

Kansas

GOVERNMENT JOURNAL

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The Buzz About Bees

Retention First,
Then Recruitment

Protect That Airport

2016 League Annual Conference

Hotel Accommodations & Reservation Procedures

October 8-10: Sheraton Hotel & Overland Park Convention Center

Sheraton Overland Park Hotel**

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Cut-off date: September 16, 2016

Weblink for reservations:

<https://www.starwoodmeeting.com/events/start.action?id=1601063360&key=2CD833D1>

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913.491.3333
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\$129 + tax per night; 2-Bedroom Suite
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RESERVATION PROCEDURES:

- The League has made special arrangements with the hotels listed to provide accommodations during our Annual Conference.
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- Remember to ask for the special League conference rate when making reservations.

SPECIAL NOTE:

If you are making hotel reservations for someone else, please confirm with each person that they actually need hotel accommodations before making the reservation.



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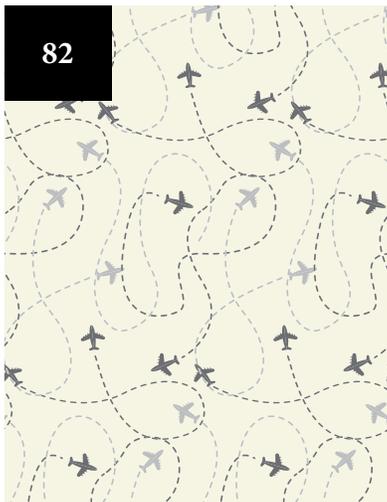
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Photo by Andrey Ukrazhenko.

Kansas

GOVERNMENT JOURNAL

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The mission of the League shall be to strengthen and advocate for the interests of Kansas municipalities to advance the general welfare and promote the quality of life of the people who live within our cities.

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2016 League Events Calendar

April

22 - 23 - Leadership Summit & Mayors Conference; Junction City

May

6 - MTI: Emergency Planning (Elective); Crisis City (near Salina)

13 - MTI: Emergency Planning (Elective); Frontenac

June

10 - Governing Body Meeting; Topeka

10- CAAK: Spring CLE; Olathe

Obituaries

Robert “Bob” Michael Halloran, died March 13, 2016. He was 68. Bob served as the Garden City Assistant Manager from 1975 to 1987. He was promoted and served as their City Manager from 1987 to 2008. After retiring from the city, Bob worked until 2014 with Professional Engineering Consultants. He was a member of numerous city, state, and national organizations and associations.

Glen L. Hultgren, died February 24, 2016. He was 73. Glen served on the Prairie View City Council for a number of years and also served as Mayor. He was a Prairie View Volunteer Fire Fighter. Glen managed the grain elevator in Prairie View before managing the Stuttgart Grain Elevator and feedmill for 33 years in Stuttgart. Glen then began his own business, Stuttgart Feed & Seed, which he operated until 2014.

James V. ‘Jim’ Owens, died March 7, 2016. He was 100. Jim founded Owens Flower Shop in downtown Lawrence. He was said to be the only person who ever served in all of Lawrence’s three “key positions:” as mayor, president of the Lawrence school board and the chairman of the Lawrence Chamber of Commerce. Jim ran for the City Commission and served as the mayor of Lawrence in 1964 and 1965. During his tenure on the city commission, he also took up the post of chairman of the Chamber of Commerce, and was elected as school board president.

Director's Foreword

by Erik Sartorius



We have arrived at the point in the year at the League that I may begin to deem, “The Great Exhale, Part I.” (“Part II” for us comes after our annual conference!) Most significantly, the legislature has gone home for an extended break, allowing many of our staff to turn more of their attention to non-legislative items.

Out of concern that they may have difficult choices which extend their veto session, as they had happen last year, the legislature went home a week early. They will return later this month with few items currently on the agenda. Continued budget shortfalls and a ruling on school finance, however, could force some late nights and difficult choices for legislators. (As this issue goes to print, March tax revenues were just announced as coming in \$8.5 million below estimates, and all-funds revenues \$1.65 million under estimates.)

The primary municipal issue awaiting resolution in the veto session is the property tax lid on local governments. (See our League News from March 25 for a more detailed rundown of the expected legislation: <http://www.lkm.org/leagueneews/2016/12>.) We have contended all along the property tax lid is unwarranted, and have not altered this position. The political reality at this time, however, is that the legislature is inclined to take further action on the issue this year.

In addition to wearing a deep path between the League office and the capitol, I joined several of your fellow local officials in visits to our congressional delegation in Washington, D.C. We had a great reception at all offices, particularly appreciating the time Senators Jerry Moran and Pat Roberts set aside to visit with us about issues. All of the Representatives’ offices were also very gracious in setting aside time for us to speak with key staff members.

A particular push for the League and the National League of Cities this year is to have Congress finally close the online sales tax loophole. With online sales increasing 10-15% a year, it is imperative that consumers be required to pay the sales tax already due on their purchases. This is an issue critical to both governments needing to fund necessary services, as well as our local business which are currently at a competitive disadvantage with online merchants.

Whether you head to Washington, D.C., or you reach out to a federal official’s district office, please engage them. While the narrative of Washington tends to be about gridlock, there are many ways congressional offices are able to engage on behalf of citizens and cities that should not be discounted. For instance, the City of Salina is having some challenges with the Transportation Security Administration as they reestablish air service to the community. From our visits, it is clear that the Kansas delegation is aware of the issue, and is working with colleagues to introduce legislation to correct the problem. My experience is that our delegations prides itself on knowing what is happening in their districts, and want to hear from you when you need assistance with the federal government.

My final bit of travel since our last issue was down to Wichita for the city clerks’ 66th Annual Spring Conference. We were pleased this year to have a booth at their tradeshow to see everyone. Anna Keena, League Member Services Manager, was on hand and was joined by Christi Baunach of American Legal Publishing. As you have probably heard, ALP are our new municipal code consultants, and they very much appreciated the opportunity getting to learn more about our member cities. I had the pleasure of joining the conference to provide a legislative update and discuss developments at the League.

Coming up in just a few days is the League’s Leadership Summit. This year’s program is a direct result of requests from several cities across the state, who indicated a desire to undertake a strategic planning process. As they began to act on that desire, however, many discovered the obstacle of expense.

In response, we are focusing the majority of the Summit on strategic planning. Paul Carttar of the Bridgespan Group will be our primary speaker, priming you for a successful strategic planning process. Officials from communities across Kansas also will share their strategic planning experiences, from engagement of employees in the process to translating your plan into budget priorities, as well as a perspective on strategic planning from a smaller, but growing, community. We hope to see you there!

As always, please let me know if you have any questions or comments – I’d love to hear from you: esartorius@lkm.org or (785) 354-9565.

The Buzz About Bees: Effective Municipal Beekeeping Regulations

by Helen Clemens



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In early 2007, beekeepers and researchers alike began to notice a significant problem of widespread losses of honey bee colonies throughout the country.¹ This problem, termed “Colony Collapse Disorder” (CCD), entailed the failure of more than 30% of hives across the United States during the winter of 2006-2007,² without any evidence or symptoms of known causes of colony death.³ Losses were observed at a slightly higher rate the following year,⁴ and by 2009, CCD had become a widely recognized problem not only inside the beekeeping and agricultural research communities, but also in mainstream media coverage.⁵ Because the honey bee pollinates 80% of all flowering crops, which equates to one-third of food consumed in the United States,⁶ this CCD phenomenon produced much cause for alarm. Several different companies produced educational and fundraising campaigns in support of honey bees⁷ and Congress required the USDA to research causes and solutions to CCD.⁸ To date, there is no confirmed explanation for this disappearance of honey bees.

Interestingly, in the time since CCD became a known problem for honey bees, there has been an incredible rise in backyard apiculture.⁹ In fact, the backyard beekeeper provides an important service in caring for and cultivating bees that allows them to thrive and pollinate throughout the local ecosystem. Not only do bees help to safeguard local food sources, some scientists believe that healthy, strong local bees may help to strengthen the species,¹⁰ which is particularly important in this time of crisis.

In response to this rising interest in beekeeping, many cities have introduced new regulations to permit beekeeping in residential areas.¹¹ This paper will survey and analyze different models for municipal beekeeping regulations (looking to examples from Melbourne, Florida; Hillsboro, Oregon; Savannah, Georgia and Baton Rouge, Louisiana) and balance the competing interests of the beekeeper, neighbors, and the municipal government; and will propose a model policy for municipal governments to adopt in order to best protect each of these interests.

Part I: Relevant Facts and Information about Honey Bees

As with any effort to regulate, the local government must first understand what it is regulating and how regulations may affect the activity being regulated. In terms of beekeeping, we need to understand the nature of bees and the art and science of beekeeping.

Beekeeping has been described as, “[an] art... to guide bees’ natural behavior into patterns of activity desired by the beekeeper.”¹² Beekeepers may induce bees to produce excess amounts of honey or provide them with food sources during nectar dearth, they may inspect hives to notice if the colony is threatened by an infection or parasite, and they may choose to introduce a new queen to ensure quality eggs are being laid.¹³ However, bees are largely left on their own. A beekeeper can provide resources, but the beekeeper cannot control the activities of the 60,000 bees that may occupy the hive during the months when the colony is most productive.¹⁴

Wild, or feral honey bees exist naturally throughout the United States. Honey bees will commonly fly up to four miles away from their hive to forage for nectar and honey.¹⁵ This is significant in terms of making decisions about beekeeping regulations, because bees will continue to move throughout any area in a municipality, whether or not they have keepers in residential areas.

An important component of apiology relevant to the regulation of hives, is that bees create flight patterns (“flyways” or “bee lines”) to and from the hive.¹⁶ These patterns can be manipulated by the manner in which the hive is situated on a property and what structures or impediments are near the hive.¹⁷ To an individual who observes a hive for any length of time during the busy nectar season, these patterns are almost immediately obvious, and can be likened to a runway at an airport where planes take off to and land from various locations.

