



Policy Options for Local Governments in Kansas

# Increasing Access to Healthy Food

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# Increasing Access to Healthy Food

Diets high in vegetables, fruits, whole grains, and lean proteins help maintain a healthy weight and avoid chronic diseases related to poor diet such as diabetes, cancer, and heart disease. But for many people, eating a healthier diet is not as simple as choosing to eat healthier foods. Some neighborhoods do not have grocery stores that sell healthy foods and sometimes healthy foods are too expensive for people to buy. To eat healthier diets, people need better access to healthy, affordable food.

## Role of Local Governments

For many local municipalities, public policies can be an effective way to increase access to healthy, affordable food. Local governments can change zoning and tax laws to make it easier to create new grocery stores, farmers' markets, and community gardens. New regulations and incentives can help existing stores increase the number and variety of healthy products they sell. Local governments can also create food policy councils to give residents a voice in how best to improve access to healthy food.

Local governments across the United States and Kansas recognize the impact food has on public well-being and the local economy. Local governments play a pivotal role in ensuring that community members have access to healthy food through local policies. Under Kansas law, local governments have the authority to implement a variety of policy levers to increase access to healthy food and improve health within their communities.

## Purpose of Resource

This resource describes different types of policies that local governments can use to increase access to healthy food within their communities. When appropriate, this resource provides specific examples. The policy levers discussed in this resource are not the only types of policy options for local governments in Kansas. This resource is a starting point to provide context to the types of policies being utilized across Kansas and the United States.

### What Is Policy?

Policy is any written plan or course of action designed to influence and determine decisions. Examples of policies that increase access to healthy food include resolutions, local planning, zoning, licensing and use agreements, government contracts, and budgeting.

**MUNICIPAL CODE** describes the systematic collection or revision of laws, rules, or regulations of a city, town, or local governmental unit.<sup>1</sup>

## Understanding Your Local Food Environment

Understanding your local food environment is pivotal in implementing meaningful policy change that increases access to healthy food within your community. Here are some key considerations:

- What component of the food system can you impact?
- What exists in your community that could be modified or strengthened?
- What policies and/or strategies do you want to pursue?
- What are possible obstacles?
- What are the tools available to help?
- What barriers currently keep your community members from having access to healthy food?



## Looking Ahead: Using Local Policies to Improve Access to Healthy Food *and* Active Living

Healthy food and physical activity are vital to community health and well-being. In the past decade, there has been an increase of obesity and chronic diseases related to a lack of physical activity and access to healthy food. One way to increase physical activity and access to healthy food is through local government policy initiatives that promote active transportation and access to healthy food.

For more information, check out the PHLC resource:

[\*Policy Options for Local Governments in Kansas: Increasing Walking and Bicycling\*](#)



# Local Policy Options to Increase Access to Healthy Food

In Kansas, there are over 3,000 local governments that play a significant role in building healthy and prosperous communities.<sup>2</sup> These local governments have the authority to utilize policy mechanisms that directly impact the availability of healthy food and ensure future decisions are made with community health in mind.

## Resolutions

Local government resolutions can be used as a tool for cities and counties to promote a broad array of public health initiatives including Complete Streets, community gardens, farmers' markets, and other healthy community initiatives. Resolutions will often have a specific directive to review and update existing planning documents and ordinances to accomplish these goals.

A **RESOLUTION** declares an action, policy, or goal set by a government body, such the city council or county commission, and can be as short as 1–2 pages.

### RESOLUTION PROMOTING HEALTHY FOOD

By adopting a healthy food resolution, a local government expresses its firm commitment to preserve, promote, and improve the health of its residents by taking active steps to seek opportunities and establish mechanisms to increase access to healthy food within its jurisdiction.

#### HEALTHY LIVING RESOLUTION IN *Kansas City, Missouri*

The Kansas City, Missouri, City Council adopted a resolution acknowledging that “[the] food system impacts health inequities, economic inequities, food deserts and food imbalance, school systems, and agricultural community land use.”<sup>3</sup> The City Council pledged its support to eliminate inequities resulting from limited access to healthy food by advocating for policies that improve healthy food access. Additionally, the resolution directs the City Manager to assign a staff member to work with the Greater Kansas City Food Policy Coalition.<sup>4</sup>

The resolution concludes by drawing a connection between the physical environment and access to healthy food. The resolution directs an assigned staff member to work with the Greater Kansas City Food Policy Coalition to “[e]valuate transportation projects that offer safe and convenient pedestrian, bicycle, and transit connections between residential neighborhoods and community gardens, food pantries and community kitchens, and farmers markets, grocery stores, and other healthy food retail sites.”<sup>5</sup>





## RESOLUTION CREATING A FOOD COUNCIL

Local governments can establish a local food council (or task force) via resolution. Food councils are often composed of a diverse group of community members and stakeholders. A local government can charge a food council with assessing the local food environment and identifying any barriers and possible opportunities to increase access to healthy, affordable food. The recommendations made by the council can then guide policy makers on what types of decisions will improve the economy, health, and well-being of the community.

