

**TESTIMONY OR PRESENTATION INFORMATION
FOR
LOCAL GOVERNMENT COMMITTEE**

Please send all testimony or presentations in pdf format 24 hours in advance of the scheduled meeting to Debra.Heideman@house.ks.gov

Name of Conferee/Presenter BURT USSERY
Mayor, City of Clearwater
Agency represented clearwater cemetery District
Bill # House 2626

- Proponent
 Opponent
 Neutral

Will your testimony be given:

- Oral In Person
 Oral Via WebEx

Written Only — but would like to call in to answer questions
IF ANY.

If you are presenting testimony via WebEx, you will need to be sent an invitation to join the meeting. Please provide your email address.

Email address bussery@clearwaterks.org

If you are giving a presentation, please complete the following:

Name of your presentation _____

Do you need Audio/Video Equipment for your presentation? Please list.

Thank you,

Debra Heideman, Local Government

Committee Assistant

Room 149-S, 785-296-7681

February 6, 2024

Burt Ussery
Mayor
City of Clearwater

RE: House Bill No. 2626
By Representative Bergkamp

Comments:

This bill puts forward legislature that will allow for the dissolution of the Clearwater Cemetery District.

The Clearwater Cemetery District is located in Sedgwick County and includes the City of Clearwater, Ninnescah Township and west 2/3rd of Ohio Township.

City/Township	Cemetery	Status
Clearwater	Clearwater	Active
Clearwater	Clearwater (Future)	In-Active – Property only
Ninnescah Township	Harrington	Active
Ninnescah Township	Ruby	Full (Maintenance Only)
Ohio Township	Noel	Active

During the September 2022 Cemetery Board meeting, the Trustee, Ohio Township, introduced the idea of having the Clearwater Cemetery District dissolved. The district only covers the west 2/3rd of Ohio Township, and they maintain another cemetery within the township, which is not in the district and saw no reason to be a part of the district. Following research, there was merit of having the Clearwater Cemetery under the control of the City of Clearwater, and city supported the dissolution as well.

An attorney was retained to determine the process to dissolve. It was determined there was no current statutes that would allow for a cemetery district to be dissolved and it would take legislative action to create such a law. Thus, the creation of what is now presented as HB2626.

HB2626 is worded exactly as the draft, except the approval of the resolution of disorganization was changed from majority vote to a “unanimous vote.” While I disagree with this requirement, I understand the need to have all voices heard.

To gain unanimous approval for the resolution, it will take a plan of disorganization that is also approved by all. The basis of such a plan will need an agreement for distribution of all property and assets of the district. However, this bill does not set forth any such requirements of what an equal distribution of all property is. Perhaps it should.

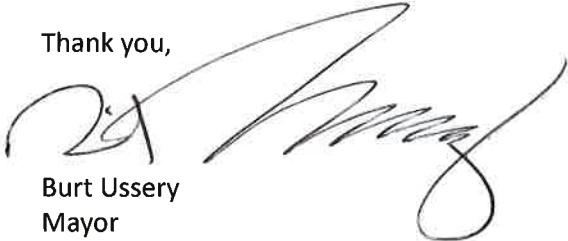
I would expect all members of the district to work together to set those requirements and then divide accordingly. With a unanimous vote required, I’d hope that drives such cooperation for an agreement. However, if a member of the district, for whatever reason, desires to not dissolve the district, despite what the others believe, that member can stonewall the attempt by not agreeing to, or setting unrealistic expectations that would never be approved by the others.

As stated, I support HB2626 as it does provide a legal path to dissolve the district, which is the desire of two of the three members of the district.

I would recommend the bill provide basic requirements for the division of property based on the % each contributes to the assessed valuation of the district. This information can be updated for 2023, but is provided as an example of a path for equal distribution.

	Cemetery District	Ninnescah Township	Ohio Township	City of Clearwater	
Assessed Valuation	\$ 48,239,859	\$ 12,710,638	\$ 12,051,523	\$ 23,477,698	Based on Sedgwick County Records
% of Total		26%	25%	49%	
Ad Valorem Tax Paid 2022	\$ 146,504	\$ 38,602	\$ 36,600	\$ 71,302	Mil Levy 2.657

Thank you,



Burt Ussery
 Mayor
 City of Clearwater, KS
 316-239-4373

