

Derby



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2009 Legislative Agenda Derby, Kansas

Summary Position

The 2009 legislative goals for the City of Derby seek to preserve both the funding and values that are essential to local governance. They ensure that service to Derby citizens remains intact, especially as it concerns state funding issues. The following agenda identifies these and other core areas of legislative importance to the City of Derby as well as specific items the City is asking its representatives to address this session.



Core Principles

Home Rule

The City supports self-governance by locally elected officials as provided for in the State's Constitution. Specifically, local governments should control their rights of way, have condemnation authority, be immune from tort liability, and be free to voluntarily cooperate with other public and private entities, as well as State government, to ensure the best level of service for our citizens. We do not support actions at the state level that erode representative democracy or local self-determination.

Kansas Open Meetings Act (KOMA) and Kansas Open Records Act (KORA)

The City supports all levels of government being subject to the same open meetings requirements which promote citizen involvement without being unduly burdensome. Open Records laws should balance the public's right to access with the necessity of protecting the privacy of individual citizens and the ability of public agencies to conduct essential business functions.

Fair and Equal Taxation

The City of Derby is committed to keeping property and sales tax rates low. Achieving this goal depends on state leadership in maintaining the tax base. Exemptions from sales tax for special interest groups, regardless of the worthiness of the group's mission, make taxation unfair to other worthy groups and erode the tax base. Exemptions from property taxes for age-based or other special interests also erode the base and put pressure on cities to increase the mill levy.

Annexation

The ability of Derby to promote and plan for growth is inherent to the ultimate success of our community. The City supports the ability of all cities to use their annexation powers as they are currently established in state statute. We oppose any change that limits the authority of cities to grow through annexation.

Clean Indoor Air

The City of Derby supports a comprehensive state-wide clean indoor air plan that will prohibit smoking in indoor public places and places of employment. Studies have concluded that secondhand smoke has immediate and serious health impacts for all individuals. Ventilation is inadequate in removing the effects of environmental tobacco smoke. No length of exposure is safe.



Restoration of Demand Transfers

The State unfortunately continues to fail to meet its statutory obligation to local units of government with respect to demand transfers. The Local Ad Valorem Tax Reduction (LAVTR) Program funds core services for cities. Therefore, if the State continues to withhold those payments to local governments, it is only shifting the State’s tax burden onto local taxing units and their constituents.

Unfunded Mandates

The City of Derby opposes unfunded mandates. If the state or federal governments seek to promote particular policy objectives, an appropriate level of funding should accompany such mandates.

Eminent Domain

Eminent Domain is a fundamental municipal right. While the City supports the use of eminent domain to acquire property for public improvement projects and economic development projects as legitimate and beneficial uses of this authority, the City encourages its delegation to focus efforts on strengthening eminent domain authority for blight remediation. The authority to intervene in a timely and effective fashion to abate blighted property conditions that are clearly a threat to the surrounding neighborhood is imperative. The City supports statutory safeguards to protect private property interests and encourage its delegation to enhance municipal authority to stop blight.

Rights-of-Way

The City of Derby opposes any legislation that would restrict the ability of cities to control public property and rights-of-way or the ability of cities to franchise those entities that use the rights-of-way, including the implementation of statewide franchises.



DERBY LEGISLATIVE PRIORITIES

Restore All Transfers to Local Governments

Position

Support legislation to restore all transfers to local governments, and therefore assist in keeping property taxes low.

Background

On January 13, 2008, Governor Sebelius unveiled her recommended state budget for the last half of fiscal year 2009 and the FY 2010 budget. This recommended budget included a series of cuts in transfers to local governments.

Special City-County Highway Funds (SCCHF). The Governor proposed to eliminate the general fund transfer portion of the SCCHF for 2009 and 2010. The estimated annual impact on the City is \$120,000. This reduction will have a significant effect on the maintenance of city streets.

Liquor Tax. The Governor proposed to use 100% of the local liquor tax dollars for state purposes beginning July 2009. The City devotes one-third of this money to the Special Park & Recreation Fund, one-third to the Special Alcohol Fund, and one-third to the general fund. The estimated loss for 2009 is nearly \$100,000 which would have paid for park improvement projects, part of the DARE program for drug abuse prevention, and other important city projects.

Machinery and Equipment (M&E). In 2006, the Legislature approved removing property tax from business machinery and equipment. To help mitigate local impact, "slider" payments were included in the legislation. The Governor is proposing to eliminate all slider payments beginning July 2009. The estimated impact on the City is \$50,000 in 2009 and \$35,000 in 2010.

Local Ad Valorem Tax Reduction (LAVTR). In late November 2002, Governor Graves took an unprecedented action by cutting statutorily authorized and legislatively appropriated transfers to local governments for the remainder of the current State budget year. This action dramatically affected the City's last six annual budgets, leaving Derby and its sister cities with far fewer resources to provide services (police, fire, streets, parks, etc.) to its citizens. As part of the agreement on M&E in 2006, the Legislature included provisions to begin reinstating these funds in 2010. Governor Sebelius is proposing to eliminate these funds beginning July 2009. Since 2002, the City has lost \$385,000 annually without this transfer from the State of Kansas.