### FOOD POLICY COUNCIL IN *Allen County, Kansas*

The Allen County Commission adopted a resolution which established the Allen County Growing Rural Opportunities Works Food Policy Council. This Council was tasked with recommending policy initiatives that increase access to affordable, nutritious, and safe food to the Allen County Commission.<sup>6</sup>

For more information, check out the PHLC resource:  
[\*Drafting a Resolution to Create a Food Council\*](#)





## Land Use Planning

Local governments use different policy mechanisms to establish a plan for land use in the community, including comprehensive plans and land use agreements. Land use planning policies allow a local government to identify goals and strategies for how the land within its jurisdiction is developed. Cities and counties in Kansas have the authority to enact planning and zoning laws.<sup>7</sup>

**LAND USE PLANNING** describes the way a local government regulates land to manage and develop the areas within its boundaries, including ensuring residents are able to buy and grow healthy food.

### COMPREHENSIVE PLANS

By incorporating access to healthy food into comprehensive plans, a local government can address long-term goals and values that the community seeks to prioritize during future public decision-making. Once completed, the government staff can utilize the comprehensive plan to evaluate existing laws, land use, and policy directives and to drive future budget and policy decisions.

#### COMPREHENSIVE PLANNING IN *Des Moines, Washington*

The Comprehensive Plan in Des Moines, Washington, was amended to include a new chapter called “Healthy Des Moines Element.”<sup>8</sup> The new chapter includes language like “Assessment data show that Des Moines has an “unbalanced food environment” — that is, there are far more opportunities to buy junk food and fast food than “healthy food.”<sup>9</sup>

Further, the Comprehensive Plan identifies two specific strategies to address the local food environment: (1) to adopt a healthy food resolution and create a long-term action plan and (2) to implement nutrition standards and healthy food procurement practices in City-owned public spaces.<sup>10</sup>

## Zoning

In Kansas, the governing body of any city may enact zoning regulations via ordinance. The board of county commissioners of any county may enact zoning regulations via resolution.<sup>11</sup> Local governments can establish zoning regulations to eliminate barriers and encourage healthy food access and small-scale agriculture in the community. Likewise, local governments can also allow for variances from a zoning code in certain situations. Local governments can establish a policy in favor of allowing a zoning variance when the variance will increase access to healthy food. Under Kansas state law, any local government that enacts zoning laws must create a board of zoning appeals.<sup>12</sup>

**ZONING** is the division of city or county land into districts (“zones”) for different uses, such as for open space, residential space, commercial space, agriculture, or other uses.<sup>13</sup>

An **ORDINANCE** is a law or rule enacted or adopted by a governing body that governs the conduct of the governing body’s residents.<sup>14</sup>

Zoning changes or additions impacting access to healthy food include allowing beekeeping, chickens, other small animals, or hoop houses in residential or mixed use zones; removing barriers to the creation of community gardens or farmers’ markets; and limiting fast food restaurants within a specified distance from certain properties.

### BEE KEEPING IN *Hutchinson, Kansas*

The City of Hutchinson’s zoning code sets standards for beekeeping within the city limits. Any person keeping a hive or aviary must obtain a permit from the city. No more than two colonies may be kept for each 12,000 square feet tract of land. The code also sets limits on how close to the property line a hive or apiary may be kept. These standards apply to all zoning categories, including residential.<sup>15</sup> Beekeeping is just one type of activity that allows community members to become more involved and engaged within the food system.

### FARMERS’ MARKETS IN *Junction City, Kansas*

Junction City’s municipal code has a definition for “Farmers’ market.”<sup>16</sup> This definition includes how many days the market can operate, differentiating between short-term operations (i.e., the “seasonal sale of garden or farm products”) and long-term operations (i.e., “food stores”). This differentiation is important — “food stores” can only operate in the “Neighborhood Shopping District,”<sup>17</sup> while the “Seasonal sale of garden or farm products” can occur in residential zones, general commercial zones, and storefront commercial zones.

For more information, check out the PHLC resource:  
[Local Government Regulation of Farmers’ Markets in Kansas](#)



## RESTRICTING NEW FAST FOOD RESTAURANTS IN *Arden Hills, Minnesota*

The City of Arden Hill’s municipal code states: “No drive-in business or fast food restaurant shall be located on a site that is within four hundred (400) feet of a public, private or parochial school, a church, a public recreation area, or any residentially zoned property.”<sup>18</sup>

## Property and Natural Resource Management

Local governments hold and regulate a significant amount of property and natural resources within their jurisdictions. Local governments can implement policies to increase access to water and land to encourage gardening and agricultural development within their communities. Additionally, local governments can enact policies that guide the treatment of derelict land in order to spur redevelopment.

### WATER ACCESS POLICIES

Water is essential for the success of small-scale agricultural initiatives, including urban farms and community gardens. Local governments can create policies to ensure small-scale agriculture efforts have access to water. Water access policies can include local government support for the installation of municipal meters near agricultural sites, storm water management practices, water rate setting for growing vegetables and other healthy crops, and the use of rain barrels on public and private property.

## ACCESS TO WATER TAPS IN *Wyandotte County, Kansas*

In 2013, Wyandotte County, in partnership with the Unified Government’s Department of Public Health and Public Works and the H2O to Grow Coalition, began the pilot grant fund called H2O to Grow, utilizing funds from its storm management fund, which seeks to help install water taps at community gardens and urban farms while also reducing water waste and runoff.<sup>19</sup>

### COMMUNITY GARDEN POLICIES

Local governments can establish policies supporting the use of public and private land for community gardens, as well as provide information as to where community gardens can be located in the community.

