



Administration and Human Services
Standing Committee Meeting Agenda
Monday, October 26, 2020
Immediately upon adjournment of earlier committee

Location: Remotely

You are invited to a Zoom webinar.

When: Oct 26, 2020 05:00 PM Central Time (US and Canada)

Topic: PW/S & A/HS Standing Committee Meetings

Please click the link below to join the webinar:

<https://zoom.us/j/94943087602?pwd=Vm8wM1NzSDUvcnBKWTJmRmJQY1lpUT09>

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Webinar ID: 949 4308 7602

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Name

Absent

Commissioner Angela Markley, Chair

Commissioner Melissa Bynum

Commissioner Christian Ramirez

Commissioner Mike Kane

Commissioner Jane Philbrook

I. Call to Order/Roll Call

II. Revisions to October 26, 2020 Agenda

Delete: Item No. 3 – 20453...Ordinance-Ban sale of flavored tobacco products.

III. Approval of standing committee minutes from August 24, 2020.

IV. Committee Agenda

Item No. 1 - PRESENTATION: CLIMATE ACTION KC

Synopsis: Climate Action KC, a metro-wide coalition of elected officials and community leaders working to reduce the region's carbon footprint, will be presenting the Climate Action Playbook, which contains climate solutions for local governments, submitted by Alley Porter, Commission Liaison.

For information only.

Tracking #: 20456

Item No. 2 - ORDINANCE: INFLUENZA REPORTING

Synopsis: An ordinance relating to the required reporting cases of influenza to the UG Public Health Department, submitted by Juliann VanLiew, Director of Health Department.

It is requested that this item be fast tracked to the November 5, 2020 full commission meeting.

Tracking #: 20450

Item No. 3 - ORDINANCE: BAN SALE OF FLAVORED TOBACCO PRODUCTS

Synopsis: An ordinance banning the sale of flavored tobacco products, including vaping products and menthol cigarettes, in Kansas City, KS, submitted by Juliann VanLiew, Director of Health Department.

Tracking #: 20453

Item No. 4 - ORDINANCE: SALE OF TOBACCO PRODUCTS TO ANY PERSON UNDER 21

Synopsis: An ordinance relating to the sale of tobacco products to those under 21 years of age, submitted by Juliann VanLiew, Director of Health Department.

Tracking #: 20454

Item No. 5 - UPDATE: CARES ACT/CDBG CARES FUNDING

Synopsis: Update on the CARES Act funding and CDBG CARES funding, submitted by Crystal Sprague, CARES Act Team Leader; and Wilba Miller, Director of Community Development.

For information only.

Tracking #: 20455

V. Public Agenda

VI. Adjourn

**ADMINISTRATION AND HUMAN SERVICES
STANDING COMMITTEE MINUTES
Monday, August 24, 2020**

The meeting of the Administration and Human Services Standing Committee was held on Monday, August 24, 2020, at 7:30 p.m., remotely via Zoom or by phone. The following members were present: Commissioner Markley, Chairman; Commissioners Philbrook, Kane, Ramirez and Bynum. The following officials were also in attendance: Melissa Sieben, Assistant County Administrator; Henry Couchman, Senior Attorney; Crystal Sprague, CARES Act Response Team Leader; Justus Welker, Director of Public Transportation; and Wesley McKain, Healthy Communities Wyandotte.

Chairman Markley said before I call this meeting to order, I want to announce that due to COVID-19, some committee members and the public are attending via Zoom as well as on-site. All participants joining by phone should mute their phones when not speaking to avoid background noise.

During the meeting, please make sure you announce yourself by name and title when you speak so the public that is observing knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General.

Due to COVID-19 requirements, in-person public comments has been suspended unless otherwise required by law. The public is allowed to participate by Zoom or submit comments by email prior to the meeting and these comments will be included in the record of the meeting.

Chairman Markley called the meeting to order.

Roll call was taken, and all members were present as shown above.

Approval of standing committee minutes from May 18 and June 22, 2020. **On motion of Commissioner Bynum, seconded by Commissioner Philbrook, the minutes were approved.** Roll call was taken and there were five “Ayes,” Philbrook, Kane, Ramirez, Bynum, Markley.

Committee Agenda:

Item No. 1 – 20316...PRESENTATION: CARES ACT

Synopsis: A presentation from UG CARES Act team updating the committee on its progress with the first state reporting deadline and plans for distribution of funds to educational organizations, nonprofits, and governmental entities, submitted by Alan Howze, Chief Knowledge Officer and Assistant County Administrator.

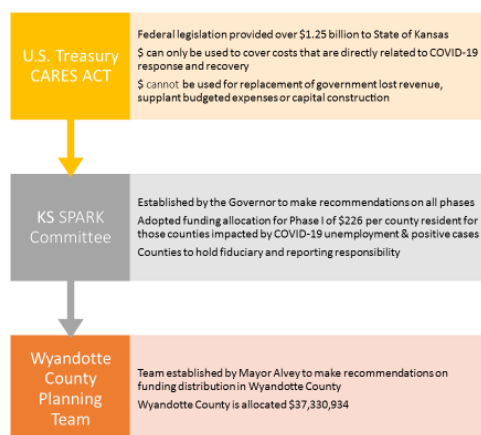
Chairman Markley said as you may recall, we asked the CARES Act Committee to report to us at our standing meetings on their progress. So, the team is here today to make that presentation.



Crystal Sprague, CARES Act Response Team Leader, said I'm here today to provide you some update on the CARES Act funding process, bringing these updates to you. We will do this monthly from this point forward until the distribution and reporting process is finished. This is for information only and our goal of these updates is to provide you information about the activity and progress thereof; to provide you information about compliance with the reporting requirements, give the governing body and the citizens information about how this money is being put to work, and report back any concerns or future need for action.

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ARES Act Funding Review – Round I



For citizens joining us this afternoon or this evening, I'm going to run through just a brief overview of the CARES Funding Act, round one, the local process that delivered us to this point today, and we thought we might give you a quick recap. In June, Governor Kelly announced the formation of the SPARK Committee for the purpose of delivering \$1.25B in CARES money throughout the state of Kansas and would be then adhering to the Federal Legislation for COVID mitigation and recovery. The SPARK Committee was developed and the funding process produced \$226 per county resident for counties hit hardest by COVID-19 and unemployment rates. That left the Unified Government and Wyandotte County and the cities and citizens thereof, approximately \$37M in CARES Act funding to respond and recover from COVID-19. Mayor Alvey established a planning committee to make the difficult decisions around funding priorities for our community.

