



EL DORADO CITY COMMISSION - REGULAR MEETING AGENDA
CITY HALL – 220 E. FIRST AVENUE
May 4, 2026 - 5:30 PM

- 1. Call to Order**
- 2. Roll Call**
- 3. Invocation** - Pastor Debbie McCluer, Nazarene Church
- 4. Pledge of Allegiance**

Proclamations and Recognition

- 5. Public Service Recognition Week Proclamation**

Personal Appearances. Personal appearances are opportunities for organizations or citizens to make special presentations before the City Commission. Such appearances are scheduled in advance of the meeting by calling City Clerk Emerald Veatch at (316) 321-9100 by 5:00 pm the Tuesday preceding the meeting. Presentations are limited to ten minutes. Any presentation is for information purposes only; no action will be taken.

- 6. Main Street 1st Quarter Report**
- 7. El Dorado Municipal Band**

Public Comments. Persons who wish to address the City Commission regarding any matter that is under the jurisdiction of the City Commission may do so when called upon by the Mayor. Comments on personnel matters, matters pending in court, and land use matters are not permitted. Land use Public Hearings are held during Planning Commission meetings.

Consent Agenda (*Consent agenda items will be acted on by one motion unless a majority of the City Commission votes to remove an item for discussion and separate action.*)

- 8. Approval of City Commission Meeting minutes from April 20, 2026.**
- 9. Approval of the El Dorado Municipal Band Agreement for the 2026 season.**

Old Business

- 10. None.**

New Business

- 11. Consideration of Approval of a Resolution Authorizing the Scheduling of a Public Hearing to Abate or Remove Dangerous Structures known as 230 N. Jones St., 109. S. Poplar St., 1241 S. Sheldon St., 1118 W. Towanda Ave. All interested parties may appear and show cause as to why such structures should not be condemned and ordered repaired or demolished.**

12. Consideration of a Resolution authorizing and providing for the calling of a special question election in the City of El Dorado, Kansas, for the purpose of submitting to the electors of the City the question of imposing a one percent (1%) Citywide Retailers' sales tax for the purpose of supporting Susan B. Allen Memorial Hospital; and providing for the giving of said election.
13. Consideration of a Resolution designating and establishing the use of multiple-occupancy private spaces in compliance with House Substitute for Senate Bill 244.

Discussion Items

14. None.

Reports

15. City Commission and Advisory Board Updates
16. City Manager

Adjournment

17. Consideration of a motion to adjourn



PROCLAMATION

THE CITY OF EL DORADO, KANSAS

WHEREAS, Americans are served every single day by public servants at the federal, state, county, and city levels. These unsung heroes do the work that keeps our nation working;

WHEREAS, public employees take not only jobs, but oaths;

WHEREAS, many public servants, including military personnel, police officers, firefighters, border patrol officers, embassy employees, health care professionals, and others, risk their lives each day in service to the people of the United States and around the world;

WHEREAS, public servants include local, state, and federal government employees, teachers, health professionals, and countless other occupations. Day in and day out, they provide the diverse services demanded by the American people of their government with efficiency and integrity; and

WHEREAS, without these public servants at every level, continuity would be impossible in a democracy that regularly changes its leaders and elected officials.

NOW, THEREFORE, I, the Mayor of the City of El Dorado, Kansas, do hereby announce and proclaim to all citizens and set seal hereto, that the week of May 3rd-9th, is;

PUBLIC SERVICE RECOGNITION WEEK.

All citizens are encouraged to recognize the accomplishments and contributions of government employees at all levels — federal, state, county, and city.

IN WITNESS THEREOF, I have hereto set my hand and caused the Official Seal of the City of El Dorado, Kansas, to be affixed on the 4th day of May 2026.

Mayor Bill Young

Seal

Emerald Veatch, City Clerk

The El Dorado City Commission met in a regular session on April 20, 2026, at 5:30 p.m. in the Commission Room with the following present: Mayor Bill Young, Commissioner Andrew Tipton, Commissioner Syndee Scribner, Commissioner Leon Leachman, Commissioner Kendra Wilkinson, and City Manager David Dillner. Absent:

VISITORS

Tabitha Sharp	Assistant City Manager	El Dorado, KS
Scott Rickard	Director of Engineering	El Dorado, KS
Mike Holton	Police Chief	El Dorado, KS
Liz Blakely	Management Intern	El Dorado, KS
Vince Haines	Gravity Works	El Dorado, KS
Mark Somerville	Family Worship Center	El Dorado, KS
Sarah Hoefgen	El Dorado Inc.	El Dorado, KS
Amanda McGee		

CALL TO ORDER

Mayor Bill Young called the April 20, 2026, meeting to order.

INVOCATION

Pastor Mark Somerville, Family Worship Center, opened the meeting with invocation.

PLEDGE OF ALLEGIANCE

The City Commission led the Pledge of Allegiance.

PROCLAMATIONS AND RECOGNITION

There were no proclamations or recognitions.

PERSONAL APPEARANCE

Mayor Bill Young opened the floor for Personal Appearances.

Sarah Hoefgen provided a First Quarter Update from El Dorado Inc. El Dorado Inc. has submitted on 11 requests for proposals across multiple industries. Seven commercial permits have been issued throughout this quarter. El Dorado Inc. continues to build partnerships within the region. Additionally, they are working on submitting eligible tracts for consideration by the Governor for potential Opportunity Zones. Hoefgen spoke to the interest the region has received from emerging industries and the need for guidelines and information on these industries. El Dorado Inc. will be holding an Economic Forum on April 27, 2026. Amazone had their opening in March.

Mayor Bill Young Closed the floor.

PUBLIC COMMENT

Mayor Bill Young opened the floor for public comments.

There was no Public Comment.

Mayor Bill Young closed the public comment.

CONSENT AGENDA

Approval of City Commission Meeting Minutes from April 06, 2026.

Approval of a bid from Proseal in the amount of \$199,015.35 for the 2026 Street Maintenance Program.

Approval of Appropriation Ordinance No. 03-26 in the amount of \$1,377,257.27.

Commissioner Leachman moved to approve the consent agenda.

Commissioner Wilkinson seconded the motion.

Motion carried 5-0.

PUBLIC HEARING

There was no Public Hearing.

OLD BUSINESS

There was no old business.

NEW BUSINESS

CONSIDERATION OF A RESOLUTION ADOPTING A LAND BANK POLICY GOVERNING THE ADMINISTRATION OF THE LAND BANK OF THE CITY OF EL DORADO, KANSAS

City Manager David Dillner stated that the El Dorado Land Bank serves as a public tool for managing vacant, abandoned, or underutilized properties. The State of Kansas established the ability for Cities to create a landbank under Kansas Statutes Annotated (K.S.A.) 12-5901 et seq., in order to address properties that have complications in development. The City passed Ordinance No. G-1339 to form a landbank. The Resolution introduced provides policies to govern the City's landbank. The proposed policy provides structure for property management, aligns with the City's Comprehensive Plan and other strategic plans, and integrates code compliance, zoning, and redevelopment priorities. Properties may be acquired through

government transfers, foreclosure, donation, purchase, or land banking agreements. All acquisitions require marketable title and a title insurance policy. Donation acceptance is subject to strict evaluation, including redevelopment alignment, code compliance, and environmental review. Property transfers prioritize uses that maximize community benefit and potential property value. Other considerations include public safety, infrastructure efficiency, and green space. All dispositions are subject to public notice, adjacent owner notification, and Board discretion. Acceptable uses for property disposition include: housing and economic development, community gardens or public space, environmental cleanup (with mitigation), historic preservation, demolition or assemblage for future use.

Commissioner Tipton moved to approve a resolution adopting a Land Bank Policy governing the administration of the Land Bank of the City of El Dorado, Kansas.

Commissioner Scribner seconded the motion.

Motion carried 5-0.

CONSIDERATION OF THE ADOPTION OF THE SAFE STREETS 4 ALL (SS4A) SAFETY ACTION PLAN

City Engineer Scott Rickard stated that the City Commission previously received a work session presentation on the draft Safe Streets and Roads for All Safety Action Plan. The study for this plan was funded through a grant from the Federal Highway Administration, as well as matching funds from the Kansas Department of Transportation. JEO walked the Commission through the major components of the document, including the safety framework, data analysis, engagement process, project prioritization, and implementation approach. The plan is intended to serve as a guiding document to help the City identify, prioritize, and pursue transportation safety improvements over time. Since that work session, the draft plan has been finalized for consideration by the City Commission. Formal acceptance and approval of the plan would establish the document as the City's adopted safety action plan for future reference, planning, and grant pursuit with public publishing on the City's website. Adoption of the plan does not commit the City to any specific construction project. Individual projects, budgets, and funding commitments would still need to come back to the City Commission separately as they are developed. This item is being presented now so the City Commission may consider formal acceptance of the completed plan and allow staff to use it as a planning and grant support document going forward. A Notice of Funding was just released that could fund potential projects identified in the Plan.

Commissioner Scribner moved to accept and approve the SS4A Safety Action Plan, and authorize staff to use the plan in support of future safety planning, project development, and grant applications.

Commissioner Scribner asked for clarification on the timeline for updates for the plan. City Engineer Rickard clarified that this is planned to be a living document and has requirements of annual review to be considered a valid planning document.

Commissioner Tipton seconded the motion.

The motion carried 5-0.

CONSIDERATION OF THE APPROVAL OF THE KANSAS DEPARTMENT OF TRANSPORTATION (KDOT) TRANSPORTATION ALTERNATIVES GRANT APPLICATION FOR THE 12TH AVENUE BIKE PATH

City Engineer Scott Rickard stated that the City Commission reviewed the 12th Avenue Bike Path concept at 3 previous work sessions. The Commission has also previously expressed support for including pedestrian accommodations on the 12th Avenue bridge replacement. KDOT has since reviewed the City's concept submittal for the Transportation Alternatives Program, found the project eligible, and invited the City to submit a full application by May 15, 2026. The project is intended to address the gap that will remain after the bridge is rebuilt by connecting the new crossing to the existing path near Jason Drive, the Walnut River Sports Complex, and onward access toward El Dorado Lake and the State Park. The corridor has limited shoulder width, a posted speed of 45 mph, and is not well suited for pedestrians or inexperienced cyclists in its current condition. At the Commission's direction, staff had JEO complete additional concept work and evaluate alignment options. Staff have also continued outreach with adjacent property owners. Advancing the application at this time would allow the City to compete for Transportation Alternatives funding while continuing to refine final design details if the project is selected. Rickard emphasized that this grant is competitive with interest from Cities across the State. He discussed the public engagement process in determining which option to chose, and that option 1 appeared to be the favored option as of the latest Commission Work Session.

Commissioner Wilkinson moved to adopt a Resolution authorizing submission of the Transportation Alternatives application for the 12th Avenue Bike Path.

Commissioner Leachman seconded the motion.

Mayor Young acknowledged the concerns raised from residents in the neighborhood and the time spent at previous work sessions to determine the option that was in the best interest of the community. He stated that this Resolution is not a finalization of plans for construction, and that if the City receives funding there will be more opportunities to gather input on plans.