It is a common misconception that bees are dangerous or threatening when they swarm, and will become aggressive and attack an unknowing passerby. Numerous depictions of bees include the image of a killer swarm attacking someone running away. When bees swarm however, they are generally docile,¹⁸ as they have no hive or home to defend when they swarm. An additional concern in the popular conscience is the idea of “killer bees.” Killer bees are a name given to the Africanized honey bee, which is admittedly more aggressive than the European varieties, reacting to disturbances ten times faster than other varieties of bees.¹⁹

In addition to the biological and behavioral aspects of bees, nuisance issues have a tendency to percolate around the keeping of bees—in other words, neighbors with real or perceived reasons to complain require the local government to have some sort of regulatory function for beekeeping in residential areas. Neighbors may lodge various complaints about bees.²⁰ Of these, the most serious (and perhaps most obvious) are the considerations of those individuals who have an allergy to bee stings. The incidence of immediate systematic allergic reactions to insect stings is estimated to be between 1-7% of the population,²¹ and a low estimate of annual

deaths caused by anaphylactic shock following a sting published by the World Allergy Organization postulates one per every ten million.²² Once individuals are aware that they have an immediate reaction to bee stings, they should be certain to guard against future stings by having a plan to use an adrenaline auto-injector (epi pen) in the event that an insect does sting them in the future.²³

(Local governments will be called upon to address issues of nuisance in terms of regulating beekeeping while the issues of importing and exporting different types of bees and tracking bee borne diseases will most likely be left to the state and federal governments putting the characteristics of bees relevant to that type of regulation outside the scope of this article).

The legal intersection between beekeeping and neighbors seeking to enjoy their respective property rights and local government regulation has a long history. Over one hundred years ago, Arkadelphia, a city in Arkansas, sought to address the issue by prohibiting beekeeping as a nuisance. After being challenged, the city lost when the court concluded that beekeeping cannot be regulated as a nuisance:

Neither the keeping, owning or raising of bees is, in itself, a nuisance. Bees may become a nuisance in a city, but whether they are so or not is a question to be judicially determined in each case. The ordinance under consideration undertakes to make each of the acts named a nuisance without regard to the fact whether it is so or not, or whether bees in general have become a nuisance in the city. It is, therefore, too broad, and is invalid.²⁴

However, in 1938, a California court concluded that the City of Los Angeles’ regulation of beekeeping, including a prohibition in some areas of the city but not others, survived constitutional challenge:

The Hadacheck decisions, above cited, sufficiently demonstrate that the facts appearing herein justify the ordinance prohibiting beekeeping within the city except in the designated areas, and that the ordinance is not unconstitutional for any reason. (See, also, *Brown v. City of Los Angeles*, 183 Cal. 783 [192 Pac. 716]; *Reiman v. Little Rock*, 237 U.S. 171, 176 [35 Sup. Ct. 511, 59 L. Ed. 900].)²⁵

In the same year that the Arkansas court decided the Arkadelphia case concluding that beekeeping cannot be legislatively defined as a nuisance, a New York court confirmed an injunction issued against a beekeeper in a case where a jury found beekeeping to be a nuisance.²⁶ Close to 70 years later, a Pennsylvania court concluded

that beekeeping is not a nuisance per se and denied an injunction that the township sought:

The keeping of bees in a residential neighborhood is not a nuisance *per se* and the strong arm of the chancellor should not be exerted to eliminate a legitimate business or occupation unless compelling reasons require it, that is, that the injury caused is real and substantial: [cited cases omitted.]²⁷

These cases illustrate the varying approaches to regulation, geographical and temporal development of judicial philosophy and the continuing likelihood for neighborly (or not) interaction between beekeepers and adjacent property owners. As time has passed, the development of zoning laws and a greater tendency to support governmental police powers no doubt have allowed many communities to regulate beekeeping in various ways that may be at odds with these cases from the distant past. What follows are some examples of different regulatory approaches to beekeeping.

Part II: Municipal Approaches to Beekeeping

Cities and counties have adopted a variety of different approaches to the question of how to manage the presence of beekeepers and their hives within their communities. While this article cannot begin to encompass the entirety of approaches within the approximately 20,000 municipal governments in the country,²⁸ the following examples provide illustrations of the different general approaches that municipalities may elect to take in the regulation of beekeeping.²⁹ These include a prohibition on beekeeping, requiring permission of neighbors to be able to keep bees, state preemption of municipal regulation of bees, and a robust regulatory scheme at the city and county government level.

Outright Ban on Beekeeping: Melbourne, Florida

The city of Melbourne, Florida is located on the eastern central coast of the Florida peninsula stretching across to a barrier island. About an hour away from the Kennedy Space Center,³⁰ Melbourne has a population of 76,354.³¹ Melbourne also has an outright ban on beekeeping. The city code states, “It shall be unlawful for any person to operate an apiary or otherwise maintain bees within the city limits, except in an agricultural estate use (AEU) zoning district, or as may otherwise be provided in this article.”³² The exceptions, however, must be related to medical or educational purposes, rendering backyard beekeeping essentially illegal:

Sec. 10-53-Exceptions to section 10-52

(a) Nothing contained in section 10-52 shall prohibit the maintenance of one hive of bees under the following conditions:

(1) Upon the premises of any public or private educational institution for use by students for educational purposes.

(2) Upon such premises as may be required for medical research or scientific purposes.

(3) Upon the premises of a building or residence, provided that the person seeking to maintain the hive upon the premises shall first make application for permit to maintain such hive. No application for permission to maintain such hive shall be granted unless the use for educational purposes is clearly established.

(b) The use of bees for educational, medical or scientific purposes, as provided for herein, shall be permitted so long as no hazard or nuisance, public or private, is created.³³

Thus, the backyard beekeeper, or a resident who is interested in helping the environment by maintaining a beehive has no options in Melbourne. This means the concerns of any individuals with allergies to bees, or neighbors who would prefer not to live near a beehive are almost fully met; should any individual try to keep bees without a scientific or educational permit, the neighbor need

only report the instance to the city government, who will rule it illegal. But a prohibition on beekeeping does not necessarily equate to a lack of bees in a city, because feral honey bees require no license or permit to exist anywhere.

Melbourne’s approach does nothing to address the CCD problem. As backyard beekeepers can play an important role in helping the local ecosystem, a complete prohibition on the practice during this period of expansive colony collapse could be harmful. Obviously, each community must measure its regulatory mission by its residents’ wishes and in Melbourne, at least so far, instead of balancing the interests of property owners the community has concluded it is best served by a complete ban.

Neighborhood Permission: Hillsboro, Oregon

The city of Hillsboro, Oregon, population 93,340³⁴ and located about a thirty minute drive east³⁵ of the state’s largest city, Portland, has adopted a more nuanced approach to the regulation of beekeeping within the municipal limits. The city code includes regulations for the maintenance of beekeeping equipment, total number of hives, and instructions as to where the beehive may be located on an individuals’ property. Most significantly, before a hive can be registered, any neighbors who live within 300 feet

“As backyard beekeepers can play an important role in helping the local ecosystem, a complete prohibition on the practice during this period of expansive colony collapse could be harmful”

of the residence must be notified of the plan to have a colony near their homes.³⁶ With adequate medical certification of a bee sting allergy, at-risk individuals may request that hives be removed from a neighbor's property.³⁷

The clarity and cohesiveness of this particular portion of the code merits a review of the language itself:

6.20.080 Bees

A. Keeping Bees. Bees may be kept in the city consistent with the following standards:

1. The keeper is in compliance with HMC 6.20.080(B);
2. Bee hives/colonies may only be kept on single family residential property;
3. No more than three bee hives / colonies may be kept;
4. Bee hives/colonies may not be kept when a person who has a medically certified allergy to the sting of bees resides within 300 feet of the hives/colonies and has submitted to the city medical documentation and a written request that the hives/colonies be removed;
5. Products generated, such as honey, may not be sold from a residential property;

6. Bees must be contained consistent with the following standards:

- a. All portions of the hives/colonies enclosure must be located behind the front building plane of the dwelling; and
- b. All portions of the hives/colonies must either be located a minimum of 10 feet from any property line unless there is no barrier, such as a fence or hedge, that is at least six feet in height on all relevant property lines, in which case a minimum of 15 feet applies.

7. Beekeeping equipment must be kept consistent with the following standards:

- a. All portions of the hives/colonies enclosure must be kept and maintained in a clean and sanitary condition at all times to prevent any condition which may be dangerous or detrimental to the health of the public or animals or constitute a nuisance; and
- b. Unused equipment may not be in the open or otherwise accessible to bees.

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B. Notification Process. Prior to keeping bees, a person must:

1. Prepare a notice stating intent to keep bees and the type of bee kept and mailing list, utilizing city approved templates;
2. Mail notice to adjacent property owners within 300 feet of the site two weeks prior to commencing bee keeping; and
3. Submit a written declaration to the city of compliance with the notification requirements in HMC 6.20.080(B)(1) and (2).³⁸

These regulations have several important implications. First, because a neighbor with a bee allergy can seek relief from the government to avoid living in proximity to beehives, the concerns of those with allergies are entirely met.³⁹ The notice process is quite clearly stipulated on the city's website; a copy of a form letter that the prospective beekeeper must send out states specifically: "[I am] considering keeping bees on this property. This notice is to allow person(s) with a medically certified allergy the opportunity to submit a written request that hives not be located on this site."⁴⁰ This letter, sent with an attachment listing the full text of Hillsboro's code regulating bees leaves no ambiguity. In order to have a beehive on one's property, the individual must alert neighbors to their right to have that action stopped or prevented.^[P. 56] Additionally, the beekeeper does not have full flexibility to use any portion of a property to keep bees: hives must be situated 10-15 feet away from any property lines. This limits a beekeeper's ability make best use of the landscape or situate the bees in the best manner possible. Furthermore, this will do little to contain the bees to the beekeeper's property, as bees will fly as far as four miles away from their hives in the search for nectar.⁴¹

Examining these regulations from the perspective of the benefits that bees bring to the environment, Hillsboro beekeepers may legally keep bees and help to promote their presence in Oregon, but these interests may be trumped by those of an individual with a bee sting allergy. Furthermore, the restrictions on where a beehive may be placed within a yard may make beekeeping impossible based on the size of the yard and its relation to the home on the property.

