



## Agenda

### Finance, Governance and Public Safety Committee

Katheryn Shields, Chair  
Heather Hall, Vice Chair  
Ryana Parks-Shaw  
Melissa Robinson  
Lee Barnes  
Kevin McManus

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Wednesday, June 28, 2023

10:30 AM

26th Floor, Council Chamber

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<https://us02web.zoom.us/j/84530222968>

#### PUBLIC OBSERVANCE OF MEETINGS

Members of the City Council may attend this meeting via videoconference.

Any closed session may be held via teleconference.

The public can observe this meeting at the links provided below.

Applicants and citizens wishing to participate have the option of attending each meeting or they may do so through the videoconference platform ZOOM, using this link:

<https://us02web.zoom.us/j/84530222968>

#### Director of General Services

[230532](#) Sponsor: Director of General Service Department

Declaring certain real property generally located at 11121 Grandview Road, Kansas City, Jackson County, Missouri 64137 surplus to the City's needs; authorizing the Director of General Services to offer the sale of the City's interest in this real property in accordance with City regulations, and execute related documents to complete the transfer of the real property while reserving easements, as necessary, for any existing City owned sewer, storm water, and water line infrastructure on the said property.

**Attachments:** [Docket Memo 11121 Grandview surplus 2022 signed CREO Nondiscrimination and Equal Opportunity Review Form 11121 Grandview-signed \(1\)](#)

**Director of the Law Department**

[230540](#) Sponsor: Director of the Law Department

Approving and authorizing settlement of a claim for a Workers' Compensation benefit filed by the spouse of Patrick Williams for an injury under 287.240, RSMo, resulting from his job while employed by the City.

**Attachments:** [docket memo-williams](#)

**Director of Finance**

[230545](#) Sponsor: Director of the Finance Department

Establishing Fund No. 3449, the Special Obligation Series 2024A Streetcar Project Fund in the records of the City of Kansas City; estimating revenues in the amount of \$38,367,258.00 in Fund No. 3449, the Special Obligation Series 2024A Streetcar Project Fund; appropriating that amount to the Streetcar Extension Bonds accounts, Streetcar Extension Grant account and transfer account; designating requisitioning authority; authorizing the Director of Finance to close project accounts upon completion; increasing revenues in the amount of \$4,949,000.00 in the transfer from Fund No. 3449 account of Fund No. 2085 Streetcar Fund; and reducing appropriations in the amount of \$84,000.00 in the 23-DS Streetcar Account of Fund No. 2085, the Streetcar Fund.

**Attachments:** [Docket Memo 3449 SO 2024A Bonds](#)  
[Copy of Approp Admin Form-Streetcar Advance Appropriation Ordinance](#)

**Director of the Law Department**

[230547](#) Sponsor: Director of the Law Department

Amending Chapter II, Article XV, Code of Ethics, and Chapter III, Article III, Ethics in Contracting, of the Code of Kansas City, Missouri to amend the individuals and entities whose benefit create a conflict of interest, clarify sick leave donations between subordinates and supervisors are financial transactions, move employee ethics in contracting into the Code of Ethics, and add a new Section 2-2033 to prohibit solicitation by employees of kickbacks and gratuities.

**Attachments:** [Docket Memo Ethics Code 6.23](#)

**Director of Finance**

[230548](#) Sponsor: Director of the Finance Department

Amending Chapter 19, Code of Ordinances entitled “Franchise Fee” by repealing Section 19-82 entitled “Franchise fee” and enacting in lieu thereof a new section of like number and subject matter; and amending Earnings and Profits Tax Regulations by repealing Section 1.387(d)(1)(B) and enacting in lieu thereof a new section of like number and subject matter.

**Attachments:** [230548 Docket Memo](#)

**Shields**

[230555](#) Sponsor: Councilmember Katheryn Shields

Amending Article XV, Chapter 34, Code of Ordinances, “Swimming and Bathing Facilities,” by repealing Section 34-583, “Authority to prescribe additional rules and regulations,” and replacing it with a new section 34-583 of like title, for the purpose of adding a new subsection (c) to limit regulations regarding emergency communications of certain owner-occupied residential buildings.

**Attachments:** [230555 - Docket Memo](#)

HELD IN COMMITTEE

ADDITIONAL BUSINESS

1. Staff from the City Auditor's Office will present a Scope Statement: Public Infrastructure Advisory Committee (PIAC) Projects
2. There may be a general discussion regarding current Finance, Governance, and Public Safety issues
3. Those who wish to comment on proposed ordinances can provide testimony to [public.testimony@kcmo.org](mailto:public.testimony@kcmo.org).

Comments received will be distributed to the committee and added to the public record by the clerk. The city provides several ways for residents to watch City Council meetings:

Live Stream on the city's website at [www.kcmo.gov](http://www.kcmo.gov)

- Live Stream on the city's YouTube channel at: <https://www.youtube.com/watch?v=3hOublg4fok>
- Watch Channel 2 on your cable system.
- The channel is available through Time WarnerCable (channel 2 or 98.2), A T & T U-verse (channel 99, then select Kansas City), and Google Fiber on Channel 142.
- To watch archived meetings, visit the City Clerks website and look in the Video on Demand section:

[http://kansascity.granicus.comNiewPublisher.php?view\\_id=2](http://kansascity.granicus.comNiewPublisher.php?view_id=2)

#### Closed Session

- Pursuant to Section 610.021 subsection 1 of the Revised Statutes of Missouri to discuss legal matters, litigation, or privileged communications with attorneys;
- Pursuant to Section 610.021 subsection 2 of the Revised Statutes of Missouri to discuss real estate;
- Pursuant to Section 610.021 subsections 3 and 13 of the Revised Statutes of Missouri to discuss personnel matters;
- Pursuant to Section 610.021 subsection 9 of the Revised Statutes of Missouri to discuss employee labor negotiations;
- Pursuant to Section 610.021 subsection 11 of the Revised Statutes of Missouri to discuss specifications for competitive bidding;
- Pursuant to Section 610.021 subsection 12 of the Revised Statutes of Missouri to discuss sealed bids or proposals; or

- Pursuant to Section 610.021 subsection 17 of the Revised Statutes of Missouri to discuss confidential or privileged communications with the auditor

The City Clerk's Office now has equipment for the hearing impaired for every meeting. To check out the equipment, please take a look at each committee's secretary . Be prepared to leave your Driver's License or State issued Identification Card with the secretary, and she /He will give you the equipment. The City Clerk's Office will return your license upon returning the

Adjournment



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**File #: 230532**

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ORDINANCE NO. 230532

Sponsor: Director of General Service Department

Declaring certain real property generally located at 11121 Grandview Road, Kansas City, Jackson County, Missouri 64137 surplus to the City's needs; authorizing the Director of General Services to offer the sale of the City's interest in this real property in accordance with City regulations, and execute related documents to complete the transfer of the real property while reserving easements, as necessary, for any existing City owned sewer, storm water, and water line infrastructure on the said property.

WHEREAS, all City departments have been notified and this property is not needed by the City and no interest has been expressed in retaining the land for future public use; and

WHEREAS, the City owns rights in certain real property generally located at 11121 Grandview Road, Kansas City, Jackson County, Missouri 64137, Kansas City, Jackson County, Missouri; and

WHEREAS, all existing easements, right of way, and/or any other encumbrances affecting the real property, shall remain in effect as set forth in the Special Warranty Deed executed as a part of the subsequent transfer; NOW, THEREFORE,

Section 1. That the parcel described below, is hereby declared surplus to the City's needs.

Section 2. That the Director of General Services Department is hereby authorized to currently offer for sale in accord with City regulations, and make available through an open and public competition, with such conditions determined appropriate by the Director of General Services, the City's rights in the property located at 11121 Grandview Road, Kansas City, Jackson County, Missouri 64137, Kansas City, Jackson County, Missouri, legally described as follows:

All that part of Lot 1, TINSMAN ADDITION, a subdivision of land in Kansas City, Jackson County, Missouri, according to the record plat thereof described as follows: Beginning at the Northwest corner of said Lot 1; thence due East along the North line of said Lot 1 a distance of 272.97; thence South-Westerly along a curve to the right having an initial tangent bearing of South 65 degrees, 22 minutes, 48 seconds West and a radius of 440 feet, a distance of 187.62 feet; thence due West a distance of 90.20 feet to the West line of said Lot 1; thence

North 00 degrees, 08 minutes, 30 seconds East along said West line a distance of 40 feet to the true point of the beginning.

