



**The City of Lenexa
2009 Federal Legislative Program**

Federal Legislative Summary

TRANSPORTATION

- Support full funding of the Highway Trust Fund and authorize legislation creating a new surface transportation program
- Support additional federal funding for the Kansas City Area Intelligent Transportation System

TAX AND REVENUES

- Support federal funding at current levels for the Community Development Block Grant (CDBG) program
- Support full federal funding of law enforcement programs
- Support legislation promoting the collection of remote sales tax
- Oppose Securities and Exchange Commission (SEC) oversight and regulation of the municipal securities market and governmental accounting standards

ENVIRONMENTAL POLICY

- Support continued eligibility for Congestion Mitigation/Air Quality (CMAQ) funding

MUNICIPAL ECONOMIC DEVELOPMENT

- Support the authority of local officials to responsibly use eminent domain for public use including economic development purposes
- Support legislation affirming the authority of state and local government to provide tax incentives to promote economic growth

TELECOMMUNICATIONS

- Support preservation of local authority over telecommunications related to right of way use and collection of franchise fees

LABOR

- Oppose mandatory collective bargaining units for public safety (Public Safety Employer-Employee Cooperation Act {H.R.980})

TRANSPORTATION

Support full funding of the Highway Trust Fund and authorize legislation creating a new surface transportation program.

Safe, efficient, modern transportation is a major key in the economic health and vitality of this region, the state and the nation. Transportation plays a major role in the quality of life of our citizens. Infrastructure investments in Lenexa create a positive return on value by spurring economic development throughout the community. For that reason, Lenexa is becoming increasingly concerned with the current and increasing funding deficit in the Highway Trust Fund, which is estimated to be \$4 billion in 2009. The City also believes that full funding of the current SAFETEA-LU is important. Even more importantly, the City believes it is vital that work begin now on the reauthorization of SAFETEA-LU which is set to expire in FY 2010.

The current condition of infrastructure and the growing need for even better infrastructure demands our best efforts. The City urges Congress to not only continue the present funding model at increased levels, but to also explore equitable, creative solutions that provide increased resources to address the critical transportation needs of this community and the country as a whole.

Support additional federal funding for the Kansas City Area Intelligent Transportation System

Cities in the Kansas City metropolitan area have been working to implement an Intelligent Transportation System (ITS) – Operation Greenlight. The advanced technology of ITS will allow area communities to monitor traffic conditions, alter traffic patterns, and respond to emergency traffic conditions. Implementation of ITS tools will reduce congestion, increase productivity and improve air quality. Continued funding of Operation Green Light will result in the implementation of Phase II - which involves the installation of coordinated traffic signals along major arterials and construction of a central operating station. The cost estimate for the entire project is approximately \$57 million and will coordinate 1,500 intersections throughout the region. Phase one of the project, which is currently under construction, will cost approximately \$13.5 million and will coordinate 600 intersections in the metropolitan area. The local contribution, which is shared by all of the participating agencies in the region, is approximately \$2.8 million.

TAX and REVENUES

Support Federal funding at no less than current levels for the Community Development Block Grant program

Over the past decade, the City of Lenexa has leveraged \$1.3 million in Community Development Block Grant (CDBG) funds with approximately match of \$4.5 million in local funding. These funds were utilized to revitalize mature neighborhoods by replacing streets and streetlights in poor condition and by constructing new sidewalks and storm water systems. These improvements have inspired private investments in these low to moderate income neighborhoods.

Support full Federal funding of law enforcement programs

Programs administered by the U.S. Department of Justice and the U.S. Department of Homeland Security provide federal assistance to state and local governments to enhance community policing, to prevent and control crime and to improve the criminal justice system, and to prevent and respond to potential acts of terrorism.

The City of Lenexa has benefited greatly from such programs.

- Community Oriented Policing Service (COPS) program - the City of Lenexa has funded over a dozen positions with COPS financial assistance in excess of a million dollars.
- Byrne Justice Assistance Grant Program (JAG) program grants to purchase technology such as laptop computers for police cars.
- LETPP funding via the Mid-America Regional Council, for the purchase of personal protective gear, intelligence sharing and communication programs, and armored vehicles and other equipment.