Additional example budgets, bylaws, rules, and guidelines for community gardens in Kansas can be found online at <http://www.kansascommunitygardens.org/sample-grant-documentation.html>.

## COMMUNITY GARDENS IN *Lawrence, Kansas*

### Land Use Agreement

The City of Lawrence created the Common Ground Program to transform vacant and under-utilized city properties into spaces for community members.<sup>20</sup> To receive access to a new or proposed site to use for a community garden, a resident must sign a land use license agreement.<sup>21</sup>

### Community Garden Rules & Procedures

The Common Ground Program established a set of rules and procedures for community garden participants. For example, gardens may only be accessed from dawn until dusk. Further, no pesticides or agricultural chemicals may be applied to certain Common Ground sites.

## LAND BANK POLICIES

Kansas law grants cities the authority to establish land banks by adopting an ordinance.<sup>22</sup> Counties have the authority to establish land banks by adopting a resolution.<sup>23</sup> Land banks can be used to convert vacant land into community gardens and/or to help eliminate barriers to the redevelopment of derelict properties.

A **LAND BANK** is an entity established to manage and dispose of vacant property for the purpose of stabilizing neighborhoods and to encourage the reuse or redevelopment of property.<sup>24</sup>

## LAND BANK ORDINANCE IN *Kansas City, Missouri*

The ordinance permitting the establishment of a land bank in Kansas City, Missouri, specifically calls for the creation of the Land Bank to help develop land for a variety of uses including urban agriculture and community gardens. The purpose statement of the ordinance states:

“The use of property conveyed by such land bank agency shall be for the purposes of creating: ... (vi) space for use as urban agriculture, community gardens, or other similar uses consistent with healthy eating by residents, including restoring ground through alternative vegetative cover to build-back the soil for future use for food production, (vii) public spaces and places for parks, green spaces and other public purposes... ”<sup>25</sup>

## COMPOSTING AND RECYCLING

Composting and recycling are both components of the local food system. Composting provides an organic source of nutrients for garden soil, and makes great use of leaf litter, grass clippings, plant debris, certain food scrapings, and other decomposed organic matter. Composting programs are used to reduce waste and create a resource for farmers and gardeners. Additionally, many used materials can be used or reused through recycling, such as paper, glass, and plastic.<sup>26</sup>





“**COMPOSTING**’ [is] a controlled process of microbial degradation of organic material into a stable, nuisance-free, humus-like product. This term shall not include the following:

- (1) Manure storage piles, whether turned to stabilize or not turned; and
- (2) yard waste directly applied to agricultural land.”<sup>27</sup>

“**RECYCLING** is a process that allows us to reuse material, again and again. It involves separating, collecting, processing, marketing, purchasing and using a material that otherwise would have been dumped in a landfill.”<sup>28</sup>

Local governments can help reduce the amount of waste reaching landfills by removing barriers to composting and recycling (such as by permitting backyard composts in residential areas). Additionally, local governments can encourage composting and recycling by maintaining composting and recycling centers and by providing areas throughout the community to compost or recycle.

### COMPOSTING AND RECYCLING CENTERS IN *El Dorado, Kansas*

The City of El Dorado maintains a Composting Center that is open daily. Residents can dispose of yard waste and can pick up compost for their yards.<sup>29</sup> Additionally, the City will also partner with schools to provide tours of the Recycling Center “to further educate our children in various methods of recycling, composting, and conserving natural resources.”<sup>30</sup>

## Licensing and Use Agreements

Local governments in Kansas have the ability to regulate businesses, trades, and occupations, and enter into contracts.<sup>31</sup> Local governments can use these powers to increase the availability of healthy food within a community through licensing and use agreements.

### LICENSING FOOD RETAILERS

Local governments can utilize licensing strategies to increase access to healthy food and limit access to unhealthy food. For example, local governments can tailor licensing provisions to support businesses that increase access to healthy food, such as by allowing farmers' markets to use certain spaces and by removing license fees for farmstands selling fresh fruits and vegetables. Additionally, local governments can limit where certain fast food businesses are allowed to operate, create or remove licensing requirements for certain food businesses, and/or create incentive or ratings programs for food businesses.

A **LICENSE** is granted when the government gives permission to an individual or business for: the conduct of a particular business or occupation (such as to open a restaurant or farmers' market), use property for a specific purpose, or perform a particular act.

Many local governments have set requirements for food businesses, such as a required amount of parking spaces. However, this type of requirement can actually burden certain food outlets providing fresh fruits and vegetables to the community, such as farmers' markets, that may not fit the conventional "bricks and mortar" food business model. Reviewing and modifying the local government's licensing requirements can incentivize businesses providing healthy food.

### FARMERS' MARKETS IN *Wichita, Kansas*

The City of Wichita passed an ordinance defining the term "farmers' market" and addressed where a farmers' market can operate.<sup>32</sup> The ordinance requires market operators to obtain a license.<sup>33</sup> The farmers' market license acts as a "blanket" license application for any participating vendors qualifying as "transient merchants" under the municipal code.<sup>34</sup> The "blanket" license eliminates additional administrative burdens because eligible vendors can operate under the farmers' market license rather than obtain a separate transient merchant license.