Subject to building lines, easements, reservation, restrictions, covenants, and conditions of record.

Further subject to any and all other existing easements, right of way, and/or any other encumbrances, recorded or non-recorded, affecting the real property, and also subject to a reservation of easements, as necessary, for City-owned sewer, storm water, and/or water line infrastructure located on the said property and existing on or before the execution of this Special Warranty Deed.

Section 3. That the Director of General Services is hereby authorized to execute any real estate or other documents needed to effectuate this transaction.  
..end

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Approved as to form:

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Abigail Judah  
Assistant City Attorney

# City of Kansas City, Missouri



## Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: General Services

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

### Executive Summary

Requesting authorization to surplus a parcel of land located at 11121 Grandview Road that is no longer needed for public use.

### Discussion

Previous site of an old pump station utilized by the Water Department. No longer active pump station and Water Department confirmed no longer needed to retain for public purposes.

### Fiscal Impact

1. Is this legislation included in the adopted budget?  Yes  No

2. What is the funding source?

NA

3. How does the legislation affect the current fiscal year?

NO -no revenue from this legislation

4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.

NO – no revenue from this legislation

5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?

NO

### Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund.  Yes  No



# City of Kansas City, Missouri



## Docket Memo

2. This fund has a structural imbalance.

Yes  No

### Additional Discussion (if needed)

This ordinance declares certain real property surplus and has no direct fiscal impact.

### Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Finance and Governance (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- Reform the City's economic incentives to meet the policy objectives of the City Council
- Ensure the resiliency of City government
- Engage in workforce planning including employee recruitment, development, retention, and engagement
- Ensure a responsive, representative, engaged, and transparent City government
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### Prior Legislation

NONE

### Service Level Impacts

Surplus of the site would prompt development and relinquish City maintenance responsibilities

### Other Impacts

1. What will be the potential health impacts to any affected groups?

This is a surplus ordinance and has not been evaluated against this subject matter.

2. How have those groups been engaged and involved in the development of this ordinance?

# City of Kansas City, Missouri

## Docket Memo



This is a surplus ordinance and has not been evaluated against this subject matter

[Click or tap here to enter text.](#)

3. How does this legislation contribute to a sustainable Kansas City?

Potential economic development

4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances (Chapter 38, titled "Civil Rights")?

NO – sale of land

5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?

Yes – 3/15/2023 via e-builder

**Civil Rights & Equal Opportunity Department  
Economic Equity & Inclusion  
Nondiscrimination & Equal Opportunity Review Form**

**Date:**  
**Form Prepared By:**

Contract/Project Number: NA	Project Name: 11121GrandviewSurplus
Developer/Prime: NA	Contact Information: NA
Final Contract Value: 0.00	Project Manager: NA

Funding:  City  State  Federal  CO-OP  Grant:  Other:

Project Requirements:  M/WBE  DBE  Section 3  N/A

Tax Incentive:  LCRA  TIF  PIEA  Ch. 100  Other:  N/A

Prevailing Wage:  Yes  No

Davis-Bacon:  Yes  No

Construction Employment Program:  Yes: Workforce goals are 10% Minority & 2% Women. There are over 800 Workforce hours and project cost is \$300,000 or more.  
 No: Workforce hours are less than 800 and project cost is less than \$300,000.

Contracts & Leases	Nondiscrimination
Ch. 3 Article IV: <u>NA</u>	Ch. 38: <u>NA</u>
RSMo 213: <u>NA</u>	Title VI: <u>NA</u>
MWDBE: <u>NA</u>	Prevailing Wage and Labor Standards: <u>NA</u>
SLBE: <u>NA</u>	RSMo 34 Anti-Discrimination Against Israel: <u>NA</u>

Contract Type:

Construction  Design-Build  Design Professional  Professional Services

General Service  Concession  Other Goods & Services  Non-Municipal Agency

Co-Operative  Revenue Sharing  Facilities Maintenance/Repair/Renovation

Other: SURPLUS ORDINANCE

**Additional Information:**

This ordinance is requesting authorization to surplus a city owned property, located at 11121 Grandview Rd. The property used to be a Water pump station that is no longer active. WSD ok to surplus. This property will be listed for sale or lease through the City's public RFP process.

**This document is submitted with all available facts. Intentionally falsifying this document or omitting pertinent facts is grounds for disciplinary action pursuant to KCMO Human Resources Rules & Policy Manual (eff. August 4, 2014).**

**FOR CIVIL RIGHTS & EQUAL OPPORTUNITY DEPARTMENT (CREO) USE ONLY:**

**The Document is:**

Approved  Disapproved

Changes Needed:

**Federal Provisions Included:**

Approved  Disapproved  Not Applicable

CREO Signature: Mark Runge Date: 5/24/2023

DocuSigned by: 6AFEC964B03641A...

**Comments:** No contract or lease. Non Discrimination requirements are not applicable.





**File #:** 230540

ORDINANCE NO. 230540

Sponsor: Director of the Law Department

Approving and authorizing settlement of a claim for a Workers' Compensation benefit filed by the spouse of Patrick Williams for an injury under 287.240, RSMo, resulting from his job while employed by the City.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That settlement of the claim of the spouse of Patrick Williams for Workers' Compensation death benefits against the City of Kansas City, Missouri, as more fully set forth and subject of a formal claim, Case No. 18-015603, presently pending before the Division of Workers' Compensation of the State of Missouri, by payment to Jennifer Williams in the amount of \$202,848.06, and then weekly payments of \$923.01 for the remainder of her life, as recommended by the City Attorney and Risk Management Committee, is hereby approved.

Section 2. That the City Attorney is hereby authorized to pay the sum of \$202,848.06, and then weekly payments of \$923.01, in settlement of said claim from funds heretofore appropriated in Account No. 24-7020-071402-610400.

..end

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

\_\_\_\_\_  
Tammy L. Queen  
Director of Finance

Approved as to form:

\_\_\_\_\_  
Barry R. Bertram

Assistant City Attorney



# City of Kansas City, Missouri

## Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Law

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

### Executive Summary

To seek City Council approval and authorization of \$202,848.06, in addition to weekly payments of \$923.01 for the remainder of Jennifer Williams' life for the settlement of a Workers' Compensation claim asserted by the spouse, Patrick Williams, deceased, in Claim No. 18-015603.

### Discussion

This ordinance will approve the settlement of a Workers' Compensation claim asserted by the spouse of Patrick Williams. The Law Department and Risk Management Committee recommend payment of \$202,848.06, in addition to weekly payments of \$923.01 for the remainder of Jennifer Williams' life.

### Fiscal Impact

1. Is this legislation included in the adopted budget?  Yes  No

2. What is the funding source?

Account No. 7020 071402 610400.

3. How does the legislation affect the current fiscal year?

The current fiscal year will experience a reduction in funds for the settlement amount described above.

4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.

Yes. There will be annual costs of \$47,996.52 for the remainder of Jennifer Williams' life, unless she remarries.

5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?

No.



# City of Kansas City, Missouri

## Docket Memo

### Budget Review

(Staff will complete this section.)

- 1. This legislation is supported by the general fund.  Yes  No
- 2. This fund has a structural imbalance.  Yes  No

### Additional Discussion (if needed)

Click or tap here to enter text.

### Citywide Business Plan Impact

Finance and Government.

### Prior Legislation

None.

### Service Level Impacts

This ordinance should not impact service levels.

### Other Impacts

- 1. What will be the potential health impacts to any affected groups?

None.

- 2. How have those groups been engaged and involved in the development of this ordinance?

N/A.

- 3. How does this legislation contribute to a sustainable Kansas City?

This ordinance will have no impact on sustainability.

- 4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the City Charter (Chapter 38, titled "Civil Rights")?

No - such does not apply.



# City of Kansas City, Missouri

## Docket Memo

5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the City Charter (Chapter 3, titled "Contracts and Leases")?

