

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

SPECIAL SESSION, THURSDAY, JANUARY 28, 2021

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, January 28, 2021, with ten members present online. Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. Townsend, Commissioner First District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Bridgette Cobbins, Interim Assistant County Administrator; Melissa Sieben, Emerick Cross, and Alan Howze; Assistant County Administrator's; Brett Deichler, Interim Unified Government Clerk; Misty Brown and Angela Lawson, Deputy Chief Counsel; Susan Alig, Attorney II; Casey Meyer, Assistant Counsel; Juliann VanLiew, Director of the Health Department; Dr. Allen Greiner, Local Health Officer; Dr. Erin Corriveau, KU Medical Center/Deputy Health Officer; Alley Porter, Commission Liaison; and Claudia O'Connell, Fiscal Officer in Budget Department.

MAYOR ALVEY said before I call the meeting to order, I want to announce that due to COVID-19, individuals are attending remotely. All participants joining by phone should mute their phones when not speaking to avoid background noise. During the meeting, please make sure that you announce yourself by name and title every time you speak so that the public participating knows who is speaking. This is critical given the number of remote participants in his current guidance from the Kansas Attorney General.

MAYOR ALVEY called the meeting to order.

ROLL CALL: Kane, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Alvey.

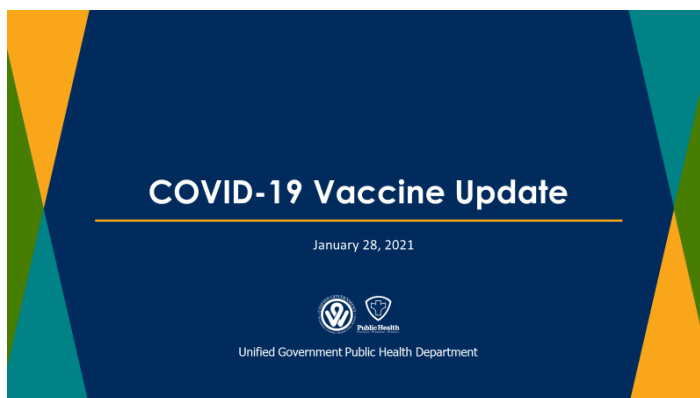
NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, January 28, 2021, at 5:00 p.m. by way of Zoom and online for a COVID-19 and Vaccination Update, followed by a presentation on the Safe & Welcoming ordinance.

Due to COVID-19 the public will be able to observe or listen to the meeting live on YouTube or UGTV or through Zoom.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Alvey said we have two items tonight: a COVID-19 update and a presentation on the Safe & Welcoming ordinance. I will turn it over to Mr. Bach to introduce staff.

Doug Bach, County Administrator, said tonight to start our Commission meeting, we wanted to give an update on where things are with COVID-19 as we have not done that in a while and then also as many members of the public are inquiring about the vaccination process and what's happening with that. We're going through detail with that. Tonight we have with us the Director of our Health Department Juliann VanLiew, Dr. Allen Greiner and Dr. Erin Corriveau, our Health Officers for the Unified Government.



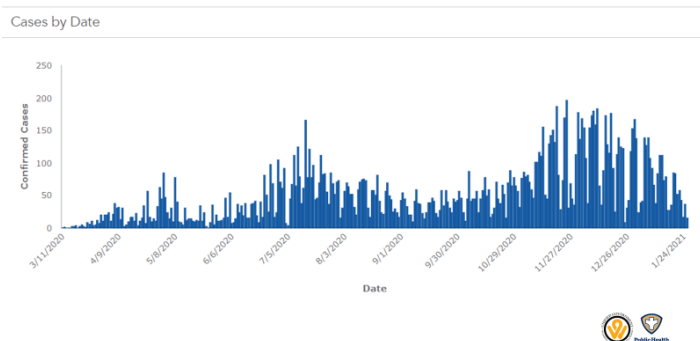
Juliann VanLiew, Director of the Health Department, said I want to start in a little bit of a different way today than we normally do. Yesterday the Governor did us a great honor and recognized Travis Lanter, our Emergency Preparedness Coordinator in the Health Department, as a public health hero in the state of Kansas which is pretty incredible to recognize the work he has done. This will take just 60 seconds but I wanted to play her remarks to give some depth to the work we do. You get to hear from me all the time, but you don't always get to hear from our other staff and see the work they're doing. "Good afternoon everybody. As is tradition, I will start with our public health hero of the week. I want to recognize the work of Travis Lanter, the Emergency Preparedness & Workforce Development Coordinator for the Unified Government Wyandotte County/Kansas City, Kansas Public Health Department. Travis has worked for months to break down the barriers Wyandotte County residents might face in navigating the vaccination process ensuring that the entire community is included in the Unified Government's planning. He set up a process for providing wheelchairs for those who will have a difficult standing in line for vaccines. He's ensured that non-English speaking residents were provided translators and translated materials. Notably, he spearheaded efforts early on to create a strategic COVID-19 vaccination site design that is both reputable and cost-effective. He actually sketched his idea for the vaccine site workflow on a pizza box before eventually bringing it to life and now he routinely counsels neighboring county officials on best practices for design, process, and procedures for vaccination operations in the region. Travis, if you're watching, I want to thank you for your creativity and your commitment. Your work is paying off in a big way for lots of folks."

Ms. VanLiew said thank you for letting me share that. I think it's important for some of those folks who are working 12 hours a day and don't get to see you, to be shown in the spotlight as well.

Dr. Erin Corriveau is actually going to start us off.

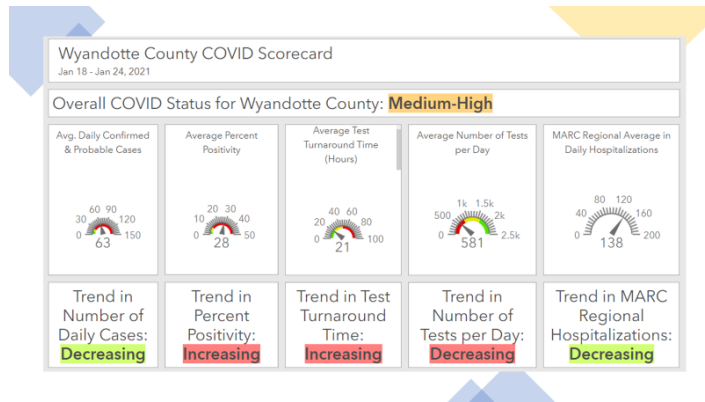


Dr. Erin Corriveau, KU Medical Center/Deputy Health Officer, said just a quick situational update. I'm going to talk numbers here.



This graph is just simply showing the number of confirmed cases of COVID-19 that we've had over the course of the pandemic. You can see early in March where, you know, didn't know quite what we were going to be facing. A big spike there in July and then we've been having a lot of trouble here toward the end of 2020 and into 2021. As you see, it looks like there's a bit of a drop-off there and we're seeing that in our numbers as well, so just sharing the numbers with you now.

Our 7-day rolling average for cases per day is at 48 currently. The average test per day that we're doing in Wyandotte County is around 530 which is a bit down from where we would like to see it. Our percent positivity rate at this point is 26%.



Really, that's a lot better than it was. About three weeks ago we were at 40%, so we're encouraged by that.

Again, though, our testing numbers are down unfortunately so it worries us a bit, but we're hoping that signals that people are actually feeling better and maybe transmission is down as well.

This is our dashboard here. I want to take you through this. Over on the left-hand side here, you see the trend in the number of daily cases seems to be decreasing which is good. The trend in percent positivity is increasing here. I want to remind you that we look sort of at the 14-day trend and also the 7-day trend. There is a lot of bouncing around in those numbers so it says here it is increasing. These numbers are from, I believe, the 18th to the 24th of this month, but just recently here we're actually seeing more recently a bit of a downtrend which is good.

Our trend in test turnaround time seems to be increasing, but let me just tell you, not by much. We were at about 18 hours turnaround time, now it's up to about 21 hours and so we're always working on that and, of course, that includes all testing facilities within Wyandotte County.

The trend in number of tests per day is decreasing, as I discussed. A piece of good news here at the end is that our regional hospitalizations seem to be decreasing as well which we hear pretty consistently on the calls with MARC, the Mid-America Regional Council, that we've been joining.



COVID-19 Perceptions in Wyandotte

I want to go through a couple more slides here about perceptions from our community in Wyandotte County. We were able to administer a survey to several—really, hundreds of Wyandotte County residents and these results I’m going to share with you is about half of the results we have back and represents about 800 people living in Wyandotte County.

How serious is COVID-19?	
Extremely serious	80%
Moderately serious	9%
Somewhat serious	6%
Slightly serious	3%
Not at all serious	2%
No answer	<1%



So, how serious is COVID-19? Well, it’s good news here that many people in our community feel that it’s extremely serious or at least moderately serious, and so about 90% of our community feels like this is a really big deal.

If a vaccine to prevent or reduce severity of COVID-19 symptoms was approved by the United States Food and Drug Administration(FDA) and was available, would you receive the vaccine?	
Yes	71%
No	9%
Unsure	18%
No answer	2%



This slide simply shows, you know, this question. If there was a vaccine that was approved by the FDA and was it available, would our boarder community members take it. This was also really encouraging. Over 70% of them said yes which is fantastic, so our job, of course, to get the vaccine and get it out to people.