In recent years, federal funding for criminal justice programs has been significantly reduced due to funding priorities shifting to homeland security. However, criminal justice programs such as these assist communities with basic day to day operations that keep cities safe. In a growing community such as Lenexa, these programs help provide the ability to deliver basic police services. The City supports full funding of law enforcement programs.

Support legislation promoting collection of remote sales taxes

Congress should adopt streamlined sales tax legislation providing for simplification of sales and use tax laws in return allowing for state and local governments to collect these taxes on all transactions. Any such legislation must address sales and use tax issues, but must not include telecommunication reform legislation.

E-commerce has significantly changed consumer-buying trends. People are increasingly making purchases through the Internet and by telephone. This change in consumer buying habits has reduced municipal sales tax revenues at a time when local governments rely heavily on this revenue source to provide basic services and infrastructure. Allowing sales tax collections on Internet purchases is a way to put Internet retailers on a level playing field with Main Street businesses and to provide local government revenue to maintain essential services.

Oppose Securities and Exchange Commission (SEC) oversight and regulation of the municipal securities market and governmental accounting standards.

The municipal debt market has achieved a significant level of transparency due to the openness of the public-sector budget process, easy access to audited comprehensive annual financial reports and detailed budget documents, mandated ongoing financial disclosures for the benefit of the secondary debt market, and mandated material events notifications for investors. Moreover, a substantial portion of municipal debt is backed by the full taxing power of the issuing governments, making default, for all practical purposes, virtually nonexistent. Due to these factors, the City opposes SEC oversight and regulation of the municipal securities market and governmental accounting standards.

ENVIRONMENTAL POLICY

Support continued eligibility for Congestion Mitigation/Air Quality (CMAQ) funding

Continued Congestion Mitigation/Air Quality (CMAQ) funding is critical in protecting the region's air quality. During the 2007 ozone season, ground level ozone concentrations in the region – measured at multiple sites throughout the region - exceeded the U.S Environmental Protection Agency's standards. The Kansas City metro did have several violations of the EPA ozone standard but will not lose attainment status this year. However continued attainment may not be successful, which puts future CMAQ funding to the region at risk. Working with many community stakeholders, the Mid America Regional Council has developed a Clean Air Action Plan. Many of the action steps contained in this plan are reliant on CMAQ funding. In fact, much of the region's clean air progress to date is the result of programs funded through CMAQ. Examples include synchronization of traffic signals through Operation Green Light, expansion of bicycle and pedestrian facilities, and a carpool matching grant. Kansas City has made strides toward providing its citizens with a clean air environment. Continued CMAQ funding is essential to assuring continued success. CMAQ funding for the region was approximately \$52 million over the past 7 years. During that period, Lenexa received approximately \$2.2 million to assist with 5 projects.

MUNICIPAL ECONOMIC DEVELOPMENT

Support the authority of local officials to responsibly use eminent domain for public use including economic development purposes

Eminent domain is a fundamental and necessary municipal power. The authority to acquire property through condemnation proceedings is critical for public improvement projects. The City supports state statutory safeguards which ensure just compensation and afford property owners the right to challenge Governing Body determinations in court, and which protect private property interests and opposes attempts to restrict or withhold federal funding for city projects in communities that use eminent domain for economic development purposes.

Support legislation affirming the authority of state and local government to provide tax incentives to promote economic growth

It is the proper role of Congress to respond to recent court decisions by affirming that states have the authority to use tax incentives to foster economic development and to provide certainty to states and taxpayers that those tax incentives are consistent with the free trade principles of the Commerce Clause. By enacting the 'Economic Development Act', Congress can save states and taxpayers from the waste of resources required by litigation and return the debate on state tax policy to the state legislatures.

TELECOMMUNICATIONS

Support preservation of local authority over telecommunications related right-of-way use

Local governments must have the flexibility to make right-of-way management decisions that best meet the needs of their particular community and, therefore, must maintain ownership and control of local public rights-of-way. In addition, franchise fees collected by municipalities are important revenue sources which enable cities to properly maintain the rights-of-way and ensure the public safety. The authority to collect such fees must be maintained.

