



Update
Public Works and Safety Committee
Standing Committee Meeting Agenda
Monday, November 28, 2016
5:00 PM

Location:

Municipal Office Building
701 N 7th Street
Kansas City, Kansas 66101
5th Floor Conference Room (Suite 515)

Name

Absent

Commissioner Melissa Bynum, Chair

☐

Commissioner Harold Johnson

☐

Commissioner Mike Kane

☐

Commissioner Angela Markley

☐

Commissioner Jane Philbrook

☐

Jeff Bryant, BPU Member

☐

I. Call to Order/Roll Call

**II. Revisions to November 28, 2016 Agenda
 Blue Sheet**

III. Approval of standing committee minutes from September 19, 2016.

IV. Measurable Goals

V. Committee Agenda

**Item No. 1 - PROPOSED REVISIONS: COUNTY EMERGENCY OPERATIONS
PLAN - ESF 12**

Synopsis: Request approval of proposed revisions to Section 12 - Energy and Utilities of Wyandotte County's Emergency Operations Plan (CEOP), submitted by Matt May, Emergency Management Director.

Tracking #: 16879

Item No. 2 - ORDINANCE: AMEND CHAPTER 35, TRAFFIC CODE

Synopsis: An ordinance amending Chapter 35, Traffic Code, submitted by Jenny Myers, Senior Attorney.

Tracking #: 16883

Item No. 3 - ORDINANCE: AMEND CHAPTER 23, MUNICIPAL COURT CODE

Synopsis: An ordinance amending Chapter 23, Municipal Court Code, submitted by Jenny Myers, Senior Attorney. This amendment will allow for the county administrator to assess an appropriate diversion fee when necessary.

Tracking #: 16885

Item No. 4 - ORDINANCE: AMEND CHAPTER 22, OFFENSES, AND CHAPTER 4, ALCOHOLIC BEVERAGES

Synopsis: An ordinance amending Chapter 22, Miscellaneous Provisions and Offenses, and Chapter 4, Alcoholic Beverages, submitted by Jenny Myers, Senior Attorney.

Tracking #: 16886

Item No. 5 - RESOLUTION: ADOPTING BUILDING NAMING POLICY

Synopsis: A resolution adopting a policy regarding the naming of Unified Government-owned buildings and parks, submitted by Ryan Haga, Assistant Counsel.

Tracking #: 16827

Item No. 6 - PRESENTATION: MAJOR INFRASTRUCTURE PROJECTS

Synopsis: A presentation summarizing the major infrastructure projects that will begin or continue construction in 2018 - 2021, submitted by Mike Tobin, Public Works. This is the second of the two-part series of presentations to discuss the Public Works CMIP projects. The first presentation was given in October 2016 for projects slated for construction in 2017.

Handouts will be provided at the meeting.

For information only.

Tracking #: 16878

Item No. 7 - DISCUSSION: PUBLIC WORKS' SWOT

Synopsis: Discussion and input on the Public Works' strengths, weaknesses, opportunities and threats (SWOT) analysis as part of the process in developing goals for the department's strategic plan, submitted by Jeff Fisher, Public Works Director.

It is requested that standing committee members complete the worksheet prior to the Nov. 28th meeting.

For discussion only.

Tracking #: 16867

VI. Public Agenda

Item No. 1 - APPEARANCE: VINCENT RAMIREZ

Synopsis: Appearance of Vincent Ramirez, President of Argentine Heights, regarding a petition filed in the UG Clerk's Office requesting Steele Road, from 18th St. to 34th St., be paved.

Tracking #: 16887

VII. Adjourn

**AGENDA UPDATE
PUBLIC WORKS AND SAFETY
STANDING COMMITTEE MEETING
MONDAY, NOVEMBER 28, 2016**

V. COMMITTEE AGENDA

NEW ITEMS

ITEM NO. 8 – 16893...REQUEST: ADDITIONAL FUNDING FOR NEW SOUTH PATROL STATION

Synopsis: Request additional funding be added to the Kansas City, KS Police Department new South Patrol station construction project, submitted by Reginald Lindsay, Budget Director.

ITEM NO. 9 – 16913...RESOLUTION: INTEGRATED OVERFLOW CONTROL PLAN

Synopsis: A resolution authorizing the Director of Public Works to furnish information and sign documentation in connection with the Unified Government's loan with the Kansas Department of Health and Environment for the implementation of the Integrated Overflow Control Plan, submitted by Misty Brown, Deputy Chief Counsel.



Staff Request for Commission Action

Tracking No. 16893

Full Commission Meeting Date: 12/15/16

Committee: Public Works & Safety

Date of Standing Committee Action: 11/28/16

(If none, please explain):

Publication Required: No

<u>Date:</u> 11/22/2016	<u>Contact Name:</u> Reginald Lindsey	<u>Contact Phone:</u> x5292	<u>Contact Email:</u> rlindsey@wycokck.org	<u>Department/Division:</u> Budget
<u>Item Description:</u> An increase in funding in the amount of \$313,000 is needed to revitalize property where the new South Patrol station for the KCK Police Department is being built.				
<u>Action Requested:</u> For approval				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Budget Form				



BUDGET REVISION APPROVAL FORM

Commission Review

\$50,000 OR GREATER

DISCRETIONARY PURCHASES

Today's Date	November 28, 2016	Department Contact	Mike Tobin				
Department/Division	Public Works	Phone Number	913-573-5747				
Description/Title	South Patrol - Site Work	Budget Analyst					
CMIP Number (If Assigned)		Phone Number					
Account Distribution	212-978-9242-5444	Amount Needed	\$313,000				
		Date Needed by	December 2, 2016				
Revision Request Type (Check One)	<table border="0"><tr><td>Emergency Repair</td><td>Non-Personnel Expense</td></tr><tr><td>Change to Existing CMIP X</td><td>Other</td></tr></table>			Emergency Repair	Non-Personnel Expense	Change to Existing CMIP X	Other
Emergency Repair	Non-Personnel Expense						
Change to Existing CMIP X	Other						
Department Funds Available							
1. Amount: \$ 313,000	2. Amount: \$	3. Amount: \$	4. Amount: \$				
ACD: 212-21-0017-5232	ACD:	ACD:	ACD:				
Other Funding Needed	Yes No	Amount: \$					
Department Head Signature			Date				
Detail Description:							
Increased funding in the amount of \$313,000 is needed to revitalize property where the new South Patrol Station for KCK Police Department is being built. The additional funding needed will bring the cost of the project to \$2,561,800, the original amount was \$2,248,800. Additional funding needed will be moved from KCK Police Department's savings in inmate jail expense that is paid to Wyandotte County Sheriff's department.							
FOR BUDGET DEPARTMENT USE ONLY:							
Funding Source:	Debt	Operating	Capital X Other				
Budget Department Signature/Analyst:	R. J. Lindberg		Date 11-22-16				
Approved	Denied						
Full Commission Review Date:							
Mayor or Mayor Pro Tem Signature:							



Staff Request for Commission Action

Tracking No. 16913

Full Commission Meeting Date: 12/15/16

Committee: Public Works & Safety

Date of Standing Committee Action: 11/28/16

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
11/23/2016	Misty Brown	x5067	mbrown@wycokck.org	Legal

Item Description:

A resolution authorizing the Director of Public Works to furnish information and sign all necessary documentation in connection with the Unified Government's existing loan with the Kansas Department of Health and Environment for the implementation of the Integrated Overflow Control Plan.

Action Requested:

Adopt resolution

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO FURNISH INFORMATION AND SIGN ALL NECESSARY DOCUMENTATION IN CONNECTION WITH THE UNIFIED GOVERNMENT'S LOAN WITH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT.

WHEREAS, that Robert D. Roddy, P.E. former Director of Public Works, was authorized to execute and file an application on behalf of the Unified Government of Wyandotte County/Kansas City, Kansas with the Kansas Department of Health and Environment for a loan to aid in the implementation of an Integrated Overflow Control Program to address combined and separate sanitary sewer overflows; and

WHEREAS, that the Unified Government entered into said loan agreement upon the approval of the Governing Body; and

WHEREAS, that Robert D. Roddy, was authorized and directed to furnish such information as may be reasonably requested in connection with the application, to sign all necessary documents on behalf of the Unified Government, to furnish such assurances as may be required by law or regulation, and to receive payment on behalf of the Unified Government in Resolution R-25-13; and

WHEREAS, that Michael P. Tobin, upon Robert D. Roddy's retirement, was granted the same authority in his capacity as Interim Director of Public Works in Resolution R-66-14; and

WHEREAS, that Jeff Fisher has been named Director of Public Works for the Unified Government of Wyandotte County/ Kansas City, Kansas.

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

That Jeff Fisher, Director of Public Works, or his designee, is hereby authorized and directed to furnish such information as may be reasonably requested in connection with the application which is herein authorized, to sign all necessary documents on behalf of the applicant, to furnish such assurances as may be required by law or regulation, and to receive payment on behalf of the applicant, and is hereby authorized and directed to take such action as may be necessary to implement this Resolution.

THIS RESOLUTION IS ADOPTED by the Governing Body of the Unified Government of Wyandotte County/Kansas City, Kansas, this ____ of December, 2016.

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

By: _____
Mark Holland, Mayor/CEO

(SEAL)
ATTEST

Unified Government Clerk

Approved As To Form:



Misty S. Brown, Deputy Chief Counsel

**PUBLIC WORKS AND SAFETY
STANDING COMMITTEE MINUTES
Monday, September 19, 2016**

The meeting of the Public Works and Safety Standing Committee was held on Monday, September 19, 2016, at 5:00 p.m., in the 5th Floor Conference Room of the Municipal Office Building. The following members were present: Commissioner Bynum, Chairman; Commissioners Philbrook, Markley, Johnson; and Jeff Bryant, BPU Board Member. Commissioner Kane was absent. The following officials were also in attendance: Gordon Criswell, Joe Connor, and Melissa Mundt, Assistant County Administrators; Misty Brown and Henry Couchman, Senior Attorneys, Kathleen VonAchen, Chief Financial Officer; Renee Ramirez, Director of Human Resources; Shakeva Christian, Human Resources; Matt May, Director of Emergency Management; Mike Tobin, Interim Public Works Director; Jeremy Rogers, Director of Parks & Recreation; and Mike Baughman, Emergency Management Program Coordinator.

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

Chairman Bynum said we have a blue sheet this evening. Additional information for Item 3, update Human Resources Guide Item 4, Amendments to Block Party Policy and a new Item 5, 2016 Mowing.

Approval of standing committee minutes for July 25, 2016. **On motion of Commissioner Markley, seconded by Commissioner Johnson, the minutes were approved.** Motion carried unanimously.

Measurable Goals:

Item No. 1 – 16768...DISCUSSION: REVIEW OF DEPARTMENT GOALS

Synopsis: Presentation and discussion of measurable goals for various departments, submitted by the County Administrator's Office.

Chairman Bynum said last month we had a list of measurable goals come in our packets. I'm going to turn it over to our Assistant County Administrators, Joe Connor and Gordon Criswell and we'll hear your presentations.

The list of measurable goals was presented to the Public Works and Safety Standing Committee on August 22, 2016.

Gordon Criswell, Assistant County Administrator, said I think in your packets, commissioners, are the various departments you guys will be reviewing. I think these departments have been before you in the past and you had some questions and recommendations for staff. We want to just make sure we've answered all of your questions before we revisit them with more measurables around the goals.

Joe Connor, Assistant County Administrator, said I just want to add too, this is in planning for our Strategic Planning workshop, November 5th. This is a format we kind of came up with to try to tie it all together, like it, you don't like it. There are other things we can do. We can do it differently or however you'd like to do it, but we'd like to have some feedback from you on kind of what we've compiled and how it's formatted so we can have a really good discussion with the consultant leading the way for us on November 5th.

Again, the ones we've listed here are the ones that have been before this committee throughout the year. Again, this is the compilation of all the different pieces so—**Chairman Bynum** said I am struggling with my technology and cannot find—I looked at this packet earlier and now I see all of the Emergency Management stuff. So the goals for Public Works & Safety include Community Corrections. I think Juvenile. Can you say them for me? I cannot get to this section of my—**Mr. Connor** asked would you like for me to state which ones are—**Chairman Bynum** said yes please. **Mr. Connor** said Community Corrections, Emergency Management, Fire, Parks and Recreation, Police, Public Works and then Parks and Recreation combined, that's the mowing program; Sheriff and then you've got Commission Priorities from previous goals that we already had setup. **Chairman Bynum** said okay. I found it finally, Mr. Connor, I'm sorry. What you're asking tonight, are there additional questions or concerns from us. **Mr. Connor** said or just some general feedback about what's been presented. Is this kind of the way and the direction you'd like us to go? Is it too much detail? Is it too little detail? Again, as we get ready

for the first part of November, just kind of what the feedback is from what we've presented so far.

Commissioner Markley said again, this is just general feedback. I didn't have any intention of reading through every goal tonight and talking about each goal individually. I like the way we've been having departments come and present to us and that was sort of new from the last round of Strategic Planning to this round. I like that. I think it's good to have that interaction with each department as they come before us. I think it's good for us to see how the goals the departments are developing are linking up to our overall goals and I liked, I mean they were good. They were relatively short presentations, but I felt like it gave us just enough detail to know more about what the department's doing and how that links up to what we're doing. I really appreciated that and I would like to see that continue in our standing committee's going forward.

This format you presented, I think it's nice. It's just an easy way to sort of organize what we've been doing. I think it's just, for me, I felt it was just the right amount of detail for us to be able to glance at it and know sort of what's going on and whose committee that falls under. My only question would be is it as useful to staff and is it helping you in some way. If there's anything that would make it more useful to staff, I'd be happy to see that as well because you are the ones that interact with this more often than we do.

My final comment, and this is something that I shared with Joe as he was putting together information about Strategic Planning, is that I want to see us focus on the goals in Strategic Planning but on a very high level. One thing I'm wondering is whether I love that the departments now have all these goals. This is something that didn't exist when I first got elected and it's something that's sort of come out of all these sessions that we've had over the years. I wonder if we should start to develop an overall goal annually that applies to the whole organization so that if you ask somebody on the elevator what's the annual goal? What's the one big thing? The reason I'm sort of thinking that way is because I started thinking about some of the most successful companies in the world and what things they do in terms of goal setting.

One thing that I noticed as I was doing a little research on that is that those really huge successful companies, what they all do is have just a couple, one, some do the one big thing. Some have a couple of big things, but they tend to focus the whole organization on one goal annually and then all the departments sort of support that one goal and they have maybe one departmental goal that supports that big goal. What I think is nice about that is sort of the

unifying factor and also the really nice ability at the end of each year to say this was our one big thing and look what a great job we did. Now this is going to be our big goal next year and look at what a great job we're going to do. I just saw that as a commonality between other super successful organizations. Not something we need to do tonight but something that I think in Strategic Planning might be good discussion point for us is if we can accomplish one thing organization-wide in the next year, what would that be and how would that impact all of our different departments. I love that I just said all this general stuff in your committee so then when my committee comes up I won't have to say anything.

Chairman Bynum said anyone else as we look through these items, again, as we're preparing for our Strategic Planning.

Commissioner Johnson said, Joe, can you kind of tell me as the departments are establishing their goals what is guiding them in terms of as far as the percentages and the numbers? Is it prior? Are we looking at trends from the past 2, 3 to 5 years? Are we looking at information from other municipalities that are doing what we consider to be "best practices?" What are we utilizing to establish our benchmarks? **Mr. Connor** said a lot of the ones that came forward, all four of the committees actually were kind of the benchmark year. There were some that had this is what we've done previously. We're going to try to maintain but a lot of it was comprehensive, we're going through it for the first time and so I would say that generally these are where we're starting with our benchmarks. Now, I think getting into the Strategic Planning Session, staying at a higher level I think that some of those goals could be disseminated to us as departments. I think that's still kind of in line with Commissioner Markley's comments. Generally, I would say that a lot of it is first time. A lot of it is kind of the this is where we're trying to start to measure and go from here, up or down depending on whichever way we want to go.

Commissioner Johnson said what caused me to come to that question was when I looked at the Police and it talks about reducing complaints filed against officers by 50% and then reverse the upward trend of complaints and I just thought to myself if the goal is to reverse an upward trend, that's an awful lofty goal in terms of reduction of the number of complaints, not to say that I don't think we should or try to accomplish that. It's just from a logic standpoint, we're trying to reverse a trend and then we're talking about reducing these complaints by 50%. I certainly hope so, would love to see it happen, I'm just trying to understand the psychology behind how we put

together the goals. **Mr. Connor** said I think that's a good comment. Again, I think what you're saying is basically realistic versus lofty or achievable. That's kind of the whole point is making sure these are achievable, what the department say, what they bring forward to make sure we can actually get there. **Commissioner Johnson** said yes, we want to get as many wins as possible.

Chairman Bynum said anyone else on these measurable goals, if not we will move on and we will be in preparation for our November 5, Strategic Planning Session and I know we'll have more when we move to the next standing committee as well. **Mr. Connor** said, again, to Commissioner Markley's comments, we'd like to leave Strategic Planning with some overall direction and we want to get the departments in this so let's put some meat on the bones of where you guys want us to get to. That's where you get into the benchmarks, percentages and what's realistic. Its great feedback and I think it puts us on course.

Action: *For information only.*

Committee Agenda:

Item No. 1 – 16783...PROPOSED REVISIONS: COUNTY EMERGENCY OPERATIONS PLAN – ESF 7

Synopsis: Request approval of proposed revisions to Section ESF 7 - Resource Support of the County Emergency Operations Plan (CEOP), submitted by Matt May, Emergency Management Director.

Matt May, Emergency Management Director, said as we forewarned you last month, we're going to be doing this routinely. We'll start with ESF 7 and I've got both the redacted copies and the ones with the full set of changes. My big question to you, are there any questions about the changes and why. I know it's a lot to consume. Again, I'll just remind you the process as we bring together our key stakeholders, all the players that you see listed in the back that have action items that we expect them to take certain actions and certain kinds of responses. You are both welcomed to question us and our lead coordinator as well. As the Finance Department has taken on the coordinator role, and I offer to all of you that I am going to be changing that as we go

through these trying to clarify that coordinator role and what the responsibilities are, so we've done that in those meetings. Really my questions are back to you.

Commissioner Philbrook said as I understand this, as you're going through this and changing this practically line by line—**Mr. May** said literally. **Commissioner Philbrook** said then you're having the folks who are coordinating with us signing off on that as we're going or are you waiting until the end. **Mr. May** said absolutely, we actually do a couple of things. We make a lot of changes right there during those meetings. They tend to be a little arduous because it is literally a paragraph by paragraph process, but we can solve a lot of issues right there in the room with the other partners. Somebody else can say, hey I can help with that. We work that out.

A couple of cases have been significant enough changes that time really was of the essence so we chose to let them come back to us with revisions. It was strictly theirs, it was something you know to pick on the Red Cross. Something the Red Cross was going to handle, no problem, but they wanted to revise it and we allowed them an opportunity to get back to us. We'll talk more about that in the ESF 8. **Commissioner Philbrook** said yay! Thank you for doing that. **Mr. May** said it needs to be done. We're on a five-year schedule and my intention is to hold these meetings annually. We'll continue this rotation into the foreseeable future and that'll make sure this document stays fresh, but I want to make sure you folks have seen it and understand why we're making changes. If they are significant enough and at the end of this process, like I said in the spring of 2017, we'll bring back not only these sections that you've already looked at but also the base plan, which a piece we write within Emergency Management, and bring that all back to what I would expect you to go ahead and take to full commission for final approval as the resolution requires, as I believe.

Chairman Bynum said so this is the County Emergency Operation's Plan. How does it now and once revised fit into the regional? There's a regional plan. **Mr. May** said there are regional plans and fortunately for us, they're broken up the exact same way, by these ESFs. We often call in these revisions to that plan. That plan is also on a revision schedule. It's constantly a dynamic green document, if you will, that's constantly being looked at refreshed. It's easier for us here to point to those documents where it's appropriate and the best example I can give you right off the top of my head is ESF 10, which is the hazardous material's response section. They work very well together. They write their own response plans. It's a separate document in that regional

construct and we simply point to it with some detail added to it that's unique to us. **Chairman Bynum** said and 7, that we're on, is all about the support piece. **Mr. May** said primarily it's financial and resource management elements but there are fingers of this that poke into other folks. We make sure that they all have that voice, but it's really about how we're going to do resource management and who's going to be at that table to make those funding decisions, including yourselves.

Chairman Bynum asked are there other questions are comments from the committee members. Are there questions are comments from the public? Anyone want to make a comment on this item? **Commissioner Markley** said do we need a motion? **Chairman Bynum** said we do need a motion. **Commissioner Markley** said separately for 7 and 8. **Chairman Bynum** asked do we need to take these separately, ESF 7 and ESF 8, take them separately in motions. **Misty Brown, Senior Attorney**, said yes. **Chairman Bynum** said alright, this will be a motion for revisions to ESF 7.

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

Item No. 2 – 16783...PROPOSED REVISIONS: COUNTY EMERGENCY OPERATIONS PLAN - ESF 8

Synopsis: Request approval of proposed revisions to Section ESF 8 - Public Health and Medical Services of the County Emergency Operations Plan (CEOP), submitted by Matt May, Emergency Management Director.

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

Item No. 3 – 16784...UPDATE: HUMAN RESOURCES GUIDE

Synopsis: Update to the Human Resources Guide, Policy 7.1 - Rules and Discipline, to include new discipline rules related to concealed carry by employees, submitted by Jenny Myers, Senior

Attorney.

Joe Connor, Assistant County Administrator, said this is a follow-up to what was approved last month with regards to employees and concealed carry or carrying of weapons in our buildings. What you asked for was a change—for us to review the rules and discipline section of the policy to make sure there were appropriate and clear actions taken against employees that violate the policy. I'm going to let Renee, Henry and Shakeva go through this with you. This is on Rules and Discipline Policy for tonight.

Review

- ▶ July 1, 2016 changes in Kansas law regarding conceal carry (HB 2502)
- ▶ UG modified the Violence Free Workplace Policy (HRG 6.2)
- ▶ The UG prohibits possession of any type of weapon in UG buildings and workplaces
- ▶ Unified Government continues its commitment to providing a safe working environment for employees and the general public to conduct business.
- ▶ This rule does not apply to employees who must carry weapons as a condition of their employment

▶ Notification to UG employees



Renee Ramirez, Director of Human Resources, said so as Joe stated, we were asked to come back by this committee to make some modifications regarding our Rules and Discipline, which is located in the Human Resources Guide in Section 7.1. Just to review a little bit, this past July we came before you to make a modification to our Violence Free Workplace because of the law changes in Kansas that went into effect July 1st allowing conceal carry. The Unified Government prohibits possession of any type of weapon in buildings and in the workplace. I want to make sure and reiterate that the Unified Government is still going to continue with its commitment to provide a safe working environment for our employees and for the general public to do business here.

September 19, 2016

This rule does not apply to any employees who must carry weapons as a condition of their employment such as our police officers and there are sheriff deputies that would be exempt from this provision here. Once we passed the 6.2 HRG Policy for the Violence Free Workplace, we then immediately sent notification to Unified Government employees advising them of the new changes in the law and the changes in the policy for 6.2. We also required department heads to meet with all of their staff in regards to these changes because we wanted to ensure that staff was aware of what policy changes we had here. We asked every department head to receive an acknowledgement from each of their staff members that they were aware that these policy changes existed.

Today we have about 80% of the departments that have complied with that acknowledgement. We're still working on about 20% in trying to collect those. Some of the reasoning for that is because people have been out, probably on extended leave. Those are some stragglers that are coming in.

Review cont'd

- ▶ All Unified Government buildings are exempt from the 2013 law
- ▶ No guns, concealed or open, by anyone in UG buildings
- ▶ Exemption expires July 2017



Again, just as a reminder, all Unified Government buildings are exempt from the 2013 law; no guns concealed or open, by anyone in UG buildings and our exemptions does expire July of 2017, at which time we're going to have to revisit again, these policies for a second time.

Changes to Violence-Free Workplace HRG 6.2

Prohibits the following acts:

- Physical or verbal reference that an employee is carrying a weapon
- Display of a weapon
- Open carry is prohibited
- Failure of an employee to keep a gun in his or her immediate possession and control
- Unlawful use of a handgun in the workplace
- Possession by an employee who is not legally qualified to carry



Changes to the Violence Free Workplace Policy, as a reminder, it prohibits the following acts which were physical or verbal reference that an employee is carrying a weapon, display of a weapon, open carry is prohibited, failure of an employee to keep a gun in his or her immediate possession and control, unlawful use of a handgun in the workplace any possession by any employee who is not legally qualified to carry a weapon.

Changes to Rules and Discipline HRG 7.1

Rule Violation	Discipline
Possession of a weapon in a UG building	Penalty to be determined by the circumstance
Failing to keep a handgun carried by an employee concealed or in one's possession at all times	Written Warning, Suspension, Termination
Any physical or verbal reference that an employee is in possession of a weapon or any display of a weapon	Written Warning, Suspension, Termination
Openly carrying a firearm while conducting UG business	Written Warning, Suspension, Termination
Unlawful discharge of a handgun	Termination
Possession of a weapon that the employee is not legally qualified to carry	Termination
Failing to notify a supervisor of another employee's violation of the Violence Free Workplace policy	Penalty to be determined by the circumstance



So that takes us to the Rules and Discipline in 7.1. Here I just wanted to highlight the actual rule violations that are specific to the conceal carry. We did take the time to actually review and make several modifications to this policy as you have in front of you. We tried to redline everything that we had as far as any changes that we would of had. Many of the changes may be just changes that we were trying to mirror what we were actually practicing because this policy had not been revised since 2005.

Just to bring you back to the actual rule violations that are specific to the conceal carry, and these are specifically the ones that you asked us to come back and put some discipline onto, possession of a weapon in a Unified Government building; we left the penalty to be determined by the circumstance. Just for clarification again, all Unified Government buildings are exempt from the law and until then, no guns are allowed in any of our buildings. With that, depending on if a situation occurs, this allows us the flexibility to really vet out what the situation is before imposing discipline on the employee.

Failing to keep a handgun carried by an employee concealed or in one's possession at all times; we felt that if this happened, maybe the first time we would issue a written warning. The first occasion, a written warning is actually in our level of progression, it is like the second level.

The first would be a verbal but because of the severity of this violation we felt that the first violation should be at least a written warning and then move to a suspension and a termination.

Any physical or verbal reference that an employee is in possession of a weapon or any display of a weapon; again, that is a written warning, a suspension and a termination.

Openly carrying a firearm while conducting UG business; again, we followed the same progression of a written warning, suspension and termination.

Unlawful discharge of a handgun; on that one we are going to move for termination because if for whatever reason that someone did discharge their handgun, if it was lawful they would be going through the procedures through the courts to justify if the discharge of that weapon was within those constraints. We also wanted to consider if it was accidental, if someone was just sitting there and their weapon went off. We needed to be able to address, but we wanted to take a stance that any discharge would be termination of employment.

Possession of a weapon that the employee is not legally qualified to carry; that is going to be immediate termination as well because if you are not legally qualified to carry a weapon, you should not be carrying that weapon.

Failing to notify a supervisor of another employee's violation of the Violence Free Workplace Policy; we took that as the penalty to be determined by the circumstance. We wanted to make sure employees understood that we are very serious about this policy and any knowledge—if you know that another employee is violating this policy, employees have an obligation to report.

Henry Couchman, Senior Attorney, said I'm going to interrupt here for a second because I don't think that slide is accurate. We've been changing this back and forth so many times that I'm not sure all of the revisions got in, well I know they didn't get into the slide and what you have in front of you in terms of the policy is not what's shown on that slide. Let me go through what I think we finally determined should be the penalties for these things. The first one, Possession of a weapon. That is correct. The penalty is to be determined by the circumstances. I'm thinking there was it is possible that an employee could accidentally bring a gun into the workplace. That would merit a different penalty than somebody who consciously and deliberately brought one in in violation of the policy.

Failing to keep the employee's handgun concealed or in his or her possession at all times, also, that is correct, first a written warning, then a suspension and then a termination. The next

two; however, are not correct. For any physical or verbal reference that an employee is in possession of a weapon or display of a weapon, our recommendation is that there be a suspension the first time and termination the second time. It's stronger than what's reflected on that slide.

Then openly carrying a firearm while conducting UG business, again, our recommendation would be a suspension for the first offense, termination for the second offense so it's stricter than what's shown on that slide. Then the other two would be unlawful discharge of a handgun or possessing a weapon that the employee is not legally qualified to carry; I think any discharge of a handgun is a very serious matter, whether it's accidental or intentional, and we felt that termination was warranted in that situation.

Possession of a weapon that the employee is not legally qualified to carry; that's usually with regard to someone that's been convicted of a felony or has some other disqualification that's almost certainly knowing and that should also be a termination offense.

Commissioner Philbrook said so the unlawful discharge of a handgun, I just want to understand, you are going to terminate someone for the unlawful discharge of a handgun. **Mr. Couchman** said yes. **Commissioner Philbrook** said not for just the discharge of a handgun. Is that correct? **Mr. Couchman** said yes. That's what it says. **Commissioner Philbrook** said I know. I'm just trying to make sure because sometimes people try to get rid of the unlawful part and just see discharge and, so as she was saying earlier, you referenced the fact that the normal things that would happen it would be going through the Police Department and/or the D.A.'s office for the discharge of a handgun and they would be looking that over and determining if it was lawful or unlawful. **Mr. Couchman** said that could be in some situations, yes. I would think—my view would be that almost any discharge of a firearm is going to be unlawful. There are only certain places where a firearm can be discharged lawfully. Now, there may be circumstances where in self-defense or whatever a discharge of a firearm would be found to be legal or lawful but by and large no. **Ms. Ramirez** said and we do have a city ordinance that prohibits the discharge of a firearm. **Commissioner Philbrook** said I know.

Mr. Couchman said in the last one 18, that is correct as far as failing to notify a supervisor. **Chairman Bynum** said well I'm glad to hear that two of those were not correct as shown because as we were going through them I was not agreeing and so suspension and termination,

openly carrying a firearm while conducting UG business was one of them that was really standing out for me. I'm fine with it as stated correctly.

BPU Board Member Bryant said just for clarification, the same subject of unlawful discharge; is that only during their working hours or would that include like on their weekend? I have no idea what—**Mr. Couchman** said this would be in connection with their work.

Commissioner Johnson said can you remind me again, I might have been having a senior moment. The first one, possession of a weapon, why the discipline is the penalty to be determined. Is there a rational? Tell me again why that is as opposed to suspension and then termination. **Mr. Couchman** said I think the main thought we had on there is that it's possible that an employee could inadvertently carry a weapon into the building and that penalty ought to be different than a penalty for someone who actually knowingly brings their weapon into the building. That's the primary reason I think penalty to be determined by the circumstances. **Commissioner Johnson** said someone could inadvertently bring a firearm into the building. **Mr. Couchman** said I think that's certainly possible for somebody that has one in their purse, doesn't realize it's in there. It's possible, still a serious matter, but the penalty could be different you know depending upon whether there is actually some intent to it.

Commissioner Philbrook said so if somebody is not really on the job but they're coming here to maybe talk to the HR person or whatever and they normally do conceal carry, they're not thinking about it. They are just brushing around and they zoom in and they've got their gun. That would be the situation on something like that. I now people go how can you forget you have your gun. Well, if you carry one all the time, it just becomes part of you and you don't think about it as much. The other thing is that am I going to want to leave my gun sitting in my car outside in the parking lot. You know, that's why people conceal carry, which is one reason I'm not conceal carrying right now, because I don't want to have to deal with all the ramifications of that other than away from here.

Commissioner Johnson said the testing on whether someone is inadvertently carrying a weapon into the building, how do you measure that? How is one able to ascertain whether they knew or didn't know? **Mr. Couchman** said well, there would undoubtedly be an investigation conducted and ultimately I think it comes down to a credibility determination by Human Resources or the

Administrator. They would have a heavy burden to show that it was in fact just a slip of the mind rather than an intentional or deliberate violation of policy.

Commissioner Markley said yes, I was going to hit on the exact same issue as Commissioner Johnson. I guess my opinion is, I understand someone could accidentally bring their gun in. I get that, but for me that violation is no less severe because it was an accident because the bottom line is they brought a gun into the building and that the responsibility of the gun owner still rest with the gun owner.

My concern all along has been that the other people in our building still feel safe. I'm less concern with the rights of the gun owner who is the one who violated our rule than I am with the rights of the people in our building to feel safe. I guess if it were me, I would say written warning, suspension and termination for possession of a weapon in a UG building regardless because I feel the same way as Commissioner Johnson in that especially if they know there's flexibility, of course everyone is going to say they brought it by accident. They're not going to say oh yes I intentionally brought my gun in to show it to somebody. You're going to always get the same answer which is that yes of course it was accidental. I brought my gun in by accident because I know it's a violation to bring the gun on the premises.