The motion carried 5-0.

NOTICE OF REIMBURSEMENT INTEREST-GREENS AT PRAIRIE TRAILS 2ND ADDITION

City Engineer Scott Rickard stated that Greens at Prairie Trails 2nd Addition is the remaining unimproved phase of the Prairie Trails development area. The City has incurred consultant and related project review costs associated with this area, and additional work may continue while final development and reimbursement documents are still being negotiated. At the prior work session, staff presented the concept of using an interim instrument to help protect the City's

reimbursement interest while the final package of development-related documents is still being worked through. The intent is to provide a recorded notice of the City's interest without waiting until every related agreement and authorization is fully finalized. This approach is intended to serve as an interim step only. It would not replace the need for a development agreement or other future approvals, nor would it constitute approval of any final plat, permit, CID, RHID, reimbursement agreement, or other authorization that may later be required. Those items would still come back separately as needed

Commissioner Leachman moved to authorize the City Manager, with the owner's consent, to enter into and record a Notice of Reimbursement Interest and Conditional Release for the Greens at Prairie Trails, 2nd Addition.

Commissioner Scribner seconded the motion.

Mayor Young thanked staff for their time on this and the additional resource for protecting the City investments in development.

The motion carried 5-0

CONSIDERATION OF A RESOLUTION ADOPTING A SPECULATIVE BUILDING POLICY FOR THE CITY OF EL DORADO, KANSAS

City Manager David Dillner stated that a speculative building policy is an economic development tool intended to encourage the construction of commercial and industrial buildings without a pre-committed tenant. The City has had a previous policy Under this approach, a developer constructs a "spec building" based on anticipated market demand, and the community provides targeted incentives to offset the financial risk associated with building without a guaranteed occupant. In return, the developer actively markets the building to prospective tenants, allowing the community to respond more quickly to business recruitment opportunities. The need for a speculative building policy is driven by the realities of modern site selection. Businesses, especially those in industrial, logistics, and light manufacturing sectors, often operate on accelerated timelines and prefer sites that are "shovel-ready" or include an existing building that can be occupied quickly. Communities that lack available building inventory are frequently eliminated early in the selection process, regardless of their strengths in infrastructure, workforce, or location. As a result, the absence of move-in-ready space can serve as a barrier to economic growth and limit the City's ability to attract new investment and jobs. This has recently been the case in El Dorado as several projects seeking existing buildings elected to pursue alternate locations because of a lack of available buildings. The policy establishes eligibility criteria and program requirements for participation, including building size, design standards, location considerations, and alignment with the City's economic development goals. It also outlines the types of incentives that may be offered, which can include property tax abatements, fee waivers, or other financial tools authorized by state law. These incentives are structured to encourage timely construction, active marketing of the property, and eventual occupancy, while protecting the City's financial interests.

Commissioner Tipton moved to approve a resolution adopting a Speculative Building Policy for the City of El Dorado, Kansas.

Commissioner Scribner seconded the motion.

Mayor Young stated that the City has heard from entities such as El Dorado Inc. and the Chamber of Commerce that businesses have an easier time moving into communities when there are existing buildings to move into. Mayor Young also stated that having an existing building in the Industrial Park was a draw for Amazon in selecting El Dorado.

The motion carried 5-0.

DISCUSSION ITEMS

There were none.

REPORTS

CITY COMMISSION AND ADVISORY BOARD UPDATES

Mayor Young stated that there was an EFABC meeting in which the scoreboard replacement project has been paused to review the bids again. This project will be primarily paid for by Butler Community College and the school district. The EFABC will meet again Thursday April 23.

CITY MANAGER REPORT

City Manager David Dillner stated that a bill for a Constitutional Amendment to limit property valuations did not pass this legislative session. A bill has been passed to allow for protest petitions on local government budgets with a threshold of 10% of voters needed to successfully petition. This bill has been passed along to the Governor to either veto or approve.

SBA presented their Sales Tax at the last Commission Work Session and the City is going forward with meetings with bond council to prepare a Sales Tax Resolution for the May 4th meeting.

Commissioner Scribner asked for an update regarding assistance for City residents that had issues with their NRPs. City Manager Dillner stated that he has reached out to the County for more information and is waiting for their response, and that he will follow up with them.

EXECUTIVE SESSION

Commissioner Wilkinson moved to recess into executive session pursuant to the non-elected personnel exception under K.S.A. 75-4319(b)(1) for the purposes of discussing the City Manager's performance review and to reconvene the meeting at 6:20 p.m. in the City Commission Room.

Commissioner Scribner seconded the motion.

Motion Carried 5-0

Mayor Young called the meeting back to order.

No action was taken in Executive Session.

ADJOURNMENT

Commissioner Tipton moved to adjourn the meeting at 6:21 p.m.

Commissioner Leachman seconded the motion.

Motion carried 5 – 0.

City Clerk Emerald Veatch

Mayor Bill Young

MUNICIPAL BAND AGREEMENT

This Municipal Band Agreement (“*Agreement*”) is made and entered into by and between the City of El Dorado, Kansas, a municipality corporation of the State of Kansas (“*City*”), and the El Dorado Municipal Band (“*Band*”), collectively referred to as the “*Parties*.” This Agreement is intended to set forth the terms under which the Band will provide musical performance services for the benefit of the community.

1. Purpose and Consideration

The City desires to engage the Band to provide live musical performances and related services for City-sponsored events and public concerts. The Band agrees to provide such performance services in consideration of the funding and other support provided by the City under this Agreement. The Parties acknowledge that the performances provided by the Band constitute valuable consideration and a public benefit to the City and its residents.

2. Scope of Performance Services

- (a) **Required Performances.** The Band shall provide a minimum of ten (10) public band concerts during the term of this Agreement. All such concerts shall be free and open to the public, and no admission fee shall be charged.
- (b) **City Events and Special Performances.** Upon reasonable request by the City Manager or the City Manager’s designee, the Band shall provide additional musical performances at City-sponsored public functions, ceremonies, and community events. Such appearances shall be considered part of the performance services under this Agreement.

3. Band Obligations

The Band shall perform all services in a professional manner consistent with standards for musical performance groups. In furtherance of its obligations, the Band agrees to:

- (a) Maintain an active membership of not fewer than twenty-five (25) musicians;
- (b) Hold sufficient rehearsals as reasonably necessary to ensure professional-quality performances;
- (c) Designate leadership responsible for coordinating schedules, performance logistics, and communications with the City;
- (d) Furnish all musical direction and performers necessary to provide the services described herein;
- (e) Use City funding and City-provided facilities solely for purposes related to Band operations and performance services;
- (f) Exercise reasonable care in the use of any City facilities or equipment made available to the Band; and
- (g) Timely provide all financial reports and budgets required under Section 6.

4. City Obligations and Support

- (a) **Funding.** In consideration for the performance services provided by the Band, the City shall provide funding to the Band as approved through the City's annual budget process (the "*Band Fund*"). Such funding is intended to support Band operations, rehearsals, equipment, and performances and is subject to appropriation by the City's governing body.
- (b) **Facilities and Storage.** The City shall permit the Band and its members, without charge, to store music, instruments, sound equipment, flags, and related items in the storage room at the City Engineering Building. Music stands, chairs, and related equipment may be stored in the basement of the Forest Park Bandshell. The basement of the Forest Park Bandshell may also be used in connection with Band performances.

5. Expenses and Independent Obligations

Except as expressly provided in this Agreement, each Party shall be responsible for its own costs and expenses. The Band shall be responsible for costs associated with performance setup, including lighting, chairs, sound systems, and related services, unless otherwise agreed in writing.

6. Financial Reporting and Payment

- (a) **Annual Financial Information.** On or before May 1st of each year, the Band shall provide the Assistant City Manager and/or the City Manager's designee with (i) a summary of the prior year's revenues and expenses, and (ii) a proposed budget for the current year and the following year.
- (b) **Budget Review.** Band funding shall be reviewed annually as part of the City's budget process. The City shall notify the Band of any changes in funding for the upcoming year no later than October 1st of each year.
- (c) **Payment.** Subject to appropriation, the City shall pay the funds allocated to the Band for each calendar year during the Term of this Agreement on or before May 31 of the preceding year.

7. Independent Contractor

The Band is an independent contractor and not an employee, agent, joint venturer, or partner of the City. No Band member shall be entitled to City employee benefits. Neither Party shall have authority to bind or obligate the other, and each Party shall hold the other harmless from debts or obligations it incurs, except as expressly provided herein.

8. Risk Allocation

The City shall not be liable for loss of or damage to property belonging to the Band or its members.

9. Indemnification.

To the extent permitted by Kansas law, the Band shall indemnify, defend, and hold harmless the City and its officers, employees, and agents from and against any and all claims, damages, losses, liabilities, and expenses, including reasonable attorney fees, arising out of or relating to the Band's

performance under this Agreement, except to the extent such claims, damages, losses, liabilities, or expenses are caused by the negligence or willful misconduct of the City.

10. Insurance

Upon reasonable request, the Band shall provide evidence of insurance coverage customarily carried for similar performance services, if any.

11. Term and Termination

This Agreement shall commence upon the date it is fully executed by the parties (“Effective Date”) and shall continue for an initial term of one (1) year. Thereafter, this Agreement shall automatically renew for successive one (1) year terms unless either party provides written notice of non-renewal at least thirty (30) days prior to the end of the then-current term.

12. Miscellaneous

- (a) **Governing Law.** This Agreement shall be governed by the laws of the State of Kansas.
- (b) **Amendments.** Any amendment must be in writing and signed by both Parties.
- (c) **Entire Agreement.** This Agreement constitutes the entire agreement between the Parties regarding the performance services described herein.

BAND:
El Dorado Municipal Band

CITY:
City of El Dorado, Kansas,
a municipality corporation of the State of Kansas

Cherokee Manning, President

Bill Young, Mayor

Emerald Veatch, City Clerk

Approved as to Form:

Ashlyn Lindskog, City Attorney

EL DORADO

KANSAS

TO: City Commission
FROM: Scott Rickard
SUBJ: Consideration of Approval of a Resolution Authorizing the Scheduling of a Public Hearing to Abate or Remove Dangerous Structures known as 230 N. Jones St., 109. S. Poplar St., 1241 S. Shelden St., 1118 W. Towanda Ave. All interested parties may appear and show cause as to why such structures should not be condemned and ordered repaired or demolished.
DATE: May 4, 2026

Background:

Staff have identified four residential structures that qualify as dangerous, unsafe, or unfit for human habitation or use under Chapter 15.16 of the El Dorado Municipal Code. These determinations were made following visual inspections, code enforcement records, and physical observations of long-term neglect, fire damage, or structural decay. The following properties are proposed for formal review and possible abatement:

230 Jones

109 Poplar

1241 Shelden

1118 W Towanda

Each property exhibits conditions consistent with the minimum standards for condemnation under Section 15.16.020, including, but not limited to: structural failure, significant deterioration, lack of sanitation, fire damage, and threats to life and safety.

Pursuant to Section 15.16.030, the City must adopt a resolution to schedule a public hearing, giving all owners, agents, lienholders, and occupants an opportunity to show cause why the structure should not be declared dangerous or unfit.

