



THE LEAGUE OF WOMEN VOTERS
OF TOPEKA/SHAWNEE COUNTY

VOTER

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September 2004

7 *Tuesday Topics - Lunch 11:30 am*

Speaker: **Elizabeth Ensley**, Shawnee Co. Election Commissioner
“**The Upcoming General Election**”

Our meal is meatloaf sandwich, chips, brownie, water and tea.



14 *LWVT/SC Board Meeting - Members welcome*

5:30 pm, O’Dooley’s, 1930 Westport Dr. (north of Petsmart on Westport Dr.)
(VOTER information is due for **Oct. VOTER**. Send materials to **Carol Yoho:cyoho@cox.net**)

23 *Joint VOICE Meetings - McFarland’s Restaurant (Dinner from 5:30 PM, Dutch treat; meeting begins at 6:15 PM) Subject is Annexation.*

October 2004

5 *Tuesday Topics - Lunch 11:30 am*

Speaker: **Ernie Mosher**, Retired Executive Director, League of Kansas Municipalities,
“**Shawnee County in the 21st Century.**” *Our meal is Quiche, tossed salad, rolls, cookie, water and tea.*

9 *LWVT/SC Board Meeting - Members welcome*

5:30 pm, location to be announced
(VOTER information is due for **Nov. VOTER**. Send materials to **Carol Yoho:cyoho@cox.net**)

19 & 21 *VOICE Meetings - Details in October VOTER. Subject is Juvenile Justice.*

Tuesday
Topics

September & October Tuesday Topics will be held in room **JCM 101B**, across from the Millennium Cafe at the Topeka-Shawnee County Public Library. Meals are available to the first twenty-five arriving, @ \$8.25/ea. **If you need a ride to any League event, contact Betsy Rohleder.**



PreZ SeZ...

September 2004

I am taking the liberty of dedicating my column this month to my friend and League member, Vivian McCulley. Vivian died on July 28, 2004. I believe I can send our deepest and most heartfelt condolences to her family from all of us.

I was taken aback when I checked how long Vivian had been a member of our League—just since 2001! Vivian helped behind the scenes as a "non-League" committee member when I was Membership Chair. I needed to know if we could re-organize the way we managed the database of members and the way monies went from member dues to Treasurer and on to National and State PMPs. The minister who performed her service said "Vivian sowed seeds of direction and encouragement" and she did! She just knew that the "big picture" that I was describing to her could be done. She took my thoughts, pondered on them, came back to me and told me that it could all be done and encouraged me all the way!

Although I don't recall any specific times that she said so, I have decided that Vivian thought League members were pretty darned important folks!

- Important enough to become a member when I invited her to a member event.
- Important enough to give her time as a leader—Treasurer of our League.
- Important enough to invite others, including Dean just last year, into our membership.
- And, important enough to be a grass roots volunteer for League...she picked up the Voters, labeled and mailed them whenever the Voter editor needed it done, sat on the Annexation committee, helped with food and made many auction donations at membership functions, donated many hours to setting up the computer and software programs so that anyone could

maintain her work when she was no longer Treasurer, went to Scott School to help children learn the importance of voting, and probably did much more that I don't even know about!

Her forte, in my humble opinion, was to take something good and make it even better. She certainly did that for our League!

Vivian's family felt so strongly about the work that she did with and for our League that they have donated her computer to our League. It has all of

the software and League information already on it! The person(s) that "step forward" to take on the role of interim Treasurer should understand something about Quicken and Databases, but only how to use them. There will be no "setting them up" responsibilities for her successor(s).

Our League is a strong one and fortunately, we will be able to count on other members to pick up the things that Vivian "just did" because it was something she enjoyed or because it needed to be done.

Vivian's role as Treasurer was exem-

plary and she left everything in a fashion that someone can simply step in and maintain her records. While I can never say anything to minimize how much Vivian did for our League, she also knew that after next March she would not be Treasurer. She made everything easy for the next Treasurer—the records are in excellent shape!

I am sending a huge thank you Dean, Pam, Richard and Rob and your families for "loaning" Vivian to us for the past few years and for establishing a memorial with LWVKS Education Fund in her name. We are all better persons and League members for knowing and working with Vivian. We already miss her a lot but the great memories of Vivian will never go away!



Vivian Arlene McCulley
Dec. 21, 1940 - Jul. 28, 2004

— *Betsy Rahleder*

Tuesday Topics Report: July 6, 2004

report and photo by Carol Yoho

Harry Allen & Denis Shumate “Insiders’ views on KS Juvenile Justice System”

Denis Shumate began his career in juvenile justice in June 1963 and retired from the Kansas system in March 2004. He was with the Topeka Correctional Facility 1988-89, and spent much of his career working with girl offenders at the Beloit facility.

The Juvenile Court approach to juvenile justice is a relatively new idea. However, there was a detention center for boys in Kansas as early as 1882 at Beloit. The state took over management of the facility in the 1890s. There are currently five facilities: Atchison, for young boy offenders; Topeka, for severe offenders; Larned, for mental health, drug rehab and medical recovery; Beloit, for girls; and the new Topeka medical and diagnostic center for the system. The responsibility for running juvenile facilities rested once with the Department of Social Welfare, then the Department of Social and Rehabilitation Services and, now, with the Juvenile Justice Authority.

