



2009
State Legislative Program

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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 2009 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
Carl Gerlach
Mayor

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PRIORITY ISSUES

ISSUE: **The Comprehensive Transportation Plan ***

POSITION:

The City of Overland Park supports creation of a new Comprehensive Transportation Plan. Needed improvements to US 69 Highway are the City's highest transportation priority.

EXECUTIVE SUMMARY:

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.

KDOT and the City have already developed a strong partnership in planning the future of US 69, as it received partial funding in the 1999 Comprehensive Transportation Plan (CTP) for work from 75th Street to 119th Street. Following through on this partnership makes sense, as work on US 69 will preserve an important state asset and make travel safer in an increasingly congested environment.

Additionally, the new transportation plan needs to encompass capacity improvements on US 69 from 119th Street to 167th Street. Overland Park has seen traffic accidents increase 22% on US 69 between 2002 and 2006. Further, the accident rate on US 69 is 45% higher than the state average for similar type roadways.

This project will also support the economic growth of the adjacent region, which will, in turn, benefit the City, State, and region. As a new CTP is considered, it is critical that the economic development benefits of statewide strategic transportation projects be given significant weight when considered for funding.

The City of Overland Park has a demonstrated commitment to investing time, money and other resources as a partner with the Kansas Department of Transportation. Any new CTP will understandably seek an even greater commitment from local communities. Because of the importance to the community and economic development, as well as the quality of life, the City

believes that a new Comprehensive Transportation Program is vital for the future growth of the state.

COMMENTS:

The Kansas legislature in 1989 and again in 1999 committed to programs to maintain and expand the state's transportation system. By most any measure, the two, ten-year programs have been enormous successes. Maintaining momentum from the two prior plans will help ensure that progress made over the past two decades will not be lost.

In difficult economic times, investment in infrastructure is one of the most valuable areas for the state to place limited resources. A new, comprehensive transportation program will provide needed jobs for the state's current economy. Meanwhile, the necessary infrastructure being created will benefit the state in the future in terms of efficient movement of people and goods and the retention and expansion of businesses.

A noteworthy example from the 1999 CTP is the I-435 and Antioch Interchange system enhancement project. This project included the construction of an interchange at I-435 and Antioch and all the collector/distributor lanes required on I-435, as well as a flyover ramp from southbound US 69 to eastbound I-435. The City believes this project will greatly benefit the city's infrastructure program as well as provide thousands of new jobs and other economic development benefits to the state and local area. Although not expected to be fully complete until Spring 2009, the City is already seeing an increased level of interest in developing ground near this project.

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%.

STANDING ISSUES

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.

EXECUTIVE SUMMARY:

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

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.

Until Fiscal Year 2003, the state shared a portion of its general fund revenues with municipalities in Kansas. Two funds provided most of this aid. The Local Ad Valorem Tax Reduction Fund and the City & County Revenue Sharing Fund shared revenues with cities and counties via separate formulas. The state's removal of these funds reduced Overland Park's intergovernmental revenues by approximately \$2 million.

Other state funds are also integral to the services provided in Overland Park, particularly the State Highway Fund. The state shares a portion of the taxes it collects from the sale of motor fuels with local governments. This resource is a vital component in the City of Overland Park's commitment to provide the modern transportation system demanded by our citizens.

The Alcoholic Liquor Tax Fund is another important revenue source shared by the state with local governments. This fund comes from a portion of the revenue derived from the state tax on alcoholic liquor. These funds 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 13.6% property tax increase of 1.2 mills, or drastic cuts in services to our citizens.

In 2006, the State of Kansas removed another revenue source for local governments – personal property tax on business machinery and equipment. To ease the loss of this revenue source, the state pledged to send to local governments a partial reimbursement which will gradually phase out over five years. In 2008, the City of Overland Park received \$111,400, and over the course of the state-funded “slider” mechanism expects to be reimbursed approximately \$310,000 of the \$618.890 that will actually be lost by the City over this period.

Attempting to bridge the gap between demands for services and withering state revenue, the City continues reviewing its departments and functions in an attempt to increase efficiencies and reduce redundancies without compromising City services.

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 currently strikes a fair balance to create open and efficient government and strongly supports retention of current exceptions to the act.

