

2007  
Statement  
of  
Municipal Policy

**DRAFT**

as presented to the  
Legislative Policy Committee  
August 24, 2006

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## 2007 Legislative Priorities

Over 80% of Kansans live in an incorporated city. The prosperity of the State of Kansas is absolutely dependent upon the prosperity of our cities. In an effort to promote healthy and sustainable communities, the elected and appointed city officials of Kansas hereby establish the following as our legislative action agenda for 2007:

Support legislation which reinstates the Local Ad Valorem Tax Reduction (LAVTR) program.

~~Support legislation which continues to allow for the use of eminent domain for economic development purposes, and strengthens the process which balances private property interests and the welfare of the community at large. [Needs to be rewritten in light of 2006 legislation]~~

Support legislation that will provide more flexibility to local governments to use eminent domain for economic development purposes, including blight remediation, without seeking legislative approval.

~~Support uniformity in the state sales tax act, so long as existing sales and excise tax authority is maintained: [Completed]~~

~~Support legislation which would increase competition for the placement of idle public funds by authorizing placement in any bank, savings and loan association, or savings bank in the United States: [Completed]~~

Oppose the application of the Taxpayer Bill of Rights (TABOR), or any other artificial tax or spending lid, as an erosion of representative democracy which over time will jeopardize the health and safety of Kansans.

~~Defend local control and oppose preemption of local ordinances regarding firearms: [Completed]~~

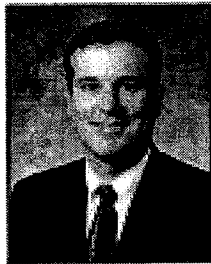
Encourage the Kansas Congressional Delegation and the Kansas Legislature to protect the ability of cities to manage their rights-of-way and impose franchise fees regarding telecommunications and cable companies.

Oppose mandatory participation in the state one-call program as an unfunded mandate and erosion of local control. We support inclusion of municipal utilities in the state one-call system on a voluntary basis.

[Approved by the F&T Committee, the U&E Committee, and the POE Committee]

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→ TRANSPORT*

# 2005-2006 Governing Body



**President**  
Mike Boehm  
Mayor, Lenexa



**Vice President**  
Allen Dinkel  
City Manager, Hoisington

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Pat Lawless, Mayor, Osage City  
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Brenda Chance, City Clerk, Phillipsburg  
Carl Gerlach, Mayor, Overland Park  
Tom Glinstra, City Attorney, Olathe  
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Carlos Mayans, Mayor, Wichita  
Reynaldo Mesa, Commissioner, Garden City  
Joe Reardon, Mayor/CEO, Wyandotte Co./KCK  
Jack Rowlett, Councilmember, Paola  
Bruce Sneed, Commissioner, Manhattan  
Ray Toso, Mayor, Emporia  
Les Wilhite, Councilmember, Yates Center

## **Executive Director**

Don Moler

**\*\*This page will be updated after the elections to be held at the LKM Annual Conference.**

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## Home Rule



LKM supports the constitutional home rule authority of Kansas cities. Self-governance by locally elected officials must be preserved in order to ensure that local issues and problems are handled at the level of government closest to the citizens that they represent.

- **Annexation.** The ability of cities to grow is inherent to the ultimate success of annexation powers as they are currently established in state statute. We oppose any change which limits the authority of cities to grow through annexation.
- **Eminent Domain.** Eminent domain is a fundamental municipal power. The authority to acquire property through condemnation proceedings is critical for public improvement projects. Further, the use of eminent domain for economic development has long been recognized as a public use of this authority. ~~We support the existing statutory safeguards which were enacted to protect private property interests. We support increased flexibility for local governments to use eminent domain for economic development purposes, including blight remediation, without seeking legislative approval.~~ [Needs to be rewritten in light of 2006 legislation]
- **Interlocal Cooperation.** We support the principle of voluntary cooperation among all levels of government.
- **Governmental Immunity.** We support continued immunity for cities from tort liability.
- **Police Powers.** We oppose "takings" legislation that would restrict the authority of cities to regulate in order to protect the health, safety, and welfare of the public.
- **Public Property & Rights-Of-Way.** We oppose any legislation which would restrict the ability of cities to control public property and rights-of-way or the ability of cities to franchise those entities that utilize the rights-of-way.
- **Consolidation.** We oppose any statutory barriers to local consolidation. We further believe that the issue of consolidation is an inherently local one and that the voters should be allowed to determine whether consolidation with another unit of government occurs.
- **Intergovernmental Relations.** In order to promote effective and efficient government at all levels, we support the continuation of the Kansas Advisory Council on Intergovernmental Relations (KACIR).

