

**ADMINISTRATION AND HUMAN SERVICES
STANDING COMMITTEE MINUTES
Monday, October 23, 2023**

The meeting of the Administration and Human Services Standing Committee was held on Monday, October 23, 2023, at 5:30 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: Irene Caudillo, Chief of Staff, Office of Mayor/CEO; Wesley McKain, Policy and Development Manager, Public Health Department; Uzomaka Nwafor, Tobacco Program Coordinator, Health Department; Dustin Hare, Policy Analyst, Health Department; Ross Stewart, Assistant Counsel; SueZanne Bishop, Assistant Counsel; Alan Howze, Assistant County Administrator; Deasiray Bush, Director of Public Transportation; Christina VanCleave, Program Supervisor, Health Department; Jennifer Stewart, Environmental Health Manager, Health Department; Amanda Harrop, Environmental Inspections Supervisor; and Monica L. Sparks, Deputy UG Clerk.

Chairman Markley said before I call this 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. During the meeting, please make sure you announce yourself by name and title every time you speak to the public that is observing those who is speaking. When speaking be sure and speak directly into a microphone so that all the comments are heard and the record of the meeting is accurate. This is critical, given the number of remote participants and is 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 comment by contacting the Clerk's Office by 5:00 P.M. the Thursday before the meeting. The public will also have an opportunity to provide brief comments, either by telephone or via Zoom or from the Fifth Floor Conference Room the Municipal Office Building.

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

Chairman Markley said there are no revisions to this evening's agenda and there are no minutes to approve.

COMMITTEE AGENDA

Item No. 1 – 212817...RESOLUTION: INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE WORKING DEFINITION OF ANTISEMITISM

Synopsis: Adoption of a resolution recognizing the growing problem of antisemitism in the United States and the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism as an important tool to address the problem, submitted by Irene Caudillo, Chief of Staff, Office of Mayor/CEO.

Irene Caudillo, Chief of Staff, Office of Mayor/CEO, said we often tout we are the most diverse county, at least in the state, and often tout ourselves second or even 17th, depending on what list you see around the country, as being the most diverse. We say that regardless of who we are and where we come from we deserve to feel safe and welcomed in any place that we live, but especially here in Wyandotte County. The Mayor and his office for months have actually been working with the Jewish Community Relations Bureau, the American Jewish Committee, known better as JCRB|AJC Kansas City, to recognize the growing problem of antisemitism and in America, but mainly in our metro area. The metro area can—actually we have many examples in the metro area of antisemitic incidents. Considering the international conflict with Israel and Gaza, we could not be timelier of this request with our community. Several metropolitan area governments, the state of Kansas nationally, actually, to date adopted this definition and today we request the committee adopt a working definition of antisemitism as an important education tool to bring awareness as well as assist with education of this important issue. I'd like to thank the Legal Department, along with JD Rios, the Mayor's Government Affairs and Policy Liaison, who's worked with Gavriela Geller, the Executive Director of JCRB|AJC Kansas City. She's here tonight to actually address the importance of this resolution for our community and answer any questions that you may have. Committee, please welcome, Gavriela.

Gavriela Geller, Executive Director of JCRB|AJC Kansas City, said thank you so much, Irene, and to all of the colleagues who have worked to draft this resolution. As was said, this is something

that we've been working on all year and two weeks ago I would have stood up here and said, let me explain to you why antisemitism is such a problem. Let me explain to you that since 2015 in the United States antisemitism has risen by 400%, that between 2021 and 2022 it rose by 36% in what was already the highest year ever on record in the United States. I would have said to you that our community feels scared. I would have said to you that one in four Jews has been the victim of antisemitism in the past year in America. I would have said to you that 40% of American Jews have changed their behavior out of fear of antisemitism over the past year. That means not wearing Stars of David, not wearing yamakas, not going to synagogue.

I'm having a hard day, I'm having a hard day pulling it together, and I'll be honest with you because I'm a leader in this community and it is my job to educate people and to stand up for my community. I have never been so scared as I am today to be Jewish in America. What happened two weeks ago was the single largest massacre of the Jewish people since the Holocaust. In May of 2021 when Israel was at its last war with Gaza, we saw an 80% increase in antisemitism in the United States during those two weeks. Videos of rabbis being chased down the street with cars, people going to restaurants and asking who here's a Jew, who here's a Jew, and attacking them. I can promise you, as an expert in this field, and I may not be at my most professional in this moment, but as someone who has been fighting antisemitism nationally for eight years, what we will see coming out of this war is exponentially worse than anything we have ever seen. What we have seen over the past two weeks is something that has not been seen for decades in this community, has not been felt by most members of my community, save those in their 90s, in their entire lifetime.

While we as an organization have been sounding the alarm for years and I appreciate Irene, and I appreciate the Mayor, and I appreciate this government, and the city leadership for taking up our cause well before two weeks ago, I cannot express to the importance of passing something like this now. What you're being asked to adopt is the International Holocaust Remembrance Alliance working definition of antisemitism. It is the only definition on record—it is the only definition adopted by any international body. That includes 40 countries around the world, the EU, the OAS, the United States, federal government, and the state of Kansas. There is no other definition that is accepted by any international body. There is no other definition that is accepted by the majority—I'm sorry, not the majority, the entirety of the mainstream Jewish community. Every single American Jewish organization that deals with the issue of antisemitism endorses this definition.

Why this definition is important to adopt on a municipal level, number one, because of education, a third of Americans don't even know what the word antisemitism means. They could not define it as Jew hatred or prejudice. The two-thirds of Americans who do know what it means, most likely do not understand what the historical charges are, what the stereotypes are, what the tropes are, the code words, the dog whistles, they could be staring antisemitism in the face and not know it. That is what happens without education. It is a pervasive hate. It is a centuries old hate. It has been called the world's oldest hatred and it adapts and it evolves to fit whatever any ideological group dislikes. Without this education, we cannot fight antisemitism. Without a definition, we cannot fight antisemitism. We may all agree we're against the hatred of Jews, but unless we have a definition that we all agree upon, that means very little.

So, what will this mean in the context of a municipal government? Number one, it's an important opportunity for us to educate our lawmakers so that you understand. In this moment especially, so that you understand where that line gets crossed and where rhetoric veers from legitimate criticism of a foreign government's policy, which will never be called antisemitism, not by the Jewish community, not by anyone, and where that veers into antisemitic rhetoric that endangers Jews in this country and in this region. So we've been doing this work. We've passed this this year on 11 municipal levels. We've done this because we want to create relationships with all of you because we have seen the way the tide has turned and we want you to understand. So sorry. We want you to understand.

But the second way that this is impactful is through education of your Law Enforcement. I want to be really, really clear, nothing in this definition criminalizes speech. There's no intent here to criminalize any speech. We're certainly not circumventing the First Amendment. Someone can say as many antisemitic things as they want, that is their protected speech. But if someone then attacks a Jewish person or Jewish institution and they have a history of posting this kind of speech, that's relevant information for your law enforcement agencies to know, to be able to identify whether that could have been a bias motivated cry. As our community gears up for, unfortunately, the weeks and the months ahead, it is more important than ever that our law enforcement has the tools and that they have the education that they need to be able to identify when bias could be present.

I appreciate all of the work on behalf of this government to make a strong statement in support of the Jewish community and what we're facing at this time, which is a significantly

different landscape than it was when we were working on this in the months past. I'm happy to answer any questions whatsoever about the resolution or the definition.

Chairman Markley said thank you, Gavriela. I just want to say this, you correct me if I'm wrong, for those that are watching the public this definition, as well as maybe more importantly, some examples that illustrate what might fall under this definition can be found at [Holocaustremembrance.com/resources](https://holocaustremembrance.com/resources), I'm looking at it right here, I'm sure you could also Google that definition and get the same information, but I think it's really illustrative and helpful to those who might read the words and not know what that looks like in context to go and look at those examples. I would urge everyone to do so.

Commissioner Bynum said I was just going to ask since I forgot my laptop today, so I don't have any of this in front of me tonight. Can you read for us that definition? Can we read that into the public record, please?

Ms. Geller said I can pull them up very quickly and I'm happy to do so. One thing that I'll also mention is that this definition is completely nonpartisan. It was originally crafted after years and years of work by several international entities, including the IHRA, International Holocaust Remembrance Alliance, including the US government. It was first adopted under the Biden Administration and then it was used heavily—or, sorry it was first adopted within the Obama Administration. It was then used heavily within the Trump Administration and is now used again in the Biden Administration. So, this is not a definition that should be perceived to be in any way partisan.