Per Section 15.16.040(A), the **City Commission is authorized to make a determination based on evidence, testimony, and the recommendations of the Building Official and the City Engineer. Upon such finding, the Commission may issue an order requiring the property owner to repair, vacate, or remove the structure within a specified time.

The public hearing will be set for July 6, 2026, at 5:30 PM, in accordance with the statutory notice requirements:

- Certified mail to all owners and lienholders
- Publication in the official city newspaper
- Posting on the property

Failure by the owner to comply with a repair or demolition order will authorize the City to perform the work and assess costs to the property in accordance with Section 15.16.060.

Attachments:

1. 2026 Resolution Dangerous Structures

Strategic Priorities:

Housing: Removing or correcting unsafe residential structures supports neighborhood stability, protects surrounding property values, and helps maintain the overall condition of the City's housing stock.

Infrastructure: Unsafe structures can create secondary impacts on public infrastructure and City services, including emergency response, utility safety, public rights of way, drainage, and site cleanup needs.

Economic Development: Addressing dangerous and severely deteriorated properties improves community appearance, reduces blight, and supports reinvestment in established neighborhoods

Operation and Financial Impact:

If the owner of the property is unable to cause a structure to be razed the City Commission is the ultimate entity responsible for demolition cost. A special assessment would be placed on the property in hopes of recovering the cost **Building Demolition Fund** (used for cases where the City must act to raze the structure if the owner fails to comply).

Alternatives:

- **Approve the resolution** setting the public hearing and begin the formal abatement process.
- **Defer or deny action**, allowing unsafe conditions to persist.
- **Refer cases for further monitoring**, though this delays remediation and potentially increases risk and demolition costs.

Trade-Offs:

Approving the resolution does not immediately order demolition. It begins the formal due process required under Chapter 15.16 and gives the owners, agents, lienholders, and occupants an opportunity to appear and present evidence before any final determination is made.

Moving forward with the process allows the City to address unsafe structures in a timely and legally structured manner. The trade off is that, if an owner fails to act, the City may have to front the cost of demolition and pursue recovery through special assessments, which may not be fully or quickly recovered.

Deferring action avoids immediate City expense and gives property owners more time to act voluntarily, but it also allows unsafe conditions to remain in place. Continued delay may increase public safety risk, neighborhood impacts, nuisance complaints, and future demolition costs.

Staff Recommendation:

Adopt the resolution to schedule a public hearing for July 6, 2026, at 5:30 PM to determine whether the structures listed are dangerous, unsafe, or unfit under the standards of Chapter 15.16 of the Municipal Code, and whether abatement or demolition should proceed.

Commission Action:

Commissioner _____ moved to approve a resolution authorizing the scheduling of a public hearing on July 6, 2026, at 5:30 for the purpose of abating or removing the dangerous structures at 230 Jones, 109 Poplar, 1241 Shelden & 1118 W Towanda.

Commissioner _____ seconded the motion.

Advisory Board Recommendation:

N/A

RESOLUTION NO

A RESOLUTION AUTHORIZING THE SCHEDULING OF A PUBLIC HEARING TO ABATE OR REMOVE DANGEROUS STRUCTURES KNOWN AS 230 N JONES, 109 S POPLAR, 1241 S SHELDEN, 1118 W TOWANDA. ALL INTERESTED PARTIES MAY APPEAR AND SHOW CAUSE AS TO WHY SUCH STRUCTURES SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED.

THE PUBLIC HEARING IS SCHEDULED TO BE HELD ON JULY 6, 2026 AT 5:30 PM IN THE COMMISSION ROOM OF CITY HALL AT 220 E FIRST AVENUE EL DORADO, KS 67042.

Legal Descriptions:

230 N Jones – Lot 6, Block 1, King’s Second Addition to the City of El Dorado, Butler County, Kansas.

109 S Poplar – Beginning at a point that is 21 feet South of the Northeast Corner of Lot 5, Block 2, Cory’s Addition to the City of El Dorado; thence South 4 feet; thence West 132 feet, thence North 41 feet, thence East 132 feet to the point of beginning, Butler County, Kansas.

1241 S Shelden – Lots 18 and 20, Except the South 20 feet of said Lot 20, Block 5, Shelden’s Addition to the City of El Dorado, Butler County, Kansas.

1118 W Towanda – The East 48 feet of Lot 10, Block 5, Benson Heights Addition, El Dorado, Butler County, Kansas.

ADOPTED by the City Commission of the City of El Dorado, in Butler County, Kansas, the 4th day of May 2026.

Bill Young, Mayor

Attest:

Emerald Veatch, City Clerk

EL DORADO

KANSAS

TO: City Commission
FROM: David Dillner, City Manager
SUBJ: Consideration of a Resolution authorizing and providing for the calling of a special question election in the City of El Dorado, Kansas, for the purpose of submitting to the electors of the City the question of imposing a one percent (1%) Citywide Retailers' sales tax for the purpose of supporting Susan B. Allen Memorial Hospital; and providing for the giving of said election.
DATE: May 4, 2026

Background:

Rural hospitals in Kansas and across the United States face structural financial challenges such as high operating costs and inflation, low reimbursement rates, and uncompensated care. Nationally, nearly half of rural hospitals operate at a financial loss, and hundreds are at risk of closure, particularly in Midwestern states like Kansas. Hospitals in Kansas are increasingly seeking local voter-approved sales taxes to help address persistent financial shortfalls. Susan B. Allen Memorial Hospital (SBA) made such as request to the City Commission at the work session held on April 15, 2026.

SBA requested that a five-year, one-cent (1%) sales tax be placed on the August primary election ballot scheduled for August 4. The City's bond counsel prepared the necessary documentation for the governing body to consider a resolution to place a one-cent sales tax question on the August primary ballot. The hospital then requested that a seven-year, one-cent (1%) sales tax be placed on the ballot instead of the original five-year sales tax. The City Commission discussed the request at its April 29, 2026 work session, and decided to place a seven-year, one-cent (1%) sales tax on the May 4, 2026 regular agenda for consideration.

Attachments:

1. SBA Sales Tax Election Documents
2. SBA Request for Seven-Year Sales Tax
3. SBA Sales Tax Request Executive Summary (Original Request)
4. SBA Economic Impact for Sales Tax Request
5. HF Sinclair Letter of Support for SBA Sales Tax Request

Strategic Priorities:

The City does not have a specific strategic priority concerning the hospital. A review of the Comprehensive Plan, however, provides some direction with respect to this topic as a priority of the community. The **2030 Comprehensive Plan Vision Statement** states that "El Dorado is a city that cherishes our heritage, community values, and high quality of life." It also states that "by the year 2030, El Dorado will be a community that has **developed modern community amenities**, such as a sports stadium and conference center, which have facilitated economic development and increased community pride." While both of these statements do not directly name health care or the hospital, it is reasonable to conclude that health care and the hospital are elements of a high quality of life and

developed modern community amenities necessary for a strong community. Therefore, an indirect link may be made between the request for a one-cent (1%) sales tax to support SBA's operations and capital needs and the quality of life desired by the community.

Operation and Financial Impact:

A sales tax to support the hospital will not directly impact the City's fiscal condition. It will alter the City's flexibility to request future sales taxes to support projects or operations. A sales tax to support the hospital would increase the local sales tax rate and may make it more difficult for a sales tax supporting municipal services or projects to be adopted by voters. For example, the City may desire to pursue a sales tax to fund a special streets or recreation project, or it may desire to pursue a sales tax for the purpose of lowering the mill levy. Any increase in sales taxes may place pressure on future sales tax requests since voters are often tax adverse. Even so, the City Manager does not anticipate a scenario whereby the City would request and receive authorization for the maximum 3% limit for local sales taxes.

The City does not know the hospital's official request for a sales tax at this time. Hospital representatives will present their request to the City Commission with an overview of the hospital's financial condition and the amount requested. Over the last three years, the City's one-cent sales tax has produced an average of \$3.5 million per year.

Sales taxes are considered a regressive revenue source, meaning that it affects lower-income households more than higher-income households because it consumes a higher percentage of income for those with less income. Increasing the sales tax rate could also have a potential impact on retail competitiveness with other communities in the immediate region. This consideration is especially important for larger purchases (such as vehicles and appliances) where the sales tax rate will make a difference when compared to lower-tax jurisdictions.

Alternatives:

A sales tax to support the hospital will not directly impact the City's fiscal condition. It will alter the City's flexibility to request future sales taxes to support projects or operations. A sales tax to support the hospital would increase the local sales tax rate and may make it more difficult for a sales tax supporting municipal services or projects to be adopted by voters. For example, the City may desire to pursue a sales tax to fund a special streets or recreation project, or it may desire to pursue a sales tax for the purpose of lowering the mill levy. Any increase in sales taxes may place pressure on future sales tax requests since voters are often tax adverse. Even so, the City Manager does not anticipate a scenario whereby the City would request and receive authorization for the maximum 3% limit for local sales taxes.

Sales taxes are considered a regressive revenue source, meaning that it affects lower-income households more than higher-income households because it consumes a higher percentage of income for those with less income. Increasing the sales tax rate could also have a potential impact on retail competitiveness with other communities in the immediate region. This consideration is especially important for larger purchases (such as vehicles and appliances) where the sales tax rate will make a difference when compared to lower-tax jurisdictions.

Trade-Offs:

As previously mentioned, a sales tax to support external purposes would affect the City's ability to pursue a sales tax for its own purposes. Health care is an important need for a community. A local sales tax to support health care and the hospital should be weighed against future needs of the City. For example, the City Commission has discussed a local sales tax to fund improvements to the municipal pool and band shell at Forest Park and 9th Avenue. A sales tax supporting the hospital may impair the City's ability to obtain voter approval for this project. Increasing the sales tax rate will create

pressure for future sales tax campaigns that may be necessary to fund municipal projects or operations amid pressures from the Legislature to reduce reliance on property taxes.

Deciding to pursue a local sales tax to support the hospital or other municipal efforts represents value-based decisions for the community. This means that allocating sales tax proceeds for either of these uses is neither right or wrong. Rather, a decision to provide sales tax proceeds to the hospital or to fund City projects or operations represents a value judgment based on what the community values and desires. Both purposes would serve the public interest and both enhance the quality of life for residents. Placing such items on a ballot provides the community with an opportunity to weigh the trade-offs against the community's values to decide the preferred use of sales tax funds.

Staff Recommendation:

The importance of a community hospital cannot be overstated. The City Manager recommends putting a one-cent sales tax question on an upcoming ballot to provide citizens with an opportunity to decide whether to allocate a portion of the City's sales tax authority to the hospital. A decision by voters to support a sales tax for the hospital will have little to no direct impact on the City's financial situation. The City will retain one percent (1%) of its sales tax authority, which gives it some flexibility for future projects or as a general revenue source. It will still have to place a question on a future ballot and convince voters of the need for additional revenue, but the option will remain even if a sales tax question is approved by voters to support the hospital.

