



## Agenda

### Special Committee for Legal Review

Chairperson Quinton Lucas

Vice Chair Melissa Robinson

Councilmember Andrea Bough

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**Tuesday, January 23, 2024**

**1:30 PM**

**26th Floor, Council Chamber**

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**<https://us02web.zoom.us/j/85624825067>**

#### 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/85624825067>

#### **Lucas**

**[240029](#)** Sponsor: Mayor Quinton Lucas

RESOLUTION - Approving the appointments of Jennifer Platten, Michael Meier, and Emerson Hays as alternate members of the Board of Zoning Adjustment.

#### **Lucas**

**[240030](#)** Sponsor: Mayor Quinton Lucas

RESOLUTION - Appointing Melissa Cooper and Josh Udelhofen as successor directors to the Kansas City International Airport Community Improvement District.

**Lucas**

[240045](#) Sponsor: Mayor Quinton Lucas

Amending Chapter 74, Code of Ordinances, by repealing Article III, "Tax Increment Financing" and enacting in lieu thereof a new article of like number and subject matter to address statutory provisions recently applicable to TIF plans, projects, and commissions in Clay County; and directing the City Manager to solicit the consent of various municipalities as to appointment of municipal representatives to the Clay County KC TIF Commission; authorizing the Administrative Commission to assume certain rights and responsibilities; and authorizing the City Manager to execute certain assignments and consents.

HELD IN COMMITTEE

**O'Neill**

[230741](#) Sponsor: Councilmember Kevin O'Neill

Amending Chapter 60, Code of Ordinances of Kansas City, Missouri, by repealing Section 60-32, Construction of private sewage disposal systems, and enacting in lieu thereof a new section of like number and subject matter; Amending Chapter 61-20, Code of Ordinances of Kansas City, Missouri, by repealing Section 61-20, Enclosing natural drain ditches, and enacting in lieu thereof a new section of like number and subject matter; Amending Chapter 63, Code of Ordinances of Kansas City, Missouri, by repealing Sections 63-21, Title and authority, and 63-24, Definitions, and enacting in lieu thereof new sections of like number and subject matter; Amending Chapter 64, Code of Ordinances of Kansas City Missouri, by repealing Section 64-4, and enacting in lieu thereof a new section of like number and subject matter all for the purpose of transferring certain permitting functions from the City Planning and Development Department to the Water Services and Public Works Departments; and Directing the City Manager to begin transition of these permits from the City Planning and Development Department to the Water Services and Public Works Departments, including taking steps to address any needed staffing, funding, and legislative changes to effectuate the transition; and appropriating \$\_\_\_\_\_ from the \_\_\_\_\_ fund.

**French**

[230967](#) Sponsor: Councilmember Lindsay French

RESOLUTION - Directing the City Manager to review the Minority and Women's Business Enterprise Program personal net worth requirements and business size standards; directing the City Manager to review personal net worth requirements and business size standards in peer cities; directing the City Manager to analyze potential legal risks of altering personal net worth requirements and business size standards; directing the City Manager to issue a request for proposals to conduct a disparity study; directing the City Manager to pause graduation and termination from the program; and directing the City Manager to report back within 45 days.

**Patterson Hazley**

**231017** Sponsor: Councilmember Melissa Patterson-Hazley

Amending Chapter 3, Code of Ordinances, by deleting Section 3-457, "Procedures for all other contracts," and inserting in lieu thereof a new Section 3-457 of like title, for the purpose of giving the Director of the Civil Rights and Enforcement Opportunity ("CREO") Department the discretion to allow certain request for proposal ("RFP") documents to be submitted prior to a notice to proceed on Housing and Community Development Department or other incentive projects.

SEMI-ANNUAL DOCKET

Consideration of Semi-Annual Docket items

ADDITIONAL BUSINESS

1. There may be a general discussion regarding current Special Committee for Legal Review issues.
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 auditors

3. Those who wish to comment on proposed ordinances can email written testimony to [public.testimony@kcmo.org](mailto:public.testimony@kcmo.org). Comments received will be distributed to the committee and added to the public record by the clerk.

The city provides several ways for residents to watch City Council meetings:

- Livestream on the city's website at [www.kcmo.gov](http://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](http://kansascity.granicus.com/ViewPublisher.php?view_id=2)

The City Clerk's Office now has equipment for the hearing impaired for use with every meeting. To check out the equipment please see the secretary for each committee. Be prepared to leave your Driver's License or State issued Identification Card with the secretary and she will give you the equipment. Upon returning the equipment your license will be returned.

Adjournment



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**File #:** 240029

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RESOLUTION NO. 240029

Sponsor: Mayor Quinton Lucas

RESOLUTION - Approving the appointments of Jennifer Platten, Michael Meier, and Emerson Hays as alternate members of the Board of Zoning Adjustment.

WHEREAS, Section 89.080, RSMo, and Section 88-605-01-A.4 of the City Code of Ordinances provide for the consent of the City Council to appointments to the Board of Zoning Adjustment; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

That the Council hereby approves the appointments of the following individuals as alternate members of the Board of Zoning Adjustment for the term specified:

Jennifer Platten  
Alternate member, 6th District  
Term Expires: January 25, 2025

Michael Meier  
Alternate member, 1st District  
Term Expires: January 25, 2025

Emerson Hays  
Alternate member, 4th District  
Term Expires: January 25, 2025

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**No Docket  
Memo Provided  
for Resolution  
No. 240029**



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**File #: 240030**

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RESOLUTION NO. 240030

Sponsor: Mayor Quinton Lucas

RESOLUTION - Appointing Melissa Cooper and Josh Udelhofen as successor directors to the Kansas City International Airport Community Improvement District.

WHEREAS, the Kansas City International Airport Community Improvement District (“District”) was established by petition of the property owners (“Petition”) and approved by the City Council by Ordinance No. 050203; and

WHEREAS, the Petition provides for successor directors to be appointed by the Mayor, with the consent of the City Council, according to slates which have been submitted by the District; and

WHEREAS, the District has submitted a slate to the City Clerk as provided by the Petition; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

That the following persons are hereby appointed as successor directors to the Kansas City International Airport Community Improvement District to serve such term as provided for by the Petition, such term to commence the date upon which the preceding term shall have expired:

Melissa Cooper  
Josh Udelhofen

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**No Docket  
Memo Provided  
for Resolution  
No. 240030**



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**File #: 240045**

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ORDINANCE NO. 240045

Sponsor: Mayor Quinton Lucas

Amending Chapter 74, Code of Ordinances, by repealing Article III, "Tax Increment Financing" and enacting in lieu thereof a new article of like number and subject matter to address statutory provisions recently applicable to TIF plans, projects, and commissions in Clay County; and directing the City Manager to solicit the consent of various municipalities as to appointment of municipal representatives to the Clay County KC TIF Commission; authorizing the Administrative Commission to assume certain rights and responsibilities; and authorizing the City Manager to execute certain assignments and consents.

WHEREAS, pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the "Act"), and Ordinance No. 545556 adopted on November 24, 1982, as amended by Committee Substitute for Ordinance No. 911076 adopted on August 29, 1991, by Ordinance No. 100089 adopted on January 28, 2010, by Ordinance No. 130986 adopted on December 19, 2013 and by Committee Substitute for Ordinance No. 140823 adopted on June 18, 2015 (collectively, the "Enabling Ordinances") the City Council of Kansas City, Missouri created the Tax Increment Financing Commission of Kansas City, Missouri (the "Kansas City TIF Commission"); and

WHEREAS, The Act provides for eleven-member commissions in some cities and counties and twelve-member commissions in others; and

WHEREAS, Kansas City has historically been subject to the statutory requirements outlining an eleven-member commission; and

WHEREAS, through population growth and passage of a County Charter, TIF commissions in Clay County, Missouri may become subject to the statutory restrictions mandating a twelve-member commission; and

WHEREAS, the Council wishes to amend City Code to provide the new composition of TIF commissions for projects in Clay County, Kansas City, Missouri, NOW, THEREFORE,

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

Section 1. That Chapter 74, Code of Ordinances, is hereby amended by repealing Article III, "Tax Increment Financing," and enacting in lieu thereof a new Article of like number and subject matter to read as follows:

### ARTICLE III. TAX INCREMENT FINANCING

#### Sec. 74-51. Title of article.

This article shall be known as the tax increment financing ordinance.

#### Sec. 74-52. History of the Commissions.

(a) The council hereby acknowledges that immediately subsequent to the Missouri General Assembly's 1997 Amendments to the Real Property Tax Increment Allocation Redevelopment Act, (the "Act") the tax increment financing commission of Kansas City, Missouri has been comprised of 11 persons for the purpose of convening public hearings in accordance with the Act and such membership has been as follows:

- (1) Six members have been appointed by the mayor, with the consent of the majority of the city council;
- (2) School districts in whose boundaries the redevelopment plan or redevelopment area is located have been notified in accordance with the Act and invited to appoint two representatives to serve as members of the commission;
- (3) The counties in whose boundaries the redevelopment plan or redevelopment area is located have been notified in accordance with the Act and invited to appoint two representatives to serve as members of the commission and such appointments shall be made by the county's chief elected official, with the consent of the majority of the governing body of such county;
- (4) All other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the city have been notified in accordance with the Act and invited to appoint, in any manner agreed upon by the affected districts, one representative to serve on the commission.