The Kansas Open Meetings Act should continue to allow executive sessions whereby elected governing bodies may deal with criminal investigation matters and emergency public safety needs, matters relating to real estate, matters of attorney-client privilege, personnel matters, and other issues allowed to be discussed in executive session.

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.

The 2009 legislature will be considering the reauthorization of several exceptions to the Kansas Open Records Act and Kansas Open Meetings Act. Of interest to the City of Overland Park is a provision excepting discussions of homeland security issues. This exception is particularly important when local jurisdictions are working in cooperation with private companies, religious institutions, hospitals and schools to coordinate on security matters. The City requests that this exception be retained by the legislature.

ISSUE: K-12 Education

POSITION:

The City of Overland Park supports a multi-year funding approach for K-12 education.

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.

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.

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.

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: **Flexibility in Transportation Development District Financing**

POSITION:

The City of Overland Park supports changes to the law governing transportation development districts (TDDs) which will increase the ability of cities to efficiently utilize such districts.

EXECUTIVE SUMMARY:

Transportation development districts (TDDs) are a means of financing infrastructure improvements that would otherwise be delayed. Most frequently, the infrastructure is needed due to new commercial development in an area. The statute currently allows up to one cent additional sales tax to be charged within a district to finance infrastructure supporting that district. Special assessments against properties in the district may also be used.

Increased flexibility in structuring transportation development districts will allow cities to partner with private interests and ensure that necessary infrastructure improvements are completed in a timely manner. Specifically, proposed legislation would allow TDD improvements to be financed on a pay-as-you-go schedule, rather than requiring the issuance of bonds. Some projects are small enough that issuing bonds is not a cost-effective tool. The legislation would also provide flexibility in calculating special assessments against properties within a TDD if sales tax proceeds from the TDD are sufficient to cover the bond payments.

ISSUE: Publication of Legal Notices*

POSITION:

The City of Overland Park supports allowing government entities the option to publish legal notices on the Internet in lieu of publication in a newspaper.

EXECUTIVE SUMMARY:

The City of Overland Park values the use of technology in delivering information and services to its citizens. Publishing legal notices on the City's website would create a permanent, searchable record for citizens to access. Removing the requirement that such notices be published in a newspaper would at the same time save taxpayers money. In the last three years, the City of Overland Park has spent an average of \$74,170 annually to publish legal notices.

Newspaper readership is declining, while the number of individuals using the Internet is rapidly increasing. Ninety-two percent (92%) of residents have computers at home. Ninety-eight percent (98%) of those have access to the Internet. Overland Park wishes to deliver information to its citizens in a manner sought by them. At the same time, the City realizes not every citizen may be comfortable using the Internet or have access to it. As such, the City believes it appropriate to have local governments publish notices in the newspaper directing citizens to the City's website or to City Hall or their local library, where copies of legal notices would be available.

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: **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: Public Debt

POSITION:

The City of Overland Park encourages the legislature to not alter statutes governing the issuance of public debt.

EXECUTIVE SUMMARY:

The City of Overland Park, along with other local units of government and the State, is authorized to issue public debt. For some public goods, such as roads, the most appropriate source of funds is bonds.

In recent legislative sessions, the question has been posed as to whether public finances could be compromised in the near future due to excessive amounts of debt being issued. A recent study completed by Wichita State University concluded that there is not a “crisis” in locally issued debt.

The City would note that sudden changes in policies affecting the issuance of debt could negatively affect municipalities. A lid on debt authority could have consequences with respect to a city’s bond rating. Granting significant new tax exemptions or undertaking other policy decisions that reduce the tax base could compromise revenue streams expected for the repayment of bonds.

In general, the legislature should let the market determine the appropriate level of public debt. If individuals and entities seeking to invest in bonds do not have confidence in a local taxing jurisdiction’s ability to have the necessary revenue to repay debt, investors will not purchase the bonds.

COMMENTS:

The City of Overland Park retains a AAA bond rating from Moody’s Investors Service, as well as Standard & Poor’s and Fitch Ratings. This is a remarkable achievement, as approximately only 21 cities in America have done this. The City’s debt structure is analyzed by considering the future burden placed on the taxpayer and the ability to retire debt with current revenue sources. Various financial standards have been developed to measure the effects of debt issuance upon the City’s five-year financial plan.

Kansas law limits the City’s debt to 30% of assessed valuation. For 2008, direct-bonded debt for the City is estimated to equal 6.3% of assessed valuation.