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## Governmental Ethics



**Elected and appointed city officials are committed to open and honest government. Cities should maintain the authority to supplement state law requirements with local policies concerning open government and ethics.**

- **Open Meetings.** All levels of government should be subject to the same open meetings requirements. These laws should not be unduly burdensome.
- **Open Records.** State laws governing open records should balance the public's right of access with the necessity of protecting the privacy of individual citizens and the ability of public agencies to conduct their essential business functions. The statutorily required sunset for all exemptions to the Kansas Open Records Act is impractical and should be removed.
- **Local Ethics Policies.** We support the establishment of local ethics policies by locally elected officials. We oppose legislation that restricts the ability of city governing bodies to adopt local ethics policies for elected and appointed city officials.
- **Intergovernmental Discourse.** Communication between all levels of government is critical to the successful delivery of public services to the citizens of Kansas. Without public interest lobbyists, only the views of special interests seeking private benefits will be heard. We oppose any restriction on the use of state and local public moneys to provide information and lobby on behalf of our cities and citizens.

[Approved by POE Committee]

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## **Public Employees**



**City employees are the foundation of effective city government. City governing bodies must have the authority to develop local personnel policies in order to attract and maintain a high quality public workforce.**

- **PEERA/Collective Bargaining.** We oppose any legislation that would remove the local option provision from the Public Employer-Employees Relations Act. We oppose any federal or state mandate which would require collective bargaining at the local level.
- **KPERS/KP&F.** We support achieving a fully funded public employees retirement system within a reasonable period of time. The local KPERS system should remain separate from the state and school retirement system. The system should accumulate sufficient assets during members' working lifetimes to pay all promised benefits when members retire.
- **Personnel Mandates.** We oppose state and federal mandates involving public personnel.
- **Workers Compensation.** We support reasonable and just benefits for employees injured within the course and scope of their public employment, and effective enforcement of the workers compensation act to eliminate payment of unjustified benefits.
- **Prevailing Wage.** We oppose federal and state prevailing wage mandates.
- **Health Care & Other Benefits.** We support cooperation and active study of ways to relieve the financial burden of securing employee health care coverage, including the continued option for cities to participate in the state health care program.

[Approved by POE Committee]

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## **Public Health & Safety**



**Cities play a critical role in the protection of the health and safety of the citizens of Kansas. Because mandated programs are more costly and less efficient, government at all levels should cooperate in the development of health and safety programs.**

- **Law Enforcement and Public Safety.** We believe that cooperative efforts, rather than mandated requirements, are vital to the efficient and effective development of local law enforcement and public safety programs.
- **Transportation.** The state should fully fund and maintain the 1999 comprehensive transportation program that includes local input and participation as a key component.
- **Emergency 911 Services.** Cities and counties should maintain local control of the 911 system and the 911 tax should continue to include both wireline and wireless communications.
- **Alcohol & CMB Regulation.** We support the authority of cities to license and regulate alcoholic liquor and cereal malt beverage retailers and establishments.
- **Municipal Courts.** We support the local control of and judicial authority of municipal courts and the appointment of municipal judges.
- **Firearms.** We oppose any legislation which preempts local regulation of firearms.
- **Homeland Security.** First responders at the local level serve as the front line defense in the prevention and response to terrorism and other security risks. Local governments should be granted maximum flexibility and discretion over implementation of monies and strategies regarding homeland security. Local governments should be active participants in the decision making process and the implementation strategies should promote cooperative efforts between federal, state, and local government.
- **Red-Light Running Cameras.** We support the ability of cities to establish cameras at intersections in order to enforce red-light running laws.