State Control: Savannah, Georgia

Savannah, Georgia is a coastal city in the Deep South, with a population of 142,772.⁴² A beekeeper in Savannah does not need to apply for registration or be subject to any regulation by the city's government. The State of Georgia preempted local control over beekeeping:

No county, municipal corporation, consolidated government, or other political subdivision of this state shall adopt or continue in effect any ordinance, rule, regulation, or resolution prohibiting, impeding, or restricting the establishment or maintenance of honeybees in hives. This

Code section shall not be construed to restrict the zoning authority of county or municipal governments.⁴³

Thus, local governments in Georgia cannot address the concerns of their residents about beekeeping.⁴⁴

Although Georgia preempts local regulation, it allows local governments to impose zoning regulations that can help to alleviate nuisance and on one occasion proved problematic for beekeepers. Specifically, the code states, "This Code section shall not be construed to restrict the zoning authority of county or municipal governments (emphasis added)."⁴⁵ This proved problematic for Nicholas Weaver, a hobby beekeeper from the age of 13, residing in Forsyth County.⁴⁶ After a decade of backyard beekeeping, with a total of six hives on his own and neighbors' properties, Weaver received a notice from the Forsyth County government stating that he had to remove his bees.⁴⁷ Absent any zoning regulations for beekeeping, the county had determined that the bees were livestock,⁴⁸ and that Weaver's residence was not zoned for that use. Ultimately the problem was resolved when Weaver worked with the local authorities and was granted a reprieve;⁴⁹ yet this illustrates that even when the state law directly preempts local governments from prohibiting bees, a neighbor's complaint (which triggered Forsyth County's response),⁵⁰ can still cause some problems for beekeepers.

Permission with Explicit and Nuanced Requirements: Baton Rouge, Louisiana

Baton Rouge, Louisiana, has a population of 229,169.⁵¹ The Baton Rouge Municipal Code includes a variety of incredibly nuanced requirements for backyard beekeepers, based on the state's Model Beekeeping Ordinance for Louisiana Local and Municipal Governments.⁵² These provisions on beekeeping, (§§ 6:660- 6:671 of the Baton Rouge Municipal Code) are too lengthy to reproduce here, but include the following regulations: annual registration of all honeybee hives with the Louisiana Department of Agriculture and Forestry,⁵³ stipulations on what kind of hive beekeepers may use (Langstroth⁵⁴ hives),⁵⁵ requirements for where the colony may be located on the beekeeper's property (at least 25 feet from the property line),⁵⁶ requirements for the creation of a fence or barrier to deflect the bee line,⁵⁷ provision of water for the colony,⁵⁸ limits to the number of hives that may be on a property based on its size,⁵⁹ requirements for signage near the apiary⁶⁰ and procedures for non-compliance with the section.⁶¹ Notably, the Baton Rouge Municipal Code does not require notification of neighbors nor does it provide protections for nearby residents with bee sting allergies. Baton Rouge may not include each regulation that other cities have employed, but it demonstrates how a city can provide instruction for beekeepers on how they must conduct their activities.

Other local governments include regulations that address the species of bees that a beekeeper may keep within a municipality⁶² and the requirement of a firebreak⁶³ to address the beekeepers' use of smokers to calm the bees prior to working the hives.⁶⁴ While

other regulatory features may exist, those discussed in this article highlight regulatory trends and patterns that different municipalities around the country take regarding bees.

Part III: Best Practices for Municipal Regulation of Beekeeping.

After reviewing the practice of bee keeping and how local governments have addressed the issue, this article proposes that in order to best capture the needs of the beekeeper and the community, the following measures should be incorporated into municipal regulations for beekeeping. As the individual needs of each community may require specific tailoring, these are presented as principles for best practices. As an initial point, all should adopt measures addressing beekeeping rather than prohibiting it, especially as the popularity of this activity rises; this will help to avoid any gray areas and unnecessary, costly litigation surrounding beekeeping.⁶⁵

1. Legalize Beekeeping.

Little rationality exists in a complete prohibition on beekeeping. Wild honey bees will exist, roam and pollinate in communities despite regulations to prohibit either commercial or hobby bee keeping. Although legalizing beekeeping may make bees more commonplace, the option of prohibition provides only a false sense of security since there is no safe way to completely eradicate the presence of bees. Beekeeping provides many benefits for the environment and local community; if it is not encouraged, it should at least be permitted. Beekeeping can be conducted safely even in the densest of municipalities, such as New York City, and laws that prohibit beekeeping ought to be changed to provide a reasonable regulatory environment for the activity.

2. Municipalities should require the registration of beehives with the local government, and make this list available to citizens upon request (in addition to any state registration requirements).

Although bees exist in the wild and cannot be eradicated, both the government and public benefit from knowing where bees are kept. This serves several purposes. First, any individual who suffers from a bee allergy, or has a child who does, clearly benefits from information as to where a bee colony or small apiary exists. This improves the goals inherent in the system enacted by Hillsboro, Oregon, because it looks not only at the immediate area surrounding the residence of someone with a bee sting allergy, but instead at a neighborhood or city as a whole. Children especially are known to play outside well beyond an arbitrary setback such as the 300 foot radius of their home. Parents can better focus on the areas in which they may instruct their young children to avoid, and may be certain to have epi pens available at locations at which their kids regularly play

that are near beehives (for instance, at a friend's home). For those adults that are affected with an allergy, by noting which properties contain beehives, they can conduct their activities to avoid these locations. Ideally, if the resident is concerned about new hives, the municipality could set up a notification list, such that individuals may request to be informed of any new colony registrations and installations. If a municipality keeps this kind of registry, individuals bear the burden of responsibility for informing themselves about where bee colonies exist, instead of placing an unreasonable burden or prohibition on the beekeeper.

Not only does this system better serve the needs of those with bee sting allergies, it protects the rights of individuals who would like to keep bees on their property. The Hillsboro code provisions that

A Kansas Bee Keeper checking on his bees. Photo by Andrey Ukrazhenko.



allow individuals with a bee allergy to prevent their neighbors from keeping bees poses a high burden without a clear indication that the measure provides sufficient protection to the allergic individuals. Notably, a feral bee colony may occupy a tree, stump or log—all without the property owners' or the neighbors' knowledge. Those with allergies to bee stings must be alert regardless of whether they live close to a bee keeper's hive or a feral hive, but only the bee keeper's hive will be regulated based on the neighbors' concerns.

Furthermore, though most inspection of beehives relating to disease occurs by a state agency, with the diseases and parasites that plague the American honey bee, it would be helpful to require beekeepers to notify other beekeepers nearby if their hives have been affected by any of these problems through a locally required notification system. A locally maintained register of all bee colonies would help with this goal, and generally to make the beekeeping community aware of all other beekeepers in their vicinity. As some states, like Georgia, do not require registration of bee colonies if they are not commercial entities, this also provides a localized list that is useful outside of traditional state purposes.

3. Avoid stipulations regarding setbacks; make them available to neighbors' as a right only on demonstration of need.

A beekeeper should be able to situate a beehive on the bee keeper's property in the area that is best suited for the colony; the mandate that there be a setback rests on a presumption that the beehive is an inherent nuisance to neighbors and that separation from the property line provides some protection. In fact, a prudent beekeeper will not want to keep a hive near a property line that borders a nosy dog, or that allows people to easily interfere with the hive and the bees' activities. And, depending on the set up of a yard a location close to the property line may be the safest place for the bees to

be maintained. However, if a neighbor is able to demonstrate a compelling reason to move or relocate a hive, the local government should be able to impose a setback requirement based on the specific facts including the lot size, location within the neighborhood, bee line and other localized concerns.

While neighbors ideally should be able to work together without municipal intervention, if that cooperation fails, neighbors ought to be able to request a setback based on individualized concerns and specific facts. By requiring individualized and specific facts to govern the decision, the law will not create an unintended prohibition on beekeeping by making it impossible to locate a hive on a small property without much yard space.

4. Enact a Flyway Requirement.

As mentioned above, a particular feature of bees is their "bee line" to and from the hive. This phenomenon is something around which municipalities should provide some regulatory framework, as it poses the most likely reason that regular human-bee interaction can be negative. If the bee line from the entrance of the hive to the flowering plants nearby is situated so that the public or neighbors may regularly interrupt this flight path, the location is not ideal (both for the beekeeper and the people walking between these spaces).

By requiring the beekeeper to have a flyway barrier, this will help to eliminate routine contact that would be out of the ordinary in a feral hive of bees. This can be flexible: a fence, shrubbery or other arrangement can prevent bees from establishing a flight pattern that causes this unnecessary contact. By putting the height requirement at about six feet, this will eliminate most possibilities for a bee to encounter (and perhaps sting) a human. If the beekeeper can demonstrate that the flight pattern of the bees will cause insignificant public contact based on where the hive sits on their property, this

A look inside the beehive. Photo by Andrey Ukrazhenko.



should serve in place of satisfying the flyway requirement. Should a beekeeper violate this flexibility, substantial penalties and abatement orders can apply.

5. Regulations Regarding the Species of Bees.

A municipality should ban Africanized honey bees (especially if the state has not done so). These bees are more aggressive and their prohibition will help to alleviate the neighbors' concerns and provide an added protection against Africanized honey bees mating with the European varieties that occupy most of the United States.

Conclusion

Honey bees add much value to communities and municipalities should adopt an inclusive series of regulations to clarify the rights of beekeepers and their neighbors, following the principles described above. This is particularly important in light of the increased popularity of backyard beekeeping, urban agriculture and in response to Colony Collapse Disorder.

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Retention First, Then Recruitment:

A Strategic Approach to Staffing Success in the Public Sector

by Craig Southern

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Talent management is a constant and complex concern for most organizations. The task is especially challenging for human resources professionals charged with ensuring that staffing levels meet current and future organizational demands. Staffing appropriately and building bench strength are central to an organization's success.

Public, private, for-profit and not-for-profit organizations all share needs to recruit and retain competent, trainable and reliable employees. Of particular significance, meeting these staffing challenges is a perpetual process that continues to evolve in an increasingly competitive landscape.

Talent must be recruited yesterday for work to be performed today. Talent must also be retained so that work will continue to be performed tomorrow. To these points, organizations must deliberately and thoughtfully consider multiple factors that can limit or negatively impact recruitment and retention success. A promising approach is to think about retention before recruitment. In other words, organizations could better maintain appropriate staffing levels for current workforce needs and build strength for future succession needs by looking forward rather than backward.

