

STATE OF KANSAS)
WYANDOTTE COUNTY)) SS
CITY OF KANSAS CITY, KS)

SPECIAL SESSION, THURSDAY, APRIL 13, 2023

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, April 13, 2023, with nine members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. McKiernan, Commissioner Second District; and Kane, Commissioner Fifth District; were absent. The following officials were also in attendance: David Johnston, County Administrator; Alan Howze and Bridgette Cobbins, Assistant County Administrators; Patrick Waters, Acting Chief Legal Counsel; Jeff Conway, Assistant Counsel; Monica Sparks, Deputy Unified Government Clerk; Joe Monslow, Interim Director of Community Development, Yvette Miller, Community Development; and Reginald Lindsey, Budget Director.

Mayor Garner said before I call this meeting to order, I want to announce that we have individuals attending remotely as well as on site. All participants joining by phone should mute their phones when not speaking to avoid any background noise. During the meeting, please make sure that you announce yourself by name and title every time you speak so the public that is participating knows exactly who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General's Office. Please make sure you're speaking into the microphone clearly to ensure your comments are being heard in an accurate manner for our records here at the Unified Government.

MAYOR GARNER called the meeting to order.

ROLL CALL: Ramirez, Johnson, Markley, Stites, Davis, Bynum, Burroughs, Townsend, Garner.

AMENDED NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format in the 5th floor conference room

of the Municipal Office Building on Thursday, April 13, 2023, at 5:00 p.m. for a Special Session regarding Winter Warming Shelter and State Legislative Updates.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Garner said we have two items on our agenda this evening. The first item is an update on the Winter Warming Shelter. I'll recognize Alan Howze, who's the Assistant County Administrator, and he'll lead the presentation.

Alan Howze, Assistant County Administrator, said we were last before you on this topic in November when we gave you an update on the plans for the Winter Warming Shelter, which was a severe winter weather shelter aimed at providing life-saving care for the unhoused in our community. The shelter opened in December and it closed in March and you will hear through the discussion tonight what services were provided and the residents that were served through this.

I want to say that it really was a collective effort. It was a collective effort among UG staff that were involved in this with many departments involved; Public Safety, Budget, Legal, Community Development, kind of across the board, and it was a collective effort among the service organizations and you'll see that in the presentation tonight. There are many, many organizations that were involved in providing the care and that shows, I think, in the service that was delivered.

We'll start with a short video that provides an overview and then I'll turn it over to Rob Santel from Cross-Lines to run through the rest of the content. You'll see, for the public that's watching, we'll have a QR code available if people want to go back and look at the video. There's a short video and a longer version of it as well, so with that, we'll start with a short two-minute video and then move into the rest of the presentation.

The video was shown.

Rob Santel, Director of Programs at Cross-Lines Community Outreach, said I'm one of the directors of this project and thank you for your support of the project. As Alan mentioned, this is a collective project. It is not one entity that shares any responsibility for it in its entirety, but we have some primary partners that have really helped and been supportive of it over the last several years.



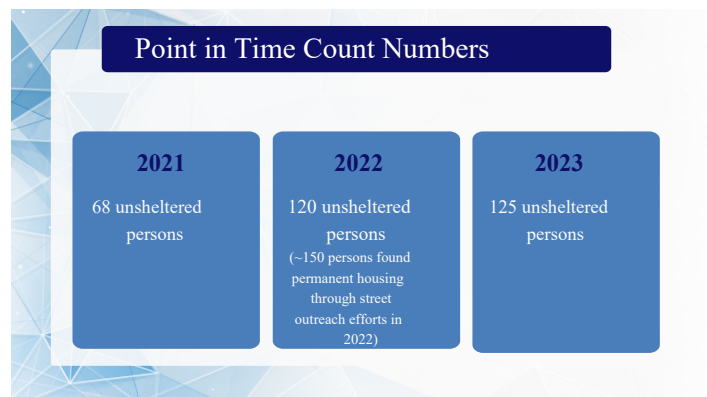
You see them listed here. Wyandot Behavioral Health Network, and they include Wyandot Center and Kim Wilson Housing really providing some of that behavioral health support and those crisis services in bringing that expertise to the team. Kansas City Dream Center; they're a faith-based organization here in Wyandotte County and brings that support to the team as well. Our Spot KC, they are an organization that serves those within the LGBTQ plus population and they actually work with our—there's some of the youth in their youth house that were employed to be able to do the laundry services through our project. So, it was a really great partnership that we had through this project as well. Then, the Unified Government was a great partner in this as well as Alan mentioned.

There are a few people within the Unified Government that I would like to just take a moment to provide additional special thanks to. One of them being Alan. Alan was a key partner in making sure that this project was successful from the start to the end and providing support throughout all of that. We're greatly thankful for all of the support that Alan provided through that.

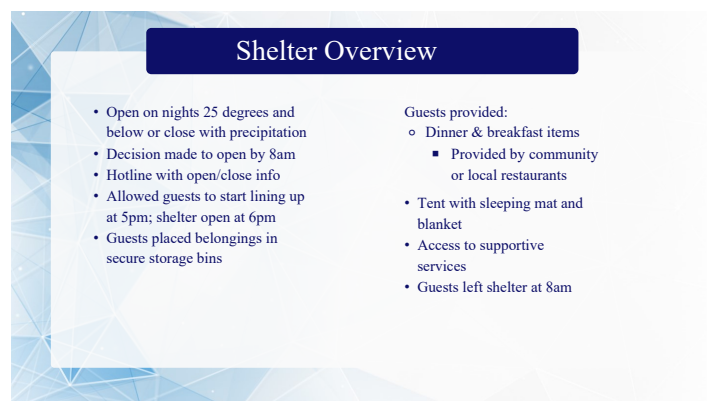
Travis Lanter works through the Health Department and the Emergency Management portion of the Health Department and he helped us with the setup of it, kind of envisioning how to

do—where to put what and to think through all of that and he was a key success to our early implementation of getting that open and operational.

Jeff Conway with Legal helped us do some kind of problem solving and then all of the Building & Logistics team that cared and showed up and were responsive when we needed them, so we're grateful for them. We have a few of our other partners in the room as well.



Tracy Lockett said I work as one of the Directors of the Cold Weather Shelter and just to set the stage to explain who we were serving this year, I'm not sure if you're familiar with the Point in Time. The Point in Time is an annual census count that is directed by HUD. In 2021 our Point in Time numbers showed that there were 68 unsheltered persons here in Wyandotte County. 2022, it was 120, and 2023 was 125. That doesn't look like that big of a difference, but if you notice on 2022 through outreach efforts, we had housed about 150 people that were originally in the streets of Wyandotte County, so that was a very large jump.



The overnight shelter was opened on nights that was 25 degrees and below. We would look at temperatures and also precipitation and so if it was close, it was going to be sleet, there was going

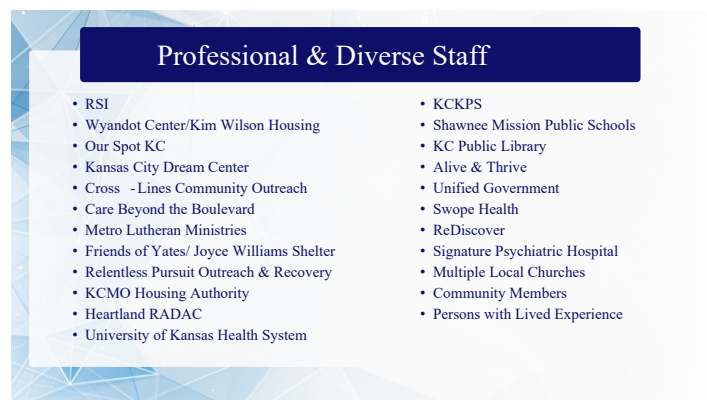
to be rain, we took those things into account and we would make that decision every morning by 8 a.m. and so staff would always be able to know if they were coming in that night. We were able to let our community partners at Frank Williams, Cross-Lines, any of the outreach workers, know that we were going to be open so if they came across people, they could get that information out.

There was a hotline that people could call and find out if we were open or closed. Guests would start lining up at 5 p.m. and we would open at 6 p.m. Once guests came in, they would put all of their belongings in a storage bin, which you kind of saw in the video how that worked. We provided them dinner and breakfast. The dinner was provided by either community volunteers, some churches, organizations, and if we didn't have anyone, we just catered.

Guests were provided with a tent, sleeping mat and a blanket, which you saw and you heard one of our guests talk about how important that was to them. As far as I know we're the only shelter that does that and people really respond well to the tents. It gives them a sense of privacy and protection and they just feel like they're in their own space and so it just allows them to have a better night's sleep.

This year we had put in place access to supportive services so we had a particular shift every night given to an outreach worker or someone who was familiar with all of the resources, the coordinated entry process, and so that was very helpful and then guests left the shelter at 8 a.m. the next morning.

This year we were able to scoot that back. It was 7 a.m. last year. We got it to 8 a.m. this year and that's because Frank Williams and Cross-Lines open at 8:30 so that gave a smaller amount of time where people were outside in the elements.



As Alan and Rob had said, this was a very diverse staff. This was probably to me my favorite thing about this program because as you can see here, and I'm not going to read them all, but you can see these are professionals from all walks of Wyandotte County, over on the Missouri side, Johnson County, we had staff from all over the place and that made a huge difference when we are providing services to people. There are people who are educated on what people are going through, they're compassionate about what they're going through and so it was just—I believe that the care was just amazing because of all the partnerships that we had.

Mr. Sandel said on that note, we also had folks from local churches that were a part of this, several community members, and persons with lived experience. It was also important for us to incorporate persons with lived experience into this project and have their voice really be instrumental in that.

