

**ADMINISTRATION AND HUMAN SERVICES
STANDING COMMITTEE MINUTES
Monday, February 13, 2023**

The meeting of the Administration and Human Services Standing Committee was held on Monday, February 13, 2023, at 6:00 p.m. The following members were present: Commissioner Markley, Chairman; Commissioners Bynum, Johnson, Kane. Commissioner Ramirez was absent. The following officials were also in attendance: Gunnar Hand, Director of Planning & Urban Design; Alan Howze, Assistant County Administrator; Michael Farley, Operating Ordinance Study Specialist in the Department of Planning & Urban Design; Misty Brown, Chief Counsel; and Brett Deichler, UG Clerk.

Chairman Markley said before I call the meeting to order, I want to announce that some committee members, staff, and the public are attending remotely via Zoom as well as on-site. All participants joining by phone should mute their phones when not speaking to avoid background noise. When speaking, please speak directly into the microphone to ensure everyone listening is able to hear your comments and to ensure a clear record is made. During the meeting, please make sure that you announce yourself by name and title every time you speak so the public that is observing knows who is speaking. This is critical given the number of remote participants and is the current guidance from the Kansas Attorney General.

The public is allowed to participate by Zoom or submit comments by email prior to the meeting. Those comments will be included in the record of this meeting. The public may also indicate their intent to provide remote public comments by contacting the Clerk's Office by 5:00 p.m. the Thursday before the meeting. The public also will have an opportunity to provide brief comments either by telephone or via Zoom from the 5th Floor Conference Room of the Municipal Office building.

Chairman Markley called the meeting to order. Roll call was taken and all members were present as shown above.

Approval of standing committee minutes from November 14, 2022. **On motion of Commissioner Kane, seconded by Commissioner Bynum, the minutes were approved.** Roll call was taken and there were four “Ayes,” Kane, Johnson, Bynum, Markley.

COMMITTEE AGENDA

Item No. 1 – 212207...ORDINANCE: SHORT-TERM RENTAL USES

Synopsis: Consideration to create a new Short-Term Rental Ordinance and staff review process, submitted by Gunnar Hand, Director of Planning & Urban Design.

Gunnar Hand, Director of Planning & Urban Design, said we do have a PowerPoint presentation this evening Commissioner Kane. It is very illustrative and very short. Before I introduce Mr. Farley with our ordinance studies section, I wanted to give a quick introduction to him as well. First and foremost I think that the ordinance before you, which is also being heard due to scheduling issue conflicts will be heard this evening as well at the City Planning Commission for consideration. We were hoping to go there first then come to you guys like usual for this agenda in the month and then P&Z, excuse me, Board of Commissioners P&Z, but that’s where we are today. So, we’re doing two presentations this evening. This ordinance reflects a whole lot of research that we’ve been doing both nationally and regionally with some of our own short-term rental operators as well as some community outreach including some additional outreach that you all asked at the last standing committee.

We believe what’s before you is a streamlined process that adds a new component, an administrative review, which we’ll go into more detail in the presentation. Basically, what this puts us at is one short-term rental per block with a heavy emphasis maximum with a heavy emphasis on owner-occupied short-term rentals. We try to put a lot of prioritization on owner-occupied, so there’s been some discussion about the balance between short-term and long-term rentals versus investors, versus people who rent out their homes. There are many definitions, many differentiations, and again, Mr. Farley will go into some of that detail in a few seconds here.

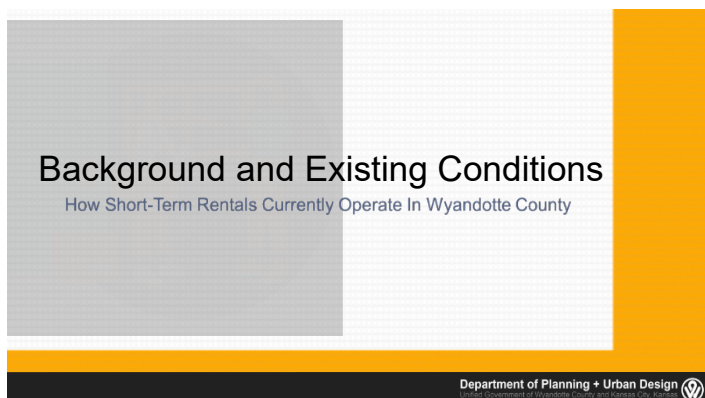
We wrote an ordinance that we as staff in this constrained environment are ready to execute now. Is it perfect, no. Is it leaps and bounds over what we have today, absolutely and we’re open to ongoing conversation or discussion about potential improvements. We do have to reflect that what we wrote we think is appropriate for the amount of staff levels we have today and into the

immediate future, but also what technology can manage at this time. Again, we'll talk about that in some more detail and all in all we think this is a good balance between—reflects a good balance between private investment and rehabbing single family—predominantly single-family homes which is what we see with our short-term rentals in Wyandotte County, but also maintaining community character which has been also a huge issue for those in the public and others that we've talked to. We are recommending approval of the ordinance as written. We would be happy to take any questions, conversations.

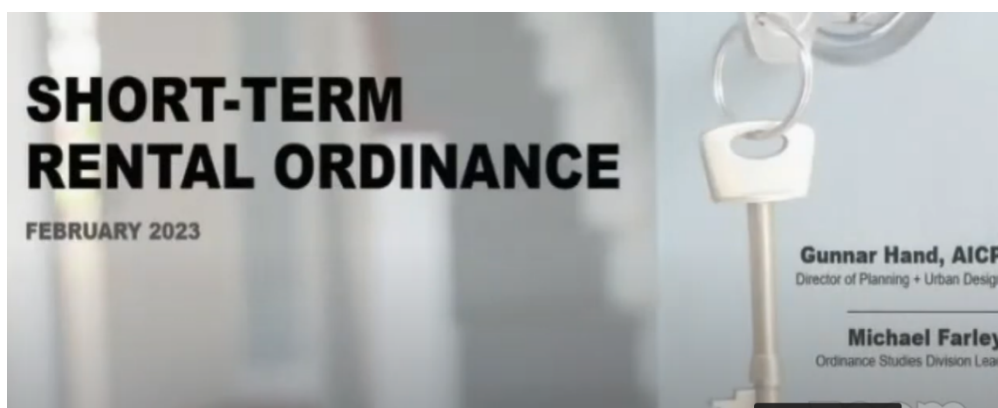
We have one small note, the ordinance before you, we doubled checked and there were a couple of typos that we fixed. There are a couple of clarifications that we added to some of the definitions, nothing substantive, and then we did add standards so that we could codify those standards for both, what we're proposing as administrative and special use permit short-term rentals, but those are not reflective of anything major. Those are just reflective of protocols that we've already been requiring for short-term rentals. We just forgot to add them to the draft ordinance.

Commissioner Kane asked, now what happens if there's somebody that's already two people on the same block that are already doing the same thing? **Mr. Hand** said we're going to give a presentation that goes over all of this, but basically, what we're proposing is to just let everything continue on as is today and then as they come back for short-term rentals they either slide into the administrative process once they're existing short-term—excuse me, special use permit ends or starting that day whenever this is adopted, moving forward, we put in those new thresholds. So, if there was an operating special use permit there today and somebody wanted to join that block, they would follow the new rules. The other guy would lapse into the new rules once their special use permit was up. So, there's a sunset built in. With that, I would like to present Michael Farley who has about a 10-minute presentation. You've seen a chunk of this, but this is shifting from what do you think to here's what we're proposing.

Michael Farley, Ordinance Study Specialist in the Department of Planning & Urban Design, said I'll be presenting tonight both an overview of the special use permit—excuse me, the short-term rental process so far with the specifics that we have added into our draft report.



Mr. Hand said I'm sorry, this is the old, old one. **Chairman Markley** said we're taking a moment for the correct version of the presentation to be found, so if you're watching with us online, give us just a second here.



