

# Derby



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## 2011 Legislative Agenda Derby, Kansas

# Summary Position

The 2011 legislative goals for the City of Derby seek to preserve both the funding and values that are essential to local governance. These goals ensure that services to Derby citizens remain intact, especially as it concerns state funding issues. The following legislative agenda identifies these and other core areas of legislative importance to the City of Derby as well as specific items the City is asking our representatives to address this session.



## Core Principles

### Home Rule

The City supports self-governance by locally elected officials as provided for in the State's Constitution. Specifically, local governments should control their rights of way, have condemnation authority, be immune from tort liability, and be free to voluntarily cooperate with other public and private entities, as well as state government, to ensure the best level of service for our citizens. We do not support actions at the state level that erode representative democracy or local self-determination.

### Fair and Equal Taxation

The City of Derby is committed to keeping property and sales tax rates low. Achieving this goal depends on state leaders maintaining the tax base. Sales tax exemptions and tax credits, regardless of the worthiness of the mission, erode the tax base. Each exemption creates winners and losers: the successful special interest is the winner, and everyone else who must pay marginally higher taxes to offset the exemption are the losers.

### Kansas Open Meetings Act (KOMA)

Making government decisions in public view is not always easy or the most efficient way to govern, but most citizens would not have it any other way. The City supports all levels of government being subject to the same open meetings requirements which promote citizen involvement without being unduly burdensome.

### Kansas Open Records Act (KORA)

An open record is a public record that must be made available, unless specifically prohibited, to members of the public requesting access to such record. Open records laws should balance the public's right to access with the necessity of protecting the privacy of individual citizens and the ability of public agencies to conduct essential business functions.

### Annexation

The ability of Derby to promote and plan for growth is inherent to the ultimate success of our community. The City supports the ability of all cities to use their annexation powers as they are currently established in state statute. We oppose any change that limits the authority of cities to grow through annexation.



### **Restoration of Demand Transfers**

The State unfortunately continues to fail to meet its statutory obligation to local units of government with respect to demand transfers. The Local Ad Valorem Tax Reduction (LAVTR) Program funds core services for cities. Therefore, if the State continues to withhold those payments to local governments, it is only shifting the State's tax burden onto local taxing units and their constituents.

### **Unfunded Mandates**

The City of Derby opposes unfunded mandates. If the state or federal governments seek to promote particular policy objectives, an appropriate level of funding should accompany such mandates.

### **Eminent Domain**

Eminent Domain is a fundamental municipal right. While the City supports the use of eminent domain to acquire property for public improvement and economic development projects as legitimate and beneficial uses of this authority, the City encourages efforts to strengthen eminent domain authority for blight remediation. The authority to intervene in a timely and effective fashion to abate blighted property conditions that are clearly a threat to the surrounding neighborhood is imperative. The City supports statutory safeguards to protect private property interests and encourage its delegation to enhance municipal authority to stop blight.

### **Rights-of-Way**

The City of Derby opposes legislation that would implement state-wide franchises, restrict the ability of cities to control public property and rights-of-way, or restrict the ability of cities to franchise entities that use the rights-of-way.



# DERBY LEGISLATIVE PRIORITIES

## Restore Transfers to Local Governments

### Position

**Support legislation to restore all transfers to local governments, and therefore assist in keeping property taxes low.**

### Background

Over the past decade, the State has been reducing its transfers to local governments, effectively adding pressure to increase local property taxes or cut services.

**1. Machinery and Equipment (M&E).** In 2006, the Legislature approved removing property tax from business machinery and equipment. To help mitigate local impact, "slider" payments were included in the legislation. In 2009, legislation eliminated approximately half of the '09 reimbursement and all of the 2010 reimbursement. The estimated impact on Derby was \$50,000 in 2009, \$35,000 in 2010, and \$25,000 in 2011.

**2. Local Ad Valorem Tax Reduction (LAVTR).** In November 2002, Governor Graves took an unprecedented action by cutting statutorily authorized and legislatively appropriated transfers to local governments for the remainder of the '02 State budget year. This action has dramatically affected the City's last eight annual budgets, leaving Derby with far fewer resources to provide services (police, fire, streets, parks, etc.) to its citizens. In dollars and cents, Derby has lost \$385,000 annually, or \$3,080,000 cumulatively, which is equivalent to approximately 3 mills each year.

In 2010, the City of Derby was thankful the Legislature did not approve additional cuts and asks that the following not be cut this session:

**1. Liquor Tax.** The City received \$147,000 in 2010 and devotes one-third of this money to the Special Park & Recreation Fund, one-third to the Special Alcohol Fund, and one-third to the general fund. This money pays for park improvement projects, drug abuse prevention, and other important city projects.

**2. Special City-County Highway Fund (SCCHF).** Motor fuels taxes and a share of motor carrier property tax transferred from the State General Fund comprise the SCCHF. The City of Derby realizes \$120,000 annually from this transfer. Any reduction will have a significant effect on maintenance of city streets.

**State legislators should keep their promise to restore LAVTR funding to cities and keep other state transfers to local governments intact.**



## Casino Revenue

### Position

**Support legislation that will retain the use of casino revenue for its intended original purposes.**

### Background

In anticipation of casino revenue, the 2007 Legislature defined how gaming revenues would be distributed: 1) reduction of state debt, 2) state infrastructure improvements, and 3) reduction of local property taxes.

