



Administration and Human Services
Standing Committee Meeting Agenda
Monday, July 26, 2021
Immediately upon adjournment of earlier
committee

Location:

You are invited to a Zoom webinar.
When: Jul 26, 2021 05:00 PM Central Time (US and Canada)
Topic: PW/S & A/HS Standing Committee Meetings

Please click the link below to join the webinar:

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Name

Absent

Commissioner Angela Markley, Chair

☐

Commissioner Melissa Bynum

☐

Commissioner Christian Ramirez

☐

Commissioner Mike Kane

☐

Commissioner Jane Philbrook

☐

- I. Call to Order/Roll Call**
- II. Revisions to July 26, 2021 Agenda**
- III. Approval of standing committee minutes from April 26, 2021.**
- IV. Committee Agenda**

Item No. 1 - ORDINANCE: AMENDING THE MUNICIPAL CODE SALE OF ALCOHOLIC LIQUOR

Synopsis: An ordinance changing the Sunday start time from noon to 9 am for the sale of alcoholic liquor in the original package and cereal malt beverages in Kansas City, Kansas,

submitted by Jeff Conway, Assistant Counsel.

Tracking #: 21929

Item No. 2 - ORDINANCE: AMENDING THE MUNICIPAL CODE RELATED TO ALCOHOLIC LIQUORS AND CEREAL MALT BEVERAGES

Synopsis: An ordinance amending the Municipal Code to conform to numerous changes made to the Kansas Liquor Control Act (KLCA) and the Club and Drinking Establishment Act (CDEA) by the Kansas Legislature in HB 2137 during the 2021 regular legislative session, submitted by Jeff Conway, Assistant Counsel.

Tracking #: 21930

Item No. 3 - ORDINANCE: AMENDING THE MUNICIPAL CODE RELATED TO OCCUPATION TAXES FOR CLUBS & DRINKING ESTABLISHMENTS

Synopsis: An ordinance amending the Municipal Code to align the occupational tax with the state biennial alcohol licensing schedule for licensees in Kansas City, Kansas, submitted by Jeff Conway, Assistant Counsel.

Tracking #: 21931

Item No. 4 - ORDINANCE: AUTHORIZING THE ESTABLISHMENT OF A COMMON LIQUOR CONSUMPTION AREA FOR LEGENDS OUTLET IN VILLAGE WEST

Synopsis: An ordinance authorizing the establishment of a common alcohol liquor consumption area on certain property located in the Legends Outlets in Village West in Kansas City, Kansas, submitted by Jeff Conway, Assistant Counsel.

Tracking #: 21932

Item No. 5 - DISCUSSION OF BURN PERMIT OPTIONS FOR TREES KNOCKED DOWN BY STORM DAMAGE AND THE NECESSITY OF AIR QUALITY CONTROL MEASURES

Synopsis: A discussion regarding what options residents and businesses have when trees are knocked down by storms outside the normal burn season dates, and what air quality control measures, if any, must be utilized, submitted by Patrick Waters, Senior Attorney.

For discussion only.

Tracking #: 21939

V. Public Agenda

VI. Adjourn

**ADMINISTRATION AND HUMAN SERVICES
STANDING COMMITTEE MINUTES
Monday, April 26, 2021**

The meeting of the Administration and Human Services Standing Committee was held on Monday, April 26, 2021, at 5:34 p.m., remotely via Zoom or by phone. The following members were present: Commissioner Markley, Chairman; Commissioners Philbrook, Kane, Ramirez, and Bynum. The following officials were also in attendance: Melissa Sieben, Emerick Cross and Alan Howze, Assistant County Administrators; Bridgette Cobbins, Interim Assistant County Administrator; Kathleen VonAchen, Chief Financial Officer; Misty Brown, Deputy Chief Counsel; Renee Ramirez, Director of Human Resources; Wesley McKain, Healthy Communities Wyandotte (Temporary CARES Fund Administrator at the Health Department), Crystal Sprague, CARES Act Team Leader; and Angie Lawson, Deputy Chief Counsel; and Mitzi Belcher, UG Clerk's Office.

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

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

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

Chairman Markley called the meeting to order.

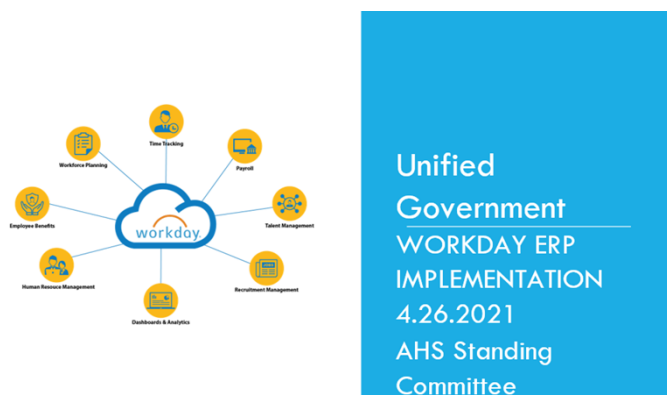
Roll call was taken and all members were present as shown above.

Chairman Markley said under revisions, we do have one new Item No. 2 which is an acknowledgement of a grant awarded to our Health Department, always good news.

Approval of standing committee minutes from December 14, 2020. **On motion of Commissioner Bynum, seconded by Commissioner Kane, the minutes were approved.** Roll call was taken and there were five “Ayes,” Philbrook, Kane, Ramirez, Bynum, Markley.

Item No. 1 – 21766...REPORT: WORKDAY ENTERPRISE RESOURCE PLANNING (ERP) SYSTEM

Synopsis: Overview of the Workday Enterprise Resource Planning System goals and an update regarding the project progress, submitted by Alan Howze, Assistant County Administrator; Crystal Sprague, Manager, CAO; Kathleen VonAchen, Chief Financial Officer; and Renee Ramirez, Director of Human Resources.



Alan Howze, Assistant County Administrator, said we're coming before you this evening to give you the first of what will be regular updates to the Commission on the status of the Enterprise Resource Planning, or ERP project, which was approved by the Commission in the last budget cycle and represents one of the largest technology investments that the UG has made and something that will touch all UG Departments. I'm joined this evening for the update by Kathleen VonAchen, our CFO; Renee Ramirez, Director of HR; and Crystal Sprague, who is the project manager for the ERP project.

PROJECT BACKGROUND

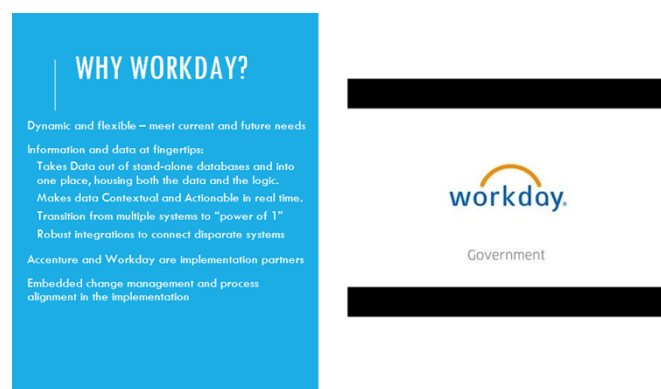
Current financial system acquired prior to 1997
Human Resources systems old and not integrated
Human Resources, Finance, Procurement were independently seeking digital improvements to workflow and advanced analytics
Cross-function team defined need for integrated system of record that could unite processes and data
COVID-19 amplified the need for dynamic, integrated, and paperless process for functions

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The good news and the top line is the project is on time and it is running smoothly. We have an engaged and excited group of folks who are working on this and working very hard on it to see the potential that is coming from this. We have, since this project started last November stand up have a dedicated project team. Crystal Sprague, who many on this committee are familiar with from her work on the CARES team, transitioned from that CARES roll over to be the Project Manager for this and moving that effort now.

We'll go quickly to a little bit of project background here. Our current financial system was acquired prior to 1997. Our Human Resources Systems used sort of outdated database technology and are not integrated with our financial system. Those two operate right now independently of each other.

Several years ago, HR, Finance and Procurement were all independently looking at how can they improve their systems and their workflows. Those efforts really came together, and we've developed a team that works cross-functionally and developed their requirements and looked at a whole bunch of different products that are in the marketplace and came back with their recommendations. Then we saw, as over the last year again, the need for modern technologies allows us to work remotely and to be dynamic in terms of how we adjust to the needs of the workforce into the external environment.



We did over 70 demos and we selected a solution called Workday. So why did we choose Workday? Well, it's one of the best in breed in this software called ERP, which is combined Financial and HR software systems. It's kind of the workforce, if you will, a core software system that organizations use to run their back of house operations.

Workday is a cloud-based technology solutions built for the cloud, it aligns with our UG technology strategy. It provides increased data security and backup recovery capabilities. It is

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dynamic and flexible. It will be what we need today, and it will adjust for what we need in five years. It really takes Financial and HR information and puts it together in a way that it can be used to make better decisions, to make processes easier for employees, for managers, and to make that data as contextual and actionable, and this will have benefits across the entire ranges of areas of our organization. It will allow us to connect lots of our other systems that we use in different departments in different contexts. For example, our employee benefits will allow us to connect to United Healthcare and do our signups and our information will be able to transmit between those two systems, not having to be keyed in by a human.

It's really a strong change management process which means that when we think about technology, technology lives and dies on the people who utilize it and whether they trust it and whether they believe in it, so there's a lot of emphasis in this project on communicating with the organization and in understanding the processes that are embedded within the software itself. Part of that communication is to the Commission and to make sure that you all are aware of this project as it's going forward. With that, I'm going to transition over to Kathleen VonAchen the CFO.

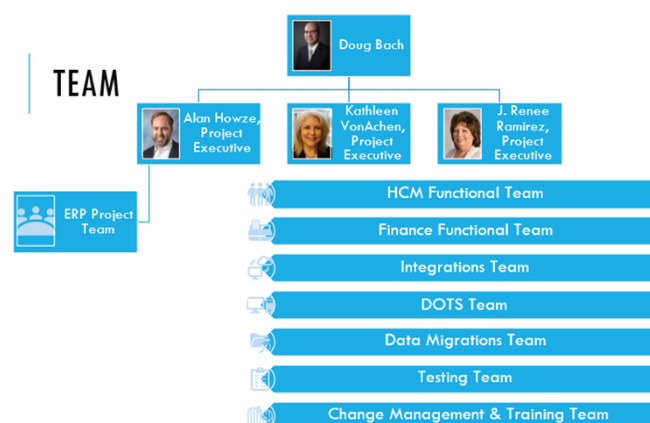
WHAT DOES WORKDAY HAVE FOR US?



Kathleen VonAchen, Chief Financial Officer, said well terrific. Actually, I wasn't aware I had a slide, but that's fine, I'll move forward here. What they have for us, all of these here that you see are a variety of the various modules that we have acquired with the subscription from this project so we're currently moving forward with implementation of those. Crystal is going to talk about the timing. For the most part we've in the past, say four or five months, been focusing on the Human Capital or HR portion and Finance will be moving forward with their part of the implementation in the coming months or two.

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We'll have a Human Resources Management, Benefits Management, recruiting, payroll, timekeeping, accounting, financial reporting, procurement, grants management, budgeting, providing better historic data and then managing our RFP process through the vendor management. A whole variety of functions that expands the entire scope of all of our administrative bureaucratic activities and we're really excited about implementing this because we are absolutely convinced that it's going to save our organization money year over year.



What we did was we set up a project team in order to proceed with this integration. We started out, of course, with Doug on the top and then the three of us as the Executive Team, which are overseeing all of the projects and there's a governance that is in line with—so that any kind of questions throughout the implementation process will filter through the teams up to the three of us as the Executive with Allen, myself, and Renee Ramirez. Under that then we have a an HCM, or Human Capital Management Functional team, which is largely many of the staff that's in Renee's camp. We have the Finance Functional Team and then as well we have included other team members to ensure that the success of the implementation including data integration, team members from our Technology Department, Data Migration so that we can make sure that all of the software packages that are—that currently exist throughout our various departments, talk well with our Workday product. Then all of the team members will basically be part of the testing that is planned to take place later on in the year and as well which is very important is the Change Management and Training team.

