

**ADMINISTRATION AND HUMAN SERVICES
STANDING COMMITTEE MINUTES
Monday, May 23, 2022**

The meeting of the Administration and Human Services Standing Committee was held on Monday, May 23, 2022, at 6:57 p.m., remotely via Zoom as well as on-site. The following members were present: Commissioner Markley, Chairman; Commissioners Kane, McKiernan (substituting for Commissioner Bynum); Johnson, and Ramirez. Commissioner Bynum was absent. The following officials were also in attendance: Emerick Cross, Assistant County Administrator; Henry Couchman, Senior Counsel; James Bain, Assistant Counsel; Gunnar Hand, Director of Planning & Urban Design; Renee Ramirez, Director of Human Resources; Shakeva Christian, Manager, Human Resources; Wilba Miller, Director of Community Development; Stephanie Stauffer, Community Development Program Coordinator; Monica Sparks, Acting Unified Government Clerk; Tifani Portley and Terri Kimble, UG Clerk's Office.

Chairman Markley said before I call this meeting to order, I want to announce that some committee members, staff, and public are attending remotely via Zoom as well as some on-site.

All participants joining by phone should mute their phones when not speaking to avoid background noise. During this meeting, please make sure that you announce yourself by name and title every time you speak so the public that is observing knows who's speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General.

The public is allowed to participate by Zoom or submit comments by email prior to the meeting, and those comments will be included in the record of this meeting. The public may also indicate their intent to provide remote public comment by contacting the Clerk's Office by 5:00 p.m. the Thursday before the meeting. The public also will have an opportunity to provide brief comments either by telephone or via Zoom from the lobby of the Municipal Office Building.

Chairman Markley called the meeting to order and asked the Clerk to call the roll. Roll call was taken and members were present as shown above.

Chairman Markley said there's one change to the agenda this evening. The update from the Municipal Court will be continued to our June meeting, so we won't hear that update here tonight. We'll hear it on June 27th. I believe it's the evening.

Approval of standing committee minutes from January 24, 2022. **On motion of Commissioner Ramirez, seconded by Commissioner Johnson, the minutes were approved.** Roll call was taken and there were five "Ayes," Kane, Johnson, Ramirez, McKiernan, Markley.

Committee Agenda:

Item No. 1 – 211577...ORDINANCE: AMENDING SEC. 27-593 FOR TELECOMMUNICATIONS TOWERS ON STADIUM LIGHT POLES IN RESIDENTIAL ZONES

Synopsis: Amendment to Sec. 27-593, allowing telecommunications towers in residential zones by special use permit if they are integrated into stadium and athletic field light tower, submitted by Gunnar Hand, Director of Planning & Urban Design.

Gunnar Hand, Director of Planning & Urban Design, said before you tonight is a very small, quick edit to Chapter 27. Proposed, it's related to the wireless telecommunications facilities ordinance which is within our Special Use Permit section. It's one modification under stealth tower in residential zones effectively allowing in the future such stealth towers to happen on light poles, for instance, or other athletic facilities that are within or below 199 feet.

Chairman Markley asked, so these are on existing? It would allow telecommunications stuff on already existing stuff.

Mr. Hand said it would allow it to go through the process where it was previously prohibited. It would still need a special use permit. There would still be oversight of these, but it would relate to all the codes, thereby allowed. Again, this is only for stealth towers between 80 and 199 feet. That's the only change.

Commissioner Ramirez said thank you, Gunnar, for bringing this forward. Please excuse me, you may have already answered this before, but why the change?

Mr. Hand said there's two primary reasons. One, when we started digging into the wireless telecommunications facility on Municode, we found out that they had an error, and they had not adopted or put down our code since 2016 amendment. That's a technical error, so we were able to uncover that and get that posted. That didn't mean we had to change anything. It didn't mean anything that we'd done since 2016 had changed, but we were able to update all of it as a part of this process. Not necessarily this action of this body. So, that was important that we found that.

The second thing that I would add, most of the staff use Municode as opposed to encode to look at all the zoning codes. That's one side of it. All the public does as well. The second thing is we had a specific request from the archdiocese to allow this. There's a similar type of stealth facility at the Wyandotte County High School, excuse me, Wyandotte High School and that happened before this code went into effect in the early aughts, 2003 I believe it was. Then we had this 2008 change to the wireless telecommunication facility and then we had the update in 2016. So, the update in 2018 and 2016 prohibited those types of facilities. Bishop Ward and the archdiocese would like to do a similar facility in their practice fields and game facilities in the Cathedral neighborhood.

Commissioner Ramirez said okay. I think I understood. **Mr. Hand** said they're basically going get brand new lights for the Bishop Ward facility and while they're doing that, they'd like to co-locate a stealth tower on one of them.

Commissioner Ramirez said okay. So, what does, excuse my ignorance. I'm not very versed in communications. What is co-locate mean? **Mr. Hand** said co-locate means they're basically going to stick an antenna on top of a light pole.

Commissioner Ramirez said oh, okay. Thank you.

Chairman Markley said I briefly did that for a living, co-location agreement. Anyone else have questions on this item? If not, I will entertain a motion.

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

Item No. 2 – 211240...ORDINANCE: CONVERSION THERAPY PROHIBITION

Synopsis: An ordinance adding Section 22-44 to the Code of the Unified Government of Wyandotte County/Kansas City, KS, establishing a prohibition on conversion therapy of minors, submitted by Christian Ramirez, District 3 Commissioner; and James Bain, Assistant Legal Counsel. On January 24, 2022, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve, and forward to full commission. This matter was returned to the standing committee for further discussion on February 10, 2022.

James Bain, Assistant Counsel, said this is the same ordinance you heard in January or February regarding conversion therapy. The short highlights are it bans conversion therapy conducted by professionals, licensed psychiatrists, licensed counselors, performed on minors, are kind of the two bullet points. The professional license, licensee, and being performed on minors.

Commissioner Ramirez said thank you, James. I'd just like to also highlight additional information. This does not bar, prohibit, or hinder any health care provider to provide any necessary medical or mental health care to a person who may be an LGBTQ plus youth who may be questioning, who has gender dysphoria. This does not hinder that in any way, shape, or form. That health care provider may provide the affirmation, the exploration, the guidance, and the counseling that they may need to help them go through what they're going through. What this ordinance does is it just specifically talks about the interventions that work to change a person's sexual orientation or gender expression. When I gave the presentation in January, it is not a scientifically valid form of therapy or of any type of scientific medical—it has no validity. Every major health organization in the United States has spoken out against it, and that it causes more harm than good.

I know a few commissioners had asked the question, does conversion therapy happen in Wyandotte County? I'm not sure, but my thing is to be retroactive and to ensure that our community is open and safe for everybody. The cities within the metro that have this are Kansas, City, Missouri, North Kansas City, Independence, Prairie Village, Roeland Park, and Lawrence, Kansas, has the same ordinance in place. So, we are not the only ones. We wouldn't be the “black

sheep” of the metro with this type of ordinance. I hope that this is something that the committee passes. Before, in January, it passed unanimously. I hope that we see that this can move forward

Commissioner Kane said well, I’m the one that asked to come back so I could educate myself. It sounds like it would be terrible to have that done to your kid. But the people I talked to said it's a solution looking for a problem. I actually got an email from a constituent just a little while ago saying it's their kids. I mean I understand a portion of what you're saying, but I don't know anywhere in Wyandotte County that—you're right. There's two sides, there's six sides to this story. I’m just not comfortable with it.

Chairman Markley asked, any other comments from the Commission? Clerk, did we receive any comments from the public? **Ms. Portley** said none were received.