Planning Committee Work - Review



The planning committee got to work very quickly. They were chaired by Commissioner Markley with a strong assist from Commissioner Bynum. The committee also included

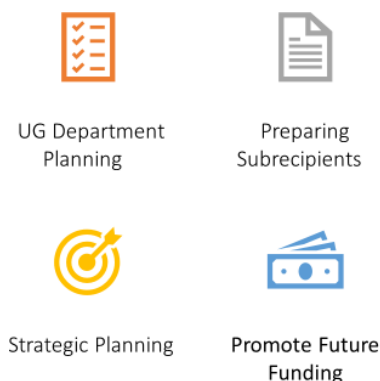
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Commissioner Philbrook; Maureen Mahoney; Chief of Staff for the Mayor; Kathleen VonAchen, the CFO; Juliann VanLiew, from the Health Department; Alan Howze, from the County Administration; Matt Zayas from the City of Bonner; and Michael Webb from the City of Edwardsville. We want to continue to thank them for their commitment in this strong effort.

The team began to meet within a couple of weeks after the governor's announcement and got immediately to work setting funding priorities for the county, focused on the needs of responding to COVID-19 and recovery that were specific to Wyandotte, and releasing an application. That application for funding was released on June the 26th, so a pretty quick turnaround. While the apps came in, the group focused on how they would score those applications for funding. They adopted a scoring criteria and ultimately presented a resolution for funding priorities that was adopted by the governing body.

The second piece that came to the governing body was a series of resolutions for community-based applications, and then the submission was made to the state of Kansas. All the scoring criteria and funding resolutions were used to inform the allocations, and allotted more than \$9M to community medical, human services, and safety net organizations.

CARES Act Team Activities



So, what's the Cares Act Team been up to? We took the baton from the Planning Committee and the Cares Act Team was established to support the work of the Planning team. We're a diverse team made up of James Bain from the Legal Department; Lisa Rangel from the Office of County Administration; David Reno, a Public Information Officer; Deasiray Bush from the Budget Office; Shaya Lockett from Economic Development with a specialty in small business; and Robbie Anderson from Public Works, our data and asset specialist. I read these names off

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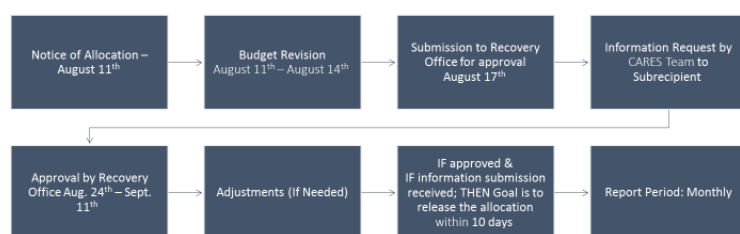
because these have been the folks behind the scenes plugging away at these activities for the last six weeks. They are incredibly passionate about making this process work.

Let me give you an update what we have done just since the 10th of August when we last saw the full commission. We focused on UG department planning. This would be with the UG departments and the Health Department mobilizing the projects and bulk purchases to maximize purchasing power and reduce unintended impact into other areas of the UG.

We've also began setting strategic targets and narrowing our work to be most impactful and focus our work at the task at hand. We do have an incredible limited timeline to get this process completed. We've also focused on promoting future funding and collaborating amongst some of the subrecipients. An example of this would be tomorrow, Mount Carmel will be processing food delivery in their parking lot. We've been able to coordinate information coming from the Health Department to the recipients at Mount Carmel about pop-up testing, and we plan to continue that effort.

The last item that we've been working on is preparing those subrecipients, aligning our workflow to abate time loss for allocation and receipt of those dollars.

Subrecipient Path



We wanted to make sure you knew what the subrecipient path would be up to this point. The subrecipients were contacted immediately upon the Commission's approval of the resolution on the 11th of August. We did ask for some budget revisions and gave the folks a little bit of time here before the state reporting requirements were due to get any budget revisions to us that were needed.

We've also presented the submission to the Recovery Office on August the 17th, and we're using this time between August the 17th and the expected approval from the Recovery Office sometime between August the 24th and September 11th, to really streamline that

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information packet for all the possible subrecipients. This includes setting them up as vendors, making sure that we're ready to allocate funds, understanding better what types of functions they'll be providing, aligning some of those services. We want to make sure that the release of funds can be done as quickly as possible once we get the approval from the Recovery Office.

There will be an expected period of adjustment, if needed to some of the subrecipients plans, and then if the state has approved and if the information is received from the subrecipient, then our goal would be to release those funds allocated within 10 days. We would then start a reporting period that would require the subrecipients to report in at least monthly, but we are committed to making one-on-one soft contact with each one of these subrecipients so that we can help them find the best possible path to helping the community with the dollars that they've received.

Strategic Targets

Compliance with all Reporting Requirements & Adherence to the Intent of the CARES Act

Lessen the Impact of the Covid-19 Pandemic on Wyandotte County in a Measurable Way

Accountability for All Receiving Funds to Respond & Recover

Provide Transparent Public Information

Provide Data for Improved Response & Process

We've set some strategic targets like we talked a little bit about earlier to aid in the focus of this short period of time. These strategic targets will all be focused on real measurable goals, both task-based and data-based.

We are looking at compliance for all reporting requirements and ultimately, an adherence to the intent of the CARES Act. We want to measure whether or not the CARES Act dollars have lessened the impact of the COVID-19 pandemic on Wyandotte County. We want to make sure that we're holding all of our subrecipients, no matter if they're government agencies or small 501(c)(3)s, accountable for the funds that they are receiving to respond and recover.

We are committed to providing transparent public information, both in our website but also in mailing lists and contact throughout the community. We also want to make sure that we're providing data for improved response and process.

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I think we all can agree we hope we never have to go through this process again in response to a pandemic, but we want to make sure that if we're doing it the first time, we've developed a playbook for how to do it in the future, if necessary.

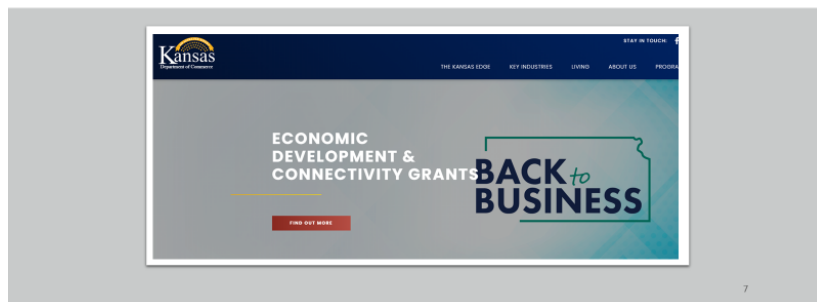
Round II Funding

www.kansascommerce.gov

ECONOMIC DEVELOPMENT & CONNECTIVITY CORONAVIRUS RELIEF

Kansans in every corner of the state have been affected by the COVID-19 pandemic. As we work to recover from the unprecedented economic situation caused by this virus, the state of Kansas is making emergency financial relief available from federal CARES Act funding to those who need it most.

The Strengthening People and Revitalizing Kansas (SPARK) Task Force has approved more than \$100 million in relief funding for economic development and connectivity in the state. These dollars are being awarded in the form of grants to eligible businesses.



The last thing I want to update you about is round two funding. Applications are active through the Department of Commerce, and I've given you the website here for the Department of Commerce. Those applications are the single applications that have been posted up to this point; and we've not received any notice of any other area applications, meaning from the Department of Health and Human Services or from the Department of Education.