(b) In 2008, the Act was amended to provide for a 12 member commission in a county with a charter form of government and more than 250,000 but fewer than 300,000 inhabitants, to be comprises as follows:

- (1) Six members appointed either by the county executive or presiding commissioner;
- (2) Three members appointed by the cities, towns, or villages in the county which have tax increment financing districts in a manner in which the chief elected officials of such cities, towns, or villages agree;
- (3) Two members appointed by the school districts in whose boundaries the redevelopment plan or redevelopment area is located;

- (4) One member appointed by the ad valorem taxing districts within the area selected for a redevelopment project or the redevelopment area.

**Sec. 74-53. Confirmation of the activities of the commission.**

The council has previously confirmed the activities of the commission in establishing the composition of the commission following the 1997 amendments and affirmed that the school district representatives, the county representatives and the taxing districts representative shall continue to serve on the commission for the purpose of conducting public hearings to consider for recommendation to the council approval of redevelopment plans and redevelopment projects, the designation of redevelopment areas within their specific jurisdictions, as well as all amendments thereto, and all other matters related to specific plans, projects, areas and amendments thereto, within their specific jurisdictions. The council has further confirmed that, prior to the date of the passage of Ordinance No. 100089, the terms of the school district representatives, county representatives and taxing districts representative have coincided with the commission's consideration of such redevelopment plans, redevelopment projects and redevelopment areas and terminated upon the city's final approval of a redevelopment plan, redevelopment project or designation of a redevelopment area.

**Sec. 74-54. Establishment of the commissions.**

(a) Kansas City TIF Commissions have and will consider for recommendation to the council approval of redevelopment plans and redevelopment projects, the designation of redevelopment areas, as well as all amendments thereto, within Kansas City and Jackson, Platte, or Cass County. The members appointed by the Mayor to the Kansas City TIF Commissions will serve a term of four years. Members of the Kansas City TIF Commissions appointed by the Mayor may give the school districts, the counties and the other taxing districts the option of either designating representatives to the Kansas City TIF Commission for a term of a period of time or designating the terms of their representative to coincide with the commission's consideration of specific redevelopment plans, redevelopment projects and redevelopment areas within their specific jurisdictions, which terms shall then terminate upon the city's final approval of the corresponding redevelopment plan, redevelopment project or designation of a redevelopment area. Such county representatives, school district representatives and taxing districts representative will serve on the commission to consider amendments to a redevelopment plan, redevelopment project or designation of redevelopment area within their specific jurisdictions. The members of the Kansas City TIF Commissions shall be as follows:

- (1) Six members appointed by the mayor, with the consent of the majority of the city council;
- (2) Two members appointed by the school board(s) of the district(s) included within the redevelopment plan or redevelopment area;

- (3) Two members appointed by the chief elected official of the county in whose boundaries the redevelopment plan or redevelopment area is located with the consent of the majority of the governing body of such county;
- (4) One member appointed in the manner agreed up by all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area.

(b) Clay County KC TIF Commissions will consider for recommendation to the council approval of redevelopment plans and redevelopment projects, the designation of redevelopment areas within their specific jurisdictions, as well as all amendments thereto, within Kansas City and Clay County. Members of the Clay County KC TIF Commissions, other than the members appointed by the county executive or presiding commissioner, shall serve for a term coinciding with the commission's consideration of the specific redevelopment plans, redevelopment projects and redevelopment area, which terms shall then terminate upon the KC Clay County TIF Commission's final recommendations to the City of the corresponding redevelopment plan, redevelopment project or designation of a redevelopment area. The members of the Kansas City TIF Commissions shall be as follows:

- (1) Six members appointed by the county executive or presiding commissioner;
- (2) Three members appointed by the mayor;
- (3) Two members appointed by the school board(s) of the district(s) in the county;
- (4) One member appointed in the manner agreed up by all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area.

(c) If a proposed redevelopment plan, redevelopment project, or designation of a redevelopment area falls within the jurisdiction of the Clay County KC TIF Commission and the jurisdiction of the Kansas City TIF Commission, each commission shall consider the proposal and make an independent recommendation to the city council.

**Sec. 74-55. Convening a Clay County KC TIF Commission.**

Upon receiving a complete application for a TIF plan, project, or redevelopment area in Clay County and Kansas City, the TIF executive director, shall send notice by certified mail to the City, the county executive or presiding commissioner, the school districts whose boundaries include any portion of the proposed redevelopment area, and the other taxing districts whose boundaries include any portion of the proposed redevelopment area. If the county, school board, or other taxing district fails to provide the executive director with their designated appointees within 30 days of the mailing of the notice, or within thirty days of the expiration of the terms of a county appointed member, the remaining duly appointed members of the commission may exercise the full powers of the commission. The Mayor may choose to provide the executive director with a standing list of those members that they appoint to all Clay County KC TIF

Commission or may appoint members upon notification by the executive director of the formation of a Clay County KC TIF Commission. The executive director will then provide notice of a meeting of a Clay County KC TIF Commission in the manner provided in the Act.  
**Sec. 74-56. Failure to appoint Kansas City TIF commission members.**

If any school district, county, or other taxing district fails to appoint members to a Kansas City TIF Commission within 30 days of receipt of written notice of a proposed redevelopment plan, redevelopment project, or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission.

**Sec. 74-57. Reserved.**

**Sec. 74-58. Administrative commission.**

(a) The council delegates all of the powers delegable under the Act, in particular the powers enumerated in RSMo 99.820.1, including but not limited to, the approval of agreements to implement redevelopment plans and redevelopment projects, certification of redevelopment project costs identified in tax increment financing plans, and processing the reimbursement of the same, for all plans and projects in Kansas City, Missouri, to the administrative commission, along with the authority to oversee those matters which do not relate to specific plans and projects. The administrative commission shall not consider recommendations to the council regarding redevelopment plans and redevelopment projects and the designation of redevelopment areas.

(b) The administrative commission shall meet regularly and shall adopt such rules and regulations for operation as shall enable it to maintain an orderly procedure for its business and to effectively and efficiently exercise the powers authorized by the statute and delegated to it by the council, including but not limited to, the adoption of bylaws.

(c) The administrative commission shall be comprised of:

- (1) The six representatives appointed by the city to the Kansas City TIF commissions pursuant to Code section 74-54;
- (2) Two representatives of the counties in which the city is situated, selected in any manner agreed upon by the counties;
- (3) Two school district representatives of the school districts in which the city is situated, selected in any manner agreed upon by the affected school districts;
- (4) One taxing district representative of the other taxing districts in which the city is situated, selected in any manner agreed upon by the affected taxing districts.

(d) Notwithstanding anything to the contrary herein, any development agreement, however denominated, or amendment thereto, executed by the administrative commission, after the effective date of committee substitute for Ordinance No. 140823, shall contain therein a

provision allowing the administrative commission to assign and the city to assume, at the city's sole election, in whole or in such parts as the city shall elect, the rights, duties, interests and obligations of the administrative commission thereunder, and the administrative commission shall execute such documentation as may reasonably be required for such purposes. The failure of any development agreement, however denominated, to incorporate the requirements of this section or previously codified section 74-57 shall not preclude any assignment or assumption as the requirements of this section shall be deemed incorporated by operation of law and shall supplant any provision to the contrary.

(e) The City does not approve the exercise of any powers by a Kansas City TIF Commission or a Clay County KC TIF Commission, except those required to make recommendations to City Council and to allow the administration of any agreements executed prior to January 13, 2024.

**Sec. 74-59. Records; reports.**

The Kansas City TIF commissions, Clay County KC TIF Commissions, and administrative commission shall keep records and minutes of its meetings and shall report annually to the council respecting its activities. Sec. 74-60. Officers.

The Kansas City TIF Commissions, Clay County KC TIF Commissions, and administrative commission shall elect from its number a chair, vice chair, treasurer and secretary, each to serve for one year terms or until their successors are elected.

**Sec. 74-61. Alternate city representatives.**

The mayor, with the consent of the majority of the city council, shall be empowered to appoint one or more alternate members to the Kansas City TIF Commissions who shall be designated as such (the "alternate city representatives") and who shall serve for a term of four years. Alternate city representatives to the Kansas City TIF Commissions may be sitting in the capacity of city members due to the absence of one or more city member from any meeting of the commission, and no action of a Kansas City TIF Commission shall be invalidated or called into question by virtue of the participation of such alternate city representatives in compliance with this section. In no event shall the city be represented by more than six persons in any matter pending before a Kansas City TIF commission. In the event that the number of alternate city representatives attending any meeting of a Kansas City TIF commission shall exceed the number of absent city representatives, then a simple majority of the city members in attendance shall determine which of the alternate city representatives shall serve in the capacity of city member for the duration of the meeting or until the absent city member shall be in attendance.

