



Full Commission Meeting Agenda

Thursday, November 3, 2016
7:00 PM

Location:

Municipal Office Building
701 N 7th Street, Lobby
Kansas City, Kansas 66101
Commission Chambers

Name

Absent

Mayor Mark Holland

☐

Commissioner At-Large Dist. 1 – Melissa Bynum

☐

Commissioner At-Large Dist. 2 – Hal Walker

☐

Commissioner Gayle E. Townsend

☐

Commissioner Brian McKiernan

☐

Commissioner Ann Brandau-Murguia

☐

Commissioner Harold Johnson

☐

Commissioner Mike Kane

☐

Commissioner Angela Markley

☐

Commissioner James Walters

☐

Commissioner Jane Philbrook

☐

SERGEANT-AT-ARMS: CAPTAIN MICHAEL VIVIAN

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY SISTER THERESE BANGERT, OUR LADY AND ST. ROSE CATHOLIC CHURCH**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO NOVEMBER 3, 2016 AGENDA**
- VI. MAYOR'S AGENDA**
- VII. ADMINISTRATOR'S AGENDA**

Item No. 1 - PRESENTATION: POLICE AWARDS

Synopsis: Police awards presented by Chief Terry Ziegler, KCKPD.

Tracking #: 16865

VIII. CONSENT AGENDA

(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any “set-asides” on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)

Item No. 1 - GRANT: VICTIMS OF CRIME ACT (VOCA)

Synopsis: Request permission to accept the FY17 Federal Victims of Crime Act (VOCA) grant in the amount of \$248,696 to fund office supplies for a 100% VOCA funded position and for emergency transportation, submitted by Kristen Czugala, Victim Services Unit/Police Department. The grant period runs Oct. 1, 2016 - Sept. 30, 2017. A 20% match is required which will consist of in-kind services and funds already included in the budget.

*On October 24, 2016, the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.*

Tracking #: 16809

Item No. 2 - REPORT: SOLID WASTE PLANNING COMMITTEE

Synopsis: Request approval of the Solid Waste Planning Committee's annual report of the Wyandotte County Solid Waste Plan as required by the Kansas Department of Health and Environment (KDHE), submitted by Tim Nick, Public Works Department.

*On October 24, 2016, the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.*

Tracking #: 16822

Item No. 3 - REQUEST: FUND KCATA GAP

Synopsis: Request approval to fund the gap between the 2017 Budget for Kansas City Area Transportation Authority (KCATA) services and the actual negotiated 2017 contract, submitted by Justus Welker, Transportation Director.

*On October 24, 2016, the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, voted unanimously to approve the elimination of the underperforming 105 Rosedale route and assuming complete operational control of the 102 Central Avenue route and to forward said recommendations to full commission.*

Tracking #: 16846

Item No. 4 - PLAT: SCHLITTERBAHN VACATION VILLAGE THIRD PLAT

Synopsis: Plat of Schlitterbahn Vacation Village Third Plat, located at 98th Street and Parallel Parkway, being developed by Schlitterbahn Waterparks & Resorts, submitted by Brent Thompson, County Surveyor, and Wayne Moody, Interim County Engineer.

This item was held over from the October 27, 2016 full commission meeting.

Tracking #: 16854

Item No. 5 – NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

Don Jolley to Alcohol & Advisory Board, 11/3/16 – 3/31/20, submitted by Commissioner Markley

Pat Dunn to Law Enforcement Advisory Board, 11/3/16 to 3/31/20, submitted by Commissioner Murguia

Tracking#: 16862

Item No. 6 - MINUTES

Synopsis: Minutes from special session of October 13, 2016.

Tracking #: MINUTES

Item No. 7 - WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated October 27 and 31, 2016.

Tracking #: WEEKLY BUSINESS MATERIAL

- IX. PUBLIC HEARING AGENDA**
- X. STANDING COMMITTEES' AGENDA**
- XI. COMMISSIONERS' AGENDA**
- XII. LAND BANK BOARD OF TRUSTEES' AGENDA**
- XIII. PUBLIC ANNOUNCEMENT**
- XIV. ADJOURN**



Staff Request for Commission Action

Tracking No. 16865

Full Commission Meeting Date: 11/3/16

Committee: Full Commission

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u> 10/31/2016	<u>Contact Name:</u> Terry Zeigler	<u>Contact Phone:</u> x6009	<u>Contact Email:</u> tzeigler@kckpd.org	<u>Department/Division:</u> Police Department
<u>Item Description:</u> Police awards presented by Chief Terry Ziegler, Kansas City, Kansas Police Department.				
<u>Action Requested:</u> Present awards				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				



Staff Request for Commission Action

Tracking No. 16809

Full Commission Meeting Date: 11/3/16

Committee: Public Works & Safety

Date of Standing Committee Action: 10/24/16

(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
10/28/2016	Kristen Czugala	x5656	kczugala@kckpd.org	Police Department

Item Description:

The KCKPD Victim Services Unit has been sustained by the VOCA Grant since 1999. In FY 2016, VOCA provided \$241,780 in grant funds to the VSU. The proposed budget for FY 2017 requests \$248,696 in grant funds. This budget is similar to the budget approved for FY 2016 and includes a request for an increase in funds for office supplies for a 100% VOCA funded position and for emergency transportation to assist victims with taxi vouchers to attend forensic interviews at Sunflower House for child abuse victims. Both of these requests would be 100% funded by the VOCA Grant. The VOCA grant requires a 20% Match, of which all match dollars are utilizing existing sources and no additional funds are requested from the UG. The application was due September 15, 2016. The grant period runs October 1, 2016 – September 30, 2017, however, awards are not announced until mid-November.

Action Requested:

Permission to accept the VOCA FY 2017 Grant award to continue sustaining the Victim Services Unit. Approval of the Match items at \$62,147 for a federal fund request of \$310,843. \$28,109 in match dollars will come from existing personnel and fringe expenses, \$975 from the PD Operating Budget for office supplies and 25% of our annual software contract, \$33,090 in-kind for gas and mileage for city vehicles, volunteer hours, postage, and rent value for VSU space. All match funds are utilized from already existing sources, and no additional dollars are being requested from the UG.

Budget Impact: (if applicable)

Amount: \$44,330.00

Source:

Included In Budget: Police Department Operating Budget - \$29,057

Other (explain): \$15,273 in-kind

Attachments List:

2017 VOCA Solicitation, 2017 Grant Project Budget



Governor's Grants Program

V
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A

FEDERAL VICTIMS OF CRIME ACT GRANT

**Fiscal Year 2017
Grant Application**

APPLICATION DEADLINE:

**SUBMITTED BY 11:59 p.m., SEPTEMBER 15, 2016
ON THE GRANT PORTAL**

For questions regarding application requirements, please contact the
Kansas Governor's Grants Program (KGGP) at 785-291-3205.

Federal Victims of Crime Act Victim Assistance Grant Guidelines

Grant Program Criteria and Grant Fund Use

The following information defines eligibility and accountability criteria and sets forth requirements for application and administration of grants awarded under the Federal Victims of Crime Act (VOCA) Victim Assistance grant program as established by 42 U.S.C. §10601 *et seq.* and amendments thereto. The VOCA grant program is funded from the Crime Victims Fund, generated by Federal criminal fines, penalties, and assessments.

- The Kansas Governor's Grants Program (KGGP) establishes policies and procedures for the VOCA Victim Assistance grant program, consistent with the requirements of the Federal VOCA Program Guidelines. The KGGP has the discretion to be more restrictive.
- In August 2015, the KGGP, with the assistance of a VOCA Planning Committee, developed a Strategic Plan (hereinafter "Strategy") to provide guidance for priorities in the administration of this federal VOCA program. Applicants should review the [Kansas Victims of Crime Act Strategic Plan](#) in its entirety and consider how the proposed VOCA project fits into the described goals and objectives. **Applications that clearly support the priorities, goals, and objectives of the Strategy will take precedence to the extent feasible when subgrant awards are determined.**
- VOCA funds are to be used by eligible public agencies, nonprofit, community, and faith-based organizations to provide direct services to crime victims. The KGGP has sole discretion for determining which organizations will receive funds and in what amounts, as long as the applicants meet the requirements of the Federal VOCA Program Guidelines and those set by the KGGP.
- For the purpose of this grant program, direct services are defined as those that (1) respond to the emotional, psychological, or physical needs of crime victims; (2) assist victims to stabilize their lives after victimization; (3) assist victims to understand and participate in the criminal justice system; or (4) restore a measure of safety for the victim. A "crime victim" is a person who has suffered physical, sexual, financial, or emotional harm as a result of the commission of a crime.
- A victim of a federal crime is a victim of an offense in violation of a federal criminal statute or regulation, including, but not limited to, offenses that occur in an area where the federal government has jurisdiction, whether in the United States or abroad, such as Indian reservations, national parks, federal buildings, and military installations.
- Direct services (1) must be provided to victims of federal crime on the same basis as to victims of crimes under State or local law; (2) must be provided regardless of a victim's participation in the criminal justice process; and (3) shall not be dependent on the victim's immigration status.

- Current VOCA subgrantees that are in good standing with grant compliance requirements will be given priority in receiving grant awards. In addition, priority will be given to applicants that provide on-going direct services to victims of crime.
- Priority shall be given to victims of sexual assault, domestic violence, and child abuse. Thus, a minimum of 10 percent of each federal fiscal year's grant (30 percent total) will be allocated to each of these categories.
- An additional 10 percent of each federal fiscal year's grant will be allocated to victims of violent crime (other than the "priority" category victims stated in the previous bullet) who were "previously underserved." These underserved crime victims of either adult or juvenile offenders may include, but are not limited to, victims of federal crimes; survivors of homicide victims; or victims of assault, robbery, gang violence, hate and bias crimes, intoxicated drivers, bank robbery, economic exploitation, fraud, or elder abuse.
- Domestic violence includes intimate partner violence.
- Victim of child abuse is a victim of crime, whereas such crime involved an act or omission considered to be child abuse under Kansas law. Victims of child abuse may include, but are not limited to, child victims of physical, sexual, or emotional abuse; child pornography-related offenses; neglect; commercial sexual exploitation; bullying; and/or exposure to violence.
- Elder abuse is the mistreatment of older persons through physical, sexual, or psychological violence, neglect, or economic exploitation and fraud.
- Applicants are encouraged to identify gaps in available services by victims' demographic characteristics. For example, in a given community, "underserved" crime victims may be best defined according to their status as senior citizens, non-English speaking residents, persons with disabilities, members of racial or ethnic minorities, or by virtue of the fact that they are residents of rural or remote areas, or inner cities.
- The KGGP may award VOCA funds to organizations that are physically located in an adjacent State, when there is an efficient and cost-effective mechanism available for providing services to victims who reside in Kansas. When grant awards are made to organizations in an adjacent State, the amount of the grant award must be proportional to the number of Kansans to be served by that organization.

Kansas Available Funding

Applicants should be aware that Kansas received a substantial increase to the VOCA grant program. To maximize the use of these funds and ensure access to services for all crime victims across state, organizations are strongly encouraged to engage community partners in identifying gaps, developing collaborative partnerships, and creating innovative ways to reach underserved populations of crime victims. Where multiple applications are received from the same

community, it will be critical that the applicants can demonstrate communication and planning to ensure proposed projects would complement one another and do not duplicate services. In addition, consider the benefits of regional projects to enhance collaboration, share personnel, and optimize match resources.

Eligibility Criteria

VOCA establishes eligibility criteria that must be met by all organizations that receive VOCA funds. Each applicant shall meet the following requirements:

- 1. Public Agency, Nonprofit, Community, or Faith-Based Organizations.** Applicants must be operated by public agencies, nonprofit, community, or faith-based organizations, or a combination of such organizations and must provide services to crime victims.
- 2. Record of Effective Services.** Applicants must demonstrate a record of providing effective services to crime victims. This includes having the support and approval of its services by the community, a history of providing direct services in a cost-effective manner and financial support from other sources.
- 3. New Organizations.** Applicants that have not yet demonstrated a record of providing services may be eligible to receive VOCA funding, if they can demonstrate that 50 percent or more of their financial support comes from non-federal sources. It is important that organizations have a variety of funding sources besides federal funding in order to ensure their financial stability.
- 4. Applicant Match Requirements.** The purpose of matching contributions is to increase the amount of resources available to the projects supported by grant funds. Non-federal matching contributions of 20 percent (cash or in-kind) of the total cost of each VOCA grant project (VOCA funds plus match) are required for each VOCA-funded grant project and must be derived from non-federal sources except as provided in the [Federal OJP Financial Guide](#) effective edition. **All funds designated as match are restricted to the same uses as the VOCA funds and must be expended within the grant project period.** The match must be provided on a project-by-project basis. Any deviation from this policy must be approved by the Federal Office for Victims of Crime and the KGGP.

Example:	Total Grant Project Cost	= \$50,000
	80% Federal Share	= \$40,000
	20% Non-Federal Match	= \$10,000

For purposes of this grant program, in-kind match may include donations of expendable equipment and office supplies, work space, or the monetary value of time contributed by professionals and technical personnel and other skilled and unskilled labor, if the services they provide are an integral and necessary part of a funded grant project. The value placed on donated services must be consistent with the rate of compensation paid for similar work in the applicant's organization. If the required skills are not found in the applicant's

organization, the rate of compensation must be consistent with the labor market. In either case, fringe benefits may be included in the valuation. The value placed on loaned or donated equipment may not exceed its fair market value. The value of donated space may not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in privately-owned buildings in the same locality.

a. Record Keeping for Match Requirements. Records must be maintained that clearly show the source, the amount and the period during which the match was allocated. The basis for determining the value of personal services, materials, equipment and space must be documented. Volunteer services used as match must be documented, and to the extent feasible, supported by the same methods used by the organization for its own paid employees. **The KGGP has the authority to require a non-federal cash match instead of an in-kind match.**

b. Exceptions to the 20 Percent Match.

i. Native American Tribes/Organizations Located on Reservations. American Indian tribes/organizations located on reservations are exempt from any match requirement. For the purpose of this grant, a Native American tribe/organization is defined as any tribe, band, nation, or other organized group or community, which is recognized as eligible for the special programs and services provided by the United States to Native Americans because of their status as Native Americans. A reservation is defined as a tract of land set aside for use of, and occupancy by, Native Americans. All organizations applying for these grant funds must meet the other eligibility requirements for subgrantee organizations.

ii. The match requirement may be waived if extraordinary need is documented and submitted to the KGGP by the applicant and approved by the Federal Office for Victims of Crime and the KGGP.

5. Volunteers. Volunteers must be used unless the KGGP determines there is a compelling reason to waive this requirement. Agency staff **cannot** be used as volunteer time for this purpose. A “compelling reason” may be a statutory or contractual provision concerning liability or confidentiality of counselor/victim information, which bars using volunteers for certain positions, or the inability to recruit and maintain volunteers after a sustained and aggressive effort. The applicant is responsible for providing in the grant application the documentation and reasons why volunteers cannot be used. This documentation should include, when applicable, a statutory cite that prohibits use of volunteers.

6. Promote Community Efforts to Aid Crime Victims. Applicants must promote within the community, coordinated public and private efforts to aid crime victims. Coordination may include, but is not limited to, serving on state, federal, local, or Native American task forces, commissions, working groups, coalitions, and/or multi-disciplinary teams. Coordination efforts also include developing written agreements that contribute to better and more comprehensive services to crime victims.

7. **Help Victims Apply for Compensation Benefits.** Such assistance may include identifying and notifying crime victims of the availability of compensation, assisting them with application forms and procedures, obtaining necessary documentation, checking on claim status, and/or providing a referral to a resource that will effectively provide these services.
8. **Comply with Federal Rules Regulating Grants.** Applicants must be in compliance with the applicable provisions of VOCA, the program guidelines, and the requirements of the [Federal OJP Financial Guide](#) effective edition, which includes maintaining appropriate programmatic and financial records that fully disclose the amount and disposition of VOCA funds. This includes: financial documentation for disbursements; daily time and activity records specifying time and type of service devoted to allowable VOCA victim services; client files; the portion of the grant project supplied by other sources of revenue; job descriptions; contracts for services; and other records which facilitate an effective audit.
9. **Maintain Civil Rights Information.** Maintain statutorily required civil rights statistics on victims served by race, color, religion, national origin, sex, age, and disability, within the timetable established by the KGGP; and permit reasonable access to its books, documents, papers and records to determine whether the organization is complying with applicable civil rights laws. This requirement is waived when providing a service, such as telephone counseling, where soliciting the information may be inappropriate or offensive to the crime victim.
10. **Comply with State Criteria.** Abide by any additional eligibility or service criteria as established by the KGGP including, but not limited to, submitting financial, statistical, and programmatic information on the use and impact of VOCA funds.
11. **Services to Victims of Federal Crimes.** Applicants must provide services to victims of federal crimes on the same basis as victims of state and local crimes.
12. **No Charge to Victims for VOCA-Funded Services.** Applicants must provide services to crime victims, at no charge, through the VOCA-funded grant project. Any deviation from the provision requires prior approval by the KGGP.

The purpose of the VOCA Victim Assistance grant program is to provide services to all crime victims regardless of their ability to pay for services rendered or availability of insurance or other third-party payment resources. It was never the intent of VOCA to exacerbate the impact of the crime by asking the victim to pay for services.

13. **Program Income.** Applicants must have the capability to track grant project income in accordance with federal financial accounting requirements. All VOCA-funded grant project and match income, no matter how large or small, is restricted to the same uses as the VOCA grant project. Applicants must have specific approval from the KGGP prior to earning program income.

Grant project income can be problematic because of the required tracking systems needed to monitor VOCA-funded income and ensure that it is used only to make additional services available to crime victims. For example, VOCA often funds only a portion of a counselor's time. Accounting for VOCA program income generated by this counselor is complicated, involving careful record keeping by the counselor, the organization, and the KGGP.

- 14. Confidentiality and Non-Disclosure of Confidential or Private Information.** Applicants must reasonably protect the confidentiality and privacy of persons receiving VOCA services. VOCA recipients shall not disclose, reveal, or release any personally identifying information or individual information collected in connection with VOCA-funded services requested, utilized, or denied, regardless of whether such information has been encoded, encrypted, hashed, or otherwise protected, without the informed, written, reasonably time-limited consent of the person about whom information is sought. Consent for release may not be given by the abuser of a minor, incapacitated person, or the abuser of the other parent of the minor. If a minor or a person with a legally appointed guardian is permitted by law to receive services without a parent's (or the guardian's) consent, the minor or person with a guardian may consent to release of information without additional consent from the parent or guardian.

If release of information described above is compelled by statutory or court mandate, the VOCA recipient shall make reasonable attempts to provide notice to victims affected by the disclosure of the information, and take reasonable steps necessary to protect the privacy and safety of the persons affected by the release of information.

Applicants shall not require a crime victim to provide a consent to release personally identifying information as a condition for the receipt of VOCA-funded services. Further, nothing in this section prohibits compliance with legally mandated reporting of abuse or neglect.

- 15. Confidentiality of Statistical and Research Information.** Except as otherwise provided by federal law, no organization receiving monies under VOCA shall use or reveal any research or statistical information furnished under this program by any person and identifiable to any specific private person for any purpose other than the purpose for which such information was obtained in accordance with VOCA. Research and statistical information identifiable to any specific private person and any copy of such information, shall be immune from legal process and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceeding. See Victims of Crime Act of 1984 codified at 42 U.S.C. §1060(d).

These provisions are intended, among other things, to ensure the confidentiality of information provided by crime victims to counselors working for victims' services programs receiving VOCA funds. Whatever the scope of application given this provision, it is clear that there is nothing in VOCA or its legislative history to indicate that Congress intended to override or repeal a state's existing law governing the disclosure of information that is supportive of VOCA's fundamental goal of helping crime victims. For example, this

provision would not act to override or repeal, in effect, a state's existing law pertaining to the mandatory reporting of suspected child abuse. See Pennhurst School and Hospital v. Haldermann, et al., 451 U.S. 1 (1981). Furthermore, this confidentiality provision should not be interpreted to thwart the legitimate informational needs of public agencies. For example, this provision does not prohibit a domestic violence shelter from acknowledging, in response to an inquiry by a law enforcement agency conducting a missing person investigation, that the person is safe in the shelter. Similarly, this provision does not prohibit access to a victim service grant project by a federal or state agency seeking to determine whether federal and state funds are being utilized in accordance with funding agreements.

Eligible Organizations

VOCA specifies that an organization must provide services to crime victims and be operated by a public agency, nonprofit, community, or faith-based organization, or a combination of such agencies or organizations, to be eligible to receive VOCA funding. Eligible organizations include, but are not limited to, victim services organizations whose sole mission is to provide services to crime victims. These organizations include, but are not limited to, sexual assault and rape treatment centers, domestic violence programs and shelters, child abuse programs, centers for missing children, mental health services, community and faith-based organizations, and other community-based victim coalitions and support organizations, including those who serve survivors of homicide victims.

In addition to victim services organizations, other public agencies, nonprofit, community, and faith-based organizations have components that offer services to crime victims. These organizations are eligible to receive VOCA funds, if the funds are used to expand or enhance the delivery of crime victim services. These organizations include, but are not limited to, the following:

- 1. Criminal Justice Agencies.** Agencies such as law enforcement organizations, prosecutors' offices, courts, corrections departments and probation and paroling authorities are eligible to receive VOCA funds to help pay for victim services. For example, prosecutor-based victim services may include victim-witness programs, victim notification and victim impact statements, including statements of pecuniary damages for restitution. Corrections-based victim services may include victim notification, restitution advocacy, victim-offender mediation programs and victim impact panels. Police-based victim services may include victim crisis units or victim advocates, victim registration and notification, and cellular phone and alarm services for domestic abuse victims. In general, VOCA funds may be used to provide crime victim services that exceed a law enforcement official's normal duties. Regular law enforcement duties such as crime scene intervention, questioning of victims and witnesses, investigation of the crime and follow-up activities may not be paid for with VOCA funds.
- 2. Faith-Based Organizations.** Such organizations receiving VOCA funds must ensure that services are offered to all crime victims without regard to religious affiliation and that the receipt of services is not contingent upon participation in a religious activity or event.

3. **Hospitals and Emergency Medical Facilities.** Such organizations must offer crisis counseling, support groups, and/or other types of victim services. In addition, the KGGP may only award VOCA funds to a medical facility for the purpose of performing forensic examinations on sexual assault victims if (1) the examination meets the standards established by the state, local prosecutor's office, or statewide sexual assault coalition; and (2) appropriate crisis counseling and/or other types of victim services are offered to the victim in conjunction with the examination. **State law requires counties where the alleged offense occurs to be responsible for the cost of conducting a sexual assault examination for the purpose of gathering evidence (K.S.A. 65-448 and amendments thereto).**
4. **Others.** State and local public agencies such as mental health service organizations, state/local public child and adult protective services, state grantees, legal services agencies and public housing authorities that have components specifically trained to serve crime victims.

Ineligible Organizations

Some public agencies, nonprofit, community, and faith-based organizations that offer services to crime victims are not eligible to receive VOCA Victim Assistance funding. These organizations include, but are not limited to, the following:

1. **Federal Agencies.** This includes U.S. Attorneys Offices and FBI Field Offices. Receipt of VOCA funds would constitute an augmentation of the federal budget with money intended for state agencies. However, private nonprofit organizations that operate on federal land may be eligible subgrantees of VOCA Victim Assistance funds.
2. **In-Patient Treatment Facilities.** This includes facilities that provide treatment to individuals with drug, alcohol and/or mental health-related conditions.