Chairman Markley asked, is there anyone online or here present to speak on this item from the public? No, okay. There were none. This is a voting item. There are no additional comments or questions. We would need a motion and a second to move forward.

Action: **Commissioner Ramirez made a motion to approve.**

Chairman Markley asked, I’m hearing none. Is there no interest in this moving to the full commission for discussion?

Commissioner McKiernan said so, Commissioner Ramirez, every time I think I understand something I realize I don't. Help me understand how the passage of this ban would materially impact lives in a positive way? That's a really roundabout way of putting it. But tell me how this ban would make a positive difference.

Commissioner Ramirez said it would make a positive difference because, me, being the only member of the LGBTQ group that serves on this Board, as far as I know, being who we are is already hard enough of the shame and the guilt of what comes along with it. Conversion therapy amplifies that. They use a lot of psychological and physical stimuli to associate that stimulus with your sexual orientation, and that just creates more of the guilt. The more of who we are is

wrong and that's where it could make a difference. They're knowing that their local government, their local community supports them and won't support a practice that furthers that shame and that guilt of who they are.

Commissioner McKiernan asked, so who is it generally, who seeks this therapy? **Commissioner Ramirez** said it is mainly minors. At that point, it's them below 18.

Commissioner McKiernan asked, so do the minors seek the therapy or are the minors the subject of the therapy, and is it sought by parents? **Commissioner Ramirez** said it is minor subject to the therapy.

Commissioner McKiernan said okay. By a parent or another adult? **Commissioner Ramirez** said yes. I completely understand the parents. It's their choice; it's their child. I just have reservations with that because it's been studied that children, youth, minors, LGBTQ minors who go through conversion therapy are two times more likely to think, to have the ideation of suicide, or to attempt suicide, compared to a non-LGBTQ youth. They have higher levels of depression, anxiety, guilt. And they will, majority of the time of—and there's been many reports and studies—they will practice self-destructive behavior because of the psychological warfare, you could say, that is happening within their head. They're wanting to follow what they know they are, but they have someone else in their mind telling them that's not who they are, and they create stimuli, psychological and physical, to connect that “bad side,” and that you need to change from homosexuality to heterosexuality.

Commissioner McKiernan said I want to make it clear; I do not believe that this sort of therapy should be provided. I personally don't see a benefit in the provision of it. Is it our place, as a local government, to tell a parent or other legal guardian what they can and cannot do within their family? I'm not asking that as an argumentative question; I'm just wondering out loud. What is our role in dictating at the guardian or family level?

Commissioner Ramirez said I would agree with you on that. But, at the same time, I think there comes a time when the child's health and safety come into play. It's the same thing for a child in need of care, who are children who are abused. Local governments should we, or state governments for that matter, dictate to how a parent should reprimand their children? But no, it comes to a point when the health and safety of the child comes into play. Where I say there's a little leeway in that, because it's like, yes, you based on religion or what have you, you may do

what you want with your children; but if it's detrimental to your child's health and safety where they're having ideation of suicide, where else they might not have. Or, they're having increased signs of depression, anxiety, and guilt then I think that opens the door for a local community to say we need to help and protect the children. Even though I know it's parents' choice, but I'm looking at the health and safety of the child first, of the minor.

Commissioner McKiernan said I appreciate the conversation and very much. Appreciate allowing me to learn more about this. **Commissioner Ramirez** said of course.

Chairman Markley said all right. We have a motion on the table. Do I hear a second? All right, item will be tabled.

Action: **Item was tabled. Does not move forward due to lack of a second.**

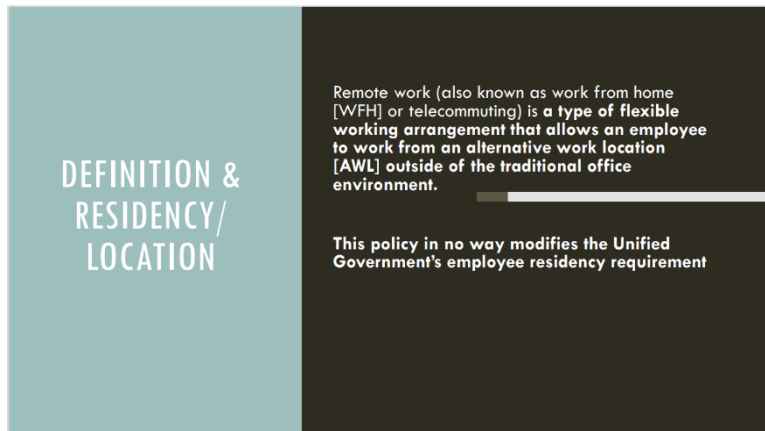
Item No. 3 – 211426...PROPOSAL: DRAFT REMOTE WORKER POLICY

Synopsis: Policy for remote work to be included in the Human Resources Guide, Section 2, Policy 2.20, submitted by J. Renee Ramirez, Director of Human Resources. This item was previously heard by the standing committee on March 28, 2022.

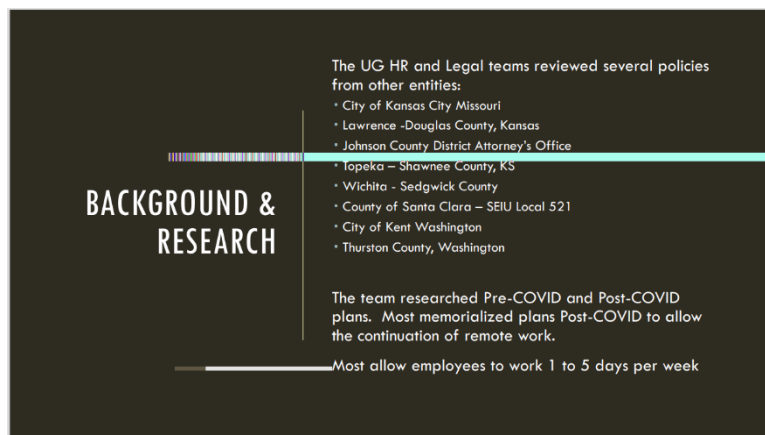


Shakeva Christian, Manager, Human Resources, said I'm here to present a draft of the Remote Work Policy. If you will recall, we have presented to you before a Remote Work Policy that was approved, but we have brought it back for clarification on a few items that we wanted to spell out for you today. We are clarifying the expectations of the employees and service delivery, addressing those more clearly in the policy this time. But we also want to keep in mind the

workforce and ensure that we are still valuing our employees to provide a workplace that is flexible and recognizes work-life balance.

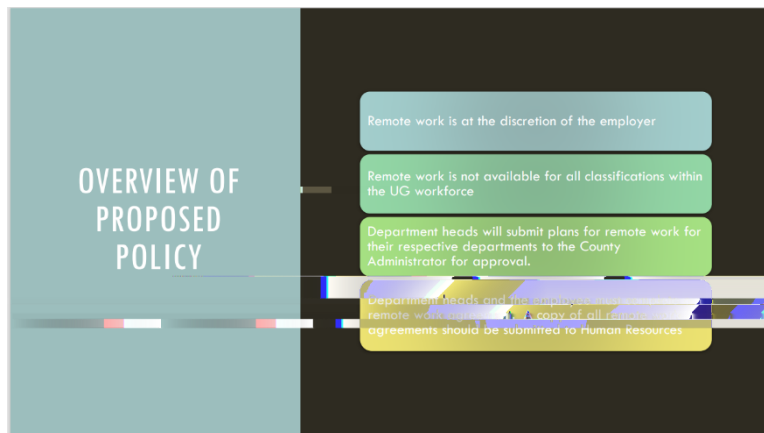


Just to go over the definitions. The Remote Work Policy or the remote work is a type of flexible working arrangement that allows an employee to work from an alternative work location outside of a traditional work environment. We also just want to point out this policy in no way modifies the Residency Policy. So, although we would have employees working remotely, of course, they would still have to maintain their residence in Wyandotte County.