Factors That Limit Recruitment and Retention Success

Globalization, social media, generational diversity, internal infringement, disengagement, improper planning, budget constraints and habit all can limit an organization's recruitment and retention success. Keep in mind that an organization's ability to recruit and retain the best and brightest talent is not generated arbitrarily through the sheer existence of any one factor. If multiple factors exist but are not acknowledged and, ultimately, embraced, no action can be taken. Once organizations become aware and take action, however, the potential for recruitment and retention success becomes unlimited.

Public sector HR professionals must be mindful that factors that can limit the success of an organization in the private sector can similarly limit success in the public sector. Even though the manifestation of a limiting factor may vary, the disappointing outcomes will be the same.

Recognize How Retention Drives Recruitment

The traditional view in human resources management is that recruitment drives retention. This rests on the concept that the outcome of retention can only be achieved through the direct and sole action of recruitment—a pure example of one-directional cause and effect. “Action” in this regard means a routine practice that can continue with little or no thought.

Organizations can succeed for some time in achieving strategic performance goals and objectives while letting old methods for recruiting talent operate on autopilot. The results are even measurable, since an organization cannot retain staff without first recruiting staff. However, the changing dynamics and complexities of the modern workplace demand more nontraditional approaches.

Understanding that retention can drive recruitment requires thinking deliberately and acting with purpose to lower turnover, maintain institutional knowledge and keep employees engaged. Taking those as desired future states makes achieving strategic performance goals and objectives more likely. To reach that outcome, an organization must think ahead about which actions are necessary to make recruitment directly serve retention.

Conceived this way, retention emerges over time rather than resulting directly from recruitment. In its most simplistic form, “retention first, then recruitment” means starting with the end in mind. While this strategy is not new, it is relatively untried in talent management, at least for staffing and building bench strength. In human resources management terms, placing retention first entails developing workforce and succession plans that align with the organization's strategic plan and thinking about the actions to be taken to retain talent (i.e., the effect) that will recruit talent (i.e., the cause).

Planning Strategically

To manage talent in any organization, HR professionals must craft workforce plans based on assessments of current and future staffing needs. This requires determining the minimal talent required to maintain the status quo and deciding what mix of new and internally developed and promoted employees will best meet those needs. Proper workforce planning of a strategic nature must



also be inclusive of a succession plan that permits identifying key talent that must always be in place in order to achieve organizational goals and objectives.

Organizations are best served when HR professionals craft staffing plans that align with the current strategic plan of the organization. Workforce and succession plans created without consideration of an organization's goals and objectives are little more than guesses that can lead to unpredictable and undesirable results.

Importantly, HR professionals must take the same care in crafting workforce and succession plans that was taken by the executives who created the strategic plan for their organization. It will not suffice to merely transfer text and numbers from a strategic plan to a workforce or succession plan. Planning effectively requires thinking critically and creatively about past, present and future causes, effects, goals and objectives. Failing to expend such effort is certain to result in misalignments and oversights regarding staffing needs and available resources.

Putting Philosophy Into Practice

Any public sector organization can begin emphasizing retention as

a driver for recruitment by addressing the factors that can limit the success of its workforce and succession plans. Budget constraints imposed by a sluggish economy may loom as large as generational diversity, internal infringement, disengagement or any of the other factors listed earlier.

Whatever the problems, solving them is only possible when they are identified. Conducting an environmental scan prior to formulating a strategic plan helps with this identification process. The organization's workforce plan should also call for additional reviews, and key talent should be assessed in relation to the factors identified as limiting success.

Following a tiered process for identifying factors blocking success can produce a more accurate list of actions the organization must take to fully implement its workforce and succession plans. Organizations should only take action on factors as they become identified.

Putting Retention First at a Georgia State Agency

In Georgia state government, the Human Resources Administration (HRA) has provided guidelines and tips for recruitment and retention to all agencies. The HRA functions as the central personnel agency

for the state. It keeps employee records, monitors personnel practices and collects workforce analytics, including recruitment and retention data. One of HRA's core responsibility is establishing a system of personnel administration that will attract, select and retain the best employees based on merit while ensuring equal opportunities for all. The guidelines and tips provided by HRA include multiple options from a statewide perspective, including giving discretion for use and implementation at the agency level.

The State Road and Tollway Authority (SRTA)—the land transportation and mobility infrastructure financing agency for Georgia—builds on the HRA framework to prioritize retention when developing and implementing its recruitment strategy. Following the mantra that strategy drives success, SRTA staff at all levels consistently reference the agency's strategic plan. This reflects the fact that SRTA's strategic plan is a roadmap to future success rather than a document created as part of a ritualistic requirement for which an item on a punch list can be checked.

Consequently, SRTA's human resources team works in an integrative manner with all business units to create workforce and succession plans. This forges a working relationship and team spirit that yields appropriate and applicable plans, and also permits the crafting of customized sub plans as the specific needs of each business unit are identified. SRTA does not impose a one-size-fits-all approach to retention and recruitment, which fosters engagement. Research proves that engaged employees stay; therefore, knowing what keeps current employees engaged can be applied to recruiting. In practical terms, this approach has led SRTA to emphasize opportunities for telework to bolster both retention and recruitment.

Collaboration between the HR team and the business units at SRTA permits recognizing different needs and ensures that all stakeholders are in agreement with how to, first, retain the best and brightest talent and, then, recruit similar workers. When such agreements occur, the likelihood for overall success of any strategic goal is increased.

Conclusion

Human resources management does not always differ greatly in private and public sector organizations. Indeed, more similarities than differences exist regarding talent management. Staffing and building bench strength are tasks all organizations must perform on a daily basis, and also tasks at which all organizations must excel. Venue, products and services aside, organizations must consider the numerous factors that can limit and negatively impact recruitment and retention success, then strategize accordingly. Organizations, especially those within the public sector, may be able to ensure recruitment and retention of the best and brightest talent by adopting a strategy that places primary emphasis on retention.

Recruitment is one-dimensional and mechanical, but retention is dynamic and thoughtful. Although it is true that an organization cannot retain employees it does not recruit, taking the time to purposefully consider how to retain employees is certain to lead an organization to create workforce and succession plans that lessen turnover, maintain institutional knowledge and engage employees. Hiring workers is relatively simple, but keeping the best employees is not always easy. Therefore, adopting and implementing a strategy that puts retention first can make staffing successfully more likely.

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PROTECT THAT AIRPORT

Keep Your Town Vibrant by Keeping Your Airport Accessible

by Dennis O'Connor

A municipal ordinance can be more than words and legal terms when applied to an airport. As people familiar with aviation and its issues will tell you: “Everything’s different with aviation.” In the case of local measures addressing the height and hazard presented by structures near an airport, an ordinance most often goes by the name of “airport overlay district.” Either way, the purpose of a height/hazard ordinance or an airport overlay district is the same: managing local land use in the vicinity of a local airport. In doing so, there is a singular benefit of local prosperity by ensuring ready-access to the airport.

Up in the Air with the Federal Aviation Administration (FAA)

All airspace in the United States is federal jurisdiction, made certain by Congress by placing regulatory authority for its control with the Federal Aviation Administration. But airports and airspace are distinct entities. Only one portion of the Federal Aviation Regulations (FARs) applies to airports on the ground instead of the air. In the Code of Federal Regulations, Title 14, Part 139 (FAR Part 139), airport certification is addressed with standards for accommodating airline operations, fire and rescue service, surface markings, lighting and pavement condition. Otherwise, FAA is up in the air. Several FARs cover several specific aspects of using airspace. As examples, FAR Part 61 covers training requirements for pilot

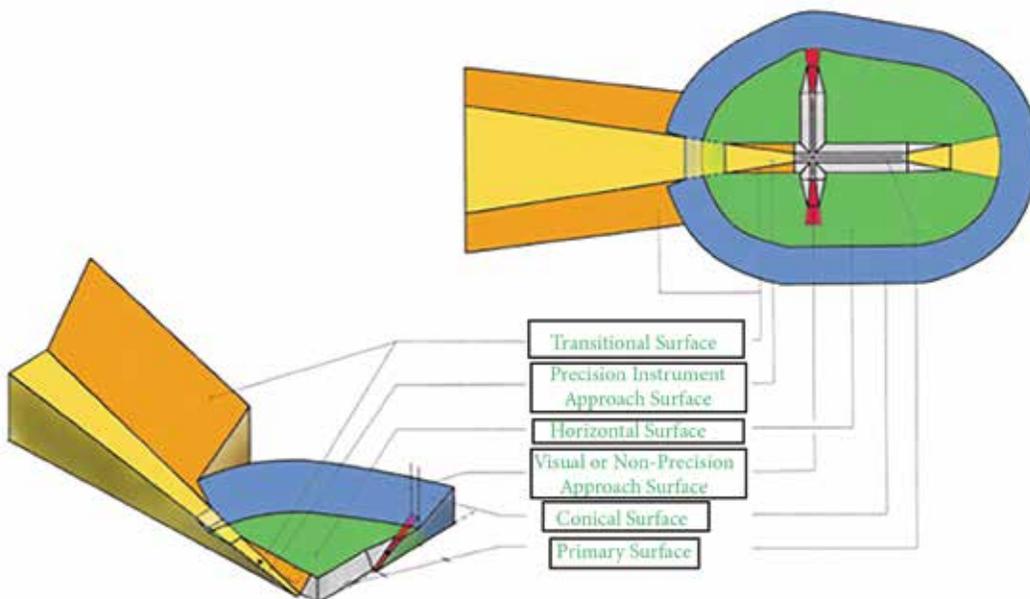
licenses, and Part 91 covers operating rules for flights conducted by either visual or instrument references. Additional regulations within Part 91 define airspace classifications and altitudes, limitations at the nation’s large metropolitan airports to mitigate traffic congestion, and restrictions around sensitive locations. But, such an elaborate structure cannot be dismissed as regulatory saturation. Justifiably, the airspace system of the United States is the safest in the world. And with safety comes the FAA’s interest in the airspace located at an airport via Part 77.