LABOR

Oppose the Public Safety Employer-Employee Cooperation Act (H.R. 980) or any similar bill

The establishment of federal standards regarding the collective bargaining and conflict resolution measures available to public safety personnel employed by state and local government would force all state and local governments to collectively bargain with police officers, firefighters and emergency medical personnel.

Such legislation would negatively impact the way Lenexa currently does business. For example:

- The Act would require the City of Lenexa to change our pay for performance philosophy for a class of employees by mandating collective bargaining. The City strives to hire high performing individuals that help to make Lenexa a very successful customer service oriented city.
- The Act completely changes the relationship between the employer and the employee. The environment changes from one of unity and working together to an “us versus them” mentality.
- The Act eliminates the City’s authority to develop and discipline our employees consistently as we have done in the past.
- The Act mandates a change to the public safety employee system that would not benefit today's public employees or communities.
- The Act is an unfunded mandate that will not benefit Lenexa.

STANDING POSITIONS

LOCAL CONTROL

- ***Support the preservation of local government's regulatory powers***
Regulatory powers (rights-of-way management, zoning, etc) are essential for the health, safety and welfare of our citizens. Local government authority to deal with local issues must be preserved in recognition of the fact that local officials are uniquely suited to deal issues of local importance

UNFUNDED MANDATES

- ***Support full funding of federal mandates on local governments***
The imposition of mandates and programs on local governments without accompanying federal funding is contrary to the spirit of the Constitution. Any function or activity mandated by the federal government upon local governments should be fully and continuously funded by the Congress.

PUBLIC SAFETY

- ***Support the preservation of local control for police and fire departments***
The City of Lenexa's police and fire professionals are most qualified to address the City's unique public safety issues. Formulation of policies and procedures to address local safety challenges should be performed at the local level.
- ***Support legislation providing cities maximum resources and flexibility to prevent and combat terrorism***
Local first responders are the first line of defense in the War on Terror. Funds should be distributed in a way that allows local governments the ability to prevent and combat terrorism.

EDUCATION

- ***Support public education by minimizing federal regulation and fully funding those requirements that are placed on states and local school districts***
Congress should fully fund special education standards and the No Child Left Behind Act.

MUNICIPAL BONDS

- ***Support efforts to preserve the use of municipal bonds for local infrastructure financing***
Tax exempt municipal bonds are critical for local governments to finance needed roads, parks, and public buildings. The market provides a more competitive interest rate for the governmental entity because interest on such bonds is often exempt from federal and state income taxes. Lower interest rates benefit residents in the form of lower taxes.

ENVIRONMENTAL POLICY

- ***Support the use of Best Management Practices (BMPs) as the regulatory criteria in the administration of NPDES Phase II stormwater provisions***

Best Management Practices (BMPs) are more flexible and effective than fixed regulatory criteria, because BMPs can be better tailored to the unique characteristics of the environment. Lenexa has been very innovative in its Watershed Management Program “*Rain to Recreation*”; implementing flood controls that improve water quality and establish recreational amenities.

- ***Support the use of regional “General Permits” for metropolitan areas or counties to improve regional water quality***

Because watersheds do not follow municipal boundaries, regional permits are the most effective tool for improving water quality. Regional permits will promote cooperation among area cities and will present a more efficient method of monitoring Phase II permits. The issuance of regional permits will result in improved water quality.

- ***Support federal funding for the I-35 Fixed Guideway Project***

Johnson County Transit, the Kansas Department of Transportation and the Federal Transit Administration are updating the original alternatives analysis for a potential fixed guideway operation along the I-35 corridor to include Bus Rapid Transit. As traffic volumes and congestion along the I-35 corridor continues to grow, the I-35 Fixed Guideway Project will provide a much needed commute option for our residents and the employees of our business community.

LABOR

- ***Support the right of cities to determine the best way to maintain good labor relations***

The City of Lenexa opposes legislation that would impose on cities binding arbitration or mandatory recognition of bargaining units. Such measures would unnecessarily preempt local authority. Existing federal, state and local laws and municipal personnel procedures provide significant labor protections.