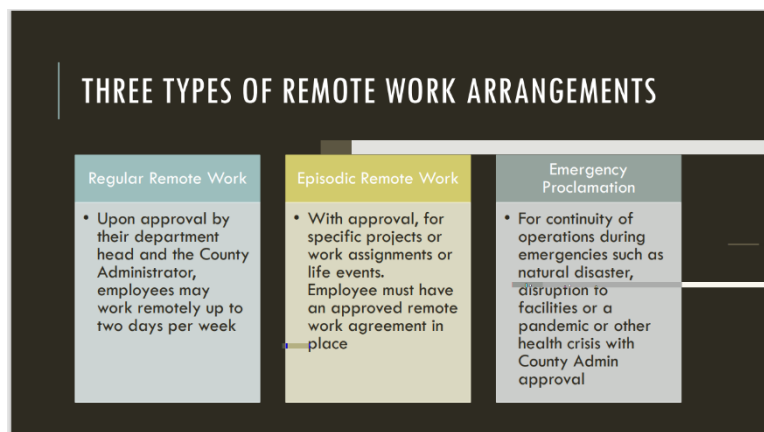


We also conducted, Unified Government Human Resources, as well as the Legal Department, did conduct research from other entities that have remote work policies. We looked at the City of Kansas City, Missouri; Douglas County; Johnson County; Shawnee County; Sedgwick County; County of Santa Clara; City of Kent, Washington; and Thurston County, Washington; all of them. We also looked at whether they had policies pre-COVID or post-COVID. Most of those entities

established their policies post-COVID and have maintained those policies since COVID. In terms of number of days per week, most allow work one to five days per week.



Overview of the policy is that the employer does have a discretion to agree or to determine if an employee can work remotely. It is not available for all classifications, so we will look at which classifications would be most appropriate. The departments will submit a plan to the County Administrator prior to approval of the Remote Work Agreement, and then the Remote Work Agreement forms will be submitted to Human Resources once the signatures are obtained. As far as the Remote Work Agreement in and of itself, the content of it is still in draft form, but we will have most of the expectations that are spelled out in the policy that will be a part of that Remote Work Agreement and then a space for the department to have their specific expectations in that policy or in that agreement.

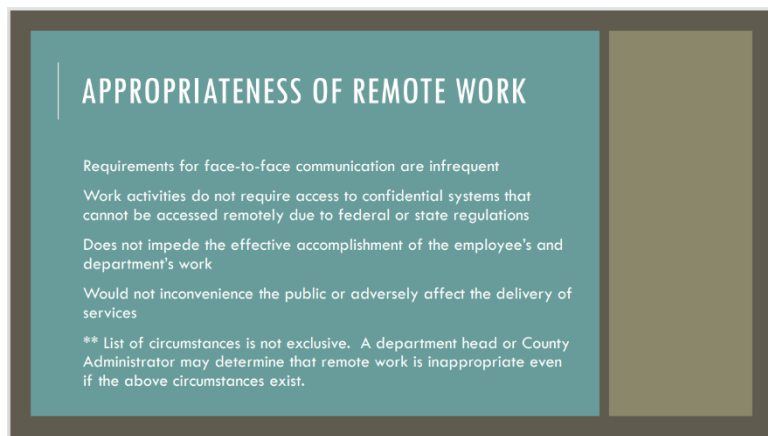


There will be three types of remote work arrangements: regular remote work, episodic, and emergency proclamation. Regular remote work is basically a set number of days per week where

employees would be able to work from home. We were looking at two days per week. I will say that there was some employee sessions that happened this afternoon, and we did receive feedback that employees would like more days allowed in that Remote Work Policy, so we have decided to add some language that says that the department head and the County Administrator could have the discretion to offer more, or look at case-by-case if they could determine if more is available based on that employee's situation. Those are set days per week.

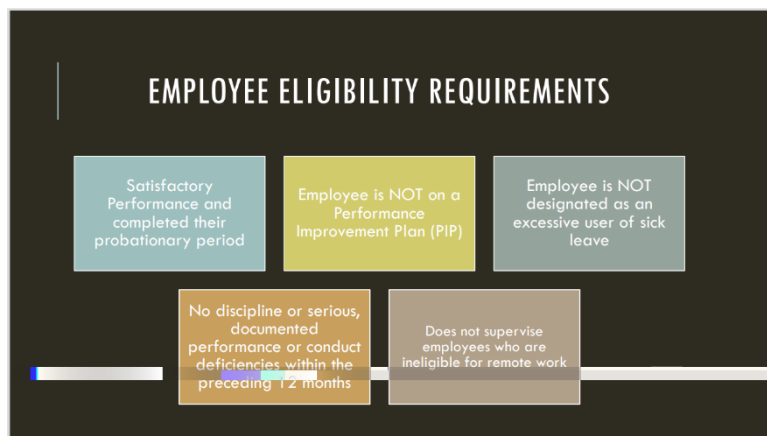
There is episodic remote work. This is just, for instance, whereas an employee can have special projects that they're working on. Certain life events would potentially allow an employee to work from home, but they must have an approved Remote Work Agreement. Life events could be things such as family member illness and, again, like certain projects. We feel that this type of situation is better or helps with productivity. There may be instances where an employee may totally be absent from work caring for a family member, but working remotely, they still would have some productivity when those life events occur.

Also, emergency proclamation would be those official emergency proclamations that would occur. It would allow the Unified Government to have the continuity of operations, things such as facilities are shut down based on power outages, AC outages, and things of that nature that would allow us to continue to work, if necessary.

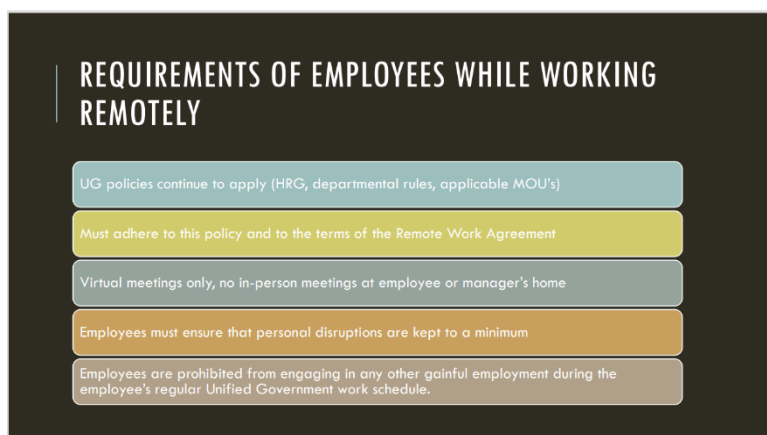


The next thing we want to look at is appropriateness for remote work. Some of the things that we wanted to clarify, department heads would look at where their face-to-face communications are infrequent and then they may be able to work from home if that is the case. We want to look at whether the work activities do not require confidential access to certain systems or systems such as ReGIS case and some other law enforcement types of systems that may not allow remote

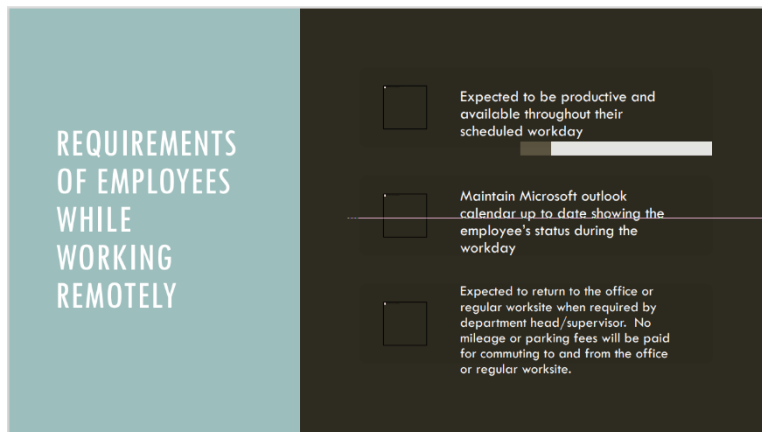
work situation. We also want to make sure that it does not impede the accomplishment of the employee's performance or the department's work. Then also that customer is not or service delivery is not adversely impacted by working from home. So, these are not all the circumstances that need to be reviewed, but they're just kind of a general guide that we want to make sure supervisors and departments are looking at and determining what is best when deciding who can work from home. Those ideas, those individual characteristics are based on the type of position.



