

CITY OF MISSION, KANSAS
FINANCE & ADMINISTRATION COMMITTEE

WEDNESDAY, DECEMBER 12, 2018

6:30 P.M.

Mission City Hall

PUBLIC HEARINGS / PUBLIC COMMENTS

PUBLIC PRESENTATIONS / INFORMATIONAL ONLY

1. Tobacco 21 Ordinance - Laura Smith ([page 5](#))

Councilmembers Davis and Thomas have requested that discussion of a Tobacco 21 Ordinance for the City of Mission be placed on the December Finance & Administration Committee meeting agenda. The ordinance would raise the legal age for buying tobacco products from 18 to 21, essentially prohibiting retail businesses from selling tobacco related products to those under the age of 21. Possession and consumption by persons between the ages of 18 and 21 would remain legal.

ACTION ITEMS

2. Non-Discrimination Ordinance - Laura Smith ([page 75](#))

Following discussion at the October 3 and November 14 Committee meetings, Council directed staff to move forward to draft a Non-Discrimination Ordinance as an action item in December. The intent of the ordinance would be to provide uniform legal protection within the City of Mission prohibiting discrimination in employment, housing and public accommodations on the basis of race, color, religion, national origin, ancestry, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or military status. In addition, the ordinance would provide for and outline a complaint and enforcement process. A draft of the proposed ordinance, with modifications since the November 14 meeting redlined, has been included for review and consideration.

3. Resolution to Call Public Hearing on Establishing CID, Roeland Court Townhomes - Laura Smith ([page 86](#))

On August 21-22, 2017, a subsidence of the parking lot/parking area of the Roeland Court Homes Association (RCHA) occurred. Since that occurrence, City staff have been working with the residents, consultants and engineers to address the situation. The City and the RCHA have acknowledged that there would likely continue to be fundamental differences in the findings regarding the cause(s) of the subsidence and decided that exploring a cooperative

solution was desirable. Staff, the RCHA and GBA worked to develop a solution that would create a Community Improvement District (CID). A CID would allow a special assessment component to be activated to allow property owners a longer period of time over which to repay repair costs. The RCHA has submitted a valid petition for consideration by the City Council. The next step in the process is for the Council to consider a Resolution officially calling a public hearing on the CID petition. If approved the public hearing would be set for January 16, 2019 at 7:00 p.m.

4. KERIT Renewal - Brian Scott ([page 122](#))

The City has been a member of the Kansas Eastern Regional Insurance Trust (KERIT), a workers compensation pool, since 2009. The Trust is comprised of eighteen member cities and counties. Workers compensation premiums are based on the City's annual payroll, the level of exposure to risk that certain jobs may entail, and an experience modifier that reflects past claims. The 2019 premium for workers compensation coverage has been estimated at \$92,339 an increase of 3% over 2018 estimated. Funds in the amount of \$106,000 were included in the 2019 approved budget.

5. Personnel Policy & Guidelines Update - Laura Smith ([page 124](#))

The City conducts an annual review and update of its Personnel Policy and Guidelines to insure compliance with current practices and state and federal laws. This item details and outlines the proposed changes to become effective January 1, 2019.

6. Property / Casualty / General Liability Renewals - Brian Scott ([page 195](#))

The City maintains several lines of insurance coverage including property, inland marine, automobile, crime, and general liability with the intent of reducing the City's exposure to risk and protecting assets. Staff is recommending that the City obtain these from Travelers Insurance company for the policy period of January 1, 2019 through December 31, 2019 at an estimated, total annual premium not to exceed \$119,868. Staff is also recommending that cyber-liability insurance be obtained from Axis Insurance Company for \$3,238.

7. 2019 IT Support Services Contract - Brian Scott ([page 199](#))

The City of Mission has had an interlocal agreement with Johnson County Department of Technology and Innovation since 2011 for the provision of computer network support. This agreement provides the City with access to the County's main network (including internet access), as well as network server back-ups, monitoring, security and general support. Staff is recommending approval of the intergovernmental agreement for 2019 at a cost of \$54,738, a 3% increase over 2018.

8. Alcohol Tax Fund Recommendations - Brian Scott ([page 203](#))

By statute, the State of Kansas imposes a 10 percent Liquor Drink Tax (aka Alcohol Tax) on the sale of any drink containing alcoholic liquor sold by clubs, caterers, or drinking establishments. Revenue derived from this tax is allocated 30 percent to the State and 70 percent to the city or county where the tax is collected. State statutes further provide that a

third of what is allocated to cities be placed in a Special Alcohol Tax Fund to support programs “whose principal purpose is alcoholism and drug abuse prevention or treatment of persons who are alcoholics or drug abusers, or are in danger of becoming alcoholics or drug abusers.” (KSA 79-41a04 1997). The Alcohol Tax funds allocated to the City of Mission are estimated to be \$234,000 for 2019. A third of these funds - \$78,000 - will be proportioned to the City’s Special Alcohol Tax Fund. The Drug and Alcoholism Council (DAC), a program supported by the United Community Services of Johnson County, offers grants each year to various organizations within the county that provide alcohol and drug abuse prevention and treatment programs. Staff recommends that \$40,000 of the City’s Special Alcohol Tax Fund be placed with the DAC to support the programs detailed in the attached report report.

9. Contracts for Animal Control Services - Laura Smith ([page 247](#))

In May 1983, the cities of Fairway, Mission, Mission Woods, Roeland Park, Westwood, and Westwood Hills entered into an agreement to create the Northeast Animal Control Commission (NEACC). In recent years, NEACC members have engaged in ongoing conversations regarding the quality and level of services received compared to costs. Various members have expressed a desire to leave the Commission and/or explore alternative service delivery methods. After careful evaluation, Mission believed our residents would be better served if animal control services were provided in-house through Community Service Officers (CSOs). Recognizing that Mission’s exit from NEACC would have a significant financial impact for the other NEACC cities, the City committed to offering animal control services to other current NEACC members on a contractual basis. Contract documents were developed and reviewed by all current NEACC member cities, and the respective Governing Bodies of Roeland Park, Fairway, Westwood, and Mission Woods have all approved contracts to become effective January 1, 2019. These contracts are now ready for review and approval by Mission’s City Council. Staff will be seeking authority to execute the contract documents as presented.

10. 2018 Budget Amendments - Laura Smith ([page 287](#))

The adopted annual budget establishes the maximum expenditure authority for each fund or taxing authority for that particular fiscal year. Exceeding these expenditures without formally amending the budget is a violation of Kansas budget statutes. Furthermore, state law requires that a public hearing be held when amending the budget. The 2018 Budget needs to be amended to cover additional expenditures in the Mission Convention and Visitors Bureau (MCVB) Fund. The Council will hold a public hearing on the amendment at the December 19 City Council meeting.

11. 2019 Budget Ordinance - Laura Smith ([page 290](#))

As one of the final steps in the annual budget process, the City takes formal action to adopt the 2019 Budget by ordinance. There are no changes proposed to the budget adopted by the City Council in August.

12. Ordinance Directing City Administrator to Spend According to Budget - Laura Smith
([page 292](#))

As part of the annual budget process, the City Council takes formal action to authorize the City Administrator to spend according to the 2019 adopted budget.

13. CMB License Renewals - Martha Sumrall ([page 294](#))

Businesses with Cereal Malt Beverage (CMB) licenses must be renewed annually and require approval by the City Council. Five businesses have applied to renew their CMB licenses for the period January 1, 2019 through December 31, 2019.

DISCUSSION ITEMS

14. 2019 Legislative Priorities - Laura Smith ([page 295](#))

Staff will solicit input from the Council regarding specific issues or items they would like to see incorporated into the 2019 Legislative Program that will be presented in January.

OTHER

15. Department Updates - Laura Smith

Nick Schlossmacher, Chairperson
Ken Davis, Vice-Chairperson
Mission City Hall, 6090 Woodson St
913-676-8350

City of Mission	Item Number:	1.
DISCUSSION ITEM SUMMARY	Date:	December 4, 2018
ADMINISTRATION	From:	Laura Smith

Discussion items allow the committee the opportunity to freely discuss the issue at hand.

RE: Consideration of a Tobacco 21 Ordinance

DETAILS: Councilmembers Davis and Thomas have requested that discussion of a Tobacco 21 Ordinance for the City of Mission be placed on the December Finance & Administration Committee meeting agenda. The ordinance would raise the legal age for buying tobacco products from 18 to 21, essentially prohibiting retail businesses from selling tobacco related products to those under the age of 21. Possession and consumption by persons between the ages of 18 and 21 would remain legal.

In November 2015, the Shawnee Mission School District Board of Education unanimously passed a resolution supporting passage of ordinances, asking their fourteen (14) constituent cities to increase the tobacco purchasing age to 21. The City Council discussed this request, and for an ordinance in December 2015, electing at that time not to advance the issue for further action. Currently in Johnson County, the cities of Overland Park, Olathe, Lenexa, Leawood, Prairie Village, Merriam, Roeland Park, Mission Hills, Westwood and Westwood Hills have adopted Tobacco 21 ordinances.

In Mission, five retail businesses are tobacco vendors and would be affected by such an ordinance. Those include:

<u>Name / DBA</u>	<u>Address</u>
Dollar General	5312 Martway St
HyVee	6655 Martway St
HyVee Gas	6645 Martway St
QuikTrip #194	4700 Lamar Ave
Short Stop BP	5500 Johnson Dr

Included in the packet for review and discussion purposes are the following:

1. December 2015 Committee Agenda Packet
2. December 2015 Committee minutes
3. T21 Combined Fact Sheet
4. KC Star Editorial, 2016
5. Tobacco and the Military position paper
6. SM East Harbinger - "From Craze to Epidemic" article
7. E-mail from City of Overland Park regarding enforcement of T21 ordinance
8. Shawnee Mission School District T21 Statement of Position

Related Statute/City Ordinance:	
Line Item Code/Description:	
Available Budget:	

City of Mission	Item Number:	1.
DISCUSSION ITEM SUMMARY	Date:	December 4, 2018
ADMINISTRATION	From:	Laura Smith

Discussion items allow the committee the opportunity to freely discuss the issue at hand.

In addition to the materials included in the packet, several speakers are anticipated to present at the Committee meeting including: Scott Hall, Greater KC Chamber of Commerce, Dr. John McKinney, Director of Family Services, Shawnee Mission School District, Nicole Brown, Johnson County Health Department, Tracy Russell, American Heart Association, Dr. Delwyn Catley, Tobacco Control Researcher, Children’s Mercy Hospital and students from SM East High School.

There is currently a case (DWAGFYS Manufacturing, Inc. v. City of Topeka, Case Number 119,269) pending before the Kansas Supreme Court that is anticipated to be heard in the first quarter of 2019. The case concerns the Constitutional Home Rule authority of cities guaranteed by Article 12, Section 5 of the Kansas Constitution. Specifically, whether the Kansas Cigarette and Tobacco Products Act would preempt cities from prohibiting the sale of cigarettes, electronic cigarettes, tobacco products, and liquid nicotine to persons under the age of 21 years.

Following the presentation, staff will be looking for Council guidance and direction on whether there is interest in pursuing this proposal and bringing back an action item on a future Committee agenda. If that is the preferred path, staff would engage various stakeholder groups for input and feedback and work with the City Attorney to prepare an ordinance for consideration.

CFAA CONSIDERATIONS/IMPACTS: NA

Related Statute/City Ordinance:	
Line Item Code/Description:	
Available Budget:	

Tobacco 21 – Item 1

December 2015 Finance & Administration Committee Packet

City of Mission	Item Number:	11.
DISCUSSION ITEM SUMMARY	Date:	December 2, 2015
ADMINISTRATION	From:	Glen Cole

Discussion items allow the committee the opportunity to freely discuss the issue at hand.

RE: Discussion of Tobacco Twenty-one Initiative

DETAILS: In mid-November, the cities of Kansas City, Missouri and Kansas City, Kansas (Unified Government) passed ordinances to raise the legal age for buying tobacco from 18 to 21. The ordinances only prohibit retail businesses from selling tobacco to those under the age of 21; possession and consumption by persons between the ages of 18 and 21 remains legal.

At their November 23rd meeting, the Shawnee Mission Board of Education unanimously passed a resolution supporting these actions and asking their 14 constituent cities to increase the tobacco purchasing age to 21. Accordingly, staff has brought this issue forward for the committee's review and consideration.

Attached is a fact sheet presenting arguments in favor of raising the tobacco purchasing age. This brief is a publication of HealthyKC, a partnership between the Greater Kansas City Chamber of Commerce and Blue Cross and Blue Shield of Kansas City.

The City currently does not regulate the sale or possession of tobacco under its ordinances, but would be able to enact new language to make this change. If an officer were to cite a minor for possession within Mission today, it would be under the applicable state statute (K.S.A. 79-3301 et seq.).

In total, six Mission businesses are retail tobacco vendors and would be affected:

Name / DBA	Address
Dollar General	5312 Martway St
HyVee	6655 Martway St
HyVee Gas	6645 Martway St
QuikTrip #194	4700 Lamar Ave
Short Stop BP	5500 Johnson Dr
Sully's Pub	5436 Johnson Dr

Following the committee's discussion, staff will be seeking direction as to how, if at all, the City Council may desire to enact this initiative. If requested, an ordinance would come forward for consideration at the committee's January meeting.

Attachments:

- HealthyKC Fact Sheet
- Prairie Village Post story
- SMSD Resolution
- Unified Government Action Item / Ordinance

Related Statute/City Ordinance:	Chapter 225: Smoking Regulations
Line Item Code/Description:	N/A
Available Budget:	N/A



TOBACCO ~~eighteen~~ twenty-one

Reducing Youth Smoking in KCK & Wyandotte County

The Problem:

- » The primary cigarette source for underage smokers is their 18 to 20 year old peers.
- » Over 80% of high school seniors are older than 18 when they graduate.
- » Adolescent brains are still developing and are uniquely sensitive to nicotine addiction.
- » More than 95% of long-term smokers started before age of 21.
- » While youth cigarette smoking is slowly declining, e-cigarette use among youth has more than doubled in recent years.
- » E-cigarettes contain nicotine, toxic chemicals and carcinogens and are currently available to 18-year-olds.
- » Smokers cost up to 40% more than non-smokers in health care costs.
- » For private businesses, smoking employees have an excess cost of, on average, \$5,816 per year.

Our Proposal:

- » **Increase the minimum age of sale and purchase of tobacco products, e-cigarettes, vapor products and paraphernalia to 21.**

The Health Impact:

- » Data from Needham, MA shows a nearly 50% reduction in tobacco use by teens since their Tobacco 21 policy change in 2005. This decrease significantly exceeded reductions in peer communities over the same amount of time.
- » March 2015, Institute of Medicine study estimated that Tobacco 21 would reduce smoking among 15-17 year old by 25% and among 18-20 year olds by 15%
- » Fewer smokers before 18 lead to fewer long-term smokers reducing overall smoking rates by an estimated 12%.

The Business Impact:

- » A recent study from The Ohio State University estimated that the average smoker costs a private employer \$5,218 per year in excess costs related to their smoking.
- » The American Journal of Public Health - "*Retail Impact of Tobacco Sales Age to 21 Years*" - estimated only a 2% decrease in annual total tobacco sales due to Tobacco 21.

Supporters:

- » 75% of U.S. adults, including 70% of current smokers.
- » Over 80 cities in seven states and the entire state of Hawaii have passed Tobacco 21.
- » Health organizations throughout the KC metro area.

Shawnee Mission School District urges Johnson County cities to raise tobacco age to 21

[1]



[2]

On a unanimous vote Monday, the Shawnee Mission School District Board of Education passed a resolution supporting Kansas City, Mo., and Kansas City, Kan., for raising the legal age to purchase tobacco to 21 years old and urging the 14 Johnson County municipalities it serves to do the same.

The resolution comes two months after a group from the Healthcare Foundation of Greater Kansas City lobbied the district to support its efforts to raise the tobacco purchasing age throughout the metro area.

While the resolution has no impact on current district policy regarding tobacco — all tobacco use is banned on school district property, and students are not permitted to have tobacco products on campus — the board members indicated they hoped it would prompt meaningful legal change at the city level.

“In this statement here we are also prompting our 14 cities, which comprise Shawnee Mission, to take a very good look at also supporting this initiative here,” said board member Deb Zila. “I think this board and this district is committed to doing what’s best for kids. And this, I think, is what’s best for kids.”

Zila noted that a preponderance of research indicates that delaying the age at which youth pick up the habit has a significant impact on their experience with tobacco. People who don’t start smoking as teenagers are less likely to ever start using tobacco.

The current tobacco purchasing age is 18 in all 10 of northeast Johnson County’s municipalities. The statement voted on by the board encourages the same restrictions for smokable tobacco with smokeless products and e-cigarettes.

The school board’s Statement of Position on Health and Wellbeing related to tobacco purchasing is embedded below:

Links

1. http://pvpost.cdn.s3.amazonaws.com/shared/content/uploads/2015/11/24071800/Teen_Smokin.jpg
2. http://pvpost.cdn.s3.amazonaws.com/shared/content/uploads/2015/11/24071800/Teen_Smokin.jpg

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STATEMENT OF POSITION - HEALTH AND WELLBEING

The Shawnee Mission Board of Education believes all students, staff, parents and patrons should strive to maintain healthy lifestyles.

The Shawnee Mission Board of Education recognizes and appreciates recent actions taken by the governing bodies of Kansas City, Missouri, and Kansas City, Kansas, to increase the legal age for purchase of tobacco products, including e-cigarettes and smokeless tobacco, to age 21.

The Shawnee Mission Board of Education hereby encourages governing bodies of the fourteen Johnson County municipalities served by the Shawnee Mission School District to consider increasing the legal age for purchase of tobacco products, including e-cigarettes and smokeless tobacco, to age 21.

Adopted November 23, 2015

Shawnee Mission School Board

Sara Goodburn, President



Staff Request for Commission Action

Tracking No. 15241

Full Commission Meeting Date: 11/19/2015

Committee: Full Commission

Date of Standing Committee Action: October 26, 2015
(If none, please explain):

Publication Required: Yes 11/26/2015

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
11/13/2015	Misty Brown, Senior Attorney	x5067	mbrown@wycokck.org	Legal

Item Description:

An ordinance revision that raises the age to buy cigarettes, electronic cigarettes, and tobacco products in Kansas City, Kansas to 21 years of age, submitted by Misty Brown, Senior Attorney. .

Action Requested:

Consideration of ordinance revision.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Ordinance Tabacco 21, Information Sheet

Published _____

ORDINANCE NO. _____

An ordinance relating to raising the age to buy tobacco products to 21 years of age in the City of Kansas City, Kansas; amending Section 22-204.

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

Section 1. That Section 22-204 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

ARTICLE VI. – OFFENSES AGAINST PUBLIC MORALS

Sec. 22-204. Selling, Giving or Furnishing cigarettes or tobacco products to a minor or selling cigarettes or tobacco products to any person under 21 years of age.

- (a) It shall be unlawful for any person to:
- (1) Sell, furnish or distribute to any person under the age of 18 years any cigarettes, electronic cigarettes, or tobacco products; or
 - (2) Buy any cigarettes, electronic cigarettes, or tobacco products for any person under 18 years of age; or
 - (3) Sell to any person under the age of 21 years any cigarettes, electronic cigarettes, or tobacco products.
- (b) It shall be a defense to a prosecution under subsection (a) of this section if:
- (1) The defendant is a licensed retail dealer, or employee thereof, or a person authorized by law to distribute samples;
 - (2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person under 18 years of age or sold the cigarettes, electronic cigarettes or tobacco products to the person under 21 years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes, electronic cigarettes or tobacco products; and
 - (3) To purchase or receive the cigarettes, electronic cigarettes, or tobacco products, the person under 18 years of age exhibited to the defendant a driver's license, Kansas non driver's identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive cigarettes, electronic cigarettes, or tobacco products; and
 - (4) To purchase the cigarettes, electronic cigarettes, or tobacco products, the person under 21 years of age exhibited to the defendant a driver's license, Kansas non driver's identification card or other official or apparently official document containing a photograph of the person and purporting to establish

that the person was of legal age to purchase or receive cigarettes, electronic cigarettes, or tobacco products.

- (c) It shall be a defense to a prosecution under subsection (a) of this section if:
- (1) The defendant engages in the lawful sale, furnishing or distribution of cigarettes, electronic cigarettes, or tobacco products by mail; and
 - (2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53-601, that the person was 18 or more years of age or the defendant sold the cigarettes, electronic cigarettes, or tobacco products to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53-601, that the person was 21 or more years of age.
- (d) For purposes of this section, the person who violates this section shall be the individual directly selling, furnishing or distributing the cigarettes, electronic cigarettes, or tobacco products to any person under 18 years of age or the individual directly selling the cigarettes, electronic cigarettes, or tobacco products to any person under 21 years of age or the retail dealer who has actual knowledge of such selling, furnishing or distributing by such individual or both.
- (e) *Electronic cigarette or e-cigarette* means a device that delivers nicotine or other substances to the person inhaling from the device, including but not limited to any electronic cigarette, cigar, pipe, or hookah, including any component, part, or accessory of such a device, whether or not sold separately. E-cigarette shall not include any products that have been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.
- (f) It is unlawful for any person who is a retail dealer to fail to post and maintain in a conspicuous place in the dealer's establishment the following notice: "BY LAW, CIGARETTES AND TOBACCO PRODUCTS MAY BE SOLD ONLY TO PERSONS 21 YEARS OF AGE AND OLDER."
- (f-g) Violation of this section is a class B violation punishable by a minimum fine of \$200.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the Wyandotte Echo.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,**

THIS _____ DAY OF _____, 2015.

Mark Holland, Mayor/CEO

Attest:

Unified Government Clerk

Approved As To Form:

Misty Brown, Assistant Counsel

Tobacco 21 – Item 2

December 2015 Finance & Administration Committee Minutes

MINUTES OF THE MISSION FINANCE & ADMINISTRATION COMMITTEE
December 9, 2015

The Mission Finance and Administration Committee met at Mission City Hall, Wednesday, December 9, 2015 at 6:30 p.m. The following committee members were present: Suzie Gibbs, Debbie Kring, Amy Miller, Pat Quinn, Arcie Rothrock, Dave Shepard, and Jason Vaughn. Councilmember Rothrock called the meeting to order at 6:30 p.m.

Also present were City Administrator Laura Smith, City Clerk Martha Sumrall, Finance Director Brian Scott, Parks & Recreation Director Christy Humerickhouse, Police Chief Ben Hadley, Sgt. Rob Meyers, Sgt. Kirk Lane, Public Works Director John Belger, Public Information Officer Emily Randel, and Management Assistant Glen Cole.

Public Hearing on 2015 Budget Amendments

Mr. Scott stated that as a requirement to amend the 2015 Budget, a public hearing must be held. He stated that the proposed amendment to the budget is not the result of unanticipated or unauthorized expenditures, but rather the result of cash flow/timing issues and developing an expenditure history. The two funds to be amended are the Capital Improvement Fund and Mission Crossing TIF Fund. Neither of these will increase the mill levy or any fees.

The public hearing on the 2015 Budget Amendments was opened and public comments were invited. There being no public comments, the public hearing was closed.

Ms. Smith stated that the actual adoption of the proposed budget amendment will be by resolution considered under item 6 on this agenda.

Body Camera Demonstration

Sgt. Lane stated that the Police Department has received the new body worn cameras, and demonstrated where the cameras are worn on their uniforms, noting that depending on how tall an officer is, this will be at different locations. He presented a video that showed several staged stops and what videos will look like from different officers. He stressed that not all videos will be perfect. Councilmember Quinn asked whether videos will be edited and Sgt. Lane stated that they will not. He stated that dash camera videos will also still be utilized and available. Chief Haley discussed the department's policy regarding video recordings, the retention policy and storage capacity on the server, and how the videos are downloaded when an officer comes off a shift. Chief Hadley stated that the officers like the new body worn cameras, and the transparency is good for both the officer and the public.

This item was informational only and no action was taken.

Classification and Salary Schedule

Mr. Scott stated the pay ranges and class of positions are reviewed annually, and are adjusted according to CPI. CPI through October of this year increased .2% and therefore staff is not recommending any changes to the current pay ranges for 2016. He stated that all positions are reviewed with current market data, and an evaluation of internal equity among positions was also conducted. No changes are recommended. These recommendations are for full-time staff only, and staff will review part-time and lifeguard salaries in the coming months. There was no discussion on this item.

Councilmember Miller recommended that the proposed 2016 Classification and Compensation Plan be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

Personnel Policy & Guidelines Update

Mr. Scott reported that each year staff conducts a review of the City's Personnel Policies and Guidelines. This review is done in conjunction with an external HR consultant to ensure that the City's personnel policies conform with the most current federal and state regulations, and accurately reflect the City's current policies and practices. He stated that most of the proposed changes reflect organizational restructuring that has occurred, clarification of benefit administration, and clarification of disciplinary practices. The committee discussed various changes recommended, with Mr. Scott noting that the most significant change falls under disciplinary practices and the clarification of steps to be taken during disciplinary action.

Councilmember Quinn recommended that the ordinance adopting the changes proposed to the City of Mission's Personnel Policies and Guidelines effective January 1, 2016 be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

KERIT Workers Compensation Renewal

Mr. Scott stated that the City's 2016 premium for workers compensation through KERIT is estimated to be \$80,470, which is 4% lower than the 2015 premium. KERIT continues to maintain a strong emphasis on loss control, and member cities routinely receive a dividend from the trust when prior claim years are closed out. Mission recently received a dividend of \$9,995 from KERIT.

Councilmember Kring recommended that the 2016 workers compensation coverage through KERIT for an estimated annual premium of \$80,470 be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

Property / Casualty / General Liability Renewals

Mr. Scott stated that the City maintains several lines of insurance coverage including property, inland marine, automobile, crime and general liability with the intent of reducing the City's exposure to risk and protecting assets. OneBeacon has been the City's carrier for the last several years and our premium has dropped over the past few years. This year the premium will be reduced by another 4% to \$112,073. He also provided information on excess liability that would provide coverage for claims that fall outside of the Kansas Tort Claims Act (i.e. Federal court), and stated that staff recommends adding this coverage for an additional \$7,884. This would bring the total premium for 2016 to \$119,957. Discussion by the committee continued on how the premium is determined.

Councilmember Quinn recommended that the renewal of coverages with OneBeacon for the policy period of January 1, 2016 through December 31, 2016 at an estimated total annual premium not to exceed \$120,000 be forwarded to Council. All on the committee agreed. This will be a consent agenda item.

Alcohol Tax Fund Recommendations

Mr. Scott provided information on the recommended 2016 Alcohol Tax Fund allocations. The State imposes a 10% Liquor Drink Tax of which 70% goes to the city where the tax is collected. Of this 70%, one-third is allocated to the General Fund, one-third to Parks & Recreation Fund, and one-third to Special Alcohol Fund, which must be used to support programs that address alcoholism and drug abuse prevention or treatment. It is estimated that \$48,333 will be allocated to our Special Alcohol Fund with \$15,000 supporting the DARE program and \$30,000 provided to agencies designated by the Drug & Alcoholism Council of Johnson County. There was no discussion on this item.

Councilmember Gibbs recommended that the recommended 2016 Alcohol Tax Fund allocations be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

2015 Budget Amendments

Mr. Scott reiterated the information provided during the Public Hearing earlier in the meeting regarding the amendment to the 2015 Budget, noting that this is not increasing the budget but is just making adjustments due to cash flow/timing issues and to develop an expenditure history. The funds to be amended are the Capital Improvement Fund and the Mission Crossing Tax Increment Financing Fund.

Councilmember Miller recommended that the resolution to amend the maximum expenditure limits for the Capital Improvement Fund and the Mission Crossing Tax Increment Financing

Fund in the 2015 Budget be forwarded to Council for approval. All on the committee agreed, but this will not be a consent agenda item.

2016 Budget Ordinance

Mr. Scott reported that as part of the annual budget process, the City takes formal action to adopt the 2016 Budget by ordinance. This ordinance represents one of two ordinances that are considered each December to finalize the City's annual budget and to provide expenditure authority. He stated that there are no changes to the budget that was approved by Council in August. There was no discussion on this item.

Councilmember Miller recommended that the ordinance adopting the 2016 Budget for the City of Mission be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

Ordinance Directing the City Administrator to Spend According to Budget

Ms. Scott stated that this is a "housekeeping" ordinance that authorizes the City Administrator to spend according to and within the limits of the budget and purchasing policy. There was no discussion on this item.

Councilmember Shepard recommended that the ordinance authorizing the City Administrator to make expenditures in accordance with the adopted 2016 Annual Budget be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

Crossing Guard Contract

Sgt. Meyers presented information on the proposed contract with Securitas Security Services to provide crossing guard services for both Rushton and Highlands elementary schools. He stated that in 2014 the City lost two of four crossing guards and was unable to fill these open positions. At that time, we outsourced the positions with Securitas. The proposed contract will keep the current crossing guards at the same salary as Securitas employees. He stated that the City has been pleased with the services provided and that the average costs will be \$1,400 per month, depending on the school calendar. The agreement cumulatively totals \$12,750 or less during the fiscal year.

Councilmember Miller recommended that the Agreement for School Crossing Guard Services for 2016 with Securitas Security Services USA be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

CMB License Renewals

Ms. Sumrall stated that Council must annually approve Cereal Malt Beverage Licenses for the upcoming year. Renewal applications include Johnny's BBQ, Hy-Vee Grocery and Convenience stores, ShortStop BP, and QuikTrip. There was no discussion on this item.

Councilmember Kring recommended that the 2016 Cereal Malt Beverage License Renewals be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

Discussion of Age 21 to Purchase Tobacco Ordinances

Mr. Cole stated that recently the cities of Kansas City, Missouri and Kansas City, Kansas (Unified Government) passed ordinances to raise the legal age for buying tobacco from 18 to 21. These ordinances only prohibit the selling of tobacco to anyone under the age of 21; possession and consumption by persons 18-21 remains legal. The Shawnee Mission Board of Education has passed a resolution supporting these ordinances and has asked the 14 constituent cities to consider this action also.

Councilmember Miller stated that the state/federal laws regarding the purchase of tobacco should be the first to change, and feels this is the "cart before the horse." Councilmember Kring questioned if other cities have taken action on this issue, and Ms. Smith stated that they are beginning the discussion. Councilmember Quinn expressed his concerns with someone being able to go into the service, but can not buy cigarettes. Ms. Smith stated that the argument has been to delay young people from trying tobacco products. Councilmember Gibbs stated that she did not believe that changing the law would make a significant difference and that it would be more for the Police Department to monitor. Councilmember Quinn also expressed his concerns with "laying this issue in the laps of cities." Councilmember Vaughn stated that he supports following federal laws and Councilmember Rothrock stated that she too feels this would just be additional work for the Police Department.

The committee agreed to not move forward with further discussions/action on this issue.

Meeting Close

There being no further business to come before the Committee, the meeting of the Finance and Administration Committee adjourned at 7:20 p.m.

Respectfully submitted,

Martha Sumrall
City Clerk

Tobacco 21 – Item 3
T21 Combined Fact Sheet



Reducing Youth Smoking in Greater Kansas City

The Problem:

- » 24.1% of Kansas high school students are current tobacco users. (*Nationwide Avg. 22.4%*)
- » 23.1% of Missouri high school students are current tobacco users.
- » 22% of Kansans are current cigarette smokers. (*Nationwide Avg. 21.2% - Ranked 31st*)
- » 25% of Missourians are current cigarette smokers. (*Ranked 43rd*)
- » Approximately 90% of adult smokers start before age 18.
- » The primary cigarette source for underage smokers is their 18 to 20 year old peers.
- » Adolescent brains are still developing and are uniquely sensitive to nicotine addiction.
- » While youth cigarette smoking in our community and across the county is slowly declining, e-cigarette use among youth has more than doubled in recent years.

Our Proposal:

- » **Increase the minimum age of sale and purchase of tobacco products, e-cigarettes, vapor products and paraphernalia to 21.**

The Health Impact:

- » A March 2015 Institute of Medicine study estimated that Tobacco 21 would reduce smoking among 15-17 year old by 25% and among 18-20 year olds by 15%.
- » Data from Needham, MA shows a nearly 50% reduction in tobacco use by teens since their Tobacco 21 policy change in 2005. This decrease significantly exceeded reductions in peer communities over the same amount of time.
- » Fewer smokers before 18 lead to fewer long-term smokers reducing overall smoking rates by an estimated 12%.

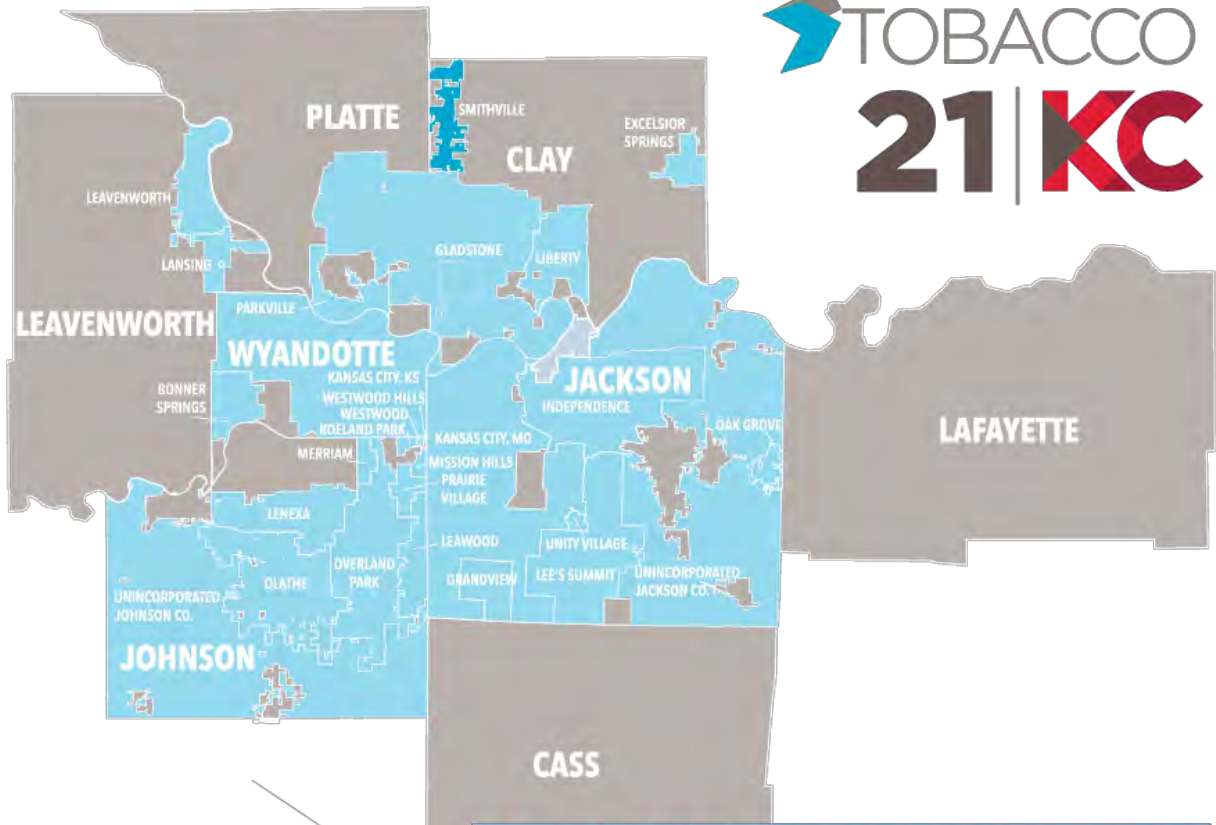
The Business Impact:

- » A recent study from The Ohio State University estimated that the average smoker costs a private employer \$5,218 per year in excess costs related to their smoking.
- » The American Journal of Public Health - "*Retail Impact of Tobacco Sales Age to 21 Years*" - estimated only a 2% decrease in annual total tobacco sales due to Tobacco 21.

Supporters:

- » 75% of U.S. adults, including 70% of current smokers.
- » 94 cities in seven states and the entire state of Hawaii have passed Tobacco 21.
- » More than 100 organizations throughout the KC metro area.

TOBACCO 21 CITIES



● ORDINANCE PASSED
● ACTIVE DISCUSSIONS

POPULATIONS OF ADOPTED CITIES

KANSAS CITY, MO	470,800	UNINC. JOHNSON CO., KS	14,988
OVERLAND PARK, KS	181,260	LANSING, KS	11,642
KANSAS CITY, KS	149,636	EXCELSIOR SPRINGS, MO	11,488
OLATHE, KS	133,062	MERRIAM, KS	11,174
INDEPENDENCE, MO	117,494	OAK GROVE, MO	7,994
LEE'S SUMMIT, MO	93,184	BONNER SPRINGS, KS	7,553
LENEXA, KS	50,344	ROELAND PARK, KS	6,840
LEAVENWORTH, KS	35,251	PARKVILLE, MO	5,554
LEAWOOD, KS	32,991	IOLA, KS	5,553
LIBERTY, MO	30,450	MISSION HILLS, KS	3,582
GLADSTONE, MO	25,410	WESTWOOD, KS	1,528
GRANDVIEW, MO	25,290	WESTWOOD HILLS, KS	359
PRAIRIE VILLAGE, KS	21,877	UNITY VILLAGE, MO	80
UNINC. JACKSON CO., MO	16,492	TOTAL	1,471,876

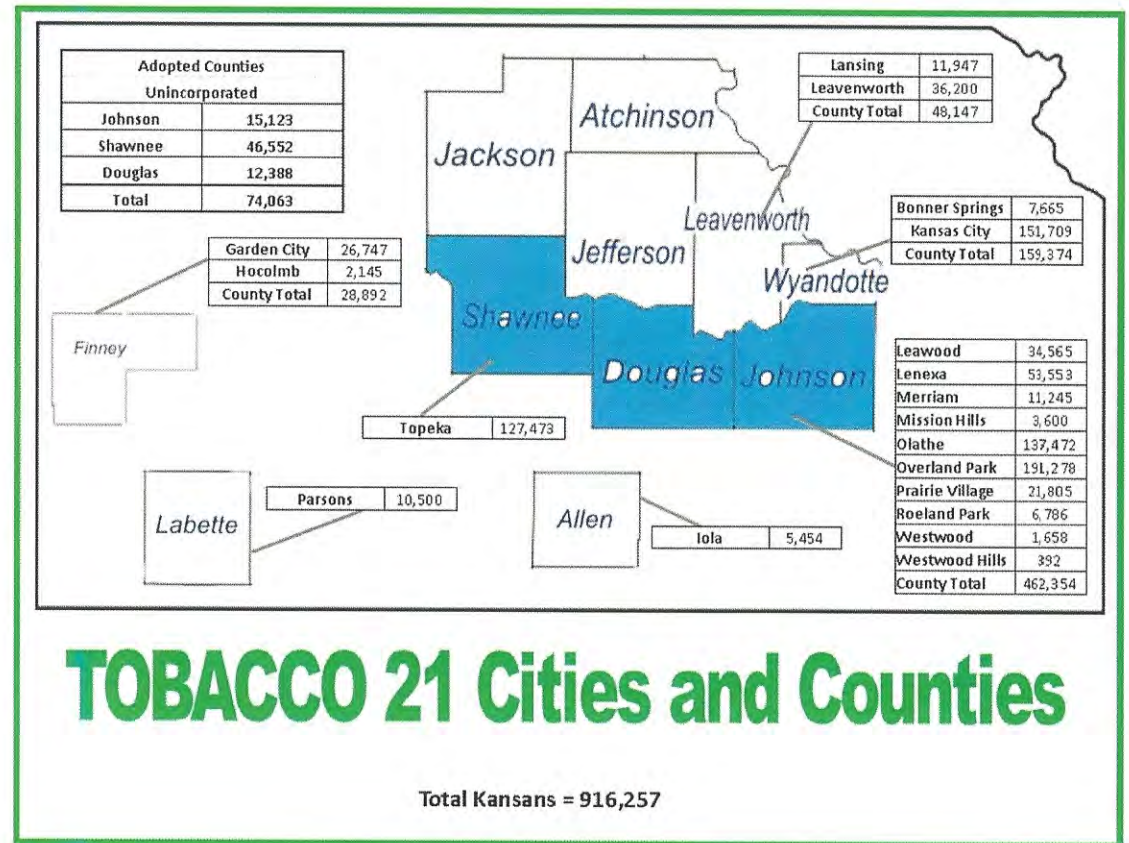
Kansas is The Epicenter for Tobacco 21

22 localities have adopted T21 ordinances.

916,000 or 30% of Kansans are protected by a T21 law.

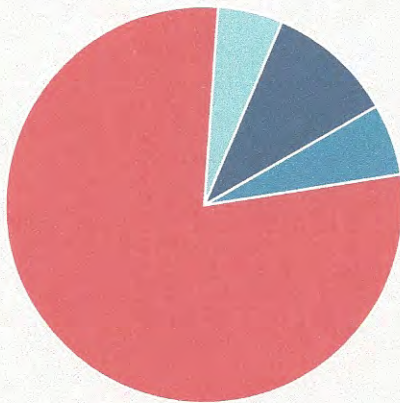
It is time for Kansas to protect all of its citizens.

Kansas ranks 5th in the nation in the number of local T21 ordinances.







The Toll of Tobacco

- **Tobacco kills half a million people a year:** equivalent to three 747s crashing each day, and more than car crashes, gun violence and drug overdoses combined.
- The developing teenage brain is particularly vulnerable to the addictive effects of nicotine.
- Early nicotine use in susceptible teens may lead to addiction and multi-substance abuse, as well as mental illnesses including anxiety, depression, suicidality, bipolar and schizophrenia.



LEADING PREVENTABLE CAUSES OF DEATH

-  All nicotine and tobacco-related deaths: **500,000** deaths annually.
-  All gun-related deaths (including homicide, suicide, unintentional, and undetermined): **34,000** deaths annually.
-  All drug-related overdose deaths: **64,000** deaths annually.
-  All automobile & traffic related deaths: **37,000** deaths annually.

- More than 95% of smokers started before age 21
- 350 teens become regular smokers each day in the U.S.
- **The Centers for Disease Control (CDC) projects that without a trajectory change nicotine addiction and tobacco use will dramatically shorten the lives of 5.6 million kids alive today.**

The Rise of Juul

The Addiction Sweeping American Schools

Imagine a potent little device, as slender as a USB memory stick and as sleek as an iPhone. From it comes only the pleasant smell and taste of Mango, Mint or Creme Brulee, yet it packs the nicotine punch of a full pack of cigarettes. Juuls give a quick head rush of stimulation that kids love, but soon can't stop.



Essentially unregulated, Juul through its intense social media campaign and new formulation of nicotine has exploded in popularity. In 18 months, Juuls climbed to a 68% market share and a \$15 billion valuation by addicting teens. To view a frightening middle-school video go to www.tobacco21.org/juuls

Cutting the Supply

- On average American kids try smoking for the first time at age 13.7.
- The primary source of tobacco products for underage smokers are their 18 to 20 year old peers.
- Because 80% of high schoolers turn 18 before they graduate, teens have easy access to nicotine & tobacco through their peers.
- Tobacco 21 laws disrupt the social availability of all Nicotine products to young people. **But without strict enforcement this intervention ultimately fails.**

“

Tobacco 21 is only effective if there is real enforcement, but the current age-18 system that depends on the police arresting the minimum-wage clerk simply doesn't work. Using Health Department inspectors to insure retailer compliance is the secret to giving kids just a little more time to grow up addiction free.

—Rob Crane, MD
President, Preventing Tobacco Addiction Foundation

”

Minimal Impact on Tobacco Retailers



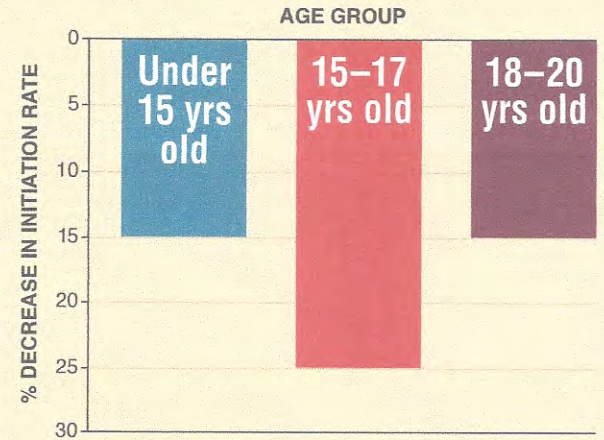
SALE OF CIGARETTES BY AGE

21 years and older ■ 18–20 years ■

The economic impact of T21 is minimal. Only 2% of U.S. cigarette sales go to those under 21.

Dramatic Impact on Initiation

A 360 page report by the National Academy of Sciences projected that if the entire country enacted Tobacco 21 legislation there would be a 25% drop in smoking initiation among high school students.



Tobacco 21 In Effect

Over 27% of the nation's population is covered by T21 policy

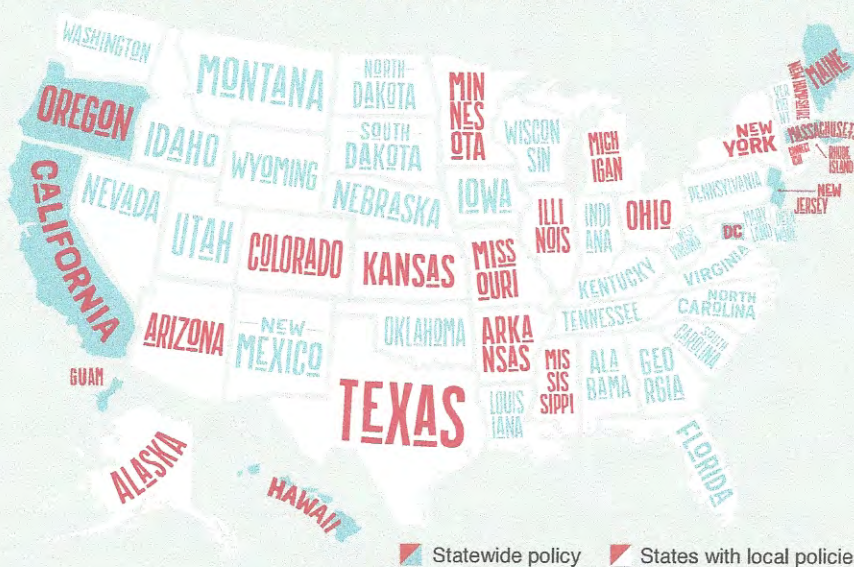
Tobacco 21 has decreased youth tobacco use in localities that have adopted it.

