

## **2016 Core Principles:**

The federal, state, and local governments have a partnership through which numerous governmental services are funded and made available to citizens. This partnership is dependent upon stable funding, decision-making at the appropriate level, and removing barriers to efficient and effective access to services. Johnson County strongly supports the following core principles as the means to an effective and improved partnership among each level of government.

### **Maintain Financial Stability for County Governmental Services**

Many critical county government services are financed by the federal and state governments and subsequently provided by local governments. As a key service provider in a diverse number of areas, Johnson County seeks federal and state appropriations at levels adequate to meet the needs of the recipients. Furthermore, Johnson County opposes reductions in funding for services that result from actual reductions in absolute appropriations, as well as, cuts in “real dollars” which result from a lack of inflationary adjustments.

### **Oppose Unfunded Mandates**

Johnson County supports minimizing the financial and staffing implications of “devolution,” the passing down of responsibilities to counties by the state and federal governments. Instead the County seeks funding for mandates and reasonable periods of time to phase in new funded responsibilities.

## **ACTION AGENDA PRIORITIES**

### ***Top 3 Action Priorities***

- 1. Sunflower Army Ammunition Remediation and Redevelopment:** Johnson County encourages the continued support of efforts for the full remediation and environmental clean-up of the Sunflower Army Ammunition Plant and return of that facility to productive local development and use.

**BACKGROUND.** Sunflower is a 9,000 acre area located within a growth corridor of Johnson County. The site represents almost 8 percent of the County’s current unincorporated area. The Sunflower property is approximately the size of the city of Leawood, the County’s fifth largest city and the 13<sup>th</sup> largest city in Kansas. Leawood has a population of more than 34,400 residents, over 13,340 homes, six schools, and a thriving business community in supporting the local economy, enhancing job growth, and providing tax revenues for all levels of government. The Sunflower Plant was used off and on from the 1940s through the 1990s as an ammunition plant by the U.S. Army, primarily making the propellant for various forms of ordnance. In November of 1997, the Army declared the property as surplus and began a lengthy process to dispose of the property. As a part of the disposal process, the County and other local public entities requested and were granted 2,755 acres as public benefit transfers, with the primary beneficiaries being Johnson County Park & Recreation District (2,000 acres) and the University of Kansas (500 acres). Prior to any disposal, including the public benefit transfers, the Army was required to remove all explosive risks and provide remediation from many pollutants and

contaminants present at the site from the Army's use. After a failed attempt to negotiate a transfer through the Oz Entertainment company in 2001, the County sought and obtained State legislation to create a Redevelopment District at Sunflower, and, in 2003, the County notified the General Services Administration that it would acquire the property through a negotiated transfer. In 2004, Congress passed a bill, at the County's request, which specifically authorized the Secretary of Defense to transfer the property by contract to a developer designated by Johnson County. The County then designated SRL as the developer and entered into a pre-development agreement. SRL and the County completed negotiations for the transfer of the property from the Army to SRL (with transfers to the public benefit transferees) in 2005. SRL took possession of the property under a process, approved by the Governor, (early transfer) which allowed the Army to transfer the property prior to completing its responsibilities for complete clean-up of the property, and the Army contracted with SRL for SRL to perform both the explosive risk removal and the environmental remediation, with the Army paying approximately \$109 million. Completion was expected in 2012, and full environmental insurance was in place to cover contingencies. In 2010-2011, SRL ceased work at the site, and the remediation work was not near completion due to lack of funds. Negotiations commenced again with the Army to obtain additional funds for the clean-up work. In 2015, the Army announced that it would resume the clean-up with different contractors and anticipated a completion date of 2028.