In the 1980s there was discussion about molycoddling children within a system focusing on child welfare. Today's approach is more focused on correction. The Juvenile Justice system was formed in 1995, with Albert Murray as its first administrator. There are three primary focuses within the system: public safety, junior offenders being held accountable for their actions, and efforts made to rehabilitate offenders. The Reformation Act is community-not institutionally-based. The system tries to keep offenders with their families first, or it may place an offender in foster care.

The institutional piece of the system is a Matrix with a determinant sentencing structure. (The Matrix was printed in our April Voter.) The new system affects the state's ability to rehabilitate, moving from "offender-based" to "offense-based" sentencing guidelines. The Matrix determines how long the sentence will be, with seven levels between the minimum and maximum, and with time limits based on the offense.

Having time limits flies in the face of learning theory. It takes away incentives for an individual as motivation to gain release from the system. This is Mr. Shumate's major concern with the current structure. Only six states handle sentencing by "criminalizing" juvenile offenders. Rehabilitation is difficult when an offender has been sentenced to a short term inside an institution. There is no incentive to change behavior when an offender can just "serve the time" short-term.

The Kansas system is fairly well staffed, better than 1:1, including professional psychologists and social workers. The American Correctional Association (ACA) accredits our system.

Mr. Shumate feels the current system goes too far toward criminalizing offenders. In Beloit, where he spent much of his



League member **Larry Bradford** (lft) discusses Juvenile Justice issues with **Denis Shumate** (ctr), and **Harry Allen** (rt).

time as administrator, the facility moved from a 15% to a 40% return rate; these numbers indicate a failure of the new system to foster rehabilitation. The plan does provide for "good time" credit,

however this aspect is not yet used to advantage.

Harry Allen came to the Juvenile Justice system from a career in the Army, where he worked with military corrections and received a master's degree in corrections in 1973. Under the military system 70% of offenders were retrained during incarceration and were eventually released from the Army with an honorable discharge. Mr. Allen retired from the military in 1989. He then became superintendent of the Topeka correctional facility for severe offenders age 14 to 21 (often found guilty of sex offenses, murder and drug dealing). He retired from the Kansas system in May 2003.

Both Mr. Allen and Mr. Shumate fielded questions from listeners:

- A seven-member panel, headed by Ex-Senator David Atkins, composed the Reformation Act. The writers were heavily influenced by the Florida system; however, Florida does not use finite sentencing.
- Rehabilitation efforts are most effective with the youngest offenders. At the Atchison facility only 30% of youngest offenders return to the system.
- Good aspects of our program include school and professional staff involvement, staff training programs, and ACA accreditation.
- Areas of concern include sending kids back home to dysfunctional family life (most go to a foster home before returning home), low pay for professionals, and staff burn-out.
- Less than 50% of families are capable of emotionally supporting kids who return home.
- About 85% of girls in the Beloit facility have histories as victims of abuse.
- Numbers in facilities are down because alternate care options are available.
- Help in finding jobs for offenders prior to their release might help keep them from returning to the system.
- There is a real need to readdress the current emphasis on offense-based sentencing, which limits the system's ability to rehabilitate offenders.



Tuesday Topics Report: August 3, 2004

report and photo by Carol Yoho

Randy Speaker,

Director, Topeka Housing & Neighborhood Development

“Finding Affordable Housing in Topeka”

Randy Speaker, Director of Topeka House and Neighborhood Development, plans neighborhood revitalization and helps in qualifying Topekans to purchase their first homes. Previously to his current position, Mr. Speaker served as state Under Secretary of Housing under Governor Bill Graves.

Housing is the fabric of our neighborhoods. It is the largest investment most people have. Quality of local housing impacts on the entire community, which is only as strong as its weakest link when looking at its neighborhoods.

Affordable housing is set at 80% of median income. Nationally, that is \$37,900. The Department of Housing and Urban Development has started to direct housing policy toward individual needs, encompassing the young, the old, and the range between. Once HUD paid people to live in a particular place. Now it has changed policy to focus on enhancing neighborhoods where people are already living.

The Topeka Housing Authority is currently focusing on targeting neighborhoods needing improvement. Innovative solutions are sought for neighborhood problems, and efforts are made to instill pride among homeowners in maintaining neighborhoods. Targeted areas are developed in a three-step process: Planning, Activation, and Investment.

In the past mistakes have been made. Previous to implementing these new procedures, \$60 million had been spent in Topeka (in the past fifteen to twenty years) in a piecemeal fashion on sidewalks, curbs and gutters, park improvements, and individual home fix-up--but not in a concentrated area.

This year work focused on the Monroe neighborhood. Over 400 volunteers worked in April/May to fix up residential housing in that one area, and efforts have been noticed.

For 2005 three neighborhoods have been targeted: East Topeka, the Monroe neighborhood, and Tennessee Town. Action will be taken to rehabilitate the infrastructure. In the Investment stage, there will be efforts to lure funds other than tax dollars (private funds) to be invested in these areas.

In addition to neighborhood improvement Speaker's office handles Youth & Social Service programs. There is never enough money to do what is needed.

How do we get involved? Mr. Speaker urged League to provide forums for discussion, and put neighborhood issues before legislators and legislative candidates relentlessly.

Mr. Speaker mentioned Neighborhood Health Maps (later published in the Topeka Capital-Journal) rating Topeka neighborhoods as: 1. Healthy, 2. In need of outpatient care, 3. Inpatient status, and 4. Needing Intensive Care. Funds are spent with needs prioritized, with 60% of the funds "targeted" to specific



Randy Speaker, Director,
Topeka Housing & Neighborhood Development

needs.

