

AG Kobach blocks school bond funds for Tribune

Says election notice should have been on county website that doesn't exist

Anna Kaminski
The Kansas Reflector

TOPEKA - The Kansas Attorney General's Office blocked millions in school bond funds to a district in the state's smallest county based on a rigid interpretation of a 2023 elections law.

Voters in the Greeley County school district, in Tribune, approved in May a \$4.6 million school bond for renovations and new construction, but the Attorney General's Office refused to approve the funds.

"I feel like we have ignored a core tenet of our society and our government as a whole," said John Niehues, the district superintendent. "You know, it's the will of the people."

The Attorney General's Office determines whether any bond issue across the state meets legal standards.

The Greeley County schools decision relied on a 2023 elections reform bill. It created a state law requiring county election officials to publish notice of an election three weeks in advance on a county election website, in addition to a traditional newspaper notice.

However, Greeley County, with a population of about 1,200, doesn't have a website.

The office found the county clerk's "non-compliance with the website notification" was equal to a failure to follow the law, said Danedri Herbert, a spokeswoman for the attorney general.

"This determination is purely one of compliance verification and not a judgment on the merits of or need for the bond in question," she said.

In years past, when school districts or election officials were in similar situations, they relied on another state law for resolution.

It says "the real will of the people may not be defeated by any technical irregularity of any officer, whenever the greater number of votes were in favor

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of a question submitted."

Niehues, who has been at the district for about nine years and superintendent for four, said he was going to be okay no matter the result of the bond election. But with that acceptance also came mixed emotions.

"I don't like that I'm the tip of the spear on this - that we chose the smallest county in Kansas to make a point," he said.

Leading up to the May 21 primary, Niehues engaged the community to inform them about the bond, which would replace an old one and avoid tax increases for local property owners. Answers to frequently asked questions and in-depth information about the bond were - and still are - visibly posted on the school district website.

"There was no way anyone in Greeley County could not have known about this school bond," said County Clerk Jerri

Young, who has acted as the county's elections official for about 15 years.

The elections law was poorly written, Young said. State law doesn't require Kansas counties to operate a website, and no funding was attached to the 2023 bill to ensure they did.

"I still don't have one," she said.

Young said she met with Attorney General Kris Kobach and office staff. She felt the decision had been made before the meeting began.

Outgoing state Sen. John Doll (R-Garden City), whose district encompasses Greeley County, supported the 2023 elections bill at the time of its passage. Before leaving office, he has attempted to help the district and the county remedy the situation without success.

Doll said he didn't consider how stringently the Attorney General's Office would interpret it, even when small com-

munities like Greeley County use their schools as a source of information.

The 25-year bond issue would have funded a new gymnasium, renovations in the existing gym and a new accessible playground. A private, anonymous donor also promised to cover about 10% of the project, which totals more than \$4.7 million.

All now hangs in the balance as local officials wait to see if the 2025 legislative session might bring change.

The district had limited options in how to proceed once the Attorney General's Office refused to release the bond funds. The district could still take legal action, which Niehues isn't fully in favor of.

The legislature could remedy the requirement through new or amended legislation. Or the district could hold another election, but there would be no guarantee that a majority of voters would approve a bond question a second time.

"We did everything and the people voted," said Young. "It was the will of the people."

Chief (continued from page one)

city councils.

Scott City will compensate Garden City \$1,750 over the next three months to cover the salary difference of a GCPD lieutenant assuming the duties of captain in Ochs' absence.

In addition, Scott City is paying Ochs \$6,800 per month and providing the use of a vehicle to commute.

Ochs is committed to being in Scott City four days per week.

"The four days I'm on duty will change from week to week, depending on what's happening with manpower and staffing (with the SCPD), along with my obligations in Scott City," Ochs says.

Ochs, 45, is serving as the interim police chief while an internal investigation is being conducted of the SCPD. During this process, the current police chief is on paid administrative leave.

Several Garden City representatives were on hand at the council meeting, including City Administrator Matt Allen and Police Chief Courtney Prewitt to show their support.

