



February 24, 2021

Chairman Thompson and members of the House Committee on Local Government:

We write in opposition to HB2233, the Municipal Historic Building Act, as it would unnecessarily identify for special legal status just two buildings in Wichita, the Century II Performing Arts and Convention Center and the old Wichita Public Library, would place onerous restrictions on elected Wichita leadership in managing those public assets, lower the bar for the public referendum process and undermine the principal of home rule.

We believe that because both of these buildings are owned and operated by the City of Wichita they therefore should be considered as a local issue beyond the purview of the state legislature. Elected city leadership - Wichita's mayor and city council guiding the work of city staff - should determine the use, renovation of or demolition of public properties that the city maintains. Regardless, the Wichita City Council has previously pledged that any decision regarding the future use, sale or demolition of these buildings would require a public advisory vote, thus further countering the need for this legislation.

The bill would also unnecessarily lower the bar for placing referenda on public ballots. We believe that the public interest is served by limiting referenda to those issues that demonstrate broad appeal by requiring a significant number of valid citizen signatures on ballot petitions. HB2233 would lower the threshold of collecting a significant number of valid signatures for referenda to be placed on the public ballot thus inviting other, potentially frivolous, referenda that may or may not have broad public support but would require the city to conduct expensive taxpayer-funded special elections.

The proposed legislation could also inadvertently create difficult legal precedent. If, for example, the historical officer created by the legislation determines that demolition of properties is denied, but a public advisory vote approves it, what should the municipality do? This would clearly create difficult legal conflict. The same would be true for the converse: the historical officer approves the demolition of the buildings but the public wants to preserve the buildings. This could create an unnecessary legal entanglement the state should seek to avoid.

The City will continue to work with community partners to seek out and listen to public opinion about the ultimate fate of these public buildings in Wichita and will continue to acknowledge the need for more dialogue and citizen input. However, placing these buildings into a special protected status through HB2233 would unfortunately stifle not encourage greater community engagement in clarifying the buildings' future. And, by attempting to use the state legislature to

support their argument through this proposed legislation, the bill's proponents diminish their own argument that Wichita residents should have the ultimate say in the future of the two buildings.

Finally, we believe the most effective, thoughtful and efficient decisions are made by those closest to an issue. By every measure, buildings that were built by, owned and maintained by the City of Wichita are by definition city properties and should be treated as such by allowing decisions about the operation, reuse or demolition by that city's elected leadership.

Thank you for the opportunity to offer testimony on this matter.

Sincerely,

Brandon Johnson, Vice Mayor, City of Wichita
Bryan Frye, Council Member, City of Wichita
Becky Tuttle, Council Member, City of Wichita