



Agenda - Final

Finance, Governance and Public Safety Committee

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

Wednesday, March 15, 2023

10:30 AM

26th Floor, Council Chamber

<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

[230225](#)

Sponsor: Director of General Services Department

Authorizing the Director of General Services to execute a one (1) year lease agreement with two options to renew for one (1) year each with Community Capital Fund, for the purpose of office space at the Robert J. Mohart Multipurpose Center, 3200 Wayne Avenue, Kansas City, Missouri, 64109

Attachments: [CREO Exe. & signed](#)

[Approp. Admin Community Capital Fund](#)

[lease - new 12-21-22](#)

[Docket Memo 12-2022](#)

Director of the Law Department

[230233](#)

Sponsor: Director of the Law Department

Approving and authorizing settlement of a claim by Mary Hancock, Claim No. T2122-0541.

Attachments: [Docket Memo TMP 2880](#)

HELD IN COMMITTEE

Lucas

[230157](#)

Sponsor: Mayor Quinton Lucas

Amending Chapter 2, Code of Ordinances, by repealing Section 2-1954 relating to the City's fund balance and reserve policy and enacting in lieu thereof one new section of like number and subject to modify the required funding floor and ceiling, respectively, of the emergency reserve funds and countercyclical reserve funds of the general fund and amending permissible uses for unassigned general fund balance.

Attachments: [230157 Docket Memo](#)

Director of Finance

[230171](#)

Sponsor: Director of the Finance Department

Levying taxes for Fiscal Year 2023-24 for the General Revenue, Health, General Debt and Interest, and Museum Special Revenue Funds on all property in Kansas City subject to taxation on January 1, 2023; providing for the extension of such levies by the Director of Finance; and authorizing the collection by the Director of Finance.

Attachments: [Docket Memo Property Tax Levy Rates FY24](#)

Director of Finance

[230172](#)

Sponsor: Director of the Finance Department

Setting the rates for the trafficway maintenance tax, the park and boulevard maintenance tax, and the boulevards and parkways front foot assessment at \$0.00 for Fiscal Year 2023-24 in accordance with Section 68-582 of the Code of Ordinances

Attachments: [Docket Memo Park and Boulevard Assessments FY24](#)

Director of Finance

[230173](#)

Sponsor: Director of the Finance Department

Amending Chapter 78, Code of Ordinances, entitled "Water" by repealing Sections 78-6, 78-8, 78-10, and enacting in lieu thereof new sections of like number and subject matter that adjust charges for water service; and establishing an effective date.

Attachments: [FY2024 Water Rate Ordinance Docket Memo DRAFT 02-10-2023.pdf](#)
[230173com](#)

Director of Finance

[230174](#)

Sponsor: Director of the Finance Department

Amending Chapter 60, Code of Ordinances, entitled Sewers and Sewage Disposal, by repealing Sections 60-2 and 60-3 and enacting in lieu thereof new sections of like number and subject matter that adjust charges for sewer service; and establishing an effective date.

Attachments: [FY2024 Sewer Rate Ordinance Docket Memo DRAFT 02-10-2023.pdf](#)
[230174com](#)

Director of Finance

[230175](#)

Sponsor: Director of the Finance Department

Adopting the Annual Budget of the City for the Fiscal Year 2023-24; estimating the revenues for the fiscal year; appropriating for the purposes stated the sums set forth in the budget; directing the Director of Finance to make the necessary entries upon the City's records to show the appropriations and allocations provided for; authorizing inter-fund loans; and electing to establish a budget adoption deadline pursuant to Section 805(i) of the City Charter.

Attachments: [Docket Memo FY24 Submitted Budget](#)

Director of Finance

[230176](#)

Sponsor: Director of the Finance Department

Establishing Fund No. 3524, the General Obligation Series 2024A Question 1 Bond Fund in the records of the City of Kansas City, Missouri; estimating and appropriating \$31,310,000.00 from the Unappropriated Fund Balance of the General Obligation Series 2024A Question 1 Bond Fund; establishing Fund No. 3624, the General Obligation Series 2024A Question 2 Bond Fund in the records of the City of Kansas City, Missouri; estimating and appropriating \$5,937,898.00 from the Unappropriated Fund Balance of the General Obligation Series 2024A Question 2 Bond Fund; establishing Fund No. 3724, the General Obligation Series 2024A Question 3 Bond Fund in the records of the City of Kansas City, Missouri; estimating and appropriating \$2,525,000.00 from the Unappropriated Fund Balance of the General Obligation Series 2024A Question 3 Bond Fund; designating requisitioning authorities; declaring the intent of the City to reimburse itself from the bond proceeds for certain expenditures; authorizing the Director of Finance to close project accounts; and establishing the effective date of this

ordinance.

Attachments: [FY24 bond issuance docket memo](#)

Director of Finance

[230184](#)

Sponsor: Director of the Finance Department

Establishing Fund No. 3823, the General Obligation Series Bond Series 2023A Q1-22 Projects Fund in the records of the City of Kansas City; estimating revenues in the amount of \$40,600,000.00 in Fund No. 3823, the General Obligation Series Bond Series 2023A Q1-22 Projects Fund and appropriating the same; designating requisitioning authorities; authorizing the Director of Finance to modify revenue estimates and appropriations as required and to close project accounts upon completion.

Attachments: [Docket Memo GO2023 Adv Approp Ord](#)
[Accounting Forms for GO 2023 Approp Ord](#)
[GO Series 2023 Appropriation Ordinance 230184 FINAL](#)
[GO Series 2023 Appropriation Ordinance 230184 FINAL~](#)

Director of Finance

[230214](#)

Sponsor: Director of the Finance Department

Authorizing the issuance of General Obligation Bonds, Series 2023A, of the City of Kansas City, Missouri, in a principal amount not to exceed \$100,000,000.00; prescribing the form and details of said bonds; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; authorizing certain other documents and actions in connection therewith; increasing and appropriating revenue in the amount of \$2,500,000.00 in the GO Series 2023A Question 1 Bond Fund; increasing and appropriating revenue in the amount of \$800,000.00 in the GO Series 2023A Question 2 Bond Fund; increasing and appropriating revenue in the amount of \$300,000.00 in the GO Series 2023A Question 3 Bond Fund; authorizing the Director of Finance to close project accounts upon completion; and declaring the intent of the City to reimburse itself from the bond proceeds for certain expenditures; and recognizing this ordinance as having an accelerated effective date.

Attachments: [Docket Memo Enabling Ord v022423](#)
[Accounting Forms for GO 2023 Enabling](#)

City Manager's Office

[230218](#)

Sponsor: City Manager

Estimating revenue in the General Fund in the amount of \$9,000,000.00 from the

Midtown Tax Increment Financing Plan and appropriating \$7,500,000.00 for design services and other expenses related to the Auditorium Plaza Garage and Barney Allis Plaza Event Space redevelopment project and \$1,500,000.00 for 18th & Vine Pedestrian Plaza improvements.

Attachments: [230218 docket memo](#)

ADDITIONAL BUSINESS

1. There may be a general discussion regarding current Finance, Governance, and Public Safety issues

2. Those who wish to comment on proposed ordinances can provide testimony to 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:

- Livestream on the city's website at www.kcmo.gov

- Livestream 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 Warner Cable (channel 2 or 98.2), AT&T U-verse (channel 99, then select Kansas City), and Google Fiber on Channel 142.

- To watch archived meetings, visit the City Clerk's website and look in the Video on Demand section:

http://kansascity.granicus.com/ViewPublisher.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 equipment.

Adjournment



File #: 230225

ORDINANCE NO. 230225

Sponsor: Director of General Services Department

Authorizing the Director of General Services to execute a one (1) year lease agreement with two options to renew for one (1) year each with Community Capital Fund, for the purpose of office space at the Robert J. Mohart Multipurpose Center, 3200 Wayne Avenue, Kansas City, Missouri, 64109

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the revenue in the following account of the General Fund, is hereby estimated in the following amount pursuant to the Community Capital Fund lease agreement:

23-1000-071600-457500	City Property and Acquisition	\$11,862.20
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Section 2. That the Director of General Services Department is authorized to execute a lease agreement with Community Capital Fund for the purpose of the use of an office space beginning January 1, 2023, and ending December 31, 2024. A copy of the lease agreement is on file in the General Services Department.

..end

Approved as to form:

Abigail Judah
Assistant City Attorney

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

Date: 2/3/23

Form Prepared By: Erica Wright

Contract/Project Number: N/A	Project Name: Community Capital Fund
Developer/Prime: N/A	Contact Information: N/A
Final Contract Value: N/A	Project Manager: Phyllis Hardwick

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: _____	Ch. 38: _____
RSMo 213: _____	Title VI: _____
MWDBE: _____	Prevailing Wage and Labor Standards: _____
SLBE: _____	RSMo 34 Anti-Discrimination Against Israel: _____

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:

Additional Information:
 Authorizing the Director of General Services to execute a one (1) year lease agreement with two options to renew for one (1) year each with Community Capital Fund.

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:

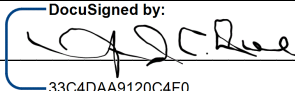
The Document is:

Approved Disapproved

Changes Needed:

Federal Provisions Included:

Approved Disapproved Not Applicable

CREO Signature:  Date: 2/7/2023

Comments:





REQUEST FOR SUPPLEMENTAL REVENUE
CITY OF KANSAS CITY, MISSOURI

DEPARTMENT: **General Services Department**

BUSINESS UNIT: **KCMBU** DATE: **1/11/2023** JOURNAL ID: _____

LEDGER GROUP: **REVENUE**

<u>FUND</u>	<u>DEPT ID</u>	<u>ACCOUNT</u>	<u>PROJECT</u>	<u>AMOUNT</u>
1000	71600	457500	N/A	\$ 11,862.90
TOTAL				11,862.90

DESCRIPTION:
 Estimating revenue in the amount of \$11,862.90 from Community Capital Fund rent proceeds. Authorizing the Director of General Services to execute a one (1) year lease agreement with two options to renew for one (1) year each with Community Capital Fund.

APPROVED BY: _____ DATE: 3/3/2023 APPROVED BY: DEPARTMENT HEAD _____ DATE: _____

Michael Jenkins

LEASE AGREEMENT

THIS LEASE is made on this _____ day of _____ 2022 by and between the **City of Kansas City, Missouri**, a Missouri constitutionally chartered municipal corporation, the party of the first part (hereinafter called the “**Lessor**” or “**City**”), and **Community Capital Fund**, a Missouri nonprofit corporation, the party of the second part (hereinafter called “**Lessee**”). (Collectively, the Lessor and the Lessee may be referred to herein as the “**Parties**”). The Parties hereby agree as follows:

1. PREMISES. Lesser hereby grants to said Lessee the right to occupy and use, subject to terms and conditions hereinafter stated, the following described premises: Approximately 2,030.04 square feet at 3200 Wayne Ave, Rooms #105,106,107,108,109A,109B,110,111,112,208 Kansas City, Jackson County, Missouri 64108, (“**Premises**”).

2. TERM. The term of this Lease shall be for a period of one (1) year beginning **January 1, 2023, and ending December 31, 2024** (“**Term**”), with two (2) options to renew for one year each, subject to the provisions of this Lease Agreement.

3. RENT. During the Term, Lessee shall, pursuant to the Lease, pay a monthly rent of Two Thousand Nine- Hundred Sixty-Five Dollars and Fifty- Five cents (\$2,965.55) per month.

The total rent due for the initial twelve (12) month Lease is Thirty- Five Thousand Five Hundred Eighty- Six Dollars and Sixty cents (\$35,586.60) A rent schedule outlining Lessee’s monthly payments is attached hereto and incorporated herein as **Exhibit A**.

The rent shall be paid through the online payment portal available at www.kcmo.gov.

Three options for online payment:

- 1.) Enter your credit card information
- 2.) Enter your checking account information
- 3.) Set up recurring payments

(Please NOTE, you will need to create an account to use the recurring feature. A convenience fee will be charged for all online payments and paid to NCR Payments Inc. in the amount of .50 cents for e-check payment or 2 percent plus .25 cents for credit card payment. This fee is not paid to the City of Kansas City, Missouri.)

4. USE OF PREMISES. The premises shall be used for the purpose of office space and location for a non-profit organization and no other use unless specifically authorized by the Lessor through its Director of General Services. Lessee agrees to notify the City’s Director of General Services regarding any changes in its business operations on the Premises. No party shall be deemed a third-party beneficiary of the covenants in this section.

5. ACCEPTANCE, MAINTENANCE, AND REPAIR. Lessee has inspected and knows the condition of the Premises and accepts the same in their present (subject to ordinary wear, tear, and deterioration in the event the term commences after the date hereof and to the rights of present or former occupant or occupants, if any, to remove reasonable moveable property), including the interior walls. Lessee will return the premises to the Lessor, undamaged except for reasonable wear and tear.

6. HAZARDOUS SUBSTANCES AND WASTES. Lessee agrees that it will not keep, ship to, ship from, permit, or generate any Hazardous Material on the Leased Premises without the express consent of the Lessor. "Hazardous Material" shall mean (i) "Hazardous Substances" as defined by the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. Sections 9601 et seq.; (ii) "Hazardous Wastes", as defined by the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Sections 6902 et seq.; (iii) "Hazardous Waste," as that term is defined by the Missouri Hazardous Waste Management Law, RSMO Section 260.350, et seq.; (iv) any pollutant or contaminant or hazardous, dangerous or toxic chemicals, materials or substances within the meaning of any other applicable federal, state or local law, regulation, ordinance or requirement (including consent decrees and administrative orders) relating to, or imposing liability or standards of conduct concerning, any hazardous, toxic or dangerous waste, substance or material, all as amended or hereafter amended; (v) more than 100 gallons of crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60) degrees Fahrenheit and 14.7 pounds per square inch absolute, except for 2000 gallons of recycled oil used for the purpose of heating the premises; (vi) any radioactive material, including any source, special nuclear or by-product material as defined at 42 U.S.C S 2011 et seq., as amended or hereafter amended; and (vii) asbestos in any form or condition.

7. POSSESSION AT THE BEGINNING OF TERM. Lessor took possession of the premises at the commencement of the term of the Original Lease and has maintained possession during the holdover period when the Original Lease expired and the execution of this Lease.

8. QUIET ENJOYMENT. Lessor covenants and agrees that the Lessee on paying the rents and observing and keeping the covenants, agreements, and stipulations of this lease agreement, on its part to be kept, shall lawfully, peacefully, and quietly hold, occupy and enjoy said demised Premises during the demised term without hindrance, objection or molestation.

9. LESSOR'S RIGHT OF ENTRY. Lessor or Lessor's agent may enter the Premises at reasonable hours to examine the same, to do anything Lessor may be required to do hereunder or which Lessor may deem necessary for the good of the Premises and (during the last 60 days of the Lease only) to display the property to prospective tenants.

10. UTILITIES AND SERVICES. Lessee shall pay for utilities, unless otherwise herein expressly provided. Other services such as trash removal, security, lawn care, and snow removal will be the responsibility of the Lessor. Any other services needed with respect to the Lessee's use of the Premises will be the responsibility of the Lessee.

11. ALTERATIONS. Lessee shall not make any material alterations or additions (hereinafter "Improvements") in or to the Premises, without the prior written consent of Lessor. Such consent shall not be unreasonably withheld. Lessee shall make or cause Lessee's Contractor to make all approved improvements in accordance with all applicable Federal, State, and Local laws.

12. SIGNS AND ADVERTISEMENTS. Lessee shall not put upon, nor permit to be put upon, any part of the Premises, any signs, billboards, or advertising whatever, without the written consent of Lessor's Director of General Services or their designee.

13. RECYCLING. It is the established policy of the City to promote environmentally sound business practices. Lessee agrees, where reasonable and practicable, to incorporate similar practices in its operations on the Premises including, but not limited to, encouraging recycling.

14. AMERICANS WITH DISABILITIES ACT. The Lessee agrees to comply with all provisions, where applicable, of the Americans with Disabilities Act, as amended from time to time during the course of this Lease.

15. INSURANCE: Lessee shall procure and maintain in effect throughout the duration of this Lease insurance coverage not less than the types and amounts specified in this section. In the event that additional Insurance, not specified herein, is required during the Term of this Lease, Lessee shall supply such insurance at City's cost. Policies containing a Self-Insured Retention will be unacceptable to City.

- a. Commercial General Liability Insurance: with limits of \$1,000,000 per occurrence and \$2,000,000 aggregate, written on an occurrence basis. The policy shall be written or endorsed to include the following provisions:
 1. Severability of Interests Coverage applying to Additional Insureds
 2. Contractual Liability
 3. Per Project Aggregate Liability Limit or, where not available, the aggregate limit shall be \$2,000,000.
 4. No Contractual Liability Limitation Endorsement
 5. Additional Insured Endorsement, ISO form CG2010, current edition, or its equivalent.
- b. Workers' Compensation / Statutory Employers Liability with limits of:
 1. \$100,000 per accident
 2. \$500,000 disease, policy limit
 3. \$100,000 disease, each employee
- c. Lessee agrees to carry property insurance for the leased portion of premises and shall be on a replacement cost basis. Lessee is responsible for carrying their own personal property insurance.

Lessee shall furnish certificates including required endorsements and additional insureds as described below to the Lessor for insurance as specified herein. In the event of Lessee's failure to maintain the required insurance coverage in force at all times; its failure to do so will not relieve it of any contractual obligation or responsibility. **Delivery of such certificates to Lessor shall be a condition precedent to Lessee's right to go upon the Premises.** All such insurance policies shall provide that the City and its agencies, officials, officers, and employees when acting within the scope of their authority, will be named as additional insureds for the services under this lease. All insurance must be written by companies that have an A.M. Best rating of A-V or better, and are leased or approved by the State of Missouri to do business in Missouri. They shall require ten (10) days prior written notice to both parties hereto of any reduction in coverage or cancellation.

16. DAMAGE BY CASUALTY. In case, during the term created or previous thereto, the Premises hereby let, shall be destroyed or shall be so damaged by fire or other casualties, as to become not tenantable, then in such event, at the option of the Lessor, the term hereby created shall cease, and this

Lease shall become null and void from the date of such damage or destruction and the Lessee shall immediately surrender said Premises and all interests therein to Lessor and Lessee shall pay rent within said term only to the time of such surrender; provided, however, that Lessor shall exercise the such option to so terminate this Lease by notice in writing, delivered to Lessee within sixty days after such damage or destruction. In case Lessor shall not so elect to terminate this Lease, in such event, this Lease shall continue in full force and effect and the Lessor shall repair the Leased Premises with all reasonable promptitude, placing the same in as good a condition as they were at the time of the damage or destruction, and for that purpose may enter said Premises and rent shall abate in proportion to the extent the Premises are untenable and the duration of time the Premises are not tenantable. In either event, Lessee shall remove all rubbish, debris, merchandise, furniture, equipment, and other of its personal property, within ten days after the request of the Lessor. If the Leased Premises shall be slightly injured by fire or the elements, so as not to render the same not tenantable and unfit for occupancy, then the Lessor shall repair the same with all reasonable promptitude, and in that case, the rent shall not abate. No compensation or claim shall be made by or allowed to the Lessee by reason of any inconvenience or annoyance arising from the necessity of repairing any portion of the building or the Leased Premises, however, the necessity may occur.

17. SUBROGATION. As part of the consideration for this Lease, each of the parties hereto does hereby release the other party hereto from all liability for damage due to any act or neglect of the other party (except as hereinafter provided), occasioned to property owned by said parties which are or might be incident to or the result of a fire or any other casualty against which loss either of the parties is carrying insurance at the time of the loss; provided, however, that the releases herein contained shall not apply to any loss or damage occasioned by the willful, wanton, or premeditated negligence of either of the parties hereto, and the parties hereto further covenant that any insurance that they obtain on their respective properties shall contain an appropriate provision whereby the insurance company, or companies, consent to the mutual release of liability contained in this paragraph.

18. INDEMNITY AND PUBLIC LIABILITY. The Lessee shall defend and indemnify, hold harmless, protect and save the Lessor and all of its officers and employees harmless from and against any and all actions, suits, proceedings, claims and demands, loss, liens, cost, expense, including legal fees, and liability of each kind and nature whatsoever ("claims") for the injury to or death of persons or damage to property, including property owned by the Lessor and from any and all other claims whether in equity or in law asserted by others, which may be brought, made, filed against, imposed upon or sustained by the Lessor, its officers or employees, and that may, in whole or in part, arise from or be attributable to or be caused directly or indirectly by (i) any wrongful act or omission of Lessee, its officers, agents, employees, including volunteers, contractors, patrons, lessees or invitees; (ii) any violation of law, ordinance or governmental regulations or orders of any kind; or (iii) the negligent performance by the Lessee, its officers, agents, employees, including volunteers or sublessees or subcontractors of any authorized or permitted act contemplated by this Agreement; or (iv) any contaminating materials in and around the subject property.

19. DAMAGE TO PROPERTY ON PREMISES. Lessee agrees that all property of every kind and description kept, stored, or placed in or on the Premises shall be at Lessee's sole risk and hazard and that Lessor shall not be responsible for any loss or damage to any of such property resulting from fire, explosion, water, steam, gas, electricity or the elements, whether or not originating on the Premises.

20. EMINENT DOMAIN. If the Premises or any substantial part thereof shall be taken by any competent authority under the power of eminent domain or be acquired for any public or quasi-public use or purpose, the term of this Lease shall cease and terminate upon the date when the possession of said premises or the part thereof so taken shall be required for such use of purpose. If any condemnation proceeding shall be instituted in which it is sought to take or damage any part of Lessor's building or the land under it or if the grade of any street or alley adjacent to the building is changed by any competent authority and such change of grade makes it necessary or desirable to remodel the building to conform to the changed grade, either party shall have the right to cancel this Lease after having given written notice of cancellation to the other party not less than ninety (90) days prior to the date of cancellation designated in the notice. In either of said events, rent at the then current rate shall be apportioned as of the date of termination. No money or other consideration shall be payable by the Lessor to the Lessee for the right of cancellation. Nothing in this paragraph shall preclude an award being made to Lessee for loss of business or depreciation to the cost or removal of equipment or fixtures.

21. PUBLIC REQUIREMENTS. Lessee shall comply with all laws, orders, ordinances, and other public requirements now or hereafter affecting the Premises or the use thereof and save Lessor harmless from expense or damage resulting from failure to do so.

22. ASSIGNMENT AND SUBLEASE. Lessee shall not assign, transfer, or encumber this Lease and shall not sublease the Premises or any part thereof or allow any other person to be in possession thereof without the prior written consent of Lessor. Lessor retains the right to withhold its consent for any assignment, transfer, or sublease for any reason whatsoever, including limiting the type of use or number of similar subleases on Premises at any given time. Any sublease of Premises must contain a subrogation provision and an indemnity provision that mirrors the language of Sections 18 and 19 of this Lease, with the Sublessee indemnifying the Lessor. Sublessee also shall require any Sublessee to obtain insurance coverage in amounts equal to those in Section 16 of this Lease and naming Lessor as an additional insured. Lessee understands, however, that in the event of a sublease, Lessee is still responsible for complying with all terms of this Lease.

23. RECORDING. Lessee shall not, without the prior written approval of Lessor, record this Lease or cause it to be recorded. In the event that Lessee does cause it to be recorded, Lessor may terminate the Lease, upon thirty days' notice, at its sole option.

24. FIXTURES. Upon the termination of this Lease or before, the Lessor will permit the Lessee or its agents to enter the Premises and remove any and all **non-realty** items that have been contributed or consigned to the Lessee. Non-realty items are defined as items not permanently attached to the structure and removable without significant damage such as drapes, furnishings, and portable appliances.

25. SURRENDER AT THE END OF THE TERM. At the expiration of the Initial Term hereby created, or the First Renewal Term if the Lease is renewed, the Lessor or his agent shall have the right to enter and take possession of the Leased Premises, and the Lessee agrees to deliver same without process of law, and the Lessee shall be liable to Lessor for any loss or damage, including attorney's fees and court costs incurred, as a result of Lessee's failure to comply with the terms hereof.

26. HOLDING OVER. Any holding over by Lessee after the expiration of the Term, or any lawful extension thereof, shall be construed to be a tenancy from month to month at a monthly rental equal

to two hundred percent (200%) of the rent payable during the last month immediately prior to the expiration of the term and shall otherwise be on the terms and conditions herein specified. Nothing herein set out shall be construed to authorize any such holding over.

27. DEFAULT. If default is made in the payment of any installment of rent on the due date thereof, or if Lessee shall default in the performance of any other agreement (other than payment of rent) in this Lease and such default (other than payment of rent), continues for ten days after written notice thereof, or if the Premises be vacated or abandoned, then in any such event this Lease shall terminate, at the option of the Lessor, and Lessor may re-enter the Premises and take possession thereof, with or without force or legal process and without notice or demand, the service of notice, demand or legal process being hereby expressly waived, and upon such entry, as aforesaid, this Lease shall terminate and the Lessor may exclude Lessee from the Premises, changing the lock on the door or doors if deemed necessary, if applicable, without being liable to Lessee for any damages or for prosecution therefor; Lessor's rights in such event may be enforced by action in unlawful detainer or other proper legal action, and the Lessee expressly agrees, notwithstanding termination of this Lease and re-entry by the Lessor that the Lessee shall remain liable for a sum equal to the entire rent payable to the end of the Term hereof and shall pay any loss or deficiency sustained by the Lessor on account of the Premises being let for the remainder of the original term for a less sum than before. Lessor, as agent for Lessee, without notice may re-let the Leased Premises or any part thereof for the remainder of the Term or for any longer or shorter period as opportunity may offer, and at such rental as may be obtained, and Lessee agrees to pay the difference between sum equal to the amount of rent payable during the residue of the Term and net rent received by the Lessor during the Term after deducting all expenses of every kind for repairs, recovering possession and reletting the same, which differences shall accrue and be payable monthly.

All property of the Lessee which is now or may hereafter be at any time during the Term of this Lease in or upon said Premises, whether exempt from execution or not, shall be bound by and subject to a lien for the payment of the rent herein reserved, and for any damages arising from any breach by the Lessee of any of the covenants or agreements of this Lease to be performed by Lessee. In the event of default by Lessee in the payment of rent or otherwise, Lessor may foreclose the such lien and take possession of said property or any part or parts thereof and sell or cause the same to be sold, at such place as Lessor may elect, at public or private sale, with or without notice, to the highest bidder capable of paying the bid price, and apply the proceeds of said sale to pay the costs of taking possession of and selling said property, then owed toward the debt and/or damages as aforesaid. Any excess of the proceeds of said sale over said costs, debt, and/or damages shall be paid to Lessee. Any such sales shall bar any right of redemption by Lessee.

28. WAIVER. The rights and remedies of the Lessor under this Lease, as well as those provided or accorded by law, shall be cumulative, and none shall be exclusive of any other rights or remedies hereunder or allowed by law. A waiver by Lessor of any breach or breaches, default, or defaults, of this Lease hereunder, shall not be deemed or construed to be a continuing waiver of such breach or default not as a waiver of or permission, expressed or implied, for any subsequent breach or default, and it is agreed that the acceptance by Lessor of any installment of rent subsequently to the date the same should have been paid hereunder, shall in no manner alter or affect the covenant and obligation of Lessee to pay subsequent installments of rent promptly upon the due date thereof. No receipt of money by Lessor after the termination in any way of this Lease shall reinstate, continue or extend the term above demised.

29. BANKRUPTCY. Neither this Lease nor any interest therein nor in any estate hereby created shall pass to any trustee receiver in bankruptcy or to any other receiver or assignee for the benefit of creditors or otherwise by operation of law during the term of this lease or any renewal thereof.

30. NOTICE. Any notice hereunder to Lessee shall be sufficient if sent by U.S. Mail, postage prepaid, addressed to Lessee:

Phyllis Hardwick
Executive Director
Community Capital Fund
3200 Wayne Ave
Kansas City, MO 64109
Phyllis@ccfkansascity.org

573-268-2604

Addressed to Lessor:

Manager of Real Estate
GSD – Real Estate Services
11th Floor, City Hall
414 E. 12th Street
Kansas City, MO 64106

31. COVENANTS TO RUN WITH THE PREMISES. The covenants herein contained shall run with the Premises hereby let and bind the heirs, executors, administrators, assigns, and successors of the Lessor and Lessee respectively and consent of Lessor to assignment, and acceptance of rent from the assignee of the Lessee shall not release the Lessee from their obligation to pay rent and comply with the other conditions of this Lease.

32. ENTIRE AGREEMENT. This Lease Agreement contains the entire agreement between the parties, and no modification of this Lease Agreement shall be binding upon the parties unless evidenced by an agreement in writing signed by the Lessor and the Lessee after the date hereof.

33. APPROVAL BY THE CITY COUNCIL. This Lease is not effective until ten (10) working days after approval by the City Council by way of an approved ordinance.

34. NO DISCRIMINATION. Lessee shall not discriminate and shall comply with Chapter 38 and Chapter 213, RSMo. Chapter 38 is attached hereto and incorporated in the Lease Agreement.

[REMAINDER OF THE PAGE INTENTIONALLY LEFT BANK]

IN WITNESS WHEREOF, each party hereto has caused this Lease to be executed on behalf of such party by an authorized representative as of the date first set forth above.

LESSEE: Community Capital Fund

BY: _____
Phyllis Hardwick
Executive Director

Print Name: _____

Date: _____

LESSOR:

CITY OF KANSAS CITY, MISSOURI
A Constitutionally Chartered Municipal
Corporation of the State of Missouri

BY: _____
Yolanda McKinzy
Director, General Services City of Kansas City, MO

DATE: _____

APPROVED AS TO FORM

BY: _____
Abigail Judah, Assistant City Attorney

DATE: _____

EXHIBIT A

RENT SCHEDULE

MONTH	RENT AMOUNT
INITIAL TERM: Jan. 1, 2023- Dec. 31, 2023	
January 2023	\$2,965.55
February 2023	\$2,965.55
March 2023	\$2,965.55
April 2023	\$2,965.55
May 2023	\$2,965.55
June 2023	\$2,965.55
July 2023	\$2,965.55
August 2023	\$2,965.55
September 2023	\$2,965.55
October 2023	\$2,965.55
November 2023	\$2,965.55
December 2023	\$2,965.55
FIRST RENEWAL TERM: Jan. 1, 2024 – Dec. 31, 2024	
January 2024	\$2,965.55
February 2024	\$2,965.55
March 2024	\$2,965.55
April 2024	\$2,965.55
May 2024	\$2,965.55
June 2024	\$2,965.55
July 2024	\$2,965.55
August 2024	\$2,965.55
September 2024	\$2,965.55
October 2024	\$2,965.55
November 2024	\$2,965.55
December 2024	\$2,965.55
SECOND RENEWAL TERM: Jan. 1, 2025 – Dec. 30, 2025	
January 2025	\$2,965.55
February 2025	\$2,965.55
March 2025	\$2,965.55
April 2025	\$2,965.55
May 2025	\$2,965.55
June 2025	\$2,965.55
July 2025	\$2,965.55
August 2025	\$2,965.55
September 2025	\$2,965.55
October 2025	\$2,965.55
November 2025	\$2,965.55
December 2025	\$2,965.55
TOTAL: 3 YEARS (36 MONTHS)	\$106,759.8

EXHIBIT B

Chapter 38 CIVIL RIGHTS¹

¹Editor's note(s)—Ord. No. 130041, § 5, adopted March 21, 2013, amended the Code by repealing former ch. 38, §§ 38-1—38-4, 38-31—38-38, 38-61, 38-62, 38-82.1—38-82.11, 38-83.1—38-99, 38-100.1—38-103, 38-131—38-137, and adding a new ch. 38. Former ch. 38 pertained to similar subject matter, and derived from the Code of Gen. Ords. of 1967, §§ 26.202—26.217, and 26.311—26.313; Ord. No. 920812, adopted August 6, 1992; Ord. No. 930612, adopted June 3, 1993; Ord. No. 930916, adopted August 12, 1993; Ord. No. 960063, adopted March 7, 1996; Ord. No. 961353, adopted November 7, 1996; Ord. No. 970179, adopted February 24, 1997; Ord. No. 971501, adopted October 23, 1997; Ord. No. 980041, adopted January 29, 1998; Ord. No. 970828, adopted August 27, 1998; Ord. No. 991187, adopted September 23, 1999; Ord. No. 030449, adopted April 3, 2003; Ord. No. 030287, adopted July 31, 2003; Ord. No. 040811, adopted July 28, 2004; Ord. No. 050821, adopted July 28, 2005; Ord. No. 070504, adopted April 26, 2007; Ord. No. 070829, adopted August 9, 2007; Ord. No. 071067, adopted November 1, 2007; Ord. No. 080311, adopted April 3, 2008; Ord. No. 090108, adopted April 2, 2009; Ord. No. 100802, adopted October 14, 2010; Ord. No. 110970, adopted January 19, 2012; and Ord. No. 120008, adopted January 26, 2012. Subsequently, Ord. No. 210645, § 5, adopted August 12, 2021, amended the Code by changing the title of ch. 38.

Cross reference(s)—Civil rights and equal opportunity department, § 2-551 et seq.; equal employment opportunity program for employment with city, § 2-1901 et seq.; tax incentive payment for hiring handicapped persons, § 68-511 et seq.

ARTICLE I. IN GENERAL

DIVISION 1. DEFINITIONS

Sec. 38-1. Definitions.