ISSUE: Carrying of Concealed Weapons in Controlled Access Outdoor Public Facilities

POSITION:

The City of Overland Park supports legislation allowing Cities to regulate individuals carrying concealed weapons in enclosed, outdoor public facilities.

EXECUTIVE SUMMARY:

In 2006, the City of Overland Park chose to prohibit the concealed carry of weapons in all city-owned buildings, as well as parks and trails. This included the Deanna Rose Children's Farmstead and the Overland Park Arboretum & Botanical Gardens. All of these areas were properly posted, in accordance with state statute.

During the 2007 legislature, legislation was passed that completely preempted the City's ability to prohibit the carrying of concealed weapons in controlled access outdoor public facilities.

The City of Overland Park sought inclusion of a provision allowing it to prohibit concealed weapons in outdoor facilities owned by the City that had a controlled access point. This latitude was sought specifically because of the Children's Farmstead and Arboretum. The amendment was adopted by a Senate committee, but was deleted from the bill on the Senate floor.

COMMENTS:

As noted above, two public attractions owned by the City have spurred interest in this amendment. In 2006, the Deanna Rose Children's Farmstead saw 375,083 visitors. The Overland Park Arboretum & Botanical Gardens, meanwhile, draws approximately 120,000 visitors each year.

The majority of those people visiting these attractions, particularly and obviously at the Farmstead, are children. The City notes that of the 22 specifically enumerated places where the Legislature has declared concealed weapons must be prohibited, at least five are locations where substantial numbers of children are present.

ISSUE: Payday Loans and Car Title Loans

POSITION:

The City of Overland Park supports additional regulation of payday and car title loans because certain payday lending practices have proven detrimental to the financial security of individuals and families. Such regulation is justified for lending products originally considered short-term solutions that are increasingly becoming long-term products.

EXECUTIVE SUMMARY:

The City of Overland Park supports efforts to limit the number of concurrent loans allowed at any one time and the number of consecutive loans that may be made. Additionally, bringing a reasonable limit to the applied interest rate is a worthy concept.

Short-term loans can be a service to people caught in an unusual bind. Unfortunately, reports have demonstrated that payday loans may not lead to greater financial stability, but less, as borrowers enter a cycle of continuous borrowing to pay off previous loans. According to the Center for Responsible Lending, only one percent of payday loans are made to one-time borrowers.

The City has not been immune from the proliferation of payday loan businesses entering communities. At this time, eleven such businesses are located in the City, including four within a half-mile stretch of Metcalf Avenue. The possible perception of other businesses and nearby residents is that such growth in the number of payday loan businesses in a small geographic area signals that the area is in decline.

A cycle of borrowing is disconcerting, given an increasing population living on limited means. Data compiled by United Community Services of Johnson County indicates we have seen a 44% increase in the number of persons living below the federal poverty level from 2000 to 2007 in Johnson County. Further, the county experienced a 10.2% increase from June 2007 to June 2008 in the number of persons utilizing food stamps. Difficult financial circumstances may make citizens more susceptible to budget crunches and the use of payday loans in a manner leading to a cycle of continuous debt.

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 12 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: 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.

EXECUTIVE SUMMARY:

Currently, the state collects local sales taxes along with the state's 5.3% sales tax. The state is then responsible for remitting the local sales tax to the proper taxing jurisdiction.

In recent years, the suggestion has been made that the state should continue to collect local sales taxes, but then redistribute those receipts based on a formula, rather than sending the funds back to the locality that levied the tax. The funds then would be distributed to all local governments, regardless of whether or not they even levy a local sales tax.

The sales tax generated by Overland Park's commercial development is already shared among the city, county, and state. The state's 5.3% sales tax on Overland Park's retail activity, therefore, is available for redistribution in the state general fund.

COMMENTS:

Local sales taxes provide municipalities one of their few non-property tax sources of revenue. These revenues help cities provide vital infrastructure, without which businesses would have difficulty getting goods and services to their customers.

The City Governing Body has used significant public funds to make infrastructure improvements such as streets, bridges, traffic control systems and ongoing maintenance necessary to accommodate commercial business. As a result of those efforts, Overland Park has been very successful in managing commercial development that generates sales tax for the City, Johnson County and the state of Kansas.