I would point out just for purposes of the public listening or those maybe who just haven't thought of it this way, obviously, in this building it would be very difficult to accidentally bring a gun into because you have to pass through security. This applies to all of our Unified Government facilities and we have facilities throughout the community that do not have security desks or metal detectors and those are the ones that would be of greater concern because people are going in and out of them more often and without security checking them. **Mr. Couchman** said let me just respond to that this way. My understanding is that you would prefer it to be a written warning, suspension and then a termination. Is that what I—I think the penalty as it's put in is actually more strict than—**Commissioner Markley** said if it's used. **Mr. Couchman** said well, I think the intent of the penalty is if they intentionally bring a weapon into the building it's going to be a suspension or a termination, period. The only time that we would ever consider not doing that, in my opinion, would be is if it was clear that this was inadvertent and there was plenty of evidence. I don't think a written warning—I mean somebody who intentionally brings a gun into the building deserves something harsher than a written warning and that would be my understanding of how this is supposed to function. **Commissioner Markley** said so who is

making that determination I guess is my next question. Is it always coming to your office because my concern is that when we leave wiggle room different departments may treat things differently. The guys who are out in the field doing our public works, patching our streets and those sorts of things, they might come in with a gun and their supervisor might say oh, it was just an accident, no big deal where if it happened in one of our buildings that has a little stricter requirements and maybe more people working there, they might get a different treatment and I don't want there to be enough wiggle room where every employee is treated differently. **Mr. Couchman** said my understanding is that under the Violence in the Workplace Policy, Human Resources has to be notified of a violation of that policy so it would come through Human Resources, likely would come through Legal. I would not expect it to be done on the immediate supervisor level. It's too serious of a matter to be dealt with there. Ultimately, it probably will be a recommendation from Human Resources, probably one that's reviewed by Legal and ultimately it'll go to the County Administrator to make the decision as to what's appropriate in that circumstance. **Commissioner Markley** said I'm okay with it with that, understanding that it's not going to be made at the departmental level. **Ms. Ramirez** said at the beginning of the policy, just to confirm that, we actually in this revised policy if you turn to page 2 of the policy, we actually spelled that out to make sure that departments knew that any violations of the policy were going to be coming through Human Resources and then we would be consulting with Legal and the final authority for termination is going to lie solely with the County Administrator. **Commissioners Johnson and Markley** said okay.

Chairman Bynum said anything else on this item. Does any member of the public wish to speak on this item? This is an action item. I believe we will vote and I believe that vote will mean that we are then moving this forward to full commission. **Mr. Connor** said correct.

Action: **Commissioner Philbrook made a motion, seconded by BPU Board Member Bryant, to approve with the intended corrections as given.**

Chairman Bynum said this is correct. **Ms. Ramirez** said yes, you do have the corrected copy; it's just that we didn't change the PowerPoint.

Roll call was taken and there were five "Ayes," Bryant, Philbrook, Markley, Johnson, Bynum.

September 19, 2016

Chairman Bynum said thank you for the work. I know that was a lot of work to revise that policy and we'll see you next year doing the same thing again, probably.

Item No. 4 – 16745...DISCUSSION/CONSIDERATION: AMENDMENTS TO BLOCK PARTY PERMIT POLICY

Synopsis: Request approval of amendments to the UG's Block Party Permit Policy to address recent public safety and logistical concerns, submitted by Susan Alig, Attorney, Legal Department.

This item was presented and discussed at the August 22, 2016 Public Works and Safety Standing Committee meeting and continued to the September meeting.

Chairman Bynum said this carried over from last month's meeting. You remember we had a fairly healthy discussion about our Block Party Permit Policy and so we made revisions to that based on our discussion. We have Ms. Brown here to share with us the revisions and the updated version of the policy, so that we can also if we so choose move that forward.

Misty Brown, Senior Attorney, said that's correct Commissioner. Last month after reviewing the policy, our draft policy; there was roughly four suggestions that we were asked to go back and change. One in Section 7, we went back and clarified the deposits and fees to make it very clear that you would start with a \$150 permit application, \$30 would be for the application fee, there would be \$50 for the drop-off and retrieval of the barricades and then the \$70 would be for a security deposit and the conditions for getting that deposit back would be the barricades are in good condition and all trash and litter is picked up from the party.

We've made it very clear that Public Works would be picking up and delivering the barricades to ensure that they remained intact and also to give staff a chance to review the area to make sure that it was in fact cleaned up.

We've added another section stating that everyone agrees they would comply with the laws with a specific notation regarding the noise there. We have ordinances that talk about noise and if someone did violate that, they would be guilty of those ordinances but everyone

understands if you're going to pull a block party permit, you're going to comply with all the rules.

Then another section at the end, there was a request to clarify that everyone would need to clean up. If you don't comply with the policy and you have too much contact with law enforcement, you would not be able to get permit again and specifically if you don't clean up your trash, that this permit would not be granted again to that applicant. If this draft meets with everyone's approval, if no other changes are sought, I did put together a small resolution adopting the policy so it could be moved on to the full commission.

Chairman Bynum said I have a question. As I'm looking at what's in the packet and maybe there's something different on paper. Block Party Policy and 1. is Purpose, 2. is the Issuance of Permit et cetera, et cetera. First of all, I think one of the changes was it not the signatures of 75%. Wasn't that an increase, signatures of 75% of the residents in Item 2.6? Number 7 is the barricades section. **Commissioner Markley** said I think you meant to take out little i. but it's not taken out of our version. **Chairman Bynum** said I just want to be crystal clear with this section. Are we saying that folks can still pick up their own barricades and return them or no? **Ms. Brown** said no. They are not. **Commissioner Markley** said it looks like the paper version has that corrected but the electronic version we got does not have that corrected. **Chairman Bynum** said I need to look for my paper version. **Commissioner Markley** said just make sure that you're using the right version. **Chairman Bynum** said I apologize because I want to make sure that we're moving forward with what you've drafted. Here it is. **Ms. Brown** said I apologize for any technology errors. My version has the barricades, the option to pick it up yourself as all struck out so that it's mandatory. **Chairman Bynum** said and I see here on the paper you do spell it out clearly. Must pay \$150, UG will keep \$30; UG will also keep \$50 as a fee for delivering and picking up the barricades. **Ms. Brown** said correct. **Chairman Bynum** said and the remaining \$70 is a security deposit. Okay, that's much better. Thank you. I'm reading the paper one now so I'm in better shape. You do speak to the applicants who have failed to remove decorations, trash and debris etc. will not be granted a new one. **Ms. Brown** said correct. **Chairman Bynum** said now that I'm looking at the correct version of it, to me, I don't want to cause you more work. Maybe on number 7, when we do publicize it or hand it out or anything, those specific items as they relate to money could be bolded and italicized or something. **Ms.**

Brown said okay. **Chairman Bynum** said I think the money needs to be spelled out right up front.

Commissioner Philbrook asked what is your resolution number this, if you want it read in. **Ms. Brown** said my resolution number. **Commissioner Philbrook** said yes. Are they going to give you a number later? **Ms. Brown** said they'll give a number depending on the order if we move it forward. **Chairman Bynum** said now that I'm clear on the version that we're dealing with, are there any other comments or questions on this?

Action: **BPU Board Member Bryant made a motion, seconded by Commissioner Johnson to approve.** Roll call was taken and there were five "Ayes," Bryant, Philbrook, Markley, Johnson, Bynum.

Marcia Rupp, 2816 N. 46th St., said it wasn't opened for anyone to speak. **Chairman Bynum** said I apologize. You certainly may. Would you like to come forward? You certainly may do that. **Ms. Rupp, 2816 N. 46th St.,** said some other people aren't with me today. We had a couple sick, somebody had a family deal so it's me. I want to thank everybody for taking this and working with it and trying to make it better. You know because I think there was one thing that was brought up by Janet Golubski about the—are these just going to be block parties or is this going to be like a birthday party or a single party because that was kind of the question that it should be a block party and the purpose of the block party is to bring the neighborhood together. **Chairman Bynum** said because of the item that includes 75% of the people in that area agreeing, it speaks to that somewhat. That we wouldn't necessarily allow the street to be closed and whatnot, obviously we're not going to allow it if 75% don't. **Ms. Rupp** said for just one family. It's got to be people joining in. It can't be just one family having a private party. **Chairman Bynum** said I don't believe it would allow for that.

Ms. Brown said to clarify, if 75% of the residents approved it and chose not to go to the party, it would be granted but if you know—it could technically be for one family if all of their neighbors were okay with it. **Ms. Rupp** said I just wondered. We have huge backyards in our area.

The other thing that I did bring up was the closing of 46th Street. since 45th, which goes from Leavenworth Road clear through to 46th Street and 47th down and all the way up to State

Avenue which is one of the only through streets. 47th Street is already on the list. 45th Street, you couldn't possible have one on. It's like a roller coaster—so you know about closing 46th Street. It's just way too busy. We've had police chases, all kinds of things. As a matter-of-fact, we've had a couple of crime things happen, knifing and the police had to be out there and put up tape and it was you know. I do want to say the incident did happen on the street is going to court and the flash drive; you can do whatever you want to with it. I let Lieutenant Colonel burn it off on his so they have all the evidence and everything. That will be in court.

Chairman Bynum said any response to that. **Ms. Brown** said I did speak with Ms. Rupp earlier and I definitely understand her concern. I would advise per our code that this list be kept fluid and that it should be the County Engineer's discretion on what roads to add to it. The code speaks to the Commission determining the policy but as far as the work on the roadway and the roadway itself should be something the Traffic Engineer and the County Engineer addresses.

Chairman Bynum said I'm going to agree with you. Thank you. We have voted on this item. I believe we took roll. Did we not? I believe we passed this and it will move forward for adoption by the full commission.

Item No. 5 – 16793...PRESENTATION: 2016 MOWING

Synopsis: Discussion regarding additional mowing in 2016, submitted by Jeremy Rogers, Parks & Recreation Director.

This item was presented and discussed at the August 22, 2016 Public Works and Safety Standing Committee meeting and continued to the September meeting.

Joe Connor, Assistant County Administrator, said I want to introduce this item topic as well Commissioner. This is something we added just today. We're continuing to get complaints about mowing. I'm sure that you all may be still getting complaints as well. We've had an extended season obviously because of the weather and so we wanted to have Jeremy, and actually Mike Tobin is back there as well from the Public Works side, but we were talking about the lots, the Parks part of it, what they do, on a lot of our vacant lots. Jeremy has done a little bit of

research on this and has come up with some options to talk about. We just want to get some feedback from this committee before we move forward.

Jeremy Rogers, Parks & Recreation Director, said as Joe said, I'm here to talk about the vacant lots and not the parks so please keep that in mind. We mowed our first vacant lot this year on March 31st and our budget expired on August 24th. We mowed our last vacant lot on August 24th. We mowed 2,907 different lots. Each one of those were mowed between one and five times for a total of 7,385 mowing's. We mowed a lot and that expired our budget. It's September 20th today. We're not done mowing. Grass is still growing. The rain that we had last week is causing everything to bloom, so we have some options going forward. Option A is to fully fund mowing all of the 2,907 lots one more time. Option B would be to fund the high priority ones; the ones that are more in the front. The ones that you guys get the calls on. Of course Option C is to do nothing. **Commissioner Philbrook** said I move for Option A because I don't think anybody is less important when it comes to one of those lots, especially if it's next to your house and yes, I have had some calls already and seen some so thank you for that.

Chairman Bynum said so my question is, you expended your budget for mowing vacant lots on August 24th. Is that correct? **Mr. Rogers** said that is correct, yes. **Chairman Bynum** said so how much does Option 1 cost? **Mr. Rogers** said Option 1 is around \$96,000. **Chairman Bynum** said and how do we pay for that? **Mr. Connor** said we would have to go back through and find some funds to do a budget revision to make that happen. Any of the options we would be talking about at this point, we would require a budget revision. **Chairman Bynum** said so Option 1 costs \$96,000. Do you have an estimate for Option 2? **Mr. Rogers** said anywhere between \$20,000 and \$40,000. **Chairman Bynum** said and we would be looking at our budgets to identify where we would anywhere from \$20,000 to \$96,000.

Mike Tobin, Interim Public Works, said if I could interrupt Commissioner. Jeremy's sold himself a little short here. His crews are still mowing lots on a basis that is an emergency only. He has other contractors that are mowing medians and cemeteries. There is quite a bit of mowing still going on by Parks and Street crews. Parks will be working overtime most of this week trying to catch up. Streets will be working overtime trying to catch up on the right-of-ways.

Please consider approving this because this is a big move toward what we've all been talking about and Melissa's here and she's got the SOAR Program going with her, Joe and Gordon. This is part of that whole deal where we go into the neighborhoods and get everything cleaned up. **Chairman Bynum** said I agree and I understand and I appreciate that. **Commissioner Johnson** said if we can find the \$96,000, let's get them cut.

Melissa Mundt, Assistant County Administrator, said I just wanted to remind the commissioners here tonight that we do have more money allotted next year. So hopefully, we will be blessed by the weather gods in a different fashion related to rainfall next year, but we do have more money next year in the budget. That was identified during the budget season that Commission approved related to SOAR so that should help next year, but yes, for right now this is the gap and maybe than next year we won't spend as much. At this point we're going to have to rely on Kathleen over here to help us solve this problem. **Commissioner Markley** said I think we should hope it doesn't snow at all this winter and then maybe we can transfer the money from the snow over to the mowing. **Ms. Mundt** said Commissioner, you're brilliant. We like how you think.

Chairman Bynum said I don't want anyone to think I don't love our green grass and our wonderful community that grows things so well but yes, mowing then becomes a huge problem. I think I've heard two commissioners support the \$96,000, the mowing all the lots. Is there consensus around mowing everything again? **Commissioner Markley** asked do we need a motion. **Chairman Bynum** said I don't believe we need a motion. **Mr. Connor** said no, there's no motion required. This was just an FYI. **Chairman Bynum** said I believe that you have the support of the standing committee to mow all 2,907 vacant lots again.

Chairman Bynum adjourned the meeting at 5:50 p.m.

Adjourn

tpl



Wyandotte County, Kansas
Emergency Operations Plan

ESF 12 Energy and Utilities

Coordinating Agency:	Board of Public Utilities
Primary Agencies:	City of Bonner Springs City of Edwardsville Unified Government Public Health Department Unified Government <u>Wyandotte County</u> Emergency
Management Department	Unified Government Water Pollution Control Division
Support Agencies:	Atmos Energy Support Agencies: Ferrell Gas Kansas City Power & Light Kansas Corporation Commission Kansas Gas Service Kansas Pipeline Association Propane Marketers Association of Kansas Surrounding Jurisdictions WaterOne WESTAR Energy <u>Wyandotte County Public Health</u>
<u>Department</u>	

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1 PURPOSE, SCOPE, POLICIES/AUTHORITIES

This section provides the overall purpose of this ESF annex, the scope of emergency operations, as well as specific policies and authorities that govern assigned actions and responsibilities.

1.1 Purpose

This Emergency Support Function (ESF) Annex describes how Wyandotte County will provide guidance to help ensure the continued operation and/or restoration of essential utility services created by a disaster affecting Wyandotte County. Specifically, ESF 12 addresses:

- Coordination of energy system assessment, repair and restoration,
- Coordination of assessment and restoration of water services (drinking water, sewer and sanitation systems), and
- Coordination with public and private utilities.

1.2 Scope

This ESF includes information that addresses: 1) the ~~four~~ five phases of emergency management; 2) stakeholders including those with functional and access needs and children; 3) incident management procedures including organizational charts, as appropriate; and 4) all hazards planning. This ESF Annex applies to all County, City and participating agencies with assigned emergency responsibilities as described in Section 3, Responsibilities. This annex benefits Wyandotte County through coordination with partner agencies, utility providers and the public. This annex specifically addresses:

- Command, Control, and Notification including the roles of County and City agencies with emergency responsibilities and their working relationships with the volunteer agencies providing emergency management services;
- A flexible organizational structure capable of meeting the varied requirements of many emergency scenarios with the potential to require activation of the Emergency Operations Center (EOC) and implementation of the Emergency Operations Plan (EOP).
- Energy is defined as the electricity, natural gas, and petroleum products usually transmitted through utility systems. Utilities are designed for generation, transmission, and distribution and thus maintain energy, water, and wastewater for public consumption. Other utilities such as landline and cellular telephone, and cable and internet services are discussed in ESF 2 Communications.



- Maintaining energy and utilities systems following an emergency is critical to protecting lives and property and maintaining continuity of government, emergency services, transportation, the local economy and other critical services and infrastructures.
- The public and private utilities and government agencies assigned responsibilities in this ESF Annex have existing emergency plans and procedures. ESF12 is not designed to take the place of these plans, rather it is designed to complement and support the emergency staffing and procedures already in place.

1.3 Policies/Authorities

The following local, regional, state and federal authorities apply to this ESF 12 Annex.

Local

- Unified Government Continuity of Operations Plan;
- Wyandotte County – Unified Government, Kansas – Code of Ordinances / Chapter 12 – Emergency Management and Emergency Services; and
- ~~Wyandotte County, Kansas City, Kansas Unified Government Resolution Number R-25-99 dated March 10, 1999;~~
- ~~Wyandotte County, Kansas City, Kansas Unified Government Ordinance Number O-20-99 dated March 10, 1999;~~
- Unified Government Code of Wyandotte County/Kansas City, Kansas, Codified through Resolution No. R-57-11 passed September 15, 2011. (Supp. No. 10).

Comment [mb1]: To remain consistent throughout the CEOP

Regional

- Incident Management Plan;
- Mid-America Regional Council (MARC) Regional Coordination Guide for ESF 12.

State

- Executive Order 05-03, Use of the National Incident Management System (NIMS);
- Kansas Statutes Annotated (KSA), 48-9a01, Emergency Management Assistance Compact (EMAC);
- KSA 48-904 through 48-958: as amended, State and County Emergency Management Responsibilities;
- K.S.A.12-16,117: Municipal policies regarding the provision of assistance during times of disaster; immunity from liability;
- K.S.A.66-1711: Outlines restriction of activities within 10 feet of high voltage overhead line (also known as the 10 foot rule);
- K.S.A.74-620: Required the Kansas Corporation Commission to develop rules and regulations to establish priorities for electric and natural gas allocations that applies to "all suppliers and consumers of natural gas and electric energy";
- K.S.A. 50-627: Unconscionable acts and practices (price gouging);
- State of Kansas Response Plan, 2011.



Federal

- Title II of the Americans with Disabilities Act
- U.S. Occupational Safety and Health Administration (OSHA) 29 C.F.R 1910 and 29 C.F.R 1926;
- National Response Framework;
- Homeland Security Presidential Directive – 5: Management of Domestic Incidents;
- Homeland Security Presidential Directive – 8: National Preparedness;
- Comprehensive Planning Guide (CPG) 101.

2 CONCEPT OF OPERATIONS

This section provides a narrative description summarizing the Concept of Operations for the following ESF12 activities. 1) Command, Control, and Notification, 2) Resources, 3) Disruptions and Restoration and 4) Considerations for Functional and Access Needs Populations and Children. The narrative portions of this section provide summarized overviews for the topics listed above. Section 2.5 provides additional operational details by listing specific actions to be accomplished during each phase of Emergency Management for ESF 12. Section 3 provides the detailed actions organized by agency detailing their ESF 12 responsibilities.

2.1 Command, Control, and Notification

When Emergency Management is notified of an event that requires the activation of the EOC, the Emergency Management director, in consultation with the County Administrator, and emergency management staff will determine which Emergency Support Functions are required for activation in support of emergency operations. If it is determined that ESF 12 will be activated, the Emergency management Director will contact the designated Coordinating Agency for ESF 12 to report to the EOC to attend an initial briefing regarding the situation.

Depending on the complexity or severity of the event, the Emergency Management Director, or designee, may advise the County Administrator that the need exists to declare a local emergency. The Emergency Management Director or designee will advise the City Administrators in Bonner Springs and Edwardsville. For more information on a declaration of a local emergency, see the ESF 5 Annex.

The ESF 12 Coordinator is the Board of Public Utilities which has responsibilities under their Electric Division and Water Division (Board of Public Utilities Management Organization Chart Section 4.1). The Board of Public Utilities will send representatives from both divisions to staff the EOC. The ESF 12 Coordinator is responsible for contacting the primary and support agencies with liaison roles including adjacent counties and energy utility offices and briefing



them on the situation. The ESF 12 Coordinator will provide agencies/utility offices with the designated methods/timeframes for submitting data/information and updates to the EOC regarding outage and repair information.

Simultaneously, the energy and utility providers will respond to the customer's emergency/disaster needs in accordance with their policies and restoration plans.

2.2 Resources

In Kansas, there is a voluntary statewide mutual aid response program for water, wastewater, gas, and electric utilities and it is available to all utilities in the State. It provides a link to available resources and personnel which may be needed in the event of a disaster/emergency so that utility services can be restored. It can be accessed at <http://www.kswarn.org/general/default.asp>. The city of Bonner Springs participates in this mutual aid program.

Additional resources include the Emergency Resources Catalog published by the Plan Bulldozer Committee for the Greater Kansas City Metropolitan Region for the need of equipment and construction expertise. The Kansas Corporation Commission (KCC) regulates natural gas, electricity (excluding the municipalities), telephone and motor carriers and can be a resource. The KCC website at www.kcc.state.ks.us provides resource information on regulated utility systems and key state contacts. The Kansas Pipeline Association is responsible for providing local government agencies with information on pipelines in their jurisdictions. If pipelines are affected from a disaster, the Kansas Pipeline Association, www.kpa-awareness.com is a resource. Then the Propane Marketers Association of Kansas, www.pmak.org may assist in locating additional propane resources or identifying suppliers outside the region.

In situations with limited fuel availability, decisions regarding distribution priority for agencies with support mission assignments would be made by the command and general staff in cooperation with ESF 7 and ESF 8 and others as appropriate.

There are ~~five~~ private petroleum storage facilities in Wyandotte County that are owned by Magellan Midstream Partners, L.P., ~~ConocoPhillips, and BNSF, and Sinclair Company~~ that store petroleum products such as gasoline, diesel fuel and crude oil (Map of Private Companies with Bulk Petroleum Storage in Wyandotte County in Section 4.9).

~~In terms of alternate fuel providers for emergency responding agencies, the Unified Government's Transit Department has 18 bi-fuel buses that operate on propane and 2 buses that operate on diesel.~~

~~In terms of alternate fuel providers for emergency responding agencies, the Unified Government's Transit has seven new buses that operated on diesel and they are the only vehicles in the fleet equipped to run on alternate fuels.~~ The Unified School District 500 Kansas

Comment [mb2]: Per Justus Welker, Transportation



City has been identified as a source to assist the Unified Government if gasoline is in short supply. The USD 500 has compressed natural gas buses in their fleet. Thus a memorandum of understanding with USD 500 could be arranged in a gasoline shortage.

Attachment 4.10 provides a list of alternate fuel suppliers.

2.3 Disruptions and Restoration

The mission of ESF 12 Energy and Utilities is to ensure for the continued operation and/or restoration of essential utility services when there is a significant disruption in energy (electricity, natural gas, and petroleum products) supplies from physical disruption of energy transmission, distribution systems, operational failures, or economic or international political events occurring inside or outside the county that affect Wyandotte County. These activities will include:

- Operational awareness of energy and utilities through direct communications with their coordinating entities to maintain current information regarding damage to supply and distribution systems as well as estimates for restoration;
- In a major utility outage, working closely with energy and utility providers to establish priority restoration based on critical public safety and infrastructure issues;
- Coordination with Public Health Department when outages threaten public health and safety;
- Coordination with utility service providers and ESF 14 for restoration issues; and
- Evaluation of the need for and recommend actions to conserve water, fuel, electric power, natural gas, and if necessary, make plans for energy rationing.

All utilities have to meet North American Electric Reliability Corporation's (NERC) Elements for Consideration in Development of Restoration Plans. Restoration Plans consider the following requirements:

- Plan and procedures outlining the relationships and responsibilities of the personnel necessary to implement system restoration;
- Provisions for a reliable black-start capability plan including: fuel resources for black start power for generating units, available cranking and transmission paths, and communication adequacy and protocol and power supplies;
- The possibility that restoration cannot be completed as expected;
- Necessary operating instructions and procedures for synchronizing areas of the system that have become separated;
- Necessary operating instructions and procedures for restoring loads, including identification of critical load requirements;
- Procedures for simulating and, where practical, actually testing and verifying the plan resources and procedures;



- Retention of documentation in the personnel training records confirming that operating personnel have been trained annually in the implementation of the plan and have participated in restoration exercises;
- Coordinate functions with and among Reliability Coordinators and neighboring Transmission Operators. (The plan should include references to coordination of actions among neighboring Transmission Operators and Reliability Coordinators when the plans are implemented.); and
- Notify other operating entities as the steps of the restoration plan are implemented.

In addition, energy service providers serving Wyandotte County have Restoration Emergency Operations Procedure Plans that include Priority Customer Care Coordinators to have the following duties during an emergency:

- Contact the affected customers, explaining conditions and giving expected time of correction.
- Determine customer priority for customer "turn-on" and advise the Service Coordinator.
- Consult with the Service Coordinator to determine which employee is most capable of restoring service to these customers when necessary repairs are completed. (The Service Coordinator will be responsible for making the assignments.)
- Identifying emergency needs customers. Having a complete list of congregate care facilities and Industrial Customers. This list should provide the names of persons to be contacted, complete with both their business and home telephone numbers.

2.4 Considerations for Functional and Access Needs Populations and Children

The Unified Government has a local ADA Coordinator position within the Human Services Department that coordinates regularly with the State ADA Coordinator to ensure programs and policies are in compliance with the Americans with Disabilities Act. In addition, in large or complex disasters, the EOC Manager may choose to staff an ADA Response Coordinator directly in the EOC. If necessary, the ESF 12 Coordinator will consult with the ADA Coordinator, or ADA Response Coordinator, if assigned, to ensure incident specific operations are responded to in a manner consistent with the ADA.

~~Individual Kansas residents with functional and access needs and group facilities in Kansas can register on this website www.helpmekansas.org to assist emergency management, police, fire, and EMS agencies. The information will only be released to these agencies to improve their ability to plan for the functional and access needs populations.~~

Comment [mb3]: Now an insomnia website. Program discontinued by the State of Kansas.

Every effort will be made to restore utilities to persons with functional and access needs, ~~as a duty of the Priority Customer Care Coordinator described above.~~ This includes but is not limited to congregate care facilities such as childcare centers, group homes, assisted living



centers, nursing homes, and the Kansas State School for the Blind. Special support may be required for certain individual segments in their homes, workplace, and public venues.

Close coordination will be required with the government, volunteer and community agencies described further in ESF 6—Mass Care, Housing and Human Services.

2.5—Phases of Emergency Management

~~The four phases of Emergency Management are defined in Section 2.2 of the Basic Plan. The following tables provides actions that have been identified in the four phases of preparedness, response, recovery and mitigation.~~

Preparedness Actions

Agency	Action
ATMOS Energy	Ensure emergency call-up and resource lists are current.
ATMOS Energy	Ensure the availability of necessary equipment to support energy and utilities activities.
Board of Public Utilities	Maintain this ESF Annex, as well as supporting operating procedures and guidelines.
Board of Public Utilities	Ensure emergency call-up and resource lists are current.
Board of Public Utilities	Ensure the availability of necessary equipment to support energy and utilities activities.
Board of Public Utilities	Participate in emergency exercises.
Board of Public Utilities	Identify alternate fuel providers for emergency responding agencies. To include, but not limited to: police, fire service, security & public safety; and emergency medical services.
Board of Public Utilities	Based on known hazards, identify and correct vulnerabilities in the energy and utilities function.
Board of Public Utilities	Implement a public awareness campaign regarding energy and utilities safety in emergencies.
Board of Public Utilities	Maintain this ESF Annex, as well as supporting operating procedures and guidelines.
Board of Public Utilities	Ensure personnel receive emergency operations training.
Board of Public Utilities	Develop guides and checklists to support emergency energy and utilities operations.
Board of Public Utilities	Ensure emergency call-up and resource lists are current.
Board of Public Utilities	Ensure the availability of necessary equipment to support energy and utilities activities.
Board of Public Utilities	Participate in emergency exercises.
City of Bonner Springs	Ensure personnel receive emergency operations training.
City of Bonner Springs	Develop guides and checklists to support emergency energy and utilities operations.
City of Bonner Springs	Ensure emergency call-up and resource lists are current.
City of Bonner Springs	Ensure the availability of necessary equipment to support energy and utilities activities.



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Agency	Action
City of Bonner Springs	Ensure emergency call-up and resource lists are current.
City of Bonner Springs	Ensure the availability of necessary equipment to support energy and utilities activities.
City of Bonner Springs	Participate in emergency exercises.
Ferrell Gas	Ensure emergency call-up and resource lists are current.
Ferrell Gas	Ensure the availability of necessary equipment to support energy and utilities activities.
Kansas City Power & Light	Ensure emergency call-up and resource lists are current.
Kansas City Power & Light	Ensure the availability of necessary equipment to support energy and utilities activities.
Kansas Gas Service	Ensure emergency call-up and resource lists are current.
Kansas Gas Service	Ensure the availability of necessary equipment to support energy and utilities activities.
Unified Government Emergency Management Department	Ensure personnel receive emergency operations training.
Unified Government Emergency Management Department	Develop guides and checklists to support emergency energy and utilities operations.
Unified Government Emergency Management Department	Maintain list of all bulk storage facilities in County by fuel type (public and private)
WESTAR Energy	Ensure emergency call-up and resource lists are current.
WESTAR Energy	Ensure the availability of necessary equipment to support energy and utilities activities.

Response Actions

Agency	Action
ATMOS Energy	Gather, assess and share information on system damage.
ATMOS Energy	Provide a representative to the Wyandotte County EOC if requested.
ATMOS Energy	Provide estimates on the impact of natural gas outages within affected areas.
ATMOS Energy	Provide information on projected restoration times and costs.
ATMOS Energy	Manage significant disruptions in energy supplies. To include, but not limited to: physical disruption of natural gas distribution, operational failures, and economic or international political events.
Board of Public Utilities	Alert or activate off-duty and auxiliary personnel as required by the emergency.
Board of Public Utilities	Identify and monitor how energy system damages, from outside the county boundaries, affect services in the County.
Board of Public Utilities	Alert or activate off-duty and auxiliary personnel as required by the emergency.
Board of Public Utilities	Identify alternate fuel providers for emergency responding agencies. To include, but not limited to: police, fire service, security & public safety; and emergency medical services.



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Agency	Action
Board of Public Utilities	Based on known hazards, identify and correct vulnerabilities in the energy and utilities function.
Board of Public Utilities	Provide a representative to the EOC to coordinate ESF #12 activities.
Board of Public Utilities	Manage the collection, processing, and dissemination of information to and from the EOC.
Board of Public Utilities	Direct and control the energy and/or utility supply and restoration efforts in support of emergency operations, including making determinations for priority restoration of services to those with functional and/or access needs.
Board of Public Utilities	Work with the State and adjacent county energy and/or utilities officials to determine outage and supply information.
Board of Public Utilities	Gather information on all energy and utility damages and estimate damage impacts.
Board of Public Utilities	Work with the other members of the EOC team to set priorities and assign resources.
Board of Public Utilities	Maintain contact with private energy and utilities and request their presence in the EOC if necessary.
Board of Public Utilities	Coordinate with the private energy and utility companies to help facilitate the restoration of energy and utilities systems and fuel supplies, including supply of energy to those medically fragile individuals.
Board of Public Utilities	Serve as the focal point for all emergency information regarding energy and utilities and ensure appropriate reports and information are shared with the EOC Team.
Board of Public Utilities	Provide estimates on the impact of electric outages within affected areas.
Board of Public Utilities	Identify fuel for agencies to support mission assignments with limited fuel availability
Board of Public Utilities	Manage significant disruptions in energy supplies. To include, but not limited to: physical disruption of electrical transmission, distribution, operational failures and economic or international political events.
Board of Public Utilities	Manage major utility outages that threaten public health & safety.
Board of Public Utilities	Coordinate between utility service providers and ESF 13 for restoration issues.
City of Bonner Springs	Alert or activate off-duty and auxiliary personnel as required by the emergency.
City of Bonner Springs	Gather information on all energy and utility damages and estimate damage impacts, and report this information to the County EOC.
City of Bonner Springs	Request assistance when the event exceeds City capabilities.
City of Bonner Springs	Provide mutual aid as requested.
City of Edwardsville	Gather information on all energy and utility damages and estimate damage impacts, and report this information to the County EOC.
City of Edwardsville	Request assistance when the event exceeds City capabilities.
Ferrell Gas	Gather and share information on damage to propane resources.
Ferrell Gas	Provide information on projected restoration times.
Ferrell Gas	Provide a representative to the Wyandotte County EOC if requested.