The City of Derby, as well as cities and counties across the State of Kansas, rely on property taxes as our primary revenue source. With other revenue sources eroding or even cancelled (sales tax exemptions, demand transfers), revenue generated through appraised property values remains the most stable revenue source.

If the 2011 Legislature would direct casino revenue to local governments, the City of Derby would consider reducing our mill levy.

**State legislators should keep their promise to use casino revenues to reduce local property taxes.**



# Derby Partnerships

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There is strength in numbers.

That's why the City of Derby acts in cooperative partnership with regional organizations such as the **Regional Economic Area Partnership (REAP)** and **Visioneering Wichita** to develop legislative agendas for state and federal legislators that represent the best interests of the economic region.

The interests of the City of Derby and its sister cities are also represented by the legislative priorities of the **League of Kansas Municipalities** whose mission is to advocate for the interests of Kansas municipalities to advance the quality of life and general welfare of all Kansas citizens.

The City of Derby endorses the legislative priorities of each of these groups as summarized in the following pages.



## Regional Economic Area Partnership (REAP)

### Mission

The Regional Economic Area Partnership (REAP) is comprised of 37 city and county governments in 9 counties of South Central Kansas, which include Butler, Cowley, Harper, Harvey, Kingman, McPherson, Reno, Sedgwick and Sumner counties. These jurisdictions have voluntarily joined together for two primary purposes:

First, to guide state and national actions that affect economic development in the region; and

Second, to consider and adopt joint actions among member governments that enhance the regional economy.

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### REAP LEGISLATIVE PRIORITIES

#### Affordable Airfares:

Maintain the Kansas Affordable Airfares Program to assure more flight options, more competition for air travel, and affordable airfares for Kansas.

#### Water Supply and Research:

Advance legislative and administrative action to secure state financial investments in:

- the Equus Beds Storage and Recovery (ASR) Project to preserve the aquifer for agricultural, industrial, and municipal use essential to the regional economy;
- aviation research at the National Institute for Aviation Research (NIAR) at Wichita State University; and
- orthopedic research at the Center for Innovation for Biomaterials in Orthopedic Research (CIBOR) at Wichita State University.

#### State Water Policy:

Support a reevaluation of current state water policy including Kansas Water Authority representation, revenue sources and distribution for the state water plan fund, and the process for adopting the annual state water plan fund budget.

#### Technical Education:

Support a stronger system of business-driven technical training and education in Kansas including enhanced funding support, better alignment and articulation of education and training programs, and transition programs to better serve adult learners.

#### Local Workforce:

Support federal reauthorization of the Workforce Investment Act of 1998 to include maintaining local control through private sector and employer driven Local Workforce Investment Boards.



## Visioneering Wichita

### Mission

To provide citizen input in developing our future;

To facilitate communications so reality and perceptions are aligned; and

To create a strategic plan that ensures a quality of life and encourages our young people to live, learn, work and play in our regional community.

For 2011, the Unified Agenda will identify priorities that work toward common goals for the region.

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### THE UNIFIED LEGISLATIVE AGENDA

#### Aviation:

- Keep the Kansas aviation industry competitive through continued state investments in the National Institute for Aviation Research (NIAR) at Wichita State University and through support for a new system of business-driven technical training at the National Center for Aviation Training at Jabara. *(Ongoing support)*

#### Medical:

- State support for 25% expansion in the capacity of nursing programs in existing post-secondary public education institutions in South Central Kansas. *(Maintain funding)*
- Support for a Kansas Center for Innovation for Biomaterials in Orthopedic Research (CIBOR) in south-central Kansas through the Kansas Bioscience Authority. *(Ongoing funding)*

#### General Infrastructure:

- State support to maintain and expand low-cost commercial air service (Affordable Air Fares) from Mid-Continent Airport. *(Maintain funding)*
- Support for funding for Equus Beds Aquifer Storage and Recovery Project and maintenance of ongoing funding by becoming a Kansas Water Authority line item. *(Maintain funding)*
- Support for Kansas Small Business Development Centers (KSBDC) and maintenance of ongoing funding. *(Maintain funding)*



## League of Kansas Municipalities

### Mission

**To unify, strengthen, and advocate for the interests of Kansas municipalities to advance the general welfare and promote the quality of life of the people who live within our cities.**

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### LEAGUE ACTION AGENDA

**Public Safety:** Cities play a critical role in protecting the safety of their citizens. Support legislation to maintain the 911 public safety system through continuation of current levels of funding.

**Municipal Finance:** An adequate source of revenue is necessary to fund the essential services of city government. Maximum flexibility should be granted to local governing bodies to determine the amount and source of funding for city services. To that end, the League will:

- 1) Support the statutory requirement that a portion of the monies received from state-sponsored gaming in Kansas be used for property tax reduction.
- 2) Oppose state-imposed limits on the taxing and spending authority of cities; local spending and taxing decisions are best left to the locally elected officials and the citizens they serve.

**Emergency Management:** Because cities play a crucial role in effective emergency management the League is requesting the adjutant general and the State of Kansas to review the role of cities in the state emergency management plan to ensure that implementation strategies promote cooperative efforts.

**Collective Bargaining:** Employees are the foundation of effective city government. Local governing bodies must have the authority to develop personnel policies to attract and maintain a high quality workforce. Oppose any federal or state mandate which would require collective bargaining at the local level.



A stylized arch graphic composed of three overlapping curved lines in light orange, dark green, and medium green, spanning the width of the page above the word 'Derby'.

# Derby

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