The next requirements are based on the employee themselves. So, employee eligibility requirements are that they have to have satisfactory performance and complete the probationary period. They cannot be in a performance improvement plan. The employee is not designated as an excessive sick leave user. They must also not have had discipline or serious documented performance issues or conduct deficiency within the last or preceding 12 months. The supervisors who supervise those individuals that are not eligible for remote work would not be eligible to maintain a work remote work situation



Once we decide who's eligible, which positions are eligible, which employees are eligible, there will be requirements of each employee. They have to comply with all UG Human Resources Guide policies, all departmental rules, and any applicable memorandums of understanding or union contracts. They must adhere to the policy in the terms of the Remote Work Agreement that they must sign prior to working from home. We also want to make sure there are no in-person meetings taking place. In-person meetings should not take place at an employee's home or supervisor's home. We do that just for liability reasons. Employees must ensure that personal disruptions are kept to a minimum. Then, we want no other gainful employment while working from home.



Other requirements of employees while working remotely. They are expected to be productive and available throughout their scheduled workday. So that would mean they have to answer their phone calls or their telephones or return voicemails as soon as possible while working remotely. They do have to maintain on their Outlook calendars, make sure they're up-to-date and showing their status. Technology can allow supervisors to view the employee's calendar, so they'll know if they're in the meeting, things of that nature. They would be also expected to return to the office or regular worksite, if necessary. If there's a case where you know they're working remotely and something has come up in the office, they could be required to come in. No mileage or parking will be reimbursed while an employee is working remotely.

EXPENSES, HARDWARE, SOFTWARE AND SUPPLIES

- Department shall provide equipment (hardware/software). Cost of any expenses approved by the department head will be borne by the department.
- Employees must provide a functioning internet service (no reimbursement by the Unified Government).
- Adherence to all technology department standards/directives and the Responsible Use of Information Technology policy
- UG information or documents stored on an employee's personal devices may be subject to public disclosure requirements
- Employees are prohibited from allowing non-employees to use UG equipment

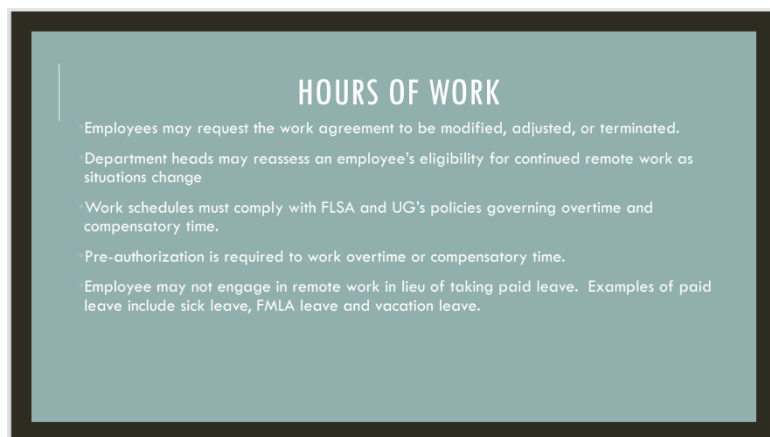
Expenses, hardware, software and supplies. The department shall provide the equipment and the cost of expenses approved by the department. They'll be basically borne by the Unified Government or that department. The employee must provide their functioning internet services and there would be no reimbursement by Unified Government. Employees must adhere to all the department directives and the responsible use of IT. We also want to make sure that the employees are aware that anything that's stored on their personal device that is UG business could be subject to disclosure based on disclosure requirements that we have. Employees are prohibited from allowing non-UG employees to utilize their UG equipment.

WORKER'S COMPENSATION, LIABILITY AND INSURANCE

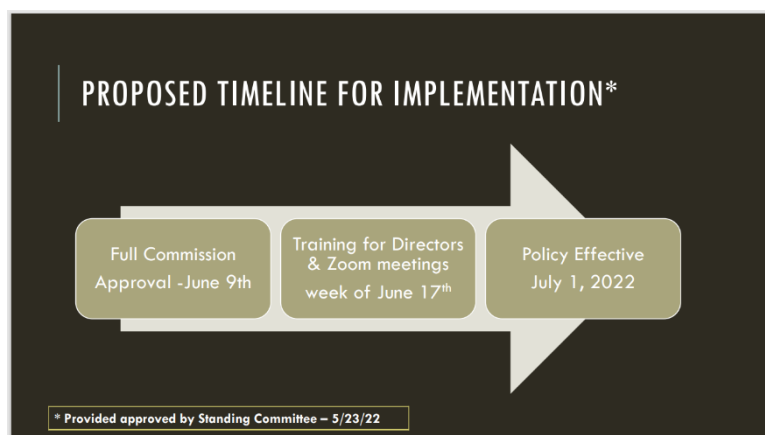
- Coverage by worker's compensation or the Fire Department's Injury On Duty policy for bona-fide job-related work injuries occurring at their remote work location during work hours.
- Employees must report job-related accidents or injuries to supervisors as soon as possible.
- Employee responsible to replace any UG equipment assigned to them that becomes damaged beyond normal wear and tear
- Nothing in this policy is intended to limit the UG's option to offer remote work as a reasonable accommodation to comply with the ADA or corresponding federal or state regulations.

Worker's compensation and liability. Essentially, we still would have worker's compensation and liability policies that still apply to those working from home. If it happens to be a Fire Department employee, they do have their own IOD, but it does have to be a bona fide work-related injury. If we have cases of that nature, we, of course, would have to evaluate those and determine if it is a bona fide work-related injury. Employees will still be required to report those injuries to their supervisor as soon as possible, which is the standard practice for our regular work

comp claims. Employees would be responsible for replacing their UG equipment that they're assigned to should they damage it beyond normal wear and tear. And just so you know that we still would adhere to the Americans with Disabilities Act if we need to make a reasonable accommodation for working from home. We will review those cases and the merits of those cases and making those accommodations for employees to work from home for ADA reasons.



Hours of work. Employees may request that they, at any time, that their Remote Work Agreement be modified. And the same thing for the employer. We can, at any time, modify or change or terminate the Remote Work Agreement. The department may reassess the employee's eligibility for continued remote work at any time, as well. All of the work schedules must comply with FLSA and the UG policies concerning FLSA. I know when employees are working from home, they may have the tendency to log-in maybe after hours. We still are bound by the federal Fair Labor Standards Act and paying that employee overtime if they do that. But we do want the employees to have pre-authorization to work overtime or compensatory time in doing that. Then also, finally, employees may not engage in remote, in lieu of taking paid leave. Examples would include leave for sick leave, FMLA, and vacation leave.