Allowable Direct Services, Activities, and Costs

The following is a list of services, activities, and costs that are eligible for support with VOCA funds:

- a. **Immediate Health and Safety.** Those services that respond to the immediate emotional and physical needs (excluding medical care) of crime victims such as crisis intervention; accompaniment to hospitals for medical examinations; hotline counseling; safety planning; emergency food, clothing, transportation, and shelter; and other emergency services that are intended to restore the victim's sense of security. This includes services that offer an immediate measure of safety to crime victims such as replacing broken windows and replacing or repairing locks.

Emergency shelter may also include short-term in-home care and supervision services for children and adults who remain in their own homes when the offender/caregiver is removed, as well as short-term nursing-home, adult foster care, or group-home placement for adults for who no other safe, short-term residence is available.

The term *immediate* for purposes of VOCA funding is intended to include those services that meet emergency victim needs for which other alternative sources of payment will not be available quickly enough to meet the victims' needs, typically within 48 hours. Agencies must ensure that victim compensation or the victim's health insurance, Medicaid, or other health care funding source cannot be made available to meet the emergency needs.

- b. Personal Advocacy and Emotional Support.** Those services that provide personal advocacy and emotional support, including working with a victim to assess the impact of the crime; identification of the victim's needs; case management; management of practical problems created by the victimization; identification of resources available to the victim; provision of information, referrals, advocacy, and follow-up contact for continued services as needed; and traditional, cultural, and/or alternative therapy/healing, such as art therapy and trauma-sensitive yoga.
- c. Mental Health Assistance.** Those mental health counseling and care services and activities that assist crime victims and/or victims' family members in understanding the dynamics of victimization and in stabilizing their lives after a crime. This includes outpatient therapy and counseling provided by a person who meets professional standards to provide these services in the jurisdiction in which the care is administered. Substance-abuse treatment is also allowable when the victim service provider can justify that the treatment is directly related to the victimization.
- d. Peer-Support.** Those activities that provide opportunities for victims to meet other victims, share experiences, and provide self-help, information, and emotional support.
- e. Assistance with Participation in Criminal Justice and Other Public Proceedings.** In addition to the cost of emergency legal services noted above in section a. "Immediate Health and Safety," other costs associated with helping victims participate in the criminal justice system and other public proceedings arising from the crime also are allowable. These services may include advocacy on behalf of crime victims; accompaniment to offices and court; transportation, meals, and lodging to allow a victim who is not a witness to participate in a proceeding; interpretation services for a non-witness victim; child care or respite care to enable a victim to attend activities related to the proceeding; notification to victims regarding trial dates and other key proceeding dates, case disposition information, and parole consideration procedures; assistance with victim impact statements; assistance with recovery of property retained for evidence; and assistance with restitution advocacy on behalf of the crime victim.
- f. Legal Assistance.** Those services which are reasonable and necessary as a direct result of the victimization. Allowable legal assistance services include those that help the crime

victim assert their rights as a victim in a criminal proceeding directly related to the victimization, or otherwise protect their safety, privacy, or other interests as a victim in such a proceeding; motions to vacate or expunge a conviction, or similar actions, where the jurisdiction permits such a legal action based on a person's being a crime victim; and those actions (other than tort actions) that, in the civil context, are reasonably necessary as a direct result of the victimization. Specifically, legal assistance might include, but is not necessarily limited to, proceedings for restraining or protective orders; family, custody, contract, housing and dependence matters as they directly relate to the crime; immigration assistance for victims of human trafficking, sexual assault, and domestic violence; intervention with creditors, law enforcement, and other entities on behalf of victims of identity theft and financial fraud; intervention with administrative agencies, schools/colleges, tribal entities, and other circumstances where legal advice or intervention would assist in addressing the consequences of the victimization. Agencies whose primary purpose is to provide emergency legal assistance may apply for this type of service. The KGGP may not consider a grant award for contracting to provide emergency legal services unless good cause is shown why no other emergency legal assistance is available.

- g. Forensic Medical Evidence Collection Examinations.** For victims of a sexually violent crime, forensic medical evidence collection exams are allowable costs only to the extent that other funding sources (such as state compensation, private insurance, or public benefits) are unavailable or insufficient and such exams conform to state evidentiary collection requirements (also refer to number three under Eligible Organizations on page nine of this solicitation). **State law requires counties where the alleged offense occurs to be responsible for the cost of conducting a sexual assault examination for the purpose of gathering evidence (K.S.A. 65-448 and amendments thereto).** Any forensic medical evidence collection examinations provided under this VOCA program must be conducted by a specially trained Sexual Assault Nurse Examiner and the service provider must provide appropriate referrals to local crisis center services, counseling services, and other types of victim services.
- h. Forensic Interviews.** Victim-centered forensic interviews are an allowable activity to the extent that the results of the interview will be used not only for law enforcement and prosecution purposes, but also for identification of needs such as social services, personal advocacy, case management, substance abuse treatment, and mental health services; interviews are conducted in the context of a multi-disciplinary investigation and diagnostic team, or in a specialized setting such as a child advocacy center; and the interviewer is properly trained to conduct forensic interviews appropriate to the developmental age and disabilities of children, or the developmental, cognitive, and physical or communication disabilities presented by adults.
- i. Transportation.** Transportation of victims specifically to receive services and to participate in criminal justice proceedings is allowable.
- j. Public Awareness and Presentations.** VOCA funds may be used to support awareness and education presentations that are made in schools, community centers, or other public

forums and that are designed to identify crime victims and provide or refer them to needed services. Specifically, activities and costs related to such programs including presentation materials, brochures, and newspaper notices can be supported with VOCA funds.

- k. Shelter and Transitional Housing.** Those costs associated with shelter and other transitional housing for crime victims who cannot safely return to their previous housing due to the circumstances of the victimization, and when other financial resources are not available to support such costs. Shelter and transitional housing related costs may include travel, first month's rental assistance, first month's utilities, and other costs incidental to the relocation to such housing, as well as voluntary support services such as childcare and counseling. VOCA recipients must demonstrate that affordable alternative and rental housing is not available on a case-by-case basis.
- l. Relocation Expenses.** Those reasonable costs associated with relocating a crime victim outside of the organization's service area when necessary for the crime victim's safety and well-being, including moving expenses, first month's rent, and first month's utilities.
- m. Special Services.** This includes services to assist crime victims with managing practical problems created by the victimization, such as acting on behalf of the victim with other service providers, creditors, or employers; assisting the victim to recover property that is retained as evidence; assistance in filing for compensation benefits; and helping to apply for public assistance.
- n. Personnel Costs.** Costs that are directly related to providing VOCA-allowable direct services and supporting activities, such as staff salaries and fringe benefits, including a pro-rated share of liability insurance; the cost of advertising to recruit VOCA-funded personnel; and the cost of training paid and volunteer staff.
- o. Supervision of Direct Service Providers.** The KGGP may provide VOCA funds for supervision of direct service providers when it determines that such supervision is necessary and essential to effectively providing direct services to crime victims. For example, the KGGP may determine that using VOCA funds to support a coordinator of volunteers or interns is a cost-effective way of serving more crime victims. The applicant is responsible for demonstrating how funds for supervision will be cost-effective in providing services.
- p. Multi-Disciplinary Response Activities and Coordination.** Activities that support a coordinated and comprehensive response to crime victim needs by direct service providers, including payment of salaries and expenses of direct service staff serving on child and adult abuse multi-disciplinary investigation and treatment teams, coordination with federal agencies to provide services to victims of federal crimes and/or participation on Statewide or other task forces, work groups, and committees to develop protocols, interagency, and other working agreements. Coordination activities that facilitate the provision of direct services, such as crisis response teams, multi-disciplinary teams,

coalitions to support and assist victims, and salaries and expenses of such coordinators are also allowable.

- q. Contracts for Professional Services.** At times, it may be necessary for VOCA-funded organizations to use a portion of the VOCA grant to contract for specialized services that are not available within the organization. Examples of these services include assistance in filing restraining orders or establishing emergency custody/visitation rights (the provider must have a demonstrated history of legal advocacy on behalf of crime victims); psychological or psychiatric services; or sign and/or interpretation for the hearing impaired or for crime victims whose primary language is not English.

Applicants are prohibited from requesting a majority of VOCA funds for contracted services. The applicant must demonstrate that any costs for contracted professional services are at a rate that does not exceed a reasonable market rate. The KGGP will only approve very limited and necessary contractual budget items.

- r. Automated Systems and Technology.** Those automated systems and technology that support delivery of direct services to victims, including personnel and hardware. It will be the responsibility of the applicant to clearly demonstrate in the application how such a project will enhance direct services; how the project or system will integrate with existing projects and systems; and how the costs of installation, training, ongoing operations, and any other related costs will be supported. Applicants should consult the [Federal OJP Financial Guide](#) effective edition when developing the proposed project.
- s. Skills Training for Direct Service Providers.** VOCA funds designated for training are to be used exclusively for developing the skills of direct service providers, including paid staff and volunteers, so that they are better able to offer quality direct services to crime victims. VOCA funds can be used for training both VOCA-funded and non-VOCA-funded service providers who work within a VOCA funded organization. **However, VOCA funds cannot be used for management and administrative training for executive directors, board members and other individuals who do not provide direct services.**

*Training of direct services personnel is essential to providing a trauma-informed, victim-centered response to crime victims. VOCA-funded staff will be expected to pursue foundational training, advanced training, and continuing education. VOCA recipients will be required to ensure that new staff members submit an application to the [Kansas Academy for Victim Assistance](#) (KAVA) and that a minimum of one staff member attend the annual Crime Victims' Rights Conference. Applicants are also encouraged to research discipline-specific victim services training opportunities. To the extent reasonable, training costs may be included in the VOCA application.

- t. Training Related Travel.** VOCA funds can support costs such as travel, meals, lodging, and registration fees for paid direct services staff to attend training within the state. This limitation encourages applicants to attend available training within their immediate

geographical area. Out-of-state training events may also be considered, however they will require prior approval from the KGGP.

- u. Operating Costs.** Certain organizational expenses and operating costs that are necessary and essential to providing direct services are allowable. Examples of allowable expenses include prorated costs of rent and utilities; local travel expenses for direct service providers; required minor building adaptations necessary to meet the Department of Justice standards implementing the Americans with Disabilities Act and/or modifications that would improve the organization's ability to provide services to crime victims; supplies; equipment use fees, when supported by usage logs; prorated costs of property insurance; printing, photocopying, and postage; brochures that describe available services; books and other victim-related materials; prorated costs for computer backup files/tapes and storage; security systems; and essential communication services, such as web hosts and mobile device services.
- v. VOCA Administrative Time.** VOCA funds may support costs of administrative time spent performing certain VOCA-required activities, that includes completing time and activity records; completing programmatic documentation, reports, and statistics; collecting and maintaining crime victims' records; conducting victim satisfaction surveys and needs assessments to improve victim services delivery in the project; and funding a prorated share of audit costs when the organization meets the Single Audit threshold.
- w. Renting or Leasing Vehicles.** VOCA funds may be used to rent or lease vehicles if it is demonstrated to the KGGP that such expenditure is essential to delivering services to crime victims. It is the responsibility of the applicant to explain why it is requesting to rent or lease a vehicle, and how those options are more effective and reasonable than to reimburse staff for personal vehicle mileage. A cost-benefit comparison of all three options must be explored and it must be shown how often vehicles will be used, cost, mileage, etc. VOCA funds may not be used to purchase vehicles.
- x. Maintenance, Repair, or Replacement of Essential Items.** VOCA funds may be used for the maintenance, repair, and replacement of items that contribute to maintaining a healthy and/or safe environment for crime victims, such as a furnace in a shelter. The KGGP will scrutinize each request for expending VOCA funds for such purposes to ensure the following: (1) the building is owned by the applicant organization and not rented or leased, (2) all other sources of funding have been exhausted, (3) there is no available option for providing the service in another location, (4) the cost of the repair or replacement is reasonable considering the value of the building, and (5) the cost of the repair or replacement is prorated among all sources of income. Any maintenance, repair, and/or replacement of essential items must be in compliance with the National Historic Preservation Act.
- y. Equipment and Furniture.** VOCA funds may be used to purchase furniture and equipment that provides or enhances direct services to crime victims, as demonstrated by the applicant. VOCA funds cannot support the entire cost of an item that is not used exclusively for victim-related activities. However, VOCA funds can support a prorated

share of such an item. In addition, VOCA funds cannot be used to purchase equipment for another organization or individual to perform a victim-related service. Examples of allowable costs may include beepers; multi-capability copy machines; computers; videotape cameras and players for interviewing children; two-way mirrors; and equipment and furniture for shelters, work spaces, victim waiting rooms, and children's play areas.

Non-Allowable Services, Activities, and Costs

The following services, activities, and costs, although not exhaustive, cannot be supported with VOCA funds.

- a. **Lobbying and Administrative Advocacy.** VOCA funds cannot support lobbying or advocacy activities with respect to legislation or administrative changes to regulations or administrative policy, whether conducted directly or indirectly.
- b. **Research and Studies.** VOCA funds cannot be used to pay for efforts conducted by individuals, organizations, task forces, or special commissions to study and/or research particular crime victim issues.
- c. **Active Investigation and Prosecution Activities.** VOCA funds cannot be used to pay for activities that are directed toward active investigations and prosecution of criminal activity. These activities include witness notification, management activities, and expert testimony at a trial. In addition, victim/witness protection costs and subsequent lodging and meal expenses are considered part of the criminal justice agency's responsibility and cannot be supported with VOCA funds.
- d. **Fundraising Activities.**
- e. **Capital Expenditures.** The costs of liability insurance on buildings, capital improvements, security guards and body guards, property losses, advertising expenses, real estate purchases, mortgage payments, audits, and construction cannot be supported with VOCA funds.
- f. **Compensation for Victims of Crime.** Reimbursing crime victims for expenses incurred as a result of a crime such as insurance deductibles, replacement of stolen property, funeral expenses, lost wages, and medical bills is not allowed.
- g. **Most Medical Costs.** VOCA funds cannot pay for nursing home care (except emergency short-term nursing home shelter as described under: Allowable Direct Services, Activities, and Costs), home health-care costs, in-patient treatment costs, hospital care, and other types of emergency and non-emergency medical and/or dental treatment. VOCA funds cannot support medical costs resulting from victimization.

- h. Administrative Staff Expenses.** VOCA funds cannot support salaries, benefits, fees, furniture, equipment, and other expenses of board members, executive directors, consultants, coordinators, and other administrators unless specifically allowed elsewhere in these guidelines.
- i. Costs of Sending Individual Crime Victims to Conferences.**
- j. Activities Exclusively Related to Crime Prevention.**
- k. Items pertaining to the area of magazine subscriptions or membership dues are not allowed.**
- l. Fringe benefit expenses that exceed the proportion of personnel funded by VOCA are not allowed.**

Supplanting

VOCA funds shall be used to supplement, **not** supplant, other federal, state, or local funds that would otherwise be available to assist victims of crime. The following guidelines should be used in determining the supplanting of funds. Although the examples provided below relate specifically to staffing scenarios, supplanting is not limited to personnel. Supplanting can occur in any budget line item if sufficient documentation cannot support that a VOCA grant award has not replaced funds otherwise available for the same program or purpose.

Guidance Regarding Supplanting

Defined: To reduce federal, state, or local funds for an activity specifically because VOCA funds are available (or expected to be available) to fund that same activity. VOCA funds must be used to **supplement** existing federal, state, or local funds for program activities and may **not replace** federal, state, or local funds that have been appropriated or allocated for the same purpose. Additionally, VOCA funding may not replace federal, state, or local funding that is required by law. In instances where a question of supplanting arises, the applicant or subgrantee may be required to substantiate that the reduction in funding from other sources occurred for reasons other than the receipt or expected receipt of VOCA funds.

Example 1 Organization A appropriated or otherwise secured funds in FY17 for salary and benefits for two victim advocates. In FY17, Organization A is awarded VOCA funds designated for the hiring of two additional victim advocates. Organization A expended the VOCA funds as intended, and now has four victim advocates.

In this scenario, Organization A has used VOCA funds to supplement existing funds for program activities. Thus, supplanting has **not** occurred. If any of the victim advocates had left the organization during FY17 and Organization A did not follow established recruitment procedures to replace these advocates, or utilized VOCA funding for those positions for other purposes, supplanting **would** have occurred.

Example 2 Organization B appropriated or otherwise secured funds in FY16 for salary and benefits for two victim advocates. Due to budget projections for FY17, Organization B expects to lay off one victim advocate (facts that Organization B is able to substantiate). In FY17, Organization B is awarded VOCA funds designated for the hiring of one additional victim advocate. At the beginning of FY17, Organization B lays off one victim advocate and uses VOCA funds to continue the salary and benefits for the other victim advocate.

In this scenario, Organization B will use VOCA funds to pay the salary and benefits for the one victim advocate who would have been laid off but for the availability of VOCA funds. Therefore, supplanting has **not** occurred.

Example 3 Organization C appropriates or otherwise secures funds in FY17 for salary and benefits for two victim advocates. Organization C plans to use VOCA funds to pay the salaries of two additional victim advocates. Subsequently, however, Organization C opts to use two current experienced employees for this effort, and uses VOCA funds to pay their salaries and benefits. In doing so, Organization C determined that the remaining employees could handle the services and did not attempt to backfill the positions.

In this scenario, by replacing existing funds with VOCA funds, supplanting **has** occurred. Although Organization C may use experienced staff to fill the new VOCA-funded victim advocate positions, use of the VOCA funds has not **supplemented** funds for program activities, but has **replaced** those funds through Organization C's decision not to hire replacements for staff designated for VOCA-funded activities.

Grant Application Deadline

Grant applications must be submitted via the Grant Portal **by 11:59 p.m. September 15, 2016.** Instructions for submitting applications via the Grant Portal are provided at the end of this document.

Grant Project Period

Grant projects funded by this grant program shall be for a period of 12 months from October 1, 2016 to September 30, 2017. Any funds not obligated by September 30, 2017, must be returned to the KGGP.

Grant Recipient Compliance and Reporting Requirements

If VOCA funds are awarded to the applicant, subgrantees will be expected to comply with the VOCA grant program requirements set out in the grant assurances, reporting requirements, and any requirements arising as a result of a compliance review. The KGGP will conduct a compliance review of each VOCA award. Failure to comply with these requirements may result in suspension or termination of grant funding.

In addition, subgrantees must comply with the provisions of the Federal Office of Management and Budget (OMB) Uniform Guidance for Federal Awards, [2 CFR Part 200](#) and the U.S. Department of Justice, Office of Justice Programs [Federal OJP Financial Guide](#) effective edition, which includes maintaining appropriate programmatic and financial records that fully disclose the amount and disposition of VOCA funds. This includes, but is not limited to:

- Financial documentation for disbursements;
- Daily time and activity records specifying time and type of service devoted to allowable VOCA activities;
- Grant project files;
- The portion of the grant project supplied by other sources of revenue;
- Job descriptions;
- Contracts for services;
- Statistical documentation; and
- Other records that facilitate an effective audit and grant analysis for compliance.

Agencies receiving a VOCA award are required to submit the following reports:

- **EEOP** Certification must be current with the U.S. Department of Justice, Office of Justice Programs, Office of Civil Rights.
- **Five Most Highly Compensated Officers** Certification must be submitted to open the award.
- A **Subgrant Award Report** will be due on or near October 1st.
- Monthly **Financial Status Report** provides fiscal information on expenditures made during the month. Monthly reimbursements are made based on these expenditure reports. These reports are due 10 calendar days after the end of each month or the first business day.

- Quarterly **Performance Measurement Tool (PMT) Report** provides grant project statistical data and accountability metrics. PMT Reports must be submitted via the Federal Office for Victims of Crime PMT website within 10 calendar days after the end of each quarter or the first business day. Completion of this PMT Report will require that all subgrantees utilize a survey to collect outcome data from crime victims served with these VOCA funds.
- Semi-annual **Grant Project Narrative Report** provides a narrative description of the activities provided with the grant funds and are due 10 calendar days after the end of each 6-month period or the first business day.
- The **Projection of Final Expenditures Report** is due July 10th or the first business day.
- Any other reporting procedures that may be required by the federal government or the KGGP.

Subgrantees submitting late, incorrect, or incomplete reports will not receive payment until the next scheduled payments for grant programs. Repeatedly late reports, failure to submit reports or supporting documentation required by the grant assurances, or failure to respond to compliance review findings in the timeframe provided will result in the suspension of grant funds. The subgrantee must come into compliance with grant requirements before grant funds will be paid.

Copies of all financial and statistical supporting documentation must be maintained by the agency for a period of five years following the closeout of the grant award.

Review of Applications

A grant review committee may assist the KGGP in determining grant awards for the Federal VOCA Victim Assistance Grant Program. Applicants will be notified via the Grant Portal of the grant award decision. Please do not call regarding the status of an application.

Each grant application will be evaluated using the following criteria:

- Applicant support of the goals and objectives of the VOCA Strategy
- Record of successful implementation of services in the victim services field
- Quality of any needs assessment in terms of proposed services
- Demonstration of clear, measurable and appropriate grant project objectives and activities that are consistent with the purpose areas outlined in the grant application instructions
- The efficacy of evaluative components, both programmatic and fiscal
- Relevant budget information
- Submission of all required documents and a complete application
- Applicant agency's ability to fulfill all of the requirements of the VOCA program

Resource and Contact Information

Visit the [KGGP Resource page](#) for more guidance on specific steps of submitting an application and for detailed [Grant Portal instructions](#). For technical assistance regarding the VOCA grant program guidelines or application submission, contact the Kansas Governor's Grants Program at 785-291-3205.

What an Application Must Include

Please read all grant requirements and instructions before completing the grant application. Submit application documents in 12 pt. Times New Roman, number the pages of the Project Narrative, and title each document filename as indicated below. Do not submit any section of the application in landscape format. Do not submit any items not specified in the instructions.

The application must include the following items:

- _____ General Information
- _____ Project Narrative
- _____ Grant Project Budget
- _____ Agency Budgets
- _____ Proof of 501(c)(3) status, if applicable
- _____ Certificate of Good Standing, if applicable
- _____ Board of Directors Information, if applicable
- _____ Federal Certifications

General Information

Applicants must complete the General Information page online. Please note that the language provided in the "Brief Description of Proposed Grant Project" field may be utilized on public websites and documents to describe the purpose of the project and accomplishments of the grant program.

Project Narrative

The following items must be included in the Project Narrative. Include each item in the order listed below and clearly label each section.

Prior Accomplishments

If the applicant received a 2016 VOCA award, describe specific agency accomplishments from the previous period that were funded, in whole or in part, by VOCA funds. Clearly state the 2016 approved Goals and Objectives and report the actual outcomes to date. Format:

2016 Goal I –

2016 Objective 1 –

2016 Actual Outcome -

Provide documented evidence and anecdotal examples that show how VOCA-funded goals and objectives were met or how progress was made toward achieving the stated goals and objectives. Provide statistics that document the project's performance and the timeframe represented by those statistics. Include the number of crime victims served by the project. Describe any evaluations that were conducted, explain the results, and describe how that information will be used to support and enhance the grant project.