- **CURRENT ISSUES AND CONCERNS.** The County has a number of current issues and concerns, including:
  - **FUNDING.** It is imperative that adequate funding be provided and made available by the Army to complete the explosive risk and the remediation. There is no longer any insurance, and the only financial assurance for the clean-up is Army funding, which is not always certain. Those funds need to be identified now and committed to Sunflower. Annual allocations only increase the uncertainty.
  - **TIMING.** The Army must be encouraged to move more quickly to complete the remediation. The year 2028 for completion is way too long. At a minimum, the public benefit transfers should be expedited. If funding is available, there is no reason that the full clean-up cannot be completed much sooner.
  - **PARCELIZATION.** The County has always had a concern that the property would be cleaned and transferred in parts. When that happens, the property cannot be planned or developed as a whole. Parcelization is in direct conflict with the County's position and outstanding agreements. Any attempt to transfer and develop the property in parcels should be done only with discussions with the County and only when consistent with the County's overall planning for the area.
  - **PUBLIC BENEFIT ALLOCATIONS.** The Public Benefit Transfers should be honored and given priority at this time.
  - **CLEAN-UP STANDARDS.** The Army should follow the County condition that the property be essentially cleaned to residential standards. While the Army does not want to set that precedent and be bound by that standard, to clean the

property to a lesser standard will potentially leave issues and rework requirements for future development.

- **ON-SITE DISPOSAL.** While the County has in the past opposed any on-site disposal of pollutants or contaminated soils, the County has informed the Army that it now has an open mind on the issue if there are valid reasons and measurable benefits from doing so.

Redevelopment of the Sunflower property mirrors potential uses in constructing homes for tens of thousands of County residents and providing schools, businesses, parks, and other economic benefits by moving the property from idle acreage, generating few taxes, to public and private development as quickly as possible.

**2. Wet Weather Community Sustainability Act:** Johnson County supports the introduction and passage of the Wet Weather Community Sustainability Act.

The *Wet Weather Community Sustainability Act* offers both a technology-based and water quality-based approach to help municipalities manage peak wet weather events in a cost-effective manner that is protective of the environment and public health and consistent with CWA requirements.

The proposed legislation would:

- Authorize EPA to modify secondary treatment standards for peak wet weather flows within collection systems to allow Publicly Owned Treatment Works (POTWs) to use alternative peak wet weather treatment technologies and management approaches based on approved wet weather management plans;
- Authorize EPA to issue information and guidelines for alternative technologies and management approaches for peak wet weather flows within collections systems, including alternative treatment methods, collection system operation and maintenance programs, and monitoring and reporting systems;
- Clarify States' authority to develop wet weather water quality standards; and,
- Authorize EPA to issue guidance for State development of wet weather water quality standards.

**3. Support continued funding for state and local homeland security programs:** Johnson County supports restored funding for state and local homeland security programs.

**Background:** Congress has reduced funding for these programs, and as a result, many urban areas, including the Kansas City area has lost much of its grant funding. Over the past decade, Johnson County has directly benefited from the Kansas City Urban Area Security Initiative (UASI), a federal grant program designed to develop specialized capabilities, systems and programs to prevent, protect, mitigate, respond, and recover from terrorism and other threats and hazards that affect the area. The Kansas City region

has established an effective homeland security program, and the loss of UASI program funding will have critical impacts over time in reducing the ability of the region to prevent and respond to acts of terrorism and other man-made and natural disasters. Losing this funding source jeopardizes both mass casualty preparedness and homeland security. Loss of funding will impact the County's ability to prevent, protect, mitigate, respond, and recover from all threats and hazards.

Legislative support for continued homeland security grant programs is recommended because of the threats and hazards, combined with the presence of critical infrastructure and multiple transportation corridors in the Kansas City area that make it a potential target, in addition to the risk posed due to population size within the city and region. The state, local, and federal government have invested significant time and money to develop the capabilities that currently exist. Restoration of some federal funding to larger metropolitan areas would allow current critical capabilities and systems to be minimally sustained.

## **2016 Legislative Positions:**

### **Taxation & Administration**

- 4. Tax Exempt Status of Municipal Bonds:** Johnson County supports the current tax exemption for municipal bonds.

**Background:** Municipal bonds are the primary method used by states and local governments to finance public infrastructure projects. Any change to the taxation status of this debt impairs the abilities of counties to develop local infrastructure projects.