The initial text of the definition reads, antisemitism is a certain perception of Jews which may be expressed as hatred towards Jews. This is important because it expresses that while some people may intend to hate Jews, many others may be perpetuating antisemitism inadvertently through their perceptions and prejudices towards Jewish people. I'll quote again, rhetorical, and physical manifestations of antisemitism are directed towards Jewish or non-Jewish individuals and their property, towards Jewish community institutions, and religious facilities. To guide IHRA and its work, the following examples may serve as an as illustrations. Manifestations might include the targeting of the State of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country, cannot be regarded as antisemitic. Antisemitism

frequently charges Jews with conspiring to harm humanity and is often used to blame Jews for why things go wrong. It is expressed in speech, writing, visual forms, and action and employs sinister stereotypes and negative character traits.

Contemporary examples of antisemitism in public life, the media, schools, the workplace, and the religious sphere could, taking into account the overall context, include, but are not limited to number one, calling for aiding or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion. Two, making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as a collective such as, especially, but not exclusively the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government, or other societal institutions. Three, accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews. Four, denying the fact, scope, mechanisms, or intentionality of the genocide of the Jewish people at the hands of the National Socialist Germany and its supporters and accomplices during World War Two, the Holocaust. Five, accusing the Jews as a people or Israel as a state of inventing or exaggerating the Holocaust. Six, accusing Jewish citizens of being more loyal to Israel or to the alleged priorities of Jews worldwide than to the interests of their own nations. Seven, denying the Jewish people their right to self-determination by claiming that the State of Israel is a racist endeavor or, as I'll add, that the Jewish people are the only people in the world that do not deserve their own country. Eight, applying double standards by requiring of Israel a behavior not expected or demanded of any other democratic nation. Nine, using the symbols and images associated with classic antisemitism, such as claims of Jews killing Jesus or blood libel to characterize Israel or Israelis. We've seen quite a lot of that recently. Ten, drawing comparisons of contemporary Israeli policy to that of the Nazis. Eleven, holding Jews collectively responsible for the actions of the State of Israel.

Antisemitic acts are criminal when they are so defined by law. For example, the denial of the Holocaust or distribution of antisemitic materials in some countries, criminal acts are antisemitic when the targets of attacks, whether they are people or property, such as buildings, schools, places of worship, and cemeteries are selected because they are or perceived to be Jewish or linked to Jews. Antisemitic discrimination is the denial to Jews of opportunities and services available to others and is illegal in many countries.

Chairman Markley said thanks so much. Are there other questions? Are there any comments, Clerk, from online? **Monica L. Sparks, Deputy UG Clerk**, said no hands are raised, no comments were received. **Chairman Markley** said any comments from persons here in person? I want to say thank you also to the Mayor's Office for this initiative. I understand it was started well before now, but obviously timely, both in that the war is going on in Gaza. Also, there was some news coverage today of a candidate for one of our seats here on the Commission who made some comments that may well fall under this definition. So I think it would serve everyone well to take a look at this definition in the days and weeks to come. Commission, this is an action item.

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

Item No. 2 – 212706...RESOLUTION/ORDINANCE: TOBACCO RETAIL LICENSE

Synopsis: Adoption of a resolution and ordinance approving a local Tobacco Retail License, and amending an existing section, and adding new sections to the Code of Ordinances; submitted by Wesley McKain, Policy and Development Manager, Public Health Department.

Wesley McKain, Policy and Development Manager, Public Health Department, said I’m joined here by our Tobacco Coordinator, Uzo, our Policy Analyst, Dustin, and very pleased to be joined back here by Kari Rinker from the American Heart Association, who's been helping us a lot on this issue. I’m here to talk about a Tobacco Retail License here in the county. At the Health Department, we're very concerned with youth tobacco use, and particularly, youth vaping. This is an evidence-based practice that they have been working on for a while now. I think Ms. Rinker has met with probably most of the Commission on this and so very pleased to finally have gotten here to present this to you. I'm just here for the introductions and then I'll be in the back in case there any questions for me, but I'll invite Ms. Rinker to come up here and we will begin the presentation.

Uzomaka Nwafor, Tobacco Program Coordinator, Health Department, said I'll be giving background as to what the public health implications of this ordinance will entail and also some data to show how urgent this matter is as well.

Overview of TRL

- Provides for municipal regulation over tobacco sales
- Create a local solution to reduce youth tobacco access to protect them from a lifelong addiction
- Holds retailers accountable for illegal tobacco sales, not low-wage clerks or youth



To give an overview of what this Tobacco Retail License would come with, is that it will provide a municipal regulation code over tobacco sales and tobacco purchases, not just tobacco products such as cigarettes, but even e-cigarettes as well and vaping products. Not just for the gas stations, but also for the vaping shops. It would also create a solution to curb the access that youth have in our community to tobacco products, especially legal access, which could imply public health protection over time and also reduce the potential of lifelong addiction. Lastly, it will hold retailers, specifically the store owners, accountable for any illegal tobacco purchase that's happened within their building and it will not hold accountable a clerk that's making minimum wage that might be innocent to whatever the policy would be or even the youth who bought the tobacco product.

Community Outreach and Support



We had a broad range of support as we were looking for endorsement for this policy, not just from local county organizations, but also from state and national organizations. Just to highlight a few of the local organizations, we had endorsement from the Wyandotte Behavioral Health Network,

the KU Cancer Center, even the school district in Bonner Springs and Edwardsville, Young Women on the Move, and Thrive. For our state and our national endorsements, we received endorsements from the American Lung Association, the American Heart Association, and also the Kansas Black Leadership Council.

History

- Unified Government first Kansas community to pass "T21" in 2015- raising legal minimum sale age of all tobacco products from 18 to 21.
- Over 20 Kansas communities followed, preceding subsequent federal and state alignment.
- In 2020, the Commission acted upon the Health Department's recommendation and repealed youth penalty for tobacco possession.



To provide some background as to the tobacco prevention efforts that has been made before this year, the Unified Government did partner with other organizations to form this policy called the Tobacco 21 otherwise known as the T21. It was passed in 2015, in which we were the first community out of the whole state of Kansas to do this, to raise the legal minimum age from 18 years old to 21 years old of sale. After we passed this, 20 other Kansas communities adopted this as well and it led to state ordinance alignment and also federal from the FDA alignment in 2019. In 2020, the Commission decided to act upon this by ensuring that the youth that bought the tobacco product will not be penalized or charged for buying it, but rather the store owner will be penalized or charged for buying that product if they were underage.

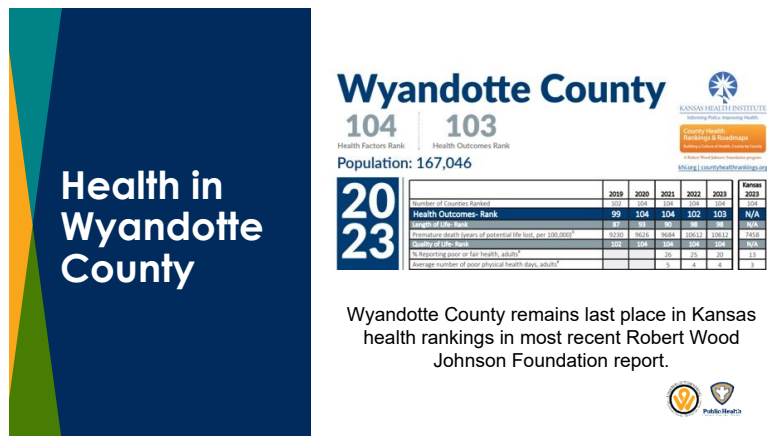
Youth Tobacco Use

- The average age people try smoking a cigarette is 14.5 years
- 88% of people who have ever tried a cigarette have done so by age 18
- A 2019 survey found that 25.8% of Kansas high school students had used tobacco products in the past 30 days
- The 2022 Kansas Communities that Care survey found that 14.51% of Wyandotte County youth said it would be "very easy" to get vaping products (state average was 13.97%)
- Studies in various states have shown between 23% and 40% of retailers were selling tobacco to underage customers