Neighborhood Improvement Associations are activated where 51% of the households have incomes below the national median. But before federal dollars are spent in an area homeowners must "clean the slate" by paying any fines or back taxes owed before

they can qualify for financial help.

In the Monroe neighborhood researchers pinpointed absentee landowners and collected over \$200,000 in taxes and fines owed before clean up began. Clean up was done in "layers," with superficial clean up revealing the further needs. Code compliance was a focus. For example, 44 inoperable cars were removed from the area. As clean up took place, efforts were made to change living habits and instill pride of ownership in residents. Often, said Mr. Speaker, such behavior modifications occur by osmosis; when peers take an interest in the neighborhood, interest is sparked in many homeowners.

Shorey Estate near the North Topeka K-Mart store is a success story. Apartments well known to drug dealers were torn down, with single-family home replacing them. Renters who lost living space were given vouchers and disbursed to other rental areas within the city. Current residents, first-time homeowners who qualify for assistance by falling in the 80 to 115% of median income range, are now paying property taxes and have kids in area schools.

The Topeka Opportunity to Own Program (TOTO) helps potential homeowners with pre and post purchase education courses. The default rate on loans associated with educational efforts is lower.

The Topeka Housing and Neighborhood Development office also offers low-interest loans to start businesses to those who qualify. These efforts also include an educational component and those with needs are encouraged to call.

KWVK plans to support KPTS Channel 8 in Wichita during their coverage of the Republican convention in August. Channel 8 also covered the

There is an excellent piece on the League of Women Voters (LWVUS) web site: **2004 Election in Danger: Top 5 Risks to Eligible Voters** (which includes):

1. Troubles with **voter registration**
2. **Erroneous purging** from the registration rolls
3. Problems with the **new I.D. requirement**
4. Problems with **voting systems**
5. Failure to **count provisional ballots**

Find details at: www.lwv.org/join/elections/TopFiveRisks.pdf



On May 20, 2004, five members of the Topeka League and one guest took a fascinating tour of the Juvenile Correctional Facility. We were warmly received by John Flippin, Assistant Superintendent, and by Mary Beth Kidd, Public Information Officer for JJA. We toured the facility and the Lawrence Gardner High School, meeting both staff members and students. Later, we toured the \$34 million Kansas Juvenile Correctional Complex, which is equipped with many state-of-the-art features. The TJCF will move some of its population into a new 60-bed

unit in July, which will relieve some of the crowding at the present facility.

Eventually, all juveniles entering correctional facilities in Kansas will be processed through the new facility, where their needs will be assessed. The new facility is also equipped to handle 225 medium and maximum security inmates. It will open whenever the \$11.8 million required for staffing and operating costs becomes available.

June Windscheffle and Gwen Elliott interviewed Judges Mitchell and Yeoman regarding juvenile justice issues on April 13, 2004. Both men are experienced judges, having served 18 and 14 years on the bench, respectively. In answer to our question regarding the balance between prevention and punishment in the current system, Judge Mitchell explained that the Juvenile Justice Reform Act of 1996 puts community safety ahead of the rehabilitation of the juvenile. Judge Yeoman clarified, however, that while some of the language in the act speaks to punishment, in actuality only a small proportion of the juveniles who commit crimes ever go to a correctional facility. In Shawnee County that is especially true, he said, compared to incarceration rates in Sedgwick and Wyandotte Counties. Here, judges usually sentence juveniles to probation, intensive probation, and the "least restrictive environment" such as group home placement, before using incarceration as an absolutely last resort. Judge Yeoman emphasized that the court deals with a wide range of crimes and that the vast majority of juveniles who commit initial offenses do not repeat crimes. It still appears to be true that about 10% of the juvenile population commits 80-90% of the crimes. Some areas predict their delinquency numbers for the future by studying the behavior of their current second graders, for example. The judges noted they have seen increasing numbers of girl offenders enter the system over the years. They also recalled a superintendent at the Topeka facility saying, "Send offenders to me sooner (when they are younger); I can't fix them now." To answer our questions about the sentencing matrix, the judges, admitting they have mixed feelings about it, discussed its pros and cons. One of the benefits of the matrix is that it improves the consistency of the sentences given from county to county, from urban areas to rural ones, and across all demographic groups with one intent being to decrease the disproportionate numbers of minority status juveniles in state facilities. Two of the major reasons the matrix was created were: (1) to reduce or at least control the numbers of juveniles admitted to the correctional facilities, and (2) to encourage the development of rehabilitation opportunities in local Kansas communities. Whether the second goal has been successful is not exactly known, but there is no question that the matrix has reduced the numbers in the state facilities. (See March Voter.)

A potential downside of the sentencing matrix is that it removes a great deal of the judges' discretion and thus their abil-

ity to set and enforce standards unique to their own communities. Because there are entirely different senses of justice in different communities (eg., a stolen bike tends to be a bigger issue in a small rural community than in a large city), there are some cases in which it is helpful to have the discretion of an experienced, thinking judge rather than using a cookie cutter matrix approach to sentencing. The rural communities would also argue that cities have more resources available to help troubled kids without sending them to a state facility. The judges concluded that it is hard to fashion a system that can't be abused and emphasized that in any system, their role is to "pursue justice" and to follow the law.

The judges believe the current system is clearly weighted more toward programs than toward buildings. They noted that the new Topeka facility will have an expanded medical unit and maximum as well as medium security housing. (See article on League tour.)

