

-2016- STATEMENT OF MUNICIPAL POLICY



LEAGUE OF KANSAS MUNICIPALITIES

2015-2016 GOVERNING BODY



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2016 ACTION AGENDA

The prosperity of the State of Kansas is absolutely dependent upon the prosperity of our cities. Over 82% 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 action agenda for 2016:

- Consistent with the Home Rule Amendment of the Kansas Constitution approved by voters in 1960, we support the ability of local elected officials to make decisions for their communities, particularly local tax and revenue decisions.
- City elections should remain non-partisan and separate from state and national elections.
- Local spending and taxing decisions are best left to the local officials representing the citizens that elected them. We oppose any state-imposed limits on the taxing and spending authority of cities and support repeal of the property tax lid.
- 2012 legislation directed fees from out-of-state companies' commercial vehicle tags to the Special City County Highway Fund. These funds have been diverted by the Legislature to the State General Fund. We urge the Legislature to abide by the statute it passed in 2012 and cease the diversion of these funds from the Special City County Highway Fund.
- We support current law regarding the use of state and local public moneys to provide information and advocate on behalf of our cities and citizens. Any reporting system should not increase the administrative burden on local governments.
- We support legislation which streamlines and expedites the process for local governments, neighborhood organizations and private businesses to deal with the blight of abandoned, nuisance and foreclosed housing.
- We urge Congress to take action to implement the mandatory collection of sales and use taxes on remote sales. The legislation should not preempt state and local sales and use tax authority. Should federal legislation allow for the state imposition of such taxes, we support the distribution of those funds to cities and counties using an equitable formula. Kansas should continue to participate in the Streamlined Sales Tax Project.



HOME RULE



The League champions the longstanding constitutional home rule authority of Kansas cities approved by voters in 1960. Self-governance by locally elected officials must be preserved to ensure that local issues and problems are handled at the level of government closest to the citizens that they represent.

Constitutional home rule powers are a thread that is woven throughout Kansas law that grant cities the power to legislate and determine their local affairs and government. The statements adopted in the Statement of Municipal Policy are consistent with this principle.

- City Elections.** City elections should remain non-partisan and separate from state and national elections.
- Annexation.** The ability of cities to grow is inherent in the economic growth and development of the state. Therefore, we oppose any change that limits the authority of cities' orderly growth 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. 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 support the authority of cities to regulate in order to protect the health, safety, and welfare of their citizens.
- Public Property & Rights-of-Way.** We support the ability of cities to control and manage public property and rights-of-way and to impose franchise or use fees on those entities that utilize the rights-of-way.
- Consolidation.** We support processes for local consolidation without undue statutory barriers. 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.

MUNICIPAL FINANCE

An adequate source of revenue is necessary 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.** Local spending and taxing decisions are best left to the local officials representing the citizens that elected them. We strongly oppose any state-imposed limits on the taxing and spending authority of cities and support repeal of the property tax lid.
- Kansas Tax System.** Cities are important partners in creating jobs, reviving the economy, delivering vital services, and providing quality of life. The Governor and Kansas Legislature should include city leaders in discussions about restructuring the Kansas tax system and any changes should fully assess the resulting financial burden on local taxpayers.
- Property Tax Exemptions.** We support a broad tax base, and believe that the existing property tax base should be protected. We encourage the Legislature to resist any proposal to further exempt any specific property classification from taxation, including industry-specific exemptions. We support the current statutory definition of machinery and equipment and the exemption should not be expanded. The Legislature should actively review existing exemptions to determine if they should continue or be repealed.
- Sales Tax Exemptions.** Given the current and future budget challenges facing state and local governments, we oppose the continued erosion of the state and local sales tax base by the passage of new exemptions. Should the state establish any sales tax holidays, the law should allow an opt-out for local governments. The Legislature should actively review existing exemptions to determine if they should continue or be repealed.
- City-County Highway Fund.** The City-County Highway Fund is essential to maintaining local roads and should be fully funded in order to support the critical infrastructure of our communities. Such funding should include the transfer of fees from the tagging of out-of-state commercial vehicles, as directed by 2012 legislation.
- Alcoholic Liquor Taxes.** We support the current statutory framework with regard to the collection and distribution of alcoholic liquor taxes. Changes in the way that alcoholic liquors are classified or where they can be sold should be revenue neutral to avoid a detrimental impact on local taxpayers.
- 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 FINANCE

- Property Valuation.** To maintain fair and equal taxation, we support appraisals based on fair market value. We oppose caps in property valuations as unconstitutional and inequitable.
- LAVTR.** The State Legislature, as required by Kansas statute should help to relieve the burden on property taxpayers by funding 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.
- City and County Revenue Sharing.** The State Legislature should fund existing city and county revenue sharing programs as required by Kansas statutes.
- Alternative Revenue Sources.** Cities should be authorized to approve alternative revenue sources in order to maintain appropriate levels of funding for the health, safety, and welfare of our citizens.
- 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.
- Telecommunications Taxes.** We oppose restrictions on the ability of cities to impose and collect taxes and fees on telecommunications providers.
- 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.
- Banking and Investment Restrictions.** We support maximum banking and investment choices for local government. At a minimum all cities, counties, and school districts should have the same banking and investment authority that the State has granted to itself.
- Unclaimed Checks.** We support legislation that reduces the administrative burden and costs of processing unclaimed checks.
- Tax credits.** We support the continued availability of tax credits as a tool for economic development.