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Agency	Action
Ferrell-Gas	Manage significant disruptions in energy supplies. To include, but not limited to: physical disruption of propane transmission, distribution, operational failures and economic or international political events.
Kansas City Power & Light	Gather, assess and share information on system damage.
Kansas City Power & Light	Provide a representative to the Wyandotte County EOC if requested.
Kansas City Power & Light	Provide estimates on the impact of electric outages within affected areas.
Kansas City Power & Light	Provide information on projected restoration times and costs.
Kansas City Power & Light	Manage significant disruptions in energy supplies. To include, but not limited to: physical disruption of electrical transmission, distribution, operational failures and economic or international political events.
Kansas Gas Service	Gather, assess and share information on system damage.
Kansas Gas Service	Provide a representative to the Wyandotte County EOC if requested.
Kansas Gas Service	Provide estimates on the impact of natural gas outages within the affected areas.
Kansas Gas Service	Provide information on projected restoration times.
Kansas Gas Service	Manage significant disruptions in energy supplies. To include, but not limited to: physical disruption of natural gas distribution, operational failures, and economic or international political events.
Kansas Gas Service	Manage major utility outages that threaten public health & safety.
Unified Government Emergency Management Department	Provide initial notification for ESF 12.
Unified Government Emergency Management Department	Coordinate with the UG Policy Group and UG Legal Department regarding suspension and/or waiver of specific regulatory requirements for the duration of the response/recovery.
Unified Government Public Health Department	Work with water utilities to ensure the provision of safe drinking water.
Unified Government Public Health Department	Provide assistance and information to the public on actions to take to assure safety of potable water.
Unified Government Water Pollution Control Division	Provide a representative to the Wyandotte County EOC if requested.
Unified Government Water Pollution Control Division	Gather, assess and share information on system damage, needed repairs and projected restoration time.
WESTAR Energy	Gather, assess and share information on electric system damage.
WESTAR Energy	Provide a representative to the Wyandotte County EOC if requested.



Agency	Action
WESTAR Energy	Provide estimates on the impact of electric outages within affected areas.
WESTAR Energy	Provide information on projected restoration times and costs.
WESTAR Energy	Manage significant disruptions in energy supplies. To include, but not limited to: physical disruption of electrical transmission, distribution, operational failures and economic or international political events.

Recovery Actions

Agency	Action
ATMOS Energy	Gather, assess and share information on system damage.
ATMOS Energy	Provide a representative to the Wyandotte County EOC if requested.
ATMOS Energy	Provide estimates on the impact of natural gas outages within affected areas.
ATMOS Energy	Provide information on projected restoration times and costs.
Board of Public Utilities	Based on known hazards, identify and correct vulnerabilities in the energy and utilities function.
Board of Public Utilities	Manage the collection, processing, and dissemination of information to and from the EOC.
Board of Public Utilities	Direct and control the energy and/or utility supply and restoration efforts in support of emergency operations, including making determinations for priority restoration of services to those with functional and /or access needs.
Board of Public Utilities	Work with the State and adjacent county energy and/or utilities officials to determine outage and supply information.
Board of Public Utilities	Maintain contact with private energy and utilities and request their presence in the EOC if necessary.
Board of Public Utilities	Coordinate with the private energy and utility companies to help facilitate the restoration of energy and utilities systems and fuel supplies, including supply of energy to those medically fragile individuals.
Board of Public Utilities	Serve as the focal point for all emergency information regarding energy and utilities and ensure appropriate reports and information are shared with the EOC Team.
Board of Public Utilities	Provide estimates on the impact of electric outages within affected areas.
Board of Public Utilities	Replenish supplies and repair damaged equipment.
Board of Public Utilities	Participate in after-action briefings and develop after-action reports.
Board of Public Utilities	Replenish supplies and repair damaged equipment.
City of Bonner Springs	Gather information on all energy and utility damages and estimate damage impacts, and report this information to the County EOC.
City of Bonner Springs	Request assistance when the event exceeds City capabilities.
City of Bonner Springs	Provide mutual aid as requested.
City of Bonner Springs	Replenish supplies and repair damaged equipment.
City of Bonner Springs	Participate in after-action briefings and develop after-action reports.



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Agency	Action
City of Edwardsville	Gather information on all energy and utility damages and estimate damage impacts, and report this information to the County EOC.
City of Edwardsville	Request assistance when the event exceeds City capabilities.
Ferrell Gas	Gather and share information on damage to propane resources.
Ferrell Gas	Provide information on projected restoration times.
Ferrell Gas	Provide a representative to the Wyandotte County EOC if requested.
Kansas City Power & Light	Gather, assess and share information on system damage.
Kansas City Power & Light	Provide a representative to the Wyandotte County EOC if requested.
Kansas City Power & Light	Provide estimates on the impact of electric outages within affected areas.
Kansas City Power & Light	Provide information on projected restoration times and costs.
Kansas Gas Service	Gather, assess and share information on system damage.
Kansas Gas Service	Provide estimates on the impact of natural gas outages within the affected areas.
Kansas Gas Service	Provide information on projected restoration times.
Unified Government Emergency Management Department	Coordinate with the UG Policy Group and UG Legal Department regarding suspension and/or waiver of specific regulatory requirements for the duration of the response/recovery.
Unified Government Public Health Department	Work with water utilities to ensure the provision of safe drinking water.
Unified Government Public Health Department	Provide assistance and information to the public on actions to take to assure safety of potable water.
Unified Government Water Pollution Control Division	Gather, assess and share information on system damage, needed repairs and projected restoration time.
WESTAR Energy	Gather, assess and share information on electric system damage.
WESTAR Energy	Provide estimates on the impact of electric outages within affected areas.
WESTAR Energy	Provide information on projected restoration times and costs.

Mitigation Actions

Agency	Action
Board of Public Utilities	Based on known hazards, identify and correct vulnerabilities in the energy and utilities function.
Board of Public Utilities	Implement a public awareness campaign regarding energy and utilities safety in emergencies.



City of Bonner Springs

Based on known hazards, identify and correct vulnerabilities in the energy and utilities function.

In addition, Chapter 4 of the *Wyandotte County Multi-hazard Mitigation Plan* details specific mitigation measures related to energy and utilities

http://www.wycokck.org/InternetDept.aspx?id=22574&menu_id=950&banner=15284http://www.wycokck.org/InternetDept.aspx?id=38184&menu_id=950.

Field Code Changed

3 RESPONSIBILITIES

It is understood that each coordinating and primary agency will at a minimum:

- Develop applicable standard operating procedures, guidelines and/or checklists detailing the accomplishment of their assigned functions.
- Provide ongoing status reports as requested by the Energy and Utilities Coordinator.
- Provide a representative to the County EOC, when requested.
- Maintain updated resource inventories of supplies, equipment, and personnel resources, including possible sources of augmentation or replacement.
- Document all costs and expenses associated with response and recovery activities taking care to clearly segregate disaster related work in the event that reimbursement becomes available from the State and Federal government.
- Maintain up-to-date, 24-hour rosters for notifying personnel and provide this information to the Emergency Management Department.
- Use the WebEOC, Crisis Information Management System, to capture information from all involved agencies relevant to the emergency public information and external affairs function.

The remainder of this section provides the actions necessary to implement this ESF sorted alphabetically by responsible agency.

Agency	Action
ATMOS Energy	Ensure emergency call-up and resource lists are current.
ATMOS Energy	Ensure the availability of necessary equipment to support energy and utilities activities.
ATMOS Energy	Gather, assess and share information on system damage.
ATMOS Energy	Provide a representative to the Wyandotte County EOC if requested.
ATMOS Energy	Provide estimates on the impact of natural gas outages within affected areas.
ATMOS Energy	Provide information on projected restoration times and costs.
ATMOS Energy	Manage significant disruptions in energy supplies. To include, but not limited to: physical disruption of natural gas distribution, operational failures, and economic or international political events.
Board of Public Utilities	Alert or activate off-duty and auxiliary personnel as required by the emergency.



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Agency	Action
Board of Public Utilities	Identify and monitor how energy system damages, from outside the county boundaries, affect services in the County.
Board of Public Utilities	Alert or activate off-duty and auxiliary personnel as required by the emergency.
Board of Public Utilities	Based on known hazards, identify and correct vulnerabilities in the energy and utilities function.
Board of Public Utilities	Identify alternate fuel providers for emergency responding agencies. To include, but not limited to: police, fire service, security & public safety; and emergency medical services.
Board of Public Utilities	Maintain this ESF Annex, as well as supporting operating procedures and guidelines.
Board of Public Utilities	Ensure emergency call-up and resource lists are current.
Board of Public Utilities	Ensure the availability of necessary equipment to support energy and utilities activities.
Board of Public Utilities	Participate in emergency exercises.
Board of Public Utilities	Implement a public awareness campaign regarding energy and utilities safety in emergencies.
Board of Public Utilities	Maintain this ESF Annex, as well as supporting operating procedures and guidelines.
Board of Public Utilities	Ensure personnel receive emergency operations training.
Board of Public Utilities	Develop guides and checklists to support emergency energy and utilities operations.
Board of Public Utilities	Ensure emergency call-up and resource lists are current.
Board of Public Utilities	Ensure the availability of necessary equipment to support energy and utilities activities.
Board of Public Utilities	Participate in emergency exercises.
Board of Public Utilities	Manage the collection, processing, and dissemination of information to and from the EOC.
Board of Public Utilities	Direct and control the energy and/or utility supply and restoration efforts in support of emergency operations, including making determinations for priority restoration of services to those with functional and/or access needs.
Board of Public Utilities	Work with the State and adjacent county energy and/or utilities officials to determine outage and supply information.
Board of Public Utilities	Maintain contact with private energy and utilities and request their presence in the EOC if necessary.
Board of Public Utilities	Coordinate with the private energy and utility companies to help facilitate the restoration of energy and utilities systems and fuel supplies, including supply of energy to those medically fragile individuals.
Board of Public Utilities	Serve as the focal point for all emergency information regarding energy and utilities and ensure appropriate reports and information are shared with the EOC Team.
Board of Public Utilities	Provide estimates on the impact of electric outages within affected areas.
Board of Public Utilities	Provide a representative to the EOC to coordinate ESF #12 activities.
Board of Public Utilities	Gather information on all energy and utility damages and estimate damage impacts.



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Agency	Action
Board of Public Utilities	Work with the other members of the EOC team to set priorities and assign resources.
Board of Public Utilities	Identify fuel for agencies to support mission assignments with limited fuel availability.
Board of Public Utilities	Manage significant disruptions in energy supplies. To include, but not limited to: physical disruption of electrical transmission, distribution, operational failures and economic or international political events.
Board of Public Utilities	Manage major utility outages that threaten public health & safety.
Board of Public Utilities	Coordinate between utility service providers and ESF 13 for restoration issues.
Board of Public Utilities	Replenish supplies and repair damaged equipment.
Board of Public Utilities	Participate in after-action briefings and develop after-action reports.
Board of Public Utilities	Replenish supplies and repair damaged equipment.
Board of Public Utilities	Based on known hazards, identify and correct vulnerabilities in the energy and utilities function.
Board of Public Utilities	Implement a public awareness campaign regarding energy and utilities safety in emergencies.
City of Bonner Springs	Alert or activate off-duty and auxiliary personnel as required by the emergency.
City of Bonner Springs	Ensure personnel receive emergency operations training.
City of Bonner Springs	Develop guides and checklists to support emergency energy and utilities operations.
City of Bonner Springs	Ensure emergency call-up and resource lists are current.
City of Bonner Springs	Ensure the availability of necessary equipment to support energy and utilities activities.
City of Bonner Springs	Ensure emergency call-up and resource lists are current.
City of Bonner Springs	Ensure the availability of necessary equipment to support energy and utilities activities.
City of Bonner Springs	Participate in emergency exercises.
City of Bonner Springs	Gather information on all energy and utility damages and estimate damage impacts, and report this information to the County EOC.
City of Bonner Springs	Request assistance when the event exceeds City capabilities.
City of Bonner Springs	Provide mutual aid as requested.
City of Bonner Springs	Replenish supplies and repair damaged equipment.
City of Bonner Springs	Participate in after-action briefings and develop after-action reports.
City of Bonner Springs	Based on known hazards, identify and correct vulnerabilities in the energy and utilities function.
City of Edwardsville	Gather information on all energy and utility damages and estimate damage impacts, and report this information to the County EOC.
City of Edwardsville	Request assistance when the event exceeds City capabilities.
Ferrell Gas	Ensure emergency call-up and resource lists are current.
Ferrell Gas	Ensure the availability of necessary equipment to support energy and utilities activities.
Ferrell Gas	Gather and share information on damage to propane resources.
Ferrell Gas	Provide information on projected restoration times.



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Agency	Action
Ferrell Gas	Provide a representative to the Wyandotte County EOC if requested.
Ferrell Gas	Manage significant disruptions in energy supplies. To include, but not limited to: physical disruption of propane transmission, distribution, operational failures and economic or international political events.
Kansas City Power & Light	Ensure emergency call-up and resource lists are current.
Kansas City Power & Light	Ensure the availability of necessary equipment to support energy and utilities activities.
Kansas City Power & Light	Gather, assess and share information on system damage.
Kansas City Power & Light	Provide a representative to the Wyandotte County EOC if requested.
Kansas City Power & Light	Provide estimates on the impact of electric outages within affected areas.
Kansas City Power & Light	Provide information on projected restoration times and costs.
Kansas City Power & Light	Manage significant disruptions in energy supplies. To include, but not limited to: physical disruption of electrical transmission, distribution, operational failures and economic or international political events.
Kansas Gas Service	Ensure emergency call-up and resource lists are current.
Kansas Gas Service	Ensure the availability of necessary equipment to support energy and utilities activities.
Kansas Gas Service	Gather, assess and share information on system damage.
Kansas Gas Service	Provide estimates on the impact of natural gas outages within the affected areas.
Kansas Gas Service	Provide information on projected restoration times.
Kansas Gas Service	Provide a representative to the Wyandotte County EOC if requested.
Kansas Gas Service	Manage significant disruptions in energy supplies. To include, but not limited to: physical disruption of natural gas distribution, operational failures, and economic or international political events.
Kansas Gas Service	Manage major utility outages that threaten public health & safety.
Unified Government Emergency Management Department	Ensure personnel receive emergency operations training.
Unified Government Emergency Management Department	Develop guides and checklists to support emergency energy and utilities operations.
Unified Government Emergency Management Department	Maintain list of all bulk storage facilities in County by fuel type (public and private)
Unified Government Emergency Management Department	Provide initial notification for ESF 12
Unified Government Emergency Management Department	Coordinate with the UG Policy Group and UG Legal Department regarding suspension and/or waiver of specific regulatory requirements for the duration of the response/recovery.
Unified Government Public Health Department	Work with water utilities to ensure the provision of safe drinking water.



Agency	Action
Unified Government Public Health Department	Provide assistance and information to the public on actions to take to assure safety of potable water.
Unified Government Water Pollution Control Division	Gather, assess and share information on system damage, needed repairs and projected restoration time.
Unified Government Water Pollution Control Division	Provide a representative to the Wyandotte County EOC if requested.
WESTAR Energy	Ensure emergency call-up and resource lists are current.
WESTAR Energy	Ensure the availability of necessary equipment to support energy and utilities activities.
WESTAR Energy	Gather, assess and share information on electric system damage.
WESTAR Energy	Provide estimates on the impact of electric outages within affected areas.
WESTAR Energy	Provide information on projected restoration times and costs.
WESTAR Energy	Provide a representative to the Wyandotte County EOC if requested.
WESTAR Energy	Manage significant disruptions in energy supplies. To include, but not limited to: physical disruption of electrical transmission, distribution, operational failures and economic or international political events.

Coordinating: Board of Public Utilities

Preparedness (Pre-Event) Actions for ESF 12 - Energy and Utilities

- 1 Participate in emergency exercises.
- 2 Ensure the availability of necessary equipment to support energy and utilities activities.
- 3 Implement a public awareness campaign regarding energy and utilities safety in emergencies.
- 4 Ensure emergency call-up and resource lists are current.
- 5 Maintain this ESF Annex, as well as supporting operating procedures and guidelines.
- 6 Identify alternate fuel providers for emergency responding agencies. To include, but not limited to: police, fire service, security & public safety; and emergency medical services.
- 7 Based on known hazards, identify and correct vulnerabilities in the energy and utilities function.
- 8 Ensure personnel receive emergency operations training.
- 9 Develop guides and checklists to support emergency energy and utilities operations.

Response (During Event) Actions for ESF 12 - Energy and Utilities

- 1 Alert or activate off-duty and auxiliary personnel as required by the emergency.
- 2 Identify and monitor how energy system damages, from outside the county boundaries, affect services in the County.
- 3 Identify alternate fuel providers for emergency responding agencies. To include, but not limited to: police, fire service, security & public safety; and emergency medical services.
- 4 Based on known hazards, identify and correct vulnerabilities in the energy and utilities function.
- 5 Provide a representative to the EOC to coordinate ESF #12 activities.
- 6 Manage the collection, processing, and dissemination of information to and from the EOC.
- 7 Direct and control the energy and/or utility supply and restoration efforts in support of emergency operations, including making determinations for priority restoration of services to those with

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	<u>functional and /or access needs.</u>
<u>8</u>	<u>Gather information on all energy and utility damages and estimate damage impacts.</u>
<u>9</u>	<u>Work with the other members of the EOC team to set priorities and assign resources.</u>
<u>10</u>	<u>Maintain contact with private energy and utilities and request their presence in the EOC if necessary.</u>
<u>11</u>	<u>Coordinate with the private energy and utility companies to help facilitate the restoration of energy and utilities systems and fuel supplies, including supply of energy to those medically fragile individuals.</u>
<u>12</u>	<u>Serve as the focal point for all emergency information regarding energy and utilities and ensure appropriate reports and information are shared with the EOC Team.</u>
<u>13</u>	<u>Provide estimates on the impact of electric outages within affected areas.</u>
<u>14</u>	<u>Identify fuel for agencies to support mission assignments with limited fuel availability</u>
<u>15</u>	<u>Manage significant disruptions in energy supplies. To include, but not limited to: physical disruption of electrical transmission, distribution, operational failures and economic or international political events.</u>
<u>16</u>	<u>Manage major utility outages that threaten public health & safety.</u>
<u>17</u>	<u>Coordinate between utility service providers and ESF 13 for restoration issues.</u>
<u>Recovery (Post Event) Actions for ESF 12 - Energy and Utilities</u>	
<u>1</u>	<u>Based on known hazards, identify and correct vulnerabilities in the energy and utilities function.</u>
<u>2</u>	<u>Manage the collection, processing, and dissemination of information to and from the EOC.</u>
<u>3</u>	<u>Direct and control the energy and/or utility supply and restoration efforts in support of emergency operations, including making determinations for priority restoration of services to those with functional and /or access needs.</u>
<u>4</u>	<u>Work with the State and adjacent county energy and/or utilities officials to determine outage and supply information.</u>
<u>5</u>	<u>Maintain contact with private energy and utilities and request their presence in the EOC if necessary.</u>
<u>6</u>	<u>Coordinate with the private energy and utility companies to help facilitate the restoration of energy and utilities systems and fuel supplies, including supply of energy to those medically fragile individuals.</u>
<u>7</u>	<u>Serve as the focal point for all emergency information regarding energy and utilities and ensure appropriate reports and information are shared with the EOC Team.</u>
<u>8</u>	<u>Provide estimates on the impact of electric outages within affected areas.</u>
<u>9</u>	<u>Replenish supplies and repair damaged equipment.</u>
<u>10</u>	<u>Participate in after-action briefings and develop after-action reports.</u>
<u>Mitigation Actions for ESF 12 - Energy and Utilities</u>	
<u>1</u>	<u>Based on known hazards, identify and correct vulnerabilities in the energy and utilities function.</u>
<u>2</u>	<u>Implement a public awareness campaign regarding energy and utilities safety in emergencies.</u>
-	



Primary: City of Bonner Springs

Preparedness (Pre-Event) Actions for ESF 12 - Energy and Utilities

- 1 Participate in emergency exercises.
- 2 Ensure the availability of necessary equipment to support energy and utilities activities.
- 3 Ensure emergency call-up and resource lists are current.
- 4 Based on known hazards, identify and correct vulnerabilities in the energy and utilities function.
- 5 Ensure personnel receive emergency operations training.
- 6 Develop guides and checklists to support emergency energy and utilities operations.

Response (During Event) Actions for ESF 12 - Energy and Utilities

- 1 Alert or activate off-duty and auxiliary personnel as required by the emergency.
- 2 Based on known hazards, identify and correct vulnerabilities in the energy and utilities function.
- 3 Gather information on all energy and utility damages and estimate damage impacts, and report this information to the County EOC
- 4 Request assistance when the event exceeds City capabilities.
- 5 Provide mutual aid as requested.

Recovery (Post Event) Actions for ESF 12 - Energy and Utilities

- 1 Based on known hazards, identify and correct vulnerabilities in the energy and utilities function.
- 2 Replenish supplies and repair damaged equipment.
- 3 Participate in after-action briefings and develop after-action reports.
- 4 Gather information on all energy and utility damages and estimate damage impacts, and report this information to the County EOC
- 5 Request assistance when the event exceeds City capabilities.
- 6 Provide mutual aid as requested.

Mitigation Actions for ESF 12 - Energy and Utilities

- 1 Based on known hazards, identify and correct vulnerabilities in the energy and utilities function.

Primary: City of Edwardsville

Response (During Event) Actions for ESF 12 - Energy and Utilities

- 1 Gather information on all energy and utility damages and estimate damage impacts, and report this information to the County EOC
- 2 Request assistance when the event exceeds City capabilities.

Recovery (Post Event) Actions for ESF 12 - Energy and Utilities

- 1 Gather information on all energy and utility damages and estimate damage impacts, and report this information to the County EOC
- 2 Request assistance when the event exceeds City capabilities.



Primary: Unified Government Water Pollution Control Division

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Response (During Event) Actions for ESF 12 - Energy and Utilities

- 1 Provide a representative to the Wyandotte County EOC if requested.
- 2 Gather, assess and share information on system damage, needed repairs and projected restoration time.

Recovery (Post Event) Actions for ESF 12 - Energy and Utilities

- 1 Gather, assess and share information on system damage, needed repairs and projected restoration time.

Primary: Wyandotte County Emergency Management

Preparedness (Pre-Event) Actions for ESF 12 - Energy and Utilities

- 1 Maintain list of all bulk storage facilities in County by fuel type (public and private)
- 2 Ensure personnel receive emergency operations training.
- 3 Develop guides and checklists to support emergency energy and utilities operations.

Response (During Event) Actions for ESF 12 - Energy and Utilities

- 1 Provide initial notification for ESF 12
- 2 Coordinate with the UG Policy Group and UG Legal Department regarding suspension and/or waiver of specific regulatory requirements for the duration of the response/recovery.

Recovery (Post Event) Actions for ESF 12 - Energy and Utilities

- 1 Coordinate with the UG Policy Group and UG Legal Department regarding suspension and/or waiver of specific regulatory requirements for the duration of the response/recovery.

Supporting: Ferrell Gas

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Preparedness (Pre-Event) Actions for ESF 12 - Energy and Utilities

- 1 Ensure the availability of necessary equipment to support energy and utilities activities.
- 2 Ensure emergency call-up and resource lists are current.

Response (During Event) Actions for ESF 12 - Energy and Utilities

- 1 Provide a representative to the Wyandotte County EOC if requested.
- 2 Provide information on projected restoration times and costs.
- 3 Gather and share information on damage to propane resources.
- 4 Manage significant disruptions in energy supplies. To include, but not limited to: physical disruption of **propane** transmission, distribution, operational failures and economic or international political events.

Recovery (Post Event) Actions for ESF 12 - Energy and Utilities

- 1 Provide a representative to the Wyandotte County EOC if requested.
- 2 Gather and share information on damage to propane resources.
- 3 Provide information on projected restoration times.



Supporting: Kansas City Power and Light

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Preparedness (Pre-Event) Actions for ESF 12 - Energy and Utilities

- 1 Ensure the availability of necessary equipment to support energy and utilities activities.
- 2 Ensure emergency call-up and resource lists are current.

Response (During Event) Actions for ESF 12 - Energy and Utilities

- 1 Gather, assess and share information on system damage.
- 2 Provide a representative to the Wyandotte County EOC if requested.
- 3 Provide information on projected restoration times and costs.
- 4 Provide estimates on the impact of electric outages within affected areas.
- 5 Manage significant disruptions in energy supplies. To include, but not limited to: physical disruption of electrical transmission, distribution, operational failures and economic or international political events.

Recovery (Post Event) Actions for ESF 12 - Energy and Utilities

- 1 Gather, assess and share information on system damage.
- 2 Provide a representative to the Wyandotte County EOC if requested.
- 3 Provide information on projected restoration times and costs.
- 4 Provide estimates on the impact of electric outages within affected areas.

Supporting: Kansas Gas Service

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Preparedness (Pre-Event) Actions for ESF 12 - Energy and Utilities

- 1 Ensure the availability of necessary equipment to support energy and utilities activities.
- 2 Ensure emergency call-up and resource lists are current.

Response (During Event) Actions for ESF 12 - Energy and Utilities

- 1 Gather, assess and share information on system damage.
- 2 Provide a representative to the Wyandotte County EOC if requested.
- 3 Provide estimates on the impact of natural gas outages within affected areas.
- 4 Provide information on projected restoration times and costs.
- 5 Manage significant disruptions in energy supplies. To include, but not limited to: physical disruption of natural gas distribution, operational failures, and economic or international political events.
- 6 Manage major utility outages that threaten public health & safety.

Recovery (Post Event) Actions for ESF 12 - Energy and Utilities

- 1 Gather, assess and share information on system damage.
- 2 Provide estimates on the impact of natural gas outages within affected areas.
- 3 Provide information on projected restoration times.



Supporting: Wyandotte County Public Health Department

Preparedness (Pre-Event) Actions for ESF 12 - Energy and Utilities

- 1 Ensure personnel receive emergency operations training.

Response (During Event) Actions for ESF 12 - Energy and Utilities

- 1 Work with water utilities about messaging to ensure the safety of drinking water

Supporting: ATMOS Energy

Preparedness (Pre-Event) Actions for ESF 12 - Energy and Utilities

- 1 Ensure the availability of necessary equipment to support energy and utilities activities.
- 2 Ensure emergency call-up and resource lists are current.

Response (During Event) Actions for ESF 12 - Energy and Utilities

- 1 Gather, assess and share information on system damage.
- 2 Provide a representative to the Wyandotte County EOC if requested.
- 3 Provide estimates on the impact of natural gas outages within affected areas.
- 4 Provide information on projected restoration times and costs.
- 5 Manage significant disruptions in energy supplies. To include, but not limited to: physical disruption of natural gas distribution, operational failures, and economic or international political events.

Recovery (Post Event) Actions for ESF 12 - Energy and Utilities

- 1 Gather, assess and share information on system damage.
- 2 Provide a representative to the Wyandotte County EOC if requested.
- 3 Provide estimates on the impact of natural gas outages within affected areas.
- 4 Provide information on projected restoration times and costs.

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4 -REFERENCES/ATTACHMENTS

The following reference documents are available from the Emergency Management Department. These documents have been hyperlinked where possible:

- MARC Regional Coordination Guide for ESF 12, and
- Wyandotte County Multi-hazard Mitigation Plan Regional Hazard Mitigation Plan.

Comment [mb4]: Updated link

Resource /Contact Lists

In general, detailed contact lists and inventories will not be attached to ESF annexes since this type of information changes constantly. Instead, information is provided as to the department or individual that maintains each type of contact list or inventory.

Contacts:

Contact information, including home and cellular telephone numbers for employees / responders are maintained in two ways in Wyandotte County. Information for all employees is



maintained by the agency for which they work. Information for police and fire responders is also maintained by the Public Safety Answering Point so that when emergencies arise, calls / pages can go out quickly. This information is not being maintained as a part of this EOP as it changes frequently and Wyandotte County Emergency Management is not the keeper of record for each agency's information. A chart is attached to the EOP that provides a telephone number for the contact who maintains the information.

Resources:

Information about resources / assets owned and operated by agencies within the United Government are maintained by each agency. This information is not being maintained as a part of this EOP as it changes frequently and Wyandotte County Emergency Management is not the keeper of record for each agency's information. A chart is attached to the EOP that provides a telephone number for the contact who maintains the information.

If additional resources beyond what is available through United Government resources or through normal mutual aid channels, Wyandotte County Emergency Management operates and maintains an active, well-equipped, well-staffed Emergency Operations Center (EOC) capable of obtaining those resources through the ICS request process. ~~Following the April 7, 2010 Full Scale Exercise "Perfect Storm," the agency recognized the need to have additional United Government staff trained to work in positions in the EOC. During 2010 and 2011, the Emergency Management Agency undertook a training effort which allowed over 80 additional staff members to be trained to work in the EOC. Among those trained were personnel responsible for Logistics and Finance. This training effort, and the on-going training plan allows Wyandotte County Emergency Management to rely upon the skills of these individuals if resources are needed during a response.~~

Type of Resource List	Department Maintained By	Title	Phone Number
Personnel credentialing	UG Emergency Management	EM Staff	913-573-6300

The following documents are attached to this ESF.