Please select all the reasons you do not plan to receive a COVID-19 vaccine.	
Concerned about <u>short-term side effects</u>	62%
Concerned about <u>long-term side effects</u>	34%
<u>Risks of vaccination</u> outweigh the benefits	28%
Worried I may be <u>allergic</u> to the vaccine	27%
I believe the vaccine will not be <u>effective</u>	20%
I believe the vaccine will give me COVID-19	14%
Concerned about cost (uninsured)	12%
Better to get sick and recover on my own rather than get vaccinated	12%

This slide is kind of interesting to us. We were wondering for those people who said no to the previous question on if they would receive the vaccine or not, why not, and they said mostly that they are really concerned as to what that vaccine might do to them. In the short-term, in the long-term, are there risks and might they have an allergy to it, so that really makes up the most of the no's to that survey which is very interesting. It gives us a sense of sort of how we need to get more information and education out to our community as well to be most effective in getting more people in for vaccines.

What information or services would make it more likely that you decide to get a vaccine to prevent COVID-19?	
People I know being vaccinated with good outcomes	54%
Vaccinate for <u>free</u> without insurance	18%
Bringing the vaccination to a <u>place</u> I frequent	12%
Non-traditional service <u>hours</u>	5%



This says here, what information would make it more likely for you to get a vaccine and we're seeing here that people want to see others in the community who they know getting the vaccine. So, I want to say a big shoutout to our Health Equity Taskforce this evening. Many of those folks have said yes, I'm going to put my vaccination story out on the internet, on social media and such. Many of us in the Health Department have chosen to share our stories as well and I know that many of you have too and that makes a difference. I think people want to know those who are getting vaccinated and want to talk to them about what it was like.

We have made the vaccine free to everybody in Wyandotte County. You don't need insurance to come and get that vaccination. Our community wants it to be brought to places where they are, where they frequent and we have plans to do that. We are actively working on creating what we call a drop team that could, in the future, come into certain businesses and give the vaccine if necessary. We're setting up sites which will be talked about really soon here in the far east and far west parts of Wyandotte County, so we're trying to make it really easy for people to come get the vaccine.

There's also this interest in non-traditional hours. I think that means weekends and evenings and possibly early mornings. We're also working hard on making our hours more accessible to the public as well.



I'm going to now pass off to Dr. Greiner for some frequently asked questions.

Is the vaccine safe?

- Yes
- Vaccines have gone through rigorous clinical trials
- CDC is watching for safety issues
- The U.S. Food and Drug Administration (FDA) has granted Emergency Use Authorizations for COVID-19 vaccines



Dr. Allen Greiner, Local Health Officer, said these are primarily regarding the vaccine and we'll just go through these quickly. Is the vaccine safe? In our opinion, yes, absolutely the vaccine is safe. Has the vaccine been through rigorous clinical trials? Yes, we feel like it has. We've had tens of thousands of people in those trials. Now, of course, we've had tens of millions of people receive the vaccines, so that's all good news as well. The CDC is watching closely for safety issues. There is a whole rigorous reporting system around that and we have emergency use authorizations for both the Pfizer and the Moderna vaccines and we expect to have additional emergency authorizations on other vaccines in the near future.

Is the vaccine effective?

- Pfizer / BioNTech
 - 43,448 participants, half got vaccine, half got placebo
 - Vaccine shown to be 95% protective
- Moderna
 - 27,817 participants, half got vaccine, half got placebo
 - Vaccine shown to be 94.5% protective



What can we tell you about effectiveness and those clinical trials? For the Pfizer/BioNTech trial, there were almost 44,000 participants. Half got the real vaccine, half got a placebo shot and in the follow-up, the multiple month follow-up of those individuals, those that got the real vaccine were 95% less likely to get COVID infections to where they were symptomatic. For Moderna, it was almost 30,000 individuals, same setup, and again, almost 95% effective, 94.5%, so really the same which was a really, really positive result.

What side effects can I expect?

- Temporary pain in the arm where you got the shot
- Fatigue, headache,
- Muscle pain, joint pain
- Fever
- Flu-like symptoms



What side effects can we expect? Well, many of us that have now been through this and had the temporary pain in the arm where you get the shot, much like you can get with a flu shot or other type of vaccine. Some folks have reported headache and fatigue, muscle pain, joint pain, fever, chills, flu-like symptoms. Most people have reported more of these kind of things after the second shot, but it really varies from person to person and I really feel like we're not seeing severe side effects that would make a person have to miss work, for example, that you may have heard about in the press. We're just not seeing that, so that's good.

Is just one shot of the vaccine OK?

- No
- The currently approved COVID vaccines were tested with two shots, not one shot
 - [Pfizer-BioNTech](#) doses should be given 3 weeks (21 days) apart
 - [Moderna](#) doses should be given 1 month (28 days) apart
- We do not know how long or how much one shot can help you
- The second shot is a “booster” that encourages your immune system to remember COVID longer



Is just one shot okay? No. For these two vaccines we really feel like two shots are what's necessary to protect a person. For the Pfizer-BioNTech, it should be given three weeks approximately after the first dose. For Moderna, it's 28 days. There is a window to that and so with our vaccination operation, people can come in within about a 4-5 day window which is fine.

How much do we know about one shot? We really don't know how protective one shot is. We think that it may offer some protection, but we really are going to work hard to try to get people through for that second booster shot because, again, all that clinical trial data we talked about is based on people getting two shots and getting you that 95% protection and having your immune system remember it.

Am I protected right away?

- No
- 14 days after the second shot for Moderna
- 7 days for Pfizer/BioNTech
- It takes your body time to build antibodies that can fight COVID-19
- CONTINUE TO WEAR A MASK AND SOCIAL DISTANCE



You're not protected right away. We really feel like even after that second shot, it's going to take about 14 days for your body to produce enough antibodies to give you that full protection. For Pfizer, it may be a little bit less, 7 days, but we're kind of encouraging people to think of themselves as fully safe after 14 days after the second shot because the antibodies do take time.

We've really got to get people to continue to mask and social distance. Remember, you can get vaccinated and get your two shots and we still think it's possible for you to get COVID.

You just may have no symptoms at all, but if you got COVID, you could spread it to somebody else, so that's why we will continue to push masks and social distancing until we feel like we've got the virus out of our community and no longer spreading.



Do I have to quarantine if I am exposed to COVID after being vaccinated?

- No
- If you have symptoms of COVID-19 please get tested even if you have been vaccinated



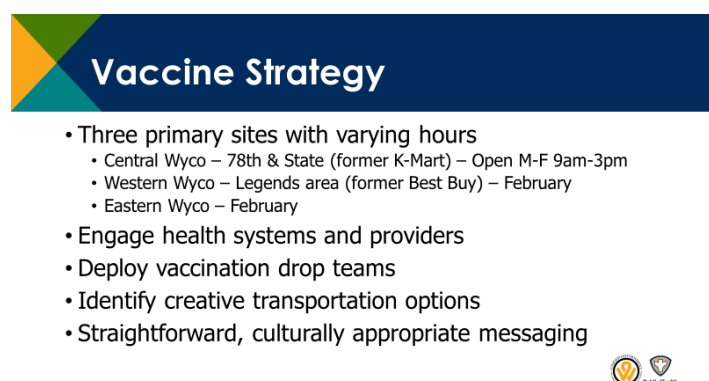
Do you have to quarantine if you're exposed after you've been vaccinated? No, you do not, so after the second shot anyway. If folks are past the second shot, what we're saying is even if they are one day past that second shot and they have an exposure to a COVID case, then they do not have to quarantine for 14 days, so another benefit to getting the vaccine.

We still want people to get tested. We are going to have to work really hard to keep getting people tested who get any symptoms that could be COVID. This will probably go on for months and months as we're rolling out the vaccine and encouraging folks to get vaccinated. If people have sore throats, if people have congestion, if people have a fever; even if they think it's just a common cold or strep throat, let's get those people tested for COVID so we can track what's going on and really see when we've got it knocked out of the community because that's when we can go back to starting to change some of the infectious disease control measures like mask wearing and social distancing.

That may be it for me. Is it back to you or do we have another one? **Ms. VanLiew** said yes, it's back to me. We just wanted to dive in with those because we know those questions will inevitably come up from all of you and from many others in the community.



Now we're going to spend a few minutes just talking about what our strategy is for vaccines for Wyandotte County residents and what our challenges are.



As many of you probably know, our primary strategy will be three large sites across the community. Our K-Mart site is up and running. We are launching a western site out at the Legends area next week. We would be ready to start actually inoculating folks there on Monday, but we just don't have enough vaccine to do that, but we are pretty staffed and ready next week if we start to receive larger quantities of vaccines. We will be launching a site in the eastern part of the county. Likely, the week after next. All again, only worth getting those sites up and running if the vaccine comes, so we'll let you know what our official launch dates are when we have that information.

Of course, we also will engage our health systems and providers. We have done that routinely. Our hospitals are federally qualified health centers. Our pharmacists will all be really key to this, especially as we get to later phases into the broader community availability for the vaccine. When it's available to most people, we'll need to drive some people to their primary care providers, to their pharmacists, but we don't think that will be for another month or two. The next

couple of months will largely be driving folks to our sites as we've get larger and larger allocations of vaccine.

We are, as Dr. Corriveau mentioned, planning to deploy some vaccination drop teams. These will really be on just an exceptional basis. We won't be able to take these folks everywhere that we want them, but of course, we need to vaccinate places like our inmates in our jail, folks with disabilities who are in congregate settings, those sort of places where it would be really difficult for them to bring folks to us. We will be prepared to bring the vaccine out to them.

We are also working to identify creative transportation options. We know that is a barrier for people, so more to come on that, but our three sites are along bus routes and we're working with other providers to see how we can offer up transportation options to the public.

Then, of course, continuing to push our straightforward culturally appropriate messaging and really trying to take the information that we need from that survey that Dr. Corriveau mentioned and using that in our messaging and in our decision-making to try to get people the information they need to make the right decision for themselves.

