

LEAVENWORTH COUNTY ATTORNEY OFFICE



TODD G. THOMPSON
COUNTY ATTORNEY

Leavenworth Justice Center
601 S. Third Street, Suite 3069
Leavenworth, KS 66048-2868

Phone: (913) 684-0480
Fax: (913) 684-1050

JOHN J. BRYANT
DEPUTY COUNTY ATTORNEY

ROGER L. MARRS
ASSISTANT COUNTY ATTORNEY

NANCY M. THEIS
DIRECTOR, CHILD SUPPORT DIVISION

CHERYL A. MARQUARDT
ASSISTANT COUNTY ATTORNEY

MICHAEL G. JONES
ASSISTANT COUNTY ATTORNEY

JOAN LOWDON
ASSISTANT COUNTY ATTORNEY

ADAM ZENTNER
ASSISTANT COUNTY ATTORNEY

October 27, 2011

Janet Klasinski
Leavenworth County Clerk
300 Walnut Street
Leavenworth Kansas 66048

Re: Recall Petition dated October 26, 2011

I, Todd Thompson, County Attorney for Leavenworth County, Kansas have received and reviewed the petition filed with the Leavenworth County Clerk's Office, on October 26, 2011. The petition requests the recall of elected official Dennis Mertz, Basehor City Council. According to K.S.A. 25-4302, the County Attorney of the County in which a recall petition for an elected official is submitted, is asked to review the petition for approval to be submitted to the electoral public for recall.

I reviewed the document presented and it is sufficient to go forward with a recall petition. It is under 200 words. There is a group of three people that signed and by the word of the County Clerk are voters in the district of Dennis Mertz. Dennis Mertz has not recently been reelected nor is he near completion of his term. The facts contained within the petition provide one of the several possible grounds for a recall election, there is a nexus between that specific ground and the facts provided by the recall committee. Based on this, I do not see any grounds required by a County or District Attorney that would prevent this recall petition to go forward.

Todd G Thomson
Leavenworth County Attorney

Office of the Secretary of State / Elections Division
Petition For Recall of Elected Official **Form RP**

I, the undersigned, hereby seek the recall of Dennis Mertz from the office of Basehor, Kansas City Council on the ground(s) that: (state specific grounds)

and declare that I am a registered elector of Leavenworth County, Kansas, and of the election district of the officer named above.

Signature of Signer	Name of Signer (Print)	Street Number or Rural Route (as registered)	Name of City	Date of Signing
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

NOTE:
 1. It is a class B misdemeanor to sign a name other than your own name to this petition, to knowingly sign more than once for the recall of the same officer at the same election or to sign this petition knowing you are not a registered elector.
 2. The following comprise the recall committee:

Printed Name	Signature	Residence Address
Trudy J. Stonacek	<i>Trudy J. Stonacek</i>	14215 Amanda Ln Basehor KS 66007
Maureen C. Weiss	<i>Maureen C. Weiss</i>	14119 Belrive Ct Basehor KS 66007
Wendell C. King	<i>Wendell C. King</i>	14117 Belrive Ct Basehor, KS 66007

Affidavit

STATE OF KANSAS

COUNTY OF Leavenworth

} ss.

I, _____, affiant hereto, am a sponsor of this recall petition, the only person that has circulated this copy of the petition. The signatures found hereon were made in my actual presence and to the best of my knowledge the signatures are those of the persons whose names they purport to be. I have circulated this petition in the manner provided by K.S. A. 25-4301 et seq., and being duly sworn state the grounds for recall are true.

Signature of Sponsor

Address of Sponsor

Subscribed and sworn to before me this _____ day of _____, 20_____.

(SEAL)

Person Authorized to Administer Oaths

My appointment expires _____, 20_____.

The recall of Dennis Mertz is requested on the grounds of failure to perform duties prescribed by law, Kansas Statute 25-4302 subsection (a) .

-An article in the Basehor Sentinel on September 22, 2011 reported Councilman Mertz made a surprise motion to terminate the City Administrator's contract at the September 19th meeting. The item was not on the meeting's agenda.

-Regarding the surprise motion, Mertz said "I just took a shot at what I thought was right".

-Meeting minutes state that Councilwoman Dysart called for a vote without discussion of the motion.

-In the article, Councilman Box would not comment on why he voted as he did but said the motion did not surprise him. He stated, "I knew it was coming up".

-Council members Mertz, Dysart and Box violate Kansas Statute 75-4317 subsection (a) by preventing an informed electorate based on their actions and their quoted statements.

-The statements by Mertz and Box and the actions by Dysart to call for a vote without discussion show that discussion had taken place outside of a City Council meeting which violates Kansas Statute 75-4318.