



**FEDERAL ISSUES OF INTEREST TO
THE CITY OF OLATHE, KANSAS
February 16, 2016**

Overview:

The City of Olathe truly values the strong working relationship and open lines of communication with our Congressional delegation. We recognize our successful partnership serving Olathe taxpayers and we are committed to their best interest.

The city applauds our delegation's understanding of our priorities and efforts to support them. Again this year, they are based on fundamental themes.

The first is ensuring that any funding cuts, including grants that support a federally mandated program or project, include elimination of the accompanying mandate. If not, they are not spending cuts but a cost pass-through to local taxpayers.

The second tenet applies to truly defining a spending cut or federal revenue enhancement. Hijacking other revenue or accounts such as the Asset Forfeiture Program to address the deficit is not a cut. It is simply a transfer of monies established and collected for one important program to fill a gap in another. The same concern applies to enhancing federal revenue by taxing to local bonds. Ultimately, taxpayers will bear the brunt of the cost at a different level.

The newly added issue regarding funding of the Asset Forfeiture Program is an example of both.

Lastly, the city believes local voter and local taxpayer voices should not be muted by taking local decisions out of their control. Concerns about adding environmental regulation with no measureable return and significant costs are a key example.

Transportation

- The City applauds Congress's efforts to fund our national transportation system and recognizes this is a prudent and wise investment. The City has concerns, however, about funding for interchange within local jurisdictions. These infrastructure projects are not only essential for traffic management, but also for economic development and growth in Kansas. Moving forward, the City hopes a sustainable and stable funding source will be identified and implemented.
- The City supports retaining funding for FTA 5310. The City uses this funding to support the Olathe Taxi Coupon Program.

Upcoming Project/Issues (s):

- *119th/I-35 Expansion*
- *Olathe Economic Development Projects*

Labor and Employment

- Believing that the state and federal governments should not intervene in local government employee relations, **the City strongly opposes legislation granting special employment rights to public safety personnel, namely collective bargaining.**
- **The City opposes extension of OSHA regulations** to local government. The City already has federal, insurance industry, and self-imposed regulations and oversight of workplace safety.
- **The City supports legislation that would repeal the Davis-Bacon Act** applicable to construction projects assisted with federal funds. This Act raises construction costs on public projects and adds administrative burden. As an alternative, the City would support legislation that increases the \$2,000 threshold for the Act.

Federal Budget & Tax Legislation

- The City recognizes the unique economic situation facing our nation. Within this environment, **the City supports a federal budget plan that does not disproportionately target municipal assistance programs** for reduction, including community development block grants. If municipal assistance funding is cut, the City asks the Delegation to support reduction in federal mandates and their associated costs that are equal to or greater than the funding cut.
- Tax exempt status for municipal bonds saves taxpayers millions of dollars in Kansas, and any effort to change that status will directly cost them. **The City opposes efforts to increase taxpayer costs of bond issuance with little to no real cost savings for taxpayers.**
- Nearly 60% of the City's operations fund is supported by sales taxes. With the passage of a destination sourcing program in Kansas, outlying economic centers such as Olathe are being adversely impacted. The point-of-sale legislation was passed by the state legislature with an eye toward capturing sales of remote goods and services over the Internet. Though the City has opposed the implementation of point-of-sale taxation, it does increase the

need for the City to capture remote internet sales to offset our current losses. With that in mind, **the City continues to support efforts to treat remote sales similar to on-sight sales in terms of applying sales tax.**

Takings Legislation

- **The City opposes the passage of takings legislation** that would restrict local government's ability to exercise zoning and land use authority in the public interest. Takings legislation directly attacks the primacy of local officials in land use matters. The City believes current federal constitutional limitations on the regulatory powers of state and local governments are sufficient to protect private property interests.

Public Safety

- The City of Olathe's police and fire departments are responsible for administering and/or assisting in a multitude of federal programs. In addition, each department is tasked to enforce a number of federal laws and regulations. To fulfill those charges as well as their many traditional public safety duties, the departments take advantage of a number of federal programs and initiatives.
 - **FIRE ACT** programs provide direct funding to local fire and EMS departments for training, education, and specialized equipment.
 - **Staffing for Adequate Fire and Emergency Response Act (SAFER)** assists local fire departments in meeting adequate staffing levels.
 - **Local Law Enforcement Block Grant (LLEBG)** enables cities to improve public safety services under the previous allocation formulas.
 - **BJA Edward Byrne Grant** provides for police equipment that cannot be obtained through local revenues.
 - **BJA Ballistic Vest Program (BVP)** supports replacement of police vests.
 - **Community Oriented Policing Services (COPS)** program supports community policing efforts and additional transitional funding to help communities absorb the long term cost of COPS funded officers and programs.
The City supports re-evaluating new formulas that that have redirected money to other areas.