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## Municipal Utilities



**Cities operate a variety of utility services that impact the day-to-day lives of Kansans. Locally elected officials should maintain the greatest measure of self-determination in the operation of these vital city functions.**

- **Flexibility in Funding.** We support the authority of local governing bodies to make decisions concerning the financing of local utilities.
- **Power Aggregation.** We support the right of cities to act as power aggregators on behalf of their citizens.
- **Franchise Authority.** We oppose any legislation that restricts the current franchise authority for cities.
- **Municipal Operation.** We oppose any legislation that restricts the ability of cities to operate municipal gas, water, electric, sewer, telecommunications, solid waste, storm water, or other utility services.
- **Mandates.** We oppose federal and state mandates regulating the operation of municipal gas, water, electric, sewer, telecommunications, solid waste, or storm water utilities, or other utility services. Any mandates which are passed down to cities should be accompanied by appropriate funding.
- **One-Call.** We support the inclusion of municipal utilities in the state one-call system on a voluntary basis.
- **Statewide Energy Policy.** We support the development of a statewide energy policy and encourage the state to adopt legislation providing the mechanism and staff support for the development of such policy.
- **Energy Capacity.** The State of Kansas, in cooperation with federal, regional, and local officials, should carefully examine generation and transmission capacities in the state, including the possibility of renewable energy sources.

[Approved by U&E Committee]



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## Community Development



**Cities are an important part of the economic backbone of Kansas. The development and redevelopment of commercial centers, residential communities, public facilities, and industrial areas is necessary to the sustained growth and stability of the Kansas economy.**

- **Airport Funding.** We support the use of state economic development dollars (EDIF funds) to enhance airport facilities and services.
- **Economic Development Partnerships.** State and regional partnerships are vital to the sustained growth of the state and should be supported by policy and with adequate funding.
- **Tax Abatements.** We support the authority of cities to offer tax abatements to encourage business investment in their communities.
- **Tax Increment Financing (TIF).** We support the continued use of TIF in order to promote economic development. TIF laws should allow maximum flexibility and allow for efficient use by cities regardless of size.
- **Revitalization Tools.** We support the continued use of the Neighborhood Revitalization Act and the Downtown Redevelopment Act in order to promote local neighborhood development.
- **Recreational Trails.** We support the development of recreational trails, including rails to trails projects, and oppose state and federal legislation that would make such development more burdensome or costly.
- **Tourism.** We support cooperative ventures between the state and local government in Kansas to promote tourism as an industry which is vital to growth and development all across the state. The State of Kansas should commit more resources to the promotion of tourism.
- **STAR Bonds.** We support the ability of cities to utilize STAR bonds in order to promote economic development in their communities.
- **Transportation Development Districts.** We support the continued ability of cities to establish transportation development districts in order to provide for the transportation infrastructure needs in the community.

[Approved by F&T Committee]

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## **Water & Environment**



**Effective management of natural resources to protect and preserve the ability of local government to meet public needs is vital for the future of Kansas and its communities. State and federal environmental regulations should be based on sound science and technology and should not be imposed without a cost/benefit analysis.**

- **Water Quality.** We support a clean and adequate public water supply and the protection of public health and aquatic life. We endorse cooperative solutions to water quality challenges.
- **Water Quantity.** State laws and administrative procedures should provide for the vigorous protection of current and future municipal water supplies.
- **Solid Waste.** The home rule powers of cities to dispose of and manage municipal solid waste should not be restricted. We oppose any legislation which would declare changes in private solid waste providers to be a taking.
- **Clean Air.** We support air quality controls which protect the health and safety of Kansans while allowing for orderly economic development. ~~Air quality controls should be based on reasonable standards, proven technology, and should take into consideration improvement of the overall quality of life in Kansas, including its orderly economic development.~~
- **Water Planning.** We support a regional approach to water planning and encourage city involvement in this process.
- **Hazardous Waste.** We support a comprehensive state-local approach to provide assistance in identifying hazardous wastes and to develop programs to monitor and dispose of such wastes.
- **Stormwater Management.** We encourage KDHE to work with cities and provide technical support in the implementation of reasonable regulations related to stormwater management.
- **Infrastructure Funding.** We support increased federal and state funding to assist local communities with their water and wastewater infrastructure and associated security needs.