## USE AGREEMENTS

Local governments, including schools, have utilized “use agreements” throughout the United States and Kansas as a strategy to permit community members access to government property, such as open space, building space and facilities, playgrounds, kitchens, and cafeterias.

A **USE AGREEMENT** is a formal contract describing the terms and conditions to which those entering the contract agree.

Use agreements are particularly beneficial for those interested in cooking and preparing their own food as local governments can contract with community members to allow those individuals to use government facilities and space, such as kitchens and cafeterias. For example, the local government can support new and emerging food businesses that may not have a commercially licensed kitchen available to prepare their goods.

### *Osage City's* COMMUNITY BUILDING RENTAL POLICIES (INCLUDING KITCHEN SPACE)

The City of Osage City, Kansas, has opened its community building up for rental use through its Community Building Rental Policies. The Rental Policies address rental reservations, fees, building hours, alcohol usage on site, and the renter's responsibilities.<sup>35</sup>

### USE OF USD 320'S SCHOOL FACILITIES IN *Wamego, Kansas*

USD 320 in Wamego, Kansas, permits the use of school facilities by non-school groups and individuals when the facilities are not in use for school programs. The school's usage policy outlines the fees and rules for using any of the facilities, including the various kitchens.<sup>36</sup>

### INCUBATOR KITCHEN AT THE FAIRGROUNDS IN *Douglas County, Kansas*

The Douglas County Commission adopted new policies for use of the commercial incubator kitchen at the Douglas County Fairgrounds. Under a previous version of the policy the kitchen saw little use. A review of the previous policy and interviews with stakeholders identified barriers that included difficulty of building access, restrictions on scheduling, and fee structure. The revised policies adopted in December 2013 addressed these issues, resulting in increasing use of the kitchen.<sup>37</sup>

## Government Bids, Contracts, and Wellness Policies

Local governments serve and sell food to large numbers of people through cafeterias, vending machines, and government events. As a result, local governments have the potential to increase access to healthy food by adopting and enforcing nutrition standards for food that they purchase, sell, or otherwise make available. Local governments can use bids, contracts, and wellness policies to set nutrition standards, local purchasing requirements, pricing, marketing, and other point-of-sale standards to require the purchase, sale, or service of healthy, local food and beverages on government property and at government-sponsored events and meetings.

### GOVERNMENT BIDS AND CONTRACTS FOR VENDING AND CONCESSIONS

Some local governments contract with vendors to provide food and beverages on government property or at government-sponsored events. These transactions are often governed by a bidding process (through a request for proposal (RFP)) and subsequent contracts. Local governments can include nutrition standards, local purchasing requirements, pricing, marketing and other point-of-sale standards in these RFPs and contracts.

For more information, check out the PHLC resource:

[Nutrition Standards for Kansas Communities](#)



### Contracting with Legally Blind Vendors in Kansas

The federal Randolph-Sheppard Act<sup>38</sup> (RSA) gives legally blind vendors priority in operating vending and concession services on federal property. Like most states, Kansas also has its own blind vendor law,<sup>39</sup> which extends the priority to most state, county, and city property. This priority means that legally blind vendors are important stakeholders for healthy vending efforts involving government property.

For more information, check out the PHLC resource:

[Healthy Vending and the Randolph Sheppard Act](#)



### NUTRITION STANDARDS FOR FOOD VENDORS AT THE FAIR IN *Riley County, Kansas*

The Riley County Fair Board included nutrition standards as part of its Request for Proposal for County Fair food stand managers during its 2014 County Fair. The RFP requires that products meeting the nutritional standards included in the RFP be sold at prices equal to or less than comparable products that do not meet the nutritional standards.<sup>40</sup>



## NUTRITION STANDARDS & PRODUCT PLACEMENT POLICY IN *Lawrence, Kansas*

The Lawrence Parks and Recreation Department adopted nutrition standards that have since been incorporated in its Request for Proposals (RFP) for vending and concession services at city recreational facilities. The RFP requires that 50% of the foods and beverages offered meet specific nutritional standards.<sup>41</sup> These nutritional standards include limits on sugar and sodium content and a requirement that concessionaires offer at least one fresh fruit or vegetable.

In addition, products provided in vending machines and by concessions stands at city recreation facilities, golf courses, swimming pools, and parks must follow specific product placement requirements shown to promote consumption of healthier items over less healthy options.<sup>42</sup>

### LOCAL PURCHASING PREFERENCE POLICIES

Local governments can include health goals in their procurement practices through a local purchasing preference policy. A local purchasing preference policy requires that food or agricultural products that are produced “locally” receive some sort of preference. These policies can be tailored to promote purchases of local, healthy food in several different ways.

## LOCAL PURCHASING PREFERENCE ORDINANCE IN *Cleveland, Ohio*

The City of Cleveland, Ohio, passed a local purchasing preference ordinance that gives a bid discount of 2% to a bid received from a local-food producer, as well as other sustainable and local businesses.

The ordinance recognizes that “the Greater Cleveland region has a vibrant manufacturing, industrial, and food production history and we are continuing to strengthen our local economy by supporting local producers.”<sup>43</sup>

## LOCAL PURCHASING PREFERENCE POLICY IN *Hutchinson, Kansas*

The City of Hutchinson has a local preference policy. A vendor domiciled inside Reno County, the county that Hutchinson sits within, may be selected as the preferred vendor so long as several conditions are met.<sup>44</sup>



AMANDA MILLS

## Unified School District Policies

Schools can play an important role in both teaching children important food skills and providing healthy food for children to eat. Food skills include how food grows, planning and cooking nutritious meals, and understanding the relationship between healthy food and good health. Schools also can provide up to half of the food children eat every day. Further, school food may be the healthiest food children receive.

