



**Board of Riley County
Commissioners
Regular Meeting
Agenda
January 30, 2023**

115 North 4th Street
Manhattan, KS 66502
www.rileycountyks.gov

Cindy Kabriel
785-565-6200

Commission Chambers

8:30 AM

[District 2 – Greg McKinley, Member](#)

[District 3 – Kathryn Focke, Chair](#)

[District 1 – John Ford, Vice Chair](#)

8:30 AM

Call to Order

Pledge of Allegiance

Public Comment

1. Public Comments

Commission Comments

2. Commission Comments

Business Meeting

Review Minutes

3. Board of Riley County Commissioners - Regular Meeting - Jan 26, 2023 8:30 AM

Review Tentative Agenda

4. Tentative Agenda

Press Conference Topics

5. Discuss Press Conference

9:00 AM

Clancy Holeman, Counselor/Director of Administrative Services

6. Administrative Work Session

9:20 AM

Darell Edie, Budget and Finance Officer

7. CIP PROJECT AMENDMENT OpenGov Software

9:30 AM

Press Conference

8. Soil Preparation for Gardening - Gregg Eyestone (2-3 minutes)

9:40 AM

Cory Meyer, IT/GIS Director

9. IT/GIS Staff Update - January 2023

9:50 AM

Rich Vargo, County Clerk

10. Commissioner District Review

10:10 AM**Rich Vargo, County Clerk**

11. Preservation of Ballots and Election Records

Adjournment

In order to comply with provisions of the Americans with Disabilities Act (ADA), Riley County will make reasonable efforts to accommodate the needs of persons with disabilities. Please contact the Division of Human Resources at (785) 537-6303 (voice and TTY) for assistance.



**Board of Riley County
Commissioners
Regular Meeting
TENTATIVE Agenda
February 02, 2023**

115 North 4th Street
Manhattan, KS 66502
www.rileycountyks.gov

Cindy Kabriel
785-565-6200

Commission Chambers

8:30 AM

[District 2 – Greg McKinley, Member](#)

[District 3 – Kathryn Focke, Chair](#)

[District 1 – John Ford, Vice Chair](#)

8:30 AM

Call to Order

Pledge of Allegiance

Public Comment

Commission Comments

Business Meeting

Review Minutes

Review Tentative Agenda

Press Conference Topics

9:00 AM

Julie Gibbs, Health Department Director

1. Out of State Travel Requests

9:15 AM

Michael Boller, Noxious Weed Director

2. Staff update

9:30 AM

Elizabeth Ward, Human Resource Manager

3. Out of State Travel Requests

9:40 AM

Clancy Holeman, Counselor/Director of Administrative Services

4. Administrative Work Session

10:00 AM

Anna Burson, Appraiser

5. Staff update
6. Out of State Travel Requests

Adjournment

Attachment: 02-02-23 tentative agenda (12809 : Tentative Agenda)

In order to comply with provisions of the Americans with Disabilities Act (ADA), Riley County will make reasonable efforts to accommodate the needs of persons with disabilities. Please contact the Division of Human Resources at (785) 537-6303 (voice and TTY) for assistance.



**Board of Riley County
Commissioners
Regular Meeting
TENTATIVE Agenda
February 06, 2023**

115 North 4th Street
Manhattan, KS 66502
www.rileycountyks.gov

Cindy Kabriel
785-565-6200

Commission Chambers

8:30 AM

[District 2 – Greg McKinley, Member](#)

[District 3 – Kathryn Focke, Chair](#)

[District 1 – John Ford, Vice Chair](#)

8:30 AM

Call to Order

Pledge of Allegiance

Public Comment

Commission Comments

Business Meeting

1. Proclamation for United Way Campaign Month

Review Minutes

Review Tentative Agenda

Press Conference Topics

9:00 AM

Clancy Holeman, Counselor/Director of Administrative Services

2. Administrative Work Session

9:20 AM

Darell Edie, Budget and Finance Officer

3. 2024 Budget Calendar

9:30 AM

Press Conference

4. RCPD Update - Greg Steere (3-5 minutes)
5. United Way Campaign Month Proclamation - Kathryn Focke and Tara Claussen (2-3 minutes)

9:45 AM

Tara Claussen, United Way Chief Executive Officer

6. United Way

10:00 AM

Russel Stukey, Emergency Management Director

7. Staff update

10:15 AM

Amanda Webb, Planning/Special Projects Director

8. Planning and Development fee schedule review, licenses

Attachment: 02-06-23 tentative agenda (12809 : Tentative Agenda)

Adjournment

In order to comply with provisions of the Americans with Disabilities Act (ADA), Riley County will make reasonable efforts to accommodate the needs of persons with disabilities. Please contact the Division of Human Resources at (785) 537-6303 (voice and TTY) for assistance.

Attachment: 02-06-23 tentative agenda (12809 : Tentative Agenda)



COUNTY CLERK & ELECTIONS
Budget

Rich Vargo
County Clerk
110 Courthouse Plaza
Manhattan, KS 66502
Phone: 785-565-6200

COMMISSION AGENDA REPORT

FROM: Darell Edie

MEETING: January 30, 2023

SUBJECT: CIP PROJECT AMENDMENT OpenGov Software

PRESENTER: Darell Edie

This is a request to amend original CIP request for OpenGov Software

POSSIBLE MOTION(S)

Move to approve

Move to deny

Enclosures:

- OpenGov CIP Update 01262022 (PDF)

**RILEY COUNTY CAPITAL IMPROVEMENT PROGRAM
CIP PROJECT AMENDMENT FORM**

CERTIFICATION OF PROJECT AMENDMENT

Project: OpenGov software

Project #: 21-21CK001

Department: CLERK

Date: 5/17/2021

Approved Project Cost: \$ 191,870.00

Project Amendment #1: \$ 10,175.00

Revised Total Project Cost: _____

1/31/2023
Amendment Date

Project Amendment #2: \$ -

Revised Total Project Cost: \$ -

Amendment Date

Project Amendment #3: \$ -

Revised Total Project Cost: \$ -

Amendment Date

CASH: (Only required if cash is increased by amended amount)
Cash Available: \$ 10,175.00

☐ This project is **funded** as amended.

☐ This project is **not funded** as amended.

Signatures:

#1 _____
Shilo Heger, Riley County Treasurer

#2 _____
Shilo Heger, Riley County Treasurer

#3 _____
Shilo Heger, Riley County Treasurer

BUDGET: (Only required if budget authority is increased by amended amount)
Budget Available: \$ 10,175.00

☐ This project is **funded** as amended.

☐ This project is **not funded** as amended.

#1 _____
Rich Vargo, Riley County Clerk

#2 _____
Rich Vargo, Riley County Clerk

#3 _____
Rich Vargo, Riley County Clerk

APPROVAL: (Required)
Approved Amount: \$ 10,175.00

☐ This project is **funded** as amended.

☐ This project is **not funded** as amended.

