



*2011*  
*State Legislative Program*

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

*January 3, 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. This belief is exemplified in home rule authority, an amendment to the Kansas Constitution that was approved by the citizens of the state more than 45 years ago.*

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

*If you have any questions concerning the 2010 program or the City's actions in Topeka, please contact me or Erik Sartorius, Assistant City Manager/Director of External Affairs, at (913) 895-6000.*



*Carl Gerlach*  
*Mayor*

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NOTE: Asterisks (\*) found in the table of contents and Legislative Agenda denote issues upon which the City of Overland Park and Johnson County Government are in general agreement.

## 2011 State Legislative Program Policy Positions

**ISSUE:**        **Support Maintenance of State Funding \***

**POSITION:**

**The City of Overland Park calls on the Legislature to meet its fiscal responsibilities to cities by maintaining state funding to local governments. Specifically, the state should honor its partnership with local governments via alcoholic liquor tax funds and motor fuels tax receipts.**

**EXECUTIVE SUMMARY:**

Cities and counties across the state of Kansas should not be the funding source for state budget shortfalls. Cutting transfers or pass-throughs to local governments merely shifts the burden to municipalities, requiring either a reduction of services or an increase in local property taxes.

Two funds of particular importance to the City of Overland Park are the Alcoholic Liquor Tax Fund and the Special City & County Highway Fund. In both instances, the funds being returned to local governments are derived, in large part, from economic activity in those areas.

### **SPECIAL CITY & COUNTY HIGHWAY FUND**

- This resource is a vital component in the City of Overland Park's commitment to provide the modern transportation system demanded by our citizens.
- In 2010, the City received over \$4.6 million in motor fuels funds.
- Absent those funds, the City would face severe reductions in road maintenance or a possible 20% property tax increase of 1.83 mills.

### **ALCOHOLIC LIQUOR TAX FUND**

- The Alcoholic Liquor Tax Fund is another important revenue source shared by the state and local governments.
- A 10% tax is assessed on the sale of individual alcoholic drinks. 5% of the resulting revenue goes to the State General Fund, 5% goes to the state's community alcohol programs fund, and the balance is distributed to the locality in which the sale originated.
- By statute, these funds locally provide support for alcohol and drug abuse treatment and prevention services, park improvements, and day-to-day operations, including police, fire, and public works services.
- Removal of the Alcoholic Liquor Tax Fund revenues would create significant difficulties in the City's budget. Losing this funding could result in a 14.6% property tax increase of 1.3 mills, or drastic cuts in services to our citizens.

**COMMENTS:**

The issue of maintaining local government revenues is a prime concern for the City of Overland Park, particularly given the enormous budget challenges at both the city and state level.

In the past two years, the City of Overland Park has undertaken several actions to reduce its budget. The approved 2011 (general fund) budget is 7.4% smaller than the 2010 budget, and the 2010 budget reflected a 6.0% reduction from the City's 2009 budget.

The City also undertook a reduction in force early in 2010, and has continued to reduce positions as vacancies have occurred. This action resulted in the elimination of 45 people in 2010. Over the past two years, the City has shrunk its number of positions by nearly 95, or close to 13% of its non-public safety workforce.

**Overland Park's 2011 budgeted full-time staffing level is actually lower than the 2003 level, while having increased public safety personnel by 60 positions during this period.**

Attempting to bridge the gap between demands for services and withering state revenue, the City continues reviewing its departments and functions, increasing efficiencies and reducing redundancies without compromising City services.

**ISSUE:        **Annexation Authority****

**POSITION:**

**The City of Overland Park opposes changes to statutes governing the City's power of annexation.**

**EXECUTIVE SUMMARY:**

Cities long have held the power of annexation to foster their orderly development. Historically, as land has begun to develop and become more urban in nature, cities have petitioned counties to annex the land and such petitions have been granted. County commissions must weigh several factors in deciding whether to grant a request for annexation. Cities have repeatedly demonstrated the necessary foresight to ensure that existing urban areas and new growth develop in a way that is beneficial to the economic health of the community.

Under certain circumstances, cities are allowed to conduct unilateral annexations that do not require the approval of the county in which the city is located. These unilateral annexation powers have served the State and its municipalities well. The City of Overland Park has responsibly used those powers over the years since its incorporation in 1960 to achieve the long-term public interest of the entire community in which it exists.

The 2005 legislature greatly increased the opportunity for judicial review of the reasonableness of unilateral annexations and the adequacy of service plans for the area. The City believes these changes in law should be sufficient to address concerns of landowners in annexed areas.

**COMMENTS:**

Johnson County has been an enormously successful economic center for the State of Kansas. For more than a decade, the county has annually increased its population by over 10,000 persons. This growth has occurred primarily within cities, and today over 97.5% of the property tax revenue received by the county is derived within cities' corporate limits.