School policies supporting food skills development and healthy food environments can ensure that children receive the support they need to be healthy and to grow into healthy and productive adults. Kansas unified school districts have the power to create policies, execute contracts, and manage their property to promote food skills and healthy food access.<sup>45</sup> School policies impacting food skills and access to healthy food can address curriculum requirements, school gardening activities, farm to school initiatives, and community use of school kitchens.

## Food Marketing

Food and beverages are target-marketed to children and teens through a wide range of marketing channels, in nearly every environment where a kid might study, play, hang out, or eat. In fact, food marketing can be found in some gymnasiums, on signs and billboards throughout campus, scoreboards, welcome signs, and even on sponsored curriculum.

In addition to the quantity and types of advertising targeted at children and youth, the nutritional quality of products most heavily marketed to children is alarming. Despite some improvements in recent years, the overwhelming majority of food and beverage advertising targeted to the young still tends to be for products of poor nutritional quality.<sup>46</sup> Therefore, schools can adopt policies that prohibit or limit the marketing of food within the school setting.

## SCHOOL GARDEN POLICIES

School gardens usually involve gardens operated by a school or a school district, on or off school property, to produce food for use in the school food program and to promote nutrition, physical activity, and/or curricular and co-curricular activities.

### SCHOOL GARDENS IN CENTRE USD 397 IN *Lost Springs, Kansas*

Centre USD 397 in Lost Springs, Kansas, has established garden plots at an elementary school and a junior/senior school within the district. In 2014, the Kansas Department of Agriculture announced Centre USD 397 would be a recipient of a \$12,500 farm to school pilot grant to expand its school garden program, start an orchard, and integrate new food production systems into an existing greenhouse.<sup>47</sup>

### THE EDIBLE SCHOOLYARD IN *Columbia Heights, Minnesota*

The Columbia Heights School District in Columbia Heights, Minnesota, has built a district-wide school garden that is walking distance from several of the district schools.<sup>48</sup> A few years after the program began, a full-time, year-round garden specialist joined the school district to help advance the gardening program.

The mission statement of the schoolyard reads: "The mission of Blooming Heights Edible Schoolyard is to support academic achievement and promote healthy nutrition for students in the Columbia Heights Public School District."<sup>49</sup>





## FARM TO SCHOOL INITIATIVES

Farm to school initiatives connect schools with local farms. Specific aspects of these efforts can differ depending on the individual school, however, farm to school initiatives are generally created to:

- Help students eat more nutritious foods and promote healthier lifelong eating patterns;
- Support the local economy and local farmers; and
- Teach students about the origins of their food and how it is grown.

Schools can obtain food for a farm to school initiative through different sources. The most common sources for a farm to school effort are local distributors and farmers. Schools can incorporate farm to school initiatives into school board policies to better integrate the farm to school activities into both the cafeteria and educational setting of the school.

### INCORPORATING FOOD SKILLS INTO THE SCHOOL SETTING IN *Maize, Kansas*

The Farm to School Program in Maize USD 266 in Maize, Kansas, integrates agricultural and culinary skills as part of the curriculum. Students are taught cooking skills and about food production (such as hydroponics).<sup>50</sup> Maize USD 266 was also awarded a farm to school pilot grant from the Kansas Department of Agriculture.<sup>51</sup>



## Safe Routes to School Initiatives

Safe Routes to School (SRTS) initiatives are being implemented throughout the country to encourage walking and healthy living in our school-aged children. SRTS efforts can also impact children's access to healthy food. School districts planning SRTS initiatives are encouraged to consider whether potential routes will cross food retailers that provide fruits and vegetables, and conversely, whether these routes will pass unhealthy food. SRTS initiatives can be used to ensure that children walking to school have access to healthy food and have limited access to unhealthy food.

## Other Policy Options

Local governments in Kansas have the ability to financially support certain businesses and efforts, whether through an economic development incentive, hiring additional staff, or developing a loan, grant, or award program. Local governments can support local businesses and organizations that are interested in increasing access to healthy food. The following policy options all highlight how local governments can extend resources to efforts that address healthy food access.

### ECONOMIC DEVELOPMENT INCENTIVES

Local governments in Kansas can establish economic development incentives for qualifying businesses and infrastructure developments. Local governments can tailor incentives to support the local economy and support local farmers and other food businesses.

#### LOCAL INCENTIVES FOR NEW AND EXPANDING BUSINESSES IN *Liberal, Kansas*

The City of Liberal, Kansas, developed incentive packages to increase job creation and investment in the community. Only certain businesses are eligible for these incentives. Through the incentive structure, the City can abate property taxes on a portion of a property used by a qualifying business.<sup>52</sup>

## Sales Tax

While the implementation of a tax is often discussed at the state level, some cities and counties in Kansas have the authority to levy a sales tax.<sup>53</sup> Implementing a sale tax is one mechanism a local government can use to increase funding for special purposes, such as helping fund a local food policy council or creating a new or updated comprehensive plan.

