

RESOLUTION NO. 011413-1

A RESOLUTION ESTABLISHING THE 2013 STATE LEGISLATIVE PLATFORM FOR THE CITY OF ABILENE, KANSAS

WHEREAS, the City Commission desires to establish a State Legislative Platform to communicate the City's position on various state legislative issues that may affect municipalities;

WHEREAS, the State Legislative Platform serves as a tool to communicate the City's legislative interests to the State Legislature and the citizens of Abilene.

NOW, THEREFORE BE IT RESOLVED, by the City Commission of the City of Abilene, as follows:

Section 1. State Legislative Platform. That the City of Abilene, Kansas hereby adopts as its 2013 State Legislative Platform, the 2013 Statement of Municipal Policy, as prepared by the League of Kansas Municipalities, and as supplemented by the City of Abilene, Kansas, as attached hereto as **Exhibit A**

Section 2. Amendments. The aforementioned State Legislative Platform may be revised and amended from time to time by passage of a Resolution.

Section 3. Distribution. The City Manager is hereby authorized to provide copies of the State Legislative Platform to the City of Abilene's elected State Representatives. The City Manager shall also publish a copy of the State Legislative Platform to the City's website.

Section 4. Effective Date. That the effects of this Resolution shall be in full force after its approval by the City Commission.

PASSED AND APPROVED by the Governing Body of the City of Abilene, Kansas this January 14, 2013.



ATTEST:


Penny Soukup, City Clerk

CITY OF ABILENE, KANSAS

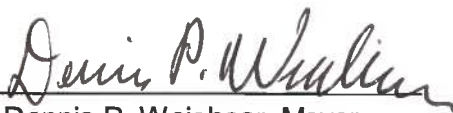
By: 
Dennis P. Weishaar, Mayor

EXHIBIT A

2013 State Legislative Platform

City of Abilene, Kansas

January 14, 2013

Local Supplement to the
2013 Statement of Municipal Policy
as prepared by the
League of Kansas Municipalities

The City of Abilene, Kansas, has identified the following "State Issues of Local Importance" to supplement the 2013 Statement of Municipal Policy as prepared by the League of Kansas Municipalities. The following legislative positions were adopted for inclusion in the City of Abilene's 2013 State Legislative Platform as provided in Resolution No. 011413-1.

President Dwight D. Eisenhower Tourism: President Eisenhower served as the 34th President of the United States and as a Five-Star General of the U.S. Army. President Eisenhower contributed greatly to positively affect national and international events. He is the only President to call Kansas home as his boyhood home is located in Abilene, Kansas. The City supports a national and state effort to promote Eisenhower's legacy. A recent cooperative effort between Kansas and Missouri designated Interstate 70 between Abilene, Kansas and Independence, Missouri as the Eisenhower-Truman Memorial Highway. To continue this initiative, the State of Kansas should continue to commit resources to preserve the Eisenhower legacy for generations to come in much the same way as other states, such as Illinois, have claimed their Presidential sons.

Chisholm Trail Historic Trail Project: Per Public Law 111-11, the National Park Service is in the process of conducting a Feasibility Study/Environmental Assessment for the Chisholm and Great Western National Historic Trail to commemorate the routes followed by more than ten million head of cattle travelling between Texas and Abilene, Kansas en route to market in the 1860s through 1880s. The City endorses the national effort being dedicated to this project and supports the completion of the study/ assessment. The City, as the terminus of the route, also supports the implementation of a plan to provide historical interpretation of the story of this important and untold piece of our nation's history. An effort is underway at the national level and among the historic member states along the route to develop this plan. The City supports efforts by the State of Kansas to participate in any intergovernmental project and encourages financial support to promote this important piece of Abilene's and Kansas' history.