#1 _____
Chairman

#2 _____
Chairman

#3 _____
Chairman

Attachment: OpenGov CIP Update 01262022 (13137 : CIP PROJECT AMENDMENT OpenGov Software)



Project Change Order	
Customer:	County of Riley, KS
Project:	County of Riley, KS - Budgeting & Planning - New Business - SF
Document Number:	CO-01
Date Requested:	1/3/2023
Requested by:	Aaron Dobbins

Reason for Change
County of Riley, KS Budget and Planning Implementation project has gone over the year mark meaning the unused Professional Services hours have expired and the Workforce Planning and Capital Budgets have yet been deployed. Additional Hours are required to deploy Workforce Planning and Capital Budgets.
Scope of Change
Estimated total numbers of professional services hours to be expended for these phases: • 10 hours for Project Management • 15 hours for Capital Budget • 30 hours for Workforce Planning Budget Per the original project Scope of Work (a full copy of which can be viewed here), these tasks will be completed: • Initiate: • Budget and Workforce Solution Examples ◦ OpenGov will build out examples of best practices for budgeting solutions: ■ Capital • 1 budget instances in OpenGov • 2 proposals • 3 budget reports ◦ Capital Budget Development ◦ Capital Budget Details ◦ Capital Budget Categories • 1 capital story for review ■ Workforce Planning Shell • 4 Standard cost elements ◦ Wages



- Insurance
 - Retirement
 - Taxes
- **Configure:**
- Budget Configuration
 - Based on the Review and Confirmation phase OpenGov OpenGov will set up Customer's preferred budget format:
 - Capital
 - 1 Budget instance
 - 2 Proposals (Department or Project)
 - Corresponding worksheets (single, fund, division, or function)
 - 1 standard capital Story template
 - Based on the review of the Workforce Planning Shell and with the guidance of the Implementation Analyst, Customer will:
 - Buildout remaining cost elements
 - Populate position template
 - Validate Workforce calculation
- Budget Reports
 - OpenGov will set up 6 budget reports to include:
 - Capital
 - Capital Budget Development
 - Capital Budget Details
 - Capital Budget Categories
 - Capital Plan Report

Project Impact (Schedule and Cost)

Cost:

- Estimated Total Professional Services Hours: 55 hours
- Estimated Total Cost: \$10,175.00 (at \$185/hr)
- A total number of 55 Professional Service hours will be billed at fixed cost (i.e., at the rate of \$185/hr paid in total), for a total cost of: \$10,175.00.
- Any and all OpenGov Professional Service hours utilized in this effort over 55 hours will be billed on a Time & Materials basis (i.e., the County of Riley will be billed only for those actual hours utilized).

Schedule:

- Capital Budget: An estimated 5 weeks will be utilized to complete this phase, targeting a phase sign off date of February 10, 2023.
- Workforce Plan: An estimated 5 weeks will be utilized to complete this phase, targeting a phase sign off date of February 10, 2023.



- Should this change order not be signed and returned by the date at which the 55 Professional Services hours billed at fixed cost are expended, the project will go on-hold until such point as the signed change order is received and processed.

Approvals

OpenGov

Signature:

Name:

Title:

Date:

Customer

Signature:

Name:

Title:

Date:



IT/GIS
Staff Update

Cory Meyer
IT/GIS Director
110 Courthouse Plaza
Manhattan, KS 66502
Phone: 785-537-6305

STAFF REPORT

FROM: Cory Meyer

MEETING: January 30, 2023

SUBJECT: IT/GIS Staff Update - January 2023

PRESENTER: Cory Meyer

Information Technology (IT)

- IT Department Staffing Update
- Assist with Zoom and BOCC meetings, emergency Website updates, etc.
- Continue to assist District Court with Wareham jury selection site, as needed.
- Completed monthly transfer of SVQs & Deeds to the State; various customer requested phone programming changes.
- Ongoing account activation/deactivation, answering of help desk calls, Komtek/AS400 backups, resolution of user issues, swap of older/replacement of failed equipment, etc.
- Transfer Station Internet - WTC
- Countywide Internet Changes - T1 Disconnect & Redundancy Installation
- PC Rotation: Health Dept
- District Court Courtroom Update - Click Share
- Security Option Research: Office Phone Paging System
- Budget Update: Review, Pricing, Quotes
- Internal and External Security Review - Email Filter
- Emergency Action Guide
- New Public Safety Building Planning - IT Needs
- Multi-Factor Authentication Implementation
- Year End Inventory
- Year End Purchasing and Contract Renewals
- KCJIS Audit

- CASA Department Move
- ATABus Building Remodel
- Finalizing the MS Office 365 Migration
- Treasurer Standup Desk & Monitor Upgrades

Geographic Information Systems (GIS)

- Sanborn Ortho flight - 3 inch and 6 inch imagery
- Damage Assessment Application for Field Collection
- Participate in NG911 road renaming committee meeting.
- Recreating the basemap “Physical Hillshade” for the next update of the GIS website
- Working with Northpoint on updates to GIS website for new esri map viewer
- Finalize planning/back-end work to supply access to Ortho Oblique imagery to non-County (ie. RCPD, KSUPD, KSU) users.
- Make monthly NG911 data submissions, and also attend State NG911 Strategic Planning yearly meeting (via Zoom).
- Ag Use Changes from 2021 Ag Survey, end of month Building Permit, Enviro. Health, and Zoning updates, etc.
- Participated in Riley County Township meeting as an available resource for GIS related/maps questions
- Updated GIS Website with latest city utility data, updated city zoning data, USD 383 Early learning boundaries, Impaired Streams-KDHE
- Create new representative district maps after redistricting was finalized
- Primary Zoning Analysis for Appraisers office with new zoning changes from city/county
- Finalized county road id map (last update was in 2014)
- Meet with GovBuilt for PlanDev Application
- ImageNow System Replacement
- ESRI Major Version Upgrade Testing
- Panda Parcel Fabric Implementation

**Signed,
Cory Meyer**

Enclosures:



COUNTY CLERK & ELECTIONS
Election

Rich Vargo
County Clerk
110 Courthouse Plaza
Manhattan, KS 66502
Phone: 785-565-6200

COMMISSION AGENDA REPORT

FROM: Rich Vargo, County Clerk

MEETING: January 30, 2023

SUBJECT: Commissioner District Review

PRESENTER: Rich Vargo, County Clerk

BACKGROUND

The Riley County Commissioners have expressed an interest in reviewing the County Commission districts. The population figures are based on the 2020 U.S. Federal Census figures per state law. The current breakdown by commission district is as follows: Commission District #1 (John Ford) -21,683, Commission District #2 (Greg McKinley) -24,981 and Commission District #3 (Kathryn Focke) -25,295. Which adds up to a population of 71,959, the same as the 2020 Federal Census.

Prior commissioners felt it was important for each commission district to have rural constituents in each district which created non-contiguous districts. Prior to this Riley County Commission Districts were contiguous.

DISCUSSION

In talking with Bryan Caskey at the Secretary of State's Office the criteria required to be followed in redistricting member districts of a Board of County Commissioners are they must be drawn as compact and equal in population as possible (K.S.A. 19-204). In legislative redistricting the general rule of thumb is 5% variation between districts. Attorney General Opinion 2002-12 states there is no requirement the districts be comprised of contiguous area.

According to K.S.A. 25-26a03 no election precinct shall be created, divided, abolished or consolidated or the boundaries changed during the period four months prior to each primary election and the succeeding general election or between January 1 of a year the last digit of which is 8 and December 1 of a year the last digit of which is 0, and from and after January 1,

1993, between January 1 of a year the last digit of which is 7 and the time when the legislature has been redistricted in a year the last digit of which is 2 except in the in certain cases. This means any adjustments to the current commission districts will have to be done with existing precinct boundary lines, whole precincts can be moved from one commission district to another, and precincts can be split at this time. I would recommend we do not split precincts since the State just completed redistricting.

Currently based on the figures above and as you can see on the attached Commission District Precinct List we are only .02% outside of the 5% general rule of thumb between Commission District #1 and Commission District #2.

State Law only requires the Board to review the County Commission District and the Board is not obligated the change the districts. Given the current district numbers and percentage of deviation I believe the Board can leave the districts as they are.

If the Board would like to consider changing the commission districts staff would be glad to put together some options to get the population numbers closer to present to the Board to consider. Any consideration in changing district MUST be based on population ONLY and the political make up of a district cannot be considered as it is then Gerrymandering which is clearly illegal in the consideration of political district boundaries.

RECOMMENDATION(S)

I do recommend the Board complete the review and/or redistricting as timely as possible to allow us to educate the public and any potential county commission candidates for 2024.