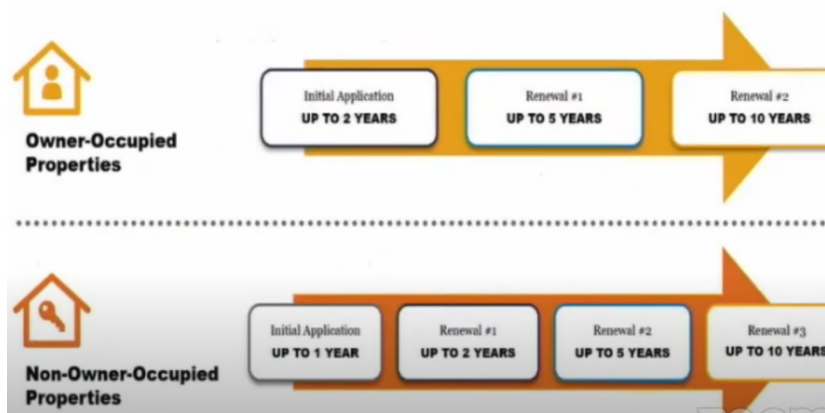
Mr. Farley said just a quick background on the history of short-term rentals within Wyandotte County. Short-term rentals in one way or another have existed pretty much as long as people have owned homes and have lived in cities. Sometimes it was known as a boarding house or you would

rent out your back room to a cousin or someone passing through or something like that, but it was not until approximately the mid-2000s, early 2010s, in which this became much more accessible and easier for the average citizen to do. That was with the rise of third-party platforms such as Airbnb and VRBO that have allowed for a private homeowner to advertise their property as a short-term rental to someone across the country who could then come into Kansas City for the week, weekend, stay at their house and the payment system through that platform and everything and it just made the process a lot easier.

What it also did though is it created a very private system that's hard to regulate. This is, you know, you're advertising online and this is for a private home and someone coming from out-of-town right there. There's no storefront, there's no easy, obvious way to know that this is a short-term rental and so that does create its own challenges.

In the fall of 2017, early 2018, in lieu of—in response to the rise of short-term rentals within the Unified Government there was an amnesty period that was put into place that would allow for short-term rental owners to come and apply for a special use permit. It was determined that a short-term rental was covered as a commercial use and could receive and had to receive a special use permit in order to operate. From there for the last couple of years the UG has partnered with HostCompliance to use a tool in order to scrape these third-party platforms identifying advertisements that go on in the county to get an idea of approximately how many short-term rentals are being operated, who's operating them, where they are, what their advertisements look like and provide some data for us to use and to follow.

As well, there's been administrative changes to both the short-term rental standards and we've created a short-term rental specific special use permit application that has also helped streamline the process, but then from there we needed to step up and make additional changes in order to better regulate short-term rentals as they exist in the 2020s. That's what we've been doing since last fall, and again, this is just a preview of what we've done.



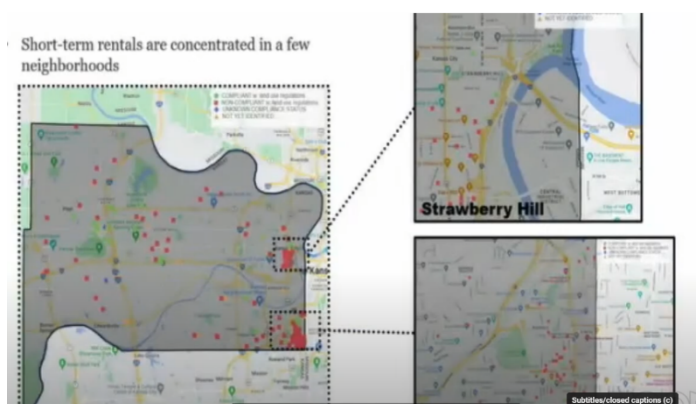
I mentioned that the special use permit was the tool used for short-term rentals. There was with distinction that we've been making since the beginning and that has been owner-occupancy. A special use permit—they're always on a temporary term so you have to come back and you have to renew, but owner-occupied properties could come in, get up to two years, a two-year term for their special use permit and then come back later on for a five-year term and a 10-year term if allowed by the Board of Commissioners and upon recommendation of staff.

Non-owner-occupied properties had to come in and could get a term no longer than one year at first and then could get on that two, five and ten track so even under this current regime we do have a distinction between owner-occupied and non-owner-occupied properties as small as it may be.

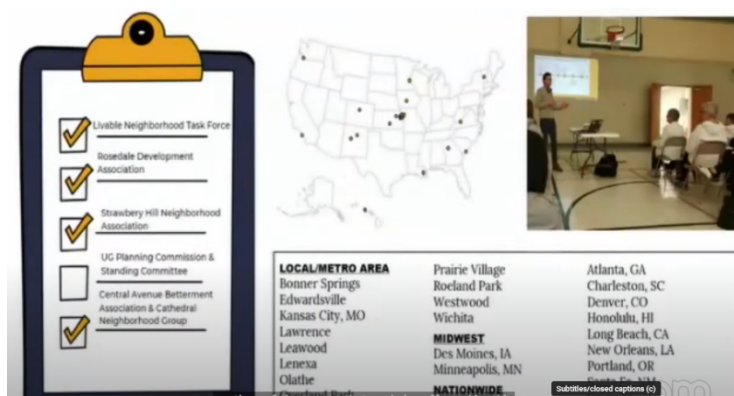


I mentioned before HostCompliance. Again, this is a company that we've been using to help scrape data regarding short-term rentals within the county. This is a graph that they provided based on the data that they have taken. Basically it shows the rise in short-term rentals throughout the entire county. We do want to make a distinction and say that some of this could be pulled from

Bonner Springs or Edwardsville so the numbers may not be totally accurate, but you get the idea, and the rise in short-term rentals. This data is a little old, but approximately the numbers are about the same. We're usually getting about 170-180 different short-term rentals that are being advertised in one way or another within Wyandotte County, adding about 10 to 15 distinct properties per month are being added and compared to about the 50 short-term rentals special use permits that we have as of right now. So again, we're talking about a compliance rate of under 30% at this point, just using special use permits as the tool of compliance.



Additionally, we have also noticed, and you don't need HostCompliance to figure this out, but there have been concentrations of short-term rentals in certain areas of the Unified Government, especially in Strawberry Hill and Rosedale neighborhoods. Again, all these dots represent short-term rentals of one form or another and as you can see they are clustering in certain areas, so obviously, there are portions of the county that are being affected by this in ways that other portions simply aren't and simply don't see the effects of.



In our efforts to create a more robust regulation we have done outreach with several different neighborhood groups including the Rosedale Development Association and the Strawberry Hill Neighborhood Association. We have also done pure comparisons with other cities both in the KC metro area as well as throughout the country identifying different ways that short-term rentals are being addressed within different municipalities.



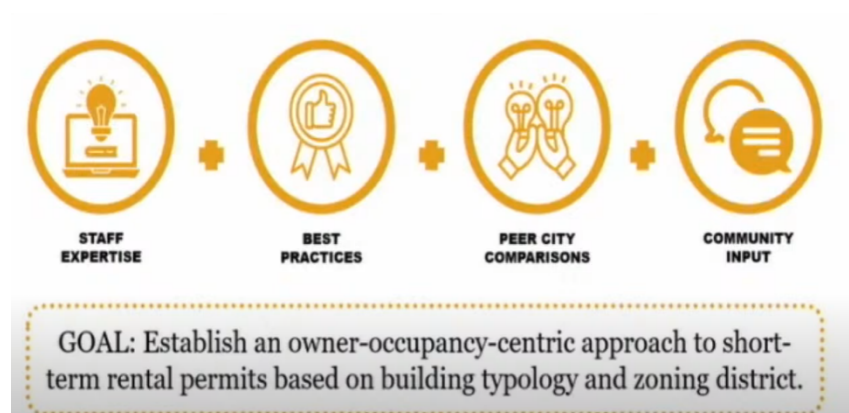
Through all of this we've noticed that there are several kind of key considerations that we need and we need to take a look at and address when we're creating this regulation. The first is addressing tenancy models. We can't have just a city of single-family owner-occupied housing. We need a room for long-term, we need a room for short-term rentals. There needs to be a balance, but we do need all of those and we want to create regulations that allow for that good balance of that.

We also need to address enforcement. Due to the limited resources that both the UG and the Planning Department specifically have related to zoning enforcement, we need to make sure that not only is enforcement not the only—not the primary tool, but it cannot be the only tool that we are using. We need to make sure that compliance is easy especially for those that need limited oversight such as owner-occupied properties which would be doing a lot of self-policing on their own.

I also want to address the effects that short-term rentals can have on the neighborhood both in the positive and negative. We want to make sure that there are incremental changes to our process so that there's not huge jolters or shockwaves felt throughout fragile neighborhoods. We are balancing the property owners being able to use their property for more uses, but also making

sure that neighbors are given notice, they are allowed to give input and that the character of the neighborhood is relatively maintained.