**Sec. 74-62. Administrative costs.**

The commission comprised of the city representatives and the county representatives, school district representatives, and taxing districts representative within their specific jurisdictions has, in accordance with section 99.820.1(14), RSMo, recommended to the city council that certain costs incurred by the city and other officials, including but not limited to such commission and the economic development corporation of the city, each of which provides

services related to the administration of redevelopment projects, should be reimbursed in an amount equal to five percent of the Payment in Lieu of Taxes ("PILOTS") and Economic Activity Taxes ("EATS") paid into the Special Allocation Fund (collectively, the "Standard Reimbursement"), and the city council hereby determines such charges to be necessary, reasonable and appropriate. The powers granted to such administrative commission as codified in section 74-57, Code of Ordinances, to enter into any development agreement with a developer for the implementation of any plan, project, or amendment to either, shall be subject to and conditioned upon such redevelopment agreement including a term allowing for the standard reimbursement. Notwithstanding the foregoing, such administrative commission may, from time-to-time, recommend that a lesser amount is appropriate with regards to one or more specific projects, and the city council shall consider such recommendation and may determine, with respect to such one or more specific projects, that recoupment in an amount less than the standard reimbursement is appropriate, and in such event, the power granted to such administrative commission to enter into any development agreement with a developer for the implementation of any plan, project, or amendment to either, shall be subject to and conditioned upon such development agreement including a term allowing for such reduced reimbursement as the city council may have determined to approve by ordinance.

**Sec. 74-63. Special allocation fund.**

In the event that the city shall have received the funds residing within each special allocation fund established and existing pursuant to the terms of the Real Property Tax Increment Allocation Redevelopment Act as contemplated by Committee Substitute for Resolution No. 140826, then upon such occurrence, and, , any special allocation fund established and existing pursuant to the terms of the Real Property Tax Increment Allocation Redevelopment Act shall thereafter be maintained solely by the city.

Section 2. That the City Manager is directed to solicit the agreement of the chief elected officials of the cities, towns, and villages in Clay County as to the manner of appointment of the City appointed Clay County KC TIF Commission members appointed by the Mayor in Code Section 74-54(b)(2).

Section 3. That the City Council authorizes the Administrative Commission to assume the rights and responsibilities of any previously constituted TIF commission with respect to any plan, project, or area in Clay County, Kansas City and to execute any necessary agreements to that effect.

Section 4. That the City Manager is authorized to execute on behalf of the City any consents or assignments necessary to permit the Administrative Commission to assume the rights and responsibilities of any previously constituted TIF Commission with respect to any plan, project, or area in Clay County, Kansas City.

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Approved as to form:

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Emalea Black  
Associate City Attorney

COMPARED VERSION  
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 240045

Amending Chapter 74, Code of Ordinances, by repealing Article III, "Tax Increment Financing" and enacting in lieu thereof a new article of like number and subject matter to address statutory provisions recently applicable to TIF plans, projects, and commissions in Clay County; and directing the City Manager to solicit the consent of various municipalities as to appointment of municipal representatives to the Clay County KC TIF Commission; authorizing the Administrative Commission to assume certain rights and responsibilities; and authorizing the City Manager to execute certain assignments and consents.

WHEREAS, pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the "Act"), and Ordinance No. 545556 adopted on November 24, 1982, as amended by Committee Substitute for Ordinance No. 911076 adopted on August 29, 1991, by Ordinance No. 100089 adopted on January 28, 2010, by Ordinance No. 130986 adopted on December 19, 2013 and by Committee Substitute for Ordinance No. 140823 adopted on June 18, 2015 (collectively, the "Enabling Ordinances") the City Council of Kansas City, Missouri created the Tax Increment Financing Commission of Kansas City, Missouri (the "Kansas City TIF Commission"); and

WHEREAS, The Act provides for eleven-member commissions in some cities and counties and twelve-member commissions in others; and

WHEREAS, Kansas City has historically been subject to the statutory requirements outlining an eleven-member commission; and

WHEREAS, through population growth and passage of a County Charter, TIF commissions in Clay County, Missouri may become subject to the statutory restrictions mandating a twelve-member commission; and

WHEREAS, the Council wishes to amend City Code to provide the new composition of TIF commissions for projects in Clay County, Kansas City, Missouri, NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 74, Code of Ordinances, is hereby amended by repealing Article III, "Tax Increment Financing," and enacting in lieu thereof a new Article of like number and subject matter to read as follows:

### ARTICLE III. TAX INCREMENT FINANCING

#### Sec. 74-51. Title of article.

This article shall be known as the tax increment financing ordinance.

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#### Sec. 74-52. ~~Affirmation~~ History of the composition of the commission ~~Commissions.~~

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(a) The council hereby acknowledges that immediately subsequent to the Missouri General Assembly's 1997 Amendments to the ~~Act, the Real Property Tax Increment Financing Commission Allocation Redevelopment Act, (the "Act")~~ the tax increment financing commission of Kansas City, Missouri ~~(the "Commission")~~ has been comprised of 11 persons for the purpose of convening public hearings in accordance with the Act and such membership has been as follows:

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- (1) Six members ~~("city representatives")~~ have been appointed by the mayor, with the consent of the majority of the city council;
- (2) School districts in whose boundaries the redevelopment plan or redevelopment area is located have been notified in accordance with the Act and invited to appoint two representatives ~~("school district representatives")~~ to serve as members of the commission;
- (3) The counties in whose boundaries the redevelopment plan or redevelopment area is located have been notified in accordance with the Act and invited to appoint two representatives ~~("county representatives")~~ to serve as members of the commission and such appointments shall be made by the county's chief elected official, with the consent of the majority of the governing body of such county;
- (4) All other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the city have been notified in accordance with the Act and invited to appoint, in any manner agreed upon by the affected districts, one representative ~~("taxing districts representative")~~ to serve on the commission.

(b) In 2008, the Act was amended to provide for a 12 member commission in a county with a charter form of government and more than 250,000 but fewer than 300,000 inhabitants, to be comprises as follows:

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- (1) Six members appointed either by the county executive or presiding commissioner;
- (2) Three members appointed by the cities, towns, or villages in the county which have tax increment financing districts in a manner in which the chief elected officials of such cities, towns, or villages agree;

(3) Two members appointed by the school districts in whose boundaries the redevelopment plan or redevelopment area is located;

(4) One member appointed by the ad valorem taxing districts within the area selected for a redevelopment project or the redevelopment area.

**Sec. 74-53. Confirmation of the activities of the commission.**

The council ~~hereby confirms~~has previously confirmed the activities of the commission in establishing the composition of the commission following the 1997 amendments and ~~affirms~~affirmed that the school district representatives, the county representatives and the taxing districts representative shall continue to serve on the commission for the purpose of conducting public hearings to consider for recommendation to the council approval of redevelopment plans and redevelopment projects, the designation of redevelopment areas within their specific jurisdictions, as well as all amendments thereto, and all other matters related to specific plans, projects, areas and amendments thereto, within their specific jurisdictions. The council has further ~~confirms~~confirmed that, prior to the date of the passage of ~~this ordinance~~Ordinance No. 100089, the terms of the school district representatives, county representatives and taxing districts representative have coincided with the commission's consideration of such redevelopment plans, redevelopment projects and redevelopment areas and terminated upon the city's final approval of a redevelopment plan, redevelopment project or designation of a redevelopment area. ~~Such county representatives, school district representatives and taxing districts representative will serve on the commission to conduct public hearings to consider amendments to a redevelopment plan, redevelopment project or designation of redevelopment area within their specific jurisdictions.~~

**Sec. 74-54. Establishment of the commission commissions.**

~~(a) That there be a tax increment financing commission of Kansas City, Missouri, (the "commission), on which the school district representatives, the county representatives and the taxing districts representative shall be appointed and serve as provided for by the Property Tax Increment Allocation Redevelopment Act (the "Act") to~~Kansas City TIF Commissions have and will consider for recommendation to the council approval of redevelopment plans and redevelopment projects, the designation of redevelopment areas ~~within their specific jurisdictions~~, as well as all amendments thereto, within ~~their specific jurisdictions. While the~~Kansas City and Jackson, Platte, or Cass County. The members of the commission appointed by the ~~mayor~~Mayor to the Kansas City TIF Commissions will serve a term of four years. Members of the Kansas City TIF Commissions appointed by the Mayor may give the school districts, the counties and the other taxing districts the option of either designating ~~their school district representatives, to~~ the county representatives and taxing districts representativeKansas City TIF Commission for a term of a period of time or designating the terms of their ~~school district representatives, county representatives and taxing districts~~ representative to coincide with the commission's consideration of specific redevelopment plans, redevelopment projects and redevelopment areas within their specific jurisdictions, which terms shall then terminate upon the city's final approval of the corresponding redevelopment plan, redevelopment project or designation of a redevelopment area; ~~the council recommends the members of the commission appointed by the mayor give such options to the appointing authority of the respective~~

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~~representatives.~~ Such county representatives, school district representatives and taxing districts representative will serve on the commission to consider amendments to a redevelopment plan, redevelopment project or designation of redevelopment area within their specific jurisdictions.

