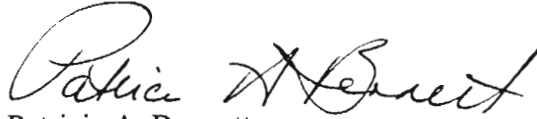
Dear Chairman Kinney:

It has been an honor for me to assist the Charter Commission in developing a proposed Charter for the County. I consider myself fortunate to have been able to work with some of the most valued members of this community in this endeavor. The countless hours spent by you and the other members and staff of the Commission have produced an exemplary set of Charter documents.

In accordance with statute, please let this letter verify that I am licensed to practice law in the State of Kansas and have reviewed the proposed Charter document and the proposed Alternate Articles II and III and do find that they are not in conflict with the constitution and the general laws of this state.

Again, thank you for this opportunity to work with you and the members of the Charter Commission. Please let me know if I can be of further assistance to the Commission as it moves forward with the Charter.

Very truly yours,



Patricia A. Bennett

Minority Opinion

This minority opinion is difficult to write because I like and respect the people with whom I've worked on the Charter Commission.

But I disagree with them on several issues. The Charter Commission recommended three principal changes to Johnson County government. Only one change is included in the proposed Charter, and two are offered as separate questions. I have listed these changes and the reasons for my agreement or disagreement.

1. The Charter proposes that the Register of Deeds, County Clerk and County Treasurer would be removed from the ballot. The office of Register of Deeds would be absorbed by the office of Clerk, and both the Clerk and the Treasurer would be appointed by, and under the direction of the County Manager. I disagree with this decision, and since this change is the only significant change in the proposed charter, I will therefore oppose the charter.

I oppose this change for the following reasons:

All positions in the property tax chain of mapping, assessing and collection of property taxes would be removed from the ballot. (The appraiser was removed from the ballot some years ago.) This is an enormous concentration of power in the hands of the County Manager.

The Charter plan means that all tax questions and concerns will be directed to a non-elected bureaucrat - the county manager - and we don't know yet who this person will be. Johnson County would be the only county in Kansas that did not elect these offices. In fact Johnson County would be one of very few in the United States that did not elect any of these tax related offices.

2. The second change proposed by the Charter Commission is not in the charter but is offered as a separate question. This change provides that the Johnson County Commission would be expanded from 5 to 7 members. One commissioner would be elected at large, and six commissioners from districts. The Commissioner elected at large would serve as Chairman of the County Commission for a 4-year term.

I agree with this change. Johnson County continues to grow, and I support the idea of smaller, more responsive districts for the Commissioners; and for 4-year leadership with the entire county being given the opportunity to vote on that leader.

3. Finally, the Charter Commission decided to place on the ballot the issue of partisan or non-partisan election of county commissioners. This issue is not in the Charter because a substantial majority of the commission was against including it. Indeed, even to put the issue on the ballot as a separate question was decided by only a 1 vote margin of the Charter Commission, 13-12.

I disagree with the decision to place the non-partisan issue on the ballot at this time. This major change should be placed on the ballot after we know what other major changes have been made in our county government. In addition there is definite doubt concerning the legality of a Charter Commission placing this question on the ballot, because County Home Rule statutes limit our ability to alter statewide election laws.

I am very bi-partisan, but I'm not non-partisan. I am a strong supporter of the two party system, (as opposed to multiple parties) and believe this is one factor that has made this country a strong democracy.

Some think that non-partisan elections are more "pure" than partisan elections. I believe this is not true, and examples which indicate that it is not true are just across the state line. In non-partisan elections - other groups arise - not necessarily more "pure." There probably will be more than two of them. They will have good-sounding names, - The Citizens Committee, Freedom, Inc., Quality of Life Committee, Good Government League, National Workers Association. But who are they; what do they stand for; will they be around four years later; can they relate in the political structure to the state and national elected officials.

Non-partisan elections lead to candidates who win with less than a majority vote, or with cobbled-together coalitions that dissolve after the election. The winning candidate has no real mandate, and no political group bears accountability for the winner.

I have no problem with non-partisan elections for smaller cities, or for entities with a limited mission - school, community college, water board, etc. But for large cities and certainly for Johnson County, I believe partisan elections are better.

With a significant portion of the budget of the county from state and federal sources, it's simplistic to say "There's no partisan way to fix a pothole." I'm not talking about potholes here, but about \$400 million worth of government - involved with health, mental health, zoning, roads, bridges, welfare, drugs, law enforcement, sewers, environmental concerns, airports, libraries and parks.

County Government is larger and has a wider range of responsibilities than city government. We must know who our candidates are, what is their philosophy, who are their supporters, and what will be their interaction with other units of government.

Finally, I'm concerned about the impact on our democracy. We have removed many positions from the ballot at both the local and state level in the last 30 years. I have supported this in the past and recognize that change may be needed as our county grows. I believe, however, that every time we remove a position from the ballot, we weaken our democracy. And when we make all elections non-partisan we remove a basic pillar of our democracy.