Problem Statement and Needs Assessment

The submission of an application presumes there is a definable problem that will be addressed by the requested grant funds. Provide a detailed explanation of the problem that will be addressed, either in whole or in part, with the requested grant funds. Provide data that supports the problem to be addressed in the grant application and site the source of the data provided. Describe how the grant funds will address the problem. Describe any needs assessment that was used to develop the problem statement, such as an evaluation of agency service activity or other assessment. If the applicant is comparing local data to state or national data, include information that either establishes the need locally or describes why the local community is limited in resources to address the problem.

Justification of Need for Grant Funds/Increase Request

If the applicant received a 2016 VOCA award, explain why grant funds are needed to support the continuation of the project and why other funds are not available to support the project. In addition, if the applicant is requesting a new budget line item or funding increase to line items from the previous grant award, explain the need for additional funds and what additional activities and/or services will be provided. Describe how the increase to or addition of the new line item(s) is not supplanting other funds, per the definition provided on page 14 of this document. If the expenses are existing agency costs or activities, the non-supplanting explanation must include a description of how they were previously supported and why that support cannot continue to be utilized. The applicant must ensure that any request for additional funds outlined in the Project Narrative corresponds to the grant project budget submitted. The applicant should state whether other funds have been sought to support the program and describe the outcome of those efforts.

Grant Project Goal(s) and Objectives

State the goal(s) of the proposed grant project. This should not be the goals of the entire agency, but should be specific to the proposed VOCA-supported project. However, the goals for the grant project should be consistent with the mission and overall goals of the agency, as well as the results of any needs assessment.

List the objectives to be accomplished to achieve each goal listed. Objectives should be specific, measurable, realistic, and consistent with the goals of the grant project and cover a single event or outcome. Include the activities for each objective and explain how each objective will be measured. Specifically identify any evidence-based programs and/or practices being incorporated into the proposed objectives and activities. Please visit the [KGGP Resource page](#) for more guidance on developing goals and measurable objectives.

Example (follow the format below):

Goal I: Victims served will have increased knowledge of crime victim information and services.

Objective	Activities / Time Frame	Person Responsible
1. At the completion of advocacy and support services, 75% of crime victims will have a safety plan in place.	1a. Case manager will meet regularly with crime victims. Oct 2016 - Sept 2017	1. Case Manager
	1b. Crime victims will complete an exit survey at the completion of services.	
2. Staff will begin support groups that will meet twice a week for crime victims and their family members.	2a. A support group facilitator will be hired. By November 1, 2016	2a. Executive Director
	2b. Groups will meet twice a week. Nov 2016 - Sept 2017	2b. Group Facilitator

Grant Project Performance Measures and Results

Grant recipients will be required to demonstrate how the grant project was implemented and if the project achieved the results expected based on the data collected and evaluated. Please provide the following information:

- Describe the process to be used for monitoring the implementation, progress, and outcomes of the grant project.
- Describe what data will be collected.
- Describe how the data collected will be used to ensure the success of the grant project.
- Describe the criteria that will be used to evaluate the activities and/or services provided through the proposed grant project.
- Explain how the proposed objectives will be measured and how it will be determined whether the proposed grant project is effectively and efficiently reaching the proposed goals and objectives.
- Describe what the grant project will achieve.

Grant Project Staff

Provide a list of each staff member to be funded with the grant along with staff who will be responsible for monitoring and evaluating the grant project. Include the name, title, and a brief job description for each staff listed. In addition, describe how this staffing pattern will help meet the goals of the grant project.

Grant Project Collaboration

Grant funds are maximized when community agencies work together at all levels. Funding priority shall be given to agencies that demonstrate and maintain true collaboration. Applicants must provide the following information:

- Describe how and with what entities the applicant collaborates with or proposes to collaborate with to carry out the grant project.
- Describe any new collaborative efforts that the applicant will undertake during the grant period and the impact the collaboration will have on the grant project.
- Describe how collaboration with units of government and/or with organizations will maximize grant funds.
- List the point of contact for each agency the applicant will collaborate with during the grant period.
- Describe how VOCA funds will fulfill a gap in service and avoid duplication of services or resources in the applicant agency, related agency, or community.

Sustainability

Provide a detailed description that explains what efforts are being made, or will be made, to ensure the long-term fiscal and programmatic sustainability of the project and program. The applicant must detail how the project will be funded in future years if VOCA funding declines or is not available.

Underserved Populations

Define the underserved population identified in the applicant's service area, including those that may be underserved because of ethnic, racial or cultural background, language diversity, persons with disabilities, or geographic isolation. Use local data to support the populations identified as underserved. Provide the applicant's plan, including a description of the specific steps that will be taken by the applicant, to provide outreach and services to the underserved populations.

Dissemination of Crime Victims' Rights Information

Describe the applicant's written procedures for assisting victims of crime in seeking available crime victims' compensation benefits and informing crime victims of their rights as provided by law. The procedures must detail how victims will be informed of their statutory rights as provided in K.S.A. 74-7333 and amendments thereto.

Civil Rights Contact Information

Applicants must include the name, address, and telephone number of the civil rights contact person who is responsible for ensuring that all applicable civil rights requirements are met and who will act as liaison in civil rights matters.

DUNS Number and SAM Registration

Applicants must provide the agency's DUNS number and SAM expiration date. A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of entities receiving federal funds. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, simple, one-time activity. Obtain one by calling 1-866-705-5711 or by applying online at <http://www.dnb.com/us>. In addition, applicants shall ensure that the agency has "active" status in the U.S. System for Award Management (SAM) at <http://www.sam.gov> prior to submitting a VOCA application.

Grant Management Capacity

In accordance with requirements described in the Federal Office of Management and Budget (OMB) Uniform Guidance for Federal Awards, 2 CFR Part 200, the KGGP must assess the applicant's ability and capacity to implement the proposed VOCA project in full compliance with Federal statutes, regulations, and terms and conditions of a subgrant award. Applicants must provide the following information:

- Describe the applicant's written accounting policies and procedures and how often they are updated.
- Describe the applicant's procedures for ensuring that grant funds and associated match are accounted for separately and distinctly from other sources of revenue.
- Describe the applicant's accounting system, when the current system was implemented, its level of automation, and type(s) of technology utilized; describe any manual accounting processes used to complement the system.
- Describe the applicant's procedures for monitoring the approved grant project budget and tracking expenditures at a line item level.
- Describe the applicant's internal controls for ensuring that grant project expenditures are solely for allowable and approved purposes.
- Describe the applicant's reserve and/or capacity to manage a VOCA subgrant award on a reimbursement basis.
- Describe the knowledge, qualifications, experience, and training of programmatic and fiscal staff responsible for assuring grant compliance.
- Describe experience managing other grant funds awarded to the applicant agency, including the name of the grant program, the purpose of the program, the year(s) awarded, whether any monitoring was conducted by the funder(s), and what findings were cited by the funder(s).

Current Audit Report

All applicants **must** provide information on when the organization's most recent financial audit was completed, who performed the audit, what period it covered, whether the applicant met the threshold for a Single Audit, and where the audit is filed.

Nonprofit, community, or faith-based organizations must provide a copy of the most recent audit report, including the Single Audit report if applicable, and IRS Form 990 to the KGGP. If the KGGP has **not** previously received a copy of the nonprofit, community, or faith-based organization's most recent audit report and IRS Form 990, both items must be forwarded by U.S. Mail to: Kansas Governor's Grants Program, Landon State Office Building, 900 SW Jackson, Room 304 North, Topeka, KS 66612-1220. Include with the audit the Auditor's Letter to Management if applicable. If there are any findings and/or recommendations in the audit report or in the Letter to Management, explain how the findings and/or recommendations were, or will be, addressed by the applicant.

If the agency is a city or county government, a current audit does not need to be submitted. However, governmental agencies **must** still provide information on when the most recent audit was completed, who performed the audit, what period it covered, and where the audit is filed.

Grant Project Budget

The applicant must submit a grant project budget that is reasonable and cost effective. All grant project-specific budget information is completed online within the provided data fields of the Grant Portal. No *grant project* budgetary documents are uploaded as part of the application. See the detailed instructions that are appended to the end of this document for submitting the budget on the Grant Portal.

Requested line items must be clearly linked to the proposed activities to be conducted in achieving the goals and objectives of the project. The budget must adhere to allowable costs and activities as outlined in this VOCA solicitation, the Federal Office of Management and Budget (OMB) Uniform Guidance for Federal Awards, [2 CFR Part 200](#), and the U.S. Department of Justice, Office of Justice Programs [Federal OJP Financial Guide](#) effective edition.

As stated on page three of this solicitation, the KGGP must give priority for victims of sexual assault, domestic violence, child abuse, and underserved crimes by ensuring that a minimum of 10 percent of VOCA funds subgranted are for services in each of these areas (40 percent total). To assist the KGGP in documenting these allocations, applicants must indicate in the grant project budget the purpose for each line item by utilizing the appropriate field or fields: Child Abuse, Domestic Violence, Sexual Assault, Underserved Crimes, and/or Match. The allocation of requested grant project funds must correlate with the applicant's goals and objectives.

A detailed calculation and brief narrative explanation must be provided in the Description field of each line item. Calculations shall clearly demonstrate how the requested amounts were derived and must account for both the federal funds requested and the non-federal match provided. Personnel must be listed by the agency-assigned title for the position. Positions should be classified as "New" *only if* the requested position would be a new position for the agency. Personnel and associated fringe benefit costs must be demonstrated in terms of full compensation and the percentage of time to be devoted to the VOCA grant project for each position requested. Training events and other travel costs must be specifically identified to the extent possible. Following are examples of descriptions that might be used for line item requests. Please visit the [KGGP Resource page](#) for more guidance.

<u>Line Item</u>	<u>Federal Dom Viol</u>	<u>Federal Sxl Asslt</u>	<u>Match</u>	<u>Description</u>
Volunteer Coordinator	\$16,808	\$ 1,868	\$ 4,669	Full-time, salaried, 50% of time on project, approved for 2% raise on Jan 1 st : (\$46,000 x .25 year) + (\$46,920 x .75 year) = \$46,690 x 50% = \$23,345; 40% federal/10% match is SGF grant
SA Support Group Facilitator	\$ 0	\$ 7,917	\$ 0	Full-time, hourly, 40 hrs/wk, 25% of time on project; approved for 2% raise on Jan 1 st : (\$15.00/hr x 520 hrs) + (\$15.30/hr x 1,560 hrs) = \$31,668 x 25%

(continued on next page)

<u>Line Item</u>	<u>Federal Dom Viol</u>	<u>Federal Sxl Asslt</u>	<u>Match</u>	<u>Description</u>
Volunteers (In-Kind)	\$ 0	\$ 0	\$ 2,130	Volunteers for evening and weekend hotline coverage: \$10/hr based on comparable compensation x 213 hours
FICA	\$ 1,286	\$ 748	\$ 357	7.65% x \$31,262 requested salaries = \$2,391; match is SGF grant
Conferences/ Workshops	\$ 671	\$ 821	\$ 373	·Crime Victims' Rights Conference, April '17, Wichita: (\$100 registr. x 2 staff) + (200 mi. x \$.50/mi. x 1 vehicle) + (\$90/nt. x 2 nights x 2 staff) + (\$30/day meals x 3 days x 2 staff) = \$840; ·KAVA, summer 2017, Manhattan: \$225 registration + (270 mi. x \$.50/mi) + (\$100/nt. x 5 nights) + (\$30/day meals x 5.5 days) = \$1,025; 80% federal/20% match is city funds
Laptop Computers	\$ 306	\$ 204	\$ 128	Two laptop computers at \$850 each: (\$850 x 50% Volunteer Coordinator) + (\$850 x 25% Support Grp Facilitator) = \$638; 80% federal/20% match is SGF grant

*This example assumes the applicant is a victim services crisis center for domestic violence and sexual assault crime victims.

Current and Next Fiscal Year Agency Budgets

Upload the applicant's current and next fiscal year budgets, including balanced **income and expenses**. Include the fiscal period utilized by the agency. List all staff positions separately with their respective salaries/wages. If the applicant is under the umbrella of a larger entity, submit the budget developed for the applying program. Agency income must list **all** sources of financial support (i.e. foundations, government agencies, fund-raising events, individual contributions). For each income source, state the amount and its status (received, requested, committed, or projected). If the income is requested or projected, state the date the program expects to be notified of the funding decision or the date the program anticipates collecting the income. Include the appropriate pro-rated portion of this grant application request as budgeted income with a "requested" status. Also, be sure that all line items requested in this application can be found in the organization's budget for expenses.

Example of budget income only:

Fiscal Year January 1-December 31, 2016

SOURCE:	AMOUNT:	STATUS:	DATE:
City of 'xx'	\$ 50,000	Projected	10/16
United Way	5,000	Received	1/16
Walk-A-Thon	500	Collected	4/16

'16 VOCA-GOV	22,645	Received	10/15
'17 VOCA-GOV	7,561	Requested	8/16
'16 SGF-GOV	24,000	Received	7/15
'17 SGF-GOV	<u>25,000</u>	Received	7/16
Total Organization Income	\$134,706		

***Note:** -Budget expenses are also required.
 -Repeat for Next Fiscal Year.

Proof of 501(c)(3)

If the applicant is a nonprofit, community, or faith-based organization, upload as an attachment proof of the applicant's exempt status as determined by the Internal Revenue Service.

Certificate of Good Standing

If the applicant is a nonprofit, community, or faith-based organization, upload as an attachment a current (less than one year old) copy of the applicant's Certificate of Good Standing from the Kansas Secretary of State's Office, available by calling (785) 296-4564 or online at http://www.kssos.org/other/certificate_good_standing.html.

Board of Directors

If the applicant is a nonprofit, community, or faith-based organization, the applicant must upload as an attachment a list of the organization's Board of Directors. The attachment must include each board member's name, profession, address, phone number, email address (if available), and the member's term of service.

Federal Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements

The applicant must read, sign, and upload the three-page required certification form regarding lobbying; debarment, suspension, and other responsibility matters; and drug-free workplace requirements. The certification form is appended to the end of this document.

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE CHIEF FINANCIAL OFFICER

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER
RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Acceptance of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying," 2 CFR Part 2867, "DOJ Implementation of OMB Guidance on Nonprocurement Debarment and Suspension," and 28 CFR Part 83, "Government-wide Debarment and Suspension," and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

Pursuant to Executive Order 12549, Debarment and Suspension, implemented at 2 CFR Part 2867, for prospective participants in primary covered transactions, as defined at 2 CFR Section 2867.20(a), and other requirements:

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Have not within a two-year period preceding this application been convicted of a felony criminal violation under any Federal law, unless such felony criminal conviction has been disclosed in writing to the Office of Justice Programs (OJP) at Ojpcompliance@usdoj.gov, and, after such disclosure, the applicant has

received a specific written determination from OJP that neither suspension nor debarment of the applicant is necessary to protect the interests of the Government in this case.

(d) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and

(e) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. FEDERAL TAXES

A. If the applicant is a corporation, the applicant certifies that either (1) the corporation has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, or (2) the corporation has provided written notice of such an unpaid tax liability (or liabilities) to OJP at Ojpcompliancereporting@usdoj.gov, and, after such disclosure, the applicant has received a specific written determination from OJP that neither suspension nor debarment of the applicant is necessary to protect the interests of the Government in this case.

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

4. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 83, Subpart F, for grantees, as defined at 28 CFR Sections 83.620 and 83.650:

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN:

Control Desk, 810 7th Street, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

4. Typed Name and Title of Authorized Representative

5. Signature

6. Date

FY 2016 PROGRAM BUDGET – INCOME

SOURCE:	AMOUNT:	STATUS:	DATE:
Unified Government of WyCo/KCK-cash	\$ 47,485	Committed	08-13-2015
Unified Government of WyCo/KCK – In-kind	\$ 12,960	Committed	8-13-2015
VOCA-GOV	<u>\$ 241,780</u> \$ 302,225	Requested	8-25-2015

FY 2017 PROGRAM BUDGET - INCOME

SOURCE:	AMOUNT:	STATUS:	DATE:
Unified Government of WyCo/KCK-cash	\$ 49,187	Committed	9-15-2015
Unified Government of WyCo/KCK – In-kind	\$ 12,960	Committed	9-15-2015
VOCA-GOV	<u>\$ 248,696</u> \$ 310,843	Requested	9-15-2015

PERCENT OF TIME DEDICATED BY PRIORITY AREA

Sexual Assault: 15%
Domestic Violence: 35%
Child Abuse: 10%
Underserved: 40%

Czugala (90% VOCA): SA = 30%, DV = 10%, CA = 10%, US = 50%

Rodriguez (90% VOCA): SA = 10%, DV = 20%, CA = 10%, US = 60%

Moore (90% VOCA): SA = 10%, DV = 40%, CA = 10%, US = 40%

Gordillo (100% VOCA): SA = 10%, DV = 70%, CA = 10%, US = 10%

Kennedy (VOCA Match Volunteer Hours): SA = 10%, DV = 10%, CA = 10%, US = 70%

BUDGET NARRATIVE EXPENSES – VOCA FY 2016

Name/Position or Item with Description	Purpose	Location	Computation	Request
Federal Personnel:				
Program Supervisor (E) (Czugala)	Supervise staff and oversee program, provide direct services to victims including 24/7 on-call rotation, initial contact, mental health referrals etc and VOCA required reports		Salary: 10/1/16 to 9/30/17 \$4,810/mo x 3 mos x 75% \$4,907/mo x 9 mos x 75%	\$43,945
Advocate 1 (E) (Rodriguez)	Provide direct advocacy services to crime victims including 24/7 on-call rotation, initial contact, bi-lingual Spanish/English		Salary: 10/1/16 to 9/30/17 \$3,171/mo x 3 mos x 75% \$3,235/mo x 9 mos x 75%	\$28,971
			Overtime: 10/1/16 to 9/30/17 3hrs/week x (\$27.49/hr x 13 wks + \$27.99/hr x 39wks) x 75%	\$3,260
Advocate 2 (E) (Moore)	Provide direct advocacy services to crime victims including 24/7 on-call rotation, initial contact		Salary: 10/1/16 to 9/30/17 \$3,297/mo x 3 mos x 75% \$3,363/mo x 9 mos x 75%	\$30,118
			Overtime: 10/1/16 to 9/30/17 3hrs/week x (28.53 x 13 weeks +29.10 x 39 wks) x 75%	\$3,388
PFA Advocate (E)	Assist victims seeking protection orders including screening, safety planning and lethality assessments. (New Position)		Salary: 10/1/16 to 9/30/17 \$3,176/mo x 3 mos \$3,239/mo x 9 mos	\$38,679
			TOTAL FED PERSONNEL (includes OT for Advocates)	\$148,361
Federal Fringe Benefits:				
FICA 1 & 2	Employer's Share		\$148,361 x 7.65%	\$11,350
Unemployment	Employer's Share		\$148,361 x .10%	\$149

KPERS	Employer's Share		\$148,361 X 10.18%	\$15,103
Health Insurance	Czugala: 2015: Employer's share family coverage under the traditional plan for medical, dental, & vision includes \$3.00/mth for Std Life Insur Rodriguez: 2015-2016: Employer's share single coverage under traditional plan for medical, dental, & vision, includes \$3.00/mth for Std Life Insur Moore: 2016: Employer's share single coverage under traditional plan for medical, dental & vision, includes \$3/mo for Std Life Insurance TBD PFA Advocate: 2016: Employer's share family coverage under the traditional plan for medical, dental & vision, includes \$3.00/mth for Std Life Insur		2016: 1 employee x \$1139/mo x 75% x 12 mos 2016: 1 employee x \$489/mo x 75% x 12 mos 2016: 1 employee x \$489/mo x 75% x 12 mos 2016: 1 employee x \$489/mo x 100% x 12 mos TOTAL FEDERAL FRINGE TOTAL FEDERAL PERSONNEL, OVERTIME & FRINGE	\$10,251 \$4,401 \$4,401 \$5,868 \$51,523 \$199,884
Match Personnel: Program Supervisor (E)	(Police Services Budget) Employer's Share		10/1/16 to 9/30/17 \$4,810/mo x 3 mos x 15% \$4,907/mo x 9 mos x 15%	\$8,789
Advocate 1 (E)	Employer's Share		10/1/16 to 9/30/17 \$3,171/mo x 3 mos x 15% \$3,235/mo x 9 mos x 15%	\$5,794
Advocate 2 (E) (Moore)	Employer's Share		10/1/16 to 9/30/17 \$3,297/mo x 3 mos x 15% \$3,363/mo x 9 mos x 15%	\$6,023

Intern – Volunteer Hours	Social Work Intern to provide advocacy services to felony victims of crime also needing mental health support		10/1/16 to 4/30/17 \$20.24/hr x 8 hrs/wk x 30 wks	\$4,857
Match Fringe Benefits: FICA 1 & 2	(Police Services Budget) Employer's Share		Total Match Personnel	\$25,463
Unemployment	Employer's Share		\$20,606 x 7.65%	\$1,576
KPERS	Employer's Share		\$20,606 x .10%	\$20
Health Insurance	Czugala: 2015-2016: Employer's share family coverage under the traditional plan for medical, dental, & vision includes \$3.00/mth for Std Life Insur		2016: 1 employee x \$1,139/mo x 15% x 12 mos	\$2,050
	Rodriguez: 2015-2016: Employer's share single coverage under traditional plan for medical, dental, & vision, includes \$3.00/mth for Std Life Insur		2016: 1 employee x \$489/mo x 15% x 9 mos	\$880
	Moore: 2016: Employer's share single coverage under traditional plan for medical, dental & vision, includes \$3/mo for Std Life Insurance		2016: 1 employee x \$489/mo x 15% x 3 mos	\$880
			Total Match Fringe	\$7,503
			TOTAL MATCH PERSONNEL & MATCH FRINGE	\$32,966
Federal Travel & Training* Conferences/Workshops	2017 Kansas Crime Victims' Rights Conference for 2 staff members	Wichita, KS	Registration with preconference \$175, tolls \$20, Meals \$59 x 4 days first and last at 75%, hotel \$105 x 3 nights x 2 staff	\$1,433
	KAVA- New staff member PFA Advocate	Manhattan, KS	Registration \$350 + Hotel \$100x 5 nights + Meals \$51 x 6 days, first and last at 50% + mileage \$.54 x 275	\$1,280

(Advanced Conferences)	Crimes Against Children Conference –Supervisor & Advocate 1	Dallas, TX August 2017	Registration \$500 + Hotel \$175 x 4 nights + meals \$64 x 5 days, first and last at 75% + airfare \$300 x 2 staff	\$3,576
	NOVA – National Organization for Victim Assistance Conference – Advocate 2 & PFA Advocate	TBD, August 2017	Registration \$370 + Hotel \$205 x 5 nights + meals \$71 x 6 days, first and last at 75% + airfare \$350 x 2 staff	\$4,271
	Conference on Crimes Against Women – Supervisor & Advocate 2	Dallas, TX May 2017	Registration \$500 + Hotel \$175 x 4 nights + meals \$64 x 5 days, first and last at 75% + airfare \$300 x 2 staff	\$3,576
	Arte Sana – Nuestras Voces Bilingual Advocate Conference – Advocate 1 & PFA Advocate	TBD, TX Fall 2017	Registration \$200 + Hotel \$175 x 4 nights + meals \$64 x 4 days, first and last at 75% + airfare \$300 x 2 staff	\$3,576
	Domestic Violence Spanish Interpretation Class	Kansas City, MO	Registration \$450	\$450
Match Travel & Training Vehicles provided by the UG to respond to crime scenes, community events.	(Police Services Budget) Provided by the UG for Program Supervisor and Advocates to respond to crime scenes and work related events.	TOTAL FEDERAL TRAVEL & TRAINING		\$18,162
		Car 1	8,000 miles x \$.54 x 90%	\$3,888
		Car 2	8,000 miles x \$.54 x 90%	\$3,888
		Car 3	8,000 miles x \$.54 x 90%	\$3,888
		Total Match Travel & Training		\$11,664
		Total Federal and Match Travel & Training		\$29,826
Federal Supplies and Communication				
Printing*	English and Spanish Resource Cards to provide to victims and for promotional awareness		1,000 cards at \$210 x 15	\$3,150
	English and Spanish		1,000 brochures at \$205 x	

