

2010 National Legislative Program Summary

PRIORITY POLICY ISSUES

TRANSPORTATION

- Support the reauthorization of the federal transportation plan for ~~2010~~ 2011 and beyond (page 3).
- Support funding for the construction of a major transportation system highway interchange at 159th and US 69. The City of Overland Park is requesting ~~\$64~~ \$30 million in federal assistance (page 4).
- ~~• Support funding for the construction of a street widening project from four lanes to six lanes on Antioch Road, from I-435 to 119th Street. The City of Overland Park is requesting \$7.2 million in federal assistance, and the total construction cost is \$9.0 million (page 4).~~
- ~~• Support funding for detailed implementation and environmental work for the locally preferred transit alternative for the Metcalf/Shawnee Mission Parkway Corridor. The City is seeking jointly with Johnson County \$250,000 in federal support (page 4).~~
- ~~• Support funding to deploy Premium Express Bus service in and along the Metcalf/Shawnee Mission Corridor. The City is seeking jointly with Johnson County \$9.5 million in federal support (page 5).~~
- Support funding for the enhancement of the Metcalf corridor from Shawnee Mission Parkway to 75th Street. Improvements would include new decorative street lights and other aesthetic enhancements along this vital corridor as noted in the city's Vision Metcalf study. Construction cost is estimated at \$600,000 (page 5).

LOCAL CONTROL

- Support the current local option of cities to enter into collective bargaining (page 5).
- Support full funding for Energy Efficiency and Conservation Block Grants (page 6).
- Support online travel companies (OTCs) collecting required taxes on hotel room sales and remitting those funds to the proper state and local taxing jurisdictions page 6).

STANDING POLICY ISSUES

TELECOMMUNICATIONS

- Support the access to telecommunications data in emergency situations (page 8).
- ~~Support the preservation of local franchising authority and local authority to manage public rights of way (page 6)~~

TAX AND REVENUES

- Support the appropriation of flexible funding and spending decisions for Homeland Security funding for local governments (page 9).
- Opposes the unfunded mandate requiring local governments to withhold 3% of the payments made to vendors and contractors and remit those funds to the federal government (page 9).
- Support federal legislation to fully implement the Streamlined Sales and Use Tax Agreement (page 10).
- Support restoration to 2004 level of federal funding for the Community Development Block Grant (CDBG) program (page 11).
- ~~Support full funding for special education that meets or exceeds IDEA requirements (page 9).~~
- Support full funding of regulatory mandates and grants-in-aid as well as continued funding of national programs that provide assistance to local governments (page 12).

~~PUBLIC SAFETY~~

- ~~Support reinstatement of language in the Ryan White Act allowing municipalities to access infectious disease reports for individuals treated or transported by emergency response employees (page 10).~~

LAND USE AND ZONING AUTHORITY

- Support the historic and traditional land use and zoning authority of local jurisdictions (page 13).

DESCRIPTION OF THE CITY (page 14)

ELECTED AND APPOINTED OFFICIALS (page 15)

PRIORITY POLICY ISSUES

ISSUE: **SUPPORT REAUTHORIZATION AND FULL FUNDING OF THE FEDERAL TRANSPORTATION PROGRAM**

POSITION: The City of Overland Park supports the reauthorization of the federal transportation plan.

With the current authorization of the federal transportation funding program set to having expired in 2009, Congress ~~will embark upon~~ has before it an important debate of the future of our country's national transportation plan. The City supports reauthorization of a federal transportation program to meet transportation challenges in the future. Reauthorization should restore the purchasing power of the federal transportation program back to 1993 levels, the last year the federal fuel tax was adjusted.

The City supports research and studies in alternative funding mechanisms for a federal transportation program to include private public partnerships and continuation of the fuel tax.