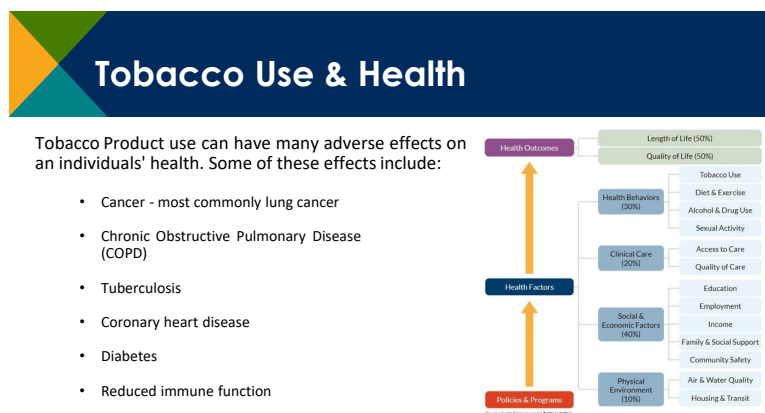


To move on to the Youth Tobacco Use and how this also ties to like some of that history as well, nationally there has been a survey conducted that said that the average age that someone tries a

cigarette is 14.5 years of age, which is obviously a teenage age, but that 88% of people who have ever tried a cigarette have done so by the age of 18. However, when we narrow down the issue to the state of Kansas, a 2019 survey did see that at least 25.8% of Kansas high school students have used a tobacco product within the last 30 days. But in 2022 a Kansas Communities that Care survey conducted a survey on vape usage and also vape access and almost 15% of the youth said that it's very easy here in Wyandotte County to get a vape product which is very close to the state average of 13.97%. Though the state average and the county average seem very similar, it's still highly alarming to me that our youth can say it's very easy to get a vape illegally, that it's accessible to them, and that also a lot of these places can be found near where they live or where they go to school.



This ties into my next slide in terms of where we fall as Wyandotte County with the county health rankings. So currently, especially in terms of health factors, we rank the lowest compared to all the counties in the state of Kansas. Similarly to 2020 and 2021 we were also the lowest with health outcomes, but currently, we're the second to lowest in health outcomes according to the Robert Wood Johnson Foundation report.



I would also like to note that tobacco use is one of the preventable leading causes that causes us to be in this place and one of the lowest places in terms of county health rankings. Also, to give some medical background, tobacco use can cause cancer, mainly lung cancer, COPD, chronic heart disease, even the new emerging lung disease called EVALI which is mainly derived from vaping and can be found in teenagers.

I would like to give some personal context about this. There was one lady, one of our Wyandotte community residents who emailed the Kansas Department of Health and Environment saying that her daughter nearly died of vaping and that illegal sales are happening, why is nothing being done? So, I decided to reach out to her and we went out for coffee. She basically explained to me how there was only one doctor in the KC region that they found that could diagnose her condition properly and found that it was EVALI. But yes, she nearly died and I believe that she was 16 years old as we were having this conversation.

What was even more alarming to me was that this is the fact that youth have access to these products and that some youth don't even know what's going on. However, there's more research being done, especially concerning the EVALI lung disease. If we go to the diagram that's on the right, basically all the factors listed are social determinants of health. Tobacco use falls under health behaviors, but tobacco use contributes to 10% of health behaviors in which health behaviors contributes to 30% of the health outcomes that leads to the level of length of life or quality of life that we would see. 10% is, on average, close to the unemployment rate within Wyandotte County. So, tobacco use is very impactful to even the quality of life that we see within our residents. That's all I have, I'll pass it on to Kari to carry on with the rest of the presentation.

Tobacco Retail License

1. **Establish** a comprehensive list of all retailers of nicotine and tobacco products in the jurisdiction.
2. **Fund** Public Health enforcement of tobacco sales regulations at no cost to the taxpayer.
3. **Prevent** illegal sales of nicotine and tobacco products to those under 21.
4. **Provide** weight to current laws by imposing a threat of suspension for repeated violations.
5. **Reduce** productivity loss, public and private health insurance costs, related illness and death.
6. **Impact** public health through prevention, responsibility, and accountability.



Kari Rinker, State Government Relations Director, American Heart Association, said thank you Chair Markley, Commissioners, and Legal staff that we've worked with, Mayor staff, to get this heard on the agenda tonight, and of course, Assistant Administrator Howze. Rather thankful for all the work that's been done to even get to this point to discuss this.

On this slide are some of the provisions that are included within this Tobacco Retail License. They are elements that we consider meaningful and necessary to have a good, comprehensive ordinance or resolution, rather, so establishing a comprehensive list of all retailers in the community. In some other cities in which I've worked, they've even been able to separate those into commission districts or council districts, so that the actual impact of violations, number of retailers, et cetera, can be seen through that lens as well. So that's something that may be considered that additional detail, but even knowing where they are is half the battle. Funding Public Health enforcement of tobacco sales regulations at no cost to the taxpayer. This is not just smart fiscal policy for a community, but it is a sustainable policy for a program. I know you'll likely hear about the budget, the intention that was put behind it to make sure that the fee is enough to fully fund this and sustain it.

The third item there, preventing illegal sales of nicotine and products to those under 21, that is the heart of the matter here. We do not wish to punish, we're only punishing those that are breaking the law. So that's the heart of the policy, is to prevent these illegal sales. Then, number four provide weight to current laws by imposing a threat of suspension for repeated violations and that's a timely, necessary element also. There's recently been a report that came out from the Office of Inspector General in the United States that said that for egregious violators, the FDA can bar the sale of tobacco products. But according to that office, only 204 stores across the entire United States and when you think of how many places are selling e-cigarettes, convenience stores, et

cetera, like how small that number is, it's actually 1% of the entire sales across the nation. Only 1% of them ever are suspended or repealed for egregious violations. The report says, and I quote, responding effectively to serial violators remains a challenge for the FDA. This is really common sense policy at the local level that can help support federal and state efforts which are flagging, falling behind. Reducing productivity loss, public and private health insurance costs related to illness and death. A healthy workforce is a workforce that is not using tobacco and tobacco use does contribute to productivity loss for a business. Then, finally, impacting public health through prevention, responsibility, and accountability. That's, again, the three things that we're going for here is by preventing future people from a lifelong addiction, ensuring accountability in the retail sales environment and responsibility.

Other Cities

- Wichita, Kansas passed TRL in 1994. Updated in March 2023.
- Newton, Kansas unanimously passed TRL in September 2019.
- Lawrence, Kansas unanimously passed a TRL in November 2022.
- Communities throughout the nation have adopted - too numerous to track. Retailers are accustomed to varying licensing and regulations and consider it the cost of doing business.



Many of these communities I've had direct interaction with and have been involved in these campaigns that are listed here. Wichita, Kansas has the longest standing license that does predate me. The initial passage of that was before my time and advocacy. Even in Wichita, I do live there, but I did just become involved with updating it in March of 2023. We specifically did repeal the youth penalty that was part of their original ordinance, which, again, Wyandotte County has already done that. We also strengthened the penalties on retailers for illegal sales and that did pass unanimously in that committee—from that city council. Also on there is Lawrence, Kansas, again, unanimous passage in that community of establishing a brand new TRL in November that has many of the same provisions that you'll be considering this evening.

Also, Newton, Kansas is on here, that did pass in September of 2019. I had only been working for the Heart Association for one month at that time. It is a smaller community outside of Wichita. Again, that did pass unanimously in Newton. However, since working on this, we did

find out just here currently that Tobacco Retail License has been repealed by their City Council. I will share why because I think it's very important for this Commission to consider. The program itself was housed—the compliance part of that program was housed within the Police Department. Then COVID hit and they had trouble having police officers to do these compliance checks. I also question—I don't know beyond that. I don't know if there were other circumstances that caused that repeal, but I would say that they did have a \$400 licensing fee in place and the number of retailers in Newton would, I would assume, be quite small. I don't know the exact number, but you know, to have enough money to fund a program independent of the Police Department to shift that strategy was probably not feasible with those factors in place. That would be just me trying to ponder the factors that went into that beyond knowing that the police—housing it there was not best practice and it is not best practice for other reasons as well. A sustainable program will be housed within a Health Department. You have employees that understand the issue, that keep track of the evolving products of this issue, and that care about the issue and sustaining such a program. I think you can avoid that here, you have that in this Ordinance.

Also, I know, again, there has been a budget created that shows that the licensing fee that is being proposed is enough to fund a staff person within that Health Department. That is just through the fee alone, notwithstanding any of the fines that may also come along with it, which would be additional funding. Anyway, I think you will avoid whatever did actually cause Newton to repeal theirs. Communities throughout the nation have passed Tobacco Retail Licenses. Businesses are quite accustomed to a varied landscape of rules and licensing requirements, so this is nothing new and why I think we've had unanimous votes and no opposition in any community in Kansas that has considered this to date.

