

CITY OF GARDNER'S 2021 LEGISLATIVE AGENDA

State Issues

The following is the City of Gardner's legislative agenda for 2021:

1. **Home Rule and Local Control** – The City of Gardner supports the retention and strengthening of local home rule authority to allow locally elected officials to conduct the business of their jurisdiction in a manner that best reflects the desires of their constituents and results in maximum benefit to that community (*Joint with Johnson County*).

The City of Gardner supports legislation that maintains the ability to retain and enhance home rule authority, including the following positions:

- a. Property Tax Lid Repeal – The City of Gardner supports local elected officials having the ability to make taxing and spending decisions and urges the repeal of the property tax lid legislation (*joint with Johnson County*).
- b. Participation in the Legislative Process – The City of Gardner supports local officials and their representatives' ability to freely participate in the legislative process through advocacy and education on issues affecting local governments without cumbersome reporting requirements.
- c. Eminent Domain - The City of Gardner supports current law regarding the use of eminent domain by local units of government for utilities and public infrastructure improvements (*joint with Johnson County*).
- d. Automatic Cell Tower Placement – The City of Gardner supports the repeal of 2016 Legislation granting the automatic placement of cell towers in city and county owned right-of-way to allow regulation of the placement of cell towers by reasonable local zoning processes which review important community values such as safety and neighborhood concerns (*joint with Johnson County*).
- e. Preservation of Pass-Through Revenue – The City of Gardner supports the preservation and funding of local government revenues which pass through the State's treasury, including Local Ad Valorem Property Tax Reduction (LAVTRF), City County revenue Sharing (CCRS), alcoholic liquor tax funds, and the local portion of motor fuel tax to local governments (*joint with Johnson County*).
- f. Unfunded Mandates – The City of Gardner maintains its opposition to mandated responsibilities from the state without full funding (*joint with Johnson County*). The imposition of State mandates and programs on local governments without accompanying State funding is contrary to the spirit of constitutional home rule. Any function or activity mandated by the State upon local governments, without any alternatives to avoid the additional costs, should be fully and continuously funded by the State.

- g. Local Control of Revenue – The City of Gardner opposes any State regulations that would limit the amount of revenue a local government can raise or spend on a year-to-year basis.

2. **Tax Policy** – The City maintains the following position on taxes:

- a. General Tax Policy – The City of Gardner supports stable revenue sources and urge the Kansas Legislature to avoid applying any further exemptions to the ad valorem property tax base, including exceptions for specific business entities or the state/local sales tax base, as well as industry-specific special tax treatment through exemptions of property classification (*joint with Johnson County*). The local tax burden has shifted too far to residential property taxes dues to state policy changes.
- b. Uniform Property Tax Assessments – The City of Gardner supports state legislation that would standardize the process of assessing property values for taxation purposes.
- c. Local Option Sales Taxes – The City of Gardner maintains that local officials and their residents should determine local sales tax and use rates and opposes any legislation that would preempt local authority to set these rates. Gardner supports existing authority of local governments to impose local sales taxes for special uses.
- d. Sales Tax Exemption – The City of Gardner supports the current law that exempts local government and public construction projects from sales tax (*joint with Johnson County*). State imposed sales tax on government purchases and projects will increase costs and lead to a reduction in services. Purchases have to be made and construction must occur; imposition of a sales tax would increase the local tax burden to cover those added costs. This sales tax revenue does not help local government, but in fact hurts our local economy and our residents who have to pay higher property taxes.
- e. Property Tax Lid – The City of Gardner opposes the property tax lid in its entirety. Should the property tax lid remain in place, we oppose the removal of any of the current property tax lid exemptions as cited in applicable Kansas Statutes. Removal of the exemptions could prevent the City from investing in critical infrastructure and increase the cost of debt. Gardner supports modifying current legislation so that a public vote is based on a protest petition provision.
- f. Delinquent Special Assessments – Gardner supports legislation that would expedite the process of collecting delinquent special assessments.
- g. Collection of Compensating Use Tax on Remote Sales – The City of Gardner supports legislation facilitating the collection of compensating use tax from purchases made from sellers with no physical presence in Kansas based on the U.S. Supreme Court decision in South Dakota v. Wayfair (*joint with Johnson County*). Sales tax collected should be

distributed using existing methods/formulas for the state and local governments.