"We want to thank the City of Garden City for their incredible assistance," said Mayor Everett Green. "Matt has told me that we're getting the 'A' team from the Garden City department."

Capt. Ochs has been employed with the Garden City Police Department since graduating from Fort Hays State University in 2003 with a bachelors degree in criminal justice/police science. He was promoted to captain in August of 2021.

Originally from WaKeeney, where his father was also in law enforcement, Ochs says "it's an environment that I've always been accustomed to being around."

That influenced his decision to pursue a similar career.

"Being a public servant has always appealed to me. I want to feel that I'm making a differ-

ence in the community," says Ochs. "And, personally, I really enjoy matching wits with the criminals. I like to understand how and why they are doing things."

During the summer prior to his graduation from FHSU, Ochs served an internship with the Garden City Police Department and he was offered a position with the department after completing his degree.

While Ochs was ready for the challenge of serving as a police chief, he said the decision to accept the temporary position with the SCPD fits into the larger mission of the GCPD.

"Our department has the mindset that whenever other agencies in Southwest Kansas are needing assistance, we want to help out if possible. That's just comes with living in this part of the state," says Ochs.

Given the staffing available with the GCPD, Ochs says they have the flexibility to assist Scott City.

"While my role will be different, the mission is always the same when it comes to law enforcement," Ochs notes. "My job is to provide leadership as needed and to keep things operational. I'm not here to change anything, but to aid through this transition."

Success of water witching a mix of folklore and historical record

Water witching - dowsing, use of divining rods, call it what you will - continues in Kansas.

Dowsing services for well location are openly advertised on the Internet, generally offered in direct connection to drilling services. I'll circle back on that sort of arrangement in a minute.

A close reading of the sources reveals that in the settlement landscape of the Sunflower State, there were two definite systems, or conceptions, of water witching.

The first is the more folkloric, the sort of thing described in Bill Koch's 1980 book, "Folklore from Kansas." Popular belief embraced the use of willow and peach (or other stone-pit fruit tree) branches for the divination of water.

Some said the gift for such divination passed from the seventh son to the seventh son.

From territorial times on, the newspapers document the local activities of water witches. A particularly detailed (and humorous) narrative is in the *Atchison Champion* of August 20, 1870. This story begins with a dowser arriving at the farm and being shown the intended

site for the well.

He responds, dourly, "Better have a well where the water is," and leads his client off in circuitous fashion, following the peach branch in his hands.

When an Irishman arrives to dig the well and is told how it was located, he remarks, acidly, "A spade is the best water witch," and commences digging.

As any neighborhood settled up, the local dowser was a known character. He often worked hand-in-hand with a well digger.

As one partnership was described in Emporia in 1873, "They have a new patent borer, and take a water witch with them who they claim hits it every time." Both the bore man and the water witch were local.

Dowsers were referred to familiarly and often with honorific nicknames. "Uncle John Christy is an old, peach tree fork water witch," says an editor in Allen County in 1880.

Western Kansas was by this time emerging as the new country, however, and there was a frontier of opportunity for well-diggers along the westerling railroads. They sent back east for water witches to come and join them.

Town makers, too, called

for dowsers to show there was ground water under their lots, thus reassuring buyers as to availability in a semiarid land.

Thus, in 1880 a fellow they called Professor Hammond appeared on the streets of Ness City, forked stick in his hands. His first location was on the lot of the Central House hotel.

He said there was water at 60 feet - and so it proved when the borer went to work.

"Prof. Hammond has gained quite a victory," declared the *Ness City Sentinel*.

The professor walked around town for several weeks locating wells, until suddenly there appeared in the *Sentinel* this notice:

"Prof. A. Hammond, better known as the 'water witch,' died quite suddenly last Friday evening." He died while walking home from a dowsing job, of a heart attack, and of what the coroner termed "a wasted physical system."

No one knew much about him. They sent his body home to Illinois for burial. This was nobody's Uncle John. He was just a water witch from back east.

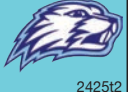
Thomas Isern is a Distinguished Professor of History at North Dakota State University. He is the author and co-author of six books

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