EXECUTIVE SUMMARY:

The Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), signed into law in August 2005, authorizes highway, highway safety, transit and other surface transportation programs for the period 2005-2009. SAFETEA-LU ~~will expired~~ on October 1, 2009, and transportation programs have been operating on continuing resolutions ever since. The short-term funding bills make it difficult for local and state departments to plan necessary transportation improvements. Reauthorization of a federal transportation program will provide resources needed to meet the challenges of improving traffic safety, protecting and enhancing communities and the natural environment, as well as advancing economic growth.

The City currently receives approximately \$3 million to \$5 million annually to support improvements to major thoroughfares in the City. If funding is not sustained, there is a possibility of losing that funding and having to replace it with City resources.

Without reauthorization of a federal transportation program, the State of Kansas will lose significant resources to improve and maintain the state highway system (US Highway 69) and the national interstate system (I-35 and I-435), both of which are critical transportation system assets to the economic viability of the City.

REQUEST FUNDING FOR TRANSPORTATION SYSTEM PROJECTS

Transportation continues to be an important issue for our City. In order to meet our continuing needs for arterial street improvements, the City has historically sought to supplement City funding with additional funds from the federal government in order to accomplish many of our major transportation projects, in coordination with the Kansas Department of Transportation. Following are five two (or 3 if transit?) projects for which the City is requesting funding, listed in order of priority.

(1) MAJOR TRANSPORTATION SYSTEM INITIATIVE: 159TH & US 69 INTERCHANGE

The City of Overland Park is pursuing ~~\$64~~ \$30 million in federal funding to assist in the construction of a major highway interchange at 159th Street and US Highway 69. The Kansas Department of Transportation approved the interchange, and the City is currently managing the design. Construction could be initiated in 2011.

This project is vital to improving the transportation infrastructure related to existing and proposed development along this major north-south corridor in Johnson County, Kansas. This major transportation system improvement would address traffic safety, mitigate existing and future congestion and support future economic development in Johnson County.

~~(2) Antioch Road, I-435 to 119th Street~~

~~This project will extend the widening of a major north-south business/commercial thoroughfare from four to six lanes through the City of Overland Park. It will start at the southern terminus of the recently completed I-435 and Antioch Interchange and tie into the recently completed improvements at the intersection of 119th Street. Improvement of the existing infrastructure will address traffic safety and existing and future congestion concerns. This improvement is anticipated to have a \$9 million construction cost and would improve over one mile of thoroughfare. The City is seeking \$7.2 million in federal assistance. Construction is scheduled for 2010.~~

~~(3) Metcalf/Shawnee Mission Parkway Transit Service Implementation Study~~

~~This project will provide detailed implementation and environmental work for the locally preferred transit alternative for the Metcalf/Shawnee Mission Parkway Corridor. The City is seeking jointly with Johnson County \$250,000 in federal support.~~

~~The local match of \$62,500 will be a combination of both city and county funds. These funds are being requested from the Federal Transit Administration Bus and Bus Facility Grant Program.~~

~~**(4) Metcalf/Shawnee Mission Parkway Transit Service**~~

~~This project will deploy Premium Express Bus service in and along the Metcalf/Shawnee Mission Corridor. The City is seeking jointly with the county \$9.5 million in federal support.~~

~~This service in the corridor was identified as a cost effective approach to help relieve congestion and increase mobility options for residents and commuters in the corridor as part of a overall redevelopment process. The local match associated with this request is \$2,375,000.~~

(52) Vision Metcalf Street Light Enhancements

The City of Overland Park is seeking \$600,000 to provide new decorative street lights along the main entryway to the City, Metcalf Avenue from Shawnee Mission Parkway to 75th Street. This type of improvement has been identified during our Vision Metcalf project, where over 4,000 citizens provided input about the future development and look of this corridor. Most of the current street lights in this area are leased from KCPL and show significant signs of wear and deterioration. In addition to decorative street lights, other aesthetic enhancements would be made at selected areas, including the use of illuminated street name signs at traffic signals. These types of improvements are quickly implemented and show the city's interest in bringing the vision to reality.

ISSUE: MANDATORY COLLECTIVE BARGAINING

POSITION: The City of Overland Park urges Congress to support local control and allow cities to decide whether to adopt collective bargaining.