- h. Sales Tax Reductions on Food and Pharmaceuticals – The City of Gardner supports the state’s thoughtful consideration of reductions in sales tax on food and pharmaceuticals, while balancing the impact on, and obligations of, counties and local units of government across the State (*joint with Johnson County*).*
 - i. Property Tax Relief for Low Income Seniors – The City of Gardner supports expanding the eligibility of the current programs Homestead Act and SAFESR – Kansas Property Tax Relief for Low Income Seniors to provide property tax relief for those on fixed incomes (*joint with Johnson County*). In addition, we support any and all efforts by the State Legislature to implement enabling legislation to allow for a more robust Homestead Property Tax Exemption for all Kansas homeowners, not just those on fixed incomes.*
3. **Transportation Issues** – The City of Gardner supports funding of a comprehensive transportation plan including highways, airports, trails, and transit (*joint with Johnson County*)

The City of Gardner supports the following policies:

- a. Support a State Program for Funding Transportation Improvements – Gardner supports addressing emerging needs beyond T-Works and believes the criteria for project selection should consider economic development opportunities. The program is required to fund projects that will support the continued economic growth of the City of Gardner, which will benefit the region, and the entire state. Specific projects identified in need of funding include:*

- *I-35 and Gardner Road Interchange: This is currently a relatively small diamond interchange originally constructed in 1959, when Gardner’s population was about 1,600. Today the population is 23,000, and the Logistics Park Kansas City (LPKC) industrial development is located just one mile west on 191st Street. In the 3-year period from 2015 to 2017, since the development of the LPKC, accidents have increased 330% in this vicinity.*

Currently, the City of Gardner is working with KDOT to design the first phase of the project to relieve the immediate pressure and conflict point: relocating 191st Street and signaling the ramp terminus. The project is funded with both Federal Funding (STP) and KDOT funds, along with a City of Gardner Contribution of \$2,615,000. The second phase of the project is scheduled for 2024 and includes replacement of the existing bridge over I-35. Funding for this phase will come from both KDOT and the City of Gardner. However, the future DDI designed to meet the traffic requirements of the region remains unfunded. The future DDI is vital to developing economic opportunities near the interchange.

- *Reconfiguration of the I-35 and US-56 interchange to urban diamond:* Capacity improvements are needed at I-35 and US-56 (175th Street, Exit 210) to service expanding business at both the New Century Air Center and the Midwest Commerce Center located just west of the interchange. Industrial, retail and residential development is beginning to occur along the 175th Street corridor between the interchange and US169. Development from New Century Air Center, Midwest Commerce Center and points east will significantly increase traffic along this corridor and will further accelerate the need for capacity improvements at this interchange.
 - *Other Projects:*
 - US-56 and Waverly Road intersection.
 - Reconstruction of US-56 thru Gardner.
 - New interchange at I-35 and Moonlight/183rd Street.
 - Capacity improvements on I-35 south of the new Lone Elm interchange to at least the Johnson County line.
- b. *Support Funding for Local Programs and the Special City County Highway Fund-* Gardner supports funding for Local Programs. Administered by KDOT, Local Programs provide assistance to municipalities for improvements of arterial roadways, connecting links, safe routes to school, and Special City County Highway Fund. The City of Gardner maintains approximately 195 lane miles of local roadways. The City's current transportation master plan identifies and recommends \$9 million in improvements over the next 5 years, and over \$130 million in improvements through 2040. Maintaining and improving the City's arterial roads would not be possible without the Special City County Highway Fund.
- c. *Support Funding KDOT Preservation and Preventative Maintenance -* Gardner supports KDOT preservation and preventative maintenance funding. Roadways require regular, timely maintenance including: sweeping, thin-surface treatments, overlays, striping, and signage.
- d. *Support for KDOT Aviation Funding* – Gardner owns and operates The Gardner Municipal Airport, K34, a community airport, included in the FAA's National Plan of Integrated Airport Systems. The airport's role within the Kansas Aviation System Plan is identified as a community airport, intended to serve a supplemental role in the local economy, primarily serving smaller business, recreational and personal flying.