Enclosures:

1. K.S.A. 19-204
2. K.S.A. 25-26a02
3. K.S.A. 25-26a03
4. Kansas Election Standards II-74 Redistricting
4. Attorney General Opinion 2002-12
5. Commission District Precinct List
6. Current District Map 1-3

Enclosures:

- Commissioner District Review (PDF)
- 2013_BOCC_Dist1_201310070944538038 (PDF)
- 2016_BOCC_Dist2_201608231054474814 (PDF)
- 2013_BOCC_Dist3_201310070945119914 (PDF)

2012 Kansas Statutes

19-204. Rearrangement of commissioner districts; change in number of districts; approval of electors; limitation on changes; charter counties, exception. (a) Subject to the provisions of K.S.A. 2012 Supp. 19-204b, and amendments thereto, and subject to the provisions of K.S.A. 19-204a, and amendments thereto, the board of county commissioners, on the day of the organization of the board or as soon thereafter as may be possible, shall meet and divide the county into three commissioner districts or such number of districts as is prescribed by resolution of the board, as compact and equal in population as possible, and number them. Such districts shall be subject to alteration at least once every three years.

(b) In Shawnee county, each district shall include residents of both the incorporated and unincorporated areas of the county. The number of residents in each district from the unincorporated area of the county shall be as equal in number, as possible. Such districts shall be subject to alteration at least once every three years.

If the districts do not meet the requirements of this subsection, the districts shall be altered to comply with such requirements no later than 30 days following the effective date of this act.

(c) The board of county commissioners of any county, by resolution, may divide the county into three, five or seven commissioner districts, as compact and equal in population as possible, but no such resolution which would effect a change in the number of commissioner districts shall take effect until it has been approved by a majority of the qualified electors of the county voting thereon at the next general election following not less than 60 days the adoption of such resolution, in which all the qualified electors of the county are entitled to vote. Upon the presentation of a petition to the board of county commissioners, signed by electors equal in number to 5% of the qualified electors of the county and verified by the county election officer, requesting that the number of commissioner districts be changed, the board of county commissioners shall cause such proposition to be submitted to the voters of the county at the next general election, following not less than 60 days the presentation of such petition, in which all of the qualified electors of the county are entitled to vote. In the event that more than one such petition is presented to the board of county commissioners prior to a general election, and any of such petitions conflicts with any other such petition with respect to the number of commissioner districts requested, the board of county commissioners shall decide, by majority vote thereon, which of the propositions shall be submitted to the voters at the next such general election. If a majority of the electors voting at such election shall be in favor of changing the number of commissioner districts, the board of county commissioners shall provide for the division of the county into commissioner districts as provided in K.S.A. 19-204a, and amendments thereto.

(d) No change in the number of commissioner districts shall become effective in any county within four years of the effective date of any previous change in the number of commissioner districts in such county.

(e) The provisions of this section may be modified by the adoption of a charter for county government in any county which has established a charter commission pursuant to law.

History: L. 1901, ch. 129, § 4; R.S. 1923, 19-204; L. 1975, ch. 153, § 1; L. 1976, ch. 121, § 4; L. 1981, ch. 112, § 1; L. 1992, ch. 38, § 4; L. 1996, ch. 68, § 1; L. 2009, ch. 134, § 6; May 28.

Revisor's Note:

Special provision for Sherman County, see 19-204b.

House Status: Adjourned until Monday, January 9, 2023 at 2:00 p.m.
 Senate Status: Adjourned until Monday, January 09, 2023 at 02:00 p.m.

2021 Statute

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25-26a02. Precinct boundaries; establishment or change; requirements; designation of precincts; municipal and township enclaves; legislative districts. Election precincts in all counties of the state shall be established or changed by county election officers in such a manner that:

(a) Except as otherwise provided in this section, each election precinct shall be composed of contiguous and compact areas having clearly observable boundaries using visible ground features which meet the requirements of the federal bureau of the census and which coincide with census block boundaries as established by the federal bureau of the census and shall be wholly contained within any large district from which any municipal, township or county officers are elected;

(b) election precincts for election purposes shall be designated consecutively in the county by number or name, or a combination of name and number;

(c) any municipal exclave or township enclave shall be a separate precinct and designated by a separate number or name, or a combination of name and number, and shall not be identified with or as a part of any other municipal or township precinct;

(d) from and after the time that the legislature has been redistricted in 1992, precincts shall be arranged so that no precinct lies in more than one legislative district;

(e) a street or other roadway which has been platted but not graded is not a visible or observable feature for the purposes of this section; and

(f) where a legislative district boundary coincides with a municipal boundary which is changed by reason of annexation, such legislative district boundary shall be maintained as a precinct boundary until the next legislative redistricting regardless of whether such legislative district boundary uses a visible ground feature or coincides with a census block boundary.

History: L. 1987, ch. 123, § 2; L. 1990, ch. 127, § 1; April 19.

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Attachment: Commissioner District Review (13130 : Commissioner District Review)

House Status: Adjourned until Monday, January 9, 2023 at 2:00 p.m.
 Senate Status: Adjourned until Monday, January 09, 2023 at 02:00 p.m.

2021 Statute

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25-26a03. Same; period in which change is prohibited; exceptions. (a) Notwithstanding any other law or provisions to the contrary, no election precinct shall be created, divided, abolished or consolidated or the boundaries thereof changed during the period four months prior to each primary election and the succeeding general election or between January 1 of a year the last digit of which is 8 and December 31 of a year the last digit of which is 0, and from and after January 1, 1993, between January 1 of a year the last digit of which is 7 and the time when the legislature has been redistricted in a year the last digit of which is 2 except in the following cases:

- (a)* (1) If required by the creation of a political subdivision, new precincts may be created.
- (2) If there is an alteration of a political subdivision by annexation, new precincts may be created.
- (3) If a political subdivision annexes an area adjacent to the political subdivision boundary, the annexed area may be included in the precinct immediately adjacent to it, if the annexed area is in the same legislative district.
- (4) A municipality or county election officer may establish new election precincts lying entirely within the boundaries of any existing precinct and shall designate the new precincts by name or number, or a combination of name and number, which shall include the designated name or number of the former precinct.
- (5) If required to conform and coincide with a federal census block boundary established by the federal bureau of the census, a county election officer may change precinct boundaries.
- (b) When necessary to comply with the provisions of this act, not less than 45 days after the legislature has been redistricted, or 10 days after June 10 in a year the last digit of which is 2 (whichever occurs first), precinct boundaries shall be reestablished.

History: L. 1987, ch. 123, § 3; L. 1990, ch. 127, § 2; April 19.

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Attachment: Commissioner District Review (13130 : Commissioner District Review)

Cities have constitutional and statutory authority to annex land. [Kansas Constitution, Article 12, Section 5; KSA 12-517 et seq.] When an annexation ordinance is passed and published by the city, the city clerk must file a certified copy with the county clerk or county election commissioner. If the annexation ordinance is published within 60 days before primary/general national/state/city/school elections, the annexation does not take effect until after the election. This does not apply to any special election.

4. Redistricting

Every 10 years in the second year of the decade (the year ending in 2), the state legislature is responsible for the drawing of the district boundary lines. The U.S. House of Representatives district lines are redrawn based on the latest U.S. Census figures. Currently, Kansas has four U.S. Representative districts. The Kansas Senate, Kansas House of Representatives, and Kansas State Board of Education district lines are redrawn based on the latest U.S. Census figures that have been adjusted by the Kansas Secretary of State's office. There are 40 Senate seats, 125 Representative seats and ten State Board of Education seats. Each Board of Education district is comprised solely of four contiguous state Senate districts.