Community Policing	Calls for Emergency Services
• Kansas City Kansas Police Department Community Policing • CIT Officers • Co -Responder ◦ Several guests connected to higher levels of care • University of Kansas Health System PD	Total calls for Service: 13 • CIT calls: 5 ◦ 3 staff were able to resolve prior to officers arrived ◦ 1 required guest removal ◦ 1 was requested by guest and supported their de-escalation • EMS/Fire calls: 8 ◦ 5 required guests to be transported to the hospital • 7 calls (over half) during arctic blast

A big piece of this project, to the success of it, is our connection with Community Policing. A few years ago we started working with KCKPD's Community Policing Department to really start doing street outreach. Each week we would go out with KCKPD's Community Policing officers and do street outreach kind of on the streets and meet people where they are. Many times the officers are bringing us to people that they've interacted with on certain calls that they've identified as someone that's experiencing homelessness that is interested in services. That relationship has been built over several years and so we are grateful for that partnership that has really helped bring that successful part to this project as well. Major kudos to Sergeant Joyce with KCKPD for helping with that.

Also, to that, we've had CIT Officers that oftentimes would just stop in throughout the night and just provide their support even when it may not have been needed. I know the morning

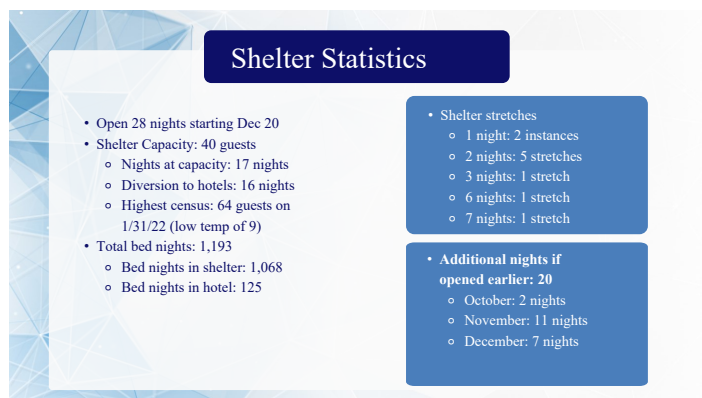
time was oftentimes a struggle or a time of transition that could be stressful for a lot of people. There were several officers in kind of the East Patrol that would just stop in at certain times and that was super helpful to just provide some sense of stability in that morning time, so we're thankful for those officers that did that. We also worked with a co-responder, so mental health professional with Wyandot Center that also goes out with an officer with KCKPD.

There were a few instances where we had individuals that had a severe and persistent mental illness that was requiring a mental health crisis that needed to be addressed. So we worked with the co-responder to kind of observe those clients over a period of days to help get them connected to higher levels of care and that partnership was really helpful especially—because a lot of that staff that is connected to this project works with the population during the daytime as well, so we're able to kind of have that experience during the daytime as well as during the nighttime.

We also connected this year with the University of Kansas Health System and their Police Department to kind of coordinate services through that.

When you look for calls for services, some people have asked us, do you need security and is that a big piece. Part of the success of this project is the professional staff that have that experience and expertise with crisis de-escalation and those types of things and this data really helps show that for us here.

There were a total of 13 calls for service throughout the course of the winter. Five of them were CIT calls where we were calling for our Crisis Intervention Trained officer. Of those five calls, three of the staff were able to resolve that situation prior to officers arriving, so we were able to say, officers, we don't need you anymore. One required a guest to be removed. That person was in mental health crisis and needed to be taken somewhere else for a higher level of care. One requested that we call CIT by the guest and they were supported in their de-escalation by that CIT officer. There were eight calls for EMS and Fire. There were five that required guests to be transported to the hospital. We did have one call that was related to a fire that happened outside of the property and 7 of those 13 calls occurred during that arctic blast that happened during that first week that we were open. Over half of the calls happened during that first week when we were open.

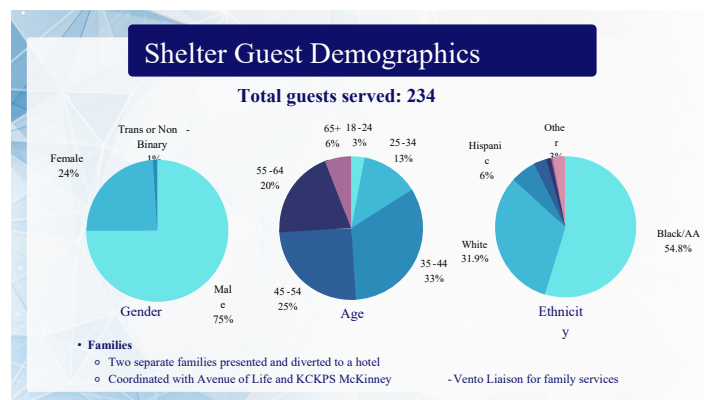


Amber Holmes said I was a Director of the Cold Weather Shelter this season. When you look at these statistics, you see that we were open 28 nights starting December 20th. So, directing your attention to the additional nights opened earlier, on the bottom right, would have been 20 nights that we missed that we should have been opened had we started in October, which is really the target date to start. We know that most of the cold weather deaths that happened this year in Wyandotte County happened during the months of October and November when we weren't open and that's an every year kind of statistic because our services have not yet provided the resources needed adequately for those individuals who are on the street so they don't have blankets yet. They don't have any of that and so those cold nights hit really quickly.

Our shelter capacity was 40 and on 17 of those nights we did reach capacity. We did a lot of diversion, which is trying to get people into a different environment that's suitable for them because we did not have the space. The night we had the most guests was a night where we had 64 individuals and the low temp was nine. Our bed nights, we did have to divert people to hotels, so we had 125 bed nights in hotels and a total of 1,068 bed nights in the shelter.

During the shelter stretches, what that means is the nights that we were open in a row. So, there were only two times when we opened where we were open one night and then those stretches where we had six nights in a row and seven nights in a row, those just happened once. So the ability of the Cold Weather Shelter Project to operate that really makes our statistics much more effective whenever we are trying to create that sense of urgency and not let people necessarily rely on an every night shelter system. It seems a little inhumane maybe in some people's eyes, but it creates this, like I said, a sense of urgency and saying like where am I going to go the next day. If they don't have that sense of urgency, then it's great to have three months straight to sleep

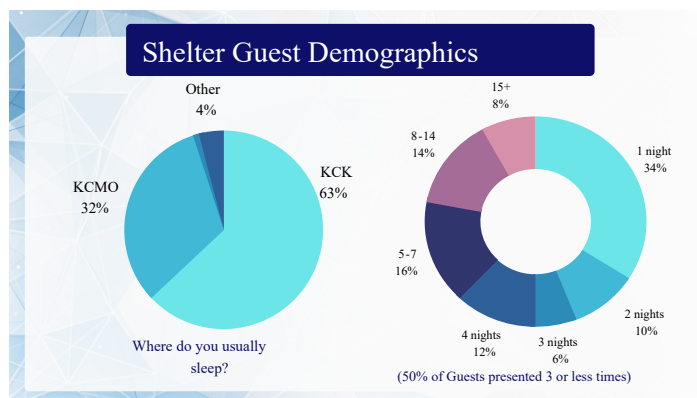
somewhere, so we do see really great results by putting that into effect and being only open when it's 25 and below.



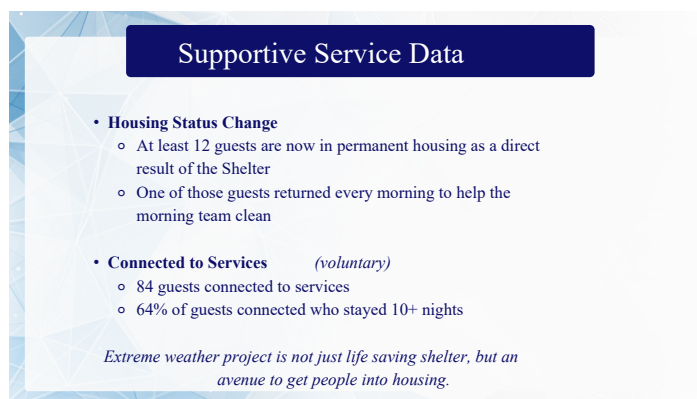
These are our guest demographics. You'll see that 24% were female and the majority were male of course. One of the big statistics that I'd like to point out is the age. You'll see that about 50% of the people were over the age of 45 and then the most concerning is there were 20% that were 55 to 64. This is a population that's going through many health conditions and there's already a significant challenge to access in health, but whenever you reach that age range, you're making it past the average age of an individual who does sleep outside and so that's where we get really concerned.

As far as the ethnicity breakdown, we see that 54.8% were of the Black and African American community and that is a disproportionate number to—they're over represented and disproportion to the overall numbers in our community.

Mr. Santel said we are an adult only shelter, but there were two instances where we had families that presented and we worked with our partners at Avenue of Life and the McKinney Vento Liaison and Jessica Smith with KCK Public Schools to get those two families out of our shelter and into other accommodations and connected to services as well. Those two families that did present, we were able to connect them to services.