Imagine Federal Aviation Regulations (FAR) Part 77

FAR Part 77 describes the airspace of an airport as “imaginary surfaces,” one supposes for the lack of a better term. Nonetheless, the wording makes it clear that airspace at an airport is different from an airport’s airspace classification, which is based on its level of activity. Classifications follow simple international designations: A is at the top: 18,000’ and above; B for the big airports in places like Denver and Kansas City, and C and D for intermediate and smaller airports, such as Wichita and Garden City, respectively. But for Part 77, the surfaces are applied against structures on the ground. If the structures rise high enough vertically—or are close enough horizontally—to penetrate Part 77’s various surfaces (seen illustrated in the diagram below), then structures become obstructions that may adversely impact airport utilization.

A discussion of each surface area is outside the scope of this article, but it is important to consider how they play their parts for safety.

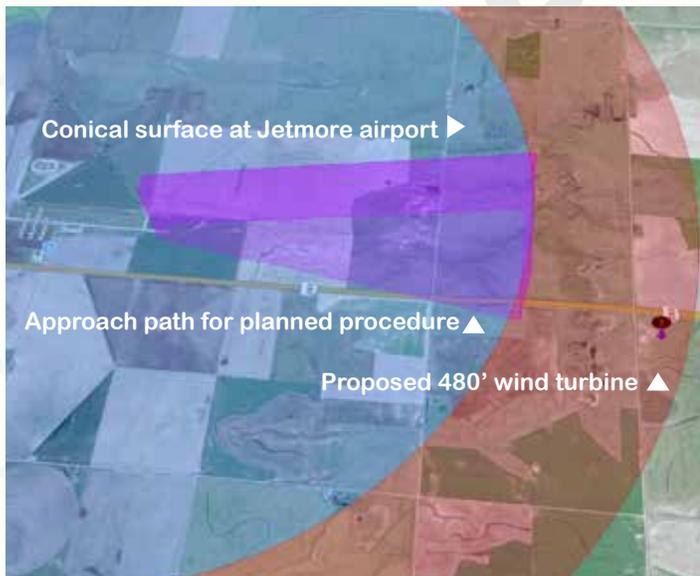
FAR Part 77 Surfaces



Essentially, the outer ring known as the conical surface is treated as an airport’s basic airspace. At the margins of the outer ring (inside and out) are trapezoidal spaces used in relation to the airport’s approach glide path and the adjoining areas used for approach maneuvering. Obstacles within these areas can present safety issues for aircraft, especially when operating by reference to instruments during inclement weather.

Clearing the Air

While the FAA evaluates proposed structures to determine if they present a hazard, the agency’s determinations are made ONLY in relation to air navigation. In other



- 3-705: *Notice and hearing.* No airport zoning regulations shall be adopted, amended, or changed under this act except by action of the governing body of the political subdivision or subdivisions in question, after a public hearing
- 3-706: *Reasonableness.* In determining what regulations it may adopt, each political subdivision shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area, the character of the neighborhood, and the uses to which the property to be zoned is put and adaptable.
- 3-710: The political subdivision or subdivisions adopting zoning regulations under this act may institute in any court of competent jurisdiction, an action to prevent, restrain, correct or abate any violation of this act, or of airport zoning regulations adopted under this act

words, FAA simply doesn't want aircraft running into things. If an obstacle is so close to an airport as to make an approach unsafe, the FAA will pursue changes to the approach criteria, not any change to the obstruction's location. Only local authorities can do that; if not by negotiations with developers, then by zoning. Consider a "real-life" example illustrated above from the Kansas Aviation Portal (<http://ksaviationportal.ksdot.org>).

A recent case in Jetmore (Hodgeman County), presented a wind turbine site within the conical surface for the airport. An instrument approach procedure in development for the airport may need higher approach altitudes than could otherwise be used in order to make the most use of the airport in low weather (such as air ambulance service). In such cases, local authorities and developers always have the potential for working things out. But, with an ordinance, you could say the stage is set before the opening act instead of improvising along the way.

Height/Hazard Zoning Guidance

Kansas Statutes cover airfields and aircraft in Chapter 3. Article 7 deals with zoning. The statute serves as guidance for developing and implementing a local ordinance. Key elements are identified to be included in a local measure, and the statute defines the basis from which local authorities can act. Below are key points along a path to airport protection:

- 3-702: It is hereby found that an airport hazard...in effect reduces the size of the area available for...maneuvering of aircraft, thus tending to destroy or impair the utility of the airport

By examining local airport conditions and goals, and by working within the framework provided by the statutes, local authorities presently have the tools they need to address airport protection without impeding future development. Airport protection is a genuine "win-win" for all.

Dennis O'Connor is Manager of Federal & State Affairs in the Aviation Division of KDOT. He can be reached in Topeka at doconnor@ksdot.org, or (785) 296-2553.



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Legal Forum

by Eric Smith

DUI Related Statute Unconstitutional

In February the Kansas Supreme Court found K.S.A. 2014 Supp. 8-1025 to be facially unconstitutional. The statute provided a criminal charge for refusing to submit for testing to determine the presence of alcohol or drugs. There were four decisions released concerning this issue; this article will discuss two of those cases.¹

Mr. Ryce, who had four prior DUI convictions, was suspected of driving under the influence and was taken to jail, where he was provided both written and oral notice as required by K.S.A. 2014 Supp. 8-1001(k). Part of the notice informed Ryce that refusal to submit to testing could result in both an administrative suspension of his driver's license, and that he could be subject to criminal charges. Ryce refused to submit to a test and was later charged with a nonperson felony for refusing to submit to testing, in violation of K.S.A. 2014 Supp. 8-1025(a). The officer did not perform a test and did not seek a warrant to administer a test.

Ryce argued that the charge for test refusal should be dismissed because the State was punishing him for exercising his constitutional right to withdraw consent to a warrantless search. The district court agreed and dismissed the charge.

The Kansas Supreme Court in *State v. Ryce* ___ P.3d ___, 2016 WL 756686 (2016), found that the question to be answered was "... whether, when a driver exercises the constitutional right to withdraw consent, Kansas may criminally punish the individual for this choice under the criminal refusal statute, K.S.A. 2014 Supp. 8-1025." After an in-depth review and analysis of the Fourth Amendment the court found that the State violates an individual's Fourth Amendment rights if they impose a criminal penalty for exercising the right to withdraw consent.

In reaching the result in *Ryce*, the court discussed *Missouri v. McNeely*, 569 U.S. ___, ___, 133 S. Ct. 1552, 185 L. Ed. 2nd 696 (2013), where the United State Supreme Court found that a blood test for proof of intoxication was a search within the meaning of the Fourth Amendment.

Since the alcohol test was found to be a search subject to Fourth Amendment protections, the court then looked at the exceptions that allow for a warrantless search. One exception is consent, and the State argued that the implied consent statute, K.S.A. 2014 Supp. 8-1001, allowed the State to require Ryce to submit to the test. The court disagreed and found that Ryce had withdrawn that consent and once the consent is withdrawn the exception no longer applied and therefore, the search could not continue without a warrant.

On the same day the court also ruled in *State v. Nece*, ___ P.3d ___, 2016 WL 756690 (2016), finding that even though Nece had consented to a breath test the results were not admissible in his DUI trial. Nece had consented to an alcohol test after being provided the advisory informing him that he could be charged with a separate crime if he refused to submit to the test. The court ruled that his

"consent was involuntary because it was obtained by means of an inaccurate, and therefore coercive, advisement." The ruling in *Ryce*, finding the test refusal statute to be unconstitutional results in the fact Nece could not have been charged with an additional crime for refusing to submit to the test. By advising Nece that he could be charged with an additional crime, when in fact he could not, resulted in his consent being coerced and not voluntary as required by the Fourth Amendment.

In answer to these cases, the Attorney General quickly issued an updated consent form used by police officers, known as a DC-70. The updated form removes the language concerning the potential of additional criminal charges if a test is refused. By making this change, the consent will be voluntary and any concern of coercion will be gone. It is important that all DUI arrests are now done with the new updated DC-70 form² to assure the admissibility of test results.

The Attorney General also has joined with other state attorneys general in filing a friend-of-the-court brief with the U.S. Supreme Court in three DUI cases with similar constitutional arguments. The three cases are combined and known as *Birchfield v. North Dakota*. A decision is expected this summer and the attorneys general will be asking the court to uphold implied consent statutes, as well as the ability to charge additional criminal charges for test refusal. Since the Kansas cases were decided on Fourth Amendment protections a definitive ruling by the U.S. Supreme Court could change the results of future DUI cases in Kansas.

The *Ryce* decision does not affect the administrative license suspension for test refusal or failure. The court found that the administrative suspension of a driver's license concerned the privilege granted to citizens in this state to be able to operate a vehicle, not a constitutional right.

Justice Stegall dissented from the majority and would have upheld the constitutionality of K.S.A. 2014 Supp. 8-1025. The Stegall dissent argues that a case-by-case analysis is required and that some circumstances exist in which the state could charge someone with the test refusal.

This matter may not be fully settled and there may very well be changes later this year. What we do know at this time is that an updated DC-70 consent form needs to be used by all officers making DUI investigations. It is also clear that a defendant who refuses to submit to alcohol testing cannot be criminally punished for the refusal, but can still be subject to administrative license suspension.

 Eric Smith is Deputy General Counsel for the League of Kansas Municipalities. He can be reached at esmith@lkm.org or (785) 354-9565.

Sources available on page 93



2016 Training Schedule

Classes are open to all elected and appointed city officials and employees.
All “Flipped Classroom” trainings will be scheduled for evenings.

April

Leadership Summit (Core)

- April 22-23 – Junction City

May

Emergency Planning (Elective)

- Friday, May 6 (subject to change) – Crisis City
- Friday, May 13 – Frontenac

August

KOMA/KORA (Core)

- Friday, August 5 – Hays
- Thursday, August 25 – Olathe (Flipped Classroom)
- Friday, August 26 – El Dorado

September

Planning and Zoning (Elective)

- Friday, September 2 – Liberal
- Friday, September 9 – Manhattan

October

Annual Conference, Overland Park, October 8

- Emergency Planning (Elective)
- KOMA/KORA (Core)
- Personnel Management (Core)
- KanCap Board/Council Training (Elective)

November

Ethics & Civility (Core)

- Friday, November 4 – Oakley
- Thursday, November 10 – KCK (Flipped Classroom)

New Name. The Municipal Leadership Academy has been renamed the Municipal Training Institute (MTI), to reflect an increased emphasis on technical trainings, accreditation from professional continuing education programs, and more frequent use of state officials and other subject matter experts.