The judges said their primary focus in dealing with juvenile cases is: (1) seeing that the case is handled within the law; and (2) assuming adjudication by exploring whether the case is a local or long-term problem (determining whether a group home is sufficient, for example) and meeting the challenge of fashioning an appropriate response to the behavior. They agreed that there are never enough resources (group homes and foster care) and that those which exist must be affordable. They emphasized that community corrections is intensive work and that there are many people in the community mentoring and working in the schools, for example, to help juveniles be successful in their own homes. They noted, however, that the policy makers come from a different world than the youth they are trying to save, that 80%-100% of the offenders come from single-parent homes with little or no family structure and do not have a "sense of community" in that regard. They believe that for many youth a sense of connection is a fading reality. They also explained that methods used at the federal level to reduce the number of children in foster care have been applied to juvenile offenders where the goal of keeping offenders in their own homes does not work as well as it does for children in need of care.

Finally, the judges gave us excellent referrals for learning more about juvenile correction work in the community, which the committee hopes to explore next.

Annexation in Topeka & Shawnee County —report by Allyn Lockner

Part 1: Overview of Annexation

Annexation Study Committee
of the League of Women Voters of Topeka and Shawnee County

Origin and Purpose of Study

Following its October 2003 VOICE meetings, the League of Women Voters of Topeka and Shawnee County (the local League) began a two-year study of annexation issues in Topeka and Shawnee County. The purpose of the annexation study is to educate and prepare members to vote for concurrence or nonconcurrence with a local public policy position proposed by the local League's Annexation Study Committee and its Board of Directors. Final adoption of the position will occur at the April 2005, annual meeting. For the local League's current position on annexation, see its Yearbook, 2003-2004.

Members of the local League who volunteered to serve on the Annexation Study Committee are:

Anne Baker	Allyn Lockner
Mary Ann Bradford	Judy Moler
Patricia Burton	Betsy Rohleder, ex officio member
Winnie Crapson	Jan Waide
Nancy Kindling	Ruth Wilkin

Other members of the local League should feel free to contact committee members if they need additional information about annexation and/or the committee.

Scope of Study

The committee decided that a study aimed at all annexation provisions of Kansas Statutes Annotated (KSA) is more properly within the scope of the League of Women Voters of Kansas than the local League. Therefore, the committee decided to aim its study at the annexation policies and procedures of Topeka and Shawnee County under the current KSA annexation provisions. In other words, the committee did not study the current state annexation laws with the intent of enabling the local League to arrive at a decision on the retention, revision or replacement of these laws. Yet, the local League will need to be familiar with state laws as it studies local annexation issues.

The local League's study is to include, among other things, "research of other cities' policies and experience" and a "list of articles and publications." To meet these requirements, the committee has prepared a bibliography which contains the documents which the committee has collected since October 1, 2003. Electronic or hard copies of most documents have been distributed to members of the committee. Other local League members may obtain a copy of the bibliography from committee members.

City annexation policies and procedures are changing throughout the United States, largely in response to population growth, technological change, economic development, urban sprawl, and inequitable tax burdens. For these reasons, the committee's research is confined to relatively recent articles, books and other publications of annexation researchers and practitioners.

Organization of Articles

This and the next two editions of the Voter will contain three articles dealing with annexation.

- This article in the September edition is "Part 1: Overview of Annexation." It contains general information about annexation and lays the foundation for discussing annexation in Topeka and Shawnee County.

- The second article in the October edition is "Part 2: Kansas Annexation Procedures." It is based on the first article and summarizes the annexation procedures in KSA as implemented by Topeka and Shawnee County, and lays the foundation for discussing the improvement of local annexation operational practices.
- The third article in the November-December edition is "Part 3: Potential Improvements of Annexation Operational Practices." It is based on the second article and describes potential non-statutory changes for improving annexation operational practices in Topeka and Shawnee County.

The improvements are candidates for strengthening the annexation procedures utilized by Topeka and Shawnee County. It is assumed that the annexation requirements stated in KSA remain unchanged. Each article ends with questions intended to stimulate local League member thinking about annexation.

Members of the Annexation Study Committee and other members of the local League are interviewing local officials to obtain their views on annexation. These officials include the Shawnee County Commission, Shawnee County Planning Commission, Mayor of Topeka, Topeka City Council, Topeka City Planning Commission, and representatives of other organizations, such as the Community Resources Council and Topeka Homebuilders Association. The intent is to interview as many of these officials as possible by September 14, 2004 if mutually convenient interview dates and times can be arranged. A summary of interviewee responses to a standard set of specific questions will be distributed to local League members before they meet to discuss and concur on annexation questions. Neither names nor positions of the interviewees will be mentioned in the summary of responses.

Before discussing annexation procedures and improvements in Topeka and Shawnee County, it is worthwhile to provide an overview of annexation by discussing some basic topics.

Annexation: Definition and Introduction

Annexation is the legal process whereby a municipality adds tracts of land, including structures and usually population, to its boundaries. The tracts can range widely in size and development. Annexation excludes consolidations and mergers of local governments.

In some cases, annexation enables the municipality to provide entirely new services to the territory and people annexed; in others, they enable higher levels of already existing services. In still other cases, the level and mix of public services do not change, but the responsibility for providing these services is transferred from another local government, such as county, township or special district government, to a municipal government. Examples of special district governments include water supply districts, fire protection districts and drainage districts.