- (a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning or an alternative definition has been provided:
- (1) *Age* means an age of 40 or more years, except that it shall not be an unlawful employment practice for an employer to require the compulsory retirement of any person who has attained the age of 85 and who, for the two-year period immediately before retirement, is employed in a bona fide executive or high policymaking position, if such person is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit sharing, savings or deferred compensation plan, or any combination of such plans, of the employer, which equals, in the aggregate, at least \$344,000.00.
 - (2) *City* means the City of Kansas City, Missouri.
 - (3) *Commission* means the city human rights commission.
 - (4) *Complainant* means any person claiming injury by the alleged violation of RSMo ch. 213, or of this chapter, including persons who believe they will be injured by an unlawful discriminatory practice that is about to occur.
 - (5) *Complaint* means a verified written statement of facts and circumstances, including dates, times, places and names of persons involved in any alleged violation of any provision of RSMo ch. 213, or of this chapter.
 - (6) *Contract* means any contract to which the city shall be a contracting party, except the following:
 - a. Personal services contracts.
 - b. Emergency requisitions for goods, supplies or services.
 - c. Impressed accounts in the nature of petty cash funds.
 - d. Contract or lease, the cost of which will not exceed \$300,000.00.
 - (7) *Covered multifamily dwelling* means a building consisting of four or more units if the building has one or more elevators or a ground floor unit in a building consisting of four or more units.
 - (8) *Department* means the department of civil rights and equal opportunity.
 - (9) *Director* means the director of the civil rights and equal opportunity department or their delegate.
 - (10) *Disability* means, with respect to employment, a person who is otherwise qualified and who, with reasonable accommodation, can perform the essential functions of the job in question. Generally, a person with a disability is any person who:
 - a. Has a physical or mental impairment which substantially limits one or more major life activities;
 - b. Has a record of having such impairment; or
 - c. Is regarded as having such an impairment.
 - (11) *Dwelling* means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered

- for sale or lease for the construction or location thereon of any such building, structure or portion thereof.
- (12) *Employee* means any individual employed by an employer, but does not include an individual employed by his parents, spouse or child or any individual employed to render services as a domestic in the home of the employer.
 - (13) *Employer* includes any person employing six or more employees.
 - (14) *Employment agency* means any person, agency or organization, regularly undertaking, with or without compensation, to procure opportunities for employment or to procure, recruit, refer or place employees.
 - (15) *Familial status* means one or more individuals, who have not attained the age of 18 years, being domiciled with:
 - a. A parent or another person having legal custody of such individual or individuals; or
 - b. The designee of such parent or other person having such custody, with the written permission of such parent or other person. The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years. No provision in this chapter regarding familial status shall apply to housing for older persons, as defined in section 3607 of title 42 of the United States Code Annotated.
 - (16) *Family* includes a single individual.
 - (17) *Franchise holder* means any individual, partnership, corporation, association or other entity, or any combination of such entities, holding a franchise hereafter granted or renewed by the city.
 - (18) *Gender identity* means the actual or perceived appearance, expression, identity or behavior of a person as being male or female, whether or not that appearance, expression, identity or behavior is different from that traditionally associated with the person's designated sex at birth.
 - (19) *Labor organization* means any organization which exists for the purpose in whole or in part of collective bargaining or for dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment.
 - (20) *Performance of work* means the furnishing of any personal service, labor, materials or equipment used in the fulfillment of a contractor's obligation under a city contract.
 - (21) *Person* includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, fiduciaries and other organizations; except the term "person" does not include any local, state or federal governmental entity.
 - (22) *Prohibited dress code* means a set of rules governing, prohibiting or limiting access to a place or business, or portion thereof, defined herein as a "public accommodation" because of any of the following:
 - a. The wearing of jewelry, the manner in which jewelry is worn or the combination of items of jewelry worn,
 - b. The wearing of a garment or headdress which is generally associated with specific religions, national origins or ancestry,
 - c. The length of the sleeve of a shirt or the leg of a pair of pants or shorts is too long, except that nothing herein shall be construed to prohibit a dress code that requires the wearing of a shirt,
 - d. The style, cut or length of a hair style,
 - e. The colors of the garments,

- f. In conjunction with a major Kansas City sporting event the wearing of athletic apparel which displays either a number, a professional or college team name or the name of a player;
 - g. The wearing of tee-shirts, except that nothing herein shall be construed to prohibit a dress code that requires such tee-shirts to have sleeves, or to prohibit a dress code that does not allow undershirts, undergarments, or tee-shirts of an inappropriate length. Designer tee-shirts, which are fitted and neat, cannot be banned.
- (23) *Public accommodation* means any place or business offering or holding out to the general public goods, services, privileges, facilities, advantages or accommodations for the peace, comfort, health, welfare and safety of the general public, or providing food, drink, shelter, recreation or amusement, including but not limited to:
- a. Any inn, hotel, motel or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence.
 - b. Any restaurant, tavern, cafeteria, lunchroom, lunch counter, soda fountain or other facility principally engaged in selling food for consumption on the premises, including but not limited to any such facility located on the premises of any retail establishment.
 - c. Any gasoline station, including all facilities located on the premises of such gasoline station and made available to the patrons thereof.
 - d. Any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment.
 - e. Any public facility owned, operated or managed by or on behalf of this city or any agency or subdivision thereof, or any public corporation; and any such facility supported in whole or in part by public funds.
 - f. Any establishment which is physically located within the premises of any establishment otherwise covered by this definition or within the premises in which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment.
 - g. Any institution, association, club or other entity that has over 250 members, provides regular meal service, and regularly receives payment for meals, beverages, dues, fees, the use of its facilities or services directly or indirectly from or on behalf of nonmembers in furtherance of trade or business.
- (24) *Redevelopment area* means a tax increment redevelopment area as defined in RSMo § 99.805 (11); a planned industrial expansion project area as defined in RSMo § 100.300et seq.; an urban renewal project area or land clearance project area as defined in RSMo § 99.300 et seq.; any area under the control of the port authority of Kansas City, Missouri, or subject to a contract, lease or other instrument to which the port authority is a party; or an area determined by the city to be blighted pursuant to RSMo chapter 353.
- (25) *Rent* means to lease, sublease, let or otherwise grant for a consideration the right to occupy premises not owned by the occupant.
- (26) *Respondent* means any person against whom it shall be alleged by complaint or identified during the course of an investigation that such person has violated, is violating or is about to violate any provision of RSMo chapter 213, or this chapter.
- (27) *Sex* shall include sexual harassment.
- (28) *Sexual orientation* means actual or perceived heterosexuality, homosexuality or bisexuality.

- (29) *Subcontractor* means any individual, partnership, corporation, association or other entity, or other combination of such entities, which shall undertake, by virtue of a separate contract with a contractor, to fulfill all or any part of any contractor's obligation under a contract with the city, or who shall exercise any right granted to a franchise holder, and who has 50 or more employees exclusive of the parents, spouse or children or such subcontractor.
- (30) *Unlawful discriminatory practice* means any discriminatory practice as defined and prohibited by sections 38-103, 38-105, 38-107, 38-109, 38-111 and 38-113.

(Ord. No. 130041, § 5, 3-21-13; Ord. No. 180034, § 1, 2-1-18; Ord. No. 180724, § 1, 2-7-19; Ord. No. 190380, § 1, 5-23-19; Ord. No. 200837, § 1, 10-1-20; Ord. No. 210645, § 5, 8-12-21)

Secs. 38-2—38-20. Reserved.

ARTICLE II. ADMINISTRATION

DIVISION 1. ENFORCEMENT

Sec. 38-21. Powers and duties of director.

The director is hereby charged with administration and enforcement of all sections of this chapter and is hereby authorized and empowered to do the following:

- (1) *Rules and regulations.* To adopt, amend and enforce rules and regulations relating to any matter or thing pertaining to the administration of this chapter.
- (2) *Complaint investigation.* To receive, investigate and, upon finding probable cause on any complaint of violation of RSMo ch. 213, to bring such complaint before the human rights commission. If the director finds probable cause to believe that a violation of this chapter has occurred, he or she may refer the matter to the city counselor's office for prosecution in municipal court. Any staff assigned to assist the commission shall be supervised by the director of civil rights and equal opportunity. The director shall not have the power to process complaints of discrimination brought against the city and shall defer any such complaints to the state commission on human rights or any appropriate federal agency for processing.
- (3) *Authority regarding discrimination within city administration.* To investigate and recommend to the city manager any policy changes or specific actions that the director determines are necessary to ensure that the city administration is in compliance with the provisions of this chapter or with state and federal discrimination laws.
- (4) *Initiation of complaints.* Whenever the director has reasonable cause to believe that an unlawful discriminatory practice has occurred, he or she may initiate a complaint alleging violation of any section RSMo ch. 213, or of this chapter.
- (5) *Compliance investigation.* To investigate, survey and review any and all affirmative action programs, city contracts and franchises which are subject to this chapter and to take such action with respect thereto as shall ensure compliance with this chapter.
- (6) *Conciliation.* To attempt to eliminate any unlawful discriminatory practice or any other violation of the terms of this chapter by means of conference, conciliation, persuasion and negotiation and to enter into conciliation agreements.

- (7) *Authority to dismiss complaints.* To dismiss any complaint upon finding such complaint to be frivolous or without merit on its face or upon a finding that the allegedly unlawful discriminatory practice has been eliminated through conciliation.

(Ord. No. 130041, § 5, 3-21-13; Ord. No. 210645, § 5, 8-12-21)

Sec. 38-22. Reserved.

Sec. 38-23. Complaint procedure.

(a) *Filing of complaint.*

- (1) Any person claiming injury by an allegedly unlawful discriminatory practice may, by himself or by his attorney, make, sign and file a verified written complaint with the director on forms provided by the director, which shall state the name and address of the person alleged to have committed the unlawful discriminatory practice complained of and which shall set forth the particulars thereof and contain such other information as may be required by the director for the investigation of the complaint.
- (2) Any complaint filed pursuant to RSMo ch. 213, or this chapter must be filed within 180 days after the alleged unlawful discriminatory practice was committed.

(b) *Investigation.* After the filing of any complaint, the director shall:

- (1) During the period beginning with the filing of such complaint and ending with the notice of public hearing before the commission, to the extent possible, engage in conciliation with respect to such complaint. Any agreement reached during these conciliation efforts shall conform to the requirements of subsection (d) of this section.
- (2) Promptly serve notice upon the complainant acknowledging and advising the complainant of the time limits and choice of forums provided under RSMo ch. 213, and this chapter.
- (3) Promptly serve notice on the respondent or the person charged with a discriminatory practice advising of his or her procedural rights and obligations under this chapter, together with a copy of the complaint.
- (4) Commence investigation of the complaint within 30 days of the receipt of the complaint.
- (5) For housing and public accommodation complaints, complete the investigation of the complaint within 100 days unless it is impracticable. If the director is unable to complete the investigation within 100 days, the director shall notify the complainant and the respondent in writing of the reasons for not doing so.
- (6) Make final administrative disposition of a housing or public accommodations complaint within one year of the date of receipt of a complaint unless it is impracticable to do so, in which case the director shall notify the complainant and respondent in writing of the reasons for not doing so.

(c) *No probable cause finding.* If it shall be determined after such investigation that no probable cause exists for crediting the allegations of the complaint, the director shall cause to be issued and served upon all parties written notice of such determination.

(d) *Probable cause finding; conciliation.*

- (1) If it shall be determined after such investigation that probable cause exists for crediting the allegations of the complaint, the director shall immediately endeavor to eliminate the unlawful discriminatory practice complained of by conference, conciliation and persuasion. Each conciliation agreement shall include provisions requiring the respondent to refrain from the commission of such allegedly unlawful discriminatory practice in the future and may contain such further provisions as may be agreed upon by the complainant and the respondent subject to the approval of the director. The director shall not

disclose what has transpired in the course of such endeavors and shall not make or maintain a public record of such endeavors as the term "public record" is defined in RSMo ch. 610.

- (2) If the respondent, the complainant and the director agree upon conciliation terms, the director shall compile the terms of the conciliation agreement for the signature of the complainant, respondent and director. Each conciliation agreement shall be made public unless the complainant and respondent otherwise agree and the director determines that disclosure is not legally required and is not required to further the purposes of this chapter.
- (e) *Failure to conciliate; hearing or prosecution.* If the director believes that he has failed to eliminate an allegedly unlawful discriminatory practice through conciliation, he shall cause to be issued and served a written notice thereof. If the complaint alleges a discriminatory practice prohibited by this chapter, the director may refer the matter to the city counselor for possible prosecution in municipal court. If the complaint alleges a discriminatory practice prohibited by RSMo ch. 213, the director shall refer the matter to the commission for hearing.

(Ord. No. 130041, § 5, 3-21-13)

Sec. 38-24. Reserved.

Sec. 38-25. Hearing or civil action.

- (a) *Hearing notice.* Upon referral from the director of a matter to be set for hearing, the commission shall set a date upon which a hearing shall be held by a hearing examiner appointed by the city and shall notify all parties of the date thereof. The notice shall be served upon the parties at least 20 days prior to the date of the hearing. A copy of the complaint shall be attached to each such notice.
- (b) *Election to file civil action in housing cases.*
 - (1) When a written notice of hearing on a complaint of housing discrimination is issued, a complainant or respondent may elect to have the claims asserted in that complaint decided in a civil action, in accordance with RSMo § 213.076. Written notice of an election made under this subsection shall be filed with the commission with notice to all parties within 20 days of the date on which the notice of hearing was mailed.
 - (2) If such an election is made, the director shall request that the city counselor file suit on behalf of the city and the complainant unless the complainant chooses to bring an action through his or her own private counsel. Within 30 days of the election, the city counselor shall commence, maintain and pay the costs of a civil action in the name of the city and any complainant not represented by private counsel seeking relief as authorized by RSMo ch. 213; however, before such suit is filed by the city on behalf of any complainant, the complainant will agree in writing that any costs or attorneys' fees recovered in such an action will be remitted to the city. The complainant shall have no liability to the city for costs and attorneys' fees except to the extent that such costs and attorneys' fees are awarded by the court to the complainant and paid by a respondent (defendant). Should the city counselor prevail in such suit, he is hereby authorized and directed to seek and recover costs and attorneys' fees. Any attorneys' fees or costs recovered by the city or by a complainant and remitted to the city shall be paid into the general fund of the city.
- (c) *Record of proceedings.* The hearing examiner shall cause all proceedings before it to be either tape recorded or held before a certified court reporter.
- (d) *Hearing procedure.* The hearing shall be conducted in accordance with RSMo ch. 536, and with rules adopted by the commission. The commission or the hearing examiner appointed to hear a matter may subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and

require the production for examination of any books, papers or other materials relating to any matter under investigation or in question before the commission.

(Ord. No. 130041, § 5, 3-21-13)

Sec. 38-26. Reserved.

Sec. 38-27. Discovery.

In any case which is before the commission, any party may obtain discovery in the same manner, upon and under the same conditions and upon the same notice and other requirements as is or may hereafter be provided for with respect to discovery in civil actions by rule of the supreme court of the state for use in circuit court. The designated hearing examiner for the human rights commission shall have the same responsibilities and authority with respect to discovery as is vested in circuit judges by supreme court rule. Enforcement of discovery shall be by the same methods, terms and conditions as provided by supreme court rule in civil actions in the circuit court; except that no order issued pursuant to such rule which requires a physical or mental examination, permits entrance upon land or inspection of property without permission of the owner, or purports to hold any person in contempt shall be enforceable except upon order of the circuit court after notice and hearing. The hearing examiner may limit discovery as is appropriate in each case.

(Ord. No. 130041, § 5, 3-21-13)

Sec. 38-28. Reserved.

Sec. 38-29. Penalty for refusal or failure to obey subpoena.

If any person fails, neglects or refuses to obey all the terms of any subpoena or subpoena duces tecum issued by the human rights commission or its designated hearing examiner, such failure shall be dealt with as provided by the applicable section of RSMo. ch. 536.

(Ord. No. 130041, § 5, 3-21-13)

Sec. 38-30. Reserved.

Sec. 38-31. Decision and order by commission.

- (a) The hearing examiner shall make findings of fact and conclusions of law and shall recommend to the commission an order granting any relief that is necessary to remedy any discrimination found and which is consistent with RSMo § 213.075, or dismissing the complainant as to the respondent, in accordance with such findings. The commission or a panel of at least three members of the commission shall review the record, findings and recommended order of the hearing examiner. The commission or panel shall thereafter accept or amend the recommended order, which shall become the order of the commission. All orders shall be served on the complainant and respondent and such other public officers as the commission deems proper.
- (b) The order of the commission shall not become final for appeal purposes until it is filed with and approved by the state commission on human rights, in accordance with the procedures set forth in RSMo § 213.135.
- (c) After rendition of the commission's decision on a contract compliance or affirmative action matter, the contracting officer shall serve upon the respondent a copy of such order and decision. The respondent shall have 30 days after delivery of the order and decision to demonstrate to the director willingness to comply with the terms and conditions of such order, failing which the contracting officer shall proceed to cancel,

terminate or suspend the contract, or declare the contractor ineligible to receive any city contract or franchise for a period of one year, as such order may require. Willingness of the contractor to comply with such order may be evidenced by his or her written agreement to comply with the terms and conditions set forth in the order.

(Ord. No. 130041, § 5, 3-21-13)

Sec. 38-32. Reserved.

Sec. 38-33. Confidentiality of statements and documents.

No documents which have been submitted nor anything which has been said or done during the course of a conciliation endeavor or as a result of an affirmative action program submission shall be made public or used as evidence in any subsequent proceedings without the written consent of the parties concerned, except as such statements or documents are public records as defined by state law or except when such statements or documents are used as evidence before a hearing examiner for the human rights commission.

(Ord. No. 130041, § 5, 3-21-13)

Sec. 38-34. Reserved.

Sec. 38-35. Suspension or revocation of business license.

Upon the final determination of any violation of this chapter, the license of such violator to do business in this city may be suspended for up to 30 days; and, upon a third final determination of any violation of this chapter within five years, the license of such person to do business in this city shall be revoked.

(Ord. No. 130041, § 5, 3-21-13)

Secs. 38-36—38-40. Reserved.

DIVISION 2. HUMAN RIGHTS COMMISSION²

²Cross reference(s)—Kansas City Lesbian, Gay, Bisexual, Trans and Queer Commission (LGBTQC), § 2-970.60 et seq.

Sec. 38-41. Establishment; membership.

- (a) There shall be a human rights commission, formerly known as the civil rights board, which shall be an agency as such term is defined in RSMo § 536.010. Such commission shall comprise seven members, including a chairperson, to be appointed by the mayor. The commission shall be a local commission as authorized by RSMo §§ 213.020 and 213.135, and as such shall have the power and authority to hear complaints of violations of RSMo ch. 213, in accordance with procedures set forth in RSMo ch. 213, and in this chapter.
- (b) All members shall serve without compensation and shall serve initial staggered terms at the discretion of the council and mayor of three years for three members, two years for three members, and one year for one member; provided that all members shall continue in office until their respective successors shall have been appointed and qualified. In the event of death or resignation of any appointee, a successor shall be appointed by the original appointing authority to serve during the unexpired portion of his or her term.

(Ord. No. 130041, § 5, 3-21-13)

Sec. 38-42. Reserved.

Sec. 38-43. Powers and duties.

- (a) The commission may adopt rules of procedure consistent with RSMo chs. 213 and 536, and this chapter.
- (b) The commission shall prepare an annual report to be presented to the mayor and council concerning the conditions of minority groups in the city, with special reference to discrimination, civil rights, human relations, hate group activity, bias crimes and bias practices and attitudes among institutions and individuals in the community. The report may also include other social and economic factors that influence conditions of minority groups, as well as the causes of these conditions and the effects and implications to minority groups and the entire city. In preparation for the report the commission may conduct hearings and conduct whatever other research is necessary. The report shall include appropriate recommendations to the mayor and the council.
- (c) The commission shall form task forces as follows:
 - (1) The commission shall form task forces including: youth, business, media, education, law enforcement, religion, labor, gay and lesbian issues, metropolitan area cooperation, and others as may be deemed appropriate.
 - (2) One member of each task force may be appointed from each councilmanic district, that member to be agreed upon jointly by the councilmembers from that district. Councilmembers may recommend additional members as appropriate.
 - (3) Except as provided in subsection (c)(2) of this section, the chairperson of the commission shall appoint the chairs and members of the task forces.
 - (4) The task forces shall consist of no more than 15 members except where the commission chairperson specifically approves additional members.
 - (5) The task forces will assist the commission in the preparation of the commission's annual report to the mayor and council.
- (d) The commission is empowered to investigate hate group activity and incidents of bias crimes and work with law enforcement agencies and others to implement programs and activities to combat hate group activity and bias crimes.

- (e) The commission may seek information from any and all persons, agencies and businesses, in both the public and private sectors, to identify and investigate problems of discrimination and bias as they affect the citizens of the city either directly or indirectly.
- (f) The commission may cooperate with public and private educational institutions at primary, secondary and post-secondary levels to foster better human relations among the citizens of the city and within the metropolitan Kansas City area.
- (g) The commission may work with civil rights organizations, community organizations, law enforcement agencies, school districts and others to collect and review data relating to patterns of discrimination, bias crimes, hate group activity, and general issues of civil and human rights.
- (h) The commission may conduct studies, assemble pertinent data, implement educational programs and organize training materials for use by the commission to assist civil and human rights agencies, neighborhood organizations, educational institutions, law enforcement agencies, labor unions and businesses and others to prevent discrimination.
- (i) The commission may serve as an advocate to prevent discrimination and bias crimes.
- (j) The commission chairperson may appoint such committees from its membership or other citizens to fully effectuate the purpose of this chapter.
- (k) The commission is empowered to hold hearings regarding issues of general or specific civil and human rights affecting the citizens of the city, to review decisions of hearing examiners appointed by the city to hear charges of violations of RSMo ch. 213, to administer oaths, and to take the testimony of any person under oath.
- (l) Based upon its hearings or those held by its hearing examiners, the commission shall issue such findings as it deems appropriate under the circumstances. If the commission finds that a respondent has engaged in an unlawful discriminatory practice as defined in RSMo ch. 213, the commission shall issue and cause to be served on the respondent an order requiring the respondent to cease and desist from the unlawful discriminatory practice. The order shall require the respondent to take such affirmative action or award such relief as in the commission's judgment will implement the purposes of this chapter and of Chapter 213, RSMo, including but not limited to the assessment of civil penalties, reinstatement, back pay, making available the dwelling or public accommodation, actual damages, or any other relief that is deemed appropriate and which is consistent with Chapter 213, RSMo.
- (m) Should the respondent also be a city contractor, upon complaint by the civil rights and equal opportunity department and after hearing duly held, the commission shall make findings of fact and conclusions of law; and when it finds a breach of conditions of any contract or franchise wherein compliance with this chapter is assured, it shall make an order specifying the terms and conditions under which any contract or franchise will be continued in force, or in the alternative shall order the cancellation, termination or suspension of such contract or franchise, or order that such contractor or franchise holder be ineligible to receive any city contract or franchise for a period of one year.
- (n) The chairperson may appoint hearing review panels composed of not less three persons to review hearings conducted by a hearing examiner regarding violations of RSMo ch. 213. Panels shall be appointed on a rotating basis to ensure that all commission members have an opportunity to review recommended findings of the hearing examiner. Any member of the commission who has a conflict of interest or the appearance of a conflict of interest regarding an issue to be heard by the commission will not participate in the proceedings regarding that issue.
- (o) The commission is empowered to hold hearings, upon complaint of an aggrieved party or upon an investigation by the director to determine whether the owner, operator, agent or an employee of a business or facility within a redevelopment area is using a prohibited dress code. Based upon its hearings, or those held by its hearing examiners, the commission shall issue such findings as it deems appropriate under the circumstances. If the commission finds that the owner, operator or employee of such a business or facility has used, or is using, a prohibited dress code, and, therefore, has engaged in an unlawful discriminatory

practice as defined in RSMo ch. 213, or in section 38-113, the commission shall issue and cause to be served on the owner, operator, agent or employee an order requiring the owner, operator or employee to cease and desist from the use of the prohibited dress code. The order may also require the owner, operator, agent or employee to take further affirmative action or award such relief as in the commission's judgment will implement the purposes of this chapter and of RSMo ch. 213, including but not limited to the assessment of civil penalties, making access available to those individuals denied access to the public accommodation because of the use of a prohibited dress code, actual damages, or any other relief that is deemed appropriate and which is consistent with RSMo ch. 213, and chapter 38, Code of Ordinances.

- (p) The commission shall study, advise and make other recommendations for legislation, policies, procedures and practices of the city, other businesses entities, and other public entities as are consistent with the purposes of this chapter.

(Ord. No. 130041, § 5, 3-21-13; Ord. No. 210645 , § 5, 8-12-21)

Secs. 38-44—38-60. Reserved.

DIVISION 3. BIAS OFFENSE REPORTING

Sec. 38-61. Reporting responsibility.

- (a) The police department of the city shall collect and maintain information relating to alleged crimes and ordinance violations occurring within the city in which the evidence of the offense indicates it was motivated by bigotry or bias related to the race, religion, sexual orientation or ethnicity of individuals or groups. For purposes of this section the following crimes and ordinance violations contained in the Code of Ordinances are included:

- (1) Section 1-17(d) General penalty; continuing violations;
- (2) Section 50-9, Stalking;
- (3) Section 50-102, Trespass generally;
- (4) Section 50-124, Institutional vandalism;
- (5) Section 50-125, Defacing property with aerosol paint and like materials;
- (6) Section 50-159, Harassment;
- (7) Section 50-164, Disorderly conduct;
- (8) Section 50-167, Disturbing the peace;
- (9) Section 50-168, Bodily injury—Attempting;
- (10) Section 50-169, Same—Inflicting;
- (11) Section 50-170, Assault on persons or on route to or from school premises; disturbing school activities;
- (12) Section 50-171, Aggravated trespass;
- (13) Section 50-261, Unlawful use of weapons—generally;
- (14) Section 64-11, Throwing missiles;
- (15) Section 64-12, Throwing objects from buildings.

(Ord. No. 130041, § 5, 3-21-13)

Sec. 38-62. Reserved.

Sec. 38-63. Reporting system.

The police department of the city shall develop a system by which the required reporting shall be accomplished. The reporting system shall include monthly distribution of the information collected to the civil rights and equal opportunity department of the city, and to the United States Department of Justice, Community Relations Service, Central Region.

(Ord. No. 130041, § 5, 3-21-13; Ord. No. 210645 , § 5, 8-12-21)

Sec. 38-64. Reserved.

Sec. 38-65. Incident reports.

- (a) Whenever any police officer has identified a victim of an alleged bias crime or city ordinance violation, the police department of the city shall, to the extent known, supply the name, address and telephone number of the victim to the director of the civil rights and equal opportunity department, acting for the human rights commission, together with other relevant information concerning the victim. Whenever any police officer has identified an incident that does not constitute a crime or city ordinance violation the officer will refer the victim to the civil rights and equal opportunity department. The director of civil rights and equal opportunity shall establish a telephone line for citizens to call to report incidents of possible bias incidents that are not crimes or city ordinance violations.
- (b) The purposes of this reporting are to permit the director of civil rights and equal opportunity, or other designated party appointed by the director, acting for the human rights commission, to:
 - (1) Contact the victim for the purpose of offering to help the victim deal with the police department, prosecutors and other interested agencies, and to help secure any other support which may be available to the victim; and
 - (2) Determine whether the incident is related to a pattern of discrimination, or if, due to bias-related tensions in the area where the incident occurred, further incidents are likely to occur if remedial action is not taken.

(Ord. No. 130041, § 5, 3-21-13; Ord. No. 210645 , § 5, 8-12-21)

Secs. 38-66—38-100. Reserved.

ARTICLE III. DISCRIMINATORY PRACTICES

DIVISION 1. IN GENERAL

Sec. 38-101. Prohibited.

- (a) Discriminatory practices, as defined in sections 38-102, 38-103, 38-105, 38-107, 38-109, 38-111 and 38-113, are prohibited. Any person who engages in a prohibited discriminatory practice shall be guilty of an ordinance violation, punishable by a fine of not more than \$500.00, by imprisonment of not more than 180 days, or by such fine and imprisonment.

- (b) Nothing in sections 38-102, 38-103, 38-105, 38-107, 38-109, 38-111 and 38-113 shall be read or interpreted to require the imposition of quotas or any form of affirmative action to remedy any past practices.

(Ord. No. 130041, § 5, 3-21-13; Ord. No. 190380 , § 1, 5-23-19)

Sec. 38-102. Salary history.

- (a) Except as otherwise provided in in this section, it shall be unlawful for an employer or agent to:
 - (1) Inquire about the salary history of an applicant for employment; or
 - (2) Screen job applicants based on their current or prior wages, benefits, or other compensation, or salary histories, including requiring that an applicant's prior wages, benefits, other compensation or salary history satisfy minimum or maximum criteria; or
 - (3) Rely on the salary history of an applicant in deciding whether to offer employment to an applicant, or in determining the salary, benefits, or other compensation for such applicant during the hiring process, including the negotiation of an employment contract; or
 - (4) Refuse to hire or otherwise disfavor, injure or retaliate against an applicant for not disclosing his or her salary history to an employer.
- (b) Notwithstanding paragraph (a) of this section, an employer or its agent may, without inquiring about salary history, engage in discussion with the applicant about the expectations with respect to salary, benefits, and other compensation, including but not limited to unvested equity or deferred compensation that an applicant would forfeit or have cancelled by virtue of the applicant's resignation from their current employer.
- (c) The prohibitions in paragraph (a) of this section shall not apply to:
 - (1) Applicants for internal transfer or promotion with their current employer;
 - (2) A voluntary and unprompted disclosure of salary history information by an applicant;
 - (3) Any attempt by an employer to verify an applicant's disclosure of non-salary related information or conduct a background check, provided that if such verification or background check discloses the applicant's salary history, such disclosure shall not be relied upon for purposes of determining the salary, benefits, or other compensation of such applicant during the hiring process, including the negotiation of a contract;
 - (4) Employee positions for which salary, benefits, or other compensation are determined pursuant to procedures established by collective bargaining; and
 - (5) Applicants who are re-hired by the employer within five years of the applicant's most recent date of termination from employment by the employer, provided that the employer already has past salary history data regarding the applicant from the previous employment of applicant.

(Ord. No. 190380 , § 1, 5-23-19)

Sec. 38-103. Employment.

- (a) It shall be unlawful for any employer, employment agency or labor organization to commit any of the following discriminatory employment practices:
 - (1) For any employer to fail or refuse to hire or promote, or to discharge, any individual or otherwise to rule or act against any individual with respect to compensation, tenure, conditions or privileges because of such individual's race, color, sex, religion, national origin or ancestry, disability, sexual orientation, gender identity or age.

- (2) For any employer to limit, segregate or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee because of such individual's race, color, sex, religion, national origin or ancestry, disability, sexual orientation, gender identity or age.
 - (3) For any employer, labor organization or employment agency or any joint labor-management committee controlling apprenticeship training programs to deny or withhold from any person the right to be admitted to or participate in a guidance program or an apprenticeship training program because of race, color, sex, religion, national origin or ancestry, disability sexual orientation or gender identity.
 - (4) For any employer or employment agency to fail or refuse to refer any individual for an employment interview or to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses any limitation, specification or preference, because of race, color, sex, religion, national origin or ancestry, disability, sexual orientation, gender identity or age.
 - (5) For any employer to substantially confine or limit recruitment or hiring of employees to any employment agency, employment services, labor organization, training school, training center or any other employee-referring source which excludes persons because of their race, color, sex, religion, national origin or ancestry, disability, sexual orientation, gender identity or age.
 - (6) For any labor organization to in any way deprive or limit any person in his or her employment opportunities or otherwise adversely affect his status as an applicant for employment or as an employee, with regard to tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment, because of race, color, sex, religion, national origin or ancestry, disability, sexual orientation, gender identity or age.
 - (7) For any employer, employment agency or labor organization to discharge, expel, demote, fail to promote or otherwise rule against any person because he or she has filed a complaint, testified or assisted in any manner in any investigation or proceedings under this chapter.
 - (8) For any person, whether or not an employer, employment agency or labor organization, to aid, abet, incite, compel, coerce or participate in the doing of any act declared to be a discriminatory practice under this chapter, or to obstruct or prevent any person from enforcing or complying with the provisions of this chapter, or to attempt to commit any act declared by this chapter to be a discriminatory practice.
- (b) Notwithstanding any other provision of this section, it shall not be an unlawful employment practice for an employer to apply different standards of compensation or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system.
- (c) Notwithstanding any other provision of this section, it shall not be an unlawful employment practice for a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, to discriminate in its employment decisions on the basis of religion, sexual orientation or gender identity.

(Ord. No. 130041, § 5, 3-21-13)

Sec. 38-104. Criminal records in employment.

- (a) Except as provided in subsection (b), it should be unlawful:
- (1) For an employer to base a hiring or promotional decision on an applicant's criminal history or sentence related thereto, unless the employer can demonstrate that the employment-related decision was based on all information available including consideration of the frequency, recentness and severity of

a criminal record and that the record was reasonably related to the duties and responsibilities of the position.

- (2) For an employer to inquire about an applicant's criminal history until after it has been determined that the individual is otherwise qualified for the position, and only after the applicant has been interviewed for the position. Such inquiry may be made of all applicants who are within the final selection pool of candidates from which a job will be filled.
- (b) The requirements set forth in subsection (a) of this section do not apply to positions where employers are required to exclude applicants with certain criminal convictions from employment due to local, state or federal law or regulation.

(Ord. No. 180034 , § 1, 2-1-18)

Sec. 38-105. Housing.

- (a) It is the policy of the city to provide, within constitutional limitations, for fair housing throughout the corporate limits of the city.
- (b) Within this section "protected trait" shall mean actual or perceived race, color, religion, national origin, sex, mental or physical disability, marital status, familial status, age sexual orientation or gender identity, gender expression, ethnic background, or being a victim of domestic violence, sexual assault or stalking.
- (c) If the director finds probable cause of a violation of this section, the director shall notify the director of health of the violation and assist the director of health in any related investigation, in addition to pursuing any enforcement authorized by chapter 213 RSMo.
- (d) The following discriminatory housing practices shall be unlawful:
 - (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of property offered for sale or rental, or otherwise make unavailable or deny a dwelling to any person, because of a protected trait.
 - (2) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of a protected trait.
 - (3) To make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference or limitation based on a protected trait or an intention to make any such preference, limitation, or discrimination.
 - (4) To represent to any person, because of a protected trait, that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
 - (5) To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of persons of a particular protected trait.
 - (6) For a person in the business of insuring against hazards to refuse to enter into or discriminate in the terms, conditions or privileges of a contract of insurance against hazards to a dwelling because of a protected trait pertaining to persons owning or residing in or near the dwelling.
 - (7) To discriminate in the sale or rental or to otherwise make unavailable or deny a dwelling to any buyer or renter because of a disability of:
 - a. That buyer or renter;
 - b. A person residing in or intending to reside in that dwelling after it is sold, rented or made available; or
 - c. Any person associated with that buyer or renter.