Flipped Classrooms. As a pilot project, the League will begin using “flipped classrooms” for a few of our trainings. Flipped classrooms are training models where the typical lecture and homework portions of a course are reversed. Short, substantive video lectures will be made available to participants before the class session, which they will be able to watch at work or from home. The following in-class time will be devoted to case studies and in-depth topic discussions.

More Information

Additional information about the MTI program can be found at <http://www.lkm.org/training/mla/> or contact Kate Cooley, Conference & Marketing Coordinator at (785) 354-9565, kcooley@lkm.org.

Best Practices

by Anna Keena

Employee Suggestion Program

You have many people to please and a limited amount of time; how do you stay on top of trends while improving performance? One way is to involve staff to see if different viewpoints might help you gain some ground. Engaging staff can be accomplished through an employee suggestion program.¹

Employee Engagement

Employee suggestion programs (also known as ESPs) can be both a cost-effective, as well as a personal, way to engage the employee into your current processes. ESPs provide a means of innovation in local government by getting every staff member engaged by contributing unique and valuable ideas that could potentially improve the overall work process which has the potential to benefit your entire organization.²

Building a program where employees have the confidence that their input is reviewed builds trust, which can promote creativity. Written submissions are recommended, as they allow for tracking and follow-up. Be sure to establish and communicate the parameters and guidelines you expect for suggestions. Employees should understand that every suggestion submitted may not be adopted, but their contributions are being considered. Above all, be sure to acknowledge receipt – nothing will kill creativity faster than to have it ignored.

Rewards

Offering incentives or rewards for participation is something to consider. One system is to base a reward on savings achieved from any changes implemented. If the employee, or team of employees, saves your organization money then she becomes eligible for a percentage of the initial savings. Another incentive to simply encourage participation by rewarding employees for each idea submitted such as offering gift cards.

In 2002, the State of Kansas implemented an Employee Suggestion Program structured to reward employees for innovative thinking that provides cost savings to the state. This program is offered to every employee, including temporary employees who are not eligible for benefits, with the exception of elected officials an employee serving in a position appointed by the Governor, or employees reporting directly to the head of an agency. At the time of this publication, each eligible employee, or team of eligible employees, whose suggestion is adopted, receives an award or

portion thereof, in the amount of 10% of the documented savings of the suggestion accrued following the first twelve (12) months after implementation of the suggestions, up to a maximum of \$5,000.³

The City of Olathe currently engages their employees through a program known as the “Idea Sandbox.” Launched in 2012, employees are encouraged to submit ideas to improve customer service, cost savings, productivity, process improvements, revenue-generation and/or brand enhancement. Employees who participate are rewarded with gift cards.⁴

Policy

If you consider building a program, a policy is recommended, regardless of whether you choose to reward the employees or not. The policy should be written to encourage suggestions that improve the performance and quality of work. The procedures should be clearly defined, and include all exclusions. For instance, a city should define those employees who are eligible and those who are not. How submissions will be accepted should be defined, as well.

Practice note: Although employee suggestion programs are designed to improve operations, employees may use the system to file complaints. If this should happen, it is critical that these be reviewed and investigated as per policy regarding such complaints. You may be held liable if complaints of discrimination and harassment are not acted upon.

 *Anna Keena is the Member Services Manager for the League of Kansas Municipalities. She can be reached at akeena@lkm.org or (785) 354-9565.*

Sources

1. Burris, E. R. (2016) Employee Suggestion Schemes Don't Have to Be Exercises in Futility.
2. Svava, J and Thoreson, K. (2014) Tapping the Ideas of Local Government Staff Members
3. K.S.A. 75-37,105
4. City of Olathe “Idea Sandbox”

Kansas Sister Cities

Lawrence and Sister Cities Eutin, Germany; Hiratsuka, Japan; and Iniades, Greece

Lawrence takes pride in being a community rich in historical significance, cultural amenities and artistic expression. Due to the natural connections formed between the city and the University of Kansas, the Lawrence community has benefited from long-term, international relationships developed through academic programs at KU.

In the 1980's, local residents involved with these existing University of Kansas relationships sought to extend and broaden them to include larger segments of the Lawrence community. As these notions developed, a number of City Commissioners and community leaders decided to adopt the Sister Cities model to promote the creation and broadening of these relationships. The outcome of energies culminated in the Lawrence City Commission adopting an ordinance in 1987 establishing the Lawrence Sister Cities Advisory Board to foster these efforts. As a result, Lawrence formalized Sister City relationships with Eutin, Germany in 1989, Hiratsuka, Japan in 1990 and Iniades, Greece in 2009.

Sister Cities International serves to "Promote peace through mutual respect, understanding and cooperation - one individual, one community at a time."

Much of the day-to-day work in organizing and hosting the actual exchanges is accomplished through volunteers and the "friend" organizations for each of the three cities: Friends of Eutin, Friends of Hiratsuka, and Friends of Iniades. These groups are directly involved with the details of home-stays and transportation of international guests, as well as assisting in other aspects of the exchange programs. Along with staff support; the city provides \$8,000 annually to support the Sister Cities program. Each of the "friends" programs perform fundraising and outreach which goes to support exchanges amongst the cities.

Exchange trips occur throughout the year and are coordinated through the Sister Cities program. Additionally there are other exchanges between the cities at other times of the year in relation to an academic program at KU. Numerous Mayors and City Commissioners have participated in the program over the years



Members of a student exchange to Hiratsuka, Japan in 2012 smile for a photo while touring the city.

and served as host families for visitors. The student participants range from seventh to the twelfth graders. Eligibility is determined by an application process which includes writing an essay and submission of a letter of recommendation, due each year in early December. The program coordinators select students among applicants balanced by gender, age, and school. Upon selection, the students sign contractual agreements requiring participation in a series of orientation sessions throughout the

following spring.

In 2016, members of the Lawrence community will travel to Eutin to support our Sister City as it hosts Landesgartenschau – a state garden show for Germany. As part of this event, the Friends of Lawrence group in Eutin developed a theme garden that pays homage to the long-standing relationship with Lawrence. The garden will feature prairie grasses, sunflowers and metal silhouettes of animals native to the plains like bison and prairie dogs. After the garden show, the friendship garden will remain as a symbol of the Sister City relationship.

In 2015, several members of the Lawrence community travelled to Hiratsuka and celebrated the 25th anniversary of the Sister City relationship. Smaller exchanges occurred with Iniades including educational trips with students studying fine arts at KU, participating in an annual summer theater festival each summer.

Although the city does not have exact estimates for the number of exchanges that have occurred over the past 26 years of the Sister City program, it is safe to say many, many friendships have been formed through visits, educational experiences and cultural exchanges. Over 1,100 exchanges alone – students, parents and civic leaders - have occurred between Lawrence and its Japanese Sister City.

For more information on the Sister Cities program in Lawrence, visit www.lawrenceks.org/boards/sister-cities-advisory-board/sc_in_Lawrence or contact Porter Arneill.

 Porter Arneill is the Director of Arts and Culture for the City of Lawrence. He can be reached at parneill@lawrenceks.org.

Garden City

City Commissioners Approve Ordinance Allowing Pedicabs

The Garden City city commission approved an ordinance allowing the operation of pedicabs – small, pedal-operated vehicles that typically consist of three wheels and a seating area for pedestrians seeking a lift.

The ordinance limits pedicab use to streets where the speed limit is 30 miles per hour or less. Pedicabs will be bound by the same traffic ordinances as other vehicles and won't be permitted on sidewalks and highways, with the exception of Main Street from south of Kansas Avenue to north of Fulton Street.

The ordinance was drafted at the request of the Finney County Preservation Alliance (FCPA), which wants to use pedicabs for historic tours of downtown and surrounding residential historical areas.

FCPA Director Brian Nelson told commissioners the idea is still being developed.

"We would look to start with a fleet of two to four and experimenting with that to see how popular it is in the community," Nelson said, adding that pedicabs would only operate on Fridays and Saturdays, at least at first. "But as popularity gains, that may change."

For more information, visit <http://tinyurl.com/jfwgqwy>

Scranton

Scranton Donates Old Hydrants for Training

The project to upgrade and improve the Scranton water distribution system involved replacement of several aged fire hydrants.

"I've had a couple of fire departments that asked me if they could possibly obtain a couple of fire hydrants, Carbondale and Osage City, mainly for training and things of that nature," said Ted McDaniel, Assistant Fire Chief. "I'm talking about four, maybe."

The council agreed to allocate two hydrants to the Scranton Fire Department for similar purposes. McDaniel replied that one fire hydrant likely would be cut open so that its components could be viewed, while the second would be used for training techniques to connect fire hoses to it.

For more information, visit <http://tinyurl.com/guvqpuf>

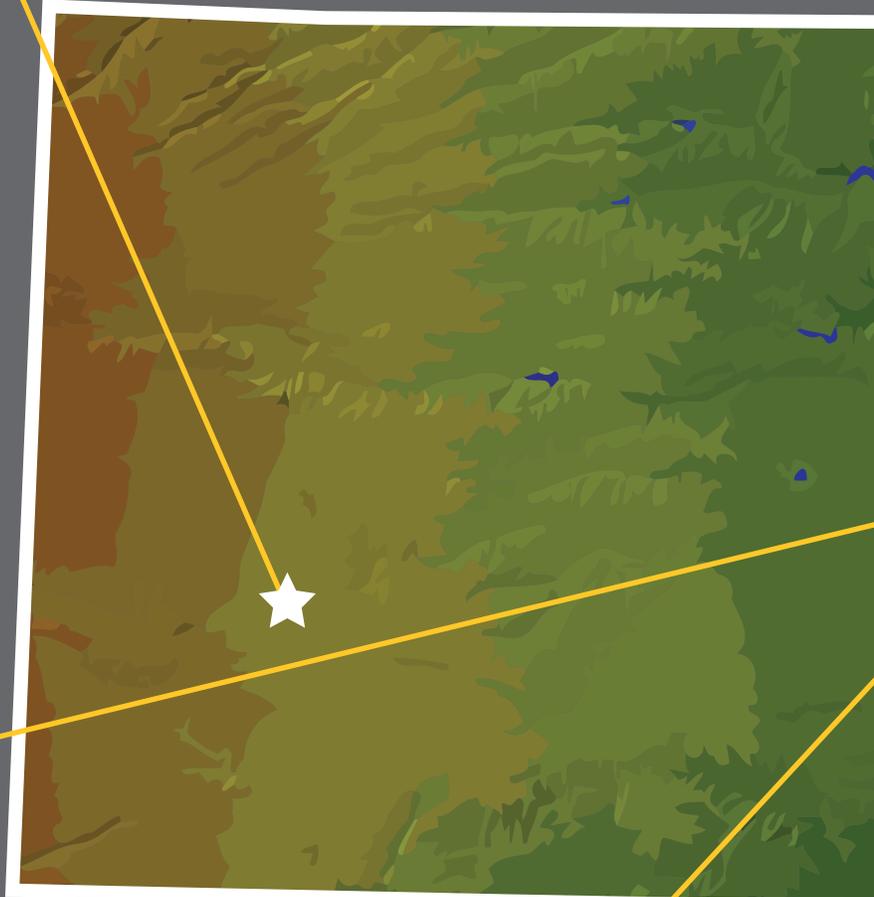
Manhattan

City of Manhattan Named to Top 10 "Great American Defense Communities"