PUBLIC EMPLOYEES

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

- KPERS.** We support the current statutory framework regarding KPERS. The local KPERS system should remain separate from the state and school retirement system. Changes to the KPERS system should not impact a city's ability to hire and retain qualified public employees, or reduce benefits promised to employees.
- Weapons and Firearms.** We support the ability of local governments to set policies regarding the carrying of weapons and firearms by their employees while they are engaged in the course of their employment.
- PEERA/Collective Bargaining.** We oppose any federal or state mandate that would require collective bargaining at the local level.
- KP&F.** We support the current statutory framework regarding KP&F. We believe the retirement system for police and fire should remain fully funded.
- 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.
- Unemployment.** We support reasonable and just benefits for employees who are qualified individuals under the Kansas Employment Security Law. We oppose the finding that volunteers who are paid a nominal stipend are considered a qualified individual.

Memorial Hall in Hutchinson.



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 state and federal 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. We support legislation providing flexibility for local governments to utilize these funds to provide emergency services.
- Emergency Management.** We request that the Adjutant General and the State of Kansas review the role of cities in the state emergency management plan. Because cities play a crucial role in effective emergency management, implementation strategies must promote cooperative efforts between federal, state, and local governments.
- 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. All assessed court funds under a municipal court order, other than restitution collected and payable to a third party and state assessments paid under K.S.A. 12-4117, shall be retained by the local municipality.
- Firearms & Weapons.** We support the local regulation of firearms and weapons.
- 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.
- Telecommunications Data.** We support the continued ability of public safety officials to access data from telecommunications companies in times of emergencies to assist investigations.
- Law Enforcement Mutual Aid.** We support mutual aid legislation allowing law enforcement agencies to work cooperatively with their counterparts in adjoining states. Such agreements can foster more efficient responses to emergencies.
- Insurance Proceeds Fund.** We support the amendment of K.S.A. 40-3901 et seq., to include insurance proceeds paid for all covered claims. This amendment would expand the ability of a city to place a lien on the proceeds of any insurance policy for all covered claims made for damage or loss to a structure.

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 continued funding of the Kansas T-Works comprehensive transportation program. We oppose any further use of these funds to balance the State's general fund budget. Any reduction in T-Works funding would jeopardize existing programs.
- City-County Highway Fund.** The City-County Highway Fund is critical to maintaining local roads and should not be diverted for other purposes. Additionally, we support correction of the distribution of funds to the Special City County Highway Fund from the collection of fees on interstate commercial vehicles.
- 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 to meet the economic development and 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.
- Connecting Links.** The State should increase KDOT's funding for connecting link programs to contract with cities to provide for the maintenance of state highways within city limits.
- Cooperation with KDOT.** We support the continued efforts of the Kansas Department of Transportation to work with cities on cooperative programs including the transportation revolving loan fund and various economic development projects.
- Rail Service.** We support existing and enhanced passenger and freight rail service in Kansas.

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.

- Mandates.** We oppose unfunded federal and state mandates regulating the operation of municipal gas, water, electric, sewer, telecommunications, solid waste, stormwater utilities, or other utility services. Any mandates that are passed down to cities should not be imposed without a cost/benefit analysis and should be accompanied by appropriate funding. In addition, regulations should provide for a reasonable implementation schedule.
- Franchise Authority.** We oppose any legislation that restricts the current franchise authority for cities.
- 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.
- Municipal Operation.** We support the ability of cities to operate municipal gas, water, electric, sewer, telecommunications, broadband, solid waste, stormwater, or other utility services. We further support the ability of cities to set and control the rates for locally owned and operated utilities, and support the current defined service territory statutes.
- 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. The one-call notification center and board of directors should remain subject to the Kansas Open Meetings Act and the Kansas Open Records Act.

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 for job-creation and the sustained growth and stability of the Kansas economy.