Commission Action:

Commissioner ___ moved to approve a Resolution authorizing and providing for the calling of a special question election in the City of El Dorado, Kansas, for the purpose of submitting to the electors of the City the question of imposing a one percent (1%) Citywide Retailers' sales tax for the purpose of supporting Susan B. Allen Memorial Hospital; and providing for the giving of said election.

Commissioner ___ seconded the motion.

Advisory Board Recommendation:

The City does not have an advisory board tasked with reviewing this item.

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF EL DORADO, KANSAS
HELD ON MAY 4, 2026**

The City Commission (the "Governing Body") met in regular session at the usual meeting place in the City, on May 4, 2026, at 5:30 p.m., the following members being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

Thereupon there was presented a Resolution entitled:

A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CALLING OF A SPECIAL QUESTION ELECTION IN THE CITY OF EL DORADO, KANSAS, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY THE QUESTION OF IMPOSING A ONE PERCENT (1%) CITYWIDE RETAILERS' SALES TAX FOR THE PURPOSE OF SUPPORTING SUSAN B. ALLEN MEMORIAL HOSPITAL; AND PROVIDING FOR THE GIVING OF NOTICE OF SAID ELECTION.

Commissioner _____ moved that the Resolution be adopted. The motion was seconded by Commissioner _____. The Resolution was duly read and considered, and upon being put, the motion for the adoption of the Resolution was carried by the following vote of the governing body:

Aye: _____.

Nay: _____.

Thereupon, a majority of the members of the governing body having voted in favor of the Resolution, it was declared duly adopted and was then duly numbered Resolution No. ____; and was directed to be signed by the Mayor and attested by the Clerk. The Clerk was further directed to transmit a copy of the resolution to the County Clerk of Butler County, Kansas, and to take all action necessary to proceed with calling the special question election in the manner prescribed by law.

* * * * *

(Other Proceedings)

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of El Dorado, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Emerald Veatch, City Clerk

RESOLUTION NO. [____]

A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CALLING OF A SPECIAL QUESTION ELECTION IN THE CITY OF EL DORADO, KANSAS, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY THE QUESTION OF IMPOSING A ONE PERCENT (1%) CITYWIDE RETAILERS' SALES TAX FOR THE PURPOSE OF SUPPORTING SUSAN B. ALLEN MEMORIAL HOSPITAL; AND PROVIDING FOR THE GIVING OF NOTICE OF SAID ELECTION.

WHEREAS, K.S.A. 12-187 *et seq.*, as amended (the “Act”), authorizes the governing body (the “Governing Body”) of the City of El Dorado, Kansas (the “City”) to submit to the electors of the City the question of imposing a special purpose Citywide retailers' sales taxes, which in the aggregate may be in amounts not to exceed one percent (1%), provided sales taxes for special purposes shall expire not more than ten (10) years from the initial date of collection thereof; and

WHEREAS, the City does not currently impose any sales taxes for special purposes pursuant to the Act; and

WHEREAS, the Governing Body deems it advisable that funds be derived for the purpose of supporting the Susan B. Allen Memorial Hospital and any lawful successor thereto (the “Hospital”) in the City, including financing operations and capital expenditures of the Hospital; and

WHEREAS, Governing Body deems it advisable that funds for such purposes be derived by the imposition of a one percent (1%) City-wide retailers' sales tax (the “Sales Tax”); and

WHEREAS, if approved, the Sales Tax will constitute a sales tax imposed for special purposes, as said term is described in K.S.A. 12-189, as amended.

WHEREAS, in order to authorize the Sales Tax, it is deemed advisable to call a special question election to be held in connection with the primary election on August 4, 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EL DORADO, KANSAS:

SECTION 1. Public Purpose; Implementation of the Sales Tax. It is hereby deemed necessary and advisable and in the best interests of the citizens of the City to authorize and impose the Sales Tax for the financial support of the Hospital as herein described.

The Sales Tax shall constitute a sales tax imposed for special purposes. Collection of the Sales Tax, if approved by the electors of the City, shall commence on January 1, 2027, or as soon thereafter as permitted by the Act and shall terminate **seven (7)** years after its commencement.

SECTION 2. Special Question Election. It is hereby authorized, ordered and directed that a special question election shall be and is hereby called to be held in the City on August 4, 2026 (the “Election”), at which time there shall be submitted to the qualified electors of the City the following proposition:

Shall the following be adopted?

Shall the City of El Dorado, Kansas, be authorized to impose a special purpose one percent (1%) City-wide retailers' sales tax (the "Sales Tax"), the revenues derived therefrom to be applied to for the financial support of the Susan B. Allen Memorial Hospital, including but not limited to supporting hospital operations and capital expenditures, the collection of the Sales Tax to commence on January 1, 2027, or as soon thereafter as permitted by law, and to terminate seven (7) years after its commencement?

SECTION 3. Special Question Election Procedures. The vote at the Election shall be by ballot, and the proposition stated above shall be printed on the ballots, together with voting instructions as provided by law. The Clerk shall transmit a copy of this Resolution to the County Clerk of Butler County, Kansas, to give notice of the Election as provided by law by publishing a Notice of Special Question Election in substantially the form attached hereto as *Exhibit A*: (a) once each week for two (2) consecutive weeks in a newspaper of general circulation in the City, with the first publication to be not less than twenty-one (21) days prior to the date of the special question election, and the last publication being not more than sixty (60) days prior to the date of the Election, and (b) on the website of the county election office of any county where the Election is to be conducted not less than twenty-one (21) days prior to the Election and shall remain on the website until the day after the Election.

SECTION 4. Effective Date. This Resolution shall be effective from and after its adoption by the Governing Body.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

ADOPTED AND APPROVED by the Governing Body of the City of El Dorado, Kansas, on _____, 2026.

(Seal)

Bill Young, Mayor

ATTEST:

Emerald Veatch, City Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution No. ____ of the City of El Dorado, Kansas, adopted by the governing body on _____, 2026, as the same appears of record in my office.

DATED: _____, 2026.

Clerk

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]

EXHIBIT A

(Published in the *Butler County Times-Gazette* on June 13, 2026, and June 20, 2026, and on the website of the county election office of any county where the Election is to be conducted not less than twenty-one (21) days prior to the Election and shall remain on the website until the day after the Election)

**NOTICE OF SPECIAL QUESTION ELECTION
THE CITY OF EL DORADO, KANSAS**

Notice is hereby given to the qualified electors of the City of El Dorado, Kansas (the “City”) that a special question election has been called and will be held on August 4, 2026, for the purpose of submitting to the qualified electors of the City the following proposition:

Shall the following be adopted:

Shall the City of El Dorado, Kansas, be authorized to impose a special purpose one percent (1%) City-wide retailers' sales tax (the “Sales Tax”), the revenues derived therefrom to be applied to for the financial support of the Susan B. Allen Memorial Hospital, including but not limited to supporting hospital operations and capital expenditures, the collection of the Sales Tax to commence on January 1, 2027, or as soon thereafter as permitted by law, and to terminate seven (7) years after its commencement?

IT IS IMPORTANT FOR EACH QUALIFIED VOTER TO NOTE THAT YOUR BALLOT CANNOT BE COUNTED UNLESS YOU TAKE THE APPROPRIATE STEPS:

To vote in favor of any question submitted on this ballot, press the word “YES” on the voting machine or completely darken the oval to the left of the word “YES” on the paper ballot. To vote against it, press the word “NO” on the voting machine or completely darken the oval to the left of the word “NO” on the paper ballot.

- YES
- NO

The polls will open at []:00 A.M. and will close at []:00 P.M., on August 4, 2026, the election day. The voting places in the City and the area each voting place will serve will be as follows:

[To be updated by the County Clerk as necessary]

<u>Voters Residing In Precinct</u>	<u>Will Vote At</u>	<u>Location</u>
------------------------------------	---------------------	-----------------

The election will be conducted by the officers and/or persons provided by law for holding elections, and the method of voting will be by ballot. Registered voters are eligible to vote by advance

voting ballot upon application to the County Clerk of Butler County, Kansas, set forth below pursuant to K.S.A. 25-1117 *et seq.*

ADDITIONAL INFORMATION

General

General. The following additional information is provided by the City with respect to the impact of this ballot question. Passage of this ballot proposition would authorize the City to impose a one percent (1%) City-wide retailers' sales tax (the "Sales Tax") the proceeds of which shall be used to finance the purposes described therein. Collection of the Sales Tax, if approved by the electors of the City, shall commence January 1, 2026, or as soon thereafter as permitted by the Act, and shall terminate ten years after its commencement.

Existing Sales Taxes. The City currently imposes a one percent City-wide retailers' sales tax for general purposes, which sales tax does not have a set expiration date.

ELECTION INFORMATION

The election officer conducting the election will be the County Clerk of Butler County, Kansas, whose address is: 205 W. Central, El Dorado, Kansas 67042.

DATED: _____, 2026.

Tatum Stafford, County Clerk
Butler County, Kansas

AFFIDAVIT

STATE OF KANSAS)
) ss:
COUNTY OF BUTLER)

The undersigned, acting as election officer for Butler County, Kansas (the "County") pursuant to the laws of the State of Kansas, being of lawful age, first being duly sworn, on oath states:

Pursuant to K.S.A. 10-120, the attached Notice of Election was published on the website of the County election office, not less than 21 days prior to the election described in such Notice and remained on the website until the day after such election.

WITNESS my hand and official seal on _____, 2026.

(Seal)

Tatum Stafford, County Clerk
Butler County, Kansas

The foregoing instrument was subscribed and sworn to or affirmed before me on this ____ day of _____, 2026, by Tatum Stafford, County Clerk, Butler County, Kansas.

(Seal)

Notary Public

BALLOT CERTIFICATE

STATE OF KANSAS)
) ss:
COUNTY OF BUTLER)

I, the undersigned County Clerk of Butler County, Kansas, do hereby certify that attached below is a true and correct copy of the ballot label used at the special question election held on August 4, 2026, in the City of El Dorado, Kansas, on the proposition set forth in the ballot; and that the judges and clerks duly qualified by taking their respective oaths before assuming their duties at the election.

WITNESS my hand and official seal on August 4, 2026.

(SEAL)

Tatum Stafford, County Clerk
Butler County, Kansas

[Affix copy of ballot label]

STATE OF KANSAS
OFFICIAL BALLOT

THE CITY OF EL DORADO, KANSAS

AUGUST 4, 2026

NOTICE

If you deface or make a mistake and wrongfully mark any ballot, you must return it to the election board and receive a new ballot.

TO VOTE IN FAVOR OF ANY QUESTION SUBMITTED ON THIS BALLOT, PRESS THE WORD "YES" ON THE VOTING MACHINE OR COMPLETELY DARKEN THE OVAL TO THE LEFT OF THE WORD "YES" ON THE PAPER BALLOT. TO VOTE AGAINST IT, PRESS THE WORD "NO" ON THE VOTING MACHINE OR COMPLETELY DARKEN THE OVAL TO THE LEFT OF THE WORD "NO" ON THE PAPER BALLOT.

SHALL THE FOLLOWING BE ADOPTED?