Additionally, we want to address the economic development aspect of short-term rentals making sure that we can revitalize blighted communities without causing displacement and ensuring that we're promoting local investment that directly affect the community itself.



As you can tell there has been a lot of research, a lot of thought, a lot of community input and outreach going on. As you can see here, staff expertise looking at best planning practices, pure state comparisons and this community input all comes together to create our goal which is establishing what we call an owner-occupancy-centric approach to short-term rentals, again based on building typology and the zoning districts that they're in. It's showing exactly what this looks like, so all this is coming to a head.

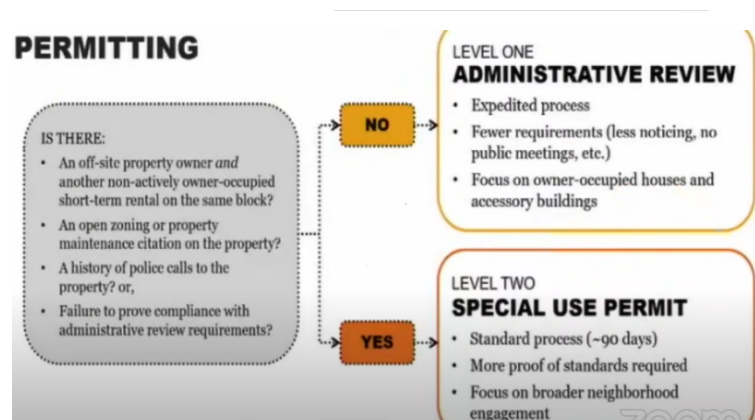


A couple of things we want to address with this new zoning code—excuse me, these new regulations updating and adding in a couple definitions. A short-term rental, I failed to mention

this before, but just so we're all clear, a short-term rental is a rental or lease for 30 days or less. This is different than a month-to-month lease, it's different than a long-term lease, this is typically for people coming in on a weekend, but it could also be for a traveling nurse at KU Med Center that's coming in for a four-week stand. That would be about 28 days. That would be considered a short-term rental and we need to consider that when we are creating these regulations.

Also, identifying who exactly is a homeowner especially if it's owned by, you know, finding an exact individual if something's owned by a corporation or a trust and then not only identifying and defining owner-occupancy which you can see there, you know, for someone who lives primarily within the dwelling, but then also distinguishing it from an actively owner-occupied property which means that the resident is there for at least half the nights in which the property is being used as a short-term rental so they could be coming and going, but essentially kind of always on the property, sort of acting as a property manager in their own right.

Lastly, addressing the definition of block which in this case and for the purposes of addressing concentrations of short-term rentals is going to be both sides of the street between basically two consecutive bisecting streets. As you see, we have a couple other definitions depending on when you get off the grid system and start meandering, we just want to make sure there's an obvious change you know between the street name intersection and identifying what that block would be.



All this leads to what we call a dual approach to permitting. There would be an administrative review level. This would help with compliance and by being a more efficient expedited process that would require fewer meetings and it would be tailored for the most part owner-occupied properties. Sometimes these owner-occupied properties, as you can see on the left, would not meet

certain requirements whether there is an open zoning or property maintenance citation. There's a history of police calls related to disturbances created by the property owner or guests or failure to meet other administrative requirements such as tenancy or occupancy. Then those properties could get moved to the special use permit process, and again, if there was also—Commissioner Kane, to answer your question, if there was also going to be two non-actively owner-occupied properties on the streets. So, somebody either leaving their home for vacation or a second home, the first one could get in as we administrative review and after that everyone has to go through that special use permit process. That's why I sort of described it before, it's going to the same process as we know it now, you know, coming through Planning staff, being heard by the City Planning Commission, then ultimately coming before the Board of Commissioners for final approval or denial.



More about administrative review. As you mentioned, it'd be a quicker process. We have a form that we're putting together in which an applicant could come in, it would be a one-pager, maybe a two-pager, but they would apply. It would be very easy. A couple things could be checked to ensure compliance and they would be on their way while making sure that they've gotten a business license.

As you can see, there are several different building types that could receive administrative review. I want to focus on single-family because that is the vast majority of short-term rentals within the UG are our single-family properties. Again, there is emphasis on—this would have to be owned by the resident, accessory dwelling units could be used as a short-term rental while someone's living in the house or the entire property could be rented out again as long as there is no other non-actively owner-occupied property on the street or—excuse me, on the block.

Duplexes as well have a little more flexibility because there's an additional unit, but I do want to bring attention to the multi-family and mixed-use options. Without getting too in the weeds here, I do want to briefly talk about sort of the benefits that a actively owner-occupied multi-family or mixed-use building could be. This could be someone who fixes up an old 4-plex, 8-plex, 12-plex, would live in one of the units and let's say this was a 12-plex property and that they had—we were proposing that they could have up to, make sure I have this right, three short-term rentals plus use short-term rentals for 50% of the additional units in the building provided that they get long-term rental licenses for all the other buildings so we're not only—we're giving them a little incentive because short-term rentals seem to be easier, you know, an easier, quicker way to make money and help with those mortgage payments, but at the same time ensuring that we're not depleting long-term rental and housing stock by making sure that the other ones aren't just sitting vacant. That property owner has to make sure that there's long-term rental licenses on those additional properties. Same thing with the mixed-use, we place an emphasis on making sure that the commercial space is also being used so they can have those vital storefronts that are being actively occupied by a local business so you're not just using the upper floors for short-term rentals of people who come in on the weekends and leave, so we're trying to find that balance.

PERMITTING

**LEVEL TWO
SPECIAL USE PERMIT**

- Standard process (~90 days)
- More proof of standards required
- Focus on broader neighborhood engagement

- Follows the same process as all other special use permit requests.
- Requires a neighborhood meeting for properties within 200 feet; public meetings with the City Planning Commission and Board of Commissioners; and approval by the Board of Commissioners.
- A full-home inspection, either through the Kansas Department of Agriculture as part of a required Lodging Establishment License, or a licensed home inspector.

SINGLE-FAMILY	DUPLEXES	MULTI-FAMILY	MIXED-USE
• All residences with an off-site property owner, if not the only non-actively owner-occupied property on the block	• All residences with an off-site property owner, if not the only non-actively owner-occupied property on the block	• Collectively for all units in a mixed-use building if the number of short-term rentals exceeds allowed percentage/density	• Collectively for all units if the number of short-term rentals exceeds the allowed percentage/density • Commercial space does not meet the minimum vacancy rate

Again, as I mentioned, there are properties that either have to already go through the special use permit process or would have escalation clauses of one sort or another in zoning violations, police calls, higher concentration and they would have to go through the special use permit process as well. Again, I just want to emphasize for a single-family home, a single-family residence would have to go through a special use permit process if the residence was owned by an off-site owner and it was not the only non-actively owner-occupied property on the block. So, again, this could

be someone who is using a second home or an investment property or someone who is simply going on vacation for two weeks, they would be considered non-actively owner-occupied and you can get one of those per block. As soon as the second one comes in, that needs to be a special use permit.

Lastly, I do want to point out again, I know most of us are well familiar with how the special use permit process works, but I do want to emphasize that there is additional neighborhood oversight. Every special use permit has to get—or at least ones for short-term rentals, has to go through a neighborhood meeting and this is where you are required to send out letters to every property owner within 200 feet of the boundaries of the property that you are asking for a special use permit on. This neighborhood meeting has to be done either in person, it can be done over Zoom. There is an option. When we were addressing COVID to do a call and email option, but either way there is notice being given to these property owners and that would continue as well. Additionally, there would be a full home inspection for any property that's required to get a lodging establishment license from the Kansas Department of Agriculture, so that's an additional review that would not have to be conducted by UG staff.

I know I've thrown a lot at you. I know there's a lot of numbers being floated around, a lot of different kind of scenarios and everything, but there are three points again that I would like to just bring back for us to consider if there's any discussion. Addressing the dual permitting approach which again would be different than the kind of one-size-fits-all special use permit process that we have right now. These regulations would prioritize the use of properties by the property owners themselves and by the residents. It's an owner-occupied-centric model. Lastly, just emphasizing that non-owner-occupied short-term rentals would be eligible for administrative review when they're basically the only one of their kind on the block. So, this would not affect anyone who wants to rent out a back bedroom or an accessory dwelling unit above the garage, so it would be just for people who either do not live at that property or are going to be away from that property for the term of the short-term lease.