- (8) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:
 - a. That person;
 - b. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or
 - c. Any person associated with that person.
 - (9) To sexually harass a property owner or tenant;
 - (10) To refuse to rent or to make any distinction or restriction for the rental of a dwelling unit solely because of the type of reasonably verifiable and lawful source of income. As used in this section, lawful source of income shall mean the lawful manner by which an individual supports themselves or their dependents, including but not limited to pay, child support payments, and rental assistance from a federal, state, local or nonprofit-administered benefit or subsidy program. In no event shall an owner be compelled to participate in an otherwise voluntary benefit or subsidy program.
- (e) While a person may examine a criminal background check or rental history in reviewing an application for rental housing, the person shall review additional information provided by the rental applicant, including, but not limited to, personal references, recency and severity of any convictions, recency and status of any evictions, and any actions taken by the rental applicant to resolve past evictions.
- (f) For purposes of this section, the term "discrimination" includes:
- (1) A refusal to permit at the expense of the disabled person reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
 - (2) A refusal to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
 - (3) In connection with the design and construction of covered multifamily dwellings for first occupancy, a failure to design and construct those dwellings in a manner that:
 - a. The public and common use portions of such dwellings are readily accessible to and usable by disabled persons. This shall include at least one building entrance on an accessible route unless it is impracticable to do so because of the terrain or unusual characteristics of the site;
 - b. All doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs; and
 - c. All premises within such dwellings contain the following features of adaptive design:
 - 1. An accessible route into and through the dwelling;
 - 2. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;
 - 3. Reinforcements in bathroom walls to allow later installation of grab bars; and
 - 4. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically disabled persons, commonly cited as ANSI A117.1, suffices to satisfy that the requirements of subsection (b)(3)a of this section are met.

- (4) For purposes of subsections (a)(7) and (8) of this section, discrimination includes any act that would be discrimination under 42 USC 3604(f)(3) through (9).
- (g) Nothing in this section shall apply to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner actually maintains or occupies one of such living quarters as the owner's residence, and if the dwelling contains any rooms, except hallways, which are shared by the families or the owner.
- (h) Nothing in this section shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from discriminating in the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose on the basis of religion, sexual orientation or gender identity, or from giving preference to persons on those bases.

(Ord. No. 130041, § 5, 3-21-13; Ord. No. 180034 , § 1, 2-1-18; Ord. No. 180724 , § 1, 2-7-19; Ord. No. 190935 , § 4, 12-12-19)

Sec. 38-106. Reserved.

Sec. 38-107. Discrimination in commercial real estate loans.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance because of race, color, religion, national origin, ancestry, sex, sexual orientation, gender identity, handicap or familial status to a person applying therefor for the purpose of purchasing, construction, improving, repairing or maintaining a dwelling, or to discriminate against him in fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, national origin, ancestry, sex, sexual orientation, gender identity, handicap or familial status of such person or of any person associated with him in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants or occupants, of the dwellings in relation to which such loan or other financial assistance is to be made or given.

(Ord. No. 130041, § 5, 3-21-13)

Sec. 38-108. Reserved.

Sec. 38-109. Discrimination in the provision of brokerage services.

It shall be unlawful for any person to deny any other person right to membership or participation in any multiple listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against any person in terms or conditions of such access, membership or participation, on account of race, color, religion, national origin, sex, disability, marital status, familial status, sexual orientation or gender identity.

(Ord. No. 130041, § 5, 3-21-13)

Sec. 38-110. Reserved.

Sec. 38-111. Additional unlawful practices.

- (a) It shall be an unlawful discriminatory practice to:

- (1) Aid, abet, incite, compel or coerce the commission of acts prohibited under this chapter or to attempt to do so.
- (2) Retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by this chapter or because such person has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing conducted pursuant to this chapter.
- (3) Discriminate in any manner against any other person because of such person's association with any person protected by this chapter.

(Ord. No. 130041, § 5, 3-21-13)

Sec. 38-112. Reserved.

Sec. 38-113. Discriminatory accommodation practices.

- (a) It shall be a discriminatory accommodation practice for any owner, agent or employee of any place of public accommodation, directly or indirectly, to refuse, withhold from or deny to any person any of the accommodations mentioned in this chapter or to discriminate against any person in the furnishing thereof on account of race, religion, color, ancestry, national origin, sex, marital status, familial status, disability, sexual orientation or gender identity of such person, or directly or indirectly to publish, circulate or display any written or printed communication, notice or advertisement to the effect that any of the accommodations or the facilities of such place of public accommodation will be refused, withheld from or denied to any person on account of race, religion, color, ancestry, national origin, sex, disability, marital status, familial status, sexual orientation or gender identity, or that, for such reasons, the patronage or custom of any person described in this section is unwelcome or objectionable or not acceptable to such place.
- (b) It shall be a discriminatory accommodation practice for any owner, agent, operator or employee of a business or facility within a redevelopment area to use a prohibited dress code as defined in section 38-1, directly or indirectly, to refuse, withhold from or deny to any person any of the accommodations mentioned in this chapter or to discriminate against any person in the furnishing thereof on account of race, religion, color, ancestry, national origin, sex, marital status, familial status, disability, sexual orientation or gender identity of such person. Any dress code enforced in a redevelopment area or in any establishment with such area must be posted in accordance with the requirements of section 10-331(d), and must contain the phone number of the city's civil rights and equal opportunity department and a phone number of a representative of the establishment who is available to respond to complaints regarding the enforcement of the dress code during all hours when the establishment is open or such dress code is in effect. Any such dress code shall list all prohibited items of dress. Notwithstanding the foregoing, nothing herein shall be construed as prohibiting:
 - (1) Any owner or operator of a business or facility within a redevelopment area from establishing an employee dress code or requiring that an employee abide by the employee dress code while at work.
 - (2) Any owner, agent, operator or employee of a business or facility within a redevelopment area from affirmatively requiring the wearing of specified articles of clothing, which may include collared shirts and ties, sports jackets, business suits, business casual, formal clothing or smart casual clothing in keeping with the ambiance and quality of the particular business or facility and formal footwear, so long as the requirements are enforced with regard to each and every patron, regardless of race, religion, color, ancestry, national origin, sex, marital status, familial status, disability, sexual orientation or gender identity.

(Ord. No. 130041, § 5, 3-21-13; Ord. No. 210645 , § 5, 8-12-21)

Secs. 38-114—38-199. Reserved.

ARTICLE IV. LIVING WAGE³

³Editor's note(s)—Ord. No. 170391 , § 6, adopted May 18, 2017, and approved by voters on August 8, 2017, amended the Code by, in effect, repealing former art. IV, §§ 38-201—38-207, and adding a new art. IV. Former art. IV pertained to the city minimum wage, and derived from Ord. No. 170193 , adopted March 9, 2017.

Sec. 38-200. Authority.

This article is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, article VI, section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the city Charter or by statute.

(Ord. No. 170391 , § 6, 5-18-17)

Sec. 38-201. Definitions.

Apprentice means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business.

Base wage means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than \$30.00 a month in tips shall be paid pursuant to this article;

Commission means a payment based on a percentage of the value of sales or other business done;

Living wage means the minimum hourly rate of compensation that an employee shall be paid; and

Tip means a gratuity earned by an employee for providing good service.

(Ord. No. 170391 , § 6, 5-18-17)

Sec. 38-202. Applicability.

- (a) This article shall be effective within the corporate limits of the city, established by article 1, section 101 of the Kansas City, Missouri Charter.
- (b) Employees of the city shall be paid the living wage established by section 38-204 of this article. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the city and any bargaining unit.
- (c) As of the effective date of this article, contracts entered into by the city for services, including construction services, shall require the contractor to pay the living wage established by this article.
- (d) Businesses required by the city to have a business license from the city shall pay the living wage established by this article.
- (e) For purposes of identifying who shall be paid the living wage established by this article, all individuals employed in the corporate limits of the city, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this article. Also considered an employee for purposes of this article are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this article:
 - (1) An individual employed by the United States, the state or any political subdivision of the state other than by the city;
 - (2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;
 - (3) Apprentices in a registered apprentice program recognized by the state or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program

providing significant instructional and practical experience and offered by the city of Kansas City, Missouri.

- (4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the director of the state department of labor pertaining to exemption of seasonal employees;
- (5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;
- (6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and
- (7) Persons working for a business in connection with a court-ordered community service program.

(Ord. No. 170391 , § 6, 5-18-17)

Sec. 38-203. Findings.

- (a) The city council finds that the public welfare, health, safety and prosperity of citizens of the city requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;
- (b) The city council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;
- (c) The city council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;
- (d) The city council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the city pay employees a living wage that is adequate to meet the basic needs of living in the city.

(Ord. No. 170391 , § 6, 5-18-17)

Sec. 38-204. Living wage payment requirements.

- (a) Except as provided in subsection (b), the living wage paid to an employee not excluded as set forth above, shall be \$10.00 per hour, effective August 24, 2017. Beginning September 1, 2019, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The city shall post the living wage established by this article on its website after this article becomes effective and at least 90 days prior to each adjustment of the living wage.
- (b) An employee who customarily and regularly receives more than \$30.00 a month in tips and/or commissions shall be paid at least a base wage equivalent to 60 percent of the living wage established by this article. Initially the base wage rate shall be \$6.00. That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection (a) of this section. In the event an employee earns insufficient tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this article, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this article. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to

bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

(Ord. No. 170391 , § 6, 5-18-17)

Sec. 38-205. Prohibition against retaliation and circumvention.

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this article or assisting another person to do so.

(Ord. No. 170391 , § 6, 5-18-17)

Sec. 38-206. Remedies and penalties.

- (a) A person violating this article shall be subject to a fine of \$500.00. Any person violating any of the requirements of this article shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.
- (b) The city, any individual aggrieved by a violation of this article, or any entity whose members have been aggrieved by a violation of this article, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this article and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.
- (c) The remedies provided in this article are not exclusive, and nothing in this article shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

(Ord. No. 170391 , § 6, 5-18-17)

Sec. 38-207. Prospective application.

Nothing in this article shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, article I, section 13.

(Ord. No. 170391 , § 6, 5-18-17)

Sec. 38-208. Severability.

The requirements and provisions of this article are severable. In the event that any requirement, provision, part, subpart or clause of this article, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the council that the remainder of this article be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

(Ord. No. 170391 , § 6, 5-18-17)

Sec. 38-209. Notice posting.

Any holder of a city business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this article and shall include the text of sections 38-202 and 38-204 of this article. Failure to comply

with this section shall be construed as a violation of this article and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

(Ord. No. 170391 , § 6, 5-18-17)

Sec. 38-210. Procedure.

A complaint form for use in reporting violations of this article shall be available on the city webpage for use in reporting violations.

(Ord. No. 170391 , § 6, 5-18-17)

Sec. 38-211. Effective date.

This article shall become effective August 24, 2017, contingent upon voter approval at an election to be held on August 8, 2017.

(Ord. No. 170391 , § 6, 5-18-17)



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

Authorizing the Director of General Services to execute a one (1) year lease agreement with two options to renew for one (1) year each with Community Capital Fund.

Discussion

For the purpose of authorizing expenditures new or planned to conduct municipal services

Fiscal Impact

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

2. What is the funding source?

City Property and Acquisition: 23-1000-071600-457500

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

By adding \$11,862.20 in income

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 a total of \$35,586.60 in revenue earned after the execution of the lease. As well as an additional \$71,173.20 in revenue if lessee and lessor authorize both options to renew.

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

Yes



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

Prior Legislation

N/A

Service Level Impacts

This ordinance will increase revenue for the city and will provide Community Capital Fund with the space needed to provide grants to neighborhood-based organizations and conduct development workshops for anyone who is seeking a positive change in their neighborhood and community and much more.

City of Kansas City, Missouri

Docket Memo

Other Impacts

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

This legislation will increase access to families who are looking for ways to help the community. This legislation will also increase economic growth allowing families to be less likely to be depressed and depend on others for aid.

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

Staff has collaborated extensively with Community Capital Fund to provide adequate space in the planning and development of this project.

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

This project is part of overall assistance to the greater Kansas City Metro area and helps to advance the asset based community development and increase financial, human and social impact. This lease helps to generate additional rental income for City-owned space.

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

Yes

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



File #: 230233

ORDINANCE NO. 230233

Sponsor: Director of the Law Department

Approving and authorizing settlement of a claim by Mary Hancock, Claim No. T2122-0541.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the payment of the sum of \$75,000.00 from funds previously appropriated to Account No. 23-7010-131521-B, General Liability Claims, in settlement of the claim of Mary Hancock, Claim No. T2122-0541, as recommended by the City Attorney and the Risk Management Committee, is hereby approved.

..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:

Alisa N. Chambers
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

The City will be paying \$75,000.00 to settle a sidewalk claim brought by Mary Hancock.

Discussion

This was a trip and fall on a displaced slab of City sidewalk. Ms. Hancock suffered a head injury, contusions and abrasions and her right hand was fractured and required surgery and physical therapy. The City has a duty to maintain the sidewalk in a safe condition. This slab was raised well over an inch above the surrounding surface. Missouri Courts have held that cities are liable when in similar cases.

Fiscal Impact

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

2. What is the funding source?

7010-131521-B-618200

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

The specified amount is allocated toward the settlement for the purposes described.

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



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

N/A

Prior Legislation

N/A

Service Level Impacts

N/A

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. Is this legislation good for the children?
Yes
4. How does this legislation contribute to a sustainable Kansas City?
N/A



File #: 230157

ORDINANCE NO. 230157

Sponsor: Mayor Quinton Lucas

Amending Chapter 2, Code of Ordinances, by repealing Section 2-1954 relating to the City's fund balance and reserve policy and enacting in lieu thereof one new section of like number and subject to modify the required funding floor and ceiling, respectively, of the emergency reserve funds and countercyclical reserve funds of the general fund and amending permissible uses for unassigned general fund balance.

WHEREAS, the City has a thorough annual budget process, including quarterly budget analysis, and five-year business planning cycle during which Council, City staff, and residents have the opportunity to shape how the City spends taxpayer resources; and

WHEREAS, the City currently has a structural imbalance driven by expenditure growth exceeding revenue growth in the General Fund; and

WHEREAS, the City Council desires to maintain a prudent level of financial reserves to guard its citizens against service disruption in the event of unexpected temporary revenue shortfalls or unpredicted one-time expenditures, such as those seen in 2020 and 2021; and

WHEREAS, maintaining a strong fund balance can be critical in weathering an economic downturn, emergency capital repairs, or volatile revenue or unexpected expenditure; and

WHEREAS, fund balance is a focal point of credit rating agencies and investors; when governments maintain more fund balance, they are viewed more favorably and can achieve lower borrowing costs; and

WHEREAS, the Government Finance Officers Association (GFOA) recommends, at a minimum, no less than two months of regular general fund operating revenues or regular general fund operating expenditures for reserves; and

WHEREAS, the Moody's Investors Service recommends a fund balance between fifteen (15) percent and thirty (30) percent of revenues (or 16.67%); and

WHEREAS, credit rating agencies generally regularly assign thirty (30) percent of credit rating methodology to the financial performance of a municipality which includes the amount within the fund balance; and

WHEREAS, the City Council desires to promulgate a fiscally prudent emergency reserve, countercyclical reserve fund, and unassigned general fund balances exceeding the minimum standards directed by GFOA and credit rating agencies to ensure the City's ongoing ability to meet future fiscal challenges; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 2, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 2-1954 relating to the City's fund balance and reserve policy and enacting in lieu thereof one new section of like number and subject, to read as follows:

Sec. 2-1954. Fund balance and reserve policy.

(a) *Policy.*

- (1) It is the policy of the city to maintain its various fund balances and financial reserves at levels sufficient to pay obligations when due, address emergencies, cover temporary revenue shortfalls, provide stability throughout economic cycles and to protect the city's creditworthiness in accordance with applicable federal, state and local laws, and established best governmental practices.
- (2) The city's fund balance and reserve policy is the city's official guideline for use by city staff in conjunction with the city's budgeting and financial planning efforts. The policy shall be reviewed on an annual basis by the director of finance and any modifications made thereto must be approved by the city council.

(b) *Authority.* Under the authority granted by the state Constitution and the city Charter, the city council is authorized to direct the financial affairs of the city. It is the city council's intent to responsibly use this authority in order to fulfill the service objectives of the city and its agencies. Management responsibility for the city's fund balances is hereby delegated to the director of finance.

(c) *Scope.* This fund balance and reserve policy shall be inclusive of all funds of the city. The policy incorporates recommended best practices of the Government Finance Officers Association (GFOA) and Governmental Accounting Standards Board (GASB), as amended over time.

(d) *Objectives.*

- (1) To establish appropriate fund balance and/or reserve levels for each fund or fund type, after accounting for the "nonspendable" portions of the respective funds.
- (2) To set guidelines for each fund or fund type's fund balance and/or reserve levels.
- (3) To determine procedures for replenishment of fund balances or reserves if drawn below recommended levels, if necessary.
- (4) To establish financial reporting guidelines for amounts designated as fund balances and/or reserves.

(e) *Glossary.*

- (1) *Assigned fund balance.* Amounts that are constrained by the city's intent to be used for specific purposes but are neither restricted nor committed will be classified as "Assigned" fund balance. The intent will be identified by a city official to whom the governing body has delegated the authority to assign amounts for specific purposes.
 - (2) *Committed fund balance.* Amounts that can only be used for specific purposes pursuant to constraints imposed by a formal action of the city council will be classified as "Committed" fund balance.
 - (3) *Nonspendable fund balance.* Amounts that cannot be spent because they are not in spendable form (e.g. inventories, receivables, advances, etc.) or are legally and/or contractually required to be maintained intact will be classified as "Nonspendable" fund balance.
 - (4) *Restricted fund balance.* Amounts that are bound by externally imposed restrictions by creditors, grantors, contributors, laws or regulations of other governments or through constitutional provisions or enabling legislation will be classified as "Restricted" fund balance.
 - (5) *Unassigned fund balance.* Represents the remaining amount of fund balance which has not been classified as non-spendable, restricted, committed or assigned.
- (f) *Guidelines.*
- (1) *General fund.* The general fund is the main operating fund of the city and accounts for all financial transactions not accounted for in other funds. The general operating expenditures, fixed charges, and capital improvement costs that are not paid through other funds are financed through revenues received by the general fund.
 - a. *Committed general fund balance.* The committed general fund balance will include the following amounts:
 1. Encumbrances. Those encumbrances imposed by ordinance of the city council.
 2. Re-appropriations of unexpended and unencumbered appropriations and the re-estimation of uncollected revenues as authorized by ordinance of the city council.
 3. Emergency reserve (floor). The emergency reserve portion of committed fund balance shall not be less than two months of general fund operating expenditures.

4. The emergency reserve is available to address one-time operational emergencies, unexpected revenue reductions and/or unanticipated expenditure requirements occurring within a fiscal year. Funds may be withdrawn from this emergency reserve when an emergency has been recognized by ordinance prior to fiscal year end, the fund's budgeted contingency is exhausted, the countercyclical reserve has been exhausted, and the withdrawal is needed to prevent the fund from ending the fiscal year with a negative unassigned fund balance. An ordinance appropriating funds from the emergency reserve shall include language stating the city council is waiving the fund balance and reserve policy for a use of the emergency reserve.
- b. *Assigned general fund balance.* The assigned fund balance will include the following amounts:
1. *Encumbrances.* Those encumbrances authorized by department directors or the manager of procurement services.
 2. *Countercyclical reserve (ceiling).* The countercyclical reserve, when combined with the emergency reserve, shall not be greater than three months of general fund operating expenditures.
 - (i) The countercyclical reserve may be established by the director of finance in the maximum amount described above for varying purposes including, but not limited to: reserves for tax increment financing, debt service stabilization, interest rate risk, capital maintenance, swap termination payments, legal claims, and disaster recovery.
 - (ii) The director of finance may authorize the use of the countercyclical reserve when the withdrawal is needed to prevent the fund from ending the fiscal year with a negative unassigned fund balance.
 3. *Unassigned general fund balance.* Any amount in excess of the non-spendable, restricted, committed and assigned portions of fund balance is by definition unassigned general fund balance. If necessary, all or a portion of unassigned fund balance may only be appropriated in the following fiscal year's budget or in connection with the quarterly budget analysis process pursuant to Section 2-1956 of the Code of Ordinances of Kansas City, Missouri unless there is a commensurate revenue increase or decrease in another general fund obligation or a state of emergency is declared pursuant to Section 50-155 of the Code of Ordinances of the City

of Kansas City, Missouri. Uses of unassigned general fund balance are limited to the following:

- (i) Prepayment of principal and interest on city debt or contributions designed to reduce long-term liabilities (e.g. pension);
- (ii) Offsets to temporary revenue reductions from local, state, and federal sources;
- (iii) One-time expenditures that do not increase recurring operating costs;
- (iv) Establishment of or increase in assigned reserves; or
- (v) Start-up expenditures for new programs provided there is an identified source of new funding for future costs of the program.

4. *General fund balance replenishment.* Once the emergency reserve has initially been fully funded, if the emergency reserve should fall below its floor, the director of finance or budget officer will prepare and present to the city council a plan to replenish the emergency reserve. The city council must approve and adopt a plan within 12 months after the emergency reserve first falls below its floor, which establishes a time frame to restore the reserve to, at minimum, its floor level.

(2) *Proprietary funds.* Each proprietary fund shall strive to maintain an unassigned fund balance equal to, at minimum, two months' worth of operating costs, as defined in the respective bond ordinances for that fund. For the purposes of this calculation, the current fiscal year budget shall be the budget as originally adopted by ordinance in March for the subsequent fiscal year. This reservation of fund balance shall be in addition to all other required reservations including, but not limited to, amounts reserved for debt service and/or amounts reserved for renewal and replacement of long lived assets.

a. *Water fund.* The water fund accounts for activities of the city's water distribution system. Revenues are derived mainly from water service and installation charges.

b. *Kansas City airports fund.* The Kansas City airports fund accounts for the operations of the city's two airports: Kansas City International Airport (KCI) and the Charles B. Wheeler Downtown Airport. Revenues are derived principally from hangar and terminal building rental, landing fees, and parking.

- c. *Sewer fund.* The sewer fund accounts for the activities of the wastewater collection and treatment system. Revenues are derived primarily from sewer users' service charges and fees.
 - d. *Enterprise funds.* These funds account for the proceeds from a special facility bond issue and the related lease agreement for the aircraft maintenance and overhaul base located at the Kansas City International Airport.
- (3) *Special revenue funds.* Special revenue funds are used to account for the proceeds of specific revenue sources (other than certain capital projects and expendable trusts) that are legally restricted to expenditure for specified purposes. No specific reservation of fund balance is created by virtue of enactment of this policy. The amount of any reservation of fund balance shall be governed by the legal authority underlying the creation of the individual funds.
- (4) *Capital projects funds.* The capital projects funds account for resources used for the acquisition of capital facilities, except those financed by the proprietary funds and those budgeted in the general or special revenue funds, when resources are derived exclusively from the direct revenues for the fund and do not involve long-term borrowing. The city council, by ordinance, may elect to commit or assign a portion of its capital projects funds' balances to a general project contingency, capital maintenance or replacement reserve. All remaining restricted fund balance in the capital projects funds will be re-appropriated in the following year for eligible construction and renovation projects. No specific reserve requirements are established for capital projects funds; however, at a minimum, the fiscal year end unreserved fund balance, and estimated revenues for the ensuing fiscal year must be sufficient to meet all outstanding fund encumbrances.
- (5) *Debt service funds.* The debt service funds are used to account for the accumulation of resources for, and the payment of, general long-term debt principal and interest. The city shall maintain sufficient reserves in its debt service funds, which shall equal or exceed the requirements dictated by its bond ordinances. Funds restricted for debt service are monies held as required by a bond indenture or similar agreement and maintained either by the city or by a trustee. Any assignment of fund balance within the debt service funds represents the city's efforts to cover specific risks associated with business interruption, interest rates, swap termination, counterparties and difference in basis.
- (6) *Claims and workers compensation funds.* The claims and workers compensation funds are used to cover general liability claims, automobile liability, fire, and extended coverage on city vehicles, public official liability claims, and workers' compensation claims on both police department and city employees. The city shall seek to build and maintain reserves in its claims and workers compensation

funds in amounts equivalent to at least one times annual projected claims exposure.

- (7) *Waiving recommended levels.* The city council may waive, by ordinance, the requirement to maintain reserves at the recommended levels if it finds that it is in the best interests of the city.

(g) *Financial reporting.* In the city's fund financial statements, governmental and proprietary funds report reservations of fund balance for amounts that are not available for appropriation or are legally restricted by outside parties for use for specific purposes. Encumbrances outstanding at year end are reported as commitments or assignments of fund balances because they do not constitute expenditures or liabilities. Such encumbrances serve as authorizations for expenditures in the subsequent year. Commitments of fund balances represent tentative plans for future use of financial resources that are subject to change.

(h) *Allocations outside annual budget process.* Except in the case of a state of emergency, declared pursuant to Section 50-155 of the Code of Ordinances of the City of Kansas City, Missouri, allocations from the Unappropriated General Fund Balance outside of the annual budget process or quarterly budget analysis process as defined in Section 2-1956 of the Code of Ordinances shall only be made if the allocation is accompanied by a commensurate increase in revenue or a decrease in another General Fund obligation.

..end

Approved as to form:

Matthew Gigliotti
City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Mayor/Council's Office

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 Chapter 2, Code of Ordinances, by repealing Section 2-1954 relating to the City's fund balance and reserve policy and enacting in lieu thereof one new section of like number and subject to modify the required funding floor and ceiling, respectively, of the emergency reserve funds and countercyclical rserve funds of the general fund and amending permissible uses for unassigned general fund balance

Discussion

A strong fund balance is critical to weathering strains such as economic downturns, emergency capital repairs, or volatility in revenues and expenditures. Additionally, a strong fund balance is a focal point of credit rating agencies and investors. The Government Finance Officers Association (GFOA) recommends a reserve of at least no less than tewo months' regular general fund operating expenditures for reserves; Moody's Investors Service recommends a fund balance between 15% and 30% of revenues.

The City's current fund balance and reserve policy requires a reserve of at least two months of regular operating expenditures in the General Fund. The City also currently has a structural imbalance in the general fund due to expenditure growth exceeding revenue growth. This legislation seeks to establish a fiscally prudent emergency reserve in excess of the minimum standards directed by GFOA and credit rating agencies in an effort to meet future fiscal challenges.

Fiscal Impact

- 1. Is this legislation included in the adopted budget? Yes No
- 2. What is the funding source?
General Fund
- 3. How does the legislation affect the current fiscal year?
This legislation would require a minimum fund balance of three months' of operating expenses for the General Fund.
- 4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.



City of Kansas City, Missouri

Docket Memo

This legislation has a fiscal impact in future fiscal year. The table below uses data from the baseline scenario of the Five Year Financial Plan and the FY24 Submitted Budget to illustrate the difference in fund balance under a policy of two months' operative expenses versus three months'.

	FY24	FY25	FY26	FY27	FY28
Two mos. fund balance <i>(current policy)</i>	\$101,745,140	\$105,158,818	\$109,173,945	\$113,138,495	\$117,258,981
Three mos. fund balance <i>(proposed policy)</i>	\$152,617,405	\$157,737,912	\$163,760,590	\$169,707,403	\$175,888,120

The City is currently projected to draw down its fund balance below the two month threshold beginning in FY26. Under a policy of three months' reserves, the City would be below that threshold beginning in FY25. This speeds up the timetable for consideration of potential programmatic cuts to meet the required fund balance.

- 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.)

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

Additional Discussion (if needed)

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



City of Kansas City, Missouri

Docket Memo

- Engage in workforce planning including employee recruitment, development, retention, and engagement
- Ensure a responsive, representative, engaged, and transparent City government

Prior Legislation

[Click or tap here to list prior related ordinances/resolutions.](#)

Service Level Impacts

An increase to the required minimum fund balance of the General Fund will result in future programmatic cuts to meet that requirement, affecting the level of service provided to employees and residents of Kansas City.

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?
N/A
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



File #: 230171

ORDINANCE NO. 230171

Sponsor: Director of the Finance Department

Levying taxes for Fiscal Year 2023-24 for the General Revenue, Health, General Debt and Interest, and Museum Special Revenue Funds on all property in Kansas City subject to taxation on January 1, 2023; providing for the extension of such levies by the Director of Finance; and authorizing the collection by the Director of Finance.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That taxes for Fiscal Year 2023-24, commencing on the first day of May, 2023, in the total amount of one dollar seventy-one and eighteen hundredth cents (\$1.7118) per hundred dollars, shall be and are levied on all property within the City subject to taxation on January 1, 2023, under the Constitution and laws of the State of Missouri, both real and tangible personal, subject to the provisions contained in Section 2 of this ordinance, as follows:

FIRST: A general tax of sixty and seventy-four hundredth cents (\$.6074) on each hundred dollars of the assessed valuation of all such taxable property is levied and imposed for municipal operating purposes, to be credited to the General Revenue Fund.

SECOND: A general tax of sixty and seven-six hundredth cents (\$.6076) on each hundred dollars of assessed valuation of all such taxable property is levied and imposed for municipal operating expenses for hospitals and public health purposes, to be credited to the Health Fund.

THIRD: The Council, pursuant to authority granted under Section 92.031, RSMo, in the alternative, elects to impose a tax for debt service of forty-eight cents (\$.4800) on each hundred dollars of assessed valuation of all such taxable property, which tax is necessary for the maintenance of the General Debt and Interest Fund for the redemption of the outstanding general obligation bonds of the City maturing in Fiscal Year 2023-24 and for the payment of all interest becoming due and payable in Fiscal Year 2023-24, on the entire outstanding general obligation bond indebtedness of the City, except indebtedness upon which the principal and interest are payable or budgeted for payment from other funds of the City.

FOURTH: A general tax of one and sixty-eight hundredth cents (\$.0168) on each hundred dollars of the assessed valuation of all such taxable property is levied and imposed for municipal museum purposes, to be credited to the Museum Special Revenue Fund.

Section 2. (a) In determining the amount of taxes levied by this ordinance upon property subject to such levy, the true value of such property shall be taken to be the valuation shown in the assessments returned by the Assessor for the county in which the property is located for Fiscal Year 2023-24, as equalized according to law; and this levy is made upon the basis of that valuation.

(b) The general taxes levied upon the real estate and tangible personal property, and other than the goods, wares and merchandise held by all merchants and raw material, merchandise, finished products, tools, machinery and appliances used or kept on hand by all manufacturers, shall be entered and extended by the Director of Finance in the land and tangible personal property tax records for 2023.

(c) The taxes herein levied above are levied at the levels authorized under the Missouri Constitution and Statutes upon the assessments as estimated at the time of levy, provided however, the Legislature having mandated equalization maintenance upon the receipt of equalized valuations, the Council shall proceed to revise and roll back, if required, the foregoing levy upon such equalized assessments in accordance with constitutional and statutory requirements and such taxes shall be extended, billed and collected in the manner provided by ordinance.

(d) The Director of Finance shall provide for the collection of all taxes levied by this ordinance.

..end

I hereby certify that the levy specified in the THIRD paragraph of Section 1 of the foregoing ordinance is necessary for the maintenance of the General Debt and Interest Fund for the payment of principal and interest on the outstanding general obligation bond indebtedness of Kansas City, as stated therein.

Tammy L. Queen
Director of Finance

Approved as to form:

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

Levying taxes for Fiscal Year 2023-24 for the General Revenue, Health, General Debt and Interest and Museum Special Revenue Funds on all property in Kansas City subject to taxation on January 1, 2023; providing for the extension of such levies by the Director of Finance; and authorizing the collection by the Director of Finance

Discussion

Taxes for Fiscal Year 2023-24, commencing on the first day of May 2023, in the total amount of \$1.7118 per \$100, shall be levied upon all property within the City subject to taxation on January 1, 2023, under the Constitution and laws of the State of Missouri for both real and tangible personal property.

A general tax of 60.74 cents on each \$100 of the assessed valuation of all such taxable property is levied and imposed for municipal operating purposes to be credited to the General Fund.

A general tax of 60.76 cents on each \$100 of the assessed valuation of all such taxable property is levied and imposed for municipal operating expenses for hospitals and public health to be credited to the Health Levy Fund.

A tax of 48.00 cents on each \$100 of the assessed valuation of all such taxable property is imposed for purposes of paying debt service on outstanding general obligation bonds of the City.

A general tax of 1.68 cents on each \$100 of the assessed valuation of all such taxable property for municipal museum purposes, to be credited to the Museum Special Revenue Fund

Fiscal Impact

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

2. What is the funding source?

Collecting Revenues for the General fund 1000 12000 45XXXX (various), Health fund 2330 120000 45XXXX (various), General Debt & Interest fund 5010 120000 45XXXX (various), Museum fund 2020 120000 45XXXX (various)

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



City of Kansas City, Missouri

Docket Memo

The legislation does not affect the current year.

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

Yes, it estimates revenues for Fiscal Year 2023-24.

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

Yes, the legislation will generate revenue for fiscal year 2023-24.

Office of Management and Budget Review

(OMB Staff will complete this section.)

- 1. This legislation is supported by the general fund. N/A
- 2. This fund has a structural imbalance. N/A

Additional Discussion (if needed)

This legislation is for the purpose of levying taxes to support revenue generation in the General Fund, Health Fund, General Debt and Interest Fund, and Museum Fund.

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

Prior Legislation



City of Kansas City, Missouri

Docket Memo

220195

Service Level Impacts

Property tax collections significantly impact the City's ability to provide services. The general levy revenue is used to support basic services provided by the City such as public safety, road repair and emergency response. Revenues generated from the debt levy are used to meet the City's general debt obligations. Revenues generated from the health levy are dedicated to the health fund which supports care for the indigent. Revenues generated from the museum levy are used to support the Kansas City Museum.

Other Impacts

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

Yes, the property taxes collected from the health levy are dedicated to the health fund and used to pay expenditures related to healthcare for the indigent and support Health Department programs.

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

The City's budget office holds annual budget meeting with the community to gain insight about citizen's priorities. The revenue generated from property taxes will support the City's adopted budget.

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

The revenue generated from this legislation allows the City to meet its debt obligations as well as provide funding for the basic services provided by the City. This legislation also generates funds to provide healthcare services for the indigent.

