

# Roles and Responsibilities of being a KANSAS COUNTY COMMISSIONER



County governments were originally created as administrative divisions of the states. Each state government in the country has designed, through its constitution and statutes, the authorities and powers that counties may exercise. The authority for counties to conduct business in Kansas is granted by the state through state statutes called statutory home rule that was enacted in 1974.

The County Home Rule Act provides that “the board of county commissioners may transact all county business and perform all powers of local legislation and administration it deems appropriate . . .” subject only to the limits, restrictions, and prohibitions listed in the Act (KSA 2019 Supp. 19-101a). There are currently some 38 restrictions to this home rule authority on the books.

County commissioners are elected officials who oversee county activities and work to ensure that citizen concerns are met, federal and state requirements are fulfilled, and county operations run smoothly. County commissioners work with constituents and respond to their concerns. They attend regular meetings of the county board as well as meetings of board subcommittees and county-related boards and commissions. They represent county concerns before local, state, and national boards and commissions, including school boards, city councils, township boards, and state and federal offices.

While no minimum education or prior experience is required for becoming a county commissioner, individual backgrounds and personalities can enhance the effectiveness of county commissioners. Useful experiences include having operated a business; service on a township, school board or city council; involvement in community activities; and management experience.

Personal traits that can benefit county commissioners include a sense of humor, an open mind, a vision of how county government should operate, an ability to compromise, and an ability to delegate. Effective communication and negotiation skills are important as well.

Commissioners’ terms are four years and are staggered among the board (not all are elected at the same time). Newly elected commissioners take office the first Monday in January following their election. County board chairs are elected at the board’s first meeting in early January. County commissioners’ salaries vary because they are set by individual county boards at the beginning of each year.

The law requires that a Commissioner candidate must live in the county at the time of filing for office and maintain county residency during the entirety of the term. Likewise, a qualified elector is generally defined in statute as someone that is a registered voter, so that would require commissioners to at least be 18 years old and not convicted of a felony that would make them ineligible to vote.

Every commissioner is required to file in the office of the county election officer (usually the county clerk) a statement of “substantial interest” that discloses the ownership, by the commissioner or their spouse, of any business interest valued at more than \$5,000, the ownership of more than five percent of a business, and/or the receipt of more than \$2,000 from any business in one calendar year.

If a commissioner is elected or appointed to another public office, can he or she hold both offices? Not if the two offices are incompatible. The courts have held that one person may hold two offices if the offices are not “incompatible.” The question of whether two offices are incompatible is usually one for the courts to decide. The purpose of the rule against holding two

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incompatible offices is to assure that public officers will give their undivided loyalty in the discharge of their duties. Thus, offices are incompatible when performance of the duties of one office in some way interferes with duties of the other office. Incompatibility also exists where the function of one office is to check or supervise the other office.

County commissions have two separate and distinct roles when providing services. The first is an agent of the state for traditional government functions. The second is more like a municipality by providing broader government action. Historically, counties were responsible for public health, safety and welfare matters, and for providing community infrastructure—roads, bridges, parks, and utilities needed to support daily life. Recently, however community demands and expectations have compelled even the smallest counties to undertake more services such as economic development, comprehensive planning and zoning, environmental protection, mental health centers, senior citizens programs, health agencies, and drug counseling.

The following is a partial list of what a County Commissioner must do:

## **ADMINISTRATION**

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Establish policies and procedures for central administration and county departments to meet county goals.

Coordinate activities of the county board, central administration, and county departments with those of the independently elected officers, including treasurer, register of deeds, clerk, attorney, and sheriff.

Oversee the county personnel system: authorize the number of county employees, establish salaries and conditions of employment, approve a county benefit schedule, negotiate and approve labor agreements, supervise appointed county department heads, participate in and approve the recruitment and employment of key county employees, and oversee the implementation of the county pay equity plan and the county affirmative action/equal opportunity plan.

Review liability issues and take appropriate measures to protect county employees and entities.

Adopt and oversee the process for purchase of equipment and supplies for use by the county.

Establish a plan for the review and evaluation of county services and programs.

Oversee the election process and work in concert with the county clerk to ensure a fair and honest election. Establish one or more election precincts in any township for the convenience and requirements of township inhabitants. Serve as the board of canvassers for elections. Canvassing is the compilation of election returns and validation of the outcome that forms the basis of the official results by political subdivision.

Purchase sites, build and repair county buildings, and insure the buildings are in the name of the county treasurer for the benefit of the county. If there are no county buildings, the Board can provide rooms for county purposes.

Represent the county, take care of county property, and manage the business and concerns of the county, in all cases where no other provision is made by law.

Set off, organize, and change the boundaries of townships, to designate and give names to the new townships, and to appoint township officers who will serve until the next general election.

Lay out, alter, or discontinue any road running through one or more townships and to provide other duties with respect to roads.

Enter into contracts with any landowner for the construction and maintenance of underpasses, bridges, and drainage ways under and across any county road in connection with the locating, opening, laying out, construction, or alteration of any county road running across or through such landowner's land, whenever in the judgment of the Board such contract is in the best interests of the county.