SHALL THE CITY OF EL DORADO, KANSAS, BE AUTHORIZED TO IMPOSE A SPECIAL PURPOSE ONE PERCENT (1%) CITY-WIDE RETAILERS' SALES TAX (THE "SALES TAX"), THE REVENUES DERIVED THEREFROM TO BE APPLIED TO FOR THE FINANCIAL SUPPORT OF THE SUSAN B. ALLEN MEMORIAL HOSPITAL, INCLUDING BUT NOT LIMITED TO SUPPORTING HOSPITAL OPERATIONS AND CAPITAL EXPENDITURES, THE COLLECTION OF THE SALES TAX TO COMMENCE ON JANUARY 1, 2027, OR AS SOON THEREAFTER AS PERMITTED BY LAW, AND TO TERMINATE SEVEN (7) YEARS AFTER ITS COMMENCEMENT?

YES

NO

**STATE OF KANSAS
OFFICIAL BALLOT**

EL DORADO, KANSAS

QUESTION SUBMITTED

SPECIAL QUESTION ELECTION

AUGUST 4, 2026

BUTLER COUNTY, KANSAS

CERTIFICATION OF CANVASS OF VOTES

STATE OF KANSAS)
) ss:
COUNTY OF BUTLER)

I, the undersigned County Clerk of Butler County, Kansas, do hereby certify that the following are the true and correct results according to the abstract of votes cast at the special question election held on August 4, 2026, in the City of El Dorado, on the following proposition:

Shall the following be adopted?

Shall the City of El Dorado, Kansas, be authorized to impose a special purpose one percent (1%) City-wide retailers' sales tax (the "Sales Tax"), the revenues derived therefrom to be applied to for the financial support of the Susan B. Allen Memorial Hospital, including but not limited to supporting hospital operations and capital expenditures, the collection of the Sales Tax to commence on January 1, 2027, or as soon thereafter as permitted by law, and to terminate seven (7) years after its commencement?

Such results are shown by the returns of said election which are on file in the Office of the County Clerk and canvassed as provided by law:

Yes -----
No -----
Void -----
Total Vote -----

WITNESS my hand and official seal on August __, 2026.

(Seal)

Tatum Stafford, County Clerk
Butler County, Kansas



Dear Members of the City Commission,

Thank you for your continued leadership and support of our community hospital. We appreciate the opportunity to explain why we are requesting that the proposed sales tax supporting hospital operations be set for seven years rather than five.

A seven-year sales tax provides the financial stability necessary to plan responsibly for both immediate and long-term needs. This extended timeframe will allow the hospital to purchase critical medical equipment that is essential for safe, high-quality patient care—equipment that often requires significant capital investment and long lead times.

In addition, a longer duration will help us address ongoing and growing staffing shortages. Like many rural hospitals, we face intense competition for qualified healthcare professionals. Stable, predictable funding over seven years strengthens our ability to recruit and retain staff, invest in workforce development, and reduce reliance on temporary staffing solutions that are far more costly.

Finally, a seven-year period gives us the necessary runway to work collaboratively with legislators and regulatory bodies to pursue changes in standards and regulations so that additional hospital designations can be considered. This allows us to navigate the governmental funding changes that will come following the Rural Health Transformation Program that ends in 2030. These efforts take time, coordination, and resources, but they are critical to ensuring the long-term viability of healthcare services in our community.

In short, extending the sales tax to seven years is not about increasing the burden on our residents, but about maximizing the impact of their support. It allows the hospital to act strategically, invest wisely, and remain a dependable cornerstone of health and economic stability for our community.

Thank you for your consideration and for your continued commitment to the health and well-being of those we serve.

Sincerely,

Melissa Hall



**Protecting Our Community. Strengthening Our Economy.
Support the 1¢ Sales Tax for Susan B. Allen Memorial Hospital**

A Vital Community Lifeline

Susan B. Allen Memorial Hospital is here for our community 24 hours a day, 7 days a week, 365 days a year—providing emergency care, delivering babies, supporting families, and ensuring access to healthcare for all, regardless of ability to pay.

A Powerful Economic Driver

- 293 local jobs supported by the hospital
- \$16.4 million in wages paid annually
- Healthcare represents 10.3% of all county jobs
- Every 100 hospital jobs create 43 additional jobs in our community

A strong hospital = a strong local economy

Why This Matters – A sustainable hospital is essential to:

- Attract and retain businesses
- Support workforce growth
- Keep families living and working locally
- Maintain a high quality of life in Butler County

The Challenge – Despite responsible management and cost reductions:

- Ongoing operating losses threaten long-term stability
- \$2.6 million in critical equipment needs
- Difficulty competing with Wichita wages
- 31% of nursing staffed by costly contract labor
- \$5.5 million in uncompensated care provided in 2025

The Solution: A 1¢ Sales Tax – A local, voter-approved 1-cent sales tax will:

- Stabilize hospital operations
- Help retain and recruit local healthcare workers
- Reduce reliance on expensive temporary staff
- Invest in equipment and expanded services

What's at Stake – Without action, our community risks:

- Loss of local healthcare access
- Loss of jobs and economic activity
- Reduced ability to attract businesses and families

The Ask – Place the 1¢ sales tax initiative on the ballot.

Invest in What Matters Most

A strong hospital means a strong community—today and for future generations.



Hospitals Have a Significant Economic Impact to Kansas and Butler County



1

Proud of Our Record of Service

Susan B. Allen Memorial Hospital

- Provides care 24 – 7 – 365
- Serve thousands of patients annually
- Bring life into the world
- Provide comfort at the end of life
- Keeps our communities healthy, strong and vibrant
- A major source of employment



2

Economic Impact Report

The Importance of the Health Care Sector to the Kansas Economy

- Highlights the significant role Kansas hospitals play within our local communities
- Demonstrates “ripple” effect
 - dollars hospitals bring into the state
 - jobs hospitals help create
- Prepared by the Institute for Policy & Social Research at the University of Kansas



3

Statewide and County Economic Impact

Susan B. Allen Memorial Hospital contributes
in three areas:

- Attract and retain business and industry
- Attract and retain retirees
- Create jobs in the local economy



4

Significant Economic Contributions in Kansas Communities

Hospital impacts spread broadly over the entire Kansas economy, through job and income creation, tax generation and enhancement of the Kansas quality of life. Specific channels of influence include:

- Creating direct jobs and income within the health care sector when health care establishments hire staff;
- Creating secondary jobs and income when suppliers to health care industries hire their own employees and when employees purchase goods and services such as groceries in the community;

Continued ...



5

Major Employers in Butler County

Hospitals alone employ more than 678 people directly and pay out more than \$46.3 million in labor income.

Health care employers provide about 10.3 percent of the county's jobs and 12.6 percent of labor income.

The hospital employment multiplier is 1.43.

Every 100 hospital jobs in Butler County support an additional 43 jobs in non-health care sectors in Butler County.



6

Income Impacts in Butler County

Susan B. Allen Memorial Hospital directly supports:

- More than 293 jobs and
- Nearly \$16.4 million in labor income for employees
- Local grocery stores, restaurants, gas and electric utilities, and other industries used by the hospital and its employees.



7

Economic Contributions of the Health Care Sector

In summary, the health care sector in Butler County generates significant employment and income for local residents and generous tax revenue for local governments.

Health care businesses provide about 3,257 jobs and over \$193 million in labor income. When the multiplier effect is included, the contributions rise to about 4,151 jobs and over \$224.5 million in labor income in the county.

The health care sector supports about \$868,500 in local sales tax revenue.



8

Improving Health and Saving Money

Hospitals save Kansans millions of dollars:

- Disease prevention programs
- Early detection equals decreased treatment cost and lost earnings



9

Covering the Uninsured and Underinsured

Kansas hospitals are a safety net:

- Providing nearly \$2 billion in uncompensated care annually; SBAMH covered \$5.5 Million in uncompensated care in 2025
- Offering financial assistance programs; and
- Treating all, regardless of their ability to pay.



10

2025 KHA Public Funding Survey Results

90 Hospitals Participated in the Survey
Jan-May 2025



11

2025 KHA Public Funding Survey Results

Participants included:

65 Critical Access Hospitals

22 Prospective Payment System

3 Rural Emergency Hospitals

79 of them being Rural 11 of them being Urban

Of the 90 Hospitals

74% reported being supported by mill levy or sales tax for a
total of \$55,423,124 of subsidized support



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Financial History

Operating Margin

2017	(\$13,624,875)
2018	(\$6,576,563)
2019	(\$10,360,269)
2020	\$2,287,590
2021	(\$313,315)
2022	(\$3,289,039)
2023	(\$2,670,398)
2024	(\$1,584,037)
2025	(\$4,024,633) Cyber Security Event

NOTE - Extraordinary Income Items:

	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
Covid Relief Funding	\$3,940,970	\$1,632,715	\$1,693,173	
Paycheck Protection	\$3,857,059			
Employee Retention Credit				\$2,715,459

13

Current State

- We have to compete with the Wichita wage market. We have not been able to offer across the board wage increases since 2019. Creating a \$1.2 million discrepancy in wages from market.
- 31% of our nurse staffing requirement is being filled by contract staff.
- We currently have \$2.6 million in critical capital equipment needs.
- We have not been able to offer a 401K match since 2019 to our employees.

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Action Taken

- 2022 Hired an Orthopedic Surgeon
- 2024 Hired Integrity Health Providers for ER and Hospitalist programs with local Physician oversight
- Made Improvements to Quality of Care
- Became an In-network provider for insurances being utilized in our community (Ambetter, UHC, & Providers Care)
- From 2023- 2024 we reduced expenses by \$1.1 million

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Action Taken Continued

Grant Applications

- Rural Health Transformation Program
 - There are limitations to what the funds can be utilized for. KDHE has established specific initiative projects that are available to submit applications for. Items can not be used to subsidize operational funding of the hospital.
 - Through the REH/CAP grant we applied for \$484,000 to revamp clinic space to increase access to care in Cardiology, Dermatology, Wound care, and to finish the other half of the El Dorado Urgent Care.
 - Through the Regional Partnership Grant Program, we applied for \$570,000 for our collaboration efforts with Buter Community College, Dr. Paul McKesey, and Coaxion to continue radiologic services.

16

Foundation & Auxiliary Giving

2025

SBAMH Auxiliary	\$7,311
SBAMH Foundation	\$288,833

2024

SBAMH Auxiliary	\$4,090
SBAMH Foundation	\$290,482

The SBAMH Foundation is limited in their giving back to the hospital. Only 5% of each endowment can be drawn annually, 29% are restricted funds.

17

Limitations

- We cannot mortgage the buildings
- We cannot be acquired by a faith-based health system.
- We cannot become a Critical Access Hospital
- We cannot become a Rural Emergency Hospital

18

Our Ask

We are asking that a one cent sales tax to fund Susan B. Allen Memorial Hospital be added to the August ballot.

- These funds would enable us to increase staff wages to market keeping our community working in our community instead of driving to Wichita to work.
- These funds allow us to continue to offer our community the services we provide.