Needham Massachusetts showed a 48% drop in high school smoking rates after policy implementation, a drop three times that of neighboring communities.

In the year after implementation, **Chicago** found a 36% decrease in 18-20 year olds that reported currently smoking cigarettes.

In **California**, statewide retailer rates to under 18 year-olds decreased from 10.3% to 5.7% since implementation of their Tobacco 21 law.

360+ Cities & Counties in 22 States



Public Support for T21

75% of U.S. adults favor raising the Minimum Legal Sales Age for all tobacco products to 21.

Endorsing Organizations

American Academy of Family Physicians, American Academy of Pediatrics, American Public Health Association, American Heart Association, American Cancer Society, American Lung Association, American Veterans (AMVETS), Preventing Tobacco Addiction Foundation, Campaign for Tobacco Free Kids, American Medical Association, March of Dimes.

Tobacco 21 – Item 4
KC Star Editorial - 2016



EDITORIALS

Solid Tobacco 21|KC campaign gains momentum in area cities

The Editorial Board

April 10, 2016 07:01 AM

Updated April 10, 2016 12:01 PM

Not every local city in recent months has raised the minimum legal age for buying tobacco products from 18 to 21. But Tobacco 21|KC has enjoyed a lot of success since the smoking cessation initiative began in October.

Healthy KC — a partnership of the Greater Kansas City Chamber of Commerce and Blue Cross and Blue Shield of Kansas City — started Tobacco21|KC to improve the health and well-being of area residents.

Its four pillars are nutrition, physical activity, work/life integration and tobacco cessation.

The Healthy KC Tobacco Action team has made presentations to attack the smoking problem before it would normally start in teens. Increasing the legal age to 21 for tobacco purchases, including e-cigarettes, curtails smoking among 14- to 15-year-olds because the younger teens largely rely on older peers to buy cigarettes for them.

Be the first to know.

No one covers what is happening in our community better than we do. And with a digital subscription, you'll never miss a local story.

SIGN ME UP!

Studies have shown that raising the age limit will lead to fewer long-term smokers and reduce overall smoking rates by 12 percent. That's a sound reduction.

Fortunately, the campaign has won buy-in from city councils in Kansas City; the Unified Government of Wyandotte County and Kansas City, Kan.; Independence; Olathe; Gladstone; Prairie Village; Bonner Springs; and Iola, Kan. Last week, it passed in Lenexa. Aldermen in Grandview studied it and could take action soon.

The Lansing City Council is expected to vote on Tobacco 21|KC on Thursday. Overland Park — one of the area's largest suburbs — could decide the issue in May.

Tobacco 21 started in 1996 as a national effort. Needham, Mass., became the first city to act in 2005 and reported a dramatic decline in teen smoking. Columbia was the first Missouri city to sign on, in 2014. New York City and dozens of other cities in the U.S. have passed Tobacco 21 measures, as has Hawaii.

Some businesses that sell tobacco products and e-cigarettes have come out against Tobacco 21|KC. City councils have defeated it in Leavenworth,

Gardner and Mission.

That's a shame. Some officials in those cities used the senseless argument that if young people at age 18 are legally able to vote in this country and to enter the military, they should be wise enough to decide for themselves whether or not to smoke or use other tobacco products.

Currently, 23.1 percent of Missouri's high school students and 24.1 percent of students in Kansas high schools are tobacco users, compared with 22.4 percent nationwide. We can do better than that, considering that about 90 percent of adult smokers start before age 18.

Most smokers say they wish they had never taken their first puffs as teenagers when they were trying to be cool with their peers. Governments should feel obligated to help young people, realizing that the addictive power of tobacco products is greater on teenage brains.

Smoking is a huge public health concern because of the greater risks of stroke, heart disease and cancer. More than 480,000 deaths annually in the U.S. are attributed to smoking.

Tobacco 21|KC's success is expected to decrease annual tobacco sales by only 2 percent but result in millions of dollars saved in health care expenses.

That's an excellent reason for more city, county and state governments to join the Tobacco21|KC campaign.

 **COMMENTS** 

SUGGESTED FOR YOU

Tobacco 21 – Item 5

Tobacco and the Military Position Paper



RAISING THE TOBACCO SALE AGE TO 21 AND THE MILITARY

Military leaders recognize the toll tobacco takes on troop readiness and on the military health care system and are actively taking steps to reduce tobacco use in the military. Tobacco use remains this nation's number one preventable cause of premature death and disease, killing more than 480,000 Americans annually.¹ The Department of Defense (DoD) estimates that 175,000 current Active Duty Service members will die from smoking unless they are able to quit.² Almost all smokers start smoking before the age of 21,³ and the ages of 18 to 21 are a critical period when many smokers move from experimental smoking to regular, daily use.

Tobacco use is not a rite of passage or a sign of adulthood. It is important to remember that age 18 is not the age of majority for everything – from buying alcohol to running for certain political offices, and so on. Tobacco companies target young people before they can fully appreciate the consequences of becoming addicted to the nicotine in tobacco. Nearly 70% of adult smokers want to quit⁴, but once a person is addicted to nicotine, it is difficult to stop, and the health consequences begin immediately and accumulate over a lifetime.

Tobacco companies have a long history of promoting tobacco to members of the military and have a vested interest in tobacco use by the military, an important market for recruitment of the next generation of smokers.⁵ Raising the tobacco sale age to 21 will help prevent our service members from starting to use this deadly and addictive product and support DoD efforts to reduce tobacco use among service members.

Military Leaders Support Tobacco Prevention and Cessation

Tobacco use is bad for military preparedness. The military recognizes the negative impact of tobacco on troop readiness and soldiers' health and has initiated a series of actions to curb tobacco use in the military.⁶ The Department of Defense and the Army, Navy, Marines, and Air Force have each set goals to become tobacco-free.⁷ In April 2016, Secretary of Defense Carter approved actions "to ensure a comprehensive tobacco policy that assists with preventing initiation of tobacco use, helping those who want to quit using tobacco succeed, and decreasing exposure to secondhand smoke for all our people."⁸

Our military leaders understand the toll tobacco takes on our troops. Below are specific examples of military leaders supporting tobacco prevention and a tobacco sale age of 21:

- As part of the military's tobacco prevention efforts, General Robert Magnus, Assistant Commandant of the Marine Corps, has stated, "*Tobacco impairs reaction time and judgment. It stands in the way of a Marine's number one priority: to be in top physical and mental shape - combat ready.*"⁹
- After Hawaii raised its tobacco sale age to 21, effective January 1, 2016, Hawaii's military bases opted to comply with the higher age in recognition of its benefits to readiness, health and finances:¹⁰
 - Bill Doughty, spokesman for the Navy Region Hawaii, stated, "*We see it as a fitness and readiness issue. When we can prevent sailors from smoking or using tobacco, if we can get them to quit, then that improves their fitness and readiness, and it saves them a ton of money too.*"¹¹

- Rear Admiral John Fuller, Navy Region Hawaii and Naval Surface Group Middle Pacific stated, *“I’ve heard this argument by some shipmates against cracking down on tobacco: ‘If someone is young enough to die for their country, they should be free to be allowed to smoke.’ But, turning that argument on its head: ‘If someone is young enough to fight for their country, they should be free from addiction to a deadly drug.’ Tobacco harms people’s physical wellbeing, leads to illness and costs them money.”*¹²
- 27-year senior officer of the Air Force and Chautauqua, New York, County Executive Vince Horrigan, stated, on signing a bill to raise the tobacco sale age to 21: *“As a retired 27-year senior officer of the Air Force, I join with many other military leaders in the perspective that tobacco products are a threat to our military readiness and too often compromise the health of our professional military who put their lives on the line to defend our freedoms.”*¹³
- Major General Bret Daugherty, the Adjutant General for the state of Washington and Commander of the Washington National Guard stated in testimony supporting raising the tobacco sale age: *“...I want to address the age-old argument that if someone is old enough to serve their country in the military, then they are old enough to use tobacco products. This is clearly an outdated argument. There is a laundry list of things that we as a country have decided are contrary to the interest of young people and public health, whether they are in the military or not. Decades ago, this very body saw the wisdom in raising the drinking age to 21. That policy change significantly reduced drunk driving deaths and contributed to the overall health of our public here in the state.”*¹⁴
- Retired military leaders supported an Illinois bill to raise the tobacco sale age to 21. Major General (Ret) William Enyart, U.S. Army, Former Adjutant General of Illinois, 2007-2013; Major General (Ret) Randal Thomas, U.S. Army Former Adjutant General of Illinois, 2003-2007; Brigadier General (Ret) John “Jay” Sheedy, U.S. Air Force, Brigadier General (Ret) Avrum Mark Rabin, Illinois Air National Guard stated: *“Americans owe much to the young people who choose to serve in our military. But early addiction to a deadly drug is no reward. Their physical fitness and health should be paramount in policymaking decisions.”*¹⁵

Tobacco Use Hurts Military Readiness and Is Costly

While tobacco use takes an enormous toll on all users, it has particularly detrimental consequences for active duty military personnel. Tobacco use reduces soldiers’ physical fitness and endurance and is linked to higher rates of absenteeism and lost productivity. In addition, service members who use tobacco are more likely to drop out of basic training, sustain injuries and have poor vision, all of which compromise troop readiness.¹⁶ Tobacco use places a significant burden on the Department of Defense (DoD). The DoD spends more than \$1.6 billion each year on tobacco-related medical care, increased hospitalizations, and lost days of work.¹⁷

Tobacco Use Among Active Duty U.S. Military

Smoking rates are higher among active duty military than among civilians. Nearly one-quarter (24.0%) of active duty military personnel in 2011 reported currently smoking, compared to 19 percent of civilians at that time.¹⁸ Smoking rates vary significantly by service, ranging from 16.7 percent in the U.S. Air Force to 30.8 percent in the U.S. Marine Corps. Many of the military’s

current cigarette smokers are dual users of smokeless tobacco.¹⁹ In addition, close to half of all military service members (49.2%) used a nicotine product* in the past twelve months.²⁰

Alarming, many current military smokers - 36 to 40 percent - report initiating tobacco use *after* joining the military.²¹ Given everything we know about what smoking does to the body and how it weakens our combat preparedness, it is unacceptable that soldiers smoke at higher rates than the general population and that more than 1 in 3 soldiers who are current smokers started smoking *after* joining the military.

Raising the Minimum Legal Sale Age Will Help Save Lives

Raising the tobacco sale age is an evidence-based policy that is an important part of a comprehensive approach to tobacco prevention. A 2015 report by the Institute of Medicine (IOM), one of the most prestigious scientific authorities in the world, concluded that raising the tobacco age to 21 will have a substantial positive impact on public health and save lives.²² Specifically, raising the age to 21 is predicted to reduce the smoking rate by about 12 percent and smoking-related deaths by 10 percent, which translates into 223,000 fewer premature deaths, 50,000 fewer deaths from lung cancer, and 4.2 million fewer years of life lost.²³

Tobacco use is a deadly and addictive behavior that compromises the readiness and health of our military and prematurely kills half its adult users.²⁴ Raising the tobacco sale age to 21 is an important step that will protect young people and service members from a deadly addiction and will complement other tobacco prevention and cessation efforts being undertaken by the military.

Campaign for Tobacco-Free Kids, September 27, 2017 /Becca Knox

¹ U.S. Department of Health and Human Services. *The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014.

² Department of Defense, Memorandum re: Reducing Tobacco Use in the Armed Forces and Department of Defense, March 14, 2014.

³ United States Department of Health and Human Services. Substance Abuse and Mental Health Services Administration. Center for Behavioral Health Statistics and Quality. National Survey on Drug Use and Health, 2014. ICPSR36361-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2016-03-22. <http://doi.org/10.3886/ICPSR36361.v1>

⁴ Babb, Stephen. "Quitting Smoking Among Adults—United States, 2000–2015." *MMWR. Morbidity and Mortality Weekly Report* 65 (2017)

⁵ Smith, Elizabeth A., and Ruth E. Malone. "'Everywhere the soldier will be': wartime tobacco promotion in the US military." *American Journal of Public Health* 99.9 (2009): 1595-1602 and Smith, Elizabeth A., and Ruth E. Malone. "Tobacco promotion to military personnel: 'the plums are here to be plucked'." *Military Medicine* 174.8 (2009): 797

⁶ Partnership for Prevention and Action to Quit, *Help Your Patients Quit Tobacco: An Implementation Guide for the Armed Forces*, July 2014, <http://actiontoquit.org/wp-content/uploads/2015/06/armedforcestobaccocessationguide.pdf> and Secretary of Defense Ashton Carter, "Policy Memorandum 16-001, Department of Defense Tobacco Policy," April 8, 2016, <http://www.med.navy.mil/sites/nmcphc/Documents/health-promotion-wellness/tobacco-free-living/INCOMING-CARTER-Tobacco-Policy-Memo.pdf>

⁷ Institute of Medicine, *Combating Tobacco in Military and Veteran Populations*, 2009.

<http://nationalacademies.org/hmd/Reports/2009/MilitarySmokingCessation.aspx>; see also, <https://www.ucanquit2.org/AboutUs/Policy>

⁸ Secretary of Defense Ashton Carter, "Policy Memorandum 16-001, Department of Defense Tobacco Policy," April 8, 2016, <http://www.med.navy.mil/sites/nmcphc/Documents/health-promotion-wellness/tobacco-free-living/INCOMING-CARTER-Tobacco-Policy-Memo.pdf>

⁹ U.S. Department of Defense, *UCanQuit2.org*,

https://www.ucanquit2.org/-/media/Files/CampaignMaterials/Print/SRLeaderPrintAds/DOD_Magnus_FLYER.pdf

¹⁰ Seck, Hope Hodge, "Marines Will Comply With Hawaii Law Raising Smoking Age to 21," December 29, 2015, <http://www.military.com/daily-news/2015/12/29/marines-will-comply-with-hawaii-law-raising-smoking-age-to-21.html>; Uyeno, Kristine, "Tobacco, eCig laws take effect on New

* Nicotine product includes cigarettes, chewing tobacco, snuff, other smokeless tobacco including new forms of smokeless (e. g. dissolvables), cigars, pipes, and electronic nicotine delivery products.

Year's Day; Hawaii first state to raise legal age to 21," December 28, 2015, <http://khon2.com/2015/12/28/new-years-day-tobacco-ecig-laws-hawaii-first-state-to-raise-legal-age-to-21-3/>

¹¹ Houck, John, "Hawaii's Legal Smoking Age Increases to 21 Starting Today, New Law Will Penalize Retailers and Underage Smokers," *Inquisitr*, January 1, 2016, <http://www.inquisitr.com/2672520/hawaiis-legal-smoking-age-increases-to-21-starting-today-new-law-will-penalize-retailers-and-underage-smokers/>

¹² Rear Admiral Fuller, John, "Young Enough To Not Die From Smoking," *Navy Medicine Live*, <http://navymedicine.navylive.dodlive.mil/archives/9815>

¹³ Chautauqua County, New York, *Horrigan Provides Statement Upon Signing Local Law to Raise Tobacco Purchase Age*, May 17, 2017, <http://www.co.chautauqua.ny.us/CivicAlerts.aspx?AID=540>

¹⁴ Major General Bret Daugherty, *Testimony in Support of SB 5025 to the Washington State Senate Commerce, Labor, and Sports Committee*, February 9, 2017

¹⁵ *Mission: Readiness, Military Leaders for Kids*, *Letter in support of IL SB3011 to raise the tobacco sale age to 21*, April 19, 2016

¹⁶ Institute of Medicine, *Combating Tobacco in Military and Veteran Populations*, 2009.

<http://nationalacademies.org/hmd/Reports/2009/MilitarySmokingCessation.aspx>

¹⁷ Institute of Medicine, *Combating Tobacco in Military and Veteran Populations*, 2009.

<http://nationalacademies.org/hmd/Reports/2009/MilitarySmokingCessation.aspx>

¹⁸ Department of Defense, *2011 Health Related Behaviors Survey of Active Duty Military Personnel*,

<http://prevent.org//data/files/actiontoquit/final%202011%20hrb%20active%20duty%20survey%20report-release.pdf>, February 2013; 2011 National Health Interview Survey.

¹⁹ Department of Defense, *2011 Health Related Behaviors Survey of Active Duty Military Personnel*,

<http://prevent.org//data/files/actiontoquit/final%202011%20hrb%20active%20duty%20survey%20report-release.pdf>, February 2013.

²⁰ Department of Defense, *2011 Health Related Behaviors Survey of Active Duty Military Personnel*,

<http://prevent.org//data/files/actiontoquit/final%202011%20hrb%20active%20duty%20survey%20report-release.pdf>, February 2013.

²¹ Institute of Medicine, *Combating Tobacco in Military and Veteran Populations*, 2009.

<http://nationalacademies.org/hmd/Reports/2009/MilitarySmokingCessation.aspx>

²² Institute of Medicine, *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*, Washington, DC: The National Academies Press, 2015, <http://www.nationalacademies.org/hmd/Reports/2015/TobaccoMinimumAgeReport.aspx>

²³ Institute of Medicine, *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*, Washington, DC: The National Academies Press, 2015, <http://www.nationalacademies.org/hmd/Reports/2015/TobaccoMinimumAgeReport.aspx>

²⁴ U.S. Department of Health and Human Services, *Reports of the Surgeon General. The Health Consequences of Smoking-50 Years of Progress: A Report of the Surgeon General*. Atlanta (GA), Centers for Disease Control and Prevention (US), 2014

Tobacco 21 – Item 6

SM Harbinger Article – “Juul: From Craze to Epidemic”, October 2018

Juul: from Craze to Epidemic

smeharbinger.net/juul-from-craze-to-epidemic

October 19, 2018



the harbinger

the student publication of Shawnee Mission East

In April 2017, **Harbinger investigated** a new type of electronic cigarette, the Juul, being found in the hands of a few students around the school. At this point in time, only 13 percent of East students could be found owning the device. But now, as the **FDA has announced the usage of Juuls** among minors as being an “epidemic,” 31 percent of students at East own a Juul of their own, going through an average of 2-3 pods a week.



by Elizabeth Ballew

In April of 2017, Haney confiscated the first Juul at East ever. Now, Haney confiscates one a day – with each catch coming with a two to three-day suspension.

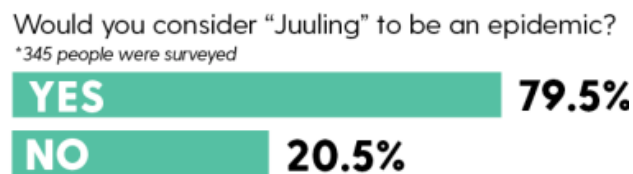
In a **press release** issued Sept. 12, the FDA labelled Juuling as an epidemic, which is no mistake according to attorney Esfand Y. Nafisi, who is leading a class action lawsuit against Juul.

In the recent Harbinger poll of 345 students, 83.7 percent of them consider Juuling to be an epidemic.

According to the Center for Disease Control and Prevention, cigarette smoking declined among teens and middle schoolers from 2011 to 2017. Then Juul happened. According to a Jan. 9, 2018 report from the Campaign for Tobacco free kids, there were over 2.1 million youth e-cigarette users. Now, the teenage generation has been labelled Juul's Guinea Pig Generation by the Public Health Law Center – and the long-term health effects are unknown.

According to Nick Clemons,* Juul is everywhere. Bathrooms, basement parties, parking lots. A normal hallway occurrence is to be asked, "Can I rip your Juul? Let's meet in the bathroom in five."

The FDA stated in a press release on Sept. 18 that about 80 percent of youth do not see great risk of harm from regular use of e-cigarettes. The FDA finds this to be "particularly alarming considering that harm perceptions can influence tobacco use behaviors."



The long term effects of vaping are unknown – but the long term effects of nicotine aren't. And one Juul pod, a replaceable cartridge filled with nicotine and flavorings, contains the same amount as an entire pack of cigarettes.

According to Dr. Nikki Nollen from the Department of Preventive Medicine at KU Medical Center, nicotine rewires the brain. Exposure to nicotine can damage brain development by disrupting and altering the growth and structure of the circuitry part of the brain that controls attention, learning and susceptibility to addiction, according to the **Public Health Law Center**.

"Adolescents who would never use regular cigarettes are smoking Juul which is exposing these adolescents to pretty large amounts of nicotine," Nollen said. "Nicotine by itself is a harmful drug, so we're getting adolescents who would have not had any exposure to nicotine now getting exposed to nicotine."

Nicotine also affects the heart rate and blood pressure. According to Pulmonary & Critical Care medicine doctor Scott Rawson, who works at Overland Park Regional Medical Center, there is no clear end point when Juuling – people will just Juul through a two hour movie and go through pods without considering nicotine intake. Opposed to the clear end point in cigarettes – there is an understanding of how many cigarettes have been smoked. Besides the effects of nicotine, he has also discovered "popcorn lung," a type of pneumonia that causes intense inflammation that destroys lung tissue. He has been more frequently treating popcorn lung in teens, which is believed to be caused by the flavoring in Juuls and electronic cigarettes.

Rawson thinks we won't be able to see the long term consequences of Juuling for another 15 to 20 years. The vast majority of his patients have stopped tobacco smoking, but he now fears for how much his patients are vaping in place of the cigarettes.

"We spent a generation trying to get people to stop smoking," Rawson said. "And now I worry that we're starting a new generation of new smokers. And so the smoking rate will actually go up."

Juuling is unregulated by the FDA, meaning anything could be in the pod. And while the Juul website claims to not add any carcinogens, cancer causing chemicals, to their products, IB Chemistry 2 decided to test it for themselves after a groupchat debate. The class used a Juul pod to perform a 2,4 DNP — a test required for their curriculum — that detects the carcinogens Ketones and Aldehydes. Their results for the pods were positive, meaning both contained carcinogens.

While Juuls do contain carcinogens, cigarettes still contain more. This is what makes e-cigarettes beneficial for adult smokers looking to quit according to Nollen.

While it can be beneficial for adult smokers, Jodi Radke, Regional Advocacy Director for the Campaign for Tobacco Free Kids, said there are plenty of unknowns about the product. They aren't regulated. There is no requirement for ingredient disclosure. Long term studies don't exist.

Health effects are one of the reasons senior Thomas Graves* is quitting. For the past two-and-a-half years, he has, on average, used one pod per day. Aside from health concerns, his Juul was a strain on his wallet as he spent \$20 to \$40 per week on pods.

ep·i·dem·ic
noun a widespread occurrence of something in a community at a particular time.

But when he was addicted and didn't have his Juul, he became irritable and craved it. When he couldn't get his fix on vacation, he had a homeless man buy pods for him when he couldn't get his own.

Graves fell into the easily addictive Juul cycle. Hit it once — get the buzz. Go back to it — try to recreate the feeling. The feeling fades — do it more and more, over and over again, but it was too late. The nicotine controlled him.

But after his decision to quit, Juuling is still a constant itch for him — without it he feels light-headed, and the worst part is knowing that hitting a Juul would resolve all of these problems. But he knows it's not worth the risk of potential health effects.

According to Nollen, nicotine rewires the brain. Exposure to nicotine can damage brain development by disrupting and altering the growth and structure of the part of the brain that

controls attention, learning and susceptibility to addiction according to the Public Health Law Center.

While the effects of nicotine in e-cigarettes are not exclusive to Juul, 75 percent of the market that uses e-cigarettes opt for a Juul according to Radke. Two years ago, Haney would confiscate vapes of all sizes, shapes and colors and he “couldn’t keep up with what was a vaping device.” Now, Haney mainly confiscates solely Juuls because he believes the other devices are too hard to hide.

Nafisi said that the e-cigarette industry was not experiencing explosive growth and it was thought of as “nerdy” by teens and adults before Juul hit the market. Then, Juul had their breakout year in 2017 with a 700 percent increase in commercial growth. While the use of vapes has increased exponentially over the past two years, Radke has seen the use of cigarettes go down.

“There’s no reason to be ingesting more nicotine than a cigarette would give you if these products are meant as an alternative the cigarettes,” Nafisi said.

Senior Lily Welch* is worried about the health effects of this as well, so she doesn’t Juul. She doesn’t see the point, as she doesn’t know what’s in it or what it does to her body.

Besides the health effects, her mom being a smoker has also made Welch be against smoking.

A smoker since age 18, Welch’s mom needed to get her fix of nicotine at a family gathering and resorted to taking a single hit of sister’s Juul. It was too strong. She couldn’t handle the nicotine content. Welch wonders, *if one Juul hit had this much impact on a new user, what could it do to someone who is addicted?*

THE FACTS

design by **grace padon**

A breakdown of all things Juul

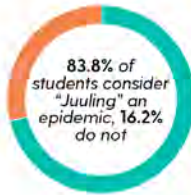
AN EPIDEMIC Information courtesy of our survey results

IS JUULING AN EPIDEMIC?

On Sept. 12, FDA Commissioner, Scott Gottlieb, deemed teenage vape culture an "epidemic."

epidemic

noun
A widespread occurrence of something in a community at a particular time.



ADDICTION Information courtesy of EverydayHealth

SIGNS OF ADDICTION

You can't stop

You feel like you need to use a Juul all the time

You experience withdrawal symptoms

Anxiety, irritability, restlessness, difficulty concentrating

You find it difficult to not Juul in places you shouldn't

At a church, library, school, movie theater or hospital

ADDICTION AT EAST



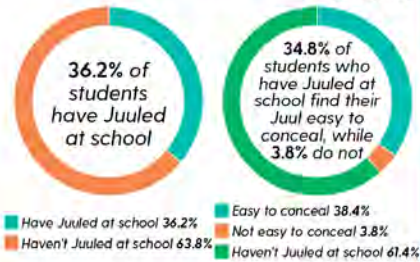
JUUL IN SCHOOL

“

18 percent of students had seen Juuls used in school in a survey given to more than 1,000 youth between ages 12 and 17 in April 2018.

the truth initiative

STUDENTS WHO HAVE USED A JUUL AT SCHOOL



THE RISK Information courtesy of Know the Risk

“

Until age 25, the brain is still growing. Because addiction is a form of learning, teenagers can get addicted more easily than adults.

The nicotine in e-cigarettes can prime the adolescent brain for addiction to other drugs such as cocaine.

know the risk

POD TALK Information courtesy of the CDC, Esfand Y. Nafisi and our survey results

NICOTINE CONTENT CAPS

EU 20 mg per mL of nicotine fluid

US 60 mg per mL of nicotine fluid

The US's nicotine content cap is **three times** the EU's nicotine content cap.

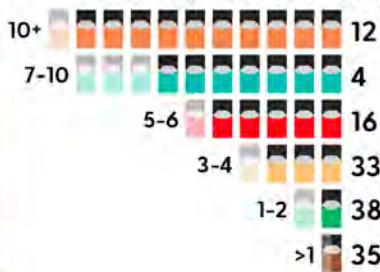


Each Juul Pod contains **59 mg** per mL of nicotine fluid.

WHAT'S IN A JUUL POD?

- 90%** PROPYLENE GLYCOL AND GLYCERINE creates a vapor
- 2-5%** POD FLAVORING provides the taste profile
- <4%** BENZOIC ACID provides a cigarette-like satisfaction
- <5%** NICOTINE a stimulant from the tobacco plant

THE AMOUNT OF JUUL PODS STUDENTS WHO JUUL GO THROUGH IN A WEEK



STUDENTS WHO HAVE USED A JUUL



STUDENTS WHO OWN A JUUL



Upperclassmen Males, Underclassmen Males, Upperclassmen Females, Underclassmen Females
Information courtesy of our survey results

TIMELINE OF EVENTS

JUNE 1, 2015

Juul, the electronic cigarette, was introduced by PAX Labs.

APRIL 3, 2017

The Harbinger published an article about Juuls at East.

APRIL 2018

Juul Labs committed \$30 million over the next three years dedicated to independent research, youth prevention and community engagement efforts, including parent education.

JUNE 14, 2018

Juul will no longer use models on social media platforms and will focus on testimonials from adult smokers who switched to Juul.

SEPTEMBER 2018

The FDA sent letters to Juul Labs giving them 60 days to lay out their plans to address widespread youth use of their products.

OCTOBER 2, 2018

The FDA made an unannounced inspection of Juul headquarters, ceasing more than a thousand documents said to be related to the company's sales and marketing practices.



by Carolyn Popper

The Food and Drug Administration conducted a surprise investigation at Juul Labs **Sept. 28**, seizing over 1,000 pages of documents regarding the corporation’s marketing strategies. Juul CEO Kevin Burns responded in a press release.

“We are committed to preventing underage use, and we want to engage with FDA, lawmakers, public health advocates and others to keep Juul out of the hands of young people.”

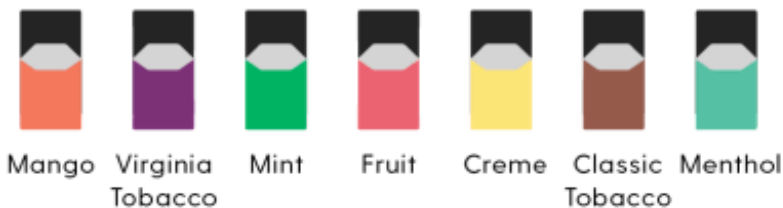
Regional Advocacy Director of Tobacco Free Kids Jodi Radke believes Juul’s initial intent was never to prevent smoking. The corporation never applied to be sold as a cessation product, which are products such as nicotine patches or nicotine chewing gum. Cessation products are approved under the Family Smoking Prevention and Tobacco Control Act that assist smokers who want to quit.

“If cessation was their goal, they would have marketed the product differently in the beginning,” Radke said. “I think there was intent behind creating a demographic audience to create users that would become long term.”

Esfand Y. Nafisi, an attorney currently in the midst of two class action lawsuits against Juul for causing serious addiction, believes that despite Juul’s recent efforts, “the cat is completely out of the bag,” and it is too late to prevent underage users from continuing to use the product due to their marketing that has attracted teens, whether they have targeted the group or not.

MARKETING STRATEGIES

FLAVORED PODS:



TAKE A LOOK: TEEN DIRECTED ADVERTISING



Scan these QR codes to see Juul’s controversial ads that the FDA believes markets to teens

CELEBRITY INFLUENCE





WHO WANTS ME TO DROP
A JUUL SKIN? @FFRECORDS

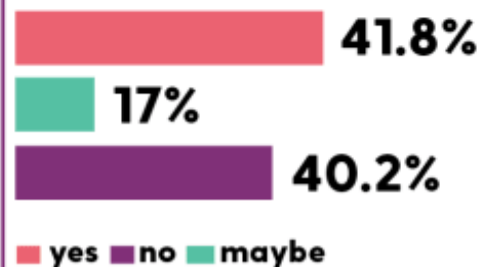
bella thorne

OTHER CELEBRITIES THAT JUUL:

BELLA HADID JENNIFER LAWRENCE
CODY KO

THE NUMBERS

Do you think that Juul intentionally markets to people who are underage with their “kid-friendly” flavors?



*345 people were surveyed

“The youth epidemic that the FDA declared is not an accident,” Nafisi said. “Everything you could do to create a youth epidemic, Juul did.”

In a poll of 345 students, 26 percent of students believe Juul was not intentionally marketing to people who are underage with their “kid-friendly” flavors.

Last April, the almost \$16 billion company dedicated \$30 million towards youth and parent education and community efforts for the next three years to prevent underage usage of Juuling. These efforts include raising the minimum age to purchase tobacco products from 18 to 21 and ending the use of young models in advertisements, and instead featuring an older demographic of smokers who switched from cigarettes to Juul.

In an effort to prevent and combat underage use, Juul implemented a nicotine warning label on packaging, and has worked to simplify names of pod flavors — the pre-filled and disposable cartridges storing nicotine and flavor. Juul’s Senior Communications Manager Ted Kwong stated in an email that the company has been aggressively working with social media platforms to remove the portrayal of the product in unauthorized and youth-driven manners.

Juul debuted their product in 2015 through an ad campaign called “Vaporized.” The advertisement featured 20 to 30-year-olds using the flash drive-shaped e-cigarette, set against an array of bright yellows, pinks and blues of geometric shapes. Despite the young models and bright colors, Juul said they never sought out teenagers.

“It looks like a kids’ play place,” marketing teacher Amanda Doane said. “The bright yellow is definitely a color you use to attract children. The models they use look very young and they are trying to target teens.”

Due to the backlash and accusations they received over their marketing appealing to teens, Juul redesigned their website to a sleeker layout and only include real smokers in advertisements as opposed to 20-year-old women wearing red lipstick.

Under Juul’s marketing and social media code on their website, they write, “We ensure responsible placement of our product designed to limit exposure to an underage demographic.” The corporation has instilled an age verification before entering the website and Instagram account. But, according to *Juul and the Guinea Pig Generation*, an article posted by Public Health Law Center, 7 in 10 teens are exposed to e-cigarette ads.

QuickTrip on State Line Road posts a Juul advertisement on the front door with the \$19.99 starter pack price in bold. One of the restrictions suggested by the Public Health Law Center is to sell solely in adult-only licensed retailers – off-limits to those under 21. QuickTrip not only sells the product in their stores, but also advertises the products to an all-age audience.

E-cigarette advertisements, including those from Juul, have a strong presence on the internet. E-cigarette use among youth is rising as e-cigarette advertising grows, according to Public Health Law Center.

Celebrities such as Bella Hadid, Jennifer Lawrence and youtuber Cody Ko have all been photographed Juuling recently. They are not advertising for Juul or being sponsored, but rather doing Juul’s handiwork by presenting a concept that is ‘cool,’ according to Nafisi.

But Juul remains steadfast in their commitment to preventing underage use of vapor products, according to a press release by CEO Kevin Burns. Juul responded to FDA’s surprise inspection in a statement released by saying it was a “constructive and transparent dialogue” and they look forward to complying with the FDA’s requests.

The FDA sent Juul a request for marketing documents in April, with which Juul complied.

“It’s a little bit surprising that the FDA performed a surprise visit on the same topic,” Nafisi said. “They obviously felt the need to do that, and you’re wondering why.”

Junior Brett Preston* doesn’t think an adult smoker who is accustomed to the taste of cigarettes will mind whether their pod tastes of mango or mint. Instead, he thinks Juul is “100 percent marketing to teens.”

However, Juul stated in a press release, “We believe restricting access to flavors will negatively impact current adult smokers in their journey to switch from combustible cigarettes...Appropriate flavors help adult smokers who do not want to be reminded of the tobacco-taste of a cigarette.”

Mango is sophomore Clarence Rode's* favorite pod flavor. His least favorite is tobacco. Mango pods are harder to come by – they are the sweetest and most desired according to Rode. Tobacco leaves a bad taste in his mouth, and if they were the only option, Rode would search for a different e-cigarette and abandon Juul.

FDA research showed that 80 percent of youth ages 12-17 and nearly 75 percent of young adults ages 18-25 who were current tobacco users in 2014 reported that the first tobacco product they ever used was flavored.

“Bubble gum, or fruit, I’m not immediately thinking health hazard, right?” Indian Hills Middle School Principal Blake Revelle said. “I think sometimes that is interpreted as to be less hazardous than if it were you know [labeled as] toxic waste.”

In 2009, the Family Smoking Prevention and Tobacco Control Act granted the FDA the authority to ban cigarettes with characterizing flavors, except menthol and tobacco. At this time, e-cigarettes weren't popular – Juul had not been invented. According to Public Health Law Center, while it has full authority to do so, the FDA has not yet extended the prohibition of flavors to Juuls. According to Nafisi, Juul is able to continue without the same regulation because of their mission to prevent smoking addictions.

While the FDA has not chosen to prohibit Juul's use of flavored pods, they have regulated pod names such as 'creme brulee' to just 'creme' and 'cool cucumber' to 'cucumber' to make the flavors sound less appealing, according to The New York Times.

“There's no less risk of teens getting hooked on a Juul than on a cigarette, if not higher, if it were offered in sweet flavors that are easy to consume,” Nafisi said.



by Emily Fey

As soon as she opened the door to the fifth floor girls' bathroom, freshman Maliyah Darrington saw a long line of students and a cloud of smoke coming from a stall. She immediately felt uncomfortable when she realized she was inhaling a mix of chemicals with every breath she took.

“It makes me uncomfortable because I know I am being exposed to second-hand vape,” Darrington said. “I don't want to be ingesting or coming into contact [with vape smoke]. They don't really know what it is doing to your body yet. It could be really bad and no one knows it.”

Darrington dislikes how students are using school bathrooms to fulfill their craving for nicotine, and she hates how a Juul — a product she has never touched — could have an effect on her health in the future in addition to making her late to English class.

In 2017, a poll of 497 East students showed that 31 percent had used a Juul before. Now, according to a poll of 345 students, that number has almost doubled with 63 percent of students responding they have used the discrete device that's taking over the e-cigarette market.

Juul “buzzes” — the feeling a student feels after inhaling copious amounts of nicotine — have transformed from just another way to have fun at parties to a feeling students have become reliant on, with 16 percent of students claiming they are addicted to the product. Due to this increase, East administration, Johnson County Mental Health and national organizations such as the FDA and **Tobacco Free Kids** are working to keep Juuls and other e-cigarettes out of the hands of minors by educating a new generation of nicotine addicts about the long-term effects of the product.

63%
of students have used a Juul before

The FDA's latest attempt to address the growing epidemic of underage e-cigarette is their **“The Real Cost”** Youth E-Cigarette Prevention Campaign. The campaign plans to target nearly 10.7 million youth, ages 12 to 17, who have used electronic cigarettes or are open to trying them, according to the FDA. Educational posters meant to pose questions to students about the dangers of vaping are being sent to high schools around the nation.

Associate Principal Britton Haney and other administrators will begin taping the anti-vaping signs they were sent by the FDA in the bathrooms — the most common place for students to get their nicotine fix.

When sophomore Clarence Rode* walks into the boy's bathroom for his second Juul break of the day, the blue walls will be plastered with the FDA posters displaying the slogan “Some of the grossest things in this bathroom are in that vape.” He doesn't believe this specific poster will have any effect on his yearning to take a hit. He'll just go straight into the stall and inhale the “sweet” mango pod vapor.

“[The impact the poster has on me] depends on what it says on it,” Rode said. “If it mentioned some pretty good health points on what it does to your health, I would probably think it was a bad idea [to Juul]. But if [the sign] just said ‘stop vaping,’ it would just be a joke.”

Haney knows the posters won't reverse every Juul user's addiction. But he hopes at least one student will look at the posters and consider the possible long-term effects of using the product.

But now, Student Resource Officer Lacey Daly is working with Jamie Katz, Prevention Coordinator for **Johnson County Mental Health**, on not only preventing Juul use, but also helping students who are already addicted. They are working on bringing ASPIRE — an online program through MD Anderson Cancer Center that explains the dangers of tobacco and nicotine use to kids — to East students. The program is also designed as a cessation program, meaning it also gives information and tips to students already addicted on how to quit according to Katz.

While bringing ASPIRE to East is a work in progress, there is an increase in the punishment for students who are caught with Juuls and other e-cigarette devices. The first time a student is caught with a Juul, the punishment will be a three day out-of-school suspension. But if the student commits a second offense, they will receive a citation from a SRO, which will require a mandatory court date with up to a \$100.

"I think this could help people stop Juuling [in school] because it attaches a legal threat to students who are caught, rather than just a school suspension," senior Thomas Graves* said.

The popularity of the Juul seemed to be a high school issue, but has now transferred over to Indian Hills Middle School. Principal Blake Revelle said that over the past two years electronic cigarette use — including Juuls — at the middle school level has "increased significantly" due to the popular flavorings they offer and how easy the product is to obtain.

When Revelle sits down to talk with a student who was caught with a Juul or other electronic cigarette, half of the time he finds that the student doesn't actually know what substances they are inhaling, or that the device is illegal to use under the age of 18.

To inform the Indian Hills' community about the epidemic of Juuling, Indian Hills counselors are presenting a "Clear the Air About Vaping" talk for parents to attend Oct. 29. The presentation will educate parents about the health concerns with vaping and how to spot potential underage use.

INCREASING EDUCATION

The Drug Abuse Resistance Education program, or DARE, now integrates e-cigarette education within their lessons about drug and alcohol use.

“

I very quickly saw that [vaping] is going to be something that kids in middle school will be faced with so that's why I wanted to get in front fo that stuff early

brian wolf dare officer

The fight to keep Juuls out of the hands of minors isn't just happening within schools, it is happening at the state level as well. Regional advocacy director for Tobacco Free Kids Jodi Radke works with legislators at the local, state and federal level to advocate for laws that will hinder one of the Juul's most attractive characteristics to students: its easy accessibility.

Tobacco Free Kids has helped create legislation that raises the tobacco and nicotine purchasing age from 18 to 21 in 19 cities in Kansas, including Prairie Village, Leawood and Overland Park. With widespread support of this legislation, Radke hopes in the future no student will be able to purchase a Juul without being 21 in the entire state of Kansas.

"We strongly support [raising the legal purchasing age to 21] because it removes a very critical point of accessibility for high schoolers that are able to obtain these products and purchase them legally and then resell them to their younger peers to help offset the cost of their purchase of a Juul and pods," Radke said.

Radke is also campaigning to remove flavored e-cigarette products from the shelves of gas stations and vape shops. She believes if cigarettes are not allowed to be flavored under the Family Smoking Prevention and Tobacco Control Act of 2009, Juul shouldn't be able to have flavored pods that attract underage users such as Rode – he would never use a Juul if the only flavor they sold was tobacco.

"All of these policies work synergistically together, they all compliment one and other," Radke said. "As we begin to pass these policies that we know have evidence behind them that show us they reduce use rates amongst kids, hopefully when we are successful in that it won't only decrease combustible cigarette use but e-cigarettes as well."

Tobacco 21 – Item 7

City of Overland Park – Enforcement Considerations



Laura Smith <lsmith@missionks.org>

Fwd: Tobacco 21 Ordinance

Ken Davis <kdavis@missionks.org>

Fri, Nov 30, 2018 at 1:03 PM

To: Laura Smith <lsmith@missionks.org>, Ron Appletoft <rappletoft@missionks.org>, Hillary Parker Thomas <hthomas@missionks.org>

Laura,

Please include this email from Overland Park in the Tobacco 21 packet.

Thank you,

Ken Davis, Ward IV Council Member
City of Mission
6090 Woodson Rd.
Mission, KS 66202
kdavis@missionks.org
913-669-7095

Please remember that all correspondence sent to and from this account is subject to public record and legal discovery activities.

Begin forwarded message:

From: "Twigg, Jim" <jim.twigg@opkansas.org>
Date: November 30, 2018 at 10:39:19 AM CST
To: kdavis@missionks.org
Subject: Re: Tobacco 21 Ordinance

Ken:

Sorry about my delay in responding to your question.

Overland Park raised the age to purchase all forms of tobacco products (cigarettes, cigars, vape, etc.) to 21 in August of 2016. Our division, Community Planning & Services, enforces violations related to tobacco use such as smoking in restaurants or the workplace and I am happy to report that adoption of Tobacco 21 raising the minimum age to purchase tobacco products has not had any meaningful impact on the number of violations reported to our office.

Jim Twigg

Environmental Programs Coord
Planning & Development Services

City of Overland Park
8500 Antioch Road
Overland Park, KS 66212

(w) 913-895-6273 | (f) 913-890-1273
jim.twigg@opkansas.org | www.opkansas.org



On Fri, Nov 30, 2018 at 9:40 AM Ken Davis <kdavis@missionks.org> wrote:

Good Morning, Jim,

Thank you for speaking with me this morning concerning the City of Overland Park's implementation of the Tobacco 21 ordinance. As I mentioned, The Mission Finance & Administration Committee is reconsidering the adoption of a similar ordinance in the City of Mission on December 12th. It would be helpful to understand some of the issues that Overland Park experienced in implementing your ordinance and suggestions about handling the enforcement of the ordinance.

Please offer any insight you might have about this process and let me know whether you could draft an informational letter or be present at our Council meeting on December 12th.

Thank you in advance for your assistance.

Regards,

Ken Davis, PT, MPH
Councilmember Ward IV
[6090 Woodson Rd.](#)
[City of Mission, KS](#)
913-669-7095

Please remember that all correspondence sent to and from this account is subject to public record and legal discovery activities.

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Tobacco 21 – Item 8

Shawnee Mission School District T21 Statement of Position

STATEMENT OF POSITION - HEALTH AND WELLBEING

The Shawnee Mission Board of Education believes all students, staff, parents and patrons should strive to maintain healthy lifestyles.

The Shawnee Mission Board of Education recognizes and appreciates recent actions taken by the governing bodies of Kansas City, Missouri, and Kansas City, Kansas, to increase the legal age for purchase of tobacco products, including e-cigarettes and smokeless tobacco, to age 21.

The Shawnee Mission Board of Education hereby encourages governing bodies of the fourteen Johnson County municipalities served by the Shawnee Mission School District to consider increasing the legal age for purchase of tobacco products, including e-cigarettes and smokeless tobacco, to age 21.

Adopted November 23,
2015

Shawnee Mission School
Board

Sara Goodburn, President

Tobacco 21 - Item 9
Public Health Implications of Raising the Minimum Age
of Legal Access to Tobacco Products

Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products



Over the past 50 years, tobacco control in the United States has led to an estimated 8 million fewer premature deaths. However, tobacco use continues to significantly affect public health, and more than 40 million Americans still smoke.

In 2009, the Family Smoking Prevention and Tobacco Control Act granted the U.S. Food and Drug Administration (FDA) broad authorities over tobacco products, though it prohibited FDA from establishing a nationwide minimum age of legal access—an MLA for tobacco products—above 18 years of age. It also directed FDA to convene a panel of experts to conduct a study on the public health implications of raising the minimum age to purchase tobacco products. At FDA's request, the Institute of Medicine (IOM) convened a committee in 2013 for this purpose.