EXECUTIVE SUMMARY:

~~Proposals~~ Legislation has been introduced in the 110th 111th Congress would have required requiring municipalities to enter into collective bargaining agreements with their public safety officers. The City of Overland Park opposes both H.R. 413 and S.1611,

viewing such legislation as an erosion of local control. Discussions and actions relating to conditions of employment are best resolved at the local level without federal intervention.

ISSUE: **FULL FUNDING FOR ENERGY EFFICIENCY & CONSERVATION BLOCK GRANTS**

POSITION: The City of Overland Park supports full funding of Energy Efficiency and Conservation block grants.

EXECUTIVE SUMMARY:

Energy Efficiency Conservation block grants were created under the Energy Independence and Security Act of 2007. Funding was enhanced in the American Recovery and Reinvestment Act of 2009.

The City of Overland Park received \$865,000 in 2009 in EECBG funds. These monies were used for projects that will increase options for bicycle and pedestrian travel, optimize traffic signalization, and create alternative codes for higher-density development. These initiatives are projected to save nearly 1.75 million gallons of fuel annually.

ISSUE: **ONLINE TRAVEL COMPANIES – PREEMPTION OF STATE AND LOCAL TAXING AUTHORITY**

POSITION: The City of Overland Park supports online travel companies (OTCs) collecting required taxes on hotel room sales and remitting those funds to the proper state and local taxing jurisdictions.

EXECUTIVE SUMMARY:

Online travel companies contract with hotels to sell their rooms, paying a discounted rate to hotels for rooms sold. OTCs sell the rooms to consumers, charging them hotel taxes based on the sale price. However, some companies have been remitting these taxes based on the wholesale price they paid for the rooms, pocketing the difference between the taxes collected from the consumer and the taxes originally paid by the OTC.

Local governments have begun to file lawsuits to collect taxes they are rightfully due. In response, the online travel industry has come to Congress seeking to preempt state and local governments from collecting these taxes.

Hotel taxes, or transient guest taxes, are an important source of revenue for the City of Overland Park. Rather than simply being a

general revenue source, these funds have been designated by the City to pay the debt service for the Overland Park Convention Center Complex and the Overland Park Soccer Complex. These amenities were added to the community with the understanding that they would primarily be financed by transient guest taxes. Allowing online travel companies to preempt local taxing authority will leave the City in the position of having to divert general tax revenue to the debt service.

STANDING POLICY ISSUES

ISSUE: **ACCESS TO TELECOMMUNICATIONS DATA IN EMERGENCY SITUATIONS**

POSITION: The City of Overland Park supports the ability of public safety officials to access data from telecommunications carriers in times of emergencies to assist investigations.

EXECUTIVE SUMMARY:

When time is of the essence, public safety officials must be able to quickly access information that could aid a search or investigation. Data from telecommunications companies can provide crucial clues to the whereabouts of an individual. House bills H.R. 3682, H.R. 3717, and H.R. 3803 would all address this issue.

Kelsey Smith was a student at Shawnee Mission West High School in Overland Park. On June 2, 2007, she was abducted from the parking lot of a local retailer. She was murdered later that evening, though her body wasn't found until June 6.

At the time she was reported missing, however, law enforcement officials worked under the assumption that Kelsey might still be alive. In an attempt to pinpoint her whereabouts, requests were made to her telecommunications carrier to provide records that could assist search efforts. When this request was finally addressed, the data led to the discovery of Ms. Smith's body.

Investigators and prosecutors were frustrated by the delay of the telecommunications company in releasing the records. A request to the company was made the day after the abduction, but the company did not comply with the request for two days. Though quick action from the mobile phone company would not have aided in the safe recovery of Kelsey Smith, the City of Overland Park believes legislation is needed to aid public safety officials in future emergencies.