No - such does not apply.





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**File #: 230545**

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ORDINANCE NO. 230545

Sponsor: Director of the Finance Department

Establishing Fund No. 3449, the Special Obligation Series 2024A Streetcar Project Fund in the records of the City of Kansas City; estimating revenues in the amount of \$38,367,258.00 in Fund No. 3449, the Special Obligation Series 2024A Streetcar Project Fund; appropriating that amount to the Streetcar Extension Bonds accounts, Streetcar Extension Grant account and transfer account; designating requisitioning authority; authorizing the Director of Finance to close project accounts upon completion; increasing revenues in the amount of \$4,949,000.00 in the transfer from Fund No. 3449 account of Fund No. 2085 Streetcar Fund; and reducing appropriations in the amount of \$84,000.00 in the 23-DS Streetcar Account of Fund No. 2085, the Streetcar Fund.

WHEREAS, the Main Streetcar Rail Transportation Development District ("TDD") has been formed, approved by voters within the district, and determined to be sufficient for providing necessary local funding; and

WHEREAS, the City has developed a financial plan using a combination of local, state, and Federal funds to finance the costs of the Project and, in accordance with the plan, has requested Federal financial assistance by the U.S. Government pursuant to the laws codified at 49 U.S.C. Chapter 53; and

WHEREAS, the U.S. Government, acting through the Federal Transit Administration ("FTA") has entered into a Full Funding Grant Agreement ("FFGA") to support final design and construction of the project up to a Maximum Federal Section 5309 Capital Investment Grants Program Financial Contribution of \$174,059,270.00, subject to all the terms and conditions set forth in the FFGA; and

WHEREAS, Ordinance No. 210162 authorized the estimation and appropriation of \$10,060,000.00 of Federal Transit Administration grant proceeds and special obligation bond proceeds; and

WHEREAS, Ordinance No. 210486 authorized the estimation and appropriation of \$74,000,000.00 of Federal Transit Administration grant proceeds and special obligation bond proceeds; and

WHEREAS, Ordinance No. 211096 authorized the estimation and appropriation of \$207,065,514.00 of Federal Transit Administration grant proceeds and special obligation bond proceeds; and

WHEREAS, Ordinance No. 220634 authorized the appropriation of \$16,500,000.00 of Federal Transit Administration grant proceeds and special obligation bond proceeds; and

WHEREAS the City desires to estimate and appropriate \$38,367,258.00 of which \$18,391,084.00 are bond proceeds and \$19,976,174.00 are federal grant proceeds, for the purpose of continuing work on the streetcar extension project (“Project”); and

WHEREAS, the cost of the Project will be funded with the issuance of special obligation bonds (“Bonds”) in Spring 2024 and grant proceeds from the FTA Capital Investment Grant and the payment of scheduled debt service payments on the bonds will be made by annual appropriation of monies from general municipal revenues over a successive twenty-three (23) year period, with the TDD as the primary source of repayment;

**BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY**

Section 1. That Fund No. 3449 is hereby established as the Special Obligation Series 2024A Streetcar Project Fund in the records of the City of Kansas City, Missouri.

Section 2. That the revenues in the following account of Fund No. 3449, the Special Obligation Series 2024A Streetcar Project Fund, are hereby estimated in the following amounts:

AL-3449-120000-590000	Bond Proceeds	\$18,391,084.00
AL-3449-895990-474630	Federal Grant Revenue	<u>19,976,174.00</u>
	TOTAL	\$38,367,258.00

Section 3. That the sum of \$38,367,258.00 is hereby appropriated from the Unappropriated Fund Balance of the Special Obligation Series 2024A Streetcar Project Fund, to the following accounts:

AL-3449-898990-B-89022014	Streetcar Extension Bonds	\$ 7,977,308.00
AL-3449-898989-B-89022014	Streetcar Extension Non-Federal Bonds	10,413,776.00
AL-3449-895990-B-89022014	Streetcar Extension Grant	15,027,174.00
AL-3449-129998-X-902085	Transfer to Streetcar Fund	<u>4,949,000.00</u>
	TOTAL	\$38,367,258.00

Section 4. That the Director of Public Works is designated as requisitioning authority for Account Nos. AL-3449-898990-B-89022014, AL-3449-898989-B-89022014, and AL-3449-895990-B-89022014. That the Director of Finance is designated as requisitioning authority for Account No. AL-3449-129998-902085.

Section 5. That the City Council hereby declares its official intent to reimburse itself for certain expenditures made within sixty (60) days prior to or on and after the date of this Ordinance with respect to appropriations in Section 3 (the "Appropriation") with the proceeds of bonds expected to be issued by the City. The maximum principal amount of bonds expected to

be issued for the Appropriation is not to exceed \$18,391,084.00. This constitutes a declaration of official intent under Treasury Regulation 1.150-2.

Section 6. That the Director of Finance is hereby authorized to close project accounts, encumbrances and retainage related to the accounts in Section 3 and return the unspent portion to the fund balance from which it came upon the earliest of: (i) Project's completion; (ii) final maturity of financing, or (iii) five years after issuance.

Section 7. That the revenue in the following account of Fund No. 2085 Streetcar Fund, is hereby increased in the following amount:

24-2085-120000-503449	Transfer from Fund 3449	\$ 4,949,000.00
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Section 8. That the sum of \$ 84,000.00 is hereby reduced in Fund No. 2085, Streetcar Fund, in the following accounts:

24-2085-899615-G	23-DS Streetcar	\$ 84,000.00
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..end

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I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

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Tammy L. Queen  
Director of Finance

Approved as to form:

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Samuel Miller  
Assistant City Attorney



# City of Kansas City, Missouri

## Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Finance

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

### Executive Summary

Establishing Fund No. 3449, the Special Obligation Series 2024A Streetcar Project Fund in the records of the City of Kansas City; estimating revenues in the amount of \$ 38,367,258.00 in Fund No. 3449, the Special Obligation Series 2024A Streetcar Project Fund; appropriating that amount to the Streetcar Extension Bonds accounts, Streetcar Extension Grant account and transfer account; designating requisitioning authority; authorizing the Director of Finance to close project accounts upon completion; increasing revenues in the amount of \$4,949,000.00 in the transfer from Fund No. 3449 account of Fund No. 2085 Streetcar Fund; reducing appropriations in the amount of \$84,000.00 in the 23-DS Streetcar Account of Fund No. 2085, the Streetcar Fund.

### Discussion

This ordinance estimates and appropriates bond and grant proceeds for the balance of the Kansas City Streetcar Main Street Extension Project The City will issue bonds in Spring 2024 to fulfill the bond proceeds estimates and the debt service on the bonds will be paid from the Main Street Transportation Development District (TDD) revenues deposited to the Streetcar Fund. A portion of the grant revenues received are being transferred to the Streetcar Fund to offset the cost of debt service as the City was awarded a financing cost component as part of the Federal grant. In addition, the FY24 debt service appropriation is being reduced by \$84,000 to align the FY24 estimate used in the Adopted Budget with the actual costs which will be incurred in FY24 based on the issuance of bonds in Spring 2023.

### Fiscal Impact

1. Is this legislation included in the adopted budget?  Yes  No

2. What is the funding source?

Special Obligation Series 2024A Streetcar Project Fund Bonds and Grant Revenue will fund the construction and interest costs of the project and debt service on the bonds will be funded from TDD revenues deposited into the Streetcar Fund.

3. How does the legislation affect the current fiscal year?



# City of Kansas City, Missouri

## Docket Memo

The ordinance estimates revenue and increases appropriations for the project and reduces the FY24 debt service requirement for payments on prior issuance of bonds.

- 4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.

Future debt service on the bond proceeds estimated with this ordinance will be paid for from TDD revenues deposited in the Streetcar Fund.

- 5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?

Yes, the ordinance estimates Federal grant proceeds in an approximate 50/50 match with local sources.

### Office of Management and Budget Review

(OMB Staff will complete this section.)

- 1. This legislation is supported by the general fund.  Yes  No
- 2. This fund has a structural imbalance.  Yes  No

### Additional Discussion (if needed)

Click or tap here to enter text.

## Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Infrastructure and Accessibility (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- Enhance the City's connectivity, resiliency, and equity through a safe, efficient, convenient, inclusive, accessible, sustainable and better connected multi-modal transportation system
- Develop environmentally sound and sustainable infrastructure strategies that improve quality of life and foster economic growth



# City of Kansas City, Missouri

## Docket Memo

- Increase and support local workforce development and minority, women, and locally-owned businesses
- Engage in efforts to strategically invest in the City's infrastructure and explore emerging technologies
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### Prior Legislation

Ordinance No. 210162; Ordinance No. 210486; Ordinance No. 211096; Ordinance No. 220634

### Service Level Impacts

Efficient and cost-effective completion of the KC Streetcar Main Street Extension Project.

### Other Impacts

1. What will be the potential health impacts to any affected groups?  
Positive potential health impacts are promoted by this legislation for City residents and others in the region as it supports the provision of public transit service in the City, aiding access to health care and providing greater mobility options.
2. How have those groups been engaged and involved in the development of this ordinance?  
N/A
3. How does this legislation contribute to a sustainable Kansas City?  
Improves multimodal transit infrastructure.
4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances (Chapter 38, titled "Civil Rights")?  
No, the overall contract for the construction does meet the requirements.
5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?  
N/A





**File #: 230547**

ORDINANCE NO. 230547

Sponsor: Director of the Law Department

Amending Chapter II, Article XV, Code of Ethics, and Chapter III, Article III, Ethics in Contracting, of the Code of Kansas City, Missouri to amend the individuals and entities whose benefit create a conflict of interest, clarify sick leave donations between subordinates and supervisors are financial transactions, move employee ethics in contracting into the Code of Ethics, and add a new Section 2-2033 to prohibit solicitation by employees of kickbacks and gratuities.

WHEREAS, the City has a Code of Ethics contained in its Code of Ordinances; and

WHEREAS, the Code of Ethics established the Municipal Officials and Officers Ethics Commission; and

WHEREAS, the Municipal Officials and Officers Ethics Commission has the power to recommend changes to the Code of Ethics; and

WHEREAS the Municipal Officials and Officers Ethics Commission has recommended changes to the Code of Ethics based on an overall review and complaints and issues that have been presented; NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter II, Article XV, Code of Ethics, of the Code of Kansas City, Missouri is hereby amended by repealing Sections 2-2002, 2-2020, 2-2023, 2-2024, 2-2030, 2-2043, and 2-2051 and enacting in lieu thereof new sections of like numbers and subject matters, and adding a new Section 2-2033, to read as follows:

**Sec. 2-2002. Definitions.**

As used in this code of ethics, these terms shall have the following meanings unless it is apparent from the context that a different meaning is intended:

*Board* means any appointive board or commission or other appointive body or authority of the city established by charter, ordinance, resolution or act of the mayor.

*Commission* means the municipal officials and officers ethics commission, unless the context dictates otherwise.



*Contract* means any arrangement or agreement pursuant to which any material, service or other thing of value is to be furnished to the city for valuable consideration to be paid by the city or is to be sold or transferred by the city.

*Councilmember* means any member of the city council, including the mayor.

*Domestic partner* is an adult, unrelated by blood, with whom an unmarried or separated official or employee has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses. To be a domestic partner within this code of ethics, registration with the city clerk of a domestic partnership is not required.

*Elected official* means the mayor or any member of the city council.

*Financial benefit* includes any money, service, license, permit, contract, authorization, loan, discount, travel, entertainment, hospitality, gratuity, or any promise of any of these, or anything else of value. This term does not include campaign contributions authorized by law.

*Household* includes anyone whose primary residence is in the official or employee's home.

*Immediate family member* means a spouse or unemancipated child, or a domestic partner and the domestic partner's unemancipated child.

*Interest* means a pecuniary, property, or commercial interest, or any other interest the primary significance of which has been, will be, or might be the realization of economic gain or the avoidance of economic loss to an elected official, board member, his or her relative, or his or her designee whether direct or indirect; provided, however, that "interest" shall not include any matter involving the common public good or necessity, or any matter in which a similar benefit is conferred to all persons or property similarly situated; and further, that ownership individually or in a fiduciary capacity of any securities, or of any beneficial interest in securities, of a corporation shall not be deemed to create an "interest" in the corporation unless the aggregate amount of such securities, or interest in such securities, amount to five percent or more of any class of the securities of the corporation then outstanding or constitutes a controlling interest in the corporation.

*Official or employee* means the mayor and the mayor's assistants; a member of the city council and a member's assistants; a member of any city board, commission, authority, task force, committee or other organized group of people called to serve the city; a member of any other board, commission or other organized group of people appointed to that group to serve as a representative of the city; the city manager and all assistant city managers; department directors, including the city clerk and city auditor, and their deputies; contract employees; and all other employees of the city. Official or employee shall also include all volunteers unless the office or department in which the volunteer service is offered has adopted a special code of ethics applicable to volunteers. Official or employee shall also include the judges of the municipal

court insofar as this code of ethics is not inconsistent with the Code of Judicial Conduct promulgated by the Missouri Supreme Court.

*Personal benefit* includes benefits other than those that are directly financially advantageous. These include financial benefits to relatives, business associates, and others, as well as non-financial benefits to these people and to oneself, including such things as reputation and the success of one's career.

*Relative* means any of the following persons related to the employee or official, or the employee's or official's spouse or domestic partner:

- (1) Children, parents;
- (2) Grandchildren, grandparents, brothers and sisters;
- (3) Great-grandchildren, great-grandparents, nephews and nieces, uncles and aunts; or
- (4) Great-great-grandchildren, great-great-grandparents, grand nephews and grand nieces, first cousins, great uncles and great aunts.

*Subordinate* means another official or employee over whose activities an official or employee has direction, supervision or control.

**Sec. 2-2020. Conflict of interest.**

(a) *Benefits received.* An official or employee may not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he or she knows, or has reason to believe, may result in a personal or financial benefit, not shared with a substantial segment of the city's population, for any of the following persons or entities:

- (1) Himself or herself;
- (2) His or her employer or business, if employer is not the city;
- (3) A member of his or her household, his or her spouse or domestic partner, or the employer or business of any of these people;
- (4) A sibling or step-sibling, child or step-child, parent or step-parent, niece or nephew, uncle or aunt, or grandparent or grandchild of either himself or herself, or of his or her spouse or domestic partner, or the employer or business of any of these people; or
- (5) A nongovernmental civic group, union, social, charitable, or religious organization of which he or she (or his or her spouse or domestic partner) is an

officer, director, or board member, or which he or she holds any other position on the organization's administrative or governing body.

(b) *Government employee groups excluded.* No group of government employees may be considered "a substantial segment" of the City's population for the purposes of this section.

(c) *Service on boards or commissions.* An official or employee serving as a member of a board, commission, or any other entity as a representative of the city shall not have a conflict of interest when the business of that entity is before the city. An official or employee serving as a member of a board, commission, or any other entity not as a representative of the city but as a private citizen, even if the board or entity seeks out an official or employee because of their position with the city, shall have a conflict of interest when matters touching upon the business of the board, commission, or any other entity comes before the city.

(d) *Labor contracts.* A council member has a conflict of interest with respect to any labor contract to which he or she, or a member of his or her household, may be a party.

(e) *Private financial transactions.* An official or employee must disclose at the beginning of any transaction, project, or discussions about any transaction or project, if a known person with a substantial financial interest is a customer or client to which an official or employee has supplied goods or services through one or more private transactions during the previous 24 months, having, in the aggregate, a value of or greater than \$1,000.00. Such circumstances must be disclosed to the city clerk. These records shall be available to the internal auditor, ethics compliance officer and director of the department to which assigned, the mayor if assigned to the mayor's office, the mayor pro tem if assigned to a council member or the council office or the city manager if assigned to the city manager's office or not otherwise assigned. Such disclosure will include a statement that in the opinion of the official or employee no conflict of interest exists and the reason why that is stated.