So, provided that this policy passed today, we do have a projected timeline to hope to go to full commission on the 9th. We would then, if approved, at that point have trainings for directors the week of June 17th. We would hope to do a few Zoom calls to kind of spread it out a little bit more to more supervisors to inform them of the policies and make sure that everyone's on the same page. We would then get, after that point, have the departments develop their opinions and submit to County Administration with a hopeful effective date of July 1st. That's all I have. If you have any questions.

Chairman Markley said it'll probably come as no surprise to anyone that I'm a big supporter of this work from home policy. I think it is necessary for us to compete in the market. I think it's important to our employees, and to letting them know how important their work was during COVID and how much we learned that we could accomplish with a work from home model. I'll tell you just briefly, anecdotally, I was on the drive over here and I was just thinking of my siblings, and my cousins, and our really close friends' group, and pretty much, without exception, at least one of the two adults in every one of those households works from home. Out of all the cousins, all the siblings, and all those close friends. So, I think that's just evidence of how prevalent it is in the private market, and because that's who we're in competition for, for employees. Because we know that competition is really stiff, I think it's really critical that we provide this benefit.

Commissioner Ramirez said thank you to HR for bringing this forward. It's come before us before, was passed, and yeah, was taken off without us knowing. What's the difference between what was presented before and what is being presented now? I'm going to be open, blunt, and

truthful. We still don't know for what reasons why the original draft was taken off the agenda. No information has ever been provided to us, so I'm curious as to what's different from before and now.

Ms. Christian said largely we wanted to address that this policy would in no way impact the operations of the Unified Government. We put more specific guidelines in there about their expectations that included some of the things such as making sure that they know that they have to answer their phones or return those phone calls as soon as possible. That's more specific in the policy now. The Outlook calendar, that type of thing is still in there. We outlined the expectations more clearly and more succinctly than previously. We also added some things with respect to ensuring that people are satisfactorily performing their jobs. They have no disciplinary action within the last year with respect to their performance or any other misconduct. We just wanted to spell those out a little more clearly that there are more specific guidelines that employees must follow to be able to work from home.

Commissioner Ramirez said to pick words carefully, I thank you for wanting to be succinct and specific, but I feel we're going a little too overboard on saying what an employee can and cannot do, kind of dictating their every move of what they can do at home on remote work. I know Commissioner Markley; we've had this conversation about the remote work. The best way to know that they're doing their job is if they're doing the work. If they provide the deliverable to the director and the supervisor, and so that's why I was in full support of the first draft because it gave the directors and the administration and HR the flexibility to decide what was best for the particular employee of what their remote work should look like. This is making a cookie-cutter plan for everybody. Everyone's job isn't the same, and so that's my only concern is that yes, it's very succinct, and very explicit; but it's also, in my mind, very restrictive on an employee. I'm just—that's my opinion of it. I'm curious to hear what my fellow commissioners think, but this is what's being brought forward. Again, we weren't told on what specifics needed to be changed. So, I'm at the moment, I don't know how I'm going to vote yet on this.

Commissioner Kane said well, I kind of agree with Commissioner Ramirez. We don't want to bind your employees. I think, yeah, it works. My daughter-in-law does it every Monday and every Friday. I think this is a start to get it where we wanted it to go in the first place. I think this is going to be a moving target because they're going to have to make modifications to make it

work for your systems because some will start at seven, some will start at eight. I mean there's a whole bunch of variables. But our original intent was to allow staff to allow their employees, as many as they could, or as many as they thought would work the best.

I'm sure you're going to do a couple of things. You're going to bring some back in and you're going to let some go back out, because of the worktable whether it worked or whether it didn't work. I want them to have the flexibility. I also want us—nobody got more mad than I did that this was pulled off and we weren't told about it. But I still think that we need to give them some sort of guidance to help their employees because they know what they need best. I don't know. The ones that are going to be in person, they're going to be in person. I actually talked to one of the department heads and said they get more out of two or three of their employees when they're at home than they do here because they're like me, they go to the water cooler to talk about the game. I think it's important that we give them the flexibility. Move this on. You'll probably have to make some modifications later on. I guess it's in a form of a motion.

Action: Commissioner Kane made a motion.

Chairman Markley said I'm hearing a motion from Commissioner Kane, but I do have control and it looks like Johnson with comments.

Commissioner McKiernan said my wife worked from home three days a week, went onsite two days a week for 20 years, maybe. When COVID hit, she was at home five days a week. I think you can talk to her supervisor, and she got her work done. She was productive at home. I think that same opportunity exists here. As Commissioner Markley said, I think we need to be adaptable. This is the way the workplace is changing. We need to get on board, or we run the risk of losing some employees who could otherwise do incredible work for our organization.

I agree with Commissioner Ramirez, I think that each individual employee, supervisor, department, whatever, should be able to establish what constitutes acceptable job performance. We should be able to find ways to track that job performance, that productivity, those deliverables, and so I don't think we should cut ourselves off from moving forward and making it work for the employees, and ultimately for our constituents, for our residents, who we will deliver services to

in an enhanced way. We have to remember it's not just about us, it's about how we deliver services and I think this could enhance service delivery.

I do think, however, only UG equipment should be used at home. One of the things there said you had to know that personal information was discoverable. I don't think there should be. I think a work device should be a work device, end of discussion.

Ms. Christian said I agree. Yes, I agree with that. But I know that there are some instances where personal devices may be used for work. I don't know if Misty could chime in on the discoverable, but yes.

Commissioner McKiernan said well, and it's not something we need to decide tonight but I have a bias that it should be work equipment used for work purposes only. I mean that's how my wife did it. Her computer came from her employer. She used it for only one thing and that was her work. Then when she wanted to do other things, she had her other devices which were personally owned. I do think that, especially these days, we really need to beef up and adhere to all of the DOTS requirements for connecting to all of our electronic resources so that we maximize the safety of our data and our employees. I thoroughly endorse moving in this direction.

Commissioner Johnson said I'm going to tell you the truth, Ms. Christian. I don't know that I would want to apply for work from home based off what you just put before us because to me, this is not a flexible plan; this is a very inflexible plan in that for some reason, more language has been added to that which we received the first time. So, I feel that this is more limiting to our employees that want to be able to do that. I'm just trying to look through here. I don't know that I caught it, but this is somewhere that they can only do this for like two weeks, or did I misunderstand? **Ms. Christian** said it was two days per week.

Commissioner Johnson asked, they could not work remote no more than two days per week. **Ms. Christian** said up to two days per week, yes.

Commissioner Johnson asked, for all departments, no matter what? That to me is very inflexible. **Ms. Christian** said we did add some language or looking at adding some language that there could potentially be some differing circumstances that would allow more than the two days per week, but that would have to have approval and review.

Commissioner Johnson said okay, so we'll leave that as it is. We're getting information that other cities have provided this. The question that I have is, of those cities that you have looked at, relative to what you're proposing tonight, are those cities as restrictive as what appears to be to me as put before us now?

Ms. Christian said so Kansas City, Missouri, is one of the cities that does talk about their last performance review and no discipline within the last 12 months. They do have more days per week that they can offer. Like I mentioned, most of the entities that we surveyed allow up to five days per week, just depending on the department and the needs of that department. But yes, there are some entities that do provide some restrictive language regarding who is eligible.

Commissioner Johnson said and regarding performance, I couldn't agree more. I think that definitely needs to be part of that. I assume that was part of what we approved earlier.

Ms. Christian said I think we're a little more explicit in the language now. It was more than that they just had to have satisfactory performance, but we didn't have the 12-month rule regarding discipline in there.

Commissioner Johnson said I guess what I'm saying is that when you add more language to any document, it makes it more challenging to meet the standard that is being established. To me, the spirit of what's being proposed to us seems to be more restrictive. I have a problem with it because I was completely satisfied with what we approved to begin with. I trust the confidence of ten qualified members of this Commission to know what is important. To that end, if we had problems, we would have—one of us ten would have said something then as opposed to approving this unanimously. I mean, we approved it unanimously is what I'm trying to get to; and I believe that if any of us ten had a problem with it, we would have stated this last time. That's all for now.