Greyhound Industry: According to the American Greyhound Council, the greyhound industry creates a national economic impact of about \$832 million per year. Unfortunately, the greyhound industry has been in decline for several years as the model for greyhound tracks has become infeasible without casinos and gaming facilities. The City of Abilene is the national headquarters for the National Greyhound Association and supports legislation that would promote the industry and provide much needed partnerships with state casinos. Family-run greyhound breeding farms are important contributors to our local and state economy. It is estimated that greyhound farms represent over a \$150 million investment in the United States and a \$35 million investment in Dickinson County, Kansas. The State should review working legislative models for the greyhound industry in West Virginia and Florida to produce an environment that preserves this piece of our economy.

-2013-
STATEMENT OF MUNICIPAL POLICY



LEAGUE OF KANSAS MUNICIPALITIES

2013 ACTION AGENDA

The prosperity of the State of Kansas is absolutely dependent upon the prosperity of our cities. Over 82% of Kansans live in an incorporated city. In an effort to promote healthy and sustainable communities, the elected and appointed city officials of Kansas hereby establish the following as our action agenda for 2013:

- Local tax and revenue decisions are a foundation of local democracy. Consistent with Home Rule principles, we oppose any limitation on the ability of locally elected officials to make those decisions.
- We support the statutory requirement that a portion of the monies received from state-sponsored gaming in Kansas be used for local property tax reduction.
- Because cities play a crucial role in effective emergency management, we request that the Adjutant General and the State of Kansas review the role of cities in the state emergency management plan.



HOME RULE

Downtown Fort Scott



LKM supports the constitutional home rule authority of Kansas cities. Self-governance by locally elected officials must be preserved in order to ensure that local issues and problems are handled at the level of government closest to the citizens that they represent.

- **Annexation.** The ability of cities to grow is inherent to the ultimate success of annexation powers as they are currently established in state statute. The current statutory framework was amended in 2011 to balance the interests of cities and those in areas to be annexed. Further amendment would shift this balance in a way that would impede orderly growth. Therefore, we oppose any change which limits the authority of cities to grow through annexation.
- **Eminent Domain.** Eminent domain is a fundamental municipal power. The authority to acquire property through condemnation proceedings is critical for public improvement projects. Further, the use of eminent domain for economic development has long been recognized as a public use of this authority. We support increased flexibility for local governments to use eminent domain for economic development purposes, including blight remediation, without seeking legislative approval.
- **Interlocal Cooperation.** We support the principle of voluntary cooperation among all levels of government.
- **Governmental Immunity.** We support continued immunity for cities from tort liability.
- **Police Powers.** We oppose "takings" legislation that would restrict the authority of cities to regulate in order to protect the health, safety, and welfare of the public.
- **Public Property & Rights-of-Way.** We oppose any legislation which would restrict the ability of cities to control and manage public property and rights-of-way or the ability of cities to franchise those entities that utilize the rights-of-way.
- **Consolidation.** We oppose any statutory barriers to local consolidation. We further believe that the issue of consolidation is an inherently local one and that the voters should be allowed to determine whether consolidation with another unit of government occurs.