(f) *Contracting.* An official or employee may not participate directly or indirectly in the solicitation or award of any contract when the employee knows that the employee or any person or entity listed in subsection (a) of this section has a financial interest or other personal interest which is incompatible with the proper discharge of the employee's official duties in the public interest or would tend to impair the employee's independence, judgment or action in the performance of official duties, or if the employee or any person or entity listed in subsection (a) of this section is negotiating or has an arrangement concerning employment with any person or entity having submitted a bid proposal.

### **Sec. 2-2023. Transactions with subordinates.**

(a) *Prohibition.* No official or employee may engage in a financial transaction exceeding \$50.00, including the giving of loans or receiving of loans or monetary contributions, including charitable contributions, with a subordinate or person or business over which, in the official or employee's official duties and responsibilities, he or she exercises supervisory responsibility.

(b) *Exception.* This prohibition shall not apply when the financial transaction is in the normal course of a regular commercial business or occupation.

(c) *Sick Leave Donation Program.* Donations of sick leave between employees and any supervisor in their direct line of supervision shall be considered financial transactions.

**Sec. 2-2024. Conflict of interest annual report.**

(a) *Disclosure to Missouri Ethics Commission.* Members of the council, including the mayor, the city manager and assistants, the city clerk, the city auditor, the internal auditor, the commissioner of purchases and supplies, the city attorney, and the directors of all departments of the city, shall file with the city clerk and the state ethics commission the long form of the state ethics commission's personal financial disclosure statement completed in conformance with state law.

(b) *Disclosure to the supreme court.* Judges of the city municipal division of the circuit court shall file disclosure reports required of judges by the supreme court of the state, and will not be required to duplicate filings with the state ethics commission or the city clerk.

(c) *Disclosure to the city clerk.* Members of all boards, commissions and other entities of the city or who receive substantial funding from the city or which make recommendations on the expenditure of public funds, except members and contractors who are required to file a personal financial disclosure statement under subsection (a) of this section, shall file an annual conflict of interest disclosure report on the form provided by the city clerk or equivalent form provided by the state ethics commission which shall provide the following information, before May 1 of each year:

- (1) Employers who are contractors and/or suppliers of the city, and from whom the appointee received income of \$10,000.00 or more during the period covered by the report;
- (2) Each sole proprietorship who are contractors and/or suppliers of the city, owned by appointee;
- (3) Each general partnership and joint venture who are contractors and/or suppliers of the city, and in which the appointee is a partner or participant;
- (4) Each closely-held corporation, limited partnership, or other closely held entity who are contractors and/or suppliers of the city, and in which the appointee owns ten percent or more of any class of the outstanding stock, units or other equity interests;
- (5) Each publicly-traded corporation, limited partnership or other publicly-traded entity who is a contractor and/or supplier of the city, and which is listed on a regulated stock exchange or automated quotation system in which the appointee

owns two percent or more of any class of outstanding stock, units or other equity interests;

- (6) Miscellaneous income of \$9,999.99 or more from any single source who are contractors and/or suppliers to the city, and not otherwise included in the report;
- (7) Each corporation or other entity who is a contractor and/or supplier to the city, and in which the appointee served as a director, officer or receivers;
- (8) Each not-for-profit corporation, association, organization or union in which the appointee served as an officer, director, employee or trustee, except church, fraternal or service organizations where no pay was received; and
- (9) Spouse and children who were employed by the city, and what department they worked for;
- (10) Real property owned and/or managed in whole or in part by member, spouse or dependent children within corporate boundaries.

(d) *Boards, commissions and other entities defined.* Members of boards, commissions and other entities receiving substantial funding by the city or which make recommendations on the expenditure of public funds required to file annual financial disclosure reports with the city clerk shall include those persons who are members of the following boards and commissions:

- (1) American Jazz Museum;
- (2) Board of trustees of city trusts - all members file;
- (3) Board of zoning adjustment;
- (4) Brownfields Commission;
- (5) Building and fire code board of appeals;
- (6) Employees retirement system board of trustees;
- (7) Central city economic development sales tax board;
- (8) City market oversight committee;
- (9) City plan commission;
- (10) Construction workforce board;
- (11) Convention hotel steering committee;

- (12) Convention management advisory authority;
- (13) Downtown economic stimulus authority;
- (14) Economic development corporation;
- (15) Enhanced enterprise zone board;
- (16) Environmental management commission;
- (17) Fairness in construction board;
- (18) Fairness in city contracts board;
- (19) Firefighters pension system board of trustees;
- (20) Global Commission, Kansas City;
- (21) Healthcare system board of trustees;
- (22) Historic preservation commission;
- (23) Housing authority - only mayoral appointees;
- (24) Human resources board;
- (25) Human rights commission;
- (26) Impact fee advisory committees;
- (27) Industrial development authority;
- (28) Jackson County Board of Equalization - only mayoral appointees;
- (29) Kansas City Area Transportation Authority - only mayoral appointees;
- (30) Kansas City, Municipal Assistance Corporation;
- (31) Kansas City Museum Advisory Board;
- (32) Kansas City Parking and Transportation Commission;
- (33) KCTGA Comprehensive HIV Care Plan;
- (34) Land Bank of Kansas City, Missouri - only mayoral appointees;

- (35) Land Clearance for Redevelopment authority;
- (36) Land Trust of Jackson County - only mayoral appointee;
- (37) Liquor control board of review;
- (38) Municipal art commission;
- (39) Municipal judicial nominating commission;
- (40) Municipal officials and officers ethics commission;
- (41) Neighborhood tourist development fund committee;
- (42) Parks and recreation board of commissioners;
- (43) Planned industrial expansion authority;
- (44) Police retirement board - only mayoral appointees;
- (45) Port KC;
- (46) Property maintenance appeals board;
- (47) Public improvement advisory committee;
- (48) Special review boards and business districts, including Main Street Special Review Board, the Independence Avenue Special Design Review Districts, the Union Hill Special Business District, and the Westport Special Business District;
- (49) Tax increment financing commission;
- (50) Visit KC;
- (51) Kansas City lesbian, gay, bisexual, trans and queer commission (LGBTQC); and
- (52) Emerging technology.

(e) *Time for filing.* The first disclosure report required of persons shall be filed with the city clerk prior to assuming a position on the designated entity. An annual revised disclosure report shall be filed by May 1 of each calendar year.

(f) *Failure to file.* Any member of a city board, commission or other entity who is appointed by the mayor or one or more members of the city council who fails to report by June 1 of each year shall be deemed to have resigned membership, and this resignation shall be deemed accepted as of June 1 of the respective year. Any entity listed in subsection (d) with a member

not appointed by the mayor or one or more members of the city council failing to file the required disclosure report shall be subject to termination or suspension of any funding or other assistance provided by the city until all required disclosures are made.

(g) *City clerk's responsibility.* The city clerk will distribute to members of the entities named in subsection (d) forms on which they may make the required filing by February 1 of each year. The failure of a person required to file a disclosure report to receive a form shall not be an excuse for the failure to file the required report. The city clerk will have available copies of appropriate forms in the office of the city clerk for persons to obtain.

**Sec. 2-2030. Acceptance of gifts.**

(a) *Definitions.* Unless the context specifically indicates otherwise, the terms as used in this division are defined as follows:

- (1) Gift means anything of more than \$200.00 of value accepted by a person whether tangible or intangible, which would reasonably be considered of worth, use or service to the person to whom it is conferred. The term gift includes but is not limited to:
  - a. Money;
  - b. Products or merchandise;
  - c. Works of art or collectibles;
  - d. Stocks, bonds, notes or options;
  - e. An interest in real property;
  - f. Contracts or a promise of a future interest in a contract;
  - g. An interest or a promise of a future interest in a business;
  - h. Meals, beverages or lodging;
  - i. Transportation for noncity purposes;
  - j. Services, including loaned employees;
  - k. Loans, loan guarantees, cosigning;
  - l. Forgiveness of a debt;
  - m. Discounts or rebates not extended to the public generally;



- n. Preferential treatment;
  - o. Tickets or admissions to events, concerts or performances, other than those provided by the city;
  - p. Free or discounted use of office facilities;
  - q. Loan of office equipment;
  - r. Promise or offer of present or future employment;
  - s. Use of autos, boats, apartments or other recreational or lodging facilities;
  - t. Intangible rights such as cause of action;
  - u. Licenses, patents, copyrights or any interest therein;
  - v. Fees and honorariums for an appearance or speech, or for participation at any event, in his or her official capacity; excluding payment or reimbursement for reasonable and necessary expenses related to any such activity; and
  - w. Any other items tangible or intangible having economic value.
- (2) A gift for purposes of this section does not include:
- a. Anything of value accepted by a person whether tangible or intangible from any immediate family member, parent, emancipated child, grandparent, grandchild, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, great uncle, great aunt, first cousin, second cousin, or the spouse or domestic partner of any of these persons, including the transfer or co-mingling of assets or liabilities between spouses or domestic partners;
  - b. Campaign contributions which are reported under RSMo Ch. 130, as amended;
  - c. Contributions to any cause or organization, including a bona fide charity, made in response to a direct solicitation from an officer or employee;
  - d. Wages or salary paid for work or services from outside employment; or
  - e. Compensation paid for goods or services to self-employed individuals; or
  - f. Travel, expenses, registrations, and similar items provided to a person by a city department or affiliated entity such as the Economic Development



whichever is less, from any person or business entity having a substantial interest in any legislative or administrative action of the city.