- 5. Streamlined Sales and Use Tax (Collection of Sales and Use Tax from businesses that sell their products to customers in a state, using the Internet, mail order, or telephone, without having a physical presence in that state):** Johnson County supports federal legislation requiring sellers (with no physical presence in a state) to collect and remit sales tax. It would establish uniformity among the states' sales tax laws in regard to the collection of sales and use taxes on remote retail sales by mail order, telephone and the Internet based on destination-based sourcing rules, sourcing sales to the location where the purchaser receives the item. Retailers who ship or deliver sold items to their customers' locations will be required to collect the local sales tax in effect where delivery is made.

**Background:** Passage of federal legislation would provide an estimated \$1.84 million of sales tax to Johnson County government in the first full year of full implementation, remitted as follows: Local \$352,653; Public Safety \$865,102; Stormwater \$275,510; and the Research Triangle \$344,388.

- 6. Employee Benefits:** Johnson County supports the continuation of tax-deferred status for employer-provided retirement plans and employee spending accounts.

Johnson County requests that retirement and employee spending account limits be increased to provide employees more flexibility in managing their personal financial well-being.

**Background:** Current contribution limits to some individual retirement accounts have not increased in several years, creating disincentives for employees and employers to increase retirement savings contributions. Current tax incentives that encourage retirement savings should be protected and expanded upon.

Johnson County supports legislation to give employers greater flexibility in designing benefit plans that more appropriately meet the needs of their workforce. Limits and penalties placed on Flexible Spending Accounts, Dependent Care, Health Savings Accounts and Medical Reimbursement Accounts reduce employees' ability to actively manage their needs, causing them to utilize higher-cost plans to ensure coverage for high-cost years while their typical needs may be significantly less. Specifically, Johnson County urges consideration of increasing contribution and rollover limits and the removal or reduction of these healthcare cost management tools from future Employer Excise Tax calculations.

**7. Repeal of the excise tax on health care plans or increase the CPI used to project the increase in the excise tax thresholds to be more reflective of the expected health care cost increase of 7.5 percent.**

**Background:** Increase the CPI used to project the amount of the excise tax effective in 2018 and beyond, which is a key component of the Patient Protection and Affordable Care Act (PPACA) of 2010 that levies a 40 percent excise tax on the value of any health plan option whose cost exceeds the thresholds of \$10,200 for an individual plan and \$27,500 for a family plan. Although many employers have taken action to reduce the excise tax in 2018, the reality is that the excise tax will actually have a higher impact beyond 2018. A contributing factor to the growing impact of the excise tax is that the medical inflation rate is significantly higher than the proposed consumer price index (CPI) increases included in the PPACA guidelines on which the excise tax is based.

## Public Safety

**8. Violence Against Women Act:** Johnson County supports the ongoing funding of the S.T.O.P Violence Against Women Act (VAWA).

**Background:** Last year Johnson County received \$122,875 through VAWA, of which District Court received \$42,233 and SAFEHOME was awarded \$80,642. The funds are crucial in maintaining a specialized domestic violence court and providing advocacy services to victims of domestic violence involved in our court system. In 2015, there were 1,634 domestic violence cases filed in Johnson County.

**9. Juvenile Justice and Delinquency Prevention Act.** Johnson County supports the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP A).

**Background:** The JJDPAs have caused many improvements in the approaches that states utilize to manage at-risk youth and those who are involved in the juvenile justice system. There is much more work to be done in all states in the nation based upon studies conducted in the last few years. Adequate funding of this act for making these improvements is critical to the future of our nation's youth.

**10. Second Chance Reauthorization Act.** Johnson County supports the reauthorization of the Second Chance Reauthorization Act (S. 1513/H.R. 3406).

**Background:** This program improves coordination of reentry services and policies at the state, tribal and local levels and funds demonstration grants, reentry courts, family-centered programs, mental health and addiction treatment, and employment and mentoring services.

**11. Sentencing Reform and Corrections Act.** Johnson County supports the Sentencing Reform and Corrections Act (S. 2123).

**Background:** We support provisions in S. 2123 that would promote expungement of certain juvenile offenses, prohibit juvenile solitary confinement except in limited circumstances, and increase the instances in which juveniles are eligible for parole. Further, we support pre-release reentry programs that would help incarcerated individuals prepare to reintegrate back into society.