ISSUE: **PREEMPTIVE REGULATORY PROPOSALS REGARDING TELECOMMUNICATIONS AND VIDEO SERVICE**

POSITION: ~~The City of Overland Park supports the preservation of local franchising authority and local authority to manage public rights of way.~~

EXECUTIVE SUMMARY:

~~In 2005 the Kansas Legislature passed into law a statewide franchise procedure for video service providers (cable television),~~

~~such as AT&T. This law prohibits Kansas municipalities from requiring video service providers to enter into local franchise agreements if the provider has been issued a statewide franchise.~~

~~As video service and telecommunications providers have been pursuing state-wide franchising across the country, similar efforts have been pursued at the federal level. National franchising authority would be of great benefit to video and telecommunications companies by removing the authority of local governments to establish local franchise relationships, but would not be good public policy with respect to municipalities.~~

~~Historically, local franchise agreements have created a regulatory relationship between service providers and local governments that serves as an enforcement mechanism for consumer protection. These agreements have governed the obligation to comply with local public safety rules, the preservation of property rights, and the effective management of the finite resources of local rights of way. The franchise agreement serves as a formal procedure to ensure reasonable video service standards for all residents of the City.~~

ISSUE: **HOMELAND SECURITY FUNDING FOR LOCAL GOVERNMENTS**

POSITION: The City of Overland Park supports the appropriation of flexible funding and spending decisions for local governments to address effective homeland security issues, as each City has unique security needs and emergency response networks.

EXECUTIVE SUMMARY:

The threat of domestic terrorism makes public safety an increasingly critical issue. As you know, our emergency personnel are the first responders to any natural or man-made disaster. As the largest City in Johnson County, Overland Park is a major participant in metropolitan-wide emergency preparedness efforts. Local resources have been reallocated to address these needs. However, the increased burden on staff time and the need for more sophisticated equipment and training places the City in a difficult financial situation.

ISSUE: **3% WITHHOLDING ON GOODS AND SERVICES PURCHASED BY GOVERNMENTS**

POSITION: The City of Overland Park opposes the unfunded mandate requiring local governments to withhold 3% of the payments made

to vendors and contractors and remit those funds to the federal government.

EXECUTIVE SUMMARY:

Under the 2006 Tax Increase Prevention and Reconciliation Act, Congress created section 3402(t) of the Internal Revenue Code, requiring governments spending more than \$100 million annually on goods and services to withhold 3% of the payments made to vendors and contractors and remit this amount to the federal government. The City opposes this unfunded federal mandate primarily based on the excessive administrative burden and accompanying costs associated with implementing this mandate. House bill H.R. 275 and Senate bill S. 292 would address this problem.

Two other ramifications could result from this legislation. First, this mandate may severely impact and inhibit the City's purchasing card program, a vital procurement tool used to efficiently and cost-effectively procure goods for the organization. Second, the City may receive less competitive bids for good and services purchased, as some private companies may increase their bids to cover the 3% they would no longer see, or may not bid at all because of the administrative challenges.

ISSUE:

STREAMLINED SALES AND USE TAX INITIATIVE

POSITION:

The City of Overland Park seeks federal legislation to fully implement the Streamlined Sales and Use Tax Agreement.

EXECUTIVE SUMMARY:

States and local governments have seen sales tax revenues eroded by remote sales on the Internet. Retail sales taxes represent the largest single source of revenue for the City of Overland Park (64% 45% of current general fund revenues).

Unfortunately, the projected growth of electronic commerce may have a negative impact on the community. Retailers are currently not required to charge customers sales or use tax on transactions conducted over the Internet. This situation creates an unfair pricing advantage for online retailers. The City of Overland Park encourages entrepreneurship and the prosperity of the Internet but believes Congress should act to ensure that an equitable marketplace exists for both businesses and citizens.

ISSUE: **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING**

POSITION: The City of Overland Park supports restoring full funding of CDBG funding to the 2004 level of federal funding which authorizes Housing and Urban Development programs for cities, specifically the CDBG program, as well as maintaining. CDBG should be maintained as a separate and distinct block grant program with direct funding to cities with populations greater than 50,000 and maximum flexibility and local autonomy in using grant funds.