The Commerce Department is the only department that we know of, up to this point, that has posted an application. The applications were opened one week ago, and some closed Thursday at 2 p.m. This would be an example of the connectivity application that is presented. It closes at 2 p.m. Others, like the small business applications for support, are rolling applications and will conclude when the funding in that particular allocation pot runs out. We'll continue to learn and listen for any developments and pass those along through established communications.

I just want to reiterate for those that are listening, the small business working capital application for small businesses of less than 500 employees or FTEs, that application is open and is considered rolling. I'd like to encourage any small business in Wyandotte County that fits into that particular 500 or less FTEs to jump online and check out that application. We're going to try to track those applications and support those applying in Wyandotte County as best we can.

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We are also, as a group, exploring an option with Bonner Springs and Edwardsville and the Unified Government regarding connectivity and increased capabilities for Bonner Springs in Edwardsville through a fiber connectivity project.

So, at that time, any questions I can answer I'd be happy to do that. I know I ran through that really, really fast, but, of course, we've only had a few days since the last time we saw you all, and we just wanted to make sure we were updating you on the activities since then.

Chairman Markley said I think, Crystal, after seeing you every day there for a while, it felt like a really long time since the last time you spoke to us. Any questions from the committee?

Commissioner Bynum said, Crystal, thank you so much. I know that the work's only starting. It's probably in one of your early slides, but could you just tell us again, as far as the CARES Act grants that were handled by the Unified Government, that funding date is projected to be what date, do we know? **Ms. Sprague** said we are hoping to hear something back from the Recovery Office within 14 days of our application being received.

We sent our application in on—and I say application, our reports in for all of our reimbursement and direct aid on the 17th of this month. We would hope to hear something back by the 31st, but we also recognize that our short timeline then gives the State Recovery Office a short timeline. We are certain that we will hear something back no later than the 15th, which is when our second reconciliation report is due. So, we're kind of floating out there in a little four-week period and doing the things that we know we can do which is to mitigate any barriers that would prevent our subrecipients from getting their allocation at least 10 days after we receive word from the state.

Commissioner, that's not a really clean answer but, for example, if we hear approval back on the 31st, which is next Monday, we would work really hard to make sure those subrecipients had money in hand to start their activities no later than 10 days after. We think it's going to be a much faster turnaround time for most because of the level of work that we're doing now in this interim, but we just simply don't know when we're going to hear back from the state.

Commissioner Bynum said okay. Well, I appreciate that even though I know that you can't be exact, but at the same time, I know that we're all very anxious to put those dollars into

the hands of the places that need them so badly and, you know, have people out there that they're trying to help so thank you.

Commissioner Philbrook asked may I speak for a moment, Commissioner Markley? **Chairman Markley** said yes, ma'am. **Commissioner Philbrook** said there's no way that I can express how much I appreciate this team taking care of the dispersal of the money and making sure that everything happens the way it's supposed to. Unless you were involved in this committee, you probably don't have any idea with how complicated this is. Everybody that has ever received federal funds knows that there's always plenty of things that you have to watch and do and follow to be able to spend it properly and be okay to continue spending it. So, Crystal and your team, they are just to be lauded with all kinds of praise. I know you're going to keep us up to date on this. Don't be surprised if you get these strange phone calls from me, Crystal, because you know how I can be, being nosy about this stuff. So, thank you so much.

Ms. Sprague said thank you, Commissioner Philbrook. I will tell you that as a team, we are getting very excited about what happens next. We understand that this has been a lot of work for the planning committee to get here, and we understand it's going to be a lot of work between now and December, but we are starting to get really excited about what this is going to do for our community and anxious to see it in action.

Chairman Markley asked, any other questions or comments? I'll tell you my guide here tells me we're supposed to make a motion on this, but I think it's really for information only. Yes, Crystal's nodding her head. Alright, so we'll accept that report and thank Crystal for her time and her patience this evening.

Action: For information only.

Item No. 2 – 20263...COMMUNICATION: PUBLIC TRANSIT AGENCY SAFETY PLAN (PTASP)

Synopsis: Request to approve Public Transportation Agency Safety Plan (PTASP) Final Rule, which requires certain operators of public transportation systems that receive federal funds under FTA's Urbanized Area Formula Grants to develop safety plans that include the processes and

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procedures to implement Safety Management Systems (SMS), submitted by Justus Welker, Director of Public Transportation.



Justus Welker, Director of Public Transportation, said we're here tonight to present our Public Transit Agency Safety Plan or PTASP, if you like acronyms. This plan is federally required, and the implementation of this plan and the associated elements are required to continue to receive federal funding. I'm hopeful that final draft copy of the plan made its way into your packet. For our initial plan, we're adopting a KDOT sponsored plan. This plan has been approved by the state and meets all FDA criteria. We envision that future iterations of the plan will become increasingly more specific to our operations.

With that said, Ryan Hurst will run through a brief presentation that touches on the contents of this plan. Ryan is a Program Coordinator within our department and has been instrumental in getting the plan to this point.



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Ryan Hurst, Program Coordinator, said like Justus said, in 2018, the Federal Transit Administration passed a rule that required all organizations receiving federal funding through their Urbanized Area Formula Grants Program to develop agency safety plans. We currently receive roughly \$450,000 annually through that program. In response to that, we went through our KDOT partners to formulate the plan that we're presenting here tonight.

The plan basically breaks down into five major components: safety performance management policy, risk management, safety assurance, and safety promotion. With that, we'll start right off with safety performance targets.

SAFETY PERFORMANCE TARGETS							
Safety Target Coordination							
- Safety plan, targets and results shared annually with Mid-America Regional Council (MARC) - Performance targets are below							
Mode of Transit Service	Fatalities	Fatalities (per 100 thousand VRM)	Injuries (total)	Injuries (per 100 thousand VRM)	Safety Events (total)	Safety Events (per 100 thousand VRM)	System Reliability (VRM/failures)
Fixed Route Bus Service	0	0	2	0.2	2	0.2	0
Demand Response Bus Service	0	0	2	0.2	2	0.2	0
Microtransit	0	0	2	0.2	2	0.2	0
Meals on Wheels Delivery	0	0	2	0.2	2	0.2	0

As you can see here in the plan, we're shooting for, obviously, zero fatalities throughout our entire network of services. We are looking at two injuries per program or fewer, obviously, which breaks down to 0.2 per 100,000 vehicle revenue miles. The same goes for our safety events. It's also noteworthy that, as per the plan, we are also required to coordinate our results towards achieving these targets every year with our partners at the Mid-America Regional Council.



The second major component of the plan is the Safety Management Policy which documents our commitment to safety, as well as defines our safety objectives, accountabilities and responsibilities within the plan in regards to safety. It also establishes the framework for the Safety Committee as well as other boards.

The first thing here is the policy statement which documents our commitment to communicating safety risks and mitigation efforts, allowing employees to anonymously report safety hazards, appropriately act on employee reports, and establish realistic safety performance targets.