Property owners in areas proposed for annexation do have a voice in the process. The current law requires that cities prepare a service extension plan, give notice and hold a public hearing before annexing except when the landowner has asked for or consented to the city's annexation of his or her land.

In order to conduct unilateral annexations, other than annexations upon the petition or consent of the landowner, the land must meet certain standards – standards that would cause most people to believe the area to be annexed was already part of the city; namely, the land adjoins the City, is likely already urban in its character and use, and likely already enjoys services provided by the City. The land also may already be platted, may be owned by the City or some other governmental unit, may already lie within or mainly within the city, or may have a common perimeter with the city boundary line of more than 50%.

**ISSUE:        The Comprehensive Transportation Plan \***

**POSITION:**

**The City of Overland Park supports continued investment in the new comprehensive transportation plan known as T-WORKS, and vigorously opposes any movement to reallocate T-WORKS funding to cover state budget shortfalls.**

**EXECUTIVE SUMMARY:**

The recent passage of T-WORKS, the new comprehensive transportation plan passed by the legislature in 2009, is an important beginning for addressing many of the state's transportation infrastructure needs. As decisions for allocating TWORKS funds are made, it is critical that the economic development benefits of statewide strategic transportation projects be given significant weight, so as to ensure there is an identifiable, long-term return on investment for the entire state.

The highest priority for the City is US 69 Highway, widely regarded as the “backbone” of Overland Park. In the next 20 years, significant commercial and residential growth is expected along the highway. The Blue Valley region of Johnson County, which is primarily served by US 69, will be the most populous part of the metropolitan area (200,000 residents) by 2020. Current traffic counts are already at 2020 projections, with travel times expected to more than double by 2030 without needed capacity improvements. Moreover, the original portions of US 69 are reaching the end of their projected lifespan and will need to be completely rebuilt in the next ten years.

Additionally, the new transportation plan needs to encompass capacity improvements on US 69 from I-435 to 167<sup>th</sup> Street. The overall 5-year accident rate per million miles of vehicle travel is 1.57, compared to the statewide overall accident rate for similar roadway types at 1.203. This indicates that the accident rate on this stretch of US 69 highway is 31% higher than the Statewide average.

**ISSUE:        Enhanced 911 Funding \***

**POSITION:**

**The City of Overland Park supports maintaining the Enhanced 911 public safety system with appropriate funding mechanisms.**

**EXECUTIVE SUMMARY:**

Receiving and dispatching emergency calls with the utmost speed and accuracy is a vital public service. One of the challenges in our increasingly technologically-driven society is to be able to adapt governments’ methods of receiving pleas for help to the means utilized by those contacting emergency responders.

The ongoing changes in telecommunications technology require technology and equipment enhancements to ensure the provision of E911 services. Continuation of existing funding mechanisms is critical to accomplishing this important task.

**ISSUE: Kansas Public Employees Retirement System (KPERS) \***

**POSITION:**

**The City of Overland Park supports achieving a fully-funded public employees' retirement system within a reasonable amount of time.**

**EXECUTIVE SUMMARY:**

KPERS, the primary retirement vehicle for public employees in the State of Kansas, has struggled in recent years to reach a fund balance ensuring its long-term health. Recent investment returns have played a role, but so, too, have employer contributions that have not been at the actuarially-prescribed levels.

In order to have a well-trained, dedicated workforce, a fair package of total compensation is necessary. Erosion of the solvency of KPERS harms local government's ability to attract and retain quality employees. As a comprehensive solution to the long-term funding challenges is sought, the City calls on the legislature to keep in mind these concerns.

**COMMENTS:**

The Kansas Legislature created KPERS in 1962 to provide Kansans with careers in public service the opportunity to build a nest egg for retirement. In addition to the State of Kansas, any governmental entity or instrumentality whose employees are covered by Social Security may also affiliate for KPERS coverage.

**ISSUE: Community Improvement Districts \***

**POSITION:**

**The City of Overland Park supports amendments clarifying the community improvement district statute passed by the legislature in 2009.**

**EXECUTIVE SUMMARY:**

Legislation authorizing community improvement districts (CIDs) was passed in 2009 by the legislature as an additional tool for cities and counties to utilize in aiding economic development and redevelopment. As communities have begun to approve CIDs, it is apparent that clarification is needed within the statute.

**ISSUE: Kansas Open Records Act and Kansas Open Meetings Act \***

**POSITION:**

**The City of Overland Park opposes additional legislative limitations to the Kansas Open Records Act and Kansas Open Meetings Act.**

**EXECUTIVE SUMMARY:**

The City believes the Kansas Open Records Act and Kansas Open Meetings Act currently strike a fair balance to create open and efficient government and strongly supports retention of current exceptions to the act.