In redistricting years, (the second year of the decade, e.g. 2022), the legislature passes legislation defining the boundary lines of the U.S. House, Kansas Senate, Kansas Representative and State Board of Education districts. If the governor approves the redistricting plan, he/she signs the bill into law and it is published in the *Kansas Register* immediately upon final passage. Within 15 days after the publication, the Attorney General petitions the Kansas Supreme Court to determine the validity of the boundary lines for Kansas House and Senate districts. The Supreme Court must enter its judgment within 30 days of receiving the petition. If the Supreme Court determines the reapportionment is invalid, the legislature must enact a new bill within 15 days. [Kansas Constitution, Article 10, Section 1]

County commission districts are subject to alteration at least once every three years. The commission districts must be as compact and equal in population as possible. [KSA 19-204; Attorney General Opinion 2002-12] The board of county commissioners must use the most recent population figures available from the U.S. Bureau of the Census as certified to the Secretary of State by the Division of Budget on July 1 each year. Alternatively, the board of commissioners may rely on the population figures derived through an actual census of the county conducted by the county pursuant to K.S.A. 11-202, but no county has done its own census in recent years. [AGO 91-149]

First class city ward lines are subject to alteration pursuant to their charter ordinances. There is no state law that governs the establishment or redrawing of these lines. Second class city ward lines are established by the city council and should be as equal in population as practicable. The territory of each ward must be contiguous and compact. [KSA 14-207]



February 19, 2002

ATTORNEY GENERAL OPINION NO. 2002-12

Randall W. Weller
 Paradise City Attorney
 105 E. Cherry, P. O. Box 159
 Hill City, Kansas 67642

Re:

Counties and County Officers--County Commissioners; Powers and Duties--
 Rearrangement of Commissioner Districts; Compact and Equal

Synopsis:

The member districts of a board of county commissioners must be drawn such that the districts are as compact and equal in population as possible. There is no requirement that the districts be comprised of contiguous area. Under the facts and circumstances presented, the member districts drawn by the Board of County Commissioners of Russell County comply with state law. Cited herein: K.S.A. 18-101; K.S.A. 2001 Supp. 19-204; K.S.A. 19-219; 42 U.S.C.A. § 1973.

*

*

*

Dear Mr. Weller:

As legal counsel for the City of Paradise, you request our opinion regarding whether the member districts established by the Board of County Commissioners of Russell County meet statutory requirements.

The Board of County Commissioners of Russell County is comprised of three members, each representing a separate member district. Member District No. 3 is comprised of three adjacent townships that are located along the northern and eastern boundaries of the County. Member District No. 2 consists of one township that is located in the northwest corner of the County. Member District No. 1 includes the six remaining townships that are in the southern and western portions of the County. Member District No. 1 surrounds the City of Russell. The City, however, is divided among the three commissioner districts, with a section of the eastern part of the City dedicated to Member District No. 3, the northwest portion designated as part of Member District No. 2, and the southern part of the City joining Member District No. 1. The result is that Member Districts No. 2 and No. 3 include territory that is not contiguous.

A board of county commissioners is required to organize annually.⁽¹⁾

"[T]he board of county commissioners, on the day of the organization of the board or as soon thereafter as may be possible, shall meet and divide the county into three commissioner districts or such number of districts as is prescribed by resolution of the board, as *compact and equal in population* as possible, and number them."⁽²⁾

We have not received the population figures for the member districts, nor a map showing the voting precincts of the County. It is our understanding that there is no allegation of a violation of the Voting Rights Act.⁽³⁾ Our review, therefore, is limited to determining whether the member districts drawn by the Board of County Commissioners of Russell County are "compact."

The requirements that member districts of a county commission be compact and equal in population have applied since the original organization of several of the State's counties.⁽⁴⁾ The Kansas appellate courts have been consistent in their interpretations of the obligations of a county commission to achieve member districts that are "compact and equal in population" when redistricting its member districts as required by State law.⁽⁵⁾ The standard for determining whether member districts are compact was established in *State ex rel. v. Bd. of County Comm'rs of Osage County*.⁽⁶⁾

"The word 'compact' has various shades of meaning when used in this connection, and permits the consideration in good faith of existing lines, topography, means of transportation and other factors. It means that the territory shall be closely united, and not necessarily that the residents of each district shall be united in interest."⁽⁷⁾

While the Kansas appellate courts have consistently recited the standard for compactness, actual application of the standard has been rare as the cases generally concentrated on other requirements to be met by a county commission that is redistricting its member districts.⁽⁸⁾ Even in *Osage County*, consideration of compactness appeared to be an afterthought as the Court focused on the county commission's authority to divide cities in order to bring member districts into compliance with the requirement of "equal population" among the districts.

The standard was applied in *Andrews v. Bd. of County Comm'rs of Cowley County*.⁽⁹⁾ In that case, the Kansas Supreme Court reviewed the member districts established in Cowley County. The member districts included the following territory:

"District #1 includes 7,157 people from Winfield plus 4,369 people from eleven rural townships. The rural townships generally lie in a northeasterly direction from Winfield and extend to the east and north boundaries of the county. The district has a total population of 11,526 people. This is 287 persons less than the goal of an ideal district which would contain exactly one-third of the total county population.

"District #2 includes 9,984 people from Arkansas City plus 2,126 people from six rural townships. The rural townships lie east and west along the entire south boundary of the county. The district has a total population of 12,110 people. This is 297 persons more than the goal of an ideal district.

"District #3 includes 3,337 people from Winfield, 4,077 people from Arkansas City and 4,389 people from ten rural townships. These rural townships lie in an el shape along the west and north boundaries of the county. The district has a total population of 11,803 people. This is only 10 persons less than the goal of an ideal district."⁽¹⁰⁾

At the time these member districts were drawn, Arkansas City had expanded southward towards the Arkansas River. The expansion resulted in three pockets of a precinct that had encompassed Arkansas City being compressed between the City's southern boundary and the Arkansas River. The pockets and the remaining portions of the precinct encompassing Arkansas City to the east, north and west were apportioned to District No. 3, forming a

member district that included noncontiguous territory. The City of Arkansas City was divided between two member districts with the southern portion of the City, including those precincts and wards that bordered the river and encompassed the three pockets of township territory, being included in District No. 2 to the south.⁽¹¹⁾

The Court noted that there was no specific requirement that the member districts of a board of county commissioners be composed of territory that is contiguous.⁽¹²⁾ It was further noted that any attempt to draw the boundaries for the member districts of the Cowley County Commission so that the pockets were included with contiguous territory in one member district would result in two problems: (1) The "equal population" standard would be violated; and (2) the resulting member district would be encompassed by the other two member districts "as a persimmon surrounds its seeds," an arrangement that was deemed unsatisfactory when considering the obligation of a county commission to oversee a county highway program.⁽¹³⁾ The Court upheld the member districts against assertions that the member districts failed to meet the statutory obligations of compactness and equality in population.

Member districts of a governing body are considered compact when the boundaries of the member districts are drawn so as to include areas that are "closely united, territorially."⁽¹⁴⁾ The requirement that member districts of a governing body be compact is intended to prevent political gerrymandering.⁽¹⁵⁾

"[I]n determining whether there has been compliance with the mandatory compactness requirement, due consideration must be afforded, as the cases almost uniformly recognize, to the 'mix' of constitutional and other factors which make some degree of noncompactness unavoidable, *i.e.*, concentration of people, geographic features, convenience of access, means of communication, and the several competing constitutional restraints, including . . . due regard for natural and political boundaries, as well as the predominant constitutional requirement that districts be comprised of substantially equal population."⁽¹⁶⁾

A violation of the requirement that member districts be compact generally requires "an affirmative showing . . . that such districts were intentionally so drawn to produce an unfair political result, that is, to dilute or enhance the voting strength of discrete groups for partisan political advantage or other impermissible purposes."⁽¹⁷⁾ "The duty of determining how nearly the proposed districts shall approximate equality in population and compactness of territory is vested in the board of county commissioners."⁽¹⁸⁾ "The legislature has placed the discretion in the board of county commissioners and left it with the board to finally determine whether a district is as compact as it could or should have been made."⁽¹⁹⁾ The member districts should be upheld unless an abuse of that discretion by a board can be shown.⁽²⁰⁾

It is our understanding that the Board of County Commissioners of Russell County drafted the member districts in the present form in order to comply with the equal population requirement for districting. None of the member districts act as a "persimmon" by encompassing other member districts. Because there is no statutory requirement that the territory of member districts of a board of county commissioners be contiguous, the member districts drafted by the Board of County Commissioners of Russell County do not facially violate state statutes. We have been presented with no information indicating that the Board has abused its discretion in drafting the boundaries of its member districts. Under the circumstances presented, the member districts drafted by the Board of County Commissioners of Russell County comply with state law.