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: Eminent Domain Powers

POSITION:

The City of Overland Park supports changing the current law governing municipalities' use of eminent domain. Any legislation concerning the use of eminent domain for economic development purposes should aim to strengthen the process that balances private property interests and the welfare of the community at large. The City opposes any constitutional amendment that would bar the use of eminent domain.

EXECUTIVE SUMMARY:

Eminent domain is a fundamental municipal power. The authority to acquire property through condemnation proceedings is critical for public improvement projects. The City believes meaningful protections existed in the statutes safeguarding landowners' rights in such proceedings prior to the amendments made by the legislature in 2006.

In recent years, some municipalities have utilized eminent domain as a means of assisting their economic growth. Such use of eminent domain was upheld by the U.S. Supreme Court in *Kelo v. New London, Connecticut*, as a valid exercise of the power for public use. To date, the City of Overland Park has not used its eminent domain powers to enhance economic development.

In 2006, Senate Bill 323 narrowed the instances in which eminent domain can be used, requiring that a property be "unsafe for occupation by humans under the building codes." The legislature should return to cities the ability to utilize condemnation for blighted properties.

The City of Overland Park continues to believe that decisions affecting the economic future of communities are best made at the local level. We support the concept of requiring local governing bodies to give heightened scrutiny to any use of eminent domain for economic development. Such scrutiny may include supermajority approval of project plans and project reviews, as well as for any authorization of condemnation proceedings for economic development projects.

ISSUE: Property Rights “Takings” Legislation

POSITION:

The City of Overland Park supports the current framework for compensating landowners for property.

EXECUTIVE SUMMARY:

Currently, landowners have fair remedies through the legal system for both inadvertent and intentional acts by government that arguably result in unfair hardship. The City fully supports the existing remedies. However, the City of Overland Park strongly opposes legislation removing local governments' ability to protect the public health, safety and welfare. In addition, the City is opposed to any statutorily required economic assessment reviews that would necessitate additional personnel.

COMMENTS:

Following principles set forth in the Fifth Amendment, governmental bodies are allowed to acquire private property when necessary but are required to pay "just compensation" when they so do. This claim on private property is known as a "taking."

During the same period that "takings" law has evolved in the courts, so has "police power." The concept of police power is the right of government to intervene in the use of private property for the protection of the public health, safety and general welfare. Zoning is the most common use of police power as it affects land. The exercise of such police powers by state and local government agencies is essential to protect compelling public interests.

Recent attempts have been made to expand the concept of "takings" to other aspects of governmental actions. The most common proposals include compensation for reduction in economic value and economic assessment reviews. Such proposals open the City treasury to unwarranted legal claims and would require additional personnel for assessment reviews.

ISSUE: Clean Air Attainment

POSITION:

The City of Overland Park supports flexibility in legislation so that the Kansas City region's efforts to meet clean air requirements are not compromised.

EXECUTIVE SUMMARY:

To date, the Kansas City region has maintained its designation as an attainment area under the Environmental Protection Agency's standards for air quality. A "non-attainment" designation by EPA would have significant effects, including the possible loss of some federal transportation funds.

Policies undertaken by state legislation must give careful consideration to the potential effects on our region's air quality. Areas being monitored by the EPA must be given flexibility in complying with state policies so that designation as an attainment area for air quality standards is not jeopardized.

COMMENTS:

Being deemed a "non-attainment" area would significantly affect the current area economy. Diminished air quality may require specially blended fuels for reducing contaminants, with the additives increasing fuel costs. Motorists could come to face mandatory emissions tests of their vehicles, with repair of the vehicles required unless a passing score on the test is attained.

EPA findings and prescribed solutions could hinder future economic development, as well. The technologies and monitoring imposed would increase the costs of producing goods and services in our community. Such increases could become a significant factor as businesses decide whether to expand current facilities or relocate to the Kansas City area. Loss of business expansion or the relocation of businesses could cause a decrease in economic growth in the region.

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 2009 budgetary purposes is 8.852, the lowest of any first-class city in the State of Kansas. Property taxes comprise roughly 17% 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

City Manager	John Nachbar
Deputy City Manager	Kristy Stallings
Assistant City Manager/Director of External Affairs	Erik Sartorius
Assistant to the City Manager	Adam Norris
Communications Manager	Sean Reilly
City Attorney	Robert Watson
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 Parks and Recreation	James Cox
Director of Human Resources	Robert Jones
Information Technology Director	Vicki Irely
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