The highest licensing fee that we have found across the nation is \$1,500 and I think Dustin will be going into the details. I don't want to steal his thunder or anything, but the fee that is being considered in this ordinance is half of that. So anyway, that is the extent I think of my slides. I think, do I have one more?



TRL Benefits

- Wichita, KS established a TRL in 1994.
- Higher compliance rate than many other communities with TRL.
- Sedgwick County Smoking rate 18.5% vs Wyandotte 23.2%
- Updated March 2023 – Via unanimous vote, the City Council repealed youth penalty and strengthened retailer penalties for illegal sales to youth.

Measure	2018	2019	2020	2021	2022
Compliance Rate	94%	95%	91%	95%	96%
Compliance Checks Conducted	260	391	174	410	452
Warnings Issued*	N/A	N/A	N/A	N/A	N/A
Citations Issued	16	21	16	21	18

That's right, there's a Wichita specific slide. Sorry, thank you. My kids have to help me with the TV remote at home, so it's really good that I don't touch those things. Anyway, the final slide here is just information about Wichita. I do think it's a good case study since it has been in place for so long and it is a large community as well. It was established in '94. The compliance rate has been good there, again, showing that they're used to it and they're taking the checks seriously, and so they train their employees, which is the intent. As you can see, that is reflective in the smoking rate. You have 18.5% smoking rate in Sedgwick County. It's not broken down to cities, so that's the only difference here is in Wichita the checks are just done in the city and not the county as a whole. Wyandotte is 23.2%, but I think it can make an impact and that's what science and research also shows us, that it does make an impact on health that is proven policy.

I'll also point out just real quickly before I do pass it over, that you'll notice the number of compliance checks that have gone up, and up, and up from 260 in 2018 to 450 in 2022. You can see there is no disincentive for businesses here. People keep getting licensed and keep selling these products. Unfortunately, I wish it did cause fewer businesses to sell tobacco products, but unfortunately, it is still extraordinarily profitable to do so. Again, it's exploding, the use of these products and everything. So, no licensing fee dissuades businesses from selling these products, unfortunately. But with that, I'll pass that along.

Dustin Hare, Policy Analyst, Health Department, said Uzo talked about the health factors involved with smoking and the fact that kids are often starting in their mid-teens. I'm going to dive into what's actually in the ordinance.

Policy Recommendations

- Amend section 17-8 - Selling, giving or furnishing cigarettes or tobacco products to any person under 21 years of age.
- Establish a municipal tobacco retail license program housed within and enforced by UGPHD.
- Establish a process to apply for and renew licenses.
- Establish an annual retail license fee, paid by all tobacco retailers.
- Establish compliance check protocol.
- Amend the penalty structure.
- Clarify language.



Obviously, the gist of it here is that we want to establish a Tobacco Retail License, which we're doing by amending Section 17-8 of the Municipal Code, but we've also covered a lot of the details of the program within the ordinance. So we've spelled those out—and I'm sorry I shouldn't say ordinance, it's a resolution, I believe. Some of the things that we've covered are things like, how do retailers apply for an ordinance, how much is the license cost? This is going to be a new law. What does the enforcement look like, what happens when a retailer is found to be non-compliant? Those sort of things.

Penalty to Retailer

- At least 1 unannounced compliance check per year of each tobacco retailer
- Compliance checks conducted by Wyandotte County Health Department
- Engage youth ages 18-20 to conduct compliance checks
- Unannounced follow-up compliance checks of all non-compliant tobacco retailers are required within 6 months of any violation of this article



First, I'll jump into the compliance side of things. What will the enforcement look like? First of all, if this is approved, it will live within the Health Department, which is what we're proposing. We'd be hiring personnel to administer the program to oversee the licensing, to oversee the compliance. Each tobacco retailer in Wyandotte County will be subject to at least one compliance check per year. We'll be working with youth aged 18 to 20 to assist with those compliance checks. So our coordinator will go out with the underage buyer and they'll literally just try to buy a tobacco product from the retailer. That's how that'll work. Then, any retailer who fails one of these

compliance checks will be subject to a follow up compliance check within six months of the initial violation.

Compliance Enforcement Protocol

A penalty is assessed to the business/retailer, **not the clerk, or the purchaser, user, or possessor** of a tobacco product. Tiered fines and penalties are as follows:

1. For a first violation, a fine of \$500
2. For a second violation within a 36 month period, a fine of \$750 and the tobacco retailer shall be prohibited from distributing tobacco products for 10 days
3. For a third violation within a 36 month period, a fine of \$1,000 and the tobacco retailer shall be prohibited from distributing tobacco products for 30 days
4. For a fourth and any subsequent violations within a 36 month period, a fine of \$1,250 and revocation of tobacco retail license for a period of two years

*Appeals process defined in ordinance



What does it look like if they're found to be out of compliance? For the first violation, it's a fine of \$500. For a second violation, it's a fine of—within a 36 month period of that first violation, it's a fine of \$750 and then we would suspend the license for 10 days as well. For the third violation, within that 36 period, we're looking at a fine of \$1,000 plus a 30-day license suspension. Then for a fourth violation within that 36 month period, we would actually revoke the license for a two year period and assess a fine of \$1,250. I also want to note that, as has already been mentioned, the Health Department did work with this Commission in 2020 to amend the purchase, use, and possession laws. That made it so that underage tobacco users and low-wage clerks are not penalized, but rather the business owners who are selling these tobacco products are the only ones being assessed any fines.

Annual Fee

- Recommended Annual Fee: \$1000
- Covers the administrative cost for licensing administration and enforcement
- Allows for increased tobacco programming and education by UGPHD



Now we'll look at the annual fee. This is actually no longer \$1,000, I thought we had gotten this slide updated. We've been having discussions about this number for a long time and we're actually proposing an annual license fee of \$600. We looked at how many tobacco retailers there are in

Wyandotte County and there are 155, by the way. The dollar fee of \$600 would allow us to have this program be self-sustaining. This will allow us to hire personnel to administer the program. It'll allow us to pay our youth buyers so that we're not having to find volunteers that will make sure the product—that we're able to keep it going and will be able to find people. It will also allow us to produce educational materials for our retailers. All this without asking for any funds out of the UG's budget. So that's how we landed on the \$600 fee.

Clarifying Language

- Signage
- Samples
- Age verification
- Vending machines
- Mobile tobacco sales



Clarifying language, if you look closely at the proposed resolution, you'll see we're adding quite a few definitions into the Municipal Code. We wanted to add these so that retailers, as well as the UG, aren't operating in any sort of gray areas. So, on signage it just specifies where the signage should be located. That's not currently in the Municipal Code, it should be. We're adding it in. It should be six feet from the point of sale. We're also adding—it also says that you have to be 21 to purchase tobacco. Like I said, that's not in the code, it should be, so we're adding that. For samples we're just adding language that says retailers can't provide tobacco samples under any circumstance. For age verification. This will just say that a retailer must examine a government issued photo ID before to verify age. Again, not currently in code, should be, so we're adding it. Then we're specifying that vending machines are subject to the same laws as any other tobacco retailer. Then we're also adding something that prohibits the sale of tobacco from like a truck, a van, booth, or anything that isn't a permanent retail location.



Then finally, we did have a slide on our updated deck that talks about the implementation timeline. Obviously, we're hoping to get the green light from the standing committee tonight and then we'll need the blessing of the full commission. Once fully approved, we have to put together a job description. Post the position, get someone hired. That new hire will then have to develop an application and other materials. They'll need to work with community partners to find our youth compliance folks. We'll need to work with all the retailers in the county to make sure they're aware of the change so that they're able to apply for a license by next November. So right now, we're looking at a go live date of January 1st of 2025. We'll be able to start doing compliance immediately thereafter. That's the end of our presentation. We're hoping for the support from the standing committee and we'd be happy to answer whatever questions you have.

Chairman Markley said great, thank you. I will note, I just was thumbing through the packet here and it does look like it is the \$600 that is noted in the actual resolution in our packet team. So, it doesn't say \$1000, it says \$1000 in the PowerPoint, but the accurate number is here in the resolution.