The second piece of that is the policy communication component. That documents our, or that points out that we are going to be—once this plan is finalized, we have to share this plan, as per the FTA rules, with all of our employees, as well as implement the plan within our new hire onboarding process as well as any refresher trainings that are required.



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From there, the plan lays out the authorities, accountabilities, and responsibilities. The first piece of that is the Accountable Executive, which is our Director Justus Welker. He's going to be responsible for appointing the Chief Safety Officer, ensuring implementation of safety risk mitigation efforts, overseeing actions taken to address safety performance, as well as assuming the ultimate responsibility for the plan. So, the Chief Safety Officer, or in our case, Coachy Safety Officers. I will be serving as one of them and Irvin Jackson, in our office, will be serving as the other. We're going to be responsible for overseeing day-to-day implementation and the operation of the plan, responsible for managing employee reporting system, chairing the safety committee, as well as identifying substandard performance and developing action plans.



The next piece of that, we talked about the safety committee. The plan calls for the safety committee to be established with members chosen by the Chief Safety Officer. We're required to appoint at least four members. We've got more than that in mind. The board is also required to meet at least four times annually, but again, we plan on doing that more than what's required as well. Also, it calls for driver's meetings as well as all staff meetings with pertinent agenda items being safety and hazard reportings being pushed along here in those meetings.

SAFETY MANAGEMENT POLICY

- **Employee Safety Reporting Program**
 - Employees may report directly to supervisor or anonymously via comment box
 - Typical employee reports include:
 - Concerns related to transit operation (i.e. road conditions, weather)
 - Safety policies or procedures not working as intended
 - Events senior managers need to be made aware of (i.e. near misses)
 - Information about why a safety event occurred (i.e. radio communication challenges)

The Employee Safety Reporting Program, this is our attempt to create a safer work environment. Under the plan, employees are going to be encouraged to report anything that they identify as unsafe during their day-to-day duties. Typical employee reports can include anything from concerns relating to the transit operations as a whole, to safety policies and procedures that are not working as intended, events senior transit managers need to be made aware of, as well as information about why safety events might have occurred. These reports can be done directly through their supervisor or anonymously via a comment box.

SAFETY RISK MANAGEMENT

Safety Risk Management is a process within the plan for identifying, assessing and mitigating hazards

- Identify
 - Employee reporting
 - Review of vehicle camera footage
 - Performance data
 - Etc...

The next piece is the safety risk management component. This part is the process within the plan itself for identifying, assessing, and mitigating hazards. The first piece of that is, obviously, the identification component. This can be done through employee reporting, review of vehicle camera footage, performance data, etc.

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SAFETY RISK MANAGEMENT

Safety Risk Management is a process within the plan for identifying, assessing and mitigating hazards

— Assess

- If immediate risk posed, CSO brings hazard to Accountable Executive
- If risk brought to Safety Committee, it is given a hazard ranking to determine steps needed to mitigate risk

Sample Safety Risk Matrix and Likelihood and Severity Tables

Likelihood of Occurrence of the Consequence		Severity of the Consequence	
Frequency	Severity	Frequency	Severity
1 (Rare)	1 (Minor)	1 (Minor)	1 (Minor)
2 (Occasional)	2 (Moderate)	2 (Moderate)	2 (Moderate)
3 (Frequent)	3 (Major)	3 (Major)	3 (Major)
4 (Very Frequent)	4 (Catastrophic)	4 (Catastrophic)	4 (Catastrophic)

Risk Assessment Matrix

Risk Level	1 (Rare)	2 (Occasional)	3 (Frequent)	4 (Very Frequent)
1 (Minor)	Low	Low	Low	Low
2 (Moderate)	Low	Medium	High	Very High
3 (Major)	Low	Medium	High	Very High
4 (Catastrophic)	Low	Medium	High	Very High

Risk Assessment Matrix Legend

Risk Level	1 (Minor)	2 (Moderate)	3 (Major)	4 (Catastrophic)
1 (Minor)	Low	Low	Low	Low
2 (Moderate)	Low	Medium	High	Very High
3 (Major)	Low	Medium	High	Very High
4 (Catastrophic)	Low	Medium	High	Very High

The second piece of that is the assessment stage. If a hazard is brought to the attention of the Chief Safety Officer and the Chief Safety Officer deems that that potential hazard poses an immediate risk, then they are responsible for immediately escalating the situation to the Accountable Executive, otherwise, the risk will be brought to the safety committee at the next meeting at which time it will be given a hazard ranking to determine the steps needed to mitigate the risk.

SAFETY RISK MANAGEMENT

Safety Risk Management is a process within the plan for identifying, assessing and mitigating hazards

— Mitigate

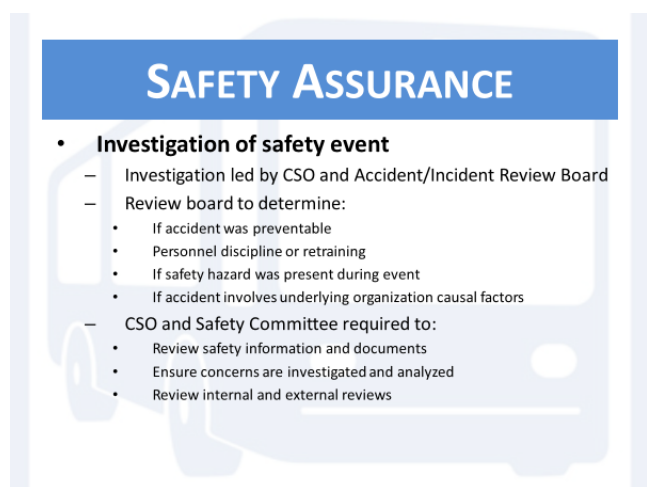
- Accountable Executive and CSO review and establish methods of safety risk mitigation based on recommendations from Safety Committee
- Prioritization of risk mitigations based on results of safety risk assessments
- CSO tracks and updates risk mitigation info in Safety Risk Register, which is made available to Safety Committee
- CSO documents measures or activities such as reviews, observations or audits to monitor effectiveness or mitigations

From there, the mitigation components—the Accountable Executive and the Chief Safety Officer are going to review the recommendations from the safety committee, and they will then prioritize risk mitigations based on the results of this safety risk assessment that the safety committee did. At that point, the Chief Safety Officer is going to be responsible for tracking all risk mitigation efforts. The CSO is also going to be responsible for documenting measurements or activities such as reviews, observations, audits to monitor the effectiveness of our mitigation efforts.

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From there, we're going to go to the safety assurance piece of the plan. This is the process within the plan that functions to ensure the implementation and effectiveness of safety risk mitigation efforts, and to ensure the Transportation Department is meeting or exceeding our safety objectives. The first piece of that is, obviously, monitoring and measurement. This is going to be done through safety audits, informal inspections, review of onboard camera footage, safety surveys, employee reporting, etc. The Chief Safety Officer, as well as the Safety Committee, are also going to be responsible for reviewing performance of risk mitigation efforts through bi-monthly committee minutes.