Challenges

- **Vaccine supply and visibility**
 - Misinformation and distrust
 - Staff for vaccine sites
 - Transportation
 - Reaching non-English speaking residents and workers



Our main challenge, of course, above all else is the vaccine supply. It is low. I'm going to talk here in just a moment about what we have on hand and what we think we're getting, but the other real challenge is the visibility. We only find out a couple of days before vaccine kind of lands in our lap. For example, we found out on Saturday night at 10:00 p.m. that 2,000 doses would be coming this week between Monday and Wednesday which is incredibly difficult in terms of scheduling because we can't schedule folks on Monday and Tuesday then because we can't guarantee we have vaccine. So, there's a little lag time there and then we kind of hurry up and rush to schedule folks as quickly as possible. We're really hopeful.

The Biden administration has put out publicly that they are trying to create a three week line of visibility to give us an idea of what's going to be coming not just next week, but the two weeks following which will help us tremendously. We're very anxious and hopeful that will begin to materialize here shortly.

Of course, battling misinformation and distrust. We're conducting focus groups in the community. We continue to engage with all various sectors including a lot of our local businesses who we met with earlier this week to, again, hear from them about what they're hearing, what they're worried about, what information they need to get to their employees, etc. to just keep pushing the messaging that this is a safe and effective vaccine.

We do struggle to some extent with staffing vaccine sites. That is improving. We've had a lot of volunteers step forward which is phenomenal. We are pulling from students who are medical students and pharmacy students and those folks as well, but that will just be because we're trying to get three sites up and running. It will be a challenge for another several weeks until we fully have our workforce up and running.

I mentioned transportation and then reaching our non-English speaking residents and workers will certainly be a priority for us. We work with a lot of Spanish speaking media in our community to do that as well as local social service and other agencies that represent that population to make sure that we're getting the information they need to those folks.



Current Supply

- Originally received Moderna; now receiving Pfizer
- From KDHE:
 - Last week: 975 doses
 - This week: 1,950 doses
 - Next week: 1,950 doses
- From local partners: Vibrant, KU, Swope, Family Healthcare
 - ~2,800





So, how does the supply look. We were originally receiving Moderna (inaudible). We began receiving Pfizer last week. We got about 975 doses. This week we got just shy of 2,000 Pfizer doses and we just found out that next week we should expect the same, another 2,000 doses. So, all this to say, that's very slim. We have had a little bit of help from our local partners. Some

local FQHC's or federally qualified health centers. Vibrant Health and Swope Health have given us some doses. KU has given us some doses and Family Healthcare as well, so there really is a community effort here to try to share those to get them to people that need them the most, who are at highest risk, but again, at the end of the day we just continue to see a really limited quantity for the population size that we have.



I want to talk a little bit here about prioritization, how those decisions are made or what decisions have been made and then what we have control over here at the local level.

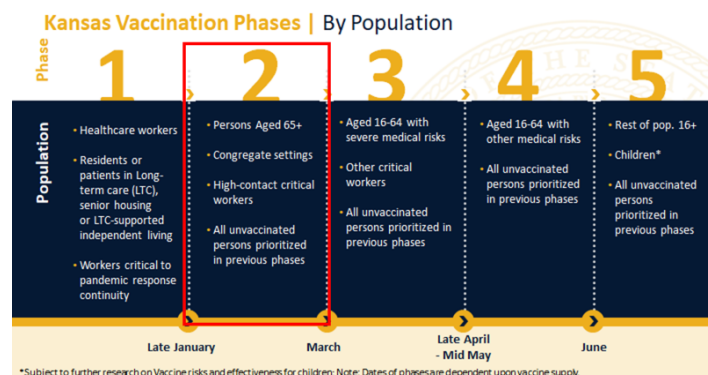
Completed Groups in Wyandotte

- Health Department
- EMS
- Health care workers
- Public safety



To start with, we have completed vaccines for some of our groups in Wyandotte which is wonderful. We've completed the Health Department, our EMS staff, the large majority of health care workers in our community. We think we will probably have offered at least the vaccine to between 90-95% of our health care workforce. We know there's a little bit more to go. There's some folks straggling in but all in all we've offered that to the large majority of the health care providers in Wyandotte and the large majority of Public Safety folks as well. We've gotten through our Police and Fire. I think we have like 12 or 13 Sheriff office folks to come through

tomorrow and then they're all done as well. It feels nice to be making some progress on some of these first priority groups.



I just want to share this. A lot of you may have seen this already. The Governor put out kind of a modified graphic here of the phases of eligibility for the vaccine. We are now in Phase 2 which is persons age 65+, congregate settings, high-contact critical workers, and then, of course, anybody who didn't make it in Phase 1 and for a population the size of ours we estimate this is somewhere between 40,000 and 60,000 people which makes it really difficult. If you have 2,000 vaccines, how do you decide among these 50,000 people who gets those.

WyCo Phase 2 Prioritization

- K-12
- Childcare
- Public transit
- DMV
- USPS
- Grocery, Food Service, Food Processing

○ On deck: 80+ and congregate living



So, what we've had to do at the local level is make some additional decisions and do some additional prioritizing. We have done that. We have heavily prioritized our K-12 educators, our childcare providers, our public transit folks, our DMV staff, our postal service workers, and next week we lead heavily into our grocery, food service and food processing workers.

We made this decision because these are all very essential functions in our community that must happen face to face in the community, in person, and cannot be done at home. We know

how imperative it is for our children in our broader community to have them in the classroom and same with our childcare providers. We cannot go without public transportation and our postal service, some of those things.

We also have had a fair number of clusters and outbreaks in our grocery, food service and food processing sectors, so those are folks at particularly high risk and those are folks who feed us and keep the rest of us moving. We know this is difficult for a lot of people the way we have chosen to do this prioritizing. We have chosen to do it in a way that tries to protect those who are doing their job and putting themselves at risk by serving the rest of us.

We particularly note that this is a little bit difficult for our older folks in our community who are seeing different states and different counties and different phases and some of their peers in different communities getting vaccinated before them. We want folks to know that we are very, very soon going to move into our older population as well. Our hope is that next week we will begin scheduling vaccines for our 80+ population. We would like to prioritize those oldest among us, our 80 and 90-years old. We actually had many hundred 80 and 90-year old's fill out our online survey, which is excellent, so they will start hearing from us next week as we get them scheduled and then we will work our way down to our 70-year old's and our 65-year old's the week after that.

We want folks to know we are coming to them soon, but again, right now with only 2,000 doses a week, it's just scheduling to the amount we're able to push out.

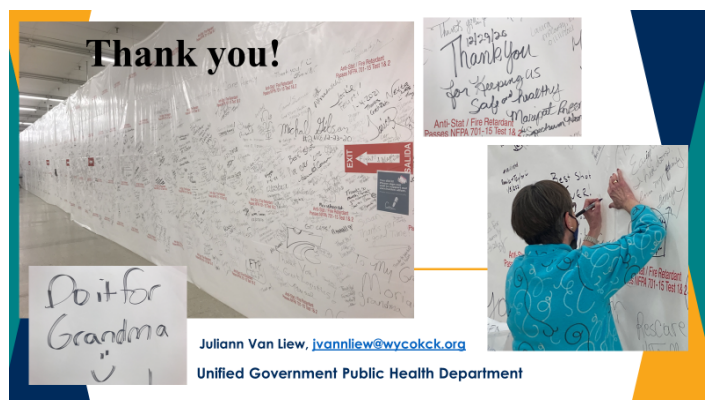
The screenshot shows a website header with a blue background and a yellow and green triangle on the left. The text "How do I sign up?" is in white. Below the header, there is a navigation bar with "Wyandotte County COVID-19 Vaccines (Home)", "Vaccine Info", and "More". The main content area has a light blue background. On the left, it says "1. Go to : www.ughealth.info/Vaccine" and "OR" and "2. Call 311". On the right, there is a box with a clipboard icon and the text "Interested in getting the COVID-19 vaccine? FILL OUT THE VACCINE INTEREST FORM!".

The big question for a lot of other people and I know a lot of you know this by now but we have a form on our website which is basically the best way for folks to let us know that they are interested in getting the vaccine when they are eligible. Folks can go online or they can call 311 and have

that filled out over the phone on their behalf. You can also fill this out with somebody in your family or a parent or a love one. We're really encouraging that.

We've sent this link to all the healthcare providers in the community that we have contacts for and we're asking them to fill it out on behalf of their patients when they come in for medical appointments. We've done the same with a lot of our social service providers who are helping people enroll this way as well. If you have access to people in your community, if you have a network of folks, we would ask you to push this to them and ask them to help get people signed up who are in their lives as well. This is the single best way to get into our system.

Today, for the first time, we started pushing out proactive messaging to folks via email, text messages and voicemail, so you'll start seeing those and hearing those. If you filled out this form, you'll start hearing from us. Our goal is to start doing this weekly, a weekly pushout from us to anybody who signed up or filled out the form so that they just continually get information from us. Everybody won't be eligible next week or the week after, but we want them to know that they are in our system, we have their information, and that we ensure that we will get to them as soon as we have enough vaccine to be able to do so.



We'll leave you here with our victory wall, I think, we've been calling it where we ask folks to sign once they've been vaccinated. It's really encouraging for the teams to see this fill-up everyday as more and more folks come through for their first and second doses. Obviously, the Governor here on the righthand side signing when she visited us last week.

That's all we've got. I'm happy to take any questions.

Commissioner Philbrook said thank you again Juliann. I would tell you that this morning at the Livable Neighborhood meeting this presentation rolled out and it was great then just as well as it was this time. We had a couple actually sign-up at that location that you just advertised and they heard back within a few minutes that it had been accepted and they were just elated, so there were a lot of people listening to this, so yes, exactly.