So, as is my want, I just want to kind of summarize here we're looking at. I mean, at its heart, this is a Business Licensing program and the funding from that fee is meant to enforce our existing rule that you have to be 21 to buy tobacco products and education related to that, correct? **Mr. Hare** said that's correct. **Chairman Markley** said and that fee is \$600 not \$1000, just to clarify one more time for anybody who's watching the PowerPoint with us, correct? **Mr. Hare** said correct.

Chairman Markley said one question I would have just because we talked a lot about Kansas communities in this. Obviously, Missouri is our neighbor. Do we have any information about Missouri communities, and is anyone doing something similar on that side of the state line? **Ms. Rinker** said I can answer that if you'd like. They are preempted from tobacco retail licensing

in the state of Missouri. They cannot have it at all. **Chairman Markley** said okay, perfect. I just knew people would be wondering when they saw that dichotomy, so I appreciate that response.

Commissioner Kane said Ms. Rinker, I don't know if you remember August 16th at 3:53. You and I had a conversation over the phone where you pointed out I'd be the only one across the state of Kansas that wouldn't vote for this. I didn't like that conversation then and I told you why, and I'll tell you why I don't support this. If you're 18 years old and you can die for our country, you ought to be able to smoke a cigarette. My conversation was very frustrating with you. In fact, I got off the phone before I said something stupid. But if Missouri isn't doing it and then you're saying all the—you showed three municipalities that are doing it, how many municipalities in the state of Kansas? There's a lot. So, I will not support this at this time or any other time. If somebody—my mom died of smoke related cancer. That was her choice. But the last thing I'm going to say, if you can serve our country and you can die for our country, you ought to be able to smoke a cigarette.

Commissioner Bynum said I have some questions that are for clarity. We have Tobacco 21, so this is not about whether somebody can buy a cigarette or any tobacco product because we already instituted that law in 2015. So someone 21 or older can buy tobacco in Wyandotte County. It's my understanding this is related to prevention efforts, if you will. I think the intent is that the prevention comes through enforcing a retail license such that the threat of the fine or the revocation keeps the retailer from selling to the underage person, am I tracking with that? That's how we are doing prevention through this effort. **Mr. Hare** said yes, that is correct. We do have some data that shows that this has been very effective in other communities at reducing the rate of youth getting tobacco products. I don't have that available tonight, but I can get that to you.

Commissioner Bynum said I mean, I hope that means not only access, but actual youth smoking that it actually correlates across the board to lower rates of youth smoking. If you don't have that exact thing, that's fine, but that's the goal with the program. \$600 annual times 150 retailers, if you get everybody signed up in the first year, is \$93,000 which is great, but I doubt very much that that actually covers the cost of everything you're trying to do here. Not that I am against taking in the \$93,000. I just don't think that that's a realistic amount of money for running an entire program.

Question, just for anyone, staff, Legal, whoever, the packet that Clerk Sparks brought to me of the actual ordinance does not speak to the revocations. It only speaks to the penalties, but I heard you say that there are suspensions and revocations in the ordinance language—or, excuse me, the Resolution language. But that is not what I have, so I would want to make sure, when we move something—if we move something forward, that a packet that went to the full commission would have exactly what it is that's being proposed. Maybe it's just in a section that I didn't see, but I'm looking at Section 1(c) Penalties. Excuse me, (d)(1), violation of this section is a civil infraction. I really don't know what section I'm in. I'm on the fourth page of the printed document, if that matters.

Ross Stewart, Assistant Counsel, said the suspensions are in Section 17-13. So they're separate from (d)(1) where that's just the fine amounts if you violate. **Commissioner Bynum** said those are just the fines. **Mr. Stewart** said so we have the revocations or the suspensions set out separately. **Chairman Bynum** said thank you. Yeah. I just wanted to make sure that what you were sharing is what's actually contained in the language. So thank you for that. Just, again, to clarify, the \$1000 that was on the cover sheet is not correct. I think you clarified that. It's \$600 the first time, and for now, every time, as far as the license fee itself. **Mr. McKain** yes, that is correct.

Commissioner Bynum said then, I don't know how—I do see that it's spelled out in this earlier section that talks about the fines that it does specify monies from the violations will be used to cover costs of this program. I kind of appreciate that because I'm not so sure that within our other fines and fees programs, that those fines and fees are necessarily going back into those programs. I tend to believe they go into the General Fund, but you're specifying here that these fines would fund this program. Alan? **Alan Howze, Assistant County Administrator**; said yes, that's correct.

Chairman Bynum said okay. Anyway, I just had things that I wanted to make sure I understood and that I clarify, but I think the most important thing is that this has nothing to do with—that's not a fair statement. This is not about regulating an 18-year-old smoking because that's already illegal in this county. This is about regulating those who would sell to a person who is not old enough to buy tobacco. Okay.

Ms. Nwafor said may I also add something? Not only just tobacco, but also tobacco products. Because the new formation is that vaping shops are not regulated, so that's why we also wanted to add that to this resolution as well.

Chairman Markley said alright, any other questions from commissioners? If not, I will ask the Clerk of anyone online from the public wishes to make comment? **Ms. Sparks** said no hands are raised. **Chairman Markley** said is anyone here in person who would like to make comment? Alright, oh, I do have people. Come forward to the podium, state your name and city of residence for the record, and you'll be given up to three minutes to make your comments.

Irvan Diaz, Senior at Harmon High School, said I am grateful for the chance to support the petition for Local Tobacco Retail License and to speak out how the tobacco business has for a century targeted teens and historically unprivileged populations. Juul was recently forced to pay numerous lawsuits because of how they targeted kids and many of my peers. They have accomplished this by claiming to be safer than regular cigarettes, lying about how addictive the product is, employing young models in advertisements, and promoting the product with appealing flavors and visuals. Adolescent minds are sensitive to taking excessive risks. It's a natural part of growing up. We make errors and learn from them. However, experiencing what tobacco and e-cigarettes can rapidly and easily lead to addiction, potentially for life. In Kansas, there are already 61,000 children who will die tragically as a result of smoking. The corporate tobacco business has made it all too simple for us to become addicted. Nicotine is a highly addictive and dangerous chemical. It can cause an increase in blood pressure, heart rate, blood flow to the heart, and artery narrowing. Nicotine may also contribute to arterial wall hardening which can lead to a heart attack. Depending on how frequently you smoke, this chemical can stay in your blood and your body for six to eight hours.

There are also some withdrawal symptoms as with some addictive substances. Furthermore, some e-cigarettes and newer tobacco products contain more nicotine than traditional cigarettes. Withdrawal symptoms and the emotional strength required to break free from addiction becomes increasingly difficult as time passes. We can use lawsuits and settlements to protect young people from this cycle, but wouldn't it make more sense to hold retailers more accountable? **Ms. Sparks** said one minute remaining. **Mr. Dias** said three out of every four youth in the United States are not refused sales, so it seems like a logical place to start. I hope the committee will see fit to support comprehensive licensing and compliance program that follows public health best practices for keeping youth safe and legal tobacco, including vape products. Thank you for having me here.

Chairman Markley said thank you very much. Then I think we had another one. Same drill, tell your name and city of residence for the record and you'll have three minutes to speak.

Courtney Eiterich, Lenexa, Kansas, said I am here tonight, and I really appreciate the opportunity to share remarks in support of the establishment of the local TRL and Compliance Program. I'm a teacher at Harmon High School and a mom to twin teenagers, and so I feel like I have a personal and professional perspective when it comes to teenage youth when it comes to e-vaping and tobacco products.

Honestly, I'm very concerned about the mental and physical health of the students in my classes. Part of being a really good teacher is establishing really close relationships. This is how we get people to do the work for us, to learn better, and with that comes sharing lots of personal information. I see on a regular basis that the teachers in our districts do far more than just teach the content. We see the kids struggling. Not only are they hurting emotionally and physically, but they're turning to nicotine to help cope. In reality, the statistics show that it's actually causing and harming them even worse by increasing their anxiety and worsening their depression. I see firsthand how this impacts their schoolwork because they're missing class time. I have the same kids that go to the bathroom on a regular basis every single day because they need the nicotine. They have these frequent breaks throughout their day, but not only that, they end up missing a lot of school.