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

No

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 #: 230172

ORDINANCE NO. 230172

Sponsor: Director of the Finance Department

Setting the rates for the trafficway maintenance tax, the park and boulevard maintenance tax, and the boulevards and parkways front foot assessment at \$0.00 for Fiscal Year 2023-24 in accordance with Section 68-582 of the Code of Ordinances

WHEREAS, at the election held on August 7, 2012, the voters of the City of Kansas City, Missouri, approved a park sales tax of 1/2 cent authorized by Section 644.032 of the Revised Statutes of Missouri for the purpose of providing for the maintenance and operations of local parks, parkways, boulevards and community centers, to become effective January 1, 2013; and

WHEREAS, in approving the park sales tax at the August 7, 2012, election, the voters directed that the City cease billing and collecting the trafficway maintenance tax, the park and boulevard maintenance tax, and the boulevards and parkways front foot assessment by setting the assessment for each at \$0.00 effective January 1, 2013, and for each following year for as long as the park sales tax is in effect; and

WHEREAS, upon approval of the park sales tax on August 7, 2012, Section 68-582 of the Code of Ordinances was adopted, requiring that, beginning January 1, 2013, and each year thereafter when levies are set by the City Council as part of its annual budget deliberations, the City Council will adopt appropriate ordinances that establish the park and boulevard maintenance taxes and trafficway maintenance taxes at \$0.00, and establish the boulevards and parkways front foot assessments at \$0.00; and

WHEREAS, at their meeting held on January 24, 2023, the Board of Parks and Recreation Commissioners passed a resolution recommending to the City Council that the assessment for the park and boulevard maintenance tax and the boulevards and parkways front foot assessment each be set as \$0.00 for Fiscal Year 2023-24; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That for the purpose of maintaining, adorning, constructing, repairing and otherwise improving the parks, parkways, boulevards, roads and grounds located in the City under the control and management of the Board of Parks and Recreation Commissioners, a maintenance tax of \$0.00 on each hundred dollars of the assessed value upon real estate,

exclusive of buildings and improvements, not exempted by law from taxation is imposed and levied according to the valuation and assessment of real estate for Fiscal Year 2023-24.

Section 2. That for the purpose of maintaining, repairing, and otherwise improving the boulevards, parkways, roads, streets, avenues and highways under the control and management of the Board of Parks and Recreation, there is levied for Fiscal Year 2023-24, a special assessment of \$0.00 per lineal foot on all lots, tracts, and parcels of land, abutting the boulevards, parkways, roads, streets, avenues and highways under the control and management of the Board of Parks and Recreation Commissioners.

Section 3. That there is hereby levied upon all real estate, exclusive of all improvements, not exempt by law from general taxation in the North, East and West Trafficway Districts, as established in Sections 2-1934, 2-1935 and 2-1936, respectively, of the Code of Ordinances, a special assessment of \$0.00 on each hundred dollars of the assessed value of real estate, exclusive of improvements, the assessed value to be the same as shown by the books of the Director of Finance for the assessment of real estate in the North, East and West Trafficway Districts made for general City purposes for Fiscal Year 2023-24 as to all real estate listed on the books for taxation for general City purposes.

..end

Approved as to form:

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

Setting the rates for the trafficway maintenance tax, the park and boulevard maintenance tax, and the boulevards and parkways front foot assessment at \$0.00 for Fiscal Year 2023-24 in accordance with Section 68-582 of the Code of Ordinances

Discussion

In 2012, the voters of Kansas City, Missouri approves a park sales tax of 1/2 cent for the purpose of maintenance and operations of local parks, parkways, boulevards, and community centers. In approving this sales tax, the voters directed the City cease billing and collecting the trafficway maintenance tax, the park and boulevard maintenance tax, and the boulevards and parkways front foot assessment by setting each assessment at \$0.00

Every year the Board of Parks and Recreation Commissions passes a resolution recommending to the City Council that these assessments be set as \$0.00 for the following fiscal year. When levies are set by the City Council as part of its annual Budget deliberations, the City Council will adopt the ordinances that establish the park and boulevard maintenance taxes, trafficway maintenance taxes, and boulevard and parkway front foot assessments at \$0.00

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?

N/A

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

This legislation sets the the park and boulevard maintenance tax, trafficway maintenance tax, and boulevard and parkway front foot assessment at \$0.00

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



City of Kansas City, Missouri

Docket Memo

This legislation is submitted annually to support the park sales tax.

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

Prior Legislation

220196

Service Level Impacts

N/A

Other Impacts

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

N/A



City of Kansas City, Missouri

Docket Memo

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")?

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



File #: 230173

ORDINANCE NO. 230173

Sponsor: Director of the Finance Department

Amending Chapter 78, Code of Ordinances, entitled “Water” by repealing Sections 78-6, 78-8, 78-10, and enacting in lieu thereof new sections of like number and subject matter that adjust charges for water service; and establishing an effective date.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 78 of the Code of Ordinances of Kansas City, Missouri, entitled “Water”, is hereby amended by repealing Sections 78-6, 78-8, and 78-10 and enacting in lieu thereof new sections of like number and subject matter that adjust charges for water service to read as follows:

Sec. 78-6. General meter rate.

For all water purchased for use wholly and exclusively within the city by any accountholder the general meter rate charge shall be the sum of the service charge and the commodity charge, and as prescribed in Section 78-11. The service charge and the commodity charge shall be determined as follows:

- (1) Service charge. The service charge is a charge per meter or service connection, to cover, in part, the cost of various services, and shall be prorated per day during the billing period and shall apply whether or not any water is used; the service charge shall be based on meter size and billing frequency as follows, unless otherwise provided herein:

Meter Size (inches)	Billed Monthly
5/8	\$16.15
3/4	17.45
1	21.35
1½	25.70
2	40.70
3	139.50

4	175.50
6	261.00
8	377.00
10	497.00
12	585.00

(2) Commodity charge. The commodity charge shall be based on the total volume of water purchased by the accountholder as shown by all water meters connected to one or more water services serving a single property of the accountholder and shall be as follows per month for metered water:

a. Ordinary commodity charge.

First 600 cubic feet at \$5.41 per 100 cubic feet, or a portion thereof;

Next 4,400 cubic feet at \$6.01 per 100 cubic feet or a portion thereof;

Next 995,000 cubic feet at \$5.14 per 100 cubic feet or a portion thereof;

Over 1,000,000 cubic feet at \$3.56 per 100 cubic feet or a portion thereof.

b. Seasonal off-peak commodity charges. For industrial customers with peak demand in the winter season:

All usage at \$3.38 per 100 cubic feet or a portion thereof;

The director of water services is hereby authorized to promulgate regulations to be used for determining the applicability of this subsection.

(3) Manual meter reading charges.

a. The service charges set out in this chapter assume use of the city's automatic meter reading system. In cases where the automatic meter reading system could not be installed due to action or inaction on the accountholder's part, including lack of access to meter, improper meter setting, accountholder refusal, or other reasons, a charge of \$21.37 for manual meter reading will be applied each time that a meter is attempted to be read manually.

b. When manual meter reading registers no water use for a period of 12 consecutive months, the water services department may cease monthly meter reading and begin reading the meter every six months. At that time, it will no longer charge the separate manual meter reading fee; however, a service charge of \$128.22 for the six-month read period shall apply.

- (4) Definitions (as used in this section).
- a. Residential account shall refer to all one- and two-family dwelling water service accounts.
 - b. Commercial and industrial accounts shall refer to all water service accounts other than one- and two-family dwellings.
 - c. Month and monthly shall refer to a time period of approximately 30 days.
 - d. Accountholder shall refer to any owner or occupant of real property, or any customer or consumer of water services.

Sec. 78-8. Fire protection rates.

(a) The rate for an unmetered water service connection to hydrants, hose connection or sprinkling systems purchased and used solely and exclusively for fire protection purposes, including all water used for fire protection shall be as set out in the chart below.

Size of Connection	Rate Per Annum
4-inch and less	\$131.00
6-inch	386.00
8-inch	822.00
10-inch	1,479.00
12-inch	2,389.00
16-inch	5,091.00

(b) The size, location and arrangement of any fire protection services are subject to the approval of the director of the water services department.

(c) All meters, valves and hydrants controlling or in connection with such fire protection services shall be sealed by the water services department. A fee of \$205.00 shall be charged for each meter, valve or hydrant requiring resealing in the absence of evidence that the meter, valve or hydrant seal was broken in operation against a fire or in operations pursuant to system testing by a fire underwriting agency and properly certified by such testing agency.

(d) Direct connections between the fire protection and drain piping on all premises are not permitted, and drawings which show the location of all fire protection piping may be required by the water services department. The repeated, unauthorized breakage of seals on any premises may be taken as evidence that water is being used without authorization; and in such case the water services department may require the installation of a meter designed for fire

protection and in addition to other charges set out above also assess charges therefore in accordance with section 78-6.

(e) Fire protection services shall be billed to the owner of record of the real property.

Sec. 78-10. Suburban meter rate.

(a) For any and all water purchased wholly or partially for use outside the city by any accountholder, a total charge consisting of a service charge, a commodity charge, a re-pumping charge where applicable, shall be computed for each billing period and shall be as follows:

(1) *Service charge.* A service charge, prorated per day during the billing period based on meter size, with such charge to be applied whether or not any water is used, shall be charged as follows;

Meter Size (inches)	Billed Monthly
5/8	\$17.15
3/4	18.40
1	22.50
1½	28.00
2	43.00
3	140.00
4	176.50
6	262.50
8	379.00
10	499.00
12	588.00

The service charges as established in this subsection may be superseded by any contract between the city and any other public water supply which provides for an interchange agreement.

(b) *Commodity charge.* A commodity charge per month, based on the total volume of water purchased by the accountholder as shown by all water meters connected to one or more water systems serving the accountholder's premises, shall be charged as follows:

(1) Retail customers. For accountholders purchasing water for use wholly by the accountholder:

First 5,000 cubic feet at \$5.63 per 100 cubic feet or a portion thereof;

Over 5,000 cubic feet at \$4.51 per 100 cubic feet or a portion thereof.

- (2) Wholesale customers. For accountholders purchasing water for resale:

Unrestricted: \$2.56 per hundred cubic feet or a portion thereof;

Restricted: \$2.46 per hundred cubic feet or a portion thereof;

Wholesale customers shall be classified as restricted or unrestricted based on water supply contract terms between the city and other contracting entity.

(c) *Repumping charge.* A repumping charge based on the quantity of purchased water repumped shall be charged to wholesale suburban customers only as follows:

- (1) From the pumping station at 75th and Holmes Street; from the pumping station at Highway AA near the Village of Waukomis in Platte County, Missouri; from the Blue Ridge Pumping Station at 67th Street and Blue Ridge Boulevard; from the pumping station at Englewood Road and North Oak Trafficway; from Arrowhead Pumping Station at NE 75th and Arrowhead Trafficway, and from the South Terminal Pump Station at Ward Road and Persells, per 100 cubic feet, \$0.22 or a portion thereof.
- (2) From the pumping station at 131st Street and Prospect Avenue; from the High Grove Road Pumping Station, and from the Platte County Booster Pump Station at Camden Point Highway E and Interurban Road, per 100 cubic feet, \$0.30 or a portion thereof.

(d) *Definition.* The term "month" or "monthly," as used in this section shall refer to a time period of approximately 30 days.

(e) *Applicability.* Rates set forth in this section may not be applicable where such rates are established by existing or future contracts.

Section 2. This ordinance shall become effective on May 1, 2023.

..end

Approved as to form:

Nicole Rowlette
Senior Associate City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Water 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

FY2024 Water Rate Ordinance. This ordinance is part of the overall FY2024 budget ordinance in that it sets the rates for water usage and treatment for the different customer classes that utilize the drinking water system.

Discussion

The City of Kansas City Water System determines its revenue requirements as part of its budgetary process for the upcoming fiscal year. This review includes a cost of service analysis that adheres to water industry standards which are used to appropriately allocate costs and set rates associated with the various customer classes that use the system. The recommended revenue increase is necessary in part to meet increased operation and maintenance costs and address capital improvement needs. Further, passage of this ordinance continues the funding of the renewal and replacement fund and maintaining cash reserves to ensure adequate capital reinvestment in the system, which in the long term will support the overall costs for maintaining water assets. The ordinance will provide the utility an overall 5% water revenue increase. The fees and charges reflect the projected costs to operate the Water Utility and provide services to its customers. The rate structure is proposed to be effective on billings for usage on or after May 1, 2023. For billings prior to May 1, 2023, the current rates continue to apply.

Fiscal Impact

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

2. What is the funding source?

Rates and user fees collected from users of the KCMO Water System.

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

It does not. It affects the upcoming fiscal year FY2024, effective May 1, 2023.

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

It increases water rates in FY2024 in order to meet increased costs placed on the system by demand from the different customer classes.



City of Kansas City, Missouri

Docket Memo

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

Yes it generates revenue through the rates specified in the ordinance. The rates along with demand put on the system by customers will determine the revenue collected by the water utility and enable the utility to cover the costs of operating in FY 2024 and make capital investments to repair and improve the system.

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
- 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
-
-

City of Kansas City, Missouri

Docket Memo



Prior Legislation

FY2023 Water Rate Ordinance #220197.

Service Level Impacts

This ordinance will enable KC Water to continue to provide reliable clean drinking water service to ratepayers. It will also enable the utility to fulfill critical staff positions, reliably operate the Water Treatment Plant, and adhere to regulatory compliance and employee safety standards. It also allows the water utility to continue work on the water main replacement program.

Other Impacts

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

The revenue collected from rates set in this ordinance will enable KCMO to continue to cover the operating and capital cost associated with providing clean drinking water to the City's residents and businesses.

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 rate increase will contribute to sustainability by ensuring adequate capital reinvestment in the system and maintaining service levels, which in the long term will keep overall costs manageable for maintenance and operation of the drinking waer system.

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

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 230173

Amending Chapter 78, Code of Ordinances, entitled “Water” by repealing Sections 78-6, 78-8, 78-10, and enacting in lieu thereof new sections of like number and subject matter, that adjust charges for water service; and establishing an effective date.

..body

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 78 of the Code of Ordinances of Kansas City, Missouri, entitled “Water”, is hereby amended by repealing Sections 78-6, 78-8, and 78-10 and enacting in lieu thereof new sections of like number and subject matter that adjust charges for water service to read as follows:

Sec. 78-6. General meter rate.

For all water purchased for use wholly and exclusively within the city by any accountholder the general meter rate charge shall be the sum of the service charge and the commodity charge, and as prescribed in Section 78-11. The service charge and the commodity charge shall be determined as follows:

- (1) Service charge. The service charge is a charge per meter or service connection, to cover, in part, the cost of various services, and shall be prorated per day during the billing period and shall apply whether or not any water is used; the service charge shall be based on meter size and billing frequency as follows, unless otherwise provided herein:

Meter Size (inches)	Billed Monthly
5/8	\$16.15
3/4	17.45
1	21.35
1½	25.70
2	40.70
3	139.50
4	175.50
6	261.00
8	377.00

10	497.00
12	585.00

(2) Commodity charge. The commodity charge shall be based on the total volume of water purchased by the accountholder as shown by all water meters connected to one or more water services serving a single property of the accountholder and shall be as follows per month for metered water:

a. Ordinary commodity charge.

First 600 cubic feet at \$5.41 per 100 cubic feet, or a portion thereof;

Next 4,400 cubic feet at \$6.01 per 100 cubic feet or a portion thereof;

Next 995,000 cubic feet at \$5.14 per 100 cubic feet or a portion thereof;

Over 1,000,000 cubic feet at \$3.56 per 100 cubic feet or a portion thereof.

b. Seasonal off-peak commodity charges. For industrial customers with peak demand in the winter season:

All usage at \$3.38 per 100 cubic feet or a portion thereof;

The director of water services is hereby authorized to promulgate regulations to be used for determining the applicability of this subsection.

(3) Manual meter reading charges.

a. The service charges set out in this chapter assume use of the city's automatic meter reading system. In cases where the automatic meter reading system could not be installed due to action or inaction on the accountholder's part, including lack of access to meter, improper meter setting, accountholder refusal, or other reasons, a charge of \$21.37 for manual meter reading will be applied each time that a meter is attempted to be read manually.

b. When manual meter reading registers no water use for a period of 12 consecutive months, the water services department may cease monthly meter reading and begin reading the meter every six months. At that time, it will no longer charge the separate manual meter reading fee; however, a service charge of \$128.22 for the six-month read period shall apply.

(4) Definitions (as used in this section).

- a. Residential account shall refer to all one- and two-family dwelling water service accounts.
- b. Commercial and industrial accounts shall refer to all water service accounts other than one- and two-family dwellings.
- c. Month and monthly shall refer to a time period of approximately 30 days.
- d. Accountholder shall refer to any owner or occupant of real property, or any customer or consumer of water services.

Sec. 78-8. Fire protection rates.

(a) The rate for an unmetered water service connection to hydrants, hose connection or sprinkling systems purchased and used solely and exclusively for fire protection purposes, including all water used for fire protection shall be as set out in the chart below.

Size of Connection	Rate Per Annum
4-inch and less	\$131.00
6-inch	386.00
8-inch	822.00
10-inch	1,479.00
12-inch	2,389.00
16-inch	5,091.00

(b) The size, location and arrangement of any fire protection services are subject to the approval of the director of the water services department.

(c) All meters, valves and hydrants controlling or in connection with such fire protection services shall be sealed by the water services department. A fee of \$205.00 shall be charged for each meter, valve or hydrant requiring resealing in the absence of evidence that the meter, valve or hydrant seal was broken in operation against a fire or in operations pursuant to system testing by a fire underwriting agency and properly certified by such testing agency.

(d) Direct connections between the fire protection and drain piping on all premises are not permitted, and drawings which show the location of all fire protection piping may be required by the water services department. The repeated, unauthorized breakage of seals on any premises may be taken as evidence that water is being used without authorization; and in such case the water services department may require the installation of a meter designed for fire protection and in addition to other charges set out above also assess charges therefore in accordance with section 78-6.

(e) Fire protection services shall be billed to the owner of record of the real property.

Sec. 78-10. Suburban meter rate.

(a) For any and all water purchased wholly or partially for use outside the city by any accountholder, a total charge consisting of a service charge, a commodity charge, a re-pumping charge where applicable, shall be computed for each billing period and shall be as follows:

- (1) *Service charge.* A service charge, prorated per day during the billing period based on meter size, with such charge to be applied whether or not any water is used, shall be charged as follows;

Meter Size (inches)	Billed Monthly
5/8	\$17.15
3/4	18.40
1	22.50
1½	28.00
2	43.00
3	140.00
4	176.50
6	262.50
8	379.00
10	499.00
12	588.00

The service charges as established in this subsection may be superseded by any contract between the city and any other public water supply which provides for an interchange agreement.

(b) *Commodity charge.* A commodity charge per month, based on the total volume of water purchased by the accountholder as shown by all water meters connected to one or more water systems serving the accountholder's premises, shall be charged as follows:

- (1) Retail customers. For accountholders purchasing water for use wholly by the accountholder:
 - First 5,000 cubic feet at \$5.63 per 100 cubic feet or a portion thereof;
 - Over 5,000 cubic feet at \$4.51 per 100 cubic feet or a portion thereof.
- (2) Wholesale customers. For accountholders purchasing water for resale:

Unrestricted: \$2.56 per hundred cubic feet or a portion thereof;

Restricted: \$2.46 per hundred cubic feet or a portion thereof;

Wholesale customers shall be classified as restricted or unrestricted based on water supply contract terms between the city and other contracting entity.

(c) *Repumping charge.* A repumping charge based on the quantity of purchased water repumped shall be charged to wholesale suburban customers only as follows:

- (1) From the pumping station at 75th and Holmes Street; from the pumping station at Highway AA near the Village of Waukomis in Platte County, Missouri; from the Blue Ridge Pumping Station at 67th Street and Blue Ridge Boulevard; from the pumping station at Englewood Road and North Oak Trafficway; from Arrowhead Pumping Station at NE 75th and Arrowhead Trafficway, and from the South Terminal Pump Station at Ward Road and Persells, per 100 cubic feet, \$0.22 or a portion thereof.
- (2) From the pumping station at 131st Street and Prospect Avenue; from the High Grove Road Pumping Station, and from the Platte County Booster Pump Station at Camden Point Highway E and Interurban Road, per 100 cubic feet, \$0.30 or a portion thereof.

(d) *Definition.* The term "month" or "monthly," as used in this section shall refer to a time period of approximately 30 days.

(e) *Applicability.* Rates set forth in this section may not be applicable where such rates are established by existing or future contracts.

Section 2. This ordinance shall become effective on May 1, 2023.

Approved as to form:

Nicole Rowlette
Senior Associate City Attorney



File #: 230174

ORDINANCE NO. 230174

Sponsor: Director of the Finance Department

Amending Chapter 60, Code of Ordinances, entitled Sewers and Sewage Disposal, by repealing Sections 60-2 and 60-3 and enacting in lieu thereof new sections of like number and subject matter that adjust charges for sewer service; and establishing an effective date.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 60 of the Code of Ordinances of Kansas City, Missouri, entitled Sewers and Sewage Disposal, is hereby amended by repealing Sections 60-2, and 60-3 and enacting in lieu thereof new sections of like number and subject matter to read as follows:

Sec. 60-2. Sewer charges for resident users.

There are hereby established charges against every person and for every property, partnership, corporation, association, and other entity within the city limits having an actual or available connection with the city's sanitary sewer system, or discharging sewage, industrial waste, water or other liquid into the system. Charges shall be prorated per day during the billing period. Such charges are to be the sum of service charges, volume and high concentration charges to be computed and levied as follows and as prescribed in Section 60-9:

- (1) *Service charges.*
 - a. Sanitary sewer. A service charge of \$26.89 per month to cover in part the cost of providing various services, and shall be prorated per day during the billing period and shall apply whether or not any sewage or wastes are actually discharged to the city sewer during the billing period; such charges are to be made each month.
 - b. Wastewater discharge permits. Commercial and industrial users shall pay for the cost of the wastewater discharge permitting program as described and authorized in article IV of this chapter. Charges as authorized in article IV of this chapter shall be billed and collected with the commercial or industrial users' normal water and/or sewer billing charges.

- (2) *Volume charges.* A volume charge of \$10.85 per 100 cubic feet (ccf), or a portion thereof, based upon the total volume of water purchased by the customer during the billing period subject to the following adjustments:
- a. Water supplied from separate source. Where water is supplied by a separate and independent source, the sewage volume charge shall be based upon the volume of water used, where such information is available, and computed at the volume charge established herein. Where usage information is not available, the water services department shall determine an appropriate volume of water used and compute it at the volume charge established herein.
 - b. Residential accounts. Except as noted in (2)(a), residential service account (one- and two-family residences) volume charges for the bills generated during the months of May through December shall be based upon water used during the winter period, such winter period being the bills generated during January through April, (these are the billing periods that most closely correspond to the December through March usage); such charges shall be payable with each bill rendered throughout the year. Where residential water services accounts do not have an acceptable history of winter water use, the volume charge for bills generated during the months of May through December shall be the volume charge established herein, or \$65.10 per month, whichever is the lesser.
 - c. Commercial and industrial water accounts with diverted water uses. Commercial and industrial water accounts are all water service accounts other than one- and two-family dwellings. Diverted water uses are those where a significant portion of the water purchased is used in manufactured products such as ice, canned goods or beverages. Where the product is transported away from the premises in containers (water to product) the application fee is \$1,000.00. Where the water purchased is lost by evaporation or irrigation the application fee is \$550.00. The director of the water services department or the director's representative shall make the determinations of fact as to the amount of water which is diverted, and shall have authority to adjust the sewer use volume billed on the basis of the facts ascertained. The application fee is to pay for site review, plan review, and installation inspection.
- (3) *Commercial and industrial water accounts with high concentration discharges.* Commercial and industrial water accounts shall include all water service accounts other than one- and two-family dwellings. High concentration discharges are those in which the BOD (biochemical oxygen demand), SS (suspended solids), and/or O&G (oil and grease) concentrations are in excess of the maximum concentration of these components in normal sewage as defined in article IV of this chapter. In addition to other sewer service and volume charges, a surcharge, as established by the formulae defined and set forth in article IV of this chapter,

shall be levied on high concentration discharges received from any customer under this section.

For surcharge rate formulae calculation purposes, the following rates are hereby established:

RB (surcharge per pound of excess BOD) = \$0.495

RS (surcharge per pound of excess SS) = \$0.225

RG (surcharge per pound of excess O&G) = \$0.249

The director of water services is hereby authorized to promulgate regulations to develop various groups and classes to facilitate the equitable distribution of surcharge fees among like groups of customers.

- (4) *Definition.* Month or monthly, as used in this section, shall refer to a time period of approximately 30 days.

Sec. 60-3. Sewer charges for nonresident users.

(a) *Charges.* There are hereby established charges against every person, partnership, corporation, association, and other entity outside the city limits having a connection with the city's sanitary sewer system or discharging sewage, industrial waste, water or other liquids into the city's sewer system. All charges billed shall be prorated per day during the billing period. Such charges are to be the sum of service charges and volume charges to be computed and charged as follows:

- (1) Metered connections with municipalities and political subdivisions. Bulk flows through a metered interconnection with a municipality or other political subdivision shall be charged and pay a rate of \$4.02 per 100 cubic feet (ccf), or portion thereof, with no service charges.
- (2) Unmetered connections with municipalities and other political subdivisions. Bulk flows through an unmetered interconnection with a municipality or other political subdivision shall be charged and pay a rate of \$5.93 per 100 cubic feet (ccf), or portion thereof, of actual water consumption for all residential, commercial and industrial customers, and shall also pay a service charge of \$17.15 per month for each such customer.
- (3) Unmetered connections with municipalities and other political subdivisions; no water consumption records. Where actual water consumption records are not available, bulk flows from a municipality or political subdivision through an unmetered interconnection shall pay a sewer charge of \$59.29 per month per dwelling unit or equivalent dwelling unit.

- (4) Individual non-resident customers billed directly by the city. Individual non-resident customers billed directly by the city shall pay a service charge of \$37.87 per month, plus a volume charge of \$14.70 per 100 cubic feet (ccf), or portion thereof.
- (5) Accounts with high concentration discharges. High concentration discharges are those in which the BOD (biochemical oxygen demand), SS (suspended solids), and/or O&G (oil and grease) concentrations are in excess of the maximum concentration of these components in normal sewage as defined in article IV of this chapter. In addition to other sewer service and volume charges, a surcharge, as established by the formulae defined and set forth in article IV of this chapter, shall be levied on high concentration discharges received from any non-resident user.

For surcharge rate formulae calculation purposes, the following rates are hereby established:

RB (surcharge per pound of excess BOD) = \$0.553

RS (surcharge per pound of excess SS) = \$0.244

RG (surcharge per pound of excess O&G) = \$0.266

The director is hereby authorized to develop various groups and classes to facilitate the equitable distribution of surcharge fees among like groups of customers.

(b) *Definition.* "Month" or "monthly," as used in this section shall refer to a time period of approximately 30 days.

(c) *Applicability.* This section may not be applicable where arrangements for sewer service and sewer service charges are established by an existing or future contract or cooperative agreement.

Section 2. This ordinance shall become effective on May 1, 2023.

..end

Approved as to form:

Nicole Rowlette
Senior Associate City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Water 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

FY2024 Sewer Rate Ordinance. This ordinance is part of the overall FY2024 budget ordinance in that it sets the rates for the sewer usage and disposal for the different customer classes that utilize the sanitary sewer system

Discussion

The City of Kansas City Sanitary Sewer System determines its revenue requirements as part of its budgetary process for the upcoming fiscal year. This review includes a cost of service analysis that adheres to sanitary sewer industry standards which is used to appropriately allocate and set rates associated with the various customer classes that use the system. The recommended revenue increase is necessary in part to meet increased costs due to inflow and infiltration, addressing capital improvement needs and the overflow control plan. Further, passage of this ordinance continues the funding of the renewal and replacement fund and maintaining cash reserves to ensure adequate capital reinvestment in the system, which in the long term will support the overall cost for maintaining sewer assets. The ordinance will provide the utility an overall 6% sewer revenue increase. The fees and charges reflect the projected costs to operate the Wastewater Utility and provide service to its customers. The rate structure is proposed to be effective on billings for usage on or after May 1, 2023. For billings prior to May 1, 2023, the current rates continue to apply.

Fiscal Impact

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

2. What is the funding source?

Rates and user fees collected from users of the KCMO Sanitary Sewer System.

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

It does not. It affects the upcoming fiscal year FY2024, effective May 1, 2023.

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

It increases sanitary sewer rates in FY2024 in order to meet increased costs placed on the system by demand from the different customer classes.



City of Kansas City, Missouri

Docket Memo

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

Yes it generates revenue through the rates specified in the ordinance. The rates along with demand put on the system by customers will determine the revenue collected by the sanitary sewer utility and enable the utility it to cover the costs of its operation in FY 2024 and make capital investments to repair and improve the system.

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
- 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

City of Kansas City, Missouri

Docket Memo



Prior Legislation

FY2023 Sewer Rate Ordinance #220198.

Service Level Impacts

This ordinance will enable KC Water to provide reliable sanitary sewer service to ratepayers. It will also enable the utility to fulfill critical staff positions, reliably operate the 6 wastewater treatment plants, and adhere to regulatory compliance and employee safety. It also allows the utility to continue to work on sewer main rehabilitation and replacement.

Other Impacts

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

The revenue collected from the rates set in this ordinance will enable KCMO to continue to cover the operating and capital cost associated with collecting and treating raw sewage in a sanitary manner.

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 rate increase will contribute to sustainability by ensuring adequate capital reinvestment in the system and maintaining service levels, which in the long term will keep overall costs manageable for maintenance and operation of the sewer system.

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

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 230174

Amending Chapter 60, Code of Ordinances, entitled Sewers and Sewage Disposal, by repealing Sections 60-2 and 60-3 and enacting in lieu thereof new sections of like number and subject matter that adjust charges for sewer service; and establishing an effective date.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 60 of the Code of Ordinances of Kansas City, Missouri, entitled Sewers and Sewage Disposal, is hereby amended by repealing Sections 60-2, and 60-3 and enacting in lieu thereof new sections of like number and subject matter to read as follows:

Sec. 60-2. Sewer charges for resident users.

There are hereby established charges against every person and for every property, partnership, corporation, association, and other entity within the city limits having an actual or available connection with the city's sanitary sewer system, or discharging sewage, industrial waste, water or other liquid into the system. Charges shall be prorated per day during the billing period. Such charges are to be the sum of service charges, volume and high concentration charges to be computed and levied as follows and as prescribed in Section 60-9:

(1) *Service charges.*

- a. Sanitary sewer. A service charge of \$26.89 per month to cover in part the cost of providing various services, and shall be prorated per day during the billing period and shall apply whether or not any sewage or wastes are actually discharged to the city sewer during the billing period; such charges are to be made each month.
- b. Wastewater discharge permits. Commercial and industrial users shall pay for the cost of the wastewater discharge permitting program as described and authorized in article IV of this chapter. Charges as authorized in article IV of this chapter shall be billed and collected with the commercial or industrial users' normal water and/or sewer billing charges.

(2) *Volume charges.* A volume charge of \$10.85 per 100 cubic feet (ccf), or a portion thereof, based upon the total volume of water purchased by the customer during the billing period subject to the following adjustments:

- a. Water supplied from separate source. Where water is supplied by a separate and independent source, the sewage volume charge shall be based upon the volume of water used, where such information is available, and

computed at the volume charge established herein. Where usage information is not available, the water services department shall determine an appropriate volume of water used and compute it at the volume charge established herein.

- b. Residential accounts. Except as noted in (2)(a), residential service account (one- and two-family residences) volume charges for the bills generated during the months of May through December shall be based upon water used during the winter period, such winter period being the bills generated during January through April, (these are the billing periods that most closely correspond to the December through March usage); such charges shall be payable with each bill rendered throughout the year. Where residential water services accounts do not have an acceptable history of winter water use, the volume charge for bills generated during the months of May through December shall be the volume charge established herein, or \$65.10 per month, whichever is the lesser.
 - c. Commercial and industrial water accounts with diverted water uses. Commercial and industrial water accounts are all water service accounts other than one- and two-family dwellings. Diverted water uses are those where a significant portion of the water purchased is used in manufactured products such as ice, canned goods or beverages. Where the product is transported away from the premises in containers (water to product) the application fee is \$1,000.00. Where the water purchased is lost by evaporation or irrigation the application fee is \$550.00. The director of the water services department or the director's representative shall make the determinations of fact as to the amount of water which is diverted, and shall have authority to adjust the sewer use volume billed on the basis of the facts ascertained. The application fee is to pay for site review, plan review, and installation inspection.
- (3) *Commercial and industrial water accounts with high concentration discharges.* Commercial and industrial water accounts shall include all water service accounts other than one- and two-family dwellings. High concentration discharges are those in which the BOD (biochemical oxygen demand), SS (suspended solids), and/or O&G (oil and grease) concentrations are in excess of the maximum concentration of these components in normal sewage as defined in article IV of this chapter. In addition to other sewer service and volume charges, a surcharge, as established by the formulae defined and set forth in article IV of this chapter, shall be levied on high concentration discharges received from any customer under this section.

For surcharge rate formulae calculation purposes, the following rates are hereby established:

$$\text{RB (surcharge per pound of excess BOD)} = \$0.495$$

RS (surcharge per pound of excess SS) = \$0.225

RG (surcharge per pound of excess O&G) = \$0.249

The director of water services is hereby authorized to promulgate regulations to develop various groups and classes to facilitate the equitable distribution of surcharge fees among like groups of customers.

- (4) *Definition.* Month or monthly, as used in this section, shall refer to a time period of approximately 30 days.

Sec. 60-3. Sewer charges for nonresident users.