Again, I guess this is time for questions. I can flip back to this if that's what you would like to do or I can jump to any other slide if need be.

- **Dual-approach permitting model** improves efficiency and encourages greater compliance
- **Prioritizes the use of properties by the owner-occupant**, and creates a distinction between actively-owner-occupied and non-actively owner-occupied properties
- **A non-owner-occupied short-term rental is eligible for administrative review ONLY** when it is the only non-owner-occupied short-term rental on the block



Chairman Markley said just to clarify on that last bullet point and it was mentioned earlier in the slides too and I had the same question, so I'm glad we looked back to it. If you're non-owner-occupied, you have to get a special use permit unless you're the only one on the block. If you are owner-occupied and there are multiple ones on the block, what happens? **Mr. Farley** said yes, so that's where we have to then look at are you owner-occupied but away for the term of the short-term rental or are you going to be kind of living there, you know, at least coming and going during that. So, the example that I kind of keep going back to is either someone's coming in for the weekend and, yeah, you can go run errands, maybe you can run over to Lawrence for the day or something, but you're returning for at least half the nights of that short-term rental. That would be considered actively-owner-occupied and you can do that regardless of the number of who else is doing—**Chairman Markley** said administrative review for everybody if that situation arises. **Mr. Farley** said yeah, barring any sort of outstanding code violations, things like that, but then we have the other scenario that's just non-actively-owner-occupied, regular owner-occupied and that is where if you're going away on vacation for two weeks and just want to rent out your house, obviously, it's your primary residence, but you're not actively there and so we do want to have a little more review for those types of properties, but we're allowing one of those per block under administrative review.

Mr. Hand said our thinking was if you live in your house and you're renting out your granny flat above your garage or a room in your house to make supplemental income, we don't see any problem with that for every single person to do that if they want so long as they meet the standards. If the cars are still parked off the street, if they're not causing noise complaints, if they're good managers and stuff like that, if they're not getting escalated to an SUP, we didn't see any reason

why everybody couldn't go through an administrative review and rent out their granny flat. I think the building environment in and of itself will sort of both weed out bad actors and weed out bad properties for short-term rentals because it is a competitive market, but also just the differentially the diversity of some of these different neighborhoods in Wyandotte County, we thought that was the best approach.

Chairman Markley said I like the way this is set up. I will express and Commissioner Bynum may have similar concerns. It's a little odd how going through the process. You mentioned just in front of Planning tonight. We got some email comments, extensive email comments, I would say very well written, but extensive about this item so I guess I'm wondering, are those people downstairs making comments right now or—**Mr. Hand** said the Planning Commission presentation will happen at the end of Planning Commission, but they're in BOZA right now, so that'll probably be in like another hour, hour and a half. **Chairman Markley** said because I feel a little weirdness about us sending it forward knowing that on this same evening there may be comments happening in the other meeting that would have made us think twice about sending it forward if that makes sense. **Mr. Hand** said, again, we're happy to go whichever direction you want. If there's changes to be made, we can come back until it's ready.

Commissioner Kane said I would like to see what the folks say downstairs and then we see what they say and then come up with a plan after that is what I would like to do.

Commissioner Bynum said I agree and it's curious—I'm sorry that they're waiting to the end of your Planning Commission meeting when they could be here. **Mr. Hand** said we did tell them about both. **Commissioner Bynum** said okay, that's fine. So, a couple of my questions are related to some of the comments we received. I specifically was outreaching Rosedale and Strawberry Hill Neighborhood leaders. They answered and I made sure to share those with Commissioner Markley and I just sent them to you, Gunnar, realizing that I had failed to do that.

All of that being said, a couple things that I think are very interesting, I've had conversations with people in the community who indicate that actually kind of like short-term rentals because of the blight reduction, fix-up, cleanup, beautification that they undergo in order to make money being a short-term rental and that extends beyond the beautification that might

happen with a long-term rental and I thought that was a very interesting comment. What it makes me think about is in general I'm kind of back to the what's in it for Wyandotte question that we ask so often about so many things. You know what are short-term rentals doing, the benefits for our community and residents and I'm open to whatever that might be. I do think some of it is that beautification that's occurring in some of these neighborhoods that maybe otherwise wouldn't experience that, but on the other hand you have residents in those same areas concerned about the impact that it's having on affordable housing. I think that's an interesting and important question.

What I don't know is can we associate those things, you know, like your department in dealing with short-term rentals cannot also be held responsible for answering the long-term, what are we going to do about affordable housing. I guess I'm asking that more as a question because we do know that we want to try always to live together and we know we need more affordable housing, so I have kind of those conversation topics and then I have a specific question. One of our neighborhood leaders suggests that other cities have shifted the responsibility for the registration or the permitting to the platforms like VRBO and I'm wondering is that one way to do it. Is that possible?

Mr. Hand said there's a couple things I would say. I believe allowing a third party system to track things for us is both untenable and unadvisable. We can do it. The state of Kansas passed the law I think it went into effect in 2022 where all platforms that make more than \$100K in revenue a year have to collect those hotel taxes and remit them back to us and we've tracked that data down. We've worked through the CFO and found Mike Grimm and all those guys in the UG who track that stuff, it comes back to us as just solid numbers so it's hard for us to decide how many were Airbnb, how many were VRBO, how many were whatever. That information somewhat is kind of irrelevant. It's about six to eight percent of total. Hotel occupancy taxes come from short-term rentals in the county, but when we use things like HostCompliance, there's a couple of platforms that do this kind of stuff, but these things aren't the silver bullet. There's no panacea because we have something tracking them for us. We have to do a lot of work to manage the data that it does output to us. We have to go to visit KCK and scrub the numbers, we got to go through the CFO and scrub the numbers and it's a task that staff has to do, so we're already doing the work. I think we can track the numbers, so I'm not sure that having some third-party do it for us is going to be all that successful.

As it relates to affordable housing, that is a huge conundrum. We don't have a housing strategy in this community. We've talked about this in other entitlements and how it would be great that our master plans point us to these directions, but there are no tools or even people to do it. I think we're going to have that conversation, that meaningful conversation through the comp plan process which will create a housing strategy through the FUSE Fellowship which we're kind of dovetailing all into the comp plan. What we tried to do here is find that balance where if you look at what's out there now, there are no more than one SUP short-term rental on any block. There are certainly non-compliant short-term rentals on blocks that do have SUP short-term rental, but we think part of the problem is they don't know that they have to or they're outwardly trying to avoid an SUP. We know this because we've been in engagements with all kinds of working groups who have investors who do this as their business model and we've been talking to them about how to make these things work the best and so I think I've read—I may not have read all of them if you recently sent to me, Commissioner, but we have read these emails from the community.

I think if we wanted to further limit the amount of short-term rentals per block, the best advice I would give in terms of what we could do and enforce now, maybe not the best idea that's out there, but certainly the one that I think we could handle is if we wanted to also limit it to one special use permit per block. That would do it. There are thousands of newly defined blocks, so there is a plethora of supply to go out there and fix up a house and do a short-term rental. It will start getting limited in those two areas, Rosedale and Strawberry Hill, where there are forming concentrations and the idea would be it would then push those boundaries farther so more houses in the greater geographic area were being rehabbed into short-term rentals. So what is, you know realtors are right, what if Strawberry Hill grows a little bit as you kind of get moved out, so we hope that we get a little bit more buy-in on the front end. If we feel concerned about constraining more in those particular neighborhoods, it's my opinion that it would be a lot harder to do some sort of number limit in a geographic area because then you're always changing what that geographic area is.

It's much harder to say we're just going to totally blackout these neighborhoods like some have than the equity of giving something for everybody in a very diverse county and those are the balances we were trying to strike. I agree, we didn't write the perfect ordinance. We think we wrote the perfect ordinance for right now for us.

Commissioner Bynum said two more questions. You mentioned the required neighborhood meeting and then one of the neighborhood leaders suggests a short-term rental advisory committee. My question on both of those is what powers would that—you know you have the meeting, so what, you know 15 people said I don't like it, so what. Same with the powers of an advisory committee. I mean I'm just curious what powers could that have? **Mr. Hand** said well, again, I also think that recommendation is untenable. You already see we're double-booked tonight. To add another committee that we have to oversee for a very small sliver of what's happening both in this department and in our communities was—I mean just for short-term rentals, I mean we have problems managing our committee structure for Land Bank for crying out loud. Let's be honest with ourselves, I don't think that's tenable nor do I think it would be productive in any way, shape or form because what we're doing is we're codifying the things that we're requiring these short-term rentals to give to us now for SUPs both for administrative reviews and for special use permit reviews. It's not like you have to do something different if you're an administrative versus special use permit, it's just if you're the first one on the block you get that benefit and you're the first and potentially only one on that block.