EXECUTIVE SUMMARY:

The CDBG program is a very effective form of federal assistance to local governments for mobilizing resources and addressing community, economic development, physical infrastructure and housing needs. Moreover, it is the most effective federal block grant program and the model against which all future ones should be measured. In recent years, the City has received a little over \$600,000 annually from this program.

~~Between 2004 and 2008, our CDBG Grant has dropped 16%. The impact has been the reduction in projected expenditures for street improvements in CDBG eligible areas from \$500,000 to \$350,000. A similar reduction has occurred in dollars allocated for direct services during a time when United Community Services is reporting the number of people requesting services is rising.~~

The flexibility of the CDBG Program provides each State and entitlement city the opportunity to design programs to meet their unique and challenging economic issues spawned by high unemployment, increasing foreclosures and economic downturn. The program's rules on timely expenditures insure that the funds are spent quickly, which will provide an immediate economic stimulus to each state and entitlement community.

The availability of CDBG funds is critical to the City's ongoing efforts to meet the needs of low- to moderate-income people and families, to stabilize older neighborhoods and to support and encourage economic development and business growth.

ISSUE: **FULL FUNDING FOR SPECIAL EDUCATION**

POSITION: ~~The City of Overland Park requests full federal funding for special education that meets or exceeds IDEA requirements.~~

EXECUTIVE SUMMARY:

~~The City of Overland Park supports the Individuals with Disabilities Education Act (IDEA) and strongly agrees that every child deserves the opportunity to benefit from a public education. However, we must also recognize the tremendous cost of this endeavor.~~

~~When IDEA was first enacted, the federal government committed to funding 40 percent of special education costs. The federal government has consistently fallen far short of this goal. As special education costs continue to rise, federal government participation has fallen further behind. Historically, the federal government has funded less than 12 percent of the cost, creating an undue burden on state and local taxpayers. However, additional funding is crucial. Currently, school districts in the state of Kansas are dealing with strained funds to provide education. Providing a quality education system is essential to maintaining the quality of life that our City enjoys and is needed to ensure that every child reaches his or her fullest potential.~~

ISSUE: **ACCOUNTABILITY FOR REGULATORY MANDATES**

POSITION: **The City of Overland Park urges Congress to support accountability for unfunded regulatory mandates and grants-in-aid.**

EXECUTIVE SUMMARY:

The current economic climate has increased the difficulty of compliance with federal mandates for states, counties and cities. The financial burden of federally imposed mandates and grants-in-aid continues to shift to local governments. The citizens of municipalities across America elect city officials to direct the future of their communities based on local priorities. However, unfunded federal mandates and highly prescriptive federal programs have backed many localities into a fiscal corner, forcing them to sacrifice their own programs and priorities in order to comply with federal standards. Any law that creates a federal mandate should also provide the funds necessary to pay for the associated compliance costs in an effort to reduce the continuing financial burden on state and local governments, which is becoming a major issue for homeland security programs.

ISSUE: **ACCESS TO INFECTIOUS DISEASE REPORTS BY EMERGENCY RESPONSE PERSONNEL**

POSITION: **~~The City of Overland Park urges Congress to support reinstatement of language in the Ryan White Act allowing municipalities to access communicable disease reports for~~**

~~individuals treated or transported by emergency response employees.~~

EXECUTIVE SUMMARY:

~~The Ryan White Act of 1990 contained provisions aiding cities in determining whether their emergency response workers had been exposed to communicable diseases. During the 2006 reauthorization of the law, the sections requiring notification of the city by medical facilities were inexplicably deleted.~~

~~The original language in the law provided a clear framework for exposure incidents, including source patient testing and specific time frames for hospital action. These provisions provided the City's emergency response workers confidence that they would be informed if they had been exposed to an infectious disease. Without this portion of the Ryan White Act, our emergency responders are left in the dark about their possible exposure to communicable diseases.~~

ISSUE:

PREEMPTION OF LOCAL LAND USE AND ZONING AUTHORITY—TAKINGS LEGISLATION

POSITION:

The City of Overland Park opposes any effort to preempt the historic and traditional land use and zoning authority of local jurisdictions, as it undermines the local government's authority to protect public health, safety, and welfare as well as safeguard the environment and support the property values of all residents in a community.