(a) *Charges.* There are hereby established charges against every person, partnership, corporation, association, and other entity outside the city limits having a connection with the city's sanitary sewer system or discharging sewage, industrial waste, water or other liquids into the city's sewer system. All charges billed shall be prorated per day during the billing period. Such charges are to be the sum of service charges and volume charges to be computed and charged as follows:

- (1) Metered connections with municipalities and political subdivisions. Bulk flows through a metered interconnection with a municipality or other political subdivision shall be charged and pay a rate of \$4.02 per 100 cubic feet (ccf), or portion thereof, with no service charges.
- (2) Unmetered connections with municipalities and other political subdivisions. Bulk flows through an unmetered interconnection with a municipality or other political subdivision shall be charged and pay a rate of \$5.93 per 100 cubic feet (ccf), or portion thereof, of actual water consumption for all residential, commercial and industrial customers, and shall also pay a service charge of \$17.15 per month for each such customer.
- (3) Unmetered connections with municipalities and other political subdivisions; no water consumption records. Where actual water consumption records are not available, bulk flows from a municipality or political subdivision through an unmetered interconnection shall pay a sewer charge of \$59.29 per month per dwelling unit or equivalent dwelling unit.
- (4) Individual non-resident customers billed directly by the city. Individual non-resident customers billed directly by the city shall pay a service charge of \$37.87 per month, plus a volume charge of \$14.70 per 100 cubic feet (ccf), or portion thereof.
- (5) Accounts with high concentration discharges. High concentration discharges are those in which the BOD (biochemical oxygen demand), SS (suspended solids),

and/or O&G (oil and grease) concentrations are in excess of the maximum concentration of these components in normal sewage as defined in article IV of this chapter. In addition to other sewer service and volume charges, a surcharge, as established by the formulae defined and set forth in article IV of this chapter, shall be levied on high concentration discharges received from any non-resident user.

For surcharge rate formulae calculation purposes, the following rates are hereby established:

RB (surcharge per pound of excess BOD) = \$0.553

RS (surcharge per pound of excess SS) = \$0.244

RG (surcharge per pound of excess O&G) = \$0.266

The director is hereby authorized to develop various groups and classes to facilitate the equitable distribution of surcharge fees among like groups of customers.

(b) *Definition.* "Month" or "monthly," as used in this section shall refer to a time period of approximately 30 days.

(c) *Applicability.* This section may not be applicable where arrangements for sewer service and sewer service charges are established by an existing or future contract or cooperative agreement.

Section 2. This ordinance shall become effective on May 1, 2023.

Approved as to form:

Nicole Rowlette
Senior Associate City Attorney



File #: 230175

ORDINANCE NO. 230175

Sponsor: Director of the Finance Department

Adopting the Annual Budget of the City for the Fiscal Year 2023-24; estimating the revenues for the fiscal year; appropriating for the purposes stated the sums set forth in the budget; directing the Director of Finance to make the necessary entries upon the City's records to show the appropriations and allocations provided for; authorizing inter-fund loans; and electing to establish a budget adoption deadline pursuant to Section 805(i) of the City Charter.

WHEREAS, Section 805 of the City Charter requires the City Council to adopt an annual budget and, as adopted, the budget constitutes an appropriation of the amount for the purposes stated as the appropriation and authorization of the amount to be raised by taxation for the purposes of the City, plus any unencumbered balance from previous years;

WHEREAS, the City Council has reviewed this budget and held public hearings; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the detailed estimated revenues of the City for the ensuing Fiscal Year 2023-24 are as set forth in said budget in Schedules VIII, X, XI, XII, XIII and XIV.

Section 2. That by adoption of said annual budget, there are hereby appropriated for the purposes stated herein the sums set forth in Schedules II, III, IV and V. The sums hereby appropriated are set out in detail in Schedules X, XI, XII, XIII and XIV, inclusive, by activity accounts, and the total sum appropriated for each such account is divided in the following classifications, as applicable, thereof, to-wit: (a) Personal Services, (b) Contractual Services, (c) Commodities, (e) Capital Outlay, (f) Pass Through Payments, and (g) Debt Service.

Section 3. That requisitions for encumbrances against and the payment of money out of the various appropriations described in this ordinance shall be made by those officers and employees of the City and by those persons or boards whose titles are set out opposite the designation of the departments, offices, and purposes to or for which appropriations have been made, respectively, as set forth in the following schedule:

ORDINANCE NO. 23####

Schedule for Appropriation
GOVERNMENTAL ACTIVITIES FUNDS

Department or Activity	Requisitioning Authority	Amount of Appropriation
General Fund		\$682,701,167
Boards of Election Commissioners	Director of Finance	\$3,988,000
Civil Rights and Equal Opportunity	Director of Civil Rights and Equal Opportunity	\$2,388,776
Contingent Appropriation	City Manager	\$6,348,574
Economic Development	City Manager	\$75,000
	Director of Finance	\$40
	Director of Finance (Debt)	\$1,845,508
Finance	Director of Finance	\$16,042,243
	Director of Finance (Debt)	\$1,199,292
	Director of Finance (Transfers)	\$72,231,547
Fire	Director of Fire/ Fire Chief	\$195,985,644
General Services	Director of Finance (Debt)	\$51,002
	Director of General Services	\$22,611,881
Housing	Director of Housing and Community Development	\$4,725,150
Human Resources	City Manager	\$3,220
	Director of Finance (Debt)	\$108,250
	Director of Human Resources	\$5,331,388
Law	City Attorney	\$6,424,164
Municipal Court	Administrator of the Municipal Court	\$8,589,164
Neighborhoods	Director of Finance (Debt)	\$1,215,680
	Director of Neighborhoods Services	\$21,188,596
Office of the City Auditor	City Auditor	\$1,215,347
Office of the City Clerk	City Clerk	\$815,654
Office of the City Manager	City Manager	\$13,067,567
Offices of Mayor and Council	At Large District 1 Councilperson	\$2,725
	At Large District 2 Councilperson	\$2,725
	At Large District 3 Councilperson	\$2,725
	At Large District 4 Councilperson	\$2,725
	At Large District 5 Councilperson	\$2,725
	At Large District 6 Councilperson	\$2,725
	In District 1 Councilperson	\$2,725
	In District 2 Councilperson	\$2,725
	In District 3 Councilperson	\$2,725
	In District 4 Councilperson	\$2,725
	In District 5 Councilperson	\$2,725

	In District 6 Councilperson	\$2,725
	Mayor	\$2,961,882
	Mayor Pro Tem	\$2,782,534
Police	Board of Police Commissioners	\$237,373,908
	Director of Finance (Debt)	\$2,450,000
	Director of General Services	\$3,551,712
Public Works	Director of Finance (Debt)	\$4,505,087
	Director of Public Works	\$39,585,731
City Planning and Development	Director of City Planning and Development	\$2,472,338
	Director of Finance (Debt)	\$994,622
Parks and Recreation	Board of Parks and Recreation Commissioners	\$538,965
American Rescue Plan Fund		\$5,379,724
Neighborhoods	Director of Neighborhoods	\$2,953,154
Public Works	Director of Public Works	\$2,426,570
Arterial Street Impact Fee		\$86,448
Finance	Director of Finance (Transfers)	\$14,433
City Planning and Development	Director of City Planning and Development	\$72,015
Assessment and Triage Center Fund		\$1,000,000
Municipal Court	Administrator of the Municipal Court	\$1,000,000
Brownfields Revolving		\$64,256
City Planning and Development	Director of City Planning and Development	\$64,256
Central City Sales Tax		\$11,950,349
Finance	Director of Finance (Transfers)	\$81,746
Housing	Director of Housing and Community Development	\$11,868,603
Community Development Funds		\$8,049,481
Civil Rights and Equal Opportunity	Director of Civil Rights and Equal Opportunity	\$16,624
	Director of Housing and Community Development	\$8,032,857
Convention and Tourism		\$61,952,556
Finance	Director of Finance (Transfers)	\$29,492,660
Neighborhoods	Director of Neighborhoods	\$350,000
Office of the City Manager	City Manager	\$595,789
Offices of Mayor and Council	Mayor	\$302,500
Public Works	Director of Convention and Entertainment Facilities	\$795
Convention and Entertainment Facilities	Director of Convention and Entertainment Facilities	\$20,843,180
Convention and Tourism	Director of Convention and Entertainment Facilities	\$10,367,633
Convention Hotel Catering		\$9,617,114
Finance	Director of Finance (Transfers)	\$515,017
Convention and Entertainment	Director of Finance (Debt)	\$4,195,779

Facilities		
	Director of Convention and Entertainment Facilities	\$4,906,318
Development Services		\$17,360,530
Finance	Director of Finance	\$44,419
	Director of Finance (Transfers)	\$791,577
General Services	Director of Finance (Debt)	\$623,376
	Director of General Services	\$702,450
Neighborhoods	Director of Neighborhoods	\$26,396
City Planning and Development	Director of City Planning and Development	\$15,172,312
Domestic Violence Grant Fund		\$642,219
Law	City Attorney	\$583,295
Municipal Court	Administrator of the Municipal Court	\$58,924
Domestic Violence Shelters Fund		\$180,000
Housing	Director of Housing and Community Development	\$164,235
Law	City Attorney	\$15,765
Economic Development		\$5,916,084
Civil Rights and Equal Opportunity	Director of Civil Rights and Equal Opportunity	\$325,559
Economic Development	City Attorney	\$163,931
	City Manager	\$3,451,937
	Director of Finance	\$1,058,801
Neighborhoods	Director of Neighborhoods	\$782,568
Office of the City Manager	City Manager	\$133,287
Fire Sales Tax		\$23,998,992
Finance	Director of Finance (Transfers)	\$155,761
Fire	Director of Fire/ Fire Chief	\$22,369,001
General Services	Director of General Services	\$1,474,230
Fire Sales Tax Capital		\$25,328,373
Finance	Director of Finance (Transfers)	\$6,323
Fire	Director of Finance (Debt)	\$8,425,879
	Director of Fire/ Fire Chief	\$16,896,170
Golf Operations		\$7,587,085
Finance	Director of Finance (Transfers)	\$74,101
General Services	Director of Finance (Debt)	\$93,395
Parks and Recreation	Director of Finance (Debt)	\$245,860
	Board of Parks and Recreation Commissioners	\$7,173,729
Governmental Grants Fund		\$5,646,845
Health	Director of Health	\$5,646,845
Health		\$70,475,076
Finance	Director of Finance	\$1,079,080
	Director of Finance (Transfers)	\$14,954,652

General Services	Director of General Services	\$1,580,563
Health and Medical Care	Director of Finance (Debt)	\$151,100
	Director of Health	\$32,160,659
Law	City Attorney	\$84,000
Office of the City Manager	City Manager	\$473,170
Offices of Mayor and Council	Mayor	\$177,427
Police	Board of Police Commissioners	\$590,293
Health	Director of Health	\$19,224,133
<i>Health Dept Building Fund</i>		\$50,061
General Services	Director of Finance (Debt)	\$50,061
<i>HOME Investment</i>		\$2,876,382
Housing	Director of Housing and Community Development	\$2,876,382
<i>Homesteading Authority</i>		\$200,901
Housing	Director of Housing and Community Development	\$200,901
<i>Housing Oppor for Persons With Aids</i>		\$2,467,895
Health	Director of Health	\$2,467,895
<i>Housing Trust Fund</i>		\$3,528,944
Housing	Director of Housing and Community Development	\$3,528,944
<i>Housing Violation Fund</i>		\$376,219
Municipal Court	Administrator of the Municipal Court	\$299,374
Neighborhoods	Director of Neighborhoods	\$76,845
<i>HUD Lead-Based Paint Grant</i>		\$1,051,767
Health	Director of Health	\$1,051,767
<i>Inmate Security</i>		\$536,236
Municipal Court	Administrator of the Municipal Court	\$536,236
<i>KCATA Sales Tax</i>		\$37,196,557
Finance	Director of Finance (Transfers)	\$51,909
Transportation Authorities	Director of Public Works / Director of Transportation	\$37,144,648
<i>Land Bank</i>		\$2,388,017
Housing	Director of Housing and Community Development	\$752,017
	Director of Neighborhoods	\$1,000
Public Works	Director of Public Works	\$1,635,000
<i>Liberty Memorial Trust Fund</i>		\$48,164
Parks and Recreation	Board of Parks and Recreation Commissioners	\$48,164
<i>Love Thy Neighbor Fund</i>		\$25,000
Housing	Director of Neighborhoods	\$25,000
<i>Municipal Court Building Fund</i>		\$169,320
Municipal Court	Director of Finance (Debt)	\$169,320

<i>Museum</i>		\$1,860,582
Finance	Director of Finance	\$36,570
	Director of Finance (Transfers)	\$42,268
Law	City Attorney	\$4,000
Parks and Recreation	Director of Finance (Debt)	\$422,795
	Board of Parks and Recreation Commissioners	\$1,354,949
<i>Neighborhood Grants</i>		\$667,542
Housing	Director of Housing and Community Development	\$667,542
<i>Neighborhood Tourist Development</i>		\$2,489,460
Neighborhoods	Director of Neighborhoods	\$61,171
Convention and Tourism	Director of Convention and Entertainment Facilities	\$2,428,289
<i>Parking</i>		\$7,912,684
Police	Board of Police Commissioners	\$607,034
Public Works	Director of Finance (Debt)	\$1,933,923
	Director of Public Works	\$5,371,727
<i>Parks and Recreation</i>		\$54,106,413
Economic Development	Director of Finance (Debt)	\$970,144
Finance	Director of Finance (Transfers)	\$1,744,864
General Services	Director of Finance (Debt)	\$195,208
Parks and Recreation	Director of Finance (Debt)	\$923,299
	Board of Parks and Recreation Commissioners	\$50,272,898
<i>Performing Arts Center Garage</i>		\$10,282,229
Finance	Director of Finance	\$265,302
Public Works	Director of Finance (Debt)	\$9,460,501
	Director of Public Works	\$556,426
<i>Police Drug Enforcement</i>		\$4,977,252
Police	Board of Police Commissioners	\$4,977,252
<i>Police Grant</i>		\$11,186,313
Police	Board of Police Commissioners	\$11,186,313
<i>Probation Fund</i>		\$660,390
Municipal Court	Administrator of the Municipal Court	\$660,390
<i>Public Mass Transportation</i>		\$42,193,362
Finance	Director of Finance (Transfers)	\$2,843,641
Office of the City Manager	City Manager	\$54
Public Works	Director of Public Works	\$21,015,725
Transportation Authorities	Director of Public Works / Director of Transportation	\$18,333,942
<i>Public Safety Sales Tax</i>		\$21,953,077
Finance	Director of Finance (Transfers)	\$9,976,750
General Services	Director of Finance (Debt)	\$33,991

	Director of General Services	\$712,816
Office of the City Manager	City Manager	\$780,000
Police	Board of Police Commissioners	\$5,200,000
	Director of Finance (Debt)	\$4,424,520
	Director of General Services	\$525,000
Water Services	Director of Water Services	\$300,000
Ryan White HIV/AIDS		\$4,569,186
Health	Director of Health	\$4,569,186
Specialty Court Fund		\$335,370
Municipal Court	Administrator of the Municipal Court	\$335,370
Strategic Neighborhoods		\$442,840
Economic Development	Director of Finance (Debt)	\$305,840
Housing	Director of Housing and Community Development	\$137,000
Street Car		\$20,729,768
Public Works	Director of Public Works	\$266,996
Transportation Authorities	Director of Finance (Debt)	\$14,154,653
	Director of Public Works / Director of Transportation	\$6,308,119
Street Maintenance		\$53,104,494
Finance	Director of Finance (Transfers)	\$1,725,511
General Services	Director of Finance (Debt)	\$714,631
	Director of General Services	\$261,722
Housing	Director of Housing and Community Development	\$1,342
Office of the City Manager	City Manager	\$113,751
Public Works	Director of Finance (Debt)	\$1,744,363
	Director of Public Works	\$45,416,587
Parks and Recreation	Director of Finance (Debt)	\$25,909
	Board of Parks and Recreation Commissioners	\$2,075,115
Water Services	Director of Water Services	\$1,025,563
Capital Improvements		\$86,954,957
Civil Rights and Equal Opportunity	Director of Civil Rights and Equal Opportunity	\$429,147
Economic Development	Director of Finance (Debt)	\$620,366
	Director of Finance	\$31,172,900
General Services	Director of Finance (Debt)	\$976,937
	Director of General Services	\$10,827,096
Neighborhoods	Director of Finance (Debt)	\$172,746
Public Works	Director of Finance (Debt)	\$5,321,544
	Director of Public Works	\$29,020,762
Convention and Entertainment Facilities	Director of Convention and Entertainment Facilities	\$2,263,958

Parks and Recreation	Director of Finance (Debt)	\$1,086,119
	Board of Parks and Recreation Commissioners	\$5,063,383
Convention And Sports Complex		\$27,855,325
General Services	Director of Finance (Debt)	\$717,381
Convention and Entertainment Facilities	Director of Finance (Debt)	\$25,137,944
Convention and Tourism	Director of Convention and Entertainment Facilities	\$2,000,000
Downtown Arena Project Fund		\$15,710,340
Public Works	Director of Public Works	\$87,500
Convention and Entertainment Facilities	Director of Convention and Entertainment Facilities	\$125,000
City Planning and Development	Director of City Planning and Development	\$200,000
Convention and Tourism	Director of Finance (Debt)	\$14,266,302
	Director of Convention and Entertainment Facilities	\$1,031,538
Downtown Redevelopment District Debt		\$21,267,179
Economic Development	Director of Finance (Debt)	\$21,267,179
G.O. Recovery Zone Bonds		\$2,915,924
Public Works	Director of Finance (Debt)	\$2,915,924
General Debt And Interest		\$60,771,962
Finance	Director of Finance	\$848,898
	Director of Finance (Transfers)	\$2,715,924
Law	City Attorney	\$28,000
Police	Director of Finance (Debt)	\$9,776,750
Public Works	Director of Finance (Debt)	\$46,676,953
Parks and Recreation	Director of Finance (Debt)	\$725,437
STIF Brush Creek-Blue Pkwy Town Center		\$1,257,371
Economic Development	Director of Finance (Debt)	\$1,257,371
STIF East Village		\$3,671,058
Economic Development	Director of Finance (Debt)	\$3,671,058
STIF Hotel President		\$1,893,635
Economic Development	Director of Finance (Debt)	\$1,893,635
STIF Linwood Shopping Center		\$2,003,813
Economic Development	Director of Finance (Debt)	\$1,208,611
Housing	Director of Housing and Community Development	\$659,440
City Planning and Development	Director of Finance (Debt)	\$135,762
TIF Special Allocation		\$137,850
Economic Development	Director of Finance (Debt)	\$137,850
TOTAL	GOVERNMENTAL	\$1,450,762,137

ACTIVITIES FUNDS		
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BUSINESS TYPE FUNDS

<i>Sewer</i>		\$253,854,852
Water Services	Director of Water Services	\$253,854,852
<i>Stormwater</i>		\$15,928,467
Water Services	Director of Water Services	\$15,928,467
<i>Water</i>		\$192,656,178
Water Services	Director of Water Services	\$192,656,178
<i>Aviation</i>		\$241,778,053
Civil Rights and Equal Opportunity	Director of Civil Rights and Equal Opportunity	\$84,435
Aviation	Director of Aviation	\$241,693,618
<i>Customer Facility Charges</i>		\$6,000,000
Aviation	Director of Aviation	\$6,000,000
<i>DEA Drug Forfeiture</i>		\$75,000
Aviation	Director of Aviation	\$75,000
<i>Passenger Facility Charge</i>		\$19,967,342
Aviation	Director of Aviation	\$19,967,342
TOTAL ENTERPRISE FUNDS		\$730,259,893

INTERNAL SERVICE FUNDS

<i>City Legal Expense Fund</i>		\$18,250,086
General Services	Director of General Services	\$5,934,950
Human Resources	Director of Human Resources	\$235,519
Law	City Attorney	\$12,079,617
<i>Fleet Services</i>		\$26,127,793
General Services	Director of Finance (Debt)	\$376,676
	Director of General Services	\$25,751,117
<i>General Services</i>		\$39,980,619
General Services	Director of General Services	\$39,980,619
<i>Health Care and Wellness</i>		\$95,762,935
General Services	Director of Human Resources	\$94,966,650
Human Resources	Director of Human Resources	\$796,285
<i>Information Tech Reimb Serv</i>		\$20,954,480
Civil Rights and Equal Opportunity	Director of Civil Rights and Equal Opportunity	\$100,000
Finance	Director of Finance	\$1,000,000
	Director of General Services	\$19,414,980
Human Resources	Director of Human Resources	\$319,500
City Planning and Development	Director of City Planning and Development	\$120,000
<i>Neighborhood Improvement District</i>		\$1,817,380
Economic Development	Director of Finance	\$1,817,380
<i>Parks And Rec Working Capital</i>		\$1,200,000
Parks and Recreation	Board of Parks and Recreation Commissioners	\$1,200,000
<i>Payments in Lieu of Taxes</i>		\$8,452,300
Finance	Director of Finance	\$6,246,600
	Director of Finance (Debt)	\$264,600
	Director of Finance (Transfers)	\$1,941,100
<i>Pollution Cntrl Working Cap</i>		\$3,075,000
Water Services	Director of Water Services	\$3,075,000
<i>Solid Waste Working Capital</i>		\$322,000
Public Works	Director of Public Works	\$322,000
<i>Water Working Capital</i>		\$1,000,000
Water Services	Director of Water Services	\$1,000,000
<i>Workers Compensation Fund</i>		\$27,074,143
General Services	Director of General Services	\$26,717,762
Law	City Attorney	\$356,381
TOTAL INTERNAL SERVICE FUNDS		\$244,016,736
	GRAND TOTAL	\$2,425,038,766

Section 4. That in accordance with Section 806(a)(1) of the City Charter, the Director of Finance is hereby authorized to borrow not to exceed \$350,000,000.00 from any City fund to meet the cash requirements of any other City fund in anticipation of the receipts from revenues, for the Fiscal Year 2023-24. Such borrowings may be in the form of temporary loans made from one current operating fund of the City, including the operating funds of the enterprise funds, to another, provided sufficient money is available for this purpose. Such temporary loans may be made from time to time and at such times and in such amounts as the Director of Finance may deem necessary. However, the aggregate amount of such outstanding loans shall at no time exceed \$350,000,000.00 and at no time shall individually exceed 75% of the estimated revenues of each City fund for the Fiscal Year 2023-24 then outstanding and uncollected.

Section 5. That all such loans shall be repaid on or before the due date thereof out of the receipts from revenues of the 2023-24 Fiscal Year and shall become due not more than nine months from the date of incurring the same, and in no event beyond the end of the 2023-24 Fiscal Year.

Section 6. That the Director of Finance is directed to make the necessary entries upon the City's records to show the appropriations and allocations as set forth in this ordinance.

Section 7. That the form of the budget hereby adopted, the estimated revenues therein contained, and the appropriations made by this ordinance as set out in such budget are hereby approved.

Section 8. That pursuant to Section 805(i) of the City Charter, the Council sets March 23, 2023, as the deadline for adoption of the Fiscal Year 2023-24 Budget.

..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:

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

Submitting the Annual Budget of the City for the Fiscal Year 2023-24; estimating the revenues for the fiscal year; appropriating for the purposes stated the sums set forth in the budget; directing the Director of Finance to make the necessary entries upon the City’s records to show the appropriations and allocations provided for; authorizing inter-fund loans; and electing to establish a budget adoption deadline pursuant to Section 805(i) of the City Charter.

Discussion

This Ordinance, its amendments, and its attachments outline the appropriations and revenue estimates for the FY 2023-24 Submitted Budget. This legislation impacts all Citywide Business Plan goals. The funding sources below include transfers in and transfers out, as well as internal services funds. Internal services funds are funds that support several internal services departments, providing goods or services to departments on a cost reimbursement basis.

Fiscal Impact

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

2. What is the funding source?

Sources/Revenues:

Governmental Activities: \$ 1,411,347,479

Business Type Activities: \$ 719,462,674

Internal Services Funds: \$ 242,294,674

Total: \$ 2,373,104,827

Uses/Expenditures:

Governmental Activities: \$ 1,450,762,137

Business Type Activities: \$ 730,259,893

Internal Services Funds: \$244,016,736

Total: \$ 2,425,038,766



City of Kansas City, Missouri

Docket Memo

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.

This legislation is for the Fiscal Year 2023-2024 Budget.

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

Yes.

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)

This legislation estimates and appropriates funding for various City funds.

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
-



City of Kansas City, Missouri

Docket Memo

□

Prior Legislation

Related ordinance adopting the FY23 budget, ordinance no. 220199

Related ordinance adopting the FY22 budget, ordinance no. 210159

Service Level Impacts

All Departments, Divisions, and Subsidiary organizations of KCMO are affected.

Other Impacts

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

Citywide impact. This budget includes funding that promotes healthy communities.

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

The Office of Management and Budget will hold three public budget hearings when the public is invited to view a presentation and give feedback on the proposed budget.

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

This legislation impacts all of the City's strategies, objectives, goals, and efforts which includes environmental and economic sustainability.

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



File #: 230176

ORDINANCE NO. 230176

Sponsor: Director of the Finance Department

Establishing Fund No. 3524, the General Obligation Series 2024A Question 1 Bond Fund in the records of the City of Kansas City, Missouri; estimating and appropriating \$31,310,000.00 from the Unappropriated Fund Balance of the General Obligation Series 2024A Question 1 Bond Fund; establishing Fund No. 3624, the General Obligation Series 2024A Question 2 Bond Fund in the records of the City of Kansas City, Missouri; estimating and appropriating \$5,937,898.00 from the Unappropriated Fund Balance of the General Obligation Series 2024A Question 2 Bond Fund; establishing Fund No. 3724, the General Obligation Series 2024A Question 3 Bond Fund in the records of the City of Kansas City, Missouri; estimating and appropriating \$2,525,000.00 from the Unappropriated Fund Balance of the General Obligation Series 2024A Question 3 Bond Fund; designating requisitioning authorities; declaring the intent of the City to reimburse itself from the bond proceeds for certain expenditures; authorizing the Director of Finance to close project accounts; and establishing the effective date of this ordinance.

WHEREAS, Ordinance No. 160877 put before the voters the question of enacting a basic maintenance and capital improvements program for 20 additional years by the extension of the current 1% general sales tax used for capital improvements and maintenance; and

WHEREAS, in a Special Election called on April 4, 2017, the voters of the City of Kansas City, Missouri approved Question 1 to be used for funding Streets, Bridges and Sidewalks, Question 2 to be used for Flood Control and Question 3 to be used for Public Buildings; and

WHEREAS, pursuant to Committee Substitute for Resolution No. 220937, the 2024-2028 Citywide Business Plan included the Submitted FY 2024-2028 GOKC Bond Five-Year Plan of which the first year of the plan (FY2023-24) was approved; NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Fund No. 3524, the General Obligation Series 2024A Question 1 Bond Fund, is hereby established in the records of the City of Kansas City, Missouri.

Section 2. That the revenue in the following account of Fund No. 3524 General Obligation Series 2024A Question 1 Bond Fund, is hereby estimated in the following amount:

AL-3524-120000-590000 Bond Proceeds \$31,310,000.00

Section 3. That the sum of \$31,310,000.00 for Question 1 – Roads, Bridges, Sidewalks is hereby appropriated from the Unappropriated Fund Balance of Fund No. 3524, the General Obligation Series 2024 Question 1 Bond Fund to the following accounts:

AL-3524-897701-B-89008533	Street Preservation	\$13,450,000.00
AL-3524-898013-B-89008540	E 23rd street Benton to Indiana	1,000,000.00
AL-3524-898015-B-89023032	Marlborough Community Infrastructure	1,350,000.00
AL-3524-898013-B-89005582	Byrams Ford Bridge	500,000.00
AL-3524-898077-B-89060955	Sidewalk Repair	5,000,000.00
AL-3524-898077-B-89008918	Complete Streets	500,000.00
AL-3524-898077-B-89060957	ADA Curb Ramps	2,500,000.00
AL-3524-898035-B-89008587	Gregory Blvd. over Big Blue River	1,000,000.00
AL-3524-898077-B-89004854	Vision Zero	500,000.00
AL-3524-898016-B-89008863	Wornall, Gregory to 75 th	5,200,000.00
AL-3524-077010-B-07A21100	Public Art - Streets	310,000.00
	ROADWAY TOTAL	\$31,310,000.00

Section 4. That Fund No. 3624, the General Obligation Series 2024A Question 2 Bond Fund, is hereby established

in the records of the City of Kansas City, Missouri.

Section 5. That the revenue in the following account of Fund No. 3624, the General Obligation Series 2024A Question 2 Bond Fund, is hereby estimated in the following amount:

AL-3624-120000-590000	Bond Proceeds	\$ 5,937,898.00
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Section 6. That the sum of \$5,937,898.00 for Question 2 – Flood Control is hereby appropriated from the Unappropriated Fund Balance of Fund No. 3624, the General Obligation Series 2024A Question 2 Bond Fund to the following accounts:

AL-3624-808054-B-82000332	Westport Flood	\$ 4,685,357.00
AL-3624-808052-B-82000365	Milray Stoddard	495,000.00
AL-3624-808057-B-82000090	Flood Warning System	698,750.00
AL-3624-077020-B-07A21100	Public Art – Flood Control	<u>58,791.00</u>
	FLOOD TOTAL	\$ 5,937,898.00

Section 7. That Fund No. 3724, the General Obligation Series 2024A Question 3 Bond Fund, is hereby established in the records of the City of Kansas City, Missouri.

Section 8. That the revenue in the following account of Fund No. 3724, the General Obligation Series 2024A Question 3 Bond Fund, is hereby estimated in the following amount:

AL-3724-120000-590000	Bond Proceeds	\$ 2,525,000.00
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Section 9. That the sum of \$2,525,000.00 is hereby appropriated for Question 3 – Public Buildings from the Unappropriated Fund Balance of Fund No. 3724, the General Obligation Series 2024A Question 3 Bond Fund to the following accounts:

AL-3724-078025-B-70224001	KC Zoo ADA Compliance	\$
2,000,000.00		
AL-3724-078027-B-07000175	City Hall Renovations	
500,000.00		
AL-3724-077030-B-07A21100	Public Art – Public Buildings	
<u>25,000.00</u>		
	BUILDINGS TOTAL	\$ 2,525,000.00

Section 10. That the Director of Public Works is hereby designated as the requisitioning authority for Account Nos. AL-3524-897701, AL-3524-898015, AL-3524-898013, AL-3524-898077, AL-3524-898035, AL-3524-898016, the Director of the General Services Department is hereby designated as the requisitioning authority for Account Nos. AL-3524-077010, AL-3624-077020, AL-3724-077030, AL-3724-078025 AL-3724-078027, that the Director of Water Services is hereby designated as the requisitioning authority for Account Nos. AL-3624-808054, AL-3624-808057 and AL-3624-808052.

Section 11. 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, Section 6 and Section 9 (collectively the "Appropriations") with the proceeds of bonds expected to be issued by the City. The maximum principal amount of bonds expected to be issued for the Appropriations is not to exceed \$39,772,898.00. This constitutes a declaration of official intent under Treasury Regulation 1.150-2.

Section 12. That the Director of Finance is hereby authorized to close project accounts, open encumbrances and retainage related to the accounts in Section 3, Section 6 and Section 9, 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 13. That this ordinance shall become effective on May 1, 2023.

..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:

Katherine Chandler
Senior Associate 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

Establish funds for Questions 1, 2 and 3 of the FY24 GO Bond issuance, estimates funding and appropriates funds to specific projects.

Discussion

This ordinance establishes funds for FY24 questions 1, 2 and 3 of the FY24 GO Bond issuance, estimates funds and appropriates to the projects that were approved to fund with the approval of the 5 year Bond plan in ordinance 220937 with the Citywide Business Plan.

Fiscal Impact

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

2. What is the funding source?

Bond issuance 2024 for GO Bond questions 1, 2 and 3, giving the authority to estimate bond funds and appropriate them.

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

Yes, it issues the funding to pay for the projects in FY24 approved in the 5 year plan for the GO Bond.

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

Bond was approved by voters, we are issuing funds to projects that will be paid for by GO Bond sale

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

Click or tap here to enter text.



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
-
-

Prior Legislation

Ordinance 160877 but the 20 year bond issuance to voters, ordinance 220937 approved the five year plan FY24 is funding. This year funds year one of the approved 5 year plan passed with ordinance 220937.

Service Level Impacts

Once this ordinance passes, the projects approved in year 1 of the 5 year plan will be funded and the departments assigned to them can begin working on completing the projects as outlined in the ordinance.

City of Kansas City, Missouri

Docket Memo

Other Impacts

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

These projects will increase health of groups that utilize these assets by allowing walkability around the City as well as improve flood control in areas needing it the most. The projects as a whole will not only provide walkability but will increase safety of the individuals utilizing the projects outlined leading to overall health. These projects were reviewed using life X and environmental justice tracts for overall health improvement.

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

Citizens have spoken out in request of several of the projects funded, other projects are finishing already started projects throughout the city that have been in progress. Further outreach with construction and design will be completed by departments as they move to building the projects.

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

Yes, these projects were reviewed looking at various sustainability studies

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

Click or tap here to enter text.

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")?

Click or tap here to enter text.



File #: 230184

ORDINANCE NO. 230184

Sponsor: Director of the Finance Department

Establishing Fund No. 3823, the General Obligation Series Bond Series 2023A Q1-22 Projects Fund in the records of the City of Kansas City; estimating revenues in the amount of \$40,600,000.00 in Fund No. 3823, the General Obligation Series Bond Series 2023A Q1-22 Projects Fund and appropriating the same; designating requisitioning authorities; authorizing the Director of Finance to modify revenue estimates and appropriations as required and to close project accounts upon completion.