But again, I think for me the number two bullet point is the most important. We've written this to prioritize actively-owner-occupied units so that local property owners, local developers, local business owners who wanted—and we have a couple of these like we've seen a couple of duplexes with short-term rentals, we've seen a couple of mixed-use buildings of short-term rentals, haven't seen any multi-family with short-term rentals, but we wanted to make sure we covered all those typologies moving forward. So that's another big leap, quite frankly, that I think this ordinance covers, but it really kind of reduces the amount of work you have to do if that's the investment you want to make and you're living on that property. We think it's encouraging local people to engage in this business whereas what we're seeing right now is mostly large real estate for funds from nationally buying up houses. **Commissioner Bynum** said okay, thank you.

Commissioner Kane said I agree with Gunnar, the more people you bring on, the harder it is going to be to control what you're doing. It's already hard enough. We're understaffed in almost every single department and you throw that one more bailiwick in there and then if you got somebody like me on the committee that gets excited every now and then, so that's going—it would be forever before you get an issue resolved, so I agree with you on that.

Mr. Hand said if we wanted to add noticing requirements for administrative, I would recommend two differentiations. Again, if you're actively-owner-occupied, if I live in a house and I want to rent my backyard, I don't think we should be noticing that with the neighbors. I think that's their business quite frankly. If you're a non-owner-occupied, but you're that first person on that block, while you might—while our recommendation is to only do an administrative review i.e. don't go through a special use permit, you could like send out a letter, you could post—you know we have those yard signs for different entitlements, you could make a yard sign that was up for the first 30 days that somebody got an administrative review for that type of non-owner-occupied special use permit, so that's currently not in there. I mean we could do something like that, but generally speaking, staff doesn't believe it needs those notices and the SUP process gives enough noticing for those others.

Chairman Markley said, Commissioner Johnson, are you hanging out there and do you have any comments. I don't want to forget you on the Zoom. **Commissioner Johnson** said I'm here. I don't have any comments at this time.

Chairman Markley asked, Clerk, anybody else online who had comments or did we receive any comments from the public? **Mr. Deichler** said we're seeing none and have received none.

Chairman Markley said we do have, and I'll mention again, we had a lot of attorneys tonight and I always enjoy sharing the room with most of our legal counsel, so thanks everybody for being here.

Chairman Markley said any other questions from commissioners and if not, the question is do we want to move this forward tonight or do we want to wait on it because we want to see what's happened downstairs?

Commissioner Bynum said could we make a motion to—**Mr. Hand** said I would just continue it to the next AHS which is at the end of March I believe, closer to the end of March and by that time we'll have gone through this Planning Commission and we can give you all any changes and updated ordinance.

Action: Commissioner Bynum made a motion, seconded by Commissioner Johnson, to continue to the March Administration & Human Services Standing Committee meeting. Roll call was taken and there were four “Ayes,” Kane, Johnson, Bynum, Markley.

Item No. 2 – 212232...RESOLUTION: AMENDING SECTION 203 OF THE UNIFIED GOVERNMENT’S RULES OF PROCEDURE

Synopsis: A resolution amending Section 203 of the Unified Government’s Rules of Procedure as directed by the Commission on January 12, 2023, submitted by Misty Brown, Chief Counsel. This item was previously heard by the Full Commission on January 26, 2023, and remanded back to the standing committee for further action.

Misty Brown, Chief Counsel, said I am here today to discuss the Rules of Procedure amendments and what we have on the agenda today is what I guess I call it the compromise resolution that was advanced on January 12th. This is an amendment to Section 203 of the Rules of Procedure.

Appendix C - UNIFIED GOVERNMENT RULES AND PROCEDURE

ARTICLE II. - STANDING COMMITTEES

Sec. 202. - Standing committees created; meeting times.

There shall be four standing committees of the commission: (1) neighborhood and community development; (2) economic development and finance; (3) public works and safety; and (4) administration and human services;

a. Standing committees shall meet at least monthly in a regular place determined by the respective standing committee chairperson;

b. The ~~neighborhood and community development~~ economic development and finance committee shall meet on the Monday immediately preceding the first full commission meeting of each month at 5:00 p.m. and shall adjourn by 7:00 p.m. unless otherwise authorized by a majority vote of the standing committee members present;

c. The ~~economic development and finance~~ neighborhood and community development committee shall meet on the Monday immediately preceding the first full commission meeting of each month at a time that is immediately upon adjournment of the ~~neighborhood and community development~~ economic development and finance committee or, if there is no such committee meeting that day, at 5:00 p.m., and shall adjourn by 9:00 p.m. unless otherwise authorized by a majority vote of the standing committee members present;

d. The public works and safety committee shall meet on the Monday immediately preceding the second full commission meeting of each month (held on the third Thursday) at 5:00 p.m. and shall adjourn by 7:00 p.m. unless otherwise authorized by a majority vote of the standing committee members present;

e. The administration and human services committee shall meet on the Monday immediately preceding the second full commission meeting of each month (held on the third Thursday) at a time that is immediately upon adjournment of the public works and safety committee or, if there is no such committee meeting that day, at 5:00 p.m., and shall adjourn by 9:00 p.m. unless authorized by a majority vote of the standing committee members present;

f. When the date of a regular standing committee falls on a legal holiday, the meeting shall be held at the discretion of the standing committee chairperson;

g. Standing committee agenda items shall be assigned by the standing committee chairperson or the mayor, with the advice of the administrator, based upon subject matter and other factors deemed relevant by the mayor, ~~the standing committee chair~~, and the administrator; and

I see up online there's a different Section 202, but the item that I have on the agenda is the Section 203 compromise resolution. **Chairman Markley** asked, is what we have pulled up—**Ms. Brown** said I can't see it, it's too far away from me—**Commissioner Markley** asked, is this the version that was discussed at Special Session? **Ms. Brown** said that's 202, so I guess go back in time for a little bit of procedural history of what happened on January 12th. A compromise resolution that had an amendment to Section 203 of the Rules of Procedure was advanced. A motion was made and seconded and passed to advance that item to Administration & Human Services for additional discussion and then I believe it was maybe the February 2nd meeting there was the special meeting and a straw poll was done asking for some additional amendments to Section 202, 203 and something else to also be sent to Administration & Human Services. On the agenda we have just the compromise resolution today.

Commissioner Kane asked, are we not supposed to have both of them? **Ms. Brown** said that's a good question Commissioner Kane. When there was the special meeting that was held there was a straw poll that was done on it which is not a binding action. The Mayor has elected to utilize his agenda authority and the only item that was advanced was the compromise resolution from January 12th.

Chairman Markley said Commissioner Bynum might be able to—**Commissioner Bynum** said that's exactly what I was going to say. What's being specifically brought is the one where we actually took a vote in a full Commission meeting and we voted unanimously I'm thinking that we would send this very specific one back to this standing committee—**Commissioner Kane** said we're not seeing that here tonight. **Commissioner Bynum** said that's separate. **Commissioner Kane** asked, how do we bring that back? **Chairman Markley** said we as a standing committee can make any changes we like to this language, so the Mayor insisted that the compromise version be placed on our agenda and that's what we're seeing. That does not prohibit us from making any changes we would like before moving it forward as we would with any ordinance that came forward to this committee.