I also want to be an advocate for folks getting their inoculation because as you well know, Juliann, I've had both of them now. I just had my second inoculation yesterday. The reason for my early inoculation is because I'm an Optometrist and I see people definitely within six feet, how about arm's length, you know, all day long. So, I've been blessed and not had COVID, but nor do I want it, nor do I want to spread it to anybody, so I just want to tell everybody if the old doc can do it, you can. So, get out there and get your arm shot because I guarantee you I don't want it and I don't want any of your family to get it, so thank you so much, Juliann.

Commissioner Johnson said thank you Juliann, Dr. Corriveau, Dr. Greiner, everyone; thank you for the work that you're doing. We say this—I think we feel like we must offer thanks before we offer any other questions or critique's because of the work you all have been doing.

I'm curious, one, have we run into situations where we have run out of doses up to this point? **Ms. VanLiew** said last week, in fact, by Wednesday we had gone through our stock and Thursday we actually sat in an empty site for a day because we did not have enough to give out, so yes. We try to schedule the best we can so we don't have days we're fully closed but sometimes it's unavoidable. **Commissioner Johnson** said I was just curious about that.

The second thing is, the same challenges that we had with regards to testing, I think, is going to be similar to what we will deal with in terms of vaccinations and particularly in the African-American community. I think—I don't if it was Dr. Corriveau or Dr. Greiner that mentioned there is still a fear factor or a sense of skepticism I think in certain communities of color and so the work we've done in terms of getting into the community with regards to testing I think is going to have to be reciprocated as it relates to our vaccination process. One the time is available, once we have enough vaccinations that are available to go out into the community, I think we'll have to use the same type of process in engaging particularly communities of color.

Ms. VanLiew said I completely agree and the way you start on that is know what's happening, to get access to the data of who's getting vaccinated. In fact, we've gone rounds with

the KDHE and the State Health Department recently. Earlier this week, in fact, we were not getting access to vaccine data anywhere except for our Health Department site so we didn't know who was getting vaccinated at other sites in the community which doesn't allow us to accurately put on our website the race and ethnic breakdown of who's getting vaccinated. They have since changed their mind and are working with us, actually today and tomorrow, to start giving us access to that data. Our plan is absolutely to be transparent about who is getting vaccinated, especially the demographic breakdown. My hope is we can start getting some of that up on our website as early as next week, but I couldn't agree more, we have to make sure we're getting this to our high-risk diverse population and we have to start with the data.

Dr. Corriveau said, Commissioner, I just wanted to add as well that our community is already asking for this information and rightly so. We're already working in the background to be able to at least report out our numbers from the Health Department, and as Juliann mentioned, I think we're going to have a lot more data soon. I think we're really, again, just really committed to transparency on this issue. It's going to be really important.

I also just want to say that our Public Information Officer and our team has been working diligently I think on the messaging around this and we've had so many wonderful community members as well. For instance, Darren Story and others who have put out on the radio who are creating sound bites and posts on social media and stuff to say, hey I got it and I'm doing great. So, all of that helps and we're continuing to ask folks to be brave, put it out there.

Mayor Alvey said I would be remised if I didn't remind that we do have a 6:50 p.m. hard stop so we can transfer over to the 7:00 p.m. session and we do have a lengthy session after this, so we will continue.

Commissioner McKiernan said my apologies if this has been asked and answered, but I assume Moderna and Pfizer are mix and match. That if someone had the Moderna for shot one, they can get Pfizer for shot two. **Dr. Corriveau** said they are not actually. That's a good question, Commissioner. Thanks for bringing that up. We're really wanting to stay with whatever manufacturer you get initially, you would get then your second shot that same manufacturer.

About five or six days ago the CDC did come out with some messaging around this and they said, you know, in extreme circumstances it is likely okay and probably going to be effective if somebody were to mix and match to get one dose of one and then the other. However, because the studies were not done in that way and it was not approved—the emergency use authorized to do that way, we’re really wanting to stick with the same manufacturer for each person. **Commissioner McKiernan** said interesting. I note that we had Moderna early on at our vaccination site and the presentation tonight said that we’ve been getting Pfizer most recently.

Ms. VanLiew said I apologize if I miscommunicated there. We still are receiving the second doses of the Moderna to match the first doses, but the new first doses we’re getting are now Pfizer. My apology.

Mayor Alvey said thank you for a great presentation. We’ll now move on to our presentation on a Safe & Welcoming ordinance. I would ask Mr. Bach to introduce our guest except I think what I’m going to be doing first actually is send this over to Commissioner Johnson to open up this item.



Commissioner Johnson said over five years there has been a groundswell of community support for some means of identification for those who are undocumented as well as an ordinance that would help to build trust between the law enforcement community and the undocumented community here in Wyandotte County. It’s a community that calls Wyandotte County home, community folks that work here in Wyandotte County, purchase goods and services here in

Wyandotte County, pay respective taxes in Wyandotte County and support and build up the local economy of Wyandotte County.

In November of 2019 I stood before a packed house at the First Baptist Church and I gave my commitment that I would introduce Safe & Welcoming to the Commission for its consideration and for dialogue. It's my hope and desire that we consider this tonight with an open mind and heart. It goes without saying that Wyandotte County is an immigrant community. We all know that. It's full of rich heritage and as one of the most diverse communities in this nation, I believe it's critical that we embrace that diversity at a policy level.

I'm pleased that Commissioner's Bynum, Ramirez, and McKiernan have all helped to shape the dialogue that we'll engage in tonight. Our community partners understand we may not agree on all matters, but I am optimistic that tonight we can have an authentic conversation about safe and welcoming and that we can, hopefully, figure out a path forward that allows all Wyandotte Countians to feel a place of belonging because I believe it is simply the right thing to do.

At this time I'm going to call for Lauren Bonds who has been working on behalf of our community partners to talk about the primary aspects of safe and welcoming.

Lauren Bonds, ACLU, said I will go ahead and jump in. I know we're limited on time. Mayor Alvey and members of the Commission, I'm counsel to the Safe & Welcoming Coalition and I'm here to testify on their behalf tonight. As many of you already know the Safe & Welcoming Coalition is a collection of faith groups, civil right organizations, and community service providers. We join together for the purpose of passing and advocating on behalf of a municipal ordinance that would ensure access to public services and make sure that everyone has the opportunity to feel safe and at home in Wyandotte County.

Safe and Welcoming Ordinance



I'll just go ahead and quickly discuss what the Safe & Welcoming ordinance is. I think many of you probably know.

Two Provisions

- **Municipal ID**-provide identity verification for WyCo residents within the county limits and to access services
- **ICE Non-Compliance**-affirms that local law enforcement will not take on front-line immigration enforcement.

The Safe & Welcoming ordinance has two key provisions. First it has a municipal ID provision. That's fairly straightforward. It provides identity verification for Wyandotte County residents within the county limited to access and important public services. It will—people who otherwise don't have a photo identification, it gives them the opportunity to use this municipally created ID as a form of photo identification.

The second provision of the ordinance that the Safe & Welcoming Coalition has proposed is an ICE Non-Compliance provision. This affirms that Wyandotte County law enforcement is not going to take on frontline immigration enforcement on behalf of the federal government. It also ensures that there's not going to be collaborations with ICE and other immigration enforcement agencies that would expose members of the Wyandotte community to deportation.

Now, I think that these may seem like they are two distinct, detractable provisions, they're actually quite intertwined. You can't have a Municipal ID without an ICE Non-Compliance provision. The reason for that is members of the Wyandotte community, particularly non-citizen members, are going to be very concerned and potentially chilled from sharing their

information and obtaining the Municipal ID if they don't have the confidence that the Wyandotte County government is not going to share their information with ICE that could lead to their deportation.

I know we're short on time and I know that the majority of the commissioners concerns or potential questions and potentially misconceptions about this ordinance really center on the ICE Non-Compliance provision so I'm going to focus the remainder of my time on that, but I'm happy to answer questions about either provision as we move forward.

Federal Grant Conditions: Proposed Language

"The Kansas City, Kansas Police Department and Wyandotte County Sheriff's Department shall not respond affirmatively to an ICE request for non-public information about an individual—including but not limited to non-public information about an individual's release, home address, or work address—**unless a response is required by lawfully imposed and binding federal contract**"

I think the largest and most overwhelming concerns that we've heard from the Wyandotte County Legal Office and the Unified Government has been incredibly helpful in providing us access and having conversations with the Legal Department. I think some of the most overwhelming concerns has been that if the ICE Non-Compliance Provision of the Safe & Welcoming ordinance were to be adopted, it would force the Unified Government to violate federal police and grant conditions that have been imposed upon it.

Now, I'm going to go into the reasons why I think those conditions are illegal and not binding or legally enforceable, but we do want to acknowledge that concern. So, we've proposed this language as a workaround for that concern and as an acknowledgement for that concern.

We acknowledge that these conditions are in place and to the extent a specific department or specific policing agency is subject to these conditions. We recognize an exemption to the extent that there are imposed and legally binding federal contract requirements that they respond to ICE.

This is the language that we propose. We haven't really had an opportunity to hear a lot back about this condition, but we think this could resolve the potential concerns or route violating several grant conditions. This is what we propose. I'm just going to leave it up here for another second to make sure everyone has a chance to read it, see if they feel comfortable with it, but this

would acknowledge that to the extent that the Kansas City Police Department or Wyandotte County Sheriff's Department feels that they need to respond to ICE as required by an existing federal contract, they would have the opportunity to do that as the ordinance is currently proposed.