WHEREAS, the City of Kansas City, Missouri (the “City”), is authorized under the provisions of Article VI, Section 26 of the Constitution of Missouri, 1945, as amended, and its charter (the “General Obligation Bond Law”) to incur indebtedness and issue and sell general obligation bonds of the City to evidence such indebtedness for lawful purposes, upon obtaining the approval of the required majority of the qualified electors of the City voting on the question to incur such indebtedness; and

WHEREAS, pursuant to General Obligation Bond Law, a special election was also duly held in the City on Tuesday, November 8, 2022 (the “2022 Election”), on the question of whether to issue general obligation bonds of the City in an amount not to exceed \$125,000,000 for the purpose of paying for the acquisition, construction, renovation, improvement, equipping, and furnishing of City parks, recreation, and entertainment facilities (the “Parks and Entertainment Facilities Question”); and

WHEREAS, the City has not previously issued any of the general obligation bonds authorized pursuant to the 2022 Election and now proposes to issue general obligation for the purpose of financing \$35,000,000 improvements to parks and entertainment facilities as so authorized at the 2022 Election by the approval of the Parks and Entertainment Facilities Question; and

WHEREAS, pursuant to Ordinance No. 220918, As Amended, the total amount to be issued for City Parks projects is \$8.25 million and these projects represent the Citywide allocation of projects and the required in-district allocations will be handled in future bond issuances; and

WHEREAS, the Board of Parks and Recreation has approved the \$8.25 million Citywide allocation; and

WHEREAS the cost of the projects will be funded with the issuance of general obligation bonds in Spring 2023 and scheduled debt service payments on the bonds will be made from ad valorem taxes over a successive twenty (20) year period with the first payments beginning in fiscal year 2024; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Fund No. 3823 is hereby established as the General Obligation Series Bond Series 2023A Q1-22 Projects Fund in the books and records of the City of Kansas City, Missouri.

Section 2. That the revenue in the following accounts of Fund No. 3823, the General Obligation Series Bond Series 2023A Q1-22 Projects Fund, is hereby estimated in the following amounts:

AL-3823-120000-590000	Bond Proceeds	\$35,000,000.00
AL-3823-120000-485100	Premium on Sale of Bonds	<u>5,600,000.00</u>
	TOTAL	\$40,600,000.00

Section 3. That the sum of \$40,600,000.00 is hereby appropriated from the Unappropriated Fund Balance of the General Obligation Series Bond Series 2023A Q1-22 Projects Fund to the following accounts:

AL-3823-707567-B-70204994	SECC Pool Conversion	\$ 3,500,000.00
AL-3823-707567-B-70232310	Community Ctr. Facility Study	450,000.00
AL-3823-707567-B-70226400	9th & Van Brunt Field Replacements	3,000,000.00
AL-3823-707567-B-70235002	BRW Connecting Park Design	350,000.00
AL-3823-707567-B-70225031	MLK Jr. Park Parking Lot	450,000.00
AL-3823-707567-B-70232201	MLK Jr. Brush Creek Bridge	500,000.00
AL-3823-638027-B-63CARPT23	Bartle Hall Carpet Replacement	475,000.00
AL-3823-638027-B-MCADARR23	Convention Restroom Renovations	1,200,000.00
AL-3823-638027-B- 63ADAGB23	Grand Ballroom ADA	230,000.00
AL-3823-638027-B-63CHAIR23	Chair Replacement	759,000.00
AL-3823-638027-B-MCADAEL23	Municipal & Conventions Elevator ADA Improvements	4,000,000.00
AL-3823-638027-B-63EXNTW23	Wireless Network Upgrade	3,000,000.00
AL-3823-638027-B- 63INTNT23	Internet Upgrade	1,195,343.00
AL-3823-638027-B- 63AUDEQ23	Audio Equipment Upgrade	400,000.00
AL-3823-638027-B- 63EBESC23	East Escalator Replacement	935,314.00
AL-3823-638027-B- 63GBLIT23	Grand Ballroom - Lighting	1,195,343.00
AL-3823-638027-B- 63NDOCP23	North Dock Pad Remodel	1,300,000.00
AL-3823-638027-B- MAMHADA24	Music Hall – ADA Remodel	400,000.00
AL-3823-638027-B- MABHSEC24	Municipal & Bartle – Security Camera Upgrade	300,000.00
AL-3823-638027-B- 63STEXL23	Bartle Hall Exterior Lighting	1,200,000.00
AL-3823-638027-B- 63UTLFP24	Bartle Hall Utility Floor Port	600,000.00
AL-3823-638027-B- 63TABST24	Bartle Hall Staging/Table R	

	Replacement	300,000.00
AL-3823-638027-B-63FIRSU24	Conventions Fire Suppression	
	Improvements	450,000.00
AL-3823-638027-B- 63BCEXL23	Broadway Exterior Lighting	1,300,000.00
AL-3823-638027-B- 63RRADA25	Restroom & ADA Renovations	2,750,000.00
AL-3823-638027-B- MADAIMP25	Municipal Arena ADA	
	Improvements	2,100,000.00
AL-3823-638027-B- MHFRTEL23	Music Hall Freight Elevator	
	Replacement	2,500,000.00
AL-3823-638027-B- 63DISIG23	Meeting Room Digital Signage	160,000.00
AL-3823-129620-G	Cost of Issuance	700,000.00
AL-3823-129631-G	Underwriter's Discount	800,000.00
AL-3823-129632-G	Discount on Sale of Bonds	4,090,000.00
AL-3823-129686-B	Arbitrage Rebate Calculation	<u>10,000.00</u>
	TOTAL	<u>\$40,600,000.00</u>

Section 6. That the Director of Parks and Recreation is designated as the requisitioning authority for Account No. AL-3823-707567-B, that the Director of Conventions and Entertainment Facilities is designated as requisitioning authority for Account No. AL-3823-638027-B and that the Director of Finance is designated as the requisitioning authority for Account Nos. AL-3823-129620-B, AL-3823-129631-B, AL-3823-129632-B and AL-3823-129686-B.

Section 7. 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 \$40,600,000.00. This constitutes a declaration of official intent under Treasury Regulation 1.150-2.

Section 8. That the Director of Finance is hereby authorized to modify the previously approved estimated revenues and appropriations in Section 3 as required to correctly record the budgetary amounts finalized through the sale of the Series 2023A Bonds into the marketplace.

Section 9. 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.

..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:

Katherine Chandler
Senior Associate 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. 3823, the General Obligation Series Bond Series 2023A Q1-22 Projects Fund, and estimating \$ 40,600,000.00 in bond proceeds from the sale of the General Obligation 2023A bonds and appropriating these proceeds across projects that fall under Question 1 of the 2022 Voted Authorization and designating requisitioning authorities. The Director of Finance is authorized to modify revenue estimates and appropriations as required and to close project accounts upon completion.

Discussion

On November 8, 2022, Kansas City voters approved Question 1 on the ballot, which authorized up to \$125,000,000 in GO bonds for the purpose of paying for the acquisition, construction, renovation, improvement, equipping, and furnishing of City parks, recreation, and entertainment facilities. This ordinance advance appropriates for \$35 million of projects anticipating a Spring 2023 bond sale. Ordinance No. 220918, As Amended, requires a 75%/25% split between in-district and Citywide Parks projects, respectively. This ordinance approves \$8.25 million in Citywide projects for Parks and \$26.75 million in Convention and Entertainment Centers projects. The in-district projects for Parks will be issued in future years.

Fiscal Impact

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

2. What is the funding source?

Ad valorem property taxes..

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

Project appropriations will become available for use in the current fiscal year upon passage of this ordinance.

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

Yes. At a federally tax-exempt interest rate of 4.33% and aggregate principal amount of 34,230,000, debt service is expected to average \$2.75 million per year for 20 years for



City of Kansas City, Missouri

Docket Memo

this portion of the GO 2023A bonds attributable to these appropriations. Debt service will be funded from existing property tax revenues.

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

Improvements to area parks will create a better experience for those visiting the parks, and improvements to the Convention Center will allow it to continue hosting events that bring tourism revenue to the City.

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
- 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
-

City of Kansas City, Missouri

Docket Memo

□

Prior Legislation

Committee Substitute for Ordinance 220663 authorized the election in which voters approved the issuance of \$125,000,000 in bonds to finance improvements to park and entertainment facilities.

Ordinance No. 220918, As Amended, sets out a 75%/25% split between in-district and Citywide Parks projects.

Service Level Impacts

This ordinance will provide funding for improved park and convention facilities.

Other Impacts

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

Upgraded park facilities mean greater chances at healthy activities.

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

The Board of Parks and Recreation and the Public Improvements Advisory Committee have both reviewed and approved the various improvement projects related to Parks and Recreation.

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

Improved convention facilities will allow Kansas City to remain competitive in hosting conventions, which bring revenue into the City.

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

Not applicable. This ordinance does not seek approval of contracts.

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")?

Not applicable. This ordinance does not seek approval of contracts.



APPROPRIATION TRANSACTION

CITY OF KANSAS CITY, MISSOURI

DEPARTMENT: **Finance Department**

BUSINESS UNIT: **KCMBU**

DATE: **2/14/2023**

JOURNAL ID: _____

LEDGER GROUP: **ADMIN**

BUDGET PERIOD: _____

	<u>FUND</u>	<u>DEPT ID</u>	<u>ACCOUNT</u>	<u>PROJECT</u>	<u>AMOUNT</u>
AL	3823	707567	611060	70204994	3,500,000.00
AL	3823	707567	611040	70232310	450,000.00
AL	3823	707567	611060	70226400	3,000,000.00
AL	3823	707567	611040	70235002	350,000.00
AL	3823	707567	611060	70225031	450,000.00
AL	3823	707567	611060	70232201	500,000.00
AL	3823	638027	611060	63CARPT23	475,000.00
AL	3823	638027	611060	MCADARR23	1,200,000.00
AL	3823	638027	611060	63ADAGB23	230,000.00
AL	3823	638027	611060	63CHAIR23	759,000.00
AL	3823	638027	611060	MCADAEL23	4,000,000.00
AL	3823	638027	611060	63EXNTW23	3,000,000.00
AL	3823	638027	611060	63INTNT23	1,195,343.00
AL	3823	638027	611060	63AUDEQ23	400,000.00
AL	3823	638027	611060	63EBESC23	935,314.00
AL	3823	638027	611060	63GBLIT23	1,195,343.00
AL	3823	638027	611060	63NDOCP23	1,300,000.00
AL	3823	638027	611060	MAMHADA24	400,000.00
AL	3823	638027	611060	MABHSEC24	300,000.00
AL	3823	638027	611060	63STEXL23	1,200,000.00
AL	3823	638027	611060	63UTLFP24	600,000.00
AL	3823	638027	611060	63TABST24	300,000.00
AL	3823	638027	611060	63FIRSU24	450,000.00
AL	3823	638027	611060	63BCEXL23	1,300,000.00
AL	3823	638027	611060	63RRADA25	2,750,000.00
AL	3823	638027	611060	MADAIMP25	2,100,000.00
AL	3823	638027	611060	MHFRTTEL23	2,500,000.00
AL	3823	638027	611060	63DISIG23	160,000.00
AL	3823	129620	743050		700,000.00
AL	3823	129631	743050		800,000.00
AL	3823	129632	743150		4,090,000.00
AL	3823	129686	743250		10,000.00

TOTAL 40,600,000.00

DESCRIPTION: Appropriate Proceeds of General Obligation Bonds under the 2022 Voted Authorization

APPROVED BY: _____ DATE _____ APPROVED BY: DEPARTMENT HEAD _____ DATE _____



GO Bond Series 2023 Appropriation

ORDINANCE NO. 230184

FINANCE, GOVERNANCE AND PUBLIC SAFETY
COMMITTEE

Background

2022 Authorization

- ▶ November 8, 2022 – Voters approved two ballot questions for the issuance of general obligation bonds
 - ▶ Parks, recreation, and entertainment facilities, including related parking structures
 - ▶ \$125 million
 - ▶ \$80 million - Parks
 - ▶ \$45 million - Conventions
 - ▶ Affordable housing
 - ▶ \$50 million

New GO Bond

2022
Authorization

- ▶ Anticipate issuing GO Bonds over a five-year period
 - ▶ Year 1 - \$35 million
 - ▶ Year 2 - \$35 million
 - ▶ Year 3 - \$25 million
 - ▶ Year 4 - \$20 million
 - ▶ Year 5 - \$60 million

GO Bond

Appropriation
Ordinance No.
230184

- ▶ Establish GO Series 2023A Q1-22 Project Fund
- ▶ Estimate and appropriate bond proceeds for Year 1
 - ▶ Question No. 1 Projects
 - ▶ Parks, recreation, and entertainment facilities
 - ▶ \$35 million – total project proceeds

Project	Score	FY2023
Bartle Hall Carpet Replacement 2200 & 2300 Lobby	40	\$ 475,000
Municipal & Convention Facilities Restroom & ADA Renovations: Bid Package	55	\$ 1,200,000
Bartle Hall Grand Ballroom ADA	50	\$ 230,000
Municipal & Convention Facilities Elevator ADA Improvements	50	\$ 4,000,000
Convention Center Chair Replacement	30	\$ 759,000
Bartle Hall Wireless Exhibitor Network Upgrade	30	\$ 3,000,000
Bartle Hall Internet Infrastructure Upgrade	30	\$ 1,195,343
Bartle Hall Audio Equipment Upgrade	30	\$ 400,000
Bartle Hall 2200 East Escalator Replacement	50	\$ 935,314
Grand Ballroom - Lighting System Replacement	40	\$ 1,195,343
North Dock Pad Remodel	30	\$ 1,300,000
13th Bartle Hall Street Exterior Lighting	40	\$ 1,200,000
Bartle Hall Broadway/Central Exterior Lighting	40	\$ 1,300,000
Municipal Auditorium Music Hall Freight Elevator Replacement	45	\$ 2,500,000
Bartle Hall Meeting Room Digital Signage	30	\$ 160,000
Municipal Auditorium Music Hall ADA Music Hall Remodel	55	\$ 400,000
Municipal Auditorium & Bartle Hall Security Camera Upgrades	45	\$ 300,000
Bartle Hall Utility Floor Port Improvements	40	\$ 600,000
Bartle Hall staging and table replacement	30	\$ 300,000
Convention Facilities Fire Suppression System Improvements	40	\$ 450,000
Restroom & ADA Renovations	50	\$ 2,750,000
Municipal Arena ADA Improvements	55	\$ 2,100,000
Total		\$ 26,750,000

Question No. 1

Conventions Year 1 Projects

Parks and Recreation Question No. 1 Projects

- Ordinance No. 220918, As Amended
 - Sixty-four percent (64%) of Question 1 set aside for City Parks
 - 75% of Parks funding allocated proportionally among Council Districts
 - 25% of Parks funding available for Citywide projects
 - Each council district to determine projects for in-district Parks funding
 - Remaining Parks funding recommended by Parks and Recreation Board in consultation with PIAC and approved by Council

Project	Score	FY2023
Community Center Study	65	\$ 450,000
SE Community Center Aquatics	65	\$ 3,500,000
9th and Van Brunt 2-Synthetic Field and 2- Futsal Courts	65	\$ 3,000,000
Dr Martin Luther King Jr. Park Parking Lot	79	\$ 450,000
Bruce R. Watkins Connecting Park	79	\$ 350,000
Dr Martin Luther King Jr. Brush Creek Bridge	79	\$ 500,000
TOTAL		\$ 8,250,000

Question No. 1

Parks Year 1 Projects

Pursuant to Ordinance No. 220918, As Amended

- Parks Board recommendations
- PIAC reviewed
- Year 1 projects do not include in-district funding
 - 75/25 split will be maintained over life of the GO program

Questions?



GO Bond Series 2023 Appropriation

ORDINANCE NO. 230184

FINANCE, GOVERNANCE AND PUBLIC SAFETY
COMMITTEE

Background

2022 Authorization

- ▶ November 8, 2022 – Voters approved two ballot questions for the issuance of general obligation bonds
 - ▶ Parks, recreation, and entertainment facilities, including related parking structures
 - ▶ \$125 million
 - ▶ \$80 million - Parks
 - ▶ \$45 million - Conventions
 - ▶ Affordable housing
 - ▶ \$50 million

New GO Bond

2022
Authorization

- ▶ Anticipate issuing GO Bonds over a five-year period
 - ▶ Year 1 - \$35 million
 - ▶ Year 2 - \$35 million
 - ▶ Year 3 - \$25 million
 - ▶ Year 4 - \$20 million
 - ▶ Year 5 - \$60 million

GO Bond

Appropriation
Ordinance No.
230184

- ▶ Establish GO Series 2023A Q1-22 Project Fund
- ▶ Estimate and appropriate bond proceeds for Year 1
 - ▶ Question No. 1 Projects
 - ▶ Parks, recreation, and entertainment facilities
 - ▶ \$35 million – total project proceeds

Project	Score	FY2023
Bartle Hall Carpet Replacement 2200 & 2300 Lobby	40	\$ 475,000
Municipal & Convention Facilities Restroom & ADA Renovations: Bid Package	55	\$ 1,200,000
Bartle Hall Grand Ballroom ADA	50	\$ 230,000
Municipal & Convention Facilities Elevator ADA Improvements	50	\$ 4,000,000
Convention Center Chair Replacement	30	\$ 759,000
Bartle Hall Wireless Exhibitor Network Upgrade	30	\$ 3,000,000
Bartle Hall Internet Infrastructure Upgrade	30	\$ 1,195,343
Bartle Hall Audio Equipment Upgrade	30	\$ 400,000
Bartle Hall 2200 East Escalator Replacement	50	\$ 935,314
Grand Ballroom - Lighting System Replacement	40	\$ 1,195,343
North Dock Pad Remodel	30	\$ 1,300,000
13th Bartle Hall Street Exterior Lighting	40	\$ 1,200,000
Bartle Hall Broadway/Central Exterior Lighting	40	\$ 1,300,000
Municipal Auditorium Music Hall Freight Elevator Replacement	45	\$ 2,500,000
Bartle Hall Meeting Room Digital Signage	30	\$ 160,000
Municipal Auditorium Music Hall ADA Music Hall Remodel	55	\$ 400,000
Municipal Auditorium & Bartle Hall Security Camera Upgrades	45	\$ 300,000
Bartle Hall Utility Floor Port Improvements	40	\$ 600,000
Bartle Hall staging and table replacement	30	\$ 300,000
Convention Facilities Fire Suppression System Improvements	40	\$ 450,000
Restroom & ADA Renovations	50	\$ 2,750,000
Municipal Arena ADA Improvements	55	\$ 2,100,000
Total		\$ 26,750,000

Question No. 1

Conventions Year 1 Projects

Parks and Recreation Question No. 1 Projects

- Ordinance No. 220918, As Amended
 - Sixty-four percent (64%) of Question 1 set aside for City Parks
 - 75% of Parks funding allocated proportionally among Council Districts
 - 25% of Parks funding available for Citywide projects
 - Each council district to determine projects for in-district Parks funding
 - Remaining Parks funding recommended by Parks and Recreation Board in consultation with PIAC and approved by Council

Project	Score	FY2023
Community Center Study	65	\$ 450,000
SE Community Center Aquatics	65	\$ 3,500,000
9th and Van Brunt 2-Synthetic Field and 2- Futsal Courts	65	\$ 3,000,000
Dr Martin Luther King Jr. Park Parking Lot	79	\$ 450,000
Bruce R. Watkins Connecting Park	79	\$ 350,000
Dr Martin Luther King Jr. Brush Creek Bridge	79	\$ 500,000
TOTAL		\$ 8,250,000

Question No. 1

Parks Year 1 Projects

Pursuant to Ordinance No. 220918, As Amended

- Parks Board recommendations
- PIAC reviewed
- Year 1 projects do not include in-district funding
 - 75/25 split will be maintained over life of the GO program

Questions?



File #: 230214

ORDINANCE NO. 230214

Sponsor: Director of the Finance Department

Authorizing the issuance of General Obligation Bonds, Series 2023A, of the City of Kansas City, Missouri, in a principal amount not to exceed \$100,000,000.00; prescribing the form and details of said bonds; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; authorizing certain other documents and actions in connection therewith; increasing and appropriating revenue in the amount of \$2,500,000.00 in the GO Series 2023A Question 1 Bond Fund; increasing and appropriating revenue in the amount of \$800,000.00 in the GO Series 2023A Question 2 Bond Fund; increasing and appropriating revenue in the amount of \$300,000.00 in the GO Series 2023A Question 3 Bond Fund; authorizing the Director of Finance to close project accounts upon completion; and declaring the intent of the City to reimburse itself from the bond proceeds for certain expenditures; and recognizing this ordinance as having an accelerated effective date.

WHEREAS, the City of Kansas City, Missouri (the “City”), is authorized under the provisions of Article VI, Section 26 of the Constitution of Missouri, 1945, as amended, and its charter (the “General Obligation Bond Law”) to incur indebtedness and issue and sell general obligation bonds of the City to evidence such indebtedness for lawful purposes, upon obtaining the approval of the required majority of the qualified electors of the City voting on the question to incur such indebtedness; and

WHEREAS, pursuant to General Obligation Bond Law, a special election was duly held in the City on Tuesday, April 4, 2017 (the “2017 Election”): (1) on the question of whether to issue general obligation bonds of the City in an amount not to exceed \$600,000,000.00 for the purpose of paying for the construction and reconstruction of streets, bridges and sidewalks (the “Street, Sidewalk & Bridge Question”); (2) on the question of whether to issue general obligation bonds of the City in an amount not to exceed \$150,000,000.00 for the purpose of paying for the acquisition, construction, equipping and reconstruction of flood control projects including, but not limited to, projects partially funded with federal grants (the “Flood Control Question”); and (3) on the question of whether to issue general obligation bonds of the City in an amount not to exceed \$50,000,000.00 for the purpose of paying for the acquisition, construction, equipping and improvement of public buildings, facilities and structures including, but not limited to, the Animal Shelter and for Americans with Disabilities Act improvements to public buildings (the “Public Buildings Question”); and

WHEREAS, the votes cast at the 2017 Election were duly canvassed as provided by law, and it was found and declared that:

- (1) not less than four-sevenths of the qualified voters of the City voting at the 2017 Election on said Street, Sidewalk & Bridge Question voted in favor of the issuance of said bonds, the vote on said Street & Bridge Question having been 40,496 votes for the issuance of said bonds and 20,730 votes against the issuance of said bonds; and
- (2) not less than four-sevenths of the qualified voters of the City voting at the 2017 Election on said Flood Control Question voted in favor of the issuance of said bonds, the vote on said Flood Control Question having been 37,437 votes for the issuance of said bonds and 23,542 votes against the issuance of said bonds; and
- (3) not less than four-sevenths of the qualified voters of the City voting at the 2017 Election on said Public Buildings Question voted in favor of the issuance of said bonds, the vote on said Public Buildings Question having been 41,022 votes for the issuance of said bonds and 20,108 votes against the issuance of said bonds; and

WHEREAS, the City has previously issued general obligation bonds authorized pursuant to the 2017 Election as follows:

- (1) \$178,950,000.00 aggregate principal amount of general obligation bonds so authorized at the 2017 Election by the approval of the Street, Sidewalk & Bridge Question have been previously issued by the City to finance a portion of the Street, Sidewalk and Bridge Project (defined herein); and
- (2) \$35,310,000.00 aggregate principal amount of general obligation bonds so authorized at the 2017 Election by the approval of the Flood Control Question have been previously issued by the City to finance a portion of the Flood Control Project (defined herein); and
- (3) \$38,850,000.00 aggregate principal amount of general obligation bonds so authorized at the 2017 Election by the approval of the Public Buildings Question have been previously issued by the City to finance a portion of the Public Buildings Project (defined herein); and

WHEREAS, the City now proposes to issue additional general obligation bonds authorized pursuant to the 2017 Election as follows:

- (1) general obligation bonds in the principal amount not to exceed \$42,000,000.00 for the purpose of financing a portion of the Street, Sidewalk and Bridge Project (defined herein) as so authorized at the 2017 Election by the approval of the Street, Sidewalk & Bridge Question; and

- (2) general obligation bonds in the principal amount not to exceed \$13,000,000.00 for the purpose of financing a portion of the Flood Control Project (defined herein) as so authorized at the 2017 Election by the approval of the Flood Control Question; and
- (3) general obligation bonds in the principal amount not to exceed \$5,000,000.00 for the purpose of financing a portion of the Public Buildings Project (defined herein) as so authorized at the 2017 Election by the approval of the Public Buildings Question; and

WHEREAS, pursuant to General Obligation Bond Law, a special election was also duly held in the City on Tuesday, November 8, 2022 (the “2022 Election”), on the question of whether to issue general obligation bonds of the City in an amount not to exceed \$125,000,000.00 for the purpose of paying for the acquisition, construction, renovation, improvement, equipping, and furnishing of City parks, recreation, and entertainment facilities (the “Parks and Entertainment Facilities Question”); and

WHEREAS, the votes cast at the 2022 Election were duly canvassed as provided by law, and it was found and declared that not less than four-sevenths of the qualified voters of the City voting at the 2022 Election on said Parks and Entertainment Facilities Question voted in favor of the issuance of said bonds, the vote on said Parks and Entertainment Facilities Question having been 102,950 votes for the issuance of said bonds and 42,582 votes against the issuance of said bonds; and

WHEREAS, the City has not previously issued any of the general obligation bonds authorized pursuant to the 2022 Election and now proposes to issue general obligation bonds in the principal amount not to exceed \$40,000,000.00 for the purpose of financing a portion of the Parks and Entertainment Facilities Project (defined herein) as so authorized at the 2022 Election by the approval of the Parks and Entertainment Facilities Question: and

WHEREAS, it is hereby found and determined that it is necessary and advisable and in the best interest of the City and its inhabitants at this time to authorize the issuance and delivery of said bonds for the purposes aforesaid; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms as used in this Ordinance shall have the following meanings:

“**Bond Counsel**” means Gilmore & Bell, P.C., Kansas City, Missouri, Hardwick Law Firm, LLC, Kansas City, Missouri, or other attorneys or firm of attorneys with a nationally recognized standing in the field of municipal bond financing selected by the City.

“**Bond Payment Date**” means any date on which principal of or interest on any Bond is payable.

“**Bond Register**” means the books for the registration, transfer and exchange of Bonds kept at the office of the Paying Agent.

“**Bondowner,**” “**Owner**” or “**Registered Owner**” when used with respect to any Bond means the Person in whose name such Bond is registered on the Bond Register.

“**Bonds**” means the General Obligation Bonds, Series 2023A, authorized and issued by the City pursuant to this Ordinance.

“**Business Day**” means a day other than a Saturday, Sunday or holiday on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its banking operations.

“**Cede & Co.**” means Cede & Co., as nominee name of The Depository Trust Company, New York, New York.

“**Certificate of Final Terms**” means **Exhibit B**, executed and delivered by the Mayor pursuant to **Section 211** hereof, in substantially the form attached as **Exhibit C**.

“**City**” means the City of Kansas City, Missouri, and any successors or assigns.

“**Code**” means the Internal Revenue Code of 1986, as amended, and the applicable regulations of the Treasury Department proposed or promulgated thereunder.

“**Costs of Issuance Fund**” means the Costs of Issuance Fund created in **Section 501**.

“**Debt Service Fund**” means the Series 2023A Debt Service Fund created in **Section 501**.

“**Defaulted Interest**” means interest on any Bond which is payable but not paid on any Interest Payment Date.

“**Defeasance Obligations**” means any of the following obligations:

- (a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

- (b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:
- (1) the obligations are (i) not subject to redemption prior to maturity, or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;
 - (2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;
 - (3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;
 - (4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;
 - (5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and
 - (6) the obligations are rated in the highest rating category by Moody's (presently "Aaa") or Standard & Poor's Ratings Services (presently "AAA").

"Director of Finance" means the Director, Deputy Director or any Acting Director of the Department of Finance of the City.

"Federal Tax Certificate" means the City's Federal Tax Certificate relating to the Bonds as the same may be amended or supplemented in accordance with the provisions thereof.

"Flood Control Project" means, without limitation, the acquisition, construction, equipping and reconstruction of flood control projects including, but not limited to, projects partially funded with federal grants and other projects authorized by the Flood Control Question approved by the voters of the City at the 2017 Election.

"Interest Payment Date" means the Stated Maturity of an installment of interest on any Bond.

“**Maturity**” when used with respect to any Bond means the date on which the principal of such Bond becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or by call for redemption or otherwise.

“**Notice of Bond Sale**” means the Notice of Bond Sale authorized by **Section 212** hereof.

“**Ordinance**” means this Ordinance as from time to time amended in accordance with the terms hereof.

“**Outstanding**” means, when used with reference to Bonds, as of any particular date of determination, all Bonds theretofore authenticated and delivered hereunder, except the following Bonds:

- (a) Bonds theretofore cancelled by the Paying Agent or delivered to the Paying Agent for cancellation;
- (b) Bonds deemed to be paid in accordance with the provisions of **Section 701** hereof; and
- (c) Bonds in exchange for or in lieu of which other Bonds have been authenticated and delivered hereunder.

“**Parks and Entertainment Facilities Project**” means, without limitation, the acquisition, construction, renovation, improvement, equipping, and furnishing of City parks, recreation, and entertainment facilities and other projects authorized by the Parks and Entertainment Facilities Question approved by the voters of the City at the 2022 Election.

“**Participants**” means those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of participants exists at the time of such reference.

“**Paying Agent**” means the paying agent designated in **Section 203** hereof and any successors or assigns thereto.

“**Permitted Investments**” means any of the following securities, if and to the extent the same are at the time legal for investment of the moneys held in the funds and accounts listed in **Section 501** hereof:

- (a) United States Treasury Securities (Bills, Notes, Bonds and Strips).
- (b) United States Agency/GSE Securities. The City may invest in obligations issued or guaranteed by any agency of the United States Government and in obligations issued by any government sponsored enterprise (GSE) which have a liquid market and a readily determinable market value that are described as follows:
 - (1) U.S. Govt. Agency Coupon and Zero Coupon Securities.

- (2) U.S. Govt. Agency Discount Notes.
 - (3) U.S. Govt. Agency Callable Securities. Restricted to securities callable at par only.
 - (4) U.S. Govt. Agency Step-Up Securities. The coupon rate is fixed for an initial term. At the step-up date, the coupon rate rises to a new, higher fixed interest rate.
 - (5) U.S. Govt. Agency Floating Rate Securities. Restricted to coupons with no interim caps that reset at least quarterly and that float off of only one index.
 - (6) U.S. Govt. Agency/GSE Mortgage Backed Securities (MBS, CMO, Pass-Thru Securities). Restricted to securities with final maturities of five (5) years or less or have the final projected payment no greater than five (5) years when analyzed in a +300 basis point interest rate environment.
- (c) Collateralized Time Deposits. (Non-negotiable certificates of deposit.)
 - (d) Repurchase Agreements. The City may invest in contractual agreements between the City and commercial banks or primary government securities dealers. The Securities Industry & Financial Markets Association's (or any successor's) guidelines for the Master Repurchase Agreement will be used and will govern all repurchase agreement transactions. All repurchase agreement transactions will be either physical delivery or tri-party.
 - (e) Bankers' Acceptances. The City may invest in bankers' acceptances issued by domestic commercial banks possessing the highest credit rating issued by Moody's Investor Services, Inc. or Standard and Poor's Corporation.
 - (f) Commercial Paper. The City may invest in commercial paper issued by domestic corporations, which has received the highest short-term credit rating issued by Moody's Investor Services, Inc. or Standard and Poor's Corporation. Eligible paper is further limited to issuing corporations that have total assets in excess of five hundred million dollars (\$500,000,000.00) and are not listed on Credit Watch with negative implications by any nationally recognized credit rating agency at the time of purchase.
 - (g) Municipal Securities (State and Local Government Obligations). The City may invest in municipal obligations that are issued in either tax-exempt or taxable form.
 - (1) Any full faith and credit obligations of the State of Missouri rated at least A or A2 by Standard & Poor's or Moody's.

- (2) Any full faith and credit obligations of any city, county or school district in the state of Missouri rated at least AA or Aa2 by Standard & Poor's or Moody's.
- (3) Any full faith and credit obligations, revenue, or special obligation bonds of the City of Kansas City, Missouri rated at least A or A2 by Standard & Poor's or Moody's.
- (4) Any full faith and credit obligation of any state or territory of the United States of America rated at least AA or Aa2 by Standard & Poor's or Moody's.
- (5) Any full faith and credit obligations of any city, county or school district in any state or territory of the United States of America rated AAA or Aaa by Standard & Poor's or Moody's.
- (6) Any revenue bonds issued by the Missouri Department of Transportation rated at least AA or Aa2 by Standard & Poor's or Moody's.
- (7) Any municipal obligation that is pre-refunded or escrowed to maturity as to both principal and interest with escrow securities that are fully guaranteed by the United States Government, without regard to rating by Standard & Poor's or Moody's.
- (8) Money market mutual funds registered under the Federal Investment Company Act of 1940, whose shares are registered under the Federal Securities Act of 1933, rated in either of the two highest categories by Moody's and Standard & Poor's (in either case without regard to any modifier).
- (9) Such other investments not described above that are allowed pursuant to Missouri law and approved in the Charter.

“Person” means any natural person, corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

“Project Fund” means the Series 2023A Project Fund created in **Section 501**.

“Public Buildings Project” means, without limitation, the acquisition, construction, equipping and improvement of public buildings, facilities and structures including, but not limited to, the Animal Shelter and for Americans with Disabilities Act improvements to public buildings and other projects authorized by the Public Buildings Question approved by the voters of the City at the 2017 Election.

“**Purchase Contract**” means, in the event the Bonds are sold pursuant to a Negotiated Sale as permitted by **Section 211(a)(2)** hereof, the Purchase Contract relating to the Bonds between the City and the Purchaser.

“**Purchaser**” means the original purchaser or purchasers of the Bonds selected by the City in accordance with **Section 211** hereof and specified in the Certificate of Final Terms.

“**Rebate Fund**” means the fund by that name referred to in **Section 501**.

“**Record Date**” for the interest payable on any Interest Payment Date means the 15th day (whether or not a Business Day) of the calendar month next preceding such Interest Payment Date.

“**Redemption Date**” when used with respect to any Bond to be redeemed means the date fixed for such redemption pursuant to the terms of this Ordinance.

“**Redemption Price**” when used with respect to any Bond to be redeemed means the price at which such Bond is to be redeemed pursuant to the terms of this Ordinance, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

“**Replacement Bonds**” means Bonds issued to the beneficial owners of the Bonds in accordance with **Section 210(b)**.

“**Securities Depository**” means, initially, The Depository Trust Company, New York, New York, and its successors and assigns.

“**Special Record Date**” means the date fixed by the Paying Agent pursuant to **Section 204** hereof for the payment of Defaulted Interest.

“**Stated Maturity**” when used with respect to any Bond or any installment of interest thereon means the date specified in such Bond and this Ordinance as the fixed date on which the principal of such Bond or such installment of interest is due and payable.