What's even worse about this is that not all communities are impacted equally. We have LGBTQ communities, Black, and multiracial students that are disproportionately being impacted. These products are highly addictive and with one vape pen equaling the amount of 20 cigarettes, it is a problem. What's even worse about it is that the students don't even realize that this is something that's harming them. All they think of it is it's strawberry or blueberry flavoring and they truly don't believe that it is harming their bodies. And why would they? What I'm seeing is them having a desire to escape. They are using the substances because they have unresolved issues, and we need to really get to the root cause of this. Because these are so accessible for them to get, the root cause really can be prevented with this particular resolution. It's time that we hold the retailers accountable for the illegal youth tobacco sales and I ask that you pass this proposal favorably out of committee in consideration for the full commission. Thank you.

Chairman Markley said thank you. Harmon very well represented tonight. Anyone else?

Commissioner Kane said within 50 miles, what other municipality is doing this? Alright. Lawrence is close enough, but anybody else. I mean, folks in Johnson County, Gardner, any of those guys? **Mr. Hare** said only Lawrence. **Commissioner Kane** said okay, only one.

Chairman Markley said anyone else from the public wish to make comment? Clerk, just to check one more time, did anybody else spring up online? **Ms. Sparks** said no hands are raised and no comments were received. **Chairman Markley** said alright, team, it is up to us now if we'd like to make a motion,

Commissioner Bynum said to Commissioner Kane's point, it would be interesting to know—if you know, if any of our surrounding Kansas counties or municipalities are working on—is this in the pipeline in the metro? Because, I mean, that's a valid point, the kids at Harmon in particular can just scoot right over to JOCO. So I'd be curious to know if you know. If you don't know that's okay, or if you find out later, tell us. But in the meantime, I would make a motion that we move the Tobacco Licensing Program forward to the full commission.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Johnson, to approve.** Roll call was taken and there were three “Ayes,” Johnson, Bynum, Markley and one “No,” Kane. **Ms. Sparks** said the motion fails.

Commissioner Bynum said my question is for Legal. I think I know the answer, but is there any opportunity for it to come forward again? **SueZanne Bishop, Assistant Counsel**, said I need to look at the ordinance to see if we are able to bring this forward again with a fail on the standing committee vote, but I honestly don't know the answer. **Commissioner Bynum** said we may have been through this in the past with different things and I just don't know. **Chairman Markley** said for the knowledge of those present and the public, we are short a commissioner tonight and because our standing committees are very small to begin with, they're only half of our commission, we can't move it forward if it's not unanimous, more or less, tonight.

Commissioner Kane said do you want to hold it over till the other commissioner shows up? **Chairman Markley** said if you would like to make that motion, I would—**Commissioner Kane** said I don't want to make that motion. But if somebody wants to make that motion because Christian's gone, I don't know what his opinion would be, and I wouldn't want to do it without his opinion. **Commissioner Bynum** said well, I appreciate that very much. If I could be guided legally on how to properly do that. Since we've had a motion and a vote, can I just make a second motion? **Ms. Bishop** said Commissioner, I believe that if Commissioner Kane made a motion to reconsider, that would be an opportunity to hold this over then for Commissioner Ramirez to be present. **Commissioner Kane** said you're killing me. **Ms. Sparks** said Counsel, since Commissioner Bynum made the motion, would she need to make the substitute motion? **Ms. Bishop** said it's not a substitute motion, it would be a motion to reconsider. **Commissioner Bynum** said Commissioner Kane would have to make the motion to reconsider because he was the no vote? **Commissioner Kane** said I'm saying hold it over till next month, so when Christian is here—because he doesn't miss. **Ms. Bishop** said please hold. **Chairman Markley** said we're going to take a moment while we discuss the situation.

Ms. Bishop said Commissioner, on consultation with my colleagues, because Commissioner Kane is on the prevailing side, this would have to be a motion to reconsider that Commissioner Kane himself would have to make and then if that motion carried, then someone else could make a motion to hold this over. **Commissioner Kane** said tell me what I've got to do. **Ms. Bishop** said sir, you would need to make a motion to reconsider the vote. **Commissioner Kane** said a motion to reconsider the vote, and what, hold it over till next month? **Ms. Bishop** said well, so that would be a second action, sir. So, yeah, all you need to do—**Commissioner Kane** said motion to hold this over. **Ms. Bishop** said all you would need to do is make the motion to reconsider the vote.

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

Action: **Commissioner Bynum made a motion, seconded by Commissioner Johnson, to hold over until the November AHS Standing Committee such that we have a**

full committee present and available to hear the information and testimony.

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

Chairman Markley said just to be clear, team, anyone that's interested in this item, it will be on the agenda again at November standing committee to be discussed again by this same standing committee at another Monday night meeting, clear? Thank you.

Item No. 3 - 212813...RESOLUTION: TRANSIT GRANT FOR EDWARDSVILLE MICROTRANSIT UTILIZING ARPA FUNDS AS MATCH

Synopsis: Microtransit is an on-demand shared ride transit service that operates in a specific radius, connecting riders to in-zone transit hubs for fixed route access, a match requirement in the amount of \$43,800, Edwardsville Microtransit Expansion (KDOT Funded), submitted by Deasiray Bush, Director of Public Transportation.

Alan Howze, Assistant County Administrator, said if I could, as we get into these items, I just wanted to set the stage a little bit. There are three requests that are coming before you this evening that are related to utilizing the ARPA match funds that the Commission set aside when it allocated the ARPA funding. Debbie Jonscher, our Interim CFO, is here as well to answer any questions. There's about 2.95, give or take, in that ARPA match funds that were set aside by the Commission. What you're seeing here this evening is the first three of the requests that would come to support utilizing a portion of those funds for matches for other grants that have been awarded to the UG. I just wanted to kind of provide a little bit of that context before we get into these three items.

Deasiray Bush, Director of Public Transportation, said to reiterate what Mr. Howze mentioned, we will request Unified Government ARPA funds for three projects. In front of you, you have my PowerPoint presentation. Before I hop into the projects, I like to give you all an overview of our department. So, we'll talk about all of our programs.

UGT Overview

The Unified Government Transportation (UGT) offers multimodal transit services such as fixed routes, microtransit services, paratransit, and home-delivered meals for the Meals on Wheels (MOW) Area Agency on Aging program. We operate under the RideKC regional brand as we collaborate and contract with the Kansas City Area Transportation Authority (KCATA) for additional services and coordinate with other regional transit providers to make the transit experience user-friendly for everyone.

To give you a general overview, we do provide multimodal transit services such as fixed route, microtransit. Microtransit is more like an Uber based service, a share ride service, and I'll refer back to all of the programs within the next slide. We offer paratransit services for those who are disabled and seniors who are age 65 and older. Then lastly, we do provide transportation services in collaboration with Area Agency on Aging, delivering meals to our seniors within the Wyandotte County area. We do operate under the RideKC regional brand and we do collaborate and contract with Kansas City Area Transportation Authority, better known as KCATA, to provide additional services for service area.

UGT Programs

- A. RideKC Bus**
 - A. UGT provides service for five (5) routes
 - B. KCATA provides service for four (4) routes
- B. RideKC Freedom**
 - A. Both are operated by UGT and KCATA
 - B. Paratransit Service for ADA and Seniors
 - C. Paratransit ADA services require a pre-approved ADA application
 - D. Used to be called Dial-A-Ride
- C. RideKC On-Demand Microtransit**
 - A. Operates in a 20-mile Radius
 - B. Shared Ride Service
- D. RideKC Bike-Share**
 - A. An electric-assist bike-share program
 - B. Rosedale Area
- E. Meals on Wheels (MOW)**
 - A. Area Agency on Aging and Transit Collaboration
 - B. Deliver Hot and Frozen meals to seniors
- F. Wyco Health Link Program**
 - A. UG Health Department and Transit Collaboration
 - B. CHIP Initiative
 - C. Non-Emergency Medical Transportation (NEMT)
 - D. Program supports transportation to nine (9) Wyandotte County clinics



Here we have a list of all of our programs and I'll go more in depth of each program. So RideKC bus, that's for our fixed route. The Unified Government Transportation Department provides services for five routes within Wyandotte County. As I mentioned earlier, we do collaborate with

KCATA to provide services for four additional routes. We have nine fixed routes here in Wyandotte County.

Then we have RideKC Freedom, that's basically paratransit services to provide services for those who are disabled and our seniors who are age 65 years old and older. Also, KCATA provides paratransit ADA senior services on the weekends as well. It used to be called Dial-A-Ride, but now it's called RideKC Freedom.