Federal Grant Conditions: Case Law

- *City of Providence v. Barr*, 954 F.3d 23 (1st Cir. 2020)
- *City of Philadelphia v. A.G. of the United States*, 916 F.3d 276, 293 (3d Cir. 2019)
- *City of Chicago v. Barr*, 19-3920 (7th Cir. Apr. 30, 2020)
- *Los Angeles v. Barr*, 941 F.3d 931 (9th Cir. 2019)
- *Colorado v. United States Dep't of Justice*, No. 19-CV-00736-JLK, 2020 WL 1955474 (D. Colo. Apr. 23, 2020)-Appeal Pending

However, I do think it's very important to explain that so many of these grant conditions have been struck down. They've been struck down in the First Circuit, they've been struck down in the Third Circuit, they've been struck down in the Seventh Circuit, they've been struck down in the Ninth Circuit. Virtually every Federal Court of Appeals who has considered these federal grant conditions that require municipalities to comply with requests from ICE and share information pursuant to requests from immigration enforcement—federal immigration enforcement agencies have found that these conditions violate the Administrative Procedures Act of Federal Law and the Tenth Amendment of the Constitution.

Another court that has found has been the District Court of Colorado in the case of Colorado vs. The United States Department of Justice. Now, this is a case that the Department of Justice has appealed to the Tenth Circuit. The Tenth Circuit controls Kansas. Kansas is part of the Tenth Circuit. This appeal is currently pending and we believe that there will be, unless the Biden administration withdraws the appeal, we could have a determination that's legally binding on Kansas as to whether these conditions that are a matter of concern are binding. We could have that decision as soon as this summer. That being said, in the meantime and in the interim, there is an acknowledge that, you know, these conditions may be binding and will permit the law enforcement agencies of Kansas City, Kansas and Wyandotte to respond to ICE and other federal immigration enforcement agencies as conditions of their grants are binding for the work that's covered by the grant.

Federal Grant Conditions: Other Facts

- DOJ has never sued to enforce conditions
- DOJ did not withhold funds from cities and states that sued
- These conditions were not imposed prior to 2016, unreasonable to assume they'll be imposed after 2021

I want to move forward and just acknowledge a couple other facts that I think are important with respect to the Wyandotte County government considering whether complying with these conditions or potentially violating these conditions would expose the government to legal liability and risks.

I want to note that the Department of Justice has never sued to enforce these conditions as far as we've been able to see. All those cases that I just mentioned, those have all been situations where the cities or the states have sued proactively in order to provide their constituents with the assurance that they weren't going to be sharing their information with ICE and because their, you know, stage legal counsel determined—did some research and determined that these conditions would not be enforceable.

Additionally, the Department of Justice has not withheld funds from any of the cities or states that ended up suing. These were all, as I mentioned, proactive situations where the municipality went out of their way, filed a lawsuit before any funds were withheld and no funds have been withheld in those situations as far as we can tell.

I'll also note that these conditions aren't common for federal policing grants. These conditions were not imposed prior to 2016 when the Trump administration took over the Department of Justice. I don't think it's logical to assume that they will be imposed after 2021 for any future grants. I think really the only question we're discussing at this point is whether these grant conditions apply to existing grants at the Wyandotte County government has entered into.

As we mentioned, we've got a workaround for that. We acknowledge that to the extent these government grant conditions apply to certain programs or certain policing activities; those are situations in which the government would be permitted under the ordinance to respond to an affirmative ICE request or other requests from the Federal Immigration Enforcement Agencies.

I want to pivot very briefly and just wrap up by discussing another concern that we've heard in our conversations with Wyandotte County's legal counsel and other folks.

4th Amendment Liability for ICE Jail Access

- **\$350,000**-New Mexico, San Juan County jail in 2017
- **\$225,000**-California, Los Angeles County jail in 2018
- **\$80,750**-Arizona, Maricopa County jail in 2018

That's this question about the Sheriff feeling concerns about denying ICE access to people detained in the Wyandotte County jails, and otherwise, in Wyandotte County Detention.

Respectfully, I think this is a much more important area for which the Unified Government should be concerned about liability. Courts have consistently held that the Fourth Amendment prohibits you—any individual being detained in order for ICE to interview them, investigate them, or any other ICE contact. The Fourth Amendment only permits you to detain the individual because you have probable cause of a crime. This has resulted in six figure settlements and verdicts in a number of different municipalities and counties.

This is not—this is for the decision to grant ICE access to jails and detain individuals in order for ICE to interview them. On the PowerPoint I highlighted three different jurisdictions that recently were hit with pretty significant settlements or verdicts as a result of their decision to detain individuals so ICE could have contact with them, interview them, deport them, what have you. I think it's just important to note that within this context that a number of people can end up in jail without engaging in serious criminal activities. You know, failure to pay certain court fees, failure to appear for court, court hearings and other things can result in you being detained in jail and so subjecting individuals to deportation for non-violent, non-felony activity, presented serious moral questions in addition to some of the legal questions that are presented as well.

I will go ahead and stop sharing my screen and provide you all the opportunity to ask me any questions if you have them.

Commissioner Johnson said we'll hold off for right now. We ask that you stay close. We'll definitely probably have to come back to you for clarification on a few things. I think in the interest of time we want to hear from our Legal staff that's here. I see Misty is here. I know also Casey Meyer, Susan Alig and Claudia O'Connell are here to bring some perspective and insight from the UG, so I will turn it over to them at this particular time.

Community ID Ordinance

Casey Meyer, Assistant Counsel, said I think I'm going to start off our part of the Community ID portion. I think Susan is running our PowerPoint.

Goals

- **Procurement**
 - Comply with UG procurement rules
- **Reliability**
 - Ensure sufficient quality control that the ID is accepted in the community
- **Privacy**
 - Maintain personal identifier records in a manner that supports confidentiality



Currently, there is no state or federal law prohibiting a city government from creating, enacting, or authorizing a city ID Program or in our case a Community ID Program. As Lauren indicated, I think this was brought forth to try to give an opportunity for people who are otherwise unable to obtain an ID, to have access to an ID. Some of those individuals, I think, would include undocumented individuals, unsheltered which is homeless population, minors, people recently released from the Department of Corrections who might not be able to obtain ID.

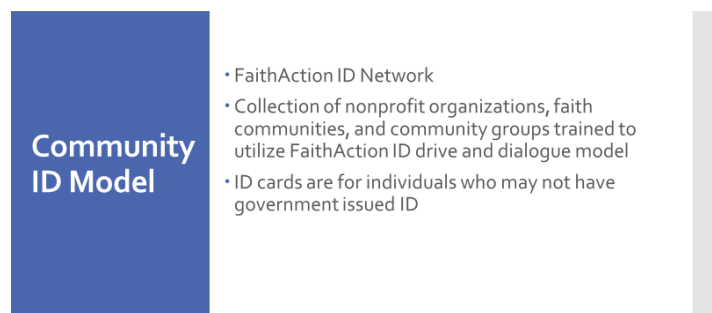
While we're unaware of any city in the state of Kansas who have set up a city ID Program, others cities in the United States have, but here on this slide are a couple of potential legal issues that could apply and I'm going to start from the bottom.

One main concern would be the privacy. So, it would be a goal, obviously, to maintain personal identifier information and records in a manner that supports confidentiality for the applicant. As you know, the city would be subject to the Kansas Open Records Act and FOIA

whereas if the city contracted with a third party, that party wouldn't necessarily, or would not, be under those same obligations under KORA.

Second, reliability. Obviously, you would want to somehow ensure sufficient quality control of how you get access to the identification because that would help with how it's accepted in the community. More important, on a legal level, you would want to do that in an effort to defer fraud. So, quality control for the ID is important in order to defer fraud and, of course, up top there, procurement. If this is pursued, obviously, whatever avenue this is pursued, we would have to comply with our Unified Government Procurement Policy if the city was participating in this program.

I'm done. I think there are a couple different models that might accomplish those goals and I know that Claudia has done some research and I'm going to let her take over.



Claudia O'Connell, Fiscal Officer in Budget Department, said last time we were together we spent a lot of time discussing the Municipal ID and since that presentation we've done research on various other types of models and that's how we discovered the Community ID Model.

The particular model that we're going to look at tonight was created by a non-profit group called FaithAction International Health out of Greensborough, NC. Actually, FaithAction International Health works with non-profit organizations, faith communities and community groups to utilize their ID drive and dialogue model. This collection of groups is what's known as the FaithAction ID network and these cards are basically for individuals who may not have access to a government issued ID.

How does the FaithAction ID model work?

1. FaithAction works with network partner to train and provide resources to hold successful ID drive
2. Participants must attend ID drive and go through orientation
3. Vetting process – provide proof of identity & residency
4. Card is printed and mailed to address provided by individual

This is a brief overview of how their model works. FaithAction works with their network partner, so this is either going to be a local faith group or a non-profit to train, provide materials and resources to hold a successful ID drive.

All participants must attend an ID drive and then go through a mandatory orientation. The orientation is basically to educate applicants on the benefits and limitations of the card within that particular community.

The next step would be the vetting process, so a proof of identity and residency is required for these cards. I think it's important to note that at each one of these drives either a DOJ representative, an attorney, or a paralegal is present to authenticate the documents or to answer any questions that may arise.

Finally, the card is printed and mailed to the address that is provided by the individual and this is as opposed to just printing it that day at the drive, it sort of adds another level of integrity to the program.

PROOF OF IDENTITY

Must Provide Two

- Driver's License or ID card
- Tribal driver's license or ID card
- Consular ID card
- U.S. permanent resident card
- Birth certificate
- U.S. certificate of birth abroad
- U.S. certificate of citizenship
- U.S. passport or passport card
- Kansas State ID card
- Tribal or Bureau of Indian Affairs affidavit of birth
- Foreign Passport
- U.S. Citizenship and Immigration Services Employment Authorization Card
- U.S. certificate of naturalization
- Marriage license or certificate

As mentioned, applicants must prove their identity, so this is an example list of the documents that an applicant can bring in to do so. I'll give you all a moment to take a look.