Very truly yours,

CARLA J. STOVALL
Attorney General of Kansas

Richard D. Smith
Assistant Attorney General

CJS:JLM:RDS:jm

FOOTNOTES

Click footnote number to return to corresponding location in the text.

¹. *Justice v. Bd. of County Comm'rs of Wyandotte County*, 17 Kan.App.2d 102, 107 (1992). *See* K.S.A. 2001 Supp. 19-204; K.S.A. 19-219.

². K.S.A. 2001 Supp. 19-204(a) (emphasis added). In addition, the boundaries of the county commissioner districts must follow the boundaries of voting precincts. *Andrews v. Bd. of County Comm'rs of Cowley County*, 207 Kan. 548, 550 (1971). *See also Justice*, 17 Kan.App.2d at 110.

³. 42 U.S.C.A. §§ 1973 *et seq.*

⁴. *See Hayes v. Rogers*, 24 Kan. 143 (1880); *Keating v. Marble*, 39 Kan. 370 (1888). *See also* K.S.A. 18-101 *et seq.*

⁵. *See State ex rel. v. Bd. of County Comm'rs of Osage County*, 112 Kan. 256, 257 (1922); *Justice*, 17 Kan.App.2d at 107.

⁶. *Id.*

⁷. *Osage County*, 112 Kan. at 256, Syl. ¶ 4.

⁸. *See Justice*, 17 Kan.App.2d at 110 (equal in population; splitting wards permitted); *State ex rel. Mitchell v. Bd. of County Comm'rs of Reno County*, 158 Kan. 573 (1944) (population disparity); *State ex rel. v. Bd. of County Comm'rs of Montgomery County*, 125 Kan. 379 (1926) (population disparity); *State ex rel. v. Jones*, 114 Kan. 726 (1923) (population disparity).

⁹. 207 Kan. 548 (1971).

¹⁰. *Id.* at 550-51.

¹¹. *Id.* at 552.

¹². *Id.* at 553.

¹³. *Id.*

¹⁴. *Matter of Legislative Districting of State*, 475 A.2d 428, 437, 443 (Md. 1984).

¹⁵. *Id.* at 436-37, 443.

¹⁶. *Id.* at 443. *See also Beaubien v. Ryan*, 2001 WL 1654767 (Ill., Dec 27, 2001).

¹⁷. *Matter of Legislative Districting of State*, 475 A.2 at 443.

^{18.} *State ex rel. v. Board of County Commr's of Osage County*, 112 Kan. 256, 258 (1922).

^{19.} *Id.* at 262.

^{20.} *Id.* at 258.



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Commissioner District Precinct List					
DISTRICT 1	Population	DISTRICT 2	Population	DISTRICT 3	Population
Ashland Twp	147	Bala Twp	740	Manhattan Twp 1	48
Manhattan Twp 2	493	Center Twp	81	Manhattan Twp 3	22
Ogden Twp	2029	Fancy Creek Twp	76	Wildcat Twp	78
Zeandale Twp	360	Grant Twp	870	3-1	39
1-1	2121	Jackson Twp	273	3-2	267
2-1	2738	Madison Twp	1152	4-2	47
2-2	1067	Manhattan Twp 4	985	4-3	106
2-3	1150	Mayday Twp	86	4-6	126
2-4	1302	Sherman Twp	585	4-7	10
2-5	2223	Swede Creek Twp	204	4-8	
2-6	508	Madison/Ft. Riley	8280	4-9	
2-7	55	4-4	2876	5-2	242
3-3	5450	4-5	1505	5-3	405
5-7	802	4-5 Exclave	41	5-5	123
5-8	1033	5-11	3442	5-6	148
6-1	187	8-1	862	5-9	245
6-2	18	8-2	24	5-10	324
		8-3	2405	9-3	11
		9-1	291	10-1	35
		9-2	203	10-2	
				11-1	139
				11-1B	81
				11-3	24
				12-1	1
				13-1	
21683		24981		2529	

Total Pop.	Total Pop. Divided by 3
71959	23986

Current Percentage per District	
30.13%	District 1
34.72%	District 2
35.15%	District 3

Attachment: Commissioner District Review (13130 : Commissioner District Review)

RILEY COUNTY COMMISSION DISTRICT #1

LEGEND

Commission Districts	
	Townships
	County Boundary
	City Limits
	District 1
	District 2
	District 3