	Brochures to provide to victims and for promotional awareness	15	\$3,075
Office Supplies	Paper, pens, pencils, ink, etc.	\$250/month x 75% x 12 months for Program Supervisor, Advocates 1 & 2 + \$150/month x 12 months for PFA Advocate (100% VOCA funded – high printing volume required)	\$2,250 \$1,800
R/Client Software	Data system to input victim information, retrieve report numbers and services. This was previously funded through another grant that ended in December 2013.	\$900/year x 75%	\$675
Waiting area furniture for PFA Advocate's Office (100% funded)	Table for completing paperwork and children's furniture	1 table \$300, 1 children's size table w/ chairs \$300	\$600
		TOTAL FEDERAL SUPPLIES AND COMMUNICATION	\$11,550
Match Supplies and Communication	(Police Services Budget)		
R/Client Software	Data system to input victim information (see above)	\$900/year x 25%	\$225
Office Supplies	Paper, pens, pencils, ink, etc.	\$250/month x 25% x 12mos	\$750
Postage*	Letters to victims	640 letters/month x 12mos x \$.47/letter	\$3,609
		Total Match Supplies	\$4,584
		Total Federal and Match Supplies and Communication	\$16,134
Match Facilities Cost	Office space, utilities, janitorial services	\$1,200/month x 12 mos x 90% (\$12/sf/yr at 1,200 sf)	\$12,960
Rent – (Market value)		Total Match Facilities	\$12,960

Federal Other Costs				
Direct Assistance to Victims for Immediate Health and Safety* Emergency Transportation	For Victims to get to and from criminal justice/advocacy appointments including Forensic Interviews for child abuse victims		\$1.50 per pass x 2,200 passes + \$50/taxi ride (to Sunflower House) x 5/month x 12 mos	\$6,300
Crisis Intervention supplies	Emergency supplies to provide victims at crime scenes or when in crisis at our office. Items include Kleenex, water, blankets, single meals, etc. – To be purchased as needed		\$100/month x 12 months	\$1,200
Advocacy Books for Victims	Pre-printed books for Homicide Survivors. Information about secondary victimization, coping with trauma, and healing.		100 books at \$9.50/book	\$950
Emergency Safety and Shelter	Repairs for broken doors and windows damaged by victim's abuser, hotel room for a victim and children if shelters are full and the abuser has access to the victim's home.		\$600/emergency x 12	\$7,200
	Replace locks for doors where abuser still has the key and is easily entering the home to commit more crimes. Hire a local locksmith to install/rekey locks.		\$150/emergency x 23	\$3,450
			TOTAL FEDERAL OTHER COSTS	\$19,100
			TOTAL FEDERAL	\$248,696
			Total Match	\$62,174
			GRAND TOTAL	\$310,870

*The Victim Services Unit only provides services to victims of crime during VOCA federal and VOCA match hours. During the 10% of time paid for by the Unified Government that is not used as match, VSU personnel perform other duties that are not related to direct services to crime victims. Such activities include responding to suicides, accidents, and natural deaths or attending trainings that are not victim services related (leadership training or suicide prevention). Therefore, any funds for training, supplies, or other costs that are directly related to providing services to victims are requested at 100%. For more information about how this time is differentiated, please see the Project Narrative.



Staff Request for Commission Action

Tracking No. 16822

Full Commission Meeting Date: 11/3/16

Committee: Public Works & Safety

Date of Standing Committee Action: 10/24/16

(If none, please explain):

Publication Required: No

<u>Date:</u> 10/25/2016	<u>Contact Name:</u> Jeff Fisher, Mike Tobin	<u>Contact Phone:</u> x5415,	<u>Contact Email:</u> jfisher@wycokck.org, mtobin@wycokc.org	<u>Department/Division:</u> Public Works
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Item Description:

It is required by the Kansas Department of Health and Environment (KDHE) that each county has a Solid Waste Planning Committee. It is also required by KDHE that the Solid Waste Master Plan be reviewed on an annual basis by the Committee and be approved by the Board of County Commissioners. The review should address any changes in the solid waste management system since the last plan review and also include the recommendations of the committee.

The attached document includes the minutes of the Solid Waste Planning Committee yearly review.

Action Requested:

It is requested that the Standing Committee accept and approve the review and recommendations of the Solid Waste Planning Committee and forward to the Full Commission for approval.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Solid Waste Planning Committee minutes

**Wyandotte County Solid Waste Management Committee
May 18, 2016 Annual Meeting Minutes**

Attending: Richard Mabion, Amber McCullough, Zack Daniel, Kirk Suther, Bruce Chladny, and Stephanie Kalthoff.

1. ***Approval of April 30, 2015 and July 30, 2015 Minutes.*** Richard made a motion to accept both the minutes. Bruce seconded the motion. Motion carried.
2. ***2015 Five-Year Update to Wyandotte County Solid Waste Plan.*** Kirk reported that Kansas Department of Health and Environment has approved our 2015 Five Year Update of our Wyandotte County Solid Waste Plan. To practice what we advocate, an electronic copy of the 2015 Updated Plan was sent to the Wyandotte County Solid Waste Committee.
3. ***Review of Solid Waste Plan.*** A Power Point presentation giving an overview of the Wyandotte County Solid Waste Plan was presented. The infrastructure of the systems in place to manage solid waste were discussed such as residential trash services, curbside recycling services, drop off recycling centers, glass recycling, business recycling options, yard waste diversion, food waste diversion, and special waste diversion.
4. ***Review of 2015 Updated Goals.*** As part of the PowerPoint presentation we looked at results of newly adopted goals. When evaluating the types of strategies to incorporate in order to reduce the amount solid waste disposed of, the major waste reduction strategies are reduce, reuse, recycle, yard and food waste reduction, and special waste reduction. The following goals were adopted as part of the Wyandotte County's Solid Waste Plan 5-year update conducted in 2015.

Reduce and Reuse Strategies:

1. *Continuation of education for Local Government employees with reduce, reuse, and recycling strategies.*
2. *Continue operation of the Unified Government SWAP: Surplus with a Purpose. This program collects extra office supplies and has them available for reuse by other departments.*
3. *Educate residents and businesses about waste reduction ideas.*
4. *Educate and encourage public to utilize reuse facilities, e.g. thrift shops etc.*
5. *Educational information to encourage grass-cycling.*
6. *Encourage government, schools, and business procurement policies for promoting source reduction.*

Recycling Strategies for Residents:

1. *Continue on-going efforts to educate residents about solid waste disposal and recycling services available to them.*
2. *Continue the curbside recycling program in Kansas City and Bonner Springs.*
3. *Investigate potential of curbside recycling for Edwardsville.*
4. *Continue providing containers for special events recycling.*
5. *Continue on-going office recycling program for Local Governments.*

6. *Encourage and promote participation from the community to utilize recycling centers and drop off containers.*
7. Encourage and promote the participation of residents and businesses with the glass recycling drop off containers of Ripple Glass.

Recycling Strategies for Businesses:

1. Identify the current infrastructure available for businesses and apartment complexes for recycling.
2. Develop recycling educational resources for businesses and apartment complexes.
3. Promote and encourage recycling for businesses and apartment complexes.

Yard Waste Reduction Strategies:

1. Continue to promote Wyandotte County Yard Waste drop off center.
2. Cooperative educational programming with K-State Extension on composting.
3. Identify the infrastructure in place to handle a higher volume of dead trees as a result of diseases or pests such as the emerald ash borer.

Food Waste Strategies:

1. Investigate to see what type of infrastructure and/or programming is available to address food waste in both the residential and business waste streams.

Special Wastes:

1. Continuation of the household hazardous waste collection days for residents of Wyandotte County, if budget allows.
2. As long as resources are available, implement e-waste drop off events for the public.
3. Development and implementation of programming to address the problem with illegal dumping and illegal tire dumping in Wyandotte County.

Amber gave some updates of 2015 activities from the city of Bonner Springs. They have paper recycling and aluminum recycling in their municipal offices. They have a reuse program for both office supplies and office equipment. The Bonner Springs Library did an e-waste recycling event and shredding event. They hold a yearly cleanup for the community. In addition, their Public Works Department has containers for residents to drop off recyclables.

Zack gave some updates from the city of Edwardsville. He reported that the city has just entered into a new 5-year agreement with Deffenbaugh for both trash and recycling. They have gone automated with the pickups. In 2016 their offices in City Hall are also involved with recycling. They hold an annual neighborhood cleanup in May and are planning on adding e-waste collection this year. In addition, they are looking at the potential of assisting with encouraging business recycling at their industrial park.

5. **Other.** Kirk asked solid waste members if they were interested in doing more work with food waste or recycling projects. Both Richard and Stephanie indicated an interest in educational programming.



Staff Request for Commission Action

Tracking No. 16846

Full Commission Meeting Date: 11/3/16

Committee: Public Works & Safety

Date of Standing Committee Action: 10/24/16

(If none, please explain):

Publication Required: No

<u>Date:</u> 10/28/2016	<u>Contact Name:</u> Justus Welker	<u>Contact Phone:</u> x6798	<u>Contact Email:</u> jwelker@wycokck.org	<u>Department/Division:</u> Transportation
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Item Description:

The Unified Government has received its contract and associated fees for services that are performed by the KCATA for 2017. The increase was significantly more than anticipated.

UG Proposed 2017 Budget	\$ 4,247,188.00
KCATA Proposed 2017 Contract	\$4,527,232.43
Shortfall to UG 2017 Budget	(\$ 280,044.43)

Staff would like to provide the Standing Committee proposals to bring the cost of service into alignment with budget.

Action Requested:

Approve recommendations to address the funding the gap between 2017 Budget for KCATA transits services and actual negotiated 2017 contract.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

KCATA Contract Comparison

	2017 Proposed	2016 Contract	Change from 2016	Description
Service Cost	\$ 5,527,475.00	\$ 5,392,254.00	\$ 135,221.00	Labor (2.45% Increase)
Passenger Revenue	\$ (638,100.00)	\$ (689,100.00)	\$ 51,000.00	Forecasted 7.4% Decline
Regional Pass Allocation	\$ (64,428.57)		\$ (64,428.57)	Proposed Reimbursement
Federal PM	\$ (600,000.00)	\$ (645,000.00)	\$ 45,000.00	Regional Branding Grant Exhausted
CMAQ Federal Grant	\$ (45,000.00)	\$ (266,422.00)	\$ 221,422.00	Large Grant Exhausted
Johnson County Contribution	\$ (27,281.00)	\$ (27,281.00)	\$ -	107 Extension
JARC Federal Grant	\$ -	\$ (29,328.00)	\$ 29,328.00	Job Access Grant Exhausted
Local Capital Contribution	\$ 215,757.00	\$ 213,061.00	\$ 2,696.00	1.25% Increase
Paratransit Service	\$ 15,000.00	\$ 15,000.00	\$ -	Share-A-Fare
Marketing and Public Outreach	\$ 11,000.00	\$ 11,000.00	\$ -	Pocket Schedules, Bulletins, Etc.
Contracted Property Management	\$ 132,810.00	\$ 130,055.27	\$ 2,754.73	Transit Centers/ Bus Stops (2.07% Increase)
TOTAL	\$ 4,527,232.43	\$ 4,104,239.27	\$ 422,993.16	9.34% Increase
Proposed 2017 Budget	\$ 4,247,188.00			
2017 Contract Shortfall	\$ 280,044.43			



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

October 31, 2016

Mrs. Bridgette D. Cobbins
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for: Schlitterbahn Vacation Village Third Plat.

Dear Mrs. Cobbins:

Please be advised that the Engineering Division has reviewed the attached plat of SCHLITTERBAHN VACATION VILLAGE THIRD PLAT, located at 98th Street and Parallel Parkway and being developed by Schlitterbahn Waterparks & Resorts.

Schlitterbahn Vacation Village has agreed that Sporting Kansas City should move forward with the construction of the National Training Center and that building permit for the facility should be issued prior to finalizing final easement to the National Training Center site. Sporting Kansas City will need to finalize access to the site prior to opening said facility.

At this time, staff recommends that the Commission accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. Staff is providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

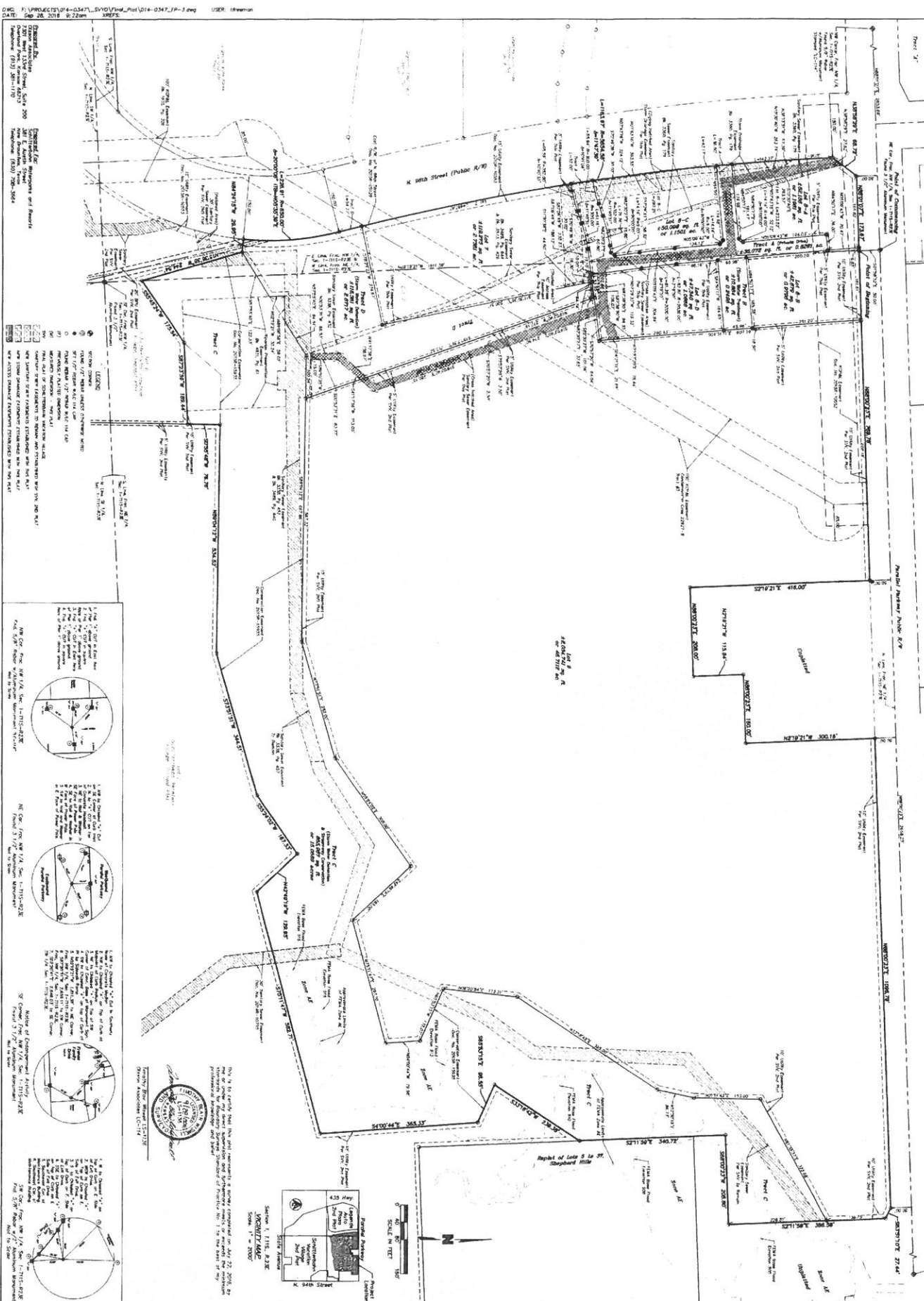
Respectfully submitted,

Brent E. Thompson, P.S.
Engineering Division Manager
/County Surveyor

Wayne Moody, P.E.
Interim County Engineer

Attachments

Final Plat
Schillerbahn Vacation Village, Third Plat
 A replat of all of Lots 7, 8 and 9 and Tract C, Schillerbahn Vacation Village, Second Plat
 a subdivision in Kansas City, Wyandotte County, Kansas, all being in Section 1-7115-R23E



LEGEND

1. All lots shown on this plat are to be divided into four equal parts, each part to be one-fourth of the whole lot.

2. All lots shown on this plat are to be divided into four equal parts, each part to be one-fourth of the whole lot.

3. All lots shown on this plat are to be divided into four equal parts, each part to be one-fourth of the whole lot.

4. All lots shown on this plat are to be divided into four equal parts, each part to be one-fourth of the whole lot.

5. All lots shown on this plat are to be divided into four equal parts, each part to be one-fourth of the whole lot.

6. All lots shown on this plat are to be divided into four equal parts, each part to be one-fourth of the whole lot.

7. All lots shown on this plat are to be divided into four equal parts, each part to be one-fourth of the whole lot.

8. All lots shown on this plat are to be divided into four equal parts, each part to be one-fourth of the whole lot.

9. All lots shown on this plat are to be divided into four equal parts, each part to be one-fourth of the whole lot.

10. All lots shown on this plat are to be divided into four equal parts, each part to be one-fourth of the whole lot.



CONSENT AGENDA ITEM NO. 4

County Administrator's Office
Douglas G. Bach, County Administrator

701 North 7th St., Suite 945
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 10/25/16

BOARD POSITION: Drug & Alcohol Advisory Board

INCUMBENT REPLACED: Barbara Kill

5548 Pawnee Ave Kansas City, KS 66106

TERM EXPIRATION DATE: 10/1/15

APPOINTING COMMISSIONER: Commissioner Markley

REVIEW DATE (7 business days): 10/25/16

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Don Jolley

ADDRESS:

CELL NUMBER AND EMAIL ADDRESS

TERM OF OFFICE: 11/3/16 – 3/31/20

Angela Markley (AS)

SIGNATURE OF APPOINTING COMMISSION MEMBER

* NOTICE: IF THERE ARE NO CONCERNS RAISED IN THE INITIAL 7 BUSINESS DAYS REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED.



County Administrator's Office
Douglas G. Bach, County Administrator

701 North 7th St., Suite 945
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 10/25/16

BOARD POSITION: Law Enforcement Advisory Board

INCUMBENT REPLACED: Eleanor Pitts
1932 S 10 Terr. Kansas City, KS 66103

TERM EXPIRATION DATE: 6/30/18

APPOINTING COMMISSIONER: Commissioner Murguia

REVIEW DATE (7 business days): 10/25/16

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Pat Dunn

ADDRESS:

CELL NUMBER AND EMAIL ADDRESS:

TERM OF OFFICE: 11/3/16 – 3/31/20

Anna Murguia (AT)

SIGNATURE OF APPOINTING COMMISSION MEMBER

* NOTICE: IF THERE ARE NO CONCERNS RAISED IN THE INITIAL 7 BUSINESS DAYS REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED.

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

SPECIAL SESSION, THURSDAY, OCTOBER 13, 2016

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, October 13, 2016, with eleven members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District (arrived at 5:03 p.m.); Townsend, Commissioner First District (arrived at 5:08 p.m.); McKiernan, Commissioner Second District; Murguia, Commissioner Third District (arrived at 5:04 p.m.); Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District (arrived at 5:22 p.m.); and Holland, Mayor/CEO, presiding. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell and Joe Connor, Asst. County Administrator's; Bridgette Cobbins, Unified Government Clerk; Ken Moore, Chief Legal Counsel; Henry Couchman, Senior Attorney; Kathleen VonAchen, Chief Financial Officer; Sheriff Don Ash; Chief Jones, Fire Department; Renee Ramirez, Director of Human Resources; Jennifer Phillips, Human Resources; Deputy Chief Rodney Smith, Police Department; Racheal Botello, Mayor's Office; and Officer Doug Bailey, Sergeant-at-Arms.

MAYOR HOLLAND called the meeting to order.

ROLL CALL: Johnson, Kane, Markley, Walters, Bynum, McKiernan, Holland.

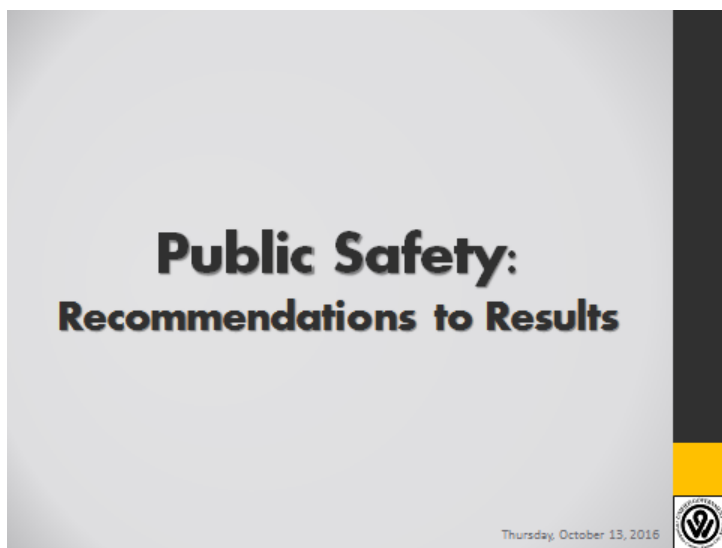
NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, October 13, 2016, at 5:00 p.m. in the 5th floor conference room of the Municipal Office Building for a Public Safety Taskforce Update. Immediately following, the Commission will recess from the 5th floor conference room to the 9th floor conference room for an executive session regarding labor and litigation.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in

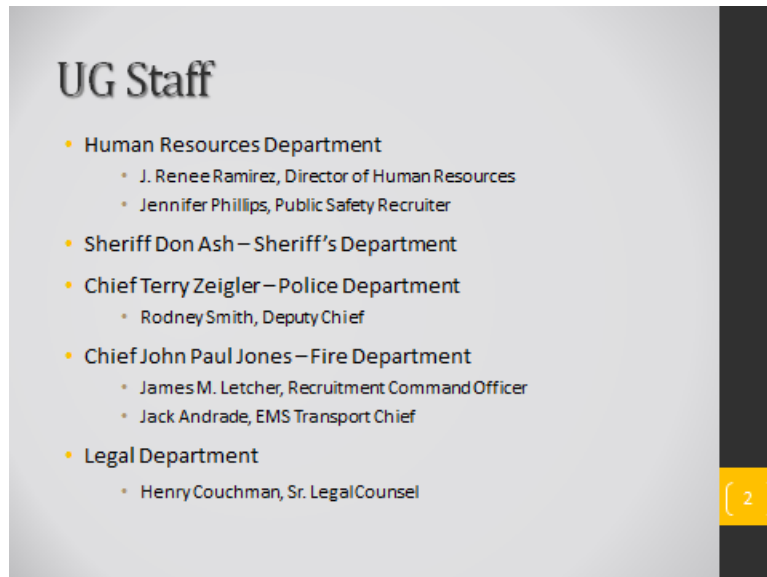
such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Doug Bach, County Administrator, said in 2015 under the leadership of the Mayor the Public Safety Task Force was called together. Appointments from all the commissioners were put on this task force and many other members of the community are invited as well as members of our departments. The task force met several times through the course of the year and came up with several recommendations which were presented to the Commission shortly after the first of this year. As we have been proceeding through the year and implementing various points on this, we wanted to come back and provide an update to the Commission and the public and some members of the task force that have come out tonight, we appreciate that, as to what has been going on.