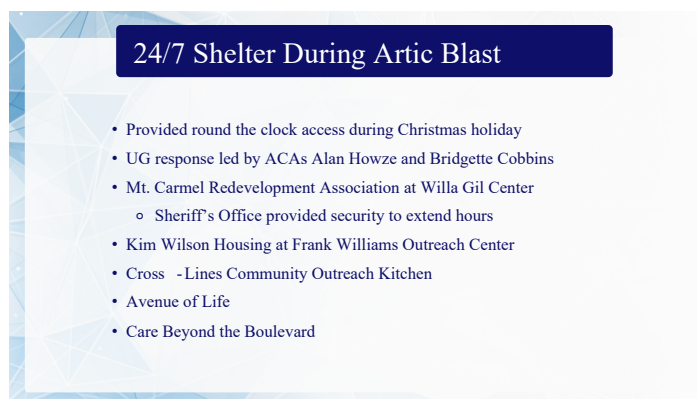
Ms. Holmes said on this next piece we see that 63% were from KCK. The 32% from KCMO tells us that we really need to work more regionally together to figure out a solution that is going to help, not displace people from their communities, just to access something that is a life-saving measure. On the next diagram, 50% of guests presented three or less times, so this is kind of where I go back to the piece where, yes, we're open 25 degrees and below. When you look at how many guests stayed one night, that's 34% and that's huge because we have the supportive services, because we have the professional staff. Not only do we not want you to come back, but we want you to have a better solution because this is strictly a life-saving measure and we want you to be housed. We want you back in the place that we know you're going to be safe and more permanent and so that's kind of the significance of that right there. You see that only 8% stayed 15 or more nights, so that 8% we really do kind of put more wraparound services on after the shelter closed to say what additional supports do you need that we were not able to meet during your stays at the shelter.



Mr. Santel said, again, one of the keys to this shelter project is that we're not just a life-saving measure. While that is important, it is very important for us that this extreme weather project is

also an avenue to get people into housing. At the beginning here, you'll see that at least 12 guests are now in permanent housing as a direct result of the shelter. I'm happy to report that as of today that number is now 14. Our great partners at Catholic Charities have opened Shalom House as of this week and so we have moved two of our guests that had been part of our Cold Weather Shelter into Shalom House, so we're grateful to report that number has increased. One of those guests after he had been in permanent housing, he returned every morning to help the morning team clean, which we think is just a success of the project too.

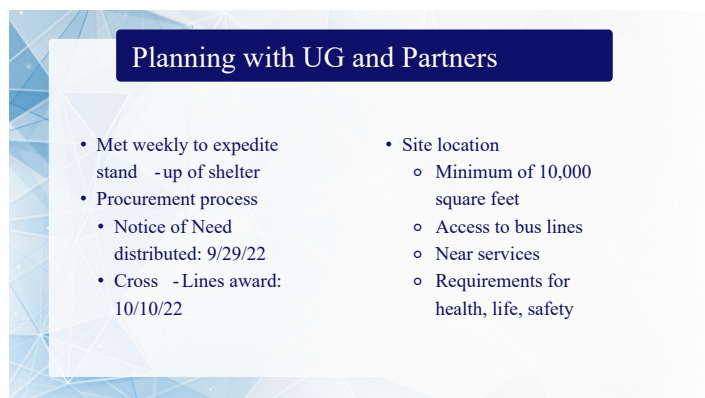
We did have those voluntary services that were available and of those guests that did show up, 84 guests did connect to services and 64% of the guests who stayed 10 nights or more were connected to services.



One piece during that artic blast that I think is really important to recognize is the level of collaboration that happened to make sure that during that coldest time that we've experienced in a long time, we had 24/7 sheltering options here in Wyandotte County. We worked with the individuals within the Unified Government, Alan Howze and Bridgette Cobbins, the ACA's there to really make sure—and it also was coming right around the Christmas holiday which complicated things because everyone already had plans and businesses would be closed. All the normal places that people could go were going to be closed. We worked with Mt. Carmel Redevelopment Association at Willa Gill and actually they had some challenges for staffing, so the Sheriff's Office did provide security to extend the hours at Willa Gill to make sure that we could operate that during the daytime hours.

We partnered with Kim Wilson Housing at Frank Williams Outreach Center for daytime hours as well. Cross-Lines, our team offered our kitchen during, I think, it was Christmas Eve.

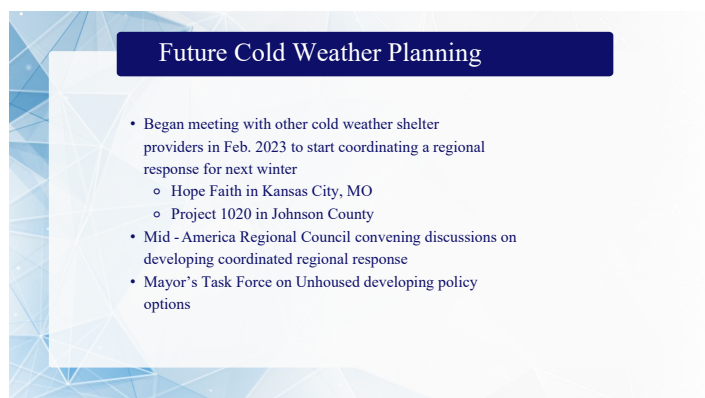
Avenue of Life also provided a meal during all of this time and Care Beyond the Boulevard provided medical care during this time to make sure that the guests that we were serving had health care during that kind of critical time.



Planning with UG and Partners

- Met weekly to expedite stand -up of shelter
- Procurement process
 - Notice of Need distributed: 9/29/22
 - Cross -Lines award: 10/10/22
- Site location
 - Minimum of 10,000 square feet
 - Access to bus lines
 - Near services
 - Requirements for health, life, safety

Mr. Howze said just to talk a little bit about the planning that went into this, so when we started this the end of last summer, we started meeting weekly on this. We went through a procurement process, as you may recall, where we did distribute a procurement vehicle. It was a competitive award that was awarded to Cross-Lines in mid-October and then quickly turned around and stood up the shelter. We had some requirements for the site, 10,000 sq. ft. in order to be able to house a number of the folks, access to bus lines near services, and requirements for health, life and safety and so we did have fire involved in that review as well. We had a lot of folks that were involved in this.



Future Cold Weather Planning

- Began meeting with other cold weather shelter providers in Feb. 2023 to start coordinating a regional response for next winter
 - Hope Faith in Kansas City, MO
 - Project 1020 in Johnson County
- Mid -America Regional Council convening discussions on developing coordinated regional response
- Mayor's Task Force on Unhoused developing policy options

Looking forward for future cold weather planning, Cross-Lines and other providers have begun to meet to start coordinating what could be a regional response next winter so with Hope Faith and Johnson County's Project 1020, Mid-America Regional Council has also started convening

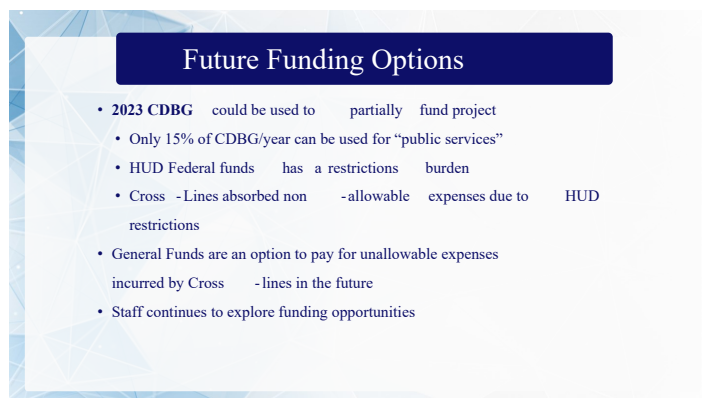
discussions on developing what could be a coordinated regional response, what would that look like, what could that entail. Then the Mayor's Task Force on Unhoused is also developing policy options that will go—you know, can be brought back to see how we can better support the needs in this area.

Winter Shelter Funding

- Total Cost for 2021 -22: ~\$150,000 (no rent or utility cost)
- Total Cost for 2022 -23: ~\$210,000
 - UG paid for space rental, repairs & utilities
 - Health Department provided in-kind use of materials
 - Cross-lines managed the shelter operations
- HUD ESG -CV funding used for the 2021 -2023 winter season
 - This was a one-time grant from the CARES Act and is **not** available for the 2023 -2024 project
- 2023 -34 Winter Shelter funding not yet identified

I'll talk a little bit about the funding and I want to say a special thanks to Yvette Miller from Community Development who really helped to lead the work around the funding and making sure that we had the funds and that they were appropriately utilized. You can see the cost there in 2021 and then 2022, so right around \$210,000. We're still getting the final kind of bills around that, but we think that's where it's going to come in at. You can see the UG paid for the space rental, repairs and utilities. As Mr. Santel mentioned, the Health Department provided in-kind use of some materials. Cross-Lines managed the shelter operations.

The Housing & Urban Development Emergency Services Grants, ESG funding was used for this past winter season, and just to note as mentioned when we last came before you, this is a one-time funding that came out of the CARES Act. It's not available for the next winter. There are HUD ESG dollars that can be utilized for this, but it's a different—just coming from a different place. The funds that we used this last time will not be available, so we're looking at what are those options for the winter shelter for this coming season and what is the mix that is available between HUD dollars and perhaps some other funding sources.



So, more on that. As Ms. Miller identified, only 15% of our CDBG dollars can be used for public services and HUD, you know, comes with a fairly heavy administrative burden on what you can and can't use funds for. There were some costs that Cross-Lines absorbed that were non-allowable expenses but that needed to be purchased in order for the functioning of the shelter and so we identified some of those. General Fund options could be an option for some of those unallowable expenses, some of the ESG CDBG dollars could be an option as well, so we will plan to come back to you all with a more fulsome funding approach should the Commission choose to make that investment for the upcoming winter season.



That concludes our presentation and, again, I wanted to thank our staff and community partners who made this possible and happy to stand for any questions.