In the resulting report, *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*, the committee of experts reviews existing literature on tobacco use initiation, developmental biology and psychology, and tobacco policy and predicts the likely public health outcomes of raising the MLA for tobacco products to 19 years, 21 years, and 25 years. The committee also uses mathematical modeling to quantify these predictions. Of note, the report contains only conclusions regarding raising the MLA; as requested by FDA, the committee does not offer recommendations as to whether the MLA should be raised.

...tobacco use continues to significantly affect public health, and more than 40 million Americans still smoke.

Lowering Initiation Rates

The initiation age of tobacco use is critical. Among adults who become daily smokers, approximately 90 percent report first use of cigarettes before reaching 19 years of age, and almost 100 percent report first use before age 26. As mentioned above, FDA cannot raise the MLA nationwide. However, states and localities can set a higher minimum age for their communities. Most states currently set the MLA at 18 years. Four states set it at 19 years, and several localities around the country have raised the minimum age to 21 years.

Based on its review of the literature, the committee concludes that overall, increasing the MLA for tobacco products will likely prevent or delay initiation of tobacco use by adolescents and young adults. The age group most impacted will be those age 15 to 17 years. The committee also concludes that the impact of raising the MLA to 21 will likely be substantially higher than raising it to 19. However, the added effect of raising the MLA from 21 to 25 will likely be considerably less.

The parts of the brain most responsible for

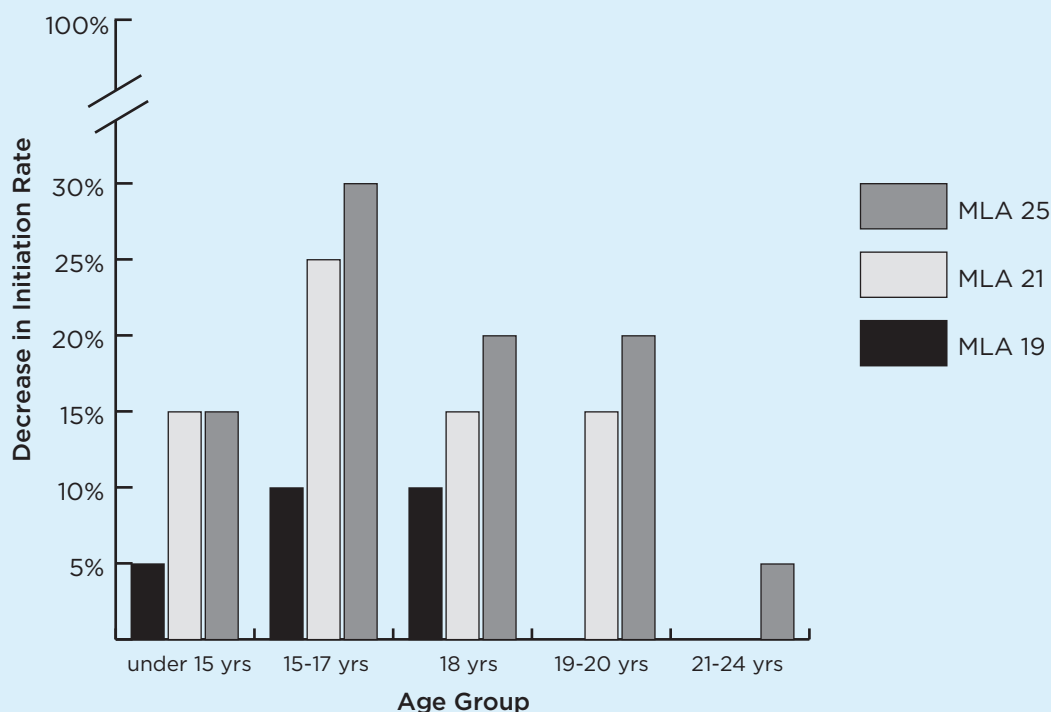
decision making, impulse control, sensation seeking, and susceptibility to peer pressure continue to develop and change through young adulthood, and adolescent brains are uniquely vulnerable to the effects of nicotine. In addition, the majority of underage users rely on social sources—like family and friends—to get tobacco.

Raising the MLA to 19 will therefore not have much of an effect on reducing the social sources of those in high school. Raising the MLA to 21 will mean that those who can legally obtain tobacco are less likely to be in the same social networks as high school students. In the same vein, increasing the MLA from 21 to 25 is not likely to achieve additional notable reductions in social sources for those under age 15.

Reducing Prevalence, Decreasing Disease

Delaying initiation rates will likely decrease the prevalence of tobacco users in the U.S. population. To quantify this decrease in both prevalence of tobacco users and in related health concerns

FIGURE: Committee Estimates Regarding Effects on Initiation Rates



NOTE: This figure was created using data from Table 7-2 in the report.

The parts of the brain most responsible for decision making, impulse control, sensation seeking, and susceptibility to peer pressure continue to develop and change through young adulthood, and adolescent brains are uniquely vulnerable to the effects of nicotine and nicotine addiction.

that could be a result of raising the MLA, the committee commissioned the use of two established and complementary tobacco simulation models, SimSmoke and the Cancer Intervention and Surveillance Modeling Network smoking population model (CISNET).

In using the models, the committee employed all available evidence and expert judgment to project outcomes. The committee also had to make assumptions with important implications. The models only address cigarette smoking, but the committee expects the MLA and relative effects on initiation to apply to all tobacco products. In addition, the models project the effects of raising the MLA on the United States as a whole and do not take into account existing variations in tobacco use—such as by race or socioeconomic status—initiation rates, and tobacco control activities. In addition, the rapidly changing landscape of tobacco products—for example, e-cigarettes—provides unknowns and could affect the future of tobacco product use in ways that the committee was unable to anticipate due to lack of evidence.

Based on the modeling and backed up by the literature review, the committee concludes that raising the minimum age of legal access to tobacco products in the United States, particularly to ages 21 and 25, will likely lead to a substantial reduction in smoking prevalence. If the MLA were raised now, the models projected that by the time today's teenagers were adults, there would be a 3 percent decrease in prevalence of tobacco use among those adults if the MLA were raised to 19, a 12 percent decrease if raised to 21, and a 16 per-

cent decrease if raised to 25.

Given a decline in the initiation rates of tobacco use by adolescents and lower prevalence in the population, it follows that tobacco-related disease would also decrease in proportion to the reduction in tobacco use. It is generally known that smoking-related diseases like cancer and heart disease develop over decades, and therefore, it could take many years to lower rates of these diseases; however, there could be immediate decreases in other tobacco-related health effects.

The committee concludes that raising the MLA will likely immediately improve the health of adolescents and young adults by reducing the number of those with adverse physiological effects such as increased inflammation and impaired immune functioning caused by smoking, as these could potentially lead to negative health consequences, including increased hospitalizations and lessened capacity to heal wounds. Adverse maternal, fetal, and infant outcomes—including preterm births, low birth weight, and sudden infant death—will also probably decrease due to reduced tobacco exposure in mothers and infants. Raising the MLA will also lessen the population's exposure to secondhand smoke and its associated health effects, both now and in the future.

Over time, the committee concludes that raising the MLA will likely lead to substantial reductions in smoking-related mortality, though results from the models suggest that these results will not be observed for at least 30 years, assuming that the MLA increase occurs now. The CISNET model



Committee on the Public Health Implications of Raising the Minimum Age for Purchasing Tobacco Products

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U.S. Food and Drug Administration

projected that if the MLA were raised now to 21 nationwide, there would be approximately 223,000 fewer premature deaths, 50,000 fewer deaths from lung cancer, and 4.2 million fewer years of life lost for those born between 2000 and 2019.

Conclusion

The public health impact of raising the MLA for tobacco products depends on the degree to which local and state governments change their policies. These decisions will depend on each state's or locality's balance between personal interests and the privacy of young adults to make their own choices versus society's legitimate concerns about protecting public health.

The IOM committee makes conclusions about likely public health outcomes of raising the MLA for tobacco products. Overall, in the absence of transformative changes in the tobacco market, social norms and attitudes, or in the knowledge of patterns and causes of tobacco use, the committee is reasonably confident that raising the MLA will reduce tobacco use initiation, particularly among adolescents 15 to 17 years of age; improve the health of Americans across the lifespan; and save lives.



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Tobacco 21 - Item 10
Tobacco Harm Reduction 4 Life

Tobacco 21 laws are *bad* for public health

Separating Fact from Speculation

A presentation by:



Tobacco Harm Reduction **4** Life

Leading the way toward a Smoke-free America

Minnesota Smoke-free

THR4LIFE is a non-profit 501(c)(3)

Background: Tobacco 21 is an initiative to raise the minimum legal sales age (MLSA) for tobacco and vapor products. Proponents of this measure are admittedly crusading the state of Minnesota in an effort to convince municipalities to participate in the agenda, in hopes they can eventually convince lawmakers to pass the policy at a state level.

While on the surface 'raising the smoking age' may seem like a noble idea, upon further investigation, we find any potential benefit of the policy to be outweighed by the potential harm.

Objective: In this presentation, we aim to separate fact from speculation and misinformation by outlining popular claims made by Tobacco 21 proponents, followed by the results of our research and analysis.

Our Mission: Tobacco Harm Reduction 4 Life (THR4Life) was established to help smokers regain control over their lives by providing balanced and accurate information about tobacco harm reduction. We believe that honesty and transparency in public health is imperative to the long term well being of our communities. We assert that the best way to protect future generations from the harms of tobacco, is to begin with the adults in their lives. We advocate for the technological innovation of tobacco harm reduction as paving the way toward a smoke-free future, a healthier population, and a cleaner environment.

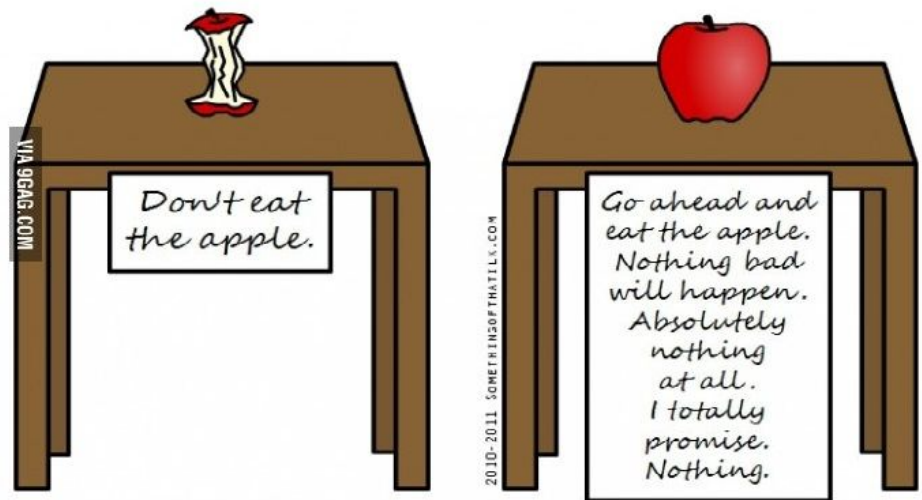
CLAIM: *Raising the minimum legal age to purchase tobacco products will reduce the amount of tobacco use by high school students.*

ANALYSIS: There is currently **no conclusive evidence to indicate that Tobacco 21 laws are effective** in preventing youth from tobacco use and access. There *are* 'tobacco control' commissioned, methodologically lacking surveys that speculate hopeful statistics, however, hopeful speculation does not qualify as conclusive evidence.

Psychological reactance may cause the target objective to backfire, increasing smoking

We need to stop and think about the sociological and psychological repercussions of violating the Age of Majority rights, and arguably the Constitutional rights, of young adults. We need to consider the *impact* of removing freedoms from the same demographic of people that we are concurrently encouraging to risk their lives in service to our country, in the name of protecting *our* freedom. When rules are perceived as arbitrary, it adds to an overall diffidence toward the law. As young adults realize their freedom to chose has been removed, they may enter into reactance motivational state and act to regain control by not complying. The term for this is *psychological reactance* - an aversive affective reaction in response to regulations or impositions that impinge on freedom and autonomy. This is a very 'human' and common reaction to loss of free will, and has the potential **to increase smoking**.

Young people are particularly susceptible to unintended *reverse psychology* effects as they develop an appetite for independence. When making their own choices is at such a high level of importance to them, creating a new forbidden fruit to tempt them with is imprudent. By 'raising the smoking age', we are drawing unnecessary attention to smoking during a time when smoking among youth is **already declining at an unprecedented rate**.



Instead of creating an environment of 'control' for youth to rebel against, we need to foster a more *positive environment* that encourages youth to make good decisions because they *want* to. The appropriate response to our unprecedented decline in youth smoking and vaping, is to applaud our youth for **making good choices** and focus on *positive reinforcement* for a continued positive outcome. Tobacco 21 is essentially a punishment for doing well. Removing the simple freedom of choice from legal adults, is an inappropriate response to our declining youth [and adult] smoking rates.

Tobacco 21 sets the stage for black market, increasing tobacco access among youth

Under Tobacco 21 laws, cities lose revenue to neighboring cities and states while simultaneously **setting the stage for a bolstered black market for cigarettes in our schools**. Nothing is stopping a motivated 18-year-old from simply driving to neighboring cities or states, picking up cigarettes, and driving back to capitalize on the new business opportunity. This idea is nothing new. Many Minnesota smokers make the trek to North Dakota and Wisconsin for tax-free smokes since Minnesota raised the sin tax on cigarettes. Furthermore, cigarettes can easily be purchased online, duty-free. Keep in mind, these young "entrepreneurs" *will not be requiring age verification for sales*.

Prohibition is a failed strategy

History repeats itself; this is indisputable. Looking at our history can provide us with clarity and wisdom in making future decisions. When considering whether or not to enact a new prohibition, it is critical that we take a look at the results of similar prohibitive measures.

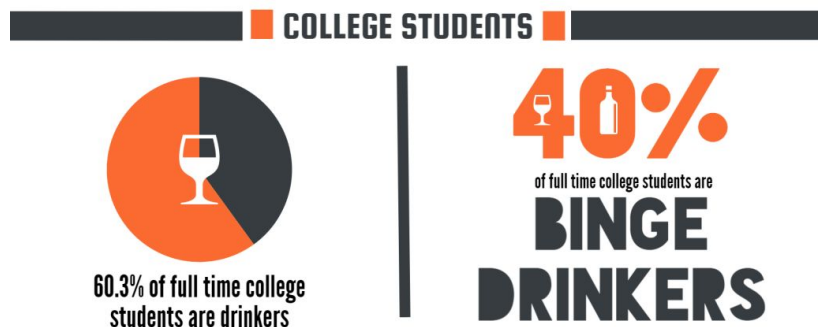
Alcohol prohibition was a failed strategy

The United States has a complex history regarding the legalization of dangerous drugs. In 1920, the 18th Amendment banned the sale of alcohol. The amendment aimed to stem what was seen as a growing moral decay of society and eventually led to the passage of the 19th Amendment, which gave women the right to vote.

But the 18th Amendment had some other major consequences as well. It helped create an epidemic of organized crime, giving rise to the era of Al Capone and others. It also cut down on tax revenues that could have helped the United States during the start of the Great Depression. In 1933, the 21st Amendment was approved, repealing the disastrous attempt at prohibition authorized by the 18th Amendment.

Raising the drinking age increased college binge drinking, does not prevent youth access

Since raising the drinking age to 21, there's been an **increase in college binge drinking** (ages 18-24). According to the CDC, "people aged 12 to 20 years drink 11 percent of all alcohol consumed in the United States. More than 90 percent of this alcohol is consumed in the form of binge drinks. On average, underage drinkers consume more drinks per drinking occasion than adult drinkers."

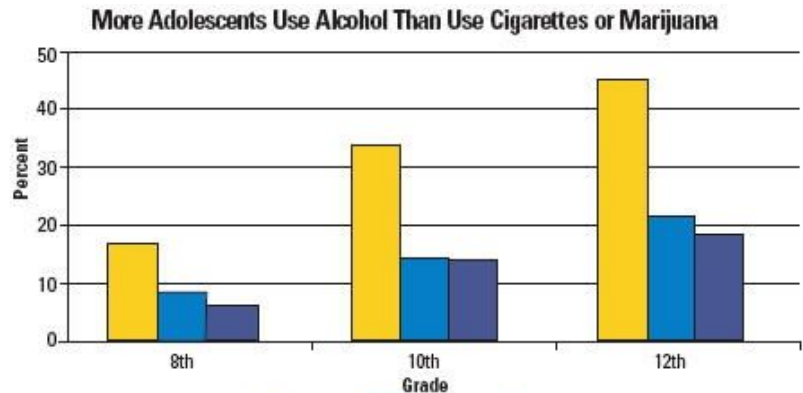


Alcohol is responsible for the deaths over 1,000 people in the U.S. between the age of 18-24 every year. The National Institute on Alcohol Abuse and Alcoholism says that even though the "**21 year-old**

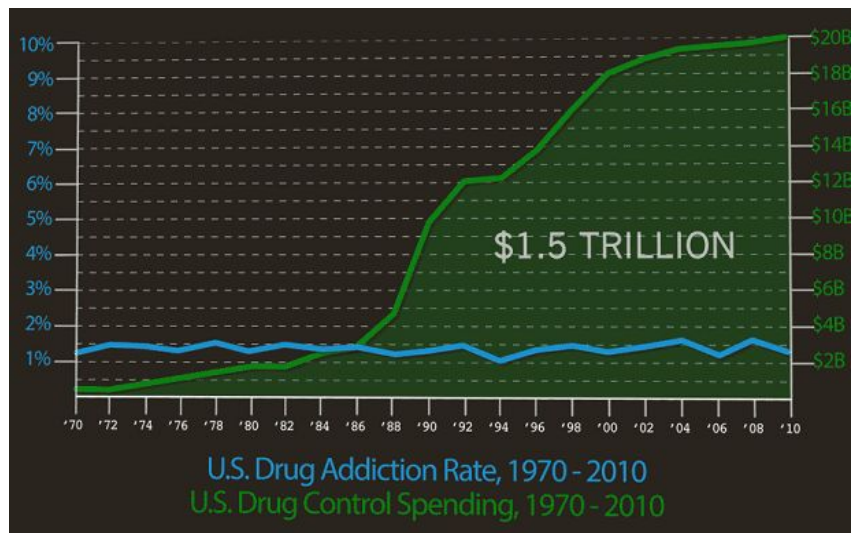
drinking age has been in place for over 25 years, we are still facing an environment where drinking by people under 21 is the norm."

Statistically, more teens use alcohol, than cigarettes and marijuana combined - **despite the legal drinking age being 21.**

Prohibition on drugs remains ineffective



Similarly, the **war on drugs has done nothing to decrease drug use.** All it's done is create a violent black market, the highest incarceration rate on the planet, and has cost the U.S. over \$1 trillion since Nixon initiated it in the 1980's.



“Torches of Freedom”, when discriminatory tobacco prohibitions backfire

Before the twentieth century, smoking was seen as a habit that was corrupt and inappropriate for women, and some states tried to prevent women from smoking by enforcing laws. In 1908 the New York City Board of Aldermen unanimously passed an ordinance that prohibited smoking by women in public. Following in 1921, a bill was proposed to prohibit women from smoking in the District of Columbia. Cigarettes became a way for women to challenge social norms and fight for equal rights as men. Eventually for women the cigarette came to symbolize ‘rebellious independence’. Women who otherwise wouldn't have smoked, began smoking as a statement of social and political activism. This is a prime example of **psychological reactance** in regard to a tobacco prohibition, specifically one that unequally discriminated against a particular demographic of U.S. adults. This prohibitive attempt was rendered

ineffective at accomplishing the desired outcome, and **resulted in an increase in smoking among the targeted demographic.**

All of this proves that prohibition and restriction do not work. Every time the United States has opted to ban some kind of drug in some shape or form, a thriving drug trade has been born. Is that the kind of future we want to create for our children and our society? This kind of solution is not the kind that the state of Minnesota should pursue. Raising the age for tobacco consumption and purchase will not stem usage.

Tobacco 21 laws push youth toward traditional cigarettes

Tobacco 21 does **nothing to prevent youth from obtaining cigarettes through other common means** such as stealing them from a store or a parent, obtaining them consensually from a friend or family member over the age of 21, or even scavenging ash trays outside of grocery stores and gas stations.

Tobacco 21 **prevents adults age 18-20 from access to smoke-free vapor products**, which the Royal College of Physicians has concluded to be at least 95 percent less harmful than smoking. This measure is poised to keep the 90 percent of people who start smoking before the age of 18, bound to cigarettes for three additional years, hardening an addiction to smoking.

In a recently published National Bureau of Economic Research Working Paper titled "[The Effects of E-cigarette Minimum Legal Sale Age Laws on Youth Substance Use](#)", research supported by the National Institutes of Health concluded that **laws banning sales of e-cigarettes to young adults actually pushes youth toward traditional cigarettes**. Strict enforcement of these laws is linked to an increase in youth smoking participation of 0.7 to 1.4 percentage points. The study concludes that the unintended consequences of these laws is concerning and may have a **negative impact on public health**.

Tobacco 21 laws do not prevent 18 - 20 year olds from smoking. Under this policy, adults (age 18 - 20) are still legally allowed to possess and use tobacco products. Tobacco 21 simply creates an easily surmountable hurdle for those that smoke to obtain cigarettes, while discouraging access to and education in tobacco harm reduction products.

CLAIM: *Needham Mass. saw a 48% decrease in youth smoking rates after implementing Tobacco 21.*

ANALYSIS: Tobacco 21 proponents often cite Needham, Mass. as their golden example of the policy's success. Unfortunately, their claims are misleading, as they fall short of telling the whole story. The Boston suburb did see an impressive 48% reduction in teen smoking rates from 2006 to 2012 after implementing the policy, however, as Needham's director of public health points out, the city had enacted multiple other tobacco control efforts at the same time. **"I wouldn't say it's all because of this [Tobacco 21],"** she told WNYC. Additionally, 'the study analyzed data starting in 2006, a year after the

purchasing age hike. Kessel Schneider, study co-author, acknowledged this as a possible limitation to the research as **it's unclear exactly how teen smoking was trending in Needham during the years leading up to the policy change**.

The entire nation's smoking rates have been steadily declining for decades, reaching historic lows; Needham is hardly an exception. For example, from 2011 to 2016, **Minnesota's youth smoking rates declined by 56% despite having no Tobacco 21 laws in place**.

Out of the 2 states and 200 plus communities that have passed this policy, this out of context and inconclusive example of Needham, Mass. remains the only statistical claim of Tobacco 21 success.

CLAIM: *Nicotine is highly addictive and dangerous.*

ANALYSIS: The popular perception has long been that it is the nicotine that 'addicts' people to smoking, but according to a number of recent studies, including one by the Royal College of Physicians (RCP), this is not the case. The RCP is one of the most respected medical research groups in the world, and was the first to tell us smoking is dangerous. In their 2016 report "Nicotine without smoke: Tobacco harm reduction", RCP reports that **nicotine, when isolated from the other chemicals in tobacco cigarettes, is relatively benign in its harm, benefit, and addictiveness** (compare to caffeine), and that the most harmful and addictive property of tobacco cigarettes [is not the nicotine](#), rather it is the chemical laced smoke of combustible tobacco that is to blame for tobacco related cancers, diseases, and addiction. This is why tobacco companies add thousands of additional chemicals to tobacco - to create an addiction above and beyond simple nicotine.

This is echoed by the FDA which claims, "although any nicotine-containing product is potentially addictive, decades of research and use have shown that NRT (Nicotine Replacement Therapy) products sold OTC **do not appear to have significant potential for abuse or dependence.**" To date, there are no documented cases of nicotine patches, gums, or lozenges creating addiction in users. Nicotine may be the most well known chemical in cigarettes, but is not the culprit when it comes to cancer and other tobacco related disease. [Smoking causes cancer, nicotine does not.](#)

The notion that nicotine is addictive dates back to the introduction of Nicorette in the 1980s, when for the first time in history smokers were labelled as "addicts" - as people with no willpower - unable to give up cigarettes without pharmaceutical nicotine products. Claims that 'nicotine is more addictive than heroin' were touted from the official "Surgeon General" report, "Nicotine Addiction", published in 1988. These findings were that of prominent anti-tobacco 'experts', who were later found in a 2014 Washington DC court case to [have significant financial ties to the pharmaceutical industry, particularly in the nicotine replacement therapy market](#), during the time they were designated by the US government as scientific editors of the official "Surgeon General" reports on tobacco. A judgment ordered the FDA to remove these experts from Tobacco Products Scientific Advisory Committee (TPSAC) because of their extensive conflicts of interest with pharmaceutical companies. According to the presiding judge over the case, their recommendations must be considered "suspect" and "at worst unreliable" because of their long-standing

financial ties to the pharmaceutical companies. However, this has not stopped groups with special interests from cherry-picking “facts” from these reports.

The alarmist claims that ‘nicotine is the addictive and harmful aspect of smoking’ are rooted in corrupt financial interests of pharmaceutical corporations trying to gain a monopoly on the nicotine market through NRT cessation products.

The e-cigarette has been a threat to the pharmaceutical nicotine profits, since it succeeded in taking half of the Nicorette market in 2012. Survey results in the American Journal of Preventative Medicine revealed respondents using e-cigarettes more than 20 times per day had a **quit rate of 70.0%**. Of those who had stayed off the smokes for 6 months; 34.3% were not using e-cigarettes or any nicotine-containing products by that point.

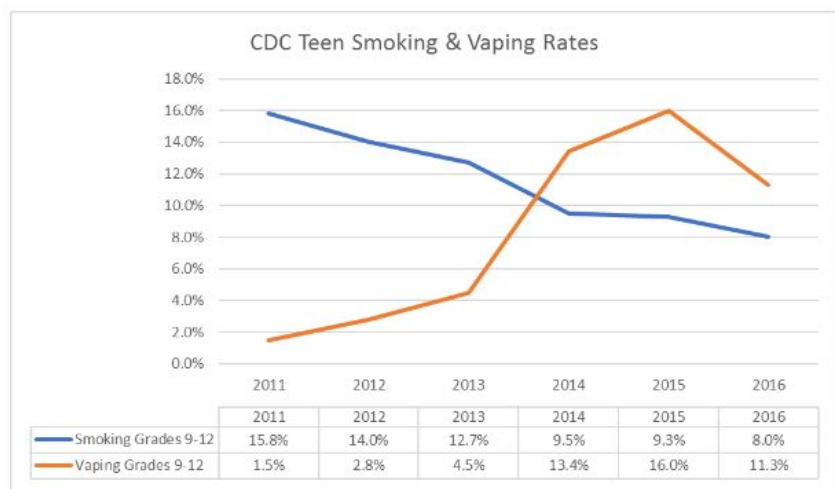
These results are astounding compared to endorsed nicotine replacement therapies that are far more expensive. For example, a study on the effectiveness of nicotine patches found just **8.2%** had abstained from smoking after 24 weeks. In a study of those using nicotine chewing gum, only **7.7%** of the prescribed gum group and **8.4%** in the over the counter gum group were not smoking at six months.

Smokers who switch to vaping are using a harm reduction method to abstain from cigarettes, and are able to detox the chemicals that are [intentionally] added to tobacco cigarettes to create an addiction above and beyond nicotine, while still satisfying cravings and oral fixation through a *clean delivery system for nicotine* suspended in vegetable glycerin and propylene glycol (both of which have been FDA approved for medical use for years.)

CLAIM: *Vaping is a gateway to smoking, re-normalizes smoking.*

ANALYSIS: Though repeated by many anti-tobacco groups, this speculation has no factual or statistical supporting basis. After a decade on the market, there is still **no evidence that vaping is a gateway to smoking**. Rather, there is evidence of the contrary. The CDC’s [most recent data](#) should put to rest the contention that electronic cigarettes are a gateway to smoking among youth. This new data shows that the prevalence of smoking among high school students was cut in half in just five years - from 2011 to 2016 - at the same time as the use of e-cigarettes among these very same students increased dramatically from 1.5% to a peak of 16.0% in 2015.

Not only has youth smoking declined at an unprecedented pace in the last five years, but for the first time, the prevalence of youth use of e-cigarettes has also declined, **dropping from 16.0% in 2015 to 11.3% in 2016** (among high school students). Use of cigarettes among



high school students continued to fall between 2015 and 2016, dropping from 9.3% **to 8.0%**.

This is great news because it reveals that smoking is truly becoming unpopular among youth. The rate of decline in youth smoking is unprecedented. This despite the rapid rise in e-cigarette experimentation. These data are simply **not consistent with the hypothesis that vaping is going to re-normalize smoking and that e-cigarettes are a gateway to youth smoking.**

The drop in e-cigarette use is also reassuring because it suggests that vaping is largely a social phenomenon that involves experimentation and that the addictive potential of these products is quite low. It also suggests that the popularity of youth vaping has peaked and that **concerns about vaping taking over and leading to nicotine addiction among a huge proportion of youth are not warranted.**

Landmark studies from [The Royal College of Physicians](#), [Public Health England](#), among others have determined **vaping does not act as a route into smoking for children or non-smokers.**

CLAIM: *Smoking causes 480,000 death per year in the U.S., and is responsible for approx \$3 billion in annual excess medical expenditures in Minnesota.*

ANALYSIS: According to the Royal College of Physicians' report 'Nicotine without smoke: tobacco harm reduction', **vaping has the potential to eliminate virtually all tobacco related harm.** Researchers have concluded that e-cigarettes are beneficial to public health; that **'smokers can therefore be reassured and encouraged to use them, and the public can be reassured that e-cigarettes are much safer than smoking.'** 11 million smokers have already successfully quit smoking by switching to vaping. Vaping has the potential to eradicate smoking in the U.S., alleviating the death toll and cost burden associated with smoking. [Public Health England](#) has already taken steps to promote vaping as a safer alternative to smoking. Bristol city council and public health officials have even offered carbon monoxide testing outside of local vape shops as an effort to [persuade smokers to switch to vaping.](#)

CLAIM: *Adolescents who smoke are 3x more likely to use alcohol, 8x more likely to use Marijuana, and 22x more likely to use cocaine.*

ANALYSIS: This claim illustrates that the legal status of a substance is not a barrier to youth who want to use it, and that 'raising the smoking age' is an ineffective way to combat youth smoking.

The age to purchase alcohol is 21 and has been for around 30 years. Marijuana and cocaine are illegal to purchase regardless of age. Though youth who experiment these substances may also smoke cigarettes, they do not use these substances *because* of cigarettes. Youth who have a proclivity toward using illicit and restricted substances, clearly do so regardless of age limit and legal status. There is no clear evidence that nicotine drives adolescents to use illicit substances. Rather, compromised psychological and emotional well being, and lack of awareness of the dangers and consequences, are to

blame for poor choices. Chaotic or abusive home life, depression, anxiety, anger, lack of self worth and confidence, rebellion and psychological reactance are all examples of root causes that lead an adolescent to make the choice to use a restricted substance.

More teens use alcohol than marijuana and tobacco combined. Clearly, the restrictive age of 21 hasn't impeded them from acquiring it. Additionally, meth and heroin have both become a problem in many U.S. schools despite being illegal. If teens are acquiring illegal substances like this, what makes us think they will not find a way to acquire cigarettes? Diffidence toward the law will not decrease by creating more perceivably arbitrary laws; if anything, it will only increase through psychological reactance by insulting the autonomy of those entering Age of Majority.

CLAIM: *During the years from ages 18-21, youthful experimentation often accelerates into daily use. It's a time when the adolescent brain is highly vulnerable, not developed enough to make potentially life altering choices. Humans do not reach a fully developed state until about 25 years of age, and until then lack the maturity, judgment and the ability to access risk in an appropriate form.*

ANALYSIS: At age 18, Minnesota adults can make their own medical decisions, get married, buy guns, own credit cards, vote, and join the military. If an 18-year-old commits a crime in Minnesota, they'll be charged as an adult and could even face the death penalty. Restricting an 18-year-old adult from buying tobacco products conflicts with the Age of Majority rule as defined in Minnesota Statute 645.451. If these young adults are considered too young to chose whether or not to use tobacco or vapor products, then they are also certainly too young to make decisions such as to risk their life serving in the military, to get gender reassignment surgery, or to accrue debt that will follow them the rest of their lives.

Our focus should be on cultivating whole and healthy adults through positive reinforcement and encouragement. According to a new report from the Minnesota Department of Human Services, 'rather than focusing on what youth are doing wrong, we should be emphasizing what the teens are doing right'. The CDC claims to have also found the approach to be effective in creating meaningful change on a range of issues.

Jill Ambuehl, a grant coordinator for Positive Community Norms in Hawley, MN describes the approach saying, "We are choosing to believe in our youth, so they can believe in themselves."

Meanwhile, tobacco control groups are taking the exact opposite approach. Not only are they overwhelming youth with negative statistics about the smoking rates of their peers, they are going as far as to negatively single out specific demographical groups, such as the LGBTQ the community.

For example: "If you identify as LGBTQ and are 18-24, you're nearly 2x as likely to smoke as your straight peers." - Truth Initiative

This message directly segregates a group of young adults based on their sexual identity, and targets them by using what is known as the 'nocebo effect' to instill negative programming and subsequently, negative outcome.

On a broader scale, tobacco control groups use this same *nocebo effect* through Tobacco 21, by negatively portraying the competency of young adults to make their own choices regarding tobacco use, as well as the ability of underage teens to, "just say no", by suggesting the government go as far as to step in and **take rights away from legal adults to 'protect the youth'**. The underlying message here is that *"we don't believe in the youth to make good choices"*. **This sends the message to teens and young adults that they are so incapable of making good choices that they require government intervention.**

This also reinforces the notion that smoking is of such prevalence, that drastic measures are being taken by municipalities to stop it. To an adolescent brain that is so "vulnerable" to suggestion, this is a dangerous misconception.

Tobacco control groups should take the advice from the MDOH, and focus more attention on celebrating our unprecedented and continued decline in youth and adult smoking. A quick look at the latest CDC data on youth smoking shows that our youth have already proven themselves responsible and worthy of our respect when it comes to making choices regarding tobacco use.

Contrary to popular belief, young adults are very informed about the dangers of smoking and using tobacco. **If we are expecting young men and women to live and die for this country, we should give them all possible and reasonable freedoms.** The decision of an adult to use tobacco or vapor products **should not be decided by the government.** That decision should come from each individual.

CLAIM: *70% of Minnesota adults are in favor of enacting Tobacco 21 laws.*

ANALYSIS: An average taken of 2017 Minnesota public polls show **71% of respondents oppose 'raising the smoking age' to 21.**

CLAIM: *65% of young people are in favor of raising the smoking age.*


ANALYSIS: Anti-smoking groups often coach high school students into speaking in support of Tobacco 21, while concurrently claiming that youth under the age of 21 are not developed enough to comprehend the ramifications of decisions such as whether or not to use nicotine. This is contradicting- if youth are not capable of making sound decisions until after they are 21, how then are they capable of comprehending

2017 Minnesota Public Polls Tobacco 21

Should Minnesota 'raise the smoking age' to 21?

Glencoe, MN - The McLeod County Chronicle: **No 61% Yes 34%**
 Hutchinson, MN - Hutchinson Leader: **No 50% Yes 49%**
 Mower County, MN - Kaus AM 1480: **No 84% Yes 16%**
 Wilmar, MN- West Central Tribune: **No 65% Yes 33%**
 St. Cloud, MN - WJON AM 1240: **No 66% Yes 33%**
 Minneapolis, MN - Star Tribune: **No 80% Yes 20%**
 Rochester, MN - Post Bulletin: **No 67% Yes 33%**
 St. Cloud, MN - 98.1 Country: **No 75% Yes 25%**
 Rochester, MN - Rock 107.7: **No 94% Yes 6%**

**71% of respondents said, "NO!"
The People Oppose Tobacco 21!**

6/23/17 Tobacco Harm Reduction 4 Life THR4Life.org 

the consequences of enacting laws that remove the rights of legal adults to make decisions for themselves, and add to the erosion of autonomy of U.S. citizens?

Moreover, if this number is accurate, then this is great news because it indicates that this percentage of people *is not interested in smoking*. This is not the demographic that we need to worry about, as they are already inclined to be non-smokers. Rather, it is the alleged 35% of those who are not in favor of such a policy, that need our focus, as they are more likely to become smokers, and even more likely to do so out of psychological reactance after their right to choose as adults, is stripped.

THR4Life Recommendation

When considering the harm reduction benefits of vaping and the dangers of smoking, it may seem logical to raise the legal age to purchase tobacco products to 21, while keeping the age to purchase vapor products at 18. While this could encourage adults over the age of 18 to choose vaping over smoking, we still need to consider the potential psychological backlash of removing freedom from legal adults. **The last thing we want is to do is risk hardening a young person's preference toward smoking, by turning smoking into a form of political activism or rebellion.**

Given the fact that our youth smoking and vaping rates are already steadily declining, we find tampering with this continued progress by adopting Tobacco 21 policies, to be hazardous to public health. We strongly advise legislators to consider the 'big picture' and the potential harm this legislation carries with it. Smoking and vaping are both losing popularity among youth, and community leaders should strive to **protect this progress by opposing Tobacco 21.**

Tobacco 21 is a poor method of addressing tobacco use and the ordinance should not be adopted into law.

"I support the goal of reducing smoking by young Minnesotans," he said. "However, people who are 18, 19 and 20 years old are legally adults and should generally be allowed to make the same personal decisions as older adults."

~ Mark Dayton, Governor of Minnesota ~

Nicotine without smoke: Tobacco harm reduction

<https://www.rcplondon.ac.uk/projects/outputs/nicotine-without-smoke-tobacco-harm-reduction-0>

Promote e-cigarettes widely as substitute for smoking says new RCP report:

<https://www.rcplondon.ac.uk/news/promote-e-cigarettes-widely-substitute-smoking-says-new-rcp-report>

E-cigarettes around 95% less harmful than tobacco estimates landmark

review: <https://www.gov.uk/government/news/e-cigarettes-around-95-less-harmful-than-tobacco-estimates-landmark-review>

Tobacco Use Among Middle and High School Students — United States, 2011–2016:

https://www.cdc.gov/mmwr/volumes/66/wr/mm6623a1.htm?s_cid=mm6623a1_w

E-Cigarettes Do Not Promote Cancer Growth in Lab Tests:

<http://newsroom.wiley.com/press-release/environmental-and-molecular-mutagenesis/e-cigarettes-do-not-promote-cancer-growth-lab->

British city council to advocate vaping on No Smoking Day:

<http://ecigintelligence.com/british-city-council-advocates-for-e-cigs-on-no-smoking-day/>

The Effects of E-Cigarette Minimum Legal Sale Age Laws on Youth Substance Use:

<http://www.nber.org/papers/w23313>

Comparison of select analytes in aerosol from e-cigarettes with smoke from conventional cigarettes and with ambient air: <http://www.sciencedirect.com/science/article/pii/S0273230014002505>

City of Mission	Item Number:	2.
ACTION ITEM SUMMARY	Date:	December 5, 2018
Administration	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

RE: Non-Discrimination Ordinance

RECOMMENDATION: Approve an ordinance amending Title 6 of the Code of Ordinances of the City of Mission, Kansas relating to Civil Rights.

DETAILS: Following an initial request by Councilmember Flora, the City Council considered and discussed a Non-Discrimination Ordinance (“NDO”) for the City of Mission at the October 3 and November 14 Committee meetings. Council direction was provided at the November 14 meeting to proceed with an ordinance as an action item in December.

The intent of a non-discrimination ordinance would be to provide uniform legal protection within the City of Mission prohibiting discrimination in employment, housing and public accommodations on the basis of race, color, religion, national origin, ancestry, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or military status. In addition, the ordinance would provide for a complaint and enforcement process.

Prior to the November 14 Committee meeting, a postcard was mailed to all businesses included in the City’s business licensing database and all properties included in the rental licensing database to advise these stakeholder groups of the proposed ordinance. A reference page was also created on the website which included an FAQ on non-discrimination ordinances and a link to previous packet materials. In addition, an on-line comment form was created to allow interested residents/businesses to provide feedback on the NDO. Public comment was also taken at both the October and November Committee meetings. The majority of the comments received both in person and via e-mail or the website support adoption of a non-discrimination ordinance.

A draft ordinance was included in the November 14 agenda packet. A red-lined version of that ordinance with changes made since that meeting is provided for final review and consideration. The following chart addresses changes of significance:

Whereas Clauses	Clarifies the current state of the law, the reasons for an intent of the ordinance.
Section 615.010	The definitions have been rearranged to be shown in alphabetical order. Changes or additions are indicated by colored text or strikethrough.
Section 615.020	An additional item has been added to the “Declaration of Policy” which is intended to

Related Statute/City Ordinance:	
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	2.
ACTION ITEM SUMMARY	Date:	December 5, 2018
Administration	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

	clarify and communicate the intent of the City to only assume responsibility for investigating complaints related to gender identity and sexual orientation.
Section 615.030 (d)(1)	Adds language to include the concept that employers retain the ability to make hiring and retention decisions based on legitimate non-discriminatory and non-retaliatory reasons - a concept applied in state and federal discrimination law.
Section 615.040 (e)	Adds language granting investigator authority to issue process and compel the production of documents.
Section 615.040 (g)	Adds a requirement to maintain evidence provided to the investigator for a time certain.
Section 615.040 (h)	Adds language granting hearing officer authority to administer oaths and issue process to compel the attendance of any party or witness.
Section 615.040 (k)	Adds a requirement to maintain evidence provided to the hearing officer for a time certain.

In addition to the changes detailed above and the minor changes made for clarification purposes, there are several items highlighted in the ordinance which remain outstanding points for discussion based on feedback from various members of the Council. Staff left the language as previously presented in the November 14 ordinance, but will look for discussion and final direction on the following points:

1. Application of ordinance: Previous drafts of the ordinance made it applicable to employers with four (4) or more employees and rental dwellings with four (4) or more units. A proposal to reduce that number to one (1) or more in both instances has been suggested.
2. Amount of civil penalty (Section 615.040 (i)): Consider increasing the civil penalty from \$500 to \$1,000.
3. Type of complaints investigated by City: The current ordinance only requires the City to

Related Statute/City Ordinance:	
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	2.
ACTION ITEM SUMMARY	Date:	December 5, 2018
Administration	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

investigate complaints related to gender identity or sexual orientation. Complaints related to other protected classes would be referred on to other state/federal agencies already equipped and accustomed to handling complaints of discrimination.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	
Line Item Code/Description:	NA
Available Budget:	NA

[PROPOSED] MISSION ORDINANCE AGAINST DISCRIMINATION

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 6 OF THE CODE OF ORDINANCES OF THE CITY OF MISSION, KANSAS; RELATING TO CIVIL RIGHTS.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS:

WHEREAS, Mission is a community that respects and actively seeks to welcome and protect all those who reside, visit, or do business in our community; and,

WHEREAS, the governing body finds that providing protection against wrongful discrimination contributes to the creation of a diverse, welcoming community that promotes harmony and mutual respect, and otherwise promotes the health, safety, and welfare of the citizens of Mission; and,

WHEREAS, the governing body finds that discrimination based on race, color, religion, national origin, ancestry, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran military status is wrongful discrimination and inconsistent with the community's goals and values; and,

WHEREAS, state and federal laws provide protection against discrimination against certain classes of persons in employment, housing, and public accommodations, and such laws provide a complaint and enforcement process for parties who allege discrimination in violation of state or federal law; and,

WHEREAS, state and federal laws do not currently provide protection against discrimination on the basis of sexual orientation or gender identity in employment, housing, or public accommodations, and parties who allege such discrimination do not have a complaint or enforcement process to pursue; and,

WHEREAS, due to the gap in legal protection from discrimination on the basis of sexual orientation or gender identity that currently exists under state and federal law, the governing body's intent is to provide uniform legal protection within the City of Mission against discrimination based on race, color, religion, national origin, ancestry, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or military status, and to provide a complaint and enforcement process to effectuate such protection.

THEREFORE, Title 6 of the Code of the City of Mission is amended, adding Chapter 615 to the existing Chapters, as follows:

CHAPTER 615. PROHIBITED DISCRIMINATION IN EMPLOYMENT, HOUSING, OR PUBLIC ACCOMODATIONS.

SECTION 615.010. DEFINITIONS.

Except to the extent they are in conflict with the definitions below, the definitions contained within the Kansas Act Against Discrimination, K.S.A. 44-1001 et seq., the Kansas Age Discrimination in Employment Act, K.S.A. 44-1111 et seq., and the Discrimination Against Military Personnel Act, K.S.A. 44-1125 et seq., and amendments thereto, shall be applicable under this article. For purposes of this article, certain terms shall be interpreted or defined as follows unless the context clearly indicates otherwise.

- (a) **Aggrieved Individual** means any individual who has a good faith belief that he/she has been injured by an unlawful discriminatory practice.
- ~~(a)~~(b) **City** means the City of Mission, Kansas.
- (c) **Code** means the Code of the City of Mission, Kansas.
- ~~(b)~~(d) **Employee** means any person authorized to perform services for any business within the City, and includes an officer, employee, or elected official of the United States, a state, territory, or any political subdivision thereof or any agency or instrumentality thereof, and an officer of a corporation. Employee does not include any individual employed by such individual's parents, spouse, or child.
- ~~(e)~~ **BusinessEmployer** means any individual or entity (i.e. corporation, partnership, limited liability company, association, labor organization, mutual company, joint-stock company, trust, or unincorporated organization) ~~person or entity~~ employing **four** or more employees and all departments, boards and agencies of the City. ~~Employer Business~~ shall include the City and any City Contractor. For purposes of this article, no religious organization or non-profit fraternal or social association/corporation ~~non-profit private club~~ shall be considered ~~to be an~~ employer business.
- (f) **Familial status** means persons 18 years of age or older who are spouses, former spouses, parents or stepparents, and children or stepchildren, and persons who are presently residing together or have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time.
- (g) **Gender identity** means the actual or perceived gender-related identity, expression, appearance, or mannerisms, or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth.
- (h) **Hearing officer** means a person appointed by the Mayor, with approval of the City Council, who is charged with determining the validity of alleged violations of this article, and upon determining that a violation has occurred, assessing appropriate damages, penalties, and/or costs, as provided in this article.
- (i) **Investigator** means one or more persons appointed by the Mayor, with the approval of the City Council, who shall be charged with investigating alleged violations of this article. If the person charged with violating the provisions of this article is the City, the Investigator shall not otherwise be an employee, agent, or contractor of the City.