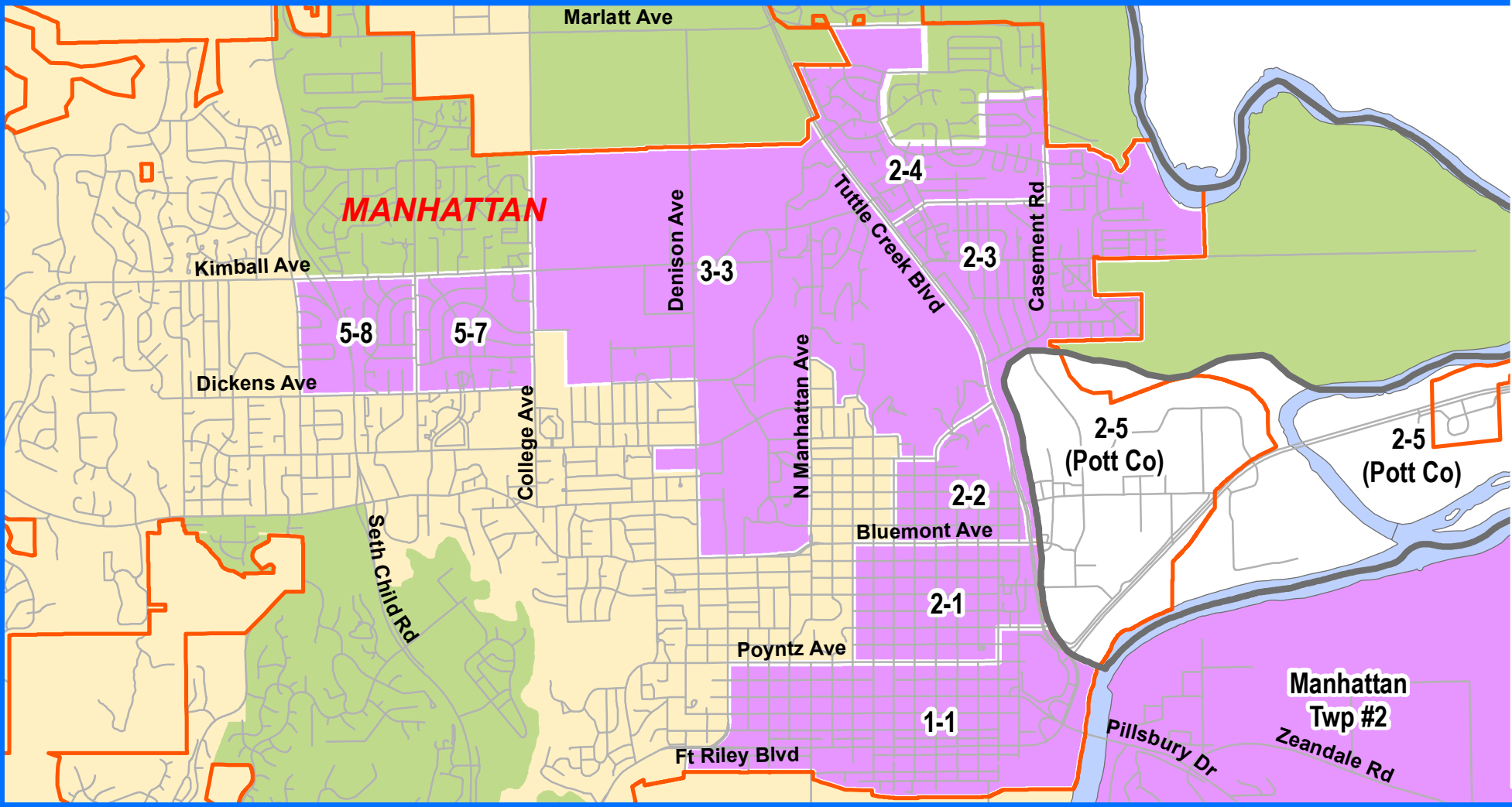
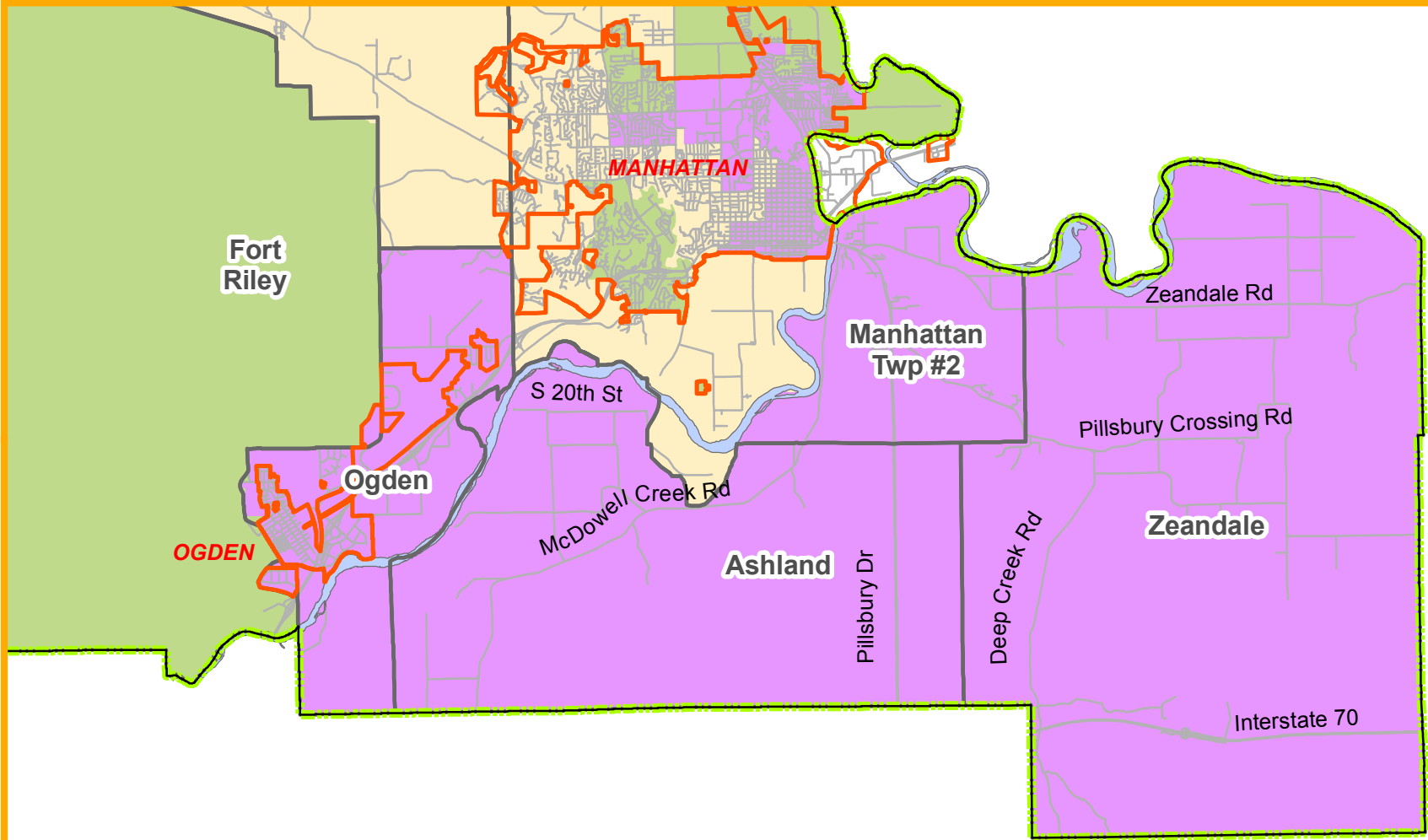


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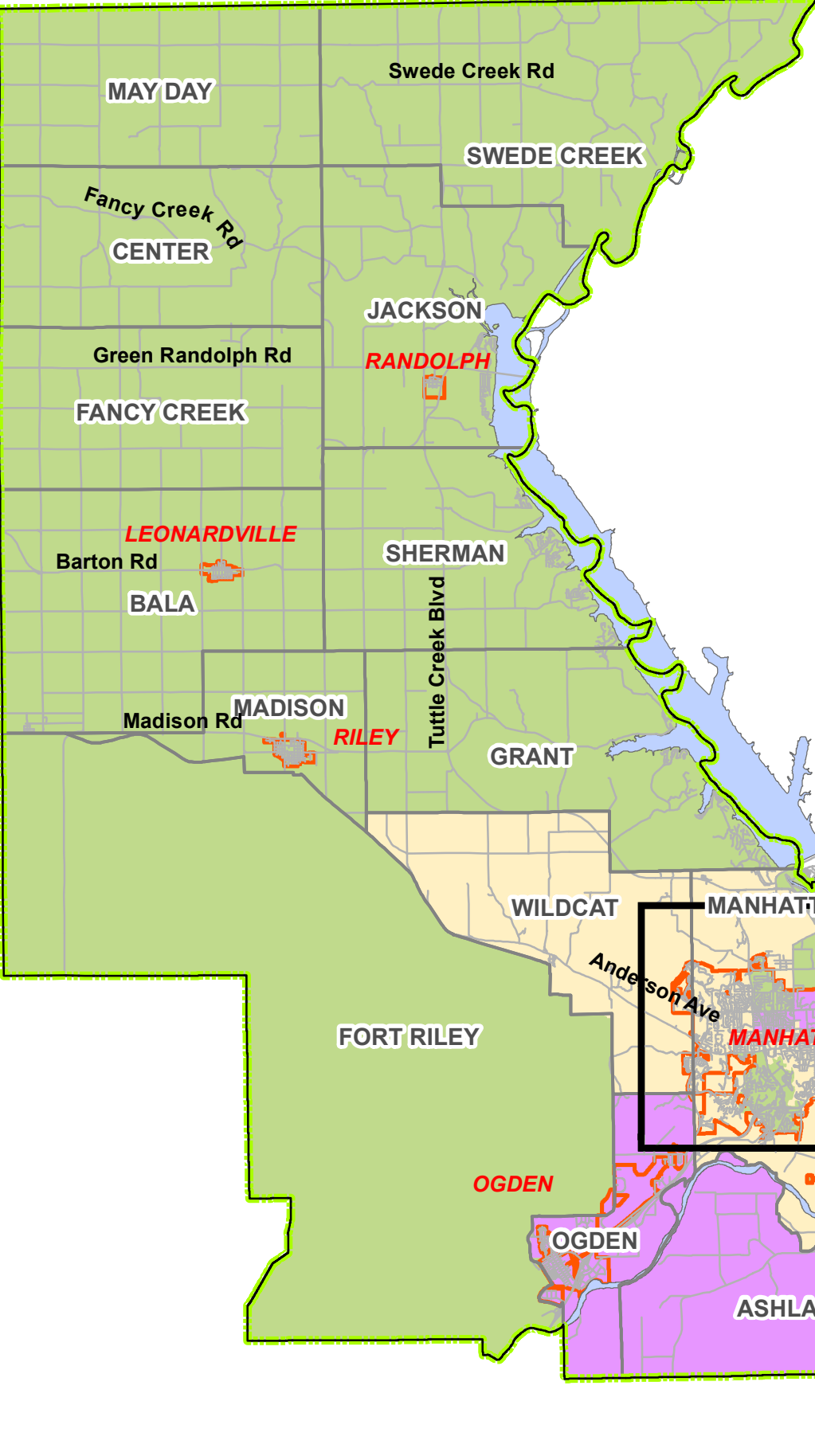
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Attachment: 2013_BOCC_Dist1_201310070944538038 (13130 : Commissioner District Review)