The Gardner Municipal Airport CIP contains \$5.6 million in projects over the next 10 years, much of which is not fundable under existing FAA programs. As such, the City supports both continued and enhanced support for KDOT Aviation Funding.

- e. *New Sources of Revenue to Increase Transportation Funding and the Property Tax Lid -* Gardner supports finding new funding sources, which may be required to support transportation funding including potentially new motor fuel taxes, taxes on electrics/hybrids, new license and/or

registration fees, toll Revenues & user fees, vehicle weight fees, and other revenue sources. Locally, funding for transportation maintenance is hampered by the property tax lid. The restriction limits the ability of local governments to capture valuation growth and cripples the ability of communities to keep pace with the demand for services. Often, this means that road improvements and maintenance are deferred, as they must compete with other needs and services with limited sources of revenue.

4. **Technology Issues** – The City of Gardner believes forward-looking policies concerning technology are vital to future growth and development.

The City of Gardner supports the following policies:

- a. **Data Sharing** – The City of Gardner supports the State investing in their information technology systems to enable effective data sharing between departments and with their community partners, the ability to extract data for decision making, and providing effective and efficient service to those receiving services (*joint with Johnson County*). The City of Gardner further believes in the importance of ensuring the security and privacy of such data transfers.
 - b. **Broadband Development and Access** – The City of Gardner supports policies and funding to provide broadband development and internet access to improve economic development, telemedicine care, remote learning, and government efficiency (*joint with Johnson County*). The City of Gardner encourages the State of Kansas to explore opportunities to fund innovative means of broadband delivery to the general population.
 - c. **Publication of Required Notices** – The City of Gardner supports amending current statutes to allow local governments the option of publishing required notices on their official local government website in lieu of publication in a newspaper (*joint with Johnson County*).
5. **KPERS Funding** –The City of Gardner supports the State fully funding its portion of the employer contributions at the Actuarial Required Contribution (ARC) levels and at the required times (*joint with Johnson County*). We believe Local governments have fully funded their share of the KPERS pool. The system should accumulate sufficient assets during members' working lifetimes to pay all promised benefits when members retire. The actuarial levels of the local government assets need to be protected from the state shortfall.
 6. **Development of a Comprehensive Economic Development Plan for the State of Kansas**
The City of Gardner supports statewide economic development (*joint with Johnson County*). We strongly encourage the State of Kansas to develop a comprehensive plan to foster and enhance the State's economy.
 7. **Dark Store Theory** – The City of Gardner opposes any legislation based on hypothetical lease valuations or the dark store theory, which suggests that commercial properties should be valued as-if-vacant and available for sale or rent to a future hypothetical user rather than in the current use, which is often a functioning, occupied store (*joint with Johnson County*).

8. **Environmental Plans** – The City of Gardner supports the state’s efforts to develop and implement cost-effective, scientifically based environmental plans and provide local governments flexibility and resources to meet their environmental goals (*joint with Johnson County*).
9. **State Water Plan** – The City of Gardner supports fully funding the State Water Plan (SWPF) (*joint with Johnson County*).
10. **Protections for Individuals Against Discrimination** – The City of Gardner unequivocally believes in the inherent and equal rights and worth of all individuals, regardless of Race, Color, Religion, Gender, Age, National Origin, Veteran Status, Disability, Genetic Information & Testing, Family & Medical Leave, Sexual Orientation and Gender Identity or Expression. We also believe that passing ordinances at the local level which place adjudication and enforcement of these stances in the hands of city government resources that are not equipped to handle them is not prudent, and could expose municipalities such as our own to undue litigation. In light of this, we would instead prefer that any protective acts or adjudications, as with Title VII of the United States Civil Rights Act, be handled at the state and federal levels where there are already adequate resources in place to handle anti-discrimination and harassment cases.