- Board of Public Utilities Management Organization Chart
- Utility Providers in Wyandotte County
- Map of Electric Service Providers in Wyandotte County
- Map of Electricity Providers in Bonner Springs
- Map of Natural Gas Service Providers in Wyandotte County
- Map of Propane Service Providers in Wyandotte County
- Map of Sewer Utility in Wyandotte County
- Map of Water Service Providers in Wyandotte County
- Map of Private Companies with Bulk Petroleum Storage in Wyandotte County
- Fuel Suppliers

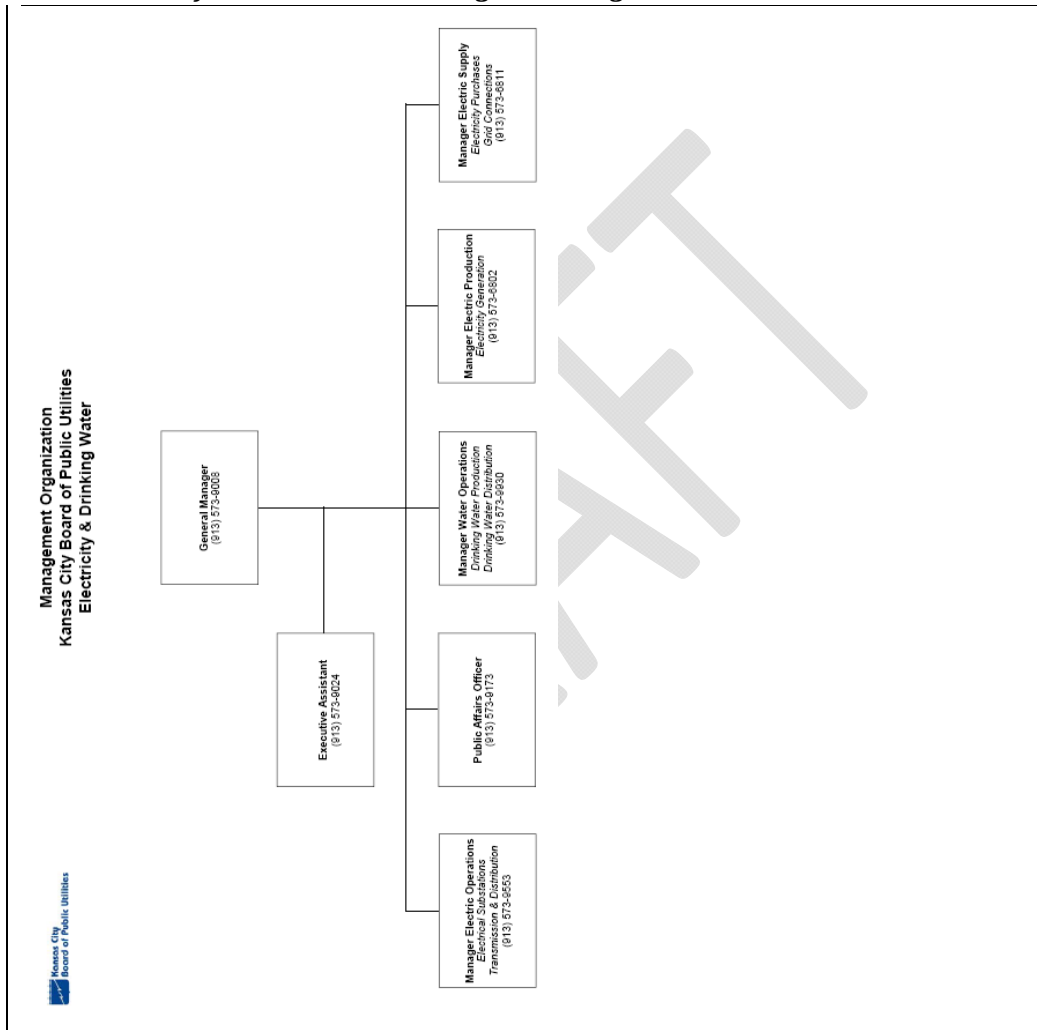


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- Critical Infrastructure/Essential Facilities Backup Generator Power Specifications
 - Electricians for Generator Hook-up / Electrical Contractors
 - Priority Restoration List

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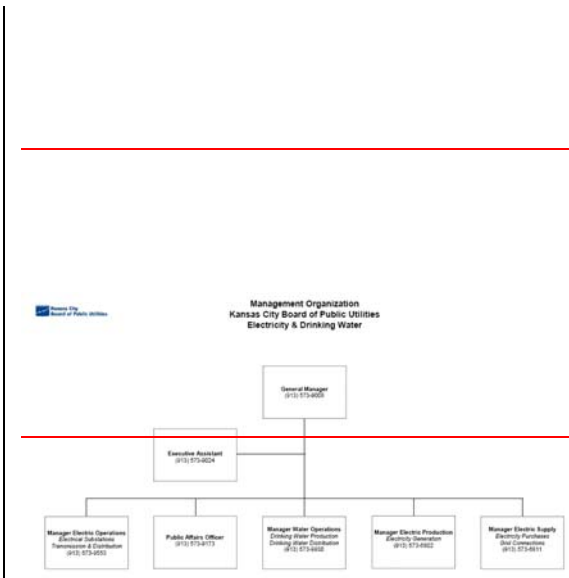


4.1 Board of Public Utilities Management Organization Chart





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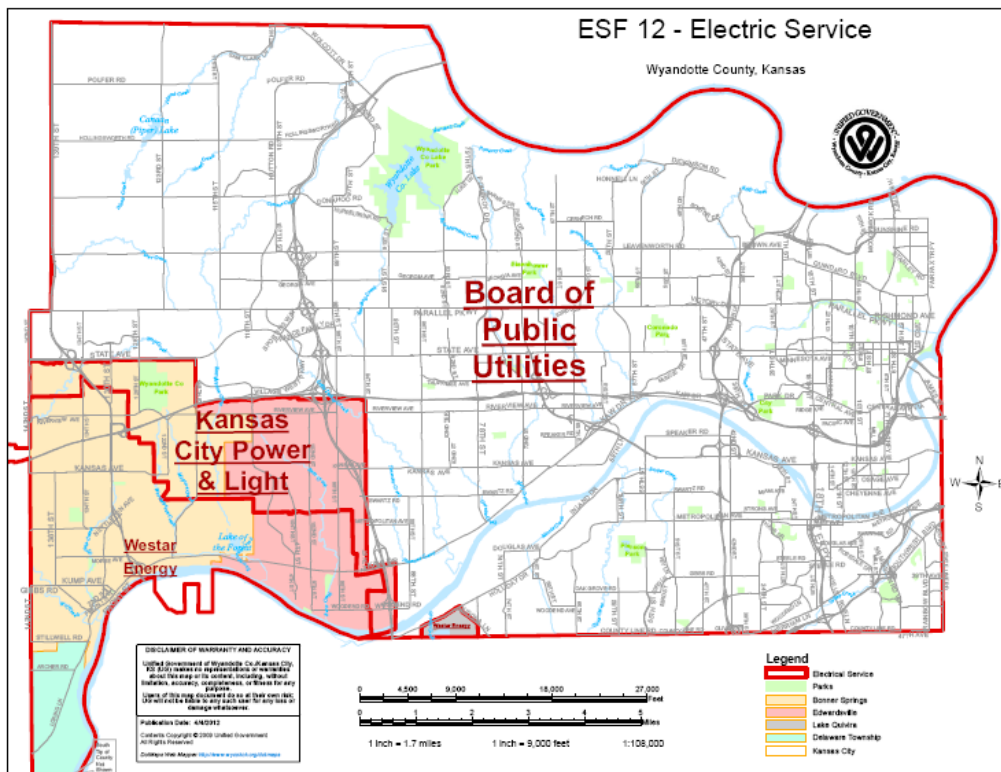


4.2 Utility Providers in Wyandotte County

Type of Service	Kansas City	Bonner Springs	Edwardsville
Electric	BPU	Westar / KCP&L	Westar / KCP&L
Water	BPU	City of Bonner Springs	BPU
Natural Gas	Kansas Gas / ATMOS Energy	ATMOS Energy	ATMOS Energy
Propane Gas	Ferrell Gas	Ferrell Gas	Ferrell Gas
Sewer	KCK Water Pollution Control	City of Bonner Springs	City of Edwardsville (Contracted Out)

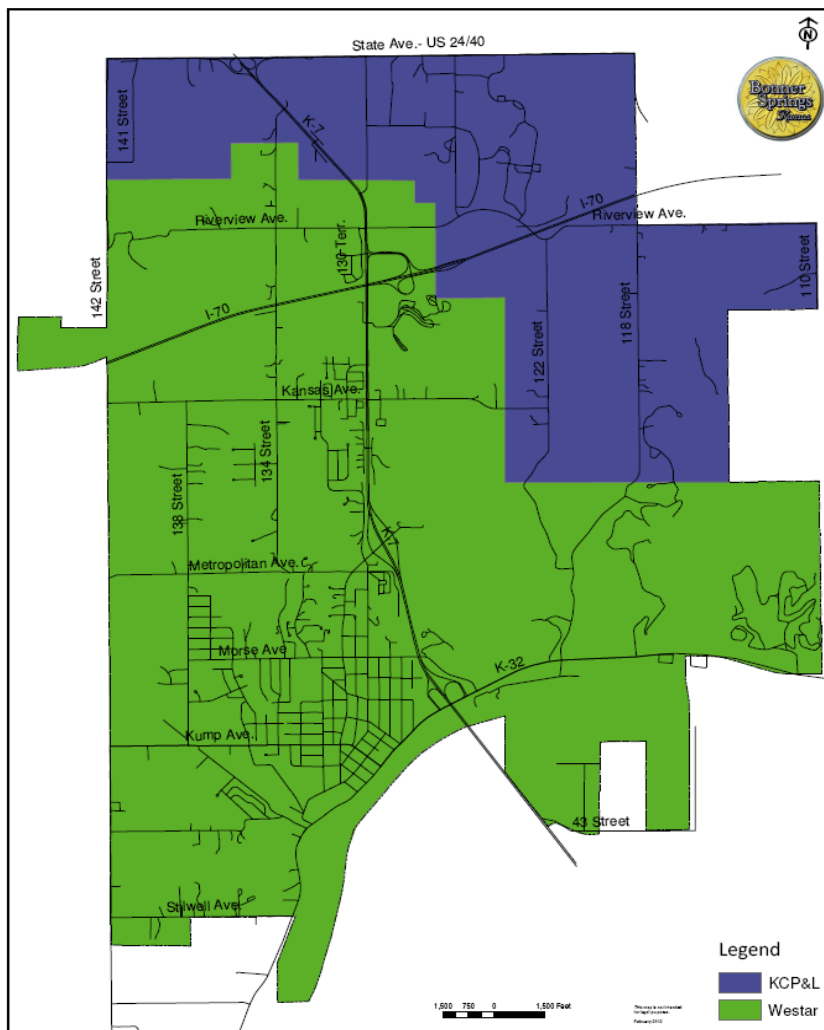


4.3 Map of Electric Service Providers in Wyandotte County



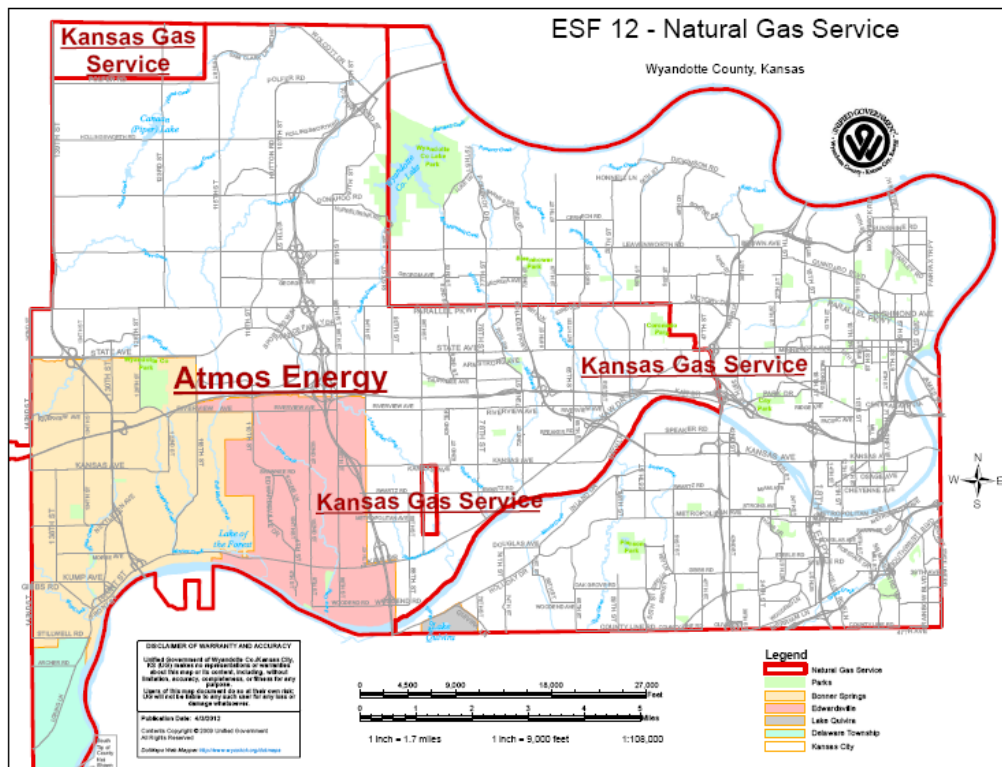


4.4 Map of Electricity Providers in Bonner Springs



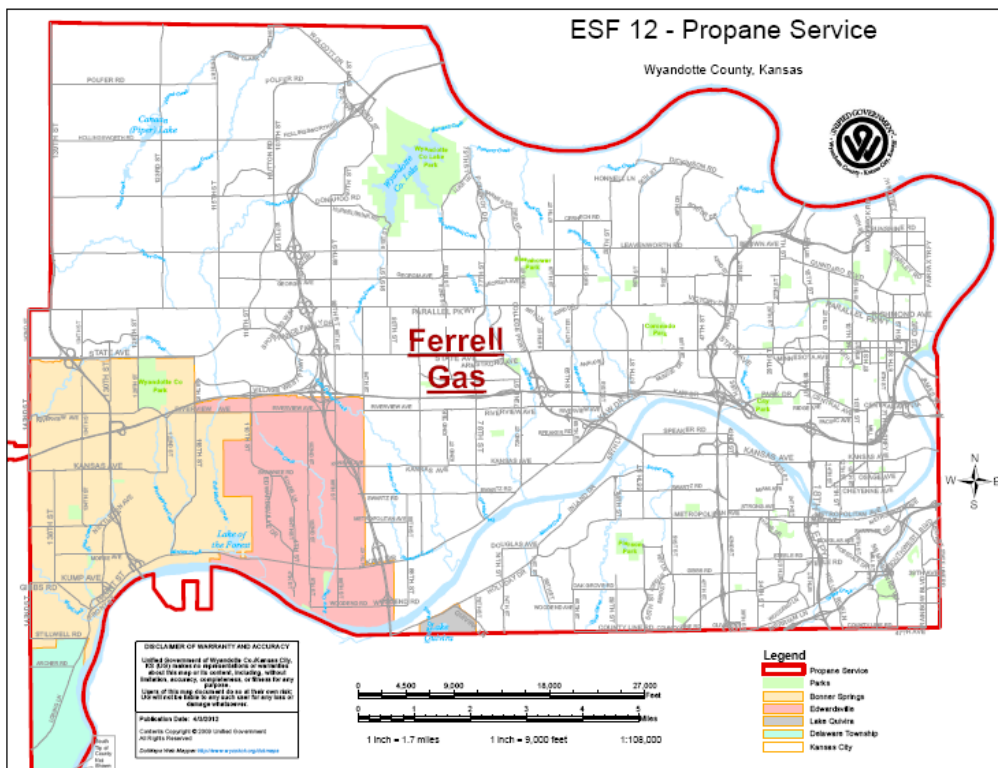


4.5 Map of Natural Gas Service Providers in Wyandotte County



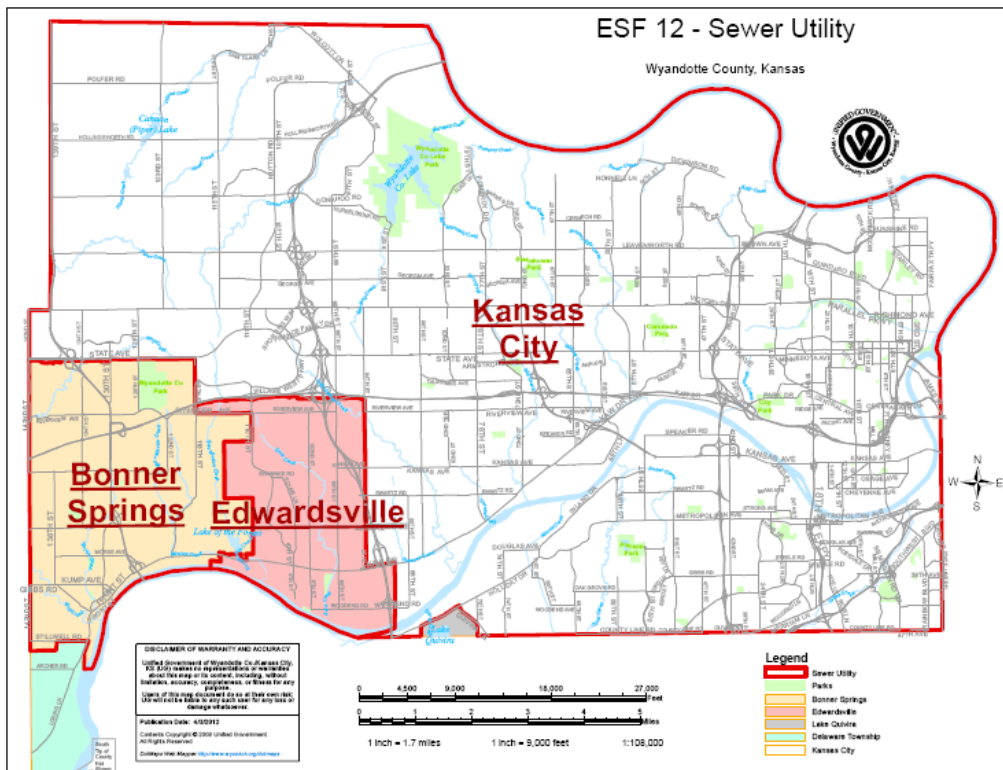


4.6 Map of Propane Service Providers in Wyandotte County



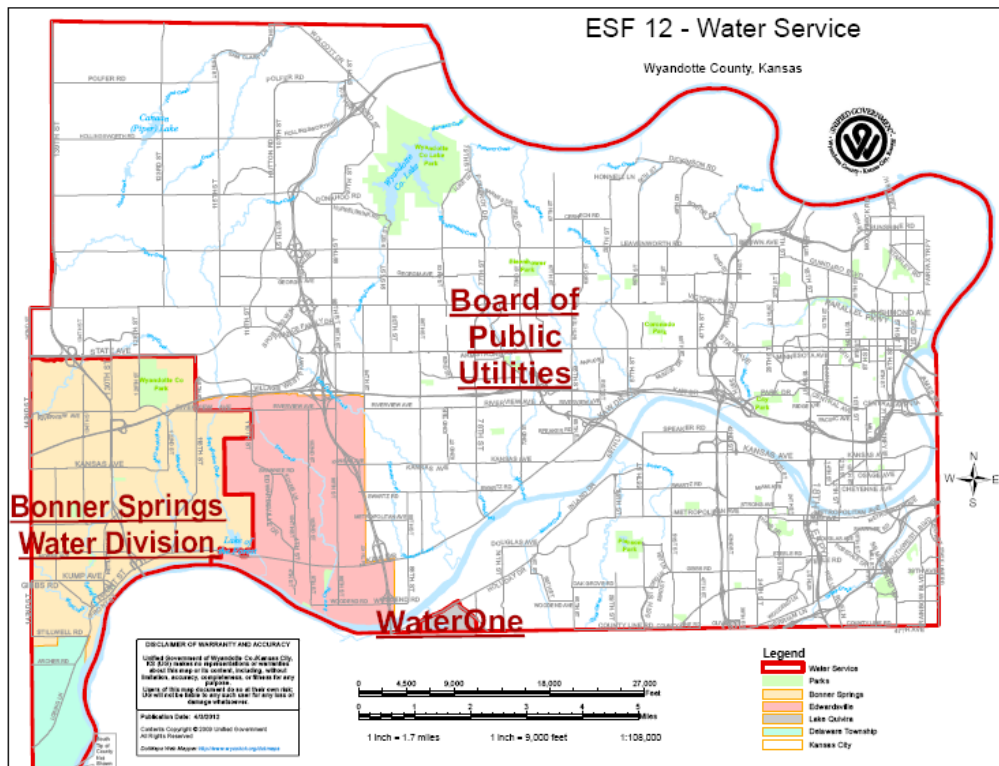


4.7 Map of Sewer Utility in Wyandotte County

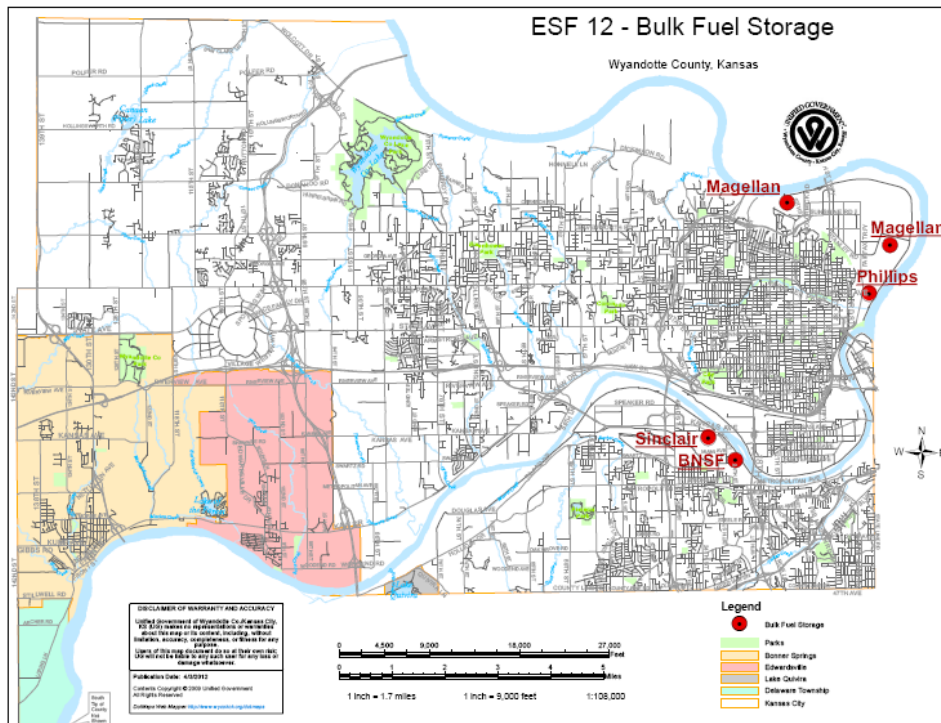




4.8 Map of Water Service Providers in Wyandotte County



4.9 Map of Private Companies with Bulk Petroleum Storage in Wyandotte County





4.10 Fuel Suppliers

Fuel Supplier List

McCulley Oil Company, Inc supplies standard fuel to the Unified Government Fuel Depot every two weeks. There are other petroleum product suppliers in Wyandotte County that can be used if needed such as ~~Alpha Petroleum~~, Fuchs Lubricants ~~and~~, Heathwood Oil Company, ~~Shell and Total Petroleum Inc~~. Also the Magellan Pipeline Company ~~and Petroleum Terminals Inc~~ both ~~has~~ ave terminals in Wyandotte County that can be used if needed.

Primary Fuel Supplier:

McCulley Oil Company, Inc
1925 N. 9th St
Kansas City, KS 66101
Phone: 913-371-2976

Additional Fuel Suppliers in Wyandotte County:

~~1. Alpha Petroleum
155 S. 18th St #105
Kansas City, KS 66102
Phone: 913-371-5100~~

Comment [mb5]: No facility

~~2.1. Fuchs Lubricants
2140 S. 88th St
Kansas City, KS 66111
Phone: 913-422-4022~~

~~3.2. Heathwood Oil Company
2011 N. 10th St
Kansas City, KS 66104
Phone: 913-321-1764~~

~~4. Shell
1301 N. 38th St
Kansas City, KS 66102
Phone: 913-371-5837~~

Comment [mb6]: No facility

~~5. Total Petroleum Inc
4510 Kansas Ave
Kansas City, KS 66106
Phone: 913-371-6250~~

Comment [mb7]: No facility



Petroleum Terminals in Wyandotte County:

1. Magellan Pipeline Company
401 E. Donovan Rd
Kansas City, KS 66115
Phone: 913-281-0771

2. ~~Petroleum Terminals Inc~~
~~1601 Fairfax Trfy~~
~~Kansas City, KS 66115~~
~~Phone: 913-621-2020~~

Comment [mb8]: Closed.

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4.11 Critical Infrastructure/Essential Facilities Backup Generator Power Specifications

Critical Infrastructure/Essential Facilities Backup Generator Power Specifications								
Water Treatment Plants, Potable Water Supplies, Wastewater Treatment Plants, Hospitals, Skilled Care Facilities (Nursing Homes, Assisted Living Facilities), Shelters, Emergency Operations Centers, 911 Emergency Communications Centers, Fire Departments, EMS Departments, and Law Enforcement Agencies.								
County: Wyandotte								
Facility Name	Physical Address	City	Voltage 120/240/480	Phase Single/3	Kilowatt (KW) Rating	Amps	agency	contact
Wyandotte County Jail	710 N. 7th St.	Kansas City			1000 KW			
911 Dispatch Center	6743 Riverview Ave.	Kansas City			80KW			
City Hall	701 N. 7th St.	Kansas City			200KW			
City Hall	701 N. 7th St.	Kansas City			200KW			
PHD	619 Ann Ave.	Kansas City			50KW			
WPC	50 Market St.	Kansas City			175 KW			
WPC	50 Market St.	Kansas City			100KW			
WPC	50 Market St.	Kansas City			60KW			
WPC	50 Market St.	Kansas City			30KW			
WPC	50 Market St.	Kansas City			25KW			
WPC SWP502	50 Market St.	Kansas City			600 KW			
WPC TP02	50 Market St.	Kansas City			80 KW			
Fire Station #2	6241 State Ave.	Kansas City			100KW			
Fire Station #9	1100 Central Ave.	Kansas City			100KW			
Fire Station #19	1011 North 80th Terr.	Kansas City			100KW			
Fire Station #6	9400 State Ave.	Kansas City			100KW			
Bonner Springs FD	13001 Metropolitan Ave.	Bonner Springs			80KW			
Bonner Springs Water Treatment Plant	12401 Kaw Dr.	Bonner Springs			250KW			
Bonner Springs Water Treatment Plant	12401 Kaw Dr.	Bonner Springs			80KW			

Note: Additional generators are available as needed. Priorities will be determined by the Command Staff in coordination with the EOC and using information supplied by utilities and other partner agencies. In many instances, privately owned critical infrastructure facilities such as hospitals, skilled care facilities, schools, etc own and maintain their own generators.

Critical Infrastructure/Essential Facilities Backup Generator Power Specifications								
Water Treatment Plants, Potable Water Supplies, Wastewater Treatment Plants, Hospitals, Skilled Care Facilities (Nursing Homes, Assisted Living Facilities), Shelters, Emergency Operations Centers, 911 Emergency Communications Centers, Fire Departments, EMS Departments, and Law Enforcement Agencies.								
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WPC	50 Market St.	Kansas City			175 KW			
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WPC	50 Market St.	Kansas City			25KW			
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Note: Additional generators are available as needed. Priorities will be determined by the Command Staff in coordination with the EOC and using information supplied by utilities and other partner agencies. In many instances, privately owned critical infrastructure facilities such as hospitals, skilled care facilities, schools, etc own and maintain their own generators.



Electricians for Generator Hook-up/Electrical Contractors

Electrician List

The Unified Government has ~~three (3)~~ licensed electricians on staff as full-time employees at all times. These electricians would be the first to be utilized to install generators as needed. If more ~~than 3~~ electricians were needed at any one time, the Emergency Operations Center Logistics Section would be tasked to find licensed electricians from within private firms within the county. The fiscal section does have the resources to contract with these firms.

Electrician Contractors

Business Name	Phone	Status	Address	Business Activity Type
A & A Electrical Inc.	(816) 847-1902	Renewed	705 SQUIRE CT GRAIN VALLEY, MO 64029	Electrical Contractor
A & M Electrical, Llc.	(913) 254-8401	Renewal	15574 S HAGAN OLATHE, KS 66062	Electrical Contractor
A-B May Sales & Service Co., Inc.	(913) 383-2222	Renewed	2017 W 104TH ST LEAWOOD, KS 66206	Elec/Plmb/Hvac Contractor
A&P Electrical Design, Llc.	(913) 208-8913	Renewal	422 ALLCUTT AVE BONNER SPRINGS, KS 66012	Electrical Contractor
Able Electric, Llc.	(913) 384-5203	Renewed	3627 N BRAIR CLIFF KANSAS CITY, MO 64116	Electrical Contractor
Absolutely The Best D/B/A A-B Electrical, Inc.	(816) 350-0062	Renewal	3336 PASEO BLVD KANSAS CITY, MO 64109	Ele., Commercial Contracting
Ac Electrical	(913) 706-6166	Renewal	3350 N 115 ST KANSAS CITY, KS 66109	Electrical Contractor
Accessible Electric, Inc.	(913) 915-0838		3217 S BLACK FOREST DR BLUE SPRINGS, MO 64015	Electrical Contractor
Ace Electric, Llc	(816) 853-4295	Renewed	4150 N 110TH ST KANSAS CITY, KS 66109	Electrical Contractor
Action Alarm, Inc	(816) 254-3158	Renewal	1113 S FULLER INDEPENDENCE, MO 64050	Alarm Installation
Action Electric Corp.	(816) 279-0090	Renewal	923 S 9TH ST ST. JOSEPH, MN 64503	General & Electrical Contractor
Adt, Llc	(816) 880-5742	Renewed	7707 NW 97 TER KANSAS CITY, MO 64153	Security System Sales/Installation/Ser vice
Advance Detection/Secom, Inc.	(913) 685-4201	Renewed	7549 W 160TH ST STILLWELL, KS 66085	Security Alarm Sales/Service
Advance Services Ds, Llc.	(816) 728-1607	Renewed	1208 N KURZWEIL	Electrical, Plumbing

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2012 Emergency
Operations Plan

ESF 12—Energy & Utilities

Business Name	Phone	Status	Address	Business Activity Type
			RD—RAYMORE, MO—64083	Contr.
ADVANCED ELECTRICAL D/B/A SUMMIT ELECTRIC, LLC	(816) 347-8187	Renewal	241 NW COMMERCE CT—LEE'S SUMMIT, MO—64086	Electrical Contractor
Advanced Security Alarm Protec	(816) 361-5945	Renewal	140 N CHAMBERY OLATHE, KS—66061	Security Alarm Sales/Service
Alarms By Sterling Security Inc.	(816) 942-3110	Renewal	310 E 125TH TER KANSAS CITY, MO 641451659	Alarm Installation & Service
All Current Electric, LLC	(913) 825-3506	Renewed	12641—ANTIOCH RD PMB132—OVERLAND PARK, KS—66213	Electrical Contractor
All Phase Electrical	(816) 405-4061	Renewal	7536—ARROYO DR LATHROP, MO 64465	Electrical Contractor
Allen's Electric	(816) 935-8684	Renewed	132 S HIGH SUGAR CREEK, MO 64054	Electrical Contractor
All-Tech Electric & Contracting, LLC	(913) 963-1116	Renewal	6021 W 102ND CT OVERLAND PARK, KS—66207	Electrical Contractor
Alpha Fire Protection, LLC	(816) 257-2260	Renewal	1510 W GEOSPACE DR INDEPENDENCE, MO—64056	Comm. Sprinkler Contractor
Al's—Electrical Maintenance	(913) 238-7809	Renewed	2832 N 102ND TER KANSAS CITY, KS 66109	Electrical Contractor
Amaysing Electric	(785) 869-3342	Renewal	4831—HIGHWAY 169 GREELEY, KS—66033	Electrical Contractor
Ambassador Electric, Inc.	(816) 507-0570	Renewal	817 NE 41ST ST KANSAS CITY, MO 64116	Electrical Contractor
American Legacy Construction Group, Inc		Renewal	1216 SE BROADWAY DR—LEE'S SUMMIT,, MO—64081	Electrical Contractor
American Sentry Electronic Systems, Inc.	(913) 829-6325	Renewal	8928—NIEMAN RD OVERLAND PARK, KS—66214	Alarm Security Company
Ameripure Water Company	(913) 825-6600	Renewed	2418—MERRIAM LN KANSAS CITY, KS 66106	Water Systems/Plumbing Contractor
Amf Electrical Contractors, Inc.	(314) 647-4066	Renewal	1627—SUBLETTE AV ST LOUIS, MO 63110	Electrical/Gen Contractors
Anderson Electrical, LLC	(913) 710-1754	Renewed	1728 W 34 TER KANSAS CITY, MO 64111	Electrical Contractor
Apac-Kansas, Inc.	(913) 371-1003	Renewed	4318—SPEAKER RD KANSAS CITY, KS 66106	Electrical Contractor
Apple Electric Inc.	(913) 837-5285	Renewed	209 N BROADWAY LOUISBURG, KS 66053	Electrical Contractor

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2012 Emergency
Operations Plan

ESF 12—Energy & Utilities

Business-Name	Phone	Status	Address	Business-Activity Type
Applebury Electric Co.	(816) 741-5589	Renewed	1092 NW SHORE DR LAKE WAUKOMIS, MO 64151	Electrical-Contractor
Applied Skills Consortium, Llc	(816) 726-9441	Renewal	5030 PROSPECT KANSAS CITY, MO 64130	Electrical-Contractor
Arnaldo Electric, Llc	(816) 510-0006	Renewal	719 KENSINGTON KANSAS CITY, MO 64124	Electrical & Commercial Contr.
Arrow Circle Electric, Inc.	(816) 373-4888	Renewal	7801 BLUE RIDGE BLVD—KANSAS CITY, MO 64133	Electrical-Contractor
Atlantic Engineering, Group, Inc.	(706) 654-2298	Renewed	1136 ZION CHURCH RD—BRASELTON, GA 305173275	Fiber-Optic Contractor
Atwood Electric Inc	(641) 622-3626	Renewal	P O BOX 311 SIGOURNEY, IA 52591	Electrical-Contractor
Audio Marketing Solutions—D/B/A Americom Communications	(402) 489-9700	Renewed	307 P ST LINCOLN, NE 68508	Low-Level Cable Wiring
B-A Barnes Electric, Inc.	(913) 764-4455	Renewal	2014 E SPRUCE CIR OLATHE, KS 66062	Electrical-Contractor
B-Y Electric	(913) 271-7808	Renewal	8642 MELROSE OVERLAND PARK, KS 66214	Electrical-Contractor
B&R Electric	(913) 522-6321		2947 N 40TH ST KANSAS CITY, KS 66104	Electrical-Contractor
B&T Electric Company	(816) 454-7031	Renewal	5004 NE 68TH TER KANSAS CITY, MO 64119	Electrical-Contractor
Baldrige Electric, Inc.	(316) 267-0058	Renewed	1825 S EISENHOWER ST—WICHITA, KS 67209	Electrical-Contractor
Barnes Electric General Contractor & Developer	(913) 835-9006	Renewal	1911 QUINDARO BLVD—KANSAS CITY, KS 66104	Electrical/Gen Contr/Developer
Bart's Electric Co, Inc.	(816) 421-2407	Renewal	7103 N STEWART RD—PLEASANT VALLEY, MO 64068	Electrical-Bond
Bear Communications, Llc	(913) 927-1007	Renewal	725 N 2ND ST LAWRENCE, KS 66044	Utility-Contractor
Benso Inc.	(816) 356-4010	Renewal	9709 E 56TH RAYTOWN, MO 64133	Electrical/Mechanical Contr.
Bergelectric Corp.	(310) 337-1377	Renewed	5650 W CENTINELA AVE—LOS ANGELES, CA 90045	Electrical-Contractor
Besel Roofing & Heating, Inc.	(913) 682-7000	Renewed	300 SANTA FE LEAVENWORTH, KS 66048	Electrical/Mechanical
Big Electric, Inc.	(816) 456-5949	Renewal	3606 W 50TH TER ROELAND PARK, KS 66205	Electrical-Contractor