(j) **Military status** means a person who is serving or has served in the uniformed services, and who, if discharged or released under conditions other than dishonorable, as specified in 38 U.S.C. 101(2), or amendments thereto. Uniformed services is defined as set forth in 20 C.F.R. 1002.5(o), or amendments thereto.

(k) **Nonprofit fraternal or social association/corporation** means an association or corporation that meets all of the following requirements: (1) it is organized in good faith for social or fraternal purposes, (2) membership entails the payment of bona fide initiation fees or regular dues, (3) there exists a regularly established means of self-government by the members thereof clearly set forth in a constitution or by-laws adopted by the membership, (4) there is a regularly established means of and criteria for admitting members and for expulsion of members by the existing membership or by their duly elected or appointed delegates, and (5) it is not operated, directly or indirectly for purposes of profit for any individual or groups of individuals other than the membership as a whole.

~~(e)~~(l) **Place of public accommodation** shall include every establishment business within the City that is open to the public and offers any product, service, or facility. The term place of public accommodation shall include, but not be limited to, all taverns, hotels, motels, apartment hotels, apartment houses with more than four tenant units, restaurants or any place where food or beverages are sold, retail and wholesale establishments, hospitals, theaters, motion picture houses, museums, bowling alleys, golf courses and all public conveyances, as well as the stations or terminals thereof. This shall not, however, apply to any hotel, motel, restaurant or theater operated by a bona fide private club not conducted for the purpose of evading this article when the accommodations, advantages, facilities and services are restricted to the members of such club and their guests; nor to any bona fide social, fraternal, civic, political or religious organization, when the profits of such accommodations, advantages, facilities and services, above reasonable and necessary expenses, are solely for the benefit or mission of such organization. ~~A church, mosque, temple, synagogue, or other place principally devoted to religious practice or religious teaching shall not be considered a place of public accommodation.~~

~~(e)~~(m) **Religious Organization** means a church, mosque, temple, synagogue, or other entity principally devoted to religious practice or religious teaching.

(n) **Rental housing** means any real property, consisting of more than four dwelling units, which is required to obtain a license or permit pursuant to the provisions of Chapter 635.030 of the Code.

(o) To **rent** means to lease, to sublease, to let, or otherwise to grant for a consideration the right to occupy premises not owned by the occupant in exchange for payment or other consideration.

(p) **Respondent** means the individual or entity against whom a complaint alleging discrimination or retaliation has been filed with the City.

~~(p) **Person** means an individual, corporation, partnership, association, labor organization, legal representative, mutual company, joint-stock company, trust, unincorporated organization, trustee, trustee in bankruptcy, receiver, and fiduciary.~~

(q) **Sexual orientation** means an individual's actual real orientation or orientation perceived by another as heterosexual, homosexual, bisexual, or asexual.

SECTION 615.020. DECLARATION OF POLICY.

The right of an otherwise qualified individual person to be free from discrimination because of that individual's person's real or perceived race, color, religion, national origin, ancestry, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or military veteran status is hereby recognized. This right shall include, but not be limited to, any of the following:

1. The right to pursue and hold employment and the benefits associated therewith without wrongful discrimination.
2. The right to the full enjoyment of any of the services accommodations, advantages, or privileges of any place of public ~~resort, accommodation, assemblage, or amusement~~ without wrongful discrimination.
3. The right to engage in property transactions, including obtaining housing for rental or purchase sale and credit therefor, without wrongful discrimination.
4. The right to exercise any right granted under this ordinance without suffering coercion or retaliation
- 4.5. To protect these rights, it is hereby declared to be the purpose of this article to extend the law to prohibit discrimination and retaliation based upon sexual orientation and gender identity and to provide a local process for the acceptance, investigation and resolution of complaints of discrimination and retaliation relating to sexual orientation and/or gender identity arising hereunder.

SECTION 615.030. UNLAWFUL PRACTICES.

(a) **Employment.** It shall be an unlawful discriminatory practice for an employer business, because of the race, religion, color, sex, disability, marital status, familial status, national origin, ancestry, sexual orientation, gender identity, or military status of any otherwise qualified individual person to refuse to hire or employ such individual person, to bar or discharge such individual person from employment, or to otherwise discriminate against such individual person in compensation or in terms, conditions, or privileges of employment; to limit, segregate, classify, or make any distinction in regards to employees; or to follow any employment procedure or practice which, in fact, results in discrimination, or segregation without a valid business necessity. This article shall not apply to employment by a religious organization that consists of religious teaching, ministry, or other religious duties or practices.

(b) **Housing.** It shall be an unlawful discriminatory practice for an individual or entity business to discriminate against any individual person in the terms, conditions, or privileges of sale or rental of real property or rental housing, or in the provision of services or facilities in connection therewith, because of race, religion, color, sex, disability, marital status, familial status, national origin, ancestry, sexual orientation, gender identity, or military status, or to discriminate against any individual person in such individual's person's use or occupancy of

rental housing because of the race, religion, color, sex, disability, marital status, familial status, national origin ancestry, sexual orientation, gender identity, or military status of the people with whom such individual person associates.

(c) **Public Accommodation.** It shall be an unlawful discriminatory practice for ~~any business, as defined herein being~~ the owner, operator, lessee, manager, agent, or employee of any place of public accommodation, to refuse, deny or make a distinction, directly or indirectly, in offering its goods, services, facilities, and accommodations to any individual person as covered by this article because of race, religion, color, sex, disability, marital status, familial status, national origin, ancestry, sexual orientation, gender identity, or military status. Notwithstanding the above, nothing in this article shall be construed to prevent any business as defined in this article from offering, affording, or providing any additional benefit or additional discount to a person because of such person's military or senior citizen status.

(d) Nothing in this article shall:

(1) ~~be~~ construed to mean that an employer business shall be forced to hire unqualified or incompetent personnel, to be forced to ~~or~~ discharge qualified or competent personnel, or to be forced to retain personnel when there is a legitimate non-discriminatory or non-retaliatory reason to terminate employment.

(e) (2) Nothing in this article shall be construed to prohibit a business from requiring all of its employees, as a requirement of employment, to utilize the business' applicable established internal human resource procedure(s) to report any allegation of discrimination in the workplace. The enforcement by an employer of any such requirement shall not, in itself, be deemed a violation of this article. However, nothing in this article shall be construed to require an employee to utilize the employer's internal human resource procedure(s) as a pre-requisite to filing a complaint for the alleged violation of this article.

(f) (3) Nothing in this article shall prohibit an employer from requiring an employee, during the employee's hours at work, to adhere to reasonable dress or grooming standards not prohibited by other provisions of federal, state, or local law.

(g) (4) Nothing in this article shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of real property which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons. Nor shall anything in this article prohibit a nonprofit private club in fact not open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(h) (5) Nothing in this article shall be construed to require any entity subject to this article to make changes requiring a building permit to any existing facility, except as otherwise required by law.

SECTION 615.040. ENFORCEMENT.

(a) An aggrieved individual person may file a complaint that the person has been, or is being, discriminated against by an alleged unlawful discriminatory practice set forth in this Article on ~~his or her~~ the individual's own behalf or through an attorney; or if a minor, through the individual's ~~his or her~~ parent or legal guardian or attorney; by completing and signing the

form provided by the eCity. The complaint form shall state the names and contact information of the aggrieved person, the person(s) alleged to have committed the unlawful discriminatory practice(s), and the respondent; shall describe the unlawful act or discriminatory practice; and shall include all other information as may be required by the City.

- (b) The complaint form shall be submitted to an investigator, and shall only be considered complete if all information requested has been provided to the extent such requested information is reasonably available to the aggrieved individual person.
- (c) The complaint form must be filed within 60 days of the alleged unlawful discriminatory practice, unless the act complained of constitutes a continuing pattern or practice of discrimination, in which event it must be filed within 60 days of the last act of discrimination.
- (d) On receipt of a completed complaint, the investigator shall notify the respondent of the complaint, providing sufficient details related to the complaint so that the respondent may respond. The investigator shall give the respondent a specific date by which to file an answer to the complaint and provide any documentation or evidence related to the complaint. The investigator may, at the respondent's request, extend the answer period to a date certain as the investigator deems appropriate.
- (e) Following the conclusion of the answer period the investigator may initiate further investigation, requesting the complainant and/or respondent to provide additional information, documentation or statements as needed to facilitate the investigation of the complaint. The investigator shall have the power to issue process and compel the production of documents and information. Such process shall be executed by the Chief of Police and shall be enforced as in all cases of City ordinances. This investigation period shall be completed within a reasonable period of time following the submission of additional information, documentation or statements.
- (f) Upon the conclusion of the investigation, the investigator will review all information provided and make a determination whether or not probable cause exists that the respondent committed an unlawful discriminatory practice. If the investigator finds that probable cause did not exist, then the investigator shall notify the complainant and respondent and no further action shall be taken by the City. If the investigator finds that probable cause exists that an unlawful discriminatory practice was committed by respondent, the investigator will attempt to conciliate and settle the complaint between the parties. If a party refuses to participate in conciliation and settlement, or if a settlement agreement is not executed within 60 days of the date of the finding of probable cause, the matter shall be referred to the hearing officer for a hearing.
- (g) The investigator shall maintain all evidence received during the investigation for a period of two years after the deadline for appeal or completion of appeal, whichever is later.
- (hg) Upon referral to the hearing officer, the hearing officer shall schedule a hearing on the complaint. The hearing officer shall have the power to administer oaths and to issue process and compel the attendance of any party or witness. Such process shall be executed by the Chief of Police and shall be enforced as in all cases of City ordinances. At such hearing, the parties and the investigator shall be entitled to call witnesses and to present such other

evidence as appropriate. The hearing shall be conducted in accordance with such procedures as may be established by the hearing officer, but the rules of evidence used in courts of law need not be strictly enforced. Following the conclusion of the hearing, the hearing officer may announce a determination or may take the matter under advisement for determination at a later date. Any determination of the hearing officer shall be in writing, shall be based upon the preponderance of the evidence, and shall set forth the essential elements of the determination.

(i) -If the hearing officer finds that a violation of this article has occurred, the hearing officer may award to the complainant actual damages, or a civil penalty in the amount of \$500.00, whichever is greater, for each violation. In addition, the investigator's fees and the hearing officer's fees shall be assessed to the non-prevailing party unless the hearing officer determines that the circumstances warrant assessing the costs in some other manner.

(j) Any ~~individual person~~ aggrieved by a determination of the hearing officer under this section or any determination of insufficient evidence to warrant a hearing made by the Investigator, may appeal that determination to the District Court of Johnson County, Kansas, in accordance with K.S.A. 60-2101(d), and amendments thereto. Within 30 days of service of the notice of appeal pursuant to K.S.A. 60-2101(d), or within further time allowed by the court or by other provision of law, the City shall transmit to the court the original or a copy of the written determination of the hearing officer and all documents or evidence considered by the hearing officer in considering the complaint or rendering the written determination. On appeal, the district court may enter such order or judgment as justice shall require, and may award court costs and reasonable attorney fees to the prevailing party.

(k) The hearing officer shall preserve all evidence presented at the hearing for a period of two years after the deadline for appeal or completion of appeal, whichever is later.

(i) The filing of a complaint for the alleged violation of this article shall in no way preclude any person from seeking other relief under state or federal law. Further, due to the existence of state and federal legal processes to address allegations of discrimination based on race, religion, color, sex, disability, familial status, national origin, ancestry, or military status, ~~THE~~ the City will direct those seeking to file a complaint for the alleged violation of this article arising out of discrimination based on race, religion, color, sex, disability, familial status, national origin, ancestry, or military status of the appropriate state or federal agency in which such complaints may be filed.

SECTION 615.050. SEVERABILITY.

Should any section, subsection, sentence, clause, or phrase of this article, or the application thereof to any ~~individual person~~ or circumstance, be declared to be unconstitutional or invalid or unenforceable, such determination shall not affect the validity of the remaining portions of this article.

PASSED AND APPROVED by the City Council this ____ day of _____, 2018.

APPROVED by the Mayor this ____ day of _____, 2018.

Ronald E. Appletoft, Mayor

ATTEST:

Martha M. Sumrall, City Clerk

APPROVED BY:

PAYNE & JONES, CHARTERED

David K. Martin, City Attorney
11000 King, Suite 200
PO Box 25625
Overland Park, KS 66225-5625
(913) 469-4100
(913) 469-8182 (fax)

City of Mission	Item Number:	3.
ACTION ITEM SUMMARY	Date:	December 4, 2018
Administration	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

RE: Resolution giving notice that the City of Mission is considering the establishment of a new Community Improvement District (Roeland Court Townhomes CID District) for restoration of the parking and common areas, and setting a date and time for a public hearing.

RECOMMENDATION: Approve the Resolution setting the date and time for a public hearing to consider the petition for the Roeland Court Townhomes Community Improvement District for 7:00 p.m. on January 16, 2019 at Mission City Hall, 6090 Woodson, Mission, KS.

DETAILS: On August 21-22, 2017, a subsidence of the parking lot/parking area of the Roeland Court Homes Association (RCHA) occurred. Since that occurrence, City staff have been working with the residents, consultants and engineers to address the situation. A detailed summary of the actions was provided to the Council at the November 8, 2018 Committee meeting and is included in this packet as reference.

After more than a year of investigation, conversation and a desire to effectively solve the problem, a cooperative solution is ready for Council consideration.

The City and the RCHA acknowledged that there would likely continue to be fundamental differences in the findings regarding the cause(s) of the subsidence and decided that exploring a cooperative solution was the most desirable route. Staff, the RCHA and GBA worked to develop a solution that would create a Community Improvement District (CID). A CID would allow a special assessment component to be activated to allow property owners a longer period of time over which to repay repair costs. Before a CID could be considered by the City Council, the RCHA would have to guarantee that property owners representing at least 55% of the land area within the proposed district and 55% of the assessed valuation within the proposed district would sign the CID petition.

At this time, the RCHA has exceeded the land area/assessed valuation requirements and has submitted a valid petition for consideration by the City Council. The next step in the process is for the Council to consider a Resolution officially calling a public hearing on the CID petition. If approved, the public hearing would be set for January 16, 2019 at 7:00 p.m. The Resolution does not commit the City to any other action related to establishment of the Community Improvement District at this time.

CFAA CONSIDERATIONS/IMPACTS: NA

Related Statute/City Ordinance:	K.S.A. 12-6a26 <i>et. seq</i>
Line Item Code/Description:	NA
Available Budget:	NA

(Published in *The Legal Record* on January 1 and January 8, 2019)

RESOLUTION NO. _____

A RESOLUTION CALLING AND PROVIDING FOR THE GIVING OF NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF MISSION, KANSAS TO BE KNOWN AS THE RO ELAND COURT TOWNHOMES COMMUNITY IMPROVEMENT DISTRICT AND REGARDING THE CITY'S INTENT TO ISSUE GENERAL OBLIGATION BONDS AND LEVY SPECIAL ASSESSMENTS WITHIN SUCH DISTRICT.

WHEREAS, K.S.A. 12-6a26 *et seq.* (the "Act") authorizes the governing body of any city or county to create community improvement districts to finance projects within such defined area of the city or county and to levy a community improvement district sales tax and/or levy special assessments upon property within the district to finance projects, and under certain circumstances issue full faith and credit bonds; and

WHEREAS, a petition (the "Petition") was filed with the City Clerk on December 6, 2018, proposing the creation of the Roeland Court Townhomes Community Improvement District (the "CID") under the Act, and the levying of community improvement district special assessments and the issuance of general obligation bonds in order to pay the costs of Project (defined herein); and

WHEREAS, the Petition was signed by the owners of more than 55% of the land area within the CID and the owners collectively owning more than 55% by assessed value of the land area within the CID, as required by the Act; and

WHEREAS, the City of Mission, Kansas (the "City") intends to create the CID and finance all or a portion of the Project by issuing general obligation bonds repayable in part by special assessments to be levied on the real property located in the CID (the "Special Assessments"), all as requested in the Petition; and

WHEREAS, the Governing Body hereby finds and determines it to be necessary to direct and order a public hearing on the advisability of creating the CID, approving the Project described herein, levying the Special Assessments, and issuing general obligations bonds to finance the Project, all pursuant to the authority of the Act; and further to provide for the giving of notice of said hearing in the manner required by the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS, AS FOLLOWS:

SECTION 1. Petition. The Governing Body hereby finds and determines that the Petition meets the requirements of the Act.

SECTION 2. Public Hearing. It is hereby authorized, ordered and directed that the Governing Body shall hold a public hearing, in accordance with the provisions of the Act, on the advisability of creating the CID, approving the Project, the levying of the Special Assessments and issuance of general obligation bonds, and such other matters related thereto, such public hearing to be held on **January 16, 2019 at 7:00 p.m.**, or as soon thereafter as the matter can be heard, at City Hall, 6090 Woodson, Mission, Kansas.

SECTION 3. General Nature of the Project. The Roeland Court Townhomes are generally located northwest of the intersection of West 60th Terrace and Roeland Drive in Mission, Kansas. Roeland Court is a collection of twenty (20) townhomes with garages and parking in the back of the units.

The project is to restore the parking and common areas shared by the Roeland Court Homes Association and its various members and to make improvements to the adjacent creek channel (the "Project"). The general description of the Project, estimated schedule and the estimated costs of the Project are set forth on **Exhibit C** attached hereto and incorporated by reference herein.

SECTION 4. Estimated Cost. The estimated cost of the proposed Project is \$963,885. The City's portion of such costs is \$620,132, and the CID's portion of such costs is \$343,753 (the "CID Portion").

SECTION 5. Method of Financing. The costs of the proposed Project will be financed by through the issuance of full faith and credit obligation bonds and/or other available funds of the City. The city will pay all financing costs for the Project. The total aggregate amount of the Special Assessments will not exceed \$17,188 per lot, excluding the common area. The method of assessment for the Special Assessments will be equally per lot located within the CID, excluding the common area. The maximum amount to be paid by Special Assessments for the Project will be limited to the CID Portion.

No community improvement district sales tax will be levied for the Project.

SECTION 6. Map and Legal Description of Proposed CID. The legal description of the property to be contained in the proposed CID is set forth on **Exhibit A** attached hereto and incorporated by reference herein. A map generally outlining the boundaries of the proposed CID is attached as **Exhibit B** hereto, and incorporated by reference herein.

SECTION 7. Notice of Hearing. The City Clerk is hereby authorized, ordered and directed to give notice of said public hearing by publication of this Resolution in the official newspaper. Such publication shall be at least once each week for two consecutive weeks. The second publication shall be at least 7 days prior to the date of the hearing. The City Clerk is hereby further ordered and directed to mail a copy of this Resolution, via certified mail, to all property owners within such proposed CID at least 10 days prior to the date of the hearing.

SECTION 8. Reimbursement. The City expects to make capital expenditures after the date of this Resolution in connection with the Projects, and the City intends to reimburse itself for such expenditures with the proceeds of obligations in the maximum principal amount of \$1,000,000.

SECTION 9. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the City.

ADOPTED on December 19, 2018.

By: _____
Ronald E. Appletoft, Mayor

[SEAL]

By: _____
Martha Sumrall, City Clerk

EXHIBIT A

**LEGAL DESCRIPTION OF PROPOSED ROELAND COURT TOWNHOMES
COMMUNITY IMPROVEMENT DISTRICT**

Lots 1 through 5, inclusive, Block 1; Lots 1 through 5, inclusive, Block 2; Lots 1 through 5, inclusive, Block 3; and Lots 1 through 5, inclusive, Block 4, ROELAND COURT, a subdivision in the City of Mission, Johnson County, Kansas.

And

The "Common Ground" as shown on the Plat of ROELAND COURT, a subdivision in the City of Mission, Johnson County, Kansas, which Plat was recorded on the 25th day of November, 1986 in the Office of the Register of Deeds of Johnson County, Kansas in Plat Book 64, at Page 26.

EXHIBIT B

**MAP OF PROPOSED ROELAND COURT TOWNHOMES
COMMUNITY IMPROVEMENT DISTRICT**

The following property located in the City of Mission, Johnson County, Kansas:



EXHIBIT C

DESCRIPTION OF PROJECT AND ESTIMATED COSTS

Item Description	Quantity	Unit	Unit Cost	Project Cost	City of Mission %	City of Mission Cost	HOA Percentage	HOA Cost
Mobilization	1	LS	\$50,000	\$50,000	60%	\$30,000	40%	\$20,000
Construction Staking	1	LS	\$2,500	\$2,500	50%	\$1,250	50%	\$1,250
Traffic Control	1	LS	\$2,500	\$2,500	50%	\$1,250	50%	\$1,250
Gravel Construction Entrance	2	Ea	\$1,583	\$3,166	50%	\$1,583	50%	\$1,583
Remove & Store Concrete Barrier	10	Ea	\$490	\$4,900	0%	\$0	100%	\$4,900
4' Temporary Fencing	350	LF	\$4	\$1,400	0%	\$0	100%	\$1,400
Vegetation Clearing and Grubbing	16000	SF	\$2	\$32,000	50%	\$16,000	50%	\$16,000
Remove & Dispose 8" Asphalt	3000	SF	\$4	\$12,000	0%	\$0	100%	\$12,000
Remove & Dispose Flumes, Curbs and Sidewalk	441	SF	\$1	\$441	0%	\$0	100%	\$441
Excavation and Haul Off Unsuitable Soil	1863	CY	\$55	\$102,478	50%	\$51,239	50%	\$51,239
4" Underdrain	500	LF	\$10	\$5,000	50%	\$2,500	50%	\$2,500
Granular Backfill	1157	CY	\$52	\$60,176	100%	\$60,176	0%	\$0
Biaxial Geogrid	1667	SY	\$5	\$8,333	100%	\$8,333	0%	\$0
Big Block Retaining Wall	3030	SFF	\$75	\$227,250	100%	\$227,250	0%	\$0
Heavy Riprap	98	CY	\$115	\$11,308	100%	\$11,308	0%	\$0
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Concrete Flume	174	SF	\$12	\$2,088	0%	\$0	100%	\$2,088
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6" Asphalt Base	789	SY	\$24	\$18,933	0%	\$0	100%	\$18,933
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6' Wood Fence	310	LF	\$25	\$7,750	0%	\$0	100%	\$7,750
12" Imported Topsoil	363	CY	\$50	\$18,148	60%	\$10,889	40%	\$7,259
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2" Caliper Landscaping Tree	20	Ea	\$400	\$8,000	0%	\$0	100%	\$8,000
Construction Subtotal				\$684,577	66%	\$452,170	34%	\$232,407

Survey, Engineering and Permitting Services	15%		\$102,687	\$102,687	60%	\$61,612	40%	\$41,075
Geotechnical Services (5%)	5%		\$34,229	\$34,229	50%	\$17,114	50%	\$17,114
Construction Observation Services (8%)	8%		\$54,766	\$54,766	60%	\$32,860	40%	\$21,906
Consultant Services Subtotal				\$191,682	58%	\$111,586	42%	\$80,096
Contingency	10%			\$87,626	64%	\$56,376	36%	\$31,250
TOTAL ESTIMATED COST				\$963,885	64%	\$620,132	36%	\$343,753

RECEIVED

DEC 07 2018

**PETITION REQUESTING THE CREATION OF
A COMMUNITY IMPROVEMENT DISTRICT**

TO: The Governing Body of the City of Mission, Kansas (hereinafter called “**Governing Body**”)

The undersigned petitioners, being the owners of record, whether resident or not, of more than 55% of the land area, and more than 55% by assessed value of land area, within the hereinafter described proposed community improvement district (the “**CID**”) to be located within the City of Mission, Kansas (the “**City**”) do hereby petition and request that the Governing Body create such community improvement district and authorize the performance of the community improvement district project or projects hereinafter set forth, all in the manner provided by the Community Improvement District Act, K.S.A. 12-6a26, et seq. (the “**Act**”). In furtherance of such request, the petitioners state as follows:

1. Boundaries of Proposed District

The legal description of the land area within the proposed CID is attached hereto as **Exhibit A** and incorporated by reference herein.

2. Map of Proposed District.

A map outlining the boundaries of the proposed CID is attached as **Exhibit B** hereto, and incorporated by reference herein.

3. General Nature and Estimated Cost of the Proposed CID Project

The Roeland Court Townhomes are generally located northwest of the intersection of West 60th Terrace and Roeland Drive in Mission, Kansas. Roeland Court is a collection of twenty (20) townhomes with garages and parking in the back of the units.

The project to be funded is to restore the parking and common areas shared by the Roeland Court Homes Association and its various members and to make improvements to the adjacent creek channel (the “**CID Project**”). A portion of the total project costs are to be paid by the City, and a portion paid through the CID.

The general description of the CID Project, estimated schedule and the estimated costs of the CID Project are set forth on **Exhibit C** attached hereto and incorporated by reference herein. The total estimated cost of the CID Project is \$963,885, of which the City’s estimated share shall be \$620,132 and the estimated CID share shall be \$343,753.

4. Proposed Method of Financing.

The costs of the CID Project will be financed by the City through the issuance of general obligation bonds and imposition of a community improvement district special assessment to finance the CID share of costs (the “**CID Assessment**”) to be levied equally per lot within the District, excluding common areas, in accordance with the Act. The City will pay all financing

costs of the CID Project; no additional financing costs in excess of the \$343,753 CID share of the CID Project will be paid by the property owners within the CID.

A community improvement district sales tax is not requested.

5. Proposed Amount of CID Assessment and Projected Revenues

The proposed amount of the CID Assessment shall not exceed \$17,188 per lot within the District, excluding the common area. The estimate of projected annual revenues from the CID Assessment are set forth on Exhibit D.

6. Development Agreement

The petitioners acknowledge and agree that the City may require, as a condition to any approval of this Petition, that a funding agreement and development agreement be entered into between the City and petitioners governing the recovery of the City's costs, implementation the proposed CID Project, the method of financing and including such other terms and conditions as may be required by the City and agreed to by the petitioners.

IN WITNESS WHEREOF, the undersigned petitioners (on signature pages attached) have executed the above foregoing petition to create the CID at the dates set forth under their respective signatures below.

Names may not be withdrawn from this Petition by the signers hereof after the governing body commences consideration of this Petition, or, later than seven (7) days after the filing hereof, whichever occurs first and the signers of the Petition consent to the assessments to the extent described herein without regard to the benefits of the CID Project. The signers hereby acknowledge that the Common Ground as described in Exhibit A will not be assessed for the CID Project.

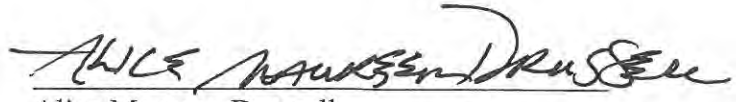
THIS PETITION was filed in my office on December 7, 2018; and, subject to a Development Agreement between the City and the Petitioner, approved by the Governing Body of the City on Jan. 16 2018.⁹

[SEAL]



Martha Sumrall, City Clerk

Owner(s): Alice Maureen Drussell
Address: 4954 W 60th Terrace
Mission, KS 66205
PIN: KP49000001 0005


Alice Maureen Drussell
Date: SEPT. 20, 2018

STATE OF KANSAS)

) ss.

COUNTY OF JOHNSON)

Subscribed and sworn to before me this 20 day of September, 2018,
by ALICE MAUREEN DRUSSELL


NOTARY PUBLIC

My commission expires: 12-29-2020

NILO FANSKA
Notary Public
State of Kansas
My Appt. Expires: 12-29-2020

Owner(s): Brookwood Investors, L.P.
Address: 4956 W 60th Terrace
Mission, KS 66205
Mailing Address: 2001 Brookwood Rd.
Mission Hills, KS 66208
PIN: KP49000001 0004

Brookwood Investors, L.P.

By: *Don Simpson*
Printed Name: DON SIMPSON
Title: mgr.
Date: 9/24/18

Missouri
STATE OF ~~KANSAS~~ (P)

Jackson
COUNTY OF ~~JOHNSON~~ (P)) ss.

Subscribed and sworn to before me this 24th day of September, 2018
by Donald S. Simpson

J. Van Genderen
NOTARY PUBLIC

My commission expires: 7/8/21

JASON VAN GENDEREN
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires July 8, 2021
Commission # 13834940

Owner(s): Cynthia Gillispie and Vernon L. Rourke

Address: 4960 W 60th Terrace
Mission, KS 66205

PIN: KP49000001 0002

Cynthia Gillispie
Cynthia Gillispie
Vernon L. Rourke
Vernon L. Rourke
Date: 10-5-2018

STATE OF Kansas

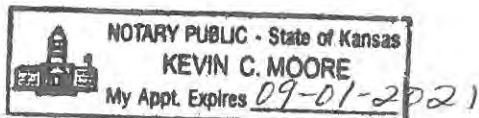
) ss.

COUNTY OF Johnson

Subscribed and sworn to before me this 5th day of October, 2018,
by Cynthia Gillispie and Vernon L. Rourke

Kevin C. Moore
NOTARY PUBLIC

My commission expires: 09-01-2021



Owner(s): Gerald J. Donohue, Jr.

Address: 4962 W 60th Terrace
Mission, KS 66205

PIN: KP49000001 0001

Gerald J. Donohue, Jr.
Gerald J. Donohue Jr
Gerald J. Donohue, Jr.
Date: 10/25/18

STATE OF Kansas

) ss.

COUNTY OF Johnson

Subscribed and sworn to before me this 25th day of October, 2018
by Gerald J. Donohue, Jr.

NILO FANSKA

NOTARY PUBLIC

My commission expires: 12-29-2020

NILO FANSKA
Notary Public
State of Kansas
My Appt. Expires: 12-29-2020

Owner(s): Mary Jean Brecht
Address: 4964 W 60th Terrace
Mission, KS 66205
PIN: KP49000002 0005

Mary Jean Brecht
Mary Jean Brecht
Date: 9-20-18

STATE OF KANSAS)

) ss.

COUNTY OF JOHNSON)

Subscribed and sworn to before me this 20 day of September, 2018,
by MARY JEAN BRECHT

Niilo Fanska
NOTARY PUBLIC

My commission expires: 12-29-2020

NILO FANSKA
Notary Public
State of Kansas
My Appt. Expires: 12-29-2020

Owner(s): Alexandra Ann Billinger a/k/a Alexander Billinger
Address: 4966 W 60th Terrace
Mission, KS 66205
PIN: KP49000002 0004

Alexandra A. Billinger
Alexandra Ann Billinger a/k/a
Alexander Billinger
Date: 09/20/2018

STATE OF KANSAS)

) ss.

COUNTY OF JOHNSON)

Subscribed and sworn to before me this 20 day of September, 2018,
by Alexandra A. Billinger

Niilo Fanska

NOTARY PUBLIC

My commission expires: 12-29-2020

NILO FANSKA
Notary Public
State of Kansas
My Appt. Expires: 12-29-2020

Owner(s): Trustee of the Jane A. Beachner Revocable Trust dated March 12, 2004
Address: 4970 W 60th Terrace
Mission, KS 66205
Mailing Address: PO Box 144
St. Paul, KS 66771
PIN: KP49000002 0002

TRUSTEE OF THE JANE A. BEACHNER
REVOCABLE TRUST DATED MARCH 12,
2004

By: Jane A. Beachner
Printed Name: Jane A. Beachner
Title: Trustee
Date: Oct. 15, 2018

STATE OF Kansas)

) ss.

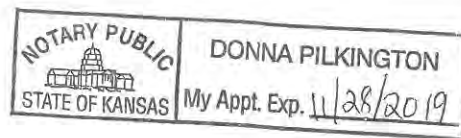
COUNTY OF Neosho)

Subscribed and sworn to before me this 15th day of October, 2018,
by Jane A. Beachner

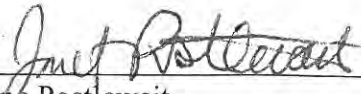
Donna Pilkington

NOTARY PUBLIC

My commission expires: 11/28/2019



Owner(s): Janet Postlewait
Address: 4972 W 60th Terrace
Mission, KS 66205
PIN: KP49000002 0001



Janet Postlewait
Date: 9/20/18

STATE OF KANSAS)

) ss.

COUNTY OF JOHNSON)

Subscribed and sworn to before me this 20 day of September, 2018,
by Janet Postlewait



NOTARY PUBLIC

My commission expires: 12-29-2020

NILO FANSKA
Notary Public
State of Kansas
My Appt. Expires: 12-29-2020

Owner(s): Sheldon L. Bucl
Address: 4974 W 60th Terrace
Mission, KS 66205
PIN: KP49000003 0005

Sheldon L. Bucl
Sheldon L. Bucl
Date: 9/28/2018

STATE OF KANSAS)

) ss.

COUNTY OF JOHNSON)

Subscribed and sworn to before me this 28 day of Sept., 2018
by Sheldon Bucl



Martha M. Sumrall

NOTARY PUBLIC

My commission expires: 6-24-20

Owner(s): Brookwood Investors, L.P.
Address: 4976 W 60th Terrace
Mission, KS 66205
Mailing Address: 2001 Brookwood Rd.
Mission Hills, KS 66208
PIN: KP49000003 0004

Brookwood Investors, L.P.

By: [Signature]
Printed Name: DON SIMPSON
Title: Mgr.
Date: 9/24/18

STATE OF ~~KANSAS~~ ^{Missouri} (2)

COUNTY OF ~~JOHNSON~~ ^{Jackson} (2)) ss.

Subscribed and sworn to before me this 24th day of September, 2018
by Donald S. Simpson

[Signature]
NOTARY PUBLIC

My commission expires: 7/8/21

JASON VAN GENDEREN
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires July 8, 2021
Commission # 13834940

Owner(s): Norma Jean Molle and Sharolyn Lorraine Molle

Address: 4978 W 60th Terrace
Mission, KS 66205

PIN: KP49000003 0003

Norma Jean Molle
Norma Jean Molle

Sharolyn Lorraine Molle
Sharolyn Lorraine Molle

Date: 9-21-18

STATE OF KANSAS)

) ss.

COUNTY OF JOHNSON)

Subscribed and sworn to before me this 21 day of Sept, 2018
by Norma Jean Molle & Sharolyn L. Molle



Martha Sumbalk

NOTARY PUBLIC

My commission expires: 6-24-20

Owner(s): Barbara C. Porro
Address: 4982 W 60th Terrace
Mission, KS 66205
PIN: KP49000003 0001

Barbara C. Porro
Barbara C. Porro
Date: 9-20-18

STATE OF KANSAS)

) ss.

COUNTY OF JOHNSON)

Subscribed and sworn to before me this 20 day of September, 2018,
by Barbara C. Porro

Niilo Fanska
NOTARY PUBLIC

My commission expires: 12-29-2020

NILO FANSKA
Notary Public
State of Kansas
My Appt. Expires: 12-29-2020

Owner(s): Peter Hubbard
Address: 4984 W 60th Terrace
Mission, KS 66205
PIN: KP49000004 0005

Peter Hubbard

Peter Hubbard

Date: Oct 6, 2018

STATE OF Kansas)

) ss.

COUNTY OF Johnson

Subscribed and sworn to before me this 6th day of October, 2018,
by Peter Hubbard only.

Ryan Palmer

NOTARY PUBLIC

My commission expires: 3/28/2021



Owner(s): Katherine Maria Mansheim a/k/a Katherine M. Mansheim

Address: 4986 W 60th Terrace
Mission, KS 66205

PIN: KP49000004 0004

Katherine M. Mansheim
Katherine Maria Mansheim a/k/a
Katherine M. Mansheim
Date: October 3, 2018

STATE OF) Kansas

) ss.

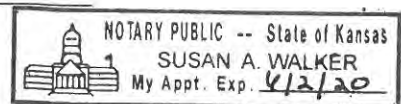
COUNTY OF) Johnson

Subscribed and sworn to before me this 3rd day of October, 2018,

by Susan A. Walker

NOTARY PUBLIC

My commission expires: 6/2/2020



Owner(s): Linda Ackerman a/k/a Linda L. Ackerman

Address: 4988 W 60th Terrace
Mission, KS 66205

PIN: KP49000004 0003

Linda Ackerman
Linda Ackerman
Date: 11-12-2018

STATE OF Kansas

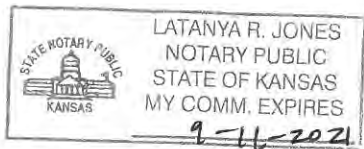
) ss.

COUNTY OF Johnson

Subscribed and sworn to before me this 12th day of November, 2018
for Linda Ackerman by Latanya R. Jones
by

Latanya R. Jones
NOTARY PUBLIC

My commission expires: 9-11-2021



Owner(s): Chin Yu Emmy Chen and Lawrence Lapyin Chan

Address: 4990 W 60th Terrace
Mission, KS 66205

PIN: KP49000004 0002

Chin Yu Chen

Chin Yu Emmy Chen

Lawrence Chan

Lawrence Lapyin Chan

Date: 9-20-18

STATE OF KANSAS)

) ss.

COUNTY OF JOHNSON)

Subscribed and sworn to before me this 20 day of September, 2018

by CHIN YU, EMMY CHEN & LAWRENCE CHAN

Nilo Fanska

NOTARY PUBLIC

My commission expires: 12-29-2020

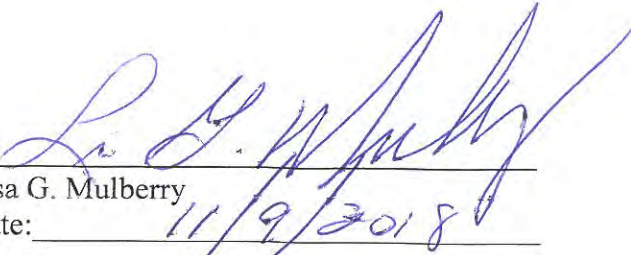
NILO FANSKA

Notary Public

State of Kansas

My Appt. Expires: 12-24-2020

Owner(s): Lisa G. Mulberry
Address: 4992 W 60th Terrace
Mission, KS 66205
PIN: KP49000004 0001



Lisa G. Mulberry
Date: 11/9/2018

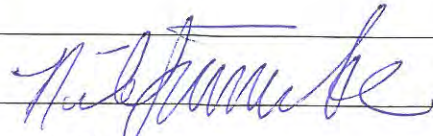
STATE OF KS)

) ss.

COUNTY OF Johnson

Subscribed and sworn to before me this 9 day of November, 2018

by Lisa Mulberry



NOTARY PUBLIC

My commission expires: 12-29-2020

NILO FANSKA
Notary Public
State of Kansas
My Appt. Expires: 12-29-2020

Owner(s): Roeland Court Homes Association, Inc.
Address: Common Ground
Mission, Kansas
Mailing Address: PO Box 446
Mission, KS 66201
PIN: KP49000000 00CA

Roeland Court Homes Association, Inc.

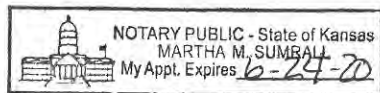
By: Sheldon L. Buc1
Printed Name: Sheldon L. Buc1
Title: RCHA President.
Date: 10/24/2018

STATE OF KANSAS)

) ss.

COUNTY OF JOHNSON)

Subscribed and sworn to before me this 24th day of October, 2018
by Sheldon Buc1



Martha M. Sumball

NOTARY PUBLIC

My commission expires: 6-24-20

EXHIBIT A

Lots 1 through 5, inclusive, Block 1; Lots 1 through 5, inclusive, Block 2; Lots 1 through 5, inclusive, Block 3; and Lots 1 through 5, inclusive, Block 4, ROELAND COURT, a subdivision in the City of Mission, Johnson County, Kansas.

And

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Roeland Court Townhomes



EXHIBIT B

EXHIBIT C

Roeland Court Townhomes Site Improvements
 Potental Costs based on Concept Site Design
 City of Mission

Bid Item	Item Description	Quantity	Unit	Unit Cost	Project Cost	City of Mission %	City of Mission Cost	HOA Percentage	HOA Cost
	Mobilization	1	LS	\$50,000	\$50,000	60%	\$30,000	40%	\$20,000
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	Remove & Store Concrete Barrier	10	Ea	\$490	\$4,900	0%	\$0	100%	\$4,900
	4' Temporary Fencing	350	LF	\$4	\$1,400	0%	\$0	100%	\$1,400
	Vegetation Clearing and Grubbing	16000	SF	\$2	\$32,000	50%	\$16,000	50%	\$16,000
	Remove & Dispose 8" Asphalt	3000	SF	\$4	\$12,000	0%	\$0	100%	\$12,000
	Remove & Dispose Flumes, Curbs and Sidewalk	441	SF	\$1	\$441	0%	\$0	100%	\$441
	Excavation and Haul Off Unsuitable Soil	1863	CY	\$55	\$102,478	50%	\$51,239	50%	\$51,239
	4" Underdrain	500	LF	\$10	\$5,000	50%	\$2,500	50%	\$2,500
	Granular Backfill	1157	CY	\$52	\$60,176	100%	\$60,176	0%	\$0
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	Big Block Retaining Wall	3030	SFF	\$75	\$227,250	100%	\$227,250	0%	\$0
	Heavy Riprap	98	CY	\$115	\$11,308	100%	\$11,308	0%	\$0
	Compaction of Imported Fills	694	CY	\$60	\$41,667	40%	\$16,667	60%	\$25,000
	Concrete Flume	174	SF	\$12	\$2,088	0%	\$0	100%	\$2,088
	Concrete Curb and Gutter	356	LF	\$24	\$8,544	0%	\$0	100%	\$8,544
	12" AB-3 Pavement Subgrade	861	SY	\$24	\$20,661	0%	\$0	100%	\$20,661
	6" Asphalt Base	789	SY	\$24	\$18,933	0%	\$0	100%	\$18,933
	2" Asphalt Surface	867	SY	\$11	\$9,533	0%	\$0	100%	\$9,533
	5' Concrete Sidewalk	225	SF	\$6	\$1,350	50%	\$675	50%	\$675
	Reset Landscaping Blocks	60	SFF	\$45	\$2,700	0%	\$0	100%	\$2,700
	6' Wood Fence	310	LF	\$25	\$7,750	0%	\$0	100%	\$7,750
	12" Imported Topsoil	363	CY	\$50	\$18,148	60%	\$10,889	40%	\$7,259
	Mulching / Seeding	9500	SF	\$2	\$19,000	60%	\$11,400	40%	\$7,600
	8" Straw Waddles	250	LF	\$11	\$2,750	60%	\$1,650	40%	\$1,100
	2" Caliper Landscaping Tree	20	Ea	\$400	\$8,000	0%	\$0	100%	\$8,000
	Construction Subtotal				\$684,577	66%	\$452,170	34%	\$232,407

EXHIBIT C

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Geotechnical Services (5%)	5%	\$34,229	\$34,229	50%	\$17,114	50%	\$17,114
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Contingency	10%		\$87,626	64%	\$56,376	36%	\$31,250
TOTAL ESTIMATED COST			\$963,885	64%	\$620,132	36%	\$343,753

EXHIBIT D

Tax Property ID	Owner 1	Property Address	Total Assessment	Annual Assessment
KP49000001 0005	DRUSSELL, ALICE MAUREEN	4954 W 60TH TER MISSION, KS 66205	\$ 17,188.00	\$ 781.27
KP49000001 0004	BROOKWOOD INVESTORS LP	4956 W 60TH TER MISSION, KS 66205	\$ 17,188.00	\$ 781.27
KP49000001 0003	MCLELLAND, AMY E.	4958 W 60TH TER MISSION, KS 66205	\$ 17,188.00	\$ 781.27
KP49000001 0002	GILLISPIE, CYNTHIA ROURKE	4960 W 60TH TER MISSION, KS 66205	\$ 17,188.00	\$ 781.27
KP49000001 0001	DONOHUE, GERALD J JR	4962 W 60TH TER MISSION, KS 66205	\$ 17,188.00	\$ 781.27
KP49000002 0005	BRECHT, MARY J.	4964 W 60TH TER MISSION, KS 66205	\$ 17,188.00	\$ 781.27
KP49000002 0004	BILLINGER, ALEXANDRA ANN	4966 W 60TH TER MISSION, KS 66205	\$ 17,188.00	\$ 781.27
KP49000002 0003	BURCHAM, JOHN W.	4968 W 60TH TER MISSION, KS 66205	\$ 17,188.00	\$ 781.27
KP49000002 0002	BEACHNER, JANE A	4970 W 60TH TER MISSION, KS 66205	\$ 17,188.00	\$ 781.27
KP49000002 0001	POSTLEWAIT, JANET	4972 W 60TH TER MISSION, KS 66205	\$ 17,188.00	\$ 781.27
KP49000003 0005	BUCL, SHELDON L	4974 W 60TH TER MISSION, KS 66205	\$ 17,188.00	\$ 781.27
KP49000003 0004	BROOKWOOD INVESTORS LP	4976 W 60TH TER MISSION, KS 66205	\$ 17,188.00	\$ 781.27
KP49000003 0003	MOLLE, NORMA J.	4978 W 60TH TER MISSION, KS 66205	\$ 17,188.00	\$ 781.27
KP49000003 0002	MAI, MARILYN Q. TRUSTEE	4980 W 60TH TER MISSION, KS 66205	\$ 17,188.00	\$ 781.27
KP49000003 0001	PORRO, BARBARA C	4982 W 60TH TER MISSION, KS 66205	\$ 17,188.00	\$ 781.27
KP49000004 0005	HUBBARD, PETER	4984 W 60TH TER MISSION, KS 66205	\$ 17,188.00	\$ 781.27
KP49000004 0004	MANSHEIM, KATHERINE MARIA	4986 W 60TH TER MISSION, KS 66205	\$ 17,188.00	\$ 781.27
KP49000004 0003	ACKERMAN, LINDA	4988 W 60TH TER MISSION, KS 66205	\$ 17,188.00	\$ 781.27
KP49000004 0002	CHEN, CHIN YU EMMY	4990 W 60TH TER MISSION, KS 66205	\$ 17,188.00	\$ 781.27
KP49000004 0001	MULBERRY, LISA G.	4992 W 60TH TER MISSION, KS 66205	\$ 17,188.00	\$ 781.27



Date: November 8, 2018

To: Mayor and City Council

From: Laura Smith, City Administrator

RE: Roeland Court Townhomes Subsidence - Issue Summary and Recommended Solutions

On August 21-22, 2017, a subsidence of the parking lot/parking area of the Roeland Court Homes Association (RCHA) occurred. Since that occurrence, City staff have been working with the residents, consultants and engineers to address the situation. After more than a year of investigation, conversation and a desire to effectively solve the problem, a cooperative solution is ready for Council review and consideration.