The investigation of safety events. The plan itself calls for the creation of the Accident/Incident Review Board. That review board is going to be responsible for determining whether or not accidents were preventable, whether or not recommendations for personnel disciplinary or retraining are needed to be pushed up to the Accountable Executive based on the event, whether

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or not safety hazards were present during the event, and if an accident involved any kind of underlying organizational causal factors.

A quick note on the accident incident review board or the AIRB. Members of that board are going to include members of the Safety Committee as well as representatives from the UG Human Resources Department, and that's part of the plan requirements.



The final component of the plan is safety promotion. The first piece of that is going to be competencies and trainings. All of our operators, dispatchers, managers, we're all going to be responsible for certain levels of training. So every year, our vehicle operators and dispatchers go through continuing training for pre-and post-trip, safety trainings, defensive driving training, that sort of thing. The safety communication piece documents our commitment to safety and the safety performance information throughout and disseminating that information throughout our department. This is going to happen through information and performance. I'm sorry, this will be pushed out through our quarterly newsletters that we're going to be starting, as well as during quarterly and all-staff driver and safety committee meetings.

The next piece of this is going to be, we're committed to communicating information on hazards and risk assessments relevant to employees roles and responsibilities. This is going to be done through the new hire training process, distributing safety policies and procedures included into employee handbooks that will be distributed to all employees.

The final piece of that is to inform employees of all safety actions taken. This is going to be in response to the reports submitted through the employee safety reporting program that we talked about a bit earlier.

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With that, that kind of wraps up the plan in broad-strokes. I guess I'll turn it back over to whomever.

Mr. Welker said thanks, Ryan. We burned through that pretty fast so we'll gladly entertain any questions, comments, or concerns anybody has for us.

Chairman Markley asked, questions from the committee? **Commissioner Bynum** asked, Justus, how frequently do you have to complete this? **Mr. Welker** said the plan itself, we anticipate that we'll have a plan update on an annual basis. As I mentioned previously, the plan, ultimately, will kind of mirror our operations right now. We just—we are adopting this draft KDOT plan to get us started, but we anticipate that future iterations will be more specific to our operations. **Commissioner Bynum** said well, my only comment to you is, thank you to you and your staff because you've taken on COVID, you've managed it, you've dealt with it, you've kept the vehicles running and all the while, worked on things like this. So, just thank you to you and your whole team for everything you are doing for our community. **Mr. Welker** said well, thank you for the opportunity and the continued support.

Commissioner Kane asked, can you go back to the second to the last slide, please? Do you see where it says personnel discipline or retraining? **Mr. Hurst** said yes, sir. **Commissioner Kane** said that should be your last option. I know a little bit about this stuff; 21 years of experience. The Safety Committee consist of who? **Mr. Hurst** said the Safety Committee, right now, consist of; well it's going to consist of members of our driving staff, our dispatchers, as well as myself, Irvin, the Chief Safety Officers, and I believe we've reached out to a member of Human Resources to see if they want to participate. As of right now, that's all that we have that have confirmed. **Commissioner Kane** said alright, so we're going to have some union personnel on there. Is that what you're saying? **Mr. Welker** said absolutely. **Mr. Hurst** said yes, they'll be members of our Transit operators as well as our dispatchers. They're both union.

Commissioner Kane said just a reminder, for this program to work, that each person has a voice, whether they're a union guy or somebody else. Their voice is equal to somebody in management when you're on a committee. If the committee is ran jointly and to run the way it's supposed to run, all those voices, when they go in that meeting, when they walk out of that

meeting, everybody needs to see and say the same thing or it won't work. Whatever plan you guys come up with, make sure everyone understands that this is a joint process that you're doing.

I'm extremely pleased with it. It works if you do it right and it'll make a big difference because you'll start seeing more of, this happened or that happened, and it will be able to prevent a long-term incidence or accident. I'm really pleased with this program, and I hope you do it as I suggested. **Mr. Hurst** said thank you for your comments. **Chairman Markley** said thank you, Commissioner Kane.

Chairman Markley said I do believe we need a motion for this one. I will entertain a motion at this time.

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

Chairman Markley said thank you very much and thank you for your presentation.

Item No. 3 – 20304...GRANT: KDHE ELC

Synopsis: Request grant approval in the amount of \$732,567.97 KDHE ELC (Enhancement Act/Epidemiology and Laboratory Capacity) COVID-19 staffing and infrastructure support \$800,000 ELC Optimal-Care Resource Coordination and Expanded Testing COVID-19. No match required, submitted by Juliann VanLiew, Director of Health Department.

Wesley McKain, Healthy Communities Wyandotte, said this is a different pot of money than the CARES Act money. This is from a big long bill that I don't completely know the name of, but the good news for us is that there's \$732,000 and there's also a request in there for \$800,000.

The \$732,000 is competitive, it was non-competitive. We were dealt out that money by KDHE to help with staffing costs with COVID. The \$800,000 we applied for and we don't know if we're going to get that yet or not. That's for community health workers to help really meet some of the human needs around COVID that we have, people who are quarantined and then

people who are coming out of quarantine. Then, \$500,000 just for testing costs. There's no match required.

I think the really important thing for our operations is that the COVID, the CARES Act money that Crystal was talking about, has to be spent out by the end of the year. This money is specifically designed for local health departments to be spent out before November of 2022 to like allow us to keep addressing the needs of the community after December.

Juliann was like, make sure you tell them that if we didn't have this money, we'd be screwed. I'm just going to tell you that. It's really important for us to have that. We're very excited about it. If you have any other questions, I'd be happy to tell you about it. That's it, I think.

Chairman Markley said I will accept questions, comments, or considering that rousing, a statement of need. I will accept a motion and second if that's available.

Action: **Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve.** Roll call was taken on the motion and there were five “Ayes,” Philbrook, Kane, Ramirez, Bynum, Markley.

Chairman Markley said thank you very much. Thank you, Wesley, and that concludes our meeting for this evening, thanks to the committee for your patience and attention tonight. Thank you to the public for your attendance.

Adjourn

Chairman Markley adjourned the meeting at 8:04 p.m.

tpl



Staff Request for Commission Action

Tracking No. 20456

Full Commission Meeting Date:

Committee: Administration & Human Services

Date of Standing Committee Action: 10/26/20

(If none, please explain):

Publication Required: No

<u>Date:</u> 10/15/2020	<u>Contact Name:</u> Alley Porter	<u>Contact Phone:</u> x5101	<u>Contact Email:</u> aporter@wycokck.org	<u>Department/Division:</u> UG Clerk
<u>Item Description:</u> Climate Action KC, a metro-wide coalition of elected officials and community leaders working to reduce the region's carbon footprint, will be presenting the Climate Action Playbook, which contains climate solutions for local governments.				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				



Staff Request for Commission Action

Tracking No. 20450

Full Commission Meeting Date: Fast track to 11/5/20

Committee: Administration & Human Services

Date of Standing Committee Action: 10/26/20

(If none, please explain):

Publication Required: No

<u>Date:</u> 10/13/2020	<u>Contact Name:</u> Juliann VanLiew	<u>Contact Phone:</u> x6707	<u>Contact Email:</u> jvanliew@wycokck.org	<u>Department/Division:</u> Health Department
<u>Item Description:</u> Proposed ordinance requiring healthcare providers in Wyandotte County to report cases of influenza to the Unified Government Public Health Department. Influenza, unlike most communicable diseases, is not required to be reported by the Kansas Department of Health and Environment. The UGPHD needs this surveillance information in order to monitor and appropriately respond to both influenza and COVID-19.				
<u>Action Requested:</u> Fast track ordinance to 11/5/20 meeting for approval				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Influenza Reporting FINAL 10.13.20				

Published _____

ORDINANCE NO. _____

An ordinance relating to the required reporting of cases of influenza to the Unified Government Public Health Department (UGPHD) by all health care providers within Wyandotte County.