The members of the Kansas City TIF Commissions shall be as follows:

- (1) Six members appointed by the mayor, with the consent~~Sec. 74-55. Affirmation of the re~~majority of the commission.

~~The city council hereby affirms that the city representatives shall serve on the commission to;~~

- (2) Two members appointed by the school board(s) of the district(s) included within the redevelopment plan or redevelopment area;
- (3) Two members appointed by the chief elected official of the county in whose boundaries the redevelopment plan or redevelopment area is located with the consent of the majority of the governing body of such county;
- (4) One member appointed in the manner agreed up by all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area.

(b) Clay County KC TIF Commissions will consider for recommendation to the council approval of redevelopment plans and redevelopment projects—and, the designation of redevelopment areas within their specific jurisdictions, as well as all amendments thereto, within Kansas City and Clay County. Members of the Clay County KC TIF Commissions, other than the members appointed by the county executive or presiding commissioner, shall serve for a term coinciding with the commission's consideration of the specific redevelopment plans, redevelopment projects and to perform all other functions redevelopment area, which terms shall then terminate upon the KC Clay County TIF Commission's final recommendations to the City of the corresponding redevelopment plan, redevelopment project or designation of a redevelopment area. The members of the Kansas City TIF Commissions shall be as follows:

- (1) Six members appointed by the county executive or presiding commissioner;
- (2) Three members appointed by the mayor;
- (3) Two members appointed by the school board(s) of the district(s) in the county;
- (4) One member appointed in the manner agreed up by all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area.

(c) If a proposed redevelopment plan, redevelopment project, or designation of a redevelopment area falls within the jurisdiction of the Clay County KC TIF Commission and

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~~powers of the the jurisdiction of the Kansas City TIF Commission, each commission shall consider the proposal and make an independent recommendation to the city council.~~

**Sec. 74-55. ~~that are granted~~ Convening a Clay County KC TIF Commission.**

~~Upon receiving a complete application for a TIF plan, project, or redevelopment area in Clay County and Kansas City, the TIF executive director, shall send notice by certified mail to a municipality under the Act, the City, the county executive or presiding commissioner, the school districts whose boundaries include any portion of the proposed redevelopment area, and the other taxing districts whose boundaries include any portion of the proposed redevelopment area. If the county, school board, or other taxing district fails to provide the executive director with their designated appointees within 30 days of the mailing of the notice, or within thirty days of the expiration of the terms of a county appointed member, the remaining duly appointed members of the commission may exercise the full powers of the commission. The Mayor may choose to provide the executive director with a standing list of those members that they appoint to all Clay County KC TIF Commission or may appoint members upon notification by the executive director of the formation of a Clay County KC TIF Commission. The executive director will then provide notice of a meeting of a Clay County KC TIF Commission in the manner provided in the Act.~~

**Sec. 74-56. Failure to appoint commission members.**

If any school district, county, or other taxing district fails to appoint members ~~of the commission to a Kansas City TIF Commission~~ within 30 days of receipt of written notice of a proposed redevelopment plan, redevelopment project, or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission.

**Sec. 74-57. Reserved.**

**Sec. 74-58. Administrative commission.**

(a) The council delegates all of the powers delegable under the Act, in particular the powers enumerated in RSMo 99.820.1, including but not limited to, the approval of agreements to implement redevelopment plans and redevelopment projects, certification of redevelopment project costs identified in tax increment financing plans, and processing the reimbursement of the same, for all plans and projects in Kansas City, Missouri, to the administrative commission, along with the authority to oversee those matters which do not relate to specific plans and projects. The administrative commission shall not consider recommendations to the council regarding redevelopment plans and redevelopment projects and the designation of redevelopment areas.

(b) The administrative commission shall meet regularly and shall adopt such rules and regulations for operation as shall enable it to maintain an orderly procedure for its business and to effectively and efficiently exercise the powers authorized by the statute and delegated to it by the council, including but not limited to, the adoption of bylaws.

(c) The administrative commission shall be comprised of:

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- (1) The six representatives appointed by the city to the Kansas City TIF ~~commission~~commissions pursuant to Code section 74-~~5254~~;
- (2) Two representatives of the counties in which the city is situated, selected in any manner agreed upon by the counties;
- (3) Two school district representatives of the school districts in which the city is situated, selected in any manner agreed upon by the affected school districts;
- (4) One taxing district representative of the other taxing districts in which the city is situated, selected in any manner agreed upon by the affected taxing districts.

(d) Notwithstanding anything to the contrary herein, any development agreement, however denominated, or amendment thereto, executed by the administrative commission, after the effective date of committee substitute for Ordinance No. 140823, shall contain therein a provision allowing the administrative commission to assign and the city to assume, at the city's sole election, in whole or in such parts as the city shall elect, the rights, duties, interests and obligations of the administrative commission thereunder, and the administrative commission shall execute such documentation as may reasonably be required for such purposes. The failure of any development agreement, however denominated, to incorporate the requirements of this section or previously codified section 74-57 shall not preclude any assignment or assumption as the requirements of this section shall be deemed incorporated by operation of law and shall supplant any provision to the contrary.

(e) The City does not approve the exercise of any powers by a Kansas City TIF Commission or a Clay County KC TIF Commission, except those required to make recommendations to City Council and to allow the administration of any agreements executed prior to January 13, 2024.

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**Sec. 74-59. Records; reports.**

TheThe Kansas City TIF commissions, Clay County KC TIF Commissions, and administrative commission shall keep records and minutes of its meetings and shall report annually to the council respecting its activities.

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**Sec. 74-60. Officers.**

The Kansas City TIF Commissions, Clay County KC TIF Commissions, and administrative ~~The~~ commission shall elect from its number a chair, vice chair, treasurer and secretary, each to serve for one year terms or until their successors are elected.

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**Sec. 74-61. Alternate city representatives.**

The mayor, with the consent of the majority of the city council, shall be empowered to appoint one or more alternate members to the Kansas City TIF Commissions who shall be

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designated as such (the "alternate city representatives") and who shall serve for a term of four years. ~~Notwithstanding anything to the contrary in this article, any reference to Alternate~~ city representatives ~~shall be construed to include one or more alternate city representatives as to the Kansas City TIF Commissions~~ may be sitting in the capacity of city ~~representatives~~members due to the absence of one or more city ~~representatives~~member from any meeting of the commission, and no action of ~~the commission~~a Kansas City TIF Commission shall be invalidated or called into question by virtue of the participation of such alternate city representatives in compliance with this section. In no event shall the city be represented by more than six persons in any matter pending before ~~the~~a Kansas City TIF commission. In the event that the number of alternate city representatives attending any meeting of ~~the~~a Kansas City TIF commission shall exceed the number of absent city representatives, then a simple majority of the city ~~representatives~~members in attendance shall determine which of the alternate city representatives shall serve in the capacity of city ~~representatives~~member for the duration of the meeting or until the absent city ~~representatives~~member shall be in attendance.

**Sec. 74-62. Administrative costs.**

The commission comprised of the city representatives and the county representatives, school district representatives, and taxing districts representative within their specific jurisdictions has, in accordance with section 99.820.1(14), RSMo, recommended to the city council that certain costs incurred by the city and other officials, including but not limited to such commission and the economic development corporation of the city, each of which provides services related to the administration of redevelopment projects, should be reimbursed in an amount equal to five percent of the Payment in Lieu of Taxes ("PILOTS") and Economic Activity Taxes ("EATS") paid into the Special Allocation Fund (collectively, the "Standard Reimbursement"), and the city council hereby determines such charges to be necessary, reasonable and appropriate. The powers granted to such administrative commission as codified in section 74-57, Code of Ordinances, to enter into any development agreement with a developer for the implementation of any plan, project, or amendment to either, shall be subject to and conditioned upon such redevelopment agreement including a term allowing for the standard reimbursement. Notwithstanding the foregoing, such administrative commission may, from time-to-time, recommend that a lesser amount is appropriate with regards to one or more specific projects, and the city council shall consider such recommendation and may determine, with respect to such one or more specific projects, that recoupment in an amount less than the standard reimbursement is appropriate, and in such event, the power granted to such administrative commission to enter into any development agreement with a developer for the implementation of any plan, project, or amendment to either, shall be subject to and conditioned upon such development agreement including a term allowing for such reduced reimbursement as the city council may have determined to approve by ordinance.