We have RideKC On-Demand Microtransit. This is a shared ride service and it's basically zoned for specific radius area. Just today, we actually launched our Midtown Iris app for the public to download and reserve their rides. We plan to open two additional routes and I'll go over those two routes here shortly. Then, we have RideKC Bike-Share electric bikes within the county. Right now they're stationed in the Rosedale area. I mentioned earlier, we provide services in collaboration with Area Agency on Aging as we do deliver meals to our seniors here in the county. Then lastly, we have the Wyco Health Link Program. We do collaborate with the Unified Government Health Department to provide non-emergency transportation to non-participating clinics here within the county, such as Duchesne Clinic, Swope Health West, Swope Health Wyandotte location, the Health Department, and Pharmacy of Grace. As you see this QR code, you are more than welcome to scan this code to take a look at our new and improved web page for the Transportation Department. Questions?

Chairman Markley said Commissioner Bynum has a question. Also, if you're following along in the agenda, you've already realized I made a mistake because I jumped to number four. We are at number three. Sorry if you got excited, we are on #3 and Commissioner Bynum has a question.

Commissioner Bynum said would you talk more about Item 3, RideKC On-Demand Microtransit, I think I heard you call it Iris? **Ms. Bush** said yes, it says microtransit service, but Iris is actually an app that you can download on your phone. We used to use Transloc, but we've replaced Transloc with Iris. So just like Uber, you'll download Iris onto your phone and reserve your ride. In the past, the public was not allowed to reserve same day bookings, with Iris this is absolutely phenomenal. It's a routing model that's used regional wide by KCATA and some of our other regional partners, such as Leavenworth County, Liberty, Gladstone, downtown Plaza area. So, all of the other municipalities actually use Iris. The great benefit of Iris is no matter where you are you can reserve

a ride within that zoned area if they're using—if that area is zoned and they're using Iris to support it. So for us, Wyandotte County, we are using Iris to support the Midtown area which is 78th to 635, so that's west to east, and then South 42nd to Parallel Parkway, and that is south to north.

Commissioner Bynum said so I have to live in those boundaries or my trip has to be in those boundaries? **Ms. Bush** said you don't necessarily have to live, but your trip must be within the boundaries. Wherever your pick up and drop off is, it must be within that boundary. You could be at a friend's house or family member and if you need a ride within that zone, we can transport you. The great benefit to microtransit is that we ensure that there are fixed route services in the area. So for the Midtown zone we connect the public to the 47th Street Transit Center, which is better known as Indian Springs. We also transport passengers to the Merriam Town Center off of Johnson Drive.

Commissioner Bynum said when we say here that it operates in a 20 mile radius, do you mean the perimeter of those boundaries as 20 miles? **Ms. Bush** said yes, Commissioner. **Commissioner Bynum** said what's the cost. **Ms. Bush** said roughly \$380—**Commissioner Bynum** said I'm sorry, per—like for me. **Ms. Bush** said I thought you meant the total program, I'm sorry it's \$3 per ride, per person. Yes, it's affordable. Passengers used to pay \$1.50 per person per ride and we have increased it to \$3 to match other municipalities. **Commissioner Bynum** said and it's a pilot program, right? **Ms. Bush** said no, actually, our Midtown zone is permanent. **Commissioner Bynum** said oh, good. It's here to stay. **Ms. Bush** said we have two pilot programs that we'll launch for microtransit using Iris. **Commissioner Bynum** said excellent. It's a great addition to public transit. **Ms. Bush** said absolutely. As a matter of fact, it's quite popular. **Commissioner Bynum** said how long has it been operating? **Ms. Bush** said the Midtown zone has been operating for quite some time. I will say that, but I can get you the exact year. **Commissioner Bynum** said but you don't mean—you mean more than a year? **Ms. Bush** said oh yes, the Unified Government Transportation Department has provided microtransit services to the community for over five years. I do believe we missed the mark on advertising and marketing. So we're definitely pushing forward with advertising and marketing, collaborating with our Strategic Communications team to really get the word out because this is beneficial to students for Kansas City, Kansas Community College, even the high schools within that zone, job access, health care. It's great. **Commissioner Bynum** said yeah, because this is Amazon—**Ms. Bush** said yeah, Amazon. We have a lot of pickup and drop offs at Amazon.

Commissioner Bynum said certainly you could share with the committee or even the full commission, what has the ridership been? Because I'm embarrassed to tell you that I've been unaware that this service has been available all this time. I mean, I've been fully aware of RideKC Freedom and the things that we've got in place for folks with disabilities and things like that, but this particular microtransit service has completely gotten past me. So I'm glad to hear about it. **Ms. Bush** said I'm glad to present that information and I hope in the future that I could come back to standing committee or full commission and give you all general overview of all of our services and go over the data analysis. **Commissioner Bynum** said thank you very much. **Ms. Bush** said any other questions?

Federal Transportation Administration (FTA)
 Approved Projects

- **Regional Transit Corridor Improvements – 7th Street Corridor Project**
 - New Sidewalks
 - Upgrade the 7th & Minnesota Winkler Clock
 - Traffic Surveillance Cameras
 - Three (3) Kiosk

Project Amount: \$908,800
UG Match: \$227,200

Ms. Bush said now we'll jump into three projects that I am officially asking for ARPA funds to support our match requirement. The first one is the 7th Street Corridor Project. So, the 7th Street Corridor Project was actually funded by Surface Transportation Program funds, better known as STP, by the Federal Transportation Administration, better known as FTA, as I move forward using the acronyms. For the 7th Street Corridor Project we will collaborate with KCATA and they've already completed the RFP to move forward on this project. We will receive new sidewalks. This project will enhance the service area from 7th & Minnesota to 41st & Rainbow. This corridor area will actually receive transit related amenities such as ADA compliant bus shelters, benches, sidewalks, traffic surveillance cameras, which will be located on 7th & Minnesota, and three kiosks. We've already been approved for grant funding of roughly \$908,000. The match requirement, which is a 20% match, is \$227,200 and the total project is roughly \$1.1 million. Then lastly, we will finally upgrade our existing 7th & Minnesota Winkler Clock

Commissioner Bynum said do these need separate motions? **Commissioner Kane** said that's what I just asked. **Ms. Bush** said I believe so. **Ms. Bishop** said Commissioner, they do. We've got three separate resolutions in the three different packets, even though it's one presentation. **Commissioner Kane** said this is one of them, right? **Ms. Bishop** said correct. There are separate resolutions for the 7th Street Corridor Project, the Edwardsville Project, and the State Avenue Project, I believe, is what you've got. **Chairman Markley** said if we're going in order, we would start with the Edwardsville Microtransit Project. **Ms. Bush** said sorry about that, so I can jump over to the Edwardsville Project. **Commissioner Kane** said now you're killing me.

Chairman Markley said let's take this one at a time. Any questions specifically about Edwardsville? This is Item #3 in our agenda, Edwardsville Microtransit.

Action: **Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve.**

Chairman Markley said Clerk, is there anyone online looking to comment? **Ms. Sparks** said no. **Chairman Markley** said anyone here from the public wishing to comment? Roll call on that motion, please.

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

Ms. Bush said I just put them all within my PowerPoint. So let's start in order, Item #3 for the Edwardsville Project. Any other questions before I get started? Okay.

KDOT Access, Innovation, Collaboration (AIC) Project

The AIC Public Transit Program combines state and federal resources to enhance transit access, invest in emerging technologies, and collaborate with public and private transportation providers.

Approved Projects:

- Bus Facility Modernization - \$539k
- Fleet Modernization - \$300k
- Paratransit Software Enhancement - \$18k
- Accident Incident Management System - \$17k
- Edwardsville Microtransit Expansion - \$437k
- Non-Emergency Medical Transportation – \$138k

For the Edwardsville Project, we were actually funded by KDOT funds for the Access Innovation Collaboration grant, better known AIC. We were approved for six projects and I have them listed on the PowerPoint here, but we are in need of a match requirement for the Edwardsville Microtransit Expansion. Just to jump into the microtransit expansion and for clarity purposes, the amounts that you see include match for each project, but again, we need assistance match requirement only for Edwardsville.

AIC Match Request

Edwardsville Microtransit Expansion (KDOT Funded)

- Grant Award - \$394,144
- Match Requirement - \$43,800
- Total Allocation - \$437,944

Scan to View the NEW Zone:



I can talk about each project if you like, each approved KDOT project, but the previous projects are not a part of Item #3 Resolution that I'm requesting funds for. So for the AIC match, we received grant funds of roughly \$394,000, we're requesting match of \$43,800, for a total allocation of \$437,000. You're welcome to scan the QR code to take a look at the microtransit zone. This zone is going to be a great benefit to our county. It does support Edwardsville and it spans to the Legends area supporting Urban Outfitters and other Legends businesses. It creates job access, health care, we're connecting folks to the Walmart location. So this route by itself actually connects to the 101 State Avenue stop, and the 101 State Avenue stop frequency is every 30 minutes, and

we can transport passengers along State Avenue to 47th Transit Center where they can take another transit service as well, including our Midtown microtransit service.