Detailed below is a bulleted summary which provides a brief overview and recap of the issues identified and actions taken since August 21-22, 2017.

- The City of Mission was contacted early on the morning of August 22, and both Police and Public Works staff responded to assess damage which had occurred on the property. Both worked to assist in getting resident vehicles located in the rear garages safely relocated to the street. (See photos included as Attachment A.)
- Shortly after the event occurred, it was also discovered that the sanitary sewer main behind the residences had been damaged and that Johnson County Wastewater (JCW) had to temporarily reroute the sewer with a by-pass pump.
- The City contracted with GBA to review and evaluate the failure in an effort to determine the potential cause of the subsidence. A report was presented to the City and shared with Board Members of the RCHA on September 7, 2017. Collectively, the professional opinions of both GBA and Terracon were that the subsidence was likely caused by fill material under the parking lot which contained a mixture of clay, asphalt fragments and wood pieces, and was not placed with uniform compactions. A copy of the complete GBA report is included with this summary.
- Members of the City staff and City Council placed numerous phone calls and pursued several potential leads for emergency funding which might be available to assist the RCHA in repairing the subsidence. To date no outside funding sources have been identified.



-
- Members of City staff, City Council, JCW and RCHA residents met on October 11, 2017 to review potential causes and remedies to address the subsidence. Specifically, the City's Rock Creek Channel Project and its connections and/or relevance to the subsidence were reviewed and discussed. Copies of the Preliminary Engineering Study (PES) completed by GBA for this project were made available to residents of the RCHA. The City also shared an Engineer's Opinion of Probable Cost developed by GBA for total repairs which was estimated at \$782,936 (including \$330,000 in JCW sanitary sewer costs).
 - JCW designed and constructed repairs to the sanitary sewer line. They advised both the property owners and the City that their repair project would only go as far (with respect to site restoration) as was necessary to install and protect their sanitary sewer main. JCW completed their repairs/restoration in late November/early December 2017.
 - Following completion of the JCW work, City staff assisted Sheldon Bucl, RCHA President, in coordinating the installation of rock, gravel and barricades to provide a temporary driving surface which would allow residents to have access their garages which are located in the rear of the buildings.
 - Staff stayed in frequent (2-3 times a month) contact with representatives of the RCHA, most regularly with Mr. Bucl, discussing the reviews and conversations the association was having with engineers and others regarding repairs and long-term solutions.
 - On April 6, staff, Mayor, City consultants and JCW representatives met with members of the RCHA Board, other homeowners, and the engineer working with the association to review the report and findings that had been presented to the RCHA Board. City staff and consultants committed to an in-depth review of the report.
 - At a follow-up meeting on May 24, the City and the RCHA acknowledged that there would likely continue to be fundamental differences in the findings of each group regarding the cause(s) of the subsidence. The City and RCHA Board agreed that a decision needed to be made regarding whether a resolution would be sought through legal channels, or if there was an opportunity to explore a cooperative solution.
 - Over the summer months City staff worked with GBA to finalize cost sharing estimates and explored the possibility of creating a Community Improvement District (CID). A CID would allow a special assessment component to be activated to allow property owners a longer period of time over which to repay repair costs. Before a CID could be considered by the City Council, the RCHA would have to guarantee that property owners

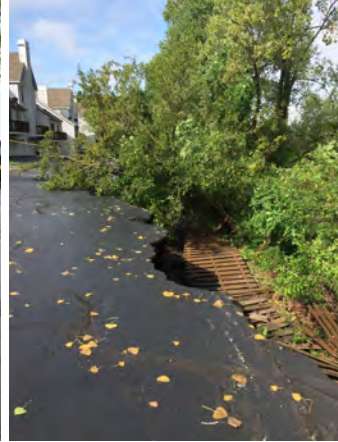


representing at least 55% of the land area within the proposed district and 55% of the assessed valuation within the proposed district would sign the CID petition.

- The RCHA Board presented this solution to their membership in late August/early September and the City held a meeting for the RCHA on September 20, 2018. City staff presented the draft CID petition and provided signature pages at that meeting.
- As of November 1, 2018, the RCHA has exceeded the land area/assessed valuation requirements and is ready to submit a petition to the Mission Governing Body.

At the November 14 Finance and Administration Committee meeting, staff will summarize and review the history of this project and will detail recommended next steps to continue working toward that cooperative/collaborative solution. The conversation at the meeting will also include discussion surrounding the larger Rock Creek Channel Project that was previously submitted to Johnson County Stormwater Management Advisory Council (SMAC).

ATTACHMENT A



City of Mission	Item Number:	4.
ACTION ITEM SUMMARY	Date:	November 20, 2018
Administration	From:	Brian Scott

Action items require a vote to recommend the item to full City Council for further action.

RE: 2019 Worker's Compensation Insurance Renewal

RECOMMENDATION: Approve the City's 2019 workers compensation coverage through the Kansas Eastern Regional Insurance Trust (KERIT) for an estimated annual premium of \$92,339.

DETAILS: The City has been a member of the Kansas Eastern Regional Insurance Trust (KERIT), a workers compensation pool, since 2009. The Trust is comprised of eighteen member cities and counties.

The 2019 premium for workers compensation coverage has been estimated at \$92,339, which is paid in two installments, the first in January and the second in July. Premiums are based on the City's annual payroll, the level of exposure to risk that certain jobs may entail, and an experience modifier that reflects past claims. The 2019 premium is 3% higher than the previous year. This is due to increase in payroll and the addition of two community service officers.

KERIT Premiums - 2016 through 2019

Year	2016	2017	2018	2019
Total Premium	\$73,148 (audited)	\$74,719 (audited)	\$88,845 (unaudited)	\$92,339 (estimated)

The City will undergo a payroll audit after the first of the year to review current year actual payroll expenses. Mid-year premiums are adjusted to reflect the results of the audit. Given the salary savings that the city has experienced in 2018, it is expected that the premium will be adjusted downward by a good amount.

The Trust continues to maintain a strong emphasis on loss control, and all member entities are actively engaged in proactive risk management activities. Because of this, members routinely receive a dividend from the trust when prior claim years are closed out. Last year the City received a dividend of \$3,731 from the trust. This year the City received a dividend of \$3,604 from the trust. The amount reflects the remaining balances in previous claim years that are completely closed now and balances are distributed to members.

Funds in the amount of \$106,000 were included in the 2019 Adopted Budget for workers compensation premiums.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	n/a
Line Item Code/Description:	Personnel Line Items in the General Fund - 01-XX-102-05
Available Budget:	\$106,000 - FY 2019 Budget



KERIT – CLAIM YEAR 2019 DEPOSIT PREMIUM SUMMARY

Member	Manual		Standard		PLUS		Discount		Exp. Constant	2019		2018		2018	
	Total Payroll	Premium	Exp Mod	Premium	Discount	Exp. Mod	Discount	Premium		Discount	Projected Premium	Deposit Premium	Dividend	Net Cash Outlay	
Atchison County	6,663,848	174,006	1.13	196,627	(22,530)	(1,741)	(7,756)	164,600	160	164,760	117,684	11,359	106,325		
Chanute	8,019,806	198,813	1.13	224,659	(26,062)	(1,986)	(7,864)	188,747	160	188,907	191,755	12,777	178,978		
Coffeyville	7,073,761	154,519	0.90	139,067	(15,277)	(2,476)	(6,066)	115,248	160	115,408	182,265	1,861	180,404		
Derby	9,998,651	210,572	1.25	263,215	(30,920)	-	(11,615)	220,680	160	220,840	202,690	232	202,458		
Fairway	1,880,754	56,766	1.30	73,795	(7,499)	-	(3,315)	62,982	160	63,142	60,571	2,675	57,896		
Gardner	10,740,577	224,582	0.88	197,632	(22,657)	(3,500)	(7,716)	163,759	160	163,919	152,577	8,884	143,693		
Johnson Co Park & Rec	16,900,006	192,201	1.67	320,976	(38,198)	-	(12,725)	270,053	160	270,213	214,308	244	214,064		
Junction City	11,343,099	330,766	1.36	449,842	(53,532)	-	(19,816)	376,495	160	376,655	405,332	16,858	388,474		
Lansing	3,140,560	68,910	1.10	75,801	(7,717)	(681)	(3,370)	64,033	160	64,193	45,611	5,998	39,613		
Leavenworth County	15,793,052	338,294	0.92	311,231	(36,970)	(5,485)	(12,095)	256,681	160	256,841	228,511	20,781	207,730		
Leavenworth	14,374,105	389,222	0.83	323,054	(38,460)	(5,692)	(13,945)	264,958	160	265,118	245,174	31,437	213,737		
Leawood	17,457,888	502,565	0.59	296,513	(35,116)	(7,842)	(12,678)	240,878	160	241,038	243,237	32,364	210,873		
McPherson	12,089,047	215,184	1.11	238,854	(27,851)	(2,110)	(10,445)	198,449	160	198,609	188,783	5,210	183,573		
Merriam	5,632,066	153,360	1.01	154,894	(17,272)	(1,376)	(6,812)	129,433	160	129,593	139,179	13,406	125,773		
Mission	4,583,350	111,756	0.97	108,403	(11,414)	(970)	(3,841)	92,179	160	92,339	89,803	3,064	86,739		
Ottawa	8,083,453	180,220	0.74	133,363	(14,559)	(3,564)	(5,762)	109,478	160	109,638	125,103	14,739	110,364		
Shawnee	22,776,142	614,236	0.61	374,684	(42,710)	(9,959)	(16,101)	305,915	160	306,075	254,931	40,818	214,113		
Winfield	8,321,082	194,337	0.73	141,866	(15,630)	(3,787)	(6,122)	116,326	160	116,486	112,935	6,063	106,872		
Total	184,871,247	4,310,311	0.93	4,024,478	(464,373)	(51,169)	(168,044)	3,340,893	2,880	3,343,773	3,200,450	228,770	2,971,680		

City of Mission	Item Number:	5.
ACTION ITEM SUMMARY	Date:	December 3, 2018
Administration	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

RE: City of Mission's 2019 Personnel Policies and Guidelines

RECOMMENDATION: Approve the ordinance adopting the changes proposed to the City of Mission's Personnel Policies and Guidelines effective January 1, 2019.

DETAILS: Each year staff conducts a review of the City's Personnel Policies and Guidelines. The review, done in conjunction with an external HR consultant, ensures that the City's personnel policies conform with the most current federal and state regulations, and accurately reflect the organization's current policies and practices. Changes to the policies are approved by ordinance, which incorporates them into the City of Mission Municipal Code.

A copy of the current Personnel Policies and Guidelines is attached with proposed changes shown in strikeout (deletions) and underlines (insertions). Throughout the document, gender identity and familial status were added to the existing listing of protected classes. This change was made based on the proposed Non-Discrimination Ordinance currently being considered by the City Council. A listing of the impacted sections and page number is detailed below:

- A-1 (d), pg. 1
- A-7, pg. 2
- G-3 (9), pg. 34
- G-5 (s), pg. 36
- J-1, pg. 38
- J-3 (a), pg. 38
- N-2, pg. 46

All remaining proposed changes are highlighted in the table below:

Section Number - Page Number	Recommended Revision
B-1, page 3	Update for most recent adoption of pay plan
E-16, page 23	Correct typo
E-18, page 24	Adds language to address requirements for working at home.
F-16, page 30	Adds language that requires behavior while on City approved travel or training to be professional and reflect positively on the City

Related Statute/City Ordinance:	Mission Municipal Code Section 120.230
Line Item Code/Description:	n/a
Available Budget:	n/a

City of Mission	Item Number:	5.
ACTION ITEM SUMMARY	Date:	December 3, 2018
Administration	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

Section Number - Page Number	Recommended Revision
F-20, page 32	Do not allow for recreational photos to be taken of co-workers without their permission and outlines parameters for use of personal cell phone during working hours.
G-3 (6), page 33	Improper conduct to include “repeated” falsification of personnel records, timesheets or City records
I-1, page 37	Requires employee to work the entire notice period when terminating employment
J-5 (i), page 41	Includes required re-training or mandatory referral to the EAP as a possible disciplinary action
N-9, page 59	Removed bullet point prohibiting carrying a weapon while on City premises, including while driving a City vehicle
N-10 (6), page 61	Cannot prohibit use of name/logo

Once any recommended changes are reviewed and finalized, the City Council will consider and adopt an ordinance which, following publication, will incorporate the Personnel Policy and Guidelines as a part of Mission’s Municipal Code with an effective date of January 1, 2019.

CFAA CONSIDERATIONS/IMPACTS: The City strives to recommend and adopt flexible employment practices which meet the needs of employees of all ages and abilities.

Related Statute/City Ordinance:	Mission Municipal Code Section 120.230
Line Item Code/Description:	n/a
Available Budget:	n/a

CITY OF MISSION

ORDINANCE NO. _____

AN ORDINANCE ADOPTING PERSONNEL POLICIES AND GUIDELINES FOR THE CITY OF MISSION, KANSAS TO PROMOTE AND INCREASE EFFECTIVE CITY SERVICES, MAKE CITY SERVICE ATTRACTIVE AS A CAREER, ESTABLISH AND MAINTAIN A FAIR AND UNIFORM PLAN OF PERFORMANCE EVALUATION AND COMPENSATION, PROVIDE GOOD WORKING RELATIONSHIPS, AND ESTABLISH UNIFORM PERSONNEL POLICIES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS:

SECTION 1. Adoption of Personnel Policies and Guidelines. The City of Mission Personnel Policies and Guidelines dated January 1, 2019 is hereby adopted as the personnel policy for this jurisdiction. The policy is hereby incorporated in this ordinance as if fully set out herein with an effective date of January 1, 2019.

SECTION 2. Take Effect. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the official City newspaper, all as provided by law.

PASSED BY THE CITY COUNCIL this 19th day of December 2018.

APPROVED BY THE MAYOR this 19th day of December 2018.

Ronald E. Appletoft, Mayor

(SEAL)

Attest:

Martha Sumrall, City Clerk



Personnel Policy and Guidelines City of Mission, KS

January 1, 2019

Mission Statement

It is the mission of all city employees to provide the best possible service in a cost effective and timely manner to all citizens of the City of Mission, Kansas.

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PERSONNEL POLICIES AND GUIDELINES
CITY OF MISSION, KANSAS

ARTICLE A. GENERAL

A-1. Policies Established. The following policies, guidelines and other provisions for personnel administration in the City of Mission are established to:

- (a) Promote and increase the efficiency and effectiveness of City service.
- (b) Develop a program of recruitment, advancement, and tenure which will make City service attractive as a career.
- (c) Establish and maintain guidelines for performance evaluation and compensation based upon the relative duties and responsibilities of each position, and to promote a fair and equitable wage or salary to all employees.
- (d) Establish and promote high morale among City employees by providing good working relationships, uniform personnel policies, and an opportunity for advancement without discrimination on the basis of race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, gender identity, marital status, familial status, or any other status protected by applicable law.
- (e) Establish City employment and personnel policies. These policies and guidelines do not create contractual employment rights. All employees are considered to be at-will employees for the purposes of city employment.

A-2. Administration and Application of Policies. These personnel policies and procedures shall be administered by the City Administrator. It is the responsibility of Department Directors to ensure that all employees are aware of, and comply with, these personnel policies and guidelines. Each employee will be required to sign an Employee Acknowledgement Form annually indicating he/she has access to, or received, read, and understands the contents of this Personnel Policy and Guidelines booklet. These policies and guidelines shall apply to all employees, appointed officials and appointed members of all boards, commissions and committees in the service of the City except elected officials.

A-3. Departmental Guidelines. The Director of any City department may formulate in writing reasonable guidelines for the conduct of the operations of his or her department, such as those relating to safety or operational procedures, which shall be available to all departmental employees. Such department guidelines shall not be less stringent than, in violation of, or in conflict with any personnel guidelines adopted by the Governing Body. Where such conflict may occur, the **City's Personnel Policies and Guidelines shall prevail.**

A-4. Personnel Records. The Human Resources Specialist shall keep accurate records of all persons employed, their classification and pay scale, time worked, accrued vacation and sick leave, all absences for vacation, sick or other leave, accrued overtime, and all other records directed to be made and maintained under these Personnel Policies and Guidelines or under applicable state or federal laws. **An employee's personnel file shall be available** during office hours for inspection by that employee or respective Department Director. Requests must be made in advance, and an appointment will be scheduled for viewing the file. Any other request for personnel information must be approved by the City Administrator.

A-5. Amendment of Policies. These policies shall be adopted by ordinance by the Governing Body. Amendments may be adopted from time-to-time in the same manner based upon recommendations by the City Administrator or as proposed by the Governing Body. These policies are, therefore, subject to immediate change, in whole or in part, at the discretion of the City Administrator and as adopted by the Governing Body. Any implemented change will be effective immediately and notice of the change will be posted as soon as possible thereafter. Likewise, these policies and guidelines may be terminated or withdrawn, and with them, any underlying benefits described, at any time at **the Governing Body's sole option.**

A-6. Governing Body-Employee Relationships. Except for the purpose of inquiry, members of the Governing Body shall deal with administrative services and requests through the City Administrator. No member of the Governing Body shall provide direction, criticism or discipline to any subordinate of the City Administrator, either publicly or privately. While friendly and open relations are encouraged among Governing Body members, Department Directors, **and employees, requests for information or service will normally be routed through the City Administrator's** office in order to maintain the integrity of the administrative process.

A-7. Equal Employment Opportunity and Affirmative Action. The City of Mission, Kansas hereby recognizes its commitment and dedication to Equal Employment Opportunity. By implementing this policy, the City reaffirms its commitment to continue to select, compensate, develop, promote, and discipline (up to and including discharge) employees based on their individual abilities, qualifications, and job performance without discrimination on the basis of race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, gender identity, marital status, familial status, or any other status protected by applicable law. The City will consider age or sex if it is a bona fide occupational qualification, and will consider disability for purposes of analyzing reasonable accommodation, or in cases where a disability renders an individual unable to perform the essential functions of the position s/he holds or has applied for, and reasonable accommodation cannot be provided.

A-8. Genetic Information Policy. The City does not discriminate against any applicant or employee because of **that individual's genetic information (including information from genetic tests, the genetic tests of family members,** the manifestation of a disease or disorder in a family member, family medical history, or information about any

employee's, applicant's or family member's request for or receipt of genetic services). Nor does the City improperly request, require, or purchase any genetic information. Testing for drug or alcohol use is not considered "genetic testing," and may be required by the City in appropriate circumstances. Any specimen(s) gathered for drug and alcohol testing will not be tested for any genetic information.

- (a) *Inadvertent and other Lawful Acquisition.* To the extent the City receives information about an applicant's or employee's family medical history or other genetic information inadvertently or otherwise (e.g., in the administration of a leave or accommodation request), that information will not be used except as required for any legitimate purpose (e.g., to consider an employee's leave request relating to a family member's medical condition), and will be treated and maintained as a confidential medical record and will not be disclosed except as allowed or required by applicable law.
- (b) *Non-retaliation.* The City will not retaliate against any individual because the individual honestly and in good faith makes a complaint of discrimination based on genetic information, and/or participates or cooperates in an investigation of alleged discrimination based on genetic information, or of any other alleged violation regarding the acquisition or use of genetic information. Employees who feel they have been retaliated against for making a complaint or participating in an investigation should immediately report the circumstances or incident to the Human Resource Specialist or the City Administrator.

ARTICLE B. POSITION CLASSIFICATIONS

B-1. Objectives and Purpose. Position classification is a system of identifying and describing different kinds of work in the organization in order to permit equal treatment in employment practices and compensation. Each full-time City position shall, on the basis of the duties, responsibilities, skills, experience, education and training required of the position, be allocated to an appropriate class, which may include either a single position or multiple positions within the same classification. These groupings shall be known as the Classification Plan. The City Administrator shall act as the personnel officer of the City and shall recommend an appropriate position classification system and pay plan to the Governing Body. The Classification and Pay Plan adopted ~~November 2003-August 2017~~ is the City's official Classification and Pay system, is subject to annual review and revision, and the most recently approved plan is hereby incorporated by reference.

B-2. Job Descriptions. Each position may have a concise descriptive title, a description of the essential and marginal functions (tasks) of the position, physical requirements, and a statement of the qualifications for filling such positions. Such descriptions shall be approved by the City Administrator and shall be kept on file in the Human Resources office and shall be open to inspection by any interested party during regular office hours.

B-3. Pay Range Plan. The Governing Body shall adopt a pay plan, with guidelines for minimum and maximum amounts for each classification. The pay range serves only as an approximate guideline as individual circumstances may vary. The pay ranges assigned to each class of positions shall be reviewed at least annually by the City Administrator who shall make periodic recommendations for revision to the Governing Body. The City Administrator, after consultation with Department Directors, shall approve advancements and appropriate pay increases within the approved pay plan and position classification system.

B-4. Maintenance of the Classification Plan. It shall be the duty of each Department Director to report to the City Administrator any and all proposed organizational changes which will significantly alter or affect changes in existing positions or proposed positions. The City Administrator is responsible to approve all new or revised job descriptions and recommend appropriate pay ranges for such positions to the Governing Body for approval.

ARTICLE C. RECRUITMENT AND PROMOTION

C-1. Definitions.

- (a) *Full-time Employee* is one employed to work a normal workweek of at least 40 hours on a regular and continuing basis.
- (b) *Regular Part-time Employee* is one employed to work less than a normal workweek on a regular and continuing basis and requires at least 1,300 hours of work per year. This employee may be eligible for certain pro-rated leave and benefits.
- (c) *Part-time Employee* is one employed to work less than a normal workweek and requires less than 1,560 hours of work per year.
- (d) *Seasonal Employee* is one employed to meet seasonal work demands for the duration of the program such as, but not limited to, community center, swimming pool and public works employees.
- (e) *Temporary Employee* is one employed for less than six months in a calendar year.

C-2. Recruitment.

- (a) *Announcement of Vacancies:* Notice of vacancies may be disseminated by posting announcements at City facilities, announcing the vacancy in weekly staff meetings, by sending announcements to various newspapers and other organizations appropriate to the level of job, and/or by posting on the Internet and City of Mission web page.
 - (1) In accordance with the policy of providing promotion from within the organization, with the exception of appointed officials, when qualified personnel exist, a job vacancy need not be announced publicly when such internal promotion is possible. In such a case, although the position may not be externally posted, it may be internally posted to allow internal candidates to apply.

- (2) Any vacancy may be filled from inside or outside the City service. The City reserves the right to seek external applicants simultaneously with reviewing internal candidates.
- (b) *Content of the Announcement:* The announcement shall specify the class title and salary range of the class from which the vacancy is announced; the nature of the work performed; the minimum qualifications required for the performance of the work; the time, place and manner of making application; the closing date for receiving applications and other pertinent information.
- (c) *Application:*
- (1) All applications shall be made on forms prescribed by the City and shall be filed no later than the closing date specified in the announcement. Applications shall contain only that information considered relevant to the duties and qualifications specified for the job in accordance with the Equal Opportunity Policies. Applications are taken for specific openings only and will be retained after the specific opening is filled for a period of one year.
- (2) All applications shall be signed by the applicant and the truth of the statements contained therein certified by such signatures. The City may require such proof of information contained in the application as deemed appropriate.
- (3) Applications may be picked up at City Hall when applications are being accepted for job openings.
- (d) *Screening:* The Department Director or his/her designee shall review applications and conduct interviews with candidates who meet minimum qualifications. Recommendations for hiring employees are made by Department Directors. As personnel officer for the City, the City Administrator has final authority to hire except as noted in (e) below.
- (e) The City Administrator shall have the power to hire and remove (in accordance with these Personnel Policies and Guidelines approved by the Governing Body) all subordinate employees of the City of Mission. The **Governing Body shall approve the City Administrator's recommendation for the hiring of all Department Director level positions and the City Attorney.** Department Director positions include, but are not limited to: Assistant City Administrator/Finance Director, City Clerk, Public Works Director, Chief of Police and Parks and Recreation Director. The City Administrator will advise the Governing Body of the pending termination of Department Directors, appointed officials or board and commission members.
- (f) *Rehire:* After separation with the City for more than 90 days, other than layoff, a former employee may be eligible for rehire without credit for prior service or seniority. Hiring managers who wish to rehire previous **employees who were terminated other than "for cause" reasons must seek prior approval from the City Administrator.** If approved for rehire, such employee will be considered a new employee. Any employee

who is terminated for cause from the City of Mission's employment will not be eligible for future City employment, and depending upon the circumstances may be subject to criminal prosecution.

C-3. Qualifications of Employment. Each applicant shall complete a job application and all other necessary forms as required. The application will require that the applicant clearly articulate their qualifications.

- (a) A medical examination may be required after an offer of employment has been extended; provided, that such exams are required of all such applicants who are offered employment in the same position(s). The offer of employment is contingent upon the examination confirming that the applicant can perform the essential functions of the offered position, with or without reasonable accommodation, and without posing a direct threat to the applicant himself/herself, or to any other person.
- (b) A drug/alcohol test may be required after an offer of employment has been made for any safety-, security-, or integrity-sensitive position; provided, that such exams or testing are required of all such applicants who are offered employment in the same position(s). The offer of employment is contingent upon the applicant passing any such required test.
- (c) A background check and/or credit check may be required for certain positions. All background checks will be performed in compliance with applicable law.
- (d) *Age Requirement:* Minimum age requirements shall be established only for positions which might require a **valid Kansas Driver's License, applicable** federal and/or state laws regarding the employment of youth, or as otherwise determined by the City Administrator, with the exception of employment in the Police Department where the minimum age requirement is twenty-one (21).
- (e) *Residence Requirement:* Employees shall not be required to live in the City limits, but they are encouraged to do so. This is intended to foster a greater interest in and concern for the welfare of the community on the part of the City employees. All Department Director level positions and the City Attorney may be non-residents of the City, provided however that such non-residents shall establish and maintain residency within a thirty (30) mile radius of the City of Mission. The City Administrator, in consultation with the Governing Body, may consider and approve exceptions to the residence requirement outlined above.
- (f) *Disqualification:* An applicant may be disqualified if:
 - 1) The applicant does not meet preliminary requirements established for the pertinent class.
 - 2) The applicant has established an unsatisfactory employment record, as evidenced by reference check, of such a nature as to demonstrate unsuitability for employment.
 - 3) The applicant has made a false statement of material fact in the application or on their resume.

- 4) Failure of medical examination (i.e. a medical examination that indicates the applicant cannot perform an essential function of the position with or without an accommodation, or poses a direct threat by doing so, and reasonable accommodation is not possible or feasible);
- 5) Failure of a drug/alcohol test (in the case of an application for a safety-, security-, or integrity-sensitive position).
- 6) Unsatisfactory background and/or credit. A criminal conviction or negative credit history will not necessarily disqualify an applicant. Factors such as the date of the occurrence(s), seriousness of the occurrence(s), nature of the offense, and the relationship of the offense or occurrence, and the position applied for, will be taken into consideration.
- 7) Failure to receive **"Employment Authorized" results during eVerify processing. Employee will be given adequate time to resolve discrepancies or contest a mistake. In the event eVerify returns a "final nonconfirmation" of an employee's legal rights to work in the United States, the employee will be terminated.**

C-4. Training Period.

- (a) In order to achieve a minimum level of competency, each employee, following initial employment, shall undergo a training period. For police this is one year and for all other employees it is six months.
- (b) Each employee promoted to a new classification with higher pay shall also undergo a training period in order to achieve minimal competency in the new position. An employee may be returned to the pay and position he or she held immediately prior to the promotion or to a position with equal pay and responsibility if a minimal level of competency cannot be demonstrated within a time period of up to six (6) months, as determined by the Department Director and City Administrator.
- (c) The provision of a training period does not guarantee the employee employment for that duration, or any **specific duration. City employees remain employees "at will" throughout, and following, any training period.**

C-5. Promotion. It is the policy of the City to fill vacancies for supervisory, skilled and upper-level positions from within the ranks of present employees whenever possible. All employees seeking promotion shall be expected to meet the minimum qualifications for the class to which they seek promotion. Each applicant shall complete a job application or submit a detailed resume and all other necessary forms as required. A medical examination or (in the case of a safety-, security-, or integrity-sensitive position) drug/alcohol testing may be required after an offer of promotion has been made; provided, that such exams or testing are required of all such employees who are offered promotions in similar positions or position classifications. The offer of promotion is contingent upon the applicant passing any required test(s).

C-6. Nepotism.

- (a) In order to avoid favoritism or the appearance of favoritism based on family relationships, no one shall be **hired who is a family member of anyone on the City's Governing Body.** "Family member" shall be defined as parent, spouse, domestic partner, child, sister or brother, grandparent, grandchild, in-law (mother, father, grandparent, brother, sister, daughter, son), first generation aunts, uncles, nieces, nephews or cousins. Relatives by adoption, step-children and step-parents are included in this definition. However, an employee who is an immediate family member of the Governing Body and who is employed prior to such member taking office, shall retain his/her employment with the City.
- (b) **If one City employee becomes a "family member" of another City employee after they are both employed,** the two employees may not remain in the same supervisory chain. If they are in the same supervisory chain at the time they become "family members," one must be moved to another department and/or out of the supervisory chain within 90 days. If an appropriate position is not available then one of the employees must separate from City employment within the same 90 day period. If the affected employees cannot decide who will separate, then the Department Director, in consultation with the City Administrator, will determine which employee to retain.
- (c) This provision shall not prevent the hiring in a part-time position of an individual who is a "family member" of another City employee (as distinguished from an individual serving on the City Governing Body): provided, however, that no part-time employee shall be directly supervised by a family member.

C-7. Commercial Driver's License. The City requires those employees who will be operating trucks, which by Kansas law require a commercial driver's license to operate, to obtain and maintain the appropriate license as soon as possible but no later than six (6) months from the date of employment. To receive reimbursement for the expense of obtaining or maintaining such CDL, employees must submit a claim for reimbursement with the paid receipt showing the cost of the commercial driver's license. Since the commercial driver's license is required by the City for employment and to perform the required duties, the reimbursement is excludable as a wage to the employee. Any CDL employee who receives a moving violation or has their license suspended or revoked must advise their supervisor immediately.

ARTICLE D. COMPENSATION

D-1. Compensation Plan.

The salary of each employee of the City will normally be set at least annually at an amount within the pay range of the position class to which the employee is assigned, or put on a plan to reach the range minimum within a reasonable period of time. Such determination shall be made by the City Administrator with the advice of the Human Resource

Specialist and the appropriate Department Director. **An employee's continued employment at the salary rate** within the class assigned to him or her shall be contingent upon the provisions outlined in Sections D-2 and D-3.

D-2. Pay Increases.

- (a) Department Directors may recommend periodic pay increases for employees based on performance evaluations **submitted by the employees' immediate supervisors**. Performance evaluations and recommended pay increases will be reviewed by the Department Director and forwarded to the City Administrator for approval.
- (b) Periodic pay increases shall not be routine or automatic and are subject to approval by the City Administrator.

D-3. Performance Evaluations.

- (a) Employee performance evaluations will be considered in determining salary increases and decreases within the limits established in the pay plan, as a factor in determining the order of layoffs, and as a means of identifying employees who should be promoted or transferred, or who, because of their low performance, should be demoted or dismissed.
- (b) An evaluation of the performance of each full-time and part-time employee, based on his or her duties and **responsibilities, may be prepared by the employee's immediate supervisor (but is not required) at least annually**. Any such evaluation may be in writing on forms approved by the City Administrator. The supervisor may (but is not required to) evaluate in writing, at least quarterly, any employee who has received a less than satisfactory overall performance rating during the past year. An employee-in-training may be (but is not required to be) informally evaluated at the half-way point of the training period, and at the completion of his/her training period. If an evaluation is performed under any of the circumstances outlined above, the supervisor will present each evaluation to the employee and allow the employee the opportunity to respond. Less than satisfactory evaluations shall be reviewed and approved by the Department Director prior to presentation to the employee. On an annual basis the City Administrator, in cooperation with the Mayor, may (but is not required to) perform a review of all Department Directors.

D-4. Pay on Termination.

- (a) An employee who is terminated will receive his/her final paycheck on the first regularly scheduled payday following his/her termination.
- (b) Employees discharged for cause, and those who voluntarily terminate without giving a minimum of ten (10) working **days' notice**, may not be eligible to receive pay for any accrued benefits other than unused vacation days. See Section E-3(b) as to employees-in-training.

D-5. Timekeeping for Non-**Exempt "Hourly" Employees; No Working "Off the Clock"; Reporting Process**

- (a) The City intends to fairly and appropriately pay all non-exempt (overtime-eligible) employees hour-for-hour for all time worked on behalf of the City. Whenever work is performed for the City, whether during the regularly-scheduled shift, before or after the regular shift, or during meal breaks, the City intends to pay non-exempt employees for that time. Employees are required to accurately and truthfully record all time they work for the City; non-exempt employees are specifically prohibited from performing any work for the City **"off the clock."** Failure to accurately and truthfully record all time worked, whether the effect is to report more or less time than actually worked, is a violation of City policy and may result in discipline up to and including termination.
- (b) **Unless specific advance approval is given by the employee's manager or supervisor, non-exempt** employees are prohibited from taking work home or performing any services (including monitoring e-mail or voice mail, or responding to phone calls) for the City from remote locations and/or outside of normally-scheduled hours, via electronic communication devices or otherwise. If it is necessary for a non-exempt employee to respond to a specific request outside of the office and outside of scheduled working hours, the employee must report all such time worked. Employees who perform work off-premises without prior approval are subject to discipline, up to and including termination.
- (c) No one has the power to allow or ask, directly or indirectly, any non-exempt employee to perform any work for the City **"off the clock."** **There may be times when operational needs require employees** to be assigned work before or after the regularly scheduled shift, or during meal breaks. In all cases, all time worked must be reported on time records, and will be compensated. Any employee who is aware of any non-exempt employee being allowed or asked, **directly or indirectly, to perform any work for the City "off the clock"** should immediately report the situation to Human Resources. The City will assure that any unpaid wages due are paid, and there will be no retaliation against any employee for reporting any prohibited **"off the clock" work, or request for prohibited "off the clock" work.**

D-6. Overtime Compensation (for overtime-eligible employees).

- (a) Employees holding exempt positions (as defined by the Fair Labor Standards Act) are ineligible for overtime compensation. Full-time employees are generally paid for actual hours worked in excess of any pre-arranged workday schedule. Section D-7 Flexible Scheduling, describes exceptions to this provision.
- (b) **The City's policies at least meet, and often exceed,** the basic requirements of any applicable wage payment laws. To assure compliance, the following baseline regulations are set forth below:
 - (1) Non-exempt sworn police personnel shall be paid overtime for actual hours worked over 160 hours during a work period consisting of 28 days.

- (2) All other non-exempt personnel shall be paid overtime for actual hours worked over 40 hours in a work-week.
- (c) A non-exempt employee shall not be permitted to work in excess of their normal work schedule except when an emergency exists or overtime work is necessary to carry out normal and essential services of the City, and such work is assigned by the supervisor.
- (d) All overtime work must have prior authorization by the **employee's Department** Director or supervisor in **accordance with the City's policy**. The Department Director shall maintain records of any overtime worked and shall provide such records as appropriate to the Human Resources Department for payroll calculations. Working unauthorized overtime may be cause for disciplinary action.
- (e) Compensation for overtime work shall be at the rate of one and one-half times the **employee's regular rate** of pay. Overtime is rounded and tracked in 15-minute increments. Overtime compensation shall be paid no later than the first payday following the pay period in which the overtime work was performed.
- (f) Non-exempt employees shall be eligible to receive overtime compensation for all hours worked in excess of their normal workweek. **Paid vacation and paid holiday hours will count as "time worked" for the purposes of computing overtime.** Personal leave, job related injury leave, compensatory time, funeral leave, civil leave, and sick leave are not counted as "time worked" for the purposes of computing overtime.
- (g) **Time spent regularly or occasionally "on call", where the employee is not confined to his/her home or any particular place, but is required to leave work where s/he may be reached or carry a cell phone or pager, is not considered compensable time for base pay or overtime purposes unless the employee is called in for an assignment.**
- (h) Non-exempt employees who are called in for an unscheduled assignment, or to work at a time that is outside of their normal work schedules will receive a minimum of two hours pay. Non-exempt employees who are required to work at a time that is less than two hours before the beginning of their normal work schedule do not qualify for the minimum two-hour payment; they will be credited for actual time worked. Pay for call in begins at the time the employee arrives at the work site. Non-exempt employees are required to work overtime as needed and requested by their supervisor.

D-7. Compensatory Time

The City will not routinely offer compensatory time in lieu of overtime payments. However, if it is offered the following procedures will apply:

- (a) At the discretion of the Department Director, an employee may be given compensatory time off in lieu of cash payments for the overtime worked. The decision to use compensatory time in lieu of cash pay must be made and the employee informed before the overtime occurs.
- (b) Any compensatory time shall be accrued at the rate of one and one-half times the number of hours worked and is accruable up to 240 hours for non-public safety employees and 480 hours for public safety employees. Accrued compensatory time must be used within 12 months of occurrence or it will be paid at the rate earned at the end of the 12 month period.
- (c) Compensatory time may be used for the same reasons as set out in these Personnel Policies and Guidelines for sick, vacation and personal leave, and based on the purpose of its use, must be scheduled in accordance with City or department policy.
- (d) All overtime work **and utilization of compensatory time off must have prior authorization by the employee's** Department Director **in accordance with the City's policy.** The Department Director shall maintain records of any overtime worked and compensatory time taken and shall provide such records as appropriate to Human Resources for payroll calculations.
- (e) Upon termination of employment, available accrued compensatory time will be paid to the employee and will be calculated at the final regular rate of pay received in accordance with (b) above.

D-8. Flexible Scheduling. If a supervisor and non-exempt employee agree in advance, the supervisor may allow an employee to work in excess of the prearranged work day schedule in order to take off time on another day during the same work week. The worked time and the time used are a one for one ratio. The time sheet must clearly reflect the actual times worked. Flexible scheduling should be done within a single work week and should not result in an overtime situation.

D-9. Holiday Compensation.

- (a) In the event that the traditional date of any holiday shall fall on a Saturday, City offices will be closed on the preceding Friday. The City offices will be closed on the Monday immediately following when the traditional holiday date falls on a Sunday. A police officer of the rank of sergeant and below will be paid extra when scheduled to work on a holiday, or the holiday falls on his/her regular day off. Such officers will receive one extra day of pay. Any such officer working less than the entire scheduled work period shall receive a **prorated share of the extra day's pay.** The Chief of Police may implement a departmental holiday policy which permits holiday scheduling which will not interfere with department operations.
- (b) All full-time non-exempt employees shall receive **twice the employee's hourly rate of pay on a straight time** basis when required to work on a designated holiday.

- (c) Regular part-time employees shall be paid for City observed holidays which fall on days for which they would otherwise have been scheduled to work. The amount of pay shall be equal to the wages they would have earned for the number of hours they would have been scheduled to work on that day. In the event that a holiday falls on a regular part-time employee's scheduled day off, the employee shall take off the scheduled workday preceding or the scheduled workday following a holiday.
- (d) Seasonal, temporary, and part-time employees shall not receive paid holidays.
- (e) To be eligible to receive pay for a City holiday, an employee must not have been absent with unapproved leave either on the workday before or the workday after the holiday.

D-10. Pay Periods; Paydays.

- (a) The City shall pay all full-time, part-time, seasonal and temporary employees bi-weekly, on alternate Fridays.
- (b) The City shall pay all appointed officials monthly, on the second payday of the month.
- (c) The workweek is defined as Sunday through Saturday.

ARTICLE E. ATTENDANCE AND LEAVE

E-1. Hours of Work.

- (a) *General Employees.* The normal workweek for regular full-time employees shall be a minimum of 40 hours per work-week on a set schedule to be assigned by the Department Director.
- (b) *Police Officers.* The normal workweek for full-time police officers shall be an average of a 40 hour workweek. The work period shall exclude uninterrupted mealtime.
- (c) *Normal Work Hours.* No employee shall be permitted to work in excess of his/her normal work-week except **when so directed by the employee's Department** Director or immediate supervisor.
- (d) If an employee is absent without leave and without acceptable explanation for a period exceeding three days, or if the employee did not comply with departmental notification procedures for three days, the employee is considered to have abandoned his/her job and may be terminated.
- (e) Work hours may be adjusted by the Department Director based on departmental needs.

E-2. Holidays.

- (a) **The following days shall be paid holidays for City employees: New Year's Day (January 1), Martin Luther King, Jr. Day (third Monday in January), Memorial Day (last Monday in May), Independence Day (July 4), Labor Day (first Monday in September), Veteran's Day (November 11), Thanksgiving Day (fourth Thursday in November), Friday after Thanksgiving, Christmas Day (December 25), and an additional day at Christmas as explained below.**

- (b) From time-to-time, and for certain special occasions, the Mayor or the Governing Body by majority motion may designate other days as special holidays on a one-time basis.
- (c) In the event that Christmas falls on a Monday or Friday, City offices will be closed the following Tuesday or preceding Thursday; in the event that Christmas Day falls on a Tuesday or Thursday, City offices will be closed on the preceding Monday or following Friday, respectively; in the event that Christmas Day falls on Wednesday, City offices will be closed the preceding Tuesday. In the event that Christmas falls on a Saturday or Sunday, City offices will be closed on the preceding Friday and on the following Monday.

E-3. **Vacation Leave.** Vacation leave shall be granted beginning with the date of employment under the conditions hereinafter stated. Any employee who works fewer than 10 days in any month shall not accrue vacation credit for such month of service; provided that this restriction of 10 days shall not apply where the employee has worked fewer than 20 days due to authorized vacation or sick leave or other authorized duty absence. Vacation hours accrue and are to be used based on a calendar year. No employee shall be permitted to use vacation time for any period spent on unauthorized leave. Regular part-time employees shall accrue vacation days on a pro-rata basis. Accrued, unused vacation is not converted to cash in lieu of time off, either while the employee is employed or upon termination, except as specifically provided below.

- (a) **Full-time Employees.** Full-time employees will receive paid vacation leave time according to the following schedule: City Administrator, City Clerk and Department Directors with one through five years of consecutive service shall receive 15 working days of vacation. Other employees with one through five years of consecutive service shall receive 10 working **day's vacation**. All employees shall receive one additional working day, to a maximum of 25 working days, for each calendar year served in excess of five years. Paid vacation leave time may be taken during the first six months of employment only under special circumstances and with Department Director approval.
- (b) **Accrual Rate Years One through Five.** City Administrator, City Clerk, and Department Directors will accrue leave days of 10 hours per month. Other employees will earn 6.67 hours for each full month of employment during years one through five of employment. Employees with start dates prior to the 16th of the month will receive credit for the full month. Employees with start dates on or after the 16th of the month will receive no credit for that month. Employees-in-training terminated prior to completion of training other than **"for cause" will receive pay for any accrued, unused vacation leave.**
- (c) **Scheduling.** **The dates for the taking of vacation leave shall be scheduled in consultation with the employee's supervisor and Department Director.** In cases where the requested vacation schedules of two or more employees would adversely affect the efficient operation of the City, vacation leave shall be granted on the

basis of rank, first request, and/or seniority of City employment at the discretion of the Department Director and/or City Administrator.

- Vacation may be taken only when earned. Vacation may be advanced only in extenuating circumstances and only with specific approval of the City Administrator upon recommendation of the Department Director.
- Earned and unused vacation may be carried over from year to year. The City reserves the right to **require employees to utilize at least one week's vacation per year to rest and refresh themselves.**

Vacation utilization guidelines are as follows:

- (1) Each Department Director reserves the right to limit the amount or timing of vacation taken if the proposed vacation interferes with business operations. Department Directors may implement **departmental vacation policies with the City Administrator's permission.** (2) Vacation time may be used in conjunction with Personal Days or Holidays if pre-approved.
 - (3) Vacation time may be used to bridge the employee to disability in the case of the **employee's inability to come to work due to their own illness.**
 - (4) Vacation that is accrued but unused may be carried over for use at a future time.
 - (5) If sick and personal time are exhausted, or do not qualify for FMLA concurrent use, vacation time will run concurrently with Family Medical Leave.
 - (6) Special circumstances will be considered on a case by case basis, but under no circumstances may any employee ever use more than 20 vacation days sequentially for reasons other than personal illness (including pregnancy) or Family Medical Leave. The City reserves the right to deny such requests that fall outside regular guidelines.
 - (7) Department Director and City Clerk vacation leave will be scheduled through the City Administrator.
Normally, the Department Director and assistant for the same Department may not be on vacation leave at the same time.
- (d) *Holiday During Vacation.* City holidays which occur while an employee is on authorized vacation leave will not be counted as a day of vacation for that employee.
- (e) *Minimum Hours.* Employees shall use vacation leave in whole hour increments (no fractions of hours) in units of not less than one hour.
- (f) *Termination.* A maximum of 240 hours of combined accrued but unused current and carry-over vacation **time (if any) may be converted to pay in lieu of time off, at the employee's final rate of pay, upon termination** if the employee voluntarily resigns with adequate notice, or is terminated for a reason other than **"for cause."**

No conversion to cash is available to an employee who resigns without adequate notice, or is involuntarily terminated "for cause."