- **The City believes the federal government should honor its commitment to the Asset Forfeiture Program.** The program uses a portion of seized assets to reimburse local law enforcement agencies costs from partnering with federal agencies. As part of the 2015 budget, revenue in that fund was hijacked, and the city is unaware of any plan to restore that funding. The City of Olathe currently has \$871, 858.76 in reimbursement pending. The City believes this partnership is critical to federal law enforcement. However, local governments cannot afford to participate without financial reimbursement.
- **The City has concerns about federal immigration enforcement initiatives that require additional local enforcement without corresponding financial assistance.** The City supports meaningful immigration reform with strong consideration and inclusion of local interests and impacts.
- The City calls on the federal government to recognize local governments as key players in homeland security. **The City supports the First Responder initiative that would provide direct homeland security funding to local governments.** The City supports efforts to ensure funds directed to states are filtered down to first responders and efforts to ensure funds for regional public safety interoperability, especially with regard to communications and information sharing.
- **The City supports maintaining smaller metropolitan areas such as Kansas City inclusion in the Urban Area Security Initiative.**
- **The City supports HR 4365,** the Protecting Patient Access to Emergency Medications Act. HR 4365 will provide a firm statutory foundation to oversee the use of controlled substances in and out of emergency settings allowing first responders to provide essential medicines without violating current federal laws and regulations included in the “Controlled Substances Act”.

Housing and Community Development

- The City has a long history of participation in CDBG, HOME, Section 8, Public Housing, and homeless programs that have a significant impact on our qualifying residents locally as well as those throughout the state. The majority of participants in the City’s program are senior and/or disabled persons who cannot support themselves without assistance. In addition, the City funds its Taxi Coupon Program for seniors and/or the disabled using CDBG funds. The program is the only means available for transportation to employment, as well as necessary medical and other trips. The City partners with the federal government to maintain 130 housing units, and the City is not in a financial position to assume the costs for this federal program. **The City urges**

Congress to avoid elimination or disproportionate funding reduction for housing and community development programs. The City supports responsible and reasonable funding levels of the CDBG program. With inflation and the increasing number of entitlement jurisdictions, CDBG set asides have resulted in smaller block grants.

- **The City is opposed to federal government disproportionate funding reductions for the Section 8 Voucher Program administration fees, the HOME program, public housing operating funds, and capital improvement funding under public housing. Given previous funding reduction, inspection and certification requirements should be reduced for fixed income program participants.**
- The City has concerns about creating operating cost block grants for federal housing authorities. Those concerns are based on creating an additional level of bureaucracy and the associated cost.

Environment

- The City applauds our Congressional delegations for its assistance in addressing the recent EPA interpretation of the Clean Water Act regarding secondary treatment of influent. As originally proposed, local water and sewer utilities would be required to treat water that already meets or exceeds EPA guidelines, and the cost for Olathe will run in the millions of dollars. The City truly appreciates the delegation's willingness to remain engaged in this critical issue.
- **The City opposes any EPA mandates and/or actions impacting local governments that result in significant cost with little to no measurable return on the investment and/or true positive environmental impact.**
- In order for governments at all levels to be sustainable, they must invest in the enhancement and upkeep of water and wastewater infrastructure. Doing otherwise will create an incredibly dangerous financial situation. To address a significant gap between public funding and capital needs to meet environmental standards, **the City supports efforts to ensure the federal financial commitment to water and wastewater infrastructure.** These funds are allocated to states to capitalize state administered grants and revolving loan programs.
- As a municipality with an integrated solid waste management system with strong interest in waste diversion through recycling, **the City would support**

recycling market development for e-waste; however, the City opposes legislation to ban landfill disposal of e-waste as an additional unfunded mandate.

- **The City supports the practice of wet-weather blending** as a sound, effective and reasonable method of managing peak effluent flows during extreme wet weathers. The City supports legislative efforts to ensure this practice of blending primary treated wastewater effluent with wastewater effluent that has received biological treatment continues to be available to wastewater treatment utilities.
- To address the source water protection challenges facing drinking water suppliers, **the City opposes the elimination of programs that provide federal financial assistance to afford urban and urbanizing communities the resources to engage in source water protection efforts** for drinking water supplies.

Telecommunications

- The City believes the Telecommunications Act of 1996 is working to provide enhanced competition for telecommunications services. The City opposes legislation that would undermine the intent of the Act by restricting or preempting local government control of right of way management or franchising issues. Cities have a fundamental responsibility to ensure construction in or near roadways have a minimal impact on public safety and transportation.
- **The City supports the widespread deployment of high speed, or broadband information services** in a manner that does not preempt existing local government authority to regulate cable television or telecommunications entities.
- **The City opposes any efforts under E-911 that would preempt local zoning authority over the siting of wireless facilities.**

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