Commissioner Ramirez said I just want to thank Alan, Bridgette, Cross-Lines, and every partner that was part of this, for all that you do. It's tough work, hard work, but it's good work. I know I've said it multiple times, our unhoused population are still residents of this county and they deserve to be treated as such. So, I'll just thank you for all that you do and I hope that this year,

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this coming winter, we start planning early so that those additional nights that were talked about, that we can provide those additional nights, so thank you.

Commissioner Townsend said good evening Mr. Sandel, Tracy Lockett and Amber Holmes and everyone who's from here. Again, your work is to be commended and also our staff, Mr. Howze and Ms. Cobbins, Mr. Lanter, Mr. Conway, our Logistics team. Forgive me, where was the actual site this time because back in '21 through '22, it was at the Reardon Center, so where was the site this year if you can say. **Mr. Sandel** said it was at 550 State Avenue.

Commissioner Townsend said okay and you're looking at the same location for this year or possibly expanded one or can you say? I don't want to jeopardize anything. **Mr. Howze** said I don't think we can say at this point. You have kind of the requirements. We signed a four or five month lease on the property, so it's not like a—you know, we're not in it for a couple of years. I think it worked well enough. I think the partners would say if they could have a big wide open space or something like that, they might prefer that, but given what was available, that worked out well. I think the answer is we don't know yet what the location might be, but that's part of that starting to plan earlier this year on that and continuing those conversations and, again, continuing that regional conversation as well because it's not just KCK as you saw. There was a third of the folks that presented at the shelter considered KCMO, you know, their sort of their home so it's a regional problem that's going to hopefully require some regional attention in order to deal with it effectively.

Commissioner Townsend said all of these demographics were impressive, but there was one in particular that caught my eye and seemed to indicate that you are not only meeting an immediate need for one night, but going beyond that and trying to put people in a better, more stable situation ongoing. Was there one that showed the number of, I guess, people who returned and it seemed to go down dramatically. Could you put that demographic back up? It's the one that said Shelter Guest Demographics and it showed one night 34%. I want to make sure I understood what was showing there.

Mr. Santel said I don't have the numbers right in front of me, but I do remember 88 is the number of guests that stayed one night and that number dramatically decreases. As you can see, the percentages decrease as well.

Commissioner Townsend said I was looking at the second circle, the one night 34%, so that means that only 34% stayed one night, okay. Then, did you identify the persons that come in and then you assist them getting other services, so you're following—so you have an increase in that demographic you only have one person. They're staying just one night. **Mr. Santel** said yeah. A few things that fall into that kind of one night thing are some of the successes that we're able to get people connected to other things and other projects that might be more suitable for them or into housing options. Also, it points to the fact that homelessness in our community is also very episodic, that people will fall into homelessness on a given night in our community and that's a reality that we face. They may not be homeless for long periods of time, but maybe on a night or two, they might be experiencing homelessness and having a place to kind of catch them on those coldest of nights was important. **Commissioner Townsend** said thank you. I didn't want to go by that because that shows the work you're doing on an ongoing basis.

Last thing, so the difference in being able to open earlier is what, just more funding this year because you talked about December, but there were cold nights that according to the criteria could have been opened in October.

Mr. Howze said yeah. I mean funding is part of it. I don't think it's the biggest part of it. You know they were open many nights and it costs give or take \$210,000. Some of that is fixed costs for the space so kind of the variable cost for opening on a particular night is not all that high. So, if we had stretched that back to October, we would have caught those coldest nights when that weather was changing and if you recall, we had some really cold nights in November. I think that's a function of starting the planning earlier and making sure that we have contract vehicles in place and the partners in place and the space in place so that we can give clear direction to the partners who were doing the work as to when it's going to open and what the resources are available to do that with.

Mr. Santel said if I might add to that response as well, site location has really been a challenge for us the last three years trying to identify the actual site. That has been very time-consuming and really delayed the process, so even when we start getting the planning done, finding that location has really been challenging.

Commissioner Davis said I just wanted to echo my colleagues. Thank you all. It's really not easy work at all from the administrative standpoint to the crisis response standpoint. I mean it is

not easy work, so thank our staff and everyone for putting this on. Can we pull up the slide about Point in Time counts? Houses, it's a big issue across our community, a very big issue in my district as well. I'm familiar with this, but I want to make sure I understand it. Just for the public, can you all give a very brief explanation of what Point in Time means and then what is the process by which that takes place?

Ms. Holmes said HUD requires that everyone across the country they essentially, sounds kind of silly, but they count homeless people so one night a year, usually at the end of January, all homeless agencies across the country, they go out and look for people and they count them. We use an app and so we're just asking basic demographic questions of people who are experiencing homelessness.

Commissioner Davis said thank you, gotcha. So, super important because I can see some folks looking at those numbers and be like I'm sure there's more just because of the fluidity of those episodic times in which people experience houselessness. I didn't want anybody to look at that and think we're undercounting. We're just following those federal guidelines and so I appreciate that.

I will say we absolutely need a regional response to this. There's some innovative things that the city of Lawrence is doing, KCMO is doing, and other partners are doing regarding homelessness, but thank you all for keeping this in the forefront. I would love to see the numbers and what the budget implications would be for opening the shelter earlier because they do understand that in October—there were some dates that the temperature did fall below and I would absolutely love to have that conversation and find some sustainable funding so that we can keep providing this important service. Thank you all.

Commissioner Johnson said you all are doing just wonderful work in the city, out in the community. I don't know if you covered this in your presentation, but is there a time when during the cold winter season they're there, they've got their tents, is there a time that they all have to be in their tents or are they allowed to mill around or to go and just—I don't know, do whatever they need to do, play games, I don't know, converse? **Mr. Santel** said it depended on the night. When I was there 8 p.m. was the lights out, but there was some opportunity for guests to interact, but really the day has been very hard when it's been so cold, so most of the guests that are coming in,

they're coming in, they're getting their meal, they're going to their tent and they're falling asleep. That's what most of our guests, regardless if the lights are on or not, that's what they're doing.

Commissioner Johnson said so now that the weather is warming up, I'm seeing a lot of unhoused persons along State Avenue in my district in particular. What are the ways that we're assisting them now that there's no place to come and find shelter as we have before? **Mr. Santel** said we don't have shelter options and so that makes it very challenging. Like I mentioned before, we do our street outreach. So, on a weekly basis we go out—my team at Cross-Lines and then the team with Wyandot Center, we go out with the KCKPD to those different sites and find folks and try to connect them to services and try to have those housing-based problem-solving conversations with them to figure out what their situation is and how we can connect them to those housing-based services because housing is the answer to homelessness. So, we want to make sure that we're working with each of the folks we're interacting with to connect them to that housing solution.

Mr. Howze said, Commissioner, I'll add to that too, that we're talking about the cold weather shelter, but there is an inverse of that which is when we get into the peak summer months and we have higher sustained temperatures, particularly those nighttime temperatures, there is another risk period for folks that are unhoused and that's not something we've necessarily approached or tackled, but we do recognize that it's an increasing risk for folks who are unhoused.

Commissioner Johnson said in terms of persons that, I don't know how I want to phrase this, that maybe have done illegal things for lack of a better term, are you having any situations like that? Are you facing anything like that now? **Mr. Santel** asked, can you explain your question? **Commissioner Johnson** said about drugs for instance and the sale or use of drugs. **Mr. Santel** said what we find is oftentimes the folks that are experiencing homelessness are more often than not to be the victim of a crime than to be the one committing the crime and there is a lot of exploited behavior that happens. A lot of the selling of drugs is actually happening from folks that are housed and have those resources, but then are preying upon folks that are more vulnerable.

We are seeing an increase in the behavioral health needs of folks that includes the mental health as well as the substance use needs amongst the population. **Commissioner Johnson** said thank you. It's tough work and as a local Pastor I'm seeing it day by day and having to address it in the best means that we can, but it seems like the situation is increasing. For about the past three

or four years it seems like there's just been an incremental increase in those that are unhoused so it's something that we've learned to continue to work on. Thank you all again.

Mayor Garner said homelessness is a national problem. When I was at the Conference of Mayors this year, it's one of the biggest topics that was talked about with the various Mayors throughout the country and trying to find real solutions, not just to address the symptoms, but address the causes. How do we resolve this situation so it doesn't become a reoccurring financial need for municipalities across the nation and for our government, so that was the question. I know one of the things that I've done to try and address this locally, we brought together the four Four Cores, we were at the MARC facility, and I can tell you that one of the things that I've been a proponent of is the by-state sales tax and I brought that forward to the Core4 partners, Jackson County, the city of Kansas City, Missouri, their leadership, as well as Johnson County and they're open to having that conversation to have a regional look at how best to address long-term this need.

Here locally one of the things that I know the task force is working on with Tom Lally and they brought on Dr. Hill and Ms. Tapia with the Housing Authority as well, is to help with what you all have just mentioned, finding a long-term solution so you all were not looking every year for a location to try and improve the housing needs of the unhoused population and impoverished. I've been in conversation with both Commissioner Burroughs and Commissioner Bynum, our At-Large Commissioners. Commissioner Bynum has agreed to really take this on and lead the effort with that task force with Tom Lally, Dr. Evelyn Hill and Ms. Tapia with the Housing Authority. I'll let her talk to that and some of the conversations and some of the thoughts and ideas that she has that really could be a value to this Commission as this Commission is presented recommendations on how to at least have a long-term solution to help with this issue.

Commissioner Bynum said I would start at the end of what the Mayor said, which is what we seek as a long-term solution and we won't be able to do that without all of you, the partners, that have been basically doing all the heavy lifting all this time. First, I just want to say thank you as the other commissioners have. Thank you Rob and Cross-Lines and Tracy with Wyandot Center. I know the good work you do and our staff, taking it on and working it till we had a solution, which was not easy and then staying with it. I saw the dedication that you brought to it and you are to be commended.