State legislators should keep their promise to restore LAVTR funding to cities by 2010 and otherwise keep state transfers to local governments intact.



Casino Revenue

Position

Support legislation that will retain the use of casino revenue for their intended original purposes.

Background

The Kansas Legislature designated three purposes of the gaming revenue it receives: 1) reduction of state debt, 2) state infrastructure improvements, and 3) reduction of local property taxes.

The City of Derby, as well as cities and counties across the State of Kansas, relies on property taxes as our primary revenue source. With other revenue sources eroding or even cancelled (sales tax exemptions, demand transfers), revenue generated through appraised property values remains the most stable revenue source.

In anticipation of the building of casinos, the State of Kansas, in 2007, defined how gaming revenues would be distributed. If fulfilled, the City of Derby could see a decrease in the property taxes levied.

State legislators should keep their promise to use casino revenues to reduce local property taxes.



Derby Partnerships

There is strength in numbers.

That's why the City of Derby acts in cooperative partnership with regional organizations **Visioneering Wichita** and the **Regional Economic Area Partnership (REAP)** to develop legislative agendas for state and federal legislators that represent the best interests of the economic region.

The interests of the City of Derby and its sister cities are also represented by the legislative priorities of the **League of Kansas Municipalities** whose mission is to advocate for the interests of Kansas municipalities to advance the quality of life and general welfare of all Kansas citizens.

The City of Derby endorses the legislative priorities of each of these groups as summarized in the following pages.



Visioneering Wichita

Mission

To provide citizen input in developing our future;

To facilitate communications so reality and perceptions are aligned; and

To create a strategic plan that ensures a quality of life and encourages our young people to live, learn, work and play in our regional community.

For 2009, the Alliance will identify priorities that work toward common goals for the region.

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THE UNIFIED LEGISLATIVE AGENDA

Aviation:

- Keep the Kansas aviation industry competitive through continued state investments in the National Institute for Aviation Research at Wichita State University and through support for a new system of business-driven technical training at the National Center for Aviation Training at Jabara. (*Ongoing support*)

Medical:

- State support for 25% expansion in the capacity of nursing programs in existing post-secondary public education institutions in South Central Kansas. (*Maintain funding*)
- Support for the Wichita Center for Graduate Medical Education Program for funding of additional faculty and research staff for physician residency programs. (*Ongoing support*)
- Support for a Kansas Center for Innovation for Biomaterials in Orthopaedic Research in south-central Kansas through the Kansas Bioscience Authority.

General Infrastructure:

- State support to maintain and expand low-cost commercial air service from Mid-Continent Airport. (*Maintain funding*)
- Support for funding for Equus Beds Aquifer Storage and Recovery Project and maintenance of ongoing funding by becoming a Kansas Water Authority line item. (*Maintain funding*)
- Support for Kansas Small Business Development Centers (KSBDC) and maintenance of ongoing funding by KSBDC becoming a State General Fund item. (*Maintain funding*)



Regional Economic Area Partnership (REAP)

Mission

The Regional Economic Area Partnership (REAP) is comprised of 34 city and county governments in 9 counties of South Central Kansas, which include Butler, Cowley, Harper, Harvey, Kingman, McPherson, Reno, Sedgwick and Sumner counties. These jurisdictions have voluntarily joined together for two primary purposes:

First, to guide state and national actions that affect economic development in the region; and

Second, to consider and adopt joint actions among member governments that enhance the regional economy.

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REAP LEGISLATIVE PRIORITIES

Maintain Kansas Affordable Airfares Program to assure more flight options, more competition for air travel, and affordable airfares for Kansas.

Advance legislative and administrative action to secure state financial investments in research and development in South Central Kansas that strengthen the economy of Kansas, including:

- aviation research at the National Institute for Aviation Research at Wichita State University
- graduate medical education program at the Wichita Center for Graduate Medical Education
- the Kansas Center for Innovation for Biomaterials in Orthopedic Research at Wichita State University

Support continued state financial participation for the Equus Beds Aquifer Storage and Recovery (ASR) Project to preserve the aquifer for agricultural, industrial, and municipal use that is essential to the State economy.

Advance legislative and administrative action to create a 2009 Comprehensive Transportation Plan.

Advance legislative and administrative action to secure state participation in funding business-driven technical education that supports the regional economy.



League of Kansas Municipalities

Mission

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.

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LEAGUE ACTION AGENDA

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. Support the continued promise by the Kansas Legislature to restore Local Ad Valorem Tax Reduction (LAVTR) funds to cities and counties.

Transportation Program: 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 ensure continued maintenance and expansion of this important asset. Support the re-investment in existing and new infrastructure by implementing a new statewide comprehensive transportation plan.

Collective Bargaining: 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 workforce. Oppose any federal or state mandate which would require collective bargaining at the local level.

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. Support legislation that would give cities the option to allow alternative motor vehicles, such as golf carts, on city streets.





Derby

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