



**House Committee on Federal and State Affairs
Hearing on House Bill 2201
Hearing Date- March 8, 2017**

**Written Testimony in Opposition to HB 2201 on behalf of the City of Manhattan
By Kiel Mangus, Assistant City Manager**

Good morning Chair Barker, Vice Chair Highland and honorable members of the House Federal and State Affairs Committee. My name is Kiel Mangus, and I am the Assistant City Manager for the City of Manhattan.

The City of Manhattan OPPOSES HB 2201. The City of Manhattan opposes this legislation **because the definition of “agency” includes local governments. The Bill’s requirements** unnecessarily impose unfunded mandates on local governments and increase the cost and difficulty of contracting with private entities. The bill involves many provisions regarding contracting, privatization, and oversight of those functions by the State Department of Administration. Extending these requirements to local government will require additional personnel, as well as slow local government operations and services.

- The bill would require local governments to continually monitor public contractors and submit quarterly reports of certain contractual information to the Kansas Department of Administration. This is unnecessary and time-consuming. Local governments are already required to be transparent, per State Law, in public contracting, and much of this information is made available pursuant to the Kansas Open Records Act.
- The bill inappropriately extends the application of the Kansas Open Records Act to records of the private contractor, even if such records are not in possession of the governmental agency. The bill also inappropriately extends the application of the Kansas Open Meetings Act to meetings between the private contractor and agency officials, even if a majority of the governing body is not involved in the meeting. These requirements will likely increase the cost of contracts with private contractors, because the private contractors will have to have processes and personnel in place to comply with these requirements.
- The City will have to hire more staff to monitor and report all contracts subject to the bill, thus additional dollars (unfunded mandates) will be required. Those are large, unnecessary administrative burdens.
- Because of the additional administrative and contractor selection burdens, the City’s procurement of services will be hindered, increasing costs to the City and increasing the difficulty to the private contractors in working with local government.



- The City of Manhattan has undergone comprehensive privatization studies in the past. Also, the City, as a best practice, already does analysis on private sector contracting vs providing services in house when looking at operations. There are areas where privatization makes sense and is already occurring (trash services), but there are areas that are difficult for private contracts to cover (24/7/365 operational items). Either way, that decision and analysis should remain solely within local government's purview.
- There is no evidence that the savings to be achieved from outsourcing or privatization will offset the additional cost burdens to local government and contractors.

For all the above reasons the City of Manhattan OPPOSES HB 2201. Thanks for your time and consideration.