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In Summary



- Susan B. Allen is a key ingredient to our community's quality of life.
- SBA keeps our communities healthy and vibrant.
- Kansas hospitals are major contributors to both the local and state economies.
- Families remain more healthy and secure because hospitals provide needed health care services.
- A vigorous and sustainable health care system is essential not only for the health and welfare of community residents, but also to enhance economic opportunity.
- Furthermore, evidence shows that quality health care improves business productivity, aids in the recruitment and retention of businesses, and attracts and retains retirees.

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HF Sinclair Corporation
El Dorado Refinery
1401 Douglas Road
El Dorado, KS 67042
04/13/2026

To the City Commissioners of El Dorado:

HF Sinclair is proud to call El Dorado home. For generations, our refinery and our employees have lived, worked, and raised families in this community. The strength and well-being of El Dorado directly affect our workforce and our shared future.

HF Sinclair supports Susan B. Allen Memorial Hospital and recognizes its essential role as a rural-serving community hospital providing high-quality healthcare to El Dorado and the greater Butler County region. In communities like ours, quick and reliable access to emergency and inpatient care close to home is critical for residents, families, and employers alike.

As one of the area's largest employers, HF Sinclair understands the importance of a strong local healthcare system for workforce safety, employee well-being, and community stability. Our employees and their families rely on Susan B. Allen Memorial Hospital, and its ability to deliver timely, dependable care strengthens El Dorado as a place to live and work.

We value the partnerships that make El Dorado a strong community and remain committed to being a responsible corporate citizen invested in its long-term health and success.

Sincerely,

Ted Trevino
Vice President & Refinery Manager

EL DORADO

KANSAS

TO: City Commission
FROM: David Dillner, City Manager
SUBJ: Consideration of a Resolution designating and establishing the use of multiple-occupancy private spaces in compliance with House Substitute for Senate Bill 244.
DATE: May 4, 2026

Background:

On February 18, 2026, the Kansas Legislature overrode Governor Kelly's veto of House Substitute for Senate Bill No. 244. The bill, which became effective on February 24, 2026, requires the designation of multiple-occupancy private spaces in public buildings for use by only one sex and imposes criminal and civil penalties for violations. The law defines the term "gender" to mean biological sex at birth for purposes of statutory construction, directs the division of vehicles to invalidate and reissue driver's licenses when necessary to correct the gender identification on such licenses, and directs the office of vital statistics to invalidate and reissue birth certificates when necessary to correct the sex identification on such certificates.

The City, as a government entity defined by K.S.A. 75-6102 and amendments thereto, is required to comply with the provisions of the law for restrooms in public buildings owned or leased by the City. According to the statute, a "public building" means a building owned or leased by a governmental entity, but does not include a building owned by a governmental entity that is leased to a private entity, whether for profit or not for profit, if the lease agreement for such building between the governmental entity and the private entity was in force and effect on the effective date of the act.

According to the law, the governing body of the government entity shall designate each multiple-occupancy private space in such building for use only by individuals of one sex. The governing body shall take every reasonable step to ensure an individual does not enter a multiple-occupancy private space that is designated for use only by individuals of the opposite sex. The Attorney General is charged with investigating complaints against government entities alleged of not enforcing the provisions of the law. Such entities may be subject to civic penalties of \$25,000 for the first violation and \$125,000 for each subsequent violation. Each day of a continuing violation constitutes a separate violation.

Attachments:

1. Bathroom Bill Policy and Resolution
2. LKM Implementation Guide on SB 244
3. SB 244 Facility Audit Checklist
4. House Substitute for Senate Bill No. 244 (as enrolled)

Strategic Priorities:

This item is not a strategic priority of the City. The item reflects the need to develop a policy to comply with a newly adopted state law mandating compliance by municipalities.

Operation and Financial Impact:

How should the City comply with the state law concerning the regulation of bathroom use by one sex? The League of Kansas Municipalities prepared the draft model policy for cities to use in considering how to implement SB 244. In addition, City Attorney Ashlyn Lindskog prepared a legal

opinion on the statute for the City Commission's information.

Alternatives:

The City proposes to designate most restrooms in its facilities as single-occupancy private space to avoid the need for monitoring. There will be some cost to convert these restrooms into single-occupancy private space, although it is anticipated to cost less than \$5,000. The City is developing a proposal for multi-occupancy space that is located in recreation facilities and other community facilities such as the Civic Center.

The Attorney General is charged with investigating complaints against government entities alleged of not enforcing the provisions of the law. Such entities may be subject to civic penalties of \$25,000 for the first violation and \$125,000 for each subsequent violation. Each day of a continuing violation constitutes a separate violation.

Trade-Offs:

A **trade-off** in policy development refers to when decision-makers must balance competing interests or priorities. Decisions often require choosing between certain interests or priorities. Municipal governments face limited resources—like budget, time, public support, or capacity—so strategic choices are necessary to make the most transformative investments with public resources. For example, allocating funds or staff time to one priority means that another priority will receive less resources.

Failure to adhere to the requirements of the law may subject the City to significant fines from the Attorney General's office following a determination of a violation to comply. While public funds may be necessary to bring public facilities into compliance, these expenses pale in comparison to fines that may reach upwards of \$25,000 for the first offense and \$125,000 for subsequent violations.

Staff Recommendation:

The City Manager recommends adopting a policy outlining how the City will implement SB 244 to mitigate its risk for compliance of the state law.

Commission Action:

Commissioner ___ moved to approve a Resolution designating and establishing the use of multiple-occupancy private spaces in compliance with House Substitute for Senate Bill 244.

Commissioner ___ seconded the motion.

Advisory Board Recommendation:

This item was not reviewed by an advisory board of the City.

**CITY OF EL DORADO, KANSAS
RESOLUTION NO. 3046**

A RESOLUTION DESIGNATING AND ESTABLISHING THE USE OF MULTIPLE-OCCUPANCY PRIVATE SPACES IN COMPLIANCE WITH HOUSE SUBSTITUTION FOR SENATE BILL 244.

WHEREAS, the City Commission of the City of El Dorado, Kansas, recognizes the importance of establishing clear and consistent policies to guide municipal operations and decision-making; and

WHEREAS, the City Commission periodically adopts new policies or revises existing policies to improve efficiency, accountability, and service delivery in accordance with the City’s mission and values; and

WHEREAS, House Substitute for Senate Bill 244 establishes requirements for the designation and use of multiple-occupancy private spaces in public buildings owned or leased by the City; and

WHEREAS, City staff have prepared a policy entitled “Designation and Use of Multiple-Occupancy Private Spaces in Compliance with House Substitute for Senate Bill 244” to ensure proper implementation of the law, outline procedures for managing complaints, and establish documentation and administrative guidelines; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EL DORADO, KANSAS:

1. **Adoption.** The City Commission hereby adopts the document entitled *Designation and Use of Multiple-Occupancy Private Spaces in Compliance with House Substitute for Senate Bill 244* (“Policy”), attached hereto as **Exhibit A**, as the official policy of the City of El Dorado, Kansas.
2. **Purpose.** The purpose of this Policy is to ensure compliance with House Substitute for Senate Bill 244 by establishing procedures for the designation and use of multiple-occupancy private spaces, the processing of complaints, and the documentation of actions taken pursuant to the law.
3. **Supersession.** This Resolution supersedes any prior resolutions or policies that conflict with the provisions of the adopted Policy.
4. **Implementation.** The City Manager, or their designee, is hereby authorized and directed to implement the provisions of the Policy and ensure compliance by all applicable departments and personnel.
5. **Effective Date.** This resolution shall be in full force and effect from and after its adoption by the City Commission.

ADOPTED by the City Commission of the City of El Dorado, Kansas, this 4th day of May 2026.

Bill Young, Mayor

ATTEST:

Emerald Veatch, City Clerk

(SEAL)

Designation and Use of Multiple-Occupancy Private Spaces in Compliance with House Substitute for Senate Bill 244

1. Purpose.

The purpose of this policy is to ensure compliance with House Substitute for Senate Bill 244, regarding the designation and use of multiple-occupancy private spaces in public buildings owned or leased by the City. This policy establishes procedures for designation of such spaces, responding to complaints, and documenting actions taken to comply with the law.

2. Applicability.

This policy applies to all public buildings owned or leased by the City, except for buildings owned by the City that are leased to a private entity if the lease agreement was in force before February 26, 2026.

3. Definitions.

For purposes of this policy, the following definitions apply:

- A. **Multiple-Occupancy Private Space:** A facility designed or designated for simultaneous use by more than one individual where an individual may be in a state of undress in the presence of another individual. Examples include restrooms, locker rooms, shower rooms, and changing rooms.
- B. **Single-Occupancy Private Space:** A facility designed or designated for use by only one individual at a time where the individual may be in a state of undress. Examples include single-user restrooms with locking doors and family restrooms.
- C. **Sex:** An individual's biological sex, either male or female, at birth.

4. Designation of Facilities.

- A. All multiple-occupancy private spaces located within a public building owned or leased by the City and subject to this policy shall be designated for use only by individuals of one sex.
- B. Clear signage shall be posted identifying the designation of each multiple-occupancy private space.
- C. Where feasible, the City may provide single-occupancy private spaces for use by any individual seeking additional privacy.

5. Exceptions.

Consistent with Kansas law, individuals may enter a multiple-occupancy private space designated for the opposite sex under the following circumstances:

- A. Custodial, maintenance, or inspection purposes;
- B. Rendering medical or emergency assistance;
- C. Assisting an individual who requires help using the facility;
- D. Law enforcement purposes;
- E. Preventing a serious threat to safety or order;
- F. Coaching or athletic training when precautions are taken to ensure no individual is undressed; or
- G. A child under nine years of age accompanied by a caregiver.

6. Reasonable Steps to Ensure Compliance.

The City shall take reasonable steps to ensure compliance with facility designations. Reasonable steps may include:

- A. Posting clear signage;
- B. Providing staff training, or
- C. Establishing procedures for receiving and documenting complaints.

7. Complaint Reporting.

- A. City employees who receive a complaint regarding the use of a multiple-occupancy private space shall provide the individual with a City complaint form and direct the individual to submit the completed form to the City Manager or designee for review. Complaints submitted through this process may be reviewed and investigated by City Manager or designee.
- B. City employees should not verify an individual's sex, request personal documentation, or directly confront individuals regarding the use of a multiple-occupancy private space. Employees who receive a concern should refer the matter through the complaint process outlined in this policy.
- C. Employees shall respond to complaints in a professional manner and refer concerns to a supervisor or designated administrator as appropriate.
- D. The City may review concerns brought to its attention even if a complaint form is not completed.

8. Complaint Review and Investigation.

- A. The City Manager or designee be responsible for reviewing complaints related to this policy.
- B. Upon receiving a complaint, the City Manager or designee may:
 - 1. Review incident reports.
 - 2. Speak with staff or witnesses.
 - 3. Evaluate whether further action is appropriate.
- C. The City Manager or designee shall document the outcome of the review.

9. Written Notice of Violation.

- A. If the City determines that an individual has violated the designation of a multiple-occupancy private space under Kansas law, the City shall issue written notice of violation to the individual.