[Approved by U&E Committee]

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## **Municipal Finance**

➤ **An adequate source of revenue is necessary in order to fund the essential services of city government. Because each city is unique in both services provided and the ability to pay for such services, maximum flexibility should be granted to local governing bodies to determine the amount and source of funding for city services.**

- **Tax/Spending Lid.** We oppose any state-imposed limits on the taxing and spending authority of cities. We believe that local spending and taxing decisions are best left to locally elected officials and the citizens they serve.
- **Revenue Sharing.** The State Legislature should reinstate the City-County Revenue Sharing program and the Local Ad Valorem Tax Reduction program, and should maintain complete funding for the Special City-County Highway Fund. The State should fund all revenue sharing funds at the existing statutorily-required levels. (Joint initiative with the Kansas Association of Counties.)
- **Unfunded Mandates.** We oppose unfunded mandates. If the state or federal governments seek to promote particular policy objectives, such mandates should be accompanied by an appropriate level of funding.
- **Municipal Bonds.** We support the removal or modification of overly burdensome and costly restrictions affecting the issuance of municipal bonds. Further, we support the continued tax-exempt status for municipal bonds.
- **Alternative Revenue Sources.** Locally elected officials and the citizens they represent should be granted the authority to impose local-option taxes. Existing state preemption of local-option taxes should be removed.
- **Streamlined Sales Tax Project.** We support the Streamlined Sales Tax Project including a local compensating use component. Locally elected officials and their citizens should determine local sales and use tax rates. We urge Congress to take action as soon as practicable to pave the way for mandatory collection

of sales and use taxes on remote sales. Any federal tax legislation should not preempt state and local sales tax authority. We categorically oppose including any other issue, including changes in the ability of cities to impose and collect taxes and fees on telecommunications providers, as a part of streamlined sales tax legislation. ~~We strongly urge cities not to exempt themselves from any provisions of the sales tax act which might interfere with the state's compliance with the Streamlined Sales Tax Project.~~[Re-written in light of 2006 legislation]

- **Local Sales and Excise Taxes.** ~~We support the authority of cities to establish sales tax rates locally. We oppose any attempt to unify or restrict the ability of cities to establish local sales tax rates. We support the existing home rule authority for cities to impose local excise taxes and we oppose any attempt to restrict this authority.~~We support the existing statutory authority for all cities to impose local sales taxes and seat taxes. In addition, we support the existing statutory authority for some cities to impose development excise taxes. We support an expansion of that legislation which would give all cities the authority to impose local excise taxes.[Needs to be rewritten in light of 2006 legislation]
- **TABOR.** Oppose the application of the Taxpayer Bill of Rights (TABOR) as an erosion of representative democracy which over time will jeopardize the health and safety of Kansans.
- **Budgeting.** Accurate assessed valuation information must be available and the statutory timetable should include reasonable deadlines for submission. We support legislation which would move existing budgetary timeliness back by a minimum of 30 days.
- **Sales Tax Exemptions.** We oppose the continued erosion of the state and local sales tax base. The Legislature should actively review existing exemptions in order to determine whether the exemptions are still appropriate.
- **Property Appraisal.** In order to maintain fair and equal taxation, we support appraisals based on fair market value.
- **Valuation Caps.** We oppose caps in property valuations as unconstitutional and inequitable.
- **Banking and Investment Restrictions.** We support maximum banking and investment choices for local government. At a minimum, cities, counties, and school districts should have the same banking and investment authority that the state has granted to itself. (Joint initiative with the Kansas Association of Counties.)
- **Independent Living Units.** We recommend amendment and clarification of the state law with regard to independent living units which are operated by not-for-profit entities. As a matter of tax equity and fairness, we support the inclusion of independent living units as taxable properties.

[Approved by F&T Committee]

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