WHEREAS, Kansas Department of Health and Environment has not included influenza in its list of reportable conditions required to be reported to the state health department;

WHEREAS, influenza is an illness with the potential to cause severe illness and death;

WHEREAS, accurate information on influenza incidence is necessary to assist the UGPHD in monitoring, surveillance, and planning for the mitigation of influenza; and

WHEREAS, influenza has the potential to exacerbate the negative effects of the COVID-19 pandemic on Wyandotte County;

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

Section 1. That Section 22-384 through Section 22-387 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby adopted to read as follows:

ARTICLE VIII. – OTHER OFFENSES

Sec. 22-384. Definitions

- (a) The following words, terms and phrases when used in this section shall have the meanings ascribed to them:

Director means the Director of health for the Unified Government, or his or her designee.

Institution means any public or private hospital, nursing home, clinic, mental health facility, or home health agency, or medical or professional corporation, association or person.

Physician means a professional person qualified by education and authorized by law to practice medicine.

Physician's Assistant means a professional person qualified by education and authorized by law to engage in the examination or treatment of patients while under the supervision, control and responsibility of a licensed Physician.

Sec. 22-385. Report of certain diseases and events required

- (a) Reporting within one calendar day. Reportable to the Director within one calendar day of first knowledge or suspicion are influenza-associated mortality and novel influenza A infections in humans.
- (b) Reporting within seven calendar days. Reportable to the Director within seven calendar days of first knowledge are all cases of laboratory-confirmed influenza (including rapid tests).
- (c) For influenza, laboratory-confirmed reports, the report notification needs to include: patient's age, race, ethnicity, home address or location, date of test, serology/serotype (i.e., A, B, unknown), current influenza vaccination status if known, name and location of the provider, and date of the report. These may be reported as line listings sent via fax or secure encrypted email to the Director.

Sec. 22-386. Persons required to report diseases and conditions

- (a) The following persons are required to file with the Director the reports required in sections Sec. 22-385:
 - (1) A Physician, Physician's Assistant, nurse, hospital, clinic, or other private or public Institution providing diagnostic testing, screening or care to any person with influenza.
 - (2) It shall be unlawful for any person to fail to make a report required in this article within the applicable reporting time.

Sec. 22-387. Penalty

- (a) Violation of Section 22-386 of this Article VIII is a Class C Misdemeanor.
- (b) In addition to any penalties issued pursuant to this section, the Director is authorized to report repeated patterns of failure to report under this article to any appropriate licensing boards.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the Wyandotte Echo.

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

THIS _____ DAY OF _____, 2020.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk



Staff Request for Commission Action

Tracking No. 20453

Full Commission Meeting Date: Fast track to 11/5/20

Committee: Administration & Human Services

Date of Standing Committee Action: 10/26/20

(If none, please explain):

Publication Required: No

<u>Date:</u> 10/14/2020	<u>Contact Name:</u> Juliann VanLiew	<u>Contact Phone:</u> x6707	<u>Contact Email:</u> jvanliew@wycokck.org	<u>Department/Division:</u> UG Clerk
<u>Item Description:</u> Proposed ordinance that would ban the sale of flavored tobacco products in Kansas City, KS, including flavored vaping products and menthol cigarettes. This is necessary to improve long-term health outcomes as well as to minimize the impact of COVID-19 on Wyandotte County. The Health Department would be the entity responsible for inspections and enforcement.				
<u>Action Requested:</u> Fast track ordinance to 11/5/20 meeting for approval				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Flavored Tobacco Issue Brief, Flavor Tobacco Ordinance FINAL				

FLAVORED TOBACCO

ISSUE BRIEF



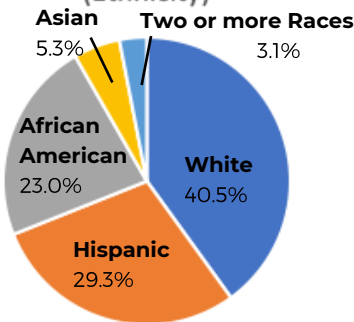
FLAVORS AND YOUTH

Studies show that flavors play a major role in youth initiation and use of tobacco products. Flavors can create the false impression that a tobacco product is less harmful than it really is.(1)

- 81% of youth who have ever used tobacco products initiated with a flavored product.(1)
- 10.7% of Kansas Youth report they use e-cigarettes because they are available in flavors.(2)
- Youth who smoke are more likely to smoke menthol cigarettes than older smokers.(6)
- Over half of youth smokers (54%) use menthol cigarettes compared to only one-third (32%) of older adult smokers.(1)

FLAVORS AND ADULTS

Wyandotte County Population
(Ethnicity)



US Census Bureau 2018 Population estimates

Flavors such as mint and menthol disproportionately affect marginalized populations. In the U.S., 85.8 percent of African American smokers and 46 percent of Hispanic smokers smoke menthol cigarettes.(6) Menthol use also remains high among LGBT smokers, those living in poverty and pregnant women.(10) Research suggests menthol cigarettes may be harder to quit than non-menthol cigarettes, particularly among African American smokers.(6) Menthol users perceive less harm in their product, report higher levels of cravings and are more likely to live in a home where family members smoke.(10) This information is important to keep in mind as we take steps to keep our community healthy.

COVID-19 AND TOBACCO PRODUCTS

A study conducted by Gaiha et al. (2020), determined that COVID-19 Diagnosis was five times more likely among ever-users of e-cigarettes, seven times more likely among ever-dual-users of e-cigarettes and traditional cigarettes and 6.8 times more likely among past 30-day dual-users.(8) Although, more studies on smoking and COVID-19 still need to be performed, current evidence shows that smoking is a risk factor for progression of COVID-19. A meta-analysis by Patanavanich & Glantz (2020), evaluated research from 19 different studies and found a significant association between smoking and disease progression. Smokers have higher odds of COVID-19 disease progression than non-smokers.(9)

Youth Impacted in our
community (4)(5)

13,000

**LOCAL
IMPACT**

Number of school
districts

3

FLAVORED TOBACCO

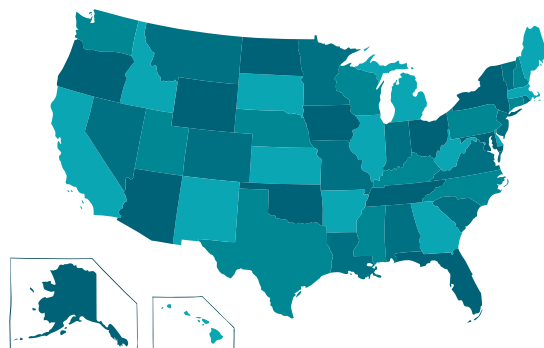
ISSUE BRIEF



CASE STUDIES

Four states and over 270 localities have passed a flavor ban in their communities.