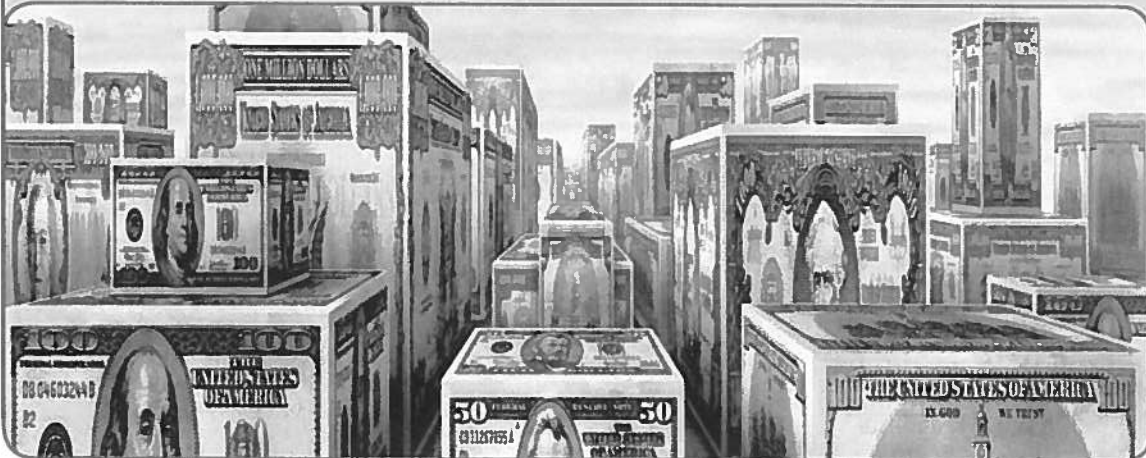
MUNICIPAL FINANCE

An adequate source of revenue is necessary in order to fund the essential services of city government. Because each city is unique in both services provided and the ability to pay for such services, maximum flexibility should be granted to local governing bodies to determine the amount and source of funding for city services.

- **Kansas Tax System.** Cities are important partners in creating jobs, reviving the economy, delivering vital services, and providing quality of life. The Governor and Kansas Legislature should include city leaders in discussions about restructuring the Kansas tax system and any changes must avoid shifting additional financial burdens to local governments.
- **Tax/Spending Lid.** We oppose any state-imposed limits on the taxing and spending authority of cities. We believe that local spending and taxing decisions are best left to locally elected officials and the citizens they serve.
- **City-County Highway Fund.** The City-County Highway Fund is essential to maintaining local roads and should be fully funded in order to support the critical infrastructure of our communities.
- **Alcoholic Liquor Taxes.** We support the current statutory framework with regard to the collection and distribution of alcoholic liquor taxes.
- **Property Valuation.** In order to maintain fair and equal taxation, we support appraisals based on fair market value. We oppose caps in property valuations as unconstitutional and inequitable.
- **LAVTR.** The State Legislature should help to relieve the burden on property taxpayers by reinstating the Local Ad Valorem Tax Reduction (LAVTR) program. This should include keeping the promises made with reference to the machinery and equipment mitigation legislation, future gaming revenues, and the existing statutory formula.
- **Revenue Sharing.** The State Legislature should reinstate existing revenue sharing programs. In the event that the State is unable to fully fund these, the Legislature should authorize cities to impose alternative revenue sources in order to maintain appropriate levels of funding for the health, safety, and welfare of our citizens.
- **Alternative Revenue Sources.** Locally elected officials and the citizens they represent should be granted the authority to impose local-option taxes, including exactions such as an income tax, earnings tax, excise tax, and gasoline tax. Existing state preemption of local-option taxes should be removed.
- **Unfunded Mandates.** We oppose unfunded mandates. If the state or federal governments seek to promote particular policy objectives, such mandates should be accompanied by an appropriate level of funding.
- **Municipal Bonds.** We support the removal or modification of overly burdensome and costly restrictions affecting the issuance of municipal bonds. Further, we support the continued tax-exempt status for municipal bonds.