All of these functions are going to require and revamp about how we do business and that's where that change management comes in and, of course, we'll be training not only our own staff

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in HR and Finance, but all of the departments that perform administrative functions on our behalf. All of this is being managed by an ERP Team, project team, which is being led by Crystal Sprague and Gail Jones. Gail Jones is out of our DOT Department. Did I miss any points?



Renee Ramirez, Director of Human Resources, said I'm excited to be able to speak about the project vision. The team basically met and we developed this vision for how we wanted to go through this project here. As you see our vision, we have three bullet points. In the first using Workday, we want to be a high performing organization achieving our operational excellence within all departments. One of the questions that we continue to ask ourselves is what is meant by being a high performing organization because many organizations want to be recognized as an HPO Organization. Really what that boils down to is it's just a concept that embraces employee involvement in this decision making because we want our employees to have a voice. They are the ones on the front lines working through these processes. It helps us to be more efficient in our workplace procedures and it represents the core values that we have like performance excellence, being innovative, having the highest integrity and excellence in our customer service.

The next is, we will empower our people to act more strategically and make focus decisions by leveraging real time data. This is an opportunity for us, as an organization, to not work in silos, but to have that opportunity to cross over into other areas and have the sharing of information to help us make these decisions. You know, it's giving our employees a voice, giving them the autonomy over their own work assignments, using data to assist us with making those decisions. The best thing ever is moving away from all those manual processes that we

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have been challenged with over the years. The last is the Unified Government will become a premier employer in the region.

The Workday product is not being utilized at many workplaces within our region here. We are one of those that are going to be proud to have Workday as our operating system. Being parallel to the University of KU, the hospital, so I think that's a real good opportunity for us to rebrand our organization as a premier employer so that way we can attract and retain top talent.

Unified Government Project Goals



Our Operations	Enhance Operational Efficiencies by Reducing Manual Efforts and Systems.
Our Connections	Provide Opportunities for Departments and Individuals to Collaborate as One Team.
Our Methods	Improve Resource Management through Access to Real-Time Information and Workday Tools.
Our Culture	Cultivate an Environment which Empowers People to be More Strategic in their Work and Decision-Making.
Our Citizens	Exemplify Excellence in Every Transaction with Our Constituents and Stakeholders.
Our Value & Our People	Become a Premier Employer in the Metro Region.
Our Assurances	Implement a Technology Framework that Promotes Information Security & Fraud Prevention.

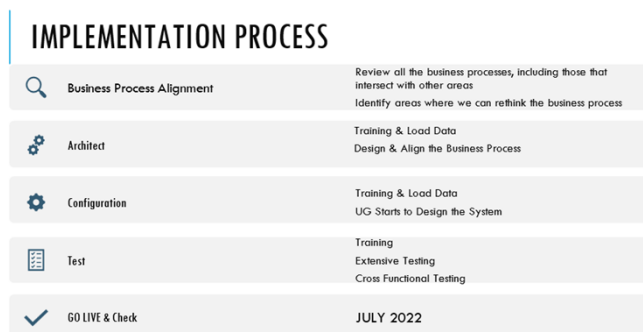
The next slide that we have here is the Unified Government project goals. These goals were set at the commencement of the project with input from our executive sponsors. We had project leads and subject matter experts and we built these around the pillars of success. The pillars of success are given to us by Accenture, which is our implementation partner, and those pillars of success are, you know, embracing change and how we're going to embrace change. The rolling adoption, which is really our blueprint on how we're going to go through this project and the engagement, how we're going to get everybody involved.

As you can see here, the project goals reach many different areas, our operations, which we want to enhance our operational efficiencies by reducing manual efforts and systems. So many of us have been doing manual processes by maintaining access databases using Excel spreadsheets. You know our connections provide opportunities for departments and individuals to collaborate as one team. That is one of the most things that we want to come out of this project is that in 1997, when we consolidated, we were supposed to be one team, but a lot of times we're still viewed as the city and the county. This gives us an opportunity to function and really operate as one team as the Unified Government Team.

Our methods will improve our resource managements through access to real-time information and Workday tools of our culture. We want to cultivate an environment which empowers people to be more strategic in their work and their decisions.

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Then to our citizens, we want to exemplify excellence in every transaction with our constituents and our stakeholders. Our value in our people become a premier employer in the metro region and then our assurances, we want to make sure that the technologies that we have that we're implementing framework that promotes information security and fraud prevention so that we don't have any of those loopholes that today are at risk for us.



Crystal Sprague, Manager in County Administrator's Office, said it's our process to work with Accenture to put this piece of technology at the fingertips of our UG employees. Our implementation partner that Renee mentioned, Accenture, utilizes the strategic process for best results. This process starts well in advance of the Workday product implementation. The process is unique to Accenture and was a deciding factor in the selection of Accenture to assist us. Each subject matter that will be transported into the Workday product and the functional teams that will lead the charge to put that information in Workday and utilize Workday have participated in this rigorous and very thorough process and procedure to ensure the best end results that we could have.

The process for each functional area starts with something called a business process alignment. It's a review of all the business processes in the subject matter and how they intersect. We're not talking about technology at this point. We're talking about our internal business processes. We are challenged to identify areas where there is deviation in practice among different divisions and departments to make functional areas accountable for leading a cross-functional solution meaning that no matter what department or division that you are in, the business process alignment challenges those departments to have discussion and conversation that they might not have had up to this point and it challenges the thinking of that's the way we've always done it. That is probably the biggest challenge at the beginning of the business

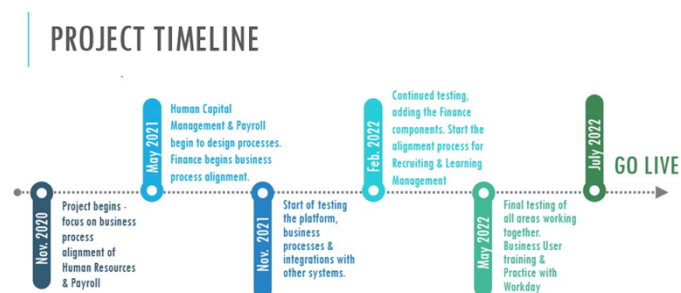
process alignment to not only say well, why are we doing it this way, but not be satisfied because we've always done it that way.

The next piece in the implementation process is the architecture phase and this starts the knowledge transfer between the UG leads and these are identified roles within the project team through training and design of the business practices in the technology. So now we're taking those areas of alignment and we're actually putting them into our platform. It also gives us an opportunity in the architect stage to load our data. Renee mentioned that we have access databases and we have standalone databases. It gives us an opportunity to take the time to look at that information and load it and migrate it into the Workday platform in a way that we can make sure that there's some efficacy in that data that we are loading in.

The next stage is called configuration and that's when our implementation partners are taking that design knowledge and handing it to our leads that a year, two, three, four years from now our leads and our departments know how to redesign business practices as the technology improves and we get updates to the technology, and as our business practices improve.

We also continue high level training and additional layered data loads. Then we go through very vigorous testing process where we are still doing training, we are still doing change management, but we're doing some high-level training, testing excuse me, as well as cross functional testing to make sure that it's not just right for Payroll; but it's right for Payroll, it's right for HR, it's right for Finance and it's right for the employee.

All the way through this process we have a layered team approach to looking across the organization and not just in one area or another. Each one of these implementation processes for the functional areas could be layered on top of one another or could be happening in a standalone form. But at the end of the day, we all come together and say, what about your business process intersects with mine.



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Here's a view of the same type of timeline but just spread out on the calendar. You'll see that our go live date is not until July of 2022. That sounds like, I know, it sounds like a long time away. For us in the project team we can't wait for that day to get here so we started back in November, we're a few months in, right at the six-month part. We've really focused on Human Capital Management and Payroll at the front end of the project and now we're moving into a high focus on the Finance part. All the way through we're doing change management, business process alignment, and challenging ourselves in our thinking, not just putting a piece of equipment into play.

PEOPLE / CHANGE MANAGEMENT



Along that same lines, we talk about process change, and what it looks like to redesign a system and deploy a new technology, but a new technology and deploying a new system is not an answer in and of itself. It's important to remember that any technology that we put into place has people at each one of those intersection sites. They drive those processes that we have illuminated or changed. It's important that we get this organization ready for change, we gauge the change readiness of the organization and then we move forward accordingly.

Very early on in the process we did something called a pack assessment. It was to gauge the readiness of change for the organization. During that process we asked questions about what works well with implementation, what doesn't, how ready are you for change? How comfortable are you, with for example, doing your time entry in different methodology and that gave us a really good starting point from moving the organization through this change process?

Other examples would be, you have over 40 cross-functional team members involved in the process today and in the implementation today and it is our goal at 95% or more of all employees are involved at some level in the project. Whether it be as a training participant, a Change Ambassador, a Functional Lead, part of an Advisory Board, a tester, or they're attending informational sessions.

We spoke about the evaluation of our business practices in human capital management and other functional areas, but this project is also challenging us to evaluate how we as an organization handle change, how we share the power to make decisions and how we communicate that change to individuals, how we get employees involved in the change at an ownership level not because we said so, but because they're involved in that process that we do more than just train and walk away. I don't know how many of you out there have gone to a training, left the training and three or four weeks later you can't remember how to do that one piece in the technology to get to where you want to go. This is really challenging our organization to think training as a lifelong education within the Unified Government of how to use technology effectively within our departments.

It's challenging us to change and evolve with technology which moves at a very fast pace. Usually when we're changing a paper practice, there's a slower pace to that evolution. Now that we're adopting a high functioning piece of technology, we are challenged to address our deficits in being able to manage that change as fast as it comes and understanding the intersections with other entities.

Kathleen talked a little bit about how we intersect with benefits, for example, it's really challenging us to think about how we intersect in it, in a data-driven way with those other technologies like banking institutions in the state of Kansas. To understand our intersections within ourselves, how our job is affected by someone upstream and how our job affects people downstream from us that this product will drive us into being able to have a direct line of sight into the workflow before and after it gets to my desk or my computer screen.

HR and Payroll have been the first areas to experience the BPA process, or Business Process Alignment, phase of the project and Renee's going to share a little bit about what she's learned in her experiences so far.

RETHINKING AND ALIGNING BUSINESS PROCESSES: HUMAN CAPITAL MANAGEMENT & PAYROLL

Alignment Categories



Ms. Ramirez said HR and Payroll have been in this rethinking and aligning our business strategies as we've been working with Accenture. This was an opportunity for us to really examine what our processes look like. I mean from the very start of when we get something to how we finish it. Through this process we are actually learning—even though we work closely with Payroll and Payroll works closely with HR, we are really learning our why, why do we do certain things a certain way and really challenging ourselves to really come outside of that box to come up with different processes since we've been really utilizing manual processes. One example of that is like retro pay. When we're having to do retro pay for an individual because maybe an increase on the yellow Personnel Action Notice didn't hit my desk to get signed off in time and Alan didn't get it because all these delays were happening so that causes Payroll to have to do retro pay on that individual, or possibly a union contract where we finally got an agreement and now we have to go back and calculate the retro pay for that. All of those things were manual processes.

Really understanding how we can change that, how we can make things better for us. We had to examine again. We were using so many Excel spreadsheets and databases and really nothing was talking to each other so when we were asked to produce some kind of report for County Administration, several of us were literally getting our highlighters out highlighting spreadsheets, counting, doing things of that nature which made it difficult and made it—there was human error sometimes, because you're having to recalculate and different people are coming up with different totals.

This also gave us an opportunity to really identify what has been our system of record, is it the Access Database, is it the Cayenta System, and then we had to agree on what the system of record was going to be as we went forward. But again, just that opportunity to list everything for

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HR, and Payroll, and Finance, and Finance will be going through more detail. But what that looked like for us, we have spent countless hours, literally every day working on these processes.