Commissioner Bynum said, Misty, in the packet, in the agenda packet for tonight, it's Section 203. As it reads in the packet Section 203 A, B, C, is that how it originally was prior to the action that was then vetoed by the Mayor? **Ms. Brown** said no, Commissioner. The original Section 203 was one section. **Commissioner Bynum** said right. **Ms. Brown** said as discussion occurred regarding the compromise it became clear that with these three different sections, it was better to break them up into Sections A, B & C and so what you have in your packet tonight is this new Section 203 broken into three parts A, B & C where you see strikeouts for a language that was requested to be removed and then underlines for a new language that was added. **Commissioner Bynum** said, again, what I'm seeing—saw, A, B & C are themselves actual changes that have not been adopted? **Ms. Brown** said that's correct. **Commissioner Bynum** said okay, there's the original. (Here, you want to come see this, pointing to her computer showing Commissioner Kane) **Commissioner Bynum** said this is what—we wrote that which is the original into an A, B & C section and then B specifically deals with the items advanced from standing committee to full Commission may only be returned to the standing committee recommending the action by the Mayor one time per item. What I'm suggesting is I like A, B &

C. It's different than the original language and you may have to go up there and see it, but Misty, I'm suggesting for our consideration here in Item A which I believe is just the first two sentences of what's showing on the screen, that no changes are made. **Commissioner Markley** was inaudible. **Commissioner Bynum** said no changes are up there. That within Section B—this is just Melissa's idea, within Section B we go ahead and say, and Commissioner Kane for you, Section B starts with the Mayor ultimately determines the final agenda for the full Commission meetings. That's Section B and this is what I would add; however, items advanced from standing committee to the full Commission may only be returned to the standing committee recommending the action by the Mayor one time per item for further consideration, analysis, research, review and/or public input which shall occur within 60 days of the item being sent back to the standing committee recommending the action and I might suggest 30 days. That's for conversation. If the standing committee that recommended the action to the full Commission, again recommends action to the full Commission, the action shall be placed on an agenda at the April Commission meeting pursuant to Paragraph A of this section, which Paragraph A says within 30 days.

Then in Item C, which I believe is the last two sentences of that original format, no changes. Does that make sense? I know it's really hard because as far as I can see we don't have that original language of Section 203 in this packet. We have it up there.

Chairman Markley said so for Item C when you say no change, do you mean no change from the original Commission proposed draft or no change from the packet draft? **Commissioner Bynum** asked, can you see that well enough to—**Chairman Markley** said I have it open in word, so here last two sentences, any agenda item recommended by a standing committee to the full Commission for action shall be scheduled for action at the next regular meeting of the full Commission subsequent to any regular meeting if any held during the same week as the meeting and the standing committee recommending the items. Nothing shall prohibit the Mayor from exercising the discretion to place emergency or time sensitive items on any earlier full Commission agenda in the interest of the Unified Government or the public. So, that I was reading with the red line incorporated of the last two sentences. **Commissioner Bynum** said thank you and we would have to add so long as the management of said agenda item does not conflict with Paragraph B of this section. We would have to go back and add. If we're going to leave the last two sentences such that any agenda item recommended by a standing committee shall be scheduled for action at the

next regular meeting and then we further say nothing shall prohibit the Mayor from exercising the discretion. Then we have to go back and say so long as—**Chairman Markley** said unless it's the 30 day, yeah, because the B is the 30-day one-time go back so you would be saying Mayor schedules it unless—**Commissioner Bynum** said the reason why I'm putting my idea forward is because it struck me that when the full Commission was debating this, the consternation if you will, were the words in A and C because B is the crux of the matter. **Chairman Markley** said correct. **Commissioner Bynum** said B is the compromise the Mayor has repeatedly agreed to and he agreed to it again at our last Commission meeting, which was the 2nd of February, so he's agreed to it multiple times since the beginning of the year. That is considered the compromise.

Chairman Markley said so is the Item B language—I'm just trying to follow you between the sections here. Is the Item B language—I think I have the same sense that the concern was in some of the changes made in the compromise to A and C confused the issue. My only question with the Item B language that was in the compromise I feel like there is also some discussion that the last sentence was confusing as to what it meant because it said if the standing committee that recommends the action of the full Commission again recommends the action of the full Commission, the action shall be placed on an agenda at a full Commission meeting and then it said pursuant to Paragraph A of this section and I think there was concern as to how it referenced back.

Appendix C - UNIFIED GOVERNMENT RULES AND PROCEDURE

ARTICLE II. - STANDING COMMITTEES

Sec. 202. - Standing committees created; meeting times.

There shall be four standing committees of the commission: (1) neighborhood and community development; (2) economic development and finance; (3) public works and safety; and (4) administration and human services;

a. Standing committees shall meet at least monthly in a regular place determined by the respective standing committee chairperson;

b. The ~~neighborhood and community development~~ economic development and finance committee shall meet on the Monday immediately preceding the first full commission meeting of each month at 5:00 p.m. and shall adjourn by 7:00 p.m. unless otherwise authorized by a majority vote of the standing committee members present;

c. The ~~economic development and finance~~ neighborhood and community development committee shall meet on the Monday immediately preceding the first full commission meeting of each month at a time that is immediately upon adjournment of the ~~neighborhood and community development~~ economic development and finance committee or, if there is no such committee meeting that day, at 5:00 p.m., and shall adjourn by 9:00 p.m. unless otherwise authorized by a majority vote of the standing committee members present;

d. The public works and safety committee shall meet on the Monday immediately preceding the second full commission meeting of each month (held on the third Thursday) at 5:00 p.m. and shall adjourn by 7:00 p.m. unless otherwise authorized by a majority vote of the standing committee members present;

e. The administration and human services committee shall meet on the Monday immediately preceding the second full commission meeting of each month (held on the third Thursday) at a time that is immediately upon adjournment of the public works and safety committee or, if there is no such committee meeting that day, at 5:00 p.m., and shall adjourn by 9:00 p.m. unless authorized by a majority vote of the standing committee members present;

f. When the date of a regular standing committee falls on a legal holiday, the meeting shall be held at the discretion of the standing committee chairperson;

g. Standing committee agenda items shall be assigned by the standing committee chairperson or the mayor, with the advice of the administrator, based upon subject matter and other factors deemed relevant by the mayor, ~~the standing committee chair~~, and the administrator; and

So, now I'm going to go back to Paragraph A which would be the standing committee chairperson's responsible for recommending action to the full Commission concerning the standing committee agenda items recommended to the full Commission within 30 days of the standing committee's vote to recommend. So, then the question was is it another 30—60 days out now because it says we don't have to—I think there was concern that it wasn't clear enough by referencing back to Paragraph A that wasn't clear enough in saying it goes on the full Commission agenda. Maybe we should be referencing Paragraph B instead of Paragraph A, you see what I'm saying.

Commissioner Bynum said but normally if I'm right, when something passes here, it finds itself on the next full—when the normal timeframe of finding it on the next full Commission meeting? **Ms. Brown** said typically when an item is passed from standing committee it goes—you know this standing committee you tend to have a meeting on the same week, so unless you fast track it, it goes not to the one this week, but the one in two meetings. I can advise that when the compromise language was worked up for Paragraph B there was some concern that if the Mayor sent something back to standing committee, that 30 days was not enough time, may not be enough time to evaluate it, but they did not want to have just an open-ended cap where it could languish in standing committee for six to nine months so the language was put in that the standing committee would address the concerns that the Mayor had within 60 days. They could do it sooner but they had to do it at least within 60 days and then if it was passed again, it would have to go to the next full Commission meeting. It referenced Paragraph A because it would be within 30 days, that would not go forward.

Chairman Markley said now I'm following between all these versions and I'll be confused forever. I do think there is concern about the 60-day timeframe because I think the Commission's thought is if it goes back to the next standing committee meeting that it goes 30 days out, we're pushing it 30 days out, if the Commission decides additional time is needed, at full Commission they can make that motion and send it back and that's going to be the Commission's prerogative and not the Mayor's. I think there is concern with that language that says 60 days. The compromise was he gets a one-time go-back, that's a 30-day go-back and then it goes on the full Commission agenda assuming it sent forward by standing committee. Does that make sense?

(Published _____)

RESOLUTION NO. _____

A Resolution amending original Section 203 of the Unified Government Commission Standing Committee Rules of Procedure as codified in Appendix C of the Unified Government Code of Ordinances; and repealing original Section 203 of Appendix C of the Unified Government Commission Standing Committee Rules of Procedure.

WHEREAS, on December 15, 2022 the Board of Commissioners of the Unified Government of Wyandotte County/ Kansas City, Kansas voted to approve amendments to Sections 202 and 203 of the Unified Government Commission Rules of Procedure; and

WHEREAS, on January 12, 2023, the Unified Government Mayor/CEO notified the Board of Commissioners that he was exercising his right to veto the amendments pursuant to the Unified Government Charter, Charter Ordinance 114, and Section 2-81(7) of the Unified Government Code of Ordinances; and

WHEREAS, no action was taken to override the veto, and the Mayoral veto subsequently held; and

WHEREAS, the Unified Government Mayor/CEO and the Board of Commissioners alternatively and collectively agreed to bring forward an amendment to Section 203 of the Unified Government Commission Standing Committee Rules of Procedure for consideration at the January 26, 2023 meeting of the full Commission; and

WHEREAS, the Commission voted 10-0 on January 12, 2023 to direct the County Administrator to instruct staff to prepare a resolution amending Section 203 of the Unified Government Commission Standing Committee Rules of Procedure as directed in the motion on January 12, 2023 by the full Commission meeting on January 26, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Section 203 of the Unified Government Commission Rules of Procedure, codified in Appendix C of the Unified Government Code of Ordinances, be and the same are hereby amended to read as follows:

ARTICLE II. STANDING COMMITTEES

Sec. 203. Agenda for meetings.