I will turn this over to Renee Ramirez our Human Resources Director, who is accompanied by representatives from our Sheriff, Police and Fire Departments tonight who are all going to share in the presentation.



Renee Ramirez, Human Resources Director, said this evening our team is here to present some of the solutions that we have had on some of the recommendations that were made by the Public Safety Task Force.



This evening with me representing Human Resources, I have Jennifer Phillips and myself. I have Sheriff Ash. Chief Terry Zeigler was unable to make it this evening, but he has Deputy Chief Rodney Smith here. Chief Jones, Fire Department; and behind us we have Recruit Command Officer James Letcher. Jack Andrade, EMS Transport Chief, was unable to make it this evening. Also, we have legal representation Henry Couchman, who is our Senior Legal Advisor.

As we move through the presentation, there are four core areas that recommendations were made from. The first being recruitment, second being the Hiring Processes, third being Promotions, and the fourth being Long Term Oversight.

We're going to take this one by one and present to you what the recommendations were and what the results of the recommendations are.

Recruitment	
Recommendation	Results
Publicly post all disqualifiers	- Disqualifiers posted on-line and hard copy - Part of the application packet
Recruitment efforts year-round	- Posted year-round for Deputy and Patrol Officer - Testing monthly for Sheriff (8/16) and Police (11/15) - Working with the FACETS study group to determine appropriate recruitment periods for Firefighter EMT/MICT
Dedicated recruiters (Selected or appointed by Sheriff and Chiefs)	- HR Public Safety Recruiter (1/16) - Sheriff utilizes Training Academy staff - Police utilize Public Information Officer - Fire utilizes Recruitment Command Officer

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To start out one of the first recommendations was the task force asked us to publicly post all disqualifiers for Public Safety positions and we have done so. We now have all the disqualifiers posted. An applicant can find them online and hard copy. It's also part of the employment application for each of the Public Safety positions.

The second was making recruitment efforts year-round. Previously what we used to do was when we had vacancies the Chiefs and the Sheriff would make a recommendation to the County Administrator to open up the recruitment period and we would do that for a period of 90 days and go through the process and set a timeline. Having the opportunity to recruit year-round actually gives us more exposure out in the public because we're not tied to a certain time of the year that we can do this. We do post year-round for Deputy and Patrol Officer. We have begun testing on a monthly basis for the Sheriff's Department and we did that starting August of 2016. We've been testing on a monthly basis and that's the written examinations and the physical agility for Police since November, 2015. We are working with the FACETS study group to determine the appropriate recruitment periods for Firefighter EMT/MICT. Currently, right now, we are proposing possibly going to a quarterly testing method with the Fire Department, but we're working out some things with the FACETS group because certain items came out in that study as well.

Dedicated recruiters: One of the things that we felt that we needed were dedicated recruiters specific to Public Safety. We were fortunate enough to have a position approved in the budget to hire a Human Resources Public Safety Recruiter and I was able to do that this year,

January 2016, and that is Jennifer Phillips. Jennifer coordinates and collaborates with all Public Safety Departments on all of their recruitment efforts. The Sheriff utilizes and continues to utilize his Training Academy staff. The Police utilize their Public Information Officer and Fire utilizes their Recruit Command Officer.

Recruitment	
Recommendation	Results
Recruiting literature, dated (online and hard copies)	- Recruitment brochure - Social media (Twitter, Facebook) – All departments - Continue to develop new literature
Enhanced web and technical support for HR	- Website redesign with updated HR page - Enhance with video and recruiting info - Anticipated for Q1 2017 - Working with Chief Knowledge Officer and Public Relations Office
Increase Partnerships with all school districts/KCKCC/Donnelly	- Public Safety Youth Forum - Job Fair – Oak Ridge - Career Fair – KCKCC - Core 4 Career Fair - Career Jumping events - MARC Career Fair - Recruiters – Daily activity

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The other recommendation was regarding our recruiting literature. They wanted to have it dated, online and hard copies. We've made available to you the most recent recruiting literature that we have. This was developed by Jennifer Phillips. This is a global perspective of the Public Safety positions and then we have the one for the Fire Department "So you want to be a Firefighter?" We have social media presence. We have Twitter accounts, we have Facebook accounts, and all departments have these social media opportunities to post our positions. We are continuing to develop new literature as we continue along because this is only the start. We are still reevaluating and we're still going to come up with ideas on how do we get this information out to the community.

The next recommendation was enhance web and technical support for Human Resources. Currently the website is under redesign and the Human Resources page is going to look a little bit different. The Human Resources page will house anything regarding employment here at the Unified Government for not only Public Safety positions, but for civilian positions as well because we need to make sure the public understands and knows the pathways to obtain a position here at the Unified Government because there are a lot of opportunities for

our community. There are a lot of professions here that we and so we want to make sure that we're getting that message out to our community. Part of the updates on the website is we what to enhance that with video and recruiting information. We're trying to reach a generation that they're always on their cell phones so we're looking to possibly doing a snapshot of a video instead of hard posting that you see traditionally today. If we could just capture a snippet of a video of a police officer, of a firefighter and sheriff deputy, and we can catch them for one minute we can tweet it out, put it on Facebook and that could capture some applicants that way. That's the direction we want to head to. We are hoping that we have all these enhancements ready for the first quarter in 2017. Along with that, we are working with the Chief Knowledge officer and the Public Relations Office to help us develop other ideas as they relate to media relations and the technology piece.

Increase partnerships with all school districts, KCK Community College and Donnelly College. We have a continued presence with these partnerships. We have a Public Safety Youth Forum. We participated in that and that was hosted by the FBI. We have attended Job Fairs and Career Fairs. We had a Core 4 Career Fair that was jointly with other jurisdictions around and we had that about a year ago in September. We're actually working on our next Core 4 Career Fair. We participated in Career Jumping events. Jumping events are they invite us into the high schools and we meet with freshman students. We talk about the careers that we have here at the Unified Government and tell them all about our jobs and how we got into the positions that we have and we do that on a routine basis with all of the high schools. We've also attended MARC Career Fairs and our Recruiters have daily activities into these educational institutions.

Recruitment	
Recommendation	Results
Redesign Cadet Program for Police, Fire, Sheriff	- Police Cadet Program redesigned (01/16) - Sheriff Cadet Program being developed for 4th Quarter 2017
Firefighter Trainee Program	- First class hired 8/11/16 - Goals/mission completed - SOPs under development
Reduce age for KCKFD from 21 to 19	Minimum age reduced from 21 to 19 beginning 6/16
Allow Legal Permanent Residents to apply for KCKFD	- FACETS subcommittee established to work on hiring process - Researching EMS Board requirements and legal issues

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The redesign of the Cadet Programs for Police, Fire and Sheriff Departments: For this I'm going to turn it over now to Deputy Smith to talk about the redesign of the Police Cadet Program.

Rodney Smith, Deputy Chief, Police Department, said our previous Cadet Program was really I would say a Martian-based system where the Cadets would come in and they would be around the department and really it had kind of generated into, I would say, cheap labor to do menial tasks which that worked and they gained the experience. To try to ramp things up we've changed it to—we've got them away from menial labor and got them into various units. They do an eight week rotation throughout units of the department. During that time they're coached by the supervisors in those areas. They have to pass a knowledge test at the end to show they understand the procedures and policies within that unit. If they don't, they get more training before they can move on, but we push them through there. At the same time we have a coordinator at the Police Academy. They help them deal with their personal issues or professional issues, monitor their PT and just keep track of their movement through the department. It's a more well-rounded program to get the Cadets ready to be a recruit to enter the academy.

Sheriff Ash said we're still working on developing the Cadet Program for the Sheriff's Office which likely won't be ready to go until sometime in 2017, toward the end of 2017, but we're looking closely at what the Police Department is doing. Of course, we would have to tweak it

and tailor it to meet different duties and responsibilities that we have in the Sheriff's Office. I can tell you a significant part of what they will do will also be to return to their high schools and to work with all of the high schools here in Kansas City, Kansas and Wyandotte County to sort of become the ambassador, the teen ambassador recruiter for those schools. We will work with government classes, we will work with counseling staff and so forth to make opportunities for the Cadets to be able to go out and speak to groups of their peers and explain to them what they see as a career pathway in through the Sheriff's Department and Public Safety Departments and how those students in high school can enter into that track. We're still in development stages but we will be ready to go a year from now if not before.

Ms. Ramirez said as we move to the Fire Trainee Program, we posted that position in June of this year and I am proud to say that we were able to post the position, recruit for the position and hire for the position in about seven weeks which is something that we've never been able to do before. We hired our first class August 11th so that way they could be enrolled at the Community College by August 22nd. I'm going to turn it over to Chief Jones to speak about the Trainee Program.

Chief Jones, Fire Department, said we're pretty excited about the fact this group is scheduled to graduate from the Community College and hopefully have their EMT Certification after they challenge the state test this December. It's like December 22nd I think is when they will finish the class. That's a positive thing. We did move quickly with that and brought it online and got them enrolled and they're well on their way to getting that EMT Certification. We've also with this Pre-Apprentice Firefighter Training Program is we've established some guidelines that are very specific as far as what we call Career Enhancement Activities within the Fire Department. When they're not at the Community College going through EMT training, we have specific study halls and tutoring programs set up. Also within specific divisions within the Fire Department they will be assigned to be kind of emerged within that division to understand all the interworking's of the Fire Department across the divisions from Communications to Training to Operations and Administration so they get a really good perspective on how the Fire Department operates from every perspective. That's very valuable. Also, depending on the very ability of the timeframe when there will be a class they can move into after they get their EMT

Certification, part of the job enhancement activities may be that we enroll them in a Firefighter 1 course at JUCO which would just further enhance their ability to be successful in the Firefighter Academy. When they come out of the Fire Academy they are certified, they challenge the state test in Firefighter I and 2, Hazmat Awareness and Ops. That's just part of kind of the capstone in the Fire Academy so they also receive that certification. If they can go into the academy maybe with that Fire 1 Certification that will help them be successful, but it depends on the variability.

The whole goal of this program is to get them into the EMT Program, get that certification, and have them be successful in that and that's the minimum prerequisite to be hired as a professional firefighter to enter the academy. We're excited about that. The recruitment process went very well in that regard. Like I said, it was very condensed. We were able to be successful and in the future we will just keep developing that and I think get more attention. What we found we were very successful with Facebook advertising and things like that to get the word out. There were literally, when we did Facebook advertising through these two recruitment processes, tens of thousands of hits on that throughout the metro area. We know it's a very affordable way to get the word out and so social media we're tackling that and putting things out through Twitter. Now that we have a technology position in place we're going to tie all these things together and Twitter, Facebook, our website so there is some synchronicity to it all.

Ms. Ramirez said next specific to the Fire Department was to reduce the age from 21 years of age to 19 and we have done that. The minimum age for an applicant to apply for the Fire Department is at age 19 and we started that in June 2016.

There was a recommendation made to allow permanent residents to apply for the KCK Fire Department. Currently the FACETS subcommittee has been established and we're working on those hiring processes, but we're also researching with the Board of EMS any of the requirements that it takes for licensing an EMT and a paramedic in the state of Kansas.

Recruitment	
Recommendation	Results
Available FTEs	• Police Cadets – 6 FTE • Fire Trainee – 8 FTE • Sheriff's Cadets – TBD (propose 5)
Establish plan design for Sheriff's department – stafftime	• 7 FTEs established, funded 9/16 • Work schedule to reduce overtime • Farm-outs
Establish training within department	• Departments and HR Public Safety Recruiter collaborating to develop recruitment strategies and best practices to attract qualified applicants
Mentoring throughout cadet program – staff	• Police Cadet and Fire Trainee programs • Sheriff – Under development
Accelerated timelines	• Sheriff – 2 academies annually • Police – 3 academies annually • Fire – FACETS committee discussion

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As we move on these are going to be related to the Cadet Programs. We do have fulltime equivalencies for the Cadet Programs. The Police Cadets, we have six positions available. They are filled—five of them are filled and one of them is vacant at this time and we're currently in the process of getting that filled. The fire trainee's, we have eight dedicated positions for the Fire Trainee Program and those are all filled as of August. Again, the Sheriff's Department, we're going to be proposing probably in the 2017 Amended Budget five positions for the Sheriff Trainee Program.

The next is an established plan design for the Sheriff's Department regarding staff time and I will let the Sheriff speak to the new positions that he received that were funded in the 2016 Amended Budget and how he reduced overtime.

Sheriff Ash said we received those seven positions in the Amended 2016 Budget. We started a recruit class today. We fail two short of being able to fill all of our open positions, but with the other vacancies that we had in addition to the seven new positions, it will allow us before the end of the year to work on a plan based on the numbers we're seeing, in terms of number of inmates in custody, we believe these numbers hold true in the trends we've been tracking for the last 12 months plus. We should be able before the end of December, hopefully closer to the first of December, to reel all of our farmed out inmates back in. We're reconfiguring the utilization of the current space in the Detention Center. We're moving some inmates around. For example, the female inmates that are in custody, there are approximately 80 beds in the female housing

unit, and currently we're only housing between 40 and 50. Usually somewhere around an average of 45 females a day so we're going to shift them to a smaller housing unit and open up that larger housing unit for male inmates once we have adequate staff to be able to staff that housing unit. If we're going to have up to 80 inmates in that housing unit, we're going to have to be sure we have a little more staffing than what we did to watch over 45 females. We are moving forward with that plan and not only will the additional staff help us to relieve in terms of reducing overtime, it will allow us to house more inmates in the facility and we hope to be out of the farm-out business before Christmas certainly, maybe Thanksgiving, but that would be a little bit too aggressive.

Ms. Ramirez said the next is Establish training within the department. The Public Safety Departments as well as the Human Resources Public Safety Recruiter continues to collaborate to develop recruitment strategies and best practices to attract qualified applicants.

The Mentoring throughout the Cadet Program: I will turn it back over to Deputy Smith to talk about the mentorship with the Police Cadet Program.

Deputy Chief Smith said I touched on it earlier. Our Cadet Coordinator right now is Officer Brian Trzok. He may retire in the near future. We have another officer lined up to take that position over. He is their home-base for life problems or since we're dealing with a younger group, he is their point of contact for really anything they have a question about. On a day-to-day basis the Cadets will be out in various units of the department. They pretty much touch all of the command staff and a lot of the first line supervisors so they are going to get a lot of coaching and we encourage that. We encourage a good dialogue between the supervisory staff and the units with the academy. It's gone well so far so I think we're on the right track.

Chief Jones said as far as mentoring that's an aspect of this that we're really going to focus on because what we want to have is involvement. Our training chief, combined with our recruitment command officers, are going to focus on this mentorship throughout the Career Enhancement Activities and the time spent as a firefighter pre-apprentice trainee. Also, after they graduate from the academy what we're going to do is we're working on a program where we have mentorship captains that would be assigned to the individuals that they can kind of look

after them and a lot of questions they may have as they develop as a firefighter. So, bridge the gap with mentoring from the time they start as a pre-apprentice trainee and for all of our firefighters as they go through the academy and come out of the academy and as they progress and develop early on in their career because that mentorship—it's going to go on any way because there is always going to be somebody in our paramilitary organization that's in charge. We want to make sure there is no gaps in that as far as—you know there is some rotation that goes on within the Fire Department from the ambulance to the fire trucks and so always having that mentorship involved in their development I think becomes very important at becoming a successful firefighter not just to get into the academy, not just passing the academy, but in those sensitive years when they come out of there they have to really be paying attention because they have a lot to learn. It's a steep learning curve and so that will really help in that regard.

Ms. Ramirez said the Accelerated timelines: As you will recall when we first started this we would develop these timelines, get them approved by the County Administrator's Office, and it would take us an extended sometimes 9 to 12 months to try to get through this timeline. What we're trying to do is shorten those timelines now and in some cases—recently with the Police Department we're even trying to eliminate the timeline. Our goal that we have is that if we can get two academies on an annual basis for the Sheriff's Department, three academies in a year for the Police Department and we're still again determining how many academies we can do for the Fire Department; we always want to have applicants ready to go and in the pipeline to fill our vacancies. We are still trying to develop around that area there and we're continuing to do research and just trial and error trying to see what's going to work and what's not working for us.

Chief Jones said right, and as far as the Fire Department a minimum of two academies really makes sense. The other issue whether it's two academies, three academies is having enough of those candidates within those academies to account for timing of the retirements and the carrying of vacancies so we don't have gaps in that regard. When it says FACETS committee discussion, I think that's part of it too that we're having that discussion so we don't have those gaps and the carrying of vacancies.

Hiring	
Recommendation	Results
Validate testing standards	Psychological - Contract with psychologist. - Number of regularly validated assessments Physical Agility - Validated by Stanard & Associates for Police and Fire - Re-validation \$24K each plus travel - FACETS study group discussion on C-PAT vs. Stanard physical agility test Written - Written exams validated by Stanard & Associates for all departments CVSA - Conducted by trained officers and deputies

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Ms. Ramirez said the Validation of our testing standards: The psychological testing—we’ve have contracted with a psychologist and there are a number of regularly validated assessments and our psychologist has advised us that the validations of these tests continues on. Research continues to happen all the time on these tests and so they have assured us that they are using the most recent test that has been validated to assess our applicants.

The physical agility, we have reached out to Stanards and we have secured the technical reports for the physical agility, the validation that is associated with each of those tests. We have asked also how much it would cost for us to re-validate those tests as well because things do change since the time we did have them validated. They gave us a proposal of an estimate of about \$24K for each of the Public Safety Departments. That’s \$24K for Police, \$24K for the Fire Department and that does not include the travel time that it would take for them to come here to do that.

The FACETS group in the Fire Department—our study group is having discussions and we are still researching on what way we should go. Should we continue to utilize the Stanard physical agility test that has been validated and built specifically for KCK Fire or should we go to a nationally recognized physical agility which is the C-PAT. We’re still working out the advantages and disadvantages of those tests.

The written examinations we do have the technical reports on the validations for those exams as well. For the Police and the Sheriff’s Department the written examination by Stanard

& Associates the Kansas Association Chiefs of Police have also—they all utilize the written examination developed by Stanard & Associates for those two professions.

The CVSA they are conducted by trained officers and deputies and I'm going to turn that over to Deputy Smith who can explain what they go through in becoming trained CVSA Operators because Deputy Smith was actually a trained CVSA Operator prior to him becoming a Deputy.

Deputy Chief Smith said we currently have seven Commanders on the department that conduct the CVSA examines. It boils down to a voice stress analysis that we use a computerized program to evaluate but the training for it is a week-long pretty comprehensive program. It takes a week to get certified the first time around. It's a complicated thing to use, but really understanding the output is kind of the meat of the training. A good solid week of training to get started and then we have a certification every two years. The machine will generally give an indication of truthfulness or possible deception. Generally if you have the same output as the machine during the test, that's a good sign. We usually consider that a positive outcome one way or the other. If there are any discrepancies between the machine and the operator's opinion, you have to get a follow-up with another operator to verify your results. It's a good tool and we discussed it during the task force but the more information you get by using this, we don't necessarily rule somebody out just because of the test results. It's the information we gain through the comprehensive interview is really the first phase of the testing process. They are taught how to do the interview. Generally we try to get people that have good interviewing skills to begin with to do that function but they receive training on that. They receive training on the use of the tool and then there is a lot of follow-up and we check each other's results on a regular basis.

Mayor Holland said, Renee, I would like to say too there is a lot of discussion during the task force about the testing and there is an interest from the public group that worked on this to have a group spend some time working on the validation of the testing standards and reviewing those specifically because this is a big issue that was brought up repeatedly. The feeling was we had 30 some recommendations and we wanted to get some things established ahead of that, but there is some interest in coming back and reviewing all of these tests from a public perspective to

make sure that people feel good about the integrity of the testing. There are some questions raised about the integrity of the testing and when people are dropping out of the process in the testing process and just making sure that we have valid checks and balances to know how that's working. That's something that's yet to come so if someone asks you about that, let them know that it is something that we're still committed to, but it will probably be another team, a smaller team; that would work but we had so much to get going it felt like we needed to get the process going before we came back and did that.

Deputy Chief Smith said, Mayor, one final point on that. Previously we did the CVSA after we gave someone a conditional offer and there was a little, I think, maybe like a lack of communication between us and the applicants because sometimes the information we got during the examine might lead to a change in the decision to hire that person. They receive an offer and they were washed out later which I think that probably gave people more of a feeling of being slighted somehow, that it was rigged. We have moved the CVSA and now that takes place on the frontend before we give the conditional offers and they can find out what exactly the problem was down the road if they have a question why they didn't get to that point. **Mayor Holland** said yes, we talked a lot about that fairness so I appreciate that change as well.

Hiring	
Recommendation	Results
Establish physical agility test for Sheriff's Department	• Available Q1 of 2017 • Developed by Stanard & Associates • Surveyed Subject Matter Experts (SMEs) • Essential job-related physical skills • Study guide developed for applicants
Remove EMT as prerequisite to hire in KCKFD	• Trainee program established (8 hired on 8/11/16) • Attending KCKCC 8/22/16 • Scheduled to finish class 12/16 • Required to take State test if recommended by instructor and have passing class scores
Provide explanation if conditional offer of employment is withdrawn (get a signed release of information)	• 14-day window to make written request to meet with Chief/Sheriff and HR Director (11/15)

Ms. Ramirez said we are currently in the process of establishing a physical agility component for the Sheriff's Department and I will let the Sheriff speak to that.

Sheriff Ash said this is a pretty rigorous process and it begins with a very comprehensive job task analysis. They developed a job task analysis, they surveyed all the people in the Detention Center and the supervisors and the commanders, subject matter experts relative to specific job tasks. It's very comprehensive. Everyone participated in that process anonymously, if you will, and they gathered the data. From there then Stanard works on moving to a smaller group of subject matter experts and reviewing those in identifying the key ones, the most common ones, the most reoccurring ones, the ones that we have had experience with being problematic maybe where employees have been injured during the process of performing those essential functions or whatever the case may be. Then, once again, they continue their development.

They are scheduled to be here November 1 and 2 and they have developed a physical agility assessment test, a series of tests. Once again, they will first meet with the subject matter experts to review those and they will run the subject matter experts through the tests actually. On the second day we will be bringing the deputies from the Detention Center and they will be running through these tests to be sure they can be completed but more so for norming and determining ranges, acceptable ranges of completion time and so on and so forth. Once again, this will include all groups of employees over all demographics, genders, races, ethnicity, age; just about every form of diversity that you can think about in order for this to be a statistically validated test and to be able to withstand the rigors of any legal challenge that might come.

There is a study guide developed that once someone makes an application to the Sheriff's Office they will be given the study guide that will review the test and explain the various things they will be testing. It gives the applicant a chance to prepare in any way that he/she seems fit so that they don't just walk in cold and do this assessment and they don't have any idea what it's really all about.