Then we have the process alignment and standardization. This gave us an opportunity to see how many different areas, how people were doing the same thing but different ways in different departments. What policies are we going to have to change if we're going to change a process the way Workday is having us think differently. Through these processes and these alignments, there will be a standardization across the organization on how we do things. For example, how we all report time. You have some departments using an Excel spreadsheet, you have some departments uploading into the payroll system, you have some departments using time clocks, this is an opportunity now for us to be consistent throughout the organization.

One of the things that we're really proud of is that we're going to be able to have an actual onboarding process for our employees. That way every employee coming to the Unified Government will be on board with the same way. There are a lot of different areas that this process alignment and standardization covers and as Crystal listed there, there's like 156 of those and so those are all in areas of recruitment, talent and performance, LMS, which is the learning Management System, which we've never had time keeping absence accidents. It's really taken a deep dive into how we do business and how we're going to do business better and differently than we're sitting today.

Configuration outside of the Workday standard, those are things that are unique to Unified Government and that is where we're kind of challenging ourselves, you know, most of the things are going to be configured and be standardized using the Workday platform. But there are still some things that are kind of unique to the Unified Government so we really need to kind of look at those things and see while they are unique to the UG, how can we think differently and still have them work within the platform. Those are some things that we're still working on.

The Workday Brainstorm, this is an opportunity. We all—all of us that are in this project have access to what's called Workday Community. Workday Community is an opportunity for us to have networking opportunities with other Workday clients. It's kind of that chance for us to have a wish list. If there is something that Workday doesn't cover for us, we can talk to other clients of Workday and see if they have similar situations and possibly, then we meet and discuss and Workday puts it on roadmap for potentially adding that at a later date. That is a real good

opportunity to have those or discuss the wish list and have networking opportunities with other Workday clients.

EARLY OBSERVATIONS & SUCCESSES



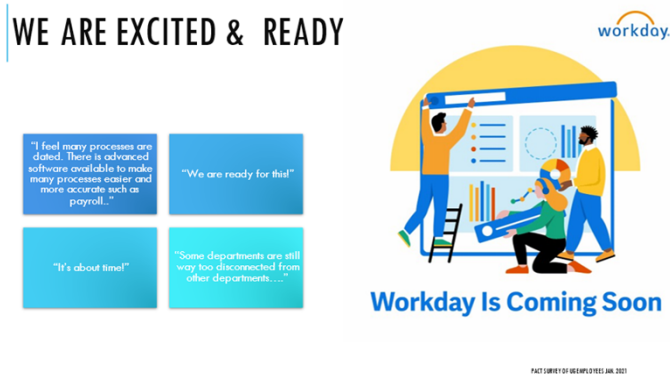
Ms. Sprague said we've had some early successes, even though we're only a few months into the project, we're already seeing results and we have 14 months to go before we go live. What we're really proud of at this point, as Renee says, that we have devoted resources to this implementation and the culture change that it is going to require. It's like no other piece of technology that I've seen put in here at the Unified Government. We really have a huge team that is working to put this massive piece of technology in, but moreover, change our culture.

We've got cross-functional dialogue where they really talk about their business processes and they're given time to do it. Many times our different divisions or departments think about what is working for their department, they're able to fix what's not working for their department, but this focuses that time not just within that department, but across the organization and to solve that issue and taking the time to evaluate it top to bottom. It gives us an opportunity and we've set some really good measurable goals; I will not go into all of them, but one of the fastest ones that we came up with for a measurable goal involve the HR onboarding process with benefits. Today, that process for a new employee is upwards of 200 sheets of paper. That includes your benefits, your policies, all the information about training, and all the various pieces to get your ID badge to understand where the locations are in the building. That will be condensed by more than 99% and we'll be electronic and able for employees, new employees, to do even before they walk in the door on the very first day.

That is a measurable goal that we were able to establish one of many that we'll be bringing back and communicating across the organization into the Commission as well. It gives us time to think about training as an education and not just a training, and in today's environment

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where so often in the past we've been focused on standalone databases, we have a platform that's going to interact with us now and in the future. It can evolve with us as we move without individual platforms being spread out with any organization. We're considering those changes up front and thinking about how we're integrating up front instead of responding, oh, you know what, I bet it would be a good idea to integrate with the bank. We're thinking about and identifying those integrations upfront and having those discussions now instead of second or last.



Lastly, I know you've heard the excitement in our voices and these quotes came from our pack assessment. I think they really sum up a lot about how our employees are feeling about this implementation. I feel so many processes are outdated. We're ready for this. It's about time. That excitement is catching and growing around the organization, but if we had some messages to leave you with today, we would say that this is an amazing product. It is the top of the line best of breed, as Mr. Howze says, it's an amazing product. But the story is not about the amazing product, it's about the amazing commitment to success to this project by administration and staff alike. This is a labor-intensive process that is taking people away from their daily work, but staff is devoted to this project and they're devoted to the success of this project.

Our team across the Unified Government wants to spend their time making progress, not shackled to old, unreliable technology and even worse, shackled to moving paper physically from one office to another that slows down the process for our citizens and for our employees. They want to save time and money that it costs to do those manual processes. They want to minimize error and they want time to improve their citizen service, not improve their service delivery of a piece of paper around an office building. They're ready, they're excited, we need this as one of the respondents to the pack assessment said, and they need it to be able to do their job and do it well for the citizens of Wyandotte County. We're well on our way to this

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implementation, we're going to have this amazing product on board, but moreover, we're going to grow and already have started growing as an organization to mature into where people want to work and where people want to interact with our government agencies and change is the message of the day.

We'll continue to keep the Commission apprised of the progress from this forum and through other platforms and with that, commissioners, if you have any questions for us, we've appreciated your patience as we've tried to tell you all about an 18-month project in 20 minutes.

Chairman Markley said I think it's easy when we see something like this as a budget item to just see it as we're buying some software, but I appreciate the presentation and how it really brings home the fact that this is really just a spur for a massive cultural change internally and for us to look at a lot of our processes and improve them. It is a software item and that is something that we're purchasing, but it's a lot more than that and I think staff brought that home to us. Commissioners, do you have questions? All right, this item is for information only so it is not a voting item, and we will look forward to future updates on progress.

Action: Information Only

Item No. 2 – 21792...GRANT AWARD: UGPHD'S COVID RAPID RESPONSE

Synopsis: Acknowledgment of a grant awarded in the amount of \$200,000 from the Marion and Henry Bloch Family Foundation for the UGPHD's COVID Rapid Response, submitted by Juliann VanLiew, Director of Public Health. No match required.

Wesley McKain, Healthy Communities Wyandotte (Temporary CARES Fund Administrator at the Health Department), said the Health Department staff took the initiative to reach out to the Marion Block Foundation over in KCMO, to see if they would be interested in supporting our vaccination effort and they agreed to a meeting, and we spoke with them and they were very interested in supporting our outreach, especially to vaccine hesitant populations in our county, which is one of the major priorities that we're working on right now. Reaching people who were not early adopters, who maybe have a couple questions, but who we still need to get vaccinated in order to reach that herd immunity number that we'd like to get to. They asked for some ideas, we sent an application in, and they granted us an award of \$200,000 and we were

April 26, 2021

very pleased about that and most of the money will be utilized for incentives. That's something that we're experimenting with and it'll be utilized for some community outreach workers in the community to potentially go door to door and other ways that we can engage, especially residents and neighborhoods, which are—have been a bit more difficult to reach and there is no match required.

Chairman Markley said lovely. You know we were talking earlier in our Public Works meeting about these great opportunities that come in so quickly that we just kind of throw ourselves at them and they come in between meetings. This is an example of one where it came in and came into our existence and happens all in advance of us hearing about it, but we are never sad to hear about grants coming into the Unified Government for our services so that's excellent news. Any questions for Mr. McKain? All right. Thank you very much and that concludes our meeting for this evening.

Action: For information only.

Adjourn

Chairman Markley adjourned the meeting at 6:12 p.m.

mbb

April 26, 2021



Staff Request for Commission Action

Tracking No. 21929

Full Commission Meeting Date: 8/12/21

Committee: Administration & Human Services

Date of Standing Committee Action: 7/26/21

(If none, please explain):

Publication Required: Yes

<u>Date:</u> 7/12/2021	<u>Contact Name:</u> Jeffrey Conway	<u>Contact Phone:</u> x5075	<u>Contact Email:</u> jconway@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> Amending the Municipal Code to change the Sunday start time from noon to 9 am for the sale of alcoholic liquor in the original package and cereal malt beverage in Kansas City, Kansas, submitted by Jeff Conway, Assistant Counsel. The applicable statute requires the ordinance to be published twice, with a 60-day waiting period to allow for petitions before the ordinance can go into effect.				
<u>Action Requested:</u> To approve the ordinance.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Ordinance on Sunday Sales				

(Published in The Wyandotte Echo on _____, 2021,
and on _____, 2021)

ORDINANCE NO. O-____-21

**AN ORDINANCE AMENDING THE STARTING TIME FOR SUNDAY SALES OF
ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGE IN THE CITY OF KANSAS
CITY, KANSAS**

WHEREAS, during the 2021 regular legislative session, the Kansas Legislature passed, and the Governor signed into law, House Bill No. 2137, which provides, *inter alia*, that cities and counties may change the start time for the sale at retail in the original package of alcoholic liquor and cereal malt beverage on Sundays;

WHEREAS, the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas desires to amend the starting time for Sunday sale at retail in the original package of alcoholic liquor and cereal malt beverage in Kansas City, Kansas, from noon to 9 a.m.;

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

Section 1. Section 4-111 of the 1988 Code of Ordinances, City of Kansas City, Kansas, is amended to read as follows:

Sec. 4-111. - Sale at retail of alcoholic liquor in the original package; hours of sale.

- (a) Except as provided in subsection (b) of this section, a person licensed to sell at retail alcoholic liquor in the original package may do so on any day of the week, including Sunday, and on holidays.
- (b) No person shall sell at retail alcoholic liquor in the original package:
 - (1) On Sunday ~~before 12:00 p.m. or after~~ not earlier than 9 a.m. and not later than 8:00 p.m.;
 - (2) On Easter Sunday, Thanksgiving Day, or Christmas Day; or
 - (3) Before 9:00 a.m. or after 11:00 p.m. on any day when such sale is permitted.

Section 2. Section 4-233 of the 1988 Code of Ordinances, City of Kansas City, Kansas, is amended to read as follows:

Sec. 4-233. - Hours of sale or operation.

- (a) Except as provided by subsection (b) of this section, a person licensed to sell at retail cereal malt beverage may do so on any day of the week, including Sunday, and on holidays.
- (b) No person shall sell at retail cereal malt beverages:
 - (1) Between the hours of 12:00 a.m. and 6 a.m.;
 - (2) In the original package ~~before 12:00 p.m. or after~~ not earlier than 9 a.m. and not later than 8:00 p.m. on Sunday;
 - (3) On Easter Sunday; or
 - (4) For consumption on the licensed premises on Sunday, except in a place of business which is licensed to sell cereal malt beverage for consumption on the premises and which derives not less than 30 percent of its gross receipts from the sale of food for consumption on the licensed premises.
- (c) Cereal malt beverages may be sold on premises that are licensed pursuant to both the Cereal Malt Beverage Act (K.S.A. 41-2701 et seq.) and the Club and Drinking Establishment Act (K.S.A. 41-2601 et seq.) at any time when alcoholic liquor is allowed by law to be served on the premises.
- (d) With the exception of persons holding a license issued pursuant to the Club and Drinking Establishment Act (K.S.A. 41-2601 et seq.) or persons operating a business described in subsection (b)(4) of this section or any other business for which this Code permits a later closing time, all persons possessing a retailer's license to sell cereal malt beverages for consumption on the licensed premises shall close their business establishments between the hours of 1:30 a.m. and 6:00 a.m. daily, and at 12:00 a.m. on Saturdays, and shall not reopen the same before 6:00 a.m. the following Monday. No person shall be allowed to remain inside the premises between the hours of 1:30 a.m. and 6:00 a.m. daily and 12:00 a.m. Saturday until 6:00 a.m. the following Monday, except an employee of the license holder actively engaged in the cleaning or maintenance of the premises.