(c) *Disclosure.* Any official or employee who accepts a gift having a value of more than \$200.00 but less than, or equal to, \$1,000.00 or the maximum allowed by Missouri law, whichever is less shall disclose the acceptance of that gift within 15 days of the end of the quarter in which the gift was accepted on a disclosure form provided by the city clerk by filing the original disclosure form with the city clerk. These records shall be available to the internal auditor, ethics compliance officer and director of the department to which assigned, the mayor if assigned to the mayor's office, the mayor pro tem if a council member or the council office or the city manager if assigned to the city manager's office or not otherwise assigned. Failure to file this gift disclosure form when required to do so shall be reported by the internal auditor to the city clerk, ethics compliance officer and director of the department to which assigned, the mayor if assigned to the mayor's office, the mayor pro tem if a council member or assigned to the council office or to the city manager if assigned to the city manager's office or not otherwise assigned.

**Sec. 2-2033. Gratuities and kickbacks prohibited.**

No official or employee may solicit, demand, accept or agree to accept from another person, any payment, gratuity or an offer of employment or other personal or financial benefit in connection with any decision, approval, disapproval, recommendation or preparation of any part of a contract requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any contract or subcontract, or to any solicitation or proposal therefor, or in connection with any other act of discretion as a public servant.

**Sec. 2-2043. Nepotism.**

(a) *Hiring, appointing, accepting volunteers.* Except as provided for in subsection (3) below, no official or employee may appoint or hire, accept as a volunteer or participate in influencing the appointment or hiring of any disqualified person for any type of employment, including by contract, with the city.

(b) *Disqualified person.* The following persons are disqualified persons for purposes of subsection (a):

- (1) *Spouse or domestic partner.* Spouse or domestic partner of the official or employee;
- (2) *Relatives.* The following persons related to the official or employee or the official's or employee's spouse or domestic partner:
  - a. Children, parents;
  - b. Grandchildren, grandparents, brothers and sisters;

- c. Great-grandchildren, great-grandparents, nephews and nieces, uncles and aunts; and
  - d. Great-great-grandchildren, great-great-grandparents, grand nephews and grand nieces, first cousins, great uncles and great aunts.
- (3) *Members of household.* Members of the official's or employee's household.
- (c) *Supervision.*
- (1) *Prohibited.* No official or employee may supervise or be in a direct line of supervision over his or her spouse or domestic partner, child or step-child, sibling or step-sibling, parent, or member of his or her household.
  - (2) *Waiver.* If an official or employee comes into a direct line of supervision over one of these persons, he or she will have six months to come into compliance or to obtain a waiver from the municipal officials and officers ethics commission.
  - (3) *Direct chain of command in the fire department.* The following provisions of this subdivision (3) shall apply to all members of the fire department:
    - a. Except as provided for in subsection (a) above, no member of the fire department shall be in the direct chain of command of an immediate family member, as defined in section 2-2002, unless there is one level within the chain of command and separating such member and the employee; and
    - b. Nothing in this subdivision shall prohibit an immediate family member from being within the chain of command of another immediate family member if all authority and responsibility for personnel actions are delegated in writing to a higher level within the chain of command.

**Sec. 2-2051. Use of confidential information.**

It shall be unlawful for any official or employee or former official or former employee knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.

Section 2. That Chapter III, Article III, Ethics in Contracting, of the Code of Kansas City, Missouri, is hereby amended by repealing Sections 3-301 and 3-303, and enacting in lieu thereof new sections of like numbers and subject matters to read as follows:

**Sec. 3-301. Employee conflict of interest.**

Employee conduct in the solicitation, negotiation, approval, or disapproval for any part of a contract requirement or purchase request shall be governed by the Code of Ethics, Sec. 2-2001 through 2-2129.

**Sec. 3-303. Gratuities and kickbacks prohibited; recoverable.**

(a) No person shall offer, give or agree to give any city employee any payment, gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation or preparation of any part of a contract requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any contract or subcontract, or to any solicitation or proposal therefor.

(b) No payment, gratuity or offer of employment shall be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order. Upon a showing that a subcontractor, or someone acting on behalf of a subcontractor, made a kickback to a prime contractor or a higher tier subcontractor in connection with the award of a subcontract or order thereunder, it shall be conclusively presumed that the amount thereof was included in the price of the subcontract or order and ultimately borne by the city and shall be recoverable under this section from the recipient or party making such kickback.

..end

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Approved as to form:

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Katherine Chandler  
Senior Associate City Attorney



# City of Kansas City, Missouri

## Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Law

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

### Executive Summary

This ordinance amends Chapter II and III related to the City’s Code of Ethics to amend the individuals and entities whose benefit create a conflict of interest, clarify sick leave donations between subordinates and supervisors are financial transactions, move employee ethics in contracting into the Code of Ethics, and add a new Section 2-2033 to prohibit solicitation by employees of kickbacks and gratuities.

### Discussion

This ordinance makes amendments to strengthen the Code of Ethics and consolidate ethics provisions to Chapter II so they fall under the jurisdiction of the City’s Ethics Commission.

### Fiscal Impact

1. Is this legislation included in the adopted budget?  Yes  No

2. What is the funding source?

N/A

3. How does the legislation affect the current fiscal year?

This legislation does not have a fiscal impact.

4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.

No.

5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?

No.



# City of Kansas City, Missouri

## Docket Memo

### Office of Management and Budget Review

(OMB Staff will complete this section.)

- 1. This legislation is supported by the general fund.  Yes  No
- 2. This fund has a structural imbalance.  Yes  No

### Additional Discussion (if needed)

Click or tap here to enter text.

### Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Finance and Governance (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- Reform the City's economic incentives to meet the policy objectives of the City Council
- Ensure the resiliency of City government
- Engage in workforce planning including employee recruitment, development, retention, and engagement
- Ensure a responsive, representative, engaged, and transparent City government
- 
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### Prior Legislation

None.

### Service Level Impacts

None.

### Other Impacts

- 1. What will be the potential health impacts to any affected groups?



# City of Kansas City, Missouri

## Docket Memo

N/A

2. How have those groups been engaged and involved in the development of this ordinance?

N/A

3. How does this legislation contribute to a sustainable Kansas City?

N/A

4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances (Chapter 38, titled "Civil Rights")?

No, N/A

5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?

No, N/A





**File #: 230548**

ORDINANCE NO. 230548

Sponsor: Director of the Finance Department

Amending Chapter 19, Code of Ordinances entitled “Franchise Fee” by repealing Section 19-82 entitled “Franchise fee” and enacting in lieu thereof a new section of like number and subject matter; and amending Earnings and Profits Tax Regulations by repealing Section 1.387(d)(1)(B) and enacting in lieu thereof a new section of like number and subject matter.