**Sec. 74-63. Special allocation fund.**

In the event that the city shall have received the funds residing within each special allocation fund established and existing pursuant to the terms of the Real Property Tax Increment Allocation Redevelopment Act as contemplated by Committee Substitute for Resolution No. 140826, then upon such occurrence, and, ~~notwithstanding anything to the contrary in section 74-~~

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| ~~57~~, any special allocation fund established and existing pursuant to the terms of the Real Property Tax Increment Allocation Redevelopment Act shall thereafter be maintained solely by the city.

Section 2. That the City Manager is directed to solicit the agreement of the chief elected officials of the cities, towns, and villages in Clay County as to the manner of appointment of the City appointed Clay County KC TIF Commission members appointed by the Mayor in Code Section 74-54(b)(2).

Section 3. That the City Council authorizes the Administrative Commission to assume the rights and responsibilities of any previously constituted TIF commission with respect to any plan, project, or area in Clay County, Kansas City and to execute any necessary agreements to that effect.

Section 4. That the City Manager is authorized to execute on behalf of the City any consents or assignments necessary to permit the Administrative Commission to assume the rights and responsibilities of any previously constituted TIF Commission with respect to any plan, project, or area in Clay County, Kansas City.

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Approved as to form:

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Emalea Black  
Associate City Attorney



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**File #: 230741**

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ORDINANCE NO. 230741

**Sponsor: Councilmember Kevin O’Neill**

Amending Chapter 60, Code of Ordinances of Kansas City, Missouri, by repealing Section 60-32, Construction of private sewage disposal systems, and enacting in lieu thereof a new section of like number and subject matter; Amending Chapter 61-20, Code of Ordinances of Kansas City, Missouri, by repealing Section 61-20, Enclosing natural drain ditches, and enacting in lieu thereof a new section of like number and subject matter; Amending Chapter 63, Code of Ordinances of Kansas City, Missouri, by repealing Sections 63-21, Title and authority, and 63-24, Definitions, and enacting in lieu thereof new sections of like number and subject matter; Amending Chapter 64, Code of Ordinances of Kansas City Missouri, by repealing Section 64-4, and enacting in lieu thereof a new section of like number and subject matter all for the purpose of transferring certain permitting functions from the City Planning and Development Department to the Water Services and Public Works Departments; and Directing the City Manager to begin transition of these permits from the City Planning and Development Department to the Water Services and Public Works Departments, including taking steps to address any needed staffing, funding, and legislative changes to effectuate the transition; and appropriating \$ \_\_\_\_\_ from the \_\_\_\_\_ fund.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 60, Code of Ordinances is hereby amended, by repealing Section 60-32 and enacting in lieu thereof a new section of like number and subject matter to read as follows:

**Sec. 60-32. Construction of private sewage disposal systems.**

(a) *Permit required.* No person shall construct a private sewage disposal facility or system on any individual lot or lots in any subdivision of land located in the city, or on any single parcel or tract of land under common ownership, where such sewage disposal facility or system is not intended to be part of the city's sewage system, without first procuring from the water services department a permit for such construction.

(b) *Survey fee; inspection fee.* Where the water services department deems that a survey of the property in question is necessary before such permit can be issued, a private sewage disposal system survey fee of \$25.00 shall be assessed. The private sewage disposal construction inspection fee shall be \$25.00.

(c) *Construction standards.* The plans and construction of the private waste disposal system shall be in accord with the regulations of the state division of health, state department of natural resources and state clean water commission, except as modified by the building code

engineer to conform with conditions common to the city and applicable to city standard specifications.

(d) *Penalty for failure to obtain permit.* Any person who shall construct a private sewage disposal system without first having procured a permit shall be guilty of a violation, and upon conviction thereof shall be fined not less than \$25.00 and not more than \$500.00 for each separate violation.

Section 2. That Chapter 61, Code of Ordinances is hereby amended, by repealing Section 61-20 and enacting in lieu thereof a new section of like number and subject matter to read as follows:

**Sec. 61-20. Enclosing natural drainage ditches.**

(a) *Permit required.* No person shall enclose any natural drainage ditch abutting against or traversing his property without having first obtained a permit from the water services department for such enclosure.

(b) *Filing of plans.* Prior to the issuing of the permit, the permittee shall file plans showing the method of construction of the enclosure with the water services department and obtain its approval of such methods and materials, and the size of the structure or pipe.

(c) *Materials.* Any pipe, culvert, box enclosure or similar mechanism employed to contain any such creek, creek bed, natural drainage ditch or other stream shall be of a material meeting requirements as set forth in the general specifications entitled "Pipes, Sewer," on file in the department of water services.

(d) *Issuance of permit; inspections.* The permit issued for such enclosure shall be at no charge. The permittee shall notify the water services department when the enclosure is complete and prior to the placing of backfill or topsoil cover over the enclosure, so that the water services department may inspect the work and material in place in order to ensure conformance with this section.

(e) *Noncompliance with specifications.* Should such materials or methods employed by a permittee not be in conformance with the specifications for such work as furnished by the department of water services, then the water services department may order the removal of such enclosure, pipe or conduit.

(f) *Responsibility for maintenance and repair.* Nothing contained in this section shall increase the liability of the city for future maintenance or repair of any such pipe, conduit, culvert or enclosure placed in any stream, creek bed or drainage ditch, such maintenance and repair being and remaining the sole responsibility of the property owner upon whose property such ditch or creek bed lies.

Section 3. That Chapter 63, Code of Ordinances is hereby amended, by repealing Sections 63-21 and 63-24 and enacting in lieu thereof a new section of like number and subject matter to read as follows:

**Sec. 63-21. Title and authority.**

This article shall be known as the Kansas City, Missouri Erosion and Sediment Control Regulations and may be cited as "erosion and sediment control regulations" or "regulations". The

director of water services shall be responsible for the administration and enforcement of this article.

**Sec. 63-24. Definitions.**

For the purposes of this article, the following terms, phrases, words and their derivations shall have the following meanings. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number.

The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

*Adopted standards* means any design or construction specification, including the erosion and sediment control design criteria and specifications, adopted in writing by the director of public works or director of water services.

*Agricultural crop management practices* means all land farming operations including plowing or tilling of land for the purpose of crop production or the harvesting of crops.

*Applicant* means the person who owns the affected property or the person's authorized agent who submits or is required to submit an application to the director of water services for a site disturbance permit.

*Best management practices (BMPs)* means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

*Building permit* means any permit issued by the director of codes administration.

*Clearing* means any activity which removes the vegetative ground cover including, but not limited to, root removal or top soil removal.

*Code* means the Code of Ordinances for the city.

*Construction activity* means activities subject to national pollutant discharge elimination system permits issued by the Missouri Department of Natural Resources or EPA ("NPDES construction permits") or city land-disturbance permits. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

*Director* means the director of water services of the city or the director's authorized representative.

*Earth materials* means any rock, natural soil or combination thereof.

*Erosion* means the wearing away of land by the action of wind, water, gravity, or a combination thereof.

*Erosion and sediment control plan* means a set of measures designed to control runoff and erosion, and to retain sediment on a particular site during pre-construction, construction, and after all permanent improvements have been erected or installed.

*Erosion and sediment control regulations* means this article in its entirety.

*Erosion and sediment control specifications* means the erosion and sediment control design criteria and specifications adopted in writing by the director of public works.

*Engineer* means a civil engineer that is registered as a professional engineer with the Missouri Board of Architects, Professional Engineers and Land Surveyors.

*Excavate* means the mechanical removal of earth materials.

*Fill* means the deposit or stockpiling of earth materials.

*Grading* means any excavating or filling of earth materials or any combination thereof.

*Inspection* means the periodic field review of erosion and sediment control measures as defined in the erosion and sediment control plan for the purposes of determining compliance.

*Land disturbance/land disturbance activity* means any activity that changes the physical conditions of landform, vegetation, and hydrology. Such activities include, but not limited to, clearing, removal of vegetation, stripping, grading, grubbing, excavating, filling, logging, and storing of materials.

*Land fill* means any human activity depositing soil or other earth materials.

*Nuisance* means any act or situation as defined in section 48-3 of the Code of Ordinances for the city.

*Occupant* means any person who has a legal or equitable interest in any land, building or structure other than a fee interest, including a life tenant, tenant, lessee, tenant at will, tenant at sufferance or adverse possessor, as well as a person in possession or a person who has charge, care or control of such land, building or structure as the agent or personal representative of the person holding legal title to a fee interest.

*Owner* means any person who, alone or jointly or severally with others:

- (1) Shall have legal title to any land, building or structure, or part thereof, with or without having actual possession thereof; or
- (2) Shall have charge, care or control of any land, building or structure, or part thereof; or

- (3) Shall have possession or right to possession of any land, building or structure under contract for deed.

