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February 24, 2021

Representative Kent Thompson, Chair
House Local Government Committee

Subject: Written testimony in SUPPORT of HB 2233; "Let the VOTERS decide!"

Dear Representative Thompson and members of the House Local Government Committee. My name is John Todd, I live at 1559 N. Payne in Wichita, Kansas. I moved to Wichita in 1965 as a sales representative for the National Gypsum Company and had the good fortune of supplying 25 carloads of plaster that went in to the historic Century II project.

On behalf of over 17,000 Wichita petition signers, I want to thank Chairman Thompson and members of the House Local Government Committee for holding a hearing today and allowing the voices of proponents to speak in SUPPORT of HB 2233, an act known as the municipal historic building act.

On July 10, 2020, the Save Century II citizens group presented the Wichita Mayor and City Clerk with petitions, signed by over 17,000 Wichita voters, seeking the adoption of an ordinance which would require a *binding* public vote prior to Century II and the former Wichita public library, both of "architectural or historic significance" being demolished, leased, or sold in any manner that would "adversely affect" the buildings.

In response to the Save Century II petitions, in August 2020, the Wichita City Council adopted "City Council Policy No: 38", a copy of which is in your packet for your review that details their official policy relating the citizens Save Century II petitions. Please note the following sentences, highlighted in yellow, of the city's policy, "***Subject to future acts of the legislature, municipal governments may not call for a binding election unless such election is authorized by state statute.***" This statement supports the exact reason why the Save Century II citizens group initiated House Bill No. 2233!

City Council Policy No. 38 further states, "***...it is the Council's intent to enact a policy consistent with the spirit and intent of the ordinance requested by the Save Century II petitioners, while remaining in compliance with provisions and dictates of state law.***"

The Wichita City Council and the Century II petitioners are on the same page relating to the need for the creation of state statute that authorizes the City of Wichita to hold a *binding* election for its citizens.

We need the Kansas Legislature's help by passing this WIN, WIN HB 2233 into law!

House Bill No. 2233 is a bill initiated by the Wichita Save Century II citizens group. The bill is written to uniformly require a *binding* and mandatory vote of the qualified electors of a city like Wichita before municipally-owned buildings exceeding 80,000 square feet and on the National Register of Historic Places can be demolished or destroyed. We believe only two buildings in the state of Kansas meet these definitions: Century II in Wichita and the former Wichita public library.

Passage of HB 2233 would ensure a VOTE of the people of Wichita to decide the fate of these two iconic historical buildings, and not just the city council through a nonbinding *advisory* vote.

The passage of HB 2233 also supports the intent of language enumerated in the Bill of Rights of the Kansas Constitution, "*All political power is inherent in the people...The people have the right...to petition the government, for the redress of grievances.*" The right to vote is also an important part of the fabric of our system of government.

Please "Let the VOTERS decide!" the fate of two iconic municipal-owned Wichita landmark buildings by passing HB 2213!

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Todd", with a long, sweeping horizontal line extending to the right above the name.

John R. Todd, member
Save Century II Committee

Enclosures 2

August 13, 2020

CITY COUNCIL POLICY NO: 38
ADVISORY ELECTION PRIOR TO THE
DEMOLITION OF CENTURY II PERFORMING ARTS CENTER
OR WICHITA CENTRAL PUBLIC LIBRARY

On July 10, 2020, the Wichita City Clerk was presented with petitions seeking the adoption of an ordinance which would require a **binding public vote** prior to Century II, the Wichita Central Public Library or any other prominent public building of “architectural or historic significance” being demolished, leased, sold or remodeled in any manner which would “adversely affect” the building. Over 17,000 individuals signed the petitions.

On July 13, 2020, the Wichita Historical Preservation Board accepted a nomination to place Century II and the Wichita Public Central Library building on the Register of Historic Places and the National Registry of Historic Places.

In 1961, Wichita voter approved \$12.6 million on bonds for a civic center, later to be named Century II.

Subject to future acts of the legislature, municipal governments may not call for a binding election unless such election is authorized by state statute.

Based on the above considerations, it is the Council's intent to enact a policy consistent with the spirit and intent of the ordinance requested by the Save Century II petitioners, while remaining in compliance with provisions and dictates of state law.

The City Council values community input into the continuous improvement of the City’s downtown core. In this regard, it is the intent and policy of the City Council, pursuant to its Home Rule Authority, to request of the Sedgwick County Election Officer an advisory election before any demolition of Century II Performing Arts Center or the Wichita Public Central Library occurs.

It is not the intent of this policy to limit the number of questions or issues, which may be posed to the voters, as part of any such advisory election, regarding the financing, proposed uses or development plans regarding Century II Performing Arts Center or the Wichita Public Central Library.

Further, it is not the intent of this policy to require an advisory election to repair or demolish the Century II Performing Arts Center or the Wichita Public Central Library, if such building is significantly damaged by fire, tornado, earthquake, windstorm, lightning, or other natural or manmade cause(s) and the building has been deemed by the Wichita City Council to not be structurally sound or to be unfit for public use. Such determination shall be based on an assessment conducted by Public Works personnel and/or a qualified professional engineer.

As used in this policy, the following terms shall have the following meanings:

Century II Performing Arts Center is defined as the circular structure with the large, blue domed roof located at 225 West Douglas, including any improvements or fixtures, whether above or below ground, including the foundation and footings, utility installations, storage, loading facilities, sidewalks, driveways and all fixtures, appliances, sound systems, elevators, and equipment of any kind affixed or attached to the building used in connection with the general operation and public use of the building. The term is not intended to include the Convention Hall (Bob Brown Exposition Hall) or the Expo Hall promenade level to the Hyatt Hotel.

"Demolition" is defined as "the dismantling, razing, destroying or wrecking of a building or structure."

HOUSE BILL No. 2233

By Committee on Local Government

2-3

1 AN ACT concerning municipalities; enacting the municipal historic
2 building act; requiring approval by majority vote of qualified city
3 electors before taking certain actions involving certain public buildings.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) The provisions of this section shall be known and may
7 be cited as the municipal historic building act.

8 (b) No city shall be permitted to sell, destroy, demolish, dispose of or
9 otherwise alienate any public building that is more than 80,000 square feet
10 in size and has been placed on the national register of historic places
11 without first obtaining the approval of such sale, destruction, demolition,
12 disposal or alienation by a majority vote of all of the qualified electors of
13 such city voting at the next scheduled general election. The question for
14 approval by the qualified electors of such city shall be phrased as follows:

15 "Shall the City of _____, Kansas, sell, destroy, demolish, dispose of or
16 otherwise alienate any public building with a commonly known address of
17 _____."

18 (c) Such city shall pay all costs related to the placement of this
19 question for approval on the ballot at the next scheduled general election.
20 This section shall be an enactment of the legislature applicable uniformly
21 to all cities and is not part of any other act.

22 Sec. 2. This act shall take effect and be in force from and after its
23 publication in the statute book.