WHEREAS, by Ordinance Nos. 930358 and 220523, the Council of Kansas City established and amended a franchise fee, an annual fee paid by cable and video service operators to the City for the operator’s use of the streets and other right of way; and

WHEREAS, the Finance Department previously enacted department policy which instructs taxpayers of the franchise fee to file returns electronically; and

WHEREAS, the City desires to enforce departmental electronic filing requirements to improve tax administration and efficiency, and to create uniformity with other tax penalty codes; and

WHEREAS, by Ordinance No. 230158, the City amended the earnings tax refund policy to allow for refunds upon submission of a proper claim in a manner prescribed by the commissioner of revenue; and

WHEREAS, the City desires to amend its Earnings and Profits Tax Regulations to further clarify that refund claims submitted via an amended return shall be accepted as timely if the original return was timely filed; NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 19, Code of Ordinances, is hereby amended by repealing Section 19-82(j) and enacting a new section of like number and subject matter, and adding a new Section 19-82(m), to read as follows:

**Sec. 19-82. Franchise fee.**

(a) Use of streets/cost of regulation. In consideration of the rights, powers, privileges, permission and authority granted to an operator for use of the city's streets and other public property, an operator shall pay to the city an amount equal to five percent of its gross revenues

received from the operation of the system in the city. This amount represents compensation for that cost of reasonable regulation permitted or mandated by federal law, and for the use of the streets and other public property by an operator:

- (1) Beginning August 28, 2023, an operator shall pay to the city an amount equal to four and one-half percent of its gross revenues received from the operation of the system in the city.
- (2) Beginning August 28, 2024, an operator shall pay to the city an amount equal to four percent of its gross revenues received from the operation of the system in the city.
- (3) Beginning August 28, 2025, an operator shall pay to the city an amount equal to three and one-half percent of its gross revenues received from the operation of the system in the city.
- (4) Beginning August 28, 2026, an operator shall pay to the city an amount equal to three percent of its gross revenues received from the operation of the system in the city.
- (5) Beginning August 28, 2027, and continuing thereafter, an operator shall pay to the city an amount equal to two and one-half percent of its gross revenues received from the operation of the system in the city.

(b) *Payment of fee.* Payment of annual franchise fees shall be in lieu of all subsequent occupational, pole attachment or other license fees or charges imposed by the city, insofar as this chapter does not require additional payment.

(c) *Revenue not from operation of system.* This franchise does not excuse the payment of any occupational license fee, charge or tax relating to any business endeavor for which an operator is not obligated to pay a franchise fee.

(d) *Taxes of general applicability.* Imposition of a franchise fee does not prohibit the city from imposing on operators, as part of a group of businesses or activities, any tax, fee or assessment of general applicability (including any such tax, fee, or assessment imposed on both utilities and cable operators or their services, but not including a tax, fee or assessment which is unduly discriminatory against cable operators or subscribers).

(e) *Payment time and method.* Franchise fee payments shall be made quarterly as follows: for the quarter ending December 31, the payment shall be made by the following January 31; for the quarter ending March 31, the payment shall be made by the following April 30; for the quarter ending June 30, the payment shall be made by the following July 31; and for the quarter ending September 30, the payment shall be made by the following October 31. Each payment shall be accompanied by a statement of gross revenues received for the quarter in connection with the operation of the system in the city, and a report showing the computation of the fees in a form prescribed by the commissioner of revenue. For operators providing cable

service in the city on the date this chapter becomes effective, the report for the quarter in which this chapter becomes effective shall be in two parts. The first part shall set forth the gross revenues for the period of the quarter for which any lower franchise fee is assessed, and the second part shall set forth the gross revenues for the period of the quarter for which a five percent franchise fee is assessed.

(f) *Acceptance of payment not accord or release.* No acceptance of any payment shall be construed as an accord that the amount paid is in fact the correct amount, nor shall such acceptance of payment be construed as a release of any claim the city may have for further or additional sums payable under the provisions of this chapter or a separate franchise agreement. All amounts paid by an operator shall be subject to audit by the city.

(g) *Late payment.* In the event that any payment is not made on or before the applicable date fixed in this section, an operator shall pay, as additional compensation, an interest charge, computed from such date, at the annual rate equal to the commercial prime interest rate in effect upon the due date plus two percentage points. The prime rate will be determined by the Bank of New York, or its successor, on the effective date on which interest becomes due.

(h) *Early termination of franchise.* In the event a franchise is terminated for any reason before its normal termination date, an operator shall immediately submit to the city a financial statement prepared within the terms of this section showing the operator's gross revenues for the time elapsed since the last period for which the operator has paid to the city the required percentage of gross revenues. An operator shall pay to the city not later than 30 days following termination of a franchise the required percentage of gross revenues.

(i) *Amendment of the Act.*

(1) *Specific federal limit.* Should the Act be amended by changing the authorized maximum amount for a franchise fee which may be imposed by the city to a different specific percentage or amount, the city may, by ordinance, modify this section to reflect the amendment of the Act.

(2) *Removal of federal limit.* Should the Act be amended by removing any cap on the authorized maximum amount for a franchise fee which may be imposed by the city, the city may increase the franchise fee to that amount assessed against a telephone company. However, should the amount assessed against a telephone company be less than the amount assessed against an operator at the time the cap is removed, the amount assessed against an operator shall not fall below that amount assessed at the time the cap is removed.

(j) *Penalty.* In case of failure to file any return required under this chapter on or before the date as prescribed in paragraph (e), and in case of failure to file any return in a form and manner prescribed by the commissioner, a penalty shall be added to the amount required to be shown as tax on the return in the amount of five percent (5%) of the amount of such tax if the failure is not for more than one month, with an additional five percent for each additional month

or fraction thereof during which such failure continues, not exceeding twenty-five percent (25%) in the aggregate.

(k) *Approval of franchise fee pass-through.* If the city's approval is required under applicable law for an operator to pass through any portion of a franchise fee to its subscribers in the city, an operator shall not be required to pay that portion of any franchise fee to the city until such approval has been granted and has become effective.

(l) *Support of a government channel.* Should the city provide a government channel to subscribers, no less than ten percent of the annual franchise fee shall be devoted to funding operation of the channel.

(m) *Waiver of penalties.* The commissioner has authority to waive a penalty assessed under this section where the taxpayer shows the failure was due to reasonable cause. The commissioner may also waive penalties that would otherwise be assessable under this section by entering into voluntary disclosure agreements with taxpayers under criteria established by the commissioner.

Section 2. That Earnings and Profits Tax Regulations are hereby amended by repealing Section 1.387(d)(1)(B), and adopting and approving new Earnings and Profits Tax Regulations Section 1.387(d)(1)(B) with such regulations to read as set forth in Exhibit A, which is attached hereto and incorporated herein.

..end

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Approved as to form:

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Samuel E. Miller  
Assistant City Attorney



# City of Kansas City, Missouri

## Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Finance

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

### Executive Summary

Enacting a failure to file penalty for Cable Franchise Fee.

Amending the Earnings Tax Regulations to clarify refund claims.

### Discussion

In 1993, the City Council passed Ordinance 930358 which authorized the City to impose a franchise fee on video service providers in the City. The original Ordinance did not make any provisions for penalties for late filed returns or late payments. Several years ago, the City implemented an electronic filing mandate for tax returns but did not add a penalty for late filing or returns not filed electronically. This Ordinance provides uniformity with other taxes by adding a penalty for late filing and the opportunity for a penalty waiver.

In February 2023, the City Council passed Ordinance 230158 which changed the refund filing process for the City’s earnings tax. This Ordinance updates the Earnings Tax Regulations to reflect these changes.

### Fiscal Impact

1. Is this legislation included in the adopted budget?  Yes  No

2. What is the funding source?

N/A

3. How does the legislation affect the current fiscal year?

It is possible that the imposition of the Cable Franchise Fee penalty would generate an immaterial amount of revenue.

4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.

It is possible that the imposition of the Cable Franchise Fee penalty would generate an immaterial amount of revenue.



# City of Kansas City, Missouri

## Docket Memo

- 5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?

It is possible that the imposition of the Cable Franchise Fee penalty might generate an immaterial amount of revenue

### Office of Management and Budget Review

(OMB Staff will complete this section.)

- 1. This legislation is supported by the general fund.  Yes  No
- 2. This fund has a structural imbalance.  Yes  No

### Additional Discussion (if needed)

Click or tap here to enter text.

### Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Finance and Governance (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- Reform the City's economic incentives to meet the policy objectives of the City Council
- Ensure the resiliency of City government
- Engage in workforce planning including employee recruitment, development, retention, and engagement
- Ensure a responsive, representative, engaged, and transparent City government
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### Prior Legislation

930358, 220523, and 230158



# City of Kansas City, Missouri

## Docket Memo

### Service Level Impacts

N/A

### Other Impacts

1. What will be the potential health impacts to any affected groups?

N/A

2. How have those groups been engaged and involved in the development of this ordinance?

N/A

3. How does this legislation contribute to a sustainable Kansas City?

Ensures that tax laws are transparent and equitable so that maximum revenue generation is maintained in the future.

4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances (Chapter 38, titled "Civil Rights")?

N/A

5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?

N/A



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**File #: 230555**

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ORDINANCE NO. 230555

Sponsor: Councilmember Katheryn Shields

Amending Article XV, Chapter 34, Code of Ordinances, “Swimming and Bathing Facilities,” by repealing Section 34-583, “Authority to prescribe additional rules and regulations,” and replacing it with a new section 34-583 of like title, for the purpose of adding a new subsection (c) to limit regulations regarding emergency communications of certain owner-occupied residential buildings.

WHEREAS, Section 34-583 allows the Director of Health to formulate rules and regulations to for implementing the provisions of the Swimming and Bathing Facilities Code; and

WHEREAS, the Health Department has adopted “Regulations for Swimming Pools and Bathing Facilities” that cover a variety of pools and spas of various types, including large public pools, hotel pools and residential pools; and

WHEREAS, Chapter 10(D) of the Regulations regarding emergency communications covers phone systems and emergency communications; and

WHEREAS, although the City Council believes Chapter 10(D) of the Regulations offers sufficient safety protocols in regard to emergency communications, the Council believes that more stringent regulations at smaller owner-occupied residential units with other safety measures in place should not be enacted; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 34, Code of Ordinances, is hereby amended by repealing Section 34-583 and replacing it with a new Section 34-583, said section to read as follows:

**Sec. 34-583. - Authority to prescribe additional rules and regulations.**

(a) *Scope of authority.* The director shall formulate rules and regulations for implementing the provisions of this article, and such rules shall include any and all requirements for lifeguards. Such rules and regulations shall be filed with the city clerk, and, when so filed, shall be in effect as part of this article. Such rules may be modified or superseded by other rules and regulations filed by the director from time to time.



(b) *Scope of regulations.* The director shall have power and authority to make provision in such rules and regulations for health, sanitation and adequate water safety as such rules and regulations may appertain to each and every holder of a permit under this article; and such provisions, conditions or requirements shall be subject to modification, deletions, additions or other change or alteration as to any holder of a permit as the director may find and determine at any time. The director is hereby authorized to take any actions on a permit for failure to abide by the swimming and bathing facilities regulations, including suspension and revocation.

(c) *Emergency Communications at Certain Class II Semi-Public Pools.* That the director shall not have the authority to prescribe additional regulations regarding emergency communications at Class II Semi-Public Pools owned by a condominium property that consists of less than 25 owner-occupied units and that is enclosed by a wall or fence of at least 4 feet surrounding the entire property.

..end

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Approved as to form:

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Joseph A. Guarino  
Senior Associate City Attorney



# City of Kansas City, Missouri

## Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Health

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

### Executive Summary

Amending Article XV, Chapter 34, Code of Ordinances, "Swimming and Bathing Facilities," by repealing Section 34-583, "Authority to prescribe additional rules and regulations," and replacing it with a new section 34-583 of like title, for the purpose of adding a new subsection (c) to limit regulations regarding emergency communications of certain owner-occupied residential buildings.

### Discussion

The proposed new subsection would remove authority from the Health Department to prescribe additional regulations or update existing rules to address emerging issues regarding emergency communications at Class II Semi-Public Pools owned by a condominium property that consists of less than 25 owner-occupied units and that is enclosed by a wall or fence of at least 4 feet surrounding the entire property.

### Fiscal Impact

1. Is this legislation included in the adopted budget?  Yes  No

2. What is the funding source?

This legislation has no direct fiscal impact.

3. How does the legislation affect the current fiscal year?

N/A

4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.

The future fiscal impact for this legislation is indeterminable at this time.

5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?

No



# City of Kansas City, Missouri

## Docket Memo

### Office of Management and Budget Review

(OMB Staff will complete this section.)

- 1. This legislation is supported by the general fund.  Yes  No
- 2. This fund has a structural imbalance.  Yes  No

### Additional Discussion (if needed)

N/A

### Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Housing and Healthy Communities (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- Maintain and increase affordable housing supply to meet the demands of a diverse population
- Broaden the capacity and innovative use of funding sources for affordable housing
- Invest in neighborhood stabilization and revitalization to reduce blight, ensure sustainable housing, and improve the wellbeing of residents while sustaining their diverse cultures
- Ensure all occupants of residences have quality, efficient, and healthy housing with minimal economic or regulatory barriers
- Address the various needs of the City's most vulnerable population
- Utilize planning approaches to improve the City's neighborhoods

### Prior Legislation

Section 34-583, "Authority to prescribe additional rules and regulations."

### Service Level Impacts

Unknown

# City of Kansas City, Missouri

## Docket Memo



### Other Impacts

1. What will be the potential health impacts to any affected groups?

There could be a gap in updated safety requirements regarding safety and emergency communications .

2. How have those groups been engaged and involved in the development of this ordinance?

Unknown

3. How does this legislation contribute to a sustainable Kansas City?

It does not.

4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances (Chapter 38, titled "Civil Rights")?

N/A

5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?

N/A

**Civil Rights & Equal Opportunity Department  
Economic Equity & Inclusion  
Nondiscrimination & Equal Opportunity Review Form**

**Date:**  
**Form Prepared By:**

Contract/Project Number: NA	Project Name: 11121GrandviewSurplus
Developer/Prime: NA	Contact Information: NA
Final Contract Value: 0.00	Project Manager: NA

Funding:  City  State  Federal  CO-OP  Grant:  Other:

Project Requirements:  M/WBE  DBE  Section 3  N/A

Tax Incentive:  LCRA  TIF  PIEA  Ch. 100  Other:  N/A

Prevailing Wage:  Yes  No

Davis-Bacon:  Yes  No

Construction Employment Program:  Yes: Workforce goals are 10% Minority & 2% Women. There are over 800 Workforce hours and project cost is \$300,000 or more.  
 No: Workforce hours are less than 800 and project cost is less than \$300,000.

Contracts & Leases	Nondiscrimination
Ch. 3 Article IV: <u>NA</u>	Ch. 38: <u>NA</u>
RSMo 213: <u>NA</u>	Title VI: <u>NA</u>
MWDBE: <u>NA</u>	Prevailing Wage and Labor Standards: <u>NA</u>
SLBE: <u>NA</u>	RSMo 34 Anti-Discrimination Against Israel: <u>NA</u>

Contract Type:

Construction  Design-Build  Design Professional  Professional Services

General Service  Concession  Other Goods & Services  Non-Municipal Agency

Co-Operative  Revenue Sharing  Facilities Maintenance/Repair/Renovation

Other: SURPLUS ORDINANCE

**Additional Information:**

This ordinance is requesting authorization to surplus a city owned property, located at 11121 Grandview Rd. The property used to be a Water pump station that is no longer active. WSD ok to surplus. This property will be listed for sale or lease through the City's public RFP process.

**This document is submitted with all available facts. Intentionally falsifying this document or omitting pertinent facts is grounds for disciplinary action pursuant to KCMO Human Resources Rules & Policy Manual (eff. August 4, 2014).**

**FOR CIVIL RIGHTS & EQUAL OPPORTUNITY DEPARTMENT (CREO) USE ONLY:**

**The Document is:**

Approved  Disapproved

Changes Needed:

**Federal Provisions Included:**

Approved  Disapproved  Not Applicable

CREO Signature: Mark Runge Date: 5/24/2023

DocuSigned by: 6AFEC964B03641A...

**Comments:** No contract or lease. Non Discrimination requirements are not applicable.