- a. The standing committee chairperson is responsible for recommending action to the full commission concerning standing committee agenda items recommended to the full commission within 30 days of the standing committee's vote to recommend. The recommendation for action, along with any supporting materials, shall be forwarded by the standing committee chairperson to the mayor and administrator, ~~with the assistance of the standing committee's staff coordinator~~ for placement on the full commission standing committees' agenda.
- b. The mayor ultimately determines the final agenda for the full commission meetings; however, items advanced from standing committee to the full commission may only be returned to the standing committee recommending the action by the mayor one time per item for further consideration, analysis, research, review and/or public input which shall occur within 60 days of the item being sent back to the standing committee recommending the action. If the standing committee that recommended the action to the full commission again recommends the action to the full commission, the action shall be placed on an agenda at a full commission meeting pursuant to paragraph (a) of this Section.
- c. Any agenda item recommended for action by a standing committee to the full commission for action shall be ~~presumptively~~ scheduled for action at the next regular meeting of the full commission subsequent to any regular meeting, if any, held during the same week as the meeting of the standing committee recommending the items. Nothing shall prohibit the mayor from exercising the discretion to fully manage an agenda item ~~place emergency or time-sensitive items~~ on any agenda in the interest of the unified government or the public so long as the management of said agenda item does not conflict with paragraph (b) of this Section.

(Res. No. R-58-98, § 2, 6-4-1998)

Section 2. That said original Section 203 of the Unified Government Commission Rules of Procedure as Codified in Appendix C of the Unified Government Code of Ordinances be and the same are hereby repealed.

Section 3. This Resolution shall be in full force and take effect upon adoption.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNT/KANSAS CITY, KANSAS,**

THIS ____ DAY OF _____, 2023.

Commissioner Kane said I thought we were supposed to have what the original motion was in the book and the compromise in the book. **Chairman Markley** said the Mayor chose not to do that during the agenda review. **Commissioner Kane** said okay, so if the Mayor chose not to do that, what's he going to do when we come back and say you got a 30-day time limit. Is he going to say I choose not to do that?

Commissioner Bynum said I will be honest in telling you that he may choose not to do that, but as I stated earlier he's on the record in January and February stating he agrees with the compromise language and I'm stating the compromise language is found in Section B. **Commissioner Kane** said I've been a union rep for a long time. I've dealt with management people all across and when we say we are anticipating one—two different versions, we get one, I think I'm shortchanged. **Commissioner Bynum** said when you say that, what you mean is you wanted to see the original—**Commissioner Kane** said I wanted both of them so we could compare. **Commissioner Bynum** said (inaudible) then this one we got in our packet. **Commissioner Kane** said correct because when you're doing something and you're negotiating this and you're negotiating that and he comes up with compromise and that's great, but if we would have had the two to compare them, we could have figured out something between the two of them, not just this one, then we were like where was the other one. **Commissioner Bynum** said I think I remember you kind of making that same statement in the full Commission meeting. **Commissioner Kane** said yes. You compare notes, right, so here's a compromise, here's what we had and then we would have came up with something that was in between the two.

Commissioner Bynum said just to be clear, this language that we're looking at in the packet is the language that we worked on with the Mayor to bring to that last meeting where we sent it back here. **Commissioner Kane** said okay, I—**Commissioner Bynum** said I agree with what your general premise—**Commissioner Kane** said I get what he was doing, but you know we

made that decision jointly that it come back. My understanding we would have what we voted on already and this right here and that frustrates me you know, because hell I can't remember last week what we were working on and then when you compare the two, then you X out this, you add that instead of saying well we'll just do it 30 days. Well, wait a minute, what were we talking about before—**Chairman Markley** said it's definitely making our job more complicated. **Commissioner Kane** said I'm not trying to be a jerk, but I think we should have got the information we asked for. **Chairman Markley** said I agree.

Chairman Markley said, Commissioner Johnson, I don't want to leave you out. I hope you'll just hop in anytime you feel like it, but I definitely want to let you speak if you have something—**Mr. Deichler** said he does have his hand raised, so he's ready to go.

Commissioner Johnson said it seems to me that I recall there being some discussion around two words. One was shall and the other one was may and I think there was a word behind that that said presumably. I don't know where that fits in in this discussion, if it's on the document that's in front of us because it's so small on my phone or if it's in that first document from December or whenever it was. We have seemed to gotten held up on those three words and I do agree that we should have had both documents so that we could have a full throated discussion about the whole of it. I don't know Misty if this information is in there that it talks about that may and shall, presumably do this, that or the other.

Ms. Brown said yes, Commissioner, that section you're talking to, what it did involve a discussion and that's in the new Paragraph C. I believe the version that was brought to you on January 12th had read that an agenda item recommended for action by a standing committee to the full Commission for action may be scheduled for action and it originally said shall, shall be presumptively scheduled for action. So, based on that conversation and discussion with the Mayor we got rid of the may, left the shall and struck the presumptively out of this to address it. **Commissioner Johnson** said presumptively, I'm sorry I had the wrong word. **Ms. Brown** said I think it all means the same, but you have the gist of it and so the may went back to a shall and we struck the presumptively. I believe that the presumptively was originally intended to go in there in the sense that it would allow for fast tracking and for an emergency item to come forward. **Commissioner Johnson** said okay, I see it now. I must have been looking in the wrong place, but

I do see that where it says shall be scheduled for action at the next regular meeting. That's all that I really have at this time. **Commissioner Markley** said you just jump in anytime you need to and interrupt us as needed. I know it's difficult to be listening that way.

Chairman Markley said I want to jump back to Commissioner Bynum's recommendation which I think I agreed with except for maybe with one additional edit, so I want to jump back there and see if maybe we can make a password consensus that way. What I think I heard Commissioner Bynum say is A becomes the first two sentences of the original, original, original non-amended rule with no red lines. **Commissioner Bynum** said that's correct. **Chairman Markley** said then B, I'll jump back to it in a minute because that's the more complicated one and C becomes the last two lines of the first red line because we took out the presumptively and we added in at the last line the earlier full Commission agenda in the interest so that the fast tracking could happen. **Commissioner Bynum** said yes. **Chairman Markley** said okay. Then we look at—I'm going to toggle to my other version and then we look at Item B which was the compromise language. **Commissioner Bynum** was inaudible. **Chairman Markley** said yes. **Commissioner Bynum** said you included that we have to include the language—**Chairman Markley** said unless the B—**Commissioner Bynum** said okay. **Chairman Markley** said yes, good point, so we add the line in B that says it's going to go unless it conflicts with B because that allows us to do the 30-day go back. **Commissioner Bynum** said so long as the management of said agenda item does not conflict with Paragraph B.

Chairman Markley said so then in B I think there were two items of concern when we discussed as a full Commission. One was the 60 days and the discussion was we don't need 60 days, it should be 30 days and if the Commission wants more time, they'll send it back themselves from the full Commission back to standing so his one day go back is in 30 days. Then, it's up to the committee or the Commission depending on where it ends up and then the last question, and this is I think Gayle and I were having this discussion because it's may be more of a legal perspective, was the reference back to Paragraph A in the very last piece of that section. Misty, you might want to address that, but I just felt like referencing it back to A didn't make it clear enough to me that if the standing committee sends it back again, it goes on the full Commission because if you reference back to A it just kind of goes back through it going to the standing committee and the standing committee having 30 days to do something with it. I wanted to be

clear if the 30 day go back happens, standing committee sends it forward again, it goes on full Commission and I would rather have language to that effect rather than having to go back to A and B like well does that mean it's 30 more days or what does that look like.