MUNICIPAL FINANCE

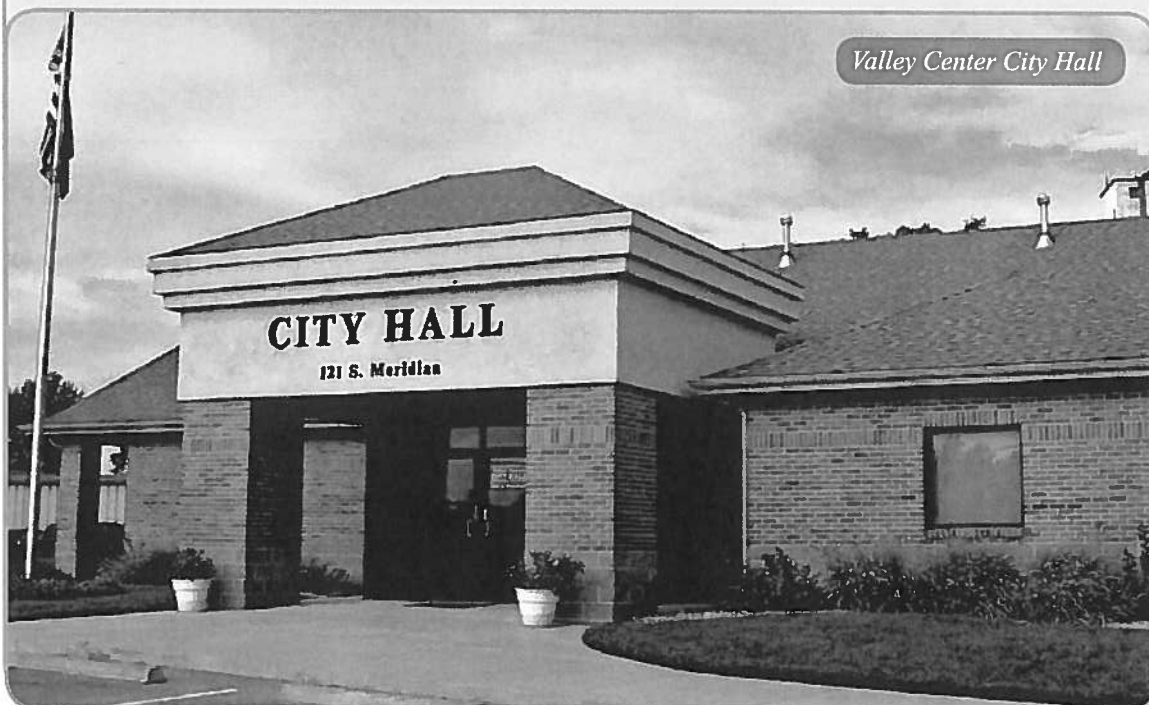
- Streamlined Sales Tax.** We urge Congress to take action as soon as practicable to pave the way for mandatory collection of sales and use taxes on remote sales. Any federal tax legislation should not preempt state and local sales and use tax authority. Kansas should continue to participate in the Streamlined Sales Tax Project.
- Telecommunications Taxes.** We categorically oppose restrictions on the ability of cities to impose and collect taxes and fees on telecommunications providers.
- Local Sales Taxes.** We support the existing statutory authority for all cities to impose local sales taxes and seat taxes and the existing statutory distribution for all sales taxes.
- Sales Tax Exemptions.** Given the current and future budget challenges facing both state and local governments, we oppose the continued erosion of the state and local sales tax base by the passage of new exemptions.
- Property Tax Exemptions.** We believe that the existing property tax base should be protected, and therefore, encourage the Legislature to resist any proposal to further exempt any specific property classification from taxation. The machinery and equipment exemption should not be expanded. The Legislature should actively review existing exemptions in order to determine whether the exemptions are still appropriate or should be repealed.
- Independent Living Units.** We recommend amendment and clarification of the state law with regard to independent living units which are operated by not-for-profit entities. As a matter of tax equity and fairness, we support the inclusion of independent living units as taxable properties.
- Banking and Investment Restrictions.** We support maximum banking and investment choices for local government. At a minimum all cities, counties, and school districts should have the same banking and investment authority that the State has granted to itself.
- Budget Timing.** We support increased flexibility regarding the statutory requirements for filing city budgets.
- Municipal Debts.** We support a legislative solution that facilitates more effective collection of unpaid municipal debts.



PUBLIC EMPLOYEES

City employees are the foundation of effective city government. City governing bodies must have the authority to develop local personnel policies in order to attract and maintain a high quality public workforce.