**COMMENTS:**

The Kansas Open Records Act assures public access to important public records. At the same time, the law allows essential exceptions to protect the privacy of citizens and allow the effective and efficient administration of government programs.

Similarly, the Kansas Open Meetings Act assures by law the openness of public decision making to the public and the media. However, recent legislative efforts have focused on restricting further the ability of local governing bodies to meet and confer on matters of importance not appropriately discussed in a public meeting. In addition, efforts have attempted to unreasonably restrict the ability of elected officials to discuss in an informal atmosphere, outside of formal meetings, matters of public policy that are important for making sound public policy decisions.

**ISSUE: Constitutional Home Rule**

**POSITION:**

**The City of Overland Park strongly opposes any alterations or limits to home rule authority.**

**EXECUTIVE SUMMARY:**

The cornerstone of municipal government is the belief that the governing of public affairs should be as close to the people as possible. This belief is exemplified in home rule authority, an amendment to the Kansas Constitution that was approved by the citizens of the state more than 45 years ago.

Supporting the exercise of authority and responsibility by locally elected officials is a top priority of the City of Overland Park. This constitutionally protected authority allows citizens to shape public policy to reflect their local priorities and sensibilities.

**ISSUE: Constitutional Lid on Local Government Spending \***

**POSITION:**

**The City of Overland Park opposes actions by the state to impose constitutional or statutory limits on the authority of local governments to establish appropriate levels of taxation.**

**EXECUTIVE SUMMARY:**

The state of Kansas has a responsibility to foster vigorous, effective local government, which means it has a commensurate responsibility to assure the fiscal strength of its cities. Municipal finance matters cannot and should not be solved by state-imposed tax lids and revenue source restrictions. Given the budgetary difficulties faced by the state, this flexibility at the local level is of critical importance.

**COMMENTS:**

The Kansas Legislature imposed limitations on the financing of local governments, including restrictions on the mill levy rate of taxes for individual tax funds, in 1933. Cities were authorized by statute to levy property taxes for 37 separate funds. Prior to home rule, cities could only derive their power to levy property taxes from the legislature.

When the Kansas Legislature ordered reappraisal in 1985, it enacted a second type of tax limitation to cities, known as the aggregate tax lid law. When this new tax lid law took effect in 1989, with some exceptions, it limited the total amount of property taxes a local unit could collect to an amount similar to the base year, plus growth from new buildings/additions and annexed territory.

The aggregate tax lid law and the limitations on some individual tax funds were allowed to expire in 1999.

**ISSUE: Distribution of Local Sales Tax Receipts**

**POSITION:**

**The City of Overland Park opposes efforts to redistribute local sales tax receipts based on a statewide formula.**

**ISSUE:        Incorporation of New Cities**

**POSITION:**

**The City of Overland Park supports current state law requiring a unanimous vote by county commissioners for the incorporation of a new city within five miles of an existing city.**

**EXECUTIVE SUMMARY:**

For a new city to incorporate, a petition must be filed with the county in which the area is located and approved by the board of county commissioners. When the territory is located within five miles of an existing city, the vote of the board of county commissioners must be unanimous for the incorporation to be approved. The Kansas Supreme Court has upheld the unanimous vote requirement.

The incorporation law reflects a legislative policy designed to discourage a multiplicity of independent municipal governments in an area. The duplication and fragmentation of basic governmental services creates an inefficient and more expensive way of providing municipal services. The incorporation of a new city should receive the closest scrutiny, and should only be done with the greatest confidence of the board of county commissioners, as evidenced by a unanimous vote.

**ISSUE:        K-12 Education**

**POSITION:**

**The City of Overland Park supports a K-12 education funding plan which recognizes the need for local flexibility in programs offered and the means for funding them.**

**EXECUTIVE SUMMARY:**

The City of Overland Park believes that a quality public education system is essential to the quality of life. The public school systems in Overland Park are among the pillars on which the community's growth and success have been built. Businesses are drawn to the highly skilled students our schools produce, and those businesses' employees locate in Overland Park so that their children may receive high-quality education.

School districts should be allowed to preserve their local control to make the best decisions for their students. Frequently, local control has translated into additional local option budget authority for school districts, which has given Overland Park residents the ability to support schools beyond the legislature's funding.

**COMMENTS:**

Deterioration of the school systems in Overland Park would negatively affect the City's neighborhoods and could harm property values. As a result, the City and its citizens would be in the difficult position of facing a shrinking tax base and a growing demand for more services to support declining areas. This could cause an increase in property taxes levied. Given the magnitude of assessed valuation in Johnson County, the effect of this on the State of Kansas would be substantial, as well.

The three school districts that serve the children of Overland Park are the Blue Valley School District, the Olathe School District and the Shawnee Mission School District.

