

2009

Statement of Municipal Policy



Published by the League of Kansas Municipalities



About the League

Established by municipal officials in 1910, the League of Kansas Municipalities (LKM) is a voluntary, nonpartisan organization of over 575 Kansas cities. It operates as a public agency and is defined by state law as an instrumentality of its member cities. The powers and duties of the League are prescribed by state law and in bylaws adopted by the voting delegates of its member cities.

Mission Statement

The mission of the League shall be to unify, strengthen, and advocate for the interests of Kansas municipalities to advance the general welfare and promote the quality of life of the people who live within our cities.

Policy Development

This *Statement of Municipal Policy* defines the core principles of the organization. It was developed by city officials through the League's policy committees. There are three policy committees that are focused in specific areas: Finance & Taxation, Public Officers & Employees, and Utilities & Environment. The fourth committee, the Legislative Policy Committee, reviews the entire *Statement* and the recommendations of the three specific committees. The *Statement* is then submitted to the Governing Body and is ultimately adopted by the Convention of Voting Delegates at the League's Annual Conference. For more information about the League policy committees or process, check out the LKM website at www.lkm.org or contact us at (785) 354-9565.

Front Cover: *Provided by the City of Lenexa.*

2008-2009 Governing Body



President

Jack Rowlett, Jr.
Councilmember, Paola



Vice President

Carl Gerlach,
Mayor, Overland Park

Past Presidents

Mike Boehm, Mayor, Lenexa
Allen Dinkel, City Manager, Abilene
Joe Reardon, Mayor/CEO, Wyandotte Co./KCK

Directors

Carolyn Armstrong, City Manager, Colby
Carl Brewer, Mayor, Wichita
Bill Buntin, Mayor, Topeka
Brenda Chance, City Clerk, Phillipsburg
Donald DeHaven, Mayor, Sedgwick
Tom Glinstra, City Attorney, Olathe
Sue Grosdidier, Councilmember, Mission
Virgil Horn, Mayor, Coffeyville
Jim Sherer, Commissioner, Dodge City
Bruce Snead, Commissioner, Manhattan
Les Wilhite, Councilmember, Yates Center
Ed Wiltse, Councilmember, Ulysses





Executive Director

Don Moler

2009 Action Agenda



The prosperity of the State of Kansas is absolutely dependent upon the prosperity of our cities. Over 80% of Kansans live in an incorporated city. 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 2009:

-  Support the re-investment in existing and new infrastructure by implementing a new statewide comprehensive transportation plan.
-  Oppose any federal or state mandate which would require collective bargaining at the local level.
-  Support the continued promise by the Kansas Legislature to restore Local Ad Valorem Tax Reduction (LAVTR) funds to cities and counties.
-  Support legislation that would give cities the option to allow alternative motor vehicles, such as golf carts, on city streets.



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 increased flexibility for local governments to use eminent domain for economic development purposes, including blight remediation, without seeking legislative approval.
- **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).



Transportation

The transportation infrastructure in Kansas is critical to the safety of our citizens as well as the economy of this state. The State of Kansas should cooperate with local governments to help ensure the continued maintenance and expansion of this important asset.

- **Comprehensive Transportation Program.** We support the adoption and implementation of a new comprehensive transportation program.
- **Transportation Safety.** The State should work in cooperation with local governments to continue to provide safe roads and bridges within the State of Kansas.
- **Development Infrastructure.** Because transportation infrastructure is critical to the community development activities of cities, we support the continued maintenance and expansion of the transportation infrastructure in the State of Kansas.
- **Airport Funding.** We support the continued use of state economic development dollars (EDIF funds) to enhance airport facilities and services.
- **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.
- **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.



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 support the current statutory process in 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.



Public Health and 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.
- **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 support the continued 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. Cities must be active participants in the decision making process and the implementation strategies must 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.
- **Telecommunications Data.** We support the ability of public safety officials to access data from telecommunications companies in times of emergencies to assist investigations. When time is of the essence, access to such data must be quickly granted, while taking into account privacy concerns.