I know that Cross-Lines and probably some of your partners have constructed within the last few years a response plan for homelessness. I know that we have the Mayor's efforts with the task force that's convening here and one of the questions I'd like to ask is, are those things converging at all? This plan that I've seen that you've constructed with the multiple points of prevention and navigation of the system and outreach and all of these components within it and I know that they kind of culminate in a navigation center and I think the Mayor is thinking the same way as far as you know something that's a long-term play. So, I'm curious, are you serving on that committee Rob with Tom Lally? **Mr. Santel** said I've been a part of several of those meetings. **Commissioner Bynum** said that's good because I think we have some components of the road to some answers in place in our community. Then one of the things the Mayor referenced was just some thoughts that I've had, which deal with some things I've kicked around here with staff as far as if we did this with this building and moved this over here and so some configuration of Unified Government-owned properties and ways that we could use, reuse, change, that sort of thing such that perhaps we are working our way toward this more permanent and strategic solution.

Joe Monslow is here and I really am not trying to put you on the spot, but you are here and I know that through our Public Works & Safety Standing Committee you did bring a grant recently that if I'm not mistaken, you're going to know an answer to very quickly through HUD that was including money for a non-congregate shelter. Is that in any way something that you would want to speak to tonight because, again, I feel like it all layers together. Would you like to come forward. I'm just curious, was it May that you thought you might hear word of an award?

Joe Monslow, Interim Director of Community Development, said the non-congregate shelter, we are trying to put something together to keep that thing funded. I mean, otherwise, we don't have enough money. I mean we only—well, you've seen the budget, so we are trying to incorporate it into this type of project where it is a year-round type operation actually, if that makes any sense.

Commissioner Bynum said it does. I mean, absolutely, I think that would be great if we had a strategy and a mechanism and the funding, right, which is always a big part of the question to get to some solutions, but you had a very specific grant that you all had been invited to apply for that had dollars in it. Again, for the non-congregate shelter scenario, not a congregate shelter, which is what we had here. I'm just curious. I do not remember, but it seems like that turnaround was going to be fairly quick, in April or May.

Mr. Monslow said I believe the actual plan is in review with HUD right now. It's part in review, but we are wanting to move it forward as quickly as possible. **Commissioner Bynum** said okay, thank you.

Then, again, you have what I'm referencing here are that there are multiple components happening in tandem. We have our task force that the Mayor has put together and I am going to reach out. In fact, I reached out to them today to set up just a meeting that's the lead task force leadership and myself because I'd like to get up to speed with what they've done, but also put in front of them some of these ideas and I think they have some ideas too.

Ultimately, the plan, Rob, that your organization had developed that I think has a lot of really good commonsense actions and it needs to be explored more fully. I think you had a notion of what that would cost ultimately to put something like that together. I have to say what I appreciate is—so, I'm going to call it a navigation center, but I think we're all sort of working toward the same thing and that is these opportunities to get someone from homeless to housed if it's at all possible.

I look forward to continuing to work on it. I just have one final question that I would like to understand for myself, the Commission, and the public. We had some brutally cold days during the operation of this shelter. Talk to me and us about the locations where our folks were able to go during the daylight hours for some warmth because I know the library is obviously one place, but it seems like there were a couple of options for daytime warming.

Tracy Lockett said I work at Kim Wilson Housing, which also has Frank Williams Outreach Center. So, Frank Williams Outreach Center is open Monday through Friday 8:30 to 12:30, so that was one location where people could go. Cross-Lines also had a warming center this winter and they were open Monday through Friday 8:30 to 3:00, so we had most people there. Like you said, the libraries. Am I missing any place, Rob? Avenue of Life, if they were open, they did dinner, I think some nights a week so people could stay later. I think they're open 5:00 to 7:00 for dinner. I think that pretty much covers it, so not much. **Commissioner Bynum** said okay, thanks very much and thank you all again. That's it for me, Mayor.

Mayor Garner said I just want to say thank you all. When I first became Mayor there was a lot of unanswered. I was unclear about a lot of things, but I can say that I have to give complete credit

and kudos to Cross-Lines. It's good having those relationships, they're key, but the collaborations that came from that and the way you all have been transparent about everything that you're doing on the front end, building these strong relationships and partnerships as you've gone through this process, I believe has really been helpful to those people that may have had questions. Even on the tailend, the data gathering in what you all are able to show and how you have positively impacted people's lives in a way and then also showing that this is an ongoing need.

I just want to say thank you for the service, for everything you've done and that you're continuing to do to help the unhoused and impoverished population and just really building and strengthening these collaborations and bringing the community together of these stakeholders and these non-profits because it really does take an entire community to address this issue and looking forward.

I know that Commissioner Bynum spoke about her really going to deep dive into what is being done with the task force to bring forth some recommendations. There's also some funding streams there that I'll be talking to our Administrator about that I've identified and one of those—I see we have our Budget Director here. Reggie, could you talk briefly about some of the revenue streams that we talked about and maybe the two casino options that are there and what they generally bring in a year and how that would impact our budget, both the Seventh Street Casino and the casino grant that comes about.

Reginald Lindsey, Budget Director, said there is a source of revenue that does come from the Seventh Street Casino and I know that is one thing that you wanted to look into, Mayor. I don't know the exact amount right off the top of my head. It could be somewhere in the \$300,000-\$400,000 range. I would have to check on that exact amount and then there is Casino Grant money that the casino contributes to non-profits across the community that's available.

Mayor Garner said outside of that region on the casino, don't they generate about a million dollars? **Mr. Lindsey** said there is revenue that does come from the casino as far as just the revenues from casino gambling and it's about \$1.2-\$1.4M. **Mayor Garner** said and that goes directly in the General Fund? **Mr. Lindsey** said yes, to the City General Fund.

Mayor Garner said as you look at our budget every year, can you kind of just give the Commission an update? I believe that every year we carry over a certain percentage amount of unspent monies that was budgeted. What's the average of that? **Mr. Lindsey** said this year we

haven't completely finished closing our books yet, so I don't have that exact number, but we did bring in more revenues than expected and we did spend less money across the City General Fund—the County General Fund. We're still in the process of closing the books.

Mr. Howze said I'm just going to add to that. We've got Mr. Davis here and we'll hear from him next, but we've also engaged some of the start of the conversation as well around—this is something we feel locally, but it's not just a local problem. It's obviously a state problem and also a federal and national problem and so what are the options that might be available. We get the HUD ESG dollars, but are there other avenues that might provide, for example, Capital Funds for shelter construction. I mean I think that's also part of this conversation is, you know, again, we feel it locally and we have the challenge of being a community that has lots of needs, but it's not just a KCK/Wyandotte County problem. So, what are the other partners and governmental entities that can be brought to bear on this to support the efforts of us to deliver those services locally.

Mayor Garner said and that's one of the conversations I had at MARC and with some of the other Mayor's in our region. One of the things that Commissioner Bynum is looking at and the task force is also looking at, is a facility. They're looking and exploring several facilities that could be used as a permanent location.

One of the conversations also is, do we seek to build a brand new facility that could not only provide extreme weather conditions sheltering but also provide wraparound services. That could include food, access to health care services that Cross-Lines may provide and what those models can look like. I know that Cross-Lines have been involved last year in numerous conversations about several ideas and several models that are around the country, be it Houston, San Antonio, Denver, Boston; there's several models out there. Then really just giving this Commission some options that they consider that might fit best for Wyandotte County and so that's one of the things that we hope will come from the task force moving forward, but there are several locations.

One of the biggest drawbacks that we learned from some of these meetings is making sure that wherever the facility is at, that it is on transportation, a route that is in close proximity to those that need the services. Then, really making sure that the public is well informed because there is some resistance to people that may not want those types of services in close proximity to

their neighborhoods. So, those are some of the challenges that I know the task force is looking into and trying to overcome, but I can say that I've talked to a lot of our commissioners and I believe they've shown that time and time again. I mean I want the public to know that they are committed to doing something to make sure that we are a caring community and we care about those, least of us in this community, and that this Unified Government is looking in a way in partnership with our staff to, hopefully, find a real solution to this problem at least for the long-term. Thank you all again for everything that you've done.

Mayor Garner said that takes us to our second item which is a State Legislative Update. I'll let our Assistant County Administrator, Mr. Howze, take the lead on this.

Alan Howze, Assistant County Administrator, said I told the Administrator we weren't going to use the entire two hours on this and let's see if I can make good on that. The second part of our meeting tonight is an update from Paul Davis who serves as our lobbyist in Topeka during the State Legislative Session. You may recall that he was last here when the Commission was adopting the legislative agenda and so he has been working that with our delegation and now that the legislature is in—there's a period before they go back for their veto session, I thought it would be a good time to come back and provide an update to this Commission as to what's going on and what yet remains to be done.

Paul Davis, Lobbyist, said I appreciate the opportunity to give you an update on happenings in Topeka. Obviously, you read the newspaper and you watch the news and you know some of the things that are happening, but there's a lot of things that happen that don't necessarily make it into the news media. I've put together a memo here that touches on a number of the debates that have occurred that relate to the priorities that you adopted back in December along with some other issues that are generally of concern to our community here and to cities and counties across the state.

As Mr. Howze mentioned, the legislature is on what you might call a spring break right now. They adjourned last Friday at the wee hour of 4:20 in the morning. I know Commissioner Burroughs really misses those early mornings, but they will return on April 26th for what is termed as the wrap-up session or the veto session. Back a number of decades ago, traditionally the

legislature would only deal with gubernatorial vetoes, but it has kind of evolved into an extension of the regular session.