PROOF OF IDENTITY

Must Provide Two

- U.S. military DD-214
- U.S. military ID card
- Released offender ID from Kansas Department of Corrections
- Professional license issued by any state
- Bank card issued by bank
- Credit card issued by bank
- School ID (with photo) issued by any state
- U.S. Social Security Administration card
- U.S. military dependent ID card
- U.S. Selective Service card
- W-2 form issued by employer in any state
- Concealed carry permit issued by any state
- Medical insurance ID card

These are more examples of proof of identity that could be brought in and two of these must be provided.

PROOF OF RESIDENCY

Must Provide One

- Utility bill
- Written verification confirming residency by Kansas licensed homeless shelter, hospital, health clinic, or WYCO social services agency
- Property tax statement
- Employment pay stub
- Jury summons or court order
- Federal or State income tax or refund statement
- Insurance bill
- Bank statement
- Proof of current enrollment in school within City limits

**All documents must be dated within the last 30 days*

This is an example list of the documents to prove ones residency within the city and one of these should be provided.

Acceptance of Community ID

- Local law enforcement
- Health centers
- City departments
- Social service agencies*
- Businesses*
- Cultural arts organizations*

** Dependent on participation*

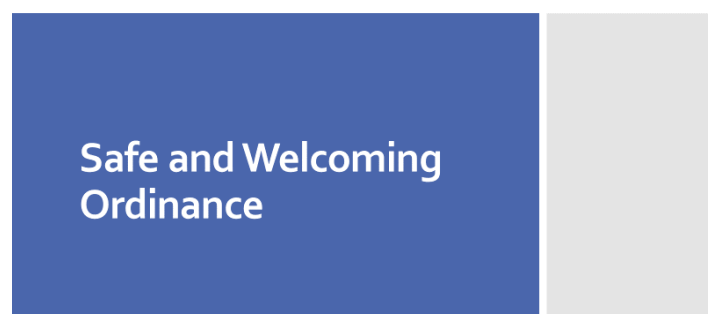
Acceptance of the Community ID is dependent on participation. These are some of the community partners that could potentially accept the ID. So, our local law enforcement, city departments,

certain businesses, and then I also think it's important to note that our Health Department has indicated that they would accept this ID, but they don't currently require an ID to receive services.



This slide is just a reminder that the Community ID would only be accepted in Kansas City, Kansas. It cannot be as a driver's license, it wouldn't allow entrance into a federal building, it wouldn't allow you to board a plane, it could not be used to purchase alcohol or tobacco, and it would not be accepted by a state or federal agency to prove identity.

That is the end of my slides and I'm going to go ahead and turn it over to Susan Alig.



Susan Alig, Attorney II, said I have some information about the Safe & Welcoming section of the ordinance. I've been working on this since last spring with Casey and had multiple communications with Ms. Bonds as well.



Task forces	Effectiveness relies on communication between local and federal law enforcement.
Grants	The UG has already signed grant assurances that conflict with some proposed language.
Federal law	Some proposed language conflicts with federal law.
Jurisdiction	A city-wide approach is more feasible than county-wide.

I think that the theme for my piece of the presentation tonight is that I want to help the Unified Government avoid unintended consequences associated with the Safe & Welcoming proposal. This is a proposal that has the potential to have adverse consequences to the Unified Government.

I think that we found a way forward and I'm looking for direction from the Commission about how it wants to go forward, but I do want to tell you about some potential problems. As we discussed last spring, the Unified Government is involved in a number of federal local task forces and those do great work in our community to prevent and detect crime. They also bring in some funds.

Anytime we're looking at potential Safe & Welcoming language, we want to avoid language that's so broad that it would prevent effective communication on those task forces. When we're looking at a provision that limits communication between Unified Government employees and the federal government, it needs to be language that still allows for those task forces to function.

The next issue is grants and Ms. Bonds summarized a lot of case law and there has been some litigation between cities and the Department of Justice regarding grant provisions. That's important, but there's also the aspect of the credibility of the Unified Government when it signs grant assurances. We have a number of grant assurances that we have signed that apply to grants that are still in effect and those grant assurances essentially said we do business a certain way here and we are certifying that that's how we do it.

Passing an ordinance that's conflicted with those grant assurances could be problematic for the Unified Government in the sense that we would then need to send our new ordinance to the grant organizations and say actually we've changed how we're doing business. So, we assured

you that we were doing it one way, we've now changed. Those consequences are somewhat unpredictable, so that is an issue to keep an eye on.

Some of the proposed language in the Safe & Welcoming ordinance actually just conflicts with federal law. For example, federal law requires communication between the Detention Center and ICE, so I'm trying to prohibit that on the part of the Detention Center. It exposes the Unified Government to some potentially unforeseen consequences.

Finally, the proposed language by the ACLU and the Safe & Welcoming Coalition purports to apply to all of Wyandotte County which brings up a lot of jurisdictional issues. For example, we don't know what Bonner Springs and Edwardsville thinks about this. Additionally, there are a number of issues associated with involving the Sheriff's Office even though the Sheriff is an elected official who has the power to make policies for his office and specific rules governing the way jails communicate with the federal government.



We think that we found a potential path forward. We looked at what Roeland Park passed in December. Roeland Park is a city, so Roeland Park's ordinance doesn't have any of the county functions that we as the Unified Government could potentially have, so it avoids those problems. We looked at it and compared it to the grant assurances that we've already signed to the federal law that we believe applies to us and made modifications based on that.

So, that is a potential way forward, but we are looking to the Commission for direction about which way you all want to go with this. So, I will stop and turn it back to you all.

Commissioner Johnson said thank you ladies. I appreciate that. Mayor, I want to hear from Commissioners Ramirez, Bynum, and McKiernan to the extent they would like to have comments

and then we will turn it over to you and the remainder of the Commission for discussion at that point.

Commissioner Bynum said I'll go first if you don't mind. First of all, Mayor Alvey, I want to say thank you allowing the conversation to come forward. I really do appreciate that. I'm a very strong supporter of our law enforcement, our police and our sheriff and I think those in those departments know that and have some familiarity with my more than 20 years of working in a very grassroots way with law enforcement and with neighborhoods.

One thing we've learned over these decades of that work is often what our neighbors need is a helping hand rather than a costly ticket or a citation. It strikes me that over the decades of working with strong neighborhoods and problem solving with not only our police, but Livable Neighborhoods and the departments of the Neighborhood Resource Center, we as a government have continuously and increasingly moved toward compliance and assistance rather than just being in punishment mode.

I will say there is definitely a time for punitive measures but overall I think we can agree that being a partner with our community brings much higher dividends. We found this to be true in our mental health system and in our housing conversations. Investing in mental health, investing in housing is far less costly to taxpayers than using government resources to mitigate the impact of those who live with mental illness or those who struggle to remain safely housed.

Our Kansas City Kansas Police Department and other law enforcement crisis intervention training shows this and that's a program we've had in place for at least five years now because it works and it doesn't work because it's a punishment. It works because it's a partnership.

I believe the Community ID on a Safe & Welcoming ordinance can bring a culture to our community and can do the same thing. I feel very strongly that we as a community and a governing body can be better than just being anti. We can be a community that embraces all that's offered to us. If we believe in our adopted Strategic Goals, then I don't think we get to decide for whom we've adopted those goals.

To my colleagues, have you ever had an experience where either in this work or in some other aspect of your life, the rules that were put in place don't seem to be followed and that frustration as we perhaps lash out about why aren't we following the rules. I'm struck by one of

the many incredible things that Dr. Martin Luther King, Jr. said, he just wanted America to follow the rules we put on paper.

I believe a Safe & Welcoming ordinance, and frankly, more important, a safe & welcoming culture far better serves our community than does the reasoning being used not to create such a culture. I heard more than one story in 2020 of families in our community who were hungry but would not access food for fear of having their children taken away. There is no world or circumstance in which that is okay.

You know in our preamble to our Constitution, it says we hold these truths to be self-evident, that all men are created equal, but they're endowed by their creator with certain inalienable rights. That among these are life, liberty, and the pursuit of happiness. That's what I think Dr. King was referring to. Those words that we put on paper. There needs to be a base level of trust among the community with the Community ID and, of course, corresponding ordinance. The building and trust can be something that moves us forward.

I want to reiterate that in no way is a commissioner or member of the coalition we've been working with advocating that we don't track down, arrest, and adjudicate those who are suspected of or being charged with committing a crime. I'm asking my fellow commissioners tonight, help us find a path forward. Given the caveats we've heard about along with their potential remedies, please help us move this path forward and agree to have our skilled staff continue to work with our community partners and bring us a Community ID and an ordinance that we can bring forward for discussion and ultimately a vote.

In closing, I just want to say thank you so sincerely to Commissioners Johnson and Ramirez, Commissioner McKiernan and the members of the Safe & Welcoming Coalition who have been meeting regularly with us for more than six months to bring us to tonight. Thank you all.

Commissioner Ramirez said I'm going to make a statement. Part of it is written, part of it I'll speak. I'm a proud Mexican-American, a by-product of an immigrant family. I have a deep understanding of the benefits of this ordinance. My grandfather was a proud Mexican and a proud American.

To show that, he gave back to the Rosedale community by opening a general grocery store which is no longer open unfortunately, but he was given that opportunity to provide for the

community. That's what this ordinance does. It strengthens that opportunity for everyone to partake in this community, to partake in this government. That's why I am a strong staunch supporter of the Safe & Welcoming. It may not affect everybody. It may affect a small group of people, but that doesn't mean we can't or we shouldn't protect them at all costs. They give to this community. They are the people who work in our grocery stores, they're the people that work in our schools.

We don't understand the reasons they may be here for being undocumented. We may not know, we may not understand, but that doesn't mean we shouldn't be sympathetic to them or empathetic to them.