I anticipate after they leave here after November 2nd probably by the end of the month or within 30 days we anticipate they will complete our work and they will be prepared to come back to us with the final assessment, with the final test. They probably will review with us, ask for feedback and so forth and then if there is any tweaking to be done, but I anticipate essentially within about 30 days so around the 1st of December we will probably be complete with that process with Stanard.

Chief Jones said our physical agility test with the Fire Department was vetted out and essentially developed in the same way through Stanard & Associates. As far as the C-PAT it was just like kind of a national test that's a certification testing. Our physical agility test matches up very well with that test and we have the additional of the ladder climb which is moreless if somebody has a problem with being terrified of heights that may come out in that manner. The ability to just go up and down the ladder with all the safety precautions in place really is the only difference between our test and the C-PAT. They are essentially very, very similar. Ours has been vetted out and validated in that way. The difference is, you would have to think about the C-PAT, if we require just that you had to come in with a C-PAT Certification that within a certain timeframe, not that you took it three years ago, but you know maybe it was in the last 12 months or something like that, there is a cost associated with it. It may be a couple hundred dollars between \$200 and \$300 maybe to go out and get the certification accomplished so that you can bring that in and that would suffice for the physical agility. Ours is very similar to that, works will and we also give them the opportunity now to do a walkthrough so they are familiar with the test and don't come in like the Sheriff talked about, come in just cold and take the test.

Ms. Ramirez said I want to clarify too that every applicant is given an opportunity to go through a voluntary orientation on the physical agility test. This gives the applicants an opportunity to touch and feel the equipment, to talk to the subject matter experts; you know police officers, firefighters on how to maneuver through each of those evolutions. I will say that the participation level for the voluntary orientation has not been as great as we would have liked for it to be, but it is an opportunity that we do offer to every applicant if they want to take advantage of that.

The next is the removal of the EMT as a prerequisite to hire in KCKFD. **Chief Jones** said progress has been made in that regard. As far as removing the EMT as a prerequisite entirely, that has not been done. As far as this Pre-apprentice Firefighting Training Program and the ability to bring them in and have them establish EMT Certification or have the opportunity to do so, that's in place and that's for the eight pre-apprentice firefighter trainees. For the regular application process we still have EMT Certification as a minimum prerequisite, but there is a lot of opportunity locally to be able to achieve that goal and there are also a lot of scholarship opportunities for it to be paid for. There is a lot more flexibility at the Community College on how to accomplish that through flexible classroom programs that are either accelerated or during

the day or in the evenings and so that can be accomplished in that way. The EMT is still a prerequisite as far as minimum prerequisite in order to enter the application process. The Firefighter Pre-apprentice Trainee Program there is the opportunity there to establish that EMT after being hired to the KCK Fire Department which will then allow them to move into the academy because they will have that necessary prerequisite.

Years ago, I think we talked about this before; the state of Kansas through the Kansas Board of EMS changed how you have the opportunity to achieve EMT which really essentially kind of took it out of our hands. You had to go achieve that EMT Certification essentially through an established program like the Community College system throughout Kansas. Whether we can look at opportunities to further remove the EMT prerequisite or whether or not we can also look at enhancing our ability to achieve the paramedic side of the equation because that's something we need. In addition to EMT's we always need paramedic's along with it and it kind of gets lost in the translation. Most classes what we try to achieve is 50% EMT and 50% paramedic and so trying to grow the number of paramedic's through specific programs will help too.

In removing the EMT as a prerequisite that hasn't happened in its entirety but we have as a program that works as far as the Pre-apprentice Training Program, it's working out well, but it's for eight positions.

Mayor Holland said I think I would like to see a plan. I believe the intent of the task force and the intent of the Commission when we had adopted it was to remove the EMT as a prerequisite for all hires. Not that we wouldn't hire people that already have it, but we would be able to hire people that don't have it. Chief, I think you're the leading example of how well that works because you came in without your EMT and you were trained onsite and have moved up through the ranks. I think the concern we have is the barrier to employment for people who can't afford to either take the time off of work to do it, but need employment in order to do it, but otherwise meets all of our criteria and to do some kind of standardize test that can evaluate the likelihood of them being able to complete it. Obviously, we don't want to set people up to fail, but there are criteria that if you can pass this test; then you're probably in line that you're going to be able to pass the EMT test and the pathway from within the department in how we incentivize people to move up towards paramedic because the incentive to be a paramedic, from what I understand,

is not very high for very long but it takes a significant amount of additional training and how can we provide that in-house to make sure that we're getting people prepared to be paramedics. The paramedic is a big issue. I would like to see a plan come forward that has the full elimination of the EMT as a requirement and a path for the paramedic as we go forward.

Commissioner Murguia asked how much does it cost to become an EMT or a paramedic. **Chief Jones** said ballpark figure to become an EMT with tuition and books is approximately \$1,500 give or take. As far as the Paramedic Program I would say about \$3,500 total.

Commissioner Murguia asked would these be called certification for EMT and Paramedic. **Chief Jones** said yes. **Commissioner Murguia** asked would that require them to do this fulltime during the day. For example, I got my Masters in Business Administration while I worked fulltime here at the Unified Government and I also went to school fulltime and I took out loans to do that because I couldn't afford it any other way. Is that option currently not available to people, to anybody that wants to be an EMT or paramedic? **Chief Jones** said as far as those that want to achieve the EMT which is a prerequisite to get on the Fire Department, there are scholarship opportunities at the Community College for civilians to go through that program. **Commissioner Murguia** asked can you take out a loan to get that kind of certification. **Chief Jones** said yes. There are student loans available but they're also very specific scholarship opportunities to where—the information I got from the Community College a lot of that funding goes unused annually so there is a lot of funding available out there. There are some minimum requirements as far as I guess you would call it merit phased but they're minimums.

Commissioner Murguia asked why do you think, Chief, the scholarship funding is going underutilized. **Chief Jones** said I think, and we're going to assist the Community College, in trying to make sure that everybody has that information and that those opportunities exists. The Endowment Office, I think they call it—they changed the name of the Endowment Office, forgive me, I can't remember what they changed it to; but that office is in charge of making sure that those scholarship opportunities are available and they process the applications for that process. We had a private vendor that came forward and pledged quite a sum of money for minority scholarship programs for EMT and that scholarship program exists, but it's limited to I think three per semester right now. It's not self-sustaining right now so when that money runs

out we were trying to get other vendors that want to participate basically to reload that scholarship fund but there are scholarships available.

Ms. Ramirez said the next recommendation was to provide an explanation if a conditional offer of employment has been withdrawn. We have revisited our letter and we have made some modifications to that to allow an applicant, if the conditional offer is withdrawn, to provide them with a 14-day window to have an opportunity to have a written request to meet with Human Resources, the Chiefs and the Sheriff, for that explanation. We started that in November 2015. We're also going to ask that they sign a release of information for us as well.

Promotions	
Recommendation	Results
Human Resources-driven promotions throughout Public Safety	• Continue to work with Police/Fire Chiefs to determine HR's role • Fire – FACETS/Labor/Management addressing promotional process • Sheriff's Department recently developed promotional processes for Detective and Command Staff (reviewed by HR and Legal) • Police Department promotions to be discussed • Review physical agility exams for validation (to be discussed with Chiefs and Sheriff)
Internal pathway to Paramedics Certification	• Under review

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The next section is promotions. The recommendation is Human Resources driven promotions throughout Public Safety. To begin here we are continuing to work with the Police and the Fire Chiefs to determine what Human Resources role is as they relate to the promotional processes.

The Fire Department, FACETS/Labor/Management teams are addressing the promotional processes as we speak now.

The Police Department promotions, I'm going to let Deputy Smith speak to the Police Department promotions and I will let Sheriff Ash speak to the Sheriff Department promotional processes.

Deputy Chief Smith said our promotions are a negotiated item that we cooperate with the Fraternal Order of Police on. The based agreement is we hire an outside vendor to tell us how to best do it. It's really a hands-off approach. It's between the department and the union. We take the professional advice that we pay for and they help us get through the process. We do cooperate and participate in that and going forward the next go-around we will keep in close contact with HR on that, but it's really the selection of the vendor that we agree on that drives our process.

Sheriff Ash said likewise in the Sheriff's Office. It's a determined condition of employment and so it's open to negotiation with the union, FOP Lodge 40. Where we differ from the Police Department is, as Deputy Chief Smith said, their contract says we will completely use an outside vendor and the vendor will ensure that everything is court defensible and legal and doesn't have an adverse effect on any particular group. The vendor will ensure that, but the FOP will stay out of promotions and the management will stay out of promotions essentially. Ours is different in that and actually set forth a process in FOP 40s contract with us that says there will be a written test and then there will be an oral board and it will be this and it will be that and it was specific so if it was negotiated in there that way, then to me that meant we could open it up and we could see if they wanted to negotiate it another way if they wanted to look at a more contemporary process.

Quite frankly, the last time we had this process back in 2013 there were very few people that were successful in the process. There seems to be something wrong with that to me and so I asked them if they would be interested in putting a working group together between management and the union to look at and come up with a process that everybody could be comfortable with and we might have more confidence in and that actually the rank and file people might have a chance to be more successful. I think that's in the best interest of the department and I think it's in the best interest of the government that the more successful candidates and applicants we have, it's no different than hiring. The greater likelihood is we're going to be able to cover all of these particular demographic groups that were interested in doing and be able to make it fair and we're going to be able to have opportunities for all people to move up through the ranks. The union was open to that, the working group met and over the period of about 40 or 45 days they developed a process that after some slight tweaking and

negotiation both of us were comfortable with, and then we worked with Renee and HR for HR to overview that process and test to be sure that they were comfortable. We also had oversight with our legal advisor to be sure we were doing things legally and properly and we all would be able to live with this at the end of the day. We agreed to those terms and conditions. We developed a Letter of Understanding as an addendum to the contract and each side signed that and we are sort of in the middle of conducting those processes now. The written tests have been conducted for Sergeant, Detective and Lieutenant.

The Oral Review Boards are being developed. The Oral Review Board for Sergeants is scheduled for Monday, Tuesday and Wednesday and the Review Board for Detectives and Lieutenants will follow in the following weeks so the week of October 24th. We're fairly confident that somewhere by around the 1st of November or just after we will have eligibility lists. What I can report to you is the failure rate for the written test is significantly lower than what it was three years ago utilizing the written test that we utilized. We have many, many more successful applicants for promotion at this critical initial step because the way it was written if you didn't pass this test, then you were out of any process going forward. You were just out so we have a lot of successful applicants and all three of those tests representing lots of diversity in just about every way that you can think of.

Commissioner Walker asked have we addressed the issue of when a vacancy comes open for promotion and we have a list somewhere—maybe it's historical or maybe it was in the overall discussion where the discretion of the promoting Chief, Sheriff reaches a point on the list that either the individual is someone the Chief does not feel suitable to promote or perhaps it was at times you promoted five or six of the top people and now you're getting down into the middle of the pack so the Chief would defer promotion until the next testing period which could be a few months to a year, year and a half. Are you following me? **Sheriff Ash** said yes sir. **Commissioner Walker** said and thus—the allegation was made that at times that had been used to block minority candidates. Have we addressed the issue of when a vacancy comes open and the list is still good and there is a person on that list that's next in line that that promotion occurs or does the Chief still have, the Chiefs and the Sheriff, have the discretion to say we're not going to promote anymore thus, as I understood it, you would use Acting Lieutenants or Acting whatever the position might be to fill the position.

Deputy Chief Smith said in the Police Department the language in the contract specifies that if we have corresponding vacancies, the top six people on any list would be guaranteed to be promoted. If they weren't promoted, for some reason they couldn't be promoted, I believe they get bumped to the top of the next list. The top six people are protected as long as we have a vacancy associated that they could fill. Beyond that it is the Chief's discretion but in many cases—we have most of our promotion spots filled right now if not all of them. The problem is we take the officers out of patrol every time we make promotions and I can tell you our staffing level—sometimes you just can't promote people because you need them at the street level. **Commissioner Walker** said I understand—**Deputy Chief Smith** said I'm sorry sir, but I will say for our Captain's list we're six months into this list and we have two years left for a minimum date on this list and I foresee likely everyone on that list will be promoted by the end so it's not like people are getting blocked out. We don't exclude people from parts of the process. Everybody gets on the list that takes the test as long as they complete all the parts so it's just where you end up on the list and if you're in the top six and we have the vacancies, you're guaranteed.

Sheriff Ash said, Commissioner, the way it works in the FOP 40 contract, once the eligibility list is established the Sheriff can promote from anywhere on the list.

Chief Jones said with the Fire Department historically we through promotional testing according to the contractual language establish the list as a result and historically whenever we have an active list and a vacancy occurs, we fill the vacancy off of that active list period.

Commissioner Walker said well I guess I must be wrong then in that I heard during some of this discussion that the picture that you have just painted has not always been true. Am I the only one that heard that during that discussion? **Mayor Holland** said no, I think part of the concern that was raised is exactly—Commissioner, I think you are exactly right, is that we know that the change up here is to look at the—and you can see under Fire under Promotion, FACETS/Labor/Management Agreement is the issue addressing the promotional process. The Fire Department is the only one that has it tied to contract status and so there were concerns raised that the Police and Sheriff do not tie their promotions to the contract year, but the Fire Department ties it directly to the contract year and that is an item that is up for negotiation right now. **Commissioner Walker** said I know that I've had discussions with officers that are

members of PRIDE at various times during my tenure. They will tell you that it would come to their turn and a promotion would not be available perhaps because of what you just said because we can't afford to take the people out of the field, whatever it might be. I'm just pointing out my concern about the manipulation of promotional tests and hoping what we do as a result of all this, at least in some way the rules are there. In your case if you're the top six, you're going to get your promotion eventually and maybe that's what needs to be done across the board.

Commissioner Townsend said I wanted to go back to part of what Commissioner Walker raised just so I understand it better Deputy Chief Smith. If you have the top six from a list, are those top six guaranteed a promotion or what was the discretion you were talking about earlier which kind of goes back to what Commissioner Walker raised? Are they only guaranteed for a certain period of time and then the process starts over? How does that work? **Deputy Chief Smith** said it's a negotiated item in the contract but the current list, I believe, goes for 30 months from the time a list comes out. We just had one come out earlier this year I think in May. If you're in the top six on the list then there has to be a vacancy. If everything is filled up and there is no vacancy, there is no promotion, but I think what Commissioner Walker was talking about if you're in the top six and there is a hole there and you don't get put in that hole, then you would get moved forward if we ran the clock out for 2.5 years and someone would get moved to the top of the next list because maybe there is a reason we can't. We can't make someone a supervisor if they don't have anybody to supervise because they were the first one. **Commissioner Townsend** said I understand you have to have a place to promote someone to. **Deputy Chief Smith** said as long as there is a vacancy it's in the contract that we have to fill the vacancy as long as it's in the top six. After that there is some discretion but I can assure you that if we have somebody that's next on the list and we have an opportunity to fill a job, especially with diversity, I don't know why that would not be any kind of barrier for what we're trying to do and we would fill it.

Commissioner Townsend said let me ask a couple questions for my understanding. So, you have the top six. Let's say positively there are vacancies available, must the promotion go from one through six or can the promotion come from anywhere within that six? **Deputy Chief Smith** said, I'm sorry, at the end of the testing process we receive from the company for the Captain candidates, Detective candidates and Sergeant candidates, we get lists. They are in

order how everybody performed on all the various elements of the test. They give us the list of how everybody did so we go in order. **Commissioner Townsend** said so it has to go in order. Number one goes first, number two based on availability. What happens with those top six in the various categories let's say after 30 months? Do you have more tests or you just pick back up with those? What happens after 30 months? **Deputy Chief Smith** said we start over. **Commissioner Townsend** said meaning what? **Deputy Chief Smith** said the contract. If we were under the same contract we're under now, I mean it's subject to negotiations; theatrically we could have a different kind of agreement with the union. As it is now we would hire the company or a company again to come back, do an evaluation, develop a test and you know they would walk us through doing the testing procedures.

Mr. Bach said just to clarify I think on the answer to your question, if number five and six are left on the Sergeants list at the end of the 30 months, they become number one and two on the next test, right? **Deputy Chief Smith** said only if there was an available spot. **Mr. Bach** said that we had not promoted into. **Deputy Chief Smith** said if we only had one vacancy during the entire 30 months of this list, and it can go beyond 30 months. Thirty months is the minimum date but they can go beyond that. It's until we get a new list after that. If there was only one vacancy during the whole time the top guy would be promoted whether or not we did it during those 30 months. If there was one vacancy and we never filled it, that guy would be at the top because that's his spot. If there weren't any vacant spots, we never had anybody leave in the whole 30 months or until we got a new list, no one would get promoted because there is nothing to promote them to. **Mr. Bach** said if we were holding vacancies during the time for other reasons, then as soon as we start promoting however many vacancies we held in that first 30 months would go to the top, up to those six that were still left on the list from the previous time period. **Commissioner Townsend** said if there is no vacancy available or held after whatever the designated time period is, let's say 30 months, then all bets are off and we start over again. **Deputy Chief Smith** said maybe. If we spent \$50K or \$100K and had a test and developed a list and no one had been promoted off of it, I wouldn't see us being in a huge hurry to start over. Our problem is in some cases especially with our Captains rank now our list is going to run out. I have a feeling our list is going to run out way before the 30 months and we're going to be out of people to promote. I understand your concern but we're not holding spots and running out the

clock. We're trying to get people to fill spots just like we're trying to get people to sit in our academy seats and become police officers. We're kind of moving this thing forward, we're just trying to find the people to do it. **Commissioner Townsend** said I hope that is the case. I too heard some of the same things that Commissioner Walker heard so that's why I'm trying to understand what this is so everybody watching and listening has a better understanding of the basics too. That's what we're trying to do is make sure there is not some underlying reason that people who are qualified, no matter what they look like, aren't being promoted.

Commissioner Townsend said for Chief Jones; this goes back to the issue of the EMT requirement and I am happy that to some degree we have a mechanism for people who may be economically challenged, and this was a big challenge to a lot of minorities and women, can get into the training program and thereby take care of that EMT. Here's the question, I know you and I have talked about this before the Congress, so to speak, was developed and one of the concerns was the curriculum at JUCO going back a couple of years that there were requirements for the EMT process that maybe superseded what was really needed to get that EMT Certification. I know there has been some discussion about changing the curriculum so my question is we have the EMT Training Program now, but it was also mentioned that JUCO. Is the JUCO Training Program still as rigorous as it was several years ago and thereby may have things that the EMT that we're doing doesn't? Not that that is less than what was required but that may be another stumbling block. **Chief Jones** said the actual EMT curriculum I would have to say is not any more rigorous than any other EMT curriculum in the state necessarily especially in our metro area, but the prerequisites they had actually don't exist anywhere else but in our Community College in effect, the Anatomy of Physiology prerequisite, which is still there.

As far as our Pre-apprentice Firefighter Training Program, they waived that requirement as a prerequisite so that's good news. We have stayed in communication with them and that is officially, the Anatomy and Physiology, is still a prerequisite to the EMT Program, but on a case-by-case basis if they are looking at the background of what curriculum they had as far as hard science exposure, etc. determining whether or not they feel they would pass the EMT class based on that and that's between the student and the Community College. Our recommendation was to drop the Anatomy and Physiology as a prerequisite and to maybe find another way to better vet out whether or not somebody is going to be successful. Obviously, the

Anatomy and Physiology was added to their curriculum to maybe enhance the ability for the student to succeed within the EMT Program, but then again, from our perspective it's an added prerequisite that doesn't exist anywhere else in the EMT curriculum in the state of Kansas so we would like them to drop that outright but that hasn't happened yet.

Commissioner Townsend said Ms. Ramirez might be the best one to answer or Chief, with the EMT training for the Fire Department class that was taken in August 11th of this year, how many were in the class and of those in the class how many were women, how many were African-American, how many were Hispanic? **Ms. Ramirez** said we had eight hires in the class. I believe we may have that information available. The class makeup for the Firefighter Trainee Program was two Hispanic males, two African American males, one Asian-Pacific Islander male and three white males. **Commissioner Townsend** asked any women. **Ms. Ramirez** said no.

Ms. Ramirez said one final thought on the promotions, as the Public Safety Departments spoke about them going through the processes, one of the things I have been in discussions with them about is in determining what Human Resources role is going to be in these promotional processes, the one thing I'm asking of them is that at the end I want the established list presented to my office as well as the County Administrator's Office. As they make these promotions we actually signoff on the Personnel Action Notices allowing these promotions to happen so we will be able to validate against the list how they are making these promotions to make sure they are going in the order that their lists have revealed.

Chief Jones said in speaking on the issue of diversity, the last couple of classes we've actually hired—you know a lot of the results of them are increased efforts in finding better ways to recruit our panel. I believe what that is resulting in is a more diverse pool during the recruitment process and also the goal is that through that by having a better diversity in the applicant pool, it will be better diversity in the actual classes that enter the academy and I believe we are excited about the increase in the diversity of that applicant pool. It's happened.

Ms. Ramirez said the last thing, and we kind of hit on this previously, the internal pathway to the Paramedics Certification and that is still under review.

Long Term Oversight	
Recommendation	Results
Ongoing training on ethnic, gender and LGBT sensitivity	- Updated HRG policies (Harassment in the Workplace (4/16), Violence-Free Workplace (7/16), and Benefits (4/15)) - Mandatory training for all UG personnel by Human Resources
Human Relations Commission or other structure	Under consideration by Mayor, Commission
Increase Public Safety presence in all Wyandotte County schools	- USD 500 – Police Explorers, OK Program - SROs – Bishop Ward, Turner, Piper - Fire – Daily recruiting, First responder EMR and EMT - Sheriff – TBD as Cadet Program developed (Q4, 2017)

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The last slide is the Long-Term Oversight: Ongoing training on ethnic, gender and LGBT sensitivity. Human Resources have updated the Human Resources Policies. We updated the Harassment in the Workplace Policy in April 2016, which we brought forward to this body for approval. The Violence-Free Workplace, in July 2016, we brought forward and that addresses these issues and then in 2015 we actually changed our Benefits Policy allowing same sex marriage to insure their families. We continue to have mandatory training for all Unified Government personnel and that is conducted by Human Resources and we do train Police, Fire and the Sheriff personnel as well in those mandatory policies.

The next recommendation was the Human Relations Commission or other structure: This is under consideration by the Mayor and Commission. Now I believe it's with the Boards & Commissions Review.

The last is the increase Public Safety presence in all Wyandotte County schools: These are just a few of the things that we're doing with the schools. We have presence in USD 500, we have Police Explorers, and we have an OK Program.

We have our SROs in Bishop Ward, Turner and Piper. The reason for that is because USD 500 has their own police force now.

The Fire Department, we have daily recruiting in the high schools. We have the first responder EMR and the EMT First Responder courses.

In the Sheriff's Department that's going to be determined based on the Cadet Program that we develop in the fourth quarter, 2017.

Lastly, I would like to end this presentation with—this process while it was a difficult process and it was a lot of work for all of our departments to undertake, I do want to say this has provided an opportunity for Human Resources to enhance the collaborative efforts between Human Resources and the Public Safety Departments. In my view, I think this has really been a successful project for all of us and we're still continuing to develop in areas that we're starting things, we're trying new things and our job has not finished.

I would like to thank all of our staff members in each one of these departments because they have worked diligently on all of these projects and have dedicated a lot of time during their working hours and even outside of their working hours to get these recommendations in place.