“**Street, Sidewalk and Bridge Project**” means, without limitation, the construction and reconstruction of streets, bridges and sidewalks and other projects authorized by the Street, Sidewalk & Bridge Question approved by the voters of the City at the 2017 Election.

“**United States Government Obligations**” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by the United States of America, including evidences of a direct ownership interest in future interest or principal payments on obligations issued or guaranteed by the United States of America (including the interest component of obligations of the Resolution Funding Corporation).

ARTICLE II

AUTHORIZATION OF BONDS

Section 201. Authorization of Bonds. There shall be issued and hereby are authorized and directed to be issued the General Obligation Bonds, Series 2023A, of the City in the principal amount not to exceed \$100,000,000.00 (the “**Bonds**”). The Bonds are being issued for the purpose of providing funds to (a) pay a portion of the costs of the Street, Sidewalk and Bridge Project, (b) pay a portion of the costs of the Flood Control Project, (c) pay a portion of the costs of the Public Buildings Project, (d) pay a portion of the costs of the Parks and Entertainment Facilities Project and (e) pay the costs of issuing the Bonds.

Section 202. Description of Bonds. The Bonds shall consist of fully registered bonds without coupons, numbered from 1 upward in denominations of \$5,000.00 or any integral multiple thereof. The Bonds shall be substantially in the form set forth in **Section 202A** hereto, and shall be subject to registration, transfer and exchange as provided in **Section 205**. The Bonds shall be dated the date of their issuance, shall become due in the amounts on the Stated Maturities set forth therein, subject to redemption and payment prior to their Stated Maturities as provided in **Article III**, and shall bear interest at the rates per annum to be determined upon the sale of the Bonds as set forth in the Certificate of Final Terms.

At the election of the Purchaser, term Bonds may be issued in lieu of all or a portion of serial Bonds with Stated Maturities with mandatory sinking fund redemption payments and final payments at maturity in the amounts set forth, subject to the following conditions: all Bonds selected as a term Bond shall bear the same rate of interest; and not less than all Bonds of the same Stated Maturity shall be converted to a term Bond with mandatory redemption requirements.

The Bonds shall bear interest (computed on the basis of a 360-day year of twelve 30-day months) from the dated date thereof or from the most recent Interest Payment Date to which interest has been paid or duly provided for, payable semiannually on February 1 and August 1 in each year, beginning on the date set forth in the Certificate of Final Terms.

Section 202A. Form of Bond. The Bonds will be in substantially the following form, with appropriate insertions and deletions as are approved by the Mayor, which approval will be conclusively evidenced by the Mayor’s signature on the Bond:

FORM OF BOND

EXCEPT AS OTHERWISE PROVIDED IN THE ORDINANCE (DESCRIBED HEREIN), THIS GLOBAL BOND MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY (DESCRIBED HEREIN) OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY.

**UNITED STATES OF AMERICA
STATE OF MISSOURI**

**Registered
No. _____**

**Registered
\$ _____**

CITY OF KANSAS CITY, MISSOURI

**GENERAL OBLIGATION BOND
SERIES 2023A**

Interest Rate Maturity Date Dated Date CUSIP Number

February 1, 20_____, 2023

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

THE CITY OF KANSAS CITY, MISSOURI, for value received, hereby acknowledges itself to be indebted and promises to pay to the Registered Owner shown above, or registered assigns, the Principal Amount shown above on the Maturity Date shown above, unless called for redemption prior to said Maturity Date, and to pay interest thereon at the Interest Rate per annum shown above (computed on the basis of a 360-day year of twelve 30-day months) from the Dated Date shown above or from the most recent Interest Payment Date to which interest has been paid or duly provided for, payable semiannually on February 1 and August 1 in each year, beginning on [_____], until said Principal Amount has been paid.

The Principal Amount or Redemption Price of this Bond shall be paid at Maturity or upon earlier redemption by check or draft to the Person in whose name this Bond is registered at the Maturity or Redemption Date thereof, upon presentation and surrender of this Bond at the payment office of U.S. Bank National Association, St. Louis, Missouri (the **“Paying Agent”**). The interest payable on this Bond on any Interest Payment Date shall be paid to the Person in whose name this

Bond is registered on the Bond Register maintained by the Paying Agent at the close of business on the Record Date for such interest by check or draft mailed by the Paying Agent to the address of such Registered Owner shown on the Bond Register or, in the case of an interest payment to any Registered Owner of \$500,000.00 or more in aggregate principal amount of Bonds, by electronic transfer to such Registered Owner upon written notice given to the Paying Agent by such Owner not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank (which shall be in the continental United States), ABA routing number and account number to which such Registered Owner wishes to have such transfer directed.

This Bond is one of an authorized series of bonds of the City designated “General Obligation Bonds, Series 2023A,” aggregating the principal amount of \$[_____] (the “**Bonds**”), issued by the City for the purpose of paying (a) a portion of the costs of the Street, Sidewalk and Bridge Project as authorized by the voters of the City at an election duly held in the City on April 4, 2017 (the “**2017 Election**”), (b) a portion of the costs of the Flood Control Project as duly authorized by the voters of the City at the 2017 Election, (c) a portion of the costs of the Public Buildings Project as duly authorized by the voters of the City at the 2017 Election, (d) a portion of the costs of the Parks and Entertainment Facilities Project as authorized by the voters of the City at an election duly held in the City on November 8, 2022, and (e) the costs of issuing the Bonds, under the authority of and in full compliance with the Constitution and laws of the State of Missouri, and pursuant to an Ordinance duly passed (the “**Ordinance**”) and proceedings duly and legally had by the Council of the City. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the Ordinance.

At the option of the City, Bonds or portions thereof maturing on [February 1, 20___], and thereafter may be called for redemption and payment prior to their Stated Maturity on [February 1, 20___], and thereafter in whole or in part at any time in such amounts for each Stated Maturity as shall be determined by the City at a Redemption Price equal to 100% of the principal amount, plus accrued interest thereon to the Redemption Date.

[Bonds maturing on February 1, 20___, are subject to mandatory redemption and payment prior to maturity pursuant to the mandatory redemption requirements of the Ordinance on February 1, _____, and on each February 1 thereafter prior to maturity, at a redemption price equal to 100% of the Principal Amount thereof plus accrued interest to the Redemption Date.]

Notice of redemption, unless waived, is to be given by the Paying Agent by mailing an official redemption notice by first class mail at least 30 days prior to the Redemption Date to the State Auditor of Missouri, the original purchaser of the Bonds and to each Registered Owner of each of the Bonds to be redeemed at the address shown on the Bond Register maintained by the Paying Agent. Notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall, on the Redemption Date, become due and payable at the Redemption Price therein specified, and from and after such date (unless the City defaults in the payment of the Redemption Price) such Bonds or portions of Bonds shall cease to bear interest.

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Ordinance. One Bond certificate with

respect to each date on which the Bonds are stated to mature, registered in the nominee name of the Securities Depository, is being issued and required to be delivered to the Securities Depository and immobilized in its custody or delivered to the Paying Agent as the Securities Depository's "FAST Agent." The book-entry system will evidence positions held in the Bonds by the Securities Depository's participants, beneficial ownership of the Bonds in authorized denominations being evidenced in the records of such participants. Transfers of ownership shall be affected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The City, the Bond Registrar and the Paying Agent will recognize the Securities Depository nominee, while the registered owner of this Bond, as the owner of this Bond for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Bond, (ii) notice, and (iii) voting. Transfers of principal, interest and any redemption premium payments to participants of the Securities Depository, and transfers of principal, interest and any redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The City and the Paying Agent will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the owner of this bond, notwithstanding the provision hereinabove contained, payments of principal of and interest on this Bond shall be made in accordance with existing arrangements among the City, the Paying Agent and the Securities Depository.

The Bonds constitute general obligations of the City payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. The full faith, credit and resources of the City are irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

This Bond may be transferred or exchanged, as provided in the Ordinance, only on the Bond Register kept for that purpose at the principal payment office of the Paying Agent, upon surrender of this Bond together with a written instrument of transfer or authorization for exchange satisfactory to the Paying Agent duly executed by the Registered Owner or the Registered Owner's duly authorized agent, and thereupon a new Bond or Bonds in any authorized denomination having the same Maturity Date and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Ordinance and upon payment of the charges therein prescribed. The City and the Paying Agent may deem and treat the person in whose name this Bond is registered on the Bond Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or Redemption Price hereof and interest due hereon and for all other purposes.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Ordinance until the Certificate of Authentication hereon has been executed by the Paying Agent.

IT IS HEREBY CERTIFIED AND DECLARED that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of the Bonds have

existed, happened and been performed in due time, form and manner as required by law; that a direct annual tax upon all taxable tangible property situated in the City has been levied for the purpose of paying the principal of and interest on the Bonds when due; and that the total indebtedness of the City, including this Bond and the series of which it is one, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, THE CITY OF KANSAS CITY, MISSOURI, has caused this Bond to be executed by the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its City Clerk and its official seal to be affixed or imprinted hereon.

CERTIFICATE OF AUTHENTICATION

CITY OF KANSAS CITY, MISSOURI

This Bond is one of the Bonds of the issue described in the within-mentioned Ordinance.

By: _____
Mayor

Registration Date: _____

[SEAL]

U.S. BANK NATIONAL ASSOCIATION,
Paying Agent

ATTEST:

By: _____
Title: Authorized Officer or Signatory

By: _____
City Clerk

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

Print or Type Name, Address and Social Security Number
or other Taxpayer Identification Number of Transferee

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ agent to transfer the within Bond on the Bond Register kept by the Paying Agent for the registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears upon the face of the within Bond in every particular.

Signature Guaranteed By:

(Name of Eligible Guarantor Institution as defined by SEC Rule 17 Ad-15 (17 CFR 240.17 Ad-15))

By: _____
Title: _____

Section 203. Designation of Paying Agent. The City shall designate from time to time by a certificate of the Director of Finance a paying agent for the payment of principal of and interest on the Bonds and as bond registrar with respect to the registration, transfer and exchange of Bonds. The City has designated U.S. Bank National Association, St. Louis, Missouri, as the paying agent and bond registrar for the Bonds (the **“Paying Agent”**).

The City will at all times maintain a Paying Agent meeting the qualifications herein described for the performance of the duties hereunder. The City reserves the right to appoint a successor Paying Agent for any Paying Agent hereafter appointed by the Director of Finance by (1) filing with the Paying Agent then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent and appointing a successor, and (2) causing notice of the appointment of the successor Paying Agent to be given by first class mail to each Bondowner. No resignation or removal of the Paying Agent shall become effective until a successor has been appointed and has accepted the duties of Paying Agent.

Every Paying Agent appointed hereunder shall at all times be (1) a commercial banking association or corporation or trust company located in the State of Missouri organized and in good standing and doing business under the laws of the United States of America or of the State of Missouri and subject to supervision or examination by federal or state regulatory authority and (2) shall have a reported capital (exclusive of borrowed capital) plus surplus of not less than \$100,000,000.00 or, consideration may be given by the City to a bank not meeting this amount if the bank submits an acceptable form of guarantee for its financial obligations to the City. If such institution publishes reports of conditions at least annually pursuant to law or regulation, then for the purposes of this Section the capital and surplus of such institution shall be deemed to be its capital and surplus as set forth in its most recent report of condition so published.

The Paying Agent shall be paid fees and expenses for its services in connection therewith.

Section 204. Method and Place of Payment of Bonds. The principal of or Redemption Price and interest on the Bonds shall be payable in any coin or currency of the United States of America that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal of or Redemption Price of each Bond shall be paid at Maturity by check or draft to the Person in whose name such Bond is registered on the Bond Register at the Maturity thereof, upon presentation and surrender of such Bond at the principal payment office of the Paying Agent.

The interest payable on each Bond on any Interest Payment Date shall be paid to the Registered Owner of such Bond as shown on the Bond Register at the close of business on the Record Date for such interest by check or draft mailed by the Paying Agent to the address of such Registered Owner shown on the Bond Register or, in the case of an interest payment to any Registered Owner of \$500,000.00 or more in aggregate principal amount of Bonds, by electronic transfer to such Registered Owner upon written notice given to the Paying Agent by such Registered Owner signed by such Registered Owner not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank (which shall be in the continental United States), ABA routing number and account number to which such Registered Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Bond shall cease to be payable to the Registered Owner of such Bond on the relevant Record Date and shall be payable to the Registered Owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The City shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the City of such Special Record Date and, in the name and at the expense of the City, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, by first class mail, postage prepaid, to each Registered Owner of a Bond entitled to such notice at the address of such Registered Owner as it appears on the Bond Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Bonds and at least annually upon request shall forward a copy or summary of such records to the City.

Section 205. Registration, Transfer and Exchange of Bonds. The City covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the office of the Paying Agent as herein provided. Each Bond when issued shall be registered in the name of the owner thereof on the Bond Register.

Bonds may be transferred and exchanged only on the Bond Register as provided in this Section. Upon surrender of any Bond at the principal payment office of the Paying Agent, the Paying Agent shall transfer or exchange such Bond for a new Bond or Bonds in any authorized denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange. Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Paying Agent, duly executed by the Registered Owner thereof or by the Registered Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Paying Agent shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The City shall pay the fees and expenses of the Paying Agent for the registration, transfer and exchange of Bonds provided for by this Ordinance and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Paying Agent, are the responsibility of the Registered Owners of the Bonds. In the event any Registered Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Registered Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Section 3406 of the Code, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Registered Owner hereunder or under the Bonds.

The City and the Paying Agent shall not be required (a) to register the transfer or exchange of any Bond after notice calling such bond or portion thereof for redemption has been mailed by the Paying Agent pursuant to **Section 303** and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the City of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to **Section 204**.

The City and the Paying Agent may deem and treat the Person in whose name any Bond is registered on the Bond Register as the absolute owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Bond and for all other purposes. All payments so made to any such Registered Owner or upon the Registered Owner's order shall be valid and effective to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Paying Agent, the Bond Register may be inspected and copied by the Registered Owners of 10% or more in principal

amount of the Bonds then Outstanding or any designated representative of such Registered Owners whose authority is evidenced to the satisfaction of the Paying Agent.

Section 206. Execution, Registration, Authentication and Delivery of Bonds. Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be signed by the manual or facsimile signature of the Mayor and attested by the manual or facsimile signature of the City Clerk and shall have the official seal of the City affixed thereto or imprinted thereon. In case any officer whose signature appears on any Bond ceases to be such officer before the delivery of such Bond, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond are the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Mayor and the City Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner herein specified and, when duly executed, to deliver the Bonds to the Paying Agent for authentication.

The Bonds shall have endorsed thereon a certificate of authentication substantially in the form set forth in the form of the Bond, which shall be manually executed by an authorized officer or employee of the Paying Agent, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds that may be issued hereunder at any one time. No Bond shall be entitled to any security or benefit under this Ordinance or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Paying Agent. Such executed certificate of authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Ordinance. Upon authentication, the Paying Agent shall deliver the Bonds to the Purchaser upon payment of the purchase price for the Bonds to the City.

Section 207. Mutilated, Destroyed, Lost and Stolen Bonds. If (a) any mutilated Bond is surrendered to the Paying Agent or the Paying Agent receives evidence to its satisfaction of the destruction, loss or theft of any Bond, and (b) there is delivered to the City and the Paying Agent such security or indemnity as may be required by the Paying Agent, then, in the absence of notice to the City or the Paying Agent that such Bond has been acquired by a bona fide purchaser, the City shall execute and, upon the City's request, the Paying Agent shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the City, in its discretion, may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this Section, the City and the Paying Agent may require the payment by the Registered Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Bond issued pursuant to this Section shall constitute a replacement of the prior obligation of the City, and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Bonds.

Section 208. Cancellation and Destruction of Bonds Upon Payment. All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent and applicable retention laws.

Section 209. Preliminary and Final Official Statement. The use and public distribution of the Preliminary Official Statement dated the date thereof in connection with the sale of the Bonds is hereby ratified and approved, and the final Official Statement is hereby authorized and approved by supplementing, amending and completing the Preliminary Official Statement, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Director of Finance is hereby authorized to execute the final Official Statement as so supplemented, amended and completed, and the use and public distribution of the final Official Statement by the Purchaser in connection with the reoffering of the Bonds is hereby authorized. The proper officials of the City are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the date of payment for and delivery of the Bonds.

For the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission, the City hereby deems the information regarding the City contained in the Preliminary Official Statement to be “final” as of its date, except for the omission of such information as is permitted by Rule 15c2-12(b)(1), and the appropriate officers of the City are hereby authorized, if requested, to provide the Purchaser a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of such Rule.

The City agrees to provide to the Purchaser within seven business days of the date of the sale of Bonds sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of Rule 15c2-12(b)(4) of the Securities and Exchange Commission and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 210. Book-Entry Bonds; Securities Depository.

(a) The Bonds shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no beneficial owner will receive certificates representing their respective interests in the Bonds, except in the event the Paying Agent issues Replacement Bonds as provided in subsection (b) hereof. It is anticipated that during the term of the Bonds, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Bonds to the Participants until and unless the Paying Agent authenticates and delivers Replacement Bonds to the beneficial owners as described in subsection (b).

(b) (1) If the City determines (A) that the Securities Depository is unable to properly discharge its responsibilities, or (B) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (2) if the Paying Agent receives written notice from Participants having interests in not less than 50% of the Bonds Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the beneficial owners of the Bonds, then the Paying Agent shall notify the Owners of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Paying Agent shall register in the name of and authenticate and deliver Replacement Bonds to the beneficial owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (1)(A) or (1)(B) of this subsection (b), the City, with the consent of the Paying Agent, may select a successor securities depository in accordance with **Section 210(c)** hereof to effect book-entry transfers. In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Bond. Upon the issuance of Replacement Bonds, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Paying Agent, to the extent applicable with respect to such Replacement Bonds. If the Securities Depository resigns and the City, the Paying Agent or Owners are unable to locate a qualified successor of the Securities Depository in accordance with **Section 210(c)** hereof, then the Paying Agent shall authenticate and cause delivery of Replacement Bonds to Owners, as provided herein. The Paying Agent may rely on information from the Securities Depository and its Participants as to the names of the beneficial owners of the Bonds. The cost of printing, registration, authentication and delivery of Replacement Bonds shall be paid for by the City.

(c) In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the City may appoint a successor Securities Depository provided the Paying Agent and the City receive written evidence with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Paying Agent upon its receipt of a Bond or Bonds for cancellation shall cause the delivery of Bonds to the successor Securities Depository in appropriate denominations and form as provided herein.

Section 211. Sale and Terms of Bonds; Authorization and Execution of Purchase Contract and Certificate of Final Terms.

(a) Upon the advice and recommendation of Hilltop Securities Inc. and Moody Reid Financial Advisors, as the City's co-financial advisors (the "**Co-Financial Advisors**"), the City is hereby authorized to sell the Bonds utilizing one of the following methods:

(1) a competitive public sale (“**Competitive Sale**”) pursuant to which the City will sell the Bonds to the bidder offering to purchase the Bonds, based on the principal amounts and maturities set forth in the Notice of Bond Sale, submitting the lowest “true interest cost” as defined therein, subject to the limitations set forth in this Section and in **Exhibit A** hereto. If the City sells the Bonds via a Competitive Sale, the City is authorized to accept the best bid in accordance with the Certificate of Final Terms, and the Director of Finance is authorized to accept the best bid for and on behalf of and as the act and deed of the City; or

(2) a negotiated sale (“**Negotiated Sale**”) pursuant to which the City will sell the Bonds to the Purchaser to be selected by the City under the terms of the Purchase Contract. If the City sells the Bonds via a Negotiated Sale, the City is authorized to enter into the Purchase Contract in accordance with the Certificate of Final Terms, and the Director of Finance is authorized to execute the Purchase Contract for and on behalf of and as the act and deed of the City.

(b) The Mayor is authorized and directed to approve the purchase price for the Bonds, the principal amounts by maturity, the interest rates, the terms of credit enhancement, if any, and the other final terms of the Bonds, including applicable redemption provisions, subject to the limitations set forth in this Section and **Exhibit A** hereto, and in connection therewith, to execute and deliver the Certificate of Final Terms for and on behalf of and as the act and deed of the City, which approval will be conclusively evidenced by the Mayor’s execution of the Certificate of Final Terms. Upon execution, the Certificate of Final Terms will be attached to this Ordinance as **Exhibit B**, and the City Clerk is hereby authorized to file the Certificate of Final Terms with this Ordinance.

Section 212. Notice of Bond Sale. In the event the City determines to sell the Bonds via a Competitive Sale as set forth in **Section 211(a)(1)** hereof, the Director of Finance is hereby authorized to execute the Notice of Bond Sale, and the use and public distribution of the Notice of Bond Sale in connection with a Competitive Sale of the Bonds is hereby authorized.

ARTICLE III

REDEMPTION OF BONDS

Section 301. Optional and Mandatory Redemption of Bonds.

(a) *Optional Redemption by City.* At the option of the City, Bonds or portions thereof may be called for redemption and payment prior to their Stated Maturity in whole or in part at any time in such amounts for each Stated Maturity as shall be determined by the City at a Redemption Price equal to 100% of the principal amount of the Bonds, plus accrued interest thereon to the Redemption Date, as set forth in the Certificate of Final Terms.

(b) *Mandatory Redemption.* In the event term Bonds are issued as provided in **Section 202**, such Bonds shall be subject to mandatory redemption and payment prior to their Stated

Maturity pursuant to the mandatory redemption requirements of this Section and the Certificate of Final Terms on the dates of the Stated Maturities for serial Bonds at the principal amount thereof plus accrued interest to the Redemption Date, without premium. The taxes levied in **Article IV** which are to be deposited in the Debt Service Fund shall be sufficient to redeem any Bonds, and the City shall redeem on such dates the principal amounts set forth in **Section 202** and the remaining principal amount of Bonds shall be paid at their Stated Maturity.

At its option, to be exercised on or before the 45th day next preceding any mandatory Redemption Date, the City may: (1) deliver to the Paying Agent for cancellation term Bonds subject to mandatory redemption on said mandatory Redemption Date, in any aggregate principal amount desired; or (2) furnish the Paying Agent funds, together with appropriate instructions, for the purpose of purchasing any term Bonds subject to mandatory redemption on said mandatory Redemption Date from any Registered Owner thereof whereupon the Paying Agent shall use its best efforts to expend such funds for such purpose to such extent as may be practical; or (3) receive a credit with respect to the mandatory redemption obligation of the City under this Section for any term Bonds subject to mandatory redemption on said mandatory Redemption Date which, prior to such date, have been redeemed (other than through the operation of the mandatory redemption requirements of this subsection (b)) and cancelled by the Paying Agent and not theretofore applied as a credit against any redemption obligation under this subsection (b). Each Term Bond so delivered or previously purchased or redeemed shall be credited at 100% of the principal amount thereof on the obligation of the City to redeem term Bonds of the same Stated Maturity on such mandatory Redemption Date, and any excess of such amount shall be credited on future mandatory redemption obligations for term Bonds of the same Stated Maturity in chronological order, and the principal amount of term Bonds of the same Stated Maturity to be redeemed by operation of the requirements of this Section shall be accordingly reduced. If the City intends to exercise any option granted by the provisions of clauses (1), (2) or (3) above, the City will, on or before the 45th day next preceding each mandatory Redemption Date, furnish the Paying Agent a written certificate indicating to what extent the provisions of said clauses (1), (2) and (3) are to be complied with respect to such mandatory redemption payment and in the event that clause (1) is to be complied with, such written certificate shall be accompanied by the term Bonds to be cancelled.

Section 302. Selection of Bonds to be Redeemed.

(a) The Paying Agent shall call Bonds for redemption and payment and shall give notice of such redemption as herein provided upon receipt by the Paying Agent at least 45 days prior to the Redemption Date of written instructions from the City specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Bonds to be called for redemption. If the Bonds are refunded more than 90 days in advance of such Redemption Date, any escrow agreement entered into by the City in connection with such refunding shall provide that such written instructions to the Paying Agent shall be given by the escrow agent on behalf of the City not more than 90 days prior to the Redemption Date. The Paying Agent may in its discretion waive such notice period so long as the notice requirements set forth in **Section 303** are met. The foregoing provisions of this paragraph shall not apply to any mandatory redemption of Bonds hereunder, and Bonds shall be called by the Paying Agent for redemption pursuant to such mandatory redemption requirements without the necessity of any action by the City and whether or

not the Paying Agent shall hold in the Debt Service Fund moneys available and sufficient to effect the required redemption.

(b) Bonds shall be redeemed only in the principal amount of \$5,000.00 or any integral multiple thereof. Bonds of less than a full Stated Maturity shall be selected by the Paying Agent in \$5,000.00 units of principal amount in such equitable manner as the Paying Agent may determine.

(c) In the case of a partial redemption of Bonds at the time outstanding in denominations greater than \$5,000.00, then for all purposes in connection with such redemption each \$5,000.00 of face value shall be treated as though it were a separate Bond of the denomination of \$5,000.00. If it is determined that one or more, but not all, of the \$5,000.00 units of face value represented by any Bond are selected for redemption, then upon notice of intention to redeem such \$5,000.00 unit or units, the Registered Owner of such Bond or the Registered Owner's duly authorized agent shall present and surrender such Bond to the Paying Agent (1) for payment of the Redemption Price and interest to the Redemption Date of such \$5,000.00 unit or units of face value called for redemption, and (2) for exchange, without charge to the Registered Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond. If the Registered Owner of any such Bond fails to present such Bond to the Paying Agent for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the redemption date to the extent of the \$5,000.00 unit or units of face value called for redemption (and to that extent only).

Section 303. Notice and Effect of Call for Redemption. Unless waived by any Registered Owner of Bonds to be redeemed, official notice of any redemption shall be given by the Paying Agent on behalf of the City by mailing a copy of an official redemption notice by first class mail at least 30 days prior to the Redemption Date to the State Auditor of Missouri, the Purchaser of the Bonds and each Registered Owner of the Bond or Bonds to be redeemed at the address shown on the Bond Register.

All official notices of redemption shall be dated and shall contain the following information:

- (a) the Redemption Date;
- (b) the Redemption Price;
- (c) if less than all Outstanding Bonds of a maturity are to be redeemed, the identification (and, in the case of partial redemption of any Bonds, the respective principal amounts) of the Bonds to be redeemed;
- (d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and
- (e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which shall be the principal payment office of the Paying Agent.

With respect to optional redemptions, such notice may be conditioned upon moneys being on deposit with the Paying Agent on or prior to the Redemption Date in an amount sufficient to pay the Redemption Price on the Redemption Date. If such notice is conditional and either the Paying Agent receives written notice from the City that moneys sufficient to pay the Redemption Price will not be on deposit on the Redemption Date, or such moneys are not received on the Redemption Date, then such notice shall be of no force and effect, the Paying Agent shall not redeem such Bonds and the Paying Agent shall give notice, in the same manner in which the notice of redemption was given, that such moneys were not or will not be so received and that such Bonds will not be redeemed.

The failure of any Registered Owner to receive notice given as heretofore provided or any defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the City shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds that are to be redeemed on that date.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless moneys sufficient to pay the Redemption Price are not on deposit on the Redemption Date) such Bonds or portion of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice and receipt by the Paying Agent of the Redemption Price, the Redemption Price of such Bonds shall be paid by the Paying Agent on the Redemption Date. Installments of interest due on or prior to the Redemption Date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Registered Owner a new Bond or Bonds of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Bonds that have been surrendered for redemption and paid on the Redemption Date shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

The Paying Agent is also directed to comply with any mandatory standards established by the Securities and Exchange Commission and then in effect for processing redemptions of municipal securities. Failure to comply with such standards shall not affect or invalidate the redemption of any Bond.

For so long as the Securities Depository is affecting book-entry transfers of the Bonds, the Paying Agent shall provide the notices specified in this Section to the Securities Depository. It is expected that the Securities Depository shall, in turn, notify its Participants and that the Participants, in turn, will notify or cause to be notified the beneficial owners. Any failure on the part of the Securities Depository or a Participant, or failure on the part of a nominee of a beneficial owner of a Bond (having been mailed notice from the Paying Agent, the Securities Depository, a Participant or otherwise) to notify the beneficial owner of the Bond so affected, shall not affect the validity of the redemption of such Bond.

ARTICLE IV

SECURITY FOR AND PAYMENT OF BONDS

Section 401. Security for the Bonds. The Bonds shall be general obligations of the City payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City in accordance with Article VI, Sections 26 and 28 of the Constitution of Missouri, 1945, as amended. The full faith, credit and resources of the City are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 402. Levy and Collection of Annual Tax. For the purpose of providing for the payment of the principal of and interest on the Bonds as the same become due, there is hereby authorized to be levied upon all of the taxable tangible property within the City a direct annual tax sufficient to produce the amounts necessary for the payment of such principal and interest as the same becomes due and payable in each year.

The taxes referred to above shall, to the extent that other funds of the City are not available and earmarked for the purpose of paying the principal of and interest on the Bonds, be levied upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the other ad valorem taxes of the City are levied and collected. The proceeds derived from said taxes shall be deposited in the Debt Service Fund, shall be kept separate and apart from all other funds of the City and shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due, taking into account any scheduled mandatory redemptions, and the fees and expenses of the Paying Agent.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the Director of Finance is hereby authorized and directed to pay said principal or interest out of the general municipal revenue funds of the City and to reimburse said general municipal revenue funds for money so expended when said taxes are collected.

ARTICLE V

ESTABLISHMENT OF FUNDS; DEPOSIT AND APPLICATION OF MONEYS

Section 501. Establishment of Funds. There have been or shall be established in the treasury of the City and shall be held and administered by the Director of Finance of the City the following separate funds:

- (a) Series 2023A Project Fund (the “**Project Fund**”) and within the Project Fund, four separate accounts known as the “**Street, Sidewalk and Bridge Project Account**,” the “**Flood Control Project Account**,” the “**Public Buildings Project Account**,” and the “**Parks and Entertainment Facilities Project Account**.” Within the Public Buildings Project Account, there will also be a separate subaccount known as the “**Zoo Subaccount**.”

- (b) Series 2023A Debt Service Fund (the “**Debt Service Fund**”).
- (c) Rebate Fund and within the Rebate Fund, a separate account known as the “**Series 2023A Compliance Account.**”
- (d) Costs of Issuance Fund.

Section 502. Deposit of Bond Proceeds. The net proceeds received from the sale of the Bonds, including any premium, shall be deposited simultaneously with the delivery of the Bonds as follows:

- (a) Proceeds of the Bonds in the amount set forth in the Certificate of Final Terms shall be deposited in the Debt Service Fund and applied in accordance with **Section 505**.
- (b) Proceeds of the Bonds in the amount set forth in the Certificate of Final Terms shall be deposited in the Series 2023A Compliance Account within the Rebate Fund.
- (c) Proceeds of the Bonds in the amount set forth in the Certificate of Final Terms shall be deposited in the Costs of Issuance Fund to pay the costs of issuing the Bonds as authorized by the Director of Finance.
- (d) The remaining proceeds of the Bonds shall be deposited in the various accounts of the Project Fund as set forth in the Certificate of Final Terms.

With regard to the Kansas City Zoological Garden (the “**Zoo**”) component of the Public Buildings Project, costs and expenses of issuing such proportionate amounts of the Bonds paid from proceeds of the Bonds deposited in the Zoo Subaccount shall not exceed **2%** of the proportionate principal amount of such Bonds allocable to the Zoo component of the Public Buildings Project, since the portion of the proceeds of the Bonds allocable to the Zoo component of the Public Buildings Project is considered to be “private activity bonds” with the meaning of Internal Revenue Code Sections 141 and 145 and therefore are subject to the **2%** costs of issuance limitation contained in Internal Revenue Code Section 147(g).

Section 503. Application of Moneys in the Costs of Issuance Fund. Moneys in the Costs of Issuance Fund shall be used solely for the purpose of paying the costs and expenses incident to the issuance of the Bonds upon certification thereof by the Director of Finance. On the latest to occur of (i) the payment in full of such amounts (as certified by the Director of Finance) or (ii) the date which is six months following the date on which the Bonds are issued and authenticated, any moneys remaining in the Costs of Issuance Fund shall be transferred to the Debt Service Fund and applied in accordance with **Section 505** hereof.

Section 504. Application of Moneys in the Project Fund. Moneys in the Project Fund shall be used by the City solely and for the purpose of paying (a) a portion of the costs of the Street, Sidewalk and Bridge Project, (b) a portion of the costs of the Flood Control Project, (c) a portion of the costs of the Public Buildings Project, (d) a portion of the costs of the Parks and

Entertainment Facilities Project, as applicable, for which the Bonds have been voted and authorized, as hereinbefore provided.

Upon completion of the purpose for which the Bonds have been issued, as applicable, any surplus remaining in any account of the Project Fund, respectively, shall be transferred to and deposited in the Debt Service Fund and applied to the next installment of principal and/or interest due on the Bonds.

Section 505. Application of Moneys in Debt Service Fund. All amounts paid and credited to the Debt Service Fund shall be expended and used by the City for the sole purpose of paying the principal or Redemption Price of and interest on the Bonds as and when the same become due and the usual and customary fees and expenses of the Paying Agent. The Director of Finance is authorized and directed to withdraw from the Debt Service Fund sums sufficient to pay both principal or Redemption Price of and interest on the Bonds and the fees and expenses of the Paying Agent as and when the same become due, and to forward such sums to the Paying Agent in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the business day immediately preceding the dates when such principal, interest and fees of the Paying Agent will become due. If, through the lapse of time or otherwise, the Registered Owners of Bonds are no longer entitled to enforce payment of the Bonds or the interest thereon, the Paying Agent shall return said funds to the City. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Ordinance and shall be held in trust by the Paying Agent for the benefit of the Registered Owners of the Bonds entitled to payment from such moneys.

Any moneys or investments remaining in the Debt Service Fund after payment in full of the Bonds and all other general obligation indebtedness of the City shall be transferred and paid into the general fund of the City.

Section 506. Deposits and Investment of Moneys. Moneys in each of the funds created by and referred to in this Ordinance shall be deposited in a bank or banks or other legally permitted financial institutions located in the State of Missouri that are members of the Federal Deposit Insurance Corporation. All such deposits shall be continuously and adequately secured by the banks or financial institutions holding such deposits as provided by the laws of the State of Missouri. All moneys held in the funds created by this Ordinance shall be kept separate and apart from all other funds of the City so that there shall be no commingling of such funds with any other funds of the City.