Ms. Brown said I don't disagree Commissioner. I think clarity is good. I can't remember the rationale at this moment of why we referred back to Paragraph A. So, are you proposing something along the lines of if the standing committee that recommended the action to the full Commission again recommends the action to the full Commission, the action shall be placed on an agenda at a full Commission meeting and strike the pursuant to Paragraph A of this section—**Chairman Markley** said at the next full Commission meeting. **Commissioner Bynum** said not a full Commission meeting. **Chairman Markley** said yeah, I agree. **Ms. Brown** asked, do you wish it to say at the next regular meeting of the full Commission? **Chairman Markley** said yes.

Commissioner Bynum said I want it to say the language about when these things normally go to the Commission which isn't always the next full Commission meeting. **Chairman Markley** said we don't necessarily need it to be fast-tracked, but we want it to go on the next agenda like it ordinarily would. **Ms. Brown** said I'm thinking of how to draft it. Obviously in C the original drafters didn't quite know how to draft around the fast track. Let's see, the action shall be placed—**Chairman Markley** said there's nothing like us making her draft on the fly here. **Commissioner Bynum** said all we're saying is on its regular schedule—**Someone** was inaudible. **Commissioner Bynum** said sorry okay.

Commissioner Kane said no matter what we do this is still going to go to the full Commission for discussion. **Chairman Markley** said the Mayor has indicated that he will move it forward to the full Commission for discussion.

Commissioner Johnson said if you don't mind, Chair, I had made a strong recommendation that whatever we approve tonight could be fast-tracked to the next Commission meeting which would be this Thursday. I don't know how strong of a response I got from it, but I got maybe a strong maybe. I think I might have heard, but I would strongly recommend that whatever we come up with tonight, we would fast-track to this Thursday's meeting if it's okay with our legal counsel. **Chairman Markley** said I think when we have reached compromise, we could accept that in the form of a motion. **Commissioner Johnson** said alright.

Chairman Markley said I think the question is, is everybody comfortable with the language that we have just negotiated and is Misty comfortable that she has the information she needs to draft the language that we have thrown at her. **Ms. Brown** said I want to go through it one more time to make it clear because it's hard going back and watching the tape and stop and go to see if I have it all. Let's start with Paragraph A. In this version that you have in front of you there was a underlined of the recommendation for action was new verbiage. Is the Commission okay with that? Then, there was a strikeout with the assistance of the standing committee staff coordinator in Paragraph A—**Commissioner Bynum** said oh yes, essentially I'm okay with that strikethrough because it's not real—**Chairman Markley** said it's not being used, yeah, not practical. **Commissioner Bynum** said okay. **Chairman Markley** said and I don't know, is there a difference, Misty, is your sense that there's a difference between the recommendation and/or the recommendation for action? If we're making a recommendation, presumably it's either for action or against it, otherwise we just table it. Is there a circumstance where we'd be making a recommendation?

Ms. Brown said there was—I do not recall specifically who wanted the for action in there. I think there was some discussion about sometimes a matter would come to the standing committee where they did not wish to decide it themselves. They wanted to forward it to the full Commission. Things I'm thinking about like were Safe and Welcoming, maybe some other items that they thought the entire Commission needed to hear it and the standing committee didn't want to give a recommendation one way or the other. **Chairman Markley** said but isn't just the fact that we're sending it forward a recommendation for the Commission to—**Commissioner Bynum** said I don't have strong feelings about the words for action.

Ms. Brown said then if this is the body's wish, we can remove that language for action—**Commissioner Bynum** said but I do agree with continuing to strike with the assistance of the standing committee staff coordinator and then the rest of A is as presented. **Ms. Brown** said okay and I'm assuming that Commissioner Johnson will chime in if he has an objection since I can't see if his hand is up. **Commissioner Johnson** said I will. **Ms. Brown** said in Paragraph B I'm hearing that you would like the 60 days to go to 30 days. **Chairman Markley** said correct and the only question I have on that is from a practical standpoint depending on how our standing committees fall, are there ever months where it's 32 days or would it make more sense to refer to the next standing committee somehow. I don't know that we're ever in that situation, but I know a couple

of times a year there are Monday holidays and we push our meeting a week so the intention isn't to make that any more confusing than it has to be. The reality is it goes back to the standing committee, yeah—**Commissioner Bynum** said like the next monthly scheduled standing committee—**Chairman Markley** said I just don't want to make it any weirder than it has to be if there's that month where we have to push it back one week. It shouldn't be world ending, right.

Ms. Brown said maybe you could say which shall occur at the next regularly scheduled standing committee. **Chairman Markley** said perfect. **Ms. Brown** said the verbiage I think is giving me the most fits right now is how we are going to say the last part of Paragraph B. I understand the intent is to have it—it just goes back to the next regular Commission meeting, but not at a fast-track. **Chairman Markley** said that is the intent. **Ms. Brown** said it looks like if we wanted to be consistent, we could copy the language from Paragraph C below which talks about scheduled for action at the next regular meeting of the full Commission subsequent to any regular meeting event—**Chairman Markley** said yeah, that was just going to be my suggestion. Let's just copy the same language. It may be confusing, but at least we feel like we have agreement on what that means. **Ms. Brown** said okay, so I'll copy that in Paragraph B and then as for C we again have any agenda item recommended, we have the for action. Do you want that struck or do you want to leave it be? **Commissioner Bynum** said we took it out in A. **Chairman Markley** said correct, take it out in C. **Ms. Brown** said we have struck presumptively. **Chairman Markley** said correct.

Ms. Brown said then we have nothing shall prohibit the Mayor from exercising the discretion and added into fully manage an agenda item. **Commissioner Bynum** said we're taking that out and we're leaving it the way it previously was, place emergency or time sensitive items on any agenda. **Chairman Markley** said I think we had added in red line in the other version, we had made it say to place emergency or time sensitive items on any earlier full Commission agenda to make it clear that it was meant to be fast tracking and not meant to be pushing things out. **Ms. Brown** said okay, I see that change and then we would leave in the so long as the management of said agenda item does not conflict with Paragraph B of this section. **Chairman Markley** said yes.

Ms. Brown said I think I have the changes down.

Action: Commissioner Bynum made a motion, seconded by Commissioner Johnson, that we adopt the changes as presented here and worked through with our Chief Counsel to present to the full Commission being fast-tracked to the February 16th meeting.

Commissioner Markley asked, were there any comments from the public or is there anyone online with their hand up other than Commissioner Johnson. Mr. Deichler said for the record there were two brief comments which I will read into the record that we received from the public. The first one by Dr. Sheryl L. Stewart. She says Dear Commissioners, I'm writing to you today to ask you to modernize our Rules and Procedures to ensure the functionality of the Unified Government. I ask that you make three changes to help this happen. One, guarantee that every commissioner has at least two standing committees that meet on the same day to ensure adequate representation of our county. Two, ensure that items that have the support of the commissioners are no longer blocked from standing committees and are allowed to be discussed and voted on. Three, guarantee that every item that is voted on out of the standing committee reaches the full Commission for a vote. I believe that these items will not only modernize the rules, but will allow the diverse voices of Wyandotte County to be heard and acted upon. Thank you for considering these improvements.

The second one is from Marge Gasnick and it reads, I am writing to express my support for the proposed changes to the Rules and Procedures for standing committee and full Commission agendas. Since the Unified Government was established there has been a gap in the checks and balances regarding the items that are placed or removed from the agenda. I believe the proposed changes resolve the problem by preventing a Mayor from unilaterally removing items from a standing committee or full Commission meeting. The changes clarify the process to send items back to standing committees. Most important, the changes allow for each Commission district to have its issues vetted through its elected commissioner and the standing committee process. This creates a more democratic and collaborative system that is much needed in the United Government. Please approve the proposed changes.

Mr. Deichler said those were all the changes.

Chairman Markley asked, does anybody else have hands up online? **Mr. Deichler** said seeing none. **Chairman Markley** asked, anyone here in the public want to make comment on this item? Any additional comments here? We do have a motion and a second, roll call please.

Roll Call was taken and there were four “Ayes,” Kane, Johnson, Bynum, Markley.

Chairman Markley said thank you Misty for working with us through that. That was definitely what we call a working session friend. That does conclude our meeting this evening and I’ll entertain a motion to adjourn.

Public Agenda

No items of business.

Adjourn

Action: **Commissioner Bynum made a motion, seconded by Commissioner Johnson, to adjourn.** Roll Call was taken and there were four “Ayes,” Kane, Johnson, Bynum, Markley.

The meeting was adjourned at 7:18 p.m.

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