## FRESH FOOD FINANCING INITIATIVES

Fresh food financing initiatives (often called Healthy Food Financing) are programs designed to attract food distributors to underserved communities. Local governments can codify these programs into law via ordinance or resolution. These initiatives are intended to draw attention to any existing disparities in food availability in the community and draw food distributors to areas of need.

### FRESH FOOD FINANCING INITIATIVE IN *Kansas City*

The Kansas City Grocery Store Access Task Force released the report *Stimulating Supermarket Development in Bi-State Kansas City*.<sup>54</sup> The report recommends that the local governments invest in a healthy food financing program to provide grants and/or loans to support grocery stores and other food retailers in the Kansas City area.

## EBT EQUIPMENT AND SNAP MATCHING PROGRAMS AT LOCAL FOOD RETAILERS

Many people believe they are simply unable to afford healthy food. Therefore, local governments can promote the ability of all residents to purchase fresh, healthy food by encouraging the use of EBT equipment by local food retailers. Additionally, local programs can be structured to increase financial assistance to certain residents if the assistance is used to purchase healthy food products, such as whole grain breads, fruits, and vegetables.

### USING SNAP BENEFITS AT FARMERS' MARKETS IN *Lawrence, Kansas*

The City of Lawrence partnered with Douglas County and Livewell Lawrence, a community organization dedicated to improving community health, to provide matching grants for consumers using SNAP benefits at city farmers' markets. Consumers participating in the program received one dollar in matching funds for each dollar of SNAP funds spent at a farmers' market, up to a total of \$25 per day per consumer. The three groups provided a total of \$25,000 for the program.<sup>55</sup>

### BEANS AND GREENS MATCH PROGRAM IN *Kansas City*

Beans and Greens is a program offering matches on food purchases made at local farmers' markets with SNAP benefits and Senior Vouches in the Kansas City area. Beans and Greens partners with local farmers' markets to help low income shoppers purchase healthy food.<sup>56</sup>



AMANDA MILLS

## STAFF POSITION SUPPORTING FOOD SYSTEMS WORK

Local governments can pursue increasing access to healthy food in their communities by assigning a staff member housed within the local government body to support local food systems development (such as by joining the local food policy council an hour a week) or by hiring a full-time employee to engage in food systems work. This staff member can provide feedback and recommendations to city planners and policymakers to increase access to healthy food within the community.

### ASSIGNING AN EMPLOYEE TO WORK WITH A FOOD COALITION IN *Kansas City, Missouri*

Via resolution, the Kansas City, Missouri, City Council pledged its support to eliminate inequities resulting from limited access to healthy food by advocating for policies that improve healthy food access. The resolution directs the City Manager to assign a staff member to work with the Greater Kansas City Food Policy Coalition to “conduct research, develop strategies, and promote policy change.”<sup>57</sup>

## Next Steps

Improving the food environment through policy change at the local level allows local governments to address the unique needs of their community. Local governments throughout the country and Kansas are using their local authority to identify specific community needs to develop and implement policies increasing access to healthy food.

The policy levers discussed in this resource are not the only types of policy options for local governments in Kansas. This resource is a starting point to provide context to the types of policies being utilized across Kansas and the United States.

Meaningful policy change requires planning, development, and implementation. Drafting the policy is integral to this process.

For more information, check out the PHLC resource:

[\*Drafting Effective Policies\*](#)