EXECUTIVE SUMMARY:

Legislation has been proposed in the past that would permit landowners and developers who experience adverse rulings to bypass the local and state court process and proceed directly to federal court.

Although this legislation has been described as a private property rights initiative, it actually jeopardizes the relationship between the public and private sectors. Further, it places a single landowner on a fast track to adjudication by providing an expedited method by which landowners and developers can pursue their development interests against those of surrounding landowners, neighbors, neighborhoods and the community at large.

DESCRIPTION OF THE CITY

Overland Park, Kansas, was incorporated as a city on May 20, 1960. In November 1962, the City adopted the Mayor-Council-City Manager form of government. The Mayor is elected by the City at large, and two Councilmembers are elected from each of the City's six wards. All elected officials serve terms of four years, with biennial elections to allow for Councilmembers to serve staggered terms. The City Manager is responsible for the implementation of Governing Body policies and the day-to-day operation of the City.

Located in the northeastern part of Johnson County, Kansas, Overland Park is the second largest city in the state of Kansas and one of 113 incorporated cities existing in the Kansas City metropolitan region.

There are approximately 73.33 square miles within the corporate boundaries of the City. Considered one of the cleanest, safest and well-planned cities in the nation, Overland Park continues to be one of the foremost residential, retail and employment centers in the area.

Independent agencies provide water and sanitary sewer services on an area-wide district basis. Private industry owns and operates electric, telephone, natural gas and sanitation disposal services. These utilities are constantly upgraded to ensure adequate supplies for Overland Park's demands.

The City of Overland Park concentrates its efforts toward providing excellent governmental services and ensuring a high quality of life for its citizens. Services provided by the City include Public Safety, through law enforcement and fire protection functions; Community Development, through planning and development services, building code enforcement and parks and recreation; Public Works, through transportation management, maintenance and infrastructure development programs; and Finance, Administration and Economic Development, through its administrative services functions, which ensures financial stability and coordinates the various areas of City responsibility.

Annually, the City establishes a mill levy that is used in calculating the rate at which property taxes will be collected from property owners within the community. The mill rate established for 2010 budgetary purposes is 8.890, the lowest of any first-class city in the State of Kansas. Property taxes comprise roughly 18% of total current revenues budgeted in the City's General Fund.

OVERLAND PARK OFFICIALS

Carl Gerlach
Mayor

Councilmembers

Ward 1	Terry Happer Scheier Dave Janson
Ward 2	Curt Skoog Paul Lyons
Ward 3	Donna Owens David White
Ward 4	Terry Goodman Fred Spears
Ward 5	Jim Hix John Skubal
Ward 6	George Kandt Dan Stock
City Manager	John Nachbar
Deputy City Manager	Kristy Stallings
Assistant City Manager/Dir. External Affairs	Erik Sartorius
Assistant to the City Manager	Adam Norris
Communications Manager	Sean Reilly
City Attorney	Robert Watson
Chief of Police	John Douglass
Fire Chief	Bryan Dehner
Chief Financial Officer	Dave Scott
Director of Public Works	Doug Brown
Director of Planning & Development Services	Bill Ebel
Director of Parks and Recreation	James Cox
<u>Acting Director of Parks Services</u>	<u>Greg Ruether</u>
<u>Acting Director of Recreation Services</u>	<u>Tony Cosby</u>
Information Technology Director	Vicki Irey
Presiding Judge	Karen Arnold-Burger

You may reach any of the above officials at:

Overland Park City Hall
8500 Santa Fe Drive
Overland Park, Kansas 66212
(913) 895-6000