E-4. Personal Days. Full-time employees who are on the payroll January 1st of each year shall be credited with two personal days. Full time employees hired during the year will receive credit for personal days based upon the following schedule:

- Start dates in the months of January, February, March or April: 2 days
- Start dates in the months of May, June, July, or August: 1 day
- Start dates in the months of September, October, November, or December: 0 days

Employees shall use personal leave in whole hour increments (no fractions of hours) in units of not less than one hour. Personal days not used by December 31st of each year shall be deleted, i.e., not carried over into the next year. Personal days are neither carried over nor converted to cash, either while the employee is employed or upon termination. Personal day scheduling and accounting shall be outlined as in E-16.

E-5. Sick Leave. All regular full-time employees shall accrue sick leave from the first day of employment. Regular part-time employees shall accrue sick leave on a pro-rata basis. No employee shall be permitted to use sick leave for any period spent on unauthorized leave. Where the reason for absence also qualifies as a Serious Health Condition of the employee or a covered family member under provisions of the Family and Medical Leave Act, sick leave must be used concurrently with FMLA leave (see Section E-11). Used sick leave shall be accounted for as in E-16 upon return to duty. Sick leave may be used upon accrual for the following reasons:

- **The employee's own personal illness or physical incapacity.**
- Enforced quarantine of the employee in accordance with community health regulations.
- Doctor or dentist appointment when the employee provides at least one-day notice to his/her immediate supervisor, or as soon as possible if an emergency.
- To attend to a person whose illness **requires the employee's presence**. Examples: spouse, child, parent, grandparents or with approval by the City Administrator in extraordinary circumstances.

(a) *Amount of Sick Leave.* Full-time employees shall earn eight hours of sick leave for each full month of service. Regular part-time employees shall accrue sick leave on a pro-rata basis.

(b) *Accumulation of Sick Leave.* Sick days may be accumulated to a maximum of 528 hours for use for the above situations.

(c) *Computing of Sick Leave.* Any absence chargeable to sick leave shall be charged in whole hourly increments (no fractions of hours) with a minimum charge of one hour.

(d) *Doctor's certificate.* Sick leave for three days or more may require the employee to furnish the Department Director with a physician's certificate clearly stating that the employee has been under a doctor's care and

unable to work for dates which must be specified, and the probable duration of the illness. Employees returning after illnesses of three days or more may be required to provide a release from the physician that the employee is fit to return to work.

- (e) It shall be the responsibility of the employee to notify their Department Director of illness on a daily basis unless certification from a health care provider renders such daily notification unwarranted.
- (f) *Notification.* To be eligible for paid sick leave an employee, or his/her representative, shall notify the **employee's immediate supervisor and** advise the supervisor that sick leave is requested no later than two hours before the beginning of the first workday for which sick leave is taken, or as soon as is reasonably possible. Confirmation of receipt of notice is required from supervisor for employee to be eligible to be paid for sick leave. **As stated above, the City reserves the right to require a physician's certification that one of the above criteria is met, thereby warranting use of paid sick leave.**
- (g) *Termination of Employment.* **Conditioned on the employee terminating "in good standing" (i.e., voluntarily with notice, or involuntarily other than "for cause"), such employee will be paid for 50 percent of the accrued, unused sick leave at the annual rate of pay at the time of termination. Sick leave is not converted to cash in any proportion where an employee fails to provide adequate notice of voluntary resignation, or is terminated "for cause."**

E-6. Sick/Vacation Leave Transfer. In special circumstances it is possible for employees to donate accrued, unused sick leave or vacation leave to other employees to provide pay for already granted time off. For instance, if **a receiving employee has a serious illness or injury, or the receiving employee's immediate family has a serious FMLA approved illness or injury** requiring the receiving employee to be off work longer than the time for which they would receive pay from their own accrued sick and vacation leave, the Human Resources Specialist may be contacted. After discussing the issue with the Department Director and the City Administrator, the Human Resources Specialist may accept sick or vacation donations from other employees to transfer to the receiving employee. Once donated, the transfer is irrevocable; any such donation must be fully voluntary by the donor-employee; any employee donating leave must retain a combined balance of 200 hours of accrued sick and vacation leave.

E-7. Funeral Leave. **In the case of death of a member of an employee's immediate family** member (to include **employee's spouse, child or adopted child, father, step-father, father-in-law, mother, step-mother, mother-in-law, sister, step-sister, sister-in-law, brother, step-brother, brother-in-law, grandparents, grandparents-in-law, grandchild, or any natural or adopted child or grandchild of the employee's spouse**) full-time employees shall be granted paid funeral leave not to exceed three consecutive working days. Additional time off may be granted by the supervisor. To be considered eligible, such approval must be granted before the extension is taken, and the extension

will be unpaid unless the employee has available, and opts to use, accrued personal or vacation time. Funeral leave is not counted in the computation of overtime.

E-8. Injury Leave.

- (a) **All injuries occurring on the job shall be reported to the employee's immediate supervisor as soon as possible, but no later than 24 hours after the incident.**
- (b) Any employee injured on the job shall be eligible to receive injury leave with pay for up to the seven-day **waiting period for workers' compensation claims, or the duration of the necessary absence, whichever is shorter.** If an injured employee has work restrictions which can be accommodated by the City and elects not to work, they will be required to use accrued sick leave time, and will not be eligible for injury pay.
- (c) When an employee receives compensation under the **Workers' Compensation Act, the pay he or she receives** from the City, while an employee of the City, shall be the difference between his or her regular rate of pay **and the amount he or she receives from workers' compensation.**
- (d) Failure to timely report a work related accident or injury may result in disciplinary action.

E-9. Military Leave. A military leave of absence will be granted when an employee serves in the uniformed services of the United States. This includes active duty, active duty for training, inactive duty for training, National Guard duty, reserve duty, and time taken off for an examination to determine fitness to do any of the above.

When possible, a request for military leave should be made to the Department Director and Human Resources prior to the beginning of the leave. The employee should also discuss the expected length of the leave and the anticipated return date with the Department Director and Human Resources.

- (a) *Benefits Continuation.* The employee may elect to continue his or her health insurance coverage. Please see Human Resources for information regarding health insurance and other benefits.
- (b) *Vacation and Personal Time.* An employee who takes military leave will be permitted (but not required) to use his/her accrued and unused vacation time and/or personal time for military duty obligations upon written request. Otherwise, the leave is unpaid.
- (c) *Restoration.* An employee returning from military leave who meets the requirements will be reinstated in accordance with all applicable laws.
- (d) Please refer to the Family Medical Leave Guidelines for additional information on employees who have family members in the military.

E-10. Civil Leave.

- (a) *Civil Leave With Pay.* Any employee shall be given necessary time off with pay under any of the following circumstances: (1) when performing jury duty (note: when normal pay is taken, jury duty paycheck shall

be endorsed to the City.) (2) When appearing in court as a witness in answer to a subpoena in connection with the City, or as an expert witness when acting in an official capacity in connection with the City, (3) when performing emergency civilian duty in connection with national defense, or (4) for the purpose of voting **when the polls are not open at least two hours before or after the employee's scheduled hours of work.**

- (b) *Civil Leave Without Pay.* If an employee is involved in a personal lawsuit either as plaintiff or as defendant in an action not related to his or her duties with the City, the employee may take leave without pay unless he/she elects to utilize accumulated vacation leave or personal days.

E-11. Family and Medical Leave (FMLA).

- (a) *Overview.* Each eligible employee will be granted up to 12 weeks of job-protected family and medical leave during any 12-month period looking backward beginning with the first day leave is taken. The leave is unpaid except as provided herein. Such leave will be available as the result of any one, or combination of the following: the birth, adoption or placement of a child for foster care (including paternity leave) ("**baby bonding leave**"); **to care for a spouse, child or parent with a serious health condition; the employee's own serious health condition; qualifying military exigency leave; or for Military Caregiver Leave, to care for a covered service member with a covered service-related serious illness or injury.** For Military Caregiver Leave, the leave allotment will consist of 26 weeks of unpaid leave beginning with the first day leave is taken for that purpose and looking forward.
- (b) *Eligibility.* An employee must have worked for the City at least 12 months and a minimum of 1,250 hours during the 12 months preceding the absence to be eligible for FMLA leave.
- (c) *Certification of Need for Leave.* When leave is requested as a result of a serious health condition of the employee, spouse, child or parent, or for Military Caregiver Leave, the employee must provide the City with authentic and sufficient medical certification completed by a health care provider, on forms to be provided by the City. The City will reimburse the employee if the health care provider charges the employee a fee for filling out the FML medical (re) certification. A receipt of payment must be submitted in order to be reimbursed. The City may, at its own expense, require an opinion from a second health care provider. Where there is a conflict between the two opinions, the City may pay for the opinion of a third provider, selected by agreement of the employee and the City. The opinion of the third provider is binding on both the employee and the City. Medical Certification from an appropriate US Department of Defense health care provider or other health care provider authorized in the regulations must be provided for certification of Military Caregiver Leave. The City may likewise require verification of the need for Qualifying Military Exigency Leave.

- (d) *Required Notice by Employee of Need for Leave.* Where foreseeable, employees are required to provide at **least 30 days' notice (or as much advance notice as is practicable, if less than 30 days) before beginning** to take such leave. Whether the need for leave is foreseeable or unforeseeable, an employee must follow **the City's (and/or the employee's Department's) usual and customary call-in procedures**, absent unusual circumstances that prevent the employee from doing so. Where no unusual circumstances justify such a **failure, FMLA coverage for the absence may be delayed or denied. Merely calling in "sick" without providing** more information is not sufficient to trigger FMLA coverage for that absence, and such absence may be **subject to the City's (or Department's) regular attendance and absenteeism policies and guidelines.**
- (e) *Length of Leave Allotment.* The cumulative total of any one or combination of the above qualifying shall count toward the 12 weeks of leave (or 26 weeks in the case of Military Caregiver leave) provided under this law. Employees will normally be notified of their eligibility for leave under the FMLA within five working **days following the City's knowledge of a potentially qualifying absence.** Within five business days after required certification is returned, employees will normally be notified of whether or not the leave is FMLA **covered, and if so, of specific expectations and obligations under the FMLA. The City's obligations under** FMLA shall cease upon the expiration of the applicable FMLA allotment, or when an employee gives notice of his/her intent not to return to work, whichever occurs first. The City reserves the right to request certification and/or re-certification verifying the need for leave during leave as allowed. An employee who does not return to work at the end of the authorized leave period or upon exhaustion of the applicable leave allotment under this policy and the FMLA may be subject to termination.
- (f) *Interaction with Paid Benefits.* If the FMLA qualifying condition is the serious health condition of the employee, or of the **employee's spouse, child, or parent, or for Military Caregiver Leave, then the employee** must use accrued sick time concurrently with FMLA. If sick time is exhausted, the employee must use personal, then vacation time, concurrently with FMLA before the leave becomes unpaid. The employee **may, but is not required to, supplement worker's compensation** benefits with accrued but unused sick, personal or vacation pay to receive 100% of pay. For baby bonding and qualifying military exigency leave, the employee must use personal, then vacation time concurrently with FMLA before the leave becomes unpaid. Employees on unpaid family leave will not accrue any seniority, vacation, sick leave, or other benefits.
- (g) *Return to Work Certification.* As a condition of restoring the employee whose leave was occasioned by the **employee's own serious health condition, the employee must obtain and present a certification to Human Resources from the employee's health care provider stating that the employee is able to return to work**

and perform the essential functions of the position to which s/he seeks restoration. The City may delay **the employee's restoration until the employee submits an authentic and sufficient release to return to work.**

(h) *Restoration.* Unless the position has **been eliminated for a reason other than the employee's absence, or the employee is a "key employee" whose restoration would cause grievous economic injury to the City, or** the employee is terminated for some reason other than the FMLA absence, an employee who is released to return to work to perform the essential functions of the position within the FMLA allotment will be restored to his/her position or to a position with equivalent benefits, pay and other terms and conditions of employment. To allow the City to make adequate scheduling arrangements and have work available for the employee upon returning to work, the employee must give at least 48 hours advance notice of the intent to return to work.

(i) *Health Insurance Coverage.* During the FMLA covered absence, the City will continue to provide health care coverage under the same provisions as if the employee were actively working. If the employee fails to return from leave, the City can recover the premium(s) paid on behalf of the employee to maintain health care coverage during the absence. If failure to return to work is due to the continuation, recurrence, **or onset of a serious health condition beyond the employee's control, the employee will not be liable for** health care premiums paid while on family leave. In such cases, a certification issued by a health care provider will be required.

E-12. Non-FMLA Medical Leave

(a) An employee who is not FMLA-eligible and who has a medical condition (physical or mental) that requires leave beyond that provided under **the City's sick leave policy may request a leave of absence for a** reasonable time for his or her own medical condition that requires absence from work. Medical certification verifying the medical necessity for the leave, and identifying the expected duration of the leave, must be submitted to support the leave request. Approval of a leave request under this policy, and the length of **any such leave, will be analyzed based on the City's operational needs. The City reserves the right to seek** an independent medical opinion of the medical need for the leave, and the duration of any such leave, under appropriate circumstances.

(b) An employee who requests and is approved for a leave of absence under this policy must use any accrued and unused sick, personal, and vacation leave or short term disability benefits (as applicable) during the leave; if such benefits are unavailable, the leave will be unpaid.

(c) Within the reasonable time approved for the leave of absence, and upon providing the City with reasonable notice of the employee's intent to return to work and a release to return to work, the City will reinstate the employee to his/her original job, or to a position of similar pay and status without loss of seniority or

other benefits. Employees who cannot, or do not, return to work following the reasonable leave of absence allowed by the City are subject to termination of employment.

E-13. Non-FMLA Maternity Leave

- (a) A pregnant employee who is not eligible for FMLA leave may request a leave of absence for childbirth and/or recovery therefrom. The City will provide a leave of absence for a reasonable period of time following childbirth. Approval of a leave request under this policy, and the length of any such leave, are **within the City's sole discretion.**
- (b) An employee who requests and is approved for a leave of absence under this policy must use any accrued and unused sick, personal, vacation and/or short term disability benefits to cover the leave; if such benefits are unavailable, the leave will be unpaid.
- (c) Following childbirth and within the reasonable time approved for the leave of absence, and upon providing the City with reasonable notice of the employee's intent to return to work and a release to return to work **from the employee's health care provider, the City will reinstate the employee to her original job or to a position of similar pay and status without loss of seniority or other benefits.** Employees who cannot, or do not, return to work following the reasonable leave of absence allowed by the City are subject to termination of employment.

E-14. Time Off for Victims of Domestic Violence and/or Sexual Assault.

- (a) The City provides excused leave from work for an employee who is the victim of domestic violence and/or of sexual assault for any of the following reasons:
 - To obtain, or attempt to obtain, any relief including a restraining order or other injunctive relief **to ensure the employee's health or the health of the employee's child or children;**
 - To seek medical attention for any injuries caused by domestic violence or sexual assault;
 - To obtain services from a domestic violence shelter, domestic violence program or rape or sexual assault crisis center; and/or
 - To make court appearances in the aftermath of domestic violence and/or sexual assault.
- (b) *Length of the Leave and Pay During Leave.* The maximum length of leave under this policy for any **qualifying reason(s) will be the amount of the employee's earned, unused sick, vacation or personal time,** or eight days per calendar year, whichever is greater. **Once the employee's sick, vacation or personal is exhausted,** the leave will be unpaid. If an employee is eligible for FMLA leave, and if the reason for the particular absence also qualifies for FMLA coverage, the leave will also be drawn down from the **employee's** annual FMLA allotment.

(c) *Required Notice and Certification of Need for Leave.* An employee who needs to take time off work for any of the above purposes is required to give the City reasonable advance notice, unless such notice is not feasible. An employee who has provided advance notice will be allowed up to 48 hours after returning from the requested time off to provide supporting documentation, which may include a police report, a court order or other documentation from an appropriate medical professional, domestic violence advocate or counselor. If the absence is unscheduled, the employee must provide the support documentation within 48 hours after the beginning of the unscheduled leave. Notice of the need to be absent for a reason qualifying under this Policy, and all required support documentation, should be provided to Human Resources.

(d) *Confidentiality.* The City will keep confidential, to the extent allowed by law, both the fact that an employee requests or uses leave under this Policy, and all supporting documentation regarding the leave.

E-15 Other Leave/Absences.

(a) *Meetings, Seminars/Training.* Any employee may be granted absence with pay to attend meetings, seminars **and conventions related to the employee's work for the City when** such attendance is authorized by the **employee's Department Director.** These absences will not be charged as vacation leave.

(b) *Leave of Absence.* An employee, upon written request, and with the recommendation of his/her Department Director, may be granted a leave of absence without pay or benefits for a period of up to six months, subject to the approval of the City Administrator. These absences will not be charged as vacation leave. The City cannot guarantee that the position will be available **upon the employee's return. No time off benefits or** seniority accrue during this leave of absence.

E-16. Request for Leave/Leave Accounting. Leave records shall be maintained by ~~the~~ Human Resources through the payroll accounting system. Department Directors **shall be responsible for approval of all subordinates'** leave requests. The City Administrator shall be responsible for approval of leave requests for Department Directors, the City Clerk, or any other direct report of the City Administrator. Leave accounting shall be accomplished via a form available from Human Resources and shall be returned to Human Resources upon completion.

E-17. Credits for Paid Leave. **An employee while on paid sick leave, vacation leave, workers' compensation leave,** or other paid leave shall continue to earn credit for sick leave and vacation leave, but no leave credit shall be earned by any employee while on leave without pay.

E-18 **Work From Home.** Occasional work from home may be granted for urgent personal matters. However, it must always be done with prior approval from your manager. If you are working from home, your work area must

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be free from distractions and you must be available. As all employees are needed at work to serve our citizens, the City reserves the right to deny "working from home" for any business reason.

ARTICLE F. OTHER EMPLOYEE BENEFITS

F-1. Retirement – OASDI Benefits (Old Age Survivor and Disability Insurance). All eligible employees and Governing Body members elected after April 1, 1986 of the City are under the federal OASDI Social Security System, and receive appropriate benefits in accordance with federal laws and guidelines. The cost of this benefit is paid equally by the City and the employee, with the employee contribution accomplished via payroll deduction.

F-2. Retirement – KPERS and KP&F Benefits.

(a) All eligible employees (other than police officers) of the City become members of the Kansas Public Employees Retirement System (KPERS) and receive the benefits thereof after enrollment, in accordance with state laws and guidelines. All employees who are contributing members of KPERS are eligible for the insured death and disability benefits provided by KPERS, which is supplemental to the regular KPERS benefits.

(b) All full-time police officers become members of the Kansas Police and Fire (KP&F) plan in accordance with state laws and guidelines with eligibility beginning the first day of employment. In addition to the retirement and death benefits, KP&F also provides the employee with disability coverage.

F-3. Workers' Compensation Benefits. Any City employee who sustains a work-related injury or illness may receive the benefits of the Kansas Workers' Compensation Act in accordance with such law and guidelines.

F-4. Unemployment Compensation. City employees may qualify for benefits under the Kansas Employment Security (unemployment compensation) Act in accordance with such law and guidelines.

F-5. Life Insurance. In addition to the death benefits provided under OASDI and KPERS/KP&F, the City provides life insurance for regular full-time employees. The cost of this benefit is paid entirely by the employer.

F-6. Deferred Compensation. All employees may choose to participate in IRS 457 deferred compensation plans offered by the City. Under the plans offered, the employee determines the amount of compensation to be withheld annually by the City in compliance with the minimum and maximum allowed by Federal law. The amount selected is forwarded by the City **to the employee's selected account and is subject to IRS guidelines.**

F-7. Supplemental Retirement.

(a) Principal Financial Group. A non-contributory 401(a)4 money purchase plan is provided for employees not enrolled in KP&F who meet plan eligibility requirements. The City contributes two percent (2%) of each **applicable employee's gross salary on a** per payroll basis. A vesting schedule is available from the Human Resources Department.

- (b) Eligibility. Employees who have completed one year of service and who have worked more than 1,000 hours during that period and are 21 years of age are eligible to participate in the supplemental retirement plan.
- (c) Money Purchase Thrift Plan. A contributory money purchase thrift plan currently with Principal Financial Group is also available for employees not enrolled in KP&F who meet plan eligibility requirements. Each applicable employee may voluntarily contribute during the year an amount not to exceed ten percent of his/her current compensation.

F-8. Health Care Program. Upon employment, all employees regularly scheduled for 30 or more hours per week **shall be eligible for the City's group health care insurance program.** A part-time employee who becomes a full-time employee shall be eligible for group health care insurance as of the date of change in employment status.

- (a) The City may require employee participation in the cost of benefit premiums.
- (b) When an individual employee is required to contribute because of participation **in the City's group health care program**, the amount of such contribution shall be a payroll deduction. Health insurance payroll **deductions qualify for tax exemption under the City's IRS 125** (flexible spending account) plan and, therefore, are not eligible for deduction by the employee for income tax purposes after year-end.
- (c) **An employee on workers' compensation leave will have the employee's share of the cost deducted from any compensation due the employee.** In the event no compensation is due, insurance may be extended at the option of the employer and in accordance with Family Medical Leave, if it applies.
- (d) No employee shall be entitled to a cash payment in lieu of health care insurance coverage.
- (e) The City complies with those provisions of the Federal Consolidated Omnibus Reconciliation Act of 1986 (COBRA) relating to the extension of group health care plan care coverage upon termination of city employment. Under no circumstances shall any retired or disabled person, or spouse, or domestic partner, thereof, who has attained the age of 65 or qualifies for Social Security Administration Medicare coverage, **remain on the City's insurance plan.**

F-9. Other Insurance. The City provides the opportunity for full-time employees and their qualified dependents to access voluntary dental, vision, life, cancer, accident, and other insurance protection through payroll deduction from third-party provider(s). The City participates in the cost of these coverages as established by the City Council on an annual basis.

F-10. City Recreation Facilities. Community center and outdoor pool memberships are provided for full-time employees and their families, and individual memberships for regular part-time employees at no cost to the employee. The cost of the membership is considered a taxable benefit for the employee. Part-time, seasonal and temporary employees are not eligible to receive this benefit.

F-11. Educational Reimbursement. All full-time employees who have been employed by the City for at least one year are eligible for educational reimbursement, as long as the educational opportunity for which reimbursement is sought benefits the employee in the performance of his/her job. Reimbursement will be made after the employee provides proof of completion of the course with at least a 2.0 grade on a 4.0 scale for undergraduate/associate degrees and a 3.0 on a 4.0 scale for graduate degrees. Approval of the City Administrator with Department Director recommendation is required prior to enrollment, subject to budget and funding availability, and the amount may not exceed \$2,000 for any one employee during a calendar year. Employees participating in this program must complete one year of employment for the City following reimbursement; an employee who voluntarily resigns, or who is **terminated "for cause," before that time will be required to repay the City any reimbursement provided.**

F-12. Retirement Health Insurance Benefits. The City will continue to provide health care coverage at its lowest rate and pay for a tenure-based percentage of the monthly premium for the following retired employees under the following circumstances and to the following extent:

- (a) The percentage of the premium **paid by the City will be based on the employee's tenure with the City upon retirement as follows:**
- 10-14 Years of Service 25% subsidy of lowest plan
 - 15-19 Years of Service 30% subsidy of lowest plan
 - 20-24 Years of Service 40% subsidy of lowest plan
 - 25+ Years of Service 50% subsidy of lowest plan
- (b) The City will pay the appropriate tenure-based percentage (as defined above) of medical benefit costs, not to include dental or vision, less any amount the Social Security disabled employee receives from a future **employer's short-term disability plan** until the disabled employee receives Social Security Medicare benefits.
- (c) Employees who are under the age of 65 years when they retire and shall have retired within the retirement eligibility guidelines of the Kansas Public Employees Retirement System (KPERs and KP&F) may participate in this coverage.
- (d) Employees who wish to participate in this coverage must elect to do so 30 days or more before their retirement date.
- (e) This tenure-based percentage premium plan is available only to retired employees and their spouses. Status of employee versus employee plus spouse is determined upon date of retirement. A spouse may not be added, nor a different spouse substituted after that date. **The City's percent participation is limited to lowest applicable employee or employee and spouse premium rates.**
- (f) Employee and child or family insurance coverage may be purchased by retired employees eligible for this coverage with 100% of the additional premium payable by the employee. **The City's percentage is limited**

to employee (applied to employee and child) or employee and spouse basic (applied to family) premium amount.

- (g) This coverage will cease when a retired employee reaches age 65 or becomes eligible for Medicare.
- (h) **In the event of the retired employee's death, obtaining coverage elsewhere, or becoming eligible for Medicare**, this coverage will cease. His/her spouse will be covered by this benefit in accordance with COBRA regulations, but may be terminated earlier as a result of death, remarriage, qualifying for Medicare or **availability of coverage by spouse's employer**. The qualifying spouse shall be responsible for the appropriate tenure-based percentage of the monthly coverage.
- (i) If a retired employee or spouse fails to make his/her percentage portion of any required premium payment on time, coverage will terminate and will not be reinstated.
- (j) If a retired employee becomes eligible under a health plan from another employer, this coverage will terminate.
- (k) The City will review annually the program of employer-paid retiree coverage and expressly reserves the right to amend, terminate or otherwise modify all or any portion of the program at any time and from time-to-time, with respect to any or all of the retired employees. Any such amendment, modification or termination may apply to current participants in the program as well as to future participants.
- (l) The retiree premium subsidy may be applied to health insurance (medical plan) benefits only. Retirees may elect to continue dental and vision benefits in accordance with applicable COBRA provisions and 100% of applicable premiums will be the responsibility of the retiree.

F-13. Disability Health Insurance Benefits. The City will continue to provide health care coverage at its lowest rate and pay for 50% of the monthly premium for the following disabled employees, under the following circumstances and to the following extent:

- (a) Such employee has been adjudicated as being disabled by the Social Security Administration.
- (b) The City will pay 50% of medical benefit cost, not to include dental or vision, until the disabled employee receives Medicare benefits.
- (c) Employees who wish to participate in this coverage must elect to do so within 30 days following the date of disability determination/adjudication.
- (d) This 50% premium subsidy is available only to disabled employees and their spouses. Status of employee versus employee plus spouse is determined upon date of disability. A spouse may not be added nor a different spouse substituted after that date. **The City's 50% participation is limited to applicable employee** or employee and spouse premium amount.

- (e) Employee and child or family insurance coverage may be purchased by disabled employees eligible for this coverage with 100% of the additional premium payable by the employee. **The City's 50% is limited to employee (applied to employee and child) or employee and spouse (applied to family) basic premium amount.**
- (f) Notwithstanding subsection (b), this coverage will cease when a disabled employee reaches age 65.
- (g) **In the event of the disabled employee's death, obtaining coverage elsewhere, or** becoming eligible for Medicare, this coverage will cease. His/her spouse will be covered by this benefit in accordance with COBRA regulations, but may be terminated earlier as a result of death, remarriage, qualifying for Medicare or availability of **coverage by spouse's employer.** The qualifying spouse shall be responsible for 50% of the monthly premium.
- (h) If a disabled employee or spouse fails to make his/her portion of any required premium payments on time, coverage will terminate and will not be reinstated.
- (i) If a disabled employee becomes covered under a health plan from another employer, this coverage will terminate.
- (j) The City will review annually the program of employer paid disabled retiree coverage and expressly reserves the right to amend, terminate or otherwise modify all or any portion of the program at any time and from time-to-time, with respect to any or all of the disabled employees. Any such amendment, modification or termination may apply to current participants in the program, as well as to future participants.

F-14. Retirement/Disability Health Insurance Annual Renewal.

Any retired or disabled employee taking advantage of the coverage offered by F-12 or F-13 above, may be required, on or before October 15th of each year, to produce, in writing from the Social Security Administration, proof of **ineligibility for Social Security Medicare benefits in order to remain on the City's health insurance coverage.** Failure to do so may result in termination from the **City's plan.**

F-15. Personal Information and Data.

It is the policy of the City of Mission that protected health information, and/or genetic information, and **personal data will be used and disclosed in a manner that respects employees' right to privacy, and** only in accordance with privacy regulations and applicable law.

The City will only collect personal information for employees and others if it is required to pursue its business operations and to comply with government reporting and disclosure requirements. Personal information collected by the City includes employee names, addresses, telephone numbers, email addresses, emergency contact information, **EEO data, social security numbers, driver's license numbers, date of birth, employment eligibility data,**

benefits plan enrollment information, which may include dependent personal information, and school/college or certification credentials, credit card information, bank accounts, and other similar information. All pre-employment inquiry information and reference checking records conducted on employees and former employee files are maintained in locked, segregated areas.

Personal information will be considered confidential and as such will be shared only as required and with those who have a need to have access to such information or in compliance with valid legal process. All hard copy records will be maintained in locked, secure areas with access limited to those who have a need for such access.

City-generated information, which may include organizational charts, department titles and staff charts, telephone directories, e-mail lists, facility or location information and addresses, is considered by the City to be proprietary information to be used for internal purposes only. The City maintains the right to communicate and distribute such information as it deems necessary to conduct business operations.

Examples of the release of personal employee information that will not be considered a violation of City policy include the following:

- Partial employee birth dates, i.e., day and month may be shared with Department Directors who elect to recognize employees on such dates.
- Personal telephone numbers or e-mail addresses may be distributed to Department Directors in order to facilitate work schedules or business operations.
- Employee identifier information used in salary or budget planning, review processes and for timekeeping purposes may be shared with Department Directors.
- **Employee's employment anniversary or service recognition information may be distributed** to Department Directors periodically.
- Employee and dependent information may be distributed in accordance with open enrollment processes for periodic benefit plan changes or periodic benefits statement updates.
- Employee and dependent personal information may be shared with plan providers as required for claims handling or record keeping needs.
- All information available under the Kansas Open Records Act.

If an employee becomes aware of a material breach in maintaining the confidentiality of any confidential information, the employee should report the incident to the Human Resource Specialist who will investigate, or

refer to the appropriate department, all incidents of alleged material breaches of confidentiality in order that appropriate corrective action may be taken.

F-16. Travel and Training.

In order to encourage professional development, it is sometimes necessary to send employees to professional conferences and training both inside and outside the local area. When travel is required, the City reimburses for reasonable, approved and documented travel-related expenses for attending professional conferences and training courses that provide mutual benefit for both the employee and the City, in accordance with City policies. In specific circumstances, the City may consider advancing expenses with specific approval from the Department Director and City Administrator. As a general rule, however, advances are not available.

- (a) Employees must receive approval from their Department Director prior to registering for training. Approval is based on departmental needs, available funding and other factors.
- (b) Employees are responsible for turning in all travel related receipts and documentation within fourteen (14) calendar days after returning from City related travel.
- (c) Authorized Expenses
 - (1) Registration
 - (2) Transportation. The City will cover the cost of the most economical of the following three modes of transportation:
 - Personal vehicle
 - Commercial carrier – tourist class or most economical airline
 - City Vehicle
 - (3) Lodging. The City will **cover the cost of reasonable single lodging expenses. When an employee's spouse accompanies the employee, the City will absorb the cost of the double occupancy rate. The employee is responsible for the spouse's commercial carrier expense.**
 - (4) Meals
 - (a) Overnight travel. When an employee is required to travel away from home overnight for city business the meals will be provided/reimbursed by the City and are excludable as wages to the employee under IRS regulations.
 - (b) No overnight travel. When no overnight travel is required, meals will be the responsibility of the employee.
 - (5) Pay for travel: The City complies with all laws and regulations regarding payment of travel time and work time for non-exempt employees during external training. Hours expectations should be reviewed with the Department Director prior to attending the training.

(6) Employees are required to adhere to the same behavioral and professional standards when traveling as they do when at work at the City.

F-17. Per Diem and Mileage. A per diem amount equal to the daily Federal rate for various cities for approved travel and training attendance on behalf of the City is authorized. **Mileage reimbursement for the use of one's** personal vehicle on behalf of the City shall be at the approved IRS mileage rate in effect at the time. To be reimbursed for mileage, the employee must submit a request for reimbursement stating where the travel was to, and for what purpose, along with the number of miles for the trip and the amount requested for reimbursement. This payment is excludable as a wage as it is a business connection and adequate accounting/substantiation has been made. All requests for per diem and reimbursement shall be submitted to the Department Director for approval prior to travel. The City is not responsible for expenses incurred without proper approval.

F-18. Reimbursement Policy for Non Attendance at City Scheduled Functions. Occasionally staff members may be scheduled to attend functions for which the City has paid in advance. The following procedure shall apply if the individual(s) fail(s) to attend the function and the City is unable to obtain a refund.

- (a) Proposed attendee should carefully consider projected date and make every effort to ensure his/her schedule permits attendance prior to making a commitment on behalf of the City, make every effort to attend, i.e. do not take on subsequent commitments.
- (b) **Staff/attendee should have clear understanding of "last cancel date for refund."**
- (c) If attendee must cancel, advise City Administrator or Department Director as far in advance as possible.
- (d) **Cancellation should be based on "good faith" reason, i.e., unforeseeable personal or family illness, or a death requiring attention of participant, or an unavoidable and serious conflict of personal nature that will cause undue hardship to the attendee or an unforeseen, work related emergency.**
- (e) Staff/individual involved should attempt to find substitute attendee; staff will arrange to replace original attendee, if possible.
- (f) **If "good faith" effort is made to attend, City will not seek reimbursement from original attendee.**
- (g) If substitute attendee cannot be provided, staff/individual will seek reasonable reimbursement from program, if possible, prior to seeking individual reimbursement.
- (h) Final decision on individual reimbursement requirement will rest with the City Administrator.

F-19. City Provided Vehicles. Vehicles owned by the City are not to be used for personal use except for commuting to and from work or de minimis personal use (within 2 miles of the most direct route to and from work) as allowed by IRS regulations. The personal use of a City owned vehicle will be a taxable benefit to the employee. The City will determine the rule which will be used to value this benefit based on the IRS regulations in effect when

the vehicle is assigned to the employee. A list of employees eligible to take City owned vehicles home will be approved annually by the City Administrator.

F-20. Cell Phones. Employees whose work requires that they be accessible by cell phone will be provided a monthly phone allowance paid to the employee through the payroll system and considered a taxable benefit. The dollar amount of the monthly allowance will be determined by the Department Director and approved by the City Administrator annually. Employees may not use their cell phone cameras to photograph non-public documents or information. Likewise, employees are required to respect the privacy of individuals who come to City Hall or other municipal buildings for city business purposes. [Please do not take recreational pictures of co-workers without their permission.](#)

[Personal Use of Cell Phones. Unless being used for bonafide business purposes, cell phones should not be used while on duty. If you are expecting a call regarding an urgent matter, please advise your manager. Otherwise, if your use of your cell phone is deemed to be excessive, you will be required to keep it stowed away during your work time. Please keep your cell phone on vibrate at all times while at work.](#)

F-21. Purchasing Cards. Employees may be issued a purchasing card (P-Card) in accordance with a program authorized by the Governing Body. Employees will be required to comply with all P-Card programs policies and procedures in accordance with a user agreement signed at the time the card is issued. Failure to comply with the terms of the program may result in disciplinary action up to and including termination.

ARTICLE G. DISCIPLINE.

G-1. General Policy. The purpose of discipline is to ensure high standards of performance and efficiency, to maintain good working relationships among employees, and to provide the citizens of the City with the highest possible level of courteous and professional public service. Discipline in the City organization is for the most part "self" discipline. It is the duty of employees to work and perform in accordance with the values, service standards, policies and guidelines of the City and the department in which they work. Each employee is expected to be self-disciplined and to work hard at being the best at what he/she does and in helping the City provide a high level of public service. When an employee does not exercise adequate self-discipline or is not successful in meeting the requirements of his/her job, it may be necessary for his/her Department Director or supervisor to consider disciplinary actions as a means of encouraging the employee to modify his/her behavior. Disciplinary action includes a process which may result in a verbal or written reprimand, disciplinary probation, suspension, demotion or dismissal of an employee or appointed official.

G-2. Issue Resolution. The City respects and values the opinions and views of all employees. The City supports employees' efforts to bring to the attention of management their questions, concerns, dissatisfaction, or complaints

about work-related situations other than alleged harassment and/or discrimination. Reports of alleged harassment and/or discrimination must be raised in accordance with Article J. Employees are advised to communicate their problems or concerns, without fear of retribution, and receive fair and prompt resolution or explanation. Employees are encouraged to bring their concerns first to their supervisor. However, if the employee feels that the supervisor did not satisfactorily resolve the matter, they must submit their issue in writing to their Department Director or, if appropriate, the City Administrator. The issue will be addressed as soon as is practicable and the decision of the City Administrator is final.

G-3. Improper Conduct.

The following is a list of conduct which could result in disciplinary action, up to and including discharge. This list does NOT include every situation, but includes examples only.

1. Conviction by a court of law, or entering into a guilty or no-contest plea, of a violation of the criminal laws of the United States of America or any State. A criminal conviction will not necessarily result in adverse employment action. Factors such as the seriousness of the offense, the nature of the offense, **and the relationship of the offense to the employee's position will be taken into consideration.**
2. Unnecessarily unsafe or abusive operation of City vehicles or equipment.
3. Violation of City policies pertaining to performance and/or conduct.
4. Incompetent, negligent or unsatisfactory performance.
1. Dishonesty (either by affirmative misrepresentation, or by omission or concealment of material information) in any matter involving the City, or in any matter not directly involving the City, but which **could reflect negatively on the City or interfere with the employee's ability to perform his or her job.**
2. Rudeness, violent, unprofessional or abusive conduct to a citizen or fellow employee while on duty, or off-duty where such conduct reflects adversely on the City or interferes with the violating employee's ability to perform his/her job.
3. **Rudeness, violent, unprofessional or abusive conduct to a citizen or fellow employee utilizing the City's property or technology.**
4. Improper political activity as defined in the Conflict of Interest Policy.
5. Being insubordinate, threatening, intimidating, rude or assaulting a manager/supervisor, co-worker, citizen or vendor.
6. Intentional or repeated falsification of personnel records, time-sheets or other City records.
7. Carelessness, neglect or misuse of City funds or property, including theft, misappropriation and unauthorized private use.

8. Discussing with unauthorized persons any confidential, non-public information gained through City employment.
9. Improper conduct, behavior, or communication based on race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, gender identity, marital status, familial status, or any other status protected by applicable law, whether or not such conduct constitutes legally actionable harassment.

G-4. Disciplinary Procedure.

It is the policy of the City that any employee whose performance is unsatisfactory or who violates any of the City's rules and regulations or standards of employee conduct and behavior shall be subject to disciplinary action. The following disciplinary actions are authorized but should not be considered exclusive, and are in every instance discretionary, based on the specific circumstances. The City reserves the right to adopt whatever level of discipline it deems appropriate in the situation, and may skip any level, including moving directly to termination.

- (a) Oral Reprimand
The supervisor should take the following action:
 - Meet with the employee to discuss the matter.
 - Inform the employee of the nature of the problem and the action necessary to correct it
 - **Prepare a memorandum for the supervisor's own records indicating that the meeting has taken place**
- (b) Written Reprimand
The supervisor should take the following actions:
 - Meet with the employee to discuss the matter.
 - Prepare a written report that outlines the nature of the incident, the policies and/or procedures that have been violated, and the action to be taken.
 - Review the written report with the employee. After discussing the report, both the supervisor and employee should sign the report.
 - Forward to the Human Resources Specialist and City Administrator the written report of the violations and the action taken with the employee. Such report shall become a part of the **employee's personnel file.**
- (c) Suspension, Demotion, or Dismissal
The supervisor should take the following actions:
 - Meet with the employee to discuss the matter.
 - Prepare a written report that outlines the nature of the incident, the policies and/or procedures that have been violated, and the action to be taken.
 - Share the report the report with the Department Director, who in turn will recommend to the City Administrator suspension of the employee without pay for up to five working days, demotion to position in a lower pay grade, or termination.
 - Once a determination is made of the appropriate disciplinary action, the supervisor and/or Department Director will meet with the employee to share the report. Both the employee and the

Department Director **should sign the report, and it will become a part of the employee's personnel file.**

The above steps may be disregarded if the supervisor or Department Director feels that it is warranted by the severity of the situation. The supervisor may at his/her discretion discipline the employee and, if appropriate, recommend immediate termination of the employee.

No employee sick leave or vacation leave benefits shall be paid or accrued to any employee while they are subject to a disciplinary suspension. In the case of acts of violence or other flagrant misconduct, allegations of harassment or discrimination, serious safety violations, criminal offense, or any other matter deemed appropriate, an employee may be suspended immediately, with or without pay, pending an investigation and review of the matter.

G-5. Causes for Termination.

While all employees are employees at will and, therefore, subject to termination without cause, incidences may arise **where an employee's conduct could result in termination for cause. Some incidents of misconduct may be deemed** so serious that they are cause for immediate termination. The following list is not all-inclusive; it is only representative of the types of misconduct which may subject an employee to immediate termination. Causes for termination under this section also constitute misconduct for which an employee may be subjected to disciplinary action other than termination:

- (a) Conviction of a felony or conviction of driving under the influence.
- (b) Testing positive for alcohol or drugs while operating a City vehicle.
- (c) Willful or continued violation of City or departmental safety policies and procedures or willful or negligent creation of unsafe conditions in the workplace.
- (d) Willful or continued violation of personnel policies and guidelines or departmental guidelines.
- (e) Negligent or willful damage to public property or waste of public supplies or equipment.
- (f) Taking or using any funds or property of the City for personal use or for sale or gift to others, or submitting any false claim to the City.
- (g) Gross incompetency, neglect of duty or willful or continued failure to render satisfactory service.
- (h) Refusal to abide by any lawful official regulation or order, failure to obey any proper direction made by a supervisor or Department Director, or knowingly making a false statement to any employee or officer of the City.
- (i) Claiming leave time under false pretenses or falsifying attendance records for oneself or another employee.
- (j) Absence without approved leave.

- (k) Possession or use of alcohol, while on duty. Sale of or offering for sale or giving away alcohol while on duty or at any City of Mission property.
- (l) Illegal use or possession of any drug or controlled substance, or the illegal presence of any drug or controlled **substance in the employee's body at any detectable level while on duty.**
- (m) Improper conduct, behavior or communication based on race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, marital status, or any other status protected by applicable law, whether or not such conduct or behavior constitutes legally actionable discrimination, or any other kind of disruptive, discourteous, or unprofessional behavior.
- (n) Disclosing or using confidential, non-public records or information in conflict with City policy.
- (o) **Revocation or suspension of a certification or license, including a driver's license, when such is required as** a condition of city employment.
- (p) Material falsification of application or in the course of the interview process for city employment, or making a false statement or report in regard to any test, certification or appointment, or any attempt to commit any fraud that violates the merit principles of personnel administration.
- (q) Giving or attempting to give or receive any monetary consideration, or receive or deliver of undeserved service, to or from any person or organization for, or in connection with, any test or appointment, or City service of any kind.
- (r) Taking or offering to take **from any person for the employee's personal use, any fee, gift or other thing or** service of value, in the course of his or her work or in connection with it, when such gift or other valuable thing or service is given in the hope or expectation of receiving a favor or better treatment than that accorded any other person; accepting a bribe, gift, money or other thing of service or value intended to perform or refrain from performing any official act; engaging in any act of extortion or other means of obtaining money or other things or service of value through his/her position in the service of the City.
- (s) Discharge of duties in a manner which results in discrimination to any person on the basis of race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, gender identity, marital status, familial status or any other status protected by applicable law.
- (t) Violent or abusive behavior.
- (u) Any behavior that negatively affects the workplace or co-workers.

ARTICLE H. GRIEVANCES

H-1. General Policy. Any employee, or appointed official, has the right to present a complaint or grievance concerning termination of his/her employment or appointment. A sincere attempt should be made by each employee and supervisor to resolve any issue before it becomes necessary to resort to the grievance procedure. Complaints or reports of harassment or discrimination must be submitted and administered under Article J.4 below.

H-2. Grievance Procedure. The following grievance procedure is established:

- (a) Any complaint or grievance shall initially be filed by the employee with his or her supervisor within seven (7) days of the notice of termination. An answer to the grievance shall be provided by the supervisor to the employee in writing within seven (7) business days or as soon thereafter as possible. If the employee disagrees with the decision of the supervisor, the employee may forward the complaint or grievance in writing to his/her Department Director, who shall provide an answer to the employee within five (5) business days or as soon thereafter as possible.
- (b) If the termination is upheld by the Department Director, the employee may forward his/her written grievance to the City Administrator, specifying the specific basis for the challenge, provided he/she has informed the Department Director of his/her intentions to do so. The City Administrator will administer a decision within five (5) business days or as soon thereafter as possible. The decision of the City Administrator will be final and binding.

H-3. Grievance Toward City Administrator. Grievances toward City Administrator shall be brought to the attention of the Governing Body through the Mayor. The Governing Body shall provide an answer within seven (7) days of the notice of termination. The decision of the Governing Body will be final and binding.

ARTICLE I. VOLUNTARY SEPARATION

I-1. Resignation. An employee who terminates his/her employment voluntarily shall be terminated in good standing, providing the employee gives a minimum of ten working days written notice to his/her immediate supervisor or Department Director, and works the entire notice period without using paid time off. Under appropriate circumstances, a shorter period of notice may be approved by the employee's Department Director. The City Administrator, City Clerk and Department Directors shall give thirty (30) calendar days written notice. Under appropriate circumstances, a shorter period of notice may be approved by the City Administrator or Mayor.

I-2. Reinstatement. An employee who was terminated in good standing and who is re-employed within a period of 90 calendar days following separation may be reinstated under the terms of Section C-2 Recruitment, (f) Rehire. Employee will be reinstated at the salary he/she was receiving at the time of termination unless approved by the City Administrator.

ARTICLE J. ANTI-HARASSMENT

J-1. General Policy. It is the policy of the City to maintain a work environment free of discrimination, harassment, intimidation, humiliation, insult, physical, or verbal abuse or actions based on race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, gender identity, marital status, familial status, or any other status protected by applicable law. To insure that this policy is strictly adhered to, the City will not tolerate sexual or any other type of illegal harassment or discrimination by or toward any of its employees, and will take immediate disciplinary or other appropriate action toward any individual who violates this policy. The City will also not tolerate any disrespectful, vulgar or otherwise offensive or unprofessional behavior that may not rise to the level of illegal improper behaviors. The City does not have the ability to act on improper behavior that is not reported. Thus, employees are required to report any conduct or behavior they witness or experience that may violate this policy. The City prohibits retaliation against any employee who, in good faith, reports any behavior that may violate this policy, participates in any investigation of such a report, or is closely associated with another employee who does so.