RILEY COUNTY COMMISSION DISTRICT #2



LEGEND

Townships

City Precincts

County Boundary

City Limits

Commission Districts

District 1

District 2

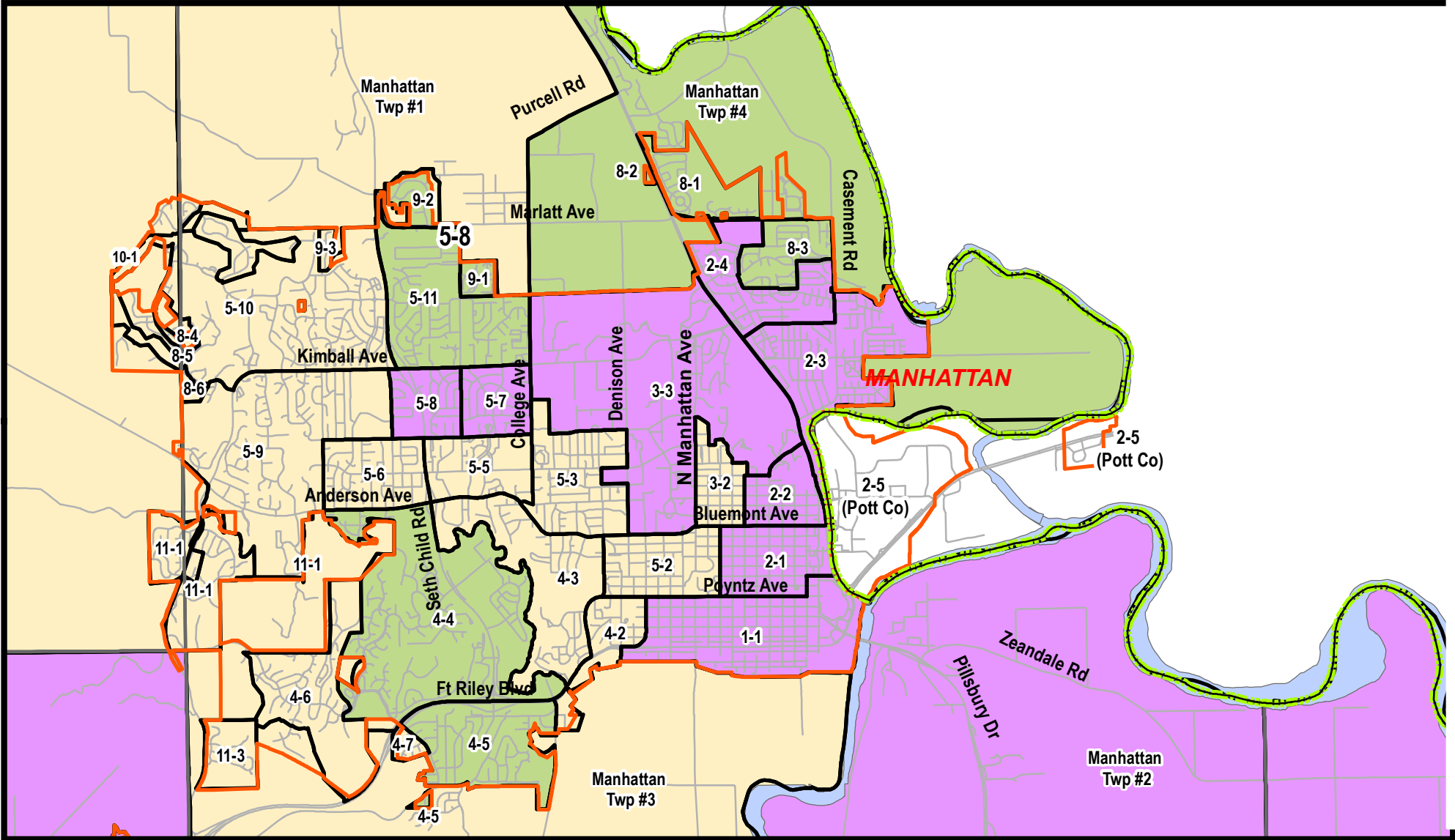
District 3

Data Disclaimer and Restrictions on Information Usage

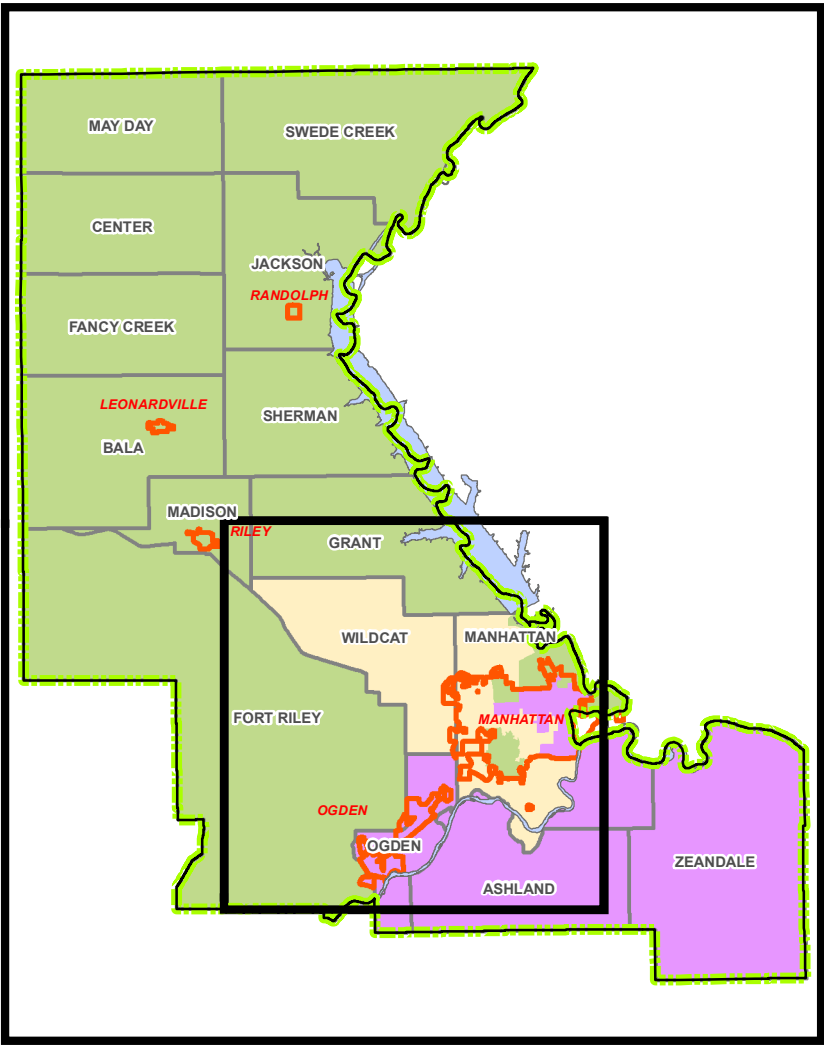
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RILEY COUNTY COMMISSION DISTRICT #3