## Infrastructure

**12. Wastewater Management Programs and Legislation:** Johnson County supports full funding of state revolving loan programs for water and wastewater infrastructure projects and a revised affordability evaluation system for compliance actions.

**13. Farm Bill:** Johnson County supports provisions in the farm bill passed in 2014 that include plans to strengthen conservation programs that encourage reduced sedimentation runoff. We also support the continued funding for federal nutrition programs.

### **Background:**

- **Sedimentation runoff:** Agriculture land management plays a significant role in water quality as well as preservation of wildlife habitat, outdoor recreation opportunities and utility infrastructure and operating costs. Provisions included in the farm bill that support conservation programs to help protect water quality by addressing nutrient and sediment pollution are important to reducing the cost impact to POTWs. Nutrient removal from wastewater requires POTWs to invest significant funds for treatment. Although discharges of nutrients from wastewater treatment

plants account for a portion of nutrient pollution in our waterways, the cost of removing nutrients from wastewater treatment facilities can be several times greater than the cost to remove the same amount of nutrients from agricultural land. Funding for conservation programs would protect water quality from nutrient pollution and require recipients to refrain from farming highly erodible soils.

- **Nutrition Assistance Program:** Johnson County supports this federal nutrition program and opposes future cuts to the program. In Johnson County, 10,262 children rely on the Supplemental Nutrition Assistance Program (SNAP) every month. SNAP is this nation's most effective anti-hunger program. The program enables low-income households to afford adequate, nutritious foods. Fruits and vegetables, grain products, meats and dairy products comprise almost 90 percent of the food that SNAP households buy.

**14. Fixing America's Surface Transportation (FAST) Act:** Johnson County recognizes the importance of our nation's transportation infrastructure and supports the full funding of the FAST Act bill for the 5 year authorization period. Johnson County also supports the components of the transportation program that provide funding in a dependable and strategic manner for investment in multi-modal transportation infrastructure and operations.

## Health & Human Services

**15. Reauthorization of the Older Americans Act:** Johnson County supports the reauthorization of the Older Americans Act (OAA) in order to meet the needs of senior citizens. Priority should be given to strengthening the aging network's role and capacity in the coordination and provision of long-term services.

**Background:** The OAA reauthorization will ensure the aging network can meet the needs of the current and future populations of older adults and their caregivers. OAA program budgets have yielded a three-to-one return on investment in money leveraged into local service delivery. The total federal funding provided to the Johnson County Area Aging Agency is \$1.5 million which pays for nutrition programs, aging information and assistance, senior publications, homemaker/chore programs, legal services, medication management, personal care, and respite care. The potential for federal sequestration cuts will continue to erode available revenues as federal funding rates have already decreased in recent years. A larger federal investment in core OAA services and supports is needed to ensure the aging network has the necessary resources in the years ahead to adequately serve the projected numbers of older adults.

**16. Community Development Block Grant and HOME Funds:** Johnson County supports the restoration of HOME Investment Partnership funds and maintaining Community Development Block Grant (CDBG) funding.

**Background:** These funds have provided important services to our local communities and have been instrumental in building much needed infrastructure for cities throughout Johnson County. The HOME program has been critical to stabilizing neighborhoods and we encourage restoration of those funds, and maintenance of the CDBG funding at current levels. Current HOME funding levels for Johnson County Housing Services stands at \$719,151. This is down from a program high of \$1.5 million in 2009, with a steady decrease each year since then.

**17. Federal Housing Assistance:** Johnson County urges Congress to maintain or increase federal housing assistance to support low-income families, the elderly and persons with disabilities.

**Background:** According to calculations by the Economic Policy Institute, what it takes to maintain an economically secure household far exceeds even the 200 percent of poverty threshold. In the Kansas City metro, it requires more than \$60,000 a year to meet the basic needs of a family of three or four, which equals a salary of about \$30.00 an hour. For a one person household, the estimate is about \$30,000, or close to \$15.00 an hour. Nearly 40 percent of the jobs in the metro area pay less than \$15 an hour. Only about 20 percent of jobs pay more than \$30.00 an hour.