Henry Couchman, Senior Council, said I'm the attorney who deals with employment stuff at the Unified Government. I either write these policies or I revise them or review them or whatever. I was not here the first time around. I had no involvement with the first draft, and I heard secondhand the circumstances that led to us having to come back here. I did review this policy and I did revise it. Some of the revisions, including the various eligibility requirements, were put in by HR. Those come from Kansas City, Missouri's policy. They are not just created out of whole cloth.

I did put a few things in here that may sound restrictive but really aren't intended to be. For example, that the employer can require a time log of somebody working from home. I put that in there specifically because of an instance in the Health Department in which an employee did not feel that she should have to do that even though her supervisor wanted her to. It just seems to me that when you've got somebody working from home, it's not unreasonable to want them to at least provide information about what they're doing during the course of the day. It's an option. It's not intended to be restrictive. It's just an option for supervisors who believe that that would be desirable.

I think this is a workable policy. It's not perfect. The Administrator did a survey of all the employees at the Unified Government and there was quite a bit of feedback on this policy. The majority of employees approved of it, but there were some other comments that I thought were good. I think the Administrator's intent is to come back and look at those and bring back changes, but at this point in time, we don't have anything in place. I think the Administrator feels this is workable and I think it is workable. It may sound restricted, but I don't think it is.

It emanates initially from the department head, who is going to make a recommendation about remote work to the Administrator. I assume that that will be by job category. The Administrator is going to look that plan over and approve it or not approve it. Once it's approved, then it's up to the department head to move forward and implement it. The relationships between the supervisors and employees will largely be dictated by who these employees are, and by the demands of the job, and by the natures of the supervisors. So, we'll see. I'm sure there will be changes down the line as experienced dictates. But based on what I've seen of other policies and on having looked through this one and worked on it a fair amount, it is not perfect. It is somewhat more restrictive. There are specific requirements to be able to work from home out of Kansas City, Missouri's policy. But overall, I think it is a workable policy.

One thing that the Administrator has asked to do is on the two days a week requirement, there was quite a bit of comment by employees on that, understandably, trying to find something that would be workable. There are departments now including, I think, 311 that alternate. They'll have a team there for a week onsite and then a team work remotely, and they'll switch off and switch off. This policy needs to provide flexibility for that sort of arrangement.

So, the Administrator has asked to put in language that would allow the County Administrator the discretion to approve a department plan that allows employees to work

remotely more than two days a week, if the County Administrator determines that it would not adversely impact operations, customer service, and would be the best interest of the department in the Unified Government. It's a work in progress but it's a start, and I think it's the basis for moving forward. As a reviewer, and having not been here initially, I'd be coming from...

Commissioner Johnson said well, my assumption is that someone from Legal looked at the document when it was first presented to us. Maybe it wasn't you. It was somebody. Furthermore, I find it hard to believe that something was sent to us to consider that one, that Legal had not approved and/or the County Administrator not approved. Why would something come before us that was not known or understood before? How is it now that there's more restrictions that everybody's okay with but they, I believe, I don't understand that?

Mr. Couchman said, Commissioner, I believe HR thought that it would be better to have some requirements in the policy regarding eligibility as to who could and could not work remotely. Those, they put in there, they drew them from the Kansas City, Missouri policy. The remainder of the policy is very much like the policy that you've got before. There are very few differences. I did mention the one about supervisors being able to do a log, but in my opinion, it's very similar to the policy you have.

Commissioner Johnson said I guess I'll just conclude by saying I wish you would have been able to be here the first time. **Mr. Couchman** said I do too.

Commissioner Johnson said I can appreciate that. **Mr. Couchman** said I understand your frustration. There are differing views, as you know, about this matter, trying to get to a place where everybody can agree on this, and then we can move forward and see how it works out in practice and modify it as necessary.

Chairman Markley said I've got a couple of comments from other commissioners, but I'm going to cut myself in line because I'm going to say a little bit about what I think might be a good idea. I hear the concerns and I agree with all of them. You guys know that, but I'm also concerned that if we continue to push this off, our employees are still waiting for their opportunity to work from home. What I'd love to see, personally, is us approve this policy with the added language that gives supervisors flexibility on the number of days. Then, I'd like for Human Resources to commit to coming back to us, and you guys can sort of name the timeline based on your rollout timeline, to report on how many requests were made and how many were accepted. I think that

will give this committee a good idea of whether we feel like we're being flexible enough or whether we got 200 applications and we turned down half of them. I still I think that would give us a good sort of feel for whether we were getting the flexibility that we wanted out of this policy or not. So that's my recommendation.

Ms. Christian said just so I'm clear on what your request is. Is it to not to roll out the policy but to go ahead and accept...

Chairman Markley said go ahead and roll it out, but then after we've started to see—after we started to implement it and we have all the applications in, and we have people working remotely, I'd like you to report back to us how many applications did we get, and how many did we accept, and how many did we turn down. Make sense? **Ms. Christian** said yes, thank you.

Commissioner Ramirez said I agree with Commissioner Markley. I think at this—unfortunately, at this point, we just have to swallow the pill that's been given to us. It's something that happens often around here. I've been long here enough, I'm open and blunt now. I, as a member of the policymaking body, I make the request that HR does come back with revisions to the policy to give our—after it's been implemented for a period of time, reporting back to us. But a request from a member of the policymaking body, that you come back with revisions to hopefully make it less restrictive and more adaptable to the director and to the department that would like a Remote Work Agreement. That doesn't have to be part of the motion. It doesn't have to be at all. It's just a request from me to HR.

Chairman Markley said I, long ago, had a motion from Commissioner Kane. He may need to make updates to that motion if he is in agreement. Then I will need a second to that motion.

Commissioner Johnson said I'll second it.

Action: **Commissioner Johnson seconded the motion.**

Chairman Markley asked, any comments from the public? Clerk, anything received or anybody here in person or on Zoom? **Ms. Portley** said there were no comments received.

Chairman Markley said we'll call on the motion, roll call.

Roll call was taken and there were five “Ayes,” Kane, Johnson, Ramirez, McKiernan, Markley.

Item No. 4 – 211576...PRESENTATION: DRAFT 2022-2026 CONSOLIDATED PLAN AND ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

Synopsis: An overview presentation of the Draft 2022-2026 Consolidated Plan and 2022 Analysis of Impediments to Fair Housing Choice (AI), submitted by Wilba Miller, Director of Community Development.

2022-26 Consolidated Plan And Analysis of Impediments to Fair Housing Choice

UG Community Development Department | May 2022

Wilba Miller, Director of Community Development, said it is time for our 2022 to 2026 five-year plan. I am going to turn it over to Stephanie Stauffer. She is the Program Coordinator that has been working with our consultant doing the grants management portion, so I’ll just let her go. There will be a couple times when I’ll probably just interrupt and say something.

Stephanie Stauffer, Community Development Program Coordinator, said I’m going to just go through the Consolidated Plan Analysis of Impediments to Fair Housing Choice or the AI, that's kind of a lot. They are 300 pages together so I’m going to try to be as brief as possible, but it is a lot of information.

Consolidated Plan/Analysis of Impediments (AI)

- The five-year Consolidated Plan includes an in depth needs assessment related to housing and community needs, our priorities for the use of HUD grants, our five-year goals, and our first-year plan with projects to accomplish those goals (an Annual Action Plan).
- The Analysis of Impediments to Fair Housing explore whether everyone has similar choices for housing regardless of their race, ethnicity, national origin, sex, religion, disability, or whether they have children.