**ISSUE:        Protect Legislative Fiscal Authority**

**POSITION:**

**The City of Overland Park supports representative democracy and opposes the imposition of artificial taxing and spending constraints.**

**EXECUTIVE SUMMARY:**

Our country has a long history of electing representatives to make decisions on complex policy and funding issues. The application of artificial taxing and spending constraints, whether constitutionally or statutorily imposed, undermines our form of government while providing no assurances of creating a better, more efficient government.

**COMMENTS:**

The United States of America has a long history of representative democracy. Early on, most citizens determined they did not have the time, interest, or inclination to be intimately involved in the day-to-day workings of government. At the same time, they did not wish to remove accountability from their government and allow all decisions to be made by unelected officials. This concept of government continues to reflect the mindset of most citizens today.

Representative democracy strikes a fair balance for citizens. By voting, citizens select individuals they believe will best represent their interests in the governmental body. Should their chosen representatives not perform as expected, citizens have ample opportunity to replace their representatives and select new ones. This practice has gone on for centuries and can be seen historically in the ebb and flow of myriad political movements and public policy choices.

The Kansas legislature deals annually with literally hundreds of issues. Often, issues interplay with each other, and legislators must set priorities and compromise in order to

resolve these policy issues. Artificial taxing and spending constraints, whether constitutionally or statutorily imposed, will not add accountability to representative democracy.

**ISSUE:        Municipal Excise Taxes**

**POSITION:**

**The City of Overland Park supports allowing the continued use of development excise taxes.**

**EXECUTIVE SUMMARY:**

The City of Overland Park guards its hard-won home rule prerogatives and believes its system of requiring participation of development in the costs of thoroughfare improvements through payment of an excise tax is both reasonable and fair. The City and the development community found a middle ground during the 2006 legislative session, with the City agreeing to bring future rate increases for its development excise tax to a public vote. The City opposes further limitations on its ability to levy an excise tax.

**COMMENTS:**

For the past 15 years, the City of Overland Park has levied an excise tax on the act of platting land. These funds have been used for thoroughfare improvements.

The City's established policy is to set the excise tax rate at a level that will generate revenues equal to 43% of the average cost of thoroughfares constructed by the City. Excise tax receipts currently contribute less than 20% of total thoroughfare construction funding.

The City of Overland Park regularly prepares reports, solicits input from the development community, holds public hearings, and otherwise justifies its excise tax rate. We also report during the budget process on excise tax revenues and expenditures. In 2005, we provided representatives of the development community and legislative committees broad information detailing our excise tax. The original enactment and each subsequent re-enactment of Overland Park's excise tax have included an opportunity for a citywide referendum.

**ISSUE: Public Employer/Employee Relations (PEER) Act \***

**POSITION:**

**The City of Overland Park opposes legislation that would remove the current local option of coming under the PEER Act.**

**EXECUTIVE SUMMARY:**

Proposals have been introduced that would remove the current local option and force local units of government to come under the PEER Act. K.S.A. 75-4321 states that the purpose of the PEER Act is to obligate public agencies, public employers and their representatives to enter into discussions with affirmative willingness to resolve grievances and disputes relating to conditions of employment. If passed, this legislation would mandate collective bargaining and the recognition of employee organizations.

The City views such legislation as an erosion of the home rule powers set forth in Article 12, Section 5, of the Kansas Constitution. It is the City's position that discussions and actions relating to conditions of employment are best resolved at the local level without state intervention.

**ISSUE: Intergovernmental Discourse**

**POSITION:**

**The City of Overland Park opposes any restriction on the use of public moneys to provide information and lobby on behalf of the City of Overland Park and our citizens.**

**EXECUTIVE SUMMARY:**

Communication between all levels of government is critical to the successful delivery of public services to the citizens of Kansas. Without public interest lobbyists, only the views of special interests seeking private benefits will be heard.

Efforts in recent legislative sessions would have curtailed the ability of local governments to communicate effectively with the legislature. Decisions made by the legislature can have multi-million dollar effects on local governments, leaving a choice for cutting services or raising taxes at the local level. Legislators deserve a chance to hear, and local governments a chance to present, a balanced view of the effects of legislation on local citizenry.

## 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 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 routinely upgraded to ensure adequate supplies for Overland Park's demands.

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, 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 ensure financial stability and coordinate 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 8.876, 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	Paul Lyons Curt Skoog
Ward 3	Donna Owens David White
Ward 4	Terry Goodman Fred Spears
Ward 5	Jim Hix John Skubal
Ward 6	George Kandt Dan Stock

Acting City Manager	Kristy Stallings
Assistant City Manager/Director of 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
Director of Planning & Development Services	Bill Ebel
Director of Recreation Services	Tony Cosby
Director of Parks Services	Greg Ruether
Chief Human Resources Officer	Mike Garcia
Chief Information Officer	Vicki Irely
Presiding Judge	Karen Arnold-Burger

You may reach any of the above officials at:

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(913) 895-6000