*Person* means any individual, firm, partnership, corporation, association, organization, or legal entity of any kind including governmental entities.

*QCR* means quality control review, a process of checking a plan submittal application or resubmitted for completeness against a certified submittal checklist that the applicant has prepared and attached to the plan prior to acceptance for technical review.

*RCR* means review comment resolution, a service provided to communicate and clarify review deficiencies.

*Regulations* means the Kansas City, Missouri Erosion and Sediment Control Regulations in its entirety.

*Sampling* means the procedures associated with the determination of settleable solids and may include suspended solids in a discharge sample of water.

*Sediment* means any solid material, mineral or organic that has been deposited in water, is in suspension in water, is being transported or has been removed from its site of origin by wind, water, or gravity as result of soil erosion.

*Site disturbance permit* means authorization given by the director of water services noted in section 63-34, to perform land disturbance activities.

*Soil* means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.

*Soil storage* means any human activity depositing soil or other earth materials for later use or disposal.

*Timbering* means the act of cutting and removing trees without disturbing the root or adjacent vegetation.

*Vegetative cover* means any grasses, shrubs, trees and other vegetation which hold and stabilize soils.

*Water bodies* means surface waters including rivers, streams, lakes and wetlands.

*Wetlands* means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. This does not include the following surface waters of the state intentionally constructed from sites that are not wetlands: drainage ditches, grass-lined swales, and landscape amenities.

*Work* means any activity that involves construction or preparation for construction of an improvement.

Section 4. That Chapter 64, Code of Ordinances is hereby amended, by repealing Section 64-4 and enacting in lieu thereof a new section of like number and subject matter to read as follows:

**Sec. 64-4. Construction or repair by property owner of facilities in adjacent right-of-way.**

(a) *Definitions.* As used in this section:

*Director* means the director of public works of the city for work including improvements to streets, alleys, streetlights, streetlight signals, sidewalks, driveways, curbs and gutter, and retaining walls within the right-of-way. *Director* means director of water services for work including grading, site disturbance, stream buffer protection requirements, storm sewers, and sanitary sewers, unless otherwise defined herein.

*Improvement* means new or a modification of existing curbs, gutters, driveways from curb to property line, sidewalks, sewers, street lighting systems, stream buffer protection requirements and appurtenances by a change in grade, construction, repair or reconstruction authorized under this section.

*Owner* means the person, persons, or any legally recognized entity holding title to real property.

*Permittee* means an owner of private property, or the owner's representative or contractor a holding a special permit issued pursuant to this section.

*Plan* means a drawing, sketch, report, or document prepared in accordance with adopted city standards and codes to convey a design, improvement or repair, and submitted for review and permitting pursuant to this section.

*QCR* means quality control review, a process of checking a plan submittal application or resubmittal for completeness against a certified submittal checklist that the applicant has prepared and attached to the plan prior to acceptance for technical review.

*RCR* means review comment resolution, a service provided to communicate and clarify review deficiencies.

*Special permit* means a permit issued by the director pursuant to this section for the construction or preparation for construction and maintenance thereto of an improvement, including site disturbance activities that are performed in accordance with chapter 63 of the Code under this permit.

*Work* means any activity that involves construction or preparation for construction of an improvement.

(b) *Permit required: issuance of permit.* The director is hereby authorized to issue a special permit, upon request, to owners of private property, or their representatives or contractors, to make improvements, at their own expense, in the public streets or alleys adjacent to or running through their property, if the director determines that such improvements are reasonably necessary. No person shall begin any such work until such permit therefor has been issued.

(c) *Authorization of work under building permit.* Authorization for construction of such sidewalks and driveways within street rights-of-way adjacent to any lot on which a

residential building is proposed may, at the option of applicant, be included in the building permit for that structure.

- (d) *Application, review process and fees.*
- (1) *Application.* Each applicant for a special permit shall complete an application in the form provided by the director. The name of the applicant and lead contact shall appear on the application. The applicable fees pursuant this section shall be paid at the time of filing for review, resubmittal, and permit issuance. After review of an application, the director shall notify the applicant of such further action and reviews as necessary. If an application is approved, the applicant may procure all required permits for the work within 365 days. If all required permits for the work have not been procured, then the approval of the application shall be null and void, provided that the director may waive reapplication for plan review or may extend the time for action by the applicant for a period not to exceed 180 days upon request by the applicant if the director determines that there exist circumstances beyond the control of the applicant preventing procurement of permits for the work. Not more than one extension shall be allowed. Thereafter, a new application and new fee shall be required. Plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the director.
- (2) *Estimated cost of construction.* The determination of the estimated cost of construction under any provision of this section shall be made by the director. The estimated cost of construction to be used in computing the special permit fee and associated review fees shall be based on the total costs of similar construction at the time of application for review or permit issuance.
- (3) *Major infrastructure reviews and permit fees.* As a condition for issuance of a special permit pursuant this section for grading, improvements to streets, alleys, streetlights, streetlight signals, storm sewers, stream buffer protection requirements, and sanitary sewers, the applicant shall pay a basic plan fee in an amount equal to 8.40 percent of the estimated cost of the construction, and such other fees as set forth herein, to defray the cost of plan review services, quality control review (QCR) services, review comment resolution (RCR) services, resubmittal review services, permitting services, supervision, and inspection services. The basic plan fee shall be composed of both an initial technical plan review fee for plan review services, (QCR) services, and (RCR) services in an amount equal to 3.65 percent of the estimated cost of the construction, and a permitting fee for permitting services, supervision and construction inspection in an amount equal to 4.75 percent of the estimated cost of the construction. In no case shall the basic plan fee be less than \$1,000.00 per permit per month of permit duration, or any extension thereof.

An applicant shall submit a plan for QCR and certify that all of the necessary plan components are contained in the plan as required by the special permit submittal checklist. If, as certified, all of the plan components have been submitted, but the submittal fails QCR for other omissions or deficiencies not set out in the checklist, no additional fee will be charged for subsequent QCR submissions by the applicant, if any, required by the director. If any QCR determines that plan

does not contain all of the components certified by the applicant, then the applicant shall pay the city an additional fee of \$70.00 for each subsequent submittal for QCR made necessary by applicant's failure to satisfactorily cure the deficiencies.

If the plan passes QCR, then the plan shall be submitted for technical review of the plans and applicant shall pay the initial technical plan review fee in an amount equal to 3.65 percent of the estimated construction cost. If after the initial technical review the director determines that there are technical deficiencies in the plan, the director shall notify applicant of the deficiencies and offer RCR services, and applicant may resubmit the plan for a second technical review without an additional review fee. Prior to a second technical review the applicant shall submit a revised plan for QCR and certify that all of the necessary plan components, additions, or changes previously noted by the director are contained in the plan. If any QCR determines that plan does not contain all of the revised components certified by the applicant, then the applicant shall pay the city an additional fee of \$65.00 for each subsequent QCR made necessary by applicant's failure satisfactorily cure the QCR deficiencies. On second technical review and all technical reviews thereafter, if the director determines that the applicant has failed to satisfactorily cure the technical deficiencies previously noted on prior technical reviews, then the applicant shall pay the city an additional resubmittal technical review fee in an amount equal to 0.30 percent of the estimated cost of construction for each subsequent technical review made necessary by applicant's failure to satisfactorily cure such deficiencies.

If after the technical review the director determines that the plan application is in substantial compliance with city's regulations and adopted standards, the director shall notify applicant of application approval for permit issuance. The applicant shall pay the permitting fee in an amount equal to 4.75 percent of the estimated cost of construction and procure all required permits as provided in subsection (h)(1). The determination that the plan is in compliance with city regulations does not imply that the city is guaranteeing specific outcomes nor is the city accepting any responsibility for the plan.

- (4) *Minor infrastructure reviews and permit fees.* As a condition for issuance of any permit pursuant to this section for new sidewalks, driveways, curbs and gutter sections, the basic plan, permitting services, supervision and inspection fee shall be an amount equal to seven percent of the estimated cost of the new work, but in no case shall the fee be less than \$155.00. As a condition for issuance of any permit under this section for the repair or replacement of existing sidewalks, driveways, curbs and gutter sections, the basic plan fee for initial permitting services, supervision, and inspection services shall be an amount equal to five percent of the estimated cost of the repair or replacement, but in no case shall the fee be less than \$155.00.
- (5) *Sidewalks and driveways.* Where authorization for the construction of sidewalks and driveways within street rights-of-way. required by ordinance, adjacent to any lot for which a residential building is proposed, is included in a building permit,

such fee shall be \$81.00 for interior lots and \$122.00 for corner lots. Such fees shall be collected as part of the building permit fee.