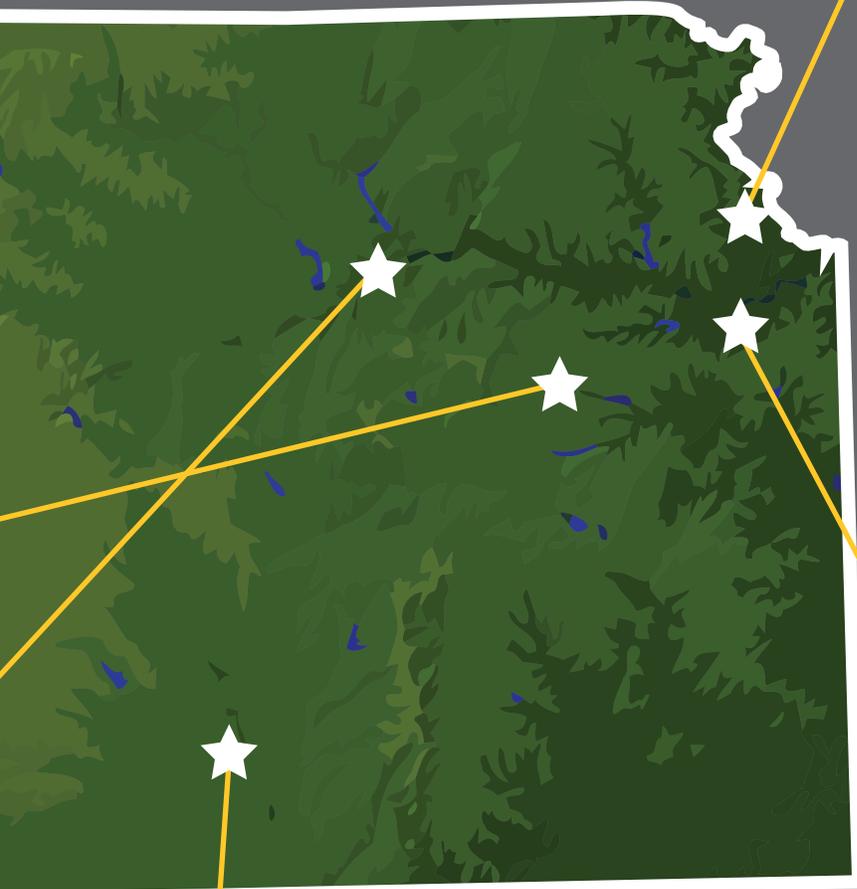
Manhattan has been honored as part of the inaugural class of Great American Defense Communities by the Association of Defense Communities (ADC) and the Defense Communities Caucus.

The ADC praised Manhattan and the nine other member cities on the 2016 list for providing "unwavering support to service members and military families." The new program was launched in an effort to acknowledge what the group calls "unique" contributions "cities, counties and regions that host installations made to improve quality of life for service members, veterans, and their families."

For more information, visit <http://tinyurl.com/z3u8ltx>



GOVERNMENT NEWS



Leavenworth

City Accepting Applications for Elderly Rebate Program

The city of Leavenworth is once again accepting applications for its elderly rebate program for sewer and refuse bills.

The city will pay sewer and refuse bills for one year for qualifying residents.

City Clerk Carla Williamson said residents who qualify technically will not receive a rebate, but they will not be charged for city sewer and refuse services.

“It just doesn’t appear on their water bill,” she said.

In order to qualify, applicants must be residents of the city and 62 years of age or older. An applicant also must be the primary occupant of a residence. The applicant’s name must appear on the water bill for the residence.

Applicants also must meet household income guidelines. For a person who lives alone, household income for 2015 cannot be more than \$25,700. In the case of a home with two occupants, the total household income for 2015 cannot be more than \$29,350. The maximum is \$33,000 for homes with three people. The total household income for a home with four people cannot be more than \$36,650.

For more information, visit <http://tinyurl.com/z8f7vff>

Paola

Paola City Council Approves Mini Grant Program

Paola City Council members approved a mini grant program that will help small business owners pay for a variety of technical and professional costs ranging from accounting consulting to legal advice.

The program is designed to help small start-ups and existing small businesses cover costs related to technical assistance, such as talking to an accountant or attorney.

Base mini grants of \$250 will be available, and the cities of Louisburg, Osawatomie, Paola and Spring Hill have agreed to match those funds for a limited number of applicants.

For more information, visit <http://tinyurl.com/j4ahv75>

Mulvane

Arbor Day Foundation Names Mulvane Tree City USA

Mulvane was named a 2015 Tree City USA by the Arbor Day Foundation in honor of its commitment to effective urban forest management.

The city achieved this recognition by meeting the program’s four requirements: a tree board or department, a tree-care ordinance, an annual community forestry budget of at least \$2 per capita, and an Arbor Day observance and proclamation.

For more information, visit arborday.org/TreeCityUSA

Classified Advertising

City Administrator - Valley Center, Kansas

Valley Center, Kansas is a progressive, tight-knit community just nine miles north of downtown Wichita and two miles west of Interstate 135. The City of more than 7,000 residents covers 3.33 square miles and is located in Sedgwick County.

The City operates under a highly cooperative City Administrator-Mayor-City Council form of government. Valley Center has an annual budget of \$3.3 million and 48 staff members. The City Administrator reports to the Mayor.

The selected candidate must hold a bachelor's degree, have four to six years of progressively responsible local government management experience, and have ICMA Credentialed Manager certification or initiate the credentialing process within the first year of employment. A master's degree, Certified Public Manager credentials, and strong knowledge of master planning and commercial/industrial development are highly desired. The new City Administrator will be required to establish residency in Valley Center. The salary range for this position is \$90,000 to \$105,000 depending on qualifications and experience.

View complete position profile and apply online at:

<http://bit.ly/SGRCurrentSearches>

For more information contact:

Gary Holland, Senior Vice President
Strategic Government Resources

GaryHolland@GovernmentResource.com

City Administrator

City of Shelton, Washington (pop. 10,000)

\$92,700 - \$120,507

For job description and to apply online, visit Prothman at http://www.prothman.com/Current_Searches/index.aspx.

Appointed by the City Commission, the City Administrator is responsible for overall administration of city business and supervision of all city departments.

First review: 4/24/16 (open until filled).

Construction Inspection Manager - Engineering Division Public Works

The Construction Inspection Manager is responsible for managing the inspection activities of all construction projects within the city right-of-way to include full supervision duties of all Construction

Inspection and Materials Testing Lab employees. Plans, directs, and controls construction inspection activities, establishes priorities and completion dates for assigned work and reviews completed work to ensure conformance to specifications. Supervisory duties include hiring, terminations, performance evaluations, training and discipline for multiple section employees. Additionally, the position develops, manages, and administers the annual section budget.

Minimum qualifications: Bachelor's Degree in Engineering, Construction Science, Public Administration, or Management. ACI Level I Certification, Hazmat, and APWA Construction Inspection certifications are required within 6 months of employment. Must have at least five (5) years Construction Management experience and must possess and maintain a valid (KS) driver's license and city-insurable driving record. Entry salary: \$55,482 to \$69,377 DOQ.

For full position details, and to apply, please visit www.topeka.org/jobs.shtml

Director of Finance and Human Resources - McPherson, KS

McPherson Unified School District 418 is a central Kansas school district serving McPherson and the surrounding area. Primary responsibility in this position is to provide leadership in the areas of financial management and human resources. The position will manage the district's fiscal affairs, including budget development, financial planning, reporting, payroll and employee benefits. The position will also be responsible for human resource services for approximately 750 individuals employed by the district. Human resource responsibilities include contract and work agreement administration, employee benefit management, employee recordkeeping, regulatory compliance and policy development.

This person reports directly to the Director of Operations and will be a key member of the district's leadership team. The position is newly created with a job goal of ensuring that the financial management and human resource functions of the school district are operated in a legal and efficient manner providing maximum support to the instructional program

Job Requirements:

1. Education/Experience

Master's Degree from an accredited educational institution, or

Bachelor's Degree in business administration, accounting, finance, or related fields, or

Any satisfactory combination of additional experience and technical training that demonstrates the knowledge, skills and abilities to perform the essential responsibilities.

Experience in public school financial and/or human resource management or such experience in other similar organizations is preferred.

Other requirements as the Board of Education finds necessary.

Application Deadline: April 20, 2016

Interested applicants should apply online at www.mcpherson.com

Electric Lineman

The City of Mankato is accepting applications for a full time Lineman position. Preferred applicant shall have Journeyman level status or be a line school graduate. Must possess the ability and skill to install, maintain and operate all of the overhead and underground electric distribution and transmission lines, be physically fit, work in extreme weather conditions and occasional overtime work due to emergencies. Must have or be able to obtain a class A CDL with air brake endorsement.

The City of Mankato offers competitive wages based on experience as well as an excellent benefits package, including health insurance, retirement, vacation and sick leave package.