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ESF 12—Energy & Utilities

Business Name	Phone	Status	Address	Business Activity Type
Black & McDonald Electric, LLC	(913) 789-8169	Renewed	3073 MERRIAM LN KANSAS CITY, KS 66106	Electrical Contractor
Blue Springs Electrical Service	(816) 224-9911	Renewed	3402 LAKE SHORE RD—BLUE SPRINGS, MO 64014	Electrical Contractor
Boulevard Electric Company	(913) 491-8658	Renewal	1740 SOUTHWEST BLVD—KANSAS CITY, KS 66103	Electrical/Commercial Contractor
Brinton Electric Co., Inc.	(816) 356-0922	Renewed	10100 E 65TH ST—B RAYTOWN, MO 64133	Electrical Contractor
Broadway Electrical Const. Inc.	(913) 621-3553	Renewed	510 MIAMI AVE KANSAS CITY, KS 66105	Electrical Contractor
Brookside Electrical Project Services, LLC	(816) 313-6300	Renewed	9916 E 63RD TER RAYTOWN, MO 64133	Electrical Contractor
Brower Electric, LLC	(660) 773-6760	Renewal	26602 STATE HWY MACON, MO 63552	Electrical Contractor
Brunner Electric Inc.	(913) 268-5463	Renewal	5730 REEDER RD SHAWNEE, KS 66203	Electrical Contractor
C-R-H Electric, Inc.	(816) 761-1433	Renewal	4020 E 137TH TER GRANDVIEW, MO 64030	Electrical Contractor
Cadence Electrical	(816) 935-2310	Renewal	9834 W 55TH ST #6 MERRIAM, KS 66203	Electrical Contractor
Gaedmon Construction & Electric Co., LLC	(816) 333-3933	Renewal	3931 MAIN—200 KANSAS CITY, MO 64111	Electrical Contractor
Galliham Handyman Service	(913) 219-6190	Renewal	12901 PENNYCROSS LENEXA, KS 66215	Electrical Contractor
Campos Construction	(913) 963-7112	Renewal	3419 RUBY AVE KANSAS CITY, KS 66106	Electrical Contractor
Capital Electric Constr. Co. Inc.	(816) 472-9500	Renewal	600 BROADWAY 600—KANSAS CITY, MO 64105	Electrical Contractor
Capital Electric Line Builders, Inc.	(816) 389-4000	Renewed	4400 NW MATTOX RD—RIVERSIDE, MO 64150	Electrical
Cates Electric, LLC	(913) 915-2953	Renewal	4568 MEADOW LN WELLSVILLE, KS 66092	Electrical Contractor
Ccd Construction Services	(816) 861-0298	Renewal	2610 E 29TH ST KANSAS CITY, MO 64128	Electrical/General Contractor
Celeste Installation & Rep LLC	(816) 891-2445	Renewed	16730 NW 89TH ST KANSAS CITY, MO 64153	Electrical Contractor
Centurion Industries, Inc.	(260) 357-6665	Renewed	1107 N TAYLOR RD GARRETT, IN 46738- 1880	Commercial /Electrical

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ESF 12—Energy & Utilities

Business Name	Phone	Status	Address	Business Activity Type
Chase Electrical Services		Renewal	6925 NW BERKLEY PARKVILLE, MO 64152	Electrical Contractor
Cimmaron Electric Inc.	(816) 525-2200	Renewed	1831 SW MARKET LEE'S SUMMIT, MO 64063	Electrical Contractor
City Wide Electric, Inc.	(913) 631-1189	Renewed	5919 BARTON DR SHAWNEE, KS 66203	Electrical Contractor
CI Electric Llc.	(913) 406-3333	Renewed	4330 YECKER AVE KANSAS CITY, KS 66104	Electrical & Residential Contr.
Class One Electric, Inc.	(913) 915-1767	Renewal	7725 W 145TH ST OVERLAND PARK, KS 66223	Electrical Contractor
Clayco Electric Co., Inc.	(816) 221-0593	Renewal	319 E 11TH AVE NORTH KC, MO 64116	Electrical Contractor
Cnc Electric	(913) 764-9090	Renewal	955 E OAKVIEW ST OLATHE, KS 66061	Electrical Contractor
Coale Electric, Llc.	(816) 415-2069	Renewal	18205 H HWY LIBERTY, MO 64068	Electrical Contractor
Commonwealth Electric Co. Of The Midwest	(402) 474-1341	Renewal	1901 Y ST 100 LINCOLN, NE 685010638	Electrical Contractor
Complete Home Services	(913) 506-0979	Renewed	1739 N 78TH TER KANSAS CITY, KS 66112	Electrical/Commercial
Continental Siding Supplies, Inc.	(816) 737-2700	Renewal	13714 E 42ND TER INDEPENDENCE, MO 64055	Roofing, Siding & Electrical Contractor
Convera Inc.	(816) 781-2078	Renewed	13209 PLATTSBURG RD KEARNEY, MO 64060	Electrical Contractor
Creek Electric Inc.	(316) 943-5888	Renewed	2811 W PAWNEE ST WICHITA, KS 67213	Electrical Contractor
Crockett Electric	(913) 651-0240	Renewed	4651 BREWER PL LEAVENWORTH, KS 66048	Electrical Contractor
Crosson Electric, Inc	(816) 918-7172	Renewal	1466 SW MANOR LAKE DR LEES SUMMIT, MO 64081	Electrical Contractor
Ctc Electrical Service, Llc.	(913) 375-0070	Renewed	1308 LAWTON LN KANSAS CITY, KS 66103	Electrical Contractor
Current Electric, Llc	(913) 486-9804	Renewal	10310 W 73RD TER SHAWNEE, KS 66203	Electrical Contractor
Custom Lighting Services Llc D/B/A Black & McDonald	(816) 483-0257	Renewed	6001 FRONT ST KANSAS CITY, MO 64120	Outdoor St. Lighting & Ele.
Custom Securtly Consulting/Installtion	(913) 904-6550		117 N 77TH ST KANSAS CITY, KS 66111	Security Alarm Installation
D Electric, Llc.	(913) 851-0458	Renewal	6416 W 194TH ST	Electrical Contractor

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Business Name	Phone	Status	Address	Business Activity Type
			STILWELL, KS 66085	
D-S Electric, Llc.	(913)-432-0313	Renewal	5336-KNOX MERRIAM, KS-66203	Electrical-Contractor
D.M. Steffenella Electric Services, Company	(816)-335-5566	Renewed	19708-WATKINS RD LAWSON, MO-64062	Electrical-Contractor
Dan-E Electric, Inc.	(913)-207-3880	Renewal	7465-DEER RIDGE DR—SHAWNEE, KS 66227	Electrical-Contractor
Dayspring Electric, Inc.	(913)-991-8691	Renewal	10601-KAW DR-C-1 EDWARDSVILLE, KS 66111	Electrical-Contractor
De-Systems, Llc	(913)-660-6773	Renewal	12219-PINEHURST DR—KANSAS CITY, KS-66109	Low-Voltage-Installer
Dean-Mechanical-Company	(913)-724-3294	Renewal	18156-DONAHOO RD—TONGANOXIE, KS-66086	Electric/Mech/Plumb/ Roof/Gen
Decker Electric, Inc.	(316)-265-8182	Renewal	4500-W HARRY WICHITA, KS-67209	Electrical-Contractor
Deem, Llc.	(317)-860-2990	Renewal	6831-E 32ND-ST-# 200-INDIANAPOLIS, IN-46226	Electrical-& Mechanical Contractor
Defender Security Company	(317)-860-0517	Renewed	3750-PRIORITY-WY 200-INDIANAPOLIS, IN-46240	Alarm Sales-& Installation
Deffenbaugh Industries Electric	(913)-631-3300	Renewed	2601-MIDWEST-DR KANSAS CITY, KS 66111	Electrical-Contractor
Delfelder Electric Company	(785)-840-6369	Renewal	5293-SARATOGA DR—MC LOUTH, KS 660544171	Electrical-Contractor
Delta Electric Co Llc	(816)-252-6544	Renewal	3404-NW PINK HILL CIR—BLUE SPRINGS, MO-64015	Electrical-Contractor
Denney Electric, Inc.	(913)-651-4324		773-SENECA-AVE LEAVENWORTH, KS 66048	Electrical-Contractor
Diamond Electric, Inc.	(423)-892-7739	Renewed	69-WAREHOUSE WY—ROSSVILLE, GA-30741	Electrical-Contractor
Diebold Inc.	(330)-490-6840	Renewed	5995-MAYFAIR RD N. CANTON, OH 44720	Alarm Installation-& Service
Direct Security Services Inc.	(913)-529-0029	Renewed	12460-W 62ND-TER SUITE 202 SHAWNEE, KS 66216	Security-Alarm Service
Donco Electric	(913)-338-1900	Renewal	11184-ANTIOCH #141—OVERLAND PARK, KS-66210	Electrical-Contractor
Double S. Electric, Inc.	(913)-915-0788	Renewal	18740-CEDAR NILES GARDNER, KS 66090	Electrical-Contractor
Dwe, Llc	(913)-449-3717	Renewal	2824-N 103RD-ST	Electrical-Contractor

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Business Name	Phone	Status	Address	Business Activity Type
			KANSAS CITY, KS 66109	
Eagle Elevator Corp.	(816) 380-4867	Renewal	26108 E 267TH ST HARRISONVILLE, MO 64701	Elevator Contractor
Eagle Security Solutions, Inc.	(913) 721-1360	Renewal	7315 LAFAYETTE AVE KANSAS CITY, KS 66109	Alarm Installation
Eaton Electric Services & Systems	(913) 327-3650	Renewed	11305 STRANG LINE RD LENEXA, KS 66215	Mfg/Serv. Electrical Equip.
Ece, Llc	(913) 626-5799	Renewed	2534 N 45TH ST KANSAS CITY, KS 66104	Electrical Contractor
Edwards Electric Service, Llc.	(601) 483-2384	Renewed	6222 ST. LOUIS ST MERIDIAN, MS 39307	Electrical Contractor
Efb, Llc	(913) 375-7419	Renewal	8201 W 87TH ST OVERLAND PARK, KS 66212	Electrical Contractor
Eldecon Inc.	(816) 587-3322	Renewed	6200 NW KELLY DR KANSAS CITY, MO 64152	Electrical Contractor
Electric One, Llc.	(913) 764-7100	Renewed	1136 ADAMS ST KANSAS CITY, KS 66103	Electrical Contractor
Electric Shop Inc.- D/B/A- Mr Electric	(913) 294-5820	Renewal	1001 N PEARL PAOLA, KS 66071	Electrical Contractor
Electrical Associates, Llc.	(913) 825-2537	Renewal	8345 MONTICELLO SHAWNEE, KS 66227	Electrical Contractor
Electrical By Waterman	(913) 709-5797	Renewal	23476 W 391 ST FONTANA, KS 66026	Electrical Contractor
Electrical Corp Of America, Inc.	(816) 737-3206	Renewed	7320 ARLINGTON RAYTOWN, MO 64133	Electrical Contractor
Electrical Development Contractors, Llc.	(913) 238-9527		16258 KANSAS AVE BONNER SPRINGS, KS 66012	Electrical Contractor
Electrical Enterprises Inc.	(913) 242-7971	Renewal	414 W WILSON OTTAWA, KS 66067	Electrical Contractor
Electrical Express	(816) 739-9379	Renewal	409 N CHELSEA AVE KANSAS CITY, MO 64123	Electrical Contractor
Electrical Integrated Technology, Llc	(913) 856-0119	Renewal	791 E WARREN ST GARDNER, KS 66030	Electrical Contractor
Electrical Investments, Inc	(913) 940-3677	Renewal	22266 W 177TH ST OLATHE, KS 66062	Electrical Contractor
Electrical Systems, Inc	(816) 561-8889	Renewal	2806 HOLLY ST KANSAS CITY, MO 64108	Electrical Contractor
Elite Electric Incorporated	(913) 724-1645	Renewed	-P O BOX 368 BASEHOR, KS 66007	Electrical Contractor

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Business-Name	Phone	Status	Address	Business-Activity Type
Elite Security Services, Inc.	(801)-850-4053	Renewal	495 W UNIVERSITY PKWY—OREM, UT 84058	Alarm Installation
Elliott Security Systems, Llc	(913)-207-5593		1816 E 153RD TER OLATHE, KS 66062	Security Alarms & Video
Empire Electrical Service, Llc.	(816)-847-1800	Renewal	1114 VALLEY RIDGE DR—GRAIN VALLEY, MO 64029	Electrical Contractor
Enlighten Electric, Inc.	(913)-488-1993	Renewed	6917 BELL RD SHAWNEE, KS 66217	Electrical Contractor
Epic Electric Service Corp.	(816)-455-5555	Renewed	801 N CHESTNUT AVE—KANSAS CITY, MO 64120	Electrical Contractor
Facility Solutions Group, Inc.	(913)-422-8400	Renewal	6435 VISTA SHAWNEE, KS 66218	Electrical Contractor
Faith Technologies, Inc.	(920)-225-6500	Renewed	225 MAIN ST MENASHA, WI 54952-0260	Electrical Contractor
Fatboy Electric, Inc.	(816)-861-6600	Renewed	5232 EASTERN KANSAS CITY, MO 64130	Electrical Contractor
Federal Protections, Inc.	(417)-869-9192	Renewed	2500 AIRPORT COMMERCE DR SPRINGFIELD, MO 65803	Alarm Company
Fields Electric	(913)-963-5704	Renewal	3420 RUBY AVE KANSAS CITY, KS 66106	Electrical/ Roofing Contractor
Fifth Avenue Plaza		Renewal	10616 W 87 ST OVERLAND PARK, KS 66214	Electrical/Mechanical /Plumbing Contractor
Ford W. Hall Company Inc.	(606)-624-1077	Renewed	P.O.BOX 2110 RICHMOND, KY 40476	Utility Contractor
Four Star Electric Inc.	(816)-587-8157	Renewed	6220 NW KELLY DR PARKVILLE, MO 64152	Electrical/General Contractor
Foutch Brothers, Llc.	(816)-746-9100	Renewal	8109 NW HILLSIDE DR—WEATHERBY LAKE, MO 64152	Electrical & Commercial Contractor
Freedom Electric Professionals, Inc.	(816)-847-9900	Renewal	1017 W 29TH ST KANSAS CITY, MO 64108	Electrical Contractor
Fulton Electric	(816)-547-0793	Renewal	200 MONROE AVE BELTON, MO 64012	Electrical Contractor
Fusion Electric, Llc.	(913)-563-7975	Renewed	7635 LOWELL OVERLAND PARK, KS 662042833	Electrical Contractor
G-J Electric, Inc.	(816)-347-8167	Renewal	408 SE TOPAZ DR LEE'S SUMMIT, MO 64063	Electrical Contractor
Garwin Electric	(913)-620-2499	Renewed	432 S KANSAS AVE OLATHE, KS 66061	Electrical Contractor

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Business Name	Phone	Status	Address	Business Activity Type
General Elevator & Hydrics Inc.	(816) 525-9945	Renewal	95 SE OLDHAM PKWY—LEE'S SUMMIT, MO-64081	Elevator Contractor
Gfa Electric	(816) 200-3485	Renewal	8301 E 86TH TER KANSAS CITY, MO 64138	Electrical Contractor
Glenns Repair	(816) 520-1917	Renewal	1008 E 26TH ST KANSAS CITY, MO 64108	Low Voltage Cabling
Google Fiber Kansas, Llc.	(816) 360-4154	Renewal	1703 WYANDOTTE ST—KANSAS CITY, MO-64108	Internet Services/Fiber-Optic
Gordon & Sons Construction	(913) 486-5722	Renewal	17303 DONAHOO RD—BASEHOR, KS 66007	Commercial/Res/ Plbg/Mech/Electrical Contractor
Gormans Heating & Cooling	(913) 634-3307	Renewal	3355 N 70TH CT KANSAS CITY, KS 66109	Mechanical/Plumbin g/ Electrical Contractor
Graham Plumbing /Electrical	(913) 341-2084	Renewal	9214 KESSLER OVERLAND PARK, KS-66212	Electrical/Mech., /Plumbing
Grant Evans	(913) 515-2520	Renewal	500 NE PINE LA TOPEKA, KS-66617	Electrical Contractor
Guiding Light Electric, Inc.,	(816) 361-5150	Renewal	13313A S 71 HWY GRANDVIEW, MO 64030	Electrical Contractor
Guiding Light Home Repair, Llc.	(816) 868-5839	Renewed	38930 W 122ND ST RICHMOND, MO 64085	Electrical Contractor
H & S Electric Company, Llc	(913) 236-5752	Renewed	10028 W 68TH ST MERRIAM, KS-66203	Electrical Contractor
Hamilton Enterprises	(913) 287-7423	Renewal	3010 N 43RD ST KANSAS CITY, KS 66104	Security Installation
Heartland Electric Corporation	(816) 318-8500	Renewed	947 LOCUST HILL CIR—BELTON, MO 64012	Electrical Contractor
Hensley Electric, Inc.	(913) 441-1064	Renewal	5633 LAKECREST DR—SHAWNEE, KS-66218	Electrical Contractor
Heritage Electric	(913) 747-0528	Renewed	841 N MARTWAY DR OLATHE, KS-66061	Electrical Contractor
Herman Electric Inc.	(816) 524-6105	Renewal	1906 JETER RD RAYMORE, MO 64083	Electrical Contractor
Homeland Security & Electronics, Inc.,	(913) 381-8009		405 N 6TH ST KANSAS CITY, KS 66101	Alarm Sales & Installation
Ideal Electric	(913) 406-3324	Renewal	9501 CONNELL DR OVERLAND PARK, KS-66212	Electrical Contractor
Industrial Electrical Co, Inc.	(816) 474-4674	Renewed	720 KINDELBERGER RD—KANSAS CITY, KS-66115	Electrical Contractor
Infinite Energy Construction//Progress	(816) 763-7471	Renewed	13910 CENTURY	Electrical Contractor

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Business Name	Phone	Status	Address	Business Activity Type
Electric			LANE GRANDVIEW, MO 64030	
Inland Electric Company	(816) 353-8118	Renewal	13313A S 71 HWY GRANDVIEW, MO 64133	Electrical Contractor
Innovative Power Solutions, Llc	(501) 851-9990	Renewal	8606 RIVERWOOD DR—NORTH LITTLE ROCK, AR 72113	Electrical Contractor
Integrated Electric, Llc.	(913) 441-0203	Renewed	4544 GROVE SHAWNEE, KS 66226	Electrical Contractor
Interstate Electrical Construction Co., Inc.	(816) 761-0200	Renewal	3710 ROBINSON PIKE RD GRANDVIEW, MO 64030	Electrical Contractor
Irwin Electric, Llc.	(913) 888-0383	Renewal	8754 WIDMER LENEXA, KS 66215	Electrical Contractor
J And W Electric, Llc.	(816) 824-5581	Renewal	1824 S EE'S SUMMIT RD INDEPENDENCE, MO 64050	Electrical Contractor
J Warren Company, Inc.	(785) 235-8009	Renewal	3327 SE 21ST ST TOPEKA, KS 66607	Electrical Contractor
J. Bird Electric	(816) 423-2999	Renewal	11230 E 350 HWY RAYTOWN, MO 64138	Electrical Contractor
Jackson County Electrical	(816) 797-5999	Renewed	3117 NE 71ST ST GLADSTONE, MO 64119	Electrical Contractor
James F Lynch Jr	(816) 213-6496	Renewal	3010 N 53RD ST KANSAS CITY, KS 66104	Electrical Contractor
JASON WRIGHT INC. D/B/A JASON WRIGHT ELECTRIC	(816) 246-5826	Renewal	418 SE MAIN LEE'S SUMMIT, MO 64063	Electrical Contractor
Jay-Mar Electric, Llc	(913) 231-7991	Renewed	1132 E BUTTERFIELD PL—OLATHE, KS 66062	Electrical Contractor
Jerred Electric, Llc.	(913) 238-0001	Renewal	9252 NOLAND RD LENEXA, KS 66215	Electrical Contractor
Jimmie Frost D/B/A Wire Nutz	(816) 606-5147		13971 MCELROY LN RAYVILLE, MO 64084	Electrical Contractor
Jm Electric	(913) 948-1617	Renewal	7209 W 65TH ST OVERLAND PARK, KS 66202	Electrical Contractor
Jmc Services, Inc.	(913) 362-2100	Renewed	3407 MERRIAM DR OVERLAND PARK, KS 66203	Electrical Contractor
Joee Wireworks, Llc.	(913) 915-2761	Renewal	25054 MISSION BELLEVIEW RD LOUISBURG, KS 66053	Electrical Contractor
Joe Kilowatt Inc.	(816) 792-4888	Renewal	6506 ROYAL	Electrical Contractor

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Business-Name	Phone	Status	Address	Business-Activity Type
			PLEASANT VALLEY, MO-64068	
John-Mueller,-Contractor	(800)-896-1425	Renewal	3011-NEW JERSEY AVE-KANSAS CITY, KS-66102	Residential Contractor
Johnson County Electric	(913)-647-6442	Renewed	11221-ROE-310 LEAWOOD, KS 66211	Electrical-Contractor
Johnson Electric	(913)-321-1315	Renewal	4020-STATE AVE KANSAS CITY, KS 66102	Electrical-Contractor
Jrw-Electric	(913)-558-2285	Renewal	20399-KISSINGER RD-TONGANOXIE, KS-66086	Electrical-Contractor
Jw-Mcdowell-Electric, Llc.	(913)-915-3786	Renewal	24111-WILD-GOOSE LN-PECULIAR, MO 64078	Electrical-Contractor
K-R-Lamming-Electric, Llc.	(816)-358-1700	Renewal	7304-SNI-A-BAR RD KANSAS CITY, MO 64129	Electrical-Contractor
Kansas-City-Electric	(816)-405-8380	Renewal	1418-N-GLEN-ELLYN ST INDEPENDENCE, MO-64056	Commercial/Electric al-Contractor
Kansas-City-Fire & Security, Llc.	(913)-780-5237	Renewal	901-E-LOULA ST OLATHE, KS-66061	Alarm Install/Service/Monit or
Kansas-City-Security-Systems,-Inc.	(913)-901-0007	Renewal	9302-W-87TH-TER OVERLAND PARK, KS-66212	Electrical/Alarm Sales/Serv.
Kansas-Electric-Cooperatives,-Inc.	(785)-478-4554	Renewal	7332-SW-21ST-ST TOPEKA, KS-66615	Electrical Construction
Kasa-Electric, Llc	(816)-228-4886	Renewal	1911-G-SW-US-40 HWY BLUESPRINGS, MO 64015	Electrical-Contractor
Kc-1-Service-Company	(913)-208-5658	Renewal	3050-SOUTHWEST BLVD-KANSAS CITY, KS-64108	Electrical-Contractor
Kc-Cable-Connections,-Llc.	(816)-674-0688	Renewed	11401-N WINCHESTER AVE KANSAS CITY, MO 64156	Fiber-Cable Construction Contr.
Kc-Property, Llc.	(913)-207-5907		4315-CAMBRIDGE ST-KANSAS CITY, KS-66103	Electrical-Contractor
Kckcc	(913)-575-9682	Exempt	7250-STATE AVE KANSAS CITY, KS 66112	Electrical-Contractor
Kelly-Electric	(913)-796-6030	Renewal	409-E-LUCY MCLOUTH, KS 66054	Electrical-Contractor
Kg-Moats & Sons L L C.	(785)-437-2021	Renewal	27010-W-HIGHWAY 24-ST. MARY'S, KS-66536	Electrical-Contractor

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ESF 12—Energy & Utilities

Business Name	Phone	Status	Address	Business Activity Type
Kingston Electric	(913) 706-7557	Renewal	1916 N 83RD ST KANSAS CITY, KS 66112	Electrical Contractor
Kih Electric	(816) 847-0553	Renewal	1222 HILLSBORO DR—GRAIN VALLEY, MO—64029	Electrical Contractor
Knight & Sons Electric Inc	(316) 682-6173	Renewal	1824 S BRANDON ST WICHITA, KS—67207	Electric Contractor
Koch Heating & Cooling Inc.	(913) 287-9055	Renewed	5500 PARALLEL PKWY—KANSAS CITY, KS—66104	Mechanical Contractor
Kone Inc.	(816) 842-3778	Renewed	2700 BISTATE DR #100—KANSAS CITY, MO—64108	Elevator Contractor
L & M Electric	(816) 781-1501	Renewal	9008 BAYLESS RD PLEASANT VALLEY, MO—64069	Electrical Contractor
L B A Heating, A/C & Plumbing, Inc.	(913) 268-6822	Renewal	6850 W 47TH TER MISSION,, KS—66203	Electrical/Mech., Plumbing Contractor
L-Donnell & Son Construction Service	(913) 334-0979	Renewal	8330 RIVERVIEW AVE—KANSAS CITY, KS—66112	Electrical/General Contractor
Lee's Summit Electric	(816) 695-8548	Renewal	2104 NE RICE RD LEE'S SUMMIT, MO 64064	Electrical Contractor
Lin R. Rogers Electrical Contractors	(770) 772-3400	Renewal	2050 MARCONI DR ALPHARETTA, GA 30005	Electrical Contractor
Lynch Electrical, Inc.	(816) 421-2164	Renewal	7331 TROOST AVE KANSAS CITY, MO 64131	Electrical Contractor
Lynn Electric Inc.	(785) 843-5079	Renewed	1849 E 1450 ROAD LAWRENCE, KS 66044	Electrical Contractor
M & E Electric	(816) 215-7496	Renewal	17404 E 339TH ST ARCHIE, MO—64725	Electrical Contractor
M & J Electric Of Wichita, Llc.	(316) 831-9879	Renewal	1444 S ST. CLAIR BLD. D—WICHITA, KS—67213	Electrical Contractor
Mag-Tronics Industrial, Inc.	(816) 903-1035	Renewal	101 MAIN ST PLATTE CITY, MO 64079	Electrical Contractor
Marcus Electric	(816) 213-7310	Renewal	5623 E 30TH TER KANSAS CITY, MO 64128	Electrical Contractor
Mark One Electric Co Inc.	(816) 842-7023	Renewal	909 TROOST AVE KANSAS CITY, MO 64106	Electrical Contractor
Master Communications, Inc.	(314) 215-4110	Renewal	54 OLD STATE RD ELLISVILLE, MO 63021	Installation Of Security System/Phones
Max Electric, Inc.,	(816) 965-7555	Renewal	705 BLUE RIDGE EXT—GRANDVIEW, MO—64030	Electrical Contractor
Maxim Security Alarm Service	(816) 252-3573	Renewed	5510 E 31ST ST	Alarm Sales/Service

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ESF 12—Energy & Utilities

Business-Name	Phone	Status	Address	Business-Activity Type
			KANSAS CITY, MO 64128	
Mc-Electric, Inc.	(913) 721-2988	Renewed	2701 S 96TH ST EDWARDSVILLE, KS 66111	Electrical-Contractor
Mcdonald Electric Company	(913) 268-8196	Renewal	5421 ROSEHILL RD SHAWNEE, KS 66216	Electrical-Contractor
Mcevan Electric Inc.	(913) 327-7698	Renewal	31788 W 223 SPRING HILL, KS 66083	Electrical-Contractor
Mcgrewe Construction	(913) 915-6755	Renewal	6917 MARTINDALE SHAWNEE, KS 66218	Electrical-Contractor
Mcguire Electric, Llc	(913) 680-8724	Renewed	134 S 3RD CT LANSING, KS 66043	Electrical-Contractor
Mci-Worldcom Network Services, Inc.	(601) 360-8702	Renewed	313 E DONOVAN RD KANSAS CITY, KS 66115	Telecommunications
Merrill Industrial Electric Co, Llc	(816) 650-3282	Renewed	3410 N HAPPY HOLLOW RD INDEPENDENCE, MO 64058	Electrical-Contractor
Metro Electric, Llc	(913) 544-7942	Renewed	7312 MARTINDALE RD SHAWNEE, KS 66218	Electrical-Contractor
Metro Media Security	(816) 313-7233		12641 ANTIOCH RD #113 OVERLAND PARK, KS 66209	Alarm-Monitoring
Metro Security-Watch, Llc	(913) 766-1911	Renewal	2820 ROE LN R KANSAS CITY, KS 66103	Security-System Installer
Meyer Complete, Llc.	(816) 246-4800	Renewal	200 NE MISSOURI RD #100 LEE'S SUMMIT, MO 64086	Commercial-General & Electrical Contractor
Mike Hagen Electric, Inc.	(816) 734-5100	Renewal	8820 NE 108TH ST KANSAS CITY, MO 64157	Electrical-Contractor
Miller Building Services	(913) 649-5599	Renewed	8363 NIEMAN RD LENEXA, KS 66214	General / Electrical Contractor
Moffett Electric, Llc.	(816) 521-9275	Renewal	2113 SPARROW CIR KEARNEY, MO 64060	Electrical-Contractor
Moore Heating & Air Cond Inc.	(913) 371-3179	Renewal	30 S 7TH ST KANSAS CITY, KS 66101	Electrical/Mech/Plum b/Contr
Morningstar Electric, Llc.	(816) 985-7091	Renewal	2511 S LOWE RD BLUE SPRINGS, MO 64015	Electrical-Contractor
Morse Electric, Llc.	(816) 785-2385	Renewal	815 NORTH ST CAMDEN, MO 64017	Electrical-Contractor
Mother's Helper	(816) 517-0906		8254 ARMSTRONG AVE KANSAS CITY, KS 66112	Electrical-Contractor
Mr Electric Of Clay County, Inc.	(816) 532-4441	Renewed	201 S COMMERCIAL	Electrical-Contractor

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2012 Emergency
Operations Plan

ESF 12—Energy & Utilities

Business Name	Phone	Status	Address	Business Activity Type
			AVE —SMITHVILLE, MO—64089	
Mvp Electric, Llc.	(913) 322-0868	Renewed	15038 W 106TH ST LENEXA, KS—66215	Electrical/Mechanical Contractor
Nicholas Pasternak	(816) 217-0704	Renewal	19 N GRACE KINCAID, KS—66039	Electrical Contractor
Niscayah, Inc.	(816) 333-6299	Renewal	8901 WASHINGTON ST—KANSAS CITY, MO—64114	Security Alarm Install/Sales
North Kansas City Electric Company, Inc.	(816) 421-2352	Renewed	200 E 15TH AVE NORTH KANSAS CITY, MO—64116	Electrical Contractor
Northeast Data Inc	(570) 298-2442	Renewed	23 HOLLOW CREST RD STE 2 TUNKHANNOCK, PA 18657	Network Cabling Installation
Oasis Connections	(706) 654-2298	Renewed	11228 FOREST WY JEFFERSON CITY, TN—37760	Fiber Optic Wiring
Oli Communications	(913) 915-7026		44 S 7TH TRFY KANSAS CITY, KS 66101	Satellite/Sales/Install ation
Oliver Electric Const Inc.	(785) 748-0777	Renewed	3104 HASKELL AVE LAWRENCE, KS 66046	Electrical Contractor
Omni Energy & Electric, Llc.	(913) 294-9965	Renewed	29975 INDIANAPOLIS RD PAOLA, KS—66071	Electrical Contractor
One Time Electrical Construction Co., Llc.	(816) 935-1706	Renewed	6718 LAKESHORE DR—RAYTOWN, MO—64133	Electrical Contractor
O'neal Industrial Electric	(816) 898-3400	Renewed	5545 NE SCENIC DR LEE'S SUMMIT, MO 64064	Electric Contractor
Orf Residential Elevators, Inc D/B/A Nationwide Lifts, Inc	(262) 646-2775	Renewed	—N11W31297 FAIRFIELD WAY DELAFIELD, WI 53018-2733	Elevator Installation/Repair
Otis Elevator Co.	(913) 621-8800	Renewal	1100 W CAMBRIDGE CIRCLE DR SUITE 100—KANSAS CITY, KS—66103	Elevator Contractor
Owens Electrical & Investment Group	(913) 721-0068	Renewed	4346 N 122ND ST KANSAS CITY, KS 66109	Electrical Contractor
P1 Group, Inc.	(913) 529-5000	Renewed	16210 W 108TH ST LENEXA, KS—66219	Plumbing/Mechanica l/Electrical
Palmer Electric Co.	(816) 415-2252	Renewal	6600 ROYAL ST BLDG B—PLEASANT VALLEY, MO—64068	Electrical Contractor
Par Electrical Contractors Inc.	(816) 474-9340	Renewed	4770 N BELLEVIEW AVE SUITE 300 KANSAS CITY, MO 64116	Electrical Contractor
Parkers Electric, Inc.	(816) 252-1182	Renewed	300 S MAIN	Electrical Contractor

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2012 Emergency
Operations Plan