- (6) *Supplementary fees.* The fee for a supplementary review and special permit to cover any additional value or scope of work not included in the original permit shall be the difference between the fee paid for the original application or permit and the fee which would have been required had the original application or permit included the entire value and scope of the work. The minimum supplemental special permit fee assessed shall be \$1,036.00.
- (7) *Optional preliminary code review meetings or consultation services.* When requested by the applicant, meetings may be conducted to review the requirements and/or codes pertaining to the applicant's project and a fee shall be assessed at the time of the meeting based on the value of the infrastructure improvement as follows:
  - a. Project total value less than or equal to \$2,000 ..... no fee
  - b. Project total value greater than \$2,000 and less than or equal to \$10,000 ..... \$69.00
  - c. Project total value greater than \$10,000 and less than or equal to \$50,000 ..... \$136.00
  - d. Project total value greater than \$50,000 .... \$205.00

These fees shall be in addition to any other fees required.

- (8) *Priority project review fee.* When priority status is requested by the applicant, a fee of two times the fee shall be assessed. Eligibility for priority status shall be determined by the director, or director's designate, based on the complexity of the project and availability of staff. These fees shall be in addition to any other fees required.
- (9) *Changes to reviewed plans.* Review of such changes shall be assessed a fee at the time of the review based on the scope of the review as follows:
  - a. Minor reviews - changes requiring limited review .... \$54.00
  - b. Major reviews - changes requiring review of design elements...½ of basic plan fee

The director or designee shall have the authority to determine the extent of the changes requested and the fee which shall apply. This fee shall be in addition to any other fees required.

- (10) *Permit extension fee.* Applicant may request an extension of a permit duration and pay a fee sufficient to cover the additional administrative and inspection costs associated with the extension. Extension fees shall be individually calculated based on staff estimates for each permit extension requested.
- (11) *Reinspection fees.* When testing of infrastructure does not pass on the first inspection, a fee of \$75.00 shall be assessed and no further inspections shall be completed until such fee is paid.
- (12) *Enforcement fees.* When enforcement actions are necessary above normal notification of deficiencies, a fee shall be assessed to cover the additional

administrative, review and inspection costs of enforcement actions. The enforcement fees shall be individually calculated based on staff estimates for each permit and the additional costs spent on the enforcement. This shall include enforcement actions taken to acquire as-built records required on sewer permits. These fees shall be in addition to any other fees required or court fines imposed and paid to the Court.

- (13) *Payment of fees.* All fees shall be rounded off to the next whole dollar amount. Fees may be waived at the discretion of the director during times of declared emergency.
- (14) *Fee refunds.* For fees specified in this section, if no portion of the application for plan review or permit inspection has commenced, the applicant may request in writing that the application be canceled. The applicant shall then be entitled to a refund of 90 percent of the applicable fee actually paid, except that a full refund will be made when the fee was paid or collected in error. If plan reviews or permit inspections have commenced prior to receipt of a written request for cancellation of the application for a special permit, then a refund will not be made. No refund will be made if a request for a refund has been made more than 30 days after the special permit has expired and no work has commenced.
- (15) *Plans and specifications.*
  - a. Plans for the work shall be prepared by such owners and submitted to the director for his approval. The plans shall indicate the location, extent and character of the proposed work, and include an estimate of the amount of the various materials, installation and services to be incorporated in the work. The plans shall have cross sections, profiles and other information as are ordinarily included in plans prepared in the office of the director for like work. The plans and work shall conform to the standard specifications of the city for public work of like character.
  - b. All work shall be subject to the direction and supervision and to the satisfaction of the director.
- (e) *Sewer construction.*
  - (1) The grant of a special permit and the construction of the sewers or appurtenances by owner pursuant to this section does not exempt the property served by such improvements from any special assessment issued for the construction of sewers by the city in the districts or in the joint districts now or hereafter established by the city, and the city shall not be bound by the owner's construction of any sewerage improvements to determine whether the properties served by owner's improvements constitute a separate sewer district or districts. All sewers constructed by owner pursuant to this section shall become the property of the city upon acceptance by the director, and the city shall have the right and power to make use of, to reconstruct or to change such sewers to provide for the proper sewerage of the drainage area.

- (2) Nothing in this subsection shall be construed to mean that the owner or owner's assigns shall be denied the right to use the sewers up to the approved designed capacities, as approved by the director of health and the director. Acceptance of the completed improvements by the director shall be made only after receipt of reproducible as-built plans.
  - (3) The director is hereby authorized to refuse the issuance of building permits or sewer construction permits for any residence, building or structure where such an addition, as determined by the director, would result in exceeding the design capacities of the sewers or sewerage facilities authorized in the special permit. The director may charge appropriate fees for evaluation of sewer connection requests and issuance of sewer connection permits to cover the additional administrative review and permit issuance costs associated with the connection. Connection fees shall be individually calculated based on staff estimates for each permit connection requested.
- (f) *Performance and maintenance bond.*
- (1) The director shall require the permittee to furnish a performance and maintenance bond, approved by the director of finance, equal to the estimated cost of the work; unless authorization for the construction of sidewalks and driveways within street rights-of-way, required by ordinance, has been granted by inclusion of those improvements in the building permit; and unless the requirement is waived as provided in subsection (f)(2) and (f)(3) of this section. The bond shall guarantee performance and completion of the work to the satisfaction of the director, within a time limit specified on the special permit. The following types of work shall also require the bond to guarantee maintenance without the need of any repair for two years:
    - a. Grading.
    - b. Curb, gutters, sidewalks and driveways.
    - c. Portland cement concrete and asphaltic concrete pavement, and other street appurtenances.
    - d. Sewers and appurtenances.
    - e. Stream buffer protection requirements.
  - (2) No maintenance bond is required for street lights or site disturbance activities.
  - (3) No performance and maintenance bond is required for the repair or replacement of existing sidewalks, curbs or driveways provided the sidewalks, curbs or driveways being permitted are not associated with improvement obligations established under chapter 88 of the Code.
  - (4) The director shall accept a single bond in accordance with the above for a two-year period, when said bond covers all required improvements and guarantees thereto in accordance with section 88-405-21.

- (5) The director may take action against the security if the applicant fails to install, complete or maintain the improvement in accordance with the special permit and the city's adopted standards for the duration of the permit. The director will provide the applicant with ten days written notice before any action is taken against the security.
- (g) *Indemnification of city during construction.* Before any permit is issued pursuant to this section, the permittee shall file a bond conditioned to protect and save harmless the city from all claims for damage or injury or death to other persons by reason of such construction work; or in lieu of such bond the permittee may file with the city a certificate of public liability insurance in favor of the city, indemnifying the city for claims for damage or injury. The limits and liability of the bond or insurance shall not be less than the following:
  - (1) Personal injury, each person: \$100,000.00;
  - (2) Personal injury, each occurrence: \$300,000.00;
  - (3) Property damage, each occurrence: \$50,000.00; and
  - (4) Property damage, aggregate: \$100,000.00;with the bond or insurance sureties to be approved by the director of finance.
- (h) *Commencement of work without permit.* Whenever any work for which a special permit is required by this section has commenced without first obtaining a special permit, a special investigation may be made before a special permit is issued for such work and all fees specified for obtaining such permit shall be tripled. This provision shall not be construed as permission to begin work without the required permit.
- (i) *Penalty.*
  - (1) Any person, whether owner, representative, contractor, subcontractor or foreman, who shall grade, construct, repair, reconstruct or alter any public street, pavement, curb, gutter, driveway, sidewalk or sewer within any public way, or any public sewer adjacent to or running through any private property within a public right-of-way, without first securing a special permit therefore, issued by the director, shall be deemed guilty of an ordinance violation, and upon conviction thereof shall be fined in an amount not less than \$52.00 and not more than \$518.00.
  - (2) For every day after the conviction of any person for the violation, failure, neglect or refusal to comply with any provision, regulation or requirement of this section, that such violation is continued, such person shall be deemed and taken to be guilty of a separate and distinct offense, for which he may be again arrested and tried, and, upon conviction, be punished as in the first offense.
- (j) *Adjustment of fees.* The city manager shall have the authority to adjust the fees listed above, except in subsection (d)(3), to reflect the change in the consumer price index (all items/all urban consumers/Midwest urban) published by the United States Department of Labor, Bureau of Labor Statistics. The adjustments,

if any, shall be made annually by the city manager in conjunction with the adoption of the annual budget of the city by filing a notice with the city clerk.

Section 5. That the City Manager is hereby directed to begin transition of authorization, enforcement, and regulatory duties concerning the issuance of permits related to streets, alleys, streetlights, streetlight signals, sidewalks, driveways, curbs and gutter, and retaining walls within the right-of-way to the Public Works Department and permits related to grading, site disturbance, stream buffer protection requirements, storm sewers, and sanitary sewers to the Water Services Department, including hiring any additional staff, making any other necessary personnel changes, and securing any necessary funding.

