

Kansas needs pay-to-play laws

In Wichita, campaign contributions made to city council candidates are often not about supporting political ideologies — liberal, moderate, or conservative. Instead, the contributions are from opportunists seeking money from government. Pay-to-play laws can help control this harmful practice.

In the wake of scandals some states and cities have passed "pay-to-play" laws. These laws may prohibit political campaign contributions by those who seek government contracts, prohibit officeholders from voting on laws that will benefit their campaign donors, or the laws may impose special disclosure requirements.

Many people make campaign contributions to candidates whose ideals and goals they share. This is an important part of our political process. **But when reading campaign finance reports for members of the Wichita City Council, one sees the same names appearing over and over**, often making the maximum allowed contribution to candidates.

And when one looks at the candidates these people contribute to, you notice that often there's no common thread linking the political goals and ideals of the candidates. Some people contribute equally to liberal and conservative council members. But then, when these people appear in the news after having received money from the Wichita City Council, it snaps into place: **These campaign donors are not donating to those whose political ideals they agree with. Instead, they're donating so they can line their own pockets. These donors are opportunists.**

As another example, for the 2008 campaign for a bond issue for USD 259 (Wichita public school district), my analysis found that 72 percent of the contributions, both in-kind and cash, was given by contractors, architects, engineering firms, and others who directly stand to benefit from school construction. Do these companies have an especially keen interest in the education of children? I don't think so. They are interested in themselves.

Some states and cities have taken steps to reduce this harmful practice. New Jersey is notable for its Local Unit Pay-To-Play Law. The law affects many local units of government and the awarding of contracts having a value of over \$17,500, requiring that these contracts be awarded by a "fair and open process," which basically means a contract process open to bidding.

Cities, too, are passing pay-to-pay laws. Notably, a recently-passed law in Dallas was in response to special treatment for real estate developers -- the **very issue Wichita is facing now as it prepares to pour millions into the pockets of a small group of favored -- and highly subsidized -- downtown developers who are generous with campaign contributions to almost all council members**. Not that this is new to Wichita, as the city has often done this in the past.

Smaller cities, too, have these laws. A charter provision of the city of Santa Ana, in Orange County, California, states: "A councilmember shall not participate in, nor use his or her official position to influence, a decision of the City Council if it is reasonably foreseeable that the decision will have a material financial effect, apart from its effect on the public generally or a significant portion thereof, on a recent major campaign contributor."

But Kansas has no such law. Certainly Wichita does not, where pay-to-play is seen by many citizens as a way of life.

In Kansas, campaign finance reports are filed by candidates and available to citizens. But many politicians don't want campaign contributions discussed, at least in public. Recently Wichita

Council Member Michael O'Donnell expressed concern over the potential award of a \$6 million construction contract without an open bidding process. **The contractor the city wanted to give the contract to was Key Construction, a firm that actively makes political contributions to city council members, both conservative and liberal.**

For expressing his concern, **O'Donnell was roundly criticized by many council members, and especially by Mayor Carl Brewer.**

Here's what's interesting: Brewer and city council members say the **campaign contributions don't affect their votes**. Those who regularly make contributions say they don't do it to influence the council. **Therefore, it seems that there should be no opposition to a pay-to-play law in Wichita** — or the entire state — like the one in Santa Ana.

But until we get such a law, I can understand how Wichita city council members don't want to discuss their campaign contributions from those they're about to vote to give money to. **It's not about supporting political ideologies — liberal, moderate, or conservative. It's about opportunists seeking money from government.**

The practice stinks. It causes citizens to be cynical of their government and withdraw from participation in civic affairs. It causes government to grow at the expense of taxpayers. **Pay-to-play laws can help reverse these trends.**

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The Wichita Eagle

Wichita city manager proposes eliminating no-bid construction projects

By Bill Wilson, February 5, 2012. Excerpts follow.

The days of awarding construction projects without taking competitive bids might be numbered at City Hall.

[City Manager Robert] Layton said last week that he intends to ask the City Council for a policy change against those no-bid contracts. The contracts became an issue after council members Michael O'Donnell and Pete Meitzner forced the city to take bids on the city-financed 300-stall parking garage adjacent to the privately financed Ambassador Hotel Wichita at Douglas and Broadway. Bids for the garage came in almost \$1.3 million under some project estimates, the first publicly financed downtown parking garage in almost 20 years to come in under budget, according to figures from the city's office of urban development.

The Ambassador garage at Douglas Place, **awarded at \$4.73 million to Key Construction** — a partner in the hotel project and the project's contractor — came in about **20 percent under estimates** provided the City Council, on the heels of some city-financed downtown parking garages that spiraled well over budget.

The most recent, the 2008 WaterWalk Place garage built by **Key Construction**, an original partner in the WaterWalk project, came in **\$1.5 million over budget** at almost \$8.5 million

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Although the *Eagle* article doesn't mention it, Key Construction is a major campaign contributor to both liberal and conservative candidates.