The expansion of city services and the level of city taxes typically receive the most attention during annexation. The provision of services plays a central role in annexation. Annexation is a procedure that, in many instances, proceeds literally by individual tracts of land, as services are exchanged for city residence. As the most tangible benefit offered to suburban residents, city services are an inducement used by the city to encourage suburban property owners to join the city. Also, the most tangible cost to suburban property owners is the level of taxes levied by the city to pay for the array of city services not previously received by these property owners outside the city boundary. In some cases, the expansion of a municipal boundary may result in the seizure of another government's revenue base. In other cases, municipal expansion does not affect another's revenue base.

Given the central roles of service provision and taxation level, the service-taxation impacts of annexation are critical to the municipality, suburban property owner and the revenue base of involved governments. The service-taxation impacts are not usually well understood and sometimes the source of conflict. A comprehensive service-taxation analysis is required to determine these impacts. Annexation is not necessarily a "winner-take-all" situation. Considering both the service and taxation impacts, annexation can be advantageous for the municipality, the annexed property and owner, and the other units of government, for any one of these parties to annexation, or for none of these parties. The impacts of annexation, in practice, are often complex, particularly when it comes to estimating the monetary and other benefits of municipal services.

The racial and income disparities present in cities and their suburbs also influence annexation. The full cumulative effects of annexation on these disparities may be known only when several annexed and non-annexed parcels of property and their occupants are analyzed comprehensively. Again, these effects are sometimes source of conflict.

Technical, Economic and Social Issues

As an integral part of metropolitan development, annexation is often justified technically by contiguity, land management, and environmental protection, all of which affect the quality of life in the metropolitan area. Contiguity refers to annexed property that is adjacent to the city's boundaries. Some annexations propose to remove unincorporated islands and to create unbroken service areas. Without contiguous annexation, service provision can be particularly complicated, ineffective and inefficient as cities and counties attempt to service isolated areas. Zoning and building regulations and transportation planning are included in land management. These issues are addressed broadly in countywide growth plans and specifically, for example, when cities attempt to balance competing stakeholder interests in deciding the zoning status of newly-annexed property. In terms of the environment, annexation may be beneficial. It is not uncommon for a suburb that is moving to a higher residential density level to "hook up" to the city's water and sewer system to ensure a safe, sufficient and efficient supply of drinking water, and an effective and efficient treatment of wastewater.

In addition to these technical issues, economic interests often stimulate annexations. The primary economic concerns are fiscal viability and economic development. City officials often balance projected tax revenues with estimated service expenses when deciding to annex property. This forecasting is particularly important for undeveloped land that may be zoned for business and industrial uses and that will have significant service demands. Counties that are experiencing financial loss from annexation will likely resist it.

Social benefits may accrue from annexation. It can increase a city's population, and a city that is growing is often favorably perceived as a vibrant and desirable area. Furthermore, city officials have been known to support annexation as a means of broadening their political base, particularly when residents in the area proposed for annexation share the same political inclination as a majority of the city council members.

Because annexation has implications for a city's demographics, it may be resisted. Boundaries may be drawn to exclude particular groups based on race, ethnicity, or economic status. To prevent such discrimination and to ensure that voting districts remain proportional in population, the U. S. Department of Justice reviews boundary changes for states affected by Section 5 of the federal Voting Rights Act. Courts also provide a final outlet for appeal in cases of discriminatory annexation.

Stakeholders Affected by Annexation

Different stakeholders often have different and sometimes conflicting interests in a proposed annexation and/or believe they will be affected in different and sometimes unfair ways by the annexation. Understanding which stakeholders benefit and lose from annexation helps explain not only why some annexation efforts are successful and others are not, but also the possible motivations of these stakeholders. Those stakeholders directly involved in annexations include municipal officials, county officials, city residents, and property owners. Property owners, including developers, comprise those with the land to be annexed; those with adjoining property who may remain in the unincorporated area; and those who are already located within city boundaries.

There can be many benefits from a well-planned and judiciously-considered annexation. Public officials, residents and businesses within a municipality may support annexation for economic, social and political reasons. Common examples are to expand and diversify the tax base and to stimulate economic development. Also, cities annex property to increase and broaden the population base. Annexation may be part of a larger growth plan that permits the city to control the economic, geographic and environmental development patterns. The additional land can facilitate the efficient delivery of services by capturing greater economies of scale. Moreover, a larger population may increase the city's prestige, permit citizens greater political influence, or garner more state or federal financial aid.

In many instances, county governments also directly benefit from annexations. Development resulting from annexation can create opportunities for economic expansion, benefiting the county tax base and generating employment opportunities for unincorporated areas. Annexations that eliminate unincorporated islands can improve patterns of service delivery by constructing rational municipal boundaries. For counties that provide few services or lower service levels, annexation relieves public pressure to supply urban services that are already available from the city.

From the property owner's perspective, annexation may offer the opportunity to receive services or higher level of services not currently available from the county and other governments in the unincorporated area. Expanded services may reduce household expenses, such as fire insurance. Property owners may advocate city annexation to exempt themselves from certain county regulations or services. For example, a city may impose a less stringent land-use regulation that enables development not permissible under county zoning regulations. Or residents may favor annexation that results in their children attending a different school. It is assumed that because property owners are major stakeholders in annexation, they rationally consider both the benefits and costs of annexation. However, the new city services and opportunities are realized only after the outlays for higher city property taxes.