The written notice may be delivered by one or more of the following methods:

- 1. Personal delivery to the individual, or
- 2. Certified mail, return receipt requested to the individual's last known address.
- B. The written notice shall include:
 - 1. The date and location of the multiple-occupancy private space where the violation occurred;
 - 2. a statement that repeated violations may result in fines or criminal charges; and
 - 3. the procedure to administratively appeal the finding that such individual violated this section.

10. Appeal of Determination.

- A. Any individual who receives a written notice of violation under this policy may request an administrative review of the determination.
- B. A request for review must be submitted in writing to the City within ten business days after the date the written notice is issued.
- C. The request should include the individual's name, contact information, and a brief explanation of why the individual believes the determination was made in error.
- D. The appeal shall be reviewed by City Manager or designee provided that the reviewing official was not directly involved in the initial determination when practicable.
- E. In conducting the review, the City may consider:
 - 1. The incident report;
 - 2. Statements from City employees or witnesses; and
 - 3. Any written information submitted by the individual requesting the review.
 - 4. The reviewing official may affirm, modify, or dismiss the determination.
 - 5. The City shall provide written notice of the decision to the individual. The decision of the reviewing official shall constitute the final administrative action of the City.

11. Recordkeeping.

The City shall maintain records of complaints and investigations related to this policy in accordance with applicable records retention requirements.

12. Staff Training.

To assist with implementation of this policy, the City may provide guidance or training, as appropriate, to employees who interact with members of the public.

13. Policy Administration.

The City Manager or designee shall be responsible for administering this policy and may develop procedures or guidance necessary to implement it.

14. Effective Date.

This policy shall become effective on May 4, 2026.

SB 244 Compliance Toolkit for Cities: Implementation Overview and Immediate Action Steps

Purpose

This document provides an overview of House Substitute for SB 244's requirements and the immediate steps cities should take to comply.

What the Law Requires

- Designate each multiple-occupancy private space (e.g., multi-stall restrooms, locker rooms, showers, changing room) for use by one biological sex, as defined in state statute.
- Take every reasonable step to ensure individuals do not enter a multiple-occupancy space designated for the opposite sex.
- Maintain processes to receive complaints, investigate, and issue written notices.

Key Definitions

- **Multiple-occupancy private space:** Designed for use by more than one person at a time and where a person may be in a state of undress.
- **Single-occupancy private space:** Designed for one individual at a time (e.g., gender neutral restroom, family restroom)
- **Sex:** Biological sex at birth, as defined by statute.

Immediate Action Steps for Cities: Reasonable Steps in Practice

- ✓ Inventory and classify all city facilities.
- ✓ Post or update compliant signage, if needed.
- ✓ Update policies or ordinances describing appropriate use and establishing procedures for complaint intake, investigation, notices, and documentation.
- ✓ Train frontline staff using scripts, FAQs, and de-escalation guidance.

Exceptions Allowed Under the Law (Permitted Entry)

- Custodial, maintenance, or inspection work.

- Medical or other emergency assistance.
- Law enforcement purposes.
- Preventing a serious threat to order or safety.
- Coaching or athletic training during athletic events, ensuring no individual of the opposite sex is in a state of undress before entry.
- To accompany and provide assistance to an individual who needs help using the facility.
- Children under the age of nine accompanied by a caregiver.

House Substitute for SENATE BILL No. 244

AN ACT concerning identification of biological sex; requiring the designation of multiple-occupancy private spaces in public buildings for use by only one sex; imposing criminal and civil penalties for violations; providing a cause of action for individuals aggrieved by an invasion of privacy or other harm when accessing a multiple-occupancy private space; amending the women's bill of rights; defining the term "gender" to mean biological sex at birth for purposes of statutory construction; directing the director of the division of vehicles to invalidate and reissue driver's licenses when necessary to correct the gender identification on such licenses; directing the office of vital statistics to invalidate and reissue birth certificates when necessary to correct the sex identification on such certificates; removing the definition of "gender" from the help not harm act; amending K.S.A. 8-234a and K.S.A. 2025 Supp. 8-243, 65-28,137 and 77-207 and repealing the existing sections.

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

New Section 1. (a) As used in this section:

(1) "Female" means the same as defined in K.S.A. 2025 Supp. 77-207, and amendments thereto.

(2) "Governmental entity" means the same as defined in K.S.A. 75-6102, and amendments thereto.

(3) "Male" means the same as defined in K.S.A. 2025 Supp. 77-207, and amendments thereto.

(4) "Multiple-occupancy private space" means a facility designed or designated for simultaneous use by more than one individual and in which an individual may be in a state of undress in the presence of another individual, regardless of whether the facility provides curtains or partial walls for privacy. "Multiple-occupancy private space" includes, but is not limited to, a restroom, locker room, changing room or shower room.

(5) "Public building" means a building owned or leased by a governmental entity. "Public building" does not include a building owned by a governmental entity that is leased to a private entity, whether for profit or not for profit, if the lease agreement for such building between the governmental entity and the private entity was in force and effect on the effective date of this act.

(6) "Sex" means the same as defined in K.S.A. 2025 Supp. 77-207, and amendments thereto.

(7) "Single-occupancy private space" means a facility designed or designated for use by only one individual at a time and in which the individual may be in a state of undress. "Single-occupancy private space" includes, but is not limited to:

(A) A single toilet restroom with a locking door that is designed or designated as unisex; or

(B) a family restroom or changing room.

(b) (1) The governing body, or chief administrative officer if no governing body exists, of each public building shall designate each multiple-occupancy private space in such building for use only by individuals of one sex. The governing body, or chief administrative officer if no governing body exists, shall take every reasonable step to ensure an individual does not enter a multiple-occupancy private space that is designated for use only by individuals of the opposite sex.

(2) This subsection shall not be construed to prohibit a governing body, or chief administrative officer if no governing body exists, from:

(A) Adopting a policy in accordance with the Americans with disabilities act of 1990, 42 U.S.C. § 12101 et seq., for individuals who require assistance when using a multiple-occupancy private space; or

(B) establishing a single-occupancy private space.

(c) Notwithstanding the provisions of subsections (b) and (g):

(1) An individual may enter a multiple-occupancy private space designated for use only by individuals of the opposite sex:

(A) For custodial purposes;

(B) for maintenance or inspection purposes;

(C) to render medical or other emergency assistance;

(D) to accompany and provide assistance to an individual who needs assistance using the facility;

(E) for law enforcement purposes;

(F) to render assistance necessary in preventing a serious threat to proper order or safety; or

(G) to provide coaching or athletic training during athletic events, provided such individual is a member of the coaching or athletic training staff and such individual ensures that no individual of the opposite sex is in a state of undress prior to entering such multiple-occupancy private space; and

(2) a child who is under nine years of age may enter a multiple-occupancy private space designated for use only by individuals of the opposite sex if accompanied by an individual caring for such child.

(d) Any governmental entity that violates this section is liable for a civil penalty of \$25,000 for the first violation and \$125,000 for each subsequent violation. Each day of a continuing violation of this section constitutes a separate violation.

(e) (1) A person may file a complaint with the attorney general against a governmental entity for a violation of this section if:

(A) Such person provides such governmental entity written notice describing the violation; and

(B) such governing body, or chief administrative officer if no governing body exists, of such governmental entity does not cure the violation before the end of the third business day after the date the written notice is received.

(2) A complaint filed under this subsection shall include a copy of the written notice provided to the governmental entity and the complainant's affidavit describing the violation.

(f) (1) Before bringing an action against a governmental entity for a violation of this section, the attorney general shall investigate the complaint filed under subsection (e) to determine whether legal action is warranted.

(2) The governmental entity subject to the complaint shall provide to the attorney general any information the attorney general requests in connection with the investigation of the complaint, including, but not limited to:

(A) Supporting documents related to the complaint; and

(B) a statement on whether the governmental entity has complied or intends to comply with this section.

(3) If the attorney general determines that legal action is warranted, the attorney general shall provide written notice to such governmental entity that:

(A) Describes the violation and location of the multiple-occupancy private space found to be in violation;

(B) the amount of the proposed penalty for the violation; and

(C) the penalty may be avoided by curing the violation on or before the 15th day after the date the attorney general's notice is received.

(4) If a violation is not cured on or before the 15th day after the date the notice is received, the attorney general may bring an action to assess the civil penalty provided in subsection (d).

(g) (1) It shall be a violation of this section for an individual to enter a multiple-occupancy private space designated for use only by individuals of the opposite sex, except as permitted under subsection (b) or (c). Upon receipt of a complaint that an individual entered a multiple-occupancy private space in violation of this section, the governing body, or chief administrative officer if no governing body exists, shall investigate and, upon a finding that such individual violated this section, shall provide written notice of such violation to

such individual. Such notice shall include:

(A) The date and location of the multiple-occupancy private space where the violation occurred;

(B) a statement that repeated violations may result in fines or criminal charges; and

(C) the procedure to administratively appeal the finding that such individual violated this section.

(2) Any individual who commits a second violation after being found to have violated this section pursuant to paragraph (1) shall be liable for a civil penalty of \$1,000. An action to assess such penalty may be brought by the attorney general if the violation occurred in a state building or by the county or district attorney for the county where the violation occurred if the violation occurred in a municipal building.

(3) Any individual who commits a third or subsequent violation shall be guilty of a class B misdemeanor.

(h) (1) Any individual who, while accessing a multiple-occupancy private space designated for use only by such individual's sex, is aggrieved by the invasion of such individual's personal privacy or is otherwise harmed by a violation of this section by an individual of the opposite sex may bring a cause of action against such individual of the opposite sex. In bringing such action, the individual may seek either actual damages or liquidated damages in the amount of \$1,000, as well as declaratory and injunctive relief.

(2) It shall be an affirmative defense to any claim brought pursuant to this subsection that the defendant did not know that the multiple-occupancy private space was designated for use only by individuals of the opposite sex to that of the defendant.

(3) All civil actions brought pursuant to this subsection shall be commenced within two years after the violation occurred. An individual bringing any such action who prevails shall recover reasonable attorney fees and costs.

(i) Any civil penalty collected by the attorney general pursuant to this section shall be deposited to the credit of the crime victims compensation fund established under K.S.A. 74-7317, and amendments thereto. Any civil penalty collected by a county or district attorney pursuant to this section shall be deposited to the credit of the general fund of the county where such action was brought.

New Sec. 2. (a) Any birth certificate issued prior to July 1, 2026, that identifies the sex of the individual named on such certificate in a manner that is contrary to the definition of such term as defined in K.S.A. 2025 Supp. 77-207, and amendments thereto, shall be invalid.

(b) The state registrar shall correct any birth certificate records that identify the sex of the individual named in such record in a manner that is contrary to the definition of such term as defined in K.S.A. 2025 Supp. 77-207, and amendments thereto.

(c) This section shall be a part of and supplemental to the uniform vital statistics act.