- Abandoned Housing.** We support legislation that streamlines and expedites the process for local governments, neighborhood organizations and private businesses to deal with the blight of abandoned, nuisance, foreclosed housing, and commercial structures
- 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 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, the Downtown Redevelopment Act, the Transportation Development District Act, and the Community Improvement District Act to promote local neighborhood development.
- Tourism.** We support cooperative ventures between the state and local government in Kansas to promote tourism as an industry that 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 to promote economic development in their communities.
- Land Use and Zoning.** We support the ability of local officials to make land use and zoning decisions within their community, including decisions about the location, placement, size, appearance, and siting of transmission and receiving facilities and any other communications facilities.
- Moderate Income Housing Program.** We support the continued funding of the Moderate Income Housing Program to promote affordable housing options. Accessibility to such housing stock is important to job growth and economic success in communities.
- Exports.** We support the Kansas Department of Commerce providing assistance to Kansas businesses who may become Kansas exporters, whether by direct provision of services or through outsourcing.
- Urban Opportunity Zones.** We support the creation of urban opportunity zones as a tool to build and revitalize urban neighborhoods in specific census tracts.

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.** All levels of government should be subject to the same open records requirements. 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.
- 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 support current law regarding the use of state and local public moneys to provide information and advocate on behalf of our cities and citizens. Any reporting system should not increase the administrative burden on local governments.



ENERGY

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 development of a coordinated and comprehensive energy policy, including the use of renewables, 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 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 electric utilities in Kansas to continue to develop new and enhance existing transmission infrastructure.
- 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 that recognize the diversity of utility structures serving local governments.



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. State and federal regulators should encourage and embrace new, cost-effective technologies as a way to address environmental challenges.

- Water Quality.** We support a clean and safe public water supply and the protection of public health and aquatic life. We endorse regional and cooperative solutions to water quality challenges that address point and non-point source pollution while balancing municipal cost concerns.
- Water Quantity.** Government at all levels should aggressively pursue the conservation, protection, and development of current and future municipal water supplies. We support cost-effective efforts to extend the life of reservoirs and to expand reservoir storage for use by municipal water suppliers. We support immediate state action, in consultation with municipal providers, to address over appropriated surface and groundwater resources.
- Water Planning.** We support increased municipal representation on the Kansas Water Authority; broad-based revenue sources and distribution for the state water plan fund; and a reevaluation of the process for adopting the annual state water plan fund budget.
- Infrastructure Funding.** We support increased federal and state funding to assist local communities with their water, wastewater, stormwater, levee, and dam infrastructure and associated security needs.
- Stormwater Management.** We endorse regional and cooperative solutions to stormwater quality and quantity challenges that address 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.
- 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. We encourage state agencies to work cooperatively with local governments in the development and approval of programs to identify, monitor and dispose of hazardous waste. Further, appropriate education and training should be provided prior to the implementation of such programs.
- Clean Air.** We support air quality controls and a state developed air quality plan that protect the health and safety of Kansans while balancing municipal cost concerns.

FEDERAL ISSUES



- Streamlined Sales Tax.** We urge Congress to take action to implement the mandatory collection of sales and use taxes on remote sales. The legislation should not preempt state and local sales and use tax authority. Should federal legislation allow for the state imposition of such taxes, we support the distribution of those funds to cities and counties using an equitable formula. Kansas should continue to participate in the Streamlined Sales Tax Project.
- Immigration Reform.** We support a federal solution to immigration reform. Any immigration policy should not negatively impact local governments with additional law enforcement or administrative burdens.
- Transportation.** We urge Congress to authorize a new, long-term federal transportation program that includes local voices in planning and project selection. The program must provide cities a greater role in decision-making for transportation projects to meet community needs.
- Stormwater.** We support simple and flexible federal regulations of municipal stormwater run-off that allow for orderly and cost-effective development. The federal government should appropriate funds for research and for the development of pilot projects on stormwater management.
- Collective Bargaining.** We oppose any federal mandate that would require collective bargaining at the local level.
- 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.
- Export-Import Bank.** We support the reauthorization and continued operation of the Export-Import Bank of the United States. The Bank is an important resource for more than 70 small to large businesses in Kansas who export goods and services to foreign markets.
- Water Quality.** We support a clean and safe public water supply and the protection of public health and aquatic life. We endorse federal investments and cooperative solutions that address water quality challenges and take into account municipal cost concerns.
- Hazardous Waste.** We urge federal agencies to work cooperatively with state and local governments in the development and approval of programs to identify, monitor and dispose of hazardous waste. Appropriate education and training should be provided prior to the implementation of such programs.

ABOUT THE LEAGUE

Established by municipal officials in 1910, the League of Kansas Municipalities is a voluntary, nonpartisan organization of over 590 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 strengthen and advocate for the interests of the cities of Kansas 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 League website at www.lkm.org or contact us at (785) 354-9565.

LEAGUE LEGISLATIVE STAFF

Erik Sartorius
Executive Director
esartorius@lkm.org
(16th Session)

Larry Baer
General Counsel
lbaer@lkm.org
(15th Session)

Nicole Proulx Aiken
Deputy General Counsel
naiken@lkm.org
(6th Session)

Cindy Green
Deputy Director
cgreen@lkm.org
(5th Session)

Eric B. Smith
Legal Counsel
esmith@lkm.org
(4th Session)

www.lkm.org / Phone: 785.354.9565



300 SW 8th Avenue, Suite 100, Topeka, KS 66603