J-2. Definition. Prohibited harassment is defined as:

- (a) The threat or insinuation by a supervisor or person in successive authority toward a subordinate employee, **either explicitly or implicitly, that the subordinate's submission to or rejection of unwelcome sexual advances** will adversely affect employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development; and
- (b) The subjecting of an employee, by a supervisor, employee, government official, citizen, or other person, to unwelcome conduct, verbal, physical, visual or otherwise, based on any legally protected status or characteristic, which creates an intimidating, hostile, or offensive working environment for a reasonable person.

J-3. Policy.

- (a) No employee, whether supervisory or nonsupervisory, may harass another employee based on any status protected by applicable law. Nor may any government official, citizen, contractor, or other person engage **in prohibited conduct toward any City employee in connection with that employee's employment**. Prohibited conduct based on of race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, gender identity, marital status, familial status, or any other status protected by applicable law, includes but is not limited to the following:

- (1) Unwelcome touching, propositions, advances;

- (2) Abusive or vulgar language epithets, slurs, stereotypic insults, joking or teasing based on any protected status;
 - (3) Suggestive stereotypic, insulting or degrading jokes or comments;
 - (4) Displaying of sexually graphic or suggestive pictures, photographs, cartoons, or similar material based on other protected status including but not limited to of race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, marital status, or any other status protected by applicable law.
- (b) Any employee who believes that he/she has witnessed or experienced behavior that may violate this policy shall immediately report all as set forth below in Section J-4. If the allegation involves the City Administrator, such report shall be made immediately to the Mayor.
- (c) All complaints involving claims of discrimination or harassment shall be promptly investigated; the existence of the complaint and the investigation will be treated as confidentially as practical to conduct the investigation.
- (d) Any employee, supervisory or nonsupervisory, found to have violated this policy, whether or not the violation constitutes illegal harassment, will be disciplined, up to and including discharge. Non-employees whose behavior is to have found violated this policy will be dealt with as appropriate to ensure that inappropriate behavior ceases and does not recur.

J-4. Complaint Procedure. Any employee who feels he/she has witnessed or experienced conduct, behavior or communication that may violate this Policy should immediately contact one of the persons listed below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

- **Employee's immediate supervisor.**
- **Employee's Department Director.**
- Other supervisory personnel.
- Human Resources.
- City Administrator.

The employee should be prepared to provide the following information:

- **Employee's name, department and position title.**
- Name of the person or persons engaging in the prohibited conduct.
- Date(s) and approximate time(s) of the prohibited conduct.
- The specific nature of prohibited conduct, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as

a result of the prohibited conduct, or any other threats made against him/her in connection with result of the prohibited conduct.

- Witnesses to the prohibited conduct, if any.
- Whether the employee has previously reported such prohibited conduct and, if so, when and to whom.

After receiving a complaint of prohibited conduct under this Policy, the person receiving the complaint shall immediately advise Human Resources, who will designate someone to assist the employee filing the complaint to document the incident in writing. (If the allegations are about the City Administrator, see J-6 below.) The employee may be requested to sign the written complaint, attesting to the accuracy and truthfulness of the incident.

All information related to the investigation of such a complaint will be treated as confidentially as possible and will be disclosed only on a need-to-know basis in order to investigate and resolve the matter, or as required by valid legal process.

J-5. Review of a Complaint Under this Policy. It is the responsibility of the City Administrator to coordinate and investigate (or designate another suitable individual to coordinate and/or investigate) any complaint brought pursuant to this Policy. The following procedures shall apply to the handling of such complaints:

- (a) The person to whom the complaint is made shall immediately present it to Human Resources.
- (b) Human Resources will promptly initiate an investigation.
- (c) The investigator shall keep a written record of the investigation, including notes of any oral responses made to the investigator by the complainant, any witnesses interviewed during the investigation, the person against whom the complaint was made, and any other person (other than legal counsel) contacted by the investigator in connection with the investigation.
- (d) The investigator shall notify the employee accused of the violation as promptly as possible of the complaint and the severity of the allegations. (Immediate notification is not necessary if such notification would **jeopardize the investigation.**) **The employee accused of the violation will be instructed of the City's policy** prohibiting retaliation against any complainant or witness in the investigation simultaneously with the notification of the complaint. Likewise, the employee accused of the violation will be instructed not to tamper with the investigation efforts.
- (e) For the protection of the complainant, the person accused of violation, and any witnesses involved in the investigation, unless there is a specific operational necessity to do so, Human Resources, in consultation with the City Administrator may determine in their sole discretion that the Department Director and/or supervisor of either the complainant or the employee accused of the violation (or both) not be informed of

the complaint, the investigation, or the outcome of the investigation. If the Department Director and/or supervisor is notified of the complaint and/or investigation, **s/he will be instructed of the City's policy** prohibiting retaliation against any complainant or witness in the investigation simultaneously with the notification of the complaint or investigation.

- (f) The employee accused of the violation may be given appropriate opportunity to refute the allegations and present information and/or suggest witnesses to be interviewed on his/her behalf.
- (g) Based on the investigative report, Human Resources shall determine whether the conduct of the person against whom a complaint has been made constitutes a violation of City policy. In making that determination Human Resources shall look at the record as a whole and the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred. Determination of whether City policy has been violated will be made on a case-by-case basis. Conduct need not constitute illegal harassment to violate City policy.
- (h) After completion of the investigation, in accordance with paragraph (e) above, Human Resources may discuss the recommendations (if any) regarding the employee who was the subject of the complaint, with **the employee's Department** Director and supervisor, and City Administrator as appropriate. Appropriate disciplinary steps (if any) will be determined and implemented upon approval of the City Administrator. If a violation is found, the City Administrator will report the findings/discipline to the Governing Board.
- (i) Any disciplinary action shall be consistent with the nature and severity of the offense. Considerations may include, but are not limited to, whether there have been previous counseling or discipline, whether the offending party is in a supervisory position, and any other factors the City Administrator believes relate to fair and efficient administration of the City, including the effect of the offense on employee morale, public perception of the offense if it were known, and the light in which it would cast the City if known. The disciplinary action may include demotion and/or suspension, dismissal, oral or written reprimand, [re-training or mandatory Employee Assistance Program participation](#). A determination of the level of disciplinary action shall also be made on a case-by-case basis.
- (j) If Human Resources determines that no violation of policy has occurred, he/she shall notify the employee accused of the violation of the determination and advise that no disciplinary action is warranted. In that case, only those who have a direct need to know of the situation will be informed of the existence of the complaint, the investigation, and its outcome.
- (k) If Human Resources determines a policy violation has occurred, the violating employee will be notified of that determination and the resulting corrective action be administered. Only those who have a legitimate

need to know of the investigation and resolution (including any discipline for any employee found to have violated the policy) will be informed of the existence of the complaint, the investigation, and its outcome.

- (l) The employee making the complaint shall be notified in general of the results of the investigation. If appropriate, the complaining employee may be notified of the discipline, if any, to be administered. In any event, the investigation file will remain confidential.

J-6. City Administrator. In the event the City Administrator is the subject of the investigation, Human Resources will assist the Governing Body in the process and resolution.

J-7. Records of a Complaint and Investigation. All records concerning a complaint and investigation under this Policy shall be confidential and kept in a separate locked file except those affected by Kansas Open Records Act. Access to these records shall be given only to City representatives with legitimate need to have access, and only with approval by the City Administrator and/or in response to valid legal process.

J-8. Other Inappropriate Behavior. Behavior that is not unlawful harassment under the law or under this policy might still be inappropriate behavior for the workplace. Even if the City determines that an individual's behavior does not rise to the level of unlawful harassment, the City of Mission may still impose appropriate disciplinary action, up to and including termination. As a general rule, disciplinary action will be imposed under this paragraph if the City believes the behavior was otherwise inappropriate, unprofessional, unbecoming, objectionable, inconsistent with reasonable rules of conduct, has resulted in a loss of confidence or trust in the employee, inconsistent with the spirit of the City's harassment-free workplace philosophy or policy, or not in the best interest of the City.

ARTICLE K. POLITICAL ACTIVITY.

K-1. General Policy. It is the right of every employee to register and vote on all political issues. Employees are permitted to join political organizations, civic associations, or groups and to become involved in political activities subject to the restrictions of this article.

K-2. Activities.

- (a) As private citizens, employees may participate in all political activities, including holding public office, except for activities involving the election of candidates for any City office, or issues impacting Mission, or where **holding an appointive or elective public office is incompatible with the employee's City employment.**
- (b) City employees may support candidates for other offices and may contribute labor to candidates and organizations that endorse candidates other than for City office. Employees are not permitted to be candidates for City elective office or to make public endorsements of a candidate for City elective office.

- (c) Any employee desiring to become a candidate for City elective office shall first take a leave of absence without pay or resign. Should an employee on leave of absence without pay be unsuccessful in seeking such elective office, he/she shall be returned to employment on the same terms and conditions as any other employee who has taken a leave of absence without pay. An employee is considered to be a candidate for elective office once all statutory requirements have been met to qualify as a candidate.
- (d) Political activity of any nature must not interfere with job attendance or performance. Employees are not permitted to solicit or handle political contributions in City elections. They are not permitted to wear or display political badges, buttons or signs on their person during duty hours on any City property for any candidate or issue.
- (e) No supervisor or other person in authority shall solicit any City employee for contributions of money or labor for any candidate for elective office, or otherwise compel, or attempt to compel, any employee to support a candidate for elective office or to engage in any political activity.
- (f) The purpose of this policy is to prevent and avoid the appearance of impropriety on the part of any City employee. City employees are neither appointed to, nor retained in, the City service on the basis of their political affiliations or activities.

ARTICLE L. OUTSIDE EMPLOYMENT.

L-1. General Policy. Outside employment constitutes a City employee holding a second job with another employer. Outside employment by a full-time employee is permitted only when such outside employment: (1) is considered secondary to service with the City; (2) does not interfere with the performance of duties for the City; and (3) no legal, financial or ethical conflict of interest results from such dual employment. To allow the City to analyze whether all of the above criteria are met, a City employee must disclose the proposed outside employment before it is accepted, or upon hiring by the City, whichever occurs later.

ARTICLE M. WORKER SAFETY.

M-1. General Safety. All employees are required to wear appropriate safety equipment and follow appropriate safety precautions according to City and/or departmental policy at all times. Failure to comply with safety policies may result in disciplinary action. **Specific safety policies and procedures are included in the City's Employee Safety Manual.**

M-2. Substance Abuse. **As a part of the City's commitment to safeguard the health of its employees, to provide a safe place for its employees to work, and to promote a drug-free community, the City has established the policy**

on the use or abuse of alcohol and illegal use of drugs by its employees. This policy is explained in detail in section N-5.

M-3. Drug and Alcohol Policy.

- (a) All non-elected City employees, including full-time, regular part-time, appointed, seasonal and temporary employees, are covered by this policy.
- (b) In its desire to provide a drug free, healthy and safe workplace, the City requires all of its employees to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner. While on City property and while conducting business-related activities off City premises, no employee covered by this policy may use, possess, distribute, sell or be under the influence of alcohol; nor may such an employee illegally use, possess, distribute, sell or illegally have in his/her body in any detectable amount, of any controlled substance or drug. The legal use of prescribed drugs is permitted on the job only if the use does **not impair an employee's ability to safely and effectively perform the essential functions of the job**, or does not endanger the employee or other individuals in the workplace. Violations of this policy may result in disciplinary action, up to and including immediate termination of employment.
- (c) Drug and alcohol testing of applicants/employees may occur in the following situations: in the case of any applicant applying for a City position (regardless of full-time, part-time regular, part-time, seasonal or temporary), after an offer of employment is made; when there is reasonable suspicion of drug/alcohol use on premises or during working hours; and following an accident, where there is reasonable suspicion that drug/alcohol use by the employee may have contributed to the accident. Random, unannounced drug/alcohol testing of all employees holding **safety-sensitive jobs that require a Commercial Driver's License (CDL)** will be conducted on a routine basis. Any employee who refuses to take an alcohol or drug test under this policy, or who tampers with or attempts to tamper with such a test, will be subject to disciplinary action, including, but not limited to immediate termination. All employees of the City are provided with and acknowledge receipt of the **City's drug and alcohol policy, Section N-5. Substance Abuse** by a signed acknowledgement of the Personnel Policy and Guidelines.
- (d) The City offers an Employee Assistance Program that employees voluntarily seeking assistance can utilize. Seeking assistance after a drug or alcohol test has been requested, or after a violation of this Policy has been detected, will have no effect on discipline imposed on that employee.

M-4. **Worker's Compensation.** City employees are covered by state Workers' Compensation law. To comply with this law, an employee injured on the job, regardless of how minor the injury, must report such incident to his/her Supervisor immediately, but no later than 24 hours following the incident. The supervisor will arrange for proper **medical care and will complete any injury report forms required under the Workers' Compensation law. Because**

reporting injuries is key to the overall safety program at the City of Mission, failure to timely report any injury may result in disciplinary action.

M-5. Returning Injured Employees to Work. It will be the policy of the City of Mission to return employees to work as quickly and safely possible, within the restrictions provided by the physician. However, due to the size of **the City's staff**, light duty assignments are limited, and cannot be guaranteed. Department Directors, the City Administrator, and/or supervisors will be responsible for attempting to find productive work for each injured employee. The City will attempt to identify alternative or modified work-duty tasks when available.

Temporary restricted duty work reassignment need not be confined to the current department or pay rate to which the employee is assigned at the time of injury. The Department Director will review the temporary restricted duty work reassignment within 30 days. Extensions will be determined by the Department Director and the City Administrator. Light duty assignments will typically not last longer than 90 days.

Returning injured employees to work as soon as possible benefits both the employee and the City of Mission; therefore, the City shall adhere to this policy. Any questions concerning this policy should be addressed to Human Resources.

This policy in no way may be used to diminish the rights and privileges of employees under provisions of the Family Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act or other federal or state law.

ARTICLE N. OTHER POLICIES.

N-1. Reasonable Accommodation for Disability and/or Religion: The City of Mission offers equal employment opportunities for qualified individuals who may have a physical or mental disability, but who can perform the essential functions of the job, with or without reasonable accommodation. The City will provide a reasonable accommodation upon request for known or disclosed disabilities, provided that the accommodation does not create an undue hardship on the City. Qualified individuals with disabilities may make requests for reasonable accommodation to Human Resources. The City reserves the right to require medical certification of the condition necessitating the requested accommodation, as well as the need for the requested accommodation. Any such medical certification must be submitted to Human Resources, and will be treated confidentially, and maintained in a confidential medical file separate from the regular personnel file. Similarly, the City offers reasonable accommodation; to the extent it does **not create an undue hardship, for an employee's religious beliefs or observances.** Requests for reasonable accommodation for religion may be submitted to Human Resources.

N-2. Technology Policy: **This policy will establish guidelines for the use of the City's computer, communication and related systems to ensure that this equipment is used in a manner consistent with its intended purpose and the mission of the City, and to discourage or eliminate inappropriate use of the equipment.** Equipment subject to this Policy will include, but is not limited to, all computers and related hardware and software, voice mail, electronic mail, internet access, internet e-mail, phone systems, network systems, voice and data communications, printers, copy and fax machines, any digital or other type of recorders, cameras, pagers, radios and electronic equipment in general which is owned by the City, licensed to the City, or otherwise provided for use by the City through the use of public funds. Violation of any provision of this policy may result in disciplinary action up to and including termination, and/or where applicable, legal action.

All users of the City of Mission's technology equipment must adhere to City, State, Federal and International laws governing the use of such equipment. All users of the City of Mission's technology equipment should strive to use such equipment in an efficient, effective, and appropriate manner consistent with the City's mission, and must avoid unethical, unauthorized, inappropriate or any other use of such equipment in a manner inconsistent with good stewardship of public resources.

Use of the City's technology equipment for improper political advocacy, threats, harassment, slander, defamation, profane, obscene or suggestive messages and images, political endorsements, personal activities or gain, commercial activities, or for the production or dissemination of any material which is discriminatory, degrading, insulting or stereotypic with regard to of race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, gender identity, marital status, familial status, or any other status protected by applicable law is prohibited. E-mailing objectionable, unprofessional or inappropriate information from a City e-mail or to a City employee at their City e-mail is also prohibited. Employees should greatly restrict their use of City email for personal emails.

(a) No Expectation of Privacy: **No individual or group utilizing the City's technology equipment should have any expectation of privacy in their use of the City's technological equipment.** The equipment, and all communication and traffic flowing through the equipment, is managed by the City for the purpose of City business, and authorized representatives of the City may access **any aspect of the City's technology equipment at any time for work related non-investigatory or investigatory purposes.** Authorized **representatives of the City may, without further notice, access any portion of the City's technology equipment for purposes related to claims of misconduct by the City staff.**

Management reserves the right to monitor the use of any or all portions of the City's technology equipment, including electronic messages either sent or received, electronic files stored on the City's network, and internet sites visited.

Management reserves the right to access, without notice, data or text caches, pager, memory banks, e-mail, voice mail boxes or accounts, and other employer provided electronic storage systems.

All data, information, electronic mail, and other documents contained on the City's network, or any component of the City's network, is considered City property, and may be accessed by authorized representatives of the City.

(b) General Computing and Network Policy: Users of the City of Mission's network services shall promote efficient use of the networks to minimize, and avoid if possible, congestion of the networks and interference with the work of other users of the network.

- (1) Encryption of communications will be allowed only if it is determined to be necessary for the protection of citizens or employees, or is determined to be an integral part of an employee's performance of their assigned work.
- (2) No "bios" (basic in and out system) passwords will be allowed unless approved by the Systems Manager or his/her designated representative.
- (3) Users of the City's network services shall not intentionally disrupt or damage any components of the system.
- (4) Deletion, examination, copying, or modification of files and/or data belonging to other users without their prior consent, or City authorization for a legitimate purpose, is prohibited.
- (5) Any unauthorized access or attempts to gain unauthorized access to data, system resources and passwords is prohibited.
- (6) Any attempt to secure system access privileges other than those assigned by the System Manager or his/her designated representative is prohibited.
- (7) Decryption of system or user passwords is prohibited.
- (8) The copying or deleting of any software without the authorization of the System Manager is prohibited.
- (9) Infringement on software licenses and copyrights is prohibited.
- (10) No software may be loaded onto the City's network, or any component of the network, without the advance approval of the System Manager or his/her designated representative.

(11) **The intentional introduction of computer viruses or other disruptive programs into the City's system** is prohibited.

(12) Sharing of passwords with other users is prohibited.

(c) Guidelines for use of Electronic Mail Systems: Electronic mail, in general, lends itself to a more relaxed and less guarded method of communication, which could lead to misunderstandings and unwarranted liability. All users should adhere to the following guidelines to ensure that City systems for electronic mail **production and delivery are used in a manner consistent with the City's policies and practices of quality public service.**

(1) **All electronic files and messages on the City's systems are periodically** backed up, and generally available for re-creation even if erased.

(2) Do not put anything into an electronic mail message that you would not broadcast to the general public.

(3) Excessively accessing personal e-mail accounts using the City's network/internet/e-mail systems is prohibited.

(4) In all electronic mail communications, be polite and use appropriate language.

(5) To help efficiently manage network storage resources, delete all messages from the electronic mail system when they are no longer needed.

(6) Be aware that Internet electronic mail transmissions can easily be intercepted and read by others.

(7) Do not use electronic mail to send illegal or inappropriate messages.

(8) **Do not use the City's electronic mail system for sending "junk mail" or "chain letters."**

(9) **Never send electronic mail from someone else's account or electronic mail address posing as that person.**

(d) Policy on Internet Access/Use: Use of the Internet should be limited to City business. **Accessing "adult entertainment",** pornography, illegal, suggestive, racial, ethnic or religious, or other inappropriate material via the Internet at any time from any City facility using either individually-owned or City technology equipment is prohibited. Excessive use of the Internet for personal use during work time may be grounds for disciplinary action up to and including separation of employment.

N-3. Personal Appearance. City employees are expected to dress and groom themselves appropriately for their required duties and responsibilities and as prescribed by departmental policies.

N-4. Workplace Violence. The City of Mission expressly prohibits any acts or threats of violence by any City **employee or former employee against any other employee in or about the City's facilities or elsewhere** at any time. The City will not condone any acts or threats of violence by anyone against its employees or visitors on the

City's premises at any time or while employees are engaged in business with or on behalf of the City. Threats made to a City employee outside of the work environment will be evaluated on a case by case basis. Additionally, threats against other employees will not be tolerated whether they are made in person, by mail, by text, over the phone, on e-mail systems or any other form of technology or means of communication. Please remember that e-mail messages are records of the City. Therefore the City reserves the right to access and disclose all messages sent over this system for any purpose whenever there is a business need to do so.

Employees must report to either their supervisor or Human Resources any violence or threat of violence, where that violence or threat of violence may occur on City premises or in connection with a City activity, whether the source is a City employee, or an outside party. Such activity may include: suspicious workplace activity, situations or incidents including threats that they observe involving current or former employees or visitors. Additionally, employees must report weapons or dangerous unauthorized materials observed in the workplace.

Once management has been made aware of the situation, an immediate investigation will be conducted. Confidentiality will be maintained where practical, but absolute confidentiality cannot be guaranteed. The City will not condone any form of retaliation against any employee for reporting such an occurrence. Any employee who violates this guideline may be subject to disciplinary action up to and including termination.

The City reserves the right to amend this general operational policy, or any portion thereof, at its sole discretion to the extent permitted by applicable State and Federal laws and regulations.

N-5. Substance Abuse.

(1) The City is committed to safeguarding the health of its employees, providing a safe place for its employees to work, and promoting a drug-free community. Substance abuse, while at work or otherwise, seriously endangers the safety of employees, as well as the general public, and creates a variety of workplace problems. The City has established this policy to detect users and remove from the workplace employees whose alcohol abuse interferes with their job performance, and those who illegally use drugs. It is also the policy of the City to prohibit the use and/or presence of these substances in the workplace and to assist employees in overcoming any dependence on drugs and/or alcohol in accordance with the following guidelines.

- (a) **The purpose of this policy is to communicate the City's position on alcohol and illegal drug activity** in the workplace, and to provide guidance for implementing related programs within the City.
- (b) City policies and/or procedures on substance abuse or employee assistance programs, are not intended to create or alter any existing, implied or express contracts, written or verbal, between

the City and its employees, independent contractors, or job applicants. The City reserves the right to alter any of its policies, procedures, or programs, at will and without notice to its employees, independent contractors or job applicants.

(2) All City employees are covered by this policy. As a condition of employment, employees are required to abide by the terms of this policy. This substance abuse policy primarily governs actions in the areas of alcohol and drugs. Other City policies may apply in these areas to the extent that they do not conflict with this policy. Certain employees may be subject to additional requirements under state and/or federal regulations.

(3) Substance Abuse Policy Dissemination:

- (a) **All employees are to be informed of the City's substance abuse policy.** Employees shall be given a copy of the City's substance abuse policy via the Personnel Policy and Guidelines Manual.
- (b) **All applicants shall be informed in writing of the City's policy of pre-employment testing** and shall be required to sign an acknowledgement and agreement.

(4) Definitions

- (a) **Illegal use of Drugs: "Illegal drug use" is the use of any drug or controlled substances where the substance is:** 1) not legally obtainable or (2) legally obtainable, but not obtained or used in a lawful manner. Examples include, but are **not limited to, use of "street drugs," as well as prescription drugs,** which are not lawfully obtained or properly used, or are obtained from a doctor or person authorized to prescribe them, but are obtained under false pretenses. **The term "illegal drug use" also includes the use of mind-altering and/or addictive substances which are not sold as drugs or medicines, but are used for the mind- or behavior-altering effect, and not for the purpose the substance is manufactured or distributed.**
- (b) **Legal Use of Drugs: "Legal use of drugs" means use of drugs or controlled substances or over-the-counter drugs** that are legally obtained by the employee, and used for the purpose and at the dosage for which they were prescribed and sold.
- (c) **Supervisor: The term "supervisor" includes** any employee of the City that may be responsible for overseeing and directing (on a routine or intermittently basis) the work activities of other employees. This definition would include, but not be limited to, the City Administrator, Department Directors, captains and sergeants in the police department, public works superintendent, recreation supervisor, aquatic manager, and municipal pool manger. (d) **City Property: The term "City property" includes property owned or controlled by** the City of Mission, Kansas, and locations where the employee represents the City in any capacity.

- (e) On Duty: **The term "on duty" includes all working hours, as well as meal periods and break periods,** and all hours when the employee represents the City in any capacity.
- (5) Drug Use Prohibitions
- (a) The illegal use, sale, purchase, possession, manufacture, distribution, or dispensing of controlled substances or drugs on City property or during working time is against City policy and is cause for immediate termination.
 - (b) It is also against City policy for any employee to report to work or to work with any controlled **substance or drug illegally present in the employee's body in any detectable level.** Employees who violate this policy are subject to disciplinary action, up to and including termination.
 - (c) Legally-used drugs may also affect the safety of the employee, fellow employees or members of the public. Therefore, any employee who is legally taking any controlled substance or drug that might impair safety, performance, judgment, or any motor functions must advise Human Resources before reporting to work while using such medication. A failure to do so may result in disciplinary action. Improper use of controlled substances, prescription or over the counter drugs, even if lawfully prescribed, is prohibited and may result in disciplinary action up to and including termination.
 - (d) Refusal to submit to, efforts to tamper with, or failure to pass a drug test will result in disciplinary action, up to and including termination.
- (6) Alcohol Use Prohibitions
- (a) The consumption, possession, being under the influence of alcohol, or testing positive for alcohol at a level of .02 or more on City property, or anywhere while on duty, is prohibited and will result in disciplinary action, up to and including termination.
 - (c) Employees may be asked to submit to an alcohol test based on reasonable suspicion that their ability to perform work safely or effectively may be impaired. An alcohol test result of .02 or higher will be considered positive.
 - (d) Refusal to submit to, efforts to tamper with, or failure to pass an alcohol test will result in disciplinary action, up to and including termination.
- (7) Testing
- (a) Testing of Applicants
 - (1) Applicants considered final candidates for a position, who have received a conditional offer of employment for a safety-, integrity-, or security-sensitive position, may be tested for

the presence of alcohol and/or the illegal presence of controlled substances or drugs as part of the application process.

- (2) **Applicants subject to such testing will be advised of the City's pre-employment testing requirements in writing via the employment application and/or the conditional offer of employment, and prior to referral for a physical and/or drug and/or alcohol testing.**
- (3) Any applicant for a safety-, integrity-, or security-sensitive position who refuses to submit to, tampers with, makes any attempt to delay, or fails to pass the post-offer pre-employment drug and/or alcohol test shall be ineligible for hire.

(b) Reasonable Suspicion Testing

- (1) Employees may be asked to submit to a drug and/or alcohol test based on a reasonable suspicion that their ability to perform work safely or effectively may be impaired, or that they otherwise are in violation of this Policy. Reasonable suspicion is defined as the reasonable belief that an employee is under the influence of drugs or alcohol, based on specific, contemporaneous, articulable observations concerning the appearance, behavior, **speech or body odors of the employee, the employee's possession of prohibited substances or drug paraphernalia, and/or access to reliable/credible information.** Someone trained to recognize the signs of alcohol or drug use or abuse will determine whether reasonable suspicion exists. The person who determines that such a test is warranted will make a written record of the observations establishing reasonable suspicion.
- (2) Factors that individually or in combination could result in reasonable suspicion include, but are not limited to:
 - (a) Direct observation of an individual engaged in drug and/or alcohol-related activity
 - (b) A pattern of abnormal conduct
 - (c) Unusual, irrational or erratic behavior
 - (d) Unexplained or excessive negligence or carelessness
 - (e) Discovery or presence of drugs or alcohol, or drug-related paraphernalia, in an **employee's possession while on duty or near an employee's workplace**
 - (f) Odor or residual odor peculiar to some drugs or alcohol
 - (g) Bodily appearance or behavior suggesting impairment
 - (h) Arrest or conviction for a drug related crime
 - (i) Information provided by reliable and credible source.

- (c) Post Accident Testing: Employees who may have caused, contributed to, or increased the severity of an accident may be tested for the presence of drugs and/or alcohol following an accident that results in a fatality, an injury requiring immediate hospitalization, an injury requiring outside medical attention, and/or damage to vehicles or other property. Employees may be tested under any circumstance in which the City believes that alcohol or drug use may have contributed to the accident.
- (1) Testing procedure:
- (a) The City will determine for which drugs and/or alcohol testing will be performed.
 - (b) If the employee refuses to consent to testing, attempt to delay the testing, fails to appear for testing, tampers with the test, or fails to cooperate with the testing procedures, he or she may be disciplined up to and including termination.
 - (c) Test samples will be analyzed by a qualified laboratory or technician selected by the City. **All urine or hair samples (type of test to be selected at the City's discretion) will be tested according to the following sequence:**
 - (1) All test samples will be subjected to an initial screening process to detect the presence of controlled substances.
 - (2) Those samples having a negative screen (no substance present) will be considered to have tested negative, and no further testing will be done on that sample, and
 - (3) Those samples that test positive on the initial screen will be subject to confirmatory testing.
 - (d) Employees who consent to testing will be informed of the results by a supervisor or the Department Director **or the City's designee**. As set forth within, a positive test will result in disciplinary action, up to and including termination.
 - (e) **If the urine specimen is determined to be a "dilute specimen" (urine specimen with a creatinine level of less than 20 g/dl and a specific gravity of 1.003 or less) the donor will be required to refrain from drinking excessive amounts of fluids, and to provide (with minimum possible advance notice) another specimen to be tested. The second test shall become the test of record.**
 - (f) Any employee who adulterates a specimen or who otherwise attempts to invalidate a test shall be subject to discipline up to and including termination.

(d) Random drug/alcohol testing of all employees in safety-sensitive positions who have a Commercial Driver's License (CDL) will be conducted on a routine basis. This testing may be conducted unannounced throughout the year. Those selected for testing are chosen through the use of a random computerized system by a provider outside of the City to assure complete objectivity in selection. When notified of selection for testing it will be necessary to report immediately for the testing procedure.

(8) Disciplinary Action

(a) Except when part of regular employment responsibilities, any employee engaging in the use, sale, purchase, possession, or distribution of alcohol while on duty, or the illegal use, sale, purchase, possession, distribution, of drugs at any time, or having the illegal presence of a controlled **substance or drug in any detectable amount in the employee's body while on duty, is subject to disciplinary action, up to and including termination.**

(b) The City may suspend employees with or without pay under this policy pending the results of a drug test or investigation.

(9) Employee Assistance Program (EAP)

(a) The City regards its employees as its most important asset. Accordingly, the City maintains an EAP, which provides help to employees who, among other things, suffer from alcohol or drug abuse and/or other personal or emotional problems. No employee will be subject to discipline merely for voluntarily seeking EAP assistance. An employee may not, however, avoid discipline for violating the substance abuse policy, or any other policy, by seeking this assistance after the employee is referred for testing pursuant to this policy, or any other violation of this policy, or any other policy, is detected.

(b) Any performance, attendance or behavioral problems may result in discipline up to and including termination, even if an employee is voluntarily participating in the EAP.

(c) Employees referred **to the EAP as a result of a violation of the City's substance abuse policy may** continue their employment with the approval of the City, provided that:

(1) They contact the EAP and strictly adhere to all the terms of treatment and counseling prescribed by the EAP;

(2) Immediately cease any and all use of alcohol and/or drugs; and

(3) **Enter into a "last chance agreement," and consent in writing to periodic unannounced testing for a period of up to two years after returning to work or completion of any rehabilitation program, whichever is later.**

- (4) The City will determine, in its sole discretion, whether an employee will be offered the **opportunity to participate in a rehabilitation program (at employee's expense, to the extent not covered by the health plan)** or be terminated.

(10) Investigation

- (a) To ensure that illegal drugs and alcohol do not enter or affect the workplace, the City reserves the right, with or without reasonable suspicion, to search all City-owned or jointly held vehicles, containers, lockers, or other items brought onto City property. Individuals may be required to display personal property for visual inspection when upon City property. Employees may not have any reasonable expectation of privacy in desks, offices, or lockers provided by the City. Nor should they have any reasonable expectation of privacy in any purse, backpack, briefcase, container, clothing items, etc. brought onto City premises. All are subject to search upon reasonable suspicion of a violation of policy and/or law. Failure to consent to a search or to display personal property for visual inspection will be grounds for termination or denial of access to City premises.
- (b) The City will turn over all confiscated drugs to the proper law enforcement authorities. Further, the City will cooperate with and may enlist the service of the proper law enforcement authorities in the course of any investigation.

(11) Arrest or Conviction for Drug-Related Crime.

- (a) If an employee is arrested for or convicted of a drug-related crime, the City may investigate the circumstances, and if appropriate under the guidelines set forth above, City officials may utilize the drug-testing procedure.
- (b) As a condition of employment, an employee shall notify his or her supervisor of any criminal drug and/or alcohol statute conviction or of any plea of guilty, nolo contendere, or suspended imposition of sentence that has been entered on a criminal drug statute charge. The employee must give notice in writing to the City within five (5) days of such conviction, plea or imposition.

- (12) Confidentiality: **Results of an applicant's or employee's test for the use of illegal drugs or alcohol shall be** transmitted to Human Resources. In order to effectively address the employees with drug or alcohol problems, it may be necessary for the supervisor to consult with other persons in the process. However, such results may be disseminated only on a need-to-know basis, or in response to valid legal process.

N-6. Development of Additional Policies. There may be additional policies developed from time to time and shall be kept on file and made available for employee review at any time. They shall be mandatorily reviewed during initial employee in-processing with the Human Resources Department.

N-7. Confidentiality. All non-public matters regarding the operations, activities, and business affairs of the City of Mission, our citizens, clients, and vendors are to be kept confidential to the greatest extent possible. No City of Mission-related documents, files, records, computer files, citizen lists, citizen requirements, vendor lists, financial information, products, and other related information may be removed from the City's premises without permission from the City of Mission except in the ordinary course of the City business. Do not share information about other employees without their permission. In addition, the contents of non-public City records or information may not be disclosed to anyone, except where required for a business purpose. Any employee leaving the City's employment should return all City of Mission-related information and property. Revealing confidential City information will result in disciplinary or other appropriate action.

Privileged Information

The City of Mission regards employee information as confidential and has established the following guidelines for such information:

Release of Information Within the City

Access to any personnel file is limited to those who have proper authorization and a legitimate business reason, unless otherwise required by federal, state, local law or legal process.

Release of Information Outside of the City

All inquiries, whether by telephone or written request, regarding current or former employees shall be referred to the Human Resource Specialist. Employees, including supervisors, should not provide any information about current or former employees. Further, no employee may issue a reference letter for any current or former employee without the permission of and review by the Human Resource Specialist or the City Administrator.

In response to an outside request for information regarding a current or former employee, the City will furnish or verify only an employee's name, dates of employment, job title and department. No other data or information regarding any current or former employee, or his/her employment with the City of Mission, will be released unless the City of Mission is required by law to furnish any such information.

N-8. Prevention of Occupational Exposure to Bloodborne Pathogens. The purpose of this policy is to provide guidelines for preventing the contraction and spread of infectious disease (HIV virus, hepatitis B virus, and other bloodborne pathogens) to employees and the general public.

It shall be the responsibility of each Department Director to identify those employees who, as a result of their occupation, may be exposed to bloodborne pathogens or other potentially infectious materials. Persons who are

reasonably expected to come in contact with potentially infectious materials are required to follow the procedures outlined below.

All employees whose job duties and responsibilities indicate that they are a high risk to being exposed to blood, saliva, and other bodily fluids are subject to this policy.

The department's training coordinator or safety representative shall ensure that all employees in job classifications identified as high risk to bloodborne pathogens complete courses of instruction on prevention of exposure to and transmission of bloodborne diseases.

Employees subject to this policy shall receive annual refresher training and additional training whenever job tasks or procedures are modified in a manner that may alter their risk of exposure. All trainees shall have access to applicable federal and state regulations pertaining to the regulation of bloodborne pathogens.

The department training coordinator or safety representative shall insure that records are maintained for a period of three years from the date of training. The training records will include: names and job titles of all department members attending the training sessions, dates and content of training sessions, and names and qualifications of persons conducting the training.

Prevention - HBV Vaccination. All employees in job classifications identified as high risk to occupational exposure to bloodborne pathogens shall be offered (paid by the City) the HBV (Hepatitis B Virus) vaccination. If the vaccination is declined, a waiver must be signed. The waiver may be rescinded by the employee at a later date. The vaccination will be provided after training on exposure and within 10 working days of the initial assignment which creates the risk of exposure.

Exposure. All human blood, saliva, other bodily fluids, and other potentially infectious materials are treated as if known to be infectious for HIV (AIDS) and HBV (hepatitis B virus). Employees are required to utilize appropriate personal protective equipment furnished by the City (gloves, gowns, mouthpieces, masks, etc.).

- (1) Hands shall be washed after removing gloves or as soon as possible after contact with body fluids.
- (2) Contaminated personal protective equipment should be removed immediately and placed in a designated container with liner for disposal.

- (3) Cleaning requirements shall be established for City facilities. Current approved methods include the use of bleach with a solution of 8 ounces/gallon of water and Disinfectant Pine-Sol with a solution of 5 ounces/gallon of water.
- (4) All contaminated towels, gloves, etc. shall be bagged and properly disposed. All syringes, needles, scalpels, etc. shall be disposed of using puncture resistant containers.
- (5) All contaminated waste shall be properly bagged and stored in a trash container marked "Biohazard."

Post Exposure: Evaluation and Follow-up. Employees are required to report an exposure to the City and complete an Exposure Incident Investigation Form and Workers' Compensation "First Report of Injury" form immediately after the exposure.

Following a report of an exposure incident, the City requires employees to receive a confidential evaluation and **counseling by the City's designated medical provider.**

Supervisors shall be responsible for documenting the route of exposure, HBV and HIV status of the source person if known, and the circumstances under which the exposure occurred. Confidentiality of the involved person(s) shall be maintained.

The City's designated medical provider shall provide post-exposure testing, vaccination, follow-up testing, medical evaluation, and counseling.

Recordkeeping. The Human Resources Department shall maintain a confidential and accurate record for each occupational exposure that includes information on vaccination status; the results of all examinations, tests and follow-up procedures, the designated medical provider's written opinion and information provided by healthcare professionals.

These confidential healthcare records shall be retained in a secured area with limited access for the duration of the employee's employment plus 30 years and may not be disclosed or reported without the express written consent of the employee.

N-9. Driving On Behalf of the City. To ensure the safety of its employee and any individual that they may come in contact with while performing City business, the City requires that employees who operate a personal vehicle for

City business, whether the vehicle belongs to the City, or is leased on its behalf, or belongs to the individual employee, shall comply with the following:

- maintain and provide proof of valid liability and property insurance on a privately owned vehicle with limits as specified by the City and/or applicable state requirements;
- wear seat belts at all times while driving on City business;
- consent to periodic motor vehicle (MVR) checks;
- abide by all safety regulations;
- abide by all traffic regulations, laws and ordinances while driving for the City;
- drive courteously and practice defensive driving techniques;
- turn cell phones off or put on silent or vibrate before starting the car;
- pull over to a safe place if a call must be made or received while on the road;
- do not text and drive – even when the car is at a standstill at a stoplight;
- avoid driving after having consumed alcohol beyond the legal limit, and/or drugs, including legal drugs, **which may impair an employee's ability to operate a motor vehicle on City business;**
- ~~do not carry on their persons, or on the premises a firearm or other weapon (unless the employee is a police officer), while on duty or after duty if the employee is still on City property or business;~~
- affirmatively report to Human Resources any driving-related infraction incurred by the employee on or off-duty no later than the first business day following receipt of the infraction.

Further, the City is not responsible for tickets or other traffic citations incurred by employees while on City business. Employees who utilize their personal vehicle for City business will be reimbursed for business mileage at the current rate as stipulated by the travel expense and reimbursement policy.

N-10. Use of Social Media Policy. This policy applies to employees who participate in any form of social media, social networking, or electronic communication tools including, but not limited to, internal and external blogs and websites and any other social media, social networking or electronic communication tool whether known today or developed in the future. The City understands that employees may maintain or contribute to personal blogs, message boards, networking pages and other forms of social media outside of their job function. If an employee elects to engage in social media of any form, they are required to exercise good judgment, abide by Mission policy, and comply with the following:

- (1) Only on Your Own Time. Unless you have received advance permission from your manager you may not engage in social media activity on work time.
- (2) Post as Yourself. **Do not speak or post as a representative of Mission or use Mission's name in** your username, screen name, etc. It must be clear that you are expressing your personal views only, not the views of Mission or its other employees.
- (3) Be Respectful. As an employee of Mission, you are representing Mission just as you would in any public forum, and you should exercise discretion, thoughtfulness and respect for Mission, its employees, its customers, its business contacts, and its competitors.
- (4) Comply with Harassment and Other Policies. Employees may not use social media technology to engage in or post communications or material that would violate any other policies which apply to you as an Employee of Mission, including, but not limited to, the Mission anti-harassment policy, general internet usage policy, alcohol and drug use policy, or Personnel Manual. Among other things, employees may not use social media technology to post communications or materials that are derogatory or offensive toward City employees with respect to race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, marital status, or any other status protected by applicable law.
- (5) Confidentiality. Employees may not disclose Mission confidential or proprietary information through social media or otherwise. Confidential information includes non-public financial information, proprietary processes or technology, confidential personnel information, etc. All social media technology is also subject to any other confidentiality agreement that you may have entered into with Mission.
- ~~(6) Intellectual Property. Mission owns intellectual property rights in its trademark including The City of Mission name and logos. You may not use or disclose Mission intellectual property in any manner without advance, written permission.~~
- (7) Use Good Judgment. Because what you say online is accessible to the public, including Mission and its employees, use good judgment in your communications.

N-11. Break Time for Nursing Women. The City provides female employees who are nursing with reasonable break times during normal working hours to express breast milk. The City encourages female employees to use regularly-scheduled breaks during the work day to express breast milk. However, the City also permits a female employee to take additional, unpaid breaks each work day for up to one year after the birth of her child as reasonable and necessary to express breast milk. The City will designate an area as a private location where female employees who are nursing may express breast milk.

N-12. Smoking Policy. Smoking shall not be permitted in any enclosed City facility. This includes common work areas, conference and meeting rooms, private offices, elevators, hallways, cafeterias, employee lounges, stairs, restrooms and all other enclosed facilities. Smoking is also prohibited at all times in any City vehicle. This policy applies to all employees, contractors and visitors. Smoking shall be permitted only at a reasonable distance of more than 25 feet outside entrances, doorways, operable windows and ventilation systems of enclosed areas where smoking is prohibited, so as to insure that tobacco smoke does not enter those areas. No Smoking signs are posted in all City facilities. Those employees who smoke and would like to take this opportunity to quit are invited to call the free Kansas Tobacco Quitline (1-800-QUIT-NOW) for telephone cessation counseling and support. The success of this policy will depend on the thoughtfulness, consideration and cooperation of both smokers and non-smokers. All employees share in the responsibility for adhering to and enforcing this policy. Employees who are aware of violations of this policy are encouraged to report them immediately to Human Resources. Please do not attempt to enforce the policy or confront a violator yourself. Failure to adhere to this policy may result in disciplinary action, leading up to and including termination. The City reserves the right to develop and implement additional no-smoking policies.

N-13. Weapons Free Work Place and Possession of Personal Firearms. It is the policy of the City of Mission to ensure a safe and secure work environment, free from intimidation and threat of physical harm. To this end the City reserves the right to limit and/or prohibit any and all weapons in the workplace, at City sponsored functions, in or on City property, or in City vehicles. **For purposes of this section, the term "weapons" includes firearms (other than those excluded under K.S.A 75-7c01 et. Seq, the Personal and Family Protection Act); knives, swords, switchblades, razors, and the like (other than small pocket knives, utility knives, and the like with a blade of less than three inches in length, or kitchen utensils while in use); clubs, bludgeons, batons, bats, and the like; incendiary or explosive devices of any sort whatsoever; martial arts weapons, including num-chuks, throwing stars, and the like; and any item carried with the intent go armed, or used to threaten or intimidate another. The term "weapons" shall not include the lawful possession of personal security devices, intended for use by members of the general public (including but not limited to pepper spray, mace, and other personal defense sprays) or concealed personal firearms as authorized under the K.S.A 75-7c01 et. Seq, the Personal and Family Protection Act.**

Employees who are authorized by the State of Kansas to carry concealed personal firearms pursuant to K.S.A. 75-7c01 et. Seq., the Personal and Family Protection Act, may exercise their right to carry concealed personal firearms in any unsecured municipal building which is not posted as prohibiting the carrying of concealed weapons. Use or possession of a personal firearm pursuant to the Personal and Family Protection Act or otherwise, is not regarded as conduct within the scope of employment. In addition, under any and all circumstances, the use and possession of a firearm shall be in accordance with and only as authorized by law.