- **PEERA/Collective Bargaining.** We support the current statutory process in the Public Employer-Employees Relations Act. We oppose any federal or state mandate which would require collective bargaining at the local level.
- **KPERS/KP&F.** We support the current statutory framework regarding KPERS and KP&F as passed by the 2012 Legislature. The local KPERS system should remain separate from the state and school retirement system. Changes to the KPERS/KP&F system should consider the impact on cities' ability to hire and retain qualified public employees.
- **Personnel Mandates.** We oppose state and federal mandates involving public personnel.
- **Workers Compensation.** We support reasonable and just benefits for employees injured within the course and scope of their public employment, and effective enforcement of the workers compensation act to eliminate payment of unjustified benefits.
- **Prevailing Wage.** We oppose federal and state prevailing wage mandates.
- **Health Care & Other Benefits.** We support cooperation and active study of ways to relieve the financial burden of securing employee health care coverage, including the continued option for cities to participate in the state health care program.



PUBLIC HEALTH AND SAFETY



Cities play a critical role in the protection of the health and safety of the citizens of Kansas. Because mandated programs are more costly and less efficient, government at all levels should cooperate in the development of health and safety programs.

- **Law Enforcement and Public Safety.** We believe that cooperative efforts, rather than mandated requirements, are vital to the efficient and effective development of local law enforcement and public safety programs.
- **Emergency 911 Services.** Cities and counties should maintain local control of the 911 system and the 911 tax should continue to include both wireline and wireless communications.
- **Emergency Management.** We request that the Adjutant General and the State of Kansas review the role of cities in the state emergency management plan. Because cities play a crucial role in effective emergency management, implementation strategies must promote cooperative efforts between federal, state, and local governments.
- **Alcohol & CMB Regulation.** We support the authority of cities to license and regulate alcoholic liquor and cereal malt beverage retailers and establishments.
- **Municipal Courts.** We support the local control of and judicial authority of municipal courts and the appointment of municipal judges.
- **Firearms.** We support the local regulation of firearms.
- **Homeland Security.** First responders at the local level serve as the front line defense in the prevention and response to terrorism and other security risks. Local governments should be granted maximum flexibility and discretion over implementation of monies and strategies regarding homeland security.
- **Telecommunications Data.** We support the continued ability of public safety officials to access data from telecommunications companies in times of emergencies to assist investigations.
- **RICO Tools.** We support legislation to allow the use of law enforcement tools similar to the federal Racketeer Influence and Corrupt Organizations (RICO) Act in order to allow communities to utilize these procedures to combat repeat offenders.

TRANSPORTATION

The transportation infrastructure in Kansas is critical to the safety of our citizens as well as the economy of this state. The State of Kansas should cooperate with local governments to help ensure the continued maintenance and expansion of this important asset.

- **Comprehensive Transportation Program.** We support the continued funding of the Kansas T-Works comprehensive transportation program. We oppose any further use of these funds to balance the State's general fund budget. Any reduction in T-Works funding would jeopardize existing programs.
- **City-County Highway Fund.** The City-County Highway Fund is critical to maintaining local roads and should not be diverted for other purposes.
- **Transportation Safety.** The State should work in cooperation with local governments to continue to provide safe roads and bridges within the state of Kansas.
- **Development Infrastructure.** Because transportation infrastructure is critical to the community development activities of cities, we support the continued maintenance and expansion of the transportation infrastructure in the state of Kansas.
- **Airport Funding.** We support the continued use of state economic development dollars (EDIF funds) to enhance airport facilities and services.
- **Transportation Development Districts.** We support the continued ability of cities to establish transportation development districts in order to provide for the transportation infrastructure needs in the community.
- **Recreational Trails.** We support the development of recreational trails, including rails to trails projects, and oppose state and federal legislation that would make such development more burdensome or costly.
- **Connecting Links.** The State should increase KDOT's funding for connecting link programs to contract with cities to provide for the maintenance of state highways within city limits.
- **Cooperation with KDOT.** We support the continued efforts of the Kansas Department of Transportation to work with cities on cooperative programs including the transportation revolving loan fund and various economic development projects.
- **Enhanced Rail Service.** We support enhanced passenger and freight rail service in Kansas.



View of I-70 in Riley County.

