

City of Lenexa Core Principles

Home Rule and Local Control

Constitutionally granted home rule authority is essential to effective and responsible local government. Locally elected officials are in the best position to make decisions of community concern and are most accountable for those decisions.

Unfunded Mandates

The imposition of state mandates and programs on local governments without accompanying state funding is contrary to the concept of constitutional home rule. Any function or activity mandated by the State upon local governments should be fully and continuously funded by the State.

Spending and Tax Lids

The imposition of taxing or spending limits on local governments is contrary to the spirit and effectiveness of our system of representative government. The rights of Kansas voters should be preserved to determine tax and spending policy at the local level.

Tax Exemptions

The State system of taxation should be fair, equitable and should not overly burden any one segment of the tax base. The State should not reduce local government revenues through exemptions to segments of the tax base without providing alternative funds or new municipal revenue sources.

Homeland Security

Local government public safety personnel are the first to respond to acts of terrorism and are often at the forefront of preventing acts of terrorism. Available funds should be used and distributed in a manner that provides local governments maximum resources and flexibility to prevent and combat terrorism.

Preserve Local Government Revenues

The legislature should not withhold alcoholic liquor tax funds, nor the local portion of motor fuels taxes from local governments and divert these funds into the State General Fund. Pursuant to state law, these funds belong to the City, and are merely distributed by the State. It is vital these funds continue to flow through the State to local governments, where they are used for park maintenance, alcohol treatment programs, road maintenance, and substance abuse prevention programs in schools. Residents and businesses alike have come to depend upon, and have grown to expect, these important services from their local governments. Without these funds, service levels will suffer or become non-existent.

Local governments, in recent years, have endured the legislature not funding LAVTRF/CCRS demand transfers; the loss of property tax on machinery and equipment, and even the removal of the machinery & equipment property tax "slider", which was intended to soften the impact of the M&E tax revenue loss. Local governments face a very problematic budget situation whereby the statutorily-promised alcoholic liquor tax and motor fuel tax funds are needed more now than ever.

STATEWIDE TRANSPORTATION PROGRAM

Position: Support continued efforts to develop a new Comprehensive Transportation program.

A new program is necessary to ensure that existing as well as future transportation needs are met. Further, the City encourages KDOT to give economic development that yields additional tax revenue the highest consideration in developing the statewide program priorities and in providing funding to local governments to build and reconstruct critical highway, interchange and bridge infrastructure.

FAIRNESS IN COURT OF TAX APPEAL PROCEDURES

Position: Support legislation to provide a more reasonable balance regarding the commercial appraisal process by returning the presumption of validity to a county appraiser's assessment of the property.

In most states, the county appraiser's property valuations are presumed correct, which is consistent with the principles of administrative law. In 1996, a legislative change in Kansas shifted the burden of proof on tax appeals from the property owner to the appraiser which removed this presumption of correctness. This change became more significant in 2008 when the Legislature changed the Board of Tax Appeals to the Court of Tax Appeals making the board operate as a court rather than an administrative tribunal. A number of large retail establishments have systematically taken advantage of this change by appealing valuations utilizing novel and untested theories of valuation. This has resulted in significant erosion of property values by the Court of Tax Appeals even though the Division of Property Valuation can verify the County's ratios substantiate their valuations. The City of Lenexa supports a change in State law reinstating the presumption of correctness and validity to a county appraiser's property valuation.

COMMUNITY IMPROVEMENT DISTRICT ACT (CID)

Position: Support amendments to the new Community Improvement District (CID) Act to correct inconsistencies and clarify procedural requirements.

The Legislature created a new financing mechanism in 2009, allowing cities and counties to create Community Improvement Districts (CIDs) to more easily work with developers to encourage development and redevelopment. In utilizing this new tool it has become apparent that clarification of the law is needed regarding certain procedural requirements and that some inconsistencies in the law need to be corrected. These amendments will enable cities and counties to use CIDs to benefit their communities.

MUNICIPAL BOND SALE

Position: Support amendment to K.S.A. 10-106 to define the “good faith deposit” on new money, public sale of municipal bonds to include surety bond or cash deposits conveyed in a delivery method approved by the public entity.

Current state law requires bidders to provide issuers a good faith deposit on public bond sales “in the form of a certified or cashier’s check or surety bond in the amount of 2% of the total par value of the bonds being sold”. In October 2008, the only company providing surety bond service for good faith deposits in the bond market was discontinued. Several municipalities responded by accepting cash deposits for the good faith deposit. This process worked well and allowed the bond bidding process to be more accessible to bidders resulting in more competitive bids and lower overall costs to issuers. The Kansas Attorney General, who approves all general obligation new money bonds issues, opined that because the statute specifically states “certified or cashier’s check”, his office will not approve a cash deposit. The proposed amendment will allow issuers to define acceptable cash deposit delivery methods such as check, ACH, wire transfer, etc.

BIASED BASED POLICING

Position: Support maintaining the status quo of affirming the role of Police in providing unbiased, equitable treatment of all persons.

It is the City’s longstanding policy to police in a proactive manner, balancing the rights of all persons to be free from unreasonable governmental intrusions and law enforcement’s need to enforce local, state and federal laws. This balance should be considered and included in legislation dealing with changes or amendments to racial profiling statutes.

Legislative changes that are ambiguous will negatively impact the relationship between the Police and the community they serve.

STANDING POSITIONS:

ANNEXATION – Support existing annexation statutes.

BI-STATE – Oppose any expansion of the current bi-state legislation, K.S.A. 12-2536 et seq., or the passage of new legislation creating a similar bi-state regional initiative.

COUNTY SALES TAX – Support sales tax uniformity while maintaining the current basic statutory distribution formula (K.S.A 12-192, (a)) of all county sales tax initiatives.

EMINENT DOMAIN – Support responsible use of eminent domain for all public purposes, including increased flexibility for economic development purposes.

KANSAS OPEN RECORDS ACT AND KANSAS OPEN MEETINGS ACT (KORA/KOMA) – Support existing KORA/KOMA statutes as they strike a fair balance that allows for both open and efficient government.

KPERS/KP&F – 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.

LOCAL AD VALOREM TAX REDUCTION (LAVTR) – Support legislation reinstating the Local Ad Valorem Tax Reduction (LAVTR) program and fully funding the LAVTR proceeds that were associated with both the Machinery and Equipment Slider and the Gaming Legislation.

PUBLIC EMPLOYER-EMPLOYEE RELATIONS ACT (PEERA)/COLLECTIVE BARGAINING – Support the City's home rule authority to manage employer/employee relations.

RED-LIGHT CAMERAS – Support legislation allowing cities to place cameras at signalized intersections in order to promote traffic safety and reduce accidents by enforcing red-light running laws.

STATE EDUCATION FUNDING – Support funding of public education to ensure that Kansas students will be able to compete in today's global economy.

STATUTORY NOTICE REQUIREMENTS - Support amendment to official publication statutes allowing municipalities to utilize the internet for all legally required publications.

TABOR/TEA – Oppose the Taxpayer Bill of Rights (TABOR)/Taxpayer's Empowerment Act (TEA) or any other artificial restrictions or limitations on local governments' ability to raise revenue.

WATER PLANNING – Strongly support the development of a statewide strategy for water quality and quantity planning and sustainability.