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MEMORANDUM

April 13, 2023

TO: Mayor Garner and Members of the Board of Commissioners
FROM: Paul Davis, UG Lobbyist
RE: Legislative Update

I appreciate the opportunity to update you on 2023 session of the Kansas Legislature. The Legislature adjourned on April 7th, but will return on April 26th for the wrap-up or veto session. Here is a report on a number of issues related to the UG's legislative priorities plus some other issues of interest:

Medicaid Expansion

Despite continued calls for Medicaid expansion by Governor Kelly, the Legislature has not moved forward with this issue. North Carolina, which has a Democratic Governor and a Republican Legislature (just like Kansas), did recently become the 40th state to expand Medicaid. The vote in the North Carolina Legislature had a strong bi-partisan coalition.

Taxes

After a great deal of debate and negotiating, the Legislature passed a tax bill that moves the state to a single tax rate of 5.15%. Our concern with earlier versions of this legislation was an effort in the Senate to eliminate the ability of local governments to tax food and groceries. This portion of the bill did not make it into the conference committee report. The fiscal impact of this for the UG would have been \$6 million annually.

The bill also contains a reduction in the corporate income tax, expanding the social security exemption from state income tax, and moving up the date for eliminating the state sales tax on groceries.

Vacant Property Registry

I'll just walk through these issues quickly and then I want to take any questions that you have. Medicaid Expansion as you know very well has been a major issue. Governor Kelly has been advocating for, unfortunately, the legislature has not acted on Medicaid Expansion. You may have seen that the state of North Carolina recently became the 40th state in the country to expand Medicaid. I think it's noteworthy because of just the political dynamics. North Carolina has a democratic governor and a republican legislature and there was almost a nearly unanimous vote in both the North Carolina House and Senate, so I think it shows that if you keep knocking on the door, sometimes you can get some things done.

On the issues of taxes, this has been a major debate as it typically is every year, but with the state budget in the condition that it's in, a surplus of literally \$3B, there's a pretty large appetite to enact tax cuts. Right before they left, the legislature did pass a bill that does a number of things including a so-called flat tax rate of 5.15%. The particular piece of this that we've been watching very closely and has been of interest is an effort in the Senate mainly coming from the Senate President to eliminate what he calls a true elimination of the sales tax on food and groceries which would eliminate local units of government taxes on food and groceries. Obviously, that's a

April 13, 2023

significant concern. The Budget Office ran some numbers and it's about a \$6M hit for the UG every year, but that did not make it into the bill that was ultimately agreed to by the Conference Committee.

Governor Kelly has yet to weigh in on this. It's not known whether she's going to sign the bill or veto it. She has made some comments that would lead one to believe that she has a degree of skepticism, so the discussion about taxes is definitely going to continue.

As we expected, there were renewed efforts to restrict cities and counties from maintaining vacant property registries. The Kansas Bankers Association and Kansas Realtors Association have been strong proponents. Somewhat of a compromise was reached in the House of Representatives with the Bankers and Realtors agreeing to removing the ability to charge fees, but allowing for the registries to continue. In the Senate, the bill got bogged down in a discussion about a potential fee cap and was sent back to committee. It is dead for the session, but there will be renewal efforts next year.

Clean State Automatic Expungement

Rep. Curtis has worked very hard to put together a coalition of groups to support this. Despite prosecutors removing their opposition to the bill, the proposal did not get enough traction to get a vote in the full House of Representatives.

Establishment of a Wyandotte County Public Defender's Office

The budget does contain money for a public defender's office.

Housing Incentives

The Legislature has passed a bill that allows urban cities to take advantage of the housing incentives that were passed for rural communities during the 2022 legislative session. This would allow the UG to designate an Urban Housing Incentive District where special obligation bonds can be used for the construction of up to 100 units that would be for-sale or for-rent. The bill also allows for the transferability of certain housing tax credits.

Consumer goods regulation by local governments

A bill was introduced in response to a proposal in Wichita that would regulate the sale of certain pets. The proposal basically said that local units of government may not regulate activities that are not regulated at the state or federal level. The bill did get through the House Commerce Committee, but it was not acted on by the full House of Representatives.

Earnings Tax

Senator Haley introduced a bill that would allow communities to establish an earnings tax similar to what Kansas City, Missouri currently has. It would require a vote of the governing body and a majority vote of the citizens of the particular municipality. There was a robust conversation about the proposal, but no action has been taken.

ESG

After lengthy hearings in both the House and Senate, the Legislature crafted and approved a bill that addresses, among other things, state and local government contracting. The bill was approved by a 27-12 vote in the Senate and a 76-47 vote in the House. It is not known whether Governor Kelly will sign the bill. 84 votes are needed in the House to override a veto. State and local governments under the bill may not enter into contracts with companies that are not certified as ESG-compliant.

Vacant Property Registry, this has been an issue that the legislature has been talking about for a couple of years and we were able to bottle up a bill last year that would eliminate the ability of local units of government to have Vacant Property Registries. This push is coming from a group of landlords that has an association. I think they do have a presence here in Wyandotte County as you may be aware of. The Kansas Bankers Association, Kansas Realtors Association; two pretty influential groups have also jumped on this bandwagon and there was a bill that came that actually passed the House that was somewhat of a compromise that would allow cities and counties to continue to have Vacant Property Registries, but would take away the ability to assess fees.

When that bill came over to the Senate, there was a discussion on the Senate floor about looking at being able to reinstate the fees, but yet putting a cap on that and the Senate kind of got bogged down in that discussion and the bill died, so it's not going to be enacted on this session.

The discussion is definitely going to continue and I think the League of Municipalities, in particular, is interested in trying to convene a discussion about whether some of these issues can be addressed at the local level and ward off any legislation.

Many of you are familiar with the Clean Slate Automatic Expungement. Representative Curtis, in particular, has really put a lot of work into this. We were able to remove the opposition that the Kansas Counties and District Attorney's Association had to this bill. Got the bill out of Committee, but it got stalled on the House floor and that's where it stands right now, but I know she, in particular, and many others are going to continue to work on that.

Establishment of a Public Defender's Office; some very good news here. This was not provided for in the Governor's budget, but it did get inserted into the budget that is now on her desk. That is not a real easy thing to do, to add money when it's not in the Governor's budget, but that did happen and Representative Curtis, in particular, has been working on that issue as has Senator Petty.

Some more good news here, Housing Incentives. You may recall that last year the legislature passed a package of housing incentives that were really targeted at rural communities. Many of us said we had housing problems in urban communities too and the legislature heard that message and essentially what they did is removed the population cap and will allow urban communities to take advantage of those incentives. Actually, they even removed the word rural out of it, so it applies statewide.

One bill that I think was termed as—at our meeting of local government lobbyists is the worst of the worst bills. It was a bill that came from an incident in Wichita where the city of Wichita was looking at regulating the sale of certain pets and got kind of a consumer group started and stirred up and then the Kansas Chamber of Commerce took up the bandwagon. A similar debate is going on in Missouri and this bill was written very broadly that would basically say that local units of government cannot regulate anything that is not currently regulated at the state level or the federal level, but fortunately, we've been able to bottle up that bill and I don't think it's going to be going anywhere in the near future.

Earnings Tax; Senator Haley has really been pushing the earnings tax issue. We had a very good discussion in the Senate Taxation Committee about that. His bill would provide that the Board, you, would have to enact an ordinance that would provide for that and then there would have to be a vote by the citizens that would be approved by a majority of citizens in order for an

earnings tax to go into effect. Unfortunately, we need more allies in that fight. We're kind of fighting that battle alone and I know the Mayor and I had some discussions about trying to see if we can find some allies so that we can keep that discussion going.

ESG is a topic that has kind of hit lots of state legislators across the country and Attorney General Kobach brought a proposal to the legislature. There were some conflicting proposals and ultimately they crafted a compromise that is now on the Governor's desk. We're unsure of whether the Governor is going to sign that or not. There were not sufficient votes to override a veto in the House. That can oftentimes change, but what you want to know about that is it does apply to local units of government and it basically sort of says that you cannot pick and choose, you know, that we're not going to contract with this company because, you know, they are bad for the environment or for some other reason that is fit within that. I would say that I think this bill probably could have been a whole lot worse. It got better, but we'll see whether the Governor is going to sign it.

Food Assistance

The Legislature approved a bill that adds additional work requirement for certain Kansans that are receiving food assistance from the State. The bill extends work requirements for individuals between the ages of 49 and 59. These individuals must work at least 30 hours per week or participate in a mandatory employment and training program to qualify. Governor Kelly vetoed a similar provision last year. The measure did not receive enough votes to override a veto when it was passed in the House and Senate earlier this session.

Medical Marijuana

Despite a number of committee hearings, a proposal to legalize medical marijuana was tabled by the Senate Federal and State Affairs Committee and will not be acted upon during this session.

Common Consumption

With strong majorities, the Legislature has passed a bill that makes it easier for municipalities to allow individuals to consume alcohol in common entertainment areas. The bill ends a requirement in state law that forces cities to close down streets in so-called common consumption areas.

Smoking Age

Governor Kelly has signed a bill that raises the age to 21 for buying and possessing tobacco products.

Youth Fatality Review Board Issue

We did get a bill introduced to address the sharing of information by the State Youth Fatality Review Board with Wyandotte County's board. However, the state board expressed concerns about our bill and wants to find some compromise language. We are planning to meet with the state board in June to discuss a possible compromise that we can hopefully bring back to the Legislature next year.

Items left for the wrap-up/veto session

Education Budget

The Legislature has yet to act on the education budget. This appropriates \$6.4 billion for public schools. Governor Kelly has called for additional funding for special education. Republicans have sought to tie education funding to school choice/voucher proposals.

