



**ABOVE AND BEYOND. BY DESIGN.**

***2011  
National Legislative Program***

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



*February 8, 2011*

*Dear Reader:*

*The Governing Body of the City of Overland Park annually adopts a legislative program to delineate the City's legislative priority initiatives and standing policy positions.*

*The cornerstone of the legislative program is the belief that the governing of public affairs should be as close to the people as possible. Supporting activities that promote and encourage the exercise of authority and responsibility by locally elected officials is a top priority of the City of Overland Park.*

*Generally, the City of Overland Park supports the National Municipal Policy of the National League of Cities and will work with the NLC and other cities to enhance the mutual benefits of Kansas cities.*

*If you have any questions concerning the 2011 program, please contact me or Erik Sartorius, Assistant City Manager/Director of External Affairs, at (913) 895-6000.*

A handwritten signature in black ink that reads "Carl Gerlach". The signature is written in a cursive style with a large, looping "C" and "G".

*Carl Gerlach  
Mayor*

# **2011 National Legislative Program Summary**

## **PRIORITY POLICY ISSUES**

### TRANSPORTATION

- Support the reauthorization of the federal transportation plan for 2011 and beyond (page 3).

### MUNICIPAL OPERATIONS

- Support federal legislation to fully implement the Streamlined Sales and Use Tax Agreement (page 4).
- Support full funding for Energy Efficiency and Conservation Block Grants (page 5).
- Support repeal of Section 9006 of the Patient Care and Affordable Care Act (page 5).

## **STANDING POLICY ISSUES**

### TELECOMMUNICATIONS

- Support the access to telecommunications data in emergency situations (page 6).

### TAX AND REVENUES

- 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 7).
- Support maintained federal funding for the Community Development Block Grant (CDBG) program (page 7).

### MUNICIPAL OPERATIONS

- Support the current local option of cities to enter into collective bargaining (page 8).
- Support the appropriation of flexible funding and spending decisions for Homeland Security funding for local governments (page 8).
- 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 9).

## LAND USE AND ZONING AUTHORITY

- Support the historic and traditional land use and zoning authority of local jurisdictions (page 9).

## **DESCRIPTION OF THE CITY** (page 10)

## **ELECTED AND APPOINTED OFFICIALS** (page 11)

## **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 in a manner that ensures dependable investment in transportation infrastructure.

**EXECUTIVE SUMMARY:**

Congress has before it an important debate for 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.

The expiration of the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), has left transportation programs operating on continuing resolutions. 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.

## **LOCAL CHALLENGE: 159<sup>TH</sup> STREET & US 69 INTERCHANGE**

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.

The City of Overland Park is pursuing the construction of a major highway interchange at 159<sup>th</sup> Street and US Highway 69. The Kansas Department of Transportation approved the interchange, and the City is currently managing the design.

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.

### **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 (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:**                    **ENERGY EFFICIENCY & CONSERVATION BLOCK GRANTS**

**POSITION:**                The City of Overland Park supports continued utilization of Energy Efficiency and Conservation block grants, and asks Congress to extend this program via an annual appropriation.

**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 \$1.7 million in 2009 in EECBG funds. These monies were used for projects that will increase options for bicycle and pedestrian travel, optimize traffic signalization, reduce energy consumption, and create alternative codes for higher-density development. These initiatives are projected to save nearly 1.75 million gallons of fuel annually.

**ISSUE:**                    **Section 9006 of the Patient Care and Affordable Care Act**

**POSITION:**                The City of Overland Park asks Congress to repeal Section 9006 of the Patient Care and Affordable Care Act, given the burden it will place on local governments in generating IRS Form 1099 for everyday transactions.

**EXECUTIVE SUMMARY:**

Approximately 300 IRS 1099 forms are currently issued by the City of Overland Park annually under current regulations. Section 9006 of the 2010 Patient Care and Affordable Care Act would significantly increase the administrative efforts of the City. In fact, approximately 3,500 1099 forms would need to be issued by the City under the Section 9006 rules.

Legislation has been introduced in the Senate, S. 72 and S. 18, which would eliminate this new requirement.

## 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. In the 111<sup>th</sup> Congress, House bills H.R. 3682, H.R. 3717, and H.R. 3803 were introduced which would all have addressed 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:**                    **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 beginning January 1, 2012. The City opposes this unfunded federal mandate primarily based on the excessive administrative burden and accompanying costs associated with implementing this mandate.

Two other ramifications could result from this legislation. First, although the IRS has delayed implementation for applicability to purchasing cards, 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:**                    **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING**

**POSITION:**                The City of Overland Park supports full funding of CDBG. 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.

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:** **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:**

Legislation has been introduced in previous Congresses requiring municipalities to enter into collective bargaining agreements with their public safety officers. The City of Overland Park opposes such legislation, viewing it 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:** **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:                    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:                    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 2011 budgetary purposes is 8.876, the lowest of any first-class city in the State of Kansas. Property taxes comprise roughly 9.7% 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	Bill Ebel
Deputy City Manager	Kristy Stallings
Assistant City Manager/Dir. External Affairs	Erik Sartorius
Assistant City Manager	Adam Norris
Communications Manager	Sean Reilly
City Attorney	Mike Santos
Chief of Police	John Douglass
Fire Chief	Bryan Dehner
Chief Financial Officer	Dave Scott
Director of Public Works	Doug Brown
Acting Director of Planning & Development	Doug Johnson
Director of Parks Services	Greg Ruether
Director of Recreation Services	Tony Cosby
Chief Information Technology Officer	Vicki Irey
Chief Human Resources Officer	Mike Garcia
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