MUNICIPAL UTILITIES

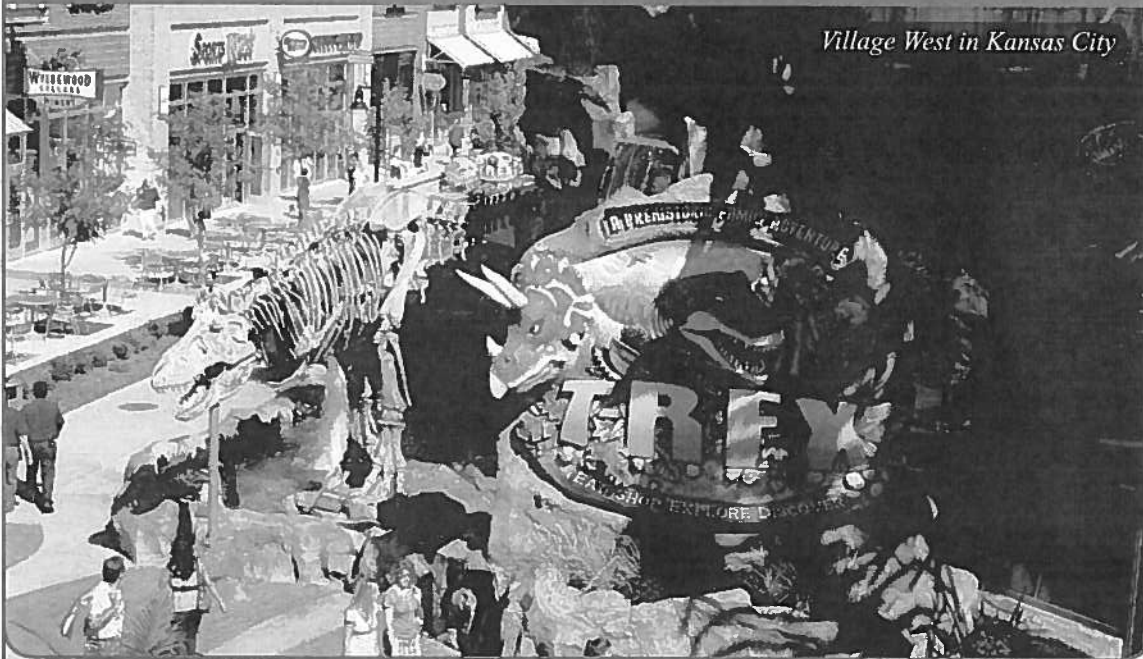
City workers in Osawatomie



Cities operate a variety of utility services that impact and improve the day-to-day lives of Kansans. Locally elected officials should maintain the greatest measure of self-determination in the operation of these vital city functions.

- **Mandates.** We oppose federal and state mandates regulating the operation of municipal gas, water, electric, sewer, telecommunications, solid waste, stormwater utilities, or other utility services. Any mandates which are passed down to cities should not be imposed without a cost/benefit analysis and should be accompanied by appropriate funding. In addition, regulations should provide for a reasonable implementation schedule.
- **Flexibility in Funding.** We support the authority of local governing bodies to make decisions concerning the financing of local utilities.
- **Power Aggregation.** We support the right of cities to act as power aggregators on behalf of their citizens.
- **Franchise Authority.** We oppose any legislation that restricts the current franchise authority for cities.
- **Municipal Operation.** We oppose any legislation that restricts the ability of cities to operate municipal gas, water, electric, sewer, telecommunications, solid waste, stormwater, or other utility services.
- **One-Call.** We support the development of a state one-call system that recognizes the diversity of cities in Kansas and provides reasonable options for cities of different sizes. The one-call notification center and board of directors should remain subject to the Kansas Open Meetings Act and the Kansas Open Records Act.

COMMUNITY DEVELOPMENT



Cities are an important part of the economic backbone of Kansas. The development and redevelopment of commercial centers, residential communities, public facilities, and industrial areas is necessary to the sustained growth and stability of the Kansas economy.