When we started this task force and I met with Commissioner Johnson, Commissioner Bynum and the task force and the other Safe & Welcoming Coalition members, one of things that I mentioned on the beginning was the one thing inevitable in government and politics is compromise. Whatever happens in the end, both sides are going have to give and take. That's what happens, but I don't want us to give and take too much where we don't do—and where the ordinance does nothing.

To my fellow colleagues and commissioners, have an open mind. Let's have an honest dialogue, open dialogue on this topic because it's very important to me. Like I said, being a by-product of an immigrant family, I know what this could do for a family.

Commissioner McKiernan said thank you Commissioners Bynum and Ramirez. I'm a late addition to the coalition that's been meeting. I'm the person who sought out the FaithAction ID folks in North Carolina. I thought they had a very workable model for us to follow in that it is not a Municipal ID but rather an ID that is based in community and recognized by the municipality. They have enacted this program. They have a system and so they have a proven system that can work and as close as Des Moines, Iowa, that has a system that's in place.

The specifics of a potential Community ID program are yet to be worked out by us, but I think that's achievable. I think it's reasonable that we can achieve those, but I have some other things for us to consider even if, or even as, we put a Community ID program into place. That would be what programs are we going to set up to take those people who get Community ID beyond the Community ID to getting what would be considered, and I don't know how else to put it, other than with air quotes an official ID. I think we stop short and we won't realize a true gain

if we don't think about how we take the next step for those folks who are at the present without an ID that they can use in our community.

Another thing that worries me about the ID program is that's it's very insular. It's going to be in one city out of what, the two dozens cities of the seven county metro area. I think that any ID program is going to be stronger if it is more broadly applicable across all of the communities of the metro area. So, as we continue to talk about this we have to think, how do we, how can we, how should we engage other communities in the seven county metro area to also consider either creating their own ID program using the FaithAction Community ID model and how do we all see each other's attempts at this because ultimately I think that there is a more limited value if it is only useful, so to speak, in Kansas City, Kansas.

I think I've been pretty clear with everybody on the coalition, with my fellow commissioners, that I am still concerned, I still have unanswered questions and unresolved concerns about the ICE non-compliance portion of the Safe & Welcoming ordinance. I've gotten some more information just this week that is letting me think a little bit more about that, that is helping me to shape my questions so that, hopefully, I can get answers that will allow me to move forward. I will say at this time I still have unanswered questions and some unresolved concerns about how we would enact an ICE non-compliance ordinance within Kansas City, Kansas.

Commissioner Johnson said, Mayor, again, I just want to appreciate the fact that you've allowed us to have this conversation. I thank my fellow commissioners for their comments and at this time I will yield the floor back to you and the Commission for further dialogue.

Mayor Alvey said thank you Commissioner Johnson for all the work you have done. Any questions or comments from Commission?

Commissioner Walters said I thought I might just chime in. I would really like to hear from the Police Chief on this just so we get all perspectives. The question that I wrote down when I was listening to the presentation is, how often do we get requests for cooperation from ICE? Is this something that happens regularly or does it hardly ever happen because it sounds like we're being put in a position of trying to evaluate whether the benefits of this program will offset the potential negatives. I'm maybe kind of on the same page as Commissioner McKiernan on that. I really

want to know the downsides and if we've eliminated those downsides, that's fantastic, but if there are, as Susan Alig said, there are unintended consequences that might rear their heads, we need to go into this with our eyes wide open.

The other thing I would really like to request, if it's possible is, of the cities that have adopted a similar program to ours if there is one that's identical, that would be great but similar, have the benefits been realized or is it more just feelings? Hard data would be very nice to see if it exists so that we can actually look and say yes, these are tangible benefits that these cities were able to enjoy based on their adoption of this compared to other cities that did not have these benefits so that we can know for sure that it's worth the risk.

Commissioner Markley said I would be curious to know the FaithAction model, does it require a similar ICE non-compliance ordinance or depending on, I guess, whether you're a county or city government at that point resolution or do we know if the cities that are using that model are adopting similar language? **Commissioner McKiernan** said I will say that in my conversation with the Director of that program that it was his position that no, that you could implement their Community ID program without necessarily having an ICE non-compliance ordinance in your community. That was his position. That needs to be examined further.

Commissioner Bynum said I think that some of the cities that have the Community ID do also have what we are calling Safe & Welcoming, so while it may not be necessary, they tend to go hand in hand. To Commissioner Walter's and Commissioner Markley, and I know we'll have more questions, I think we have some of those answers among our coalition members and we certainly want to get the rest of those answers. That's why I'm so appreciative of your questions because it tells me that you're willing to continue to learn about it, so thanks.

Commissioner Philbrook said there was a little statement in there from Legal and from our other folks that, of course, they would have to put out a request for somebody to do the ID. So, if the city is handling it, yes, but if the city is not handling it and the community is handling this project, then we don't have to put out a request, as I understand it, they can do it, but maybe we could have a MU or an understanding with that organization as to how the city would treat that particular ID. That's just one of those way arounds maybe, Casey. I don't know. It's just a suggestion because I'm kind of like some of the rest of the commissioners, we don't like to look at fatalism, we kind

of want to look for a way through and how to make things work so everybody can benefit. So, that's just a suggestion and a question on that.

I have some of the same questions that Brian does along with the other two commissioners. I'm not ready to say yeah, we're going to do this. What I'm ready to say is I think that we definitely need to look this over and make sure that we all understand everything excruciatingly well to move forward. That's all. I'm not anti-it, that is for sure. I want to see it work, but I want to make sure when we do it, that it works in a very, and I don't want to use the word fair because that word is so overused, because it depends on who wins the game whether it's fair or not, looking at it in a way that actually works for the full community so we're not leaving people out of this.

I would also like to make a suggestion. It's mentioned in there earlier about businesses and so I'm going to throw the Chamber of Commerce under the bus right now and say, you know, I think that the Chamber of Commerce could help with businesses getting onboard with this. If we could consider this ID not just an ID for people that don't have any IDs, but possibly, an ID for anybody in the community that wants it that works here or lives here so they could use it as a discount card with businesses. That would keep our businesses a little busier, it would help them and it would pull them onboard as actually being part of a community solution. That's it. Thanks.

Commissioner Ramirez said I have a question to our Legal. Back in the beginning when we started, then Chief Counsel Moore, when he was the Chief Counsel at the time, he provided us—I don't remember if it was to the full Commission or just the three commissioners that have been part of the Safe & Welcoming Task Force, but he provided us the certification documents that were signed with one of the grants that is part of our Legal Department's argument against the non-compliance provision. What if, I have the document in front of me, and if not all commissioners have it, I believe we should all have this same document, but what if in the document it says the condition of citizenship and immigration status communication, you know, the local government cannot prohibit or restrict any communication. What if in the document it said that if that condition or provision is of utter invalidity or unenforceability such condition shall be deemed severable from this award.

We have heard from ACLU Lauren Bonds that multiple court cases have said that this condition of the citizenship and immigration status communication is invalid and unenforceable.

If that provision is in this document, doesn't that, I'm not going to say negate, but not put too much force in the Legal Department's argument.

Ms. Alig said that's pretty standard language in grant assurances and also contracts saying that if something turns out to be invalid, then the rest of the document will still hold up. We do not have a controlling opinion from the Tenth Circuit which is where we are. The summary of law that you heard from Ms. Bonds is true. I, as Unified Government Counsel, just may be a little more cautious. We're going to be on more solid ground if we have an actual controlling opinion from the district where we're located and we don't have that yet.

Commissioner Ramirez said I would—I'm not a lawyer at any way, shape, or form. I don't have training in any of this, but it's not saying that there's only one or two Circuit courts, there's multiple Circuit courts who have had this same conclusion. I know in law you can't assume, but couldn't you assume that the Tenth Circuit could as well follow the same suit as the other Circuit courts. Like I said, it's in multiple, not just one or two. **Ms. Alig** said that just wouldn't be my cautious legal advice. It's certainly a direction that the Commission as a whole could chose to go. The Legal Department can't tell you no, we can only advise you what the risks might be.

The other concern would be, we signed assurances saying we do things a certain way, so if it turns out that the Commission wants to go that direction, we can kind of look at that scenario and give you some more detail about what we think is likely to happen.

Ms. Bonds said, Commissioner Ramirez, can I jump in here quickly? **Commissioner Ramirez** said yes. **Ms. Bonds** said I just would like to point out that the Tenth Circuit Court of Appeals is likely to rule on this issue very soon, so I think that we will have, not a binding decision from the district, which would not be the only relevant controlling court, but from the Federal Circuit Court of Appeals that contains the District Court of Kansas. That was part of my presentation, but maybe got into a little bit to legally, so I wanted to make sure that was clear that's a pending appeal that the state of Colorado won against the Department of Justice. I think it's very likely that there will be a controlling opinion that would make those conditions severable.

Additionally, I would just like to remind folks that we created a provision in a change to the proposed statutory or ordinance provision that would address that concern. You know, acknowledging, that if there is a binding contractual condition, which we would defer to your

Legal Counsel and your all's legal conclusion in making that determination. I think we have a workaround there to acknowledge that these conditions are in place.

I would also just note that all those Circuit opinions are not just relevant for determining whether this—like whether the legal decisions are binding, but also to note that there all these major cities that people have a lot of respect for and a lot of confidence and they have a lot of credibility who are saying that these conditions are clearly unconstitutional. So, I think that this concern about undermining the Unified Government's role as a party to a contract and undermining their credibility for future contracts, you need to look at the national scope for that too because people aren't going to throw out Chicago anymore, they're not going to throw out Providence, they're not going to throw out the whole state of Colorado for federal grants on the basis of the fact that they're refusing to comply with these clearly unconstitutional conditions. I think that's a very important point to note with respect to your concerns about the Unified Government's credibility going forward.