Section 2. The original Sections 4-111 and 4-233 of the 1988 Code of Ordinances, City of Kansas City, Kansas are repealed.

Section 3. This ordinance shall be published once each week for two consecutive weeks in the official Unified Government newspaper.

Section 4. This ordinance shall take effect on the 61st day following its second publication, unless within 60 days following its second publication a petition requesting that a proposition be submitted for approval by the voters, which has been signed by qualified voters of the City of Kansas City, Kansas equal in number to not less than 5% of the voters of the City who voted for the office of president of the United States at the last preceding general election at which such office was elected, is filed with the Wyandotte County Election Commissioner, in which case the ordinance shall become effective only if and when approved by a majority of the electors voting thereon.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF
_____, 2021.**

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Assistant Counsel



Staff Request for Commission Action

Tracking No. 21930

Full Commission Meeting Date: 8/12/21

Committee: Administration & Human Services

Date of Standing Committee Action: 7/26/21

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
7/12/2021	Jeffrey Conway	x5075	jconway@wycokck.org	Legal

Item Description:

Amending the Municipal Code to conform to numerous changes made to the Kansas Liquor Control Act (KLCA) and the Club and Drinking Establishment Act (CDEA) by the Kansas Legislature in HB 2137 during the 2021 regular legislative session. Changes include: permitting refillable and sealable containers; adding applicable cereal malt beverage references; permitting the sale of mixed alcoholic beverages in pitchers; eliminating residency requirements for certain liquor licenses; permitting licensure of spouses of law enforcement officers; permitting the a person with a beneficial interest in a licensed manufacturer to have one drinking establishment license; and adding references to powdered alcohol and RV resorts, submitted by Jeff Conway, Assistant Counsel.

Action Requested:

To approve the ordinance.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Ordinance Alcohol Conforming Amendments

(Published in The Wyandotte Echo on _____, 2021)

ORDINANCE NO. O-____-21

AN ORDINANCE AMENDING CODE PROVISIONS RELATED TO ALCOHOLIC LIQUORS AND CEREAL MALT BEVERAGE AND TO UPDATE AND MAKE CONFORMING AMENDMENTS TO APPLICABLE STATE STATUTES

WHEREAS, during the 2021 regular legislative session, the Kansas Legislature passed, and the Governor signed into law, House Bill No. 2137, a comprehensive collection of numerous changes to Kansas liquor laws;

WHEREAS, the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas intends to make the necessary updates and conforming amendments in its Code at one time so that the Code is properly aligned with the applicable state statutes;

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

Section 1. Section 4-7 of the 1988 Code of Ordinances, City of Kansas City, Kansas, is amended to read as follows:

Sec. 4-7. - Furnishing, drinking, consuming and possessing alcoholic liquor, beer or cereal malt beverage in public places and unlicensed premises.

- (a) Except as otherwise provided in state law, ~~It~~ it shall be unlawful for any person to furnish, drink, consume or to allow the furnishing drinking or consuming of alcoholic liquor, beer, or cereal malt beverage upon any public street, highway, alley, sidewalk, park, or any other public property or in or on any other premises or business location not licensed for the use of alcoholic liquor, beer or cereal malt beverage, except as herein provided, or other places to which the general public has access, whether or not an admission fee is charged or collected, or upon property owned by or leased to the state, the city, or any governmental subdivision of the state; provided, however, these limitations shall not apply to the drinking or consumption of alcoholic liquor, beer or cereal malt beverage;
- (1) Upon real property leased by a city to others under the provisions of K.S.A. 12-1740—12-1749, if such real property is actually being used for hotel or motel purposes or purposes incidental thereto.
- (2) At events closed or open to the public at the following locations: Memorial Hall, Wyandotte Township Hall, Senior Citizens Recreation Hall, ~~Public Levee Terminal Restaurant, Public Levee Terminal Building D,~~ One River City Drive in Kansas City, Kansas, Municipal Office Building, Administration Building of the

Board of Public Utilities, the Health Department Building and the Jack Reardon Convention Center.

- (3) At a special event held on public streets, alleys, roads, sidewalks or highways when a temporary permit has been issued pursuant to K.S.A. 41-2645, and amendments thereto, for such special event and the governing body has approved the special event by ordinance or resolution. Special events may occur on a street, alley, road, sidewalk or highway only if the governing body closes the streets, alley, road, sidewalk or highway to motor vehicle traffic during the special event. For the purposes of this section, "special event" means a picnic, bazaar, festival or other similar community gathering approved by the governing body. The boundaries of such special event shall be clearly designated in any approval granted by the governing body. The boundaries of such special event shall be clearly marked by signs, a posted map or other means which reasonably identify the area in which alcoholic liquor may be consumed inside the boundaries of a special event, and no alcoholic liquor may be consumed inside vehicles while on public streets, alleys, roads or highways at any such special event. No person shall possess or consume alcoholic liquor inside the premises licensed as a special event that was not sold or provided by the licensee holding the temporary permit for such special event. Drinking establishments that are immediately adjacent to, or located within the licensed premises of a special event, for which a temporary permit has been issued and the consumption of alcoholic liquor on public property has been approved and may request that the drinking establishment's licensed premises be extended into and made a part of the licensed premises of the special event for the duration of the temporary permit issued for such special event. Each licensee selling alcoholic liquor for consumption on the premises of a special event for which a temporary permit has been issued shall be liable for violations of all laws governing the sale and consumption of alcoholic liquor.
- (b) Except as otherwise provided in state law, and except as provided in subsection (a) of this section, it shall be unlawful for any person to have any alcoholic liquor, beer or cereal malt beverage in his possession upon any public street, highway, alley, sidewalk, park, or any other public property unless such alcoholic liquor, beer or cereal malt beverage is in the original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed.
- (c) Except as otherwise provided in state law, it shall be unlawful for any person licensed under this chapter or any owner, operator, manager, or employee to allow their members, patrons, guests, or general public to exit their premises while in possession of an open container of alcoholic liquor, beer or cereal malt beverage or to allow consumption of such outside the premises.
- (d) Violation of any provision of subsections (a), (b) or (c) of this section shall be punishable by a fine of not less than \$50.00 nor more than \$200.00, by imprisonment for not more than six months, or both.

Section 2. Section 4-9 of the 1988 Code of Ordinances, City of Kansas City, Kansas, is amended to read as follows:

Sec. 4-9. - Consumption of alcoholic liquor,~~beer~~ or cereal malt beverages on private property.

No person shall drink or consume alcoholic liquor,~~or beer~~ or cereal malt beverage on private property except:

- (1) On premises where the sale of alcoholic liquor ~~or beer~~ by the individual drink is authorized by the Club and Drinking Establishment Act (K.S.A. 41-2601 et seq.) or any other provisions of state law;
- (2) Upon private property by a person occupying such property as an owner or lessee of an owner and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803 takes place;
- (3) In a lodging room of any hotel, motel or boardinghouse by the person occupying such room and by the guest of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803 takes place;
- (4) In a private dining room of a hotel, motel or restaurant, if the dining room is rented or made available on a special occasion to an individual or organization for a private party and if no sale of alcoholic liquor in violation of K.S.A. 41-803 thereto takes place; or
- (5) On the premises of a manufacturer, microbrewery, microdistillery or farm winery, if authorized by K.S.A. 41-305, 41-308a, 41-308b or any other provision of the state statutes.

Section 3. Section 4-97 of the 1988 Code of Ordinances, City of Kansas City, Kansas, is amended to read as follows:

Sec. 4-97. - Right of immediate entry.

The right of immediate entry to and inspection of any premises where alcoholic liquor or cereal malt beverage is sold by a licensee or holder of a temporary permit, or any premises subject to the control of any licensee or temporary permit holder of a temporary permit, or any premises subject to the control of any licensee or temporary permit holder, at any time by any duly authorized officer or agent of the director, or by any law enforcement officer, shall be a condition on which every license or temporary permit is issued, and the application for and acceptance of any license or temporary permit shall conclusively be deemed to be the consent of the applicant and licensee or permit holder to such immediate entry and inspection. Such right of immediate entry and inspection shall be at any time when the premises are occupied and is not limited to

hours when the club or drinking establishment is open for business. Such consent shall not be revocable during the term of the license or temporary permit. Refusal of such entry shall be grounds for revocation of the license or temporary permit.

Section 4. Section 4-105 of the 1988 Code of Ordinances, City of Kansas City, Kansas, is amended to read as follows:

Sec. 4-105. - Happy hours, etc.; hours of sale, etc.

- (a) No club, drinking establishment, caterer or continuation thereof, holder of a temporary permit, or any person acting as an employee or agent thereof shall:
 - (1) Offer or serve any free cereal malt beverage or alcoholic liquor in any form to any person.
 - (2) Offer or serve to any person an individual drink at a price that is less than the acquisition cost of the individual drink to the licensee or permit holder.
 - (3) Sell, offer to sell or serve to any person an unlimited number of individual drinks during any set period of time for a fixed price, except at private functions not open to the general public or to the general membership of a club.
 - (4) Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or cereal malt beverage or the awarding of individual drinks as prizes.
 - (5) Sell, offer to sell or serve free of charge any form of powdered alcohol, as defined in K.S.A. 41-102, and amendments thereto.
 - (6) Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (a)(1) through (a)(4)(5) of this section.
- (b) No public venue, nor any person acting as an employee or agent thereof, shall:
 - (1) Offer or serve any free cereal malt beverage or alcoholic liquor in any form to any person;
 - (2) Offer or serve to any person a drink or original container of alcoholic liquor or cereal malt beverage at a price that is less than the acquisition cost of the drink or original container of alcoholic liquor or cereal malt beverage to the licensee;
 - (3) Sell or serve alcoholic liquor in glass containers to customers in the general admission area;
 - (4) Sell or serve more than two drinks per customer at any one time in the general admission area;
 - (5) Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or cereal malt beverage or the awarding of drinks as prizes; or

- (6) Sell, offer to sell or serve free of charge any form of powdered alcohol, as defined in K.S.A. 41-102, and amendments thereto; or
- (7) Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (b)(1) through (5)(6).
- (c) A public venue, club, drinking establishment, caterer or holder of a temporary permit may:
 - (1) Offer free food or entertainment at any time;
 - (2) Sell or deliver wine by the bottle or carafe;
 - (3) Sell, offer to sell and serve individual drinks at different prices throughout any day; or
 - (4) Sell or serve beer, or cereal malt beverage or mixed alcoholic beverage in a pitcher capable of containing not more than 64 fluid ounces, as defined in K.S.A. 41-2640, and amendments thereto; or
 - (5) Offer samples of alcohol liquor free of charge as authorized by state law.
- (d) Violation of any provision of this section is a misdemeanor punishable by a fine not to exceed \$500.00, by imprisonment not to exceed six months, or by both.
- (e) Violation of any provision of this section shall be grounds for suspension or revocation of the licensee's license as provided herein.
- (f) Every licensed club and drinking establishment shall make available at any time upon request a price list showing the club's or drinking establishment's current prices per individual drink for all individual drinks.
- (g) No club or drinking establishment shall allow the serving, mixing or consumption of alcoholic liquor or cereal malt beverage on its premises between the hours of 2:00 a.m. and 6:00 a.m. on any day.
- (h) No caterer shall allow the serving, mixing or consumption of alcoholic liquor or cereal malt beverage between the hours of 2:00 a.m. and 6:00 a.m. on any day at an event catered by such caterer.
- (i) No licensee, owner or employee of any public venue, club or drinking establishment shall allow anyone other than another owner/licensee, a bona fide employee required to have a liquor permit card as defined in this section, or an independent contractor specifically engaged in the performance of structural modification, alteration, improvement or custodial functions to remain inside the premises between the hours of 2:00 a.m. and 6:00 a.m. of any day, except that a private club which is also licensed as a food establishment pursuant to K.S.A. 36-501, which has theretofore been determined by the director of the alcohol beverage control board to derive not less than 50 percent of its gross receipts from the sale of food for consumption in the club premises or a drinking establishment may be

open for the sale and consumption of food only on the licensed premises from 6:00 a.m. of any day to 2:00 a.m. of the next day.

Section 5. Section 4-106 of the 1988 Code of Ordinances, City of Kansas City, Kansas, is amended to read as follows:

Sec. 4-106. - Miscellaneous requirements for club or drinking establishment licensee or holder of temporary permit.

It shall be unlawful for any club or drinking establishment licensee or holder of a temporary permit to:

- (1) Employ any person under the age of 21 in connection with the serving, mixing or dispensing of alcoholic liquor or cereal malt beverage.
- (2) Employ knowingly or continue in employment any person in connection with the dispensing or serving of alcoholic liquor or cereal malt beverage or the mixing of drinks containing alcoholic liquor or cereal malt beverage who has been adjudged guilty of a felony or of any crime involving a morals charge in this state, of any other state, or of the United States.
- (3) Employ knowingly or to continue in employment any person in connection with the dispensing or serving of alcoholic liquor or cereal malt beverage or mixing of drinks containing alcoholic liquor or cereal malt beverage who has been adjudged guilty of a violation of any intoxicating liquor law of this state, of any other state, or of the United States, during the two-year period immediately following such adjudging.
- (4) In the case of a club, fail to maintain at the licensed premises a current list of all members and their residence addresses or refuse to allow the director, any of the director's authorized agents or any law enforcement officer to inspect such list.
- (5) Purchase alcoholic liquor or cereal malt beverage from any person except from a person authorized by law to sell such alcoholic liquor or cereal malt beverage to such licensee or permit holder.
- (6) Permit any employee of the licensee or permit holder who is under the age of 21 years to work on premises where alcoholic liquor or cereal malt beverage is sold by such licensee or permit holder at any time when not under the on-premises supervision of either the licensee, the permit holder, or any employee who is 21 years of age or over.

Section 6. Section 4-108 of the 1988 Code of Ordinances, City of Kansas City, Kansas, is amended to read as follows:

Sec. 4-108. - Employment in drinking establishment, club or cereal malt beverage provider; limitations; unlawful acts.

- (a) It shall be unlawful for any person, worker or volunteer to perform services on the licensed premises of a drinking establishment, private club or cereal malt beverage provider licensed under this article, other than establishments also licensed as arenas or auditoriums, in connection with the serving, dispensing, delivery or effecting the serving, dispensing, storing, delivering or securing of alcoholic beverages or cereal malt beverages, whether voluntarily or otherwise, who:
- (1) Is under the age of 18 years in connection with the serving, dispensing, delivery or effecting the serving, dispensing, storing, delivering or securing of alcoholic beverages or cereal malt beverages;
 - (2) Has been adjudged guilty of a felony or of any crime involving a morals charge in this state, in any other state, or of the United States;
 - (3) Has been adjudged guilty of a violation of any intoxicating liquor law of this state, of any other state, or of the United States, during the two-year period immediately following such adjudging;
 - (4) Has been adjudged guilty of an assault or battery in this state or in any other state of the United States during the two-year period immediately following such adjudging;
 - (5) Is under the age of 21 years at any time when not under the on-premises supervision of either the licensee, manager, or an employee who is 21 years of age or over;
or
 - (6) Is under 21 years of age in connection with the mixing or dispensing of cereal malt beverages or drinks containing alcoholic liquor.

Subsection (a) of this section specifically includes, but is not limited to, those persons employed or performing services relating in any manner to the dispensing or serving of alcoholic or cereal malt beverages within such a club, drinking establishment, or caterer, guards, doormen, waiters, waitresses, dancers, managers, assistant managers, or licensees. For the purpose of this section, janitors, busboys, cooks, dishwashers or a bona fide independent contractor, while specifically performing structural repair or improvement, are excluded, unless otherwise required by law.

- (b) It shall be unlawful for any person to work or volunteer to perform services on the licensed premises of a drinking establishment licensed under this article and also licensed as an arena or auditorium who:
- (1) Is under the age of 18 years in connection with the serving of alcoholic liquor or cereal malt beverage;
 - (2) Is under the age of 21 in connection with the mixing or dispensing of drinks containing alcoholic liquor or cereal malt beverage;

- (3) Is under the age of 21 years and not supervised by the licensee or an employee who is at least 21 years of age;
 - (4) Has been convicted of a felony or of any crime involving a morals charge in this state or in any other state of the United States to dispense, mix or serve alcoholic liquor or cereal malt beverage;
 - (5) Has been convicted within the previous two years of a violation of any intoxicating liquor law of this state, of any other state, or of the United States, to dispense, mix or serve alcoholic liquor or cereal malt beverage; or
 - (6) Is a manufacturer, distributor or retailer, or an officer, agent, or employee of a manufacturer, distributor or retailer in the capacity of a person registered to mix, serve, sell, or dispense alcoholic liquor or cereal malt beverage.
- (c) Violation of this section shall be punishable by a fine of not more than \$500.00, by imprisonment for not more than six months, or by both.
 - (d) Each day any person acts in violation of the provisions of this section shall constitute a separate offense.

Section 7. Section 4-109 of the 1988 Code of Ordinances, City of Kansas City, Kansas, is amended to read as follows:

Sec. 4-109. - Miscellaneous unlawful acts of licensees, employees.

- (a) It shall be unlawful for any licensee or holder of a temporary permit, whether licensed as a drinking establishment, private club or cereal malt beverage provider under this article, or a manager or supervisor employed by same, other than establishments also licensed as arenas or auditoriums, to employ any person or permit any person to work or perform any services in connection with the serving, dispensing, delivery or effecting the serving, dispensing, storing, delivering or securing of alcoholic beverages or cereal malt beverages, whether voluntarily or otherwise, who:
 - (1) Is under the age of 18 years of age;
 - (2) Has been adjudged guilty of a felony or of any crime involving a morals charge in this state or in any other state of the United States;
 - (3) Has been adjudged guilty of a violation of any intoxicating liquor law of this state, of any other state, or of the United States during the two-year period immediately following such adjudging;
 - (4) Has been adjudged guilty of an assault or battery in this state or in any other state of the United States during the two-year period immediately following such adjudging;

- (5) Is under the age of 21 years at any time when not under the on-premises supervision of either the licensee or manager or an employee who is 21 years of age or over; or
 - (6) Is under 21 years of age in connection with the mixing or dispensing of cereal malt beverages or drinks containing alcoholic liquor.
- (b) Subsection (a) of this section specifically includes, but is not limited to, those persons employed or performing services relating in any manner to the dispensing or serving alcoholic or cereal malt beverages within such a club or drinking establishment, caterers, guards, doormen, waiters, waitresses, dancers, managers, assistant managers, or licensees. For the purpose of this section, janitors, busboys, cooks, dishwashers or bona fide independent contractors, while specifically performing structural repair or improvement, are excluded, unless otherwise required by law.
- (c) It shall be unlawful for any licensee or holder of a temporary permit licensed as a drinking establishment under this article, or a manager or supervisor employed by the same which is also licensed as an arena or auditorium pursuant to this Code to employ or continue to employ any person, or to knowingly permit to work as a volunteer any person:
 - (1) Who is under the age of 18 years in connection with the serving of alcoholic liquor or cereal malt beverage;
 - (2) Who is under the age of 21 in connection with the mixing or dispensing of drinks containing alcoholic liquor or cereal malt beverage;
 - (3) Who is under the age of 21 years and not supervised by the licensee or an employee who is at least 21 years of age;
 - (4) Who has been convicted of a felony or of any crime involving a morals charge in this state or in any other state of the United States in connection with the dispensing, mixing, or serving of alcoholic liquor or cereal malt beverage;
 - (5) Who has been convicted within the previous two years of a violation of any intoxicating liquor law of this state or any other state of the United States in connection with the dispensing, mixing, or serving of alcoholic liquor or cereal malt beverage; or
 - (6) Who is a manufacturer, distributor, retailer, or an officer, agent, or employee of a manufacturer, distributor or retailer in the capacity of a person registered to mix, serve, sell, or dispense alcoholic liquor or cereal malt beverage.
- (d) This section creates, and is intended to create, an affirmative duty upon licensees or holders of a temporary permit to ensure that its employees are in compliance with this section.
- (e) It shall be an affirmative defense to this section for any licensee or holder of a temporary permit or a manager or supervisor employed by the same, with regard to any charge concerning an employee's or volunteer's criminal history, to produce an authenticated copy

of the offending employee's or volunteer's criminal history record issued by the repository of criminal history records in the county of said employee's or volunteer's residence and dated prior to, but not more than two years before, the issuance of a summons hereunder which indicates no convictions which would prohibit the employee or volunteer from lawfully performing services in or about the licensed premises.

- (f) Violation of this section shall be punishable as follows, except for where other penalties are specifically provided by law:
 - (1) For an unknowing violation or a first offense, by a fine of not more than \$500.00.
 - (2) For a knowing violation or a second or subsequent offense, knowing or otherwise, by a fine of not more than \$1,000.00, by imprisonment for not more than six months, or by both.
- (g) Each day any person acts in violation of the provisions of this section shall constitute a separate offense.

Section 8. Section 4-110 of the 1988 Code of Ordinances, City of Kansas City, Kansas, is amended to read as follows:

Sec. 4-110. - Unlawful acts of licensees, employees; registration of the same.

- (a) Each licensee or holder of a temporary permit, whether licensed as a drinking establishment, private club or cereal malt beverage provider, other than establishments also licensed as arenas or auditoriums, shall register with the city police department all employees or volunteers who work or will work in connection with the serving, dispensing, delivery or effecting the serving, dispensing, storing, delivering or securing of alcoholic beverages or cereal malt beverages on forms supplied by the police department within five days after each employee begins work for the drinking establishment, private club or cereal malt beverage provider and upon each renewal of the drinking establishment's license. This subsection specifically includes, but is not limited to, those persons employed or performing services relating in any manner to the dispensing or serving of alcoholic or cereal malt beverages within such a club or drinking establishment, caterers, guards, doormen, waiters, waitresses, dancers, managers, assistant managers, or licensees. For the purpose of this section, janitors, busboys, cooks, dishwashers or bona fide independent contractors, while specifically performing structural repairs or improvements, are excluded, unless otherwise required by law.
- (b) Each licensee or holder of a temporary permit, whether licensed as a drinking establishment, private club or cereal malt beverage provider, if such establishment is also licensed as an arena or auditorium, shall register with the city police department all employees or volunteers who will mix, sell, serve or dispense alcoholic liquor or cereal malt beverage on forms supplied by the police department ten days prior to their initial employment, service or work for the drinking establishment, private club or cereal malt beverage provider.

- (c) Violation of this section shall be punishable by a fine of not more than \$500.00, by imprisonment for not more than six months, or by both.
- (d) Each day any person acts in violation of the provisions of this chapter shall constitute a separate offense.

Section 9. Section 4-137 of the 1988 Code of Ordinances, City of Kansas City, Kansas, is amended to read as follows:

Sec. 4-137. - Application.

- (a) *Form; contents.* Any person making application for the city license required by this division shall make a verified application in writing on a prepared form and shall pay to the license department fees and taxes as may be required. Such application shall further require the following information:
 - (1) The name, age and residence of the applicant ~~and how long the applicant has been a resident of the state and county~~. If a corporation, the applicant shall state the name, business address, state of incorporation and the name and address of the officer of the corporation, and if a foreign corporation, the name and address of the resident agent of the corporation.
 - (2) The exact location of the premises upon which the business is to be located. The licensed premises shall be defined as that area contained within the upright structure, or portion thereof, being the rooms specifically designated in the diagram in the application for license wherein the applicant desires authorization to conduct the licensed business and not the surrounding real estate owned or leased by the licensee, except any restaurant with carryout facilities, any business providing food services to any outdoor arena, stadium, recreation area or any other business operating outside of an upright structure may include the surrounding real estate as part of the licensed premises if the real property is surrounded by a fence or other enclosure limiting access to one or more points of entry and the points of access are supervised by an employee during all hours of operation in which alcoholic beverages, beer or cereal malt beverages are sold, distributed or consumed.
 - (3) The name of the business and a description of its organization and ownership.
 - (4) The current names of all officers of the business.
 - (5) If the applicant is a corporation, the application shall be accompanied by a copy of its articles of incorporation and bylaws, unless such articles and bylaws have been previously furnished and have remained unchanged since the last application.
 - (6) If the applicant is a partnership, the application shall be accompanied by a copy of the partnership agreement, unless such agreement has been previously furnished and has remained unchanged since the last application.

- (7) A current, complete and legible floor plan of the premises approved by the chief of police showing all business and storage areas, unless the applicant has previously furnished a floor plan which has remained unchanged in all respects as to business and storage areas.
- (b) *Fee.* The application shall be accompanied by the license fee and taxes as provided for in this article and any applicable ordinance. A true copy of the complete application shall be submitted to the chief of police, the license department and the unified government clerk and submitted by the unified government clerk to the unified government board of commissioners.

Section 10. Section 4-139 of the 1988 Code of Ordinances, City of Kansas City, Kansas, is amended to read as follows:

Sec. 4-139. - Investigation of applicant; general grounds for denial of application.

- (a) No license of any type to sell alcoholic beverages, beer or cereal malt beverage shall be granted until the application therefor has been on file in the office of the unified government clerk at least five days. It shall be the duty of the license inspector to notify the chief of police of all applications for such licenses, and it shall be the duty of the chief of police, before the granting of such license, to make a full, complete and thorough investigation of the applicant relative to the requirements for such license, and if such investigation reveals that such applicant is not entitled to such license, to file with the unified government clerk written objections to the granting of such license, stating in detail the reasons why such license should not be granted to such applicant. Such report shall be made within 15 days after receipt of the notice from the license department.
- (b) No license shall be issued to:
 - (1) An applicant for a license to operate a private club, drinking establishment or caterer who has not been a citizen of the United States for at least ten years, ~~a resident of the state for a period of at least one year immediately preceding the date of application and a current resident of the county in which the business is located.~~
 - (2) An applicant for a cereal malt beverage retailer's license ~~who has not been a resident of the county in which the business is located for six months, a good faith resident of the state for at least one year immediately preceding the application and who is~~ not a citizen of the United States.
 - (3) A person who is not of good character and reputation in the county in which the person resides or who has not reached the age of 21 years prior to making application.
 - (4) A person who has been convicted of a felony under the laws of this state, any other state or of the United States or any crime involving moral turpitude, a sex offense,

crime against public morals, crime affecting public trust, racketeering or any of the offenses against the decency of the community.

- a. Except, a person who is a retailer as defined by K.S.A. 47-2701(e) may be issued a cereal malt beverage retailer's license who has been convicted of, released from incarceration for or released from probation or parole for a felony or any crime involving moral turpitude two years following such conviction, release from incarceration or release from probation or parole.
 - b. For purposes of this subsection, the terms "offenses against the decency of the community" and "offense of moral turpitude" shall mean and include those felonies, misdemeanors or municipal ordinances alleging or involving prostitution, pimping, lewd and lascivious behavior, indecent exposure, illegal use, possession or sale of narcotics, marijuana, or any and all controlled substances as that term is defined in K.S.A. 65-4101 et seq., sodomy, incest, pandering, gambling, and crimes against nature, or a person who has forfeited bond to appear in court to answer charges for any of these crimes.
- (5) A person who has been adjudged guilty, entered a plea, or forfeited bond on a charge of driving a motor vehicle while under the influence of intoxicating liquors within two years immediately preceding the date of application.
- (6) Except as provided in subsection (b)(18) of this section, a person who has a beneficial interest in the manufacture, preparation or wholesaling or the retail sale of alcoholic ~~liquors~~ liquor or cereal malt beverage or a beneficial interest in any other public venue, club, drinking establishment, or caterer licensed hereunder, except that:
- a. A license for premises located in a hotel may be granted to a person who has a beneficial interest in one or more other public venues, clubs, or drinking establishments licensed hereunder if such other public venues, clubs, or establishments are located in hotels.
 - b. A caterer's license may be issued to a person who has a beneficial interest in a public venue, club, or drinking establishment, and a license for a public venue, club, or drinking establishment may be issued to a person who has a beneficial interest in a caterer.
 - c. A license for a class A club may be granted to an organization of which an officer, director or board member is a distributor or retailer licensed under the state Liquor Control Act (K.S.A. 41-101 et seq.), if such distributor or retailer sells no alcoholic liquor to such club.
 - d. A license for a class B club, ~~or drinking establishment, or caterer~~ may be granted to a person who has a beneficial interest in a manufacturer,

microbrewery, microdistillery or farm winery licensed pursuant to the state Liquor Control Act (K.S.A. 41-101 et seq.).

- (7) A person who has been convicted of any misdemeanor violation of the laws of any state, of the United States, or of any political subdivision pertaining to intoxicating or alcoholic liquor or cereal malt beverage within two years of the application hereunder, or a person who has been convicted of two violations of the ordinances of any city anywhere regulating any city alcoholic or intoxicating liquor or cereal malt beverage law within a 24-month period of time.
- (8) A person whose license to sell alcoholic beverages, beer or cereal malt beverages has been revoked under any of the laws of this state or its political subdivisions or the laws of any other state or its political subdivisions.
- (9) A person who refuses to be photographed and fingerprinted for application and identification purposes.
- (10) A person who has any outstanding warrants of arrest against them from any federal, state or municipal law enforcement agency.
- (11) A person who has not complied fully with section 4-137.
- (12) A partnership, unless all copartners are qualified to obtain a license.
- (13) A corporation, if any officer, manager or director thereof or any stockholder owning in the aggregate more than five percent of the common or preferred stock of such corporation would be ineligible to receive a license hereunder ~~for any reason other than citizenship and residence requirements.~~
- (14) A corporation, if any officer, manager or director thereof or any stockholder owning in the aggregate more than five percent of the common or preferred stock of such corporation has been an officer, manager or director thereof or a stockholder owning in the aggregate more than five percent of the common or preferred stock of a corporation which:
 - a. Has had a license revoked under the provisions of the Club and Drinking Establishment Act; or
 - b. Has been convicted of a violation of the state Liquor Control Act (K.S.A. 41-101 et seq.), the Club and Drinking Establishment Act (K.S.A. 41-2601 et seq.), or the cereal malt beverage laws of this state.
- ~~(15) A corporation organized under the laws of any state other than this state except when the application is for a retailer's license only.~~
- ~~(16)~~(15) A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses all the qualifications.

- (17)(16) A person who provides false information in answer to any question on an application for a license hereunder.
- (18)(17) A person who, other than as a member of the unified government board of commissioners, appoints or supervises any law enforcement officer, who is a law enforcement official, or who is an employee of the director, except that this provision shall not apply to nor prohibit the issuance of a license for a class A club to an officer of a post home of a congressionally chartered service or fraternal organization, or a benevolent association or society thereof.
- (19)(18) The holder of a valid existing license issued under K.S.A. 41-2701 et seq. unless the person agrees to and does surrender the license to the officer issuing the same upon the issuance to the person of a license under this article, except that:
 - a. A retailer licensed pursuant to K.S.A. 41-2702 shall be eligible to receive a retailer's license under the state Liquor Control Act (K.S.A. 41-101 et seq.); and
 - b. A holder of a cereal malt beverages wholesaler's license shall be eligible to receive a beer distributor's license under this article.
- (20)(19) A person who does not own the premises for which a license is sought or does not have a written lease thereon for at least three-fourths of the period for which the license is to be issued.
- (21)(20) A person whose spouse would be ineligible to receive a license under this subsection for any reason other than citizenship, ~~residence requirements~~ or age, except as otherwise provided by state law and except that this subsection shall not apply in determining eligibility for a renewal license.
- (22)(21) A person who intends to carry on a business authorized by the license as an agent of another.
- (c) Any person who is denied a license or permit under this section for the reasons specified in subsections (b)(3), (b)(9) and (b)(17) of this section shall be ineligible to reapply for the license for a period of two years from the date of application.

Section 11. Section 4-140 of the 1988 Code of Ordinances, City of Kansas City, Kansas, is amended to read as follows:

Sec. 4-140. - Not to issue for certain locations.

No person whose business is primarily the selling of cereal malt beverages or alcoholic liquor shall be licensed to sell or dispense cereal malt beverages or alcoholic ~~beverages~~ liquor at any place within a distance of 300 feet of any church or other established institution sponsored by a religious organization that provides training and recreational activities for the youth, any school building, or any part of a school ground, measured over the shortest line from the nearest portion of the exterior of the specific portion of the building in which cereal malt beverages or alcoholic

~~beverages~~ liquor are sold to the property line of the church, school or institution being protected. Renewal of licenses may be made for all establishments presently licensed within 300 feet of one of the above.

Section 12. Section 4-141 of the 1988 Code of Ordinances, City of Kansas City, Kansas, is amended to read as follows:

Sec. 4-141. – Issuance to persons with beneficial interests.

No license shall be issued under the provisions of this article to a person who has a beneficial interest in the manufacture, preparation, wholesale or the retail sale of alcoholic liquor or cereal malt beverage or a beneficial interest in any other public venue, club, drinking establishment or caterer licensed hereunder, except that:

- (1) A license for premises located in a hotel may be granted to a person who has a beneficial interest in one or more other public venues, clubs or drinking establishments licensed hereunder if such other public venues, clubs or establishments are located in hotels.
- (2) A license for a club or drinking establishment that is a restaurant may be issued to a person who has a beneficial interest in other public venues, clubs or drinking establishments that are restaurants.
- (3) A caterer's license may be issued to a person who has a beneficial interest in a club or drinking establishment, and a license for a public venue, club or drinking establishment may be issued to a person who has a beneficial interest in a caterer.
- (4) A license for a class A club may be granted to an organization of which an officer, director or board member is a distributor or retailer licensed under the Liquor Control Act if such distributor or retailer sells no alcoholic liquor to such club.
- (5) A license for a class B club or drinking establishment may be granted to a person who has a beneficial interest in any manufacturer, microbrewery, microdistillery or farm winery licensed pursuant to the state Liquor Control Act (K.S.A. 41-101 et seq.).
- (6) Any person who has a beneficial interest in a manufacturer licensed pursuant to the Kansas Liquor Control Act may be issued one drinking establishment license.

Section 13. Section 4-178 of the 1988 Code of Ordinances, City of Kansas City, Kansas, is amended to read as follows:

Sec. 4-178. - Drinking establishments.

- (a) A license for a drinking establishment shall allow the licensee to offer for sale, sell and serve alcoholic liquor or cereal malt beverage for consumption on the licensed premises that may be open to the public in the city.

- (b) A drinking establishment shall specify in the application for a license or renewal of a license the premises to be licensed, which may include all premises that are in close proximity and are under the control of the applicant or licensee.

Section 14. Section 4-179 of the 1988 Code of Ordinances, City of Kansas City, Kansas, is amended to read as follows:

Sec. 4-179. - Caterers.

- (a) A caterer's license shall allow the licensee to offer for sale, sell and serve alcoholic liquor or cereal malt beverage for consumption on unlicensed premises, which may be open to the public.
- (b) Each caterer shall maintain the caterer's principal place of business in a county in this state where the caterer is authorized by this section to sell alcoholic liquor by the individual drink in a public place. All records of the caterer relating to the caterer's licensed business and the caterer's license shall be kept at such place of business. The caterer's principal place of business shall be stated in the application for a caterer's license, and the caterer shall notify the director of any change in its location within ten days after such change.
- (c) Prior to any event at which a caterer will sell alcoholic liquor or cereal malt beverage by the individual drink, the caterer shall notify, in writing, the police chief or the chief's designee where the event will take place, indicate whether the event will take place within the corporate limits of a city, and show proof that all occupational taxes have been paid to the unified government.
- (d) A caterer may rebate a portion of the caterer's receipts from the sale of alcoholic liquor or cereal malt beverage at an event to the person or organization contracting with the caterer to sell alcoholic liquor at such event.

Section 15. Section 4-181 of the 1988 Code of Ordinances, City of Kansas City, Kansas, is amended to read as follows:

Sec. 4-181. - Temporary permits—Generally.

- (a) A temporary permit shall allow the permit holder to offer for sale, sell and serve alcoholic liquor or cereal malt beverage for consumption on unlicensed premises, which may be open to the public, subject to the terms of such permit.
- (b) The unified government may issue a temporary permit to any one or more persons or organizations applying for such a permit, in accordance with rules and regulations of the secretary. The permit shall be issued in the names of the persons or organizations to which it is issued.
- (c) Applications for temporary permits shall be required to be filed with the unified government not less than seven days before the event for which the permit is sought, unless the license administrator waives such requirement for good cause. Each application shall state the purposes for which the proceeds of the event will be used. The application shall

be upon a form prescribed and furnished by the unified government and shall be filed in duplicate. Each application shall be accompanied by a permit fee in the amount established by the unified government administrator for each day for which the permit is issued, which shall be paid by a certified or cashier's check of a bank within this state, United States post office money order or cash in the full amount thereof. All permit fees collected by the unified government pursuant to this section for the sale of alcoholic liquor or cereal malt beverage hereunder shall be remitted to the unified government director of revenue.

- (d) Temporary permits shall specify the premises for which they are issued and shall be issued only for premises where the city zoning ordinance allows use for which the permit is issued. No temporary permit shall be issued for premises that are not located in the city.
- (e) A temporary permit to sell alcoholic liquor shall be issued for a period of time not to exceed three consecutive days, the dates and hours of which shall be specified in the permit. Temporary permits to sell cereal malt beverages may be issued for a period of time not to exceed one calendar day. No more than four temporary permits may be issued to any one applicant in a calendar year.
- (f) All proceeds from an event for which a temporary permit is issued shall be used only for the purpose stated in the application for such permit.
- (g) A temporary permit shall not be transferable or assignable.
- (h) The unified government may refuse to issue a temporary permit to any person or organization which has violated the provision of the state Liquor Control Act (K.S.A. 41-101 et seq.), the ~~drinking establishment act~~ Club and Drinking Establishment Act (K.S.A. 41-2601 et seq.) or K.S.A. 79-4101a et seq.

Section 16. Section 4-203 of the 1988 Code of Ordinances, City of Kansas City, Kansas, is amended to read as follows:

Sec. 4-203. - Class A private clubs.

- (a) A license for a class A club shall allow the licensee to offer for sale, sell and serve alcoholic liquor or cereal malt beverage for consumption on the licensed premises by members and their families, and guests accompanying them.
- (b) Any two or more class A clubs may permit, by an agreement filed with the secretary, the members of each such club to have access to all other clubs that are parties to such agreement. The privileges extended to the visiting members of other clubs under such an agreement shall be determined by the agreement, and if the agreement so provides, any club which is a party to such agreement may sell, offer for sale and serve to any person who is a member of another club which is a party to such agreement alcoholic liquor or cereal malt beverage for consumption on the licensed premises by such person, such person's family, and any guests accompanying them.

Section 17. Section 4-204 of the 1988 Code of Ordinances, City of Kansas City, Kansas, is amended to read as follows:

Sec. 4-204. - Class B private clubs.

- (a) A license for a class B club shall allow the licensee to offer for sale, sell and serve alcoholic liquor or cereal malt beverage for consumption on the licensed premises by members of such club and any guests accompanying them.
- (b) Any two or more class B clubs that are restaurants may permit, by an agreement filed with and approved by the unified government, the members of each such club to have access to all other clubs that are parties to such agreement. The privileges extended to the visiting members of other clubs under such an agreement shall be determined by the agreement and, if the agreement provides, any club which is a party to such agreement may sell, offer for sale and serve to any person who is a member of another club which is a party to such agreement, alcoholic liquor or cereal malt beverage for consumption on the licensed premises by such person, such person's family, and any guests accompanying them.
- (c) Except as provided by subsection (d) of this section, an applicant for membership in a class B club shall, before becoming a member of such club:
 - (1) Be screened by the club for good moral character;
 - (2) Pay an annual membership fee of not less than \$10.00; and
 - (3) Wait for a period of ten days after completion of the application form and payment of the membership fee.
- (d) Notwithstanding the membership fee and waiting period requirement of subsection (c) of this section:
 - (1) Any class B club located on the premises of a hotel or RV resort, as that term is defined in the Club and Drinking Establishment Act (K.S.A. 41-2601 et seq.), may establish rules whereby a guest, who registered at the hotel and who is not a resident of the county in which the club is located, may file application for temporary membership in such club. The membership, if granted, shall be valid only for the period of time that the guest is a bona fide registered guest at the hotel or RV resort, and such temporary membership shall not be subject to the waiting period or fee requirement of this section.
 - (2) Any class B club located on property which is owned or operated by a municipal airport authority and upon which consumption of alcoholic liquor or cereal malt beverage is authorized by law may establish rules whereby an air traveler who is a holder of a current airline ticket may file application for temporary membership in such club for the day such air traveler's ticket is valid, and such temporary membership shall not be subject to the waiting period or fee requirement of this section.
 - (3) Any class B club may establish rules whereby military personnel of the armed forces of the United States on temporary duty and housed at or near any military installation located within the exterior boundaries of the state may file application

for temporary membership in such club. The membership, if granted, shall be valid only for the period of the training, not to exceed 20 weeks. Any person wishing to make application for temporary membership in a class B club under this subsection shall present the temporary duty orders to the club. Temporary membership issued under this subsection shall not be subject to the waiting period or fee requirements of this section.

- (4) Any class B club may enter into a written agreement with a hotel or RV resort, as that term is defined in the Club and Drinking Establishment Act (K.S.A. 41-2601 et seq.), whereby a guest who is registered at the hotel or RV resort and who is not a resident of the county in which the club is located may file application for temporary membership in such club. The temporary membership, if granted, shall be valid only for the period of time that the guest is a bona fide registered guest at the hotel or RV resort and shall not be subject to the waiting period or dues requirement of this section. A club may enter into a written agreement with a hotel or RV resort pursuant to this provision only if:
- a. The hotel or RV resort is located in the same county as the club;
 - b. There is no class B club located on the premises of the hotel or RV resort; and
 - c. No other club has entered into a written agreement with the hotel or RV resort pursuant to this section.

Section 18. Section 4-232 of the 1988 Code of Ordinances, City of Kansas City, Kansas, is amended to read as follows:

Sec. 4-232. - Right of public and law enforcement officers to enter, etc.

Each place of business that sells cereal malt beverages shall be open to the public and to law enforcement officers at all times during business hours, except that a premises licensed as a club pursuant to the Club and Drinking Establishment Act (K.S.A. 41-2601 et seq.) shall be open to law enforcement officers and not to the public.

Section 19. Effective date. This ordinance shall take effect as of the date of its publication as provided by law.

Section 20. The original Sections 4-7, 4-9, 4-97, 4-105, 4-106, 4-108, 4-109, 4-110, 4-137, 4-139, 4-140, 4-141, 4-178, 4-179, 4-181, 4-203, 4-204, and 4-232 of the 1988 Code of Ordinances, City of Kansas City, Kansas are repealed.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF
_____, 2021.**

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Assistant Counsel



Staff Request for Commission Action

Tracking No. 21931

Full Commission Meeting Date: 8/12/21

Committee: Administration & Human Services

Date of Standing Committee Action: 7/26/21

(If none, please explain):

Publication Required: Yes

<u>Date:</u> 7/12/2021	<u>Contact Name:</u> Jeffrey Conway	<u>Contact Phone:</u> x5075	<u>Contact Email:</u> jconway@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> Amending the Municipal Code so that the local occupational tax is aligned with the state biennial alcohol licensing schedule for licensees in Kansas City, Kansas, submitted by Jeff Conway.				
<u>Action Requested:</u> To approve the ordinance.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Biennial Occupation Tax (final)				

(Published in The Wyandotte Echo on _____, 2021)

ORDINANCE NO. O-____-21

**AN ORDINANCE AMENDING CODE PROVISIONS RELATED TO OCCUPATION
TAXES FOR CLUBS AND DRINKING ESTABLISHMENTS**

WHEREAS, K.S.A 41-2622(b) provides that a city or county may levy and collect a biennial occupation or license tax from a licensed club or drinking establishment in an amount not less than \$200 nor more than \$500;

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas is currently levying and collecting an annual occupation tax on clubs and drinking establishments of \$250;

WHEREAS, the Unified Government desires to conform to the biennial licensing structure used by the state so that licensees can pay the local occupation tax at the time of applying or renewing the state license.

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

Section 1. Section 34-78 of the 1988 Code of Ordinances, City of Kansas City, Kansas, is amended to read as follows:

Sec. 34-78. - Alcoholic liquor and cereal malt beverage.

- (a) All persons engaged in any of the following businesses shall pay an annual occupation tax as set forth in this subsection; except that if the person is licensed biennially by the state, such tax shall be double the amount so stated. Words used in this subsection shall have the same meaning as ascribed to them ~~by K.S.A. 41-402~~ in Chapter 41 of the Kansas Statutes Annotated:
- (1) Class A club that is a bona fide nonprofit fraternal or war veterans' club, as defined by rules and regulations of the secretary: \$250.00.
 - (2) Class A club which is a bona fide nonprofit social club, as defined by rules and regulations of the secretary, and which has not more than 500 members: \$250.00.
 - (3) Class A club which is a bona fide nonprofit social club, as defined by rules and regulations of the secretary, and which has more than 500 members: \$250.00.

- (4) Class B club: \$250.00.
 - (5) Drinking establishment: \$250.00.
 - (6) Drinking establishment in a hotel of which the entire premises are licensed as a drinking establishment: \$250.00.
 - (7) Caterer: \$250.00.
 - (8) Drinking establishment/caterer: \$250.00.
 - (9) Drinking establishment/caterer, if the drinking establishment is a hotel of which the entire premises are licensed as a drinking establishment: \$250.00.
- (b) All persons engaged in the business of manufacturing, distributing, selling or otherwise dealing in alcoholic liquor shall pay an annual occupation tax as set forth in this section; except that if the person is licensed biennially by the state, such tax shall be double the amount so stated. Words used in this section shall have the same meaning as ascribed to them by K.S.A. 41-102 in Chapter 41 of the Kansas Statutes Annotated:
- (1) Manufacturer of alcohol and spirits: \$2,500.00.
 - (2) Manufacturer of beer (regardless of alcoholic content):
 - a. 1 to 100 barrels daily capacity or any part thereof: \$200.00.
 - b. 100 to 150 barrels daily capacity: \$400.00.
 - c. 150 to 200 barrels daily capacity: \$700.00.
 - d. 200 to 300 barrels daily capacity: \$1,000.00.
 - e. 300 to 400 barrels daily capacity: \$1,300.00.
 - f. 400 to 500 barrels daily capacity: \$1,400.00.
 - g. 500 or more barrels daily capacity: \$1,600.00.

The term "daily capacity," as used herein, shall mean the average daily barrel production for the previous 12 months of manufacturing operation; provided that, if no such basis for comparison exists, the manufacturer shall pay in advance for the first year's operation a fee of \$1,000.00.
 - (3) Manufacturer of wine: \$500.00.
 - (4) Microbrewery or farm winery: \$250.00.
 - (5) Spirits distributor, for the first and each additional distributing place of business operated in the city by the same person, and wholesaling and jobbing spirits: \$1,000.00.

- (6) Wine distributor, for the first and each additional distributing place of business operated in the city by the same person, and wholesaling and jobbing wine: \$1,000.00.
- (7) Beer distributor, for the first and each additional wholesale distributing place of business operated in the city by the same person, and wholesaling or jobbing beer and cereal malt beverage: \$1,000.00.
- (8) Retailer: \$300.00.
- (9) Nonbeverage user:
 - a. Class 1: \$10.00.
 - b. Class 2: \$50.00.
 - c. Class 3: \$100.00.
 - d. Class 4: \$200.00.
 - e. Class 5: \$500.00.
- (c) All persons engaged in the business as retailers of cereal malt beverages for consumption on the premises shall pay an annual occupation tax of \$100.00. All persons engaged in the business as retailers of cereal malt beverages in original and unopened containers not for consumption on the premises shall pay an annual occupation tax of \$100.00.
- (d) The taxes levied under this section are due on the following dates respectively:
 - (1) The following establishments shall pay the tax levied under this section on the date a license is issued to the person by the state and on the anniversary date of issuance for each second following year:
 - a. Class B clubs.
 - b. Manufacturer of alcohol and spirits.
 - c. Manufacturer of beer.
 - d. Manufacturer of wine.
 - e. Microbrewery or farm winery.
 - f. Spirits distributor.
 - g. Beer distributor.
 - h. Retailer.
 - i. Nonbeverage user.