Current municipal property owners may believe that annexation will result in a higher financial burden on them, especially if the annexed land requires extensive infrastructure expansion, for example water supply, sewage treatment, and streets and lighting. They may fear that the increase in size could make the city too large for effective, efficient and responsive governmental administration. Also, property owners may fear that expansion could result in municipal leadership that neglects the older areas of the city.

Property owners and other residents in unincorporated areas may fear the loss of social identity, insufficient attention from the annexing city government, or diminished political power as part of the municipality. From their perspective, the additional benefits accruing from the new urban services may be less than the increased tax burdens. Unincorporated property owners tend to resist accepting increased city tax burden and bonded indebtedness. Some owners do not want urban services, but do want to minimize taxes.

County officials may resist annexations, perceiving them to be city "land grabs," and have concerns regarding the adverse impacts of annexation on the fiscal and environmental health of the county. The forfeiture of tax revenue and the funding of services from an eroding property tax base can be especially troublesome unless the county levies taxes on property in the city. In areas in which there are special taxing districts, officials may view the tax base as a "zero-sum game:" an addition to the city is a loss to the taxing district. A comparable situation may exist for townships containing tracts contiguous to cities and subject to annexation. Similarly, counties may be uneasy about reducing the customer base upon which officials have established service-delivery levels; if service levels decline, such as for a water system, economies of scale will be surrendered, and service user-charge rates will have to be increased. This loss can be particularly burdensome for suburban areas with revenue bonds. The county may also lose revenue from other sources such as other user charges, business license fees, and alcoholic beverage taxes. The county may perceive a loss of control over its land-use planning and development from municipal annexation. Annexations may create a less effective service delivery pattern by altering intergovernmental agreements and triggering renegotiation of service-delivery agreements. When cities and counties provide the same services, competition for customers is likely to occur, unless the governments agree on planning and service arrangements.

Principles of Annexation

Principles of annexation can be very useful in dealing with the technical, economic and social issues of annexation, and with the effects of annexation on stakeholders. These principles are basic rules of right conduct to be practiced by stakeholders during the annexation procedure. They are fundamental elements that are intended to produce more sound annexation outcomes with less unproductive conflict.

- **Response Principle.** Annexation is largely a municipal response to metropolitan population growth and movement, economic development and business relocation, technological advancements (for example, transportation and communication), and income and social inequities. The municipality usually does not initiate these trends.
- **Standard Principle.** Annexation should be the standard and not the exception for all existing and proposed development that is anything beyond rare, small, scattered and isolated single-family rural residences. Commercial, industrial and the usual residential development require urban-type services which only cities can provide effectively and efficiently.
- **Planning Principle.** City, county and other local government plans, and a metropolitan plan if it exists, with a 10-to-20 year planning horizon, should be current and consistent with one another, and be utilized in determining the roles of these governments and their future growth and development. These plans guide each annexation decision.

- **Contiguity Principle.** With the rare exception of noncontiguous annexation, the general rule is that a tract of land should not be annexed to a city unless it is contiguous to the city; yet, it is not necessary that each and every tract sought to be annexed must be contiguous. It is sufficient if all of the tracts are contiguous to each other, and one of them is contiguous to the city.
- **Services Principle.** The unit of local government which can provide needed municipal services, for example water and sewer services, most effectively, efficiently and equitably to the residents and landowners of a particular area should normally exercise jurisdiction over that area. Environmental imperatives are to be considered in determining the need for municipal services.
- **Revenue Principle.** The city which is supplying essential municipal services to the residents and landowners of an area should also receive tax revenues from them. Also, counties should not collect from city residents and properties tax revenues which pay for municipal services provided by counties to residents and landowners outside the city.
- **Reimbursement Principle.** Annexation aims to create significant positive effects on most, if not all stakeholders. When stakeholders will incur unavoidable, measurable and significant negative financial effects, and those effects block a crucial annexation, it is advisable to reimburse stakeholders monetarily or in-kind for these effects in order for the annexation to occur.
- **Relationship Principle.** Residents within a particular area should be under the jurisdiction of the local government to which they have the greatest relationship. Consideration is given to the government to which residents have the greatest social and economic ties, namely where they work, shop, recreate, and/or their children attend school.
- **Land Use Principle.** Agricultural and other rural land uses should be confined to counties and other rural governments; some residential and commercial development is allowed in rural areas. Most, if not all commercial, industrial, recreational, usual residential, and other intense urban land uses should be located within cities.
- **Growth Principle.** Annexation of land needs to maintain the viability of the city and to enable it to fulfill its role in the broader community and metropolitan region. An adequate inventory of suitable land should be available to meet potential future residential, commercial, industrial, recreational, cultural, transportation and infrastructure demands.
- **Political Principle.** Annexation politics is essentially a social activity, closely linked, on one hand, to the existence and diversity among annexation stakeholders, and on the other to their willingness to cooperate and act collectively. The aim is to search for a decision which accommodates the interests of most, if not all stakeholders in the annexation.
- **Boundary Principle.** Geographical or natural barriers which may serve as a logical boundary line should be considered during annexations. An attempt is made to define a line which is straightforward and easily recognizable by stakeholders in the annexation, and to avoid tracts which have boundaries which are likely to be the cause of jurisdictional disputes.
- **Proof Principle.** A municipality assumes the general burden of proof when it seeks to extend its boundaries and to bring under its jurisdiction substantial areas of land. The municipality must combine the municipal plans, annexation facts and annexation statutes to build an argument which proves to stakeholders the need for annexing tracts of land.