Section 6. Section 1. That sum of \$\_\_\_\_\_ is hereby appropriated from the unappropriated fund balance of the \_\_\_\_\_ to the following account:

XXXXXXXXXXXXX                      XXXXXXXXXXXXXXXXXXXXX                      XXXXXXXXXXXXXXX

..end

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

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Tammy L. Queen  
Director of Finance

Approved as to form:

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Dustin E. Johnson  
Associate City Attorney



# City of Kansas City, Missouri

## Docket Memo

Ordinance/Resolution #: 230741

Submitted Department/Preparer: Please Select

Revised 8/3/23

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 Chapters 60, 61, 63, and 64 of the Code of Ordinances for the purpose of transferring certain permitting functions from the City Planning and Development Department to the Water Services and Public Works Departments, directing the City Manager to begin transition of such services, and take steps to address staffing, financial, and legislative changes, and appropriating an unidentified amount of money from an unidentified fund.

### Discussion

Summary of changes:

Section 60-32: Construction of private sewage disposal systems

- Removes mention of the City Planning and Development department and replaces with references to the Water Services department

Section 61-20: Enclosing natural drainage ditches

- Removes mention of the City Planning and Development department and replaces with references to the Water Services department

Section 63-21: Title and authority

- Removes mention of the City Planning and Development department and replaces with references to the Water Services department

Section 63-24: Definitions

- Changes the definition of "Applicant" to specify that an individual must submit an application to the Director of Water Services for a site disturbance permit, from the Director of City Planning
- Changes the definition of "Director" to specify the Director of Water Services rather than the Director of City Planning
- Changes the definition of "Site disturbance permit" to reference the Director of Water Services rather than the Director of City Planning

Section 64-4: Construction or repair by property owner of facilities in adjacent right-of-way

- Changes the definition of “Director” from the Director of City Planning to either the Director of Public Works OR the Director of Water Services dependent on the type of work performed
  - Public Works: improvements to streets, alleys, streetlights, streetlight signals, sidewalks, driveways, curbs and gutter, and retaining walls within the right-of-way
  - Water Services: grading, site disturbance, stream buffer protection requirements, storm sewers, and sanitary sewers

This ordinance also directs the City Manager to transition work duties from the City Planning and Development department to either the Public Works or Water Services departments, dependent on the scope of work identified above.

The ordinance does not specify funding levels or account strings.

## Fiscal Impact

1. Is this legislation included in the adopted budget?  Yes  No
2. What is the funding source?  
Click or tap here to provide fund name(s) and the full account string.
3. How does the legislation affect the current fiscal year?  
Click or tap here to enter text.
4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.  
Click or tap here to enter text.
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?  
Click or tap here to enter text.

### 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

3. Account string has been verified/confirmed.  Yes  No

**Additional Discussion (if needed)**

There has been no funding amount or account string provided to complete a fiscal analysis of this ordinance.

**Citywide Business Plan (CWBP) Impact**

1. View the [FY23 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?  
Please Select (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
  - 
  - 
  - 
  - 
  - 
  -

**Prior Legislation**

Click or tap here to list prior, related ordinances/resolutions.

**Service Level Impacts**

Click or tap here to provide a description of how this ordinance will impact service levels. List any related key performance indicators and impact.

**Other Impacts**

1. What will be the potential health impacts to any affected groups?  
Click or tap here to enter text.
2. How have those groups been engaged and involved in the development of this ordinance?  
Click or tap here to enter text.

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

Click or tap here to enter text.

4. Department staff certifies the submission of any applicable Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), Non-Discrimination documents, and Letters of Intent to Subcontract (LOIs) to CREO prior to the legislation entry request in Legistar.

Please Select (Press tab after selecting)

Click or tap here to enter text.

5. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

No(Press tab after selecting)

6. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?

No(Press tab after selecting)



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**File #: 230967**

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RESOLUTION NO. 230967

Sponsor: Councilmember Lindsay French

RESOLUTION - Directing the City Manager to review the Minority and Women's Business Enterprise Program personal net worth requirements and business size standards; directing the City Manager to review personal net worth requirements and business size standards in peer cities; directing the City Manager to analyze potential legal risks of altering personal net worth requirements and business size standards; directing the City Manager to issue a request for proposals to conduct a disparity study; directing the City Manager to pause graduation and termination from the program; and directing the City Manager to report back within 45 days.

WHEREAS, the City Council seeks staff expertise in reviewing certain aspects of the City's Minority and Women's Business Enterprise Program; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Manager is hereby directed to review the program personal net worth requirements and business size standards that apply to the Minority and Women's Business Enterprise Program.

Section 2. That the City Manager is hereby directed to review MBE/WBE program personal net worth requirements and business size standards in peer cities.

Section 3. That the City Manager is hereby directed to analyze potential legal risks of altering the MBE/WBE program personal net worth requirements and business size standards.

Section 4. That the City Manager is hereby directed to issue a request for proposals to conduct a disparity study.

Section 5. That the City Manager is hereby directed to pause graduation and termination from the MBE/WBE program until the above analysis and a new disparity study are completed.

Section 6. That the City Manager is hereby directed to present the above findings to council within (45) days of the passage of this resolution.

..end

**No Docket Memo  
Provided for  
Resolution No.  
230967**



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**File #: 231017**

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ORDINANCE NO. 231017

Sponsor: Councilmember Melissa Patterson-Hazley

Amending Chapter 3, Code of Ordinances, by deleting Section 3-457, “Procedures for all other contracts,” and inserting in lieu thereof a new Section 3-457 of like title, for the purpose of giving the Director of the Civil Rights and Enforcement Opportunity (“CREO”) Department the discretion to allow certain request for proposal (“RFP”) documents to be submitted prior to a notice to proceed on Housing and Community Development Department or other incentive projects.

WHEREAS, Section 3-457 sets out MBE/WBE document procedures required for certain City contracts to be executed, including when a notarized contractor utilization plan (“CUP”), letter of intent to subcontract (“LOI”) and request for waiver of contract goals must be submitted; and

WHEREAS, Section 3-457 requires CUPs, LOIs and request for waiver of contract goals be submitted; and

WHEREAS, the nature of Housing and Community Development Department incentive contracts, such as Central City Economic Development and Housing Trust Fund contracts, necessitates discretion by the Director of CREO to allow for submission of those documents at a later time, but before a notice to proceed is issued; and

WHEREAS, requiring these documents prior to contract award of Housing and Community Development Department incentive contracts has caused issues due to several reasons, such as:

1. many projects have multiple capital stacking applications in the pipeline, and some incentive funds can be used for predevelopment costs, which would need to be available sooner, rather than later;
2. the current requirement can prevent or hold up closings due to financial contract requirements from lenders; and
3. many projects have federal funds included in their capital stack and include prohibitions of bidding until after final closing since bid shopping is prohibited; and

WHEREAS, a later timeline for these documents will help facilitate movement of projects in areas with much need for economic development; and

WHEREAS, such flexibility may prove beneficial to similar contracts from other departments; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 3, Code of Ordinances, is hereby amended by deleting Section 3-457, "Procedures for all other contracts," and inserting in lieu thereof a new Section 3-457 of like title and subject matter, said section to read as follows:

**Sec. 3-457. Procedures for all other contracts.**

The following procedures shall apply to all contracts not covered by Section 3-455 and 3-456, and for which goals have been established:

- (1) For contracts awarded pursuant to competitive bidding, bidders shall submit an affidavit of intended utilization with their bid. Within 48 hours after bid opening, they shall submit the following additional documentation:
  - a. A notarized contractor utilization plan in conformance with section 3-433 hereof; and
  - b. Letters of intent to subcontract; and
  - c. A request for waiver of contract goals pursuant to subsection 3-437(a) if the bidder failed to meet or exceed the goals.
  
- (2) For contracts awarded pursuant to requests for proposals, proposers shall submit an affidavit of intended utilization with their proposal. Prior to the award of any contract, they shall submit the following additional documentation:
  - a. A notarized contractor utilization plan in conformance with section 3-433 hereof; and
  - b. Letters of intent to subcontract; and
  - c. A request for waiver of the contract goals pursuant to subsection 3-437(a) if the proposer fails to meet or exceed the goals.

The Director is authorized to allow the award of a Housing and Community Development Department or other incentive contract without the additional documentation listed in items (a), (b), & (c) above, as long as they are submitted prior to the issuance of a notice to proceed.

- (3) Timely submission of the contractor utilization plan is a material element of the bid submission. The director is authorized to extend the 48-hour deadline for the letters of intent to subcontract but not the deadline for submission of the contractor utilization plan.
- (4) Documentation of good faith efforts shall be submitted when requested by the city or the incentive agency.
- (5) Any increase in the amount of MBE/WBE participation after submission of the contractor utilization plan shall not count toward meeting the contract goals, unless otherwise permitted under section 3-443 hereof.

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Approved as to form:

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Joseph A. Guarino  
Senior Associate City Attorney

**No Docket  
Memo Provided  
for Ordinance  
No.  
231017**