LEGEND

Townships	District 1
County Boundary	District 2
City Limits	District 3

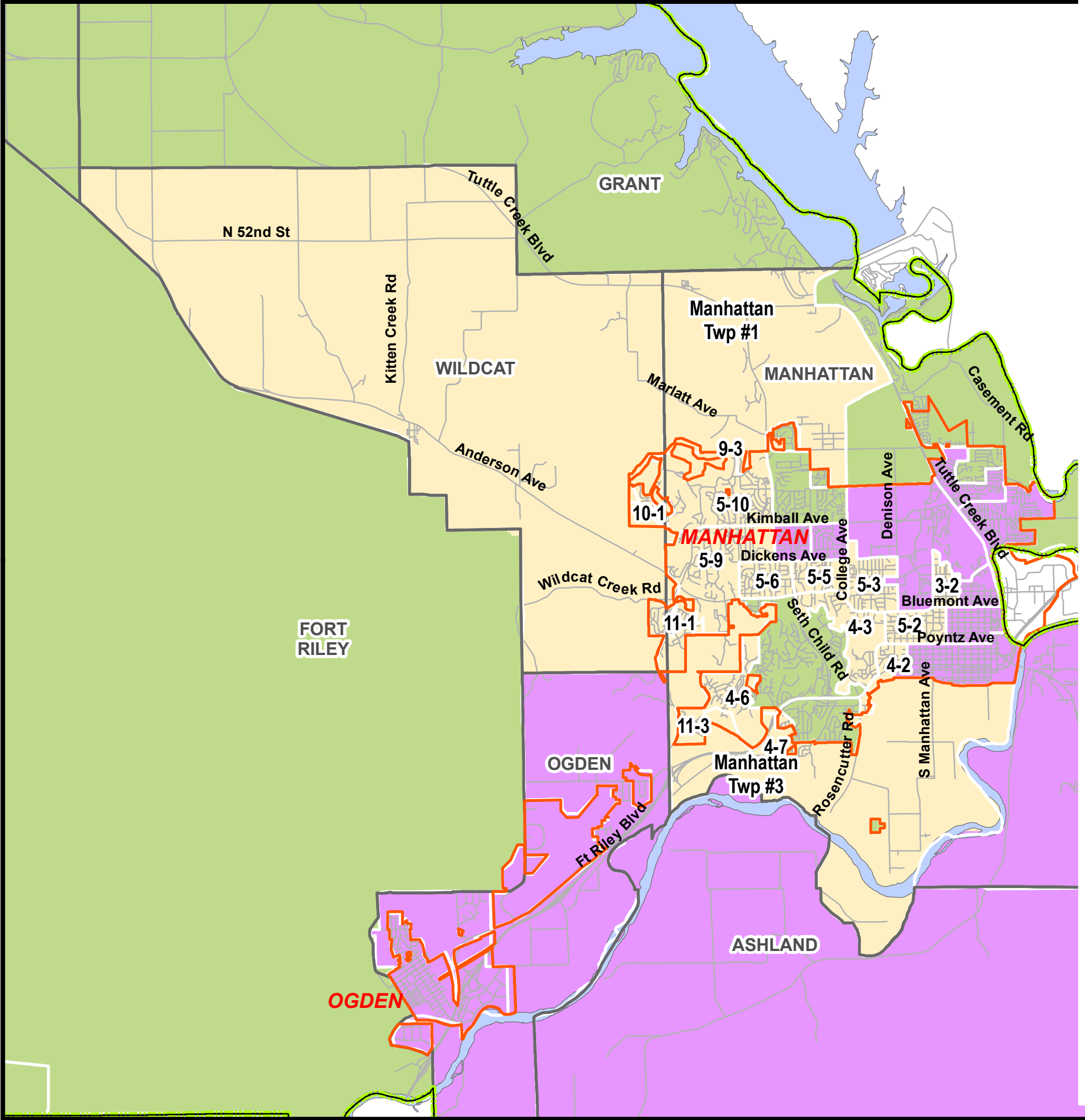


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Attachment: 2013_BOCC_Dist3_201310070945119914 (13130 : Commissioner District Review)



COUNTY CLERK & ELECTIONS
Election

Rich Vargo
County Clerk
110 Courthouse Plaza
Manhattan, KS 66502
Phone: 785-565-6200

MEMORANDUM

FROM: Rich Vargo, County Clerk

MEETING: January 30, 2023

SUBJECT: Preservation of Ballots and Election Records

PRESENTER: Rich Vargo, County Clerk

Per K.S.A. 25-2708 (attached with instructions from the Secretary of State's Office) the county election officer **shall** preserve all county, city, school district and township ballots for 6 months. For the 2021 August and November City/School Elections, the 6 month date was February 3, 2022 and May 2, 2022.

Per K.S.A. 25-2708 (b) At the expiration of such time, the county election officer **shall** destroy them without previously opening any of the envelopes, in the presence of two electors of approved integrity and good repute, members of the two leading political parties. Such electors **shall** be designated by the board of county commissioners.

Our office has contacted the chairs of the Democratic and Republican parties and asked for them to select recommendations for the Board to consider. Democratic Party Chair Katie Allen nominated Crystal Auletti and Republican Party Chair John Ball nominated Marvin Rodriguez.

Once the Board approves the selected electors the County Clerk & Election Officer will coordinate the destruction of the ballots for the August 2021 and November 2021 Elections with the approved representative from the Democratic and Republican Parties.

Paper ballots will be destroyed by shredding and the electronic votes will be deleted from the software files.

Enclosures:

- FW Preservation of ballots (MSG)

Cindy Kabriel

Subject: FW: Preservation of ballots
Attachments: ATT00001.txt

From: County-election-officials **On Behalf Of** Caskey, Bryan [KSOS]
Sent: Friday, September 2, 2022 4:38 PM
To: county-election-officials
Subject: [County-election-officials] Preservation of ballots

Dear County Election Officers:

This is a reminder of the law concerning the preservation of ballots and election records. See K.S.A. 25-2708 [Pasted below].

As of this writing there is no pending litigation involving the Secretary of State's office that prevents counties from destroying ballots as directed in K.S.A. 25-2708[b]. Please confirm to the Secretary of State's office after this law has been complied with concerning both the August 2020 and November 2020 elections. If your county will not be destroying ballots from those two elections, please let me know and the reason.

I am available if you have any questions or concerns.

25-2708. Preservation of ballots and election records; distribution of abstracts of voting. (a) The county election officer shall preserve all ballots, books and records delivered to such officer by election boards and make the same available to any canvassing board or election court who it is provided by law shall have access to the same.

(b) The county election officer shall preserve all county, city, school district and township ballots for six months and all state and national ballots for 22 months. **At the expiration of such time, the county election officer shall destroy them without previously opening any of the envelopes, in the presence of two electors of approved integrity and good repute, members of the two leading political parties. Such electors shall be designated by the board of county commissioners. If the election of any officer or any question submitted at such time is being contested, the ballots shall not be destroyed until such contest is finally decided.** In all cases of contested elections, either of the parties contesting shall have the right to have such ballots opened and to have all errors of the judges in counting the ballots corrected by the court or body trying such contest. Such ballots shall be opened in open court or in an open session of such body and the presence of the officer having the custody thereof.

(c) The three copies of the certified abstract of each voting place and the three copies of all certified abstracts of the county board of canvassers shall be distributed as follows:

- (1) One copy shall be retained as a permanent record in the office of the county election officer.
- (2) One copy shall be delivered to the chairperson of the county committee of the political party of the candidate for governor who received the greatest number of votes in the last state general election.
- (3) One copy shall be delivered to the chairperson of the county committee of the political party of the candidate for governor who received the second greatest number of votes in the last state general election.
- (d) Other election supplies, books, records, lists and papers shall be destroyed as provided by law.

History: L. 1968, ch. 406, § 40; L. 1974, ch. 106, § 5; L. 1988, ch. 122, § 1; L. 1989, ch. 108, § 4; July 1.

Attachment: FW Preservation of ballots (13131 : Preservation of Ballots and Election Records)

BRYAN A. CASKEY | Director of Elections

Kansas Secretary of State | 785-296-3488 P | 785-581-3623 C | 785-291-3051 F |
Memorial Hall, 1st Floor | 120 S.W. 10th Avenue | Topeka, KS 66612-1594

“Every election is determined by the people who show up.”

- Larry J. Sabato, Pendulum Swing