So, each of these planning processes are required for us to receive our grants from the U.S. Department of Housing and Urban Development. That is Community Development Block Grants, Home Investment Partnership Program, and Emergency Solution Grants. We have the five-year consolidated plan which outlines our needs assessments related to housing and community needs. Outlines our priorities for the use of these HUD Grants, and also our five-year goals, and our first-year plan to start accomplishing those goals. The Analysis of Impediments or the AI, explores whether everyone has a similar choice for housing regardless of the race, ethnicity, national origin, sex, religion, disability, or whether they have children. We've been working with a consultant called Mosaic Community Planning in the process.

Community Engagement



142 Survey Participants



30 Community Stakeholder Orgs. Interviewed



4 Community Workshops with 24 participants



2 Targeted Resident Focus Groups

In the month of March, we did a community engagement process where we had a survey that went out. We had 142 community survey participants. We did stakeholder interviews with 30 organizations. We had 4 community workshops with 24 participants, and those workshops were held in English with Spanish translation. Then we also had two targeted resident focus groups.

Community Comments on Needs

- **Housing needs**
 - Help for homeowners to make housing improvements
 - Rehabilitation of affordable rental housing/ apartments
 - Energy efficiency improvements to housing
- **Public service needs**
 - Health and mental health services
 - Childcare
 - Substance abuse/ crime prevention
 - Youth services/ programs
- **Homeless needs**
 - Transitional/ permanent supportive housing programs
 - Homelessness prevention
 - Supportive services/ case management
- **Public facility needs**
 - Community centers
 - Homeless centers
 - Community parks, gyms, and recreational fields
- **Public infrastructure needs**
 - Street/ road improvements
 - Sidewalk improvement or expansion
- **Economic development needs**
 - Redevelopment or demolition of blighted properties

So, with all that community engagement, we got a lot of feedback on what the community thought our community needs are. With housing needs, there were help for homeowners to make home improvements, rehab of affordable rental housing or apartments, energy efficiency improvements. Public service needs. The top ones were health and mental health services, childcare, substance abuse or crime prevention, and youth services or programs. For homeless needs, we had transitional/permanent supportive housing programs, homelessness prevention, supportive services and case management. For public facilities, folks were really worried about community centers, homeless centers, and community parks, gyms, and rec fields. For public infrastructure, I think we know from the survey that folks are really concerned about streets and road improvements, and sidewalk improvement and expansion. Then economic development needs, the one that rose to the top was redevelopment or demolition of blighted commercial properties.

Needs Assessments

- Involve a thorough review of available data, local and regional plans related to housing affordability, analysis of the housing market, public service and public facility/infrastructure needs, etc.
- Data Sources include:
 - Census and other Federal Public Data
 - Appraiser's Office
 - Mid-America Regional Council
 - UG Planning and Urban Design and other UG Departments
 - Greater Kansas City Coalition to End Homelessness

The second part of the plan is the Needs Assessment. So, that is us going through a pretty deep dive into all the local regional plans, available data. We look at housing affordability, housing market, what our needs and gaps are for public services, and public facilities. Some of those data

sources are the census, we look at data from the Appraiser's Office, we look at data for MARC. We pulled all the UG area master plans and plans from other UG departments like Parks. Then we also pulled data from the Coalition and Homelessness in greater Kansas City.

Priority Needs & Five-Year Goals

- Improve Housing Access and Quality
- Provide Housing and Services for People Experiencing or At-risk of Homelessness
- Provide other public services for LMI households
- Improve Public Facilities and Infrastructure
- Support Economic Development
- Planning and Administration

After we looked through all that data, we came up with these priority needs and five-year goals. Those are improved housing access and quality, provide housing and services for people experiencing or at-risk of homelessness, provide other public services for low-moderate income households, improve public facilities infrastructure, support economic development, and also planning and administration.

2022 Funding

	2022	2021	Difference	% Change
CDBG	\$2,189,834	\$2,362,404	-\$172,570	-7.3%
HOME	\$952,956	\$882,359	\$70,597	8.0%
ESG	\$195,473	\$196,560	-\$1,087	-0.6%

So, here is our 2020 funding for the Annual Action Plan for 2022. You can see here that unfortunately, CDBG took a hit this year so we're looking at about a difference of -7.3%, HOME had an 8.0% increase, and ESG had less than 1% decrease. The negative change you're seeing in CDBG is in relation to the addition of Community Development earmarks that went into the federal budget. HUD made up that difference by taking back from CDBG, but Kansas City, Kansas, was awarded some earmark projects, so I think at the end of the day we probably came out on top.

2022 CDGB Projects

Activity	Funding
Home Repair/Barrier Removal Program	\$500,000
Housing Rehab Delivery	\$583,868
Willa Gill Multi-Services Center (MCRC)	\$148,000
Livable Neighborhoods	\$20,000
Area Master Plan Activities	\$500,000
CDBG Administration (20%)	\$437,966
TOTAL	\$2,189,834

Here is just a summary of our projects. They're not really that much different from last year with the exception of the Area Master Plan activities, which are taking place of the NRSA activities. This is just a way to continue making those types of infrastructure improvements and public facility improvements like we did with City Park but broadening it from the NRSA area to activities that were identified in some of the area master plans.

2022 HOME Projects

Activity	Funding
CHDO Set-Aside (Rehab/New Construction)	\$333,831
Subrecipient (Rehab/New Construction)	\$523,830
HOME Administration (10%)	\$95,295
TOTAL	\$952,956

This is HOME so we're going to be continuing our work working with CHDOs and subrecipients to develop new construction housing and rehab.

Ms. Miller said this is where I want to interrupt. A lot of the commissioners will remember that we used to include a Chip Down Payment Assistance Program. We haven't had a good application since we had to change our underwriting per HUD. The last one was in 2019, so instead of just keep setting it aside, we would like to recommend that we just use the money to do another affordable housing unit or a couple of affordable housing units. So mainly, that a HOME money would be used for people like CHWC, like Habitat, and other agencies that might come to us and want to do housing development. As you can see, \$952K is not very much. Right now, when we allocate funds to our CHDOs and to our entitlements, we give them about \$190K per unit. So,

\$952K is not going to go very far. But, again, with Commission's approval, I'd like to eliminate the down payment assistance. I know a lot of the surrounding communities have too.

2022 ESG Projects

Activity	Funding
ESG Activity Subgrants	\$181,813
ESG Grant Administration (7.5%)	\$13,660
TOTAL	\$195,473

Ms. Stauffer said this is just our budget for ESG projects which the great majority of the funding goes out to subrecipients to carry out projects in community organizations, and then we keep 7.5% to administer the grant.

Analysis of Impediments to Fair Housing Choice

That is kind of the consolidated plan and then we'll move on to the AI.

Affirmatively Furthering Fair Housing (24 CFR 5.151)

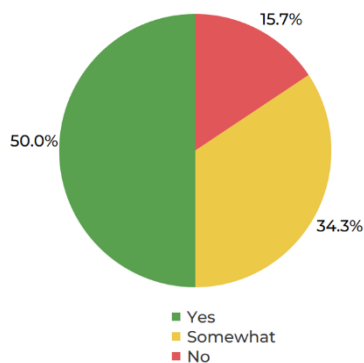
- “taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.”
- Protected characteristics include race, color, religion, sex, familial status, national origin, having a disability, and having a type of disability
- Jurisdictions do not receive specified funding to meet this requirement.