- Economic Development Partnerships.** State and regional partnerships are vital to the sustained growth of the state and should be supported by policy and with adequate funding.
- Tax Abatements.** We support the authority of cities to offer tax abatements to encourage business investment in their communities.
- Tax Increment Financing (TIF).** We support the continued use of TIF in order to promote economic development. TIF laws should allow maximum flexibility and allow for efficient use by cities regardless of size.
- Revitalization Tools.** We support the continued use of the Neighborhood Revitalization Act, the Downtown Redevelopment Act, and the Community Improvement District Act in order to promote local neighborhood development.
- Tourism.** We support cooperative ventures between the state and local government in Kansas to promote tourism as an industry which is vital to growth and development all across the state. The State of Kansas should commit more resources to the promotion of tourism.
- STAR Bonds.** We support the ability of cities to utilize STAR bonds in order to promote economic development in their communities.
- Energy-Related Manufacturing.** We encourage the State to work with cities to actively pursue manufacturing operations for wind, biomass, solar, and other energy-related industries in Kansas.

GOVERNMENTAL ETHICS

Elected and appointed city officials are committed to open and honest government. Cities should maintain the authority to supplement state law requirements with local policies concerning open government and ethics.

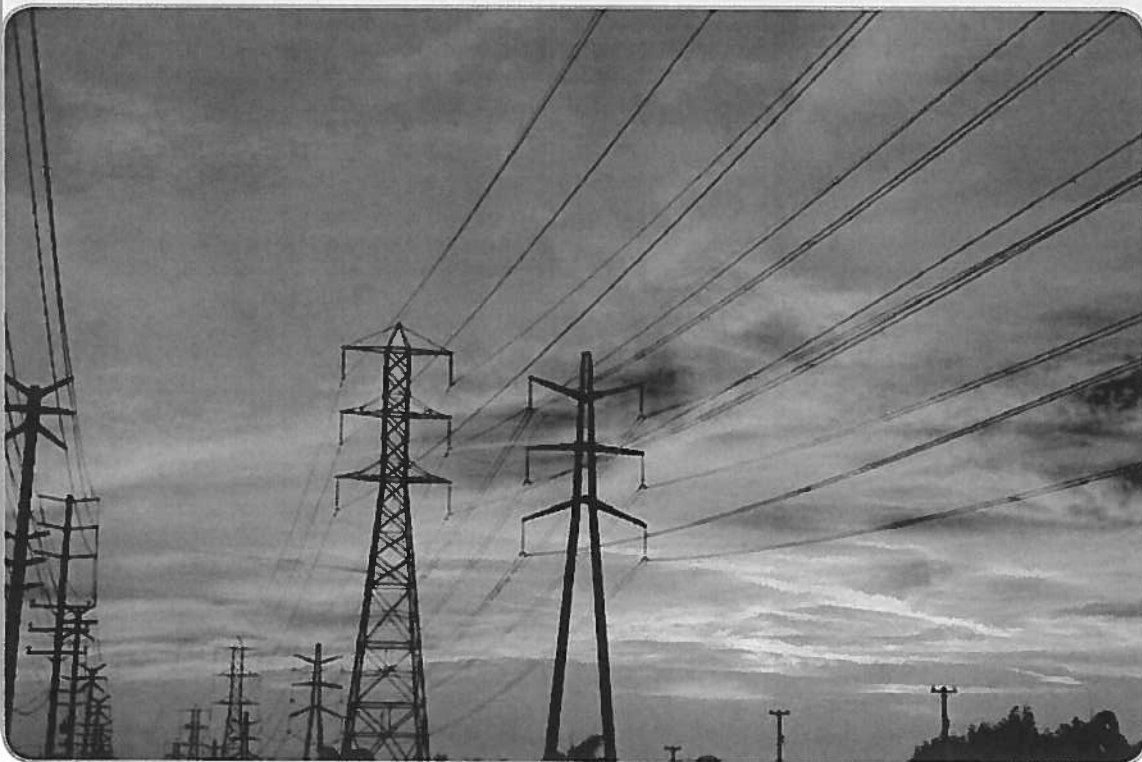
- **Open Meetings.** All levels of government should be subject to the same open meetings requirements. These laws should not be unduly burdensome.
- **Open Records.** All levels of government should be subject to the same open records requirements. State laws governing open records should balance the public's right of access with the necessity of protecting the privacy of individual citizens and the ability of public agencies to conduct their essential business functions. The statutorily required sunset for all exemptions to the Kansas Open Records Act is impractical and should be removed.
- **Local Ethics Policies.** We support the establishment of local ethics policies by locally elected officials. We oppose legislation that restricts the ability of city governing bodies to adopt local ethics policies for elected and appointed city officials.
- **Intergovernmental Dialogue.** Communication between all levels of government is critical to the successful delivery of public services to the citizens of Kansas. Representatives from cities provide facts and information that are crucial to intergovernmental relations, and as such, should have the same rights and responsibilities as private interest lobbyists. We oppose any restriction on the use of state and local public moneys to provide information and lobby on behalf of our cities and citizens.