Contract for the protection and promotion of the public health and welfare.

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Act as a local board of health for the county. Each county board shall appoint a person licensed to practice medicine and surgery, preference being given to persons who have training in public health, who shall serve as the local health officer and who shall act in an advisory capacity to the county board of health. Each county must appoint a local health officer or health administrator if the county has a population of less than 100,000.

To perform such other duties as are, or may be, prescribed by law.

## TAXATION/FINANCE

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Review, adjust, and adopt the annual county budget as presented by the central administration or county departments. Kansas law authorizes three categories of public funds. The first are active funds—those used on a daily basis for receipt and payment. The second are idle funds—those unneeded in the short-term and thus available for longer-term investments. The third and final category is special funds—funds held separate based on statute or legal documents, such as bond proceeds.

### Authorize the levy and collection of county-wide property taxes to fund these services:

- Property appraisal (County Appraisers Office)
- Tax collection (County Treasurers Office)
- Issuing licenses and permits (Planning and Zoning Office)
- Land Records Administration (Register of Deeds Office)
- Judicial Administration (District Court - except for expenses required by law to be paid by the state)
- Criminal Prosecution (County and District Attorneys)

### Provide these State-Mandated Services:

- Public Health Services (including Mental Health)
- Emergency Management
- Solid Waste Planning
- Law Enforcement and Jails
- Transportation – Roads and Bridges
- Noxious Weed Eradication

### Provide these Locally Determined Services:

- Hospitals
- Various Medical Services (home health care, assisted care, nursing care, emergency medical services)
- Cultural and Leisure Services (parks, zoos, museums, cultural facilities)
- Economic Development
- Planning and Zoning
- Civil Defense
- Animal Control
- Museums
- Historical Sites
- Law Libraries
- Cemeteries
- Building Related Code Inspection

Authorize the application for and/or receipt of funds from federal and state governments and their use within the county budget.

Adopt and participate in the implementation of fiscal management policies for the county in areas such as investments, reserve policy, short-term borrowing, use of bonds, and risk management/insurance.

Monitor the overall fiscal health of the county through regular reports of the auditor, treasurer, and finance departments.

Establish a process for approving the payment of expenses incurred by the county.

Develop and adopt a capital improvement program/budget covering major county expenditures over a series of years.

## OTHER FUNCTIONS

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Adopt appropriate ordinances for the enforcement of county-wide activities in those counties that are zoned.

Ratify, modify, or deny the actions of commissions and boards that serve as advisory to the county board.

Approve county participation in joint powers agreements with other governmental units.

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Represent the county on administrative/advisory and commissions which provide direct and indirect county or county-related services. These include airports, libraries, community corrections, local public health boards, community action agencies, mental health centers, day care centers, nursing homes, developmental achievement centers, extension services, regional development commissions, hospitals, social services, joint solid waste commissions, and planning commissions.

Make decisions regarding participation in optional federal or state programs.

Communicate county actions and concerns to the public through school groups, business groups, civic organizations, the press, and other public forums.

Participate in both district and statewide meetings of the various Associations such as the Kansas County Commissioner Association (KCCA) and the Kansas Association of Counties (KAC).

Participate in activities of the National Association of Counties (NACo).

Attend conferences, meetings, training, and other education programs, as approved by the Board, which relate to county activities.

Serve as fence viewers (or may appoint designees as fence viewers). If the Board elects to have designees as fence viewers, their recommendation is forwarded to the Board for their approval. The approval requires a majority vote of the county commissioners.

Other duties and responsibilities that may be enacted by the federal government, state legislature and governor.

Represent county issues and tell your county story to state and/or federal legislative bodies.

The county commission as a whole holds the basic governing powers of the county. A governing body does not legally exist except during an official meeting. When the Board is not in session, the individual members have no more legal authority than private citizens. Any power they can lawfully exercise, as a Board, must be delegated. The ultimate

authority is in the governing body of the county as it meets. State statutes requires the Board to meet in regular session, at the county seat, on the days and times established by resolution of the Board. Usually once per week. In some cases that might be every other week. Boards in counties with a population over 50,000 must meet twice a week.

During the first meeting in January, the Board must elect a chairman from its members. The chairman of the Board presides at the meetings of the Board. Being one of the members of the Board, he or she votes as any other member and is at liberty to take part in discussions, to make motions, to second motions where necessary, and otherwise take part in the proceedings. The chair has power to administer oaths to any person concerning any matter submitted to the Board or connected with the power and duties of the Board. The chair signs all county orders and warrants, and all bonds of indebtedness issued by the county.

Additionally, the commission chair is also expected to serve as the process leader for the work of the Board.

### In this role, the chair has responsibility to:

- Assure that meetings begin and end on time.
- Provide leadership in the use of meetings procedural rules.
- Help the Board exercise disciplined discussions that are relevant and appropriate to the agenda.
- Encourage constructive deliberation among commissioners.
- Welcome and provide guidance for citizens who wish to address the Board.
- Model and enforce the Board's decorum.

Commissioners are responsible for adhering to all aspects of the Kansas Open Meetings Act and the Kansas Open Records Act.