Moneys held in any fund referred to in this Ordinance may be invested in accordance with this Ordinance and the Federal Tax Certificate in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund was created. The interest earnings and any profit realized from Permitted Investments in any fund or account hereunder shall be credited to the Debt Service Fund and any loss resulting from Permitted Investments in any fund or account shall be charged to such fund or account.

Section 507. Nonpresentment of Bonds. If any Bond is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond have been made available to the Paying Agent all liability of the City to the Registered Owner thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Registered Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Ordinance or on, or with respect to, said Bond. If any Bond is not presented for payment within four years following the date when such Bond becomes due at Maturity, the Paying Agent shall repay to the City the funds theretofore held by it for payment of such Bond, and such Bond shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the City, and the Registered Owner thereof shall be entitled to look only to the City for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the City shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

Section 508. Application of Moneys in the Rebate Fund.

- (a) There shall be deposited in the Series 2023A Compliance Account within the Rebate Fund (1) the amount required by **Section 502(b)** hereof, and (2) such amounts as are required to be deposited therein pursuant to the Federal Tax Certificate. Subject to the payment provisions provided in subsection (b) and (d) below, all money in the Rebate Fund shall be held in trust, to the extent required to satisfy the Rebate Amount (as defined in the Federal Tax Certificate), for payment to the United States of America, and neither the City nor the Registered Owner of any Bond shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Series 2023A Compliance Account within the Rebate Fund shall be governed by this Section and the Federal Tax Certificate.
- (b) The City shall periodically determine the rebatable arbitrage under Section 148(f) of the Code in accordance with the Federal Tax Certificate, and the City shall make payments to the United States of America at the times and in the amounts determined under the Federal Tax Certificate. Except as provided in subsection (d) below with respect to moneys deposited in the Series 2023A Compliance Account within the Rebate Fund pursuant to **Section 502(b)** hereof, any moneys remaining in the Series 2023A Compliance Account within the Rebate Fund after redemption and payment of all of the Bonds and the interest thereon and payment and satisfaction of any Rebate Amount, or provision made therefor, shall be released to the City.
- (c) Notwithstanding any other provision of this Ordinance, including in particular **Article VII**, the obligation to pay rebatable arbitrage to the United States and to comply with all other requirements of this Section and the Federal Tax Certificate shall survive the defeasance or payment in full of the Bonds.
- (d) The moneys deposited in the Series 2023A Compliance Account within the Rebate Fund pursuant to **Section 502(b)** hereof shall be used to pay costs associated with

retaining any rebate analyst or other expert to perform any rebate computations or other calculations necessary to ensure the City maintains compliance with the requirements for rebate under Section 148(f) of the Code or any of the City's duties with respect to the Series 2023A Compliance Account within the Rebate Fund (as defined in the Federal Tax Certificate). Any Bond proceeds or investment earnings thereon remaining in the Series 2023A Compliance Account five (5) years and 180 days after the date of issuance of the Bonds shall be disbursed as follows:

- (1) If the Street, Bridge and Sidewalk Project, Flood Control Project, Public Buildings Project or Parks and Entertainment Facilities Project is not yet complete, Bond proceeds or investment earnings thereon remaining in the Series 2023A Compliance Account shall be transferred to the Project Fund; or
- (2) If the Street, Bridge and Sidewalk Project, Flood Control Project, Public Buildings Project and Parks and Entertainment Facilities Project are each complete, Bond proceeds or investment earnings thereon remaining in the Series 2023A Compliance Account shall be transferred to the Debt Service Fund.

ARTICLE VI

REMEDIES

Section 601. Remedies. The provisions of this Ordinance, including the covenants and agreements herein contained, shall constitute a contract between the City and the Registered Owners of the Bonds, and the Registered Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Registered Owners of Bonds similarly situated:

- (a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Registered Owner or Owners against the City and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of this Ordinance excluding **Section 806** or by the constitution and laws of the State of Missouri;
- (b) by suit, action or other proceedings in equity or at law to require the City, its officers, agents and employees to account as if they were the trustees of an express trust; and
- (c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Registered Owners of the Bonds.

Section 602. Limitation on Rights of Bondowners. The covenants and agreements of the City contained herein and in the Bonds shall be for the equal benefit, protection and security of

the legal owners of any or all of the Bonds. All of the Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, or date of Maturity or right of prior redemption as provided in this Ordinance. No one or more Bondowners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Registered Owners of such Outstanding Bonds.

Section 603. Remedies Cumulative. No remedy conferred herein upon the Bondowners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Registered Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies consequent thereon. No delay or omission of any Bondowner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Registered Owners of the Bonds by this Ordinance may be enforced and exercised from time to time and as often as may be deemed expedient. If any suit, action or proceedings taken by any Bondowner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or has been determined adversely to such Bondowner, then, and in every such case, the City and the Registered Owners of the Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Bondowners shall continue as if no such suit, action or other proceedings had been brought or taken.

Section 604. Exception for Continuing Disclosure. This Article VI shall not apply to Section 806 hereof regarding the City's continuing disclosure obligations, and the Registered Owners of the Bonds shall have no remedies for enforcement of said obligations other than the remedies provided for in Section 806 hereof and the City's Continuing Disclosure Undertaking (hereinafter defined).

ARTICLE VII

DEFEASANCE

Section 701. Defeasance. When any or all of the Bonds or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Ordinance and the pledge of the City's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Bonds or scheduled interest payments thereon so paid and discharged. Bonds or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Ordinance if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State of Missouri and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Bonds or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with

the interest to be earned thereon, will be sufficient for the payment of the principal or Redemption Price of said Bonds and/or interest to accrue on such Bonds to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments; provided, however, that if any such Bonds are to be redeemed prior to their Stated Maturity, (1) the City shall have elected to redeem such Bonds, and (2) either notice of such redemption shall have been given, or the City shall have given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Paying Agent to redeem such Bonds in compliance with **Section 302(a)** of this Ordinance. Any moneys and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the City, for the purpose of paying and discharging any of the Bonds or the interest payments thereon, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Registered Owners of such Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All moneys and Defeasance Obligations deposited with the Paying Agent or other bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Ordinance.

ARTICLE VIII

MISCELLANEOUS PROVISIONS

Section 801. Tax Covenants.

- (a) The City covenants and agrees that (1) it will comply with all applicable provisions of the Code, including Sections 103 and 141 through 150, necessary to maintain the exclusion from federal gross income of the interest on the Bonds, and (2) it will not use or permit the use of any proceeds of Bonds or any other funds of the City, nor take or permit any other action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from federal gross income of the interest on the Bonds. The City will also pass such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future law in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the City.
- (b) The City covenants and agrees that (1) it will use the proceeds of the Bonds as soon as practicable for the purposes for which the Bonds are issued, and (2) it will not invest or directly or indirectly use or permit the use of any proceeds of the Bonds or any other funds of the City in any manner, or take or omit to take any action, that would cause the Bonds to be “arbitrage bonds” within the meaning of Section 148(a) of the Code.
- (c) The City covenants that it will pay or provide for the payment from time to time of all rebatable arbitrage to the United States pursuant to Section 148(f) of the Code and the Federal Tax Certificate. This covenant shall survive payment in full or defeasance of the Bonds. The Federal Tax Certificate may be amended or replaced

if, in the opinion of Bond Counsel, such amendment or replacement will not adversely affect the exclusion from federal gross income of interest on the Bonds.

- (d) A portion of the Bonds are being issued as “qualified 501(c)(3) bonds” under Section 145 of the Code, because proceeds of that portion (the “**Qualified 501(c)(3) Portion**”) will be used to pay a portion of the costs of the Zoo component of the Public Buildings Project, which will be owned by the City and operated by Friends of the Zoo, Inc. of Kansas City, Missouri, a Missouri nonprofit corporation (“**Friends of the Zoo, Inc.**”). The City covenants that (1) with respect to the Qualified 501(c)(3) Portion of the Bonds, it will not use any portion of the proceeds of that portion, including any investment income earned on such proceeds, directly or indirectly, in a manner that would cause any Bond to lose its status as a “qualified 501(c)(3) bond” under Section 145 of the Code and (2) with respect to the remaining portion of the Bonds, it will not use any portion of the proceeds of that portion, including any investment income earned on such proceeds, directly or indirectly, in a manner that would cause any Bond of that portion to be a “private activity bond” within the meaning of Section 141 of the Code.
- (e) The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the Bonds pursuant to **Article VII** or any other provision of this Ordinance, until the final Maturity of all Bonds Outstanding.

Section 802. Annual Audit. In accordance with the provisions of Section 836, Article VIII, of the City’s Charter, the Council will provide that an independent certified audit of the City’s books and records will be made annually by certified public accountants, experienced and qualified in municipal and governmental accounting. Each such audit shall be detailed in scope and said accountants shall certify as to the correctness of the schedules contained in the audit report. All such schedules shall be incorporated in the annual financial report relating to the City’s finances, required by Section 838, Article VIII, of the City’s Charter. A copy of each such annual report will be filed with the City Clerk and will be open for public inspection.

Section 803. Amendments. The Continuing Disclosure Undertaking (hereinafter defined) is exempt from the provisions of this **Section 803** and is subject to amendment and modification only as provided therein. The rights and duties of the City and the Bondowners, and the terms and provisions of the Bonds or of this Ordinance, may be amended or modified at any time in any respect by Ordinance of the City with the written consent of the Registered Owners of not less than a majority in principal amount of the Bonds then Outstanding, such consent to be evidenced by an instrument or instruments executed by such Registered Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the City Clerk, but no such modification or alteration shall:

- (a) extend the maturity of any payment of principal or interest due upon any Bond;
- (b) effect a reduction in the amount which the City is required to pay as principal or interest on any Bond;

- (c) permit preference or priority of any Bond over any other Bond; or
- (d) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Ordinance.

Any provision of the Bonds or of this Ordinance may, however, be amended or modified by Ordinance duly adopted by the governing body of the City at any time in any legal respect with the written consent of the Registered Owners of all of the Bonds at the time Outstanding.

Without notice to or the consent of any Bondowners, the City may amend or supplement this Ordinance for the purpose of curing any formal defect, omission, inconsistency or ambiguity therein or in connection with any other change therein which is not materially adverse to the interests of the Bondowners or conforming this Ordinance to the Code.

Every amendment or modification of the provisions of the Bonds or of this Ordinance, to which the written consent of the Bondowners is given, as above provided, shall be expressed in an ordinance adopted by the governing body of the City amending or supplementing the provisions of this Ordinance and shall be deemed to be a part of this Ordinance. A certified copy of every such amendatory or supplemental Ordinance, if any, and a certified copy of this Ordinance shall always be kept on file in the office of the City Clerk, and shall be made available for inspection by the Registered Owner of any Bond or a prospective purchaser or owner of any Bond authorized by this Ordinance, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental Ordinance or of this Ordinance will be sent by the City Clerk to any such Bondowner or prospective Bondowner.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the City Clerk a copy of the Ordinance of the City hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Registered Owners of the Bonds then Outstanding. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification.

The City shall furnish to the Paying Agent a copy of any amendment to the Bonds or this Ordinance which affects the duties or obligations of the Paying Agent under this Ordinance.

Section 804. Notices, Consents and Other Instruments by Bondowners. Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Bondowners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Bondowners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, other than the assignment of ownership of a Bond, if made in the following manner, shall be sufficient for any of the purposes of this Ordinance, and shall be conclusive in favor of the City and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

- (a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to

take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

- (b) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the Bond Register.

In determining whether the Registered Owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Ordinance, Bonds owned by the City shall be disregarded and deemed not to be Outstanding under this Ordinance, except that, in determining whether the Bondowners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the Bondowners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Bondowners the pledgee's right so to act with respect to such Bonds and that the pledgee is not the City.

Section 805. Further Authority. The officers of the City, including the Mayor and City Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 806. Continuing Disclosure. The City covenants and agrees to enter into a Continuing Disclosure Undertaking (the "**Continuing Disclosure Undertaking**") in order to satisfy the City's ongoing disclosure requirements promulgated by Securities and Exchange Commission Rule 15c2-12, as amended, in connection with the issuance of the Bonds. The Director of Finance is hereby authorized to execute and deliver the Continuing Disclosure Undertaking for and on behalf of the City, with such changes therein as he deems necessary or desirable. Notwithstanding any other provision of this Ordinance, failure of the City to comply with the Continuing Disclosure Undertaking shall not be considered a default under this Ordinance. Remedies for a default under the Continuing Disclosure Undertaking shall be limited to those set forth in the Continuing Disclosure Undertaking.

Section 807. Severability. If any section or other part of this Ordinance, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Ordinance.

Section 809. Approval of Contracts. The City hereby approves the selection (1) of Gilmore & Bell, P.C., and Hardwick Law Firm, LLC, as co-bond counsel and co-disclosure counsel to the City for the Bonds, and (2) of Hilltop Securities Inc. and Moody Reid Financial Advisors, as the City's co-financial advisors, and approves and ratifies all contracts in connection with such selections.

Section 810. Estimated Revenue. That revenue of \$2,500,000.00 is hereby increased in Fund No. 3523, the General Obligation Series 2023A Question 1 Bond Fund, in the following accounts in the following amounts:

AL-3523-120000-485100	Premium on Bonds Sold	\$2,500,000.00
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Section 811. Appropriations. That the sum of \$2,500,000.00 is hereby appropriated from the Unappropriated Fund Balance of Fund No. 3523 the General Obligation Series 2023A Question 1 Bond Fund, to the following accounts in the following amounts:

AL-3523-129632-G	Discount on Sale of Bonds	\$1,000,000.00
AL-3523-129620-G	Cost of Issuance	250,000.00
AL-3523-129686-B	Arbitrage Rebate Calculation Expense	8,000.00
AL-3523-129631-G	Underwriter Discount	<u>1,242,000.00</u>
	TOTAL	\$2,500,000.00

Section 812. Estimated Revenue. That revenue of \$800,000.00 is hereby increased in Fund No. 3623, the General Obligation Series 2023A Question 2 Bond Fund, in the following accounts in the following amounts:

AL-3623-120000-485100	Premium on Bonds Sold	\$800,000.00
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Section 813. Appropriations. That the sum of \$800,000.00 is hereby appropriated from the Unappropriated Fund Balance of Fund No. 3623 the General Obligation Series 2023A Question 2 Bond Fund, to the following accounts in the following amounts:

AL-3623-129632-G	Discount on Sale of Bonds	\$320,000.00
AL-3623-129620-G	Cost of Issuance	100,000.00
AL-3623-129686-B	Arbitrage Rebate Calculation Expense	2,000.00
AL-3623-129631-G	Underwriter Discount	<u>378,000.00</u>
	TOTAL	\$800,000.00

Section 814. Estimated Revenue. That revenue of \$300,000.00 is hereby increased in Fund No. 3723, the General Obligation Series 2023A Question 3 Bond Fund, in the following accounts in the following amounts:

AL-3723-120000-485100	Premium on Bonds Sold	\$300,000.00
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Section 815. Appropriations. That the sum of \$300,000.00 is hereby appropriated from the Unappropriated Fund Balance of Fund No. 3723 the General Obligation Series 2023A Question 3 Bond Fund, to the following accounts in the following amounts:

AL-3723-129632-G	Discount on Sale of Bonds	\$100,000.00
AL-3723-129620-G	Cost of Issuance	50,000.00
AL-3723-129686-B	Arbitrage Rebate Calculation Expense	1,000.00
AL-3723-129631-G	Underwriter Discount	<u>149,000.00</u>
	TOTAL	\$300,000.00

Section 816. Requisitioning Authority. That the Director of Finance is designated as the requisitioning authority for Accounts No. AL-3523-129620-G, AL-3523-129632-G, AL-3523-129686-B, AL-3523-129631-G, AL-3623-129620-G, AL-3623-129632-G, AL-3623-129686-B, AL-3623-129631-G, AL-3723-129620-G, AL-3723-129632-G, AL-3723-129686-B and AL-3723-129631-G.

Section 817. Reimbursement. 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 811, Section 813 and Section 815** (the “**Appropriations**”) with the proceeds of bonds expected to be issued by the City. The maximum principal amount of bonds expected to be issued for the Appropriations is not to exceed \$3,600,000.00. This constitutes a declaration of official intent under Treasury Regulation 1.150-2.

Section 818. Modification of Accounts. That the Director of Finance is hereby authorized to modify the previously approved estimated revenues and appropriations in **Sections 810, 811, 812, 813, 814 and 815** as required to correctly record the budgetary amounts finalized through the sale of the Bonds into the marketplace.

Section 819. Closing of Accounts. That the Director of Finance is hereby authorized to close accounts, open encumbrances and retainage related to the accounts in **Sections 811, 813 and 815**, and return the unspent portion to the Fund balance from which it came upon the earliest of: (i) the provisions of this ordinance; (ii) final maturity of financing or (iii) five years after issuance.

Section 820. Electronic Storage. The City agrees that the transactions described herein may be conducted and related documents may be sent, stored and received by electronic means.

Section 821. Governing Law. This Ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

Section 822. Accelerated Effective Date. This Ordinance is recognized as an ordinance with an accelerated effective date as provided by Section 503(a)(3)(C) of the City Charter in that it appropriates money, and shall take effect in accordance with that section.

[Remainder of this page intentionally left blank.]

EXHIBIT A
TERMS OF BONDS

1. Purchase Price: Not less than 95% of the Principal Amount.
2. Weighted Average Maturity of the Bonds: Not less than 9.7 years and not more than 13.7 years.
3. Costs of Issuance, not including the Purchaser's Discount: Not to exceed \$510,000.00.
4. True Interest Cost: Not to exceed 5.95%
5. Optional Redemption: The Bonds shall be subject to redemption at the option of the City prior to their Stated Maturities on a date that is not later than February 1, 2034, at a Redemption Price not to exceed 100%.
6. Final Maturity: Not later than February 1, 2043.

EXHIBIT B

CERTIFICATE OF FINAL TERMS

EXHIBIT C

FORM OF CERTIFICATE OF FINAL TERMS

The undersigned Mayor of the City of Kansas City, Missouri (the “City”), in connection with the issuance of the City’s General Obligation Bonds, Series 2023A (the “Bonds”), certifies pursuant to **Section 211** of Ordinance No. 23____:

1. Principal Amount. The Bonds are issued in the Principal Amount of \$_____.
2. Maturity Schedule. The Bonds will mature on the dates and in the amounts and bear interest at the rates as follows:

<u>Maturity</u>	<u>Principal</u>	<u>Interest</u>
<u>February 1</u>	<u>Amount</u>	<u>Rate</u>

3. Weighted Average Maturity of the Bonds. The weighted average maturity of the Bonds is _____ years, as shown on **Schedule 1** to this Certificate.

4. True Interest Cost. The True Interest Cost of the Bonds is _____%, as shown on **Schedule 2** to this Certificate.
5. Costs of Issuance (excluding underwriter's discount). The costs of issuing the Bonds, excluding any purchaser's/underwriter's discount, is \$_____.
6. Purchaser. [*Pursuant to **Section 211(a)(1)** of this Ordinance, the Bonds are being sold to _____, as the bidder submitting the lowest "true interest cost" in accordance with the Notice of Bond Sale*] [**Pursuant to **Section 211(a)(2)** of the Ordinance, the Bonds are being sold to _____, as representative of the underwriters of the Bonds in accordance with the Purchase Contract.**]
7. Purchase Price. The purchase price of the Bonds is \$_____, (representing the principal amount of \$_____, plus a[n] [net] original issue premium of \$_____, less the underwriter's discount of \$_____) which purchase price is _____% of the Principal Amount.
8. Optional Redemption. At the option of the City, Bonds or portions thereof maturing on February 1, 20___, and thereafter may be called for redemption and payment prior to their Stated Maturity on February 1, 20___, and thereafter in whole or in part at any time in such amounts for each Stated Maturity as shall be determined by the City at a Redemption Price equal to 100% of the principal amount, plus accrued interest thereon to the Redemption Date.
9. Mandatory Sinking Fund Redemption. [**There are no term Bonds subject to mandatory sinking fund redemption prior to maturity.**][**The term Bonds identified in paragraph 2 are subject to mandatory sinking fund redemption pursuant to **Section 301(b)** of the Ordinance on the dates and in the amounts as follows:**]
10. Deposit of Bond Proceeds. The net proceeds received from the sale of the Bonds in the amount of \$[_____] shall be deposited simultaneously with the delivery of the Bonds as follows:
 - (a) \$_____ of the net proceeds of the Bonds shall be deposited in the Series 2023A Compliance Account within the Rebate Fund.
 - (b) \$_____ of the net proceeds of the Bonds shall be deposited in the Costs of Issuance Fund to pay the costs of issuing the Bonds as authorized by the Director of Finance.
 - (c) \$_____ of the net proceeds of the Bonds shall be deposited in the Street, Sidewalk and Bridge Project Account of the Project Fund.

- (d) \$_____ of the net proceeds of the Bonds shall be deposited in the Flood Control Project Account of the Project Fund.
- (e) \$_____ of the net proceeds of the Bonds shall be deposited in the Public Buildings Project Account of the Project Fund.
- (f) \$_____ of the net proceeds of the Bonds shall be deposited in the Parks and Entertainment Facilities Project Account of the Project Fund.

The terms set forth in this Certificate of Final Terms are within the limitations of **Exhibit A** to the Ordinance.

Delivered this ____ day of _____, 2023.

CITY OF KANSAS CITY, MISSOURI

By: _____
Mayor

..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:

Katherine Chandler
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

Authorizing the issuance of General Obligation Bonds, Series 2023A, of The City of Kansas City, Missouri, in a principal amount not to exceed \$100,000,000; prescribing the form and details of said bonds; providing for the levy and collection of an annual tax for the purpose of paying the principal and interest on said bonds; and authorizing certain other documents and actions in connection with the issuance of the bonds.

Discussion

On April 4, 2017, qualified voters authorized \$600 million of general obligation bonds for the purpose of making improvements to roads, sidewalks and bridges; \$150 million of general obligation bonds for the purpose of making improvements to flood control infrastructure; and \$50 million of general obligation bonds for the purpose of making improvements to public buildings, facilities and constructing a new animal shelter (collectively the "2017 Authorization").

On November 8, 2022, qualified voters authorized \$125 million of general obligation for the purpose of paying for the acquisition, construction, renovation, improvement, equipping, and furnishing of City parks, recreation, and entertainment facilities (collectively the "2022 Authorization"). No bonds have been issued to date pursuant to the 2022 Authorization.

To date, there have been five issuances from the 2017 Authorization, the General Obligation Improvement and Refunding Bonds, Series 2018A ("Series 2018A Bonds") the General Obligation Bonds, Series 2019A ("Series 2019A Bonds"), the General Obligation Bonds, Series 2020A ("Series 2020A Bonds"), and the General Obligation Improvement and Refunding Bonds, Series 2021A ("Series 2021A Bonds"), and the General Obligation Bonds, Series 2022A ("Series 2022A Bonds").

•Prior issuances – across all three questions

- \$41.70 million – Series 2018A
- \$57.29 million – Series 2019A
- \$43.36 million – Series 2020A
- \$49.50 million – Series 2021A
- \$61.26 million – Series 2022A

•Remaining Authorization - \$546,890,000

- \$421.05 million - Question 1 Streets, Bridges, Sidewalks
- \$114.69 million - Question 2 Flood Control
- \$11.15 million - Question 3 Public Buildings, ADA

The Series 2023A Bonds are being issued in the aggregate principal amount not to exceed \$100,000,000 for the purpose of providing \$39.18 million in funds to pay a portion of the cost for the roads, sidewalks, and bridges projects, \$11.11 million to pay for a portion of the costs for the flood control projects, \$2.58 million to pay a portion of the costs for the public buildings projects, and pay the costs of issuing the Bonds.



City of Kansas City, Missouri

Docket Memo

\$651,758 of the above will go toward municipal art for the projects pursuant to the 2017 Authorization. The Series 2023A bonds also finance \$8.25 million of improvements to Parks and Recreation facilities and \$26.75 million of improvements to Convention and Entertainment Facilities pursuant to the 2022 Authorization.

Fiscal Impact

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

2. What is the funding source?

Ad valorem property taxes..

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

Passage of this ordinance will authorize a bond issuance to reimburse the City for certain projects which have been previously appropriated and provide funding for other projects.

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

Yes. At a federally tax-exempt interest rate of 4.33% and aggregate principal amount of \$84,430,000, debt service is expected to average \$6.74 million per year for 20 years for this portion of the GO 2023A bonds attributable to these appropriations. The debt service on the bonds issued pursuant to the 2022 authorization will be funded from existing property tax revenues and the debt service on the bonds issued pursuant to the 2017 authorization will be funded from an anticipated increase in the debt levy portion of the property tax.

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

The Flood Control projects under Fund 3623 have matching funding provided by the U.S. Army Corps of Engineers.

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

City of Kansas City, Missouri

Docket Memo

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
- 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

The following ordinances estimated and appropriated funds for the 2017 Authorization in an effort to allow the projects to proceed in advance of the bond sale.

1. Committee Substitute for ordinance 220200, approved \$20M for Question 1 (Streets, Bridges & Sidewalks).
2. Ordinance 220486 approved \$11.5M for Question 1 (Streets, Bridges & Sidewalks).
3. Ordinance 220716 approved \$2M for Question 1 (Streets, Bridges & Sidewalks).
4. Committee Substitute for Ordinance 220553 approved \$5.7M for Question 1 (Streets, Bridges & Sidewalks), \$11.1M for Question 2 (Flood Control) and \$2.5M for Question 3 (Public Buildings).

Ordinance No. 230176 which estimates and appropriates funds for projects relating to the 2022 Authorization is under consideration by the City Council.

City of Kansas City, Missouri

Docket Memo

Service Level Impacts

This ordinance will provide authorization to issue bonds to fund improvements to roads, sidewalks, bridges, flood control, and public buildings, as well as improvements to parks and convention facilities.

Other Impacts

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

Improvements and repairs to roads and bridges mean safer roadways for people living in, working in, and visiting Kansas City. Upgraded flood control systems reduce losses to personal and real property. Improvement and repairs to public buildings promote a safer environment for people visiting City-owned facilities.

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

Voters approved the general bond authorizations in 2017 and in 2022.

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

Keeping roadways in serviceable condition reduces auto accidents and damage to vehicles, reducing the cost required to repair or replace those vehicles. Flood control keeps buildings in operational shape and reduces the cost due to property losses.

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

Hilltop Securities Inc. and Moody Reid Financial Advisors will serve as the City's co-financial advisors. The MBE goal for this engagement is 20%. Moody Reid is currently a City certified MBE firm. The City has retained Gilmore & Bell and Hardwick Law, LLC to serve as co-bond counsel and co-disclosure counsel. Hardwick Law, LLC is a City certified MBE firm. The MBE goal for this engagement is 25%. All goals will be met or exceeded.

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")?

The Financial Advisor contract will be submitted to CREO for review. Bond counsel firms are reviewed by the City Attorney's office for equity at the time of bid. All bond counsel and co-counsel contracts approved by the City Attorney's office meet the equity requirements of the City.



REQUEST FOR SUPPLEMENTAL REVENUE
CITY OF KANSAS CITY, MISSOURI

DEPARTMENT: Finance Department

BUSINESS UNIT: KCMBU DATE: 2/24/2023 JOURNAL ID:

LEDGER GROUP: REVENUE

Table with columns: FUND, DEPT ID, ACCOUNT, PROJECT, AMOUNT. Rows include entries for AL 3523, AL 3623, AL 3723, and a TOTAL row with amount 3,600,000.00.

DESCRIPTION: Estimated Bond Proceeds for the Series 2023A General Obligation Bonds

APPROVED BY: DATE APPROVED BY: DEPARTMENT HEAD DATE



File #: 230218

ORDINANCE NO. 230218

Sponsor: City Manager

Estimating revenue in the General Fund in the amount of \$9,000,000.00 from the Midtown Tax Increment Financing Plan and appropriating \$7,500,000.00 for design services and other expenses related to the Auditorium Plaza Garage and Barney Allis Plaza Event Space redevelopment project and \$1,500,000.00 for 18th & Vine Pedestrian Plaza improvements.

WHEREAS, the Midtown Redevelopment Tax Increment Financing Plan (the “Midtown TIF”) was approved by the City Council upon recommendation of the Tax Increment Financing Commission of Kansas City, Missouri (the “Commission”) and pursuant to the Real Property Tax Increment Allocation and Redevelopment Act, Section 99.800 to 99.865, as amended, (the “TIF Act”) by passage of Committee Substitute for Ordinance No. 930666, as amended by Ordinance No. 941127, and has since been amended three times by Ordinance No. 950731 and Committee Substitutes for Ordinance Nos. 991390 and 001466; and

WHEREAS, Ordinance No. 170132 authorized the City to issue its Special Obligation Refunding Bonds (Midtown Redevelopment Project), Series 2017D (the “Series 2017D Bonds” or the “Bonds”) in the original aggregate principal amount of \$16,185,000 pursuant to a Trust Indenture dated as of March 1, 2017 (the “Indenture”) by and between the City and UMB Bank, N.A. (the “Trustee”) to provide funds (a) to refund the outstanding Series 2007A Bonds maturing in years 2018 through 2022 (the “Refunded Bonds”) and (b) to pay certain costs related to the issuance of the Bonds; and

WHEREAS, the Trustee forwarded \$11,328,394.83 of excess revenues to the Commission following the final bond maturity date of April 1, 2022; and

WHEREAS, the Commission distributed \$7,788,399.19 of surplus incremental revenues from the Midtown TIF to the City; and

WHEREAS, the Commission distributed \$2,120,559.72 of surplus payments in-lieu of taxes (PILOTs) from the Midtown TIF to the Jackson County Collector (the “Collector”) to distribute to the affected taxing jurisdictions, of which \$376,326.99 was distributed to the City; and

WHEREAS, the Commission distributed \$2,268,378.79 of surplus incremental revenues from the Midtown TIF, which were deposited in the TIF Special Allocation Fund following the final bond maturity date, to the City for a total of \$10,433,105.00 in surplus revenues; and

WHEREAS, the City anticipates receiving an additional \$2,066,895.00 of surplus incremental revenues from the Midtown TIF in FY 2022/23; and

WHEREAS, Ordinance No. 221025 appropriated \$3,500,000.00 of surplus revenues to support the Armour Troost mixed-use residential and commercial redevelopment project through a funding agreement with the Planned Industrial Expansion Authority of Kansas City, Missouri (“PIEA”), as authorized by Committee Substitute for Ordinance No. 180514; and

WHEREAS, Ordinance No. 220667 authorized the City Manager to enter into agreements for the redevelopment of the Auditorium Plaza Garage and Barney Allis Plaza Event Space; and

WHEREAS, the City has negotiated agreements with the selected team for the design and reconstruction of the Auditorium Plaza Garage and Barney Allis Plaza Event Space, which will be presented for approval by the City Council under separate ordinance; and

WHEREAS, the City has received funds in the amount of \$4,000,000 as part of the Consolidated Appropriations Act, 2023, to support additional improvements within the 18th and Vine District; and

WHEREAS, the City has previously appropriated \$1.0 million to fund design of the 18th & Vine Public Improvements Project and additional construction funding in the amount of \$1.5 million is needed for the 18th and Vine Pedestrian Plaza and associated public infrastructure improvements; and

WHEREAS, the Midtown TIF was created to support the development of the 3rd and 4th District; and

WHEREAS, the proposed expenditures for the Barney Allis Plaza Event Space and the 18th and Vine Pedestrian Plaza and other associated public improvements further support the development of the City’s 3rd and 4th District; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the revenue in the following account of the General Fund is hereby estimated in the following amount:

23-1000-075100-480560-07PG2365	Contribution-TIF District	\$9,000,000.00
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Section 2. That the sum of \$9,000,000.00 is hereby appropriated from the Unappropriated Fund Balance of the General Fund to the following accounts:

23-1000-075100-B-07PG2365	Barney Allis Plaza Garage	\$7,500,000.00
23-1000-897312-B-89060886	18th & Vine Pedestrian Plaza	<u>1,500,000.00</u>
	TOTAL	\$9,000,000.00

Section 3. That the Director of General Services is hereby designated as requisitioning authority for Account No. 23-1000-075100-07PG2365 and the Director of Public Works is hereby designated as requisitioning authority for Account No. 23-1000-897312-89060886.

..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:

Emalea Kaye Black
Assistant City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: City Manager's Office

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

Estimating revenue in the General Fund in the amount of \$9,000,000 from the Midtown Tax Increment Financing Plan and appropriating \$7,500,000.00 for design and other services related to the Auditorium Plaza Garage and Barney Allis Plaza Event Space redevelopment project and \$1,500,000.00 for the 18th & Vine Pedestrian Plaza improvements.

Discussion

The City received surplus incremental revenues totaling \$12,500,000 from the Midtown Redevelopment Tax Increment Financing Plan. This includes \$2,066,895 in surplus incremental revenues anticipated to be received in FY 2022-23. The source of these revenues include: proceeds from the trustee after the final maturity of bonds backed by the City to support the Midtown TIF; surplus payments in-lieu of taxes (PILOTs) from the Jackson County Collector; and surplus Economic Activity Taxes (EATs).

\$3,500,000 of surplus revenues were previously appropriated to support the Armour Troost mixed-use residential and commercial redevelopment project (Ordinance No. 221025).

This ordinance appropriates the remaining surplus revenues of \$9,000,000 to support efforts to redevelop the Auditorium Plaza Garage and Barney Allis Plaza Event Space and improvements to the 18th & Vine Pedestrian Plaza.

Fiscal Impact

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

2. What is the funding source?

Surplus revenues from the Midtown Tax Increment Finance Plan, as described above.

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

The net impact to the current fiscal year is zero with the estimation of revenue to cover the projects to be funded.

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

No



City of Kansas City, Missouri

Docket Memo

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

Projects are funded through existing surplus TIF revenues.

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
- 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
-
-

Prior Legislation



City of Kansas City, Missouri

Docket Memo

930666, 941127, 950731, 991390, 001466, 221025, 220667

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?

N/A

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

N/A – future contracts related to these projects will be reviewed for compliance with Chapter 38 and will be brought forth in future ordinances.

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