

Testimony—Kurt Fairchild
Stafford County Commissioner

Good afternoon. My name is Kurt Fairchild. I am presently a county commissioner in Stafford County and a former township board member. I thank you for the opportunity to share my experiences with this committee on local government. Between my father and I, we have about thirty-five plus years of experience of being either on a township board or the county commission.

I would like to familiarize you a little bit about the makeup of Stafford County. Presently Stafford County uses a township road system for repair and maintenance of roads in the township. We currently have a population of about 4,300 people, which is comprised of three small towns and three very small towns. Of course, Stafford County revenue is primarily raised through agriculture or gas and oil industries. We have twenty-one township units in a county with 4300 people. As you can probably guess, there is nothing more important to the residents of a farming community than the condition of the roads they drive and what the weather is going to be!

With a population of 4300 units and twenty-one townships, Stafford County has some township units with as many as four hundred people and some township units with as few as fifteen to twenty residents. I have visited with our county clerk, and in the past several township elections as few as only five or six people have actually filed to run as a township board member. The rest of the positions have almost always been filled by having a few people (neighbors or family members) decide to write in on the ballot the name of a person in the township. Yes, sometimes it only takes a vote or two to get a township job.

In the last three years, the county commissioners have had about five or six occasions in which we had the responsibility to fill a township position because of a resignation. It seems like this usually occurs in the more sparsely populated townships, and we have found this responsibility to be a difficult task. I would like to say this about our townships in Stafford County. We have some townships that are very well run and people are interested in serving and doing a good job. In other townships however, it is very difficult to find someone willing to take on the responsibility of a being a board member.

Therein lies the dilemma that we face, and I would suppose you as legislators face the same problem. In more largely populated areas, township boards work fine. In smaller areas, having a well-functioning board can be a problem. As a conservative, I love local control, but we have almost reached the point in some townships of nobody wanting that responsibility. There are currently methods under Kansas Statute to get around that issue that I will explain later.

I would like to tell you of a very personal experience of trying to change the township system in our county. Back in 1993, my father and several other township board members circulated a petition to get the issue of establishing a county system on the ballot. They were successful in getting enough signatures to proceed with a special election on this issue. Several people along with my father worked hard in campaigning to move to a county system. The issue was soundly defeated by a vote of 1031 to 313 to keep the township system.

I can tell you from personal experience this issue caused a lot of hard feelings among lifelong friends. Many of my father's friends seemed to hold that against him for many years. Being legislators, I'm sure you know the challenge of trying to change things that are popular mainly because they've always been done that way. But I would caution anybody who doesn't believe local control isn't a dear-to-the heart issue to many people in rural area. As a commissioner, I seem to get quite a few calls and comments from citizens of the county wanting a change from the present system in favor of a county system. I think the vote would be a lot closer if a special election were held today. However, I'm still not sure of the outcome, and I'm convinced the issue would still cause a lot of hard feelings.

I think it would also be wise to look at the efficiency of the township system. Most townships consist of an area of six miles by six miles. In my opinion and that of many of the people I visit with, it is not a very efficient use of money to spend a quarter of a million dollars to buy a road grader to grade only about fifty miles of roads. It is also the experience of many townships that it is becoming increasingly more difficult to find someone qualified and willing to run a road grader at wages near or slightly higher than minimum wage. Another problem for some townships is giving a road grader man forty hours a week of work making it harder to recruit willing employees.

I would now like to change gears and talk about what could possibly be done to make townships and government more efficient. I believe there are basically three ways that I know of to do that that are already available to us under present Kansas statutes.

Township consolidation

KSA 80-1101 provides that if a township has a population of less than 200 residents, the commissioners may determine to disorganize the township and attach its territory to adjoining township. There is a procedure for a protest petition.

KSA 80-1106 provides a procedure by which 25% of the qualified electors of a township may request a township be disorganized and reorganized with another township.

KSA 80-1109 provides that two or more townships in the same state representative district may be consolidated, again, subject to a vote by the electors of the townships.

Township turns over maintenance to the county

KSA 68-560 and 68-561 indicate that in a county with a township road system, the township board may enter into a written agreement with the county to turn over maintenance and repair to township roads to the county. The agreement must state the length of time the county is to maintain the roads. Such agreement must be submitted to the voters of the township for approval. The township board may later reverse its decision, again, subject to a vote of the voters of the township.

The township turns over its road money and equipment to the county, which then used the money to maintain those township roads. There is a provision for the county to levy taxes in the township for the costs to maintain the township roads.

KSA 68-572 authorizes interlocal agreements between townships and the county relative to the maintenance of roads.

Recently the township in which I live has reached an agreement with the county for the county to maintain the township roads at an hourly rate for a grader and driver. None of the equipment or taxes that belong to the township are controlled by the county in this recent agreement. Of course the most popular and widely-used system in Kansas upon dissolution of the township system is the County Unit Road System.

County Unit Road System

In a county unit road system, the county is responsible for the care and maintenance of all roads within a county. The township has no responsibility for the roads.

KSA 68-515b provides that a county can adopt a county unit road system several ways. First, the commissioners can do so by adopting a resolution. Secondly, if a petition were filed with the county clerk signed by 10% of the qualified voters of the county requesting a county unit road system, the commissioners are then required to pass a resolution at the next meeting adopting the county unit road system. There is an opportunity for a protest petition—if 10% of the qualified electors petition for an election, there must be an election on the issue.

If a resolution were passed, it would take effect 90 days after publication.

The county engineer would then classify roads as secondary roads or highways; county minor collector roads, or local service roads.

The township boards of the respective townships would pay over to the county treasurer funds belonging to the township that are to be used for road purposes; or for the purchase of machinery or equipment for construction or maintenance of roads.

The treasurer credits the moneys received to a special fund for each township, and the commissioners are required to spend that money for construction and maintenance of roads in the township from which it was received, which is in addition to money the county would otherwise spend on roads in the township.

The township likewise turns over to the county its road equipment. That equipment is then appraised and a value is set. Within two years the county is to spend that amount of money on roads within the township, in addition to money the county would otherwise spend.

One of the biggest complaints I've heard about the county unit road system is the complaint about which roads get graded first. The other complaint is that is that a particular road is not being well-managed by the county. I think most of these issues can be resolved by a well-run county road and bridge supervisor or a good county administrator.

Another big issue I've heard about from other county commissioners who have a county unit road system is that they spend a lot of time at their meetings listening to hours of complaints from their constituents about road issues. Again, an efficient road manager should be able to alleviate many of these issues. There are certainly no easy answers to small government issues like townships. The more highly-populated areas of Kansas have totally different issues than less populated areas. A one-size-fits-all answer is probably not possible.

I could spend hours talking about townships and county governments and their lack of fiscal efficiency in how they operate, but I would rather try to answer any questions you might have. As a concerned citizen, I am very interested in this subject of local government, and I appreciate your efforts to look into these issues.