At least 100 of these communities restrict the sale of menthol cigarettes, in addition to other flavored tobacco products.(3)



FEDERAL FLAVOR BAN

In 2019, a partial federal flavor ban was passed that restricted flavored cartridge-based e-cigarette products from the market, with the exception of menthol. This partial ban exempted disposable tobacco products and open tank products. These products can still be sold in any flavor.(7) For this reason, best practice suggests implementation of local ordinances that help fill the gaps.

REFERENCES

1. Campaign for Tobacco-Free Kids. (2019, December 6). *Flavored Tobacco Products Attract Kids: Brief Overview of Key Issues*. Tobacco Free Kids. Retrieved August 31, 2020, from <https://www.tobaccofreekids.org/assets/factsheets/0399.pdf>.
2. Kansas Department of Health and Environment. (2020). *Youth Tobacco Use in Kansas*. Kansas Department of Health and Environment. Retrieved September 3, 2020, from https://www.kdheks.gov/tobacco/download/Youth_Tobacco_Use_in_KS.PDF.
3. Campaign for Tobacco-Free Kids. (2020, August 31). *States & Localities that have Restricted the Sale of Flavored Tobacco Products*. Tobacco Free Kids. Retrieved September 3, 2020, from <https://www.tobaccofreekids.org/assets/factsheets/0398.pdf>.
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6. U.S. Food & Drug Administration. (2020, January 3). *Menthol and Other Flavors in Tobacco Products*. U.S. Food & Drug Administration. Retrieved September 9, 2020, from <https://www.fda.gov/tobacco-products/products-ingredients-components/menthol-and-other-flavors-tobacco-products>.
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8. Gaiha, S. M., Cheng, J., Halpern-Felsher, B. (2020, August 11). Association Between Youth Smoking, Electronic Cigarette Use, and Coronavirus Disease 2019. *Journal of Adolescent Health*. 2020 August 11:1-5.
9. Patanavanich R., & Glantz S. A. (2020, August 24). Smoking Is Associated with COVID-19 Progression: A Meta-analysis. *Nicotine Tob. Res.* 2020 August 24;22(9):1653-1656.
10. Delnevo C. D., Ganz O., Goodwin R. D. (2020, September 12). Banning Menthol Cigarettes: A Social Justice Issue Long Overdue. *Nicotine & Tobacco Research*. 2020 September 12;22(10):1673-1675.

Published _____

ORDINANCE NO. _____

An ordinance relating to the prohibition of the sale of flavored tobacco products in the City of Kansas City, Kansas; adding Section 17-9.

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

Section 1. That Section 17-9 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby adopted to read as follows:

ARTICLE I. – IN GENERAL

Sec. 17-9. Selling of flavored tobacco

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

Tobacco Product means any product containing, made, or derived from tobacco or that contains nicotine that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested, or by any other means, including but not limited to a cigarette, a cigar, hookah, pipe tobacco, chewing tobacco, snuff, snus and electronic smoking device. Notwithstanding any provision to the contrary, “Tobacco Product” includes any component, part, or accessory intended or reasonably expected to be used with a Tobacco Product, whether or not any of these contain tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, and pipes, and whether or not any of these are sold separately. The term “Tobacco Product” does not include drugs, devices or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

Flavored Tobacco Product means a Tobacco Product that imparts a taste or smell other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to, or during the consumption of, a Tobacco Product, including, but is not limited to, the taste or smell of menthol, mint, wintergreen, fruit, chocolate, cocoa, vanilla, honey, or the taste or smell of any candy, dessert, alcoholic beverage, herb, or spice. A Tobacco Product shall be presumed to be a Flavored Tobacco Product if a

retailer, manufacturer, or a manufacturer's agent or employee has made a statement or claim directed to consumers or the public, whether expressed or implied, that the product or device imparts a distinguishable taste or aroma other than the taste or aroma of tobacco or uses text, images, or coloring on the Tobacco Product's labeling or packaging to explicitly or implicitly indicate that the Tobacco Product imparts a taste or aroma other than the taste or aroma of tobacco.

Tobacco Product Flavor Enhancer is any product designed, manufactured, produced, marketed or sold to produce a characterizing flavor when added to any Tobacco Product.

Tobacco Retailer means any person, partnership, joint venture, society, club, trustee, trust, association, organization, or corporation who owns, operates, or manages any Tobacco Retail Establishment. Tobacco Retailer does not mean the non-management employees of any Tobacco Retail Establishment.

Tobacco Retail Establishment means any place of business where Tobacco Products are available for sale to the general public. The term includes but is not limited to grocery stores, Tobacco Products shops, kiosks, convenience stores, gasoline service stations, bars, and restaurants.

- (b) It shall be unlawful for any Tobacco Retailer to:
 - (1) Sell, furnish or distribute to any person any Flavored Tobacco Product or Tobacco Product Flavor Enhancer.
 - (2) There shall be a rebuttable presumption that a Tobacco Product is a Flavored Tobacco Product if a Tobacco Retailer, manufacturers, or any employee or agent of a Tobacco Retailer or manufacturer has:
 - (a) Made a public statement or claim that the Tobacco Product imparts a taste or smell other than or in addition to, the taste or smell of tobacco;
 - (b) Uses text and/or images on the Tobacco Product's labeling or packaging to explicitly or implicitly indicate that the Tobacco Product imparts a taste or smell other than or in addition to tobacco; or
 - (c) Taken action directed to consumers that would be reasonably expected to cause consumers to believe the Tobacco Product imparts a taste or smell other than or in addition to tobacco.
- (c) (1) Violation of this section is a civil infraction subject to Sec. 2-654 through Sec. 2-662 of this Code. Any Tobacco Retailer found to have violated this article shall be subject to the following penalties:
 - (a) A first violation of this section punishable by a minimum penalty of \$200.
 - (b) A second violation of this section within a 36-month period is punishable by a minimum penalty of \$500.