# Endnotes

- <sup>1</sup> See generally, *Code*, BLACK'S LAW DICTIONARY (9th ed. 2009); *Municipal*, BLACK'S LAW DICTIONARY (9th ed. 2009).
- <sup>2</sup> *2012 Census of Governments*, Bureau of the Census, 2012.
- <sup>3</sup> KANSAS CITY, MO., RES. NO. 120046 (2012).
- <sup>4</sup> KANSAS CITY, MO., RES. NO. 120046 (2012).
- <sup>5</sup> KANSAS CITY, MO., RES. NO. 120046 at § 5(g) (2012).
- <sup>6</sup> ALLEN COUNTY, KAN., RES. NO. 201409 (August 19, 2014).
- <sup>7</sup> KAN. STAT. ANN. § 12-741.
- <sup>8</sup> DES MOINES, WASH., ORDINANCE NO. 1532 (2012).
- <sup>9</sup> *Des Moines Comprehensive Plan*, CITY OF DES MOINES, WASH., (2012) § 12-02-02, <http://desmoineswa.gov/DocumentCenter/View/71>.
- <sup>10</sup> *Des Moines Comprehensive Plan*, CITY OF DES MOINES, WASH., (2012) §§ 12-04-01 – 12-04-02, <http://desmoineswa.gov/DocumentCenter/View/71>.
- <sup>11</sup> Michael R. Heim, *Kansas Local Government Law* (5ed 2014) at § 4.32.
- <sup>12</sup> KAN. STAT. ANN. § 12-759.
- <sup>13</sup> See generally, BLACK'S LAW DICTIONARY 1793 (4th ed. 1968).
- <sup>14</sup> BLACK'S LAW DICTIONARY 1170 (4th ed. 1968).
- <sup>15</sup> HUTCHINSON, KAN., ZONING REG. (2012) § 27-920.
- <sup>16</sup> JUNCTION CITY, KAN., CODE § 400.003.
- <sup>17</sup> JUNCTION CITY, KAN., CODE § 405.070(12).
- <sup>18</sup> ARDEN HILLS, MINN., CODE § 1325.04.
- <sup>19</sup> *H2O to Grow Pilot Grant*, UNIFIED GOVERNMENT OF WYANDOTTE CO. AND KANSAS CITY, <http://www.wycokck.org/InternetDept.aspx?id=37245> (last visited Jan. 7, 2015).
- <sup>20</sup> *Common Ground Program*, LAWRENCE, KAN., [http://www.lawrenceks.org/common\\_ground](http://www.lawrenceks.org/common_ground) (last visited Jan. 7, 2014).
- <sup>21</sup> *License for Use of City Property for Agricultural Use*, LAWRENCE, KAN. (2012), [http://www.lawrenceks.org/assets/commonground/license\\_city\\_property\\_farm\\_use-2014.pdf](http://www.lawrenceks.org/assets/commonground/license_city_property_farm_use-2014.pdf).
- <sup>22</sup> KAN. STAT. ANN. § 12-5902(a).
- <sup>23</sup> KAN. STAT. ANN. § 19-26,104.
- <sup>24</sup> Kansas law defines a land bank as “the city land bank established pursuant to this act.” KAN. STAT. ANN. § 12-5901. The City of Hutchinson, Kansas, describes land banks as “a quasi-governmental entity with the primary responsibility and authority to efficiently acquire, manage and transform vacant, abandoned, and tax-foreclosed property into productive use. The City Land Bank shall also be responsible for the acquisition of title to real estate, eliminate liabilities for said real estate, and provide proper disposition of acquired property.” HUTCHINSON, KAN., CODE § 2-1701. The City of Overland Park, Kansas, describes the goals of a creating a land bank as “intended to help achieve the elimination of blight, the enhancement of neighborhood viability and stability, the creation of opportunities for affordable and mixed income home ownership and rental, and the encouragement of economic development.” OVERLAND PARK, KAN., CODE § 2.70.010.
- <sup>25</sup> KANSAS CITY, MO., ORDINANCE NO. 120779 at § 74-71, <http://www.kcmolandbank.org/city-ordinance.html> (last visited Jan. 9, 2015).

- <sup>26</sup> “Recyclables’ means any materials that will be used or reused, or prepared for use or reuse, as an ingredient in an industrial process to make a product, or as an effective substitute for a commercial product. “Recyclables” includes, but is not limited to, paper, glass, plastic, municipal water treatment residues, as defined by K.S.A. 65-163 and amendments thereto, and metal, but does not include yard waste.” KAN. STAT. ANN. § 65-3402.
- <sup>27</sup> KAN. ANN. REGS. § 28-29-3(i).
- <sup>28</sup> *Recycling: General Information*, KAN. ORG. OF RECYCLERS, <http://www.kskor.org/recycling/information> (last visited Jan. 7, 2015).
- <sup>29</sup> *Recycling and Composting*, 360ELDORADO, <http://www.360eldorado.com/Government/Recyclingand-Composting.html> (last visited Jan. 5, 2015).
- <sup>30</sup> *Recycling and Composting*, 360ELDORADO, <http://www.360eldorado.com/Government/Recyclingand-Composting.html> (last visited Jan. 5, 2015).
- <sup>31</sup> Michael R. Heim, Kansas Local Government Law (5ed 2014) at § 3.09 (referencing *State ex rel. Stephan v. Lane*, 228 Kan. 379, 384, 614 P.2d 987 (1980)).
- <sup>32</sup> WICHITA, KAN., ORDINANCE No. 47-025.
- <sup>33</sup> WICHITA, KAN., CODE § 3.94.
- <sup>34</sup> WICHITA, KAN., CODE § 3.94.060.
- <sup>35</sup> *Community Building Rental Policies*, THE CITY OF OSAGE CITY, KAN., <http://www.osagecity.com/DocumentCenter/Home/View/312> (last visited Jan. 9, 2015).
- <sup>36</sup> *Facility Usage*, USD 320, <http://www.usd320.com/Community/FacilityUse/default.aspx> (last visited Jan. 9, 2015).
- <sup>37</sup> *Commercial Incubator Kitchen Application and Policies* (Dec. 31, 2013), <http://www.douglas.ksu.edu/doc56153.ashx>.
- <sup>38</sup> 20 U.S.C. § 107 et seq.
- <sup>39</sup> KAN. STAT. ANN. §§ 75-3337-3343a.
- <sup>40</sup> *Request for Proposals for Riley County Fair Food Stand Manager* (2014), <http://www.rileycountyfair.com/files/library/2014%20Food%20Stand%20Manager%20RFP.pdf>.
- <sup>41</sup> *See generally, City of Lawrence/Douglas County REQUEST FOR PROPOSALS (RFP) No. R1409*, <https://www.myctb.org/wst/healthylawrence/livewell/WorkWell/Resources/Healthy%20Foods/Lawrence-Douglas%20County%20Vending%20Machine%20RFP.pdf>.
- <sup>42</sup> *See generally, City of Lawrence Parks and Recreation REQUEST FOR PROPOSALS (RFP) No. R1321 — Amended*, [http://gallery.mailchimp.com/d8f1d62c09b5db34590f34b0a/files/Exclusive\\_Beverage\\_Supplier.PDF?utm\\_source=LiveWell+Lawrence&utm\\_campaign=2fac45638b-LiveWell+Coalition+News+%7C+2013-11+November&utm\\_medium=email&utm\\_term=0\\_bd955e-4da5-2fac45638b-66887361](http://gallery.mailchimp.com/d8f1d62c09b5db34590f34b0a/files/Exclusive_Beverage_Supplier.PDF?utm_source=LiveWell+Lawrence&utm_campaign=2fac45638b-LiveWell+Coalition+News+%7C+2013-11+November&utm_medium=email&utm_term=0_bd955e-4da5-2fac45638b-66887361) (last visited Jan. 7, 2015).
- <sup>43</sup> CLEVELAND, OH., ORDINANCE No. 1660-A-09 (2010).
- <sup>44</sup> What is the “Local Preference Policy”? <http://www.hutchgov.com/egov/apps/faq/list.egov?tlD=3&slD=0&qID=41&hExp=&ctqExp=&taExp=&sExp=&fDD=&> (last visited Jan. 7, 2015).
- <sup>45</sup> KAN. STAT. ANN. § 72-8201. *See also*, Michael R. Heim, Kansas Local Government Law (5ed 2014) at § 11.07 (stating “School districts have been described as ‘purely creatures of legislature.’ ... Home rule for KS school districts was approved in very limited fashion ... Unified school districts by statute are granted: the ‘usual powers of a corporation for public purpose.’”).
- <sup>46</sup> *See Aameena Batada and Margo. Go. Wootan, Better For Who? Revisiting Company Promises on Food Marketing to Children* (2009), available at <http://cspinet.org/new/pdf/pledgereport.pdf>.