Municipal Utilities

Cities operate a variety of utility services that impact and improve 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, stormwater, or other utility services.
- **Mandates.** We oppose federal and state mandates regulating the operation of municipal gas, water, electric, sewer, telecommunications, solid waste, stormwater utilities, or other utility services. Any mandates which are passed down to cities should be accompanied by appropriate funding.
- **One-Call.** We support the development of a state one-call system that recognizes the diversity of cities in Kansas and provides reasonable options for cities of different sizes.



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.

- **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.
- **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.
- **Energy-Related Manufacturing.** We encourage the State to work with cities to actively pursue manufacturing operations for wind, biomass, solar, and other energy-related industries in Kansas.



Water and 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 safe public water supply and the protection of public health and aquatic life. We endorse cooperative solutions to water quality challenges which address both point and non-point source pollution.
- **Water Quantity.** Government at all levels should be proactive regarding the protection of current and future municipal water supplies. We support efforts to create expanded access to reservoir storage by municipal water suppliers.
- **Water Planning.** We support greater intergovernmental cooperation regarding water quality and quantity planning and sustainability. The State should adequately fund the State Water Plan through the State General Fund.
- **Infrastructure Funding.** We support increased federal and state funding to assist local communities with their water, wastewater, levee, and dam infrastructure and associated security needs.
- **Stormwater Management.** We encourage KDHE to work with cities and provide technical support in the implementation of reasonable regulations related to stormwater management. We endorse cooperative solutions to stormwater quality and quantity challenges which address both point and non-point source pollution.
- **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.
- **Recycling.** We encourage the State to assist in developing programs to make recycling a cost-effective option for communities and their citizens.
- **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.
- **Clean Air.** We support air quality controls which protect the health and safety of Kansans while allowing for orderly economic development.



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.

- **LAVTR.** The State Legislature should help to relieve the burden on property taxpayers by reinstating the Local Ad Valorem Tax Reduction (LAVTR) program. This should include keeping the promises made with reference to the machinery and equipment mitigation legislation, future gaming revenues, and the existing statutory formula.
- **Revenue Sharing.** The State Legislature should reinstate the City-County Revenue Sharing program and should maintain complete funding for the Special City-County Highway Fund. In the event that the State is unable to fully fund these, the Legislature should authorize cities to impose local-option taxes in order to maintain appropriate levels of funding for the health, safety, and welfare of our citizens.
- **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.
- **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.
- **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, including exactions such as an excise tax. 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.
- **Local Sales Taxes.** We support the existing statutory authority for all cities to impose local sales taxes and seat taxes and the existing statutory distribution for all sales taxes.
- **Sales Tax Exemptions.** Given the current and future budget challenges facing both state and local governments, 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 Tax Exemptions.** We believe that the existing property tax base should be protected, and therefore, encourage the Legislature to resist any proposal to further exempt any specific property classification from taxation.
- **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.
- **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.



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 Dialogue.** Communication between all levels of government is critical to the successful delivery of public services to the citizens of Kansas. Representatives from cities provide facts and information that are crucial to intergovernmental relations, and as such, should have the same rights and responsibilities as private interest lobbyists. 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.



Cities are both consumers and producers of energy. The development of energy policy at both the state and federal levels should include significant input from city officials and should provide a balanced approach to these complex issues.

- **Statewide Energy Policy.** We support the immediate development of a coordinated and comprehensive energy policy developed with strong input from cities. We encourage the state to adopt legislation providing the mechanism and staff support for the development of such policy.
- **Baseload Generation.** The State of Kansas, in cooperation with federal, regional, and local officials, should provide for a balanced approach to the development of adequate, stable baseload generation.
- **Transmission.** We encourage the State to make it a priority to support the efforts of the Southwest Power Pool and the Kansas Electric Transmission Authority to develop new and enhance existing transmission infrastructure.
- **Renewable Energy.** We support research and development efforts regarding renewable energy sources. We support the voluntary goal of having a 20% renewable portfolio standard for regulated utilities by 2020.
- **Energy Efficiency.** We support public and private incentives to encourage energy efficiency by local governments and citizens. We support the promotion of energy efficiency in local government and municipal utilities operations through programs which recognize the diversity of utility structures serving local governments.



300 SW 8th Avenue, Ste. 100
Topeka, Kansas 66603-3951
www.lkm.org