Forensic Test Statute

The House, during a hearing, approved a bill that would legalize forensic test strips by removing them from the list of illegal drug paraphernalia. However, the Senate removed this provision. The bill is

In terms of Food Assistance, there's a bill that's also on the Governor's desk. The Governor vetoed a similar bill last year. Once again, it doesn't look like there are sufficient votes to override a veto, but this adds work requirements for certain Kansans who are receiving food assistance. This actually just applies to an age group of people between the ages of 49 and 59. There's not been a work requirement, but this would attach a work requirement to people who fall within that age group.

Medical Marijuana, once again there's been a robust debate at the Capitol about medical marijuana and efforts to get that bill moving have, unfortunately, stalled and it doesn't look like any action is going to be taken at this session. The House has passed the Medical Marijuana Bill, but the Senate President has a lot of concerns about it. He recently replaced a key Committee Chair who was an advocate for medical marijuana and put in somebody who was not necessarily friendly to that issue and so that's had a significant impact.

Common Consumption, this is a bill that the city of Topeka brought. It basically ends the requirement that you all have to close down a street if there is a common consumption area or event that is occurring and so they're just trying to make it a little bit easier to have common consumptions areas.

Governor Kelly—this is one of the first bills that has been signed so far this session, she signed this yesterday, I believe. She signed a bill that raises the age for tobacco purchases to 21. A number of states have done that. There's some federal funds that are also tied to that.

You may recall the issues that we've had relating to the Youth Fatality Review Board. We have been unable to get certain information shared by the State Board and we have introduced a bill in order to allow for that. The State Board, after that bill got introduced, stated that they had some concerns about that and they wanted to have a conversation before anything moved forward and so we have agreed to do that and we've got a conversation that's set up in June and hopeful that we can find a compromise so that we can move forward with the legislation that we need in the next session.

A couple of issues here that I just wanted to highlight that sort of are still on the table. The Education Budget has yet to be passed by the legislature. It has been tied into some proposals for whatever you might term school choice vouchers and some pretty significant proposals that would allow if you home-school a child, had a child that went to private school, you could take your base aid per pupil and apply it to that. Governor Kelly has proposed a significant increase in funding for special education and so these issues have all been glommed together. When the legislature comes back, this is probably, I think, going to be the most divisive issue and probably the one that is going to keep the legislature there for a little while as they try to work through that.

Fentanyl Test Strips, the Health Department I know is very interested in this issue and there's been a proposal to essentially decriminalize Fentanyl test strips. That passed the House

actually by a unanimous vote, but then got taken out of the bill in the Senate and there's, I think, hope that there will still be some action on that bill when they return, but that's unclear right now.

now awaiting action in a conference committee that will resume its work during the wrap-up/ veto session.

Government Competition

The House passed a bill that provides real and personal property tax exemptions for businesses that have to compete against a government-owned facility. The Senate passed a similar proposal earlier in the session, but they did not act on the proposal passed by the House before the Legislature adjourned. These are limited to child care centers, health clubs and restaurants. This stems from a long-standing debate between Genesis Health Clubs and YMCA/YWCA organizations.

Plastic Bags

After the Legislature defeated an earlier proposal that was broader than just plastic bags, another proposal that was restricted to just plastic bags and very similar products was passed by the House by a 72-51 vote. It has not been acted upon by the Senate. The proposal would bar local governments from regulating plastic bags.

Property Valuation

The Senate passed a constitutional amendment that would cap property value increases at 4%, with some exceptions (e.g. sale of a house). The House has indicated that it will not act on the proposal this session.

Under the heading of Government Competition—Commissioner Burroughs will remember the Genesis Health Clubs discussion. Owners of Genesis Health Clubs for a number of years have been asking the legislature for a property tax exemption under the belief that they are having to compete with city-owned and not-for-profit facilities like YMCAs, YWCAs. There is now a broader bill that would not only include real property exemptions, but also some personal property tax exemptions that applies to child care facilities, restaurants, health clubs and a version of that bill has passed both Houses, but they have not married those versions together. So, I would expect that will probably happen when they reconvene.

On the topic of Plastic Bags, there was a proposal that was fairly broad that included not only plastic bags, but a lot of other associated types of products that actually was defeated early on in the legislative session. The advocates for that which included Kansas Chamber, brought a different bill that is really more limited to just plastic bags. It has passed the House, but has not yet been acted upon by the Senate.

Under Property Valuation, I think the issue of appraisal and property valuations is one that's probably going to have a lot of discussion in next legislative session. The Chairwoman of

the Senate Taxation Committee, Senator Karen Tyson, is very, very interested in this issue. She was able to get a bill through the Senate, a constitutional amendment, that would limit property valuation increases to 4%. There are some exceptions to that, but that discussion is not going to go on in the House this session, but I think there will be a lot more discussion under the property tax evaluation proposals.

Lastly, what's not in the memo, but I wanted to also mention. Contained in the budget in accordance with recommendations made by the Governor, the legislature restructured this a little bit, is a four-year commitment of \$220M for matching monies for infrastructure projects that are going to be funded under bill, the Bipartisan Infrastructure law. This is a great opportunity here for us to be able to find some projects that we can get funded by the bill and be able to leverage some state dollars at the same time. The way this has been structured is that there is going to be \$55M per year over the next four years. The Governor wanted to do all \$220M at once, but this is definitely a great opportunity here, so I wanted to mention that as well.

With that said, I probably talked longer than I needed to, but I'm happy to entertain any questions that anyone has.

Commissioner Bynum said I have three questions. I'll start with the big one, which is the last thing you said, the \$55M per year. Boy, do we have a bridge that needs that. Is that going to be competitive, I'm assuming. **Mr. Davis** said yes. **Commissioner Bynum** asked, or is it like first come first serve? **Mr. Davis** said there's actually a—I can't say I really like the way that they've set this up. There's actually a legislative committee that is going to be kind of involved in that. Hopefully, we can get a representative on that legislative committee. It will be—it's definitely—it's going to have to occur through the feds and KDOT will be involved in that process. This is really part of what you may have heard of the Infrastructure Hub that KDOT has been putting together. **Commissioner Bynum** said okay. We're going to keep our eye on that.

I need help with the—first of all this very last item, the Property Valuation. It says the Senate passed a constitutional amendment. So, we'll stop there because I thought those went to a public vote. **Mr. Davis** said they do, yes. **Commissioner Bynum** said so, that would—if they had passed it, it would have ended up on our ballot? **Mr. Davis** said yes. Real quickly, the process for constitutional amendments, two-thirds vote in both the House and Senate. The Governor has no role in a constitutional amendment and it goes on to the ballot.

Commissioner Bynum said the notion of capping property value increases at 4%, I need some help from you and other experts in the room because we know we need help from the state to do something. Since we don't control that side of the math equation that ends up identifying how many tax dollars you have to pay, so I need help understanding what would a commonsense bill look like that actually gave us assistance. We can work hard to lower the mill levy, but we don't have any impact over what the value of your property is. So, I just need help with that because if this is not a good—if we don't think this is a good piece of legislation, I need help understanding what would be.

My last question is this, I also don't understand why Fentanyl Test Strips are illegal. I don't get that. I don't know what they do. **Mr. Davis** said it is currently categorized under those items that are under the definition of drug paraphernalia. **Commissioner Bynum** said but why, help me out. **Mr. Davis** said I'm not sure that I can necessarily speak to that. **Commissioner Bynum** said we have a former Police Officer who can, I'll betcha.

Commissioner Stites said I would imagine that so you can test prior to usage and it would allow somebody to say okay, I'm going to go ahead and use drugs. **Commissioner Bynum** said okay.

Mr. Howze said it's so—there's an epidemic of overdoses. Part of what's driving that is this sort of switch to Fentanyl and there have been a number of cases where Fentanyl has gotten into other drugs and so somebody inadvertently, unexpectedly takes Fentanyl and then they end up dead. So, this would allow for the testing of that prior to ingestion. **Commissioner Bynum** said yeah, that seems to me like that would be a good thing, that we would know there is Fentanyl there.

Mr. Davis said the public health advocates out there are in unanimity that this needs to happen and there are a lot of people in law enforcement as well that have been supportive.

Commissioner Bynum said I don't know, Mayor, I mean it might be a topic for another day. We may not have time today, but I need to understand what kind of legislation we could ask Topeka to pass that would provide some relief on the valuation side. If this is not good, what would be good.

Mr. Davis said I just heard Commissioner Ramirez talk about funding the local ad valorem tax fund, which are dollars that are just going directly to local units of government that

have to be used for that. It's been discussed a number of times. There has been some monies that have been put into that, but it probably gets ignored more than it should.

Mr. Howze said, Commissioner, one other way that a piece of legislation was introduced to try to get at that problem from Nick Miller, I believe, which was to lower the percentage on taxation, which is written in the Constitution, the 25% and the 11%, are written in the Constitution and that's the tax value on valuations. If you lowered that to 8 or whatever, you would be having the same effect. You wouldn't be adjusting the property value because that is what the market sets it at, but you would be adjusting what the tax rate was on that, which is again trying to get at that same thing.

Commissioner Townsend said can you clarify or go a little bit more deeply into the Automatic Expungement and about what this would do. I know it would clear records, but just go more into what the point of that bill would be and what it would do. **Mr. Davis** said I'll do the best I can here. I think it sets up at least three, and I can't cite all of these specific instances where something would be automatically expunged from a person's record. They don't have to go back and go through the court process. It just happens on an automatic basis after a certain number of years. **Commissioner Townsend** said that would be good because they wouldn't have to seek out an attorney and all that and I know our D.A. during his tenure has been very active in setting up situations to help people do exactly that. If this can be done on an automatic basis, that would be great.

