



2012 Legislative Policy



From Left: Trey Cocking, City Manager; Governor Sam Brownback, Senator Pat Roberts

City of Atchison
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About the City of Atchison

Beautiful, historic Atchison is located in Atchison County, Kansas, about 45 minutes northwest of the Kansas City metro and 45 minutes northeast of the capitol city of Topeka.

Incorporated in 1858, Atchison is known for its riverside vistas alongside the Missouri River, its grand historic homes, and tree-lined brick streets. Atchison is a magnet for shopping and dining day trippers as well as festival-goers to its annual celebrations.

Offering premier private and public schools, Atchison is also home to Benedictine College and Highland Community College Technical Center. With a population over 10,000, Atchison is a community rooted in history and tradition, making strong strides into the future with a strong manufacturing and industrial sector, homegrown financial institutions, and state-of-the-art medical facilities.

As the birthplace of Amelia Earhart, one of our state's – and nation's – most revered role models, Atchison is a community that inspires, charms, and embraces all who call it their home or destination.

City Commissioners

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City Officials

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2012 Legislative Priorities

SUMMARY POSITION

The 2012 legislative goals for the City of Atchison seek to preserve both the funding and values that are essential to local governance. These goals ensure that services to Atchison citizens remain intact, especially as it concerns state funding issues. The following legislative agenda identifies these and other core areas of legislative importance to the City of Atchison as well as specific items the City is asking our representatives to address this session.

ACTION ITEMS

1. Encourage the State of Kansas to repurpose the former Atchison Juvenile Correctional facility to another state use that is practical for property. If the State decides not to repurpose the facility, allow the Community time to repurpose the facility to sustainable local use. In addition, the City strongly encourages the State of Kansas to address environmental concerns with the facility, and take the appropriate steps to be good stewards of the facility. The City strongly encourages the State not to sell the property to the highest bidder without regards to redevelopment.
2. Local tax and revenue decisions are a foundation of local democracy. Consistent with Home Rule principles, we oppose any limitation on the ability of locally elected officials to make those decisions.
3. We oppose any federal or state mandate which would require collective bargaining at the local level.
4. We support the statutory requirement that a portion of the monies received from state-sponsored gaming in Kansas be used for property tax reduction.
5. Because cities play a crucial role in effective emergency management, we request that the Adjutant General and the State of Kansas review the role of cities in the state emergency management plan
6. The City supports a methodical approach to the preservation of the KPERS system, one that protects both the Employees and Taxpayers.

OTHER KEY LOCAL ISSUES

Beginning in 2011, the State of Kansas eliminated its dam inspection staff while continuing to mandate that local property owners like the City of Atchison and the White

Clay/Brewery Creek Watershed Authority maintain inspections, forcing locals to pick up the tab for private dam inspections. By driving the cost onto the locals for private dam inspection services, the State of Kansas created an unfunded mandate that will impact Atchison taxpayers by \$22,500 over the next four years (25 dams at \$900/dam).

As the state continues to alleviate its own fiscal distress, doing so by off-loading responsibilities – and the costs tied to them – onto local governments only succeeds in ratcheting the stress on small municipal governments and transferring taxpayers' frustrations onto city hall instead of the capitol steps.

We ask that our elected representatives stand in the gap on issues that would unjustly transfer the state's tough fiscal decisions onto the steps of city hall.

Policy Statement

The City of Atchison adopts the following as policy statements of the organization.

Home Rule

The City of Atchison 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. The current statutory framework was amended in 2011 to balance the interests of cities and those in areas to be annexed. Further amendment would shift this balance in a way that would impede orderly growth. Therefore, 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 and manage 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 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.
- **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.
- **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.
- **Enhanced Rail Service.** We support enhanced passenger and freight rail service in Kansas.

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. Changes to the KPERS/KP&F system should consider the impact on cities' ability to hire qualified public employees.
- **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.
- **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.
- **Firearms.** We support the continued local regulation of firearms.
- **Homeland Security.** First responders at the local level serve as the frontline 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 ability of public safety officials to access data from telecommunications companies in times of emergencies to assist investigations.
- **RICO Tools.** We support legislation to allow the use of law enforcement tools similar to the federal Racketeer Influence and Corrupt Organizations (RICO) Act in order to allow communities to utilize these procedures to combat repeat offender.

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 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 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.
- **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.
- **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, the Downtown Redevelopment Act, and the Community Improvement District 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 conservation and 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 a reevaluation of current state water policy including Kansas Water Authority representation; revenue sources and distribution for the state water plan fund; and, the process for adopting the annual water fund budget.
- **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 and balancing municipal cost concerns.

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.

- **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.
- **Alcoholic Liquor Taxes.** We support the current statutory framework with regard to the collection and distribution of alcoholic liquor taxes.
- **Property Valuation.** In order 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 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 existing revenue sharing programs. In the event that the State is unable to fully fund these, the Legislature should authorize cities to impose alternative revenue sources in order to maintain appropriate levels of funding for the health, safety, and welfare of our citizens.
- **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 income tax, earnings tax, excise tax, and gasoline tax. Existing state preemption of local-option taxes should be removed.
- **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.
- **Publication Requirements.** We oppose the unfunded mandate that continues to require the full publication of ordinances in the newspaper. We support a modification to the current law to allow cities, at their option, to utilize websites for this purpose.
- **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 must avoid shifting additional financial burdens to local governments.

- **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.
- **Streamlined Sales Tax.** 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 and use tax authority. Kansas should continue to participate in the Streamlined Sales Tax Project.
- **Telecommunications Taxes.** We categorically 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.
- **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.
- **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. The Legislature should actively review existing exemptions in order to determine whether the exemptions are still appropriate or should be repealed.
- **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.
- **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.
- **Budget Timing.** We support increased flexibility regarding the statutory requirements for filing city budgets.
- **Municipal Court Debt.** We support a legislative solution that facilitates more effective collection of unpaid municipal court debts.

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. 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 citizen

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 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.
- **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.
- **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.