ESF 12—Energy & Utilities

Business-Name	Phone	Status	Address	Business-Activity Type
			INDEPENDENCE, MO-64050	
Pe/Gc, Llc.	(816)-444-6775	Renewed	7324 JACKSON KANSAS CITY, MO 64132	Electrical /General Contractor
Peak, Inc.	(913)-764-1708	Renewal	533 N LINDENWOOD DR #B OLATHE, KS 66062	Electrical-Contractor
Pellectric, Inc	(913)-207-0248	Renewed	15509 GLENWOOD AVE OVERLAND PARK, KS 66223	Electrical-Contractor
Penner-Electric	(660)-684-6878	Renewal	747 W HWY 6 TRENTON, MO 64683	Electrical-Contractor
Phoenix Electric	(913)-451-0701	Renewal	12301 OVERBROOK RD LEAWOOD, KS 66209	Electrical-Contractor
Phoenix Fire Systems, Inc.	(913)-780-0003	Renewal	310 N WINCHESTER #A OLTHE, KS 66062	Fire/Security Systems
Pierson-Wireless-Corp	(402)-730-8638	Renewed	19000 W 158TH OLATHE, KS-66062	Low/Voltage Wireless-Install
Pinnacle Security, Llc.	(801)-437-1020	Renewal	1290 S SANDHILL RD OREM, UT 84058	Alarm-Installation
Platinum Protection	(888)-507-7683	Renewal	1261 S 820 E. #300 AMERICAN FORK, UT 84003	Alarm-Installation
Porter-Electrical	(816)-540-3271	Renewal	1012 N 7 HWY PLEASANT HILL, MO 64080	Electrical-Contractor
Portermatt Electric, Inc.	(714)-580-7888	Renewal	5431 PRODUCTION DR HUNTINGTON BEACH, CA 92649	Electrical-Contractor
Power Solutions Electrical Services	(785)-842-4946		2116 ELMWOOD ST LAWRENCE, KS 66046	Electrical-Contractor
Power-Up Electric	(913)-207-2077	Renewed	5818 NOLAND RD SHAWNEE, KS 66216	Electrical-Contractor
Powerone Electric, Inc	(816)-506-7694	Renewal	15 NW 1771 KINGSVILLE, MO 64061	Electrical-Contractor
Precision-Electrical-Systems, Inc.	(816)-453-5555	Renewed	440 S DAINS ST LIBERTY, MO-64068	Electrical-Contractor
Pride-Services, Inc.	(785)-242-9700	Renewal	3842 GEORGIA TER PAMONA, KS-66076	Electrical-Contractor
Pro-Circuit, Inc.	(816)-474-9292	Renewal	4925 DERAMUS KANSAS CITY, MO 64120	Electrical-Repair
Pro-Electric Llc.	(913)-621-6611	Renewed	5320 SPEAKER RD KANSAS CITY, KS 66106	Electrical-Contractor
Pro-Touch Electric, Inc.	(913)-362-7768		43 KANSAS AVE KANSAS CITY, KS	Electrical-Contractor

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2012 Emergency
Operations Plan

ESF 12—Energy & Utilities

Business Name	Phone	Status	Address	Business Activity Type
Protect America, Inc.	(800)-951-5111	Renewal	66105 3800 QUICK HILL RD 1-100 AUSTIN, TX 78728	Alarm Installation & Service
Protection One Alarm Monitoring, Inc.	(913)-895-5980	Renewal	14227 W 95TH ST LENEXA, KS 66215	Alarm Company
Pulse Electric, LLC.	(816)-785-3269	Renewal	2102 NE 74TH TER GLADSTONE, MO 64118	Electrical Contractor
R & R Packaging	(479)-787-1277	Renewal	601 FIRST AVE. NW GRAVETTE, AR 72736	Electrical Contractor
R F Fisher Electric Co LLC	(913)-384-1500	Renewed	1707 W 39TH AVE KANSAS CITY, KS 66103	Electrical/Sign Hanger Contractor
R W Electric	(816)-924-0073	Renewed	3515 E 34TH ST KANSAS CITY, MO 64128	Electrical Service Contractor
R/S Electric Construction, LLC	(816)-842-3343	Renewal	1640 ERIE NORTH KANSAS CITY, MO 64116	Electrical Contractor
R/S Electrical Corp	(816)-233-7751	Renewal	302 MESSANIE ST ST. JOSEPH, MO 64501	Electrical Contractor
Reinhold Electric Inc	(314)-631-1158	Renewed	2511 LEMAY FERRY RD SAINT LOUIS, MO 63125	Electrical Contractor
Reliable Mechanical Service Inc	(816)-903-7674	Renewal	1025 W COUCHMAN DR KEARNEY, MO 64060	Electrical/Mechanical / Plumbing Contractor
Retro Tech Systems, Inc.	(219)-256-7200	Renewed	853 EASTPORT CENTRE DR VALPARAISO, IN 46383	Electrical Contractor
Reynolds Electric Inc	(816)-587-2224	Renewed	1009 W 17TH ST KANSAS CITY, MO 64108	Electrical Contractor
Ric Ginn Electric	(816)-564-9574	Renewal	10112 E 56TH ST RAYTOWN, MO 64133	Electrical Contractor
Rick's Electric, LLC.	(816)-500-5452	Renewal	21703 S HANNAH RD HARRISONVILLE, MO 64701	Electrical Contractor
Rockhill Electric Inc.	(816)-322-7625	Renewed	1422 LARKSPUR CIRCLE BELTON, MO 64012	Electrical Contractor
Rodco Electric, Inc	(913)-208-7227	Renewed	8667 GABRIEL LA LENEXA, KS 66286	Electrical Contractor
Rodina Company, Inc.	(913)-334-5336	Renewed	1204 N 59TH ST KANSAS CITY, KS 66102	Elec/Mech/Plbg/Gen/ Cntr/Septic Installer
Rodriguez Underground Construction	(913)-279-1419		1410 ARMSTRONG AVE KANSAS CITY, KS 66102	Cable Installer
Ronald Fredericks	(913)-422-6623		5721 THEDEN	Electrical Contractor

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2012 Emergency
Operations Plan

ESF 12—Energy & Utilities

Business-Name	Phone	Status	Address	Business-Activity Type
			SHAWNEE, KS 66218	
Rozier Electric, Inc.	(816) 246-9000	Renewal	1608 SW JEFFERSON LEES-SUMMIT, MO 64081	Electrical-Contractor
Ryan Electric	(913) 406-7700	Renewed	9639 REDBUD LN LENEXA, KS 66220	Electrical-Contractor
S & S Electrical Contracting, LLC.	(816) 365-3519	Renewed	574 NW 1921 RD KINGSVILLE, MO 64061	Electrical-Contractor
Safe & Sound Security Systems & Services, Inc.	(816) 361-2427	Renewal	3931 MAIN ST 200 KANSAS CITY, MO 64111	Instalation-Of Security-System; Roofing/Gen. Constr. Low-Voltage Ele.
Safe Streets Usa, LLC.	(201) 796-8825	Renewal	475 MARKET ST 3RD FL ELMWOOD PARK, NJ 07407	Alarm-System Sales /Installation
Safeguard Alarms, LLC.	(816) 356-9900	Renewal	6444 RAYTOWN TRFY RAYTOWN, MO 64133	Alarm-Installation
Sba Network Services, LLC.	(561) 995-7670	Renewed	5900 BROKEN SOUND PKWY. NW BICA RATIB, FL 33487	Cable (Fiber Optic) Wiring
Schindler Elevator Corporation	(816) 474-9494	Renewal	1802 JASPER ST NORTH KANSAS CITY, MO 64416	Elevator/Escalator Contractor
Schorgl Electric, LLC.	(816) 918-2505	Renewed	17152 MYRICK RD LEXINGTON, MO 64067	Electrical-Contractor
Schultz Brothers Electric Co.	(913) 321-8338	Renewal	3160 FAIRFAX RD KANSAS CITY, KS 66115	Electrical-Contractor
Scott The Electrician, LLC	(913) 403-1800	Renewal	5920 NALL AVE #203 MISSION, KS 66202	Electrical-Contractor
Seco, Inc	(913) 428-3551		7007 COLLEGE BLVD 265 OVERLAND PARK, KS 66211	Electrical-Contractor
Securenet Alarm Systems, Inc.	(800) 561-0067	Renewal	10501 W HAMPTON LAKES ST MAIZE, KS 67101	Alarm Services
Security Equipment Inc.	(913) 321-2211	Renewed	126 ABBIE AVE KANSAS CITY, KS 66103	Security Install./Monitoring
Security Signal Devices, Inc.	(714) 449-9900	Renewed	1740 N LEMON ST ANAHEIM, CA 92801	Security-System
Sentry Security Systems, Inc.	(816) 472-5858		1014 E 19TH ST KANAS CITY, MO 64158	Alarm Sales/Installaion
Shaw Electric Co.	(816) 921-0033	Renewed	3600 FULLER KANSAS CITY, MO 64129	Electrical-Contractor

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2012 Emergency
Operations Plan

ESF 12—Energy & Utilities

Business-Name	Phone	Status	Address	Business-Activity Type
Shock-Wave Electric	(816)-215-8042	Renewal	1107 WILTSHIRE BLVD—RAYMORE, MO 64083	Electrical-Contractor
Siemens Industry, Inc.	(913)-492-3040	Renewal	8066 FLINT LENEXA, KS 66214	Alarm-Installations Contractor
Simmons Electrical	(816)-582-6621	Renewed	4 E 69TH ST KANSAS CITY, MO 64113	Electrical-Contractor
Sj-Mcclain Electric	(913)-721-0022		10930 ROWLAND CT—KANSAS CITY, KS 66109	Electrical-Contractor
Sj-Electric		Renewal	13322 W 355TH PAOLA, KS 66071	Electrical-Contractor
Sosaya And Sons Construction, Inc	(913)-745-8800	Renewed	6918 MARTINDALE SHAWNEE, KS 66218	Electrical Construction
Sound Products, Inc.	(913)-599-3666	Renewed	1365 N WINCHESTER OLATHE, KS 66061	Sound & Alarm Installation
Sparke Electric	(816)-522-5982	Renewal	44 S 12TH ST KANSAS CITY, KS 66102	Electrical-Contractor
Spec Electric, Inc.	(913)-238-0385	Renewal	16001 S PARKWOOD CT—OLATHE, KS 66062	Electrical-Contractor
Staco Electric Construction, Inc.	(816)-765-7112	Renewal	3920 E 137TH TER GRANDVIEW, MO 64030	Electrical-Contractor
Standard Electric Company, Inc.	(913)-782-5409	Renewal	2006 E PRAIRIE CIR OLATHE, KS 66062	Electrical-Contractor
Stanley Convergent Security Solutions, Inc.	(816)-503-3920	Renewal	2640 NE HAGAN RD LEES SUMMIT, MO 64064	Security Alarm Installation
Steve's Electric, Inc.	(816)-252-7770	Renewed	1703 S STERLING ST INDEPENDENCE, MO 64052	Electrical-Contractor
Suburban Electric Co.	(816)-331-1919	Renewal	13012 E 147TH ST KANSAS CITY, MO 64149	Electrical-Contractor
Superior Electric Company, Inc.	(785)-843-2540	Renewal	2500 W 31ST ST LAWRENCE, KS 66047	Electrical-Contractor
Superior Electrical Const.	(816)-356-1163	Renewal	10531 E 40 HWY SUITE B INDEPENDENCE, MO 64055	Electrical-Contractor
Swift Construction, Inc.	(816)-221-9990	Renewal	2900 E 13TH ST KANSAS CITY, MO 64127	Electrical/Mech.Grea se Trap Contractor
Sylvania Lighting Services Corp.	(913)-888-4885	Renewal	14565 W 101ST TER LENEXA, KS 66215	Electrical-Contractor
System Controls Inc.	(816)-781-7417	Renewal	1009 N STATE ROUTE 291 LIBERTY, MO 640681047	Electrical-Contractor
T-D Electric Inc.	(913)-722-5560	Renewal	8843 BOND ST	Electrical-Contractor

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2012 Emergency
Operations Plan

ESF 12—Energy & Utilities

Business-Name	Phone	Status	Address	Business-Activity Type
			OVERLAND PARK, KS 66214	
Tann-Electric	(913)-307-9030	Renewed	13216 W 99TH ST LENEXA, KS 66215	Electrical-Contractor
Taylor-Electric-Inc	(913)-530-6447	Renewal	6001 W 101ST ST OVERLAND PARK, KS 66207	Electrical-Contractor
Teague-Electric-Construction	(913)-529-4600	Renewed	12425 W 92ND ST LENEXA, KS 66215	Electrical-Contractor
Tech-Electric	(913)-432-8324	Renewal	1142 MERRIAM LN KANSAS CITY, KS 66103	Electrical-Contractor
Ted-Systems, Llc-	(913)-677-5771	Renewal	12314 W 62ND TER SHAWNEE, KS 66216	Low-Voltage Installation/Serv.
Tee & Bee Electric Company	(913)-782-8161	Renewed	820 E DENNIS AVE OLATHE, KS 66061	Electrical-Contractor
Three-Diamond-Electric, Llc	(816)-228-5470	Renewal	27606 E PINK HILL RD INDEPENDENCE, MO 64057	Electrical-Contractor
Thyssen-Krupp-Elevator-Corp	(913)-888-8046	Renewal	7915 NIEMAN LENEXA, KS 66214	Elevator Installation/Repair
Tic-The-Industrial-Company	(970)-879-2561	Renewal	2211 ELK RIVER RD STEAMBOAT SPRINGS, CO 80487	Electrical-Contractor
Timothy-S.-Gates	(913)-645-3579	Renewal	9312 W 83RD TER OVERLAND PARK, KS 66212	Electrical/Plumbing/ General-Contractor
Tom-Rodina-Service-Co.-	(913)-972-3267	Renewal	-3739 N 59TH STREET KANSAS CITY, KS 66104	Electrical/Mech Contractor
Torgeson-Electric-Company	(785)-233-2213	Renewal	711 W 1ST AVE TOPEKA, KS 66603	Electrical-Contractor
Total-Electric-Contractors, Inc.	(913)-441-0192	Renewal	-P O BOX 13247 EDWARDSVILLE, KS 66113	Electrical-Contractor
Trademark-Electric, Inc	(816)-442-8101	Renewal	8200 NE US 69 HWY PLEASANT VALLEY, MO 64068	Electrical-Contractor
Trent-Electrical-Service	(816)-507-9695	Renewal	10260 FARLEY OVERLAND PARK, KS 66212	Electrical-Contractor
Tricom-Communications	(702)-383-2800	Renewed	3540 W SAHARA AVE 431 LAS VEGAS, NV 89102	Fire Alarm-System
True Electric, Llc	(913)-484-3428		19201 HERITAGE DR STILWELL, KS 66103	Electrical-Contractor
Tucker-Enterprises, Inc.	(913)-915-6542	Renewal	-P O BOX 7191 KANSAS CITY, MO 64113	Electrical-Contractor
Tyco-Integrated-Security, Llc	(561)-988-6269	Renewed	7707 NW 97TH TER KANSAS CITY, MO 64153	Sales/Install Security Alarms

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2012 Emergency
Operations Plan

ESF 12—Energy & Utilities

Business-Name	Phone	Status	Address	Business-Activity Type
Unique-Building-Maintenance	(913)-371-2695	Renewal	1907-N-7TH-ST KANSAS-CITY, KS 66101	Elec/Plbg/Mech Contractor
Universal-Electric, Inc.	(913)-722-6615	Renewal	8719-W-50TH-TER MERRIAM, KS-66203	Electrical-Contractor
Us-Engineering-Company	(816)-753-6969	Renewed	3433-ROANOKE-RD KANSAS-CITY, MO 64111	Mech/Plumbing Contractor
Utility-Partners-Of-America, Llc	(864)-264-X106	Renewal	7600-PELHAM-RD-B GREENVILLE, SC 29615-5736	Electric & Water Utility Meter Replacement
Valencia-Electric		Renewed	6524-NOGARD-AVE KANSAS-CITY, KS 66104	Electrical-Contractor
Viking-Electric	(816)-716-2072	Renewal	305-SW-OXFORD-DR BLUE-SPRINGS, MO 64015	Electrical-Contractor
Vivint, Inc.	(877)-479-1670	Renewal	4931-N-300-W PROVO, UT-84604	Alarm-Monitoring-/ Installation
Wachter Inc.	(913)-541-2500	Renewed	16001-W-99TH-ST LENEXA, KS-66219	Electrical-Contractor
Westhues-Electric Inc.	(816)-356-5223	Renewal	4813-RAYTOWN-RD KANSAS-CITY, MO 64133	Electrical-Contractor
Whatever It Takes Electrical Contractors	(816)-616-6600	Renewal	524-NE-JASPER-CIR LEE-SUMMIT, MO 64064	Electrical-Contractor
Williams-Electric, Llc	(816)-824-1606		1205-NW-CONWAY CT—BLUE SPRINGS, MO-64015	Electrical-Contractor
Wilson-Construction & Electrical	(913)-207-2363	Renewal	3017-PARKWOOD BLVD—KANSAS CITY, KS-66104	General & Electrical Cont.
Windsor-Electric	(913)-709-8893	Renewal	12528-S-LOGAN OLATHE, KS-66061	Electrical-Contractor
Wolfe-Security-Systems, Llc.	(303)-439-9450	Renewal	9975-WADSWORTH PKWY WESTMINSTER, CO 80021	Alarm Installation/Service
Worth-While-Renovations, Llc.	(816)-305-8675	Renewal	8708-MANCHESTER AVE—KANSAS-CITY, MO-64138	Residential/Electrical Cont.
Yanier-Electric	(816)-225-9142	Renewed	6401-E-18TH-TER KANSAS-CITY, MO 64126	Electrical-Contractor
Yates-Electrical-Co.	(816)-421-8343	Renewal	1401-BURLINGTON NORTH-KANSAS CITY, MO-64116	Electrical-Contractor

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4.12 4.12 Utility Priority Restoration List

Priority restoration of electrical services is a collaborative effort between the Unified Command, the Wyandotte County Emergency Operations Center and Utility Providers. All restoration is situation dependent and takes into account numerous factors including: number of outages, type of emergency, weather conditions, length of time before full restoration is affected, etc. Loads for which electric service is considered crucial for the protection or maintenance of public safety shall be prioritized. Plans for addressing outages must be scalable and flexible. This list is for reference only and includes only types of facilities. The list is not in a specific priority order.

Facilities to be considered for Priority Restoration include:

Critical Water and Wastewater Facilities

Police Stations

Fire Stations

Medical Care Facilities

Hospitals

Long Term Care Facilities

Assisted Living Facilities

Individuals with In-home Life-Sustaining Equipment

Shelter Locations – prioritized on number sheltered and status of generator

Fuel Locations used by Emergency Responders

Intersections and other Public Safety Devices not ordinarily serviced by backup generators



Staff Request for Commission Action

Tracking No. 16883

Full Commission Meeting Date: 12/15/16

Committee: Public Works & Safety

Date of Standing Committee Action: 11/28/16

(If none, please explain):

Publication Required: No

<u>Date:</u> 11/16/2016	<u>Contact Name:</u> Jennifer Myers	<u>Contact Phone:</u> x5084	<u>Contact Email:</u> jmyers@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> Amendments to Chapter 35 Traffic Code.				
<u>Action Requested:</u> Approval of the proposed amendments to the Chapter 35 Traffic code.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Memo, Traffic ord amendment, Traffic redlines				



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

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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**

To: Unified Government Board of Commissioners
From: Meaghan Shultz, Assistant Counsel
Cc: Ken Moore, Chief Counsel
Date: November 16, 2016
RE: 2016 Amendments to the Traffic Code

This memo is to explain the changes and additions to the Traffic Code made in the attached ordinance.

Chapter 35 Traffic

- Section 35-250 (i)(2) Driving while under the influence of alcohol or drugs or both; penalties
 - Removed language related to K.S.A. 8-1025, Refusal to submit to a test to determine the presence of alcohol or drugs, as this statute has been found unconstitutional by the Kansas Supreme Court.
- Section 35-254.1 Refusal to submit to alcohol or drug test
 - Repealed per the Kansas Supreme Court declaring this ordinance unconstitutional.
- Section 35-257 (n)(2) Driving commercial motor vehicle with 0.04 alcohol concentration or under the influence of drugs or alcohol; penalties
 - Removed language related to K.S.A. 8-1025, Refusal to submit to a test to determine the presence of alcohol or drugs, as this statute has been found unconstitutional by the Kansas Supreme Court.
- Section 35-287 Unlawful operation of low-speed vehicle
 - Repealed. Same ordinance as 35-656.
- Section 35-820 Compression release engine braking system
 - Added definition of "compression release engine braking system" in section (b) to be in compliance with state law.

Published _____

ORDINANCE NO. _____

An ordinance relating to Chapter 35 Traffic, amending Sections 35-250, 35-257 and 35-820, and repealing Sections 35- 254.1 and 35-287 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas.

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

Section 1. That Chapter 35 Traffic, Sections 35-250, 35-257 and 35-820 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

ARTICLE IV. – RECKLESS DRIVING, DRIVING WHILE INTOXICATED, ETC.

Sec. 35-250. - Driving while under the influence of alcohol or drugs or both; penalties.

(a) Driving under the influence is operating or attempting to operate any vehicle within this city while:

(1) The alcohol concentration in the person's blood, breath, urine or other bodily fluid as shown by any competent evidence, including other competent evidence is 0.08 or more;

(2) The alcohol concentration in the person's blood, breath, urine or other bodily fluid as measured within three hours of the time of operating or attempting to operate a vehicle, is 0.08 or more;

(3) Under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;

(4) Under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or

(5) Under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely operating a vehicle.

(b)(1) Driving under the influence is:

a. *On a first conviction a class B, nonperson misdemeanor.* The person convicted shall be sentenced to not less than 48 consecutive hours nor more

than six months imprisonment, or in the court's discretion 100 hours of public service, and fined not less than \$750.00 nor more than \$1,000.00. The person convicted shall serve at least 48 consecutive hours imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole. The court may place the person convicted under a house arrest program to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours imprisonment;

b. *On a second conviction a class A, nonperson misdemeanor.* The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,250.00 nor more than \$1,750.00. The person convicted shall serve at least five consecutive days imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program to serve the five-days imprisonment mandated by this subsection only after such person has served 48 consecutive hours imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours;

c. *On a third conviction a class A, nonperson misdemeanor, except as provided in K.S.A. 8-1567(b)(1)(D).* The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,750.00 nor more than \$2,500.00. The person convicted shall be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days imprisonment. The 90 days imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program to serve the remainder only after such person has

served 48 consecutive hours imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 2,160 hours confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours.

(2) In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person convicted of violating this section, who had one or more children under the age of 14 years in the vehicle at the time of the offense, shall have such person's punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other penalty imposed for a violation of this section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the one month enhanced penalty, the judge may order the person on house arrest, work release, or other conditional release.

(d) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(e) The court may establish the terms and time for payment of any fines, fees, assessments, and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(f) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5.00 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(g)(1) Upon filing a complaint, citation or notice to appear alleging a violation of this section, and prior to a conviction thereof, the city attorney shall request and shall receive from the:

a. Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and

b. Kansas Bureau of Investigation central repository of all criminal history record information concerning such person.

(2) If the elements of a violation of this section are the same as the elements of a violation of K.S.A. 8-1567 that would constitute, and be punished as, a felony, the city attorney shall refer the violation to the district attorney for prosecution.

(h) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and receive from the division a record of all prior convictions obtained against such person for any violations of any motor vehicle laws of this state.

(i) For the purposes of determining whether a conviction is a first, second or third conviction in sentencing under this section:

(1) Convictions for a violation of this section, K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that this section prohibits, or entering into a diversion agreement in lieu of further criminal proceeding on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;

(2) Any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account:

- a. Driving a commercial motor vehicle under the influence, K.S.A. 8-2,144, and amendments thereto or [section 35-257](#) of this Code;
- b. Operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;
- c. Involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 21-5405(a)(3), and amendments thereto;
- d. Aggravated battery as described in K.S.A. Supp. 21-5413(b)(3), and amendments thereto; and

- e. Aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

(3) Conviction includes:

- a. Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (i)(2);
- b. Conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state which would constitute a crime described in subsection (i)(1) or (i)(2); and
- c. Receiving punishment under the uniform code of military justice or Kansas code of military justice for an act which was committed on a military reservation and which would constitute a crime described in subsection (i)(1) or (i)(2) if committed off a military reservation in this state;

(4) Multiple convictions of any crime described in subsection (i)(1) or (i)(2) arising from the same arrest shall only be counted as one conviction;

(5) It is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(6) A person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section, and amendments thereto, only once during the person's lifetime.

(j) Upon conviction of a person of a violation of this section, the court may order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

(k) Upon conviction of a person of a violation of this section, the court shall assess applicable costs authorized by subsection [23-13\(a\)\(5\)](#) of this Code against the convicted person, unless the court makes a finding of undue hardship.

(l) Upon conviction of a person of a violation of this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

(m) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section to avoid the mandatory penalties established by this section. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq., and amendments thereto, shall not constitute plea bargaining.

(n) The alternatives set out in subsections (a)(1), (a)(2) and (a)(3) of this section may be pleaded in the alternative, and the city may, but shall not be required to, elect one or two of the three prior to submission of the case to the fact finder.

(o) As used in this section:

(1) *Alcohol concentration* means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;

(2) *Imprisonment* shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city; and

(3) *Drug* includes toxic vapors as such term is defined in K.S.A. 2011 Supp. 21-5712, and amendments thereto.

Sec. 35-257. - Driving commercial motor vehicle with 0.04 alcohol concentration or under the influence of drugs or alcohol; penalties.

(a) Driving a commercial motor vehicle under the influence is operating or attempting to operate any commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, within this city while:

(1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence as defined in K.S.A. 8-1013(f)(1) and amendments thereto, is 0.04 or more;

(2) The alcohol concentration in the person's blood or breath as measured within three hours of the time of driving a commercial motor vehicle is 0.04 or more; or

(3) Committing a violation of [section 35-250\(a\)](#) of this chapter and amendments thereto.

(b) (1) Driving a commercial vehicle under the influence is:

a. On a first conviction a class B, nonperson misdemeanor. The person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months imprisonment, or in the court's discretion, 100 hours of public service, and fined not less than \$750.00 nor more than \$1,000.00. The person convicted shall serve at least 48 consecutive hours imprisonment or 100 hours of public service either before or as a condition of any grant of probation, suspensions or reduction of sentence or parole or other release;

b. On a second conviction a class A, nonperson misdemeanor. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,250.00 nor more than \$1,750.00. The person convicted shall serve at least five consecutive days imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto, to serve the five days imprisonment mandated by this subsection only after such person has served 48 consecutive hours imprisonment. The person convicted, if placed under house arrest shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours; and

(2) In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person convicted of a violation of this section, who had one or more children under the age of 14 years in the vehicle at the time of the offense, shall have such person's punishment enhanced by one month of imprisonment. This imprisonment shall be served consecutively to any other minimum mandatory penalty imposed for a violation of this section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

(d) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(e) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(f) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in the amount equal to \$5.00 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed at not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall be due on that date.

(g) Upon filing a complaint, citation or notice to appear alleging a person has violated this section, and prior to conviction thereof, the city attorney shall request and shall receive from the:

(1) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and

(2) Kansas Bureau of Investigation central repository all criminal history record information concerning such person.

(h) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint, citation or notice to appear of this section to the division. Prior to sentencing under this section, the court shall request and shall receive from the:

(1) Division a record of all prior convictions obtained against such person for any violation of any of the motor vehicle laws of this state; and,

(2) Kansas Bureau of Investigation central repository all criminal history record information concerning such person.

(i) Upon conviction of a person of a violation of this section, the division, upon receiving a report of conviction, shall:

(1) Disqualify the person from driving a commercial motor vehicle under K.S.A. 8-2,142, and amendments thereto; and

(2) suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

(j) Upon conviction of a person of a violation of this section, the court may order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

(k) Upon conviction of a person of a violation of this section, the court shall assess applicable costs authorized by subsection [23-13\(a\)\(5\)](#) of this Code against the convicted person, unless the court makes a finding of undue hardship.

(l) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section to avoid the mandatory penalties established by this section.

(m) The alternatives set out in subsections (a)(1), (a)(2) and (a)(3) of this section may be pleaded in the alternative, and the city may, but shall not be required to, elect one or two of the three prior to submission of the case to the fact finder.

(n) For the purposes of determining whether a conviction is a first or second in sentencing under this section:

(1) Convictions for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that such section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;

(2) Any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account:

a. This section or K.S.A. 8-2,144;

b. Operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;

c. Involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 21-5405(a)(3), and amendments thereto;

d. Aggravated battery as described in K.S.A. 21-5413(b)(3), and amendments thereto; and

e. Aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto.

(3) *Conviction* includes:

a. Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (n)(2);

b. Conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state which would constitute a crime described in subsection (n)(1) or (n)(2); and

c. Receiving punishment under the uniform code of military justice or Kansas code of military justice for an act which was committed on a military reservation and which would constitute a crime described in subsection (n)(1) or (n)(2) if committed off a military reservation in this state.

(4) It is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(5) Multiple convictions of any crime described in subsection (n)(1) or (n)(2) arising from the same arrest shall only be counted as one conviction.

(o) For the purpose of this section:

(1) *Alcohol concentration* means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;

(2) *Imprisonment* shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city; and

(3) *Drug* includes toxic vapors as such term is defined in K.S.A. 21-5712, and amendments thereto.

ARTICLE XVI. – MOTOR VEHICLE EQUIPMENT GENERALLY

Sec. 35-820. - Compression release engine braking system.

- (a) It shall be unlawful for the driver of any motor vehicle to use of cause to be used or operated any compression release engine braking system without such motor vehicle being equipped with a muffler in accordance with [section 35-814](#).
- (b) As used in this section, “compression release engine braking system” means a hydraulically operated device that converts a power producing diesel engine into a power absorbing retarding mechanism.

Section 2. That said original Sections 35-250, 35-254.1, 35-257, 35-287 and 35-820 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas 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 official Unified Government newspaper.

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

THIS _____ DAY OF _____, 2016.

Mark Holland, Mayor/CEO

Attest:

Unified Government Clerk

Approved As To Form:

Meaghan E. Shultz, Assistant Counsel

Published _____

ORDINANCE NO. _____

An ordinance relating to Chapter 35 Traffic, amending Sections 35-250, 35-257 and 35-820, and repealing Sections 35- 254.1 and 35-287 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas.

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

Section 1. That Chapter 35 Traffic, Sections 35-250, 35-257 and 35-820 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

ARTICLE IV. – RECKLESS DRIVING, DRIVING WHILE INTOXICATED, ETC.

Sec. 35-250. - Driving while under the influence of alcohol or drugs or both; penalties.

(a) Driving under the influence is operating or attempting to operate any vehicle within this city while:

(1) The alcohol concentration in the person's blood, breath, urine or other bodily fluid as shown by any competent evidence, including other competent evidence is 0.08 or more;

(2) The alcohol concentration in the person's blood, breath, urine or other bodily fluid as measured within three hours of the time of operating or attempting to operate a vehicle, is 0.08 or more;

(3) Under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;

(4) Under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or

(5) Under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely operating a vehicle.

(b)(1) Driving under the influence is:

a. *On a first conviction a class B, nonperson misdemeanor.* The person convicted shall be sentenced to not less than 48 consecutive hours nor more

than six months imprisonment, or in the court's discretion 100 hours of public service, and fined not less than \$750.00 nor more than \$1,000.00. The person convicted shall serve at least 48 consecutive hours imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole. The court may place the person convicted under a house arrest program to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours imprisonment;

b. *On a second conviction a class A, nonperson misdemeanor.* The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,250.00 nor more than \$1,750.00. The person convicted shall serve at least five consecutive days imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program to serve the five-days imprisonment mandated by this subsection only after such person has served 48 consecutive hours imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours;

c. *On a third conviction a class A, nonperson misdemeanor, except as provided in K.S.A. 8-1567(b)(1)(D).* The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,750.00 nor more than \$2,500.00. The person convicted shall be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days imprisonment. The 90 days imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program to serve the remainder only after such person has

served 48 consecutive hours imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 2,160 hours confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours.

(2) In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person convicted of violating this section, who had one or more children under the age of 14 years in the vehicle at the time of the offense, shall have such person's punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other penalty imposed for a violation of this section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the one month enhanced penalty, the judge may order the person on house arrest, work release, or other conditional release.

(d) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(e) The court may establish the terms and time for payment of any fines, fees, assessments, and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(f) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5.00 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(g)(1) Upon filing a complaint, citation or notice to appear alleging a violation of this section, and prior to a conviction thereof, the city attorney shall request and shall receive from the:

a. Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and

b. Kansas Bureau of Investigation central repository of all criminal history record information concerning such person.

(2) If the elements of a violation of this section are the same as the elements of a violation of K.S.A. 8-1567 that would constitute, and be punished as, a felony, the city attorney shall refer the violation to the district attorney for prosecution.

(h) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and receive from the division a record of all prior convictions obtained against such person for any violations of any motor vehicle laws of this state.

(i) For the purposes of determining whether a conviction is a first, second or third conviction in sentencing under this section:

(1) Convictions for a violation of this section, K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that this section prohibits, or entering into a diversion agreement in lieu of further criminal proceeding on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;

(2) Any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account:

~~Refusing to submit to a test to determine the presence of alcohol or drugs, as provided in K.S.A. Supp. 8-1025 or~~ [section 35-254.1](#)

a. Driving a commercial motor vehicle under the influence, K.S.A. 8-2,144, and amendments thereto or [section 35-257](#) of this Code;

b. Operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;

Comment [MJ1]: KSA 8-1025 was held unconstitutional by the Kansas Supreme Court

- c. Involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 21-5405(a)(3), and amendments thereto;
- d. Aggravated battery as described in K.S.A. Supp. 21-5413(b)(3), and amendments thereto; and
- e. Aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

(3) Conviction includes:

- a. Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (i)(2);
- b. Conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state which would constitute a crime described in subsection (i)(1) or (i)(2); and
- c. Receiving punishment under the uniform code of military justice or Kansas code of military justice for an act which was committed on a military reservation and which would constitute a crime described in subsection (i)(1) or (i)(2) if committed off a military reservation in this state;

(4) Multiple convictions of any crime described in subsection (i)(1) or (i)(2) arising from the same arrest shall only be counted as one conviction;

(5) It is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(6) A person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section, and amendments thereto, only once during the person's lifetime.