ENERGY

Cities are both consumers and producers of energy. The development of energy policy at both the state and federal levels should include significant input from city officials and should provide a balanced approach to these complex issues.

- **Statewide Energy Policy.** We support the immediate development of a coordinated and comprehensive energy policy developed with strong input from cities. We encourage the State to adopt legislation providing the mechanism and staff support for the development of such policy.
- **Baseload Generation.** The State of Kansas, in cooperation with federal, regional, and local officials, should provide for a balanced approach to the development of adequate, stable baseload generation.
- **Transmission.** We encourage the State to make it a priority to support the efforts of the Southwest Power Pool and the Kansas Electric Transmission Authority to continue to develop new and enhance existing transmission infrastructure.
- **Renewable Energy.** We support research and development efforts regarding renewable energy sources. We support the goal of having a 20% renewable portfolio standard for regulated utilities by 2020.
- **Energy Efficiency.** We support public and private incentives to encourage energy efficiency by local governments and citizens. We support the promotion of energy efficiency in local government and municipal utilities operations through programs which recognize the diversity of utility structures serving local governments.



WATER AND ENVIRONMENT



Meeting of the Republican, Smoky Hill, and Kansas Rivers in Junction City.

Effective management of natural resources to protect and preserve the ability of local government to meet public needs is vital for the future of Kansas and its communities. State and federal environmental regulations should be based on sound science and technology and should not be imposed without a cost/benefit analysis. State and federal regulators should encourage and embrace new technologies as a way to address environmental challenges.

- **Water Quality.** We support a clean and safe public water supply and the protection of public health and aquatic life. We endorse cooperative solutions to water quality challenges which address both point and non-point source pollution.
- **Water Quantity.** Government at all levels should aggressively pursue the conservation, protection, and development of current and future municipal water supplies. We support efforts to extend the life of reservoirs and to expand reservoir storage for use by municipal water suppliers.
- **Water Planning.** We support a reevaluation of current state water policy including increased municipal representation on the Kansas Water Authority; revenue sources and distribution for the state water plan fund; and, the process for adopting the annual state water plan fund budget.
- **Infrastructure Funding.** We support increased federal and state funding to assist local communities with their water, wastewater, stormwater, levee, and dam infrastructure and associated security needs.
- **Stormwater Management.** We endorse regional and cooperative solutions to stormwater quality and quantity challenges which address both point and non-point source pollution.
- **Solid Waste.** The home rule powers of cities to dispose of and manage municipal solid waste should not be restricted. We oppose any legislation which would declare changes in private solid waste providers to be a taking.
- **Recycling.** We encourage the State to assist in developing programs to make recycling a cost-effective option for communities and their citizens.
- **Hazardous Waste.** We support a comprehensive state-local approach to provide assistance in identifying hazardous wastes and to develop programs to monitor and dispose of such wastes.
- **Clean Air.** We support air quality controls which protect the health and safety of Kansans while balancing municipal cost concerns.