55,000, or 26 percent of Johnson County's 220,400 households are cost burdened (Paying more than 30 percent of Income on Housing Cost). Renters represent 70,000 or 42 percent of the households with a median monthly housing cost of \$923 (including one or more utilities). The wage required to avoid cost-burdened status is \$17.30 or \$35,984.

Renters are more likely to be cost-burdened than home owners and account for more than half of the cost-burdened households in Johnson County. Almost all renter households with income under \$20,000 are cost burdened. The largest number of cost burdened renters are in the prime working years, ages 35-64.

About 5,000 of the County's poor have a disability, defined by the Census Bureau as a long lasting physical, mental, or emotional condition. This condition can impede a person from being able to work at a job or business. The disabled are twice as likely to be poor as the non-disabled population. Most residents, who have a disability and live in poverty, are between the ages of 18 and 64. Almost half in that age group are in the labor force, although not all are employed. The largest portion of the disabled who are poor are either not able to work or older than 65. So for the largest portion of this population, workforce strategies are probably not an option.

**18. Excellence in Mental Health Act (S. 264):** Johnson County supports adoption of the Excellence in Mental Health Act.

**Background:** This act will strengthen our nation's community mental health and addictions system by establishing federal status for qualifying provider organizations and granting

them access to payment structures that support the cost of doing business. This legislation will create a new, voluntary pathway for community mental health and addictions organizations to become Certified Community Behavioral Health Centers (CCBHCs). Organizations will be required to deliver specified services and meet requirements with respect to reporting, standards of care, and oversight. In return, CCBHC status would offer a foundation for a whole-person approach to health that recognizes community behavioral healthcare organizations' experience and potential in treating complex patients with difficult healthcare needs.

**19. Mental Health First Aid Act (S. 711/H.R. 1877):** Johnson County supports the adoption of the Mental Health First Aid Act, which would authorize \$20 million in grant funding for Mental Health First Aid training programs around the country.

**Background:** Participants would be trained in recognizing the symptoms of common mental illnesses and addiction disorders, de-escalating crisis situations safely, and initiating timely referral to mental health and substance abuse resources available in the community. Training programs under this demonstration project would be offered to emergency services personnel, police officers, teachers/school administrators, primary care professionals, students, and others with the goal of improving Americans' mental health, reducing stigma around mental illness, and helping people who may be at risk of suicide or self-harm and referring them to appropriate treatment.

**20. Behavioral Health Information Technology Act (S. 1517/H.R. 2957):** Johnson County supports the adoption of the Behavioral Health Information Technology Act, which would extend financial incentives for the meaningful use of electronic health records (EHR) to specified mental health and addiction treatment providers and facilities.

**Background:** An August 2014 study by the Substance Abuse and Mental Health Services Administration points to a strikingly high incidence of cancer, heart disease, diabetes, and asthma among the more than 6 million Americans served by the public mental health and addiction treatment system. Mental health and addiction providers face significant financial challenges in trying to adopt comprehensive EHR systems, and fewer than 30 percent have been able to implement full or partial EHR systems. If behavioral health providers cannot adopt health information technology at a rate comparable with primary care facilities, hospitals, and physicians, it will soon become impossible to provide clinical care coordination.

**21. Changes to the Medicaid Home and Community Based Services (HCBS)** for those with Intellectual and Developmental Disabilities (I/DD) rules should be applied in a manner that best meets the needs of the individuals served. Primary areas of concern are the settings services are provided in, conflict of interest issues regarding Targeted Case Management (TCM) services as well as the State of Kansas' proposed integrated waiver. Federal medical assistance percentages should be increased to assist the funding of service providers offering these home and community based services.

**Background:** Recent changes to the rules governing HCBS have set the occasion for states to interpret these new rules in a manner that may result in the unintended consequence of undesirable or fewer living and work options being available for individuals being served. The settings HCBS are provided in should be determined by the choice of the person. Also, the current system of providing TCM services in Kansas has functioned successfully with firewalls for conflict of interest and should be maintained. In *Armstrong v. Exceptional Child Center, Inc.*, the Supreme Court advised service providers to take up unfair and inadequate rates with the Centers for Medicare and Medicaid Services, and the Department of Health & Human Services.