Mayor Holland said we will continue to keep the Commission updated on the progress of this. We are a year out and I think we've made a lot of progress in the first year and we have some more work yet to do but I appreciate all the work all of you have put into this.

Mayor Holland said we are ready to go upstairs for executive session. We have more material than we're going to be able to fit in in 45 minutes of executive session. We will either need to go past 7:00 p.m. to finish it or we will need to go back upstairs after. We can start our 7:00 p.m. late. I don't like to do that on a regular basis because the public counts on that coming on TV at 7:00 p.m. If we gave the executive session until 7:15 p.m. and we finish early, then we can come down early. We can end early. We just can't end late.

Ken Moore, Chief Legal Counsel, said if you recess until 7:15 p.m., you can't start the meeting until 7:15 p.m. **Mayor Holland** said if we do 7:00 p.m. and we're out of time, we will have to come downstairs at 7:00 p.m. and then we will have to go back up if we need to after the 7:00 p.m. meeting.

Executive Session:

Commissioner McKiernan made a motion to go into executive session, seconded by Commissioner Johnson until 7:00 p.m. to discuss confidential matters related to pending litigation under the attorney/client privilege and to discuss confidential matters regarding strategy related to employer/employee negotiations, as permitted under the Kansas Open

Meetings Act; and that staff designated by the County Administrator be present to participate in the discussion. Motion carried unanimously.

Mayor Holland adjourned the Special Session at 6:15 p.m.

Bridgette Cobbins, Unified Government Clerk, said the Commission will reconvene in open session at 7:00 p.m. in the Commission Chambers located on the 1st floor.

Present for the Executive Session: Bynum, Commissioner At-Large First District (arrived at 6:25 p.m.); Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Holland, Mayor/CEO, presiding. **Staff present:** Doug Bach, County Administrator; Ken Moore, Chief Legal Counsel, Maureen Mahoney, Asst. to Mayor/Chief of Staff; Kathleen VonAchen, Chief Financial Officer; Joe Connor, Asst. County Administrator (arrived at 6:35 p.m.); John Paul Jones, Chief of Fire Department (arrived at 6:35 p.m.) John Aisenbrey, Stinson Law Firm; was present from 6:25 p.m. to 6:35 p.m. and Ryan Denk, Outside Counsel for labor negotiations (arrived at 6:35 p.m.). SCORE was from 6:35 p.m. to 6:41 p.m. and Labor was from 6:41 p.m. to 6:57 p.m.

**MAYOR HOLLAND ADJOURNED THE
EXECUTIVE SESSION AT 6:57 p.m.**

dt

Bridgette D. Cobbins
Unified Government Clerk

October 13, 2016



Unified Government Clerk's Office

Bridgette D. Cobbins

Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: October 27, 2016

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tpl

Attachment

Weekly Business Material for October 27, 2016

1. MODIFICATION OF AFFILIATE AGREEMENT:

Eeroma Resources, LLC, to provide services to eligible persons in compliance with the Developmental Disabilities Reform Act.

Action: Approved by County Administrator and received and filed.

2. COMMUNICATION:

Richard Mikesic, Accounting Manager, regarding warrant cancellation:

Warrant #	Issue Date	Amount	Fund	Reason	Vendor	Reissue Date
801280	10/14/2016	\$ 355.69	750	Wrong Vendor	Butler & Assoc	10/28/2016

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED OCTOBER 25, 2016:

Section II - Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Sheldon O Harris	PW/WPC	10/20/16	Construction Worker I	Plant Operator II
Phil A Schindel	PW/Engineering	10/200/16	Concrete Specialist	Construction Inspector II

Section III - Separation

Name	Department/Division	Eff. Date	Job Title
Jourdan L Davis	Police/Comm	10/13/16	Public Safety Dispatcher

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Jason D Allen	Police	11/9/16	Master Sergeant
Katelyn J Bills	Police	10/30/16	Patrolman I
Jason D Faust	Police/Animal	11/5/16	Animal Control Officer
Jorge L Flores	Police	10/30/16	Patrolman I
Jonathan E Juin	Police	10/30/16	Patrolman I
Adrian E Mansaw	Police	11/9/16	Master Detective
Garrett O Mumphy Jr	Police	10/30/16	Patrolman I
Romulo J O'Reilly	Police	11/9/16	Master Detective
Nickolay T Pleshka	Police	10/30/16	Patrolman I
Logan M Smith	Police	10/30/16	Patrolman I
John P Stimach	Police	10/30/16	Patrolman I

Sara A Toms	CDDO	10/20/16	Program Coordinator
John P Varriano	Police	10/30/16	Patrolman I

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED OCTOBER 27, 2016:

Section III - Separations			
Name	Department/Division	Eff. Date	Job Title
Rebecca S Craig	DA's Office	10/24/16	Legal Intern
Luz A Diaz-Cabrales	Sheriff/Detention	10/13/16	Deputy
James R Doggett	PW/Engineering	8/31/16	Staff Engineer
Linda K Fowler	DA's Office	12/14/16	Admin Supt Spec
James Frizelle	B&L/Security	10/22/16	Security Officer
Lawrence W Harvey Jr	PW/Fleet	10/26/16	Fleet Maint Tech II-L
Robert H Hill	Sheriff/Juv	10/14/16	Juv Det Officer
Jennifer M Laughlin	Museum	11/2/16	Prof Progs Asst
Ronnie T McQuay	Comm Corr	10/19/16	ISO Supervisor

Section VIII - Other Request

Name	Department/Division	Action Requested and Explanation
Angela Germany-Armentariz	Health	ACD code change effective 10/6/16

Action: Received and filed. Copy previously forwarded to Payroll.

5. CLAIM FOR DAMAGES:

Gerald Huber, 9123 W. 73rd Street, Apt #106, Merriam, KS, alleging damage to vehicle from rock hitting windshield when passing city workers weed-eating grass near I-70 overpass.

Action: Received and filed. Copy previously forwarded to Legal.

6. TRAVEL REQUESTS:

Kathy Briney, Appraiser's Office, travel to Oskaloosa, KS, October 21, 2016, to attend Northeast Kansas County Officials Association Meeting, Employee Training/Travel.

Emerick James Cross, County Administrator's Office, travel to Newton, KS, November 30 – December 2, 2016, to attend Kansas Association of City/County Management, Employee Training/Travel.

Rebecca Garza, Health/Healthy Communities, travel to Denver, CO, October 31 – November 2, 2016, to attend American Public Health Association Conference, Presentation on Tobacco 21.

Alan Howze, Knowledge Department, travel to Washington, DC, October 24 – October 26, 2016, to attend Global Cities Zero Challenge, Employee Training/Travel.

Alan Howze, Knowledge Department, travel to Boston, MA, October 26 – October 28, 2016, to attend Civic Analytics Network.

Alan Howze, Knowledge Department, travel to Boston, MA, November 1 – November 3, 2016, to attend 2016 ICMA 102nd Annual Conference, Employee Training/Travel.

Kathleen VonAchen, Finance Administration, travel to Overland Park, KS, October 12 – October 14, 2016, to attend KSGFOA Fall Professional Conference, Employee Training/Travel.

Action: Approved by Administrator's Office.

7. APPLICATION FOR CATERER/DRINKING ESTABLISHMENTS:

Willie Kanippie LLC/William Hutton DBA Johnnie's on 7th, 55 S. 7th St.
Cheeseburger of Kansas City, LLC/David Alberico DBA Fuddruckers, 1705 Village West Pkwy.

Action: Referred to License.

8. APPLICATION FOR DRINKING ESTABLISHMENT:

The Mason Jar LLC/DBA The Mason Jar, 941 N. 74th Dr.

Action: Referred to License.

9. APPLICATION FOR MASSAGE THERAPIST LICENSE:

Darryl Olive DB/with KC Fitness Link, 541 Central Ave.

Action: Referred to License.



Unified Government Clerk's Office

Bridgette D. Cobbins
Unified Government Clerk

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<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: October 31, 2016

Re: Routine Business Material

Attached is an item presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

cg

Attachment



**LEGAL DEPARTMENT of the UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

**Ninth Floor-Municipal Office Building
701 North Seventh Street
Kansas City, Kansas 66101
Phone (913) 573-5060
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**Chief Counsel
Kenneth J. Moore**

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Henry E. Couchman Jr.
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**Assistant Counsel:
Ryan L. Carpenter
Ryan P. Haga
Jane A. Wilson
Susan Alig
Grant W. Williams
Wendy M. Green**

**Prosecutors
Meaghan Shultz
Victoria Meyer**

MEMORANDUM

TO: Unified Government Board of Commissioners

FROM: Kenneth J. Moore Chief Counsel

DATE: October 31, 2016

RE: Right-of-Way Ordinance & Resolution authorizing UG/BPU MOU as adopted

Attached is the ordinance which reflects the changes to the Unified Government's right-of-way ordinances as adopted by the Commission during the October 27, 2016 Commission meeting. Pursuant to the Commission's direction, the proposed changes to Section 32-28(d), addressing requirements for underground facilities, have been omitted. The proposed state mandated changes to the sections pertaining to wireless telecommunication providers were adopted without change.

In addition, attached is the resolution as adopted by the Commission during the October 27, 2016 Commission meeting which authorizes the County Administrator to negotiate and execute a Memorandum of Understanding with the Board of Public Utilities regarding the relocation of above ground facilities underground along Leavenworth Road (from 38th Street to 63rd Street) and the payment for the same in a total amount not to exceed \$5,000,000.

Published 11-3-16

ORDINANCE NO. 0-64-16

An ordinance relating to the updating of regulations, provisions, terms, and specifications for construction within the city's right-of-way, amending Sections 32-23, 32-26, and 32-28 and repealing said original sections.

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

Section 1. That the following Sections are hereby amended to read as follows:

Sec. 32-23. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) **Abandoned Facilities** means those facilities owned by the ROW-user that are not in use and will not be utilized by the owner in the future.
- (b) **Affiliate** means any person controlling, controlled by or under the common control of a service provider.
- (c) **Applicant** means any person requesting permission to occupy, lease or operate facilities using the right-of-way, or to excavate the right-of-way.
- (d) **Construct** means to construct, install, erect, build, affix or otherwise place any fixed structure or object, in, on, under, through or above the right-of-way.
- (e) **Day** means calendar day unless otherwise specified.
- (f) **Disrupt** means to place an object, materials, or debris in the right-of-way or to interfere with the right-of-way so as to obstruct or hinder free and open passage over any part of the right-of-way, including landscape maintenance and excluding ordinary vehicular or pedestrian traffic.
- (g) **Emergency** means a condition that poses a clear and immediate danger to life or health, or of a significant loss of property.

- (h) **Excavate** means to cut, dig, excavate, tunnel, bore, grade or otherwise alter the surface or subsurface material or earth in the right-of-way.
- (i) **Excavation Fee** means the fee charged by the unified government for each street or pavement cut which is intended to recover the costs associated with construction and repair activities of the ROW-user and its contractors and subcontractors.
- (j) **Facility or Facilities** means lines, pipes, irrigation systems, wires, cables, conduit facilities, ducts, poles, towers, manholes, vaults, pedestals, boxes, appliances, antennas, transmitters, gates, meters, splice pits, wells, drains, sewer lines, appurtenances, wireless communications facilities or other equipment, pipes, drains, sewer lines, irrigation systems, or other structures in the right-of-way.
- (k) **FCC** means the Federal Communications Commission.
- (l) **Kansas One Call** means the statewide notification system established pursuant to the Kansas Underground Utility Damage Prevention Act, K.S.A. 66-1801 et seq.
- (m) **KCC** means the Kansas Corporation Commission.
- (n) **MUTCD** means the latest edition of the Federal Highway Administration's Manual on Uniform Traffic Control Devices.
- (o) **Pavement** means the weatherproofing and load distributing surface coverings of the portions of the right-of-way intended for vehicular or pedestrian use, including Portland cement concrete pavement, asphalt concrete pavement, asphalt treated road surfaces, any aggregate base material, and brick.
- (p) **Permit and inspection fee** means the fee charged by the unified government to recover its cost incurred for right-of-way management, including, but not limited to, costs associated with registering applicants; issuing, processing, and verifying right-of-way permit applications, inspecting job sites and restoration of improvements, determining the adequacy of right-of-way restoration, revoking right-of-way permits, and other costs the unified government may incur in managing the provisions of this article.
- (q) **Person** means any natural or corporate Person, business association or business entity including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity.
- (r) **Permittee** means any person to whom a right-of-way permit is issued to excavate, disrupt, obstruct, or otherwise work in the right-of-way.

- (s) **Public improvement** means any project undertaken by the unified government for the construction, reconstruction, maintenance, or repair of any public infrastructure, and including, without limitation, streets, alleys, bridges, bikeways, parkways, sidewalks, curbs and gutters, sewers, drainage facilities, traffic control devices, signs, streetlights, parks, public facilities, public buildings or public lands.
- (t) **Public lands** means any real property of the unified government that is not a right-of-way.
- (u) **Repair** means the construction work necessary to restore the right-of-way to its previous configuration and use.
- (v) **Repair and restoration costs** means those costs associated with repairing and restoring the public right-of-way because of damage caused by the ROW-user, its contractors, or subcontractors.
- (w) **Restoration** means the process by which an excavated right-of-way and surrounding area, including pavement and sub-base, is returned to the same condition, or better, that existed before the commencement of the work.
- (x) **Right-of-way** means the area on, below, or above the present and future streets, alleys, roads, highways, boulevards, bridges, bikeways, parkways, sidewalks, or other land dedicated or acquired as public right-of-way.
- (y) **Right-of-way permit** means the authorization to excavate, disrupt, or obstruct for the construction, installation, repair or maintenance of any type of facility or for the performance of work within the right-of-way.
- (z) **Routine service operation** means a work activity that makes no material change to the facilities and does not disrupt traffic.
- (aa) **ROW-user** means a person, its successors and assigns, that uses the right-of-way for purposes of work, excavation, provision of services, or to install, construct, maintain, or repair facilities thereon, including, but not limited to, landowners and service providers. A ROW-user shall not include ordinary vehicular or pedestrian traffic, or the unified government.
- (bb) **Service** means a commodity provided to a person by means of a distribution, transmission, or collection system that is comprised of facilities located or to be located in the right-of-way, including, but not limited to, gas, telephone, cable television, internet services, open video systems, alarm systems, steam, electric, water, telegraph, data transmission, petroleum pipelines, or sewer systems.
- (cc) **Service provider** means any person owning, possessing, or having an interest in facilities used for providing a service for or without a fee. The term "service provider" also includes any person owning, possessing, or having an interest in facilities that are used by, may be used by, or are

intended for use by another person in whole or in part to provide a service for or without a fee, regardless of whether the actual facility owner provides any service as defined herein.

(dd) **Street** means the pavement and subgrade of a residential, collector, arterial, or limited access roadway including curb and gutter.

(ee) **Technical provisions and standard drawings** means the latest technical standards adopted by the unified government engineer and available from the public works department.

(ff) **Wireless communications facility** means an antenna installation, associated coaxial cable and associated base station equipment used by a wireless service provider to provide wireless service to customers. If a wireless communication facility is located on a communication tower, the communication tower and wireless communication facility are collectively the wireless communication facility. For purposes of this code, "wireless communications facilities" shall include all facilities and structures that fall within the definition of "wireless facility" and "wireless support structure" found in Kansas statutes, Senate Sub. for HB 2131.

Sec. 32-26. - Right-of-way use permit.

(a) Permit requirement.

(1) Except as otherwise provided, no ROW-user may excavate any right-of-way or conduct any construction, alteration, repair, reconstruction, or restoration of facilities located within the right-of-way or disrupt, obstruct, or otherwise work in the right-of-way without first having obtained the appropriate right-of-way permit.

(2) ROW-users performing routine service operations between 7:00 a.m. and 7:00 p.m. that do not disrupt traffic for more than four hours and do not involve excavation of the right-of-way are required to obtain an annual right-of-way permit and otherwise must comply with this article. No ROW-users other than those described in this subsection may obtain an annual permit.

(3) ROW-users performing work in or disrupting the right-of-way due to an emergency must obtain a permit. If, due to an emergency, it is necessary for the ROW-user to perform work in the right-of-way immediately and it is impractical for the ROW-user to get the appropriate permit before doing the work, the work may be performed and the required permit shall be obtained as soon as possible during the next unified government working day.

(4) A right-of-way permit shall be valid only for the dates and area of the right-of-way and work specified in the permit. No permittee may work in or disrupt the right-of-way outside the area specified in the permit or beyond the date or dates specified or do work not described in the right-of-way permit unless the permittee:

a. Makes a supplementary application for another right-of-way permit before the expiration of the initial permit; and

b. Is granted a new right-of-way permit or a permit extension.

(5) At all times permittees shall have their right-of-way permits available at the work site for inspection by the unified government engineer and other unified government employees.

(6) Before receiving a right-of-way permit, the applicant must show proof of any necessary permit, license, certification, grant, registration, franchise agreement, or any other authorization required by any appropriate governmental entity, including, but not limited to, the unified government, the FCC, or the KCC.

(7) Any ROW-user who is found to have worked or to be working in or disrupting the right-of-way without a permit will be directed to stop work and shall stop work until a permit is acquired. The only exception allowed is for emergency repair work. The permit fee for a ROW-user who has been working in or disrupting the right-of-way without a permit in violation of this section shall be doubled. The enhanced fee is in addition to any fine that may be levied as a result of a conviction for violation in municipal court.

(b) Permit applications.

(1) Regular applications.

a. Application for a right-of-way permit shall be submitted to the unified government engineer either by the ROW-user or by the person who will do the work or excavation in or disruption of the right-of-way. Before an application may be submitted, the Applicant shall attend a pre-application conference, unless waived by the unified government engineer.

b. Right-of-way permit applications shall contain the following information:

1. Applicant's name and address and, if applicable, the ROW-user for whom the work is being done;
2. Identification of the location where the proposed project will be done;
3. A description of the proposed project;
4. A description of transmission medium and evidence that space is available if locating in or on existing facilities, if applicable;
5. Identification of specific trees, structures, improvements, facilities proposed to be removed, relocated, adjusted, or otherwise affected by the proposed project; and
6. Any other information requested by the unified government.

c. Right-of-way permit applications shall be considered complete only upon:

1. Compliance with the registration requirements of this article;
2. Submission of a completed permit application form, including all required attachments;

3. Submission of scaled drawings showing the location and area of the proposed project and the location of all existing and proposed facilities at such location if applicant is not a service provider;

4. Submission of drawings prepared by a state-licensed professional engineer showing the location and area of the proposed project and the location of all existing and proposed facilities along the proposed construction route if applicant is a service provider;

5. Submission of a traffic control plan;

6. Presentation of evidence that the applicant has notified all service providers located in the right-of-way where the applicant intends to work of the applicant's proposed work and has given such other service providers an opportunity to review the applicant's plans if the applicant intends to excavate the right-of-way;

7. Compliance with the insurance and bond requirements of this article; and

8. Payment of all money due to the unified government for permit fees and costs, for prior excavation or disruption fees and costs, for any loss or damage or expense suffered by the unified government because of the applicant's prior excavations or disruptions of the right-of-way, or for any emergency actions taken by the unified government, unless the payment of such money is in dispute and timely appealed as provided hereafter.

d. Permittees must report to the unified government engineer any changes in the information submitted on or with their permit applications within 15 days of such change.

e. If an Applicant has submitted an application for a permit for the installation, construction, maintenance or repair of multiple Facilities, that Applicant may not submit another application for a permit for the installation, construction, maintenance or repair of multiple Facilities until the first application has been approved or denied. This provision may be waived by the unified government engineer.

f. All applications shall be processed within the timeframes required by state and federal law.

(2) Joint applications.

a. Applicants may apply jointly for permits to excavate the right-of-way at the same time and place.

b. Applicants who apply jointly for a right-of-way permit may share in the payment of the permit fee. Applicants must agree among themselves as to the portion each shall pay.

(3) Supplementary applications. Any permittee who wishes to excavate or disrupt an area greater than that which is specified in the permit or wishes to work in or disrupt the right-of-way for a longer time than that specified in the permit or wishes to do work not described in the permit must:

- a. Make application for a permit extension and pay any additional fees required; and
- b. Grant a new right-of-way permit or permit extension.

(c) Right-of-way permit fees.

(1) The amount of the right-of-way permit fees shall be set by the county administrator and shall be subject to all state and federal fee limitations.

(2) An application shall not be deemed submitted unless the permit fee is paid.

(23) The right-of-way permit fee shall include, but not be limited to:

- a. A permit and inspection fee;
- b. An amount for the excavation costs associated with the decrease in the useful life of the pavement caused by an excavation, if applicable;
- c. An amount for repair and restoration costs; and
- d. An amount for the disruption costs associated with disrupting the right-of-way, including delay in completion of the work, if applicable.

(34) No right-of-way permit shall be issued prior to the payment of the permit fee, unless other billing arrangements have been made with the office of the unified government engineer.

(45) No right-of-way permit shall be issued if any previous right-of-way permit fees due under this article remain unpaid by an applicant.

(56) Fees paid for a right-of-way permit that is subsequently revoked by the unified government engineer are not refundable.

(67) A renewal or extension of a right-of-way permit shall require another fee in an amount to be set by the county administrator.

(78) The permit fee for a ROW-user who has been working in or disrupting the right-of-way without a permit in violation of this article shall be doubled.

(89) The unified government or the city board of public utilities (BPU) is exempt from payment of fees under this article.

(10) The unified government engineer may waive fees for other governmental entities pursuant to a written agreement between the unified government and such other governmental entity.

(11) The unified government may also charge and collect any necessary Repair and Restoration Costs.

(d) Issuance of permit.

(1) If the unified government engineer determines that the applicant has satisfied the requirements of this article, the unified government engineer shall issue a right-of-way permit.

(2) The unified government engineer may impose reasonable conditions upon the issuance of a right-of-way permit and the performance of the permittee in order to protect the public health, safety, and welfare, to ensure the structural integrity of the right-of-way, to protect the property and safety of other users of the right-of-way, and to minimize the disruption and inconvenience to the traveling public.

(3) Issued permits are nontransferable.

(e) Denial of permit. The unified government engineer may deny a permit or prohibit the use or occupancy of a specific portion of the right-of-way to protect the public health, safety, and welfare, to prevent interference with the safety and convenience of ordinary travel over the right-of-way; or when necessary to protect the right-of-way and its users. Any denial of a wireless communications antenna, tower or related facilities shall, in accordance with federal and state law, be made in writing and supported by substantial evidence contained in a written record issued contemporaneously with said decision. The unified government engineer, at his discretion, may consider all relevant factors including, but not limited to:

(1) The extent to which the right-of-way space where the permit is sought is available;

(2) The competing demands for the particular space in the right-of-way;

(3) The availability of other locations in the right-of-way or in other rights-of-way for the facilities of the applicant;

(4) The applicability of any ordinance or other regulations that affect location of facilities in the right-of-way;

(5) The degree of compliance of the applicant with the terms and conditions of its franchise, this article, and other applicable ordinances and regulations;

(6) The degree of disruption to surrounding communities and businesses that will result from the use of that part of the right-of-way;

(7) The balancing of costs of disruption to the public and damage to the right-of-way against the benefits to that part of the public served by the construction in the right-of-way;

(8) Whether the applicant maintains a current registration with the unified government;

(9) Whether the issuance of a right-of-way permit for the particular dates and times requested would cause a conflict or interfere with an exhibition, celebration, festival, or other event, or with another ongoing or planned public improvement. In exercising this discretion, the unified government engineer shall be guided by the safety and convenience of anticipated travel by the public over the right-of-way.