These principles can be applied during the annexation of one or several, and small and large tracts of land. They serve as benchmarks and can be particularly useful in the complex and difficult annexation of tracts which are likely to be or actually are accompanied by conflict among stakeholders. There may be exceptions to some of these principles because of critical circumstances, such as public health and safety, but exceptions should be rare.

Questions

The overview of annexation suggests many questions. The answers of League members to these questions will help them to develop, review and discuss concurrence questions and to concur or nonconcur with proposed position on annexation in Topeka and Shawnee County. For example:

- Why annexation?
- Who receive the benefits of annexation?
- Who incur the costs of annexation?
- Which annexation principles are most important?
- Which annexation principles are least important?
- What annexation principles should be added and/or deleted?

What are other questions about annexation? What are the answers to these questions?

Next Topic

Kansas Statutes Annotated (KSA) specify the procedures Topeka and Shawnee County use in annexations. The October edition of the Voter will contain an article entitled "Part 2: Kansas Annexation Procedures."

Additional Reading

Local League members who want to know more about city growth and annexation may want to read David Rusk's *Cities Without Suburbs*, Third Edition, 2003. The book is available at the Topeka and Shawnee County Public Library, call number is 307.76 RUS.

Voter Service Activities

Mary Ann Bradford reported a variety of activities in Voter Services: continued coordination with Library and other orgs in setting up Voters' Forum on Oct. 9, 2004; inquiry about Advance Ballot returns in previous election; invitation to speak at Topeka Civic Nucomers August 26; and an announcement of LWV's coordination with national and local broadcasters on PSAs and special events for a "Voter Turnout: Let's Turn It Up!" project; Back-to-School Fair; VOTE book-

marks and Dnet pamphlets handed to customers at Barnes & Noble; and registering voters Sept. 28th at Hallmark Cards Topeka plant.

Those who worked at the Back-to-School Fair were **Nancy Sargent, Dona Peterson, Jeanne Roberts, Jan Waide, Carol Rousey, Mary Ann and Larry Bradford.**

Others who have offered to help are **Edith Bronson, June Windscheffel, Patty Pressman, Kathie Prochaska, and Gwen Elliott.**

We will continue to see additional help as needed.



The nominating committee for next year will be meeting on August 28th. We will appreciate any suggestions you may have for members serving on next years board.

Tuesday Topics Reminders:

September 7: Elizabeth Ensley, Shawnee County Election Commissioner, "The upcoming General Election: Problems and Opportunities" Meal: Meatloaf Sandwich, chips, brownie, water, tea.

October 5: Ernie Mosher, Retired Exec. Dir., League of Kansas Municipalities, "Shawnee County in the 21st Century". Meal: Quiche, tossed salad, rolls, cookies, water and tea.

Our first VOICE meeting will be a joint meeting on September 23 at Mc Farland's restaurant. Subject: Annexation. Dinner, 5:30 PM and meeting, 6:15 PM.

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Safeguarding the Vote

The League issued a new report, *Helping America Vote: Safeguarding the Vote*, outlining recommended operational and management practices for state and local election officials to enhance voting system security, protect eligible voters and ensure that valid votes are counted.

Letter to the Senate about Assault Weapons Ban

It is critical that Congress act now to renew the federal assault weapons ban before it expires on Sept. 12, 2004. We urge Senators to support S. 2109, sponsored by Senators Diane Feinstein (D CA) and John Warner (R VA) which would extend the sunset on the assault weapons ban for ten more years.

Top 10 Ways Smart Women Can Elect to Make a Difference in 2004

Election Year Countdown

- 10. DECLARE** your independence from politics as usual and throw a voter rights & registration party! Contact your local League of Women Voters for voter registration forms, 2004 Voting Guides, and Help America Vote Act tips; then pick-up the perfect patriotic party favors, decorations, and gear—Smart Women™ Vote buttons, bumper stickers, tattoos, and more—and let the fireworks begin! [www.lwv.org; www.smartwomenvote.com]
- 9. PROTECT** against Election Day voter rights violations on the front lines, by contacting your local elections office and applying to be a paid poll worker or election judge, or volunteering to be a poll watcher for a particular political party, candidate or organization. (Details vary by state and position.)
- 8. CELEBRATE** Women's Equality Day—marking passage of the 19th Amendment that finally granted American women the right to vote in 1920—by joining the League of Women Voters' grassroots network. Founded by suffragists that same year, to encourage informed participation by the new female electorate, the League is still out there educating, activating, and connecting Smart Women today. *Women's Equality Day is Thursday, August 26, 2004*
- 7. LABOR** for love of country, democracy, and the candidate of your choice by volunteering to work on an exciting election year campaign—and meet other Smart Women as committed to making a difference as you are.
- 6. POP** fresh popcorn when you screen the film *Iron Jawed Angels*, a woman-directed crowd-pleaser based on the amazing true story of young maverick suffragists, Alice Paul and Lucy Burns. Invite your neighbors, your book club, and every young woman you know; rent it, or buy a copy and donate it to your local school or library after. [www.hbo.com/films/ironjawedangels/]
- 5. DEBATE** the merits of the two presidential candidates and their positions on the issues, among friends, and host a bi-partisan debate-watch gathering at which you eat, drink, and be open-minded. Make creative use of Smart Women™ Election Kits as fun, conversation-starting centerpieces, door prizes and/or fundraisers. [www.debates.org] Presidential Debates are Thu 9/30 (Miami); Fri 10/8 (St. Louis); Wed 10/13 (Tempe)
- 4. REGISTER** your heartfelt beliefs, educated opinions, and every-woman-counts voice by making sure you (and all the Smart Women you know) are registered to vote in time for the November 2 presidential elections. If you can't get to the polls in your precinct on Election Day, be sure to request and send your Absentee Ballot within your state deadlines. [www.vote-smart.org]
- 3. TREAT** Halloween visitors—cleverly costumed daughters and patiently chaperoning moms—to low-calorie bowls of Smart Women™ Vote buttons and tattoos that they can wear to school or the polls. [www.smartwomenvote.com]
- 2. BRING** the kids with you into the voting booth (yours or borrow a curious niece, nephew or neighbor) and let your actions speak louder than your words. Election Day is Tuesday, November 2, 2004
- 1. RESOLVE** to learn more about the issues, do more in your community, and have more fun with politics in 2005!