Mr. Davis said the other thing I might mention, Commissioner, District Attorney Dupree has testified on this. He was very involved in getting the County and District Attorney's Association to remove their opposition to the bill. **Commissioner Townsend** said right. I did want to recognize he has been doing that, so kudos to him and to Representative Curtis for that.

Commissioner Townsend said the other thing I wanted to go back to and get some clarity on, again, a tax issue. On page 1 where you talk about the food tax and groceries and this bill would potentially limit local governance ability to put taxes on food and groceries. How does this impact what Governor Kelly had already moved forward, what's the difference?

Mr. Davis said great question because there's a lot of confusion out there about that. The bill that was passed by the legislature phases out the state portion of sales tax on groceries and

groceries are different than food. This is just when you go to the grocery store. It's not when you go out to a restaurant. There has been some discussion at the legislature about broadening that to food. There's a discussion about—you know the Governor has been pretty adamant about saying that we shouldn't phase it out, we ought to just get rid of it now.

The bill that passed does move up by one year of the phase out, but it doesn't do essentially what she asked. But then Senator Masterson, President of the Senate, has introduced this concept of well, we should really just get rid of all tax on food and groceries including the local tax. He also talked about a concept of looking at removing tax from only healthy foods. I sat through the committee hearing on that and there was very robust discussion about what is healthy and what is not and it's a pretty hard line to draw.

Commissioner Townsend said for clarity, could you distinguish what is groceries and what is food? I didn't even realize they're making a distinction. What are they saying is food and what's groceries? **Mr. Davis** said groceries is really what you are buying at an actual grocery store. Now, there are some grocery stores that you can go in and you can get a prepared meal there and I think that they still have to apply sales tax on that.

Commissioner Ramirez said thank you Mr. Davis for what you do and for being our lobbyist. To Commissioner Bynum, it's been since 2004 that the legislature hasn't fully funded it. It's supposed to be a little bit over 3% of sales tax that the legislature puts into the fund and supposed to be funneled down to local governments for property tax relief, but then still since 2004 they haven't fully funded it or not even funded it at all at this point.

I have many, many points with a lot of this, a lot of these, but the biggest one, I am happy that it didn't—the elimination of the local food and sales tax was taken out because, again, I believe in local control. That should be up to local governing body's decision to take that out. That's where the City Councils, the County Commissions, they're the ones that hold the purse strings for that jurisdiction, so they should have the ability to do it, not the state. I know the state loves to take away our home rule and take away our local control every year little by little, so I'm happy that did make it in the bill.

For the Public Defender's Office, you said it wasn't in the Governor's bill, but it was placed into her budget. **Mr. Davis** said that's correct. **Commissioner Ramirez** asked, has there been any talk about taking it out or is it going to stay? **Mr. Davis** said the Governor has not taken

action yet on the budget. As you may know, the Governor has a line item veto authority, but you know I hate to make predictions here, but I have not heard any discussion about a potential veto there. **Commissioner Ramirez** said I think that's something our District Attorney has been a big advocate of. I've been a big advocate of and many members in our community have been advocating for a Public Defender's Office here in Wyandotte County, so hopefully, the Governor keeps that in the budget.

Commissioner Davis said thank you for your work Mr. Davis. No relation just in case anyone is wondering. I just wanted to provide some clarity. I am excited that the budget for the Public Defender's Office is there. I know Mayor Garner, myself, and a few other folks have spoken in favor in front of the BIDS Board of getting that here in Wyandotte County and so hopefully we can see some of those cost savings in the back end for the County budget and be able to allocate on that funding to other resources.

For the Housing Incentives, love it. I've been in conversation with Representative Curtis about this. I really think we could use this particularly on our Land Bank properties and really think about how we can use this particular program to help make projects like the Tremont Project and others, particularly in the northeast where 90% of our Land Bank properties are. We can kind of use what the state has provided there.

I am absolutely—I know I may be and I'm definitely on the minority here, but the Medical Marijuana thing, my goodness. Considering what is happening just across the street and the money that is being made—because you're just providing the insight and we're just talking the medicinal. Recreational is legal in Missouri and they're raking in millions of dollars right now and, of course, with the election that just happened the County and the City will be able to get a portion of that, but can you provide what is going on there in the state legislature?

Mr. Davis said I remember the discussion that we had right here in this room about this when you were adopting the priorities and it passed the House with a pretty strong bipartisan vote and it really has come down to the Senate President who just made some statements about wanting to see a bill passed. The Committee Chair, Senator Rob Olson, who was working very hard trying to get a bill passed was removed from the Committee Chair of Federal & State Affairs Committee and was replaced by Senator Mike Thompson who doesn't appear to be terribly interested in the medical marijuana issue.

One thing I'll say is there are lots of advocates at the State House, they're not going away. They may be increasing in number and I think when you see—we're starting to get surrounded here and so that's causing other issues and I think that there's just going to be increasing pressure on legislators to move on that. **Commissioner Davis** said yeah, I mean we're at this point creating a headache for law enforcement and then just losing out on money. At this point it just needs to be regulated.

I go with both my colleagues, Commissioner Bynum and Commissioner Ramirez, on this property valuation stuff. We need help. We can only do so much at the mill rate to really try and provide relief given all of the services that our residents want us to provide. Even 4% is pretty modest in the fact that it didn't pass, but revenue neutral did is astonishing.

Thank you for your work in advocating for us. We need help on the valuation side. I'll echo that. That is really where we can get some real relief for our residents.

Mayor Garner said thank you, Mr. Davis, for your work in the Capitol and for that update. If there are no other questions or comments, I'm going to take a motion to adjourn.

Commissioner Bynum said just a thought, if we can't legalize medical marijuana and then tax it, maybe a position we could take in November, December as we're prepping for next year is that we would support a doubling of the taxes on alcohol and the doubling of the revenue comes straight to the City and County. Just a thought. Alcohol is as damaging to families and communities, I would put forward, more so than marijuana, and I'm being semi-facetious, but it has crossed my mind.

Commissioner Townsend said one more thing. Back to the Medicaid Expansion. If you can recall, Mr. Davis, what was the relative percentage that were against? Is it close to it being expanded in Kansas or is it pretty wide on that? **Mr. Davis** said there was, and Commissioner Burroughs may correct me, a Medicaid Expansion Bill that did pass the House a couple of years ago, but it was definitely a different make-up in the House than there is now. There really has not been a clean vote on it since that time because the leadership has a good deal of control as to what can be voted on on the floor. I've certainly heard a lot of people say that they think that if a bill would just be put out to a vote, it would pass, but I'm not certain about that.

Commissioner Burroughs said thank you for the report. I know the Medicaid Expansion, a number of these items are items that our delegation has worked on for years and some of them just continue to go around like a merry-go-round and Alan has seen it and those of us that have had the good fortune and misfortune of seeing policy fall off and come on at the last minute. Nothing's dead yet. I mean it can still be considered.

On the Medicaid Expansion, leadership will control the calendar to ensure that a bill that comes forward is not amendable to Medicaid Expansion discussion and by keeping those bills from coming forward, you can't amend the Medicaid Expansion, but that's how we were successful in getting passed the House a number of years back, but you have an obstinate Senate that just will not move forward.

On the Marijuana, next year is an election year, I think there will be some movement. It's a good thing we have the D.A. that is looking for expungement because between the four states around us that border Kansas, there's a lot of activity that has occurred with transportation of even medical paraphernalia as well as medical marijuana. That has caused consternation and the arrest of those just traversing through our state and that affects our overall economy and economic reputation when people want to fly in and fly out of our airport so we have a ways to go, but it's just a matter of the movement in the Senate. We had a Senator that was willing to take that action. I visited with him at great length during the summer and when the Senate President chose to pull him out, change him out with one of the most conservative members of the Senate, I think it sent a signal to everybody that wasn't going to move forward.

Paul, on that discussion, are they still looking at not allowing the smokable marijuana? Even if it went to medical, it would be food product grade or cannabinoid oil would be just a little bit higher CBD content. **Mr. Davis** said that's my understanding where the discussions been. I think that's correct. **Commissioner Burroughs** said great. Thank you for all your work and the great report.

Mayor Garner said I can say, Paul, and I've mentioned it to a couple of our delegation, I think it would—you can share at least for me, this is an ask. We're sandwiched between two states that have legalized marijuana and we're right on the boarder with Missouri who legalized it and there's a lot of data out there that shows the disparate impact that people of color have when you talk about policing and being charged and convicted and things like that, being in possession. After

three strikes here in the state of Kansas, it's a felony and that can be a life-altering thing, especially for people of color. You go back to the prior presentation when they talked about the disparity that was noted of Blacks that were homeless and that is one of the factors when you look at the homeless population or those individuals that have prior felony convictions. Just trying to get past any racial components in there, now you're tapped with a felony.

My ask to some of the delegation is presenting a proposal to at least not make possession after three strikes a felony, but just keep it in the state of being a misdemeanor I think would be of great value. Not just to people of color in Kansas, but to everyone, especially with the dynamic of marijuana becoming something that's more widely accepted, not just in the state of Colorado and Missouri but throughout this nation. So, I just think that the legislator needs to take a hard look at that and just look at the reality of the value of who we are today as opposed to who we were years ago, so thank you for that.

Mayor Garner said that takes us to the end of this presentation. I will take a motion for adjournment.

Commissioner Burroughs made a motion, seconded by Commissioner Davis, to adjourn. Roll call was taken and there were eight "Ayes," Ramirez, Johnson, Markley, Stites, Davis, Bynum, Burroughs, Townsend.

MAYOR GARNER ADJOURNED

THE MEETING AT 6:46 p.m.

Monica Sparks
Deputy Unified Government Clerk

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April 13, 2023