Commissioner Ramirez said thank you, Lauren, for that clarification. That was all the questions I had for our Legal Department.

Commissioner Burroughs said, Lauren, I remember talking with Micha who at the time was the Director of the ACLU and I met with (inaudible) and I met with Ms. Harmon. I think all of those were your predecessors. I have not had the privilege of meeting you, but in talking with them early on when I was first elected, I did arrange a meeting with our local law enforcement, our local Sheriff and with the Police Chief with Ms. Harmon only to find out that the ACLU had attacked our Kansas City Kansas Police Department publicly and that brought a little bit of consternation.

I want to get back to—I want to ensure, and Legal, the cost of implementing a program. If it will be borne by the Unified Government if it's something we need to budget for. I would like some kind of response as to a cost if we do have to bore that price or bear that price.

I seen the identity cards that are used by the faith-based organization that Commissioner McKiernan addressed and it did give me a higher comfort level when I seen a number on the top. I will call it an ID number for repository that had information about that individual and I guess there's the communications I'm having a problem with and I don't like the message that this will be used to build trust with our police. Our police are our public safety servants that are there to serve the law. We have a working relationship with members of our community, don't break the

law and won't interact with the police. I just don't like that message that's to build the trust because I think it sends the negative impression and a negative image to our law enforcement community who have been willing to have this discussion in a frank and open discussion.

I've also requested years ago that this organization that was pushing for the Municipal ID at the time bring forward documentation from other communities, other community leaders, other Police Chief's across the nation that have gone through this so that we know that we're not going to create the first system in which we implement this, that's already been tried and true and get some of the input from them. I have yet to see those letters in the four years I requested those because we looked at it on doing some kind of legislation on the state side to assist in moving forward when we had to push back against the sanctuary cities issue.

I guess I'm a little concerned about the message about building trust because I think that sends the wrong message. I would like to think we can build a community relationship with those in our community that may be concerned about interacting with our law enforcement. I think that's a better message than the negative perception that I believe it puts forward. I would like to see some documents from some Mayors, some County Commissioners, and law enforcement of other communities that have succeeded with this program and what weaknesses they find in it and what's the strength in it. I like the return on investment that somebody talked about to ensure, I think it was Commissioner McKiernan, brought forward.

Those are some of my concerns and questions. I think that we have an opportunity here to bring people into the community, to the table and to bridge those concerns and to find that sense of community that Commissioner Ramirez talked about. If we can get those questions put forward, I will be more than happy to continue the discussion. Ms. Bonds, I look forward to having an opportunity to meet with you also.

Commissioner Kane said some of you guys stole my thunder. Commissioner Burroughs was talking about some of those things, you know, that we had the utmost respect for our Police Department. When I was first approached about this I asked the person that I was talking to where was the Police Department and they said they were right with us so right there was the Chief and I walked over and asked him and he said no, we're not with it.

We talk about bumps in the road and we're always encouraged to follow what staff says. How big are those bumps, how much money would we lose if we do this. If we've already had

agreements that we've signed, are we going to lose any monies. How much does it cost to continue to run and then I know you're going to have a list of how successful this was in x amount of places, but you should also have a list of how it failed somewhere. I don't want to talk about Chicago, I want to talk about a municipality our size because we're not huge and we're not small so I would rather you get something that says, okay, it worked in a municipality this big and then how is it going to affect us in the long run.

This next thing I don't want to say because I'm not sure if it will come out right. I've been here 15 years, never ran across something like this and I don't think that this particular issue should be decided by 11 people. If we're really going to do this, we should involve the entire community and bring it to a vote. The reason I say that is a lot of people watch what we're doing, but a lot of people don't, so not only do we need to educate ourselves, but we would have to educate the community. I think that's the way to address it. I mean we can take it on, we can look at it, we can all say alright this is what we want, but at the end of the day something this big should go to the voters and I think that would be—once we get all our stuff together and it may not be here in the next five or six months, but when we get everything together, then bring it to a vote and let the community decide is this the right thing for us.

Mayor Alvey said I have just a couple of thoughts here. First of all, this is for Casey and perhaps Susan, are we currently or have we held a person beyond the time for which they are incarcerated or denied them bail because of an ICE detainer? **Ms. Alig** said currently we do not recognize the informal detainer requests that are not supported by probable cause. We do not hold beyond what the Fourth Amendment permits. That is not something the Detention Center does. **Ms. Meyer** said we would have the same answer on behalf of the Police Department.

Mayor Alvey said I'm trying to wrap my head around this and first of all I want to say thanks for the materials we received, the one pager from ACLU. I thought that was very descriptive. Casey and Susan, from your perspective the very thing that we would enact in a non-ICE Compliance ordinance is already in effect. Is that Police and Sheriff Department procedures, policies and so would we in fact be changing practice by enacting this? **Ms. Meyer** said I will let Susan speak a little in addition to this, but the issue is the draft the ACLU or the Safe & Welcoming group put forward. It's very broad and it basically prohibits, for example, communication between employees of the Unified Government and Department of Homeland Security or ICE. Susan, you

can correct me if I'm wrong, but because of the broadness—the broadness is part of the problem. For example, the Police Department has multiple federal task forces they participate in and they have to be able to communicate with all the agents on those task forces to be able to do their job. If that prohibition were included, then yes, it would conflict with our current practice. If they're solely talking about whether or not the Police Department holds people beyond what's allowed in a judicial warrant, then no, the Police Department doesn't do that.

Mayor Alvey said the reason I'm asking is because there was some very good case law or judicial proceedings that ACLU provided that showed the risks that we would be at in terms of lawsuits because of violation of Fourth Amendment rights. Currently, we are not at risk because we do not accept ICE detainees, the warrant list detainees, unless there is establishment of probable cause by the proper judicial authority. Is that accurate? **Ms. Alig** said that's correct.

Mayor Alvey said I want to go back to Commissioner Walter's suggestion. Again, I would like to hear from the Police Chief, the Sheriff on this as we move forward, but are we currently enforcing any detainees whatsoever? Have we in the last, you know, couple years that this has been under discussion, have we had any instance where we have—someone has been deported subject to the actions of our police or law enforcement? **Ms. Alig** said I would say it's—I don't have the data, but that is likely. The way the Federal Immigration Deportation system works is when a person is booked into a Detention Center for a crime, the ICE database receives information and that is often where ICE intercepts the people. That is just how the system is setup and it is likely that people have been picked up by ICE as a result of being arrested.

Ms. Bonds said, Mayor, I will be (inaudible) I think that we would be able—I would just note we have some data to support our concerns about individuals being deported for when they've never been convicted or even charged with any type of serious crimes, so we would be able to provide the Commission with that.

Mayor Alvey said I guess the question would come down to whether that was under immigration law if someone was deported and they followed proper procedure and followed the law in processing. They might have been deported because their name did pop-up on that database, so Casey and Susan, do you know in other—and I would like to find this out, in other jurisdictions where they have adopted a Safe & Welcoming ordinance, are there still people deported because part of the process is that ICE picks it up from the database and follows proceedings? **Ms. Alig**

said we can certainly research that. ICE would be able to—people’s release dates are public, so ICE would be able to just wait outside a Detention Center and pick somebody up that way.

Mayor Alvey asked, is the information that is shared—available to ICE through the Detention Center, obviously, it’s federal law, is that just administrative action by ICE that is subject to change by executive order? I’m just trying to figure out how this works. **Ms. Alig** said we’re getting out past what I know. I’m sure that an executive order can affect it. ICE can change its tactics based on the directions receiving from the top.

Mayor Alvey said I just have one more comment. We’ve only got about five minutes left. I understand, Lauren, you suggested that—stated that prior to 2017 these kinds of requirements on grants were not part of grant procedures and don’t anticipate them to be present moving forward now, but do we not also then—could we not also assume that the requests for us to accept detainers would shift as well? **Ms. Bonds** said I think that’s a great question, Mayor Alvey. I think, unfortunately, that is not something that is an innovation of the prior administration. Immigration detainers, and if you look at all the case law that we provided as part of the material, that does predate 2017. I think the detainer question is one that you’ll constantly have to be on guard for going forward even with the Biden administration and their professions of, I think, being more inclusive of the immigrant communities.

Mayor Alvey said we have about four minutes left or three minutes, I want to hold us to that because do have to shift technology over.

Commissioner Bynum said all I’m asking for us to do tonight is continue to move our conversation forward. There is a toolkit called Certified Welcoming and we can look to that for some of the resources on our community engagement. I really do appreciate the request for data and we need the data. We also need a good amount of civic involvement around the issue and we have good tools for that. All I’m asking tonight is that we can agree to continue the conversation, Mayor.

Mayor Alvey said, Commissioner Ramirez, you’ll have the last word.

Commissioner Ramirez said I want to just in ending mirror the words of Commissioner Bynum. This task force have—we have been working since March together and I want that work to continue but with us as a Commission. Us continuing the conversation, finding that middle ground so that we're all happy so that our community is safe, our police officers are safe, that is our ultimate goal.

One last thing, I just want say that this ordinance isn't trying—because I know from the previous presidential administration, you know, this ordinance isn't trying to create a sanctuary city. I will say personally, I hate that word. We are not wanting to be saved, we are just wanting to be welcomed and so that's what I will leave tonight is let us work together so that we can be welcomed.

Mayor Alvey said thank you for all the work and all the thought that goes into this. There's more to be done and I think that we're going to continue to have this discussion. Thank you all very much.

MAYOR ALVEY ADJOURNED
THE MEETING AT 6:49 p.m.

Brett Deichler
Interim Unified Government Clerk

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