- (c) A third violation of this section within a 36-month period is punishable by a minimum penalty of \$1000.
 - (d) A fourth or subsequent violation of this section within a 36-month period is punishable by a minimum penalty of \$1,000 and constitutes grounds for the denial of, refusal to renew, suspension of, or revocation of any food, liquor, tobacco, or other business license issued by the city for a period of 30 days.
 - (e) Each day of violation constitutes a separate offense.
 - (f) The monies collected from violations of this ordinance shall be used to cover the costs of Tobacco Retail Establishment inspections, unannounced compliance checks, education and training, and administrative oversight of the tobacco enforcement program within the public health department.
- 2) For purposes of this section, the person who violates this section shall be the Tobacco Retailer selling, furnishing, or distributing the Flavored Tobacco Product or Tobacco Product Flavor Enhancer.
- (d) (1) The authority to administer the provisions of this article is vested in the director of the public health department and his or her duly authorized representative(s).
- (2) Whenever the need arises, the director of the public health department may call upon other departments of the Unified Government to aid in the enforcement of the provisions in this article.
- (3) Any citizen who desires to register a complaint under this article may initiate enforcement with the public health department.
- (4) Inspections will occur at least one (1) time per year at each Tobacco Retail Establishment to ensure compliance of section.
- (5) Unannounced follow-up inspections will be conducted within three months of any Tobacco Retailer in violation of this article.

Section 2. This ordinance shall take effect and be in full force on March 1, 2021.

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

THIS _____ DAY OF _____, 2020.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk



Staff Request for Commission Action

Tracking No. 20454

Full Commission Meeting Date: Fast track to 11/5/20

Committee: Administration & Human Services

Date of Standing Committee Action: 10/26/20

(If none, please explain):

Publication Required: No

<u>Date:</u> 10/14/2020	<u>Contact Name:</u> Juliann VanLiew	<u>Contact Phone:</u> x6707	<u>Contact Email:</u> jvanliew@wycokck.org	<u>Department/Division:</u> UG Clerk
<u>Item Description:</u> The modification to this ordinance would place the penalty for the sale of tobacco products to minors on the tobacco retailer rather than on the purchaser or the cashier.				
<u>Action Requested:</u> Fast track ordinance to 11/5/20 meeting for approval				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> T21 Amendment CLEAN (3)				

Published _____

ORDINANCE NO. _____

An ordinance adopting Sec. 17-8 relating to the sale of tobacco products to those under 21 years of age in the City of Kansas City, Kansas and repealing Sec. 22-204

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

Section 1. That Section 17-8 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby adopted to read as follows:

ARTICLE I. – IN GENERAL

Sec. 17-8. Selling, giving or furnishing cigarettes or tobacco products to any person under 21 years of age

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

Tobacco Product means any product containing, made, or derived from tobacco or that contains nicotine that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested, or by any other means, including but not limited to a cigarette, a cigar, hookah, pipe tobacco, chewing tobacco, snuff, snus and Electronic Smoking Device. Notwithstanding any provision to the contrary, “Tobacco Product” includes any component, part, or accessory intended or reasonably expected to be used with a Tobacco Product, whether or not any of these contain tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, and pipes, and whether or not any of these are sold separately. The term “Tobacco Product” does not include drugs, devices or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

Electronic Smoking Device means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic Smoking Device includes any component, part, or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device, whether or not the

substance contains nicotine. Electronic Smoking Device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

Tobacco Retailer means any person, partnership, joint venture, society, club, trustee, trust, association, organization, or corporation who owns, operates, or manages any Tobacco Retail Establishment. Tobacco Retailer does not mean the non-management employees of any Tobacco Retail Establishment.

Tobacco Retail Establishment means any place of business where Tobacco Products are available for sale to the general public. The term includes but is not limited to grocery stores, Tobacco Products shops, kiosks, convenience stores, gasoline service stations, bars, and restaurants.

(b) It shall be unlawful for any Tobacco Retailer to:

- (1) sell Tobacco Products to any person under the age of 21 years; or
- (2) sell or otherwise distribute Tobacco Products by or from a self-service display except in places where persons under the age of 21 are not permitted access at any time; or
- (3) fail to verify that the purchaser is at least 21 years of age.

(a) Each Tobacco Retailer or Tobacco Retailer's agent or employee shall examine the purchaser's government-issued photographic identification. No such verification is required for a person known by the Tobacco retailer to be over the age of 30. That a Purchaser appeared to be 30 years of age or older shall not constitute a defense to a violation of this Section.

(c) It shall be a defense to an administrative citation under subsection (b) of this section if:

- (1) The Tobacco Retailer sold, furnished or distributed the cigarettes, electronic cigarettes, or Tobacco Products to the person under 21 years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes, electronic cigarettes or Tobacco Products; and
- (2) To purchase the cigarettes, electronic cigarettes, or Tobacco Products, the person under 21 years of age exhibited to the Tobacco Retailer a driver's license, Kansas non driver's identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or otherwise receive Tobacco Products.
- (3) The Tobacco Retailer engages in the lawful sale, furnishing or distribution of cigarettes, electronic cigarettes, or Tobacco Products by mail; and
- (2) The Tobacco Retailer sold, furnished or distributed the cigarettes, electronic cigarettes, or Tobacco Products to the person by mail only after the person had provided to the Tobacco Retailer an unsworn declaration, conforming to K.S.A. 53-601, that the person was 21 or more years of age.

- (d) It is unlawful for any Tobacco Retailer to fail to post and maintain in a conspicuous place in the Tobacco Retail Establishment the following notice: "BY LAW, CIGARETTES AND TOBACCO PRODUCTS MAY BE SOLD ONLY TO PERSONS 21 YEARS OF AGE AND OLDER."
- (e) (1) Violation of this section is a civil infraction subject to Sec. 2-654 through Sec. 2-662 of this Code. Any Tobacco Retailer found to have violated this article shall be subject to the following penalties:
- (a) A first violation of this section punishable by a minimum penalty of \$200.
 - (b) A second violation of this section within a 36-month period is punishable by a minimum penalty of \$500.
 - (c) A third violation of this section within a 36-month period is punishable by a minimum penalty of \$1000.
 - (d) A fourth or subsequent violation of this section within a 36-month period is punishable by a minimum penalty of \$1,000 and constitutes grounds for the denial of, refusal to renew, suspension of, or revocation of any food, liquor, tobacco, or other business license issued by the city for a period of 30 days.
- (2) The monies collected from violations of this ordinance shall be used to cover the costs of Tobacco Retail Establishment inspections, unannounced compliance checks, education and training, and administrative oversight of the tobacco enforcement program within the public health department.
- (3) For purposes of this section, the person who violates this section shall be the Tobacco Retailer where the transaction takes place.

Section 2. Section 22-204 of the Code of the Unified Government of Wyandotte County/Kansas City, KS is repealed.

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

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

THIS _____ DAY OF _____, 2020.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk



Staff Request for Commission Action

Tracking No. 20455

Full Commission Meeting Date: NA

Committee: Administration & Human Services

Date of Standing Committee Action: 10/26/20

(If none, please explain):

Publication Required: No

<u>Date:</u> 10/14/2020	<u>Contact Name:</u> Crystal Sprague	<u>Contact Phone:</u> x2787	<u>Contact Email:</u> csprague@wycokck.org	<u>Department/Division:</u> Finance
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Item Description:

Update on the CARES Act/CDBG CARES Act funding.

Action Requested:

For information only

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List: