



**UPDATE**  
**Full Commission Meeting Agenda**  
**Thursday, December 16, 2021**  
**7:00 PM**

**Location: Hybrid**

You are invited to a Zoom webinar.

When: Dec 16, 2021 07:00 PM Central Time (US and Canada)

Topic: Full Commission Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/82317792501?pwd=akNlMlRjZGJlNlNlOeUNJYTBSQT09>

Passcode: 922101

Or One tap mobile :

US: +12532158782,,82317792501# or +13462487799,,82317792501#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 9128 or +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656 or 888 475 4499 (Toll Free) or 877 853 5257 (Toll Free)

Webinar ID: 823 1779 2501

International numbers available: <https://us02web.zoom.us/j/82317792501?pwd=akNlMlRjZGJlNlNlOeUNJYTBSQT09>

<u>Name</u>	<u>Absent</u>
Mayor Tyrone Garner	<input type="checkbox"/>
Commissioner At-Large Dist. 1 – Melissa Bynum	<input type="checkbox"/>
Commissioner At-Large Dist. 2 – Tom Burroughs	<input type="checkbox"/>
Commissioner Gayle E. Townsend	<input type="checkbox"/>
Commissioner Brian McKiernan	<input type="checkbox"/>
Commissioner Christian Ramirez	<input type="checkbox"/>
Commissioner Harold Johnson	<input type="checkbox"/>
Commissioner Mike Kane	<input type="checkbox"/>
Commissioner Angela Markley	<input type="checkbox"/>
Commissioner Chuck Stites	<input type="checkbox"/>
Commissioner Andrew Davis	<input type="checkbox"/>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY COMMISSIONER HAROLD JOHNSON, FAITH DELIVERANCE CHURCH OF GOD IN CHRIST**
- IV. PLEDGE OF ALLEGIANCE**

**V. REVISIONS TO DECEMBER 16, 2021 AGENDA**

**Mayor's Agenda:**

**Revised Item No. 2** – Appoint Commissioner Christian Ramirez as the voting delegate and Bridgette Cobbins as alternate for the KAC special election.

**New Item No. 3** – A resolution amending the mask mandate only through December 16, 2021.

**Standing Committees' Agenda:**

**Revised Item No. 1** – Revision to the proposed new policy to the Human Resources Guide on paid childbirth and parental leave.

**VI. MAYOR'S AGENDA**

**Item No. 1 - APPOINTMENT: OLIVER SINGLETON TO HOUSING AUTHORITY**

**Synopsis:** Appointment of Oliver Singleton to the Housing Authority to represent Wyandotte County, submitted by former Mayor David Alvey. Charles Wilson's term ended October 31, 2020, and no one was appointed due to COVID until now.

**Tracking #: 211250**

**Item No. 2 - APPOINTMENT: VOTING DELEGATE FOR KAC**

**Synopsis:** Appointment of Bridgette Cobbins, Assistant County Administrator, as the voting delegate for the Kansas Association of Counties Special Election to be held virtually on January 5, 2022.

**Tracking #: 211247**

**VII. CONSENT AGENDA**

**Item No. 1 - RESOLUTION: SETTING THE TWO-YEAR MEETING CALENDAR**

**Synopsis:** A resolution setting the two-year meeting calendar for the Unified Government Commission and for the standing committees of the Unified Government Commission from February 2022 through January 2024, submitted by Brett Deichler, Unified Government Clerk.

**Tracking #: 211249**

**Item No. 2 - RESOLUTION: CASH AND INVESTMENT POLICY**

**Synopsis:** A resolution adopting the Unified Government's Cash and Investment Policy with no changes, submitted by Andrea Parra, Interim County Treasurer.

*On November 29, 2021, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

**Tracking #: 211236**

**Item No. 3 - SALE RESOLUTION: 2022-A BONDS AND 2022-I TEMPORARY NOTES**

**Synopsis:** A resolution authorizing the offering for sale of municipal temporary notes and general obligation bonds of the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Debbie Jonscher, Deputy Chief Finance Officer.

*On November 29, 2021, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

**Tracking #: 211184**

**Item No. 4 - RESOLUTION: VISIT KANSAS CITY, KANSAS DOCUMENTS**

**Synopsis:** A resolution approving the 2022 Budget, Marketing Plan, and new Five-Year Agreement between the Unified Government and Visit Kansas City, Kansas, submitted by Kathleen VonAchen, Chief Financial Officer.

*On November 29, 2021, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

**Tracking #: 211191**

**Item No. 5 - RESOLUTION: AMENDED POLICY ON DONATED SICK LEAVE**

**Synopsis:** A resolution adopting amendments to the Human Resources Guide relating to donated sick leave, submitted by J. Renee Ramirez, Director of Human Resources; Bonnie Bloesser, Sr. HR Partner; and Courtney Sachen, HR Partner.

*On December 6, 2021, the **Administration and Human Services Standing Committee**, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.*

**Tracking #: 211096**

**Item No. 6 – MINUTES**

**Synopsis:** Minutes of regular session of November 4, 2021, and special sessions of

November 18 and December 2, 2021.

**Tracking #: MINUTES**

**Item No. 7 - WEEKLY BUSINESS MATERIAL**

**Synopsis:** Weekly business material dated December 2, 2021.

**Tracking #: WEEKLY BUSINESS MATERIAL**

**VIII. PUBLIC HEARING AGENDA**

**IX. STANDING COMMITTEES' AGENDA**

**Item No. 1 - PRESENTATION/RESOLUTION: NEW POLICY ON CHILDBIRTH AND PARENTAL LEAVE**

**Synopsis:** Request to add a new policy on paid childbirth and parental leave to the Human Resources Guide, submitted by J. Renee Ramirez, Director of Human Resources; Bonnie Bloesser, Sr. HR Partner; and Courtney Sachen, HR Partner.

*On December 6, 2021, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission. It is being placed on the Standing Committee Agenda due to modifications.*

**Tracking #: 211223**

**X. ADMINISTRATOR'S AGENDA**

**XI. COMMISSIONERS' AGENDA**

**XII. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA**

**Item No. 1 - LAND BANK OPTION APPLICATIONS**

**Synopsis:** Request consideration of the following Land Bank option applications, submitted by Jud Knapp, Interim Land Bank Manager.

- A. New Construction - Single Family Homes – 5 Homes
  - 1. Mike Payne – 1 home  
3306 N. 33rd St. - 165213
  - 2. Jonathan Wilde – 1 home  
2806 S. 8th St. – 137043
  - 3. Lorena Vega – 1 home  
8545 Kansas Ave. – 932900
  - 4. Dr. Barbara Ann Woods – 2 homes  
2712 Garfield Ave. – 195633  
1876 N. 28th St. – 195449

*On November 29, 2021, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.*

**Tracking #: 211188**

**Item No. 2 - LAND BANK PROPERTY TRANSFERS**

**Synopsis:** Request consideration of the following Land Bank option applications, submitted by Jud Knapp, Interim Land Bank Manager.

Yard Extension

Shawn Simmons

2641 R N. 22nd St. – 160159

*On November 29, 2021, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.*

**Tracking #: 211189**

**XIII. PUBLIC ANNOUNCEMENT**

**XIV. ADJOURN**

**AGENDA UPDATE  
UNIFIED GOVERNMENT COMMISSION MEETING  
THURSDAY, DECEMBER 16, 2021**

**VI. MAYOR'S AGENDA**

**REVISED ITEM**

**ITEM NO. 2 – 211247: APPOINTMENT: VOTING DELEGATE FOR KAC**

**Synopsis:** Appoint Commissioner Christian Ramirez as the voting delegate and Bridgette Cobbins as alternate for the Kansas Association of Counties special election.

**NEW ITEM**

**ITEM NO. 3 – 211252: RESOLUTION: MASK MANDATE**

**Synopsis:** A resolution amending LHO 8/05/21 to extend the mask mandate only through December 16, 2021, regarding the Coronavirus (COVID-19) epidemic in Wyandotte County, Kansas.

**IX. STANDING COMMITTEES' AGENDA**

**REVISED ITEM**

**ITEM NO. 1 – 211223: PRESENTATION/RESOLUTION: NEW POLICY ON  
CHILDBIRTH AND PARENTAL LEAVE**

**Synopsis:** Revision to the proposed new policy to the Human Resources Guide on paid childbirth and parental leave.

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**An executive session will be held immediately following the Land Bank Board of Trustees' Consent Agenda regarding a personnel matter.**



# Staff Request for Commission Action

Tracking No. 211252

**Full Commission Meeting Date:** 12/16/21

**Committee:** Full Commission

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

**Publication Required:** Yes 12/23/2021

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
12/15/2021	Tyrone Garner			Mayor's Office
<u>Item Description:</u> Consideration of a resolution amending LHO 8/05/21 to extend the mask mandate only through December 16, 2021, regarding the Coronavirus (COVID-19) epidemic in Wyandotte County, Kansas.				
<u>Action Requested:</u> Adopt resolution				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> FINAL LHO 12-16-21 Reso				

(Published \_\_\_\_\_)

**RESOLUTION NO. \_\_\_\_\_**

A **RESOLUTION** amending amended LHO 8/05/21.

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

Emergency Public Health Order LHO 8/05/21 was issued to mitigate the spread of the Coronavirus (COVID-19) epidemic in Wyandotte County, Kansas, pursuant to the authority provided in K.S.A. 65-119, K.S.A. 65-129b, K.S.A. 65-201, K.S.A. 65-202 and other applicable laws or regulations.

\*\*\*\*\*

WHEREAS, the Local Health Officer is authorized and required, pursuant to K.S.A. 65-119 and K.S.A. 65-129b to immediately exercise and maintain supervision over known or suspected cases of any infectious or contagious disease during its continuance and to issue orders seeing that all such cases are properly handled and that the provisions of the Kansas public health laws as to isolation, quarantine and disinfection are duly enforced; and

WHEREAS, should the Local Health Officer feel the necessity to issue an order requiring the wearing of face masks the local health officer shall propose the order to the Board of County Commissioners under K.S.A. 65-201(b)(2); and

WHEREAS, the amendment becomes effective upon approval by the Board of County Commissioners; and

WHEREAS, pursuant to the provisions of K.S.A 65-201 of the Kansas Statutes Annotated, the Board of Commissioners shall have the power to review, amend, or revoke any order issued by the local health officer; and

WHEREAS, on August 4, 2021, Wyandotte County Local Health Officer, Dr. K. Allen Greiner issued proposed LHO 8/05/21; and

WHEREAS, on August 5, 2021, the Unified Government Board of Commissioners amended proposed LHO 8/05/21; and

WHEREAS, amended LHO 8/05/21 was originally scheduled to expire on September 16, 2021; and

WHEREAS, on September 9, 2021 amended LHO 8/05/21 was further amended to expire on November 18, 2021; and

WHEREAS, on November 18, 2021 amended LHO 8/05/21 was further amended to expire on January 6, 2022.

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

1. That the Unified Government Board of Commissioners hereby amends amended LHO 8/05/21 as follows:

**Section II. Lawful Order**

1. This Order becomes effective upon approval of the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, KS in accordance with K.S.A. 65-201 and remains in effect until 11:59 pm on December 16, 2021.
2. This amended Order shall be known and referred to as LHO 12/16/21.
3. The Mayor, the County Administrator, and the Unified Government's other officers, agents, and employees are hereby authorized and directed to take such further action, as may be necessary or desirable to carry out and comply with the intent of this Resolution.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.**

Attest:

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Unified Government Clerk



# Unified Government Human Resources Guide

Effective DRAFT REVISION

## Paid Childbirth and Parental Leave

- I. General: Paid childbirth leave is available to employees who give birth to a child or children to provide time for recovery from childbirth before returning to work. Paid parental leave is available to eligible employees to care for and bond with their child or children after birth or placement with the employee for adoption or foster care. These benefits are separate from leave under the Family and Medical Leave Act (FMLA) but will run concurrently with FMLA leave.
- II. Policy
  - A. Paid childbirth leave
    1. Full-time employees who give birth to a child or children are eligible for up to 240 hours of paid leave following delivery. Part-time A employees who give birth are eligible for up to 120 hours of paid leave following delivery.
    2. Paid childbirth leave begins on the day of delivery and must be taken continuously.
    3. An employee should notify her department that she will be taking leave for childbirth at least 30 days before the anticipated delivery date.
  - B. Paid parental leave
    1. Eligibility
      - a. Full-time or Part-time A employees are eligible for paid parental leave following a qualifying event. An employee need not be eligible for leave under the FMLA to use paid parental leave.
      - b. Parents who are both eligible employees may each take the maximum amount of leave available under this policy for the same qualifying event; they are not required to share the paid leave.
    2. Definitions
      - a. “Child” means a biological, adopted, or foster child who is under age 18.
      - b. “Qualifying event” means the birth of the employee’s child or children or the placement of one or more children with the employee for adoption or foster care.



# Unified Government Human Resources Guide

Effective DRAFT REVISION

3. Leave available

Paid parental leave is available to full-time and Part-time A employees as follows:

<u>Employee Status</u>	<u>Maximum per qualifying event</u>
Full-time	160 hours
Part-time A	80 hours

4. Use of leave

- a. Paid parental leave may be taken continuously or, with the approval of the department head, on an intermittent or reduced schedule basis.
- b. Employees may not use more hours of paid parental leave per day than they are normally scheduled to work.

5. Limitations on paid parental leave

- a. An employee may receive paid parental leave for only one qualifying event in a 12-month period.
- b. An employee may receive only one instance of paid parental leave per qualifying event. (For example, a full-time employee is eligible to receive 160 hours, not 320 hours, of paid parental leave following the birth of twins.)
- c. A child may be the subject of only one qualifying event. (For example, an employee who uses paid parental leave following the placement of a child with the employee for foster care is not eligible for paid parental leave if the employee later adopts the child.)
- d. Paid parental leave must be used within 16 weeks of the qualifying event. Leave not used within 16 weeks is forfeited. **The County Administrator may make exceptions to this requirement in extenuating circumstances (such as when a child is born prematurely and must remain in neonatal intensive care for an extended time after birth). An employee requesting an extension of time to use paid parental leave may be required to provide supporting documentation from the treating medical provider.**
- e. Paid parental leave may not be taken beyond the life of the child or the end of the child's placement with the employee.



# Unified Government Human Resources Guide

Effective DRAFT REVISION

- f. The following employees are ineligible for paid parental leave:
  - (1) Surrogate mothers and sperm donors.
  - (2) Employees who elect to give up their newborn child for adoption.
  - (3) Employees who adopt a stepchild.
  
- 6. Requests for leave
  - a. Human Resources is responsible for determining an employee's eligibility for paid parental leave and for approving the leave.
  - b. An employee must submit a completed Request for Paid Parental Leave form to Human Resources at least 30 days before the anticipated qualifying event. If the completed form cannot be submitted 30 days in advance, it must be submitted as soon in advance as possible.
  - c. An employee may be required to submit documentation substantiating the reason for the leave. The documentation required will be determined by Human Resources.
  
- 7. Notification to department
  - a. Upon submitting a Request for Paid Parental Leave form to Human Resources, an employee must notify his or her department of the request for paid parental leave.
  - b. If taking paid parental leave on an intermittent or reduced schedule basis, an employee must submit a proposed leave schedule to his or her supervisor for approval before beginning paid parental leave. If the supervisor does not approve the schedule, the supervisor and employee should work together to come to a mutually acceptable schedule.
  
- C. Compensation
  - 1. Childbirth and parental leave will be paid at the employee's base salary or hourly rate of pay.
  - 2. Paid childbirth and parental leave will not count as hours worked for purposes of calculating overtime.



# Unified Government Human Resources Guide

Effective DRAFT REVISION

3. Paid childbirth and parental leave will count towards the minimum month worked.
  4. Employees using paid childbirth or parental leave will continue to accrue vacation and sick leave.
  5. Official holidays will not be counted against paid childbirth or parental leave.
- D. Relationship to FMLA and other leave policies
1. Paid childbirth and parental leave will run concurrently with FMLA leave.
  2. Employees are not required to exhaust other available leave (e.g., vacation or sick leave) to use paid childbirth or parental leave.
- E. Separation or retirement
- Employees will not be paid for unused childbirth or parental leave upon separation from employment or retirement.
- F. Effective date
- Paid childbirth and parental leave will be available for births or, in the case of paid parental leave, for placements for adoption or foster care that occur on or after January 1, 2022.

#211250

MAYOR'S AGENDA ITEM NO. 1



Unified Government of  
Wyandotte County/Kansas City, Kansas  
David Alvey, Mayor/CEO

December 13, 2021

Dear Ms. Jackie Randall,

I would like to appoint Oliver Singleton to the Housing Authority to represent Wyandotte County. Mr. Charles Wilson's term ended October 31, 2020, and no one was appointed due to Covid until now.

Sincerely,

David Alvey  
Mayor/CEO

#211247

MAYOR'S AGENDA ITEM NO. 2



**KANSAS**  
ASSOCIATION OF  
**COUNTIES**

715 SW 10th Avenue • Topeka, KS 66612  
785-272-2585 • [www.kansascounties.org](http://www.kansascounties.org)

## -- Notice of Election --

TO: County Officials and Employees – Elected and Appointed  
FROM: Bruce A. Chladny, Executive Director *Bruce A. Chladny*  
RE: Urban Designee to the Kansas Association of Counties Governing Board

As you may know, the KAC Bylaws provide for one urban and one rural designee to the KAC Governing Board. For purposes of this election, an urban county is defined as a county with a population more than 70,000, and a rural county is defined as a county with a population of less than 70,000. The urban and rural designees are selected by the KAC Governing Board from applications submitted by county officials (elected/appointed) from member counties. Currently, the urban designee is Chairman Ed Eilert, Board of Johnson County Commissioners and the rural designee is Commissioner Max Dibble in Phillips County. The term of the urban representative expires in October 2021, Chairman Eilert is not eligible for re-election as urban designee to the KAC Governing Board and must be replaced.

Individuals interested in the three-year term of urban designee on the KAC Governing Board are invited to submit a letter of self-nomination on or before the close of business on Monday, October 11, 2021. The letter of self-nomination should include all pertinent contact information for the nominee; a summary of experience in county government; and an explanation of why you would be a good representative for urban counties.

It is possible that as part of the selection process, nominees for this position will be invited to make a brief presentation to the KAC Governing Board during the October board meeting. Nominees will be advised of the date, time, and location of such presentation as soon as the details are determined.

**The privilege of nomination as the Urban Designee is extended to county officials or employees from the counties of Douglas, Johnson, Leavenworth, Riley, Sedgwick, Shawnee, and Wyandotte.**

Letters can be sent as follows:

By Mail: Bruce A. Chladny, Executive Director  
Kansas Association of Counties  
715 SW 10th Avenue, Topeka, KS 66612  
By Email: [chladny@kansascounties.org](mailto:chladny@kansascounties.org)

# CERTIFICATION OF VOTING DELEGATE

**Kansas Association of Counties Special Election  
Wednesday, January 5, 2022, 2:00PM to 3:00PM**

**\* This will be a Virtual Vote Only \***

Purpose:

The Bylaws of the Kansas Association of Counties provide that the county voting delegate be selected and certified in the following manner:

*"Each member county shall be allowed one vote, which shall be cast by a chosen delegate designated for the county. Any county elected or appointed official may be selected as the county's voting delegate. The member county shall also appoint two alternates, specifying the order of such alternates, should the voting delegate be unavailable to attend the meeting. Delegates and alternates shall be certified to the KAC at least seven days before the meeting."*

Please complete this form including **email addresses for each voting delegate**, and return by email at your earliest convenience to:

oliva@kansascounties.org

If you have any questions please contact:

Betty Oliva  
oliva@kansascounties.org  
785.272.2585

**For voting delegates to be certified, your response (and/or any changes or alterations to this form) must be received no later than C.O.B. Thursday, December 16, 2021.**

Date: \_\_\_\_\_, 2021

I, \_\_\_\_\_, County Clerk of

\_\_\_\_\_ County do hereby certify that the following officers have been designated as the voting delegate and alternates for the KAC special election held on Wednesday, January 5, 2022 at 2:00PM to 3:00PM.

Delegate \_\_\_\_\_

Position \_\_\_\_\_

Email: \_\_\_\_\_

1st Alternate \_\_\_\_\_

Position \_\_\_\_\_

Email: \_\_\_\_\_

2<sup>nd</sup> Alternate \_\_\_\_\_

Position \_\_\_\_\_

Email: \_\_\_\_\_



# Staff Request for Commission Action

Tracking No. 211249

**Full Commission Meeting Date:** 12/16/21

**Committee:** Full Commission

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

**Publication Required:** Yes 12/23/2021

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
12/10/2021	Brett Deichler	x8103	bdeichler@wycokck.org	Clerk

Item Description:

A resolution setting the two-year meeting calendar for the Unified Government Commission and for the standing committees of the Unified Government Commission from February 2022 through January 2024.

Action Requested:

Adopt resolution

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution

(Published \_\_\_\_\_)

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION SETTING THE SCHEDULES OF MEETING TIMES FOR THE UNIFIED GOVERNMENT COMMISSION AND FOR THE STANDING COMMITTEES OF THE UNIFIED GOVERNMENT COMMISSION FROM FEBRUARY 2022 THROUGH JANUARY 2024.**

**WHEREAS**, pursuant to the provisions of Appendix C, Section 107 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, the Commission is authorized to set the time for regular meetings of the Commission as well as meetings limited to planning and zoning matters and to do so for a two-year period;

**WHEREAS**, pursuant to the provisions of Appendix C, Section 202 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, the neighborhood and community development (N/CD) and the economic development and finance (ED/F) standing committees of the Commission are required to meet on the Monday preceding the first full commission meeting of each month; and

**WHEREAS**, pursuant to the provisions of Appendix C, Section 202 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, the public works and safety (PW/S) and the administration and human services (A/HS) standing committees of the Commission are required to meet on the Monday preceding the second full commission meeting of each month.

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

**Section 1.** The attached schedule of meeting times of the Unified Government Commission, established pursuant to the provisions of Appendix C, Section 107 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby amended.

**Section 2.** The attached schedule of meeting times of the standing committees of the Unified Government Commission, established pursuant to the provisions of Appendix C, Section 202 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby amended.

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

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE  
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS  
CITY, KANSAS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

Approved:

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Tyrone Garner, Mayor/CEO

Attest:

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Unified Government Clerk

## FEBRUARY 2022 – JANUARY 2024 COMMISSION MEETING SCHEDULE

Thursdays 7:00 p.m. (unless otherwise specified)

Location: Commission Chambers (or as otherwise provided by notice of the UG Clerk)

FC=Full Commission

P/Z=Planning & Zoning

### 2022

Feb	10	FC
	24	FC
March	3	PZ & FC
	31	PZ & FC
April	7	FC
	28	P/Z & FC
May	12	FC
	26	P/Z & FC
June	9	FC
	30	P/Z & FC
July	14	FC
	28	PZ & FC
August	11	FC
	25	P/Z & FC
Sept	15	FC
	29	PZ & FC
Oct	13	FC
	27	PZ & FC
Nov	3	FC
	17	FC
Dec	1	PZ & FC
	15	FC

**JANUARY 2022 – JANUARY 2024 COMMISSION MEETING SCHEDULE**

Thursdays 7:00 p.m. (unless otherwise specified)

Location: Commission Chambers (or as otherwise provided by notice of the UG Clerk)

FC=Full Commission  
P/Z=Planning & Zoning

**2023**

January	12	PZ & FC
	26	PZ & FC
Feb	2	FC
	16	FC
March	2	PZ & FC
	30	PZ & FC
April	13	FC
	27	P/Z & FC
May	11	FC
	25	P/Z & FC
June	8	FC
	29	FC
July	13	FC
	27	PZ & FC
August	17	FC
	31	P/Z & FC
Sept	14	FC
	28	PZ & FC
Oct	12	FC
	26	PZ & FC
Nov	16	FC
	30	PZ & FC
Dec	7	PZ & FC
	14	FC

**2024**

January	11	PZ & FC
	25	PZ & FC

PROPOSED STANDING COMMITTEE MEETINGS  
February 2022 – January 2024

All Standing Committee meetings are scheduled the Monday prior to a full Commission meeting unless changed by the Chairperson of a committee, holiday, or for some other unforeseen reason. The meetings are held in the 5<sup>th</sup> Floor Conference Room of the Municipal Office Building (or as otherwise provided by notice of the UG Clerk).

N/CD - Neighborhood and Community Development  
ED/F – Economic Development and Finance  
PW/S – Public Works and Safety  
A/HS – Administration and Human Services

**Schedule for 2022 Standing Committees:**

<b><u>Date</u></b>	<b><u>5:00 p.m.</u></b>	<b><u>Immediately following</u></b>
February 7	ED/F	N/CD
February 28	PW/S	A/HS
March 7	ED/F	N/CD
March 28	PW/S	A/HS
April 4	ED/F	N/CD
April 25	PW/S	A/HS
May 9	ED/F	N/CD
May 23	PW/S	A/HS
June 6	ED/F	N/CD
June 27	PW/S	A/HS
July 11	ED/F	N/CD
July 25	PW/S	A/HS
August 8	ED/F	N/CD
August 22	PW/S	A/HS
September 12	ED/F	N/CD
September 26	PW/S	A/HS
October 10	ED/F	N/CD
October 24	PW/S	A/HS
November 7	ED/F	N/CD
November 14	PW/S	A/HS
December 5	ED/F	N/CD
December 12	PW/S	A/HS

**Schedule for 2023 Standing Committees:**

<b><u>Date</u></b>	<b><u>5:00 p.m.</u></b>	<b><u>Immediately following</u></b>
January 9	ED/F	N/CD
January 23	PW/S	A/HS
February 6	ED/F	N/CD
February 13	PW/S	A/HS
March 6	ED/F	N/CD
March 27	PW/S	A/HS
April 3	ED/F	N/CD
April 24	PW/S	A/HS
May 8	ED/F	N/CD
May 22	PW/S	A/HS
June 5	ED/F	N/CD
June 26	PW/S	A/HS
July 10	ED/F	N/CD
July 24	PW/S	A/HS
August 14	ED/F	N/CD
August 28	PW/S	A/HS
September 11	ED/F	N/CD
September 25	PW/S	A/HS
October 9	ED/F	N/CD
October 23	PW/S	A/HS
November 13	ED/F	N/CD
November 27	PW/S	A/HS
December 4	ED/F	N/CD
December 18	PW/S	A/HS

**Schedule for 2024 Standing Committees:**

<b><u>Date</u></b>	<b><u>5:00 p.m.</u></b>	<b><u>Immediately following</u></b>
January 8	ED/F	N/CD
January 22	PW/S	A/HS



# Staff Request for Commission Action

Tracking No. 211236

**Full Commission Meeting Date:** 12/16/21

**Committee:** Economic Development & Finance

Date of Standing Committee Action: 12/6/21  
(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>
12/06/2021	Andrea Parra	x8226	aparra@wycokck.org	Treasurer

**Item Description:**

Presentation of the Unified Government's Cash and Investments Policy with no changes and consideration of a resolution adopting said policy.

**Action Requested:**

Adopt resolution

**Budget Impact: (if applicable)**

Amount:

Source:

Included In Budget:

Other (explain):

**Attachments List:**

Resolution Adopting Cash Management Policy - final, Cash-Investment Policy-2021

**A RESOLUTION ADOPTING THE UNIFIED  
GOVERNMENT'S CASH MANAGEMENT POLICY FOR 2022.**

WHEREAS, the purpose of the Cash Management and Investment Policy (the "Policy") is to identify the policies and statements of the Unified Government regarding the safe and responsible management of Unified Government funds and to authorize and establish procedures for the management and investment of Unified Government funds to achieve the Policy objectives.

WHEREAS, the Policy shall be reviewed on an annual basis by the Cash Management Committee and shall be reviewed and approved annually by the Board of Commissioners. If it deems it necessary, the Cash Management Committee will recommend changes to the Policy to the Board of Commissioners. Any recommended modifications to the Policy must be reviewed and approved by the Board of Commissioners.

WHEREAS, the Cash Management Committee reviewed the previous Policy for 2021 and had no recommended changes to make for 2022.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF  
COMMISSIONERS OF THE UNIFIED GOVERNMENT:**

**SECTION 1. Adoption of Cash Management and Investment Policy.** The Board of Commissioners of the Unified Government hereby approves and adopts the Policy, as set forth in Exhibit A, attached hereto. The Board of Commissioners finds that the attached Policy sets forth procedures which will allow the Unified Government to invest funds in a manner that will meet daily cash flow demands while providing a reasonable rate of return with the maximum security in conformity with all Kansas statutes governing the investment of public funds.

**SECTION 2. Authorizations.** That the County Administrator and all other employees and agents of the Unified Government are authorized to take all actions and to approve all instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

**SECTION 3. Effective Date.** This Resolution shall be effective upon adoption by the Unified Government Board of Commissioners.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED  
GOVERNMENT THIS 16th DAY OF DECEMBER, 2021.**

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Unified Government Clerk



## Unified Government of Wyandotte County and Kansas City, Kansas

### Cash and Investment Policy

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#### **Section 1. General Purpose Statement**

The Board of Commissioners has authority to invest all funds held by or belonging to Wyandotte County/Kansas City, Kansas (“Unified Government” or “UG”). The purpose of this Cash Management and Investment Policy is to identify the policies and statements of the Unified Government regarding the safe and responsible management of the Unified Government funds; and to authorize and establish procedures for the management and investment of Unified Government funds to achieve the Policy objectives.

#### **Section 2. Legal Authority**

The Unified Government Board of Commissioners is granted the authority to invest temporarily idle funds, i.e. those funds which are not immediately required for the purposes for which the moneys were collected or received and the investment of which is not subject to or regulated by any other statute, under K.S.A. 12-1675 and 12-1677b which also identifies the types of investments the Unified Government may purchase.

#### **Section 3. Policy Statement**

The policy of the Unified Government is to invest its funds in a manner which will provide a reasonable rate of return with the maximum security while meeting the daily cash flow demands of the Unified Government and conforming to all statutes governing the investment of such funds.

#### **Section 4. Scope**

This Cash Management and Investment Policy shall apply uniformly to all officials, employees, departments, agencies, representatives and authorized agents in the performance of their official duties and to the processing and management of all investment transactions of the Unified Government’s idle funds. All participants in the investment process shall act responsibly as custodians of the public trust. Investment officials will conduct themselves as good stewards of public funds that will promote public confidence in the Unified Government’s ability to govern effectively.

This Cash Management and Investment Policy applies to the Unified Government’s cash management and investment activities primarily focused on idle funds and general obligation bond proceeds held by or under the control of the Unified Government. Debt service funds, reserve funds, and other financial assets held by various fiscal agents and trustees as provided under various bond ordinances are invested at the direction of the Unified Government but are not held by the UG nor under the direct control of the Director of Revenue/County Treasurer.

#### **Section 5. Adoption and Annual Review**

This Cash Management and Investment Policy shall be adopted by resolution of the Board of Commissioners. The Policy shall be reviewed on an annual basis by the Cash Management Committee

and shall be reviewed and approved annually by the Board of Commissioners. If it deems it necessary, the Cash Management Committee will recommend changes to this Policy to the Board of Commissioners. Any recommended modifications to the Policy must be reviewed and approved by the Board of Commissioners.

#### **Section 6. Cash Management Committee; Delegation of Authority**

A Cash Management Committee shall be established. The Cash Management Committee (CMC) shall consist of the following voting members: Unified Government's Chief Financial Officer, the Clerk, the Director of Revenue/County Treasurer, the Chief Counsel or designee and the following non-voting members: the Legislative Auditor or designee, Accounting Manager, Cash Manager and one member from the municipal advisory firm of the Unified Government. The Chief Financial Officer shall serve as the Chairperson of the CMC.

Responsibility for the operation of the investment program is delegated to the CMC which shall establish procedures and internal controls for the operation of the investment program consistent with this Policy.

Daily and routine investments of Unified Government idle funds will be made by the Chief Financial Officer or designee, under the guidelines set forth in this Policy and as recommended by the CMC.

#### **Section 7. Investment Procedures**

This Policy is administered through a separate set of written Investment Procedures, which should be referred to in conjunction with this Policy. The Cash Management Committee is hereby authorized to adopt written Investment Procedures consistent with this Cash Management and Investment Policy. Such Procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this Policy and the Procedures adopted by the Cash Management Committee. The Director of Revenue/County Treasurer shall be responsible for all transactions undertaken and shall establish a system of internal controls to regulate the activities of subordinate officials.

In the development of the system of internal controls, consideration shall be given to documentation of strategies and transactions, techniques for avoiding collusion, separation of functions, delegation of authority, limitations of authority, and custodial safekeeping.

#### **Section 8. Staff Qualifications**

- A. The Unified Government shall hire a Cash Manager or shall retain an outside manager to manage investments. The Cash Manager will have the necessary qualifications to perform investment duties as outlined in the Cash Management and Investment Policy and the Cash Management and Investment Procedures and will be supervised by the Chief Financial Officer or designee.
- B. Duties of the Cash Manager position include the following:
  - 1. Management of the short-term and long-term investment portfolios in accordance with K.S.A. 12-1675 and 12-1677b and amendments thereto, with any other applicable statutes or ordinances or resolutions, and with this Cash Management and Investment Policy and the Cash Management and Investment Procedures and amendments thereto;
  - 2. Tracking investment transactions; ensuring accuracy and security of investments, monitoring record keeping of investments;

3. Performing inspections on safekeeping receipts held as collateral to cover investments; alerting banks regarding insufficient collateral;
  4. Prepare cash flow forecasts;
  5. Generate investment performance statistics and activity reports; and
  6. Other duties as assigned by the Chief Financial Officer or the Director of Revenue/Treasurer.
- C. Specific qualifications include a bachelor’s degree in Finance, Accounting, Economics, Business, or Public Administration and two years of progressively responsible investing or accounting experience, or any equivalent combination of education and experience sufficient to successfully perform the essential duties of the job. If the individual appointed to the Cash Manager position does not possess the requisite investment experience, the individual will attend government investment training approved by the Chief Financial Officer within one year of appointment.

### **Section 9. Investment Advisor**

The Chief Financial Officer, with the approval of the Cash Management Committee, may appoint an independent Investment Advisor registered with the Securities and Exchange Commission pursuant to the Investment Advisers Act of 1940 and the rules adopted thereunder, or a “Municipal Advisor” as defined by Section 975 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, amending Section 15B of the Securities Exchange Act of 1934, and interpreted by the Securities and Exchange Commission in its final rules adopted September 10, 2013, to advise the Unified Government on investment activities. The Investment Advisor will be selected through a competitive process under the Unified Government’s Procurement Code. The terms and conditions of such relationship shall be set out in a contract. The duties and responsibilities of the Investment Advisor at a minimum shall include the following.

1. Providing advice and analysis on the Unified Government’s Investment Policy, portfolio management techniques, portfolio structures, and new investment securities and products;
2. Assistance in developing or improving and implementing cash flow modeling;
3. Providing advice on investment benchmarking and performance reporting;
4. Evaluation of the capabilities and usage of software utilized in management of and accounting for the investments;
5. Assisting in any investment related presentations to the Cash Management Committee or Board of Commissioners; and
6. Providing analysis, advice, and assistance on other investment-related matters, including investment of bond proceeds.

### **Section 10. Standards of Care**

#### **A. Prudence**

The standard of prudence to be used by investment officials shall be the “prudent person standard” and shall be applied in the context of managing an overall portfolio. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence would exercise in the management of their own affairs, not for speculation, but for investment, considering first the safety and liquidity of their capital

and next the probable income to be derived. If outside investment professionals are retained, they shall be held to the “prudent expert standard,” that is, they shall exercise the judgment, care, skill, prudence and diligence, under the circumstances then prevailing, which persons of prudence, discretion and intelligence acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims by diversifying the investments so as to minimize the risk of large losses, unless, under the circumstances, it is clearly prudent not to do so, and not in regard to speculation but in regard to the permanent disposition of similar funds, considering the probable income as well as the probable safety of their capital.

The Chief Financial Officer, other investment officials, and the members of the CMC, when acting in accordance with the written Investment Procedures and the Cash Management and Investment Policy, and when exercising due diligence, shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

**B. *Ethics and Conflict of Interest***

Unified Government officers and employees authorized to perform investment duties shall refrain from personal business activity that could conflict with proper execution and management of the investment program, or that could impair their ability to make impartial decisions. For purposes of this Policy, “officers and employees” means voting members of the Cash Management Committee and the Cash Manager; it shall not mean elected officials.

No officer or employee shall use his or her official position or office to obtain direct or indirect personal financial gain for himself or herself, his or her family, or any business in which the officer or employee has a financial interest. Officers and employees are governed by this Policy, the Unified Government Code of Ethics, and any applicable state laws.

Investment staff shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the Unified Government.

Officers and employees shall disclose annually to the Legislative Auditor and to the Ethics Administrator any financial interest in financial institutions with which the Unified Government conducts business or any benefit which the officer or employee obtains from any Unified Government contract or from placement of an investment of Unified Government funds. For purposes of this Policy, “financial institution” means banks, savings banks, or savings and loan associations as defined in K.S.A. 12-1675a and amendments thereto. For purposes of this Policy, “financial interest” means (a) ownership or any interest or involvement in any relationship from which, or as a result of which, a person within the past year has received, or is presently or in the future entitled to receive, more than \$5,000 per year, or its equivalent; (b) ownership of such interest in any property or any business as may be specified by the Ethics Commission; or (c) holding a position in a business such as an officer, director, trustee, partner, employee, or the like or holding any position of management. Financial interest does not include household operating accounts or a depository relationship with a financial institution.

Each financial institution in which the Unified Government deposits funds and each investment manager and each consultant retained by the Unified Government shall be notified of this

section of the Policy and shall conform to its provisions and shall not participate in any violation of this section or in any effort to influence any officer or employee to breach the standards of ethical conduct set forth in this section.

## **Section 11. Objectives**

The primary objectives of the Unified Government investment activities, in priority order, shall be:

**A. *Safety.*** Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of principal in the overall portfolio. The objective will be to mitigate credit and interest rate risk.

*1. Credit Risk*

Credit risk, the risk of loss due to the failure of the security issuer or backer, will be minimized by:

- a. Limiting investment to the safest types of securities;
- b. Pre-qualifying financial institutions, broker/dealers, intermediaries, and advisors with whom the UG will do business; and
- c. Diversifying the investment portfolio so that potential loss on individual securities will be minimized.

*2. Interest Rate Risk*

Interest rate risk, the risk that the market value of securities in the portfolio will fall due to changes in general interest rates, will be minimized by:

- a. Structuring the investment portfolio so that the securities mature to meet cash requirements of the general operating fund, thereby avoiding the need to sell securities prior to maturity; and
- b. Investing general operating funds primarily in shorter-term securities.

**B. *Diversification.***

*1. In General*

It is the policy of the Unified Government to diversify its investment portfolio so as to protect its funds from material losses due to issuer defaults, market price changes, technical complications leading to temporary lack of liquidity, or other risks resulting from an over-concentration of assets in a specific maturity, a specific issuer, or a specific class of securities.

*2. By Institution*

Investments will be diversified so that reliance on any one issuer or financial institution will not place an undue financial burden on the Unified Government in the event of default. Accordingly, no more than 25% of the total investment portfolio shall be with the same financial institution or issuer, except US treasuries, unless it would be prudent to do so under prevailing circumstances. If the above limit is exceeded, the Chief Financial Officer will notify the CMC.

3. *By Instrument Type*

Market and credit risk will be minimized by diversification among investment types. The following are maximum limits for the percentage of Unified Government investable funds to be invested in each investment type.

a.	Certificates of deposit	100%
b.	U. S. Treasury bills, notes or bonds	100%
c.	U. S. Government agency obligations	50%
d.	Kansas Municipal Investment Pool	50%
e.	Repurchase agreements	25/100%*
f.	Bank trust department municipal pools	25%
g.	Temporary notes or no-fund warrants	10%

Because of distortion created by deposit of proceeds from the sale of temporary notes issued by the Unified Government, measurement of the maximum limits on investments by institution and by instrument type for purposes of this subsection 11.B. shall occur at least one week after the deposit of such proceeds.

\* NOTE: Investments in short term securities shall be limited to 10% of investable funds, and investments in repurchase agreements shall be limited to 25% of investable funds, except as set out below. While it is not the goal to invest 100% of investable funds in either short term securities or repurchase agreements, the ability to invest the maximum limit in these two investment types is recognized as an option in certain market circumstances when these investments offer higher returns than other investment types at minimal risk. The option to invest more than the 10% or 25% limit respectively will be used only when the Cash Manager determines, with the concurrence of the Chief Financial Officer and the Unified Government's municipal advisory firm, that it is advantageous and prudent to do so.

**C. *Liquidity.***

1. The Unified Government's investment portfolio will remain sufficiently liquid to enable it to meet all operating requirements that might be reasonably anticipated without incurring material losses by structuring the portfolio so that securities mature concurrent with anticipated cash needs. Since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets.
2. The Unified Government understands the importance of having sufficient funds invested in overnight sweep accounts to meet weekly payrolls, accounts payable, scheduled debt service, and extraordinary expenses that may occur, which may range from 10% to 25% of available investment funds.
3. It is important for a county government to have the necessary funds for the scheduled tax distributions to other governmental entities. In particular, liquidity is essential for the January and June tax distributions. Therefore, it is the policy of the Unified Government that such funds be held liquid to provide assurance as to the availability and

safety of these funds held on behalf of the other governmental entities under the Unified Government's trust.

**D. Maturity.**

1. All investments shall be made to mature in accordance with cash needs identified in regularly prepared and updated cash flow forecasts. The Unified Government recognizes that the laddering of investments is a sound approach to mitigate short-term interest rate fluctuations. Additional considerations in the structuring of investments shall include:
  - a. Review of economic and financial indicators, such as Federal Reserve monetary policy position statements and the U.S. Treasury yield curve; and
  - b. Input from the Unified Government's municipal advisory firm.
2. The Unified Government has adopted the following maturity target ranges for its core investment portfolio. Core investments include all operating funds of the Unified Government and exclude bond proceed funds held by a bond trustee for the purpose of project construction, debt service payments, debt reserves or other escrow requirements.

a.	0 – 12 months	30% to 60%
b.	12 – 24 months	20% to 40%
c.	24 – 36 months	15% to 30%
d.	36 – 48 months	10% to 20%

The maturity targets are provided as a guideline. Notwithstanding the above maturity target ranges, cash flow requirements and existing interest rate markets may dictate the need to adjust the timing of investment maturities.

4. The sale of securities before maturity shall require the prior approval of the Chief Financial Officer based on the following reasons:
  - a. A security with declining credit quality may be sold early to minimize loss of principal.
  - b. Liquidity needs require a security to be sold.
  - c. It is advantageous to the portfolio to sell such securities.
  - d. Financial failure of the issuer is likely.
5. As long as this Policy continues to be approved by the State Pooled Money Investment Board, the maximum maturity for investments shall be four years. Otherwise the maximum maturity for investments shall be two years.

**E. Return on Investment.** The investment portfolio shall be designed to attain a market-average rate of return throughout budgetary and economic cycles, taking into account the UG's investment risk constraints, state statutes, cash flow characteristics of the portfolio, and

prudent investment principles. As a benchmark for risk-free investment transactions, the U.S. Treasury Bill rate for the Unified Government's total portfolio weighted average maturity term will be the minimum standard for the portfolio's rate of return. Return on investment is the last in importance compared to the safety, diversification, liquidity and maturity objectives described above.

## **Section 12. Performance Evaluation and Reporting**

Investment performance shall be continually monitored and evaluated by the CMC. Investment performance statistics and activity reports will be generated by the Cash Manager. Summary investment reports will be provided quarterly to the Economic Development and Finance Standing Committee of the Unified Government Board of Commissioners, with copies to the County Administrator, the Unified Government Commission, and the Cash Management Committee.

Reports shall include but not be limited to information on interest received, interest earned, investment yield, types of investments, distribution by type of investments, maturity schedule by month, weighted average days to maturity, evaluation of portfolio to selected benchmark, and any other information deemed necessary by the Chief Financial Officer or requested by the County Administrator or the Board of Commissioners.

## **Section 13: Eligible Financial Institutions**

### **A. *Minimum Qualifications for Depositories***

1. In order to ensure the safety of principal, the Unified Government shall deposit funds, including those designated for investment purposes, only in eligible financial institutions which meet the minimum criteria set forth below. Financial institutions failing to meet the minimum criteria shall not be considered eligible.
2. Financial institutions must meet the following minimum qualifications:
  - a. The deposits of the financial institution are insured by the Federal Deposit Insurance Corporation (FDIC).
  - b. The financial institution meets the criteria for eligibility under state law for active or idle funds as appropriate.
3. If a financial institution loses its eligibility under state law after Unified Government funds are deposited or invested, no additional funds shall be deposited in such institution. Funds shall be removed as quickly as is prudent under the circumstances, but funds invested with a prescribed time for maturity need not be withdrawn before such maturity.

### **B. *Depositories for Active Funds***

1. *Security Required.* If a financial institution is designated as an official depository for active funds, before any Unified Government funds are deposited, satisfactory security must be obtained for such deposits. Satisfactory security is as described in K.S.A. 9-1402, as amended, and this Policy.

2. *Selection Criteria.* In addition to the required criteria listed above, the Unified Government may also consider the following when selecting a financial institution as a depository for active funds:
  - a. Full service capabilities
  - b. Submission of financial statements and availability schedules
  - c. Acceptable staff experience
  - d. Statement of equal opportunity employment practices
  - e. Extent of reinvestment of deposits in Wyandotte County.
3. *Competitive Selection.* The Chief Financial Officer shall solicit proposals prior to the designation of one or more depositories. The Unified Government's purchasing policies shall be followed when obtaining proposals on the Unified Government's depository specifications. Selection of the depositories shall be based on the capacity of an institution to perform the services required and on the most favorable terms and conditions for handling of Unified Government funds.
4. *Governing Body Designation.* K.S.A. 9-1401, as amended, requires the governing body of the Unified Government to designate by official action the financial institution or institutions, which shall serve as depositories of its active funds.

**C. Idle Funds**

1. *In General.* Idle funds shall be invested only in the manner set out in K.S.A. 12-1675 and 12-1677b, and amendments thereto, and in this Policy. Investment transactions shall only be conducted with:
  - a. Qualified financial institutions which meet the minimum requirements contained in this Section 13 and the criteria for eligibility under state law; or
  - b. Qualified primary government security dealers and broker/dealers as set out below.
2. *Certification.* In order to be qualified for investment of Unified Government idle funds, a financial institution, securities dealer, or broker/dealer must certify in writing that the person responsible for the investment has read and understood and agreed to comply with this Policy.
3. *Competitive Selection.* Investments of idle funds will be offered to all approved institutions and dealers who have requested to be on the list of interested bidders. Investments will be awarded through a competitive process involving solicitation of bids from qualified institutions and dealers.

A list will be maintained of financial institutions authorized to provide investment services. In addition, a list will be maintained of approved primary government security dealers and broker/ dealers.

4. *Primary Government Securities Dealers and Broker/Dealers.*  
Investment transactions may be conducted with primary government securities dealers which report to the market report division of the Federal Reserve Bank of New York or any broker-dealer which is registered in compliance with the requirements of Section 15 or 15C of the Securities Exchange Act of 1934 and registered pursuant to K.S.A. 17-12a401, and amendments thereto.

In order to be qualified to conduct investment transactions with the Unified Government, broker/dealers must meet the minimum requirements for credit worthiness established by the Kansas Pooled Money Investment Board, including minimum capital requirements and years of operation, and must be approved by the Cash Management Committee.

All broker/dealers who wish to become qualified for investment transactions must supply to the Chief Financial Officer on an annual basis the following items as appropriate:

- a. A copy of the most recent audited annual financial statement;
- b. If requested by the Unified Government, a copy of the most recent, unaudited annual financial statement;
- c. Proof of Financial Industry Regulatory Authority (FINRA) certification;
- d. Proof of state registration with the Kansas Securities Commission;
- e. Completed broker/dealer questionnaire (non-primary dealers only);
- f. Business resume of individual assigned to UG account; and
- g. Notice of any regulatory action taken against the broker/dealer.

5. *Safekeeping and Custody.*  
All security transactions, including collateral for repurchase agreements, shall occur on a delivery versus payment basis. This ensures that securities are deposited in the eligible financial institutions prior to the release of funds. Safekeeping and custody agreements will be maintained with third-party financial institutions. All securities, including those acquired by repurchase agreements, shall be perfected in the name of the Unified Government and shall be delivered to a third-party custodian designated by the Unified Government and evidenced by safekeeping receipts.

## **Section 14. Authorized Investments**

### **A. *Idle Funds***

The investments authorized for the idle funds (those funds not immediately required for the purposes for which the moneys were collected) under this Policy shall be in conformance with K.S.A. 12-1675, K.S.A. 12-1677b, and amendments thereto, and any other applicable statutes or ordinances or resolutions and amendments thereto. As long as this Policy continues to be approved by the Kansas Pooled Money Investment Board, the investments permitted by K.S.A. 12-1677b shall be authorized investments under this Policy. For purposes of this Policy, "investment rate" means a rate which is the equivalent yield for United States government securities having a maturity date as published in the Wall Street Journal, nearest the maturity date for equivalent maturities. The 0-90 day rate shall be computed on the average effective federal funds rate as published by the Federal Reserve system for the previous week.

If for any reason this Policy is not approved by the Kansas Pooled Money Investment Board, the investments permitted by K.S.A. 12-1675 shall be the only authorized investments under this Policy until such time as this Policy obtains the approval of the Kansas Pooled Money Investment Board.

As long as this policy continues to be approved by the Kansas Pooled Money Investment Board, the following are authorized investments, pursuant to K.S.A. 12-1675 and 12-1677b. The maximum maturity for investments under this subsection shall be four years.

1. *United States Treasury and Agency Securities.* Direct obligations of, or obligations that are insured as to principal and interest by, the United States of America or any agency thereof and obligations and securities of United States-sponsored enterprises which under federal law may be accepted as security for public funds, except that such investments shall not be in mortgage-backed securities. Investments under this paragraph shall be limited to securities which do not have any more interest rate risk than do direct United States government obligations of similar maturities. For purposes of this subsection, "interest rate risk" means market value changes due to changes in current interest rates.
2. *Interest-bearing Time Deposits.* In any banks, savings and loan associations, and savings banks which have a main or branch office in Kansas.
3. *Repurchase Agreements.* With banks, savings and loan associations, and savings banks which have a main or branch office in Kansas or with a primary government securities dealer which reports to the market reports division of the Federal Reserve Bank of New York for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof and obligations and securities of United States government-sponsored enterprises which under federal law may be accepted as security for public funds.
4. *Temporary Notes Issued by the Unified Government.*
5. *Municipal Investment Pool Fund.* The fund established in K.S.A. 12-1677a and amendments thereto and managed by the Kansas Pooled Money Investment Board.
6. *Multiple Municipal Client Investment Pools.* Managed by the trust departments of banks which have offices located in Wyandotte County or with trust companies incorporated under the laws of Kansas which have contracted to provide trust services under K.S.A. 9-2107, and amendments thereto. Moneys invested under this paragraph shall be secured as provided in K.S.A. 9-1402, and amendments thereto, and this Policy.

**B. *Local Emphasis***

1. Subject to the other requirements of this Policy, funds available for investment under this section will be offered first to eligible financial institutions with a main or branch office located in Wyandotte County. If such financial institutions cannot or will not make the investments available at interest rates equal to or greater than the investment rate as defined in K.S.A. 12-1675a, and amendments thereto, or if such financial institutions are limited from bidding on the investment by the diversification requirements of this Policy,

then the funds may be offered to other eligible financial institutions or entities permitted under this Policy.

2. Notwithstanding any other requirements of this Policy, the Unified Government will offer \$235,000 to every financial institution with a main or branch office located in Wyandotte County if such financial institutions will make the investment at interest rates equal to or greater than the investment rate as defined in K.S.A. 12-1675a, and amendments thereto, at a maturity term to be determined by the Unified Government.

**C. *Investment of Bond Proceeds***

The Unified Government will invest proceeds of bonds (other than industrial revenue bonds for which the Unified Government is merely a conduit issuer) and temporary notes in conformance with K.S.A.10-131, and amendments thereto. The following lists the investments, which the Unified Government will consider, and which shall be authorized for the investment of bond proceeds:

1. Investments authorized for idle funds by K.S.A. 12-1675 and this Policy.
2. The municipal investment pool established pursuant to K.S.A. 12-1677a.
3. Direct obligations of the United States government or any agency thereof;
4. Temporary notes issued by the Unified Government.
5. Interest-bearing time deposits in commercial banks located in Wyandotte County.
6. Obligations of the Federal National Mortgage Association, Federal Home Loan banks and Federal Home Loan Mortgage Corporation.
7. Repurchase agreements collateralized by direct obligations of the United States government or any agency thereof or obligations of the Federal National Mortgage Association, Federal Home Loan Banks or the Federal Home Loan Mortgage Corporation.
8. Investment agreements with or other obligations of a financial institution, the obligations of which at the time of investment are rated in either of the three highest rating categories by Moody's Investors Service or Standard and Poor's Corporation;
9. Investments in shares of units of a money market fund or trust, the portfolio of which is comprised entirely of direct obligations of the U.S. government or any agency thereof or obligations of the Federal National Mortgage Association, Federal Home Loan Banks or Federal Home Loan Mortgage Corporation.
10. Receipts evidencing ownership interest in securities or portions thereof in direct obligations of the United States government or any agency thereof or obligations of the Federal National Mortgage Association, Federal Home Loan Banks or Federal Home Loan Mortgage Corporation.

11. Municipal bonds or other obligations issued by any municipality of the State of Kansas as defined in K.S.A. 10-1101, and amendments thereto, which are general obligations of the municipality issuing the same.
12. Bonds of any municipality of the State of Kansas as defined in K.S.A. 10-1101, and amendments thereto, which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of direct obligations of the United States government or any agency thereof or obligations of the Federal National Mortgage Association, Federal Home Loan Banks or Federal Home Loan Mortgage Corporation.
13. No moneys shall be invested in a derivative as that term is defined in K.S.A. 10-131, and amendments thereto.

**D. *Arbitrage***

The Internal Revenue Code provides that on a periodic basis the Unified Government is required to compute rebate on each bond issue. Rebate is the calculated dollar amount representing the difference between what the issuer actually earned from the investment of certain funds related to the bond issue and the amount the issuer would have earned had those same funds been invested at an interest rate equal to the yield on the bond issue. Absent an exception to rebate, the Unified Government is required to pay or “rebate” to the United States the dollar amount representing these excess earnings.

For each bond issue, rebate must be calculated and paid at least once every five years and within 60 days after the last bond of the issue is paid. Payment of rebate is a condition to maintaining the tax-exempt status of each bond issue, and failure by the Unified Government to comply with the rebate requirements may cause the interest on an issue of bonds to become taxable, retroactive to their date of issuance.

The Unified Government’s investment position is to pursue the maximum yield on investments without jeopardizing the tax-exempt status of the bonds. To the extent possible, the Unified Government will seek to comply with applicable exceptions to rebate and when necessary rebate any excess earnings to the United States. The potential rebate of excess earnings will not influence the Unified Government’s investment policies.

**Section 15. Collateral Requirements**

- A. *Full Collateralization Required.*** All Unified Government deposits shall be fully insured or collateralized at all times.
- B. *Initial Placement.*** Moneys to be deposited in financial institutions shall not be released until the financial institution has executed and adopted a security agreement and required custodial agreements.

**C. Allowable Collateral.** Acceptable collateral for Unified Government deposits, including idle fund investments, as permitted by K.S.A. 9-1402, and amendments thereto, shall be limited to:

1. Except as otherwise set out in this subsection C.1., the financial institution may pledge or assign securities owned directly or indirectly by it, the market value of which is equal to 105% of the total deposits at any given time. The following are allowable securities:
  - a. Direct obligations of or obligations that are insured as to principal and interest by, the United States or any agency thereof.
  - b. Obligations including letters of credit and securities of United States-sponsored corporations which under federal law may be accepted as security for public funds, subject to the following restrictions:
    - (1) The letter of credit must be in the format acceptable to the Director of Revenue.
    - (2) The Unified Government must be designated as the irrevocable and unconditional beneficiary of the letter of credit.
    - (3) The issuer and the depository bank must notify the Director of Revenue by certified or registered mail at least 45 days prior to the cancellation or the non-renewal of a letter of credit.
    - (4) The issuer may not provide letters of credit for any one depository bank in an amount which exceeds ten percent of the issuer's capital and surplus.
    - (5) If a letter of credit issued by the Federal Home Loan Bank is to be pledged as collateral, the amount of the letter of credit shall be equal to 100% of the deposits to be collateralized plus the interest expected to be received by the Unified Government upon maturity of the investment.
2. The following securities may be used as collateral only if the financial institution pledges or assigns them in an amount, the market value of which is equal to 125% of the Unified Government deposits. Not more than 5% of the Unified Government's total idle funds portfolio may be collateralized by the following securities.
  - a. Bonds of any Kansas municipality which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a

bank, of direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by the United States.

- b. Bonds of the State of Kansas.
  - c. General obligation bonds of any Kansas municipality.
  - d. Revenue bonds of any Kansas municipality if approved by the state bank (or savings and loan) commissioner and which are rated at least Aa by Moody's Investors Service or AA by Standard and Poor's Corporation Bonds secured by revenues of a utility which has been in operation for less than three years will not be accepted as collateral.
  - e. Temporary notes of any Kansas municipality which are general obligations of the municipality issuing the same.
  - f. Warrants of any Kansas municipality, the issuance of which is authorized by the State Court of Tax Appeals and which are payable from the proceeds of a mandatory tax levy.
  - g. Commercial paper that does not exceed 270 days to maturity and which has received one of the two highest commercial paper credit ratings by a nationally recognized investment rating firm.
3. For overnight repurchase agreements in which the Unified Government is the buyer, the seller shall deliver the following securities to the custodian for the Unified Government in the amount of 102% of the market value of the securities on the purchase date:
- a. Direct obligations of or obligations that are insured as to principal and interest by the United States or any agency thereof, or
  - b. Obligations and securities of U.S. government-sponsored corporations which under federal law may be accepted as security for public funds, subject to any restrictions contained in Section C.1.b. above.
- D. *Peak Period Agreements.*** Peak-period agreements permitted under K.S.A. 9-1403 are not permitted under this Policy.
- E. *Collateral Substitution.*** Collateralized investments often require substitution, additions and/or deletions of collateral. Any financial institution requesting these actions must contact the Chief Financial Officer or the Director of Revenue/County Treasurer. Substitution of collateral shall be required whenever, in the opinion of the Unified Government Chief Financial Officer, the collateral no longer satisfies or complies with the security requirements established under this Policy.
- F. *Valuation of Collateral.*** For purposes of compliance with this section, all collateral shall be priced on a market value basis no less than monthly. Collateral requirement is

defined as the outstanding amount of Unified Government funds deposited plus accrued interest thereon less federal deposit insurance coverage.

- G. *Collateral Compliance Report.*** Each financial institution with Unified Government deposits shall submit monthly to the Chief Financial Officer or the Director of Revenue/County Treasurer, or more frequently if requested, a report documenting the institution's compliance with the collateral requirements of this Policy.
- H. *Custodial Agreement.*** Each depository bank depositing securities with a custodial bank shall enter into a written custodial agreement with the custodial bank and the Unified Government for the safekeeping of the securities.
- I. *Failure to Meet Collateral Requirements.*** If a depository bank fails to meet requirements established by this Policy, the depository bank shall be offered the following options:

  - 1. Close the account and return to the Unified Government all principal and accrued interest without penalty; or
  - 2. Convert the deposit to a repurchase agreement under terms acceptable to the Unified Government.



# Staff Request for Commission Action

Tracking No. 211184

**Full Commission Meeting Date:** 12/16/2021

**Committee:** Economic Development & Finance

Date of Standing Committee Action: 11/29/2021  
(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>
12/10/2021	Debbie Jonscher	x5847	djonscher@wycokck.org	Finance

**Item Description:**

A resolution authorizing the offering for sale of municipal temporary notes and general obligation bonds of the Unified Government of Wyandotte County/Kansas City, Kansas.

**Action Requested:**

Requesting Approval

**Budget Impact: (if applicable)**

Amount:

Source:

Included In Budget:

Other (explain):

**Attachments List:**

Sale Resolution GO Bonds and Notes (UG Spring 2022)

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF MUNICIPAL  
TEMPORARY NOTES AND GENERAL OBLIGATION BONDS OF THE  
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,  
KANSAS.**

**WHEREAS**, pursuant to the provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas (the “Issuer” or the “Unified Government”) has previously authorized certain internal improvements described as follows (the “Improvements”):

**Improvements to be Funded with General Obligation Bonds and/or Municipal Temporary Notes**

<b>CMIP</b>	<b>Project Name</b>	<b>Estimated Project Costs to be Financed</b>
9410321	Annual Concrete Repair Program, 2021	\$1,772,000
9410322	Annual Concrete Repair Program, 2022	\$1,500,000
9410820	Annual Neighborhood ADA Pedestrian Handicapped Ramps, 2020	\$400,000
9410821	Annual Neighborhood ADA Pedestrian Handicapped Ramps, 2021	\$400,000
9410919	Fairfax Industrial Area Improvements, 2019	\$100,000
9410920	Fairfax Industrial Area Improvements, 2020	\$100,000
9410921	Fairfax Industrial Area Improvements, 2021	\$100,000
9411020	Annual R/R Crossing Improvement, 2020	\$150,000
9411121	Annual Pavement Preservation Program, 2021	\$3,000,000
9411122	Annual Pavement Preservation Program, 2022	\$2,400,000
9411221	Annual Alley Improvement Program, 2021	\$300,000
9411222	Annual Alley Improvement Program, 2022	\$300,000
9420119	Annual Bridge Repair, 2019	\$300,000
9420120	Annual Bridge Repair, 2020	\$300,000
9420121	Annual Bridge Repair, 2021	\$300,000
9430118	Annual Priority Traffic Signal Replacements, 2018	\$300,000
9430119	Annual Priority Traffic Signal Replacements, 2019	\$800,000
9430120	Annual Priority Traffic Signal Replacements, 2020	\$400,000
9430121	Annual Priority Traffic Signal Replacements, 2021	\$800,000
9430122	Annual Priority Traffic Signal Replacements, 2022	\$800,000
9480122	Annual Elevator Upgrades, 2022	\$500,000
9480220	Annual Facilities/Parking Annual Maintenance & Repair, 2020	\$700,000
9480221	Annual Facilities/Parking Annual Maintenance & Repair, 2021	\$700,000
9480222	Annual Facilities/Parking Annual Maintenance & Repair, 2022	\$700,000
9480319	Annual ADA Modif-UG Facilities, 2019	\$100,000

9480320	Annual ADA Modif-UG Facilities, 2020	\$100,000
9480321	Annual ADA Modif-UG Facilities, 2021	\$100,000
9622141	Holiday Drive Bridge Replacements	\$1,300,000
9622169	Bridge #223 (36th and Ohio Ave.) Replacement	\$410,000
9622170	Bridge #210 (18th St.) over Turkey Creek	\$150,000
9698085	Fire Station Replacement and Repair	\$500,000
9698096	Future Fire Station 2021	\$9,300,000
9698176	City Hall Structure Study and Stabilization	\$5,000,000
9698212	Police Tow Lot	\$3,392,000
9698408	CSI Lab	\$1,650,000
9701027	47th Street Complete Street Improvements, Rainbow to Mission	\$700,000
9701054	Fiber Connectivity Projects	\$1,000,000
9701072	6th St. Improvements, Ann Ave. to Central Ave.	\$650,000
9701073	7th St./US-69 and Central Ave. Reconstruction	\$2,000,000
9701609	Hutton & Leavenworth Road Intersection	\$5,000,000
9701612	Leavenworth Road, 78th - 63rd Street	\$3,500,000
9701618	Hutton & Donahoo Rd Intersection Improvements	\$350,000
9703037	Safe Routes to Schools-Phase G (Northwest Middle and Caruthers Elem.)	\$528,000
9714253	Wyco County Park Road Repairs	\$200,000
9714425	WyCo Lake Waterline Study & Repair	\$2,090,000
	<b>NON-EXEMPT SUBTOTAL</b>	<b>\$55,142,000</b>
9460520	Annual Sanitary Sewer System Capacity Upgrades, 2020	\$1,500,000
9460521	Annual Sanitary Sewer System Capacity Upgrades, 2021	\$3,500,000
9460522	Annual Sanitary Sewer System Capacity Upgrades, 2022	\$1,500,000
9636354	Annual Monitoring and Control Improvements, 2018-2020	\$6,500,000
9460622	Annual Monitoring and Control Improvements, 2022	\$1,000,000
9460722	Annual Wastewater System Renewal, 2022	\$8,000,000
9460822	Annual Overflow CSO Reduction Program, 2021-2022	\$8,000,000
9636039	Relocation of Sewer Maintenance Facilities	\$10,500,000
9636045	Kaw Point Bio solids Digestion	\$8,000,000
9636047	Plant 20 Biosolids Dewatering	\$5,000,000
9636048	Green Infrastructure Improvements	\$2,000,000
9636056	Wolcott Expansion/Conner Creek	\$41,187,000
9636125	CID Dump Station Improvements /Relocation	\$1,000,000
9636131	Pump Station 18, 5, 4 Upgrade	\$3,250,000
9636132	Pl 20 & 3 Equipment and Structural Rehab	\$2,100,000
9636213	Lombardy Dr Sanitary Sewer Improvements	\$1,700,000

9635057	Kansas Levee Betterment	\$1,050,000
	<b>SEWER SUBTOTAL</b>	<b>\$105,787,000</b>
9450220	Stream Bank Stabilization Improvements, 2020	\$100,000
9450221	Stream Bank Stabilization Improvements, 2021	\$100,000
9450321	Stormwater Enhancements, 2021	\$500,000
9635057	Kansas Levee Betterment	\$2,050,000
	<b>STORM SUBTOTAL</b>	<b>\$2,750,000</b>
	<b>Total</b>	<b>\$163,679,000</b>

**WHEREAS**, it is necessary for the Issuer to provide cash funds to meet its obligations incurred in constructing the Improvements prior to the completion thereof and the issuance of the Issuer’s general obligation bonds, and it is desirable and in the interest of the Issuer that such funds be raised by the issuance of one or more series of temporary notes of the Issuer; and

**WHEREAS**, pursuant to Charter Ordinance No. CO-03-09 and Article 12, Section 5 of the Constitution of the State of Kansas the Unified Government previously exercised its authority to issue and sell its general obligation bonds and/or temporary notes for the purpose of funding certain of the Improvements described herein;

**WHEREAS**, the Issuer has previously issued \$49,905,000 principal amount of Municipal Temporary Notes, Series 2021-I (the “Existing Notes”); and

**WHEREAS**, all aspects of the Improvements being financed with the temporary notes will not be completed prior to the maturity date of the Existing Notes and it is necessary for the Issuer to provide cash funds to meet its obligations on a portion of the Existing Notes and to temporarily finance a portion of the costs of the Improvements by the issuance of one or more series of additional temporary notes of the Issuer; and

**WHEREAS**, the Issuer desires to issue its general obligation bonds in one or more series in order to permanently finance a portion of the costs of the Improvements and to retire a portion of the Existing Notes which were issued to temporarily finance a portion of the costs of the Improvements; and

**WHEREAS**, the Issuer hereby selects the firm of Baker Tilly Municipal Advisors, LLC, Saint Paul, Minnesota (“Municipal Advisor”), as Municipal Advisor for one or more series of municipal temporary notes and one or more series of general obligation bonds of the Issuer, to be issued in order to provide funds to pay the costs of the Improvements; and

**WHEREAS**, the Issuer desires to authorize the Municipal Advisor, in conjunction with the Clerk, Chief Financial Officer, and other officers and representatives of the Issuer to proceed with the offering for sale of said municipal temporary notes and general obligation bonds, and related activities; and

**WHEREAS**, one of the duties and responsibilities of the Issuer is to prepare and distribute a preliminary official statement relating to said municipal temporary notes and general obligation bonds; and

**WHEREAS**, the Issuer desires to authorize the Municipal Advisor, in conjunction with the Clerk, Chief Financial Officer, and other officers and representatives of the Issuer to proceed with the preparation and distribution of a preliminary official statement and notice of bond sale and to authorize the distribution

thereof and all other preliminary action necessary to sell said municipal temporary notes and general obligation bonds.

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

**Section 1. General Obligation Financing Authorized.** The Issuer is hereby authorized to offer at competitive public sale one or more series of municipal temporary notes and one or more series of general obligation bonds to fund total project costs of approximately \$163,679,000 plus interest and costs of issuance (collectively, the “Obligations”) as described in the Notice of Sale to be prepared by officials and representatives of the issuer, as authorized below. Such project costs may be paid through the issuance of tax-exempt or taxable Obligations.

**Section 2. Preliminary Official Statement.** The Chief Financial Officer is hereby authorized to cause to be prepared a Preliminary Official Statement, and such officials and other representatives of the Issuer are hereby authorized to use such document in connection with the public sale of the Obligations.

**Section 3. Notice of Bond Sale.** The Chief Financial Officer, in conjunction with the Municipal Advisor and Gilmore & Bell, P.C., Kansas City, Missouri (“Bond Counsel”), is hereby authorized and directed to give notice of said bond sale by publishing a summary of the Notice of Sale not less than 6 days before the date of the bond sale in a newspaper of general circulation in Wyandotte County, Kansas, and the *Kansas Register* and is hereby authorized to distribute copies of the Notice of Sale and Preliminary Official Statement relating to the Obligations to prospective purchasers of the Obligations. Bids for the purchase of the Obligations shall be submitted upon the terms and conditions set forth in said Notice of Sale, and shall be delivered to the governing body at its meeting to be held on the date of such sale, at which meeting the governing body shall review such bids and shall award the sale of the Obligations or reject all bids for a particular series of the Obligations.

**Section 4. Compliance with Federal Securities Laws.** For the purpose of enabling the purchaser(s) of the Obligations (collectively, the “Purchasers”) to comply with the requirements of Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”), the appropriate officers of the Issuer are hereby authorized: (a) to approve the form of the Preliminary Official Statement; (b) covenant to provide continuous secondary market disclosure by annually transmitting certain financial information and operating data and other information necessary to comply with the Rule to certain national repositories and the Municipal Securities Rulemaking Board, as applicable; and (c) take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchasers to comply with the requirement of the Rule.

The Issuer agrees to provide to the Purchasers within seven business days of the date of the sale of Obligations or within sufficient time to accompany any confirmation that requests payment from any customer of the Purchasers, whichever is earlier, sufficient copies of the final Official Statement to enable the Purchasers to comply with the requirements of Rule 15c2-12(3) and (4) of the Securities and Exchange Commission and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

**Section 5. Further Authority.** The Mayor/Chief Executive, Chief Financial Officer, Clerk and the other officers and representatives of the Issuer, Bond Counsel and the Municipal Advisor are hereby authorized and directed to take such other action as may be necessary to carry out the sale of the Obligations.

**Section 6. Effective Date.** This Resolution shall be in full force and effect from and after its adoption.

**ADOPTED** by the governing body on December \_\_\_\_, 2021.

(SEAL)

\_\_\_\_\_  
Mayor/Chief Executive Officer

ATTEST:

\_\_\_\_\_  
Clerk



# Staff Request for Commission Action

Tracking No. 211191

**Full Commission Meeting Date:** 12/16/21

**Committee:** Economic Development & Finance

Date of Standing Committee Action: 11/29/21  
(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>
12/10/2021	Kathleen VonAchen	x5186	kvonachen@wycokck.org	Finance

Item Description:

**Resolution approving the 2022 Budget, Marketing Plan, and New Five-Year Agreement Between the Unified Government and Visit Kansas City Kansas**

Action Requested:

Adopt resolution

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution approving UG-Visit KCK Agreement and 2022 Budget and Marketing Plan, Exhibit A - 2022 Visit KCK Budget-Final, Exhibit B - 2022 Marketing Plan, Exhibit C - Unified Government and Visit KCK - final

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION APPROVING THE 2022 BUDGET, MARKETING PLAN AND NEW FIVE-YEAR AGREEMENT BETWEEN THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS AND VISIT KANSAS CITY KANSAS**

**WHEREAS**, the Unified Government of Wyandotte County, Kansas City, Kansas (“Unified Government”) and the Visit Kansas City Kansas (“the Visit KCK”) entered into that certain Agreement dated January 1, 2017; and

**WHEREAS**, the Unified Government and Visit KCK desire to enter into a new 5-year Agreement with similar terms.

**WHEREAS**, the Agreement provides that the Unified Government shall engage and retain the Visit KCK to encourage, promote, and solicit tourism, events and special marketing activities for Kansas City, Kansas; and

**WHEREAS**, the Agreement further provides that each year, Visit KCK shall submit a Budget and Marketing Plan to the Unified Government, and shall make an oral and visual presentation of the Budget and Marketing Plan to the Unified Government Board of Commissioners; and

**WHEREAS**, the Agreement further provides that the Budget and Marketing Plan shall be submitted to the Unified Government Board of Commissioners each year for final approval.

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

Section 1. That the 2022 Visit KCK Budget and Marketing Plan, in substantially the form attached hereto as Exhibits A and B, are hereby adopted by the Board of Commissioners.

Section 2. That the new 5-year Agreement between the Unified Government and Visit KCK for 2022 through 2026, attached hereto as Exhibit C, is hereby adopted by the Board of Commissioners.

Section 3. That the County Administrator, and the Unified Government's other officers, agents, and employees are hereby authorized and directed to take such further action and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED  
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS 16th  
DAY OF DECEMBER 2021.**

ATTEST:

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Unified Government Clerk

**Visit Kansas City Kansas**  
**2022 Budget**

<b>Operating Income</b>		<b>2022 Budget</b>
1110	KCK Transient Guest Tax / UG Contract	1,406,875
1120	Event Opportunity Fund Income	100,000
1130	Tourism Celebration Event Income	10,000
1127	Other Income	30,000
1410	Money Market Interest	4,200
<b>TOTAL INCOME</b>		<b>1,551,075</b>

<b>Marketing / Program Expenses</b>		
2010	Advertising	285,200
2020	Community Event Sponsorships	27,000
2025	Marketing Grant Program	10,000
2030	Partnership Marketing	4,700
2040	Ad Development	47,000
2050	Digital Marketing	77,323
2120	Mileage and Meals	10,500
2250	Printing - Publications	50,150
2310	Dues, Sponsorships	18,386
2410	Research and Tracking	28,575
2420	Giveaways/Merchandise	9,000
2425	Sports Sales & Marketing	58,100
2430	Convention/Meeting Sales & Marketing	13,295
2435	Event Opportunity Fund Grants	100,000
2440	Group Sales & Marketing	12,350
2445	Neighborhoods & Trails	25,088
2450	Visitor Information/Leisure Shows	2,450
2465	Public Relations	57,150
2510	Postage	14,500
2615	Tourism Celebration Event Expenses	14,600
2630	Community Awareness	9,600
2635	Education	16,000
2640	Legislative	1,430
2660	CRM Database	17,000
<b>58%</b>	<b>PROGRAM EXPENSES</b>	<b>909,397</b>

<b>Operational Expenses</b>		
4110	Office Supplies	3,500
4130	Rent/Utilities	45,550
4140	Telecommunications	9,000
4145	Equipment Leases	3,820
4150	Audit	6,800

4160	Corporate Insurance	5,583
4170	Software and Training	1,000
4190	Technology/IT	17,000
4215	Professional Fees	1,000
4365	Accounting and Payroll Services	11,000
<b>7%</b>	<b>OPERATING EXPENSES</b>	<b>104,253</b>

**Personnel Expenses**

4310	Salaries	419,222
4320	Payroll Taxes	34,861
4340	Fringe Benefits	93,342
<b>35%</b>	<b>PERSONNEL EXPENSES</b>	<b>547,425</b>

<b>TOTAL REVENUE</b>	<b>1,551,075</b>
<b>TOTAL EXPENSES</b>	<b>1,561,075</b>
<b>PROFIT/LOSS</b>	<b>10,000</b>

## Visit Kansas City Kansas

### Budget Comparison

<b>Operating Income</b>		<b>2021 Budget</b>	<b>2022 Budget</b>	<b>Change</b>
1110	KCK Transient Guest Tax / UG Contract	1,399,099	1,406,875	0.6%
1120	Event Opportunity Fund Income	100,000	100,000	0%
1130	Tourism Celebration Event Income	10,000	10,000	0%
1127	Other Income	30,000	30,000	0%
1410	Money Market Interest	3,500	4,200	20%
<b>TOTAL INCOME</b>		<b>1,542,599</b>	<b>1,551,075</b>	<b>0.5%</b>
<b>Marketing / Program Expenses</b>		<b>2021</b>	<b>2022</b>	<b>Change</b>
2010	Advertising	275,950	285,200	3%
2020	Community Event Sponsorships	13,000	27,000	108%
2025	Marketing Grant Program	7,500	10,000	33%
2030	Partnership Marketing	3,700	4,700	27%
2040	Ad Development	49,500	47,000	-5%
2050	Digital Marketing	76,268	77,323	1%
2120	Mileage and Meals	9,000	10,500	17%
2210	Printing - Office	1,500	0	-100%
2250	Printing & Publications	59,650	50,150	-16%
2310	Dues, Sponsorships	21,066	18,386	-13%
2410	Research and Tracking	35,978	28,575	-21%
2420	Giveaways/Merchandise	9,000	9,000	0%
2425	Sports Sales & Marketing	62,450	58,100	-7%
2430	Convention/Meeting Sales & Marketing	21,795	13,295	-39%
2435	Event Opportunity Fund Grants	100,000	100,000	0%
2440	Group Sales & Marketing	13,435	12,350	-8%
2445	Neighborhoods & Trails	29,500	25,088	-15%
2450	Visitor Information/Leisure Shows	5,200	2,450	-53%
2465	Public Relations	53,150	57,150	8%
2510	Postage	14,000	14,500	4%
2615	Tourism Celebration Event Expenses	15,000	14,600	-3%
2630	Community Awareness	8,900	9,600	8%
2635	Education	17,900	16,000	-11%
2640	Legislative	1,430	1,430	0%
2660	CRM Database	19,500	17,000	-13%
<b>58%</b>	<b>MARKETING EXPENSES</b>	<b>924,372</b>	<b>909,397</b>	<b>-1.6%</b>
<b>Operational Expenses</b>		<b>2021</b>	<b>2022</b>	<b>Change</b>
4110	Office Supplies	5,000	3,500	-30%
4130	Rent/Utilities	35,750	45,550	27%
4140	Telecommunications	8,004	9,000	12%
4145	Equipment Leases	5,200	3,820	-27%
4150	Audit	7,200	6,800	-6%
4160	Corporate Insurance	5,491	5,583	2%
4170	Software and Training	1,000	1,000	0%
4190	Technology/IT	10,004	17,000	70%
4215	Professional Fees	1,000	1,000	0%
4365	Accounting and Payroll Services	10,750	11,000	2%
<b>7%</b>	<b>OPERATING EXPENSES</b>	<b>89,399</b>	<b>104,253</b>	<b>17%</b>
<b>Personnel Expenses</b>		<b>2021</b>	<b>2022</b>	<b>Change</b>
4310	Salaries	407,503	419,222	2.9%
4320	Payroll Taxes	31,713	34,861	9.9%
4340	Fringe Benefits	89,612	93,342	4.2%
<b>35%</b>	<b>PERSONNEL EXPENSES</b>	<b>528,828</b>	<b>547,425</b>	<b>3.5%</b>
		<b>2021</b>	<b>2022</b>	
<b>TOTAL REVENUE</b>		<b>1,542,599</b>	<b>1,551,075</b>	<b>0.5%</b>
<b>TOTAL EXPENSES</b>		<b>1,542,599</b>	<b>1,561,075</b>	<b>1.2%</b>
<b>PROFIT/LOSS</b>		<b>0</b>	<b>10,000</b>	



## 2022 Marketing Plan

### MISSION

Generate economic impact through tourism by promoting Kansas City, Kansas as a destination for visitors, conventions and sporting events.

### ORGANIZATIONAL PRIORITIES

#### Increase Visitors to KCK

<p>Market to Visitors</p> <ul style="list-style-type: none"> <li>• Branding</li> <li>• Content Development</li> <li>• Technologies</li> <li>• Research/Targeting</li> </ul> <p>WHO: Regional Families, Urban Explorers, Sports Fans</p>	<p>Attract Sports, Events &amp; Meetings</p> <ul style="list-style-type: none"> <li>• Sports Sales Strategy</li> <li>• Sales Initiatives</li> <li>• Cooperative Partnerships</li> <li>• Event Opportunity Fund</li> </ul> <p>WHO: Sports Tournaments &amp; Event Planners, Group Tours, Meetings</p>
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#### Improve Visitor Experience

<p>Welcome Visitors &amp; Groups</p> <ul style="list-style-type: none"> <li>• Wayfinding</li> <li>• Visitor Center</li> <li>• Meeting &amp; Group Services</li> </ul> <p>WHO: Visitors who are in town for leisure, sports, group tour or meeting</p>	<p>Product Development</p> <ul style="list-style-type: none"> <li>• Neighborhoods &amp; Trails</li> <li>• New Attractions</li> <li>• Sports Facilities &amp; Venues</li> </ul> <p>WHO: Attractions/Venues, Developers, Community, Government &amp; EDC Stakeholders</p>
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#### Strengthen Tourism Industry

<p>Community Alignment</p> <ul style="list-style-type: none"> <li>• Tourism Vision/Master Plan</li> <li>• Community Partnerships</li> <li>• Funding</li> <li>• Sustainability</li> </ul> <p>WHO: Community, Government, Neighborhood and Local Stakeholders</p>	<p>Tourism Industry Development</p> <ul style="list-style-type: none"> <li>• Tourism Workforce</li> <li>• DEI Initiatives</li> </ul> <p>WHO: Local and Regional Tourism Industry</p>
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## **2022 KEY INITIATIVES**

### Marketing

- Increase neighborhood promotion by launching KCK Legacy Trail
- Increase advertising spend to our key audiences: Regional Families, Urban Explorers & Sports Fans
- Create new content reflecting KCK's heritage, culture and diversity
- Host a media fam tour in conjunction with Women in Travel conference in KC

### Sales

- Utilize Event Opportunity Grants to drive hotel room nights in 2022 & beyond
- Develop a Sports Advisory Group to assist Visit KC in strategy for going after sports events & tournaments
- Create partnerships with sports venues that drive room nights into KCK
- Launch Sports & Meeting direct mail & social media campaigns

### Services

- Develop a plan for office location and expanded visitor center
- Work to improve the visitor experience in Kansas City, KS
- Add part-time visitor information team to staff information booths and provide information to visitors

### Community

- Grow relationships with neighborhood and community groups
- Sponsor & participate in regional tourism initiatives such as KC Restaurant Week & KC Parade of Hearts
- Work to grow the tourism workforce and fill tourism jobs in Wyandotte County
- Collaborate with non-tourism businesses and organizations, and seek to develop beneficial paid partnership opportunities

To effectively achieve our mission, Visit Kansas City Kansas has identified the following Objectives. All Visit Kansas City Kansas projects and marketing efforts are based on furthering these objectives.

## **OBJECTIVE 1**

### **Attract leisure travelers to Kansas City KS**

A leisure traveler is someone taking a trip for pleasure. Visit Kansas City Kansas will continue to focus on strategic marketing messages that promote KCK as a family-friendly, affordable, diverse and fun destination. We have segmented our audiences into three categories: Families - mom, dad and kids looking for "ready-made adventures"; Urban Explorers – visitors who seek urban and authentic experiences; Sports/Events attendees – people who are attending a sporting event or festival as their main reason to visit.

### Strategies:

- Continue to develop and market KCK Trails experiences by launching one trail per year
- Target paid advertising to our core audiences: regional families, urban explores and sports & event attendees
- Create new content targeting our core audiences reflecting KCK's heritage, culture and diversity

- Create new ad campaign and messaging to reflect new brand
- Increased focus on Digital Marketing
- Expand email marketing distribution through Visitor E-newsletter, Weekly What's Happening, Industry E-newsletter
- Increase visibility and visitor engagement through Social Media channels
- Increase visibility by growing blogger program using local, regional and nationally recognized bloggers
- Promote KCK as a destination at targeted leisure shows
- Continue to develop and market videos and vignettes
- Maximize print advertising dollars through co-op marketing opportunities.
- Develop and distribute in-house publications that promote Kansas City, Kansas such as Visitor Guide, Wyandotte County Museums brochure, Guide by Cell, KCK Murals.
- Continue to support the WyCo Museums and Historical sites organization and special events
- Build relationships and host travel journalist to tell the story of KCK attractions, using coop opportunities when available.
- Continue Familiarization Tours (FAMS) with influencers to increase engagement and followers on social media.
- Partner with tourism related regional, state and national organizations to increase awareness of KCK and to expand our marketing reach

## **OBJECTIVE 2**

### **Attract meetings and group travelers to Kansas City KS**

A business traveler is defined as someone taking a trip for a work-related purpose, often with their expenses being covered by their employer. This objective includes the sales and services of convention and meetings, SMERF business (Social, Military, Educational, Religious and Fraternal), motorcoach, and the individual business traveler. Visit KCK will continue to focus on strategic marketing that defines KCK as a unique, affordable, diverse, quality meeting destination with multiple entertainment options.

#### Strategies:

- Utilize Event Opportunity Grants to drive hotel room nights in 2022 & beyond
- Conduct targeted sales blitzes
- Promote KCK at targeted tradeshow
- Partner with planners by providing personalized services, including RFP distribution and site visits
- Advertise in targeted digital and print meeting publications
- Conduct meetings with hoteliers and maintain regular and constant communication
- Actively participate in Meet Kansas marketing and trade show opportunities
- Membership and active participation in meeting planners' associations
- Update sales materials to best sell meeting spaces currently available
- Market to SMERF and business meetings through membership, advertising and trade show opportunities
- Service SMERF and business meetings by providing RFP distribution, itinerary development, support and welcome services

### **OBJECTIVE 3**

#### **Attract sports and special events to Kansas City KS**

Focus will be given to attracting youth or amateur sports and special events. These are limited time events that often result in overnight stays. The actual event may be held in a neighboring city, but KCK will benefit from attendees or participants staying in our hotels, and spending dollars in our community. In those cases, Visit KCK will work with the host community to best benefit KCK.

#### Strategies:

- Create partnerships with sports venues that drive room nights into KCK
- Provide support, organizational and marketing assistance to events that attract visitor spending
- Encourage the development and expansion of annual events
- Work with CVBs and sporting entities in the KC region to attract and service regional events
- Work with local venues to attract and bid on special events
- Actively participate in Sports Kansas marketing and trade show opportunities
- Provide marketing and event information to hospitality industry, visitors and residents
- Advertise in targeted sports publications
- Attend tradeshow for brand awareness, promotion of facilities, and to generate new leads

### **OBJECTIVE 4**

#### **Educate local community and tourism partners on the tourism industry; what there is to do in KCK, the economic impact of tourism and the efforts Visit KCK.**

When local residents are knowledgeable about what there is to do in their community, they will influence visitors and the quality of their experience. Gathering research on the economic impact of tourism to the community will provide Visit KCK the capability to target marketing efforts for best results.

#### Strategies:

- Grow relationships with neighborhood and community groups
- Develop partnerships with non-tourism businesses and organizations, and seek to develop beneficial paid partnership opportunities
- Continue to sponsor and provide resources at community events
- Promote Hospitality Training programs
- Maintain Calendar of Events on website
- Distribute weekly What's Happening in KCK to front line hospitality workers
- Conduct research on economic impact of tourism on local economy
- Provide monthly reports to the Visit KCK Board of Directors
- Present scheduled reports to the UG Commission
- Train and enhance the use of the Extranet to tourism partners to increase engagement and communication

## **OBJECTIVE 5**

### **Actively support Tourism Product Development**

New and expanded tourism destination development is important to the strength and success of the tourism industry. Visit KCK will advocate for new development that will create economic impact, increase transient guest and sales tax revenues, and will create new jobs and business for our community.

#### Strategies:

- Develop sales & marketing plans for new event venues including Reardon Center, American Royal and Homefield project
- Encourage the development of a long-range county wide tourism vision
- Work to develop a tourism wayfinding signage program for Kansas City Kansas
- Advocate for the development of new and additional tourism opportunities, including a potential convention space
- Conduct research on local tourism market
- Continue to build relationships and meet on a regular basis with local economic development and business organizations
- Partner with educational institutions to help develop a prepared hospitality industry

## **OBJECTIVE 6**

### **Take an active role in regional, state and national tourism related organizations**

Tourism organizations provide hospitality related training and education for staff, research data, expanded marketing opportunities, collaborative sales endeavors and cooperative tourism development initiatives. KCK is a major destination driver for the state of Kansas and for the KC metropolitan area. Visit KCK staff needs to be knowledgeable of trends and strategies, plus should be a leader in moving tourism forward in our region.

#### Strategies:

- Membership in targeted tourism-related organizations
- Leadership participation when appropriate
- Maintain a staff that is well informed of tourism-related issues and strategies
- Advocate for tourism-related legislative issues that will affect KCK

## **AGREEMENT BETWEEN THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KCK AND VISIT KANSAS CITY KANSAS**

**THIS AGREEMENT** is made and entered into effective January 1, 2022 (the “Effective Date”) between the Unified Government of Wyandotte County/Kansas City, Kansas, a municipal corporation (hereinafter the “Unified Government”), and the Visit Kansas City, Kansas Inc. (hereinafter the “Visit KCK”).

### **Recitals:**

WHEREAS, the Unified Government, pursuant to K.S.A. 12-1696 *et seq.* and Charter Ordinance CO-2-02, has levied a transient guest tax upon the gross receipts derived from transient guests for sleeping accommodations in any hotel, motel, or tourist court within the boundaries of the City of Kansas City, Kansas;

WHEREAS, the proceeds derived from the transient guest tax are to be used for the promotion of conventions and tourism within the Unified Government, for the promotion of downtown tourism development, and, if necessary, to make payments on bonds issued for the renovation of Jack Reardon Civic Center and the construction and equipping of an adjacent hotel facility to be operated as Hilton Garden Inn Hotel (collectively, the “Convention Center Complex”);

WHEREAS, the Unified Government and Visit KCK (formerly the Convention & Visitors Bureau) entered into that certain Agreement dated January 1, 2012, which expired on December 31, 2016 (the “2012 Agreement”);

WHEREAS, the Unified Government and Visit KCK also entered that certain Agreement dated January 1, 2017, which expires on December 31, 2021 (the “2016 Agreement”)

WHEREAS, the Unified Government and Visit KCK desire to enter into a new agreement under the terms set forth herein;

**NOW, THEREFORE**, in consideration of the mutual undertakings set forth below, the Unified Government and Visit KCK hereby agree as follows.

### **Engagement**

1. The Unified Government hereby engages and retains Visit KCK to render convention and tourism promotion and marketing services for the Unified Government, and Visit KCK agrees to accept such engagement and to discharge its duties as set forth in this Agreement (hereinafter “Agreement”).

2. Visit KCK is engaged and retained as an independent contractor and not as an officer, agent, servant, or employee of the Unified Government.

3. Visit KCK shall encourage, promote, and solicit tourism, conventions, events and special activities for Kansas City, Kansas. Services will include but are not limited to the following tasks: (1) enhancement of tourism opportunities; (2) attraction of major

tourism and convention events to Kansas City, Kansas (3) special projects, all as set out in the Marketing Plan submitted by Visit KCK and approved by the Unified Government; and (4) Sporting Events

**Term, Termination and Amendments**

4. The term of the Agreement shall be for five years, expiring December 31, 2026. The parties agree to begin negotiations for any renewal agreement in January of 2026.

5. Either party may terminate this Agreement by giving to the other party twelve months' advance notice in writing of its intent to terminate.

6. Upon termination of this Agreement, after Visit KCK's payment of all allowable expenses under the Agreement, Visit KCK shall deliver to the Unified Government all funds received by Visit KCK from the Unified Government and representing sums collected by the Unified Government from the transient guest tax and all tangible personal property purchased with Unified Government funds then remaining in the possession of Visit KCK. Upon termination Visit KCK shall provide the Unified Government a final accounting of all funds received since the last accounting period.

7. This Agreement may not be amended without the written consent of both parties. In the event that the Visit KCK wishes to open a visitor's center in Kansas City, Kansas, Visit KCK shall provide written notice of such intent to the Unified Government and the parties shall meet at their earliest convenience to discuss any amendments to the Agreement that may be necessary based upon such action. Should an agreement be reached to open and operate a Visitors Center in Kansas City, Kansas, the operation of this facility will not be considered as part of the 20% Administrative expenses referenced in the section below.

**Submission and Approval of Annual Budget and Marketing Plan**

8. Each year on or before November 1st, Visit KCK shall submit to the Unified Government County Administrator a detailed Budget and Marketing Plan with a presentation of Visit KCK's annual goals for the next calendar year. On an annual basis, an oral and visual presentation of the Budget and Marketing Plan and annual goals shall be made by Visit KCK to the Unified Government Board of Commissioners and shall be submitted for final approval by the Unified Government Board of Commissioners. The budget shall reflect the proposed expenditures to be made by Visit KCK and the purpose for which such expenditures will be made. Such expenditures shall only be for the purpose of convention and tourism promotion as authorized by Charter Ordinance No.CO-03-08. Except as provided in paragraph 8, administrative expenses shall not exceed 20% of the total expenditures. Administrative costs include any expenditures not directly related to marketing or the promotion of tourism. The cap on administrative expenses set forth above will be reviewed annually by the Unified Government.

9. Visit KCK Board of Directors shall review and approve all budgets, marketing plans and goals prior to submission to the Unified Government. Any amendments to the budget, marketing plan or goals must be reviewed and approved by the Visit KCK Board of Directors prior to submission to the Unified Government.

**Payments**

10. Except as otherwise provided in this paragraph and below in paragraphs 11 through 18, and subject to the Cash Basis Law, K.S.A. 10-1101 and amendments thereto, the Unified Government will pay to Visit KCK:

- (a) \$1,406,875.00 (One million five hundred and six thousand eight hundred seventy-five dollars and NO/100) Base Amount in the year 2022;
- (b) In the years 2023 through 2026, the annual Base Amount payment to the Visit KCK shall be adjusted according to the Consumer Price Index (CPI) – All Urban Consumers, as derived by the U.S. Bureau of Labor Statistics. The detail of the CPI to use shall be as follows:

Area: Midwest;  
Seasonal: Not Seasonally Adjusted;  
Item: All Items;  
Base Period: Current Base (1982-1984).

The previous year’s annual percent change will be used to adjust the amount of payment to Visit KCK for the following year (*i.e.*, the 2020 to 2021 annual percent change will be used to adjust the payment for 2023, and so forth) as long as the CPI’s annual percent change is positive. However, in no event shall the payment to Visit KCK be reduced due to a negative CPI annual percent change. If the CPI annual percent change for the previous year is negative or unchanged, the following year’s payment to Visit KCK shall remain the same as the previous year’s payment.

(c) In the year 2022, an additional \$100,000.00 (One Hundred Thousand Dollars and No/100) for special events which further Visit KCK’s efforts to improve and increase tourism within Kansas City, Kansas (the “Event Opportunity Fund”) shall be paid to Visit KCK. Visit KCK may request additional Event Opportunity Fund money for budget years 2023 through 2026, however, such funding shall be subject to approval by the Unified Government Commission at its sole and complete discretion when approving Visit KCK’s annual budget.

11. The Unified Government reserves the right to reduce payments under this Agreement if such reduction is deemed necessary by the Board of Commissioners as part of its annual budget process. The contract is based on the project transient guest tax revenues exceeding \$3,000,000.00 (Three million dollars and NO/100) or more annually. Should the annual revenue drop below this amount, the Unified Government will reduce the annual payment to Visit KCK on a dollar-for-dollar bases for the upcoming year.

12. Except as provided in this Section 12, it is the intention of the Unified Government and Visit KCK that the Unified Government will advance 25 percent of budgeted funds on a quarterly basis to Visit KCK in furtherance of Visit KCK activities. Said advances are to be made by the tenth day of the month following the month that there is a receipt by the Unified Government of quarterly disbursements from the State of Kansas of the proceeds of the transient guest tax. Under state law, the Unified Government may obligate only those funds budgeted and credited to a Unified Government fund. It is further understood and agreed that Visit KCK will submit an accounting of its expenditures in budgetary format, on both an accrual and a cash basis, in accordance with generally accepted accounting practices to the Unified Government Chief Financial Officer. The accounting on a cash basis shall be monthly, and the accounting on an accrual basis shall be at the end of Visit KCK's fiscal year, that is, as of December 31. The accounting submissions shall be a condition precedent to advancement by the Unified Government of the next quarterly payment.

### **Location**

13. Visit KCK shall notify the Unified Government of any proposed change by Visit KCK of its current office location at least 60 days in advance of such move taking place.

### **Board of Directors**

14. During the Term of this Agreement, Visit KCK's Board of Directors shall consist of twelve (12) voting members, drawn from the following positions:

- (a) Unified Government Mayor or their designee.
- (b) Unified Government County Administrator or their designee.
- (c) Unified Government Economic Development and Finance Standing Committee Chairperson or their designee.
- (d) Unified Government representative selected by the Unified Government Mayor.
- (E) All other voting Board members shall be selected according to the bylaws of Visit KCK.

### **Miscellaneous**

15. The Unified Government's designated representative, upon reasonable notice, shall have the right to inspect all books and records of Visit KCK pertaining to this Agreement.

16. Visit KCK shall provide the Unified Government an annual audit of Visit KCK performed by an independent certified accounting firm. The audit shall be on a

calendar year basis. Visit KCK shall submit the audit to the Unified Government no later than July 30 for the preceding fiscal year.

17. Visit KCK agrees to indemnify, save harmless, and defend the Unified Government from any and all claims, causes of action, and damages of every kind arising from the operation of Visit KCK, its officers, agents, and employees, including the Convention and Visitors Bureau and its officers, agents, and employees, carried out in furtherance of this Agreement. Visit KCK shall carry or cause to be carried comprehensive general liability insurance, directors' and officers' liability insurance, and automobile liability insurance covering all the operations embraced by this Agreement in the amount of \$2,000,000 for each person and \$2,000,000 per occurrence. The insurance policies must be written by companies acceptable to the Unified Government and shall name the Unified Government as an additional insured. Prior to disbursement of funds under this Agreement, Visit KCK shall submit to the Unified Government a certificate of insurance showing the coverage required herein.

18. The provisions found in Contractual Provisions Attachment which is attached hereto and marked as Exhibit A are hereby incorporated in this Agreement and made a part hereof.

**IN WITNESS WHEREOF**, the parties have executed this Agreement as of the Effective Date.

**UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS  
CITY, KANSAS**

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**Douglas G. Bach**  
**County Administrator**

STATE OF KANSAS                    )  
  ) SS.  
COUNTY OF WYANDOTTE         )

Subscribed in my presence and sworn to before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 2021.

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Notary Public

My Appointment Expires:

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**VISIT KANSAS CITY KANSAS**

\_\_\_\_\_, Chairperson  
Board of Directors

STATE OF KANSAS                    )  
  ) SS.  
COUNTY OF WYANDOTTE        )

Subscribed in my presence and sworn to before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 2021.

\_\_\_\_\_  
Notary Public

My Appointment Expires:

\_\_\_\_\_



# Staff Request for Commission Action

Tracking No. 211096

**Full Commission Meeting Date:** 12/16/21

**Committee:** Administration & Human Services

Date of Standing Committee Action: 12/6/21  
(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>
12/10/2021	J. Renee Ramirez	x5665	rramirez@wycokck.org	Human Resources

Item Description:

Request amendments to the Human Resources Guide relating to donated sick leave, submitted by J. Renee Ramirez, Director of Human Resources; Bonnie Bloesser, Sr. HR Partner; and Courtney Sachen, HR Partner.

Action Requested:

To approve the amendment and new policy changes with an effective date of 01-01-2022.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Donated Sick Leave Resolution, Donated Sick Leave (revised 11 23 21 red-lined), Donated Sick Leave PowerPoint

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AMENDING SECTION 5.1 OF THE HUMAN RESOURCES GUIDE OF THE UNIFIED GOVERNMENT REGARDING SICK LEAVE, TO REORGANIZE AND CLARIFY THE DONATED SICK LEAVE POLICY.**

**WHEREAS**, Pursuant to Section 2-103(12) of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, the county administrator has the authority to prepare for adoption those policies relating to the selection, discipline, dismissal and all other personnel related matters applicable to all employees of the Unified Government.

**WHEREAS**, the Unified Government has adopted those personnel policies and made them available to Unified Government employees in a document known as the Human Resources Guide (HRG).

**WHEREAS**, additions or amendments to the Human Resources Guide may be proposed from time to time, subject to adoption by the Unified Government Board of Commissioners.

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

**Section 1.** That Section 5.1 of the Unified Government Human Resources Guide regarding sick leave is amended to clarify the provisions regarding donated sick leave is adopted as attached.

**Section 2.** The Mayor, the County Administrator and the Unified Government's other officers, agents, and employees are hereby authorized and directed to take such further action, and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

**Section 3.** This policy shall take effect and be in full force on January 1, 2022.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE  
UNIFIED GOVERNMENT OF WYANDOTTE  
COUNTY/KANSAS CITY, KANSAS, THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 2021.**

Approved:

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David Alvey, Mayor/CEO

Attest:

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Unified Government Clerk



# Unified Government Human Resources Guide

Effective 01-01-14~~21~~<sup>22</sup>

## SICK LEAVE

- I. General: It is the policy of the Unified Government to allow full-time and part-time A employees to accrue and use sick leave in order to protect them from a loss of pay due to illness.
- II. Policy
  - A. Accruing sick leave
    1. Accruing by Categories
      - a. Category 1 Employees:
        - (1) Full-time employees accrue sick leave time at the rate of 1 1/4 days (10 hours) for each minimum month of service.
        - (2) Part-time A employees accrue sick leave time at the rate of one-half the full-time rate (5 hours) for each minimum month of service.
        - (3) Part-time B, temporary, and summer employees do not accrue sick leave.
      - b. Category 2 Employees:
        - (1) Full-time employees accrue sick leave time at the rate of 1 day (8 hours) for each minimum month of service.
        - (2) Part-time A employees accrue sick leave time at the rate of one-half the full-time rate (4 hours) for each minimum month of service.
        - (3) Part-time B, temporary, and summer employees do not accrue sick leave.
    2. Accumulating sick leave
      - a. Sick leave is accrued on a monthly basis with no maximum on total accumulation.
      - b. Employees who are recalled to Unified Government employment will be credited with any accrued, unused and unpaid sick leave which existed on the Date of Separation. Only recalled employees are eligible for such reinstatement of sick leave. (See 2.11—Breaks in Employment.)
    3. The effect of absence on accruing sick leave
      - a. Sick leave days are not accrued for a calendar month in which the employee:
        1. Is on unpaid leave of absence.
        2. Does not work a minimum month.



# Unified Government Human Resources Guide

Effective 01-01-14<sup>22</sup>

3. Is being “docked” (not paid) because of insufficient accumulated sick leave.
  4. Is on an unpaid suspension.
  - b. Sick leave continues to be accrued at the usual rate during paid absences, i.e. vacation, sick leave, jury service, or being off work due to a bona fide job-related injury.
  4. Effect of change in employee status on accruing sick leave
    - a. An employee who transfers to part-time B or to temporary or summer employment will not accrue sick leave as of the date of transfer. The employee will not lose previously accrued and unused sick leave.
    - b. The part-time B, temporary or summer employee who transfers to full-time or part-time A status will begin to accrue sick leave as of the date of transfer.
    - c. An employee who transfers positions or employee status during employment will remain in the same category as the original hire date. Therefore, the employee hired as Category 1 will remain as Category 1 with the exception of Summer/Seasonal employees and Temporary employees.
    - d. An employee who was re-hired after a break in employment will be considered a new hire in Category 2.
  5. Sick leave apportionment earned for a given month will be credited as of the last calendar day of the month of which it was earned. There will be no advancement of sick leave credit. The Unified Government does not allow the use of sick leave before it is accrued.
- B. Using sick leave
1. Sick leave uses:
    - a. Accrued and accumulated sick leave time may be used by employees for:
      - (1) personal disability, personal illness, or physical incapacity of the employee or his or her dependents who require his or her personal care and attention;
      - (2) appointments for medical and dental care for the employee or his or her dependents who require his or her personal care and attention;
      - (3) enforced quarantine of the employee in accordance with health regulations;



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- (4) all or part of the 12-week or 26-week (service member care) entitlement under the Family and Medical Leave Act.
  - (5) An addition to Funeral Leave, for death of immediate family member, at department head's discretion.
  - b. Sick leave may be used in increments of one-fourth hour.
  - c. Sick Leave as Personal Leave (See 5.4—Personal Leave)
    - (1) Regular full-time employees may convert up to 24 hours (part-time A employees, 12 hours) of sick leave to personal leave per calendar year; such leave must be approved by the department in advance, except in cases of emergencies. Personal leave should be recorded and subtracted from sick leave balances. Unused personal leave continues to accrue in the form of sick leave.
    - (2) Sworn Police, Sheriff and Fire Command
      - a. Category 1 Sworn Police, Sheriff and Fire Department Command Officers may at the Chief's/Sheriff's discretion take a personal leave with pay. This personal leave shall not exceed five days and will be charged to the individual officer's accumulated sick leave.
      - b. Category 2 Sworn Police, Sheriff and Fire Department Command Officers may at the Chief's/Sheriff's discretion take a personal leave with pay. This personal leave shall not exceed three days and will be charged to the individual officer's accumulated sick leave.
  - d. Sick leave or personal leave shall not be used for the purpose of extending the length of employment beyond the final day of work except in the case when an employee is awaiting approval of KPERs/KP&F disability retirement. Refer to 3.3—Separation from Employment.
  - e. Absence due to job-related illness or injuries sustained in the line of duty shall not be charged against the employee's accrued sick leave until after Injury Leave payments and any applicable Workers' Compensation benefits have been exhausted.
  - f. Employees on sick leave, injury leave, or FMLA for their own serious illness are prohibited from being gainfully employed by an employer other than the Unified Government or being self-employed.
2. Documentation of sick leave use
- a. As a general rule, the employee who has taken sick leave of three days or more due to illness or injury that is not job-related will be required to



# Unified Government Human Resources Guide

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furnish to the director of his/her department a statement from a duly-licensed health practitioner, stating

- (1) the nature of the illness or injury treated, and
  - (2) the period of time the patient was or is unable to work. If it is necessary for the employee to remain off work, the health practitioner is to state the probable length of time involved.
- b. Failure to provide documentation may result in the employee being sent home without pay until the receipt of such documentation.
  - c. Documentation of sick leave use while on FMLA must follow section 5.6 – Family & Medical Leave.
  - d. Nothing in this section shall prevent the department head from requiring a health practitioner's statement for two days or more of sick leave, or even one day when abuse of sick leave is suspected.

Abuse of sick leave is defined as using sick leave for any other purpose other than defined in II.B.1. of this policy.

- e. In addition to any medical examination secured by the employee, the department head has the authority to require the employee to submit to examination, at Unified Government expense, by a second health practitioner as a condition of receiving or continuing to receive sick leave. An employee who refuses to submit to such examination and diagnostic tests shall forfeit all rights to sick leave.
- f. All medical information should be filed separately from the employee's personnel file.
- g. Long-term uses of sick leave: medical reports to the department may be required every 30 days.
- h. Payroll is to be notified when an employee is using sick leave for a disability, in order that KPERS can be notified.

### 3. The granting of sick leave

Providing the above conditions are met, the department head is authorized to grant use of sick leave. In a situation where sick leave has been exhausted, department heads have the discretion to allow employees to use other paid time (vacation, comp time, etc.) for sick leave; this paid time shall still be counted as an occasion of sick leave use. If no other paid time exists, employees will be docked and this will count as an occasion of sick leave use.

### C. Excessive sick leave

1. Excessive sick leave is defined as:



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- a. having had seven or more occasions of sick leave use (three or more occasions for Part-time A), during any 12-consecutive-month-period; or
  - b. having had three or more occasions of sick leave use, immediately before or immediately after his or her regular days off, vacation days, holidays, or any paid leave of absence, including personal leave; during any 12-consecutive-month-period; or
  - c. having failed to submit required documentation of sick leave use on more than one (1) occasion in a 12-month period.
2. An occasion of sick leave use is defined as a continuous period of absence from work for a permissible sick leave use. It may be a portion of a day, a day, or a number of days.
  3. When the full time employee is absent from work for four (4) hours or less (part-time A is absent from work for two (2) hours or less) for a prearranged doctor's appointment, it shall not be considered an occasion of sick leave use for the purpose of identifying excessive users.
  4. Rules concerning employees placed in the excessive sick leave user category:
    - a. The employee is placed in the excessive sick leave user category effective the date of the occasion of sick leave that triggered his or her being categorized as an excessive user.
    - b. During the 12-consecutive-month period following the date the employee was placed in the excessive sick leave user category, the employee must furnish a statement from a physician to his/her supervisor on each occasion the employee uses sick leave. The statement must contain:
      - (1) the physician's report as to the cause for the employee's absence, and the treatment being provided,
      - (2) the probable length of time of the necessary sick leave, and
      - (3) the physician's statement that the employee was unable to work the day that he or she was absent.
    - c. If the employee does not furnish a physician's statement as provided, he or she shall receive the following discipline:
      - (1) Non-exempt
        - 1<sup>st</sup> offense—one work day suspension without pay
        - 2<sup>nd</sup> offense—three work days suspension without pay
        - 3<sup>rd</sup> offense—termination
      - (2) Exempt



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1<sup>st</sup> offense—one week suspension without pay

2<sup>nd</sup> offense—termination

- d. The “excessive user” employee may be subject to termination if he or she:
- (1) Uses sick leave (or other paid time off or docked time in lieu of sick leave) on five or more occasions, or
  - (2) Uses two or more sick leaves (or other paid time off or docked time in lieu of sick leave) immediately before or immediately after his regular days off, vacation days, holidays, or any paid leave of absence.
- e. Physician statements do not excuse absences, and the absence will still count towards an occasion.
- f. Occasions of sick leave that qualify under the Family and Medical Leave Act and are certified by a health care provider as an FMLA qualifying event shall not be considered for the purpose of identifying excessive users.

## D. Sick leave buy back

1. Subject to annual funding of the sick leave buy back program, the Unified Government may offer a sick leave buy back program allowing eligible employees the opportunity to purchase a limited portion of the employee’s accumulated sick leave balance based on the number of sick days used in a 12-month period from November 1 of the previous year through October 31 of the current year. (See chart below.)
2. The determination of whether to offer the sick leave buy back program and the maximum number of days to be purchased will be made annually by the Commission. Sick leave buy back is only available in the amount approved annually by the Commission. The sick leave buy back program shall be uniformly applicable to all employees covered by this policy. Individual departments may not grant this benefit to employees unless the program has been approved for all Unified Government employees.
3. Compensation for the buy back shall be at the employee's rate of pay on December 1<sup>st</sup> of that year and shall be paid in the first pay period of December.
4. Partial days taken shall be calculated according to the chart below.

### Full-Time Employees:

# Sick Days Used

0 (0 hours)

Maximum Days Sold  
to Unified Government

5



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1 (0.25 – 8.0 hours)	4
2 (8.25 – 16.0 hours)	3
3 (16.25 – 24.0 hours)	2
4 (24.25 – 32.0 hours)	1

Part-Time A Employees:

<u># Sick Hours Used</u>	<u>Maximum Days Sold to Unified Government</u>
0 hours	2.5
0.25 - 4.0 hours	2.0
4.25 - 8.0 hours	1.5
8.25 - 12.0 hours	1.0
12.25 - 16.0 hours	0.5

5. Eligibility

- a. Employees must have at least 240 hours of banked sick leave in order to be eligible for the buy back program.
- b. New hires in their probationary periods are not eligible for the buy back program.
- c. Employees who have taken personal leave are still eligible for the buy back program.
- d. Employees who have taken more sick leave hours than the number of days approved by the Commission for the sick leave buy back program, including sick leave taken under FMLA, are not eligible for the buy back program.

E. ~~Donated Sick Leave~~

- ~~1. An employee may donate up to 40 hours per calendar year of sick leave to employees who have a catastrophic or life threatening illness and have exhausted all paid leave time. The donating employee must have at least 100 hours of sick leave accrual remaining after the donation.~~
- ~~2. Donated sick leave will not be converted into any other compensation and will not be paid out upon separation. Donated sick leave will be distributed on a first come, first serve basis depending upon the date the request for donated hours is received. If no sick leave hours are available, a request will be sent to Unified Government employees asking for donations. If sufficient number of hours is not donated, the requesting employee may apply for unpaid leave of absence. (See Human Resources Guide Policy 5.11 Leaves of Absence Without Pay).~~



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- ~~3. Employees on workers' compensation injury leave are not eligible for donated sick leave. The employee requesting sick leave must not have been suspended or placed in the "excessive use of sick leave" category for violation of the sick leave policy in the previous twelve (12) months. The employee requesting sick leave must show a historical pattern of prudent use of sick leave by having accumulated at least 120 hours of sick leave in his/her sick leave bank prior to his/her illness.~~
- ~~4. The employee receiving sick leave donations must have been employed by the Unified Government for a minimum of five years prior to being eligible for sick leave donations.~~
- ~~5. Donations and requests should be made on forms completed and signed by the donor or requesting employee and turned into Human Resources. Human Resources staff will administer the program and determine eligibility based upon the criteria stated in this policy. Human Resources staff will consult with the employee's department head regarding the request and grant the number of hours needed each payroll period to those eligible employees. All rules and regulations requiring privacy of personal health information will be followed per HIPPA.~~
- ~~6. Employees may receive donated sick leave for up to six (6) months. Additional time may be granted at the discretion of the department head and County Administrator.~~

## E. Donated Sick Leave

1. Employees with a balance of 140 hours or more of accrued sick leave may donate up to 40 hours of sick leave and employees with a balance of 580 hours or more of accrued sick leave may donate up to 80 hours of sick leave per calendar year for use by eligible employees. Sick leave will be donated to a general sick leave bank for use by eligible employees on a first-come, first-served basis. An employee can donate sick leave by submitting a completed donation of sick leave form to Human Resources. The donation is subject to review and approval by the Director of Human Resources or his or her designee.
2. Definitions
  - a. Life threatening or catastrophic illness or injury – A severe illness or injury that poses a significant threat of death or residual disability and requires prolonged hospitalization or recovery. Examples of illnesses or injuries that, depending on the circumstances, may be considered life threatening or catastrophic include brain and spinal cord injuries, cancer, stroke, heart attack, organ failure, coma, and sepsis.
  - b. Serious medical condition – An illness or injury that is debilitating or incapacitating or whose treatment is debilitating or incapacitating and that requires hospitalization or extended recovery lasting 14 days or more during which the employee is unable to work. The following are not considered serious medical conditions:



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- Common infections and infectious diseases (e.g., rhinovirus, sinusitis, influenza, norovirus, etc.), unless unusually severe or accompanied by serious complications
- Seasonal or common allergies
- Common musculoskeletal ailments (including muscle aches and sprains, joint sprains, neck and back pain, leg sprains, osteoarthritis, and the like) that are treated non-surgically
- Ordinary life or workplace stress
- Any medical condition for which treatment reasonably can be deferred until the employee can accumulate needed sick leave.

The Director of Human Resources or his or her designee has discretion in determining whether an illness or injury meets these definitions. An employee may appeal the Director of Human Resources's determination to the County Administrator, whose decision will be final.

### 3. Eligibility

- a. An employee who has a life threatening or catastrophic illness or injury or is needed to care for his or her minor child who has a life threatening or catastrophic illness or injury is eligible to receive donated sick leave if the employee:
  - (1) Has worked for the Unified Government for at least one year;
  - (2) Has not been placed in the excessive use of sick leave category in the previous 24 months; and
  - (3) Has exhausted all accrued leave.
- b. An employee who suffers a medical emergency or who has been diagnosed with a serious medical condition is eligible to receive donated sick leave if he or she:
  - (1) Has worked for the Unified Government for at least five years;
  - (2) Has not been placed in the excessive use of sick leave category in the previous 24 months; and
  - (3) Has exhausted all accrued leave.

### 4. Conditions and limitations

- a. A Request for Sick Leave Donations form and a certification from a medical provider must be submitted to Human Resources by or on behalf of the employee requesting donated sick leave. The submission is subject to review and approval by the Director of Human Resources or his or her designee.
- b. Leave in the donated sick leave bank will be distributed on a first-come,



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first-served basis depending upon the date the request for donated hours is received. If no sick leave hours are available, a request will be sent to Unified Government employees asking for donations. The requesting employee may apply for an unpaid leave of absence if sufficient hours are not donated. (See Human Resources Guide Policy 5.11 Leaves of Absence Without Pay.)

- c. Donated sick leave must be used on a continuous basis and is not available for intermittent use.
- d. Donated sick leave will be paid at the recipient's rate of pay. Unless the law provides otherwise, payments for use of donated sick leave will be treated as wages of the recipient for the purposes of FICA, FUTA, income tax, and other withholding.
- e. Donated sick leave will not count towards the minimum month for accrual of sick leave or vacation leave.
- f. Donated sick leave may be used only by the employee receiving it and only for its intended purpose.
- g. Unused donated sick leave will not be returned to the donating employee.
- h. Donated sick leave will not be converted into any other compensation and will not be paid out upon separation or retirement.
- i. This donated sick leave policy does not apply to any member of a bargaining unit whose memorandum of agreement with the Unified Government includes a provision for donated sick leave.
- j. Employees on workers' compensation injury leave or injury on duty leave are not eligible for donated sick leave.
- l. An employee may receive donated sick leave for up to six months. The employee will be required to provide updated medical documentation on the need for continued leave every 30 days. In extraordinary circumstances, up to 60 days of additional time to receive or use leave may be granted at the discretion of the County Administrator.

## F. Separation from employment

- 1. Upon voluntary separation, retirement, or death, an eligible employee will be paid in an amount equal to his or her accumulated sick leave based on the employee's fixed salary at the time of separation. Maximum payout based on years of service is as follows:
  - a. Voluntary separation for Category 1 employees:
    - 0 - 4 years service - 0 days
    - 5 - 9 years service - 40 days
    - 10 or more years service - 60 days



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- b. Category 2 employees with at least 10 years of service are eligible to be paid out 25% of unused sick leave with a maximum payout of 30 days.
- c. Category 1 employees: Full retirement or death:
  - Non-sworn personnel - 90 days
  - Sworn personnel - 120 days
- d. Category 2 employees at full retirement or death are eligible to be paid out 50% of unused sick leave with a maximum payout of 60 days.

The amount paid to the employee is computed by taking 1/30 of the employee's monthly compensation and multiplying that amount by the number of accumulated sick leave days to which the employee is entitled to be paid under this policy.

- 2. Former exempt KCK employees will not be eligible for any sick leave payout upon separation until he/she has completed the comp time phase out program. See 3.4—Overtime/Compensatory Time.
- 3. Ineligible for payment for sick leave are:
  - a. the employee who is terminated from employment as a result of a disciplinary action, and
  - b. the employee who resigns and fails to give two weeks notice of separation.
- 4. Former KCK exempt employees shall not be paid out upon separation for both comp time and sick leave except at retirement or death.
- 5. Under no circumstances will an employee be paid more than the maximum payout stated.

RELATED FORM(S):      Leave Request Form (non-FMLA)  
                                 Sick Leave Buy Back Request  
                                 Sick Leave Buy Back Summary

# DONATED SICK LEAVE PROGRAM

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# CURRENT POLICY

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- Employees may donate up to **40** hours per year as long as they have 100 hours of sick leave accrual remaining after the donation.
- Eligibility requirements:
  - Own catastrophic or life-threatening illness;
  - Employed by the UG for a minimum of 5 years;
  - Employee must have accumulated at least 120 hours of sick leave in his/her sick leave bank prior to illness;
  - Must not have been suspended or placed in the “excessive use of sick leave” category

# AMENDMENTS TO POLICY

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- Employees with a balance of 140 hours or more of accrued sick may donate up to **40** hours per calendar year.
- Employees with a balance of 580 hours or more of accrued sick leave may donate up to **80** hours per calendar year.

# AMENDMENTS TO POLICY CONTINUED....

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- **Eligibility requirements:**

- An employee who has a life threatening or catastrophic illness or injury or is needed to care for his or her minor child who has a life threatening or catastrophic illness or injury is eligible to receive donated sick leave if the employee:
  - Has worked for the UG for at least one year;
  - Has not been placed in the excessive use of sick leave category in the previous 24 months; and
  - Has exhausted all accrued sick leave and compensatory time.

# AMENDMENTS TO POLICY CONTINUED....

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- **Definition:**

- **Life threatening or catastrophic illness or injury** – A severe illness or injury that poses a significant threat of death or residual disability and requires prolonged hospitalization or recovery. Examples of illnesses or injuries that, depending on the circumstances, may be considered life threatening or catastrophic include brain and spinal cord injuries, cancer, stroke, heart attack, organ failure, coma, and sepsis.

# AMENDMENTS TO POLICY CONTINUED....

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- **Eligibility requirements:**
  - An employee who suffers a medical emergency or who has been diagnosed with a **serious medical condition** is eligible to receive donated sick leave if he or she:
    - Has worked for the UG for at least five years;
    - Has not been placed in the excessive use of sick leave category in the previous 24 months; and
    - Has exhausted all accrued sick leave and compensatory time.

# AMENDMENTS TO POLICY CONTINUED....

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- **Definition:**

- **Serious medical condition** - A physical or mental illness or injury that is debilitating or incapacitating or whose treatment is debilitating or incapacitating and that requires hospitalization or extended recovery lasting 14 days or more during which the employee is unable to work. The following are not considered serious medical conditions:

- Common infections and infectious diseases (e.g., rhinovirus, sinusitis, influenza, norovirus, etc.), unless unusually severe or accompanied by serious complications
  - Seasonal or common allergies
  - Common musculoskeletal ailments (including muscle aches and sprains, joint sprains, neck and back pain, leg sprains, osteoarthritis, and the like) that are treated non-surgically
  - Ordinary life or workplace stress
  - Any medical condition for which treatment reasonably can be deferred until the employee can accumulate needed sick leave
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# CONDITIONS AND LIMITATIONS

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- Donated sick leave must be used on a continuous basis and is not available for intermittent use.
- Donated sick leave will not count towards the minimum month for accrual of sick leave or vacation leave.
- Unused donated sick leave will not be returned to the donating employee.
- This donated sick leave policy does not apply to any member of a bargaining unit whose memorandum of agreement with the UG includes a provision for donated sick leave.
- Employee may receive donated sick leave for up to six months. The employee will be required to provide updated medical documentation on the need for continued leave every 30 days. In extraordinary circumstances, up to 60 days of additional time to receive or use leave may be granted at the discretion of the County Administrator.

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

REGULAR SESSION  
NOVEMBER 4, 2021

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, November 4, 2021, with ten members present via Zoom: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. Townsend, Commissioner First District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Melissa Sieben, Emerick Cross, and Bridgette Cobbins, Assistant County Administrators; Misty Brown, Chief Counsel; Susan Alig, Senior Attorney; Wilba Miller, Director of Community Development; Stephanie Stauffer, Community Development Program Coordinator; Jack Andrade, First Deputy Fire Chief; Kathleen VonAchen, Chief Financial Officer; Wendy Medina, Program Supervisor of KCKPD Victim Services; Brett Deichler, Interim Unified Government Clerk; Ashley Hand, Director of Strategic Communication; Alley Porter, Commission Liaison; and Carol Godsil, Deputy UG Clerk.

**Mayor Alvey** said before I call the meeting to order, I'd like to announce that due to COVID-19, commissioners, staff, and public are attending remotely or on-site. All participants joining by phone should mute their phones when not speaking to avoid background noise.

Please make sure that 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 is current guidance from the Kansas Attorney General.

Due to COVID-19 requirements, the public is allowed to participate by Zoom or submit comments by email prior to the meeting. Those comments are included in the record. The public also has an opportunity to provide brief comments from the lobby of the Municipal Office Building.

**Roll call:** Kane, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Alvey.

**Mayor Alvey** said our invocation is being given by Commissioner Harold Johnson of Faith Deliverance Church of God in Christ.

**Mayor Alvey** asked, are there any revisions to tonight's agenda? **Brett Deichler, Interim Unified Government Clerk**, said, Mayor Alvey, there were no changes to tonight's agenda.

### **CONSENT AGENDA**

**Mayor Alvey** said, all the items this evening are on the Consent Agenda. Does any member of the Commission or the County Administrator wish to set aside any item on the Consent Agenda? If an item is not set aside, all items on the Consent Agenda will be voted on by one vote.

**Action:** **Commissioner Kane made a motion, seconded by Commissioner Philbrook, to approve.** Roll call was taken and there were nine "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

### **Item No. 1 – 211091...ORDINANCE: RESPONSIBLE BIDDER ORDINANCE AMENDMENT**

**Synopsis:** An ordinance amending the definition of "Responsible Bidder" that would enable the Unified Government to adopt an SOP that would require OSHA-10 certification and a drug and alcohol abuse prevention program for certain construction contracts, submitted by Susan Alig, Assistant Counsel. There is no budget impact. On October 25, 2021, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

**Action:** **ORDINANCE NO. O-144-21**, "An ordinance relating to further definition of responsible bidder; amending original Section 29-1." **Commissioner Kane made a motion, seconded by Commissioner Philbrook, to approve the ordinance.**

Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

**Item No. 2 – 211094...GRANT: PUBLIC SAFETY TRAINING FACILITY**

**Synopsis:** Request to apply for an EDA Grant for a public safety training facility, submitted by Jack Andrade, First Deputy Fire Chief. On October 25, 2021, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Philbrook, to approve. Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

**Item No. 3 – 211086...REQUEST: GRANT FUNDED PROGRAM COORDINATOR POSITION**

**Synopsis:** Request approval to create a grant funded Program Coordinator position in the Police Department Victim Services Unit, submitted by Wendy Medina, Program Supervisor of KCKPD Victim Services. On October 25, 2021, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Philbrook, to approve. Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

**Item No. 4 – 211093...OVERVIEW/REQUEST: LEVEE BETTERMENTS**

**Synopsis:** Work has completed on the design for betterments for the levee trail system, which includes a trail head park on either side of the Rock Island Bridge. Staff will provide an overview of the project and discuss how the expenses to construct these amenities can be handled within the levee projects funds, submitted by Melissa Sieben, Assistant County Administrator. On October 25, 2021, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

**Action:** **Commissioner Kane made a motion, seconded by Commissioner Philbrook, to approve.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

**Item No. 5 – 211088...RESOLUTION: HOME-ARP GRANT AGREEMENT**

**Synopsis:** Resolution for the acceptance of federal funds for homelessness assistance and supportive services, and enter into an agreement with the U.S. Department of Housing and Urban Development, submitted by Wilba Miller, Director of Community Development. On October 25, 2021, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

**Action:** **RESOLUTION NO. R-82-21**, “A resolution for the acceptance of federal funds by the Unified Government of Wyandotte County/Kansas City, Kansas for homelessness assistance and supportive services, and to authorize the Mayor to enter into agreements with the U.S. Department of Housing and Urban Development.” **Commissioner Kane made a motion, seconded by Commissioner Philbrook, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

**Item No. 6 – 211092...REQUEST: MT. CARMEL REDEVELOPMENT CORPORATION**

**Synopsis:** Request approval of Mt. Carmel Redevelopment Corporation's budget revision, submitted by Wilba Miller, Director of Community Development. On October 25, 2021, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

**Action:** **Commissioner Kane made a motion, seconded by Commissioner Philbrook, to approve.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

**Item No. 7 - WEEKLY BUSINESS MATERIAL**

**Synopsis:** Weekly business material for October 28, 2021.

**Action:** **Commissioner Kane made a motion, seconded by Commissioner Philbrook, to receive and file.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

**Mayor Alvey** said, I’d entertain a motion to go into executive session.

**Action:** **Commissioner McKiernan made a motion, seconded by Commissioner Markley, for the Commission to go into Executive Session until 7:13 p.m. to consult with our attorneys and to discuss confidential matters related to pending claims and litigation as permitted under the Kansas Open Meetings Act and that staff designated by the County Administrator be present to participate in the discussion and that we reconvene in open session at 7:13 p.m. in the 5th floor conference room.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Alvey.

**MAYOR ALVEY**

**ADJOURNED THE REGULAR MEETING AT 7:03 P.M.**

**NOVEMBER 4, 2021**

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Brett A. Deichler, PMP|CPM  
Interim Unified Government Clerk

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**November 4, 2021**

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

SPECIAL SESSION, THURSDAY, NOVEMBER 18, 2021

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, November 18, 2021, with ten members present remotely. Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. Walters, Commissioner Seventh District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Alan Howze and Melissa Sieben, Assistant County Administrator's; Carol Godsil, Deputy Unified Government Clerk; Misty Brown, Chief Counsel; Jeff Fisher, Executive Director of Public Works, Dave Reno, Public Works Community Engagement Officer; Robert Anderson, Public Works Asset Manager; and Ashley Hand, Director of Strategic Communications.

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

**MAYOR ALVEY** called the meeting to order.

**MAYOR ALVEY** said I would ask the Clerk to announce the meeting and call the roll.

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

**NOTICE OF SPECIAL SESSION** of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted virtually on Thursday, November 18, 2021, at 5:00 p.m. for Commission Infrastructure Subcommittee reports.

Due to COVID-19 the public will be able to observe or listen to the meeting live on YouTube or UGTV or through Zoom. The public may also view the special session from the lobby of the Municipal Office Building.

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

**Mayor Alvey** said as we all know the Infrastructure Committees were tasked with listening to Public Works and to other staff, Parks, Rec, and others to really ascertain what the challenges are facing our community in regards to our infrastructure needs and to identify briefly what kind of the emergency needs might be. What part—what infrastructure that does not receive care in the next several years might reach a point of failure and then ultimately kind of a long-term plan for remaining infrastructure.

We divided up into three different, actually six different areas, and coalesce those into three different things. So, what we're doing tonight is just giving a report from those subcommittees, and again, this is a work in progress, but I think the way this is going to go is we will have Public Works or whomever is responsible for that particular area, staff to give us a report and then to follow-up with the Commission members who are engaged on that committee.

I'm going to pass this on now to Mr. Bach.

**Doug Bach, County Administrator**, said as the Mayor said, this is kind of an accumulation of activities that have gone through the course of the year. Tonight we have a presentation that staff has put together in coordination with the committee Chairs. I believe all of them will have a part to present during the presentation this evening and while most are just status reports, there is more of a recommendation coming out of the Stormwater Committee, I believe, as they've invested a little bit more time in figuring out where we can go with an issue that has been in progress for

several years as the Commission is well aware as far as future funding and how that may work. At this time I'm going to turn this over to Jeff Fisher, our Director of Public Works, who is with his staff members in the Public Works conference room.

**Jeff Fisher, Executive Director of Public Works**, said it's probably best to give some background. All the way back four or five years ago and largely the start of it was our Citizen Survey and infrastructure ranked real high on the citizens minds, particular streets. It would be highest by far—**Mayor Alvey** said, Jeff, if you don't mind for just a moment, is there any other way—is there a microphone there? **Mr. Fisher** said we apologize. Just taking us all the way back to the beginning four or five years ago, Citizen Surveys kept saying the infrastructure was high on their minds, particularly street maintenance. So, listening to that, we started this big effort to collect data on all of our infrastructure for a couple of years and start to understand where the needs are.

About a year and a half ago, we started telling that story that infrastructure needs more investment, we need to be smarter about it, so we developed a Capital Maintenance Improvement Program. Then, sharing with you and the public the condition of our infrastructure and how much more investment that needs. You heard that, and the Commission heard that, and you proceeded with the subcommittees which have been very exciting. We've been working real hard on that and Public Works itself, during that period, came to the conclusion that our mantra needs to fit this urgency, this infrastructure crisis.

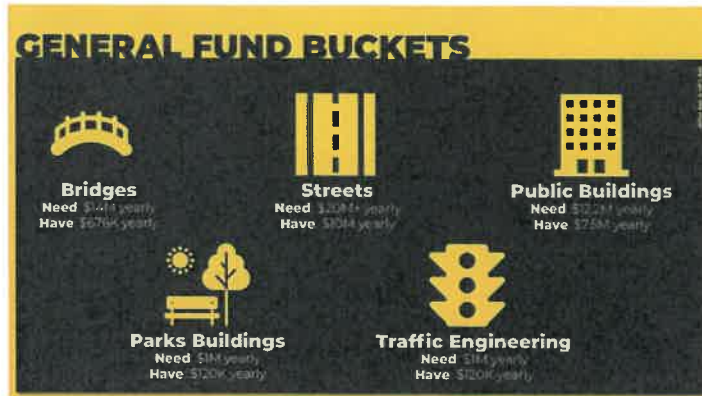




You've seen our mantra, We Can & We Must. Public Works, acting accordingly, this mantra, "We Can & We Must", is just to say UG Public Works we can be helpful in this way. We must attack this infrastructure problem, help the CIO, help the Commission, and help the public figure out how to turn the corner. Working with the subcommittees have been real exciting.



Starting with our Enterprise Funds. Wastewater is a full cost recovery Enterprise Fund. It's operating largely under a consent decree. It has a plan. Revenues are supporting that plan. It's tight, but it's working.



Stormwater, on the other hand, is a much different story. We're going to get to that later, but the needs annually on a scaled down version of that \$10M and we're only spending \$3-\$3.5M, that's not working. The system is failing.

Bridges, the needs are at \$14M a year for 10 years. Right now we're spending about \$676K a year. That's way under.

Streets, we've talked about this a lot. In order to increase our Pavement Condition Index from a current 53 to 65, it's going to take \$20+M a year. We're barely spending \$10M a year.

Facilities, \$12.2M a year need and we're spending \$7.5M. The discussion you'll hear later is maybe we have too many facilities. We can reduce that and be better about maintaining fewer facilities.

Parks, the same. Lots of parks, lots of rec centers. Maybe we need to do that differently. We're not meeting the needs there nor meeting expectations of the public.

Traffic Engineering, you can clearly see we need to spend a million dollars more a year to do an effective job there.

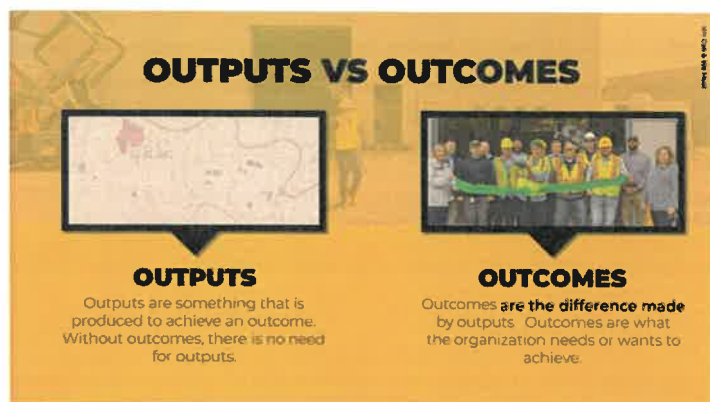


Mayor and Commission Subcommittees. The subcommittees are broken up into Streets, Bridges & Streetlights; Parks, Rec & Facilities in general; and then the Stormwater & Wastewater Utility Subcommittee.



By forming those subcommittees, the Mayor set us off on a course of regular meetings, Public Works and other staff, Finance, working with these subcommittees since June, meeting about every three weeks on average and tasked with, as the Mayor said, what are the outcomes we want in the future, five, ten, twenty years from now. How are we going to get infrastructure to support the welfare of this community and support a thriving community, so we've been working on those outcomes and strategies to support that. You'll hear a little bit more from the Chair.

The first Chair of the—I'm sorry, I'm going to let Dave Reno jump in for a minute.



**Dave Reno, Public Works Community Engagement Officer**, said one of the things that we did right out of the gate here, we started speaking the same language. Engineering has a lot of technical terminology, architecture terminology and sometimes although we're thinking about the same things, we don't know that we're talking about the same thing. We started out defining key terms

and Public Works, we're really preoccupied with outcomes, outcomes and goals, but really outcomes are things that make a difference. The difference is made generally by collections of outputs and those are themselves made up of collections and strategies.

One of the things that we need to do on a daily basis for the strategies, we need in order to accomplish our goals, so working backwards we figure out what we want our outcomes to be, what does the committee think is the most important thing we need to address and we figure out—Public Works staff, what are the strategies we need to develop in order to get to those outcomes. I think this route has been extremely successful so far building some outstanding outcomes for us to pursue.

**Mr. Fisher** said Commissioner Bynum has been the Chair of the Streets, Bridges & Streetlights and I'll hand that over to her and let her speak to that experience.



**Commissioner Bynum** said I'm going to start with what we learned and my committee is myself, Commissioner McKiernan, and Commissioner Townsend so District 2 and District 1. My comments are focusing on the What We Learned portion for the moment. I want to start by giving, not just a thank you, but a huge thank you to our Public Works staff for their strategic efforts that have been made to date, for developing and knowing what the data tells us, and also for being so willing to work with the commissioners on these committees.

We know that in this category a minimum of \$26M additional dollars annually is needed just to start flattening the curve in terms of addressing our needs with this infrastructure. So, to me, I think it's fair to say that efficiency is important and helpful, but it is not the answer to this problem. Efficiency alone does not get us to goals and just by way of example, we can talk about

pavement preservation alone and we can compare ourselves to neighboring cities. We spend \$5.5M of our \$420M annual budget or 1.3% of our total budget on pavement preservation. Overland Parks budget is \$327M. They spend \$15M on pavement preservation. Olathe has an annual budget of \$472M, they spend \$17.9M on pavement preservation. Topeka has an annual budget of \$339M, they spend \$7.5M. Interestingly enough, out of all of those cities, we have more lane miles which it seems really hard to believe. More lane miles and the lowest in actual real dollars and percent of the annual budget spent on only pavement preservation.

**OUTCOMES & STRATEGIES**

**QUICK LOOK OUTCOMES**

- Streets** - Increasing the current average Pavement Condition Index rating of 53 to an average of 65 for the entire road network, by 2030
- Bridges** - Increasing the Sufficiency Index (SI) rating according to the following, by 2040:
  - 40% of structures fall into the "Good" category (75-100 SI)
  - 20% of structures fall into the "Fair" category (50-75 SI)
  - <20% of structures fall into the "Poor" category (25-50 SI)
  - 5% of structures fall into the "Replace" category (0-25 SI)

**QUICK LOOK STRATEGIES**

- Streets** - Support, train and equip staff associated with street maintenance beginning in 2022 so that all work is appropriate and most effective in constructing and preserving streets and bridges
- Bridges** - Evaluate bridge inventory for opportunities to remove and/or replace with at-grade intersections or less maintenance intensive structures.

Dave Reno, I don't know if this slide is for me or you, but I can go through it or you can, I don't care. **Mr. Reno** said this slide is for you, Commissioner. **Commissioner Bynum** said I'll take this slide and then I'll just wrap with a brief statement.

Some of the outcomes that we've developed obviously in order to increase the current average Pavement Condition Index or PCI from a 53 to a 65 by 2030, my point that I made about what we are dedicating to that should be very clear. In the category of bridges, we're talking about a sufficiency index rating and so we're shooting for 2040 with that outcome, 40% of structures are good, 20% are fair, excuse me, less than 20% are fair, more than 20% are in the—I'm saying those backwards. I apologize, 5% of structures in the replace category, so obviously, plenty of work to do in the bridges category and then what we're calling Quick Look Strategies, in streets we support, train and equip staff associated with maintenance beginning in this coming year so that the work we do is appropriate.

Then, we evaluate our bridge inventory for opportunities to potentially remove or replace with at-grade intersections. This is obviously way more cost effective and I believe it's only those two slides, Dave Reno, if I'm correct.



Here's where I think we are and this probably goes for every team, but we've learned so much among our committees and particularly with this committee, just by spending time and having these meetings with our staff it really helps us to not only know it, but know it, learn it, memorize it, and understand it. I think what we have learned primarily is that firm and focused attention absolutely must be given. This is not a one-time fix. That's very clear. It has to stand multiple generations of Mayors, commissioners, and administrations, but before it can span those years and sets of leaders, it has to start. I do believe in '22 we made a small start, but we really need to take a good long hard look at the choices that we are making and we need to commit to making some very difficult choices with some of our upcoming budget decisions as we move forward.

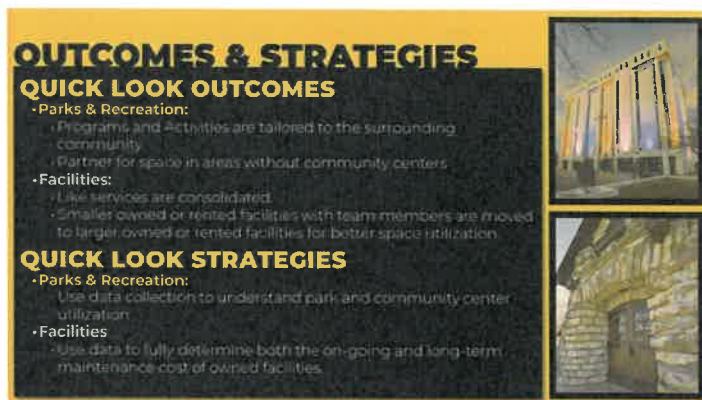
With that, I will hand it back over. I'm sure my committee mates will have comments once we hear from all the committees, so thank you very much.

**Mr. Fisher** said before we hand it over to Commissioner Ramirez, thank you Commissioner Bynum. I do want to say you saw two outcomes and two strategies. Those are just examples. This committee has developed a much longer list and the Parks, Rec & Facilities committees have done the same, so we're just providing a couple of examples of outcomes and strategies that these subcommittees have already developed.

**Commissioner Ramirez** said first, thank you Commissioner Bynum for your last statement. I completely agree with you and I'm right behind you on that. First, I want to thank Public Works, Parks & Recreation, and Facilities. Thank you to the commissioners who serve on this committee. We've had a lot of good conversation. We first started up the conversation as kind of a hypothetical what could—if we were to redo our city, how would that look like, how would our

parks and recreation look like, what would our facilities look like and that was just to get us in the zone of what needs to be done. Then, we dove deeper into the Ameresco Study and talked about that and we've also heard from a couple of consultants who have done studies on community centers and they came and presented to our committee of what they have done and really kind of showing us what they could do for here in Wyandotte County.

We've had a lot of good conversation about what our facilities should look like, how many we should have, should we have more, should we have less. I'm sure from what I've heard from the committee and from staff, we need less facilities. For Parks & Recreation, what I've heard and I'm sure the other committee members can make comments at the end, you know, for Parks & Recreation we need more of that for our community.



As Jeff had mentioned, these are just a few outcomes and strategies that we have come up with. For Parks & Recreation, you know, we want to make sure our programs and activities are tailored to the surrounding community and a part of that is, are there partners out there in our community and around our region who can help in those areas that may not have community centers. For example, Rosedale. Rosedale doesn't have a community center, but across the way in Argentine, they do or we might be able to find a partner that may be able to come in and provide programs and activities for the children and for the community.

For Facilities, like services consolidating, right-sizing our buildings, but not only right-sizing our buildings, but right-sizing the staff to those buildings. You know, in City Hall we have floors where we—we have departments where they have big offices, but a lot of empty space. How can we right-size those down to the building to ensure that we're not paying more than we need to.

A couple of strategies for Parks & Recreation, using data to understand how our parks and community centers are being used and that strategy came out of the presentation we heard from the consultants about their micro study of community centers and what our community centers actually provide. How can we provide those services better with the community centers that we have.

Then, a strategy for Facilities, is use data to fully determine both the ongoing and long-term maintenance costs of owned facilities. With everything that we continue to do and we will always be doing, and I thank Jeff and his team for doing this, is every decision that we make is going to be based off data, not with just Parks & Recreation and Facilities, but with streets, stormwater, bridges. Everything is going to be databased. So, I thank you for all that you have done for that and continue to do.

Again, these are just a couple outcomes and strategies that we've come up with. Going forward, this committee is going to continue to have those conversations and come up with a fuller list of outcomes and strategies. I don't know if there is anything else, Jeff, you would like me to mention. That was just a quick run through.

**Mr. Fisher** said you did very well Commissioner Ramirez. I think the theme of that subcommittee has been smart utilization of space and reduction.



In the Utility subcommittee, it's been a little bit different discussion mostly around stormwater, the presentation to follow this. Commissioner Philbrook has been leading this group and I'll hand it over to her.

**Commissioner Philbrook** said I've been attempting to lead this group. I will tell you that this is really, excuse the pun, but this is a dirty job because with stormwater and wastewater a lot of times you don't notice the problem until it's in your backyard or backing up into your basement. So, people don't really think about this part of it.

Stormwater and Wastewater basically is the foundation of our community and if we don't keep the water running exactly where it needs to be, then we run into trouble like roads washing out or collapsing; that sort of thing. Fortunately, we already have a wastewater plan and that came to be because of the federal regulations that we had to come in compliance with and so we had to bite the bullet back then and make those decisions and get an agreement with the federal folks on that. So, that one is why we're breaking about even.

Stormwater has been a step-child and has been ignored for quite a while. Our group really we tried to start out with how do we want it to look, but it's like how do you explain how you want stormwater to look. We ended up getting literally down in the weeds quite a bit and for us I think that helped us as a whole understand between administration and Jeff Fisher's group, the engineers, and the commissioners where our problems lie. We had to figure out what does these words mean. You know, what are these acronyms. Talk to us, so we created a way to actually be able to converse with each other and when we got through that, then I believe we really did start perking.



So, stormwater and wastewater, so basically I mentioned the wastewater. We already have that in place and we need to continue to take care of that and they also have some things that they are looking at putting into place so we can actually get some money back off of the biosolids and that sort of thing and maybe off of some of the gas that it emits.

Stormwater is the tough one because that's when we get down into dealing with imperviable service and that has been quite an interesting conversation. I believe really at this time the next strategy for stormwater is creating how we are going to sustain a stormwater plan. I think at this point it would be a really good idea to bring Brian McKiernan in to present his two plans and then our other plan that has been developed and look at those and then continue the conversation a little bit longer. If you don't mind Brian, would you do that please? **Mr. Fisher** said if you don't mind, we'll hold that off until the next presentation about stormwater. **Commissioner Philbrook** said until the next presentation? **Mr. Fisher** said yes. Are you finished Commissioner Philbrook? **Commissioner Philbrook** said well, I mean, there's really not a whole lot to say until we get into the rest of our conversation when we finally got down into taking care of business when we realized what we had to do.

**Mayor Alvey** said, Jeff, if I may, I know we're going to go into a discussion looking for a recommendation from the Commission to staff about how to proceed with the structure of the rates, but I'm going to ask at this time, any comments or questions from the Commission about any of the three committees before we go into more in-depth about a proposed rate structure.

**Commissioner Markley** said I would just say for our committee and perhaps for all of them, I don't know, I think sort of a big reframing happened for me when we were having the discussion about wanting more recreation services and I think, for our committee at least, my sense is that we all want to provide more services, but that's not necessarily the same as having more facilities. I think that's the discussion we're trying to have, are we providing the best services, are the facilities we have in the right places to provide the best services and can we provide more services without having the same number of facilities. So, I think we're just reframing our thinking, we want more and we want better and I think there was a time where more and better always meant more and better facilities, but I'm not sure that's the case anymore and I think that's part of our discussion in our analysis of the issues.

**Mayor Alvey** said to that point, the second part of this obviously is, how do you fund all these necessary investments. I think, Commissioner Bynum, you said it very clearly, efficiencies are necessary but they're not sufficient for us to get where we need to go. I comment all the time to

people that I feel our UG staff, on practically every department, is more lean than really is operable. I think it constricts our ability to flex. I think it constricts our ability to really change how we do things. If you're constantly just trying to keep up with the load that is in front of you, it makes it very difficult to be creative and so that's kind of a difficult place for us to be in.

I would also second Commissioner Bynum's statement that this is something that is not going to go away. This is not a one and done deal. This is why we really broke it up in three categories, what's at the point of failure. For instance, we know the Central Avenue Bridge is the point of failure. What do we do with that? Then, we have stormwater, we have certain places where roads have failed because the stormwater infrastructure is not sufficient, it's outdated. The storms are becoming more intense. The number of intense storms with mass amounts of runoff are only going to increase if lime is changed is a reality, which it clearly seems to be, so those are going to be ongoing problems.

Then we backoff and say what do we need to take care of in the next several years to prevent a particular piece of our infrastructure from reaching the point of failure and then kind of long-term.

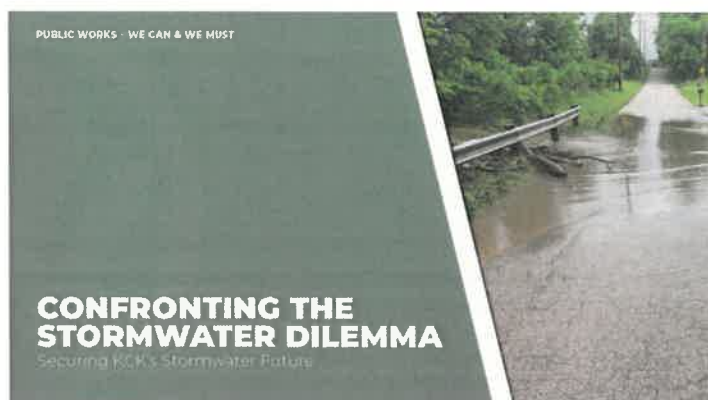
I think what's been helpful for all of us is to engage the problems as they are, work with staff. Staff, I think, so many times feels frustrated because they want to do so much more and we simply don't have the resources to hand them to get the job done and so they are looking for efficiencies. I look back, for instance, at the hot patch pothole filler and what an amazing improvement in just our pothole maintenance. That piece of equipment has been—of course, that was not free. That was a significant investment, but it provided efficiencies that allows us to be more—to really improve the quality of life for our residents.

You know I've heard Commissioner McKiernan say, in reference to the stormwater, we're not going to get out of this all at once and, you know, the danger is to overburden with fees, debt or a surprise, a shock that constrains the ability of residents and businesses to budget for those but at the same time there's a certain urgency, especially on the failed infrastructure, but that infrastructure that is nearing the point of failure, there's an emergency there. So, that's a very tough balance and, again, this is something that has to be excessive, you know, changes in leadership, it's not going away and we have to keep in mind—while we kind of see where we don't want to be because it's all around us.

There are streets that are undermined now because the culverts have failed. There are streets that—the street where I live is swapping off into the hill—down the hillside. These kind of things are happening all across our community. We know kind of what we don't want. We don't want where we are. What we do want is that confidence that we have a strategy or actually a set of strategies that is going to allow us to address these issues and really communicate to our residents and businesses that we believe this community is worth our investment and it's worth their investment. It's something that we're all reluctant to address because we know it requires more revenues and those revenues have to come from increase in property values and that's going to come about one way or another.

So, we have to be upfront with folks, we have to say these are the issues. We didn't create this, we're not responsible for this. What we are responsible for, at this point, is to make sure that we carry this narrative forward into the future so that anyone who runs for office can come and stand in front of constituents and say I'm committed to making your neighborhoods and your city better and it's not going to be easy and there's going to be pain involved, but look at where we can get to. We're not satisfied with where we are, as Jeff Fisher noted in the survey, we're not satisfied with where we are, how do we get out of this, let's come up with that strategy that balances our needs long-term and balances the need for revenues which is really the need not to overburden and that's the tough spot and we can't move off of that. That's where it is. We're going to have to get comfortable with that, being uncomfortable with it.

Any other comments or questions from the Commission? Jeff or Commissioner McKiernan, back to you all.



**Mr. Fisher** said I guess to go back to the beginning to the background on stormwater again. The citizens spoke through the survey over a couple of different cycles, the stormwater is a concern. Staff was dealing with citizen concerns in several spots and so we commissioned the study on just eight basins in the 40+ basins of KCK and identified something like \$160M of these through several discussions and communication and we scaled that down quite a bit and started engaging the public—the Commission and the public back in late 2018. We worked very diligently with the Commission to get it to something that was amenable as possible to residents and businesses. Since then we’ve also pursued federal opportunities to help augment the plan. So we were successful in securing what we call Water Infrastructure Finance Innovation Act, WIFIA, and so we will speak to that in a little bit.

Here we are, we went through 40 something different iterations of stormwater rate models to find something that, again, was amenable to the community.

## WHY UPDATE?

- ✓ The previous update made the fund solvent, but it does not support maintenance or long-term program sustainability
- ✓ This is the next step in building fairness into the rate structure and sustainability into the stormwater program
- ✓ Rate structure updates and the adoption of a multi-year rate schedule is necessary to take advantage of a low interest federal loan (WIFIA) and desired federal grants

Recently the Commission adopted a new rate structure. The sole purpose of it was to make the stormwater fund solvent because it was a point to be at the end of this year, so that was a good first step at creating the residential rate versus the non-residential rate that will start next year, and again, to make that fund solvent. It won’t do any more than what has been done in the past and I’ll speak to it a little bit more later, but it was a good step in building fairness enough into the rate structure so that smaller, impervious parcels were paying less than non-residential, but generally are bigger.

Rate structure update and the adoption of a multi-year rate schedule is necessary to take advantage of a low interest loan, so WIFIA spoke to that. In order to utilize WIFIA, we had to

take that first step and now we have to take the next step which is a rate structure that will take us into the future that will support a sustainable system that then we can access WIFIA in its entirety.

<b>OPTION 1 - MONTHLY USER FEE</b>		
Monthly Flat Residential User Fee & 5-Tier Non-Residential User Fee		
	2022	2023 & 2024
<b>Residential</b>	\$6.00	\$6.00
<b>Non-Residential</b>	\$14.00	<b>Tier 1</b> 0 - 5,000 ft <sup>2</sup> , \$10 <b>Tier 2</b> 5,001 - 8,000ft <sup>2</sup> , \$15 <b>Tier 3</b> 8,001 - 20,000 ft <sup>2</sup> , \$35 <b>Tier 4</b> 20,001 - 50,000 ft <sup>2</sup> , \$95 <b>Tier 5</b> Over 50,000 ft <sup>2</sup> , \$375

Back in the spring of this year, by listening to the community, the residents and the business community, staff proposed this rate structure. It's a residential versus non-residential, but the non-residential then gets broke up into five tiers to build even more equity into that rate structure that will start in 2023. We went through multiple visits with the Commission and then the Chamber of Commerce and the Chamber of Commerce unanimously supported this. We always recommended that as much as we can we need to build in equity and the individually calculated impervious surface stormwater model was always the best way to go. This rate structure gets us real close to that.

Commissioner McKiernan was always a strong advocate for individually calculated and so he has done a lot of work and working with staff and Black & Veatch. Black & Veatch has been with us throughout and is also on the call to answer questions, if needed. I'm going to hand it over to Commissioner McKiernan.

## A Proposal for Funding Improved Management of "Stormwater"

Reduce flooding and  
improve quality of life

**Commissioner McKiernan** said I appreciate the Mayor, Doug, Jeff and my Commission colleagues giving me just a moment to make a presentation here to share with you in a little bit more detail some thoughts on something that I've been on the record on since the very beginning of this over 2 ½ years ago. Now, the title here on the screen says a Proposal for Funding Improved Management of Stormwater. Yes, I am going to have a proposal in here because I'm trying to follow the old adage of don't come to me with a problem unless you've got a possible solution, so I'm going to bring a possible solution, but I want to make sure to my Commission colleagues I'm not trying to lobby you, I'm not trying to convince you. I simply want to take this time to educate you on a perspective that I've had from the beginning and whatever the Commission does, the Commission does in terms of moving forward.

## Background



- **In late 2018, Public Works identified the need to make extensive improvements to our “stormwater” management system**

As we've already heard by way of background, in 2018 almost three years ago, Public Works identified the need to make extensive improvements to our stormwater management system. They told us that our system is failing because the fee that we have been paying for all these years of \$4.50 a month for every parcel, regardless of size, simply wasn't sufficient to maintain and improve our system for the future.

## Background



- **In late 2018, Public Works identified the need to make extensive improvements to our “stormwater” management system**
- **Improvements would protect property and improve life, health and safety of residents**

If we make improvements, and this is going over old ground, we've already talked about this, all of the improvements that we could make will protect property from flooding and could improve the life, health and safety of all of our residents because we're all affected potentially by the runoff of water from storms.

## Background



- In late 2018, Public Works identified the need to make extensive improvements to our “stormwater” management system
- Improvements would protect property and improve life, health and safety of residents
- After many discussions, we tabled the conversation to deal with Covid-19

Now, we as a Commission, got into this and we went through many iterations of a potential plan, but after all those discussions we effectively tabled the conversation to deal with COVID-19. That really knocked us for a loop and took about a year and a half out of our sails and now-ish COVID-19 is in our rearview mirror and it’s time to come back to the discussion.

## Background



- The stormwater management challenge is getting bigger by the



Our stormwater challenge is getting bigger by the day. There is no doubt about it. A year and a half of inaction has allowed the system to deteriorate just a little bit more than it was the last time we discussed this.

## Background



- The stormwater management challenge is getting bigger by the day



- Public Works has a plan for making systematic improvements

As they’ve said before, Public Works has had a plan from the beginning to fund systematic improvements that will put us where we want to be as a city of the first class.

## Stormwater vs. Wastewater



Now, just really briefly, just to remind—I know everybody who’s on this Zoom already knows this, but if anybody happens to watch this from the public, just to draw the distinction between stormwater and wastewater, we manage two different kinds of water as the Unified Government. They’re related, but in some ways they’re separate from each other. Stormwater is what we’re talking about today. It is effectively managing the water from storms. Water that falls from the sky.

Here on the slide, you see a curb and a storm drain inlet, you see a swale, all of these mechanisms we put in place to make sure that water that falls from the sky is routed to a safe channel where if it then can be funneled toward a body of water like the river, the Kansas or the Missouri River. So, by using our stormwater system we manage runoff so that it doesn’t get into people’s houses and onto their property. We reduce flooding and property damage and by doing that we improve quality of life.

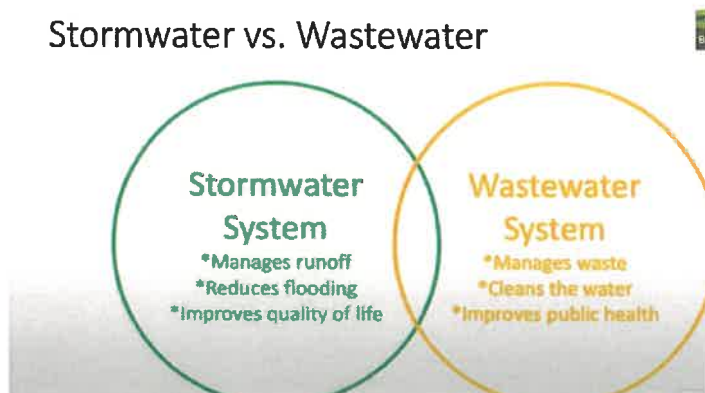
## Stormwater vs. Wastewater



Now, we contrast that with wastewater. Wastewater is dirty water. It’s water that has been in our house or has otherwise been contaminated somehow. Maybe it has come from our bathroom, maybe it has come from our kitchen sink, and ultimately we want to manage and clean the waste

from the water so that we can put it safely back into a public water source, again, like the Missouri or the Kansas Rivers.

## Stormwater vs. Wastewater



Although there is some overlap between the two...

## Today's Focus



today all we're going to consider is the stormwater piece of it. I'm almost to the point where I catch us up to where our conversation was.

## My Concerns



- In 2019, we promised to “come back to” the stormwater discussion

In 2019, unless I missed it, we promised the public that we would come back to the stormwater discussion. We promised that we would finish the discussion of how best to pay for this, how best to raise a very large amount of money and yet do it equitably and in a way that didn't crush individual ratepayers.

## My Concerns



- In 2019, we promised to “come back to” the stormwater discussion
- In the budget process for 2022, a “tiered” fee plan was proposed

To the best of my knowledge we have not come back to that discussion.

In the budget process for 2022 we did approve the first step of adjusting the rate so we approved the small increase in the monthly rate that Jeff showed you for residential versus non-residential parcels. But in that process, a tiered fee plan was proposed.

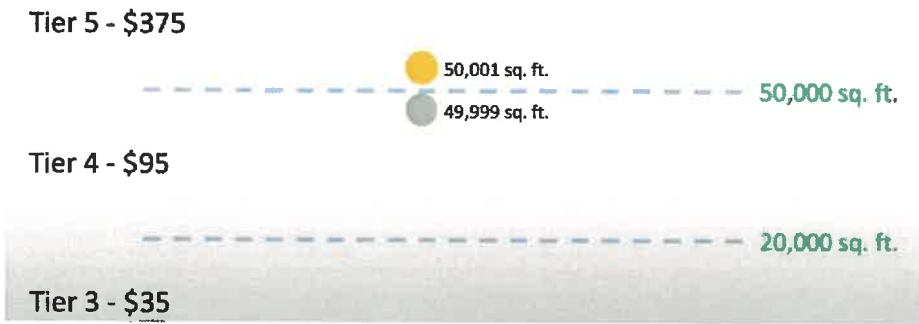
## My Concerns



- In 2019, we promised to “come back to” the stormwater discussion
- In the budget process for 2022, a “tiered” fee plan was proposed
- I believe a “tiered” plan is inequitable across different property sizes

Those of you who have been keeping score at home know that I have said from the beginning that I consider any tiered plan where properties are grouped in bundles by size is inequitable across different property sizes and across different ratepayers. That's what I would simply like to inform you about today.

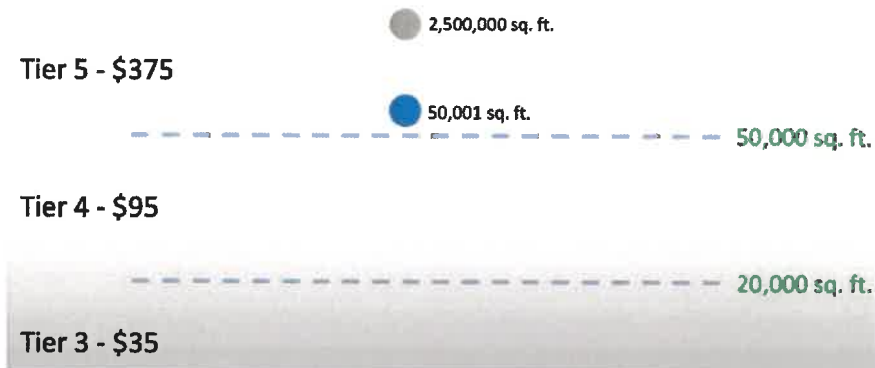
## Inequity of the Tiered System (Example



Let me give you two examples of how I can graphically illustrate the inequity of a tiered system at least in my estimation. In the new 5-tiered system there's a break line from Tier 4 into Tier 5 and that break line occurs at 50,000 sq. ft. of impervious area. Impervious meaning it's a hard surface like a roof, a sidewalk, a driveway, a parking lot; a surface that water does not soak through, but rather runs off and needs to be captured by the stormwater management system.

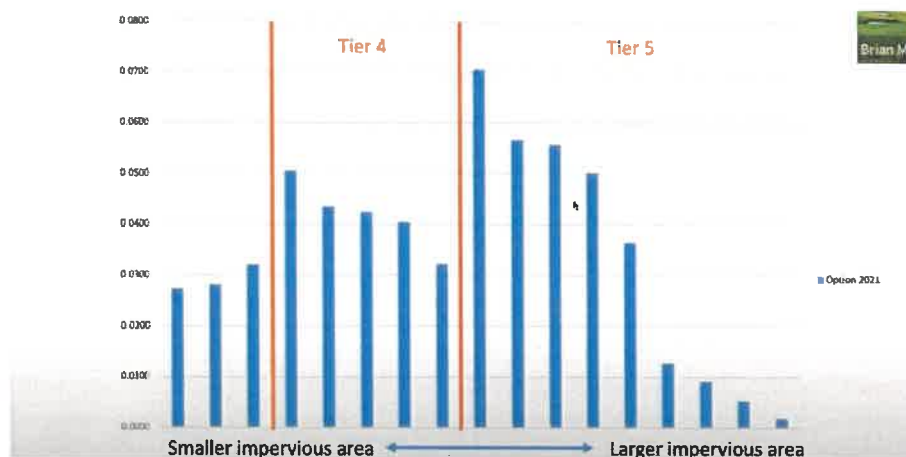
I'll give you two hypothetical properties here. One has 49,999 sq. ft. of impervious area and in gold one of these properties has 50,001 sq. ft. of impervious area. These two parcels are two square feet different in size, but because they cross the break line from Tier 4 into Tier 5, Tier 5 pays \$280 more a month than Tier 4. The gold property pays almost \$300 more a month despite just being 2 sq. ft. different in size. I believe that's inequity.

## Inequity of the Tiered System (Example



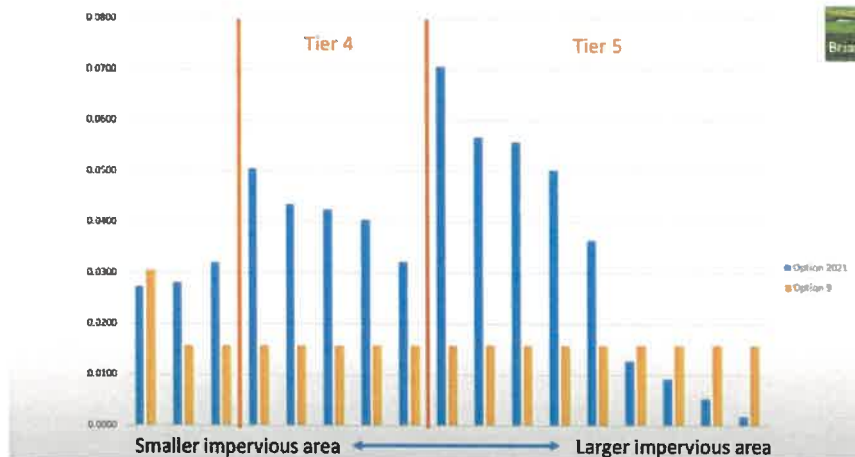
Let me give you one more example. Let's put two properties into Tier 5. One of them that has 50,001 sq. ft. and one that has 2,500,000 sq. ft. of impervious area. Now, you might think I just pulled that figure out of the sky and it's big, but we do have some properties in the Unified

Government that are over a million sq. ft. I consider this an inequity of the person who has 50,001 paying the same monthly fee as the person who has 2,500,000 sq. ft. The person with the larger square footage is paying the same fee as someone with considerably smaller square footage.



I tried to illustrate this graphically. I have a bar graph here. What I did was, I have 17 sampled properties that I selected, mostly from my district, just so I could see how all of our different options worked with each other. I have created a model for modeling out how rates change over time under all the various plans. I created that model over 2.5 years ago. I've been sharing it as freely as I can for 2.5 years and I want to bring it back today and just show you some things for your consideration, as Rod Serling used to say, on the Twilight Zone.

The vertical blue bar here is cents or money per square foot of impervious area on each of these 17 different parcels. Here at the top it's 8 cents per square foot. Nobody quite gets that and here at the bottom is zero cents a square foot. To the left are the parcels that are smaller in terms of their square area impervious and the parcels gradually grow in size until we get all the way over to the right. Let me point out two bars. Both of these are within Tier 5. This is a parcel in my district that has about 64,000 sq. ft. of impervious area. This parcel under the 5-Tier plan would pay 7 cents a square foot for its runoff into the stormwater system. This parcel is about 850,000 sq. ft. and it would pay about one-half cent per square foot. I consider that inequitable that these parcels by virtue of their size are multiplied by a different—effectively multiplied by a different rate.



If we had an individually calculated option, every parcel would be calculated at the same rate. Now the flip side of that is these very large parcels, even though they are calculated at the same rate, would in fact pay a larger dollar amount because they have a larger square area that is contributing to runoff in our stormwater system.

## “Option” Comparisons

Two and a half years ago I created a model. I wanted to see graphically how our different plans would affect my 17 sample properties. I’m going to show you two bar graphs and then I’m going to throw out something for your consideration.

### “Option” Comparisons

- **Option 1** – original plan calculated on impervious area

I’m going to show you two bar graphs that each have three different lines on them representing rate over time, rate over the years. In green you’ll see a line that I call Option 1. This was Public Works very first proposal way back in 2018 or early 2019. It was an individually calculated plan that people fed back to us was too expensive so we came up with other options.

## “Option” Comparisons

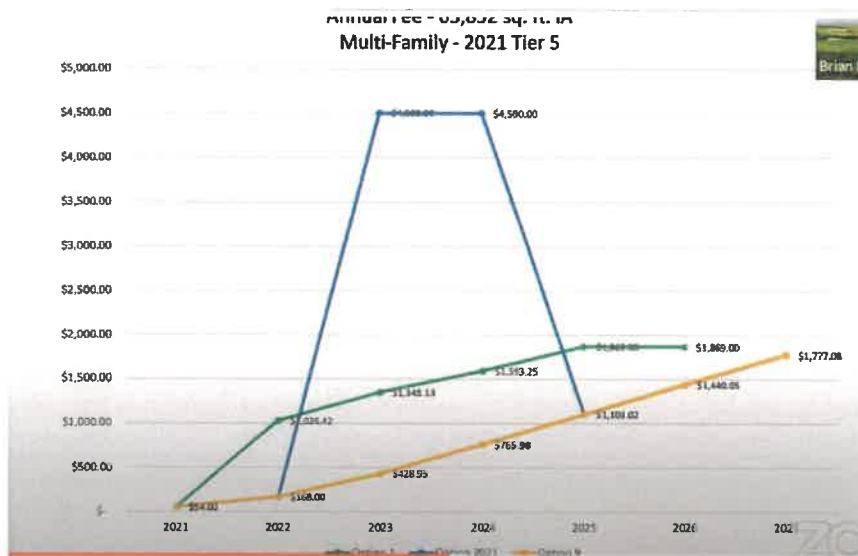
- **Option 1** – original plan calculated on impervious area
- **Option 2021** – new plan with five tiers

I’m going to call it Option 2021. It’s in blue. It’s the new 5-Tiered model. I call it 2021 because that’s the year it was presented to us even though it won’t be enacted until 2023.

## “Option” Comparisons

- **Option 1** – original plan calculated on impervious area
- **Option 2021** – new plan with five tiers
- **Option 9** – proposed plan calculated on impervious area

Then I have Option 9. It will be in gold. It is the product of the mathematical model that I created where I could manipulate the factor or the multiplier for square feet to get a particular amount of charge.

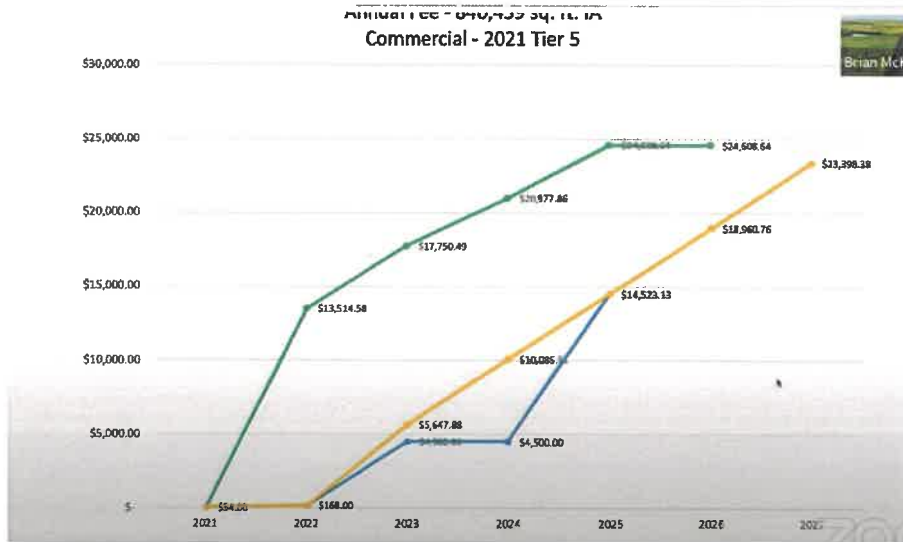


Let me show you a 64,000 square foot parcel in my district. Under the original, original, original Option 1, the very first individually calculated proposal, this green line traces the trajectory of how stormwater fees would rise over time. A pretty steep rise at the beginning, a fairly linear rise over a few years and then flattening out. On my graphs here, I have shown everything as annual payment, not monthly payment.

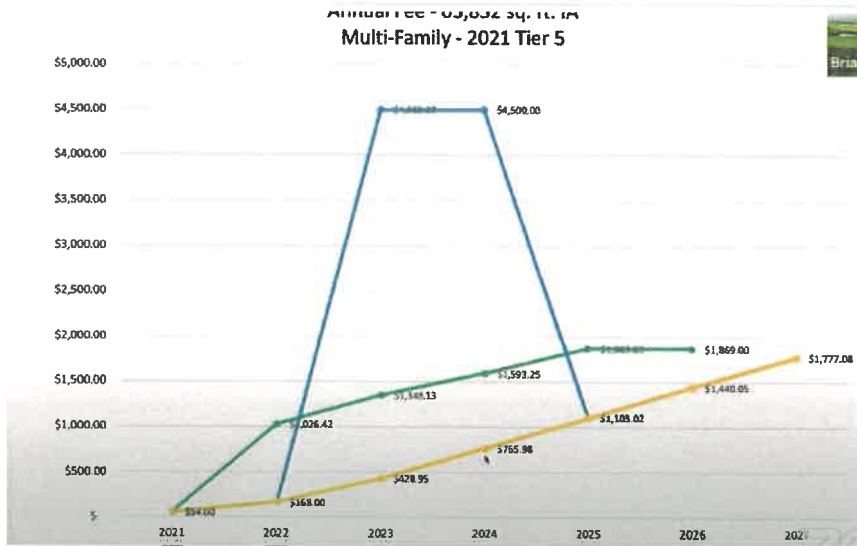
November 18, 2021

So, the owner of this parcel came to me when we put out our original and said, Brian, I cannot afford to pay this amount of money under your proposal. That's when we started coming up with alternatives. The blue line shows what this parcel would pay under the 5-Tier plan. Because it's close to the bottom of Tier 5, this parcel would pay \$4,500 a year. That would be well in excess of our original plan that this property owner said would be a burden.

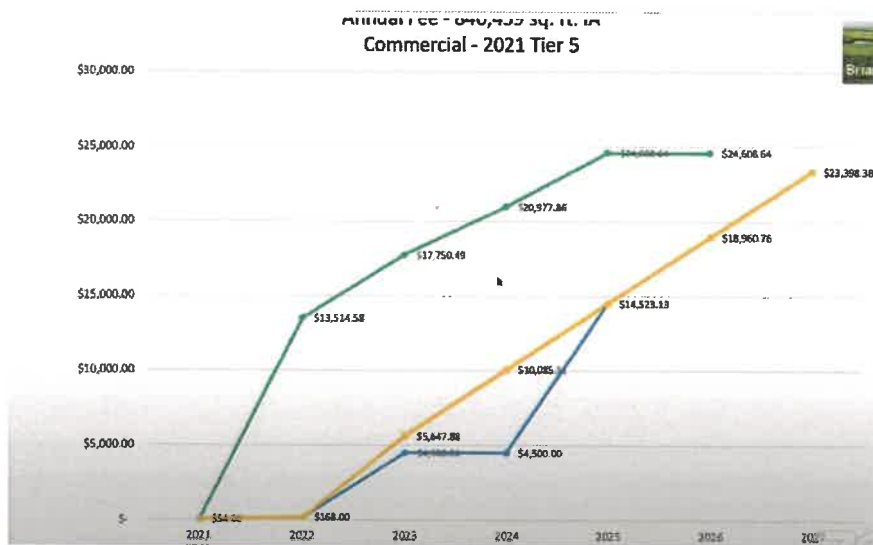
My proposal is here in gold. I have adjusted the multiplier so that I've controlled down the annual payment and I've made sure that the payment changes in a fairly linear fashion so it's predictable and plannable from year to year. In my particular plan each year is less than our original proposal and that is both a blessing and a curse and I'll get to that in a minute.



Here's the 840,000 sq. ft. parcel that pay one-half cent per square foot. Here was the original proposal that we put out way back in 2018. The owners of this parcel also said we can't do this. Okay. Here's the 5-Tiered proposal that I call 2021. Notice how much less it is. It's so dramatically less...



whereas this one is so dramatically more because this parcel is at the bottom of Tier 5...



and this parcel is at the top of Tier 5. Again, I go back to what I see personally as an inherent inequity that I believe we should endeavor to change.

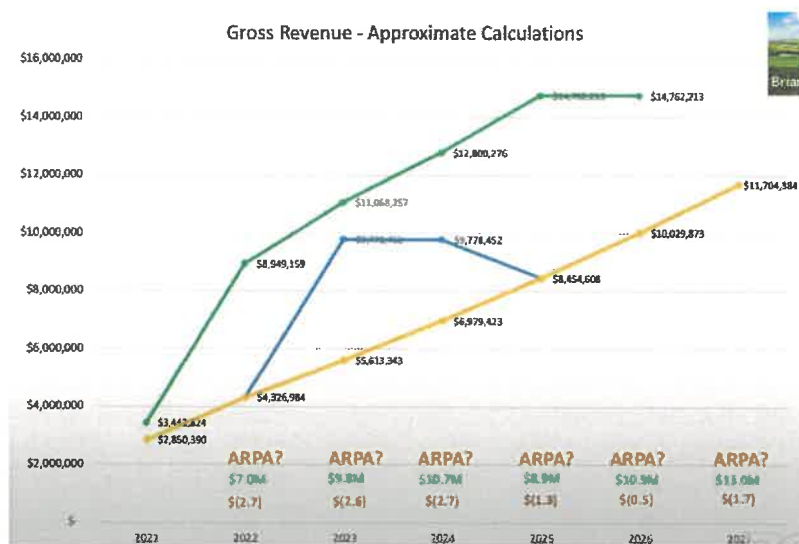
In my proposal with the multipliers as I had them plugged in on this particular day, here's how the rate would rise over time. It would be greater than the 5-Tiered proposal, but it would be less than our original proposal. I'm almost done.



Ana and Black & Veatch were nice enough to give me what Public Works has identified as their revenue targets for each year. The amount of money that they need to raise to initiate and complete the important stormwater projects that they have identified as the most critical and needing to be done first, those revenue targets are here in green numbers across this graph ranging from \$7M in 2022 up to \$13M in 2027.

I also was able to get from Ana the range of sizes of parcels and I was able, in my model, to roughly project how much revenue each of these various approaches would raise in a given year. Now, you may notice that this blue line goes back down to the gold. I didn't have anything to guide me beyond 2024 with the 5-Tiered proposal, so I just assumed that it would come back to mine. In reality, that's not possible. If we decide to go forward with a tiered plan, then we pretty much have to stick with it. If we decide to go forward with an individually calculated plan, we pretty much need to stick with it. We can't really cross over between the two.

So, I've come up with revenue projections. In red you'll see how much revenue my model falls short of the revenue target in each of the fiscal years. Because I have turned down the multiplier to try to make this a more manageable rate for property owners, I have also missed the target. What do we do to make up the gap?



Here's an idea that may be new for someone to think about, but stormwater improvement is an allowable expense under the American Rescue Plan and I just throw out a what if. What if we were to use ARPA dollars to fill the gap allowing us to get started on the very real needs of improving our stormwater system while at the same filling the gap so that the increase in rates was not so much as to be completely unburdened—or to be completely burdensome and unbearable on our constituents.

So, there it is. I have a proposal, but the Commission can do whatever the Commission chooses to do.

## Current Challenge

- Tiered vs. Calculated rates won't take effect until FY2023

Here's our current challenge. The tiered vs. calculated rates won't take effect until FY2023. In my head I was thinking that we had the budget cycle for 2023 to bring this discussion back and consider this.

## Current Challenge



- Tiered vs. Calculated rates won't take effect until FY2023
- However, to qualify for funding from the WIFIA program, we need to have a plan in place by the end of 2021

Unfortunately, as I have now learned, to qualify for funding from the WIFIA Program, we need to have a plan in place by the end of 2021. I do apologize that it seems as if I have brought this forward at the very last moment, the eleventh hour, that wasn't my intent. I've been on the record about this since day one, but I just wanted to present that for consideration.

Mayor, Doug, Jeff, fellow commissioners, I appreciate the time.

**Mayor Alvey** said, Commissioner McKiernan, I just wanted to say thank you for really digging into this and being consistent on your principles that we really need to find an equitable solution to this and to generate necessary revenues. You know, as you and I have discussed, I would prefer that the stormwater as an Enterprise Fund be self-sustaining and generate sufficient revenues within itself to be able to solve the problems. ARPA, though, no matter where we apply that money, we could say the same practically about any program we might apply that to, but specifically, an Enterprise Fund I would—I do think long-term as an Enterprise Fund that has to generate sufficient revenues to cover maintenance costs and improvement costs and capital investment. That's what Enterprise Funds are supposed to do so that you don't pull revenues away from the General Fund.

As I told you, I would have almost preferred to jump start this and be heavier on the rate structure at the beginning, but then really reach out and do instead—let those cover Projects 1, 2, 3 and 4, whatever those priorities might be and then we might jump out and say, well, then we can get out in front now of five and six, but it's six one way, half a dozen the other, frankly. So, I'm comfortable with this proposal. It is necessary for this to be equitable and we do have to generate sufficient revenues to be able to solve these problems.

As we're seeing, already out in Piper, two roads closed. We're now going to have to put the extra money into the roads themselves, not just into upgrading the culverts. We're now going to have to fix those roads. In the meantime, those residents can't use those roads. So, I think the urgency is clear, the necessity of doing an equitable rate is clear and the possibility of ARPA, I think, is then going to be at the discretion of the Commission.

Again, I want to thank you for doing extensive work on this. I think it's a defensible solution.

**Mr. Fisher** said we only have a little bit more ground to cover. Would you like us to do that or start fielding questions? **Mayor Alvey** said oh yes, I'm sorry, go right ahead.

OPTION 1 - MONTHLY USER FEE		
Monthly Flat Residential User Fee & 5-Tier Non-Residential User Fee		
	2022	2023 & 2024
Residential	\$6.00	\$6.00
Non-Residential	\$14.00	<b>Tier 1</b> 0 - 5,000 ft <sup>2</sup> , \$10 <b>Tier 2</b> 5,001 - 8,000ft <sup>2</sup> , \$15 <b>Tier 3</b> 8,001 - 20,000 ft <sup>2</sup> , \$35 <b>Tier 4</b> 20,001 - 50,000 ft <sup>2</sup> , \$95 <b>Tier 5</b> Over 50,000 ft <sup>2</sup> , \$375

**Mr. Fisher** said the only thing I'll say is, as Commissioner McKiernan mentioned, whether you adopt the individually calculated or the tier, we would be starting that in '23 to even '24 to give plenty of time. Because of that, the tiered structure that you saw back in the spring, it was supposed to start in '22 as proposed and it's not, of course, so the rates in that tiered structure, if you were to adopt it, would look a little bit different. They'll be adjusted. We have options, you know, with and without ARPA that we can talk through.

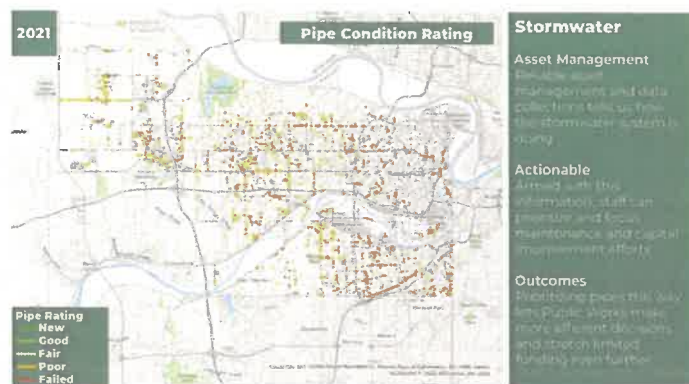
### WHAT IF WE DON'T UPDATE?

With Update	Without Update
Up to 100% of the Current WIFIA Stormwater CIP	Up to 15% of the Current WIFIA Stormwater CIP
CommunityBased Partnership	No Jersey Creek Projects
Increased Maintenance Throughout the Community	No Argentine Projects
Reduction in Deferred Maintenance	Significantly Reduced CommunityBased Partnership
Ditching Program	Fund Will Become Insolvent by 2024
Community Educational Programming	
Workforce Development	
Jersey Creek Stormwater & Wastewater CIP	
Community Partnerships for Project Construction	
FEMA Grant Program	
CORPS Engineering Analysis Program	
Watershed Economic Development Program	

The biggest point to make tonight, because of the urgency that Commissioner McKiernan mentioned around WIFIA, we have to have an adopted rate structure by the end of the year in December. If we don't—well, if the things we'll get from updating it and adopting the next phase

of the rate structure is WIFIA and community-based partnerships, increased maintenance like ditching and the annual capital maintenance. Ditching and the annual capital maintenance are really the everyday things that folks would see that they're not seeing right now that would be hugely impactful. Workforce development—the WIFIA package just includes so many benefits. We're wrapping all that up to maximize the impact on the community. If we don't take the next step and update the rate structure, we will still be able to do WIFIA, but about 15% of that package which means no Jersey Creek Projects, no Argentine Projects, a significantly reduced community-based partnership, which is a very exciting opportunity, and the fund will become insolvent by 2024 and we'll be doing this again.

So, I urge the Commission to take action on one of those two options or we will lose a lot of opportunity and be back in the same situation in a couple of years.



A reminder that current conditions of our stormwater are—I would say, generally poor to fair. If we don't get on track and start doing something, adopt this rate structure that allows a more sustainable program, allows the UG to do the work on the system every year, it's going to turn into a very failed system very soon. Ten years, we'll see a lot of red, just like we're going to see in our street conditions in that same period if we don't start ramping up investment. We'll have potholes, we'll have failed inlets, we'll have more detours because infrastructure is failing and I know nobody wants to see that. This is a real picture of what our future holds for us if we don't begin to start taking action on this now. That is the presentation and we'll be glad to answer any questions.

**Commissioner McKiernan** said if I could add just one thing, I completely understand that in some ways suggesting ARPA dollars to fill in the gap is convenient because it's there and it's an allowable use, but I completely understand that we as a community have many needs that were sharpened in focus by COVID and so there are many ways to spend those dollars besides, or in addition to, using them for augmenting or slowing the rise of the rate for stormwater. I also understand, and I'm not trying to bring this forward as an end run. I do know we have a committee structure that we've set up to evaluate all of the applications for this and that if we were to go forward with something like this, it would have to be vetted by the Commission.

**Commissioner Ramirez** said thank you Commissioner McKiernan, you are our data commissioner on this. I'm not going to lie, you changed my mind. Until you brought it to me graphically and visually of what those tiered systems do, it is very inequitable. I will say I support your proposal because we need—we're coming out of a year where we saw a lot of inequity in our community and we don't want to do that again with our property when they pay their stormwater bills. We want to make sure that they have the ability to continue paying and then we have the ability to upkeep our stormwater and I do agree that we should be using our ARPA funds for this to help the gap for those targets. Now, we have leftover ARPA funds, but we also have ARPA funds sitting in our fund balance that we could use for this.

This is something that we've been talking about and so I thank you for your presentation and for presenting this to us. You did change my line of thinking and how I saw this. I will support it in any way that I can.

**Commissioner Markley** said I also support Commissioner McKiernan's plan. He showed it to me some time back and I think it resolves a lot of the issues that we have been grappling with. But, perhaps if Commissioner McKiernan has been forever on the record of saying it has to be equitable, I have been on the record of saying we have to do something. The most inequitable option we have is to continue letting everybody pay \$4.00 when there are people who are clearly contributing a greater amount of stormwater runoff in our community. So, the most inequitable option right now is to do nothing. We need to do something, we need to make a decision and we need to make it on a deadline that gives us access to all of these benefits that Jeff is referencing.

I guess that is my call to this Commission, is whether we're going to get behind Commissioner McKiernan's plan, which I think resolves a lot of the concerns that we have or whether we move forward with the other option. We've got to do something and we need to do it quickly, so I would just urge us to get that on the agenda and make that decision as quickly as possible.

**Commissioner Johnson** said thank you Mayor and to Mr. Fisher. I want to appreciate the consistency and the time and effort that you and your staff have put into this issue and your patience in dealing with the responses from the Commission and you're doing the best that you can to present something that can be received by the public at large. Then to my colleague, Commissioner Brian McKiernan, who I have the pleasure of sitting next to in most meetings. Of course, I have been hearing about the inequitable nature of the proposals as presented for at least three years and so I can tell you, this is not again an eleventh hour move on his part. This is something that has been done with great consideration for the community at large and we should really appreciate that we have both staff and commissioners that are committed to trying to work towards the overall well-being of our Commission—of our city.

I think that in some of our conversations, and I'm going to really call Mr. Bach forward, if possible, that we talked about, you know, this gap that could—that we're going to need to fill. It's something that we've already talked about with regard to ARPA funds, but I'm just wondering and I think just in the midst of some of our conversations that, you know the gap as we under—well first of all, Commissioner McKiernan, how much is that gap overall, over the course of the time that you have put out? **Commissioner McKiernan** said it's in excess of \$10M. **Commissioner Johnson** said okay, so roughly a \$10M gap. Are there alternatives, Doug or Jeff, that we might be able to look at beyond with or beyond ARPA to fulfill or to address that particular gap?

**Mr. Bach** said yes, I would say there are. When you're looking at the size of the projects that we're after, you know we're going after \$700M to accomplish this over a long-term. To me, with a gap, and I think over the years it ends up the gap that's that \$10+M, maybe close to \$12M that would need to be filled to accomplish it all. If you come into it and you adopt a permeable rate structure similar to what Commissioner McKiernan has proposed tonight, you can put a placemark

on and say, okay, we could go after ARPA funds, allow that to be evaluated as you go through comparison with other ARPA dollars. During that time we know on the federal government level, there are many different grant opportunities for us to go for that will be available for infrastructure such as stormwater, so we don't have to take and spend that \$10M immediately. It's a decision you can make to say ARPA is an option for us. We can go for additional grant money. In the years to come you could make a decision to say, you know, we're going to fill that hole with General Fund dollars if you decide not to go after ARPA, so I think we are in a position that you can solve that \$10 to \$12M over the next couple of years as we start taking down our WIFIA loan money and using that as our—at what we're doing from our local match and our payments against that.

I think that puts us in a—adopting the plan will put us in a strong position to say we can do this, we have enough, we have the revenue source coming in annually to make it happen and we'll just have to know as a Commission that you're going to fill the rest of it. ARPA is an option, grant funding is an option. You know, \$10M is a big number. It is if we decide to go back for something else, but it's a manageable number working within our budget that allows us to access all the additional money we can get from this program.

**Commissioner Johnson** said thank you Doug. That really helps me with regards to the plan that's been proposed by Commissioner McKiernan because it means to me that we have options.

First of all let me, and before I go any further, let me say this, I don't want to do anything to mess up this opportunity for these WIFIA funds. We've got to get that thing in place, so therefore, we've got to put together a structure and get it approved as soon as possible as has been already identified by Commissioner Markley. I agree with that, we've got to get it done, but I have more confidence in knowing that we have options. I think the WIFIA funds gives us options. I think that if we look at this from this perspective that ARPA funds are there, if needed, but if not, there are other ways and means that we might be able to fill this gap. That gives me great comfort in supporting Commissioner McKiernan's proposal to us, Mayor. So, with that, I'll yield the floor.

**Commissioner Philbrook** said I would like to inquire if there are any other commissioners that want to weigh in on this before I make my statement because I have a statement and some questions to ask, but I would like to be the wrap-up one on this.

**Commissioner Burroughs** said I guess I'll be the outlier on this issue. I do think it's last minute and I do appreciate the work put in it by our colleague. I truly do and it's no secret I haven't voted for either one of these plans moving forward because I don't think the plan has been properly communicated or well thought-out. The WIFIA plans are out there with the opportunities, I understand that, but we're not at the end of the year yet and I think we're missing a few things here. I'm looking at my BPU bill and I have a Water Pollution Abatement at an average of six. Now, I don't know if I use six, I don't know if I use three, I don't know if I use ten, but I am paying an average of six.

So, if we talk about that cliff that I believe Commissioner McKiernan talked about between the difference in two feet on a piece of property, we can slice and dice the defeat in reference to the cliff, but I want to talk about the fact that these numbers have been floated out for the last year and a half and they've changed consistently. I commend staff for continuing to go back to the public and educating them on the significance and importance of these issues. However, we finally get a plan that's in place and out there that a large majority of the small businesses and large businesses can agree on and I don't find it real onerous, I just don't think we have let the figures come to light yet.

What concerns me greatly is all of a sudden every plan is just fantastic as long as we supplement it with ARPA funding. All I've heard since the budget and the ARPA money has come is, we want to use ARPA money for infrastructure. We don't know how much money ARPA money we're going to need or use, but we can't wait to spend it and that concerns me greatly.

We have an issue within the budget that I questioned and voted no on and that's the lost revenue that we experienced which took a big chunk of ARPA money and put it back into the budget which denied us as commissioners a chance to how we were going to spend those ARPA dollars. So, we have a very small amount of ARPA dollars left that we commissioners can direct. The additional dollars that will come in once the fees that are already out there that are not enough to maintain, I'm assuming that when we talk about the additional \$10M or \$12M that's in addition to the monies that are in place already, Jeff. Are those additional dollars the fee will be or are we just going to co-mingle those dollars and call them \$20M. Are we raising 10, are we raising 30, what are we raising here with the rate structure, the first rate structure that you proposed? If I don't know, I think the public may be confused. The Chamber was supportive of the rate structure the 5-Tier rate structure, that was explained by Mr. Fisher early on.

We have had a tremendous amount of discussion. I've stated from the very beginning if I'm going to vote on a rate structure, I want a rate structure that's absolute. I'm going to get one bite at the apple and I caution us on piecemealing. I caution us on using funds that we do not know how much they are because I don't believe that the numbers are reflected correctly within the budget. I'm going to state that fact once again that I also believe that there's going to be others that will pick and choose the projects.

My district, on the south side of the river, and Mayor, it includes the district that you live in, the roads are atrocious. They're getting more narrow because the roads are collapsing on the sides because the ditches are full. The comment was made to me, if you vote for the infrastructure—well it's a five-year plan, we'll get to you. You know what, come see me in five years and I might give you my vote, but I am tired of sitting here waiting for an opportunity to hold on to these ARPA funds, so I'm going to make a motion. It may not be favorable.

I'm going to make a motion that we go ahead and pass the resolution that we're going to talk about tonight, but I want to hold on to this until the middle of December and table this spending on ARPA monies until the end of December that by the end of the year and I don't want to give you a date certain because I don't know the date that we'll have our next meeting. I am aghast that we have this ARPA money, it's the last minute program put forward. I don't know if the program's a good program or not. I'd like to trust my colleagues that it is, but trust—but verify and we have one shot at this. So, I'm going to be a no. I'm transparent, I am a no. I'm really reluctant to vote on anything that's brought up at the very last minute. It was discussed with the budget, it was last minute. We went ahead and chose not to do anything on it, so it seems like we have a double standard here, but I am a no and I'll make a motion that we table this until the middle of December.

**Mayor Alvey** said let's be clear, we're not actually having any resolution tonight. This is simply a sense of the board about which of these options we would like to move forward. So, yeah, you stated your position.

**Commissioner Ramirez** said I want to clarify, I didn't say that we need to use ARPA funds only, but this is an option. I agree with Commissioner Burroughs that these monies are once in a lifetime thing so I just want to make sure that was clear. I wasn't saying, let's use that money now. Let's

put it as an option to use if and when we need to. As Mr. Bach said, especially with the Transportation Bill and Infrastructure Bill that Congress just passed, we may have millions of other opportunities to use those funds and we don't even have to touch the ARPA funds.

I'm just saying I would support if we got to the point, again, it has to be the last—I'm trying to think of the saying, it has to be the last choice for ARPA in my opinion. ARPA has to be the last choice we make to use end gap so we have other opportunities out there that we can use to fill that gap. I just wanted to make sure that was clear.

**Commissioner McKiernan** said I do want to just say again that I have identified what I believe is a challenge and I brought a possible solution to the meeting tonight. I completely understand the concerns about me bringing this, although I have been on the record from the beginning, as having these concerns. I asked for the opportunity to graphically illustrate them to my colleagues. I appreciate the opportunity to do that and whatever the Commission decides to do is fine with me. We will succeed, we will overcome, we will move forward regardless of the actual method that we take to do it.

**Commissioner Philbrook** said out of all this whirlwind of information and thank you Commissioner McKiernan for being so determined and persistent in your beliefs, which is not always easy to do as a commissioner, to stay with it and to keep reminding us that there are options. I want to thank the Mayor for creating these committees and our Administrator for working with us through Public Works with Jeff Fisher and his team because this is the first time that I've known of that administration and Commission and Mayor have worked together openly on some of our issues that we have in the community. So, with our conversations being so, you know, with a lot of energy and a lot of differing opinions and a lot of information to us, because we have been able to work together and I think that is a great step forward and I hope that continues.

The how, what, where, when and why of some of the stuff we know, some of the stuff we don't know, but if we were so Sayer's and had a crystal ball, that would be a whole different thing, but we're not and we're—and excuse the flippant comment, but we are not God. So, therefore, we do not know what the future holds. All we can do is have faith in our trying to work through things for the better of our community.

I understand the frustrations. I've been around for a while too and lived in this community all my life so I understand a lot of that stuff. I want to thank Commissioner Burroughs, Commissioner Johnson, and our newly appointed into our group, Commissioner McKiernan on this. He just kind of walked right into it and now he's part of it. I really thank you so much for working so hard. Jeff Fisher, your group is just phenomenal and they were so helpful in answering our questions when they came up and making it plain. It was infrastructure for dummies for me and I really do want to appreciate all that help.

How much money are we talking about, thinking about using, the WIFIA for? Now, I know it's a low interest loan and I guess that means that WIFIA money, it would depend on what rate structure we choose, is that correct, how much money we would need to ask for in this, in the WIFIA? **Mr. Fisher** said the application is around \$150M and some of that is local match, but it's local match through SRF, the State Revolving Fund. **Commissioner Philbrook** said so, we're looking at around \$150M in low interest. **Mr. Fisher** said that's right. **Commissioner Philbrook** said that's what I was wanting to get my head around so other people understood what we're talking about when we talk about the WIFIA.

So, for me, if I say this incorrectly, please let me know, but as I understand it for our organization, meaning the Unified Government, to put together a request for the WIFIA monies, we do need to have this done before the end of the year and it needs to be put forward so we can be eligible for the WIFIA funding, correct Jeff? **Mr. Fisher** said that's correct. The WIFIA program as proposed. If no actions taken, we'd still be in the WIFIA, but we wouldn't be able to do Jersey Creek and Argentine and those big accomplishments.

**Commissioner Philbrook** said okay, right, so along with that question you need time to be able to put together your proposal if we should shift gears on you and decide to go number two proposal, the McKiernan proposal. **Mr. Fisher** said it would take us about a year and a half to be—maybe two years to be ready for that, so I would say safely start January 1, 2024, with the individually calculated. **Commissioner Philbrook** said but my question is you have to have your proposal set up succinctly and explainable when you are asking for these WIFIA funds? **Mr. Fisher** said that's right. We've been working closely with them. We need a commitment in December by adopting a rate schedule as proposed, end of December of 2021 that would be effective January 1, 2024. **Commissioner Philbrook** said having said that, and I know that we

don't do—since this is like almost like a hearing discussion sort of thing, you know, we do not take any action, but we can give direction to administration. Is that correct, Doug?

**Mr. Bach** said yes. If you come through these like you do in the budget process or in other meetings, if there is a consensus of the governing body to offer direction for something for us to go out and prepare and finalize, then we would do so and bring it back to the governing body for your formal motion consideration. **Commissioner Philbrook** said do you mind if I ask for a feeling or a consensus. I've already heard from several commissioners on the direction they would like to go. Is it possible for us to get somewhat of a straw poll before we make the suggestion on what we would like to go forward with? I might ask it this way. Who would be in agreement with Commissioner McKiernan's proposal that we could move forward with that. Is that a possible question, Doug? **Mr. Bach** said I think that's more of a question for the Mayor. **Commissioner Philbrook** said okay. Well, Mayor, I'm just asking. **Mayor Alvey** said we have Commissioner Townsend and Commissioner Burroughs who wish to offer something.

**Commissioner Townsend** said just listening to my other colleagues, some of the questions that I would have proposed I think have been answered. I still have a few that I'm writing down and checking off. Again, I commend Commissioner McKiernan for his diligence in looking at a problem and trying to come up—this is very difficult to do with an alternative. I mean that across the board with any situation. It's one thing to say we have a problem and another to really put forward an offering on how to solve it.

My question has to do with the WIFIA and the plan—I've forgotten what it would be, it wouldn't be Option 1. I think Commissioner McKiernan's was Option 9, but it was the tiered plan that we saw and the issue about wherever we get the shortfall money, as I call it, what period of time are we talking about. Is this something that will solve our problem within the next four years or three years or in three or four years we'll be right back here having a similar discussion and trying to talk about how to fund stormwater improvements. So, I'm just trying to see where we are right now with WIFIA, with your eligibility with the non-McKiernan plan as well. I understand we have to have some plan so that's just the basic fact. I'm just asking here.

**Mr. Bach** said, Jeff, I mean when we look at that \$10 to \$12M shortfall, if you look at the current plan, I think which is one of the questions to come into play, I believe as this relates to the WIFIA dollars, it's the drawdown structure that we start to initiate, move forward with projects and if you take the loan and then you don't go forward to spend it to do the projects because we haven't identified how we'd fill that up, I think is when we fall in that category we will have to identify it by that time. What is our timeframe for that? Do you know that. **Mr. Fisher** said I don't know that we're certain on that, Doug. **Mr. Bach** said I believe it's a take down structure that's associated with how you're doing the projects and you don't do all the projects in 2022 or 2023 nor do you do them all in 2024. So, I mean you really have got two to three years, the way I read it, that you'll be able to go through and be able to make final decisions or you would have to pay back the loan or just return the loan structure, the money, I think is how that's set up.

**Mr. Fisher** said I think I'm following you now. If we didn't fill that gap immediately, it took some time to figure that out, we would still be able to do the projects. I think the more time it took to fill that, the sacrifice would be in the maintenance programs, the ditching, the capital maintenance every year. We wouldn't want to sacrifice our ability to do the projects with WIFIA to pay that loan. We do have five years to start after completion, substantial completion of the working with you before we have to start paying that. So, we have a little breathing room if I'm following your question. **Mr. Bach** said so it's more the cash funded projects that we will be shorting ourselves on as we go through this. **Mr. Fisher** said that's right. **Mr. Bach** said loan funding will be good with all the loan funding. It'll just be we'll essentially be cutting off some of the smaller ones out of the overall project. **Mr. Fisher** said that's right. **Mr. Bach** said, Commissioner, does that answer your question?

**Commissioner Townsend** said well, I'm not sure. I'm not talking about us shorting anything. So, to do everything we desire to do, do all of those projects. My question is really to be eligible for WIFIA, what is it that we need to do before the 22<sup>nd</sup> because we have a plan whether or not the tiered plan is the one to go with or Commissioner McKiernan's plan is the one to go with. What is it that has to be done by the 22<sup>nd</sup>? **Mr. Bach** said if you adopt either the tiered plan or Commissioner McKiernan's Option 9 plan, either one of those will allow us to move forward because that will show a funding stream, a commitment to be able to be able to pay for this over the future time period. **Commissioner Townsend** said but now with the difference between the two plans, one of the biggest difference that I'm grasping, is that there is a shortfall with

Commissioner McKiernan's plan. Commissioner, correct me if I'm wrong, and so, assuming that is correct, then we move on to the discussion about how to bridge that shortfall and I understand some are saying ARPA and the ARPA money has to be spent within a certain amount of time. With all our needs, I'm sure we can spend it, but I know that's not an everlasting stream and also we're looking at—and we don't know how much money we're going to get with this Infrastructure Bill. So, those are some alternative strings. Am I correct? **Mr. Bach** said you are correct.

**Commissioner Townsend** said okay. I just kind of wanted to get those facts out in my mind. The other thing that I am concerned about and I've voiced this during our last budget session. I want to see equity. I am concerned that especially the smaller homeowners in the eastern part of the city not be burdened with anything more. We did go with an increase for a couple of dollars. The impervious service, most of them under some of the very early, early plans brought forward by our outside consultants would not have increased the rates for a lot of people in my district, so there has been an increase. I am adamant that there be no more. I would not want to see that, so that's one of the other tenets of this thing that I would be looking at, but again, thank you Commissioner McKiernan for not only seeing the problem, but coming up with another alternative. Thank you to Public Works for all they've done to help us in our subcommittee and helping us understand the details that Commissioner Bynum as Chairman of our committee already went through.

**Mayor Alvey** said, Doug, if I'm clear, the need for direction, you could proceed with and prepare for both of these, bringing any of the three options actually, but we really moved away from the first proposal that was presented back in the day. When we would vote on this would be December 2<sup>nd</sup> at the earliest. **Mr. Bach** said that would be correct. Mayor, we could prepare a resolution to bring forward to you to move one of these—to advance one of these proposals for that Commission meeting. **Mayor Alvey** said I know that Commissioner McKiernan has actually offered this to the commissioners and explained this, but in the interest of giving more time for this to settle in and generate more questions, perhaps it would be best to wait until that time to have the final disposition and allow one or either of the options to come forward and take votes that day. Does that work, Jeff? **Mr. Fisher** said yes sir.

**Mr. Bach** said just to be clear, you would like us to prepare it as an agenda item for December 2<sup>nd</sup> for consideration and we would put that on. You want us to leave it open as to which plan or would you like us—**Mayor Alvey** said yes. **Mr. Bach** said I did hear quite a few comments toward Commissioner McKiernan's plan, but you'd like us to leave that open. **Mayor Alvey** said yes because there might be opportunities and I'm going to impose on Commissioner McKiernan again to be available perhaps with Jeff and staff to provide additional consultation on this. If we're not going to vote until that date, we don't need to assume at this point that we're going to move one direction or another.

**Commissioner Bynum** said I'm curious, for an agenda item on December 2<sup>nd</sup>, would that include opportunity to hear from the public? I want to state that I support the plan Commissioner McKiernan brings forward, but I can understand the consternation from those who, you know, haven't had a chance to see it or vet it. That's why I'm asking the question about what kind of road show, first of all, can we take this on prior to then and then would there be opportunity to hear from these folks on that night? **Mayor Alvey** said I'm assuming that since this is a rate adjustment on change in fees, it would require public hearing. Is that correct, Misty? **Misty Brown, Chief Legal Counsel**, said that would be correct, Mayor.

**Mayor Alvey** said, again, even on the—if I'm reading this right, even on the 2<sup>nd</sup> if there was sufficient question and concern, it could be delayed until the second meeting in December, correct? **Mr. Bach** said Commission can pick whatever action you wish—you wanted, whether you take action to advance it and approve it or you take action to table it or deny it. **Mayor Alvey** said we're well within the parameters in order to access the WIFIA. I think that's the key consideration here at this moment. **Mr. Bach** said you're right.

**Commissioner Burroughs** said, Mayor, thank you for that comment. That's exactly right. We're still within the parameters and I apologize if I seemed like I was yelling. I'm having mic problems with my computer so I'm trying to stay away so it doesn't crack and I'm trying not to get too close and that's why I don't have my camera on so you don't see me coming in and out on my screen.

Commissioner McKiernan, thank you for the opportunity to listen to your proposal. I would just state that, again, I have not had a chance to look at your presentation and your concerns.

I know a number of us have raised concerns over the tiered issues, but I do know in talking with a majority of the Chamber, that they were to understand that the 5-Tiered method was one that they could accept because there was some certainty built into it. And the uncertainty that came in your plan is something I think they should have a chance to at least consider and work with.

I am just absolutely adamant, colleagues, in reference to the ARPA funding as I've stated all along I have—I'm a fiscal conservative. It's no secret and I believe that those dollars are our dollars to utilize in a prudent manner and to identify those without certainty is not the prudent manner that we should utilize. I know through the budget discussion many of you stated you wanted to see those ARPA funds go towards infrastructure. I'm not saying I'm opposed to that. I just want to ensure that we get the best return on our investment should we utilize any of the ARPA funds, but Mayor, I certainly appreciate the fact that you clarified the statement that I think many of us were concerned about moving forward in discussion to the WIFIA funds.

**Mayor Alvey** said it looks like we have a plan. I wanted to say thank you to all the members of the Commission. I had hoped to attend most of those infrastructure meetings. That clearly did not happen, but did not need to because I knew that you would all do due diligence and thank you to all those who consistently and assiduously spent time in doing the necessary research. Again, this is one of those problems or challenges that will not go away and it's going to require a consistent and cohesive approach to really solve our infrastructure needs.

**MAYOR ALVEY ADJOURNED**  
**THE MEETING AT 7:50 p.m.**

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Brett A. Deichler  
Unified Government Clerk

dt

November 18, 2021

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

SPECIAL SESSION, THURSDAY, DECEMBER 2, 2021  
5:15 p.m.

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, December 2, 2021, with nine members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eight District; and Alvey, Mayor/CEO, presiding. Townsend, Commissioner First District; and Kane, Commissioner Fifth District; were absent. The following officials were also in attendance: Doug Bach, County Administrator; Misty Brown, Chief Legal Counsel; Brett Deichler, Unified Government Clerk; Alan Howze, Assistant County Administrator; Susan Alig, Senior Attorney; Sheriff Don Ash; Police Chief Karl Oakman; and Daniel Soptic, Colonel Daniel Soptic, Sheriff's Department.

**MAYOR ALVEY** called the meeting to order.

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

**NOTICE OF SPECIAL SESSION** of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, December 2, 2021, at 5:15 p.m. in the 5<sup>th</sup> floor conference room of the Municipal Office Building for an Executive Session regarding litigation.

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

**Mayor Alvey** said I'll entertain a motion to go into Executive Session to discuss matters related to litigation.

**Commissioner McKiernan made a motion, seconded by Commissioner Markley, for the Commission to go into Executive Session until 5:45 p.m. to discuss confidential matters related to pending claims and litigation, as permitted under the Kansas Open Meetings Act; and that staff designated by the County Administrator be present to participate in the discussion, and that we reconvene in open session at 5:45 p.m. here in the 5<sup>th</sup> floor conference room.** Roll call was taken on the motion and there were eight “Ayes,” Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

**Present for the Executive Session:** Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. **Staff present:** Doug Bach, County Administrator, Misty Brown, Chief Legal Counsel, Susan Alig, Senior Attorney; Alan Howze, Assistant County Administrator; Sheriff Don Ash; Police Chief Karl Oakman; and Colonel Daniel Soptic, Sheriff’s Department.

**MAYOR ALVEY ADJOURNED**

**THE MEETING AT 5:45 p.m.**

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Brett Deichler  
Unified Government Clerk

dt

December 2, 2021



# Unified Government Clerk's Office

Brett A. Deichler, PMP | CPM  
Unified Government Clerk

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

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

## Memorandum

**To:** Doug Bach  
County Administrator

**From:** Brett Deichler  
UG Clerk

**Date:** December 2, 2021

**Re:** Weekly Business Material

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

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

cg

Attachment

## Weekly Business Material for December 2, 2021

### 1. ABSTRACT:

Abstract of votes cast in Wyandotte County at the General Election held November 2, 2021.

**Action:** Received and filed.

### 2. COMMUNICATION:

Jason Norbury, Executive Director, Downtown Shareholders, submitting the financial report for the Self-Supporting Municipal District/Downtown Improvement District (SSMID) for the month of October, 2021.

**Action:** Received and filed.

### 3. PERSONNEL ACTION COMMUNICATION, DATED NOVEMBER 23, 2021:

#### Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Eduardo I Acosta-Valdez	Police	11/18/21	Patrolman III
Max H Anaya	NRC	11/29/21	Building Inspector I
Luke R Burkholder	Police	11/18/21	Patrolman III
Ashley L Chavez-Scott	Police/Animal Services	11/12/21	Manager
Ramon J Cora	Police	11/18/21	Patrolman III
Jamir A Crawford	Police	11/18/21	Patrolman III
Yolanda R Feagans	PW/WPC	11/29/21	Prof Fiscal Asst
Zoe N Grahovac	Health	11/29/21	Disease Intervention Spec.
Logan W Johnson	Police	11/18/21	Patrolman III
Payton N Jones	Police	11/18/21	Patrolman III
Marissa A Lopez	Finance/Treasury	11/29/21	Fiscal Supt Asst
Dragana Lugonja	PW/B&L	11/29/21	Admin Supt Specialist
Keyontay T Neal	Police	11/18/21	Patrolman III

#### Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Cecil R Alvis	PW/WPC	11/11/21	Construction Worker I	Construction Worker II
Daniel A Anderson	Sheriff	11/11/21	Deputy	Deputy
Edward A Chacon	Police	11/18/21	Auxiliary Officer	Patrolman III
Avery M Donoho	Police	11/18/21	Auxiliary Officer	Patrolman III
Christian N Hayes	Police	11/18/21	Auxiliary Officer	Patrolman III
Terrell A Hearn	Police	11/18/21	Auxiliary Officer	Patrolman III
Jacob S Jarvis	Police	11/18/21	Auxiliary Officer	Patrolman III
Destiny C Marquez	Police	11/18/21	Auxiliary Officer	Patrolman III
Leslee N Nix	Sheriff	11/11/21	Juv Care Worker I	Court Security Offr
Gabrielle M Robinson	Police	11/18/21	Auxiliary Officer	Patrolman III
Regina D Robinson	Municipal Court	11/11/21	Court Clerk I	Probation Officer
Brianna M Smith	Police	11/18/21	Auxiliary Officer	Patrolman III

Matthew J Straws	Police	11/18/21	Auxiliary Officer	Patrolman III
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### Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Leomia Davis	NRC	11/30/21	Admin Supt Spec
Jeanete M Hendrix	Municipal Court	11/26/21	Prof Fiscal Asst
Joy A Overton	NRC	11/15/21	Inspector I
Erick A Perea	PW/WPC	11/4/21	Plant Operator II

### Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Brenda J Botello	Delinquent Real Est	10/9/21	Admin Supt Spec
Brett A Deichler	Clerk's Office	11/9/21	UG Clerk

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

## 4. PERSONNEL ACTION COMMUNICATION, DATED NOVEMBER 30, 2021

### Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Laura L Green	NRC	11/29/21	Fiscal Supt Specialist
Tanya D Nickles	Transit	11/29/21	Transit Operator

### Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Tanner E Anderson	Police	11/11/21	General Laborer	Office Asst III
Ashley R Brown	Comm Corr	11/29/21	ISO Supervisor	Program Coordinator
Matthew J Chastain	Fire	11/8/21	Firefighter Paramedic	Firefighter Paramedic
Alejandra Corona	HR	11/29/21	Program Specialist	Prof Asst
Brandon L Penegar	PW/WPC	11/29/21	Plant Operator II	Plant Operator II
Richard R Rocha	Finance/Budget	11/29/21	Program Coordinator	Management Analyst

### Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Leroy Edwards	Parking Control	11/18/21	School Crossing Guard
Erika K Holliday	Comm Corr	12/2/21	ISO
Darcy A Nichols Curtiss	PW/WPC	11/9/21	Lab Technician
Dalen W Reed	Transit	11/19/21	Transit Operator
Ruby C Watkins	Comm Corr	11/26/21	Program Coordinator
Shannon M Whitmarsh	Sheriff/Juv	11/23/21	Program Specialist

#### Section IV - Leaves of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
Matthew J Chastain	Fire	9/14/20	11/7/21	unpaid
Selena H Hernandez	Econ Development	11/16/21	11/30/21	unpaid

#### Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Jeffery M Brown	Fire	12/1/21	Master Fire Captain
Matthew J Chastain	Fire	12/5/20	Firefighter Paramedic
Matthew J Chastain	Fire	12/5/21	Firefighter Paramedic
Timothy R Cottrell	Fire	12/1/21	Master Fire Captain
Gary S Grable	Fire	12/1/21	Master Fire Captain
Thomas E Gripp	Fire	12/1/21	Master Fire Captain
Kevin M Kurta	Fire	12/5/21	Firefighter Paramedic
Lore E Maloney	Police/Comm	6/30/21	Public Safety Dispatcher
G.D Matz	Fire	12/1/21	Master Fire Captain
Steve K Pope	Fire	12/1/21	Master Fire Captain
Jason A Saragusa	Fire	12/1/21	Master Fire Captain
Clinton D Wheeler	Fire	12/1/21	Master Fire Driver

#### Section VII - Reclassifications

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Ryan S Hurst	Transit	11/25/21	Program Coordinator	Manager
Monica Ortiz	Health	11/25/21	Fiscal Supt Specialist	Prof Fiscal Asst
Allison A Zuel	Health	9/26/21	Program Coordinator	Program Supervisor
Vacant PIN 2395	PW/Street	11/25/21	Equipment Operator I	General Laborer
Vacant PIN 2334	PW/Street	11/25/21	Equipment Operator I	General Laborer
Vacant PIN 2414	PW/Street	11/25/21	Equipment Operator I	General Laborer
Vacant PIN 2422	PW/Street	11/25/21	Equipment Operator I	General Laborer

#### Section VIII - Other Request

Name	Department/Division	Action Requested and Explanation
Thomas D Stark	Fire	Out of grade pay efft. 11/4/21

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

## 5. PERSONNEL ACTION COMMUNICATION, DATED DECEMBER 2, 2021:

### Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Sara A Janeczko	Police	11/26/21	Detective
Courtney T Melvin	Transit	11/5/21	Transit Operator
Marlon Richardson	Parking Control	11/24/21	Parking Control Offr
Jessica A Rubio	Finance/Treasury	11/22/21	Fiscal Supt Asst

### Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Mackenzie L Barnes	Fire	11/11/21	Firefighter Paramedic
Tanner C Lynn	Fire	11/11/21	Firefighter Paramedic
Christian T Matos	Fire	11/11/21	Firefighter Paramedic
Trenton R Womble	Fire	11/11/21	Firefighter Paramedic

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

## 6. CLAIMS FOR DAMAGES:

Frank Aguilar, 726 Minnesota Ave., alleging water intrusion in the basement due to substandard/negligent sidewalk work.

Verna M. Bazy, 6844 Garfield Ave., alleging property damage caused by policemen.

David Ealy, 20073 147<sup>th</sup> St., Basehor, KS, alleging his iPhone II ProMax was not returned after being booked into Wyandotte County.

Joyce Foster, 1001 S. 56<sup>th</sup> St., alleging tire damage to vehicle due to pothole.

Sherry D. Smith, 4517 Lafayette Ave., alleging damage to driveway due to removing the old street.

**Action:** Received and filed. Copies previously forwarded to Legal.

## 7. SUMMONSES:

Johnell Walton v. Unified Government of Wyandotte County/Kansas City, KS, as rep. of Kansas Board of Public Utilities, Case No. 2:21-cv-2532.

Bernard Weston vs. Bella Creek Investors, LLC et. Al, Case 2021-CV-000755.

Bernard Weston vs. Bella Creek Investors, LLC et. Al, Case 2021-CV-000755-A.

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

## 8. CERTIFICATES OF INSURANCE:

AAMA Security Protection, LLC (2)

Aerial FX, Inc.

Metro Public Safety & Investigation, LLC

**Action:** Referred to License.

## 9. BUSINESS BONDS:

Electrical Contractor's Bonds:

Bankston Electric Co. LLC  
Psalm-1 Electric Inc.  
Staco Electric Construction Company, Inc.

General Contractor's Bond:

Wilks Electrical & Handyman Services

Plumber's Bonds:

Accurate Mechanical, LLC  
Alden Plumbing LLC  
Terry's Plumbing Inc.  
Tried N True Plumbing LLC Tried N True Plumbing

Second Hand & Junk Dealer's Bond:

Little Joe's Pawn and Gun East, LLC

**Action:** Referred to License.

## 10. CONTINUATION CERTIFICATES:

Electrical Contractor's Bond:

Amf Electrical Contractors, Inc.

Excavation Contractor's Bond:

Riden Service Company Inc.

Mechanical Contractor's Bond:

Koch Heating & Cooling Inc.

Plumber's Bonds:

Full Circle Plumbing, LLC  
Santa Fe Trails Plumbing Inc.

**Action:** Referred to License.

## 11. CANCELLATION NOTICES:

Electrical Contractor's Bonds:

DME Electric, LLC  
JKS Electric, LLC  
Marvin Loecker of P1 Group, Inc.

Mechanical Contractor's Bond:

Anthony PHCE

Plumber's Bonds:

Anthony PHCE  
Southside Plumbing, Inc.

**Action:** Referred to License.

## **12. REINSTATEMENT NOTICES:**

Electrical Contractor's Bond:  
KC Wireman Inc.

Plumber's Bond:  
Southside Plumbing, Inc.

**Action:** Referred to License.

## **13. APPLICATIONS FOR CMB LICENSE (PKG):**

Harlom Corporation/William Hutton DBA 7-Eleven Store #35783A, 10950 Parallel Pkwy.  
Kandy Corporation/William Hutton DBA 7-Eleven Store #36101A, 4431 Shawnee Dr.  
TEKI Investments, LLC/William Hutton DBA 7-Eleven Store #38574A, 7552 State Ave.  
Bonito Michoacan #3 LLC/William Hutton DBA Bonito Michoacan #3 LLC, 1150 Minnesota Ave.

Himalayan Petro LLC/Robin Ghimire DBA Quick Shop #3, 5568 Leavenworth Rd.  
Walmart Inc./Keith Pappert DBA Sam's Club #4870, 10510 Parallel Pkwy.  
Walmart Inc./James Bradshaw DBA Walmart #1151, 10824 Parallel Pkwy.  
Walmart Inc./Kenneth Richardson DBA Walmart #6172, 2300 Metropolitan Ave.

**Action:** Referred to License.

## **14. APPLICATIONS FOR CMB LICENSE (OP):**

HOA Kansas Restaurant Holder, LLC/Kimberly A. Groves DBA Hooters, 1712 Village West Pkwy.

Commodore Collective LLC/William W. Hutton DBA Imo's Pizza, 4200 Rainbow Blvd.  
Jousting Pigs BBQ KS, Inc./William Hutton DBA Jousting Pigs, 1702 Village West Pkwy.  
G & J Entertainment Inc./Jose Sergio Barrientos DBA Las Islas VP Restaurant Bar, 4929 State Ave.

**Action:** Referred to License.

## **15. APPLICATION FOR CATERER/DRINKING ESTABLISHMENT/HOTEL:**

AMC Ltd, LLC/Michael J. Turner DBA AMC Theatres The Legends 14, 1841 Village West Pkwy.

**Action:** Referred to License.

## **16. APPLICATION FOR LIQUOR TEMPORARY LICENSE:**

Francisco Lopez DBA L.J. Concerts, Memorial Hall, 600 N. 7<sup>th</sup> St., for 12/3/21, 6 – 11 PM

**Action:** Referred to License.

**17. APPLICATIONS FOR PRIVATE SECURITY BUSINESS:**

AAMA Security Protection LLC DBA AAMA Security Protection LLC, 2212 N. 5<sup>th</sup> St.  
Brinks Inc./The Corporation Company, Inc. DBA Brinks Inc., 1100 E. 9<sup>th</sup> St., KCMO

**Action:** Referred to License.



# Staff Request for Commission Action

Tracking No. 211223

**Full Commission Meeting Date:** 12/16/21

**Committee:** Administration & Human Services

Date of Standing Committee Action: 12/6/21  
(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>
12/10/2021	J. Renee Ramirez	x5665	rramirez@wycokck.org	Human Resources

**Item Description:**

Request to add a new policy on paid childbirth and parental leave to the Human Resources Guide, submitted by J. Renee Ramirez, Director of Human Resources; Bonnie Bloesser, Sr. HR Partner; and Courtney Sachen, HR Partner.

**Action Requested:**

To approve resolution on new policy.

**Budget Impact: (if applicable)**

Amount:

Source:

Included In Budget:

Other (explain):

**Attachments List:**

Paid Childbirth and Parental Leave Resolution, UG Paid Childbirth Parental Leave policy (FINAL)\_sf\_110321 (HEC edit 11 17 21) (003) (2), Childbirth & Parental Leave PowerPoint

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION ADOPTING A NEW POLICY UNDER SECTION 5 OF  
THE HUMAN RESOURCES GUIDE OF THE UNIFIED GOVERNMENT,  
PROVIDING FOR PAID CHILDBIRTH AND PARENTAL LEAVE FOR  
UNIFIED GOVERNMENT EMPLOYEES.**

**WHEREAS**, Pursuant to Section 2-103(12) of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, the county administrator has the authority to prepare for adoption those policies relating to the selection, discipline, dismissal and all other personnel related matters applicable to all employees of the Unified Government.

**WHEREAS**, the Unified Government has adopted those personnel policies and made them available to Unified Government employees in a document known as the Human Resources Guide (HRG).

**WHEREAS**, additions or amendments to the Human Resources Guide may be proposed from time to time, subject to adoption by the Unified Government Board of Commissioners.

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

**Section 1.** That the new Policy 5.13 of the Unified Government Human Resources Guide is adopted as attached.

**Section 2.** The Mayor, the County Administrator and the Unified Government's other officers, agents, and employees are hereby authorized and directed to take such further action, and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

**Section 3.** This policy shall take effect and be in full force on January 1, 2022.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE  
UNIFIED GOVERNMENT OF WYANDOTTE  
COUNTY/KANSAS CITY, KANSAS, THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 2021.**

Approved:

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David Alvey, Mayor/CEO

Attest:

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Unified Government Clerk



# Unified Government Human Resources Guide

Effective DRAFT REVISION

## Paid Childbirth and Parental Leave

- I. General: Paid childbirth leave is available to employees who give birth to a child or children to provide time for recovery from childbirth before returning to work. Paid parental leave is available to eligible employees to care for and bond with their child or children after birth or placement with the employee for adoption or foster care. These benefits are separate from leave under the Family and Medical Leave Act (FMLA) but will run concurrently with FMLA leave.
- II. Policy
  - A. Paid childbirth leave
    1. Full-time employees who give birth to a child or children are eligible for up to 240 hours of paid leave following delivery. Part-time A employees who give birth are eligible for up to 120 hours of paid leave following delivery.
    2. Paid childbirth leave begins on the day of delivery and must be taken continuously.
    3. An employee should notify her department that she will be taking leave for childbirth at least 30 days before the anticipated delivery date.
  - B. Paid parental leave
    1. Eligibility
      - a. Full-time or Part-time A employees are eligible for paid parental leave following a qualifying event. An employee need not be eligible for leave under the FMLA to use paid parental leave.
      - b. Parents who are both eligible employees may each take the maximum amount of leave available under this policy for the same qualifying event; they are not required to share the paid leave.
    2. Definitions
      - a. “Child” means a biological, adopted, or foster child who is under age 18.
      - b. “Qualifying event” means the birth of the employee’s child or children or the placement of one or more children with the employee for adoption or foster care.



# Unified Government Human Resources Guide

Effective DRAFT REVISION

### 3. Leave available

Paid parental leave is available to full-time and Part-time A employees as follows:

<u>Employee Status</u>	<u>Maximum per qualifying event</u>
Full-time	160 hours
Part-time A	80 hours

### 4. Use of leave

- a. Paid parental leave may be taken continuously or, with the approval of the department head, on an intermittent or reduced schedule basis.
- b. Employees may not use more hours of paid parental leave per day than they are normally scheduled to work.

### 5. Limitations on paid parental leave

- a. An employee may receive paid parental leave for only one qualifying event in a 12-month period.
- b. An employee may receive only one instance of paid parental leave per qualifying event. (For example, a full-time employee is eligible to receive 160 hours, not 320 hours, of paid parental leave following the birth of twins.)
- c. A child may be the subject of only one qualifying event. (For example, an employee who uses paid parental leave following the placement of a child with the employee for foster care is not eligible for paid parental leave if the employee later adopts the child.)
- d. Paid parental leave must be used within 16 weeks of the qualifying event. Leave not used within 16 weeks is forfeited.
- e. Paid parental leave may not be taken beyond the life of the child or the end of the child's placement with the employee.
- f. The following employees are ineligible for paid parental leave:
  - (1) Surrogate mothers and sperm donors.
  - (2) Employees who elect to give up their newborn child for adoption.



# Unified Government Human Resources Guide

Effective DRAFT REVISION

(3) Employees who adopt a stepchild.

6. Requests for leave

- a. Human Resources is responsible for determining an employee's eligibility for paid parental leave and for approving the leave.
- b. An employee must submit a completed Request for Paid Parental Leave form to Human Resources at least 30 days before the anticipated qualifying event. If the completed form cannot be submitted 30 days in advance, it must be submitted as soon in advance as possible.
- c. An employee may be required to submit documentation substantiating the reason for the leave. The documentation required will be determined by Human Resources.

7. Notification to department

- a. Upon submitting a Request for Paid Parental Leave form to Human Resources, an employee must notify his or her department of the request for paid parental leave.
- b. If taking paid parental leave on an intermittent or reduced schedule basis, an employee must submit a proposed leave schedule to his or her supervisor for approval before beginning paid parental leave. If the supervisor does not approve the schedule, the supervisor and employee should work together to come to a mutually acceptable schedule.

C. Compensation

1. Childbirth and parental leave will be paid at the employee's base salary or hourly rate of pay.
2. Paid childbirth and parental leave will not count as hours worked for purposes of calculating overtime.
3. Paid childbirth and parental leave will count towards the minimum month worked.
4. Employees using paid childbirth or parental leave will continue to accrue vacation and sick leave.



# Unified Government Human Resources Guide

Effective DRAFT REVISION

5. Official holidays will not be counted against paid childbirth or parental leave.

D. Relationship to FMLA and other leave policies

1. Paid childbirth and parental leave will run concurrently with FMLA leave.

2. Employees are not required to exhaust other available leave (e.g., vacation or sick leave) to use paid childbirth or parental leave.

E. Separation or retirement

Employees will not be paid for unused childbirth or parental leave upon separation from employment or retirement.

F. Effective date

Paid childbirth and parental leave will be available for births or, in the case of paid parental leave, for placements for adoption or foster care that occur after January 1, 2022.

# PAID CHILDBIRTH AND PARENTAL LEAVE POLICY

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# PAID CHILDBIRTH LEAVE

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- Available to employees who give birth to a child or children to provide time for recovery from childbirth before returning to work. Separate from leave under FMLA but will run concurrently with FMLA leave
- Full-time employees eligible for 240 hours following delivery
- Part-time A employees eligible for 120 hours following delivery
- Begins on day of deliver and must be taken continuously

# PAID PARENTAL LEAVE

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- Paid leave is available to eligible employees to care for and bond with their child or children after birth or placement with the employee for adoption or foster care.
- Employee does not need to be eligible for FMLA in order to receive the paid parental leave
- Parents who are both eligible employees may each take the maximum amount of leave for the same qualifying event
- Full-time employees eligible for 160 hours per qualifying event
- Part-time A employees eligible for 80 hours per qualifying event

# LIMITATIONS OF PAID PARENTAL LEAVE

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- Paid parental leave available for only one qualifying event in a 12-month period
- Only one instance of paid parental leave per qualifying event (only receive 160 hours and not 320 hours if they have twins)
- A child may be the subject of only one qualifying event (paid parental leave provided for placement of child for foster care but an additional paid parental leave is not provided if the employee later adopts said child)
- Must be used within 16 weeks of the qualifying event. Leave is forfeited if not used within 16 weeks

# FAMILY MEDICAL LEAVE AND OTHER LEAVE POLICIES

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- Paid childbirth and parental leave will run concurrently with FMLA Leave
- Employees are not required to exhaust other available leave to use paid childbirth or parental leave
- Employees will not be paid out for unused childbirth or parental leave upon separation from employment or retirement



# Staff Request for Commission Action

Tracking No. 211188

**Full Commission Meeting Date:** 12/16/21

**Committee:** Neighborhood & Community Development

Date of Standing Committee Action: 11/29/2021  
(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>
12/09/2021	Jud Knapp	x5472	jknapp@wycokck.org	Economic Development

Item Description:

The Land Bank Manager respectfully requests that the Neighborhood and Community Development Committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration, Submitted by Jud Knapp, Interim Land Bank Manager

5 Single Family Homes

Action Requested:

Approve

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

FC Memo Land Bank Options 12.16.21



**Wyandotte County Land Bank**  
Economic Development Department  
Jud Knapp, Interim Manager

701 North 7<sup>th</sup> St., 4th Floor  
Kansas City, Kansas 66101

Phone: (913) 573-5472  
Fax: (913) 573-5745  
Email: jknapp@wycokck.org

## **M E M O R A N D U M**

**TO:** Neighborhood & Community Development Standing Committee  
**FROM:** Jud Knapp, Interim Land Bank Manager  
**DATE:** December 9, 2021  
**SUBJECT:** Option applications for consideration

The following **option application(s)** was presented at the 11/29/2021 meeting:

**A. New Construction - Single Family Homes – 5 Homes**

1. Mike Payne – 1 home
  - i. 3306 N 33<sup>rd</sup> St - 165213
  - ii. Summary – Currently lives in Los Angeles and the plan is to build their retirement home.
  - iii. Staff comments – this property is outside any historical environs, and the Quindaro Townsite MOU with Western University.
2. Jonathan Wilde – 1 home
  - i. 2806 S 8<sup>th</sup> St – 137043
  - ii. Summary - The kind of live/ work scenario I'd be looking to cultivate would be leather making, jewelry making, artists including painting, pottery, etc. There could be the opportunity for light woodworking and metalworking but certainly not at any kind of production scale.
  - iii. Staff comments – in the current R-1 zoning the applicant can make art for a hobby, but when these products are sold a business license and possibly a special use permit from planning would be required. The lot has a creek running through the lot. The lot measures 65ft from the creek and would require a 25ft setback. The home can face either S 8<sup>th</sup> ST or Seminary St since its is a corner lot. The max height allowed in R-1 is 35ft. The property is not in the flood plain, only a special flood hazard on the northwest corner.
3. Lorena Vega – 1 home
  - i. 8545 Kansas Ave – 932900
4. Dr. Barbara Ann Woods – 2 homes
  - i. 2712 Garfield Ave – 195633
  - ii. 1876 N 28<sup>th</sup> St – 195449

- iii. Summary - 2712 Garfield Ave will be used as the applicant's primary residence, and 1876 N 28<sup>th</sup> will be used for the applicant's large family when they visit. No plans to sell or rent these homes.



# Staff Request for Commission Action

Tracking No. 211189

**Full Commission Meeting Date:** 12/16/2021

**Committee:** Neighborhood & Community Development

Date of Standing Committee Action: 11/29/2021  
(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>
12/09/2021	Jud Knapp	x5472	jknapp@wycokck.org	Economic Development

Item Description:

The Land Bank Manager respectfully requests that the Neighborhood and Community Development Committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration, Submitted by Jud Knapp, Interim Land Bank Manager

1 Yard extension request

Action Requested:

Approve

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

NCD Memo Land Bank Property Transfers 11.28.21



**Wyandotte County Land Bank**  
Economic Development Department  
Jud Knapp, Interim Manager

701 North 7<sup>th</sup> St., 4th Floor  
Kansas City, Kansas 66101

Phone: (913) 573-5472  
Fax: (913) 573-5745  
Email: [jknapp@wycokck.org](mailto:jknapp@wycokck.org)

## **M E M O R A N D U M**

**TO:** Neighborhood & Community Development Standing Committee  
**FROM:** Jud Knapp, Interim Land Bank Manager  
**DATE:** November 17, 2021  
**SUBJECT:** Property Transfers applications for consideration

The following **property transfers application(s)** are being presented at the 11/29/2021 meeting:

**C. Yard Extension**

1. Shawn Simmons
  - i. 2641 R N 22<sup>nd</sup> St – 160159
  - ii. Summary – The applicant owns 2641 N 22<sup>nd</sup> ST. the requested property is directly behind the applicant's home.. The parcel is landlocked and unbuildable.