(f) Revocation of permit.

(1) Permittees hold right-of-way permits issued pursuant to this article as a privilege and not as a right. The unified government reserves its right, as provided herein, to revoke any right-of-way permit, without refund of the permit fee, in the event of a substantial breach of the terms and conditions of any law or the terms and conditions of the right-of-way permit. Any revocation of a wireless communications antenna, tower or related facilities shall, in accordance with federal and state law, be made in writing and supported by substantial evidence contained in a written record issued contemporaneously with said decision. A substantial breach shall include, but not be limited to, the following:

- a. The violation of any material provision of the right-of-way permit;
- b. An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the unified government or its citizens;
- c. Any material misrepresentation of any fact in the permit application;
- d. The failure to maintain the required bond or insurance;
- e. The failure to complete the work in a timely manner;
- f. The failure to correct a condition indicated on an order issued pursuant to this article;
- g. Repeated traffic control violations; or
- h. Failure to repair facilities damaged in the right-of-way.

(2) If the unified government engineer determines that the permittee has committed a substantial breach of any law or condition placed on the right-of-way permit, the unified government engineer shall make a written demand upon the permittee to remedy such violation. The demand shall state that the continued violation may be cause for revocation of the permit or legal action if applicable. Further, a substantial breach will allow the unified government engineer, at his discretion, to place additional or revised conditions on the right-of-way permit, specifically related to the manner in which the breach is cured by the permittee. Within five calendar days of receiving notification of the breach, the permittee shall contact the unified government engineer with a plan, acceptable to the unified government engineer, for correction of the breach. The permittee's failure to contact the unified government engineer, to submit an acceptable plan, or to reasonably implement the approved plan shall be cause for immediate revocation of the right-of-way permit. If a dangerous condition exists requiring immediate action, the unified government engineer may order the permittee to stop work or to take measures to correct the dangerous condition immediately.

(3) If a right-of-way permit is revoked, the permittee shall also reimburse the unified government for the unified government's reasonable costs, including administrative costs, restoration costs, and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation.

(g) Appeals process.

(1) Whenever a person shall deem himself aggrieved by any decision or action taken by the unified government engineer, the person may file an appeal to the county administrator within ten calendar days of the date of notice of such decision or action. Provided, this section shall not apply to any Person who is availing themselves of the appeal provisions set forth in K.S.A. 66-2019 (h)(6).

(2) The persons shall be afforded a hearing on the matter before the county administrator or his designated representative within 30 days of filing the appeal.

(3) In cases of applicability or interpretation of the rules, the county administrator may revoke such decision or action taken by the unified governmental engineer.

(4) In cases where compliance with such decision or action taken by the unified government engineer would cause undue hardship, the county administrator may extend the time limit of such decision or action, or may grant exceptions to, or waive requirements of, or grant a variance from the specific provisions of rules. The county administrator shall give due consideration to the purposes of the rules in preserving public safety and convenience, integrity of public infrastructure, and the operational safety and function of the public right-of-way.

(5) Pending a decision of the county administrator, the order of the unified government engineer shall be stayed, unless the unified government engineer determines that such actions will pose a threat to public safety or the integrity of the public infrastructure.

(6) If a person still deems himself aggrieved after the appeal to the county administrator, such person shall have 30 days after the effective date of the county administrator's final decision to institute an action in the District Court of Wyandotte County, Kansas.

Sec. 32-28. - Use of the right-of-way by service providers.

(a) Registration of service providers.

(1) No service provider shall be authorized to use the right-of-way in any capacity or manner without registering and obtaining the necessary right-of-way permit from the unified government.

(2) All existing service providers must register within 60 days of the effective date of the ordinance from which this article is derived.

(3) Any person who is not an existing service provider before the effective date of the ordinance from which this article is derived and who wishes to become a service provider must first register with the unified government.

(4) The service provider shall report any changes in its registration information within 30 days.

(5) The information required for registration includes the following:

a. Identity and legal status of service provider, including related affiliates.

b. Name, address, telephone number, fax number, and email address of officer, agent, or employee responsible for the accuracy of the registration statement.

c. Name, address, telephone number, fax number, and email address of the local representative of the service provider who shall be available at all times to act on behalf of the service provider in the event of an emergency.

d. Proof of any necessary permit, license, certification, grant, registration, franchise agreement, or any other authorization required by any appropriate governmental entity, including, but not limited to, the unified government, the FCC, or the KCC.

e. Description of the service provider's use or intended use of the right-of-way.

f. Information sufficient to determine whether the service provider is subject to franchising by state law.

g. Information sufficient to determine whether the service provider has applied for and received any certificate of authority required by the KCC.

h. Information sufficient to determine that the service provider has applied for and received any permit or other approvals required by the FCC.

i. Such other information as may be reasonably required by the unified government to complete the registration statement.

(b) Other service provider requirements.

(1) Local agent. Each service provider shall designate a local person familiar with the facilities who will act as a local agent for the service provider and will be responsible for satisfying information requirements of this article. The service provider shall present to the unified government the agent's name, address, telephone number, fax number, and email address. The agent shall be the person to whom relocation notices and other such notices shall be sent, and with whom rests the responsibility to facilitate all necessary communications. The service provider shall be responsible for all costs incurred by the unified government due to the failure to provide such information to the unified government.

(2) Right-of-way permit. Before construction, reconstruction, repair, maintenance, or relocation of facilities owned by the service provider in the right-of-way, the service provider shall first obtain the necessary right-of-way permit as provided in this article.

(3) Franchise. Before providing service to the unified government and its residents, the service provider shall first obtain the necessary franchise agreement, if any, from the unified government.

(4) Coordination. The service provider shall participate in any joint planning, construction, and advance notification of right-of-way work, including coordination and consolidation of excavations as directed by the unified government engineer. In addition, the service provider shall cooperate with other service providers and the unified government for the best, most efficient, most aesthetic and least obtrusive use of the right-of-way, consistent with safety, and to minimize traffic and other disruptions, including excavations.

(5) Information requested. Within ten days of a request by the unified government, the service provider will provide to the unified government information concerning its facilities as may be reasonably requested.

(6) Mapping.

a. Upon request by the unified government engineer, a service provider shall furnish maps showing the alignment of its facilities within the city.

b. The service provider shall keep and maintain accurate records and as-built drawings depicting accurate horizontal and vertical alignment of all its facilities constructed, reconstructed, relocated, or abandoned in the right-of-way after the effective date of the ordinance from which this article is derived.

c. When available to the service provider, maps will be submitted electronically in a format compatible with the unified government's geographical information system (GIS). Nothing in this section shall be construed to require the service provider to acquire or modify any electronic mapping system.

d. Underground facilities shall be differentiated from overhead facilities.

e. Such mapping and identification shall be at the sole expense of the service provider.

(c) Service provider's right to sell, transfer, lease, assign, sublet, or dispose of facilities. Except as provided in this section, the service provider shall not sell, transfer, lease, assign, sublet, or dispose of its facilities, or any portion thereof, that is located in city right-of-way, or any right, title, or interest in the same, or transfer any rights granted by the unified government to any person either by forced or involuntary sale, or by ordinary sale, consolidation, or otherwise, without notice to the unified government. This provision shall not apply to the sale of property or equipment other than the service provider's facilities or to the sale or lease of facilities to reseller service providers. No notice to the unified government shall be required for a transfer in trust, mortgage, or other similar instrument, in whole or in part, to secure an indebtedness, or for a pro forma transfer to a corporation, partnership, or other entity controlling, controlled by, or under common control with the service provider.

(d) Facility location and design.

(1) Review and ~~approval~~. The design, location, and nature of all facilities shall be subject to the review and ~~approval~~ consultation of the unified government engineer. Such review shall be based on nondiscriminatory basis in application of unified government policy. ~~and approvals shall not be unreasonably withheld.~~

(2) Placement of facilities.

a. Impact on public improvements.

1. The service provider shall coordinate the placement of facilities in a manner that minimizes adverse impact on any public improvement, as reasonably determined by the unified government. Where placement is not regulated, the facilities shall be placed

with adequate clearance from such public improvements so as not to impact or be impacted by such public improvement.

2. The service provider shall consider any request made by the unified government concerning placement of facilities in private easements in order to limit or eliminate future public improvement relocation expenses.

b. Noninterference with unified government and public use. All facilities of the service provider shall be placed so that they do not interfere with the use of right-of-way and public lands. The unified government, through its engineer, shall have the right to consult and review; ~~and approve~~ the location, design, and nature of the facility before it is installed. Service providers shall avoid so far as practicable disrupting or interfering with the public's use of the right-of-way. The unified government has the authority to prohibit the use or occupancy of a specific portion of the right-of-way by a service provider if, in the opinion of its engineer, such use or occupancy presents a danger to public health, safety, or welfare.

c. Noninterference with other ROW-users. A service provider shall not interfere with the facilities of other ROW-users without their permission.

d. Underground facilities.

1. Except when waived the unified government engineer, all facilities required to be underground by prior ordinances shall continue to be placed and maintained underground, including, but not limited to, all areas where plats were approved showing underground facilities and the following streets:

(i) Minnesota Avenue between 2nd Street and 18th Street;

(ii) Central Avenue between State Line Street and 18th Street;

(iii) Kansas Avenue between 18th Street and the Kansas River;

(iv) James Street between the bridge over the Kansas River and State Line Avenue;

(v) North 5th Street between Central Avenue and Haskell Avenue;

(vi) North 6th Street between Central Avenue and Oakland Avenue;

(vii) North 10th Street between Central Avenue and Minnesota Avenue and;

(viii) North 7th Street from Minnesota Avenue to Quindaro Boulevard.

2. Except when waived by the unified government engineer, all facilities constructed in new developments shall be located underground.

3. The service provider shall comply with all requirements of the unified government relating to underground facilities.

4. If and when the unified government requires or negotiates to have a service provider cease using its existing poles and to relocate its facilities underground, all other service providers using the same poles shall also relocate their facilities underground at the same time, subject to the appeal process contained in this article.

5. Where reasonable and appropriate and where adequate public rights-of-way exist, The service provider shall place aboveground facilities underground in conjunction with unified government capital improvement projects and/or at specific locations requested by the unified government, provided that such placement is practical, efficient, and economically feasible.

e. Right-of-way corridors. The unified government engineer may assign specific corridors within the right-of-way for each type of facility. If the unified government engineer has assigned corridors, the right-of-way permits shall indicate the proper corridor for the service provider's facilities. Any service provider whose facilities are currently in the right-of-way in a position at a variance with the designated corridors shall, no later than at the time of next reconstruction or excavation of the area where its facilities are located, at its sole expense, move the facilities to its assigned position within the right-of-way, unless this requirement is waived by the unified government engineer for good cause shown, upon consideration of such factors as the remaining life of the facilities, public safety, user service needs, and hardship to the service provider.

f. Conduits. If, in the preparation and planning of a right-of-way project, the unified government engineer deems it appropriate for a conduit to be constructed along, across, or under the right-of-way, the unified government engineer shall contact all appropriate service providers for their input on the planning and design of such conduit. If a service provider desires to construct, maintain, or operate facilities along such right-of-way, the unified government engineer may require the service provider to use such conduit, and to contribute to the expense of such conduit; provided, however, the service providers use of the conduit is reasonable and appropriate under the circumstances.

g. Notification, joint installation, and collocation. Prior to any excavation or installation within the right-of-way, service providers shall provide an affidavit stating the service provider conducted a thorough analysis of available collocation opportunities within its service area. ~~sufficient notification and joint installation opportunity on a shared cost basis to potential users of the right of way as may be provided for by unified government regulations. Such notification and regulations shall be designed to maximize collocation of providers, to minimize the disturbance to the right of way, and to maximize its useable capacity.~~ A service provider shall not install new conduit or other facilities where existing conduit is available to the service provider that would reasonably avoid the need for new excavation or overhead installations. Service providers shall identify by mapping, as required by the unified government engineer, the location and specifications of all conduit available or dedicated for collocation.

h. Additional facilities; planned infrastructure. When any service provider installs any new conduit, the unified government may require the service provider to simultaneously install sufficient additional conduit or other related facilities ("excess conduit") as may be determined by the unified government engineer and in order to reasonably meet the needs of existing and future

users of the right-of-way. The criteria for when such conduit will be required, the amount of conduit to be required, management and ownership of the excess conduit, financing of the excess conduit, specifications for the design of the conduit, and related matters shall be established by regulations. The unified government may reserve for its own purposes a portion of any excess conduit dedicated to the unified government. When sections of a service provider's conduit is installed simultaneously with another service provider, the cost of such sections of excess conduit shall also be cost-shared by each service provider as established by regulation. The requirements of this subsection shall be administered on a competitively neutral and nondiscriminatory basis to maximize the available space in the right-of-way and designed to minimize the total number of excavations and cost of total communications infrastructure installation.

i. Boxes and pedestals. Aboveground pedestals, vaults, antennae, or other facilities may be installed only if approved by the unified government where alternative underground facilities are not feasible or where underground requirements are otherwise waived.

j. Exclusion of certain locations/facilities. Prior to a service provider's installations of any facilities in the right-of-way and after the service provider provides the unified government with its proposed plans for the facilities, the unified government engineer, in his discretion, may designate certain locations or facilities in the right-of-way to be excluded from use by the service provider for its facilities, including, but not limited to, ornamental or specially-designed street lights or other facilities or locations which in the reasonable judgment of the unified government engineer do not have electrical service adequate or appropriate for the service provider's facilities or cannot safely bear the weight or wind loading thereof, or any other facility or location that in the reasonable judgment of the unified government engineer is incompatible with the proposed facilities or would be rendered unsafe or unstable by the installation. The unified government engineer may further exclude certain other facilities based on considerations of public health, safety, or welfare. The unified government may reserve space within the right-of-way for future public improvements. In the event such exclusions or reservations conflict with the reasonable requirements of the service provider, the unified government will cooperate in good faith with the service provider to attempt to find suitable alternatives, if available, provided that the unified government shall not be required to incur financial cost nor to acquire new locations for the service provider.

(3) Technical standards.

a. All technical standards governing construction, reconstruction, installation, repair, operation, testing, use, maintenance, and dismantling of a service provider's facilities in the right-of-way shall be in accordance with applicable federal, state, and local law and regulations or in accordance with standards published by national trade associations commonly associated with the service provided. It is understood that the standards established in this subsection (3)a are minimum standards and the requirements established or referenced in this article may be in addition to or stricter than such minimum standards.

b. Based on the size and complexity of the planned improvement, the unified government engineer may require that any drawings, plans, and specifications submitted be certified by a state-registered professional engineer stating that such drawings, plans, and specifications comply

with the technical provisions and standard drawings and all applicable technical codes, rules, and regulations, unless such plans are based directly on nationally recognized codes, which are appropriately cited and attested to on the plans by the signature of an authorized official of the organization applying for the permit.

(4) Participation in plan review. The service provider shall participate in a review of its plans and shall cooperate promptly and fully with the unified government and take all reasonable measures necessary to provide accurate and complete on-site information regarding the nature and horizontal and vertical location of its facilities located within the right-of-way, both underground and overhead, when requested by the unified government. Such location and identification shall be at the expense of the service provider without any expense to the unified government.

(e) Facility removal, relocation, or adjustment.

(1) The service provider shall promptly remove, relocate, adjust, or temporarily support any facilities located in the right-of-way as directed by the unified government for a public improvement or when reasonably required by the unified government by reason of public health, safety, or welfare. Such removal, relocation, adjustment, or temporary support, including relocation, adjustment, or reconnection of service lines, shall be performed by the service provider at the service provider's sole expense without expense to the unified government, its employees, agents, or authorized contractors and shall be specifically subject to applicable rules, regulations, and schedules of the unified government. The service provider shall proceed with removals, relocations, adjustments, and supports with due diligence upon notice by the unified government.

(2) If the unified government expands its right-of-way, the service provider shall promptly remove, relocate, or adjust any facilities located in private easement, as directed by the unified government, for a public improvement, at unified government expense, by moving such facilities to areas within the expanded right-of-way or within remaining private easements or remaining portions of such easements neither condemned by nor disclaimed to the unified government to avoid conflict with unified government construction and improvements. The service provider shall disclaim those parts of its easements that lie within the expanded right-of-way.

(3) As soon as working drawings are available for public improvements that will require the service provider to remove, relocate, adjust, or temporarily support its facilities, the unified government shall provide the service provider with written notice and the anticipated bid letting date of the improvement. The service provider shall respond with any conflicts and a proposed construction schedule within 30 days.

(4) Following notice by the unified government in the form of the delivery of final design plans for such public improvements, the service provider shall remove, relocate, adjust, or temporarily support its facilities in accordance with the mutually agreed upon schedule. The service provider shall certify to the unified government, in writing, that its facilities have been removed, relocated, adjusted, or supported to clear construction in accordance with project plans provided by the unified government.

(5) Any damages suffered by the unified government, its agents, or its contractors to the extent caused by the service provider's failure to, in a timely manner, remove, relocate, adjust, or support its

facilities, or failure to properly remove, relocate, adjust, or support such facilities, shall be borne by the service provider.

(6) In the event the service provider is required to remove, relocate, or adjust its facilities in accordance with this section, any ordinary right-of-way permit fee shall be waived.

(7) It is the intent of this section for both the unified government and the service provider to cooperate with one another so that the need for facility removal, relocation, or adjustment is minimized and, when required and feasible, removals, relocations, and adjustments may be completed before receipt of bids by the unified government for a public improvement.

(8) Upon the appropriate request of any person having satisfied unified government procedure and ordinances, the service provider shall remove, raise, or lower its facilities temporarily to permit the moving of houses or other structures. The expense of such temporary removal, raising, or lowering shall be paid by the person requesting it, and the service provider may require such payment in advance. The service provider must be given not less than five days' written notice from the person detailing the time and location of the moving operations and not less than 24 hours' advance notice from the person advising of the actual operation.

(f) Right-of-way vacation.

(1) If the unified government vacates a right-of-way which contains the facilities of a service provider, and if the vacation does not require the relocation of the service provider's facilities, the unified government shall reserve to and for itself, and all service providers having facilities in the vacated right-of-way, an easement for the right to install, maintain, and operate any facilities in the vacated right-of-way and to enter upon such vacated right-of-way at any time for the purpose of reconstructing, inspecting, maintaining, or repairing such facilities.

(2) If the vacation requires the relocation of facilities:

a. And the vacation proceedings are initiated by the service provider or by the unified government, the service provider must pay the relocation costs unless otherwise agreed to by the unified government and the service provider.

b. And the vacation proceedings are initiated by a person other than the service provider or the unified government, such other person must pay the relocation costs.

(3) Petitions for vacation of any easement or right-of-way shall be filed with the unified government clerk. A fee shall be charged for all such petitions in an amount to be set by the county administrator.

(g) Abandoned and unusable facilities.

(1) A ROW-user owning abandoned facilities in the right-of-way must either:

a. Remove its facilities and replace or restore any damage or disturbance caused by the removal at its own expense, if required by the unified government engineer. However, the unified government engineer may allow underground Facilities or portions thereof remain

in place if the unified government Engineer determines that it is in the best interest of public health, safety or welfare to do so. At such time, the unified government may take ownership and responsibility of such vacated Facilities left in place;

b. Provide information satisfactory to the unified government that the ROW-user's obligations for its facilities in the right-of-way have been lawfully assumed by another authorized ROW-user; or

c. Submit to the unified government a proposal and instruments for transferring ownership of its facilities to the unified government. If the ROW-user proceeds under this section, the unified government, at its option, may purchase the equipment, require the ROW-user, at its own expense, to remove it or require the ROW-user to post a bond in an amount sufficient to reimburse the unified government for reasonable anticipated costs to be incurred to remove the facilities.

(2) Facilities of a ROW-user who fails to comply with this section and whose facilities remain unused for two years shall be deemed to be abandoned, unless the unified government receives confirmation that the ROW-user intends to use the Facilities. Abandoned Facilities are deemed to be a nuisance. The unified government may exercise any remedies or rights it has at law or in equity, including, but not limited to, (a) abating the nuisance, (b) taking possession and ownership of the Facility and restoring it to a useable function, or (c) requiring the removal of the Facility by the ROW-user.

(h) Provider responsible for costs. The service provider shall be responsible for all reasonable costs borne by the unified government that are directly associated with its installation, maintenance, repair, operation, use, and replacement of its facilities with the right-of-way and that are not otherwise accounted for as part of the permit fee. All such costs shall be itemized and the unified government's books and records related to these costs shall be made available upon request to the service provider. The service provider shall be responsible for its own costs incurred removing or relocating its facilities when required by the unified government for reasons relating to maintenance and use of the right-of-way for unified government purposes.

Section 2. That said original Sections 32-23, 32-26, and 32-28 are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the Wyandotte Echo.

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

THIS 27 DAY OF October, 2016.

Mark Holland, Mayor/CEO

Attest:

Unified Government Clerk

Approved As To Form:

Ryan Haga, Assistant Counsel

RESOLUTION NO. R-77-16

A RESOLUTION DIRECTING AND AUTHORIZING THE COUNTY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE KANSAS CITY BOARD OF PUBLIC UTILITIES FOR IMPROVEMENTS TO THE PUBLIC RIGHT-OF-WAY ALONG LEAVENWORTH ROAD.

WHEREAS, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government"), is the primary steward of the right-of-way and is charged with minimizing the disruption, visual impact and inconvenience to the public and to preserving the public health, safety and welfare of the citizens of the Unified Government; and

WHEREAS, the right-of-way along Leavenworth Road (from 38th Street to 63rd Street) is in need of various capital improvements (the "Improvements") which includes the relocation of above ground facilities underground; and

WHEREAS, the Unified Government's Code of Ordinances authorizes the Unified Government to require the placement of above ground facilities underground, and the Unified Government wishes to provide for the making of the Improvements; and

WHEREAS, Kansas City Board of Public Utilities is an administrative agency of the Unified Government of Wyandotte County/Kansas City, Kansas ("BPU") and is governed by a governing body and is separately funded through rates set by the Board; and

WHEREAS, the BPU is required to make the Improvements at the BPU's expense pursuant to the Unified Government Code of Ordinances, and the Improvements will also benefit the BPU; and

WHEREAS, the Unified Government, in recognition that the BPU's relationship to the Unified Government and the parties mutual desire to continue the good working relationship that the parties have, wishes to share in the costs of the Improvements with a total amount not to exceed \$5,000,000.00; and

WHEREAS, the parties wish to set out their rights and responsibilities for the Project in a Memorandum of Understanding which will allow both parties to share the costs and expenses associated with the Improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

1. That the Unified Government Board of Commissioners hereby authorizes the Improvements as part of the CMIP in a total amount not to exceed Five Million Dollars and No

Cents (\$5,000,000.00), the cost of which is to be shared equally between the Unified Government and the Board of Public Utilities, for the relocation of above ground facilities underground along Leavenworth Road (from 38th Street to 63rd Street).

2. That the County Administrator of the Unified Government of Wyandotte County/ Kansas City, Kansas is hereby directed and authorized to negotiate and execute said Agreement on behalf of the Unified Government, and the County Administrator is hereby authorized to take any action required and necessary to implement and satisfy the intent of said Agreement.

**ADOPTED BY THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS,**

THIS 27 DAY OF October 2016.

By: _____
Mark Holland, Mayor/CEO

ATTEST

Unified Government Clerk

Approved As To Form:

Assistant Counsel