State League Supports Convention Media Coverage

Democratic convention in July. State president Janis McMillen created a list of questions that needed answers, both from LWVUS and from the TV station, before making this commitment. The Wichita TV station, KPTS Channel 8, will air the Republican convention from 7-10 p.m. each evening for every day of the convention. At the beginning and end of each broadcast they will show the League name/logo and read a statement that will essentially say, "A portion of this convention coverage is brought to you by the League of Women Voters of Kansas, a non-partisan political organization that educates citizens about the

political process." The League is the only organization that will be noted as "bringing the convention to the voters." Their coverage area is 23 of the 105 counties in Kansas, including Great Bend, Salina and Wichita. The footage is directly from PBS, with no editing and with Jim Lehrer being the "host." So McMillen feels comfortable that this will be good publicity for the League, and will not bring into question our non-partisan status.

LWVK Updates

The DNet squad worked diligently to send questions to all of the candidates prior to the August 3 primary and get responses published on DNet. Several hundred contacts were made, trying to cover all contested House and Senate races across the state. State president Janis McMillen reports that DNet content can be down-loaded into a Word document, for those who wish to publish a Voters Guide in their particular area. McMillen has arranged for a local Hispanic organization to do some translation on candidates responses in Wyandotte County. Thanks to Doris Slocombe and her crew in Emporia for the hard work done for the rest of us!

DemocracyNet: www.dnet.org

Nine Kansans represented state Leagues at the National Convention in Washington D.C. this year.

The LWVUS Board did not recommend a program of study for 2004-2006, as studies on Juvenile Justice and Annexation are already in the works. This led to discussion and vote on several non-recommended proposals. Two that passed were modification of the LWVUS stance on mandating individual paper trail equipment to accompany direct recording electronic voting machines and the request for LWVUS to raise the priority for education and advocacy on civil liberties. Votes that did NOT pass included concurrence on federal abolition of the death penalty, request for LWVUS to renew a commitment for ratification of ERA, request for LWVUS to use state and local Leagues as a resource and assume a greater role in monitoring and providing testimony on the No Child Left Behind Act.

Observer Reports, Board of Shawnee County Commissioners —by Patty Pressman

August 2, 2004

Commissioners approved:

- for the application for a Conditional Use Permit for the County Composing Facility
- request to support and become a member of the Kansas Jail Association
- request to advertise and fill a Health Services Team Leader Position

August 9, 2004

- Commissioners acknowledge receipt of the application for a \$21 million Industrial Revenue Bond for Blue Cross Blue Shield of Kansas.

Resolution No. 2004-128 expresses intent to issue the bond and the public hearing is set for August 30, 2004 at 9:00 a.m.

- Consideration of the 2005 budget, agency funding and memberships, dues and subscriptions was deferred until the August 12, 2004 meeting.
- Commissioner Miller noted a letter received from Mayor McClinton. Commissioner Miller felt that the Mayor should be present for the discussion (consolidation of city and county governments).

Mark Your Calendar:
 Thursday, Sept. 23, 5:30 pm
Joint VOICE Meeting

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ADDRESS CORRECTION REQUESTED

September 2004
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VOTER
 OF TOPEKA/SHAWNEE COUNTY
 THE LEAGUE OF WOMEN VOTERS



Please contact Nancy Kindling at 273-8578 or e-mail nmkindling@aol.com if you are interested in helping to follow actions by groups on the change in city government or attend some of the meetings. Nancy will be glad to contact you if you are interested.

We still have VOTE pins for sale and you can get them by calling Betsy. We have raised a considerable amount of money from their sale. We hope all members will still be able to sell or buy those pins remaining.



WHY BUY? To support your local League, to give as gifts, to wear yourself, to resell to others and to support getting out the vote.

WHO BUYS? Family, friends, government workers, candidates, elected officials, and many others.

YES!

I want to add my voice to yours by joining the League of Women Voters. I enclose:

\$48 for 1-year Individual Membership \$72 for a 1-year Household Membership

\$85 for a 1-year Sustaining Membership Please send more information.

I am unable to join the League at this time, but enclose a contribution of \$_____.

Name _____

Address _____

City, State, Zip _____

Phone (hm) _____ (wk) _____

E-Mail (for Action Alerts) _____

Please send to:

Mary Ann Bradford

1809 SW Webster Ave.

TOPEKA KS 66604-3228

785-354-1646

Make checks payable to League of Women Voters of Topeka-Shawnee County