(j) Upon conviction of a person of a violation of this section, the court may order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

(k) Upon conviction of a person of a violation of this section, the court shall assess applicable costs authorized by subsection [23-13\(a\)\(5\)](#) of this Code against the convicted person, unless the court makes a finding of undue hardship.

(l) Upon conviction of a person of a violation of this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

(m) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section to avoid the mandatory penalties established by this section. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq., and amendments thereto, shall not constitute plea bargaining.

(n) The alternatives set out in subsections (a)(1), (a)(2) and (a)(3) of this section may be pleaded in the alternative, and the city may, but shall not be required to, elect one or two of the three prior to submission of the case to the fact finder.

(o) As used in this section:

(1) *Alcohol concentration* means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;

(2) *Imprisonment* shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city; and

(3) *Drug* includes toxic vapors as such term is defined in K.S.A. 2011 Supp. 21-5712, and amendments thereto.

~~Sec. 35-254.1. -- Refusal to submit to alcohol or drug test.~~

~~Refusing to submit to a test to determine the presence of alcohol or drugs is refusing to submit to or complete a test or tests deemed consented to under subsection (a) of K.S.A. 8-1001, and amendments thereto, if such person has:~~

~~(1) Any prior test refusal as defined in K.S.A. 8-1013, and amendments thereto, which occurred:~~

~~a. On or after July 1, 2001; and~~

~~b. When such person was 18 years of age or older; or~~

~~(2) Any prior conviction for a violation of K.S.A. 8-1567 or K.S.A. 8-2,144, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits~~

Comment [MJ2]: This law was held unconstitutional by the Kansas Supreme Court in 2016.

~~the acts that such section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, which occurred:~~

~~a. On or after July 1, 2001; and~~

~~b. When such person was 18 years of age or older.~~

~~(b) Refusing to submit to a test to determine the presence of alcohol or drugs is:~~

~~(1) On a first conviction, a class A nonperson misdemeanor. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,250.00 nor more than \$1,750.00. The person convicted shall serve at least five consecutive days imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program and amendments thereto, to serve the five days imprisonment mandated by this subsection only after such person has served 48 consecutive hours imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours;~~

~~(2) On a second conviction, a class A, nonperson misdemeanor, except as provided in K.S.A. 8-1025(b)(1)(C). The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,750.00 nor more than \$2,500.00. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days imprisonment. The 90 days imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto, to serve the 90 days imprisonment mandated by this subsection only after such person has served 48 consecutive hours imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve~~

a minimum of 2,160 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours;

(3) In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person convicted of violating this section who had one or more children under the age of 14 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

~~(d) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessments and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.~~

~~(e) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5.00 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.~~

~~(f) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.~~

~~(g) For the purpose of determining whether a conviction is a first, second, third, fourth or subsequent conviction in sentencing under this section:~~

~~(1) Convictions for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that such section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring:~~

~~a. On or after July 1, 2001; and~~

~~b. When such person was 18 years of age or older. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense.~~

~~(2) Any convictions for a violation of the following sections which occurred during a person's lifetime shall be taken into account, but only convictions occurring when such person was 18 years of age or older:~~

~~a. This section or K.S.A. 8-1025;~~

~~b. Driving a commercial motor vehicle under the influence, K.S.A. 8-2,144, and amendments thereto, or [section 35-257](#) of this Code;~~

~~c. Operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;~~

~~d. Involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. Supp. 21-5405(a)(3), and amendments thereto;~~

~~e. Aggravated battery as described in K.S.A. Supp. 21-5413(b)(3) and amendments thereto; and~~

~~f. Aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto.~~

~~(3) Conviction includes:~~

~~a. Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (g)(2);~~

~~b. Conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state which would constitute a crime described in subsection (g)(1) or (g)(2); and~~

~~c. Receiving punishment under the uniform code of military justice or Kansas code of military justice for an act which was committed on a military reservation and which would constitute a crime described in subsection (g)(1) or (g)(2) if committed off a military reservation in this state.~~

~~(4) It is irrelevant whether an offense occurred before or after conviction for a previous offense;~~

~~(5) Multiple convictions of any crime described in subsection (g)(1) or (g)(2) of this section arising from the same arrest shall only be counted as one conviction;~~

~~(6) The prior conviction that is an element of the crime of refusing to submit to a test to determine the presence of alcohol or drugs shall not be used for the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section and shall not be considered in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offense; and~~

~~(7) A person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section, or an ordinance which prohibits the acts of this section, only once during the person's lifetime.~~

~~(h) Upon conviction of a person of a violation of this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.~~

~~(i) Upon conviction of a person of a violation of this section, the court may order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.~~

~~(j) Upon the filing of a complaint, citation or notice to appear alleging a person has violated the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the:~~

~~(1) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and~~

~~(2) Kansas bureau of investigation central repository all criminal history record information concerning such person.~~

~~(k) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section to avoid the mandatory penalties established by this section or by the ordinance. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq. or 22-2906 et seq., and amendments thereto, shall not constitute plea bargaining.~~

~~As used in this section, imprisonment shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city.~~

Sec. 35-257. - Driving commercial motor vehicle with 0.04 alcohol concentration or under the influence of drugs or alcohol; penalties.

- (a) Driving a commercial motor vehicle under the influence is operating or attempting to operate any commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, within this city while:

(1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence as defined in K.S.A. 8-1013(f)(1) and amendments thereto, is 0.04 or more;

(2) The alcohol concentration in the person's blood or breath as measured within three hours of the time of driving a commercial motor vehicle is 0.04 or more; or

(3) Committing a violation of [section 35-250\(a\)](#) of this chapter and amendments thereto.

- (b) (1) Driving a commercial vehicle under the influence is:

a. On a first conviction a class B, nonperson misdemeanor. The person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months imprisonment, or in the court's discretion, 100 hours of public service, and fined not less than \$750.00 nor more than \$1,000.00. The person convicted shall serve at least 48 consecutive hours imprisonment or 100 hours of public service either before or as a condition of any grant of probation, suspensions or reduction of sentence or parole or other release;

b. On a second conviction a class A, nonperson misdemeanor. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,250.00 nor more than \$1,750.00. The person convicted shall serve at least five consecutive days imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto, to serve the five days imprisonment mandated by this subsection only after such person has served 48 consecutive hours imprisonment. The person convicted, if placed under house arrest shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within

the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours; and

(2) In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person convicted of a violation of this section, who had one or more children under the age of 14 years in the vehicle at the time of the offense, shall have such person's punishment enhanced by one month of imprisonment. This imprisonment shall be served consecutively to any other minimum mandatory penalty imposed for a violation of this section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

(d) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(e) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(f) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in the amount equal to \$5.00 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed at not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall be due on that date.

(g) Upon filing a complaint, citation or notice to appear alleging a person has violated this section, and prior to conviction thereof, the city attorney shall request and shall receive from the:

(1) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and

(2) Kansas Bureau of Investigation central repository all criminal history record information concerning such person.

(h) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint, citation or notice to appear of this section to the division. Prior to sentencing under this section, the court shall request and shall receive from the:

(1) Division a record of all prior convictions obtained against such person for any violation of any of the motor vehicle laws of this state; and,

(2) Kansas Bureau of Investigation central repository all criminal history record information concerning such person.

(i) Upon conviction of a person of a violation of this section, the division, upon receiving a report of conviction, shall:

(1) Disqualify the person from driving a commercial motor vehicle under K.S.A. 8-2,142, and amendments thereto; and

(2) suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

(j) Upon conviction of a person of a violation of this section, the court may order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

(k) Upon conviction of a person of a violation of this section, the court shall assess applicable costs authorized by subsection [23-13\(a\)\(5\)](#) of this Code against the convicted person, unless the court makes a finding of undue hardship.

(l) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section to avoid the mandatory penalties established by this section.

(m) The alternatives set out in subsections (a)(1), (a)(2) and (a)(3) of this section may be pleaded in the alternative, and the city may, but shall not be required to, elect one or two of the three prior to submission of the case to the fact finder.

(n) For the purposes of determining whether a conviction is a first or second in sentencing under this section:

(1) Convictions for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that such section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;

(2) Any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account:

a. This section or K.S.A. 8-2,144;

~~b. Refusing to submit to a test to determine the presence of alcohol or drugs, K.S.A. 8-1025, and amendments thereto or 35-254.1;~~

Comment [MJ3]: 8-1025 was held unconstitutional by the KS Supreme Court in 2016

~~b.e.~~ Operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;

~~c.d.~~ Involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 21-5405(a)(3), and amendments thereto;

~~d.e.~~ Aggravated battery as described in K.S.A. 21-5413(b)(3), and amendments thereto; and

~~e.f.~~ Aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto.

(3) *Conviction* includes:

a. Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (n)(2);

b. Conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state which would constitute a crime described in subsection (n)(1) or (n)(2); and

c. Receiving punishment under the uniform code of military justice or Kansas code of military justice for an act which was committed on a military reservation

and which would constitute a crime described in subsection (n)(1) or (n)(2) if committed off a military reservation in this state.

(4) It is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(5) Multiple convictions of any crime described in subsection (n)(1) or (n)(2) arising from the same arrest shall only be counted as one conviction.

(o) For the purpose of this section:

(1) *Alcohol concentration* means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;

(2) *Imprisonment* shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city; and

(3) *Drug* includes toxic vapors as such term is defined in K.S.A. 21-5712, and amendments thereto.

ARTICLE V. – SPEED REGULATIONS

~~Sec. 35-287. – Unlawful operation of low speed vehicle.~~

~~It shall be unlawful for any person to operate a low-speed vehicle on any street or highway with a posted speed limit greater than 40 miles per hour.~~

~~The provisions of subsection (a) of this section shall not prohibit a low-speed vehicle from crossing a street or highway with a posted speed limit in excess of 40 miles per hour.~~

Comment [SM4]: Duplicative of 35-656.

ARTICLE XVI. – MOTOR VEHICLE EQUIPMENT GENERALLY

Sec. 35-820. - Compression release engine braking system.

(a) It shall be unlawful for the driver of any motor vehicle to use of cause to be used or operated any compression release engine braking system without such motor vehicle being equipped with a muffler in accordance with [section 35-814](#).

(b) As used in this section, “compression release engine braking system” means a hydraulically operated device that converts a power producing diesel engine into a power absorbing retarding mechanism.

Comment [SM5]: Added definition to comply with state statute.

Section 2. That said original Sections 35-250, 35-254.1, 35-257, 35-287 and 35-820 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas 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 official Unified Government newspaper.

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

THIS _____ DAY OF _____, 2016.

Mark Holland, Mayor/CEO

Attest:

Unified Government Clerk

Approved As To Form:

Meaghan E. Shultz, Assistant Counsel



Staff Request for Commission Action

Tracking No. 16885

Full Commission Meeting Date: 12/15/16

Committee: Public Works & Safety

Date of Standing Committee Action: 11/28/16

(If none, please explain):

Publication Required: No

<u>Date:</u> 11/16/2016	<u>Contact Name:</u> Jennifer Myers	<u>Contact Phone:</u> x5084	<u>Contact Email:</u> jmyers@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> Amendments to Chapter 23, Municipal Court code.				
<u>Action Requested:</u> Approval of the proposed amendments to Chapter 23 of the Municipal Court code.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Memo, 23-20 diversion clean, 23-20 diversion redline				



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

**Ninth Floor-Municipal Office Building
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Kansas City, Kansas 66101
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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**

To: Unified Government Board of Commissioners

From: Meagan Shultz, Assistant Counsel

Cc: Ken Moore, Chief Counsel

Date: November 16, 2016

RE: 2016 Amendments to Chapter 23, the Municipal Court code

In Chapter 23 of the Unified Government Code of Ordinances, Section 23-20 (e)(3) Diversion Agreements, has been amended:

“The diversion fee shall be set by the county administrator”.

The previous language allowed for a \$100 fee. It appears that language has not been amended since 1998. This amendment will allow for the county administrator to assess an appropriate fee when necessary.

Published _____

ORDINANCE NO. _____

An ordinance relating to Chapter 23 Municipal Court, amending Section 23-20 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas.

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

Section 1. That Chapter 23 Municipal Court, Section 23-20, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 23-20. - Diversion agreements.

(a) Generally

(1) After a complaint has been filed charging a defendant with commission of a crime and prior to conviction thereof, and after the chief counsel has considered the factors listed in subsection (b) of this section, if it appears to the chief counsel that diversion of the defendant would be in the interests of justice and of benefit to the defendant and the community, the chief counsel may propose a diversion agreement to the defendant. The terms of each diversion agreement shall be established by the chief counsel.

(2) The chief counsel may require any defendant requesting diversion to provide information regarding prior criminal charges, education, work experience and training, family residence in the community, medical history, including any psychiatric or psychological treatment or counseling, and other information relating to the diversion program.

(b) Grant of diversion; factors to consider. In determining whether diversion of a defendant is in the interests of justice and of benefit to the defendant and the community, the chief counsel shall consider at least the following factors among all factors considered.

(1) The nature of the crime charged and the circumstances surrounding it;

(2) Any special characteristics or circumstances of the defendant;

(3) Whether the defendant is a first-time offender and if the defendant has previously participated in diversion;

(4) Whether there is a probability that the defendant will cooperate with and benefit from diversion;

(5) Whether the available diversion program is appropriate to the needs of the defendant;

(6) The impact of the diversion of the defendant upon the community;

(7) Recommendations, if any, of the involved law enforcement agency;

(8) Recommendations, if any, of the victim;

(9) Provisions of restitution; and

(10) Any mitigating circumstances.

(c) *Provisions of diversion agreement.*

(1) A diversion agreement shall provide that if the defendant fulfills the obligations of the program described therein, as determined by the chief counsel, the chief counsel shall act to have the criminal charges against the defendant dismissed with prejudice. The diversion agreement shall include specifically the waiver of all rights under the law or the constitution of the state or of the United States to a speedy arraignment and a speedy trial. The diversion agreement may include, but is not limited to, provisions concerning payment of restitution, including court costs and diversion costs, residence in a specified facility, maintenance of gainful employment, and participation in programs offering medical, educational, vocational, social and psychological services, corrective and preventive guidance and other rehabilitative services.

(2) The diversion agreement shall state:

a. The defendant's full name;

b. The defendant's full name at the time the complaint was filed, if different from the defendant's current name;

c. The defendant's sex, race, and date of birth;

d. The crime with which the defendant is charged;

e. The date the complaint was filed; and

f. The municipal court with which the agreement is filed.

(d) *Conditioning diversion on plea prohibited; inadmissability of agreement; other matters.* No defendant shall be required to enter any plea to a criminal charge as a condition for diversion. No statements made by the defendant or counsel in any diversion conference or in any other discussion of a proposed diversion agreement shall be admissible as evidence in criminal proceedings on crimes charged or facts alleged in the complaint. The following shall not be admissible as evidence in criminal proceedings that are resumed:

- (1) Participation in a diversion program;
- (2) The facts of such participation; or
- (3) The diversion agreement entered into.

(e) *Failure to fulfill diversion agreement; satisfactory fulfillment; records.*

(1) If the chief counsel finds at the termination of the diversion period or any time prior thereto that the defendant has failed to fulfill the terms of the specific diversion agreement, the chief counsel shall inform the municipal court of such finding, and the municipal court, after finding that the defendant has failed to fulfill the terms of the specific diversion agreement at a hearing thereon, shall resume the criminal proceedings on the complaint.

(2) If the defendant has fulfilled the terms of the diversion agreement, the municipal court shall dismiss with prejudice the criminal charges filed against the defendant.

(3) The diversion fee shall be set by the county administrator.

Section 2. That said original Section 23-20 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas is hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the official Unified Government newspaper.

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

THIS _____ DAY OF _____, 2016.

Mark Holland, Mayor/CEO

Attest:

Unified Government Clerk

Approved As To Form:

Meaghan E. Shultz, Assistant Counsel

Published _____

ORDINANCE NO. _____

An ordinance relating to Chapter 23 Municipal Court, amending Section 23-20 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas.

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

Section 1. That Chapter 23 Municipal Court, Section 23-20, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 23-20. - Diversion agreements.

(a) Generally

(1) After a complaint has been filed charging a defendant with commission of a crime and prior to conviction thereof, and after the chief counsel has considered the factors listed in subsection (b) of this section, if it appears to the chief counsel that diversion of the defendant would be in the interests of justice and of benefit to the defendant and the community, the chief counsel may propose a diversion agreement to the defendant. The terms of each diversion agreement shall be established by the chief counsel.

(2) The chief counsel may require any defendant requesting diversion to provide information regarding prior criminal charges, education, work experience and training, family residence in the community, medical history, including any psychiatric or psychological treatment or counseling, and other information relating to the diversion program.

(b) Grant of diversion; factors to consider. In determining whether diversion of a defendant is in the interests of justice and of benefit to the defendant and the community, the chief counsel shall consider at least the following factors among all factors considered.

(1) The nature of the crime charged and the circumstances surrounding it;

(2) Any special characteristics or circumstances of the defendant;

(3) Whether the defendant is a first-time offender and if the defendant has previously participated in diversion;

(4) Whether there is a probability that the defendant will cooperate with and benefit from diversion;

(5) Whether the available diversion program is appropriate to the needs of the defendant;

(6) The impact of the diversion of the defendant upon the community;

(7) Recommendations, if any, of the involved law enforcement agency;

(8) Recommendations, if any, of the victim;

(9) Provisions of restitution; and

(10) Any mitigating circumstances.

(c) *Provisions of diversion agreement.*

(1) A diversion agreement shall provide that if the defendant fulfills the obligations of the program described therein, as determined by the chief counsel, the chief counsel shall act to have the criminal charges against the defendant dismissed with prejudice. The diversion agreement shall include specifically the waiver of all rights under the law or the constitution of the state or of the United States to a speedy arraignment and a speedy trial. The diversion agreement may include, but is not limited to, provisions concerning payment of restitution, including court costs and diversion costs, residence in a specified facility, maintenance of gainful employment, and participation in programs offering medical, educational, vocational, social and psychological services, corrective and preventive guidance and other rehabilitative services.

(2) The diversion agreement shall state:

a. The defendant's full name;

b. The defendant's full name at the time the complaint was filed, if different from the defendant's current name;

c. The defendant's sex, race, and date of birth;

d. The crime with which the defendant is charged;

e. The date the complaint was filed; and

f. The municipal court with which the agreement is filed.

(d) *Conditioning diversion on plea prohibited; inadmissability of agreement; other matters.* No defendant shall be required to enter any plea to a criminal charge as a condition for diversion. No statements made by the defendant or counsel in any diversion conference or in any other discussion of a proposed diversion agreement shall be admissible as evidence in criminal proceedings on crimes charged or facts alleged in the complaint. The following shall not be admissible as evidence in criminal proceedings that are resumed:

(1) Participation in a diversion program;

(2) The facts of such participation; or

(3) The diversion agreement entered into.

(e) *Failure to fulfill diversion agreement; satisfactory fulfillment; records.*

(1) If the chief counsel finds at the termination of the diversion period or any time prior thereto that the defendant has failed to fulfill the terms of the specific diversion agreement, the chief counsel shall inform the municipal court of such finding, and the municipal court, after finding that the defendant has failed to fulfill the terms of the specific diversion agreement at a hearing thereon, shall resume the criminal proceedings on the complaint.

(2) If the defendant has fulfilled the terms of the diversion agreement, the municipal court shall dismiss with prejudice the criminal charges filed against the defendant.

(3) ~~A diversion fee of \$100.00 shall be assessed against the defendant for participating in the diversion program.~~ The diversion fee shall be set by the county administrator.

Section 2. That said original Section 23-20 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas is hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the official Unified Government newspaper.

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

THIS _____ DAY OF _____, 2016.

Mark Holland, Mayor/CEO

Attest:

Unified Government Clerk

Approved As To Form:

Meaghan E. Shultz, Assistant Counsel



Staff Request for Commission Action

Tracking No. 16886

Full Commission Meeting Date: 12/15/16

Committee: Public Works & Safety

Date of Standing Committee Action: 11/28/16

(If none, please explain):

Publication Required: No

<u>Date:</u> 11/16/2016	<u>Contact Name:</u> Jennifer Myers	<u>Contact Phone:</u> x5084	<u>Contact Email:</u> jmyers@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> Amendments to Chapter 22, Miscellaneous Provisions and Offenses, and Chapter 4, Alcoholic Beverages.				
<u>Action Requested:</u> Approval of the proposed amendments to Chapter 22, Miscellaneous Provisions and Offenses, and Chapter 4, Alcoholic Beverages.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Memo, Ord, Red line ord				



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
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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**

To: Unified Government Board of Commissioners
From: Victoria Meyer, Assistant Counsel
Cc: Ken Moore, Chief Counsel
Date: November 16, 2016
RE: 2016 Amendments to the Offense Code and Alcoholic Beverages Code

This memo is to explain the changes and additions to the Code made in the attached ordinance.

Chapter 22 Miscellaneous Provisions and Offenses

- **Section 22-73 Theft**
 - Increased the amount for a misdemeanor from \$1,000 to \$1,500.
 - Therefore, a theft is not a felony unless the value is \$1,500.
 - New state law effective 2016.
- **Section 22-344 Battery against a Law Enforcement Officer**
 - Amended to add Judge, attorney, community corrections officer or court services officer to the definition of law enforcement officer under the battery ordinance.
 - State law change
- **New Section 22-44 Sexual Battery**
 - This crime has never been prosecuted in KCK municipal court due to lack of a city ordinance.

Chapter 4 Alcoholic Beverages

Section 4-10 Falsifying, altering or displaying facsimile of a written document; possession, etc., by minors.

- Creates immunity from prosecution to those under the age of 21 who are in possession or consumption of cereal malt beverage who contact law enforcement or EMS because either the reporting person or another person is in need of medical assistance.
- New state law 2016.

Published _____

ORDINANCE NO. _____

An ordinance relating to Chapter 22 Miscellaneous Offenses and Provisions, amending Sections 22-73 and 22-344, and Chapter 4 Alcoholic Beverages, amending Section 4-10, adding new section to be numbered 22-44 and repealing Sections 22-73, 22-344, and 4-10 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas.

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

Section 1. That Chapter 22 Miscellaneous Offenses and Provisions, Sections 22-73 and 22-344, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

ARTICLE III. – OFFENSES AGAINST PROPERTY

Sec. 22-73. - Theft

- (a) Theft is any of the following acts done with intent to permanently deprive the owner of the possession, use, or benefit of the owner's property or services:
 - (1) Obtaining or exerting unauthorized control over property or services;
 - (2) Obtaining control over property or services by deception;
 - (3) Obtaining control over property or services by threat;
 - (4) Obtaining control over stolen property or services knowing the property or services to have been stolen by another; or
 - (5) Knowingly dispensing motor fuel into a storage container or the fuel tank of a motor vehicle at an establishment in which motor fuel is offered for retail sale and leaving the premises of the establishment without making payment for the motor fuel.
- (b) Theft of property or services of the value of less than \$1,500 is a class A violation, except as provided below.
 - (1) Property of the value of less than \$1,500 from three separate mercantile establishments within a period of 72 hours as part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct;

- (2)Property of the value of at least \$50 but less than \$1,500 if committed by a person who has, within five years immediately preceding commission of the crimes, excluding any period of imprisonment, been convicted of theft two or more times; and
- (3)Property which is a firearm of the value of less than \$25,000.00.

(c)As used in this section:

- (1)Conviction or convicted includes being convicted of a violation of K.S.A. 21-3701 prior to its repeal, this section or a municipal ordinance which prohibits the acts that this section prohibits;
- (2)Regulated scrap metal means the same as in K.S.A. 50-6,109, and amendments thereto; and
- (3)Value means the value of the property or, if the property is regulated scrap metal, the cost to restore the site of the theft of such regulated scrap metal to its condition at the time immediately prior to the theft of such regulated scrap metal, whichever is greater.

ARTICLE VII.- OFFENSES AGAINST GOVERNMENT FUNCTIONS

Sec. 22-344. - Battery against a law enforcement officer.

(a) Battery against a law enforcement officer is a battery, as defined in subsection 22-34(a)(2), committed against:

- (1)A uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;
- (2)A uniformed or properly identified state, county, or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee, a juvenile detention facility officer or employee, while such officer is engaged in the performance of such officer's duty;
- (3) judge, while such judge is engaged in the performance of such judge's duty;
- (4) attorney, while such attorney is engaged in the performance of such attorney's duty;
- or
- (5) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty;

(b) As used in this section:

- (1) "Judge" means a duly elected or appointed justice of the supreme court, judge of the court of appeals, judge of any district court of Kansas, district magistrate judge or municipal court judge;
- (2) "Attorney" means a: (A) County attorney, assistant county attorney, special assistant county attorney, district attorney, assistant district attorney, special assistant district attorney, attorney general, assistant attorney general or special assistant attorney general;

and (B) public defender, assistant public defender, contract counsel for the state board of indigents' defense services or an attorney who is appointed by the court to perform services for an indigent person as provided by article 45 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto;

(3) "Community Corrections Officer" means an employee of a community correctional services program responsible for supervision of adults or juveniles as assigned by the court to community corrections supervision and any other employee of a community correctional services program that provides enhanced supervision of offenders such as house arrest and surveillance programs; and

(4) "Court Services Officer" means an employee of the Kansas judicial branch or local judicial district responsible for supervising, monitoring or writing reports relating to adults or juveniles as assigned by the court, or performing related duties as assigned by the court.

(c) Battery against a law enforcement officer is a class A violation.

Section 2. That Chapter 4 Alcoholic Beverages, Section 4-10, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

ARTICLE I- IN GENERAL

Sec. 4-10. - Falsifying, altering or displaying facsimile of a written document; possession, etc., by minors.

(a) It shall be unlawful for any person:

- (1) To furnish, loan or give to another person a birth certificate, affidavit, or any other written document for the purpose of misrepresenting or falsifying the other person's age to allow the purchase or consumption of alcoholic liquors or cereal malt beverages.
- (2) To misrepresent or falsify such person's age or the age of any other person for the purpose of purchasing or consuming alcoholic liquor or cereal malt beverage.
- (3) Under 21 years of age, except with regard to serving of alcoholic liquor or cereal malt beverage as permitted by K.S.A. 41-308a, 41-308b, 41-2610 or 41-2704, to possess, consume, obtain, purchase or attempt to obtain or purchase alcoholic liquor or cereal malt beverage except as authorized by law.

(b) Violation of this section by a person 18 or more years of age but less than 21 years of age is a class C misdemeanor for which the minimum fine is \$200.00.

(c) Any person, other than as described in subsection (b) of this section, determined to be in violation of any of the provisions of this section shall, upon conviction thereof, be punished

by a fine of not more than \$500.00, by imprisonment not to exceed 90 days, or by both such fine and imprisonment, in the discretion of the court.

(d) In addition to any other penalty provided for a violation of this section, the court may order the offender to do either or both of the following:

- (1) Perform 40 hours of public service; or
- (2) Attend and satisfactorily complete a suitable educational or training program dealing with the effects of alcohol or other chemical substances when ingested by humans.

(e) This section shall not apply to the possession and consumption of cereal malt beverage by a person under the legal age for consumption of cereal malt beverage when such possession and consumption is permitted and supervised, and such beverage is furnished, by the person's parent or legal guardian.

(f)(1) A person and, if applicable, one or two other persons acting in concert with such person are immune from criminal prosecution for a violation of this section, if such person:

- (A)
 - (i) Initiated contact with law enforcement or emergency medical services and requested medical assistance on such person's behalf because such person reasonably believed such person was in need of medical assistance; and
 - (ii) cooperated with emergency medical services personnel and law enforcement officers in providing such medical assistance;
- (B)
 - (i) initiated contact with law enforcement or emergency medical services, or was one of one or two other persons who acted in concert with such person, and requested medical assistance for another person who reasonably appeared to be in need of medical assistance;
 - (ii) provided their full name, the name of one or two other persons acting in concert with such person, if applicable, and any other relevant information requested by law enforcement or emergency medical services;
 - (iii) remained at the scene with the person who reasonably appeared to be in need of medical assistance until emergency medical services personnel and law enforcement officers arrived; and
 - (iv) cooperated with emergency medical services personnel and law enforcement officers in providing such medical assistance; or
- (C)
 - (i) was the person who reasonably appeared to be in need of medical assistance as described in subsection (f)(1)(B), but did not initiate contact with law enforcement or emergency medical services; and
 - (ii) cooperated with emergency medical services personnel and law enforcement officers in providing such medical assistance.

(2) A person shall not be allowed to initiate or maintain an action against a law enforcement officer, or such officer's employer, based on the officer's compliance or failure to comply with this subsection.

Section 3. That a new section be added to Chapter 22, Article II, of the Unified Government code as follows:

ARTICLE II. - OFFENSES AGAINST PERSONS

New Section 22-44 Sexual Battery

- (a) Sexual battery is the touching of a victim who is not the spouse of the offender, who is 16 or more years of age and who does not consent thereto, with the intent to arouse or satisfy the sexual desires of the offender or another.
- (b) Sexual battery is a class A misdemeanor.
- (c) It shall not be a defense that the offender did not know or have reason to know that the victim did not consent to the battery.

Section 4. That said original Sections 22-73, 22-344, and 4-10 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas are hereby repealed.

Section 5. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the official Unified Government newspaper.

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

THIS _____ DAY OF _____, 2016.

Mark Holland, Mayor/CEO

Attest:

Unified Government Clerk

Approved As To Form:

Unified Government Counsel

Published _____

ORDINANCE NO. _____

An ordinance relating to Chapter 22 Miscellaneous Offenses and Provisions, amending Sections 22-73 and 22-344, and Chapter 4 Alcoholic Beverages, amending Section 4-10, adding new section to be numbered 22-44 and repealing Sections 22-73, 22-344, and 4-10 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas.

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

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Sec. 22-73. - Theft

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- (1) Obtaining or exerting unauthorized control over property or services;
 - (2) Obtaining control over property or services by deception;
 - (3) Obtaining control over property or services by threat;
 - (4) Obtaining control over stolen property or services knowing the property or services to have been stolen by another; or
 - (5) Knowingly dispensing motor fuel into a storage container or the fuel tank of a motor vehicle at an establishment in which motor fuel is offered for retail sale and leaving the premises of the establishment without making payment for the motor fuel.
- (b) Theft of property or services of the value of less than ~~\$1,000.00~~ **\$1,500** is a class A violation, except as provided below.
- (1) Property of the value of less than ~~\$1,000.00~~ **\$1,500** from three separate mercantile establishments within a period of 72 hours as part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct;

Comment [MJ1]: New state law effective 2016. Amount for misdemeanor theft increased from \$1,000 to \$1,500.

- (2)Property of the value of at least \$50 but less than \$1,000.00- \$1,500if committed by a person who has, within five years immediately preceding commission of the crimes, excluding any period of imprisonment, -been convicted of theft two or more times; and
- (3)Property which is a firearm of the value of less than \$25,000.00.

(c)As used in this section:

- (1)Conviction or convicted includes being convicted of a violation of K.S.A. 21-3701 prior to its repeal, this section or a municipal ordinance which prohibits the acts that this section prohibits;
- (2)Regulated scrap metal means the same as in K.S.A. 50-6,109, and amendments thereto; and
- (3)Value means the value of the property or, if the property is regulated scrap metal, the cost to restore the site of the theft of such regulated scrap metal to its condition at the time immediately prior to the theft of such regulated scrap metal, whichever is greater.

ARTICLE VII.- OFFENSES AGAINST GOVERNMENT FUNCTIONS

Sec. 22-344. - Battery against a law enforcement officer.

(a) Battery against a law enforcement officer is a battery, as defined in subsection 22-34(a)(2), committed against:

- (1)A uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; ~~or~~
- (2)A uniformed or properly identified state, county, or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee, ~~a juvenile correctional facility officer or employee or~~ a juvenile detention facility officer or employee, while such officer is engaged in the performance of such officer's duty;
- (3) judge, while such judge is engaged in the performance of such judge's duty;
- (4) attorney, while such attorney is engaged in the performance of such attorney's duty;
- or
- (5) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty;

Comment [MJ2]: Added in compliance with state statute

(b) As used in this section:

- (1) "Judge" means a duly elected or appointed justice of the supreme court, judge of the court of appeals, judge of any district court of Kansas, district magistrate judge or municipal court judge;
- (2) "Attorney" means a: (A) County attorney, assistant county attorney, special assistant county attorney, district attorney, assistant district attorney, special assistant district

attorney, attorney general, assistant attorney general or special assistant attorney general; and (B) public defender, assistant public defender, contract counsel for the state board of indigents' defense services or an attorney who is appointed by the court to perform services for an indigent person as provided by article 45 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto;

(3) "Community Corrections Officer" means an employee of a community correctional services program responsible for supervision of adults or juveniles as assigned by the court to community corrections supervision and any other employee of a community correctional services program that provides enhanced supervision of offenders such as house arrest and surveillance programs; and

(4) "Court Services Officer" means an employee of the Kansas judicial branch or local judicial district responsible for supervising, monitoring or writing reports relating to adults or juveniles as assigned by the court, or performing related duties as assigned by the court.