- <sup>47</sup> “Eight Kansas schools awarded \$12,500 Farm to School Pilot Sub-grants; program to promote local food in schools and support agriculture education,” KAN. DEPT. OF AGRIC., *available at* [https://agriculture.ks.gov/AllNewsItems/2014/04/02/eight-kansas-schools-awarded-\\$12-500-farm-to-school-pilot-sub-grants-program-to-promote-local-food-in-schools-and-support-agriculture-education](https://agriculture.ks.gov/AllNewsItems/2014/04/02/eight-kansas-schools-awarded-$12-500-farm-to-school-pilot-sub-grants-program-to-promote-local-food-in-schools-and-support-agriculture-education) (last visited Jan. 6, 2014); see also “Overview of Sub-Grantees,” <http://agriculture.ks.gov/docs/default-source/ag-marketing/overview-of-sub-grantees.pdf?sfvrsn=4> (last visited January 6, 2015).
- <sup>48</sup> *Columbia Heights District-wide Garden Case Study*, JEFFERS FOUND., <http://www.jeffersfoundation.org/documents/school-gardens/Case-Study-Columbia-Heights.pdf>.
- <sup>49</sup> *Blooming Heights Edible Schoolyard & Outdoor Classroom*, <http://edibleschoolyard.org/node/4670> (last visited Jan. 7, 2015).
- <sup>50</sup> Greg Akagi, “Kansas Farm to School Month Showcases Agricultural Education and Fresh Food Efforts,” KANSAS AG NETWORK (Oct. 6, 2014), <http://kansasagnetwork.com/2014/kansas-farm-to-school-month-showcases-agriculture-education-and-fresh-foods-efforts>.
- <sup>51</sup> *Overview of Sub-Grantees*, KAN. DEPT. OF AGRIC., <http://agriculture.ks.gov/docs/default-source/ag-marketing/overviewof-sub-grantees.pdf?sfvrsn=4> (last visited January 6, 2015).
- <sup>52</sup> *Incentives*, LIBERAL, KAN., <http://chooseliberal.com/incentives> (last visited Jan 5, 2015).
- <sup>53</sup> The Kansas Constitution has a “home rule” amendment, which permits “home rule” cities the power to “determine their local affairs and government including the levying of taxes, excises, fees, charges, and other exaction ... except when limited or prohibited by the Legislature ...” Kansas statutes have provided similar powers to home rule counties. KAN. CONST. art XII, § 5; KAN. STAT. ANN. § 19-101a. *See also*, Michael R. Heim, *Kansas Local Government Law* (5ed 2014) at § 3.68
- <sup>54</sup> Kim, E., Harries, C., Tucker, J. and Karpyn, A., *The Food Trust, Stimulating Supermarket Development in Bi-State Kansas City: A Report of the Kansas City Grocery Access Task Force* (2013).
- <sup>55</sup> Memorandum from the Douglas County Food Policy Council for the Lawrence City Commission and the Douglas County Board of Commissioners (April 7, 2014), [http://lawrenceks.org/assets/agendas/cc/2014/04-22-14/snap\\_match\\_memo.pdf](http://lawrenceks.org/assets/agendas/cc/2014/04-22-14/snap_match_memo.pdf).
- <sup>56</sup> Beans and greens, <http://beansandgreens.org> (last visited Jan. 7, 2015).
- <sup>57</sup> ST. LOUIS, MO., RES. No. 120046 (2012) <http://cityclerk.kcmo.org/LiveWeb/Documents/Document.aspx?q=p0vvpSqRcwvF679d7RnPtU1J3bqPWi26pnIvewqSmMMHccPddMgvexNO8QHjybYR>.



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