- (2) ~~The following establishments shall pay the tax levied under this section on September 23 of each year:~~
- ~~a.j.~~ Class A club that is a bona fide nonprofit fraternal or war veterans' club.
 - ~~b.k.~~ Class A club which is a bona fide nonprofit social club and which has not more than 500 members.
 - ~~c.l.~~ Class A club which is a bona fide nonprofit social club and which has more than 500 members.
 - ~~d.m.~~ Drinking establishment.
 - ~~e.n.~~ Drinking establishment in a hotel of which the entire premises are licensed as a drinking establishment.
 - ~~f.o.~~ Caterer.
 - ~~g.p.~~ Drinking establishment/caterer.
 - ~~h.q.~~ Drinking establishment/caterer if the drinking establishment is a hotel of which the entire premises are licensed as a drinking establishment.
 - ~~i.r.~~ Wine distributor.
- (2) Any business existing on the effective date of this ordinance and holding a biennial license from the state shall pay the annual occupation tax levied under this section on the anniversary date of issuance. Upon the first and subsequent renewals of the state license for such business, the occupation tax levied under this section shall be on a biennial basis and the tax period shall coincide with the state licensure period.
- (3) The following establishments shall pay the tax levied under this section on January 1 of each year:
- a. Retailers of cereal malt beverages for consumption on the premises.
 - b. Retailers of cereal malt beverages in original and unopened containers not for consumption on the premises.

Section 3. Effective date. This ordinance shall take effect as of the date of its publication as provided by law.

Section 20. The original Section 34-78 of the 1988 Code of Ordinances, City of Kansas City, Kansas is repealed.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF
_____, 2021.**

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Assistant Counsel



Staff Request for Commission Action

Tracking No. 21932

Full Commission Meeting Date: 8/12/21

Committee: Administration & Human Services

Date of Standing Committee Action: 7/26/21

(If none, please explain):

Publication Required: No

<u>Date:</u> 7/12/2021	<u>Contact Name:</u> Jeffrey Conway	<u>Contact Phone:</u> x5075	<u>Contact Email:</u> jconway@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> Authorizes the establishment of a common consumption area for the consumption of alcoholic liquor on certain property located in the Legends Outlets in Village West in Kansas City, Kansas. Delineates the area and starts the process by which the Legends Outlets can apply for a common consumption area license from the Kansas Division of Alcoholic Beverage Control, submitted by Jeff Conway.				
<u>Action Requested:</u> To approve the ordinance.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Ordinance Common Consumption Area - Village West (002), Common Consumption Area Map Legends Outlets				

(Published on _____, 2021)

ORDINANCE NO. O-____-21

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF A COMMON CONSUMPTION AREA PURSUANT TO K.S.A. 41-2659, ALLOWING THE CONSUMPTION OF ALCOHOLIC LIQUOR ON PROPERTY NOT OTHERWISE SUBJECT TO A LICENSE ISSUED PURSUANT TO THE KANSAS LIQUOR CONTROL ACT OR THE CLUB AND DRINKING ESTABLISHMENT ACT, TO BE LOCATED IN THE LEGENDS OUTLETS AT VILLAGE WEST IN KANSAS CITY, KANSAS.

WHEREAS, K.S.A. 41-2659 authorizes a city or county to establish one or more common consumption areas within the city or county within which the possession and consumption of alcoholic liquor is authorized;

WHEREAS, K.S.A. 41-2659 requires the city or county to designate the boundaries of any common consumption area and prescribe the times during which alcoholic liquor may be consumed therein; and

WHEREAS, Legends Outlets in Village West in Kansas City, Kansas, has expressed an interest in applying for a common consumption area permit from the state Division of Alcoholic Beverage Control.

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

Section 1. Authorization. The Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas hereby authorizes the designation of a Common Consumption Area, subject to the terms and conditions set forth in this Ordinance.

Section 2. Boundaries and Detailed Map. The Common Consumption Area is generally located within the property of the Legends Outlets in the Village West in Kansas City, Kansas, with the specific boundaries set forth on the detailed maps attached hereto as Exhibit A and incorporated herein by reference. Legends Outlets is responsible to ensure the use of all barriers, signage, entrances and exits, security location, lines of demarcation, and any other use shown on Exhibit A during the time the Common Consumption Area is being used for the consumption of alcoholic liquor.

Section 3. Applicable Dates and Times. Alcoholic liquor is allowed within the Common Consumption Area only between the hours of 9:00 am and 10:00 pm. The area is not intended to be authorized for daily use, but rather is intended to be used on an infrequent basis for special events. During times when the area is not used as a Common Consumption Area, the space shall revert to its use as a public commons area.

Section 4. Required Security. Legends Outlets is responsible to ensure the required security for the Common Consumption Area by providing at least one (1) contracted security officer for all proposed events to provide security and monitor events, with security requirements being similar to those requirements set forth in Municipal Code section 4-104(f). Legends Outlets will work closely with the Kansas City, Kansas Police Department to avoid any safety concerns.

Section 5. Participating Licensees. Legends Outlets may coordinate with any participating alcohol vendors (“Licensees”) that are adjacent to the Common Consumption Area. Licensees must be properly licensed to sell alcoholic liquor immediately adjacent to or within the boundaries of the Common Consumption Area by the State of Kansas. Participating Licensees must receive permission to participate in the Common Consumption Area from the Director of Alcoholic Beverage Control. Said Licensees shall notify the Unified Government Clerk of such approval and shall post at all times a copy of documentation received from the Director of Alcoholic Beverage Control approving its participation. Said Licensees shall notify the City Clerk of any change, deletion, or addition of such approval within 10 business days of any such change to its license.

Section 6. Containers. Legends Outlets and licensees must provide to the Unified Government a sufficient description or sample of the distinctive alcoholic liquor container that displays its trade name, logo, or other unique identifying mark. Such container cannot be a glass bottle, container, or other vessel and must be distinctively different than containers in which non-alcoholic drinks are served.

Section 7. Compliance with Applicable Law. Legends Outlets and any participating licensees must abide by all applicable federal, state, and local laws, including but not limited to, any rules and regulations for a Common Consumption Area as promulgated by the Kansas Director of Alcoholic Beverage Control.

Section 8. State Permits and Posting. Legends Outlets shall provide the Unified Government Clerk with a copy of its state common consumption permit issued by the Director of Alcoholic Beverage Control within 10 business days of issuance. Legends Outlets shall promptly notify the Unified Government Clerk within 5 business days of any administrative actions or amendments to the state permit. During the operation of the Common Consumption Area, the state permit must be maintained by the onsite manager or supervisor and made available upon request by a law enforcement officer or other state official or Unified Government official. Applicable fee amounts shall be set by the County Administrator.

Section 9. Additional Requirements. The licensure period under state authorization is one year. Legends Outlets and any participating Licensees shall prevent off-premise consumption of alcoholic liquor and consumption of liquor by minors. Bartenders and servers shall be required to check ID, and bracelets shall be provided identifying individuals as 21 years of age or older.

Section 10. Notification to ABC and Applicant. The Unified Government Clerk shall provide a copy of this ordinance to the Kansas Director of Alcoholic Beverage Control and to the Legends Outlets, upon the ordinance taking effect.

Section 11. Effective Date. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the official Unified Government newspaper.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF
_____, 2021.**

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

THE LAWN



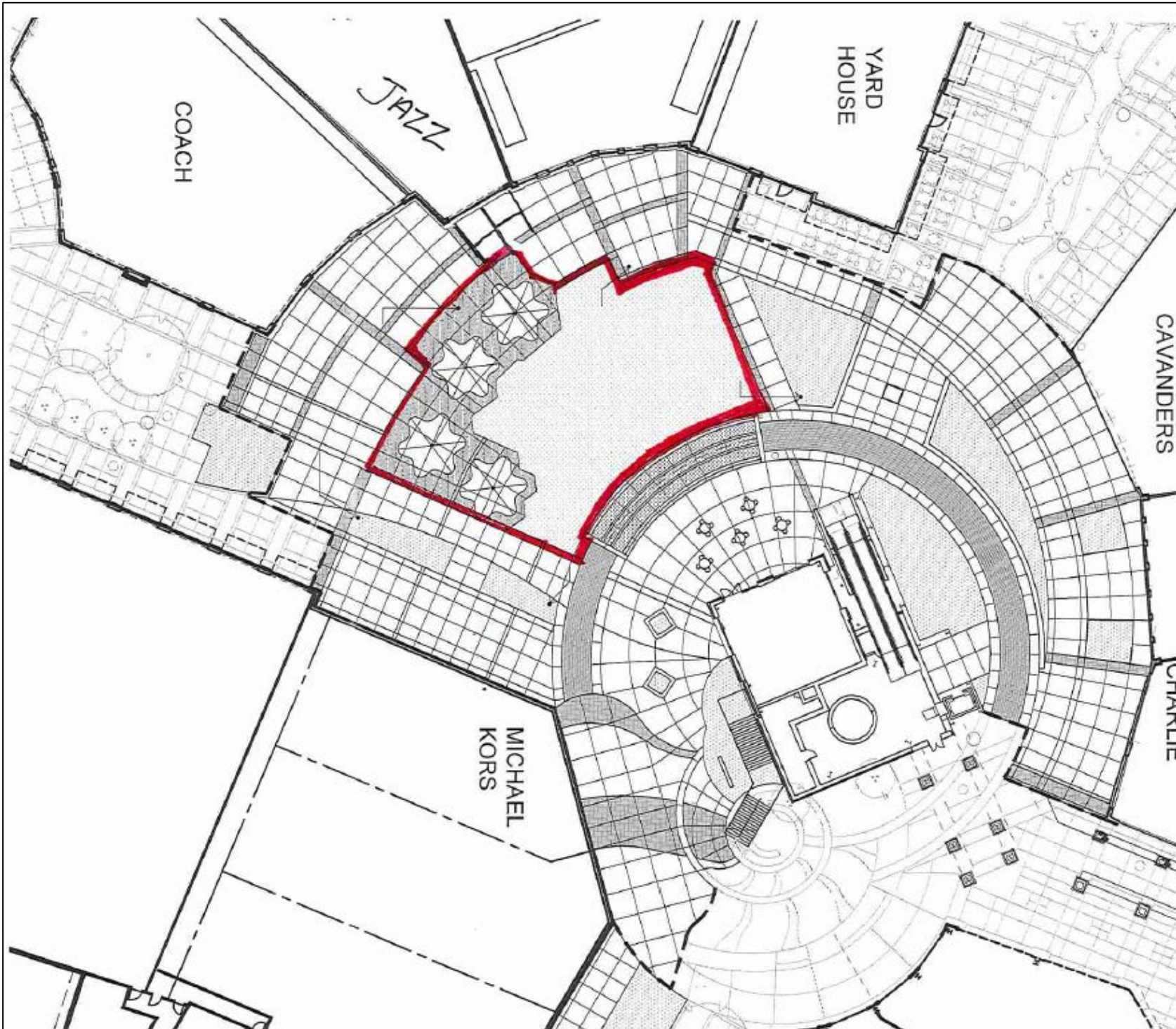


Exhibit A





Staff Request for Commission Action

Tracking No. 21939

Full Commission Meeting Date:

Committee: Administration & Human Services

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 7/14/2021	<u>Contact Name:</u> Patrick Waters	<u>Contact Phone:</u> x5079	<u>Contact Email:</u> patrickwaters@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> A discussion regarding what options residents and business have when trees are knocked down by storms of outside the normal burn season dates, and what air quality control measures, if any, must be utilized.				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				