Sec. 3. K.S.A. 8-234a is hereby amended to read as follows: 8-234a. (a) As used in the motor vehicle drivers' license act, the following words and phrases shall have the meanings respectively ascribed to them herein:

(1) "Drivers' license examiner" or "examiner" means a drivers' license examiner of the division of vehicles or any person whom the director of vehicles has authorized, pursuant to the authority granted by this act, to accept applications for drivers' licenses and administer the examinations required for the issuance or renewal of drivers' licenses. Any county treasurer authorized to accept applications for drivers' licenses or administer drivers' license examinations shall be deemed to be acting as an agent of the state of Kansas;

(2) "nonresident" means every person who is not a resident of this state. For the purposes of the motor vehicle drivers' license act any person who owns, rents or leases real estate in Kansas as such person's residence and engages in a trade, business or profession within Kansas or registers to vote in Kansas or enrolls such person's children in a school in this state or purchases Kansas registration for a motor vehicle, shall be deemed a resident of the state of Kansas 90 days after the conditions stated in this subsection commence, except that military personnel on active duty and their military dependents who are residents of another state, shall not be considered residents of the state of Kansas for the purpose of this act;

(3) "patrol" means the state highway patrol;

(4) "address of principal residence" means: (A) The place where a person makes his or her permanent principal home; (B) place where a person resides, has an intention to remain and where they intend to return following an absence; or (C) place of habitation to which, whenever the person is absent, the person intends to return. If a person eats at one place and sleeps at another, the place where the person sleeps shall be considered the person's address of principal residence;

(5) "state" means a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of Northern Mariana Islands;

(6) "wireless communication device" means any wireless electronic communication device that provides for voice or data communication between two or more parties, including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages or a laptop computer; ~~and~~

(7) "religious organization" means any organization, church, body of communicants, or group, gathered in common membership for mutual support and edification in piety, worship and religious observances, or a society of individuals united for religious purposes at a definite place and which religious organization maintains an established place of worship within this state and has a regular schedule of services or meetings at least on a weekly basis and has been determined to be organized and created as a bona fide religious organization; *and*

(8) "*gender*" means the same as defined in K.S.A. 77-207, and amendments thereto.

(b) As used in this act, the words and phrases defined by the sections in article 14 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, shall have the meanings respectively ascribed to them therein, unless a different meaning is ascribed to any such word or phrase by subsection (a) ~~of this section~~.

Sec. 4. K.S.A. 2025 Supp. 8-243 is hereby amended to read as follows: 8-243. (a) Upon payment of the required fee, the division shall issue to every applicant qualifying under the provisions of this act the driver's license as applied for by the applicant. Such license shall bear the class or classes of motor vehicles that the licensee is entitled to drive, a distinguishing number assigned to the licensee, the full legal name, date of birth, gender, address of principal residence and a brief description of the licensee, either: (1) A digital color image or photograph; or (2) a laser-engraved photograph of the licensee, a facsimile of the signature of the licensee and the statement provided for in subsection (b). No driver's license shall be valid until it has been signed by the licensee. All drivers' licenses issued to persons under the age of 21 years shall be readily distinguishable from licenses issued to persons age 21 years or older. In addition, all drivers' licenses issued to persons under the age of 18 years shall also be readily distinguishable

from licenses issued to persons age 18 years or older. The secretary of revenue shall implement a vertical format to make drivers' licenses issued to persons under the age of 21 more readily distinguishable. Except as otherwise provided, no driver's license issued by the division shall be valid until either: (1) A digital color image or photograph; or (2) a laser-engraved photograph of such licensee has been taken and verified before being placed on the driver's license. The secretary of revenue shall prescribe a fee of not more than \$8 and upon the payment of such fee, the division shall cause either: (1) A digital color image or photograph; or (2) a laser-engraved photograph of such applicant to be placed on the driver's license. Upon payment of such fee prescribed by the secretary of revenue, plus payment of the fee required by K.S.A. 8-246, and amendments thereto, for issuance of a new license, the division shall issue to such licensee a new license containing either: (1) A digital color image or photograph; or (2) a laser-engraved photograph of such licensee. A driver's license that does not contain the principal address as required may be issued to persons who are program participants pursuant to K.S.A. 75-455, and amendments thereto, upon payment of the fee required by K.S.A. 8-246, and amendments thereto. All Kansas drivers' licenses and identification cards shall have physical security features designed to prevent tampering, counterfeiting or duplication of the document for fraudulent purposes. The secretary of revenue shall incorporate common machine-readable technology into all Kansas drivers' licenses and identification cards.

(b) A Kansas driver's license issued to any person 16 years of age or older who indicated on the person's application that the person wished to make a gift of all or any part of the body of the licensee in accordance with the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments thereto, shall have the word "Donor" placed on the front of the licensee's driver's license.

(c) Any person who is deaf or hard of hearing may request that the division issue to such person a driver's license which is readily distinguishable from drivers' licenses issued to other drivers and upon such request the division shall issue such license. Drivers' licenses issued to persons who are deaf or hard of hearing and under the age of 21 years shall be readily distinguishable from drivers' licenses issued to persons who are deaf or hard of hearing and 21 years of age or older. Upon satisfaction of subsection (a), the division shall issue a receipt of application permitting the operation of a vehicle consistent with the requested class, if there are no other restrictions or limitations, pending the division's verification of the information and production of a driver's license.

(d) A driver's license issued to a person required to be registered under K.S.A. 22-4901 et seq., and amendments thereto, shall be assigned a distinguishing number by the division which will readily indicate to law enforcement officers that such person is a registered offender. The division shall develop a numbering system to implement the provisions of this subsection.

(e) (1) Any person who is a veteran may request that the division issue to such person a driver's license that shall include the designation "VETERAN" displayed on the front of the driver's license at a location to be determined by the secretary of revenue. In order to receive a license described in this subsection, the veteran shall provide a copy of the veteran's DD form 214, NGB form 22 or equivalent discharge document showing character of service as honorable or general under honorable conditions.

(2) As used in this subsection, "veteran" means a person who served in the active military, naval, air or space service, including those groups and individuals listed under 38 C.F.R. § 3.7, and who was

discharged or released therefrom under an honorable discharge or a general discharge under honorable conditions.

(3) The director of vehicles may adopt any rules and regulations necessary to carry out the provisions of this subsection.

(f) (1) Any person who submits satisfactory proof to the director of vehicles, on a form provided by the director, that such person needs assistance with cognition, including, but not limited to, persons with autism spectrum disorder, may request that the division issue to such person a driver's license, that shall note such impairment on the driver's license at a location to be determined by the secretary of revenue.

(2) Satisfactory proof that a person needs assistance with cognition shall include a statement from a person licensed to practice the healing arts in any state, an advanced practice registered nurse licensed under K.S.A. 65-1131, and amendments thereto, a licensed physician assistant or a person clinically licensed by the Kansas behavioral sciences regulatory board certifying that such person needs assistance with cognition.

(g) (1) *Any driver's license issued prior to July 1, 2026, that identifies the gender of the individual named on such license in a manner that is contrary to the definition of such term as defined in K.S.A. 2025 Supp. 77-207, and amendments thereto, shall be invalid.*

(2) *The director shall correct any driver's license records that identify the gender of the individual named in such record in a manner that is contrary to the definition of such term as defined in K.S.A. 2025 Supp. 77-207, and amendments thereto. The director shall send written notice to each such individual notifying such individual that such license is invalid and to surrender such license to the division of vehicles. Upon the surrender of any such license, the director shall issue a new driver's license to such individual with the correct gender identification for such individual.*

Sec. 5. K.S.A. 2025 Supp. 65-28,137 is hereby amended to read as follows: 65-28,137. (a) The provisions of K.S.A. 2025 Supp. 65-28,137 through 65-28,142, and amendments thereto, shall be known and may be cited as the help not harm act.

(b) As used in this act:

(1) "Child" means an individual less than 18 years of age.

(2) "Female" means an individual who is a member of the female sex.

~~(3) "Gender" means the psychological, behavioral, social and cultural aspects of being male or female.~~

~~(4) "Gender dysphoria" is the diagnosis of gender dysphoria in the fifth edition of the diagnostic and statistical manual of mental disorders.~~

~~(5)(4) "Healthcare provider" means an individual who is licensed, certified or otherwise authorized by the laws of this state to administer healthcare services in the ordinary course of the practice of such individual's profession.~~

~~(6)(5) "Male" means an individual who is a member of the male sex.~~

~~(7)(6) "Perceived sex" is an individual's internal sense of such individual's sex.~~

~~(8)(7) "Perceived gender" is an individual's internal sense of such individual's gender.~~

~~(9)(8) "Sex" means the biological indication of male and female in the context of reproductive potential or capacity, including sex chromosomes, naturally occurring sex hormones, gonads and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen or subjective experience of gender.~~

~~(10)(9) "Social transitioning" means acts other than medical or~~

surgical interventions that are undertaken for the purpose of presenting as a member of the opposite sex, including the changing of an individual's preferred pronouns or manner of dress.

Sec. 6. K.S.A. 2025 Supp. 77-207 is hereby amended to read as follows: 77-207. (a) Notwithstanding any provision of state law to the contrary, with respect to the application of an individual's biological sex pursuant to any state law or rules and regulations, the following shall apply:

(1) An individual's "sex" or "gender" means such individual's biological sex, either male or female, at birth;

(2) a "female" is an individual whose biological reproductive system is developed to produce ova, and a "male" is an individual whose biological reproductive system is developed to fertilize the ova of a female;

(3) the terms "woman" and "girl" refer to human females, and the terms "man" and "boy" refer to human males;

(4) the term "mother" means a parent of the female sex, and the term "father" means a parent of the male sex;

(5) with respect to biological sex, the term "equal" does not mean "same" or "identical";

(6) with respect to biological sex, separate accommodations are not inherently unequal; and

(7) an individual born with a medically verifiable diagnosis of "disorder/differences in sex development" shall be provided legal protections and accommodations afforded under the Americans with disabilities act and applicable Kansas statutes.

(b) Laws and rules and regulations that distinguish between the sexes are subject to intermediate constitutional scrutiny. Intermediate constitutional scrutiny forbids unfair discrimination against similarly situated male and female individuals but allows the law to distinguish between the sexes where such distinctions are substantially related to important governmental objectives. Notwithstanding any provision of state law to the contrary, distinctions between the sexes with respect to athletics, prisons or other detention facilities, domestic violence shelters, rape crisis centers, locker rooms, restrooms and other areas where biology, safety or privacy are implicated that result in separate accommodations are substantially related to the important governmental objectives of protecting the health, safety and privacy of individuals in such circumstances.

(c) Any school district, or public school thereof, and any state agency, department or office or political subdivision that collects vital statistics for the purpose of complying with anti-discrimination laws or for the purpose of gathering accurate public health, crime, economic or other data shall *only* identify each individual who is part of the collected data set as either male or female at birth.

New Sec. 7. Sections 1 through 6, and amendments thereto, are declared severable. Any provision of sections 1 through 6, and amendments thereto, or the application thereof to any person or circumstance that is held to be unconstitutional or invalid shall not affect the validity of any remaining provisions of sections 1 through 6, and amendments thereto, or the applicability of such provisions to any person or circumstance.

Sec. 8. K.S.A. 8-234a and K.S.A. 2025 Supp. 8-243, 65-28,137 and 77-207 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE concurred in
HOUSE amendments _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.