As a participating jurisdiction, a jurisdiction that receives HUD funding, the Unified Government is required to affirmatively further fair housing. That's not necessarily just Community Development, that's the UG, as an entity, is required to do that. That means taking meaningful action to combat discrimination, overcome patterns of segregation, and then eliminate barriers that restrict opportunity for folks to have access to fair housing. Those protected classes are race, color, religion, sex familial status, national origin, having a disability, or having a particular type

of disability. It's important to say that we don't receive any special funding to meet this requirement, it's just something that we're required to do.

Community Engagement: Fair Housing

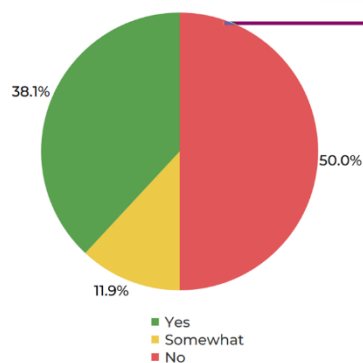
Do you understand your fair housing rights?



When we asked folks about fair housing, we asked, do you know what your fair housing rights are. Only 50% of the community said yes, 34% said somewhat, and 15% said no.

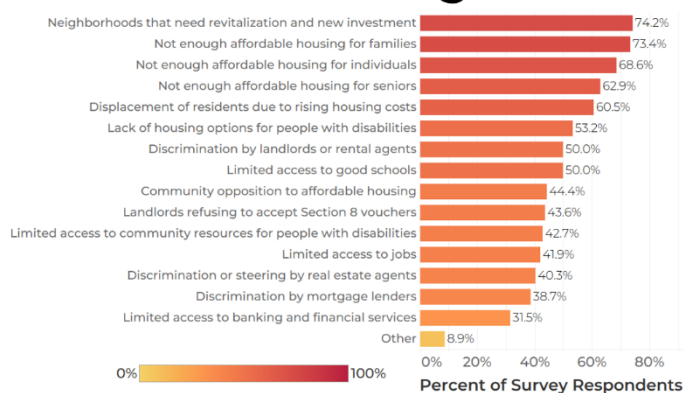
Community Engagement: Fair Housing

Do you know where to file a fair housing complaint?



But when we ask, do you know where to file a fair housing complaint, 50% of folks said that they don't know where to file a complaint. I think we have identified that we have some work to do in educating folks on what their housing rights are.

Barriers to fair housing



When we ask folks what the barriers to fair housing are, they said that they think that neighborhoods need revitalization and new investment and then the next top three are related to affordable housing.

Impediments to Fair Housing Choice

1. Low labor market engagement and limited incomes restrict housing choice and access to opportunity among protected classes
2. Continued need for neighborhood investment in areas with high poverty rates and low level of access to resources and services
3. Housing options for persons with disabilities are limited
4. Historical disinvestment in housing condition disproportionately affects protected classes
5. Multifamily uses are severely restricted by both policy and implementation of the zoning code
6. Lack of strong networks limits ongoing progress towards fair housing goals

We identified six impediments to our housing choice, and each of these impediments in the plan have action items to go with them. The first one is low labor market engagement and limited incomes restrict housing choice and access to opportunity amongst protected classes. Number two is the continued need for neighborhood investment. Number three is housing options for persons with disability. Number four is historical disinvestment in housing conditions disproportionately affects protected classes, historical redlining and those kinds of things. The multifamily uses are severely restricted by both our policy and our implementation of the zoning code. And that lack of strong networks limits ongoing progress towards fair housing goals. That's kind of a summary of the AI.

Next Steps

- Publish the proposed 2022-26 Consolidated Plan and Analysis of Impediments (June 2)
- Hold community presentation at Livable Neighborhoods (June 23)
- Accept comments via online form (through July 5)
- Hold final formal public hearing (July 14)
- Make any necessary changes and submit to Commission for approval on July 28
- Submit to HUD no later than August 12

Our next steps are to publish these proposed drafts of these plans. We're hoping to get those on the website by June 2nd, and then hold a community presentation at Livable Neighborhoods to let folks know—a deeper dive into it. Then we'll accept comments online through July 5th, then hold a public hearing on July 14th, and then make any of our necessary changes, and hopefully have approval on July 28th. We have to get it in to HUD by August 12th, so we don't lose our funding.

Ms. Miller said normally we talk about the budget. We just got our budget numbers, what a week ago, so we're having to take the budget that we did show you here and make sure that it's input into the Budget Department and we will go along with the budget process. Normally, we would be adopting everything at the same time, but like last year, the UG budget is going to be adopted much later than our submission date, so we want to get the plan in to HUD, get it approved, and we will be coming forward for budget, just like normal.

Chairman Markley said I will say it's frustrating with that down payment program. But just in general, with a lot of these programs, that the red tape becomes so difficult that we can't provide the services we would like to, to our community. It's not something we control, but it's frustrating anyway. Commissioners, questions or comments?

Commissioner Johnson said a couple of questions. I noticed that the administrative percentage changed from the CDBG projects to the HOME. CDBG is 20%, the other... **Ms. Miller** said is only 10%.

Commissioner Johnson said 10%. That's not a standard number then? **Ms. Miller** said yes, it is. CDBG only allows 20%. HOME only allows 10%.

Commissioner Johnson said so those are requirements. **Ms. Miller** said those are requirements, statutory requirements. ESG only allows 7.5%.

Commissioner Johnson said I just want to make sure that wasn't coming from us. **Ms. Miller** said no.

Commissioner Johnson said the area master plan activities of half a million. Now, I know when we identified this, the NRSA years ago, five years ago, I guess at this point, time has gone by so fast, right? There were others. We did it by census tract.

Ms. Miller said yes, we did. We went into partnership with the Department of Planning and KU College. They looked at five census tracts at the time because we had to specify to HUD why that particular census tract. We had, at that time, the median one. We feel like there was some success with the parks and the NRSA area. We spent quite a bit of money in City Park, Reagan Field, we're working on Clifton Park now. But we didn't get to do the things that HUD had intended for us to do. A lot of it was because of COVID-related. We did code enforcement, we did Rock the Block with Habitat for Humanity in Kansas City, but we didn't bring up the diploma rate, the rate for school kids. We didn't get to change the back taxes. There were a lot of things that we were not allowed to do during that period of time.

So, when we were headed in this new direction, we decided that there were master plans out there for several neighborhoods that we could start addressing that wouldn't have to meet the same kind of requirements that had put to us. We can pay for physical infrastructure improvements. We can pay for some of the things without getting into that bind so to speak. I mean, we had well intentions.

We've met with neighborhood residents many times, and we really wanted to accomplish something. I think we did sort of stabilize the neighborhood. I think a lot of the people feel very special because their parks are looking better and all of that. But we're going to meet with the Planning Department and bring some ideas to you all about what it is we would like to address.

Commissioner Johnson said I can appreciate that. I, of course, you know that was in District 4 where those—and so I'm certainly appreciative, and I hope that the community at-large in that area appreciates it as well. Yeah, I'll be interested to see the new direction and hearing from the Planning Department, so with that, thank you.

Chairman Markley asked, any other questions or comments from the Commission? Clerk, any comments from the public, or anyone online, or in person who'd like to comment? **Ms. Portley** said, Commissioner, there were none received.

Chairman Markley said this is an item requiring a motion, I believe.

Action: **Commissioner Johnson made a motion, seconded by Commissioner Ramirez, to approve as submitted.** Roll call was taken and there were five “Ayes,” Kane, Johnson, Ramirez, McKiernan, Markley.

Item No. 5 – 211579...MUNICIPAL COURT

Synopsis: Department update on Municipal Court, submitted by Dominic Geniuk, Court Manager of Municipal Court.

Action: **Per blue sheet, item will be heard at the June 27, 2022, meeting.**

Public Agenda:

No items

Adjourn:

Chairman Markley adjourned the meeting at 8:06 p.m.

am