~~(b)~~ Battery against a law enforcement officer is a class A violation.

Section 2. That Chapter 4 Alcoholic Beverages, Section 4-10, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

ARTICLE I- IN GENERAL

Sec. 4-10. - Falsifying, altering or displaying facsimile of a written document; possession, etc., by minors.

(a) It shall be unlawful for any person:

- (1) To furnish, loan or give to another person a birth certificate, affidavit, or any other written document for the purpose of misrepresenting or falsifying the other person's age to allow the purchase or consumption of alcoholic liquors or cereal malt beverages.
- (2) To misrepresent or falsify such person's age or the age of any other person for the purpose of purchasing or consuming alcoholic liquor or cereal malt beverage.
- (3) Under 21 years of age, except with regard to serving of alcoholic liquor or cereal malt beverage as permitted by K.S.A. 41-308a, 41-308b, 41-2610 or 41-2704, to possess, consume, obtain, purchase or attempt to obtain or purchase alcoholic liquor or cereal malt beverage except as authorized by law.

~~(b)~~ Violation of this section by a person 18 or more years of age but less than 21 years of age is a class C misdemeanor for which the minimum fine is \$200.00.

(c) Any person, other than as described in subsection (b) of this section, determined to be in violation of any of the provisions of this section shall, upon conviction thereof, be punished

by a fine of not more than \$500.00, by imprisonment not to exceed 90 days, or by both such fine and imprisonment, in the discretion of the court.

(d) In addition to any other penalty provided for a violation of this section, the court may order the offender to do either or both of the following:

(1) Perform 40 hours of public service; or

(2) Attend and satisfactorily complete a suitable educational or training program dealing with the effects of alcohol or other chemical substances when ingested by humans.

(e) This section shall not apply to the possession and consumption of cereal malt beverage by a person under the legal age for consumption of cereal malt beverage when such possession and consumption is permitted and supervised, and such beverage is furnished, by the person's parent or legal guardian.

(f)(1) A person and, if applicable, one or two other persons acting in concert with such person are immune from criminal prosecution for a violation of this section, if such person:

- (A) (i) Initiated contact with law enforcement or emergency medical services and requested medical assistance on such person's behalf because such person reasonably believed such person was in need of medical assistance; and
(ii) cooperated with emergency medical services personnel and law enforcement officers in providing such medical assistance;
- (B) (i) initiated contact with law enforcement or emergency medical services, or was one of one or two other persons who acted in concert with such person, and requested medical assistance for another person who reasonably appeared to be in need of medical assistance;
(ii) provided their full name, the name of one or two other persons acting in concert with such person, if applicable, and any other relevant information requested by law enforcement or emergency medical services;
(iii) remained at the scene with the person who reasonably appeared to be in need of medical assistance until emergency medical services personnel and law enforcement officers arrived; and
(iv) cooperated with emergency medical services personnel and law enforcement officers in providing such medical assistance; or
- (C) (i) was the person who reasonably appeared to be in need of medical assistance as described in subsection (f)(1)(B), but did not initiate contact with law enforcement or emergency medical services; and
(ii) cooperated with emergency medical services personnel and law enforcement officers in providing such medical assistance.

Comment [MJ3]: New state law in 2016. Grants immunity from prosecution to those minors who contact Law Enforcement or EMS for a person who is in need of medical assistance

(2) A person shall not be allowed to initiate or maintain an action against a law enforcement officer, or such officer's employer, based on the officer's compliance or failure to comply with this subsection.

Section 3. That a new section be added to Chapter 22, Article II, of the Unified Government code as follows:

ARTICLE II. - OFFENSES AGAINST PERSONS

New Section 22-44 Sexual **Battery**

(a) Sexual battery is the touching of a victim who is not the spouse of the offender, who is 16 or more years of age and who does not consent thereto, with the intent to arouse or satisfy the sexual desires of the offender or another.

(b) Sexual battery is a class A misdemeanor.

(c) It shall not be a defense that the offender did not know or have reason to know that the victim did not consent to the battery.

Comment [MJ4]: Previously not prosecuted in municipal court

Section 4. That said original Sections 22-73, 22-344, and 4-10 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas are hereby repealed.

Section 5. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the official Unified Government newspaper.

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

THIS _____ DAY OF _____, 2016.

Mark Holland, Mayor/CEO

Attest:

Unified Government Clerk

Approved As To Form:

Unified Government Counsel



Staff Request for Commission Action

Tracking No. 16827

Full Commission Meeting Date: 12/15/16

Committee: Public Works & Safety

Date of Standing Committee Action: 11/28/16

(If none, please explain):

Publication Required: No

<u>Date:</u> 10/11/2016	<u>Contact Name:</u> Ryan Haga	<u>Contact Phone:</u> x5075	<u>Contact Email:</u> rhaga@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> A resolution adopting a policy regarding the naming of UG buildings and parks.				
<u>Action Requested:</u> To adopt the resolution.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Reso, Park and Building Naming Policy				

(Published _____)

RESOLUTION NO. _____

A Resolution relating to the policy of the Unified Government Board of Commissioners for naming Unified Government-owned buildings and parks.

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

WHEREAS, the Unified Government Board of Commissioners desires a policy of the Unified Government Board of Commissioners for naming Unified Government owned buildings and parks.

WHEREAS, the policy is intended to apply to all Unified Government-owned buildings and parks; and

WHEREAS, the policy contained in the Unified Government-Owned Buildings and Parks Renaming Policy, attached to this resolution as Exhibit A and incorporated herein by this reference, are guidelines for the Unified Government's current building and park naming practices and procedures.

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

The Unified Government-Owned Buildings and Parks Renaming Policy, attached to this resolution as Exhibit A and incorporated herein by this reference, is adopted as the the policy to be applied to the renaming of all Unified Government-owned buildings and parks.

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

THIS _____ DAY OF _____, 2016.

Mark Holland, Mayor/CEO

ATTEST:

Unified Government Clerk

Approved as to Form:

Assistant Counsel



Unified Government-Owned Building and Park Renaming Policy

1. Policy

It is the policy of the Unified Government of Wyandotte County/ Kansas City, Kansas that the naming of new and renaming of existing city-owned buildings and parks be reserved for exceptional circumstances and that the naming process comply with the guidelines and procedures set forth in this policy. This policy applies to name proposals by citizens.

2. Objective

To establish a systematic and consistent approach for the official naming of city- and county- owned buildings and parks.

To establish a policy that considers community tradition and continuity of name, while using established criteria that emphasize geography, local history, community character and values and service to Wyandotte County in the naming or renaming of buildings and parks.

3. Principles

Naming or renaming city buildings and parks is a powerful way to preserve local history and express community ideals and values. The names of city buildings and parks tell the important stories of our community. Naming a building or park after someone or something is an honor to be conferred thoughtfully and cautiously, with an opportunity for input from the whole community.

The Unified Government reserves the naming or renaming of buildings and parks for circumstances which assure a worthy and enduring legacy and serve the best interests of Wyandotte County. To that end, the following broad categories of naming requests will be considered:

- **Exceptional Individuals**
- **Historic Events, Places, and Persons**
- **Major Gifts**

4. Criteria

In considering any proposal to name or rename a city-owned park or building, the following non-exclusive list of criteria should be considered.

General Criteria

- Will the name have historical, cultural, and social significance for generations to come?
- Will the name memorialize people, places, or events that are of enduring importance to the community?
- Will the name be identified with some major achievement or advancement of the public good within the community or the nation?
- Will the name be particularly suitable for the building or park based on the location or history of the building, park, or surrounding neighborhood?
- Will the name have symbolic value that transcends its ordinary meaning or use and enhance the character and identity of the building or park?
- Will a name that accompanies a corporate gift result in the undue commercialization of the building or park?

Criteria for names honoring individual people:

- Naming after a person should not occur until the person has been deceased for at least eighteen (18) months or reached the age of 75 years and that person's historical significance and good reputation have been secured in the history and lore of the community or the nation.
- Priority for naming after persons should be given in the following order to those who have significant and lasting contributions
 - To Wyandotte County
 - To the Kansas City metropolitan area
 - To the nation
- Naming after national or international figures should be rare and only upon a substantial demonstration of the figure's connections to or special importance to the Wyandotte County community.
- Naming after people or groups of people who perish in or survive a tragic event should be considered only well after the public shock generated by the tragic event has lessened. Emphasis should be placed on the contributions or heroic actions of these people during their lifetime, rather than the circumstances of their death or survivorship.

Criteria for names memorializing historic events, places, and persons:

- The building or park should be located near or otherwise associated with the events, places, and people after whom it will be named.
- The connection between the building or park and the historic event, place, or person should be documented with research.
- The historic event, place, or person should be significant to the community and the community should desire to commemorate the history, as demonstrated by comments at public hearing.

Criteria for names for major gifts:

- Generally, the donation of gifts should be reward in itself and should not come with an expectation of commemoration through the naming or renaming of a public facility.
- The following should be considered as thresholds for the naming of a public facility in commemoration of a gift:
 - Donation of the land upon which the park or building sits

- Payment of capital costs for construction
 - Long-term endowment for maintenance
 - The provision of significant program costs that serve community needs
- Names for major gifts that are also names for individuals should comply with the criteria for names honoring individual people.

5. Disqualifying Factors

Name proposals that contain any of the following will be denied by the Unified Government without public hearing.

- The applicant proposes to name the building or park after him or herself or his or her own group, business, or association, unless the proposal meets the criteria for names for major gifts
- The proposed name duplicates the name of another UG building, park or park feature
- The proposed name denigrates or advocates a specific religious belief
- The proposed name has obscene connotations
- The proposed name demeans, intimidates, or maliciously portrays any racial or ethnic group
- The proposed name is the name of an individual who has been found guilty of a felony crime

6. Renaming

Proposals to **rename** parks and buildings are not encouraged and should be entertained only after fully investigating and considering the potential impact of removing the current name. Names that have become ingrained or widely accepted in the community should not be abandoned unless there are compelling reasons and strong public sentiment for doing so. Historical or commonly-used place names should be preserved wherever possible.

The exception to the general rule that renaming is discouraged is renaming a building to remove the name of a person or entity who has acted in a disreputable or criminal way. In those circumstances, renaming will be considered favorably.

7. Procedure for Community or Citizen Requests to Name or Rename a Park or Building

Name proposals shall be submitted to the City Clerk at 701 N. 7th Street, Kansas City, Kansas 66101.

1. The applicant shall submit a name proposal to the Unified Government. The proposal must include the following:
 - a. The location of the building or park to be named or renamed.
 - b. The reasons for the proposed name, including any relevant research or documentation.
 - c. Community support for the proposed name by including a petition with the required number of signatures, as listed below. The signatures must include the name, age (must be 18 or older), address, zip code, and

telephone number of each signer. Each signer must be a resident of Wyandotte County.

- i. For neighborhood and pocket parks, the petition must have 200 signatures with zip codes within a 3-mile radius of the park
 - ii. Neighborhood community centers require 300 signatures with zip codes within a 3-mile radius of the building
 - iii. Community parks will require 500 signatures
 - iv. Community buildings of city-wide will require 1,000 signatures
 - v. Regional parks will require 1,000 signatures
2. The department will review the petition and the application. If the petition or application do not meet the above requirements or contains one of the disqualifying factors listed in subsection 5, it will be rejected and the applicant will be informed within 30 days.
3. If the application meets the threshold requirements, the director of the department will arrange for a public hearing on the name proposal.
 - a. Name Proposals for *Parks or Buildings controlled or maintained by the Parks Department*.
 - i. Name proposals for parks will go before the Board of Parks Commissioners first. At least two weeks before the meeting, notice of the hearing will be published in the official newspaper informing the public of the name proposal and publicizing the public's right to comment on the proposal at the hearing. The Board of Parks Commissioners shall consider public comments, the principles and criteria in this policy, and any other relevant factors and make a recommendation to the Public Works and Safety Standing Committee to either approve or deny the proposal.
 - ii. Name proposals for parks will then go to the Public Works and Safety Standing Committee. Again, the public will have the opportunity to comment on the name proposal. The Public Works and Safety Standing Committee will consider public comments, the principles and criteria in this policy, and any other relevant factors, and the recommendation of the Board of Parks Commissioners and recommend approval or denial to the full commission.
 - iii. If approved by standing committee, the name proposal will then go to the Full Commission for consideration.
 - b. Name Proposals for *City- and County-Owned Buildings*
 - i. Name proposals for city-owned buildings will first go to the Public Works and Safety Standing Committee. The Unified Government will publish notice of the name proposal and the public hearing at least two weeks before the hearing in the official newspaper. The public will have the opportunity to comment on the name proposal. The Public Works and Safety Standing Committee will consider public comments, the criteria and principles listed in this policy, and any other relevant factors, and vote to approve or deny the proposal.
 - ii. The name proposal will then go to the Full Commission for consideration.
4. If the name proposal is approved, the Commission will pass a resolution naming or renaming the building or park. The applicant will be informed in writing within

30 days. The Unified Government will be responsible for the cost of any signage changes as a result of the resolution.

Sample Petition to Name or Rename City-Owned Building or Park

In accordance with the procedure established by the Unified Government of Wyandotte County/ Kansas City, Kansas, the undersigned hereby petition the government to name the building/ park located at _____
(location of the building or park).

The current name of the building or park is: _____.

The proposed name of the building or park is: _____.

In support of the petition, each of the undersigned affirms and states:

1. That he/she lives in the City of Kansas City, Kansas (at the time of signature)
2. That the reasons for the proposed name are as follows:

Brief description of reasons for proposed name.

3. That there is community support for the proposed name as illustrated by the signatures below.

Name	Street Address	Zip	Phone No.	Date

Circulated by: _____ Page __ of __



Staff Request for Commission Action

Tracking No. 16878

Full Commission Meeting Date: NA

Committee: Public Works & Safety

Date of Standing Committee Action: 11/28/16

(If none, please explain): For information only

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
11/10/2016	Mike Tobin		mtobin@wycokc.org	Public Works

Item Description:

Staff will present a summary of the major infrastructure projects that will begin or continue construction in 2018 - 2021. Discussion will include streets, bridges, sidewalks, sewer, stormwater, and facility improvements.

This is the second of the two-part series of presentations to discuss the Public Works CMIP projects. The first presentation was given in October of 2016 for projects that are going to be in construction during the 2017 year.

Handouts will be provided at the meeting.

For information only.

Action Requested:

No action required. For information only.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:



Staff Request for Commission Action

Tracking No. 16867

Full Commission Meeting Date: NA

Committee: Public Works & Safety

Date of Standing Committee Action: 11/28/16

(If none, please explain):

Publication Required: No

<u>Date:</u> 11/01/2016	<u>Contact Name:</u> Jeff Fisher	<u>Contact Phone:</u> x5415	<u>Contact Email:</u> jfisher@wycokck.org	<u>Department/Division:</u> Public Works
<u>Item Description:</u> Public Works is a large team that is responsible for building and maintaining publicly owned facilities, sanitary sewer systems, stormwater systems; the street network pedestrian facilities and traffic signals and for ensuring an effective fleet maintenance program. It is the desire all stakeholders that these programs be designed and managed with a high level of excellence. The Department believes it is critical to develop and execute on a short term Strategic Plan that provides a roadmap to that high level of excellence. It is important that it is comprehensive but simple; that it is based on high goals that are both realistic and measurable; and with input from staff and the commission				
<u>Action Requested:</u> To complete the PW SWOT Worksheet				
<u>Budget Impact: (if applicable)</u> Amount: \$0.00 Source: Included In Budget: N/A Other (explain): N/A				
<u>Attachments List:</u> PW SWOT Analysis				

COMMISSION PERSPECTIVE FOR PUBLIC WORKS STRATEGIC PLAN

Public Works is a large team that is responsible for building and maintaining publicly owned facilities, sanitary sewer systems, stormwater systems; the street network with pedestrian facilities and traffic signals; and for ensuring an effective fleet maintenance program. It is the desire all stakeholders that these programs be designed and managed with a high level of excellence.

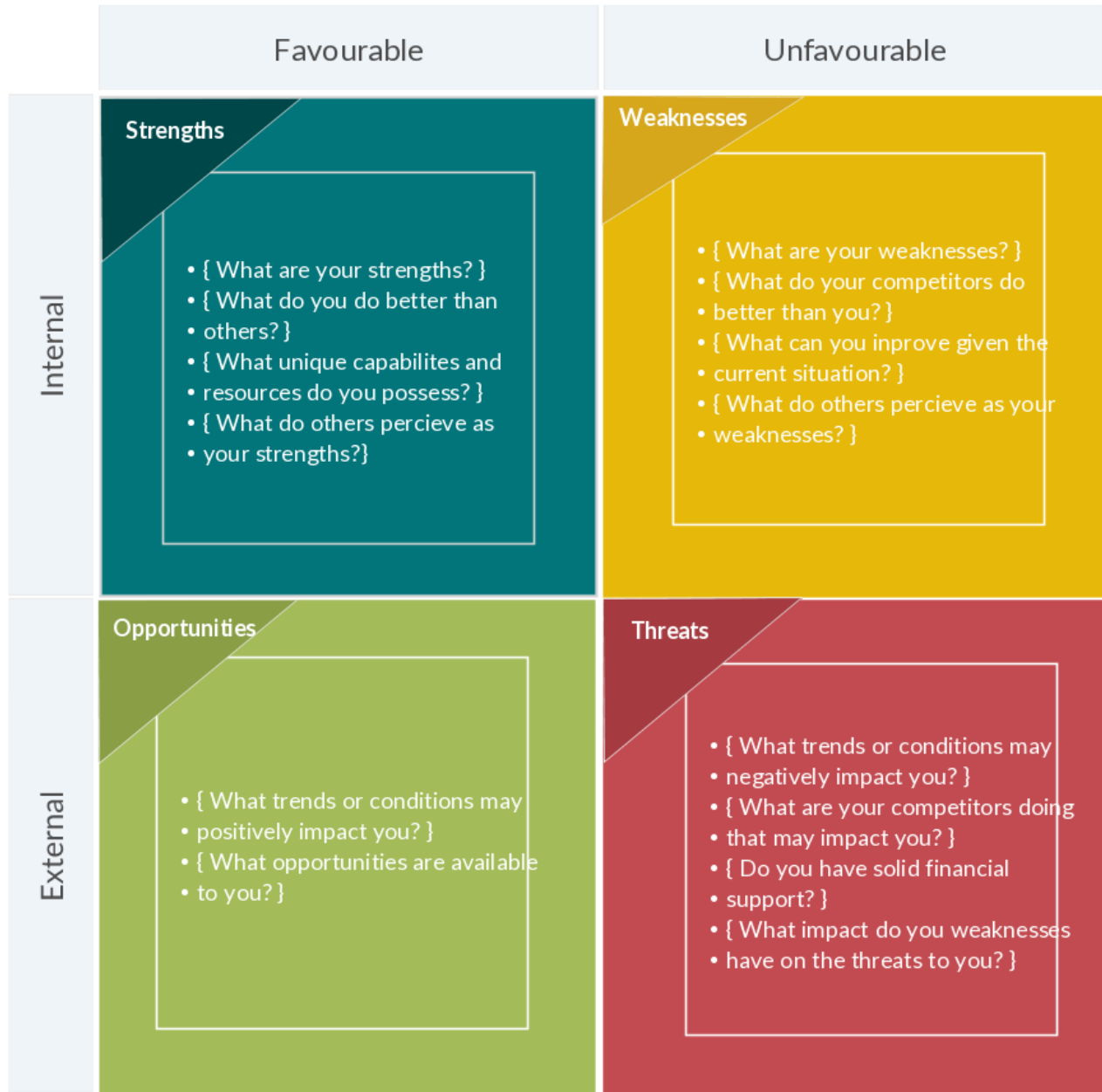
The Department believes it is critical to develop and execute on a short term Strategic Plan that provides a roadmap to that high level of excellence. It is important that it is comprehensive but simple; that it is based on high goals that are both realistic and measurable; and with input from staff *and the commission*.

The SWOT (strengths, weaknesses, opportunities and threats) analysis is a key part of the process of developing the goals within the plan. The Commission's perspective, along with staff's perspective and the valuable information from the UG 2016 Customer Survey will be instrumental in defining the focus and goals of the plan. The fact that the Commission has just met to evaluate and discuss UG strategy on November 5th, 2016 should make this effort timely and beneficial to the Department.

Staff requests the members of the standing committee take some time to tell staff what you believe are the Departments strengths, weaknesses, opportunities and threats by completing the attached, blank worksheet prior to the meeting on November 28, 2016. The Director, Jeff Fisher, will be happy to answer questions before and during the meeting, and will collect a worksheet from each commissioner at the conclusion of the meeting. The next two pages include an example of a SWOT analysis with some guiding statements and the committee's SWOT worksheet.

Of course, the County Administrator and other key staff outside the department will also be solicited for input to make it a well-rounded evaluation. The final draft of the Department's Strategic Plan will likely take a few months to develop and will be made available to all when complete.

COMMISSION PERSPECTIVE FOR PUBLIC WORKS STRATEGIC PLAN



COMMISSION PERSPECTIVE FOR PUBLIC WORKS STRATEGIC PLAN

Please write in your name and your comments within each section below. Thank you

<u>Strengths</u>	<u>Weaknesses</u>
<u>Opportunities</u>	<u>Threats</u>

SWOT

Rec
11-03-16

We, the undersigned, are petitioning and requesting that the stretch of Steele Road from 18th Street to 34th Street be paved. The current state of road is causing damage to vehicles and repair expense.

NOV 03 2016 B.P.C.

UNIFIED GOVERNMENT CLERK

Vincent M Ramirez 913-236-2452
Chelle Alarab 2 J
Emily A Maghe
Patricia Maghe
Shirley Dany
Alejandro Rodriguez
Bobby Vink
Charmaine Bull
Hubert E Bull
Sheron Cotana
Robert Baker
Vickey Ashley
Stephen Smith
Brenda Fulton
Paul Santoluc
JUSAN HOWARD
JOHN COLE
Mimi Cox
Dawson Zeigler
Gwen Smith
Bernadette May
Teresa May
David Earnshaw
Cecilia Guerra
Sylvia Anna
Ann M. Hero
Jim Hollings
Robert Gasson
Louis Vigil
Dominique McKenney
Genda Carrillo
Jesse Camillo
Dora Mota
Leatrice Carrillo
Mike E Ward

Jose on Paila

~~Jesus Corona~~
Michelle Saurie

Anthony Saurie

Heather Charleston Nativity Chapel

Earthy Bailey

Daniel Bailey

Tyler West

Joni Tellows

Stephanie Marron

Jason Grube

Ernest Grube

Nadira Alghossein

Nader Alghossein

Jaysir Alghossein

~~Maria~~ Rentas-Monzon

Kuby Marron

~~Mike McKeay~~ 1814 S 32nd Street

Debra Kay Magill

Charles Magill

Karen Reef 3152 Bryandale Circle

James J. Speth

Donna Swanson

Anna Johnson

~~Walter Hernandez~~

Naira Pacheco

Nashia Arceaga

Vanessa Vach

Stephen M Reyes

Keloid R. Diaz

Leona Wilson

Connie Sales

~~Concepcion~~

Ben J. Ortiz

Melissa Aguilar

Robert Henderson

Aurora Ramirez Jr.

~~Don Pineda~~

Laura Robinson

Fernando Romero

Manuel A. Cervera

~~John Weber~~

~~John Murray~~

~~John Murray~~

Rebecca Zaire

Krista Larson

Jorge A. Salas

Peter Borcen

~~Thomas D. Bates~~

~~Thomas Bates~~

Pamela Gilbert

Pamela D. Heston

~~James C. Lane~~

Anna M. Heston

Elmer Morgan

Thomas Morgan

~~Richard L. Bates~~

~~John Bates~~

Bory Mejia

Fred C. S. Santos

Elizabeth R. Lucero

~~Elizabeth R. Lucero~~

~~John Bates~~

Charles H. Heston

~~John Bates~~

~~Thomas Bates~~

~~Thomas Bates~~

Eliseo C. Abasco

John Clara

John Abasco

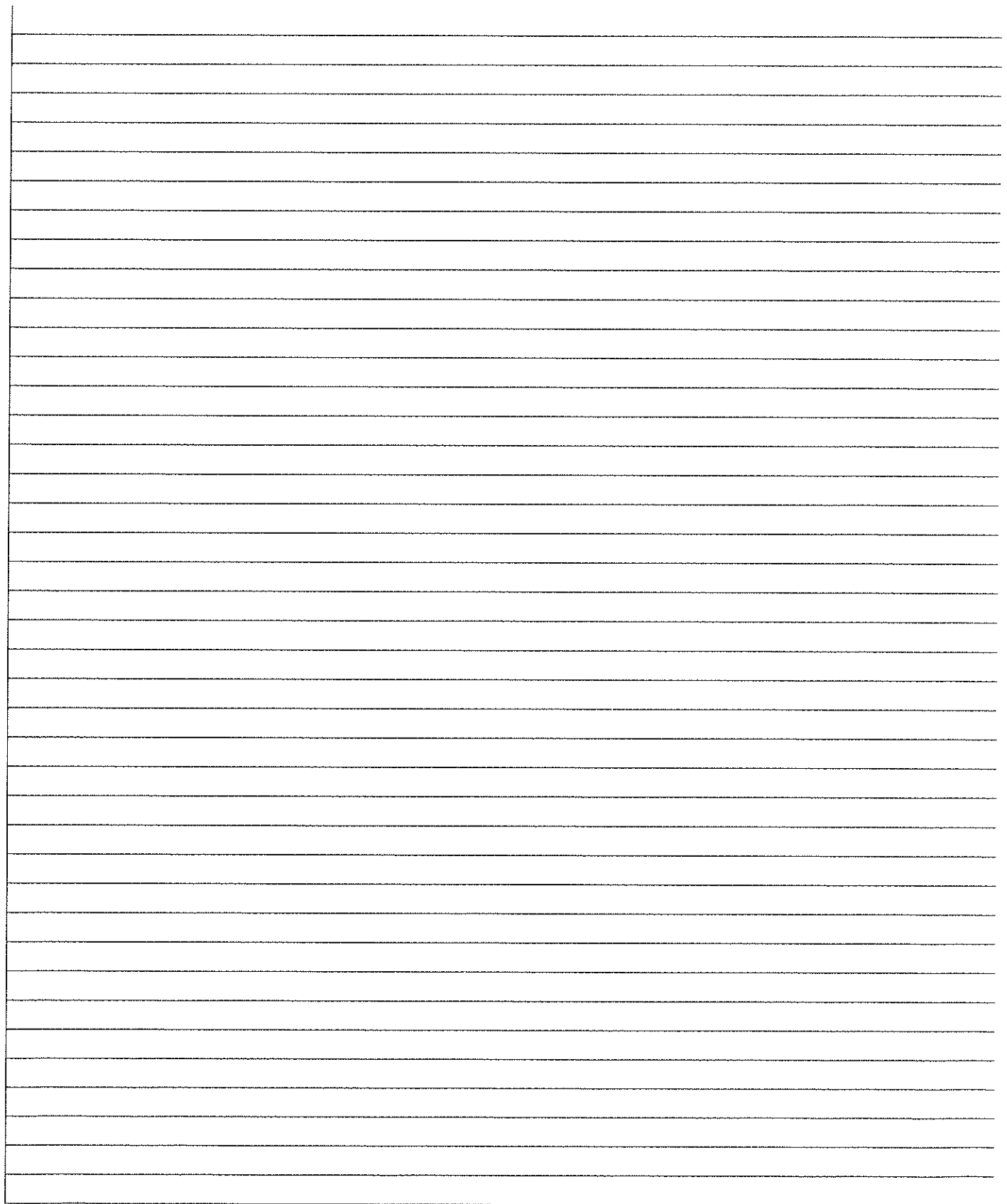
~~John Bates~~

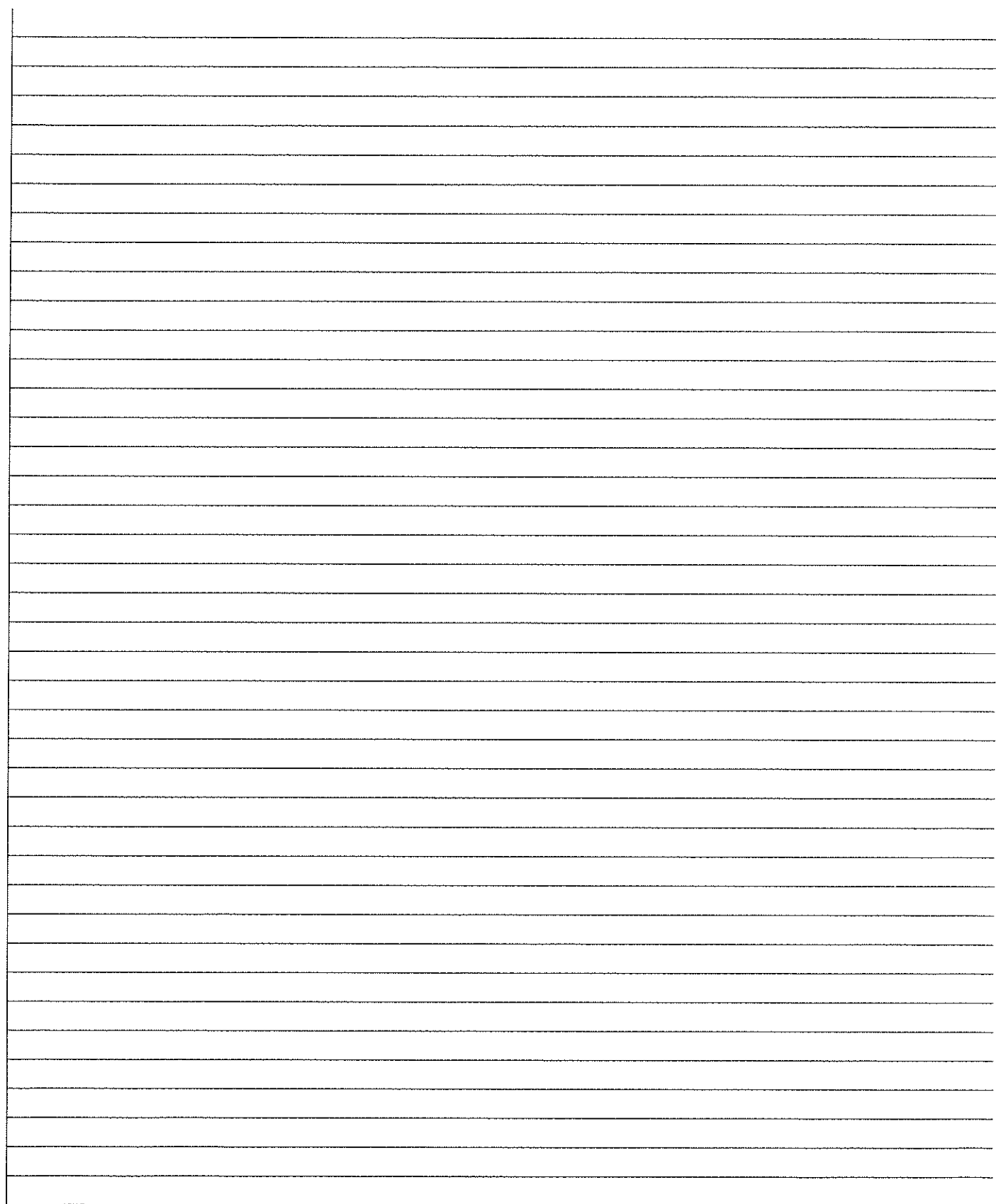
Anna Cervera

Carmen Lopez

José Gonzales

Justin Ramsey





[illegible]



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>

November 17, 2016

Vincent Ramirez
President, Argentine Heights
1918 S. 31st St.
Kansas City, KS 66106

Mr. Ramirez:

This is to confirm that your request to appear before a standing committee regarding a petition filed in the UG Clerk's Office requesting Steele Road, from 18th St. to 34th St., be paved, has been approved for the following standing committee:

COMMITTEE: Public Works and Safety Standing Committee

DATE: Monday, November 28, 2016

TIME: 5:00 p.m.

LOCATION: Municipal Office Building

701 North 7th Street, 5th floor conference room (Suite 515)

Kansas City, KS 66101

You, or a spokesperson for your group, will be given up to five minutes to make your comments. All comments must pertain to the subject matter.

If you have any questions, do not hesitate to contact me at 573-5263.

Sincerely,

Carol Godsil
Deputy UG Clerk

c: Jeff Fisher, Public Works Director
Mike Tobin, Public Works