Just to highlight a couple businesses in the area that we will support. It will be INS International, Office Depot, FedEx, Urban Outfitters, Bass Pro, Children's Mercy, Menards, so many others. Again, it definitely promotes and supports job access in our community, healthcare access, and grocery access.

Item No. 4 – RESOLUTION: TRANSIT GRANT FOR 7TH STREET CORRIDOR IMPROVEMENTS UTILIZING ARPA FUNDS AS MATCH

Synopsis: KCATA will manage the 7th Street Corridor transit project on behalf of UG. Implementation will be done in close cooperation with the UG Transit and UG Public Works staff, a match required of \$227,200, submitted by Deasiray Bush, Director of Public Transportation.

Federal Transportation Administration (FTA)
Approved Projects

- Regional Transit Corridor Improvements – 7th Street Corridor Project
 - New Sidewalks
 - Upgrade the 7th & Minnesota Winkler Clock
 - Traffic Surveillance Cameras
 - Three (3) Kiosk

Project Amount: \$908,800
UG Match: \$227,200

Chairman Markley said #4 on our agenda is the 7th Street Corridor Improvements, also utilizing ARPA funds as match.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve.**

Chairman Markley said I have a motion and a second. Clerk, anyone online looking to comment? **Ms. Sparks** said no hands are raised. **Chairman Markley** said anyone here in person? Alright, roll call on that motion.

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

Item No. 5 – 212773...RESOLUTION: STATE AVENUE TRANSIT ENHANCEMENTS UTILIZING ARPA FUNDS

Synopsis: Unified Government has received a \$1 million grant for State Avenue Transit Enhancements from the Federal Surface Transportation Program grant. This request is for \$200,000 for the 20% local match from ARPA set-aside funds, submitted by Deasiray Bush, Director of Public Transportation.

Chairman Markley said our last of this set of items is Item #5, the State Avenue Transit Enhancements, also utilizing that ARPA match.

Action: **Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve.**

Chairman Markley said I have a motion and a second. Anyone looking to comment online? **Ms. Sparks** said no hands are raised. **Chairman Markley** said anyone here in person? Roll call, please.

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

Commissioner Bynum said thank you for everything you're doing, I really appreciate it. The enhancements are exciting. The question I have is, can you give us an update on the Fairfax Microtransit, which is a pilot, I think? You're probably going to tell me we've been doing that for five years. **Ms. Bush** said actually, we were approved federal—not federal, but funding dollars to support a pilot zone, which is the Northeast zone. With this zone we actually plan to provide services from Central Avenue to Fairfax, north to south, and from North 38th Street to Levy Road, connecting our public to the 7th Street Transit Center for other fixed route connections to Kansas City, Missouri and Johnson County. I will tell you right now I'm collaborating with the Procurement Team to go out for RFP so we can connect the service to our Midtown zone, which, again, would be a wonderful benefit to the county because then you would be able to use Midtown

zone from 75th all the way to 7th Street. So we definitely look forward to it, and we're immensely excited to implement this new route.

Commissioner Bynum said you said Central to Fairfax. **Ms. Bush** said yes. **Commissioner Bynum** said as far as north to south. And then what did you say, east—west 38th to—**Ms. Bush** said it would be 38th Street to Levy Road. **Commissioner Bynum** said Levy Road. Okay, thank you. So, it's coming. **Ms. Bush** said yes, Commissioner, it's coming. Coming soon near you. Download Iris, please.

Mr. Howze said I probably should have started with this, but I realize that this is Ms. Bush's first appearance before this standing committee as the permanent Director for Transit. She was named that in early August, she served as the Interim Director in the first half of 2023 and proved herself certainly more than capable in that role. Throughout her career with the UG, she's been in Aging, she's been in Budget, Community Development, served on the CARES Team, and has a wide variety of experiences. So, we were very pleased that she was able to step into this role where she leads a team of really highly dedicated people who want to serve the public in the best way that they can. So, just wanted to recognize her and say congratulations and glad you're here. **Commissioner Bynum** said congratulations. **Ms. Bush** said thank you all, I appreciate the opportunity.

Item No. 6 – 212790...GRANTS: 2023-2024 CHILD DEATH REVIEW AND FATAL INFANT MORTALITY REVIEW TEAMS

Synopsis: Request to apply for the grant “2023-2024 grants to address: Building Capacity for Local, State, and Tribal Child Death Review and Fetal-Infant Mortality Review Teams” through the National Center of Fatality Review and Prevention, submitted by Hannah Lang and Christina VanCleave, Wyandotte County Health Department.

Christina VanCleave, Program Supervisor, Health Department, said I manage the Maternal Child Health Grant. Under our Maternal Child Health Grant is one of our programs, the Fetal Infant Mortality Review. We have had for the last several years a part-time Program Coordinator who runs our Community Action Team and the National Center for Fatality Review and Prevention opened up funding opportunities. We're applying for the grant and we're requesting

\$78,000 for this grant. So if we're awarded, we're asking this evening to allow us to accept those funds. With the funds, we are wanting to utilize our impact through COVID, the Community Action Team work really was put on hold. With this full-time position that she started in August has really done a lot of work in the last two months, but we really want to involve the community individuals that can really make changes and policy changes. We want to implement, enhance family interventions and implementing and enhancing the Community Action Team, Also, part of the funding would be for some of her salary because we are using some other funds outside of the grant to pay for her. So that's our request this evening.

Chairman Markley said any questions from the Commission? Clerk, anyone looking to comment online? **Ms. Sparks** said no hands are raised. **Chairman Markley** said anyone here in person? I would like to accept a motion.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Johnson, to approve acceptance of the grant should it be awarded.** Roll call was taken and there were four "Ayes," Kane, Johnson, Bynum, Markley.

Item No.7 – 212814...GRANT: LOCAL ENVIRONMENTAL PROTECTION PROGRAM (LEPP)

Synopsis: Request to apply for the Wyandotte County LEPP grant, to address repair/replacement of failing onsite wastewater systems and private water well testing in the amount of \$50,000 for a period beginning 11/1/2023 and ending 6/30/2024. No matching funds are required, submitted by Amanda Harrop and Jennifer Stewart, Wyandotte County Health Department.

Jennifer Stewart, Environmental Health Manager, Health Department, said I have Amanda up here with me. She's the Environmental Inspections Supervisor. She's just going to discuss a grant opportunity that we have. We are requesting approval to accept this grant. It's the Local Environmental Protection Program. They have offered us a grant that we would like to take. So Amanda's just going to give us a quick overview and we'll be done.

Amanda Harrop, Environmental Inspections Supervisor, said we have been awarded an opportunity at the Wyandotte County Public Health Department to receive a \$50,000 grant for a six-month period from the Local Environmental Protection Program, which is a program that is run through KDHE. What this grant will do is it will allow our lower income families to be able to apply and possibly qualify for assistance with repairing or replacing their on-site private wastewater management systems or septic systems. We also will have kits that will be available for anyone who has private well water for them to collect that sample. We will send it into KDHE to their lab and they will assess the quality of the drinking water from there. The amount is \$50,000 if I haven't said that already. That is to be used from November 1st until June 30th of 2024, in which time, if we have not used all of that grant money, we are allowed to keep it to continue to use it for those two purposes.

Chairman Markley said questions from any commissioner? Clerk, anyone online? **Ms. Sparks** said no hands are raised. **Chairman Markley** said I don't think anyone's left here in person, other than us, Commissioners, I would accept a motion.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve.** Roll call was taken and there were four "Ayes," Kane, Johnson, Bynum, Markley.

Public Agenda

No items of business.

Adjourn

Chairman Markley said thanks so much. Thanks, ladies. That concludes our meeting this evening. I will mention we've talked a lot about grants as a Commission, and five out of seven of our items tonight were either grants or grants requiring matching funds. I think that just shows how much this team is focused on bringing grants to our government, so we appreciate that. Alright, motion to adjourn will be entertained.

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

The meeting was adjourned at 7:05 p.m.

RM