Position is open until filled. The City of Mankato is an EOE. Applications are available at the City office, 217 South High Street, Mankato, Kansas or email resume to: Mankato@nckcn.com

Electric Utility - Distribution

Department: Electric Utility - Distribution

Reports To: Lead Journeyman Lineman

Retirement: KPERs

Salary Range: \$28.00/hr to \$30.00/hr

Benefits: Health, Dental and Vision

POSITION SUMMARY

Under the supervision of the Lead Journeyman Lineman, the Journeyman Lineman is a non-exempt position under FLSA. This position is responsible for maintaining, building, and repairing the

electric distribution system. This position operates equipment, digs holes and sets poles, strings wire and other duties related to maintenance of the electric distribution system. Working with underground and overhead electrical lines is required. The employee should have a strong mechanical aptitude, an understanding of electric distribution systems and willingness to learn.

Applicants must have 1-2 years journeyman lineman experience.

For additional information on this position, contact Chris Croucher at 785-594-6907 or email ccroucher@baldwincity.org

Application deadline 5/1/2016

Application available at City Hall or you may apply online: www.baldwincity.org

Submit applications to Laura Hartman at Baldwin City Hall, PO Box 86, Baldwin City, KS 66006 or email to: lhartman@baldwincity.org

EOE

Executive Director, Salina Community Economic Development Organization (Salina, KS)

The Salina Community Economic Development Organization (SCEDO) is a private and public, collaboratively-funded organization providing services in the areas of new business attraction, retail development, organizational capacity, research and planning and facility development for Salina, KS and Saline County Kansas.

Specific job duties and responsibilities include but are not limited to the following:

Through collaboration and consensus building, create and periodically update the Economic Development Strategic Plan and focus the efforts of the SCEDO and its partners on those opportunities that will make the most significant impact on the county.

Provide strategic direction, hands-on leadership and stakeholder coordination for executing deals with businesses that are looking to enter the Saline County market.

Establish and maintain favorable relationships with a broad range of diverse stakeholders including the Board of Directors, elected officials, private sector leaders and the various agencies, partners and organizations that affect economic development in the county.

EDUCATION AND EXPERIENCE

Required Qualifications:

Bachelor's degree from an accredited institution in a related field.

Minimum of three years of successful economic development experience, including new business and industry recruitment.

Preferred Qualifications:

Master's degree from an accredited institution in a related field.

IEDC or other economic development certification (CEcD and/or EDFP).

This full-time FLSA exempt position is open until filled. To view the full job description or to apply, please visit <https://www.hrepartners.com/jobdetails.aspx?id=26599>

Performance Auditor - Financial Services

Reporting to the Budget Manager, the Performance Auditor reviews City operations to ensure compliance with best practices, laws, ordinances, regulations and policies. Implements Lean Six Sigma concepts to strengthen operations and works with multi-functional teams to develop, execute and complete improvement projects.

Duties include:

Works with employees at all levels of the organization to identify key management goals and gain understanding of department performance to benchmark goals.

Conducts in-depth research and analysis of departmental operations and makes preliminary recommendations on the efficient and economic acquisition, protection and utilization of resources.

Performs annual performance assessment of City operations.

Participates in a network of performance improvement professionals to identify best practices, tools and materials and exchange in ongoing communication with peer exchanges.

Drives cultural change to instill focus on fact-based management practices, the use of Six Sigma or other process improvement methodologies.

Minimum requirement:

Graduation from an accredited four-year college or university with a bachelor's degree in accounting, business, public administration or a related field. Completion of an MBA, MPA or equivalent Master's degree is an asset. Completion of prior training with Six Sigma desired.

Must have at least three (3) years of project management experience with the ability to manage multiple projects. Preference given to a candidate with experience in Microsoft Office software, especially with Excel. Entry salary: \$56,555 - \$60,985 DOQ.

For full position details, and to apply, please visit www.topeka.org/jobs.shtml

Principal Civil Engineer - City of Manhattan, Kansas

Directs, develops, plans, manages, and coordinates the design and implementation of public improvement and maintenance projects including streets, alleys, sidewalks, streetlights, traffic signals, storm and sanitary sewers, and water lines; coordinates those activities among the functional areas of Engineering, Project Coordination and Stormwater Engineering. Reviews infrastructure plans and contract documents prepared by consultants; provides highly responsible and complex administrative and technical support to the City Engineer.

Full Salary Range: \$68,702 - \$109,220

Salary Negotiable Within Range

Reports To: City Engineer/Assistant Director of Public Works

Full Position Description and Apply At: www.cityofmhk.com

Public Works Director

The City of Edwardsville, KS is accepting resumes for a Public Works Director. The duties include managing overall operations of the Public Works Department including Streets, Parks, Storm Water, Sewer and Code Enforcement; to provide administrative support to City Management and lead in implementing objectives developed for the department and the City. Required minimum of 3-5 years experience in public works operation and maintenance, including 2 years of supervisory experience, Bachelor degree or equivalent education/experience. Starting salary DOQ. Position open until filled. First review of applications begins April 6.

To view the job description in detail www.edwardsvilleks.org/jobs.

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**Legal Forum sources
 from page 84.**

1. State v. Ryce, State v. Nece, State v. Wilson and State v. Wycoff.
2. <https://ag.ks.gov/docs/default-source/documents/oag-advisory-dc-70.pdf?sfvrsn=4>

50 words or less • \$40
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CITY EVENTS

Altamont

Spring City Wide Rummage Sales

April 30

Maps will be available Friday afternoon April 29 and Saturday, April 30 at the local businesses.

(620) 784-5612 | www.altamontks.com

Leavenworth: Touch-a-Truck

May 4

Bring children to Leavenworth Landing Park, 123 S. Esplanade, to see the many kinds of trucks working in and around our community.

(913) 651-2203 | www.lvks.org

Lansing Daze / Brew, Blues & Bar-B-Q

May 6-7

The Lansing Daze/ Brew, Blues & Bar-B-Q Festival begins on Friday May 6 and runs through Saturday May 7. This year's event will feature live music, food and beverage vendors, children's inflatables and rides, and a fireworks show on Friday night. Saturday the event will feature more live music, craft vendors, food and beverage vendors, a People's Choice event, a car show, children's inflatables and rides, and much more! This event will take place at Kenneth W. Bernard Park located at 15650 Gilman Rd. If you have any questions please contact the CVB Department at 913.727.5488 or cvb@lansing.ks.us. (913) 727-5488 | <http://www.lansing.ks.us/Index.aspx?NID=417>

Caldwell's Chisholm Trail Festival

May 6-7

Annual celebration of the Border Queen City's Chisholm Trail heritage. Kids games, downtown vendors, beer garden and more.

Anthony: 19th Annual Sunflower Balloon Fest

May 6-8

The Sunflower Balloon Fest features several balloon flights over three days. The event takes place in the city of Anthony,

Kansas and the Anthony Airport on May 6-7-8, 2016. The Sunflower Balloon Fest has been a popular attraction for over 19 years and features twenty or more hot-air balloons filling the skies during the day and illuminating the ground at night with warm colorful glows. Apart from the balloon races taking place at dawn and dusk, other fun at this event includes piloted and tethered hot air balloon rides, including actual balloon rides, coloring contests, dazzling fireworks display, free inflatables for kids, invitational baseball tournament, Boy Scouts Dutch Oven Feed, walk-a-round magic show, parade, Mobile Vet Center, Jack-In-The-Box hot air balloon, powered parachutes, fun run, flight simulator, helicopter rides, chain saw folk artist, solar-powered bubble tower, tempting food, kite festival, food vendors, craft vendors and a photo contest. The Anthony Chamber of Commerce Sunflower Balloon Fest has been a tradition for 19 years.

(620) 842-5456 |

www.sunflowerballoonfest.com

Minneapolis: Minne-K Day

May 7

Minne K-Day is fun community celebration in downtown Minneapolis, KS. It is a Minneapolis area Chamber of Commerce function, and the main events are sponsored and organized by members of the Chamber. Events run from 7:30am until the Evening Street Dance ends at 10pm
<http://www.minneapolisks.org/>

Overbrook:

First Responder Showcase

May 14

On May 14, 2016, 8:00 AM to 3:00 PM the City of Overbrook will host the Second Annual First Responder Showcase. The Showcase will be held at the Overbrook City Lake, Overbrook, KS. Showcase will have display of Police, Fire, and Other First Responder Units, educational displays and activities for young and old.
(785) 806-9500

Caney Kansas Lions Club Mayfest

May 27-28

We are planning for an exciting and fun packed weekend including a carnival, car show, 5K fun run, live music and great vendors! Go to the city website for vendor forms & more information.

(918) 397-7226 | www.caneyks.com

Marion: Chingawassa Days

June 3-5

Annual Family Festival featuring nation acts, contests, games, tournaments, and much more.

(620) 382-3425 | www.chingawassadays.com

Great Bend: June Jaunt

June 3-5

Great Bend is part of the Regional Fun happening on K96 Highway from Ellinwood to Tribune. Three Days of Fun: Car Shows, Live Music, Vendors, Baseball & Sand Volleyball, Outdoor Movie, Business Olympics, this year we are adding the Renaissance Fair to the fun!

(620) 793-4111 | www.k96junejaunt.com

Altamont's Free Kids

Fishing Derby

June 4

Idle Hour Lake, 3 1/2 miles south of Altamont on Ness Rd, Registration: 9:00 a.m. noon, Weigh in by 2:00 p.m. no exceptions, Age Groups: 3-5 yrs. Old 6-8 yrs. Old 9-12 yrs. Old, Fish at your favorite fishing hole or Idle Hour Lake, Hot dogs served from 1:30 p.m. to 2:30 p.m., Medals awarded for the largest in weight, and smallest in length in each age group and category. Sunfish, Bass, Crappie and Catfish, *Grand Prize 2 man scamp given away after the derby, Only registered anglers qualify for the drawing, All registered anglers will receive a prize Must be present to win, Kansas Fish & Game's free fishing weekend No fishing license required June 4th - 5th, No dead fish will be counted no exceptions, Rain or Shine Severe weather cancels derby and will be rescheduled, Sponsored by: Altamont Police Department & Masonic Lodge #69 (620) 784-5582 | <http://altamontks.com/kids-fishing-derby/>

Phillipsburg: Riverless Festival

June 4

Crafts, entertainment, & food in downtown Phillipsburg
(785) 543-2321

Scandia: 2ND Annual Ladies Night Out in the Garden

June 10

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