1. All employees are prohibited from carrying, possessing, using or transporting firearms, other than concealed firearms authorized under the Personal and Family Protection Act, during the course of employment, while performing services representing the City, or while wearing City apparel.
2. Any employee carrying a concealed firearm pursuant to the provisions of state law must keep said firearm completely concealed on their person, in a proper holster or similar product, with all safety features in place.
3. It is the sole responsibility of the employee to maintain control of his or her concealed firearms and ammunition by ensuring that such firearm is on his or her person and attended to at all times unless stored pursuant to subsection 5 below.
4. If an employee elects to lawfully carry a concealed firearm, said firearm cannot interfere or delay in the performance of their assigned duties or obstruct required safety equipment.
5. When not properly concealed on their person with safety features in place, a personal firearm shall be stored **in the employee's personal vehicle. Employees must ensure that personal firearms stored in personal vehicles must be stored out of plain view from the exterior of the vehicle and that the vehicle is locked and secured.**
6. **Employees who enter upon or in "private property" during the course of their duties are required to comply** with any restrictions imposed by that property owner, including compliance with any signs conspicuously posted in accordance with rules and regulations adopted by the Kansas Attorney General.
7. It is prohibited for any City employee to brandish, intentionally display, joke about using the weapon, use, discharge, point, engage in even slightly risk behavior involving the weapon, or threaten any person with the use of a weapon in the workplace or in the exercise of his or her duties.
8. **An employee's failure to maintain a firearm in a fully concealed manner and secured manner or stored as** described herein could result in discipline, up to and including termination.
9. In the event that a City employee discharges a firearm while on duty, the Mission Police Department shall administratively investigate the discharge and file a report of investigation with the City Administrator. Based on such report, the City Administrator will determine what constitutes grounds for disciplinary action, up to and including termination. The discharge of a firearm while on duty may also result in criminal charges.
10. Subject to other policies and procedures of the City of Mission and Kansas law, law enforcement officers are the only individuals authorized to use deadly force while acting for and on behalf of the City of Mission. Employees who are not authorized to use deadly force do not have the immunities and are not entitled to the same indemnity afforded law enforcement. The City will not provide for, reimburse or pay attorney fees or other costs in defense of any employee if deadly force is not a function of their position.

A violation of any portion of this policy may result in disciplinary action, up to and including termination.

City of Mission	Item Number:	6.
ACTION ITEM SUMMARY	Date:	November 20, 2018
Administration	From:	Brian Scott

Action items require a vote to recommend the item to full City Council for further action.

RE: 2019 Property/Casualty and General Liability Insurance Renewals

RECOMMENDATION: Obtain coverages for property and liability insurance with Travelers Insurance company for the policy period of January 1, 2019 through December 31, 2019 at an estimated, total annual premium not to exceed \$119,868; and total cyber-liability coverage of \$3,238 from Axis.

DETAILS: The City maintains several lines of insurance coverage including property, inland marine, automobile, crime, and general liability with the intent of reducing the City's exposure to risk and protecting assets. OneBeacon has been the City's insurance carrier for all of these coverages since 2014.

The City utilizes CBIZ Insurance Services, a third-party broker, to procure this coverage and provide assistance in matters regarding property and liability insurance throughout the year. Their costs are built into the premiums.

This year, CBIZ indicated that OneBeacon may not provide an enticing renewal offer, so they suggested that the City solicit proposals from the marketplace. Three firms submitted proposals - OneBeacon, Travelers, and APEX-Brit. OneBeacon did offer a renewal proposal of \$121,483 for 2019; however, Travelers offered a proposal of \$118,226. Apex-Brit's proposal was not competitive as the deductibles were higher in a number of coverages than what we currently have.

Proposals from OneBeacon and Traveler's included a \$1 million dollar umbrella coverage policy, but gave options for additional umbrella coverage of \$2 million and \$3 million. When considering the \$3 million umbrella coverage, One Beacon's proposal was \$126,397 and Travelers was \$119,868 (5% difference). The umbrella coverage is advantageous for large claims that may occur out of state or in federal court where Kansas statutory tort limits are not applicable.

Travelers also offers much better coverages including a \$2 million limit for each occurrence of general liability (total of \$5 million with a \$3 million umbrella policy) and a deductible of only \$5,000 for employment practices liability (compared to \$15,000 with OneBeacon).

Staff would recommend moving the City's insurance coverage from OneBeacon to Traveler's for 2019 and to opt for the \$3 million umbrella coverage for a total of \$119,868 for the 2019 policy year.

Last year the City purchased a cyber-liability insurance policy with Axis for \$3,143. The City has received a quote from Axis for 2019 of \$3,238 (3% increase). Cyber-liability insurance will provide protection for the City in cases of extortion loss or ransomware loss through a cyber mechanism or accidental loss of confidential data that is stored electronically. It will also provide

Related Statute/City Ordinance:	
Line Item Code/Description:	Various
Available Budget:	\$144,000

City of Mission	Item Number:	6.
ACTION ITEM SUMMARY	Date:	November 20, 2018
Administration	From:	Brian Scott

Action items require a vote to recommend the item to full City Council for further action.

assistance in investigating such losses including legal expenses and public relations expenses. Staff would recommend renewing this cyber-liability coverage for the 2019 policy year.

Premium Comparison - 2016 through 2019

	2016 OneBeacon	2017 OneBeacon	2018 OneBeacon/Axis	2019 Travelers/Axis
Base Premium	\$ 112,257	\$ 106,871	\$ 117,649	\$ 116,452
Excess Liability	\$ 7,806	\$ 7,077	\$ 7,537	\$ 3,416*
Cyber Liability	Not Requested	Not Requested	\$ 3,143	\$ 3,238
Total Premium	\$ 120,063	\$ 113,948	\$ 128,329	\$ 123,106

Base Premium includes property, inland marine, liability, and auto.

*\$3 million excess liability (umbrella coverage)

The City has received good service from OneBeacon in the four years we have been with them. Travelers is also recognized as one of the leaders in governmental insurance coverage, and staff anticipates service will be equally good. Travelers was the City's carrier prior to the move to OneBeacon.

Staff is recommending that the City move its property and general liability insurance coverage from OneBeacon to Travelers for the 2019 policy for an amount of \$119,868 (including \$3 million umbrella coverage); and maintain its cyber liability insurance with Axis for \$3,238 - a total of \$123,106 for 2019.

A total of \$144,000 has been budgeted in the adopted 2019 Annual Budget for this expenditure.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	
Line Item Code/Description:	Various
Available Budget:	\$144,000

CITY OF MISSION, KANSAS

2019-2020 Property & Casualty Renewal

Premium Summary

Line of Coverage	2018/2019 OneBeacon	2019/2020 OneBeacon	2019/2020 Travelers
PROPERTY	\$51,146	\$46,855	\$47,742
CRIME	<i>Incl. in Property</i>	\$217	\$1,395
INLAND MARINE	\$4,094	\$1,402	\$3,235
GENERAL LIABILITY/EBL	\$9,329	\$9,300	\$15,924
LAW ENFORCEMENT LIABILITY	<i>Incl. in PEML</i>	<i>Incl. in PEML</i>	\$13,837
PUBLIC ENTITY MANAGEMENT LIABILITY	\$23,470	\$25,290	\$8,410
EMPLOYMENT PRACTICES LIABILITY	<i>Incl. in PEML</i>	<i>Incl. in PEML</i>	\$8,062
AUTOMOBILE	\$31,738	\$31,397	\$17,832
UMBRELLA	\$7,537	\$7,022	\$1,774
TOTAL	\$127,314	\$121,483	\$118,211

Subject to

Optional Quote

Signed Uninsured/Underinsured
Selection/Rejection form
\$2M Umbrella Limit: \$1,153 AP
\$3M Umbrella Limit: \$1,642 AP
Crime - Funds Transfer Fraud - \$100K
Limit: \$58

\$2M Umbrella Limit: \$2,807 AP
\$3M Umbrella Limit: \$4,914 AP

ORDER TO BIND

With the following changes _____

City of Mission, Kansas

Signature:

Name:

Title:

Date:

City of Mission	Item Number:	7.
ACTION ITEM SUMMARY	Date:	November 27, 2018
ADMINISTRATION	From:	Brian Scott

Action items require a vote to recommend the item to full City Council for further action.

RE: Johnson County IT Services Interlocal Renewal

RECOMMENDATION: Approve the Interlocal Agreement and Project Charter for IT Services with Johnson County through December 31, 2019 in an amount not to exceed \$54,738.

DETAILS: The City Council entered into an agreement in 2011 with Johnson County to provide information technology (IT) services and support for the various City departments. The Police Department was added to the agreement in 2014. The City originally partnered with Johnson County as part of ongoing efforts to reduce IT costs, streamline City services and strengthen intergovernmental relationships. The partnership provides Mission with cost-competitive access to the County's specialized IT staff.

Mission was the first city to contract with Johnson County for IT services; the cities of Prairie Village, Roeland Park, Mission Hills, and Fairway now also contract with Johnson County for these services.

The 2019 renewal agreement includes an increase in fees/rates of 3%. Total estimated cost for the 2019 contract is as follows:

General City (includes City Hall, PW, Comm Ctr):	\$21,499.00
Police:	<u>\$33,239.00</u>
Total 2018:	\$54,738.00

This past year DTI conducted a network inventory for the City identifying all city computers currently in use and what software they are running. They have also assisted with our technology upgrade project, working with vendors to do the cut-over to the new network cabling and setting up servers for the new phone system and video surveillance system.

The 2019 budget includes a total of \$100,000 for Computer Services. This budget typically covers both technical support and software/hardware upgrades that may be necessary, as well as other computer related services beyond what the County provides. The total estimated costs are within established budget parameters.

Staff recommends renewal of the agreement through December 31, 2019.

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	01-07-214-05 and 01-30-214-05 Computer Services
Available Budget:	\$100,000

RENEWAL OF INFORMATION TECHNOLOGY SERVICES
AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF
JOHNSON COUNTY, KANSAS AND THE CITY OF MISSION, KANSAS

THIS RENEWAL OF INFORMATION TECHNOLOGY SERVICES AGREEMENT (“Renewal”) is made and entered into this ____ day of _____, 2018 by and between the City of Mission, Kansas (“City”) and the Board of County Commissioners of Johnson County, Kansas (“County”).

WITNESSETH:

WHEREAS, the City and the County entered in that certain Information Technology Services Agreement dated November 7, 2013, regarding the provision of information technology services, as amended by that certain Amendment to Information Technology Services Agreement dated March 15, 2014, and which was subsequently renewed (the original agreement, the amendment, and all previous renewals are collectively referred to as the “Agreement”); and

WHEREAS, the City and the County desire to renew and amend the Agreement.

NOW, THEREFORE, in consideration of the above and foregoing recitals, the mutual promises and covenants hereinafter given, and pursuant to and in accordance with the statutory authority vested in the City and the County, the parties hereto agree as follows:

1. Renewal. The City and the County hereby agree that the Agreement shall be, and hereby is, renewed and extended for an additional term from January 1, 2019 through December 31, 2019 (“Renewal Term”).

2. Services. During the Renewal Term, the County agrees to provide the services set forth in Attachment A and the City agrees to share in the costs of those services by paying the amounts set forth in Attachment A, which are the annual costs of the services. These rates are valid for the Renewal Term and are valid only if the City obtains and maintains a high speed data connection of at least 10mb between the City’s facility and any County facility on its high speed network. The County reserves the right to raise these rates if the City fails to obtain and maintain high speed connectivity. The City agrees to pay the costs set forth in Attachment A on a quarterly basis commencing upon execution of this Renewal.

3. Additional Services. The parties agree that during the Renewal Term, if the City requests additional professional services that are not included in the services set forth in Attachment A, then the County’s hourly rates for such services shall be as follows:

Tier 1 Support per hour	\$41.49	Support Center
Tier 2 Support per hour	\$58.80	Systems, Phone
Tier 3 Support per hour	\$54.08	Networking
Tier 3 Support per hour	\$61.50	Applications
Tier 3 Support per hour	\$66.16	Security
DBA Support per hour	\$80.23	Data Administration
Consulting	\$70.55	Project Management

4. Agreement Effective. Except as expressly modified by this Renewal, the terms and provisions of the Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Renewal to be executed in two (2) counterparts by their duly authorized representatives and made effective the day and year first above written.

CITY OF MISSION, KANSAS

BOARD OF COUNTY COMMISSIONER
OF JOHNSON COUNTY, KANSAS

By _____
Laura Smith, City Administrator

By _____
Brian Thomas, Interim Chief Information
Officer

Date _____

Date _____

APPROVED AS TO FORM:

Ryan Haga
Assistant County Counselor

Date _____

EXHIBIT A – SERVICES

# Full Time Users # Part Time Users (<4 hrs)	City of Mission Description of Services	City 25	Police 33 1
Systems	Server support - Remote monitoring, Server Operating System support, server backups, server patching and print management. Active Directory support and maintenance Support for: Citrix/iLeads/NetMotion	\$7,904.00	\$12,709.00
Applications Support	DTI will interface with the Laserfiche, Governmenter, and Vehicle Manager application vendor support to assist with problem resolution and/or upgrades. Additional application assistance is available at the hourly rates listed above.	(included above)	(included above)
Data Management	DTI will provide regular monitoring of the Laserfiche, Governmenter and Vehicle Manager database backups and identify problems as they occur. DTI will work with Laserfiche, Governmenter and Vehicle Manager vendor support to assist with problem resolution. Additional DTI Data Management assistance is available at the hourly rates listed above.	(included above)	(included above)
Network	Network monitoring - Includes all network systems, core appliances and switches. Network administration and support - review of event logs and implementation of manufacturer-recommended firmware updates for routers and switches. Identify and recommend network hardware replacements, assisting with the installation as needed. Internet Connection including Guest WiFi	\$4,244.00	\$6,824.00
Security	Firewall and VPN Management - Monitor, maintain and support the clients firewall and current VPN system. Assist with firewall security reviews (limit 1 annually) to address best practices in controls. Network Security Monitoring and Intrusion-Prevention Services – Monitor internal and external network traffic to identify malicious activity and block and/or report on activity dynamically based upon County security best practices. Anti-Virus and Threat Management - Monitor, maintain and support the client's anti-virus to ensure AV signatures are current and active across all devices. Internet filtering per County best practices	\$4,244.00	\$6,824.00
Support Center – Help Desk	Provides a single point of contact, by phone or email, to report and record incidents and to facilitate the restoration of normal IT operational services. The Support Center provides Tier 1 and Tier 2 remote desktop support as requested M-F, 7:30-5:00, excluding holidays. Also provides on-call, after normal business hours support for emergency outages, which will be escalated to Tier 3 support.	\$3,634.00	\$5,843.00
Sub-Totals		\$20,026.00	\$32,200.00
Support Services		\$52,226.00	
Hardware Support	Laserfiche virtual server hosting (\$503 annually)	\$503.00	n/c
Software	Check Point Licenses 87 @ 23.09 ea (42 city, 45 PD)	\$970.00	\$1,039.00
Other Billable Items	Security Awareness Training	tbd	tbd
Total Managed Services		\$54,738.00	

* Standard Support: Monday-Friday 7:30am-5pm; Emergency on-call phone support available as-needed

City of Mission	Item Number:	8.
ACTION ITEM SUMMARY	Date:	November 20 , 2018
Administration	From:	Brian Scott

Action items require a vote to recommend the item to full City Council for further action.

RE: 2019 Alcohol Tax Fund Allocations

RECOMMENDATION: Approve City of Mission’s 2019 Alcohol Tax Fund allocations as recommended by the Drug and Alcoholism Council.

DETAILS: By statute, the State of Kansas imposes a 10 percent Liquor Drink Tax (aka Alcohol Tax) on the sale of any drink containing alcoholic liquor sold by clubs, caterers, or drinking establishments. Revenue derived from this tax is allocated 30 percent to the State and 70 percent to the city or county where the tax is collected.

The statute further stipulates that for cities of Mission’s size, the portion allocated to the local jurisdiction be proportioned in thirds, with one third to the General Fund, one third to a Special Parks and Recreation Fund, and one third to a Special Alcohol Tax Fund. The Special Alcohol Tax Fund is to support programs “whose principal purpose is alcoholism and drug abuse prevention or treatment of persons who are alcoholics or drug abusers, or are in danger of becoming alcoholics or drug abusers.” (KSA 79-41a04 1997).

Alcohol Tax funds allocated to the City of Mission are estimated to be \$234,000 for 2019. A third of these funds - \$78,000 - will be proportioned to the City’s Special Alcohol Tax Fund. Of this amount, \$15,000 will support Mission’s DARE activities, \$15,000 will support the mental health response program, and \$40,000 will be provided to agencies designated by the Drug & Alcoholism Council. Another third will be proportioned to the Special Parks and Recreation Fund and the remaining third is proportioned to the City’s General Fund.

The Drug and Alcoholism Council (DAC), a program supported by the United Community Services of Johnson County, offers grants each year to various organizations within the county that provide alcohol and drug abuse prevention and treatment programs. The grants are structured in such a manner that the awarded organizations have access to funds from multiple participating jurisdictions. The governing body of each jurisdiction has the ultimate authority and responsibility to determine which organizations receive funds.

The total amount available to the DAC for allocation in 2019 is \$2,122,712. There were 25 applications submitted totaling \$2,301,712 in requests. The DAC reviewed each application, met with applicants, and deliberated to develop the recommendations for this year’s Alcohol Tax Fund allocations, which is the second attachment.

The DAC’s recommended allocation of the City of Mission’s Alcohol Tax funds are shown in the first attachment. Approval of this recommendation is approval of the DAC’s recommended allocations.

Related Statute/City Ordinance:	K.S.A 79-41a01
Line Item Code/Description:	09-90-201-01
Available Budget:	\$40,000

City of Mission	Item Number:	8.
ACTION ITEM SUMMARY	Date:	November 20 , 2018
Administration	From:	Brian Scott

Action items require a vote to recommend the item to full City Council for further action.

CFAA CONSIDERATIONS/IMPACTS: The Alcohol Fund supports activities and programs that provide services for people of all ages. These programs range from teaching children the dangers of drugs and alcoholism to helping teens and adults overcome their addictions and be positive contributors to society.

Related Statute/City Ordinance:	K.S.A 79-41a01
Line Item Code/Description:	09-90-201-01
Available Budget:	\$40,000



United Community Services of Johnson County

Date: November 12, 2018
 To: Laura Smith, City Administrator, Mission
 From: Julie K. Brewer, Executive Director *OKB*
 Re: Allocation of 2019 Alcohol Tax Fund

Board Members

- Justin Nichols, President
- Patricia A. All, EdD
- Kate Allen
- Brian S. Brown
- Jennifer Bruning
- Tara S. Eberline
- Hon. Steven M. Ellis
- Cheryl Harrison-Lee
- Michael Hockley
- Rev. Lee Jost
- Roxann Kerr Lindsey
- Donna Lauffer
- Leo J. Nunnink
- Sandra Sanchez
- Maury L. Thompson
- Kevin Tubbesing
- Rick Worrel
- Rebecca Yocham

Council of Advisors

- Gary Anderson
- Mary Birch
- Dick Bond
- Pat Colloton
- David Cook, PhD
- Hon. Peggy Dunn
- Hon. Ed Eilert
- Jeffrey O. Ellis
- SuEllen Fried
- Ellen Hanson
- Terrie Huntington
- Audrey Langworthy
- Jill Quigley
- Tom Robinett
- Clint Robinson
- Carol Sader
- Joseph Sopcich, PhD
- Brad Stratton
- Charlie Sunderland
- Elaine Tatham, PhD
- Stephen Tatum
- David Warm
- Ron Wimmer, PhD
- Hannes Zacharias

Executive Director

Julie K. Brewer

2019 Recommendation Report

The Drug & Alcoholism Council of Johnson County (DAC), a project of United Community Services, has prepared and approved the recommendations for allocation of 2019 Alcohol Tax Funds (ATF). The recommendations are in line with expectations under KSA 79-41a04. The enclosed report is submitted for the City of Mission's consideration. The DAC is an advisor to the City of Mission on the expenditure of these funds. An electronic version of the document will be emailed to you.

The city has the ultimate authority and responsibility for determining the allocation of its portion of the Alcohol Tax Fund. Therefore, the DAC requests the city confirm its acceptance of these recommendations and the city's funding distributions as stated on the distribution chart. UCS, the DAC and ATF grant recipients understand that distribution of city funds may be altered should Kansas tax policy change, or revenues are not received by the City as expected. **Enclosed is a verification statement which we request be signed and returned to UCS by December 21, 2018.** Marya Schott, UCS Director of Resource Allocation, will contact you about a UCS representative being present during the city council meeting when the ATF Recommendations Report is considered.

Distribution of Funds

For the purposes of making the recommendations, the DAC pools alcohol tax funds from all participating jurisdictions (Johnson County Government, Gardner, Leawood, Lenexa, Merriam, Mission, Olathe, Overland Park, Prairie Village, and Shawnee). Each jurisdiction, however, is responsible for distributing its own funds. A distribution chart for your jurisdiction is enclosed. The UCS/DAC administrative cost of approximately 5% is prorated among all jurisdictions.

Thank you for your continued support of this allocation process which matches public resources to services that address substance abuse education, prevention, intervention, detoxification, and treatment needs for Johnson County residents. In 2017, 48,286 residents benefited from ATF supported programs. Please contact me or Marya Schott if you have questions.

- Enclosures: 2019 Alcohol Tax Fund Recommendations Report
 ATF 2019-2021 Funding Priorities Report
 2019 Alcohol Tax Fund Distribution Chart - cc: Brian Scott
 2019 Grantee List - cc: Brian Scott
 2019 Alcohol Tax Fund Recommendations Verification- cc: Brian Scott



2019 ATF Distribution**MISSION: \$40,000**

UCS administration	\$1,866
Shawnee Mission School District	\$578
Lorraine's House	\$520
Prefered Family Healthcare	\$2,379
Friends of Recovery	\$1,206
The Family Conservancy	\$832
Heartland Regional Alcohol & Drug Assessment Center	\$3,322
Cornerstones of Care	\$1,248
Jo. Co. Mental Health Center Adolescent Center for Treatment	\$5,273
Johnson County Mental Health Center Adult Detoxification Unit	\$6,030
Johnson County Mental Health Center Adult Dual Diagnosis	\$3,432
Johnson County Mental Health Center Prevention Services	\$2,379
Johnson County Court Services	\$2,824
First Call	\$1,352
SAFEHOME	\$505
Johnson County Dept. of Corrections - Voucher Assistance	\$225
Johnson County Dept. of Corrections - Changing Lives	\$151
KidsTLC	\$969
KVC	\$728
Mirror, Inc.	\$3,661
Artists Helping the Homeless	\$520
Total	\$40,000

Source: United Community Services of Johnson County 913-438-4764

School Districts and UCS**Blue Valley School District**

Superintendent: Dr. Todd White
 Contact: Sondra Wallace
 15020 Metcalf
 Overland Park, KS 66223
 (913) 239-4239
 (913) 239-4153 (fax)
 sswallace@bluevalleyk12.org

Olathe School District

Superintendent: John Allison
 Contact: Tim Brady
 14160 S. Black Bob Rd.
 Olathe, KS 66063
 (913) 780-7989
 (913) 780-8006 (fax)
 tbradyec@olatheschools.org

Spring Hill School District

Superintendent: Dr. Wayne Burke
 Contact: Clay Frigon
 101 East South Street
 Spring Hill, KS 66083
 (913) 592-7355
 (913) 592-2743 (fax)
 frigonc@usd230.org

De Soto School District

Superintendent: Frank Harwood
 Contact: Dr. Joseph Kelly
 35200 W. 91st Street
 De Soto, KS 66018
 (913) 667-6200
 (913) 667-6201 (fax)
 jkelly@USD232.org

Shawnee Mission School District

Superintendent: Dr. Michael Fulton
 Contact: Dr. John McKinney
 8200 W. 71 St.
 Overland Park KS 66204
 (913) 993-6422
 johnmckinney@smsd.org

**Drug and Alcoholism Council of Johnson County
 United Community Services of Johnson County**

Exec Director: Julie Brewer
 Contact: Marya Schott
 12351 W. 96th Terrace, Suite 200
 Lenexa, KS 66215
 (913) 438-4764
 (913) 492-0197 (fax)
 maryas@ucsjoco.org

Community-Based Agencies and Departments of County Government**Artists Helping the Homeless, Inc.**

Exec Director/Contact: Kar Woo
 11412 Knox
 Overland Park, KS 66210
 (816) 668-1007
 (913) 345-2090 (fax)
 kato@ahh.org

First Call Alcohol/Drug Prevention & Recovery

Exec Director: Susan Whitmore
 Contact: Emily Hage
 9091 State Line Rd.
 Kansas City, MO 64114
 (816) 800-8052
 (816) 361-7290 (fax)
 emilyh@firstcallkc.org

Cornerstones of Care

Exec Director: Denise Cross
 Program Contact: David Irwin
 6420 W. 95 St.
 Overland Park KS 66212
 816-853-2968
 (816) 508-3535 (fax)
 david.irwin@cornerstonesofcare.org

Finance: Cary Bruce
 Cornerstones of Care
 300 E. 36th Street
 Kansas City, MO 64111
 Cary.Bruce@cornerstonesofcare.org
 (816) 508-1719

Boys & Girls Club of Greater Kansas City

Exec Director: Dred Scott
 Program Contact: Jason Roth
 4001 Blue Parkway, Ste. 102
 Kansas City, MO 64130
 (816) 361-3600
 (816) 361-3675 (fax)
 jroth@helpckkids.org
 Finance Contact: Teagan Wherritt
 816-462-0141; twherritt@helpckkids.org

Friends of Recovery Association

Exec Director/Contact: Kathleen Wright
 6422 Santa Fe Drive, Rm. 105
 Overland Park, KS 66202
 (913) 722-0367
 (913) 722-6325 (fax)
 kittythomas04@hotmail.com

**Heartland Regional Alcohol & Drug
 Assessment Center (RADAC)**

Exec. Director: Jason Hess
 Contact: Sara Jackson
 P.O Box 1063
 Mission, KS 66222
 (913) 789-7152
 (913) 789-0954 (fax)
 sara@hradac.com

Johnson County Court Services

Administrative Officer: Laura Brewer
Contact: Hillerie Hedberg
588 E. Santa Fe, Ste. 4000
Olathe, KS 66061
(913) 715-7467
(913) 715-7420 (fax)
hillerie.hedberg@jocogov.org

KidsTLC

CEO: Dr. Erin Dugan
Contact: Shannon Wickliffe
480 S. Rogers Rd.
Olathe, KS 66062
(913) 324-3630
(913) 780-3387 (fax)
swickliffe@kidstlc.org

Lorraine's House, Inc.

Contact: Lucy Brown
115 North Cooper St.
Olathe, KS 66061
(913) 780-9600
(913) 273-0720 (fax)
lucyb@avenuestorecovery.net

Mirror, Inc.

President/CEO/Program Contact: Barth Hague
Finance Contact: Carlos Wriedt
P.O. Box 711
Newton, KS 67114
(316) 283-6743
(316) 283-6830 (fax)
bhague@mirrorinc.org
cwriedt@mirrorinc.org

SAFEHOME, Inc.

Exec Director/Contact: Heidi Wooten
P.O. Box 4563
Overland Park, KS 66204
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(913) 432-9302 (fax)
heidi.wooten@safefhome-ks.org

The Family Conservancy

Exec Director: Dean Olson
Contact: Casey Thomas
444 Minnesota Ave., Ste. 200
Kansas City, KS 66101
(913) 742-4137
(913) 742-4337 (fax)
cthomas@tfckc.org

Johnson County Dept. of Corrections

Director: Robert Sullivan
Voucher Assistance Contact: Keith Clark
Changing Lives Contact: Karie Mayo
588 E. Santa Fe, Ste. 3000
Olathe, KS 66061
(913) 715-4511
(913) 715-4557 (fax)
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Johnson County Mental Health Center

Exec Director: Tim DeWeese
Finance Contact: Beth Barbour
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Mission, KS 66202
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(913) 826-1582

Adolescent Center for Treatment

Adult Detoxification Unit
Adult Dual Diagnosis
Contact: Deborah Stidham
(913) 715-7638
(913) 826-1594 (fax)
deb.stidham@jocogov.org

Prevention Services

Contact: Shana Burgess
(913) 715-7880
(913) 715-7881 (fax)
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KVC Behavioral HealthCare, Inc.

Exec Director: Chad Anderson
Program Contact: Dr. Linda Bass
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Olathe, KS 66061
(913) 956-5212
(913) 621-0052 (fax)
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Preferred Family Healthcare

Exec Director: Michael Schwend
Program Contact: Nancy Atwater
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Olathe, KS
(816) 474-7677
(816) 474-7671 (fax)
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Finance Contact: Cynthia Hannah
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Kirksville, MO 63501
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United Community Services of Johnson County

2019 ALCOHOL TAX FUND RECOMMENDATIONS REPORT

DRUG and ALCOHOLISM COUNCIL OF JOHNSON COUNTY

Participating jurisdictions: Johnson County, Gardner, Leawood, Lenexa, Merriam, Mission, Olathe, Overland Park, Prairie Village and Shawnee

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The purpose of the grant review process conducted by the Drug and Alcoholism Council of Johnson County (DAC) is to direct local Alcohol Tax Funds (ATF) to alcohol and drug prevention, education, intervention, detoxification, treatment, and recovery programs that serve Johnson County residents. The entire community benefits when substance abuse is prevented and/or effectively treated. A continuum of services from education through treatment and recovery is vital to lowering drug and alcohol use and addiction, which in turn lowers healthcare costs, reduces crime and child abuse and neglect, and increases productivity in employment - thus lowering associated public costs.

Alcohol Tax Funds are derived from a state excise tax on liquor sold by the drink. Part of the revenue generated is returned to the jurisdiction (city or county) in which it was collected, with the stipulation that a specified portion be used for programs “whose principal purpose is alcoholism and drug abuse prevention or treatment of persons who are alcoholics or drug abusers, or are in danger of becoming alcoholics or drug abusers” (KSA 79-41a04).

The DAC’s grant review process provides a structured and accountable system that allows organizations, through one annual application, access to funds from multiple jurisdictions. The recommendations are guided by funding priorities which are reviewed and approved by the DAC annually. Every three to five years the priorities are developed through a formal planning and research process that includes input from key stakeholders, a review of current literature, and analysis of indicator data in Johnson County. In 2018, UCS conducted this formal planning process which resulted in establishing funding priorities for the 2019, 2020 and 2021 grant cycles. The Funding Priorities Report is enclosed and available on UCS’ website. It includes a description of the methodology and a summary of the information collected and reviewed.

The Board of County Commissioners and city councils have ultimate authority and responsibility for determining which organizations receive funds from their respective jurisdictions based upon the recommendations in this report. **Jurisdictions are asked to accept the recommendations by December 21, 2018.** Together, Johnson County Government and nine cities committed \$2,122,712 for 2019 ATF (*listed on page 14*). Twenty-five applications plus UCS administration fee totaled \$2,301,924 in funding requests. After reviewing applications, meeting with applicants and deliberating, the DAC developed funding recommendations. This report reflects those recommendations and is organized in two sections: Education, Prevention and Intervention; and, Treatment and Recovery.

For additional information on the process or programs, contact Marya Schott, UCS Director of Resource Allocation, 913-438-4764, maryas@ucsjoco.org.

2019 Alcohol Tax Fund Requests and Recommendations				
Applicant	2017 Allocation	2018 Allocation	2019 Request	2019 Recommendation
EDUCATION, PREVENTION and INTERVENTION				
Blue Valley USD 229	\$57,770	\$55,175	\$49,100	\$49,100
De Soto USD 232	\$22,775	\$21,584	\$32,229	\$32,229
Olathe USD 233	\$43,000	\$59,078	\$58,358	\$58,358
Shawnee Mission USD 512	\$27,000	\$27,000	\$27,000	\$27,000
Spring Hill USD 230	\$23,060	\$22,560	\$18,060	\$18,060
Artists Helping Homeless	\$10,000	\$25,000	\$25,000	\$25,000
Boys and Girls Club	\$10,000	\$15,000	\$15,000	\$15,000
Cornerstones of Care	\$55,000	\$60,000	\$60,000	\$60,000
First Call	\$26,500	\$30,000	\$65,000	\$65,000
Heartland RADAC	\$152,128	\$152,128	\$159,734	\$159,734
JoCo Court Services	\$90,536	\$141,377	\$146,836	\$141,377
JoCo Dept. of Corrections	\$12,410	\$12,300	\$15,725	\$12,300
JoCo Dept. of Corrections (Changing Lives Through Literature)			\$9,500	\$7,250
JoCo District Attorney (Changing Lives Through Literature)	\$6,000	\$7,250	No request	
JoCo MHC Prevention	\$100,000	\$100,000	\$133,000	\$120,000
SAFEHOME	\$22,386	\$25,570	\$24,301	\$24,301
The Family Conservancy	\$37,000	\$37,000	\$40,000	\$40,000
Subtotal	\$695,565	\$791,022	\$878,843	\$854,709
TREATMENT and RECOVERY				
Friends of Recovery	\$50,000	\$50,000	\$60,000	\$58,000
JoCo MHC Adolescent Center for Tx.	\$253,510	\$253,510	\$253,510	\$253,510
JoCo MHC Adult DeTox Unit	\$268,581	\$268,581	\$333,000	\$289,922
JoCo MHC Dual Diagnosis Adult Outpatient	\$140,000	\$165,000	\$165,000	\$165,000
KidsTLC	\$45,657	\$46,315	\$46,571	\$46,571
KVC Behavioral HealthCare	0	\$70,000	\$100,000	\$35,000
Lorraine's House	No request	\$16,644	\$60,000	\$25,000
Mirror Inc.	\$176,000	\$176,000	\$176,000	\$176,000
Preferred Family Healthcare	\$102,000	\$125,000	\$130,000	\$120,000
Subtotal	\$1,035,748	\$1,171,050	\$1,324,081	\$1,169,003
Total	\$1,731,313	\$1,962,072	\$2,202,924	\$2,023,712
UCS Administration Fee	\$99,000	\$99,000	\$99,000	\$99,000
Total allocation/request & UCS Adm.	\$1,830,313	\$2,061,072	\$2,301,924	\$2,122,712

2019 ALCOHOL TAX FUND GRANT RECOMMENDATIONS

Education, Prevention and Intervention

Alcohol Tax Funds (ATF) support numerous programs offered by public school districts and programs delivered by community-based organizations, the 10th Judicial District Court and departments of Johnson County government. In general school-based programs help to prevent and reduce substance abuse. Additionally, the programs lower risk factors associated with substance abuse, such as disruptive behavior and truancy. Community-based programs help lower the rates of substance abuse, which translate to lower mental and physical healthcare costs, and less expense for law enforcement and the criminal justice system. Funding recommendations are based upon a review of each proposal (see Appendix A for criteria) and take into consideration the type of programming, outcome achievement and accountability.

School District Programs

Each school district offers a unique mix of programs to its students and parents, and each district has a mix of funding to support these programs. As a result, the programs supported by ATF and the amount of ATF dollars recommended differ for each district.

Blue Valley School District

Request: \$49,100

Recommendation: \$49,100

The DAC recommends Blue Valley School District be awarded \$49,100 to support funding for continuation of sobriety support groups led by therapists from outside the district; building drug and alcohol coordinators and district coordinators; and, *AlcoholEdu* (an on-line program implemented in all high schools and the Academy). The coordinators provide leadership and ensure fidelity on district initiatives such as AlcoholEdu, Project Alert, Reconnecting Youth, CAST, and sobriety support groups, as well as examining the district's Kansas Communities That Care survey results.

Results Projected: Students who participate in *AlcoholEdu* will take a pre- and post-assessment which will indicate an increase in student knowledge. Through the work of the drug and alcohol coordinators, student participation in the KS Communities That Care Survey will increase; survey results will show student improvement and contribute to building plans; and, families will be provided information about resources available outside of the school setting. The district will make Sobriety Support Groups available to all high school students and there will be an increase in on-going participation. During the 2018-19 school year, the district anticipates serving approximately 12,993 students through ATF supported programs.

De Soto School District

Request: \$32,229

Recommendation: \$32,229

The DAC recommends the De Soto School District be awarded \$32,229 to support implementation of *Too Good for Drugs* (elementary school students), *AlcoholEdu* (high school), and high school prevention clubs. Additionally, ATF funding will support the district's coordinator for substance abuse programming, a district social worker (partial funding for work on student-related issues of substance abuse), staff development training related to substance abuse prevention and education,

student substance abuse evaluations, and a community town hall event that includes topics of substance abuse and other trends such as vaping.

Results Projected: All students will be exposed to prevention messages and parents will learn more about prevention and resources, both of which will help build protective factors within the family, and when applicable address substance use. Students who participate in *AlcoholEdu* will demonstrate increased knowledge regarding the harmful effects of substances. Students who participate in *Too Good for Drugs* will demonstrate increased knowledge about their ability to make good choices. Students who use social work services will demonstrate an improved ability to resist using substances and instead use other coping strategies/skills, thus deterring use of substances. During the 2018-19 school year, the district anticipates serving approximately 10,995 adults/parents and 7,330 youth/students through ATF supported programs.

Olathe School District

Request: \$58,358

Recommendation: \$58,358

The DAC recommends the Olathe School District be awarded \$58,358 to support sobriety support groups (high school), student substance abuse assessments, parent education through *Guiding Good Choices* (provided in English and Spanish for parents of students who are identified by school), *AlcoholEdu* (all high schools), and *Life Skills* (delivered in an alternative education program for grades 8-12).

Results Projected: Students who participate in *AlcoholEdu* will take a pre- and post-assessment which will indicate an increase in student knowledge. As a result of *AlcoholEdu*, *Life Skills*, and other programs that are not funded by ATF, the district's KS Communities That Care survey results will show a decrease in the number of students who report binge drinking and cigarette use, and an increase in the age of first use of alcohol, tobacco and other substances. A parent survey will be administered to those who participate in *Guiding Good Choices*. Parents will report they are prepared to implement family meetings to review boundaries about alcohol and drug use and refusal skills. During the 2018-19 school year the district anticipates serving 2,766 students through ATF supported programs.

Shawnee Mission School District

Request: \$27,000

Recommendation: \$27,000

The DAC recommends the Shawnee Mission School District be awarded \$27,000 to support implementation of *AlcoholEdu* (all high schools and Horizons).

Results Projected: Students who participate in *AlcoholEdu* will take a pre- and post-assessment which will indicate an increase in knowledge regarding the harmful effects of substances. During the 2018-19 school year the district anticipates serving approximately 1,566 students through this ATF supported program.

Spring Hill School District

Request: \$18,060

Recommendation: \$18,060

The DAC recommends the Spring Hill School District be awarded \$18,060 to support three evidence-based programs: *Project Alert* (7th grade), *Al's Pals: Kids Making Health Choices* (kindergarten), and *Peer Assistance and Leadership* (high school). Funding also includes support of *Students Against*

Destructive Decisions (SADD – high school), and the district’s Mental Health Social Worker who provides support to students in grades 6-12.

Results Projected: Children who complete *Al’s Pals* will show improvement in their use of positive social behavior and skills, and no increase in antisocial and aggressive behavior. Six new staff members will be trained in *Project Alert*. Monthly surveys will track the impact of *Peer Assistance and Leadership* and SADD sponsors will collect student data on the impact of SADD programs. The Mental Health Social Worker will provide data to the Director of Special Services regarding each of the student participants and how meeting with the Social Worker impacted them. The Social Worker will continue to have a positive impact on students’ lives. During the 2018-19 school year the district anticipates serving 2,600 students through ATF supported programs.

Note: Gardner Edgerton School District did not apply for 2019 ATF support.

Community-Based Programs

Artists Helping the Homeless

Request: \$25,000

Recommendation: \$25,000

The DAC recommends Artists Helping the Homeless (AHH) be awarded \$25,000 for implementation of *Be The Change*, a program that helps people who are homeless access services to meet their needs and address underlying conditions of their homelessness. AHH provides transportation and sober living housing, and a continuum of support including coordination of care to homeless adults, most of whom have substance abuse issues. Since its inception in 2010, AHH has helped enroll over 1,000 adults in social detox and treatment programs. Referrals come from hospitals, law enforcement, mental health and aging service providers, agencies which provide substance abuse recovery services, and from other individuals who are homeless.

Results Projected: Artists Helping the Homeless will provide housing and other intervention and recovery services to individuals who are dealing with alcohol and substance use, and who are homeless and identify as Johnson County residents or are homeless in Johnson County. Clients will successfully complete the program and achieve reintegration which is indicated by reduced use of substances and criminal activity, and progress toward goals of education and employment. In 2019 Artists Helping the Homeless anticipates serving 250 Johnson County residents.

Boys and Girls Club

Request: \$15,000

Recommendation: \$15,000

The DAC recommends the Boys and Girls Club be awarded \$15,000 for implementation of *SMART Moves (Skill Mastery and Resistance Training)* at the Boys and Girls Club in Olathe. *SMART Moves* teaches Olathe club members (ages 5-18) to recognize and resist media and peer pressure to engage in tobacco/alcohol/drug use, and other risky behavior. Olathe School District provides transportation to the Club from Central Elementary, Oregon Trail Middle School, Washington Elementary, and Olathe North High School.

Results Projected: The overall objective is to prevent or delay the onset of alcohol and drug use. Program participants will demonstrate an increase in knowledge of the dangers of alcohol and drug use, and the use of tools and strategies to resist peer pressure and media influence. Youth will self-

report abstinence from alcohol and drug use. The organization anticipates serving 340 Olathe youth during 2019.

Cornerstones of Care Request: \$60,000

Recommendation: \$60,000

The DAC recommends that Cornerstones of Care be awarded \$60,000 for the implementation of Functional Family Therapy (FFT), an evidence-based in-home family intervention program which addresses a variety of problems facing at-risk youth and their families. ATF supports FFT for Johnson County youth who have an identified problem with substance abuse (identified by family or referral source such as the Juvenile Intake and Assessment Center, Court Services, District Court and the Johnson County Department of Corrections).

Results Projected: Following the completion of *Functional Family Therapy*, families will report improved family relationships (reduced levels of conflict and improved communication), and youth will demonstrate a decrease in delinquent behavior (not be adjudicated on a violation of the law or charges related to drugs and/or alcohol). During 2019 Cornerstones anticipates serving 70 Johnson County residents whose problems are related to substance abuse.

First Call Alcohol/Drug Prevention & Recovery

Request: \$65,000

Recommendation: \$65,000

The DAC recommends that First Call be awarded \$65,000 to deliver Family Prevention Services in Johnson County. These services include the following:

- 1) *How to Cope* - This program supports adults (parents/family members) in identifying enabling and co-dependency behaviors, and assists families in abstinence and recovery of their children.
- 2) *Caring for Kids* - Children and youth in the *Caring for Kids* program attend psycho-educational groups which teach them about the effects of substance abuse disorder in the family and help them to develop healthy lifestyles.
- 3) Services within Olathe schools: a sobriety group at Olathe South High School, Life Skills class at Olathe East High School, and Project Choices, Say It Straight at Olathe's North Lindenwood Support Center. (*First Call charges Olathe School District 45% of the actual cost of providing the programs. ATF helps to support the remaining balance of First Call's costs.*)
- 4) Educational presentations which reach school-aged youth and the general community.

With an increase in ATF support, First Call will add another certified prevention specialist to meet the growing demand and cultivate new partners in Johnson County, and anticipates expanding services within the Shawnee Mission School District.

Results Projected: The overall goal is that participants lead safe, healthy lives and avoid substance use, misuse and addiction. Participants in *How to Cope*, *Caring for Kids*, and *Say It Straight* will increase their knowledge of the harmful effects of alcohol, tobacco, and other drugs. Participants in the *Caring for Kids* programs will complete a plan of action to promote healthy relationships and resistance to abusing substances. Participants in Life Skills Training will demonstrate positive change in knowledge and attitudes related to alcohol, tobacco, drugs and protective life skills. Participants in Sobriety Group will maintain or increase their readiness to change. First Call anticipates serving 1,320 Johnson County residents during 2019.

Heartland Regional Alcohol & Drug Assessment Center (RADAC)

Request: \$159,734

Recommendation: \$159,734

The DAC recommends that Heartland RADAC be awarded \$159,734 to support its recovery coaching, intensive case management (ICM) and care coordination for Johnson County individuals with co-occurring substance use disorders and mental health issues who are homeless or at-risk of homelessness, and need treatment or treatment-related services. Recovery coaching helps clients engage in the recovery community and is provided in conjunction with case management and care coordination services. The program also purchases services and items needed to secure safe housing, access treatment, promote recovery and eliminate barriers to success. When clinically appropriate, HRADAC assists clients in accessing Medication Assisted Treatment (MAT).

Results Projected: When clients begin ICM typically they are homeless and experiencing un-treated mental health and substance abuse issues. Therefore, results focus on accessing services and maintaining conditions in three areas of improvement – housing, substance use, and mental health services. Housing includes accessing safe temporary, transitional, permanent or permanent supportive housing. Substance use includes accessing treatment, accessing a recovery group, and engaging in Recovery Oriented Systems of Care with a Recovery Coach. Mental health services include accessing services and remaining medically compliant, if medications are prescribed. During 2019 Heartland RADAC anticipates serving 129 Johnson County clients.

Johnson County Court Services: Juvenile Drug Court and Minor-In-Possession, Drug and Alcohol Diversion

Request: \$146,836

Recommendation: \$141,377

The DAC recommends that Johnson County Court Services be awarded \$141,377, the same amount Court Services is receiving in 2018. ATF will support the salary and benefits for two Court Service Officers who supervise clients in the Juvenile Drug Court, the Minor-In-Possession (MIP) program, and other clients who receive drug/alcohol contracts. The Juvenile Drug Court targets first-time offenders applying for diversion who present with serious drug and/or alcohol issues. The MIP program is a non-Court resolution of a police report when a juvenile has been in possession of alcohol. Both programs increase youths' motivation to remain drug/alcohol free. Drug and Alcohol contract cases are an Immediate Intervention with offenders who have a drug and/or alcohol problem that requires education, intervention, and/or completing random drug screens in addition to the requirements of the standard contract. These juvenile cases with drug/alcohol contracts do not reach the higher level of drug court, nor the lower level of MIP.

Results Projected: Youth will remain drug free and crime free. Youth will increase involvement in pro-social activities and improve their school grades. Parents will rate their child's compliance as increasing. During 2019, Court Services anticipates serving 574 Johnson County youth in these programs.

Johnson County Department of Corrections: Voucher Assistance

Request: \$15,725

Recommendation: \$12,300

The DAC recommends the Department of Corrections be awarded \$12,300, the same amount Corrections is receiving in 2018, for the Voucher Assistance program which supports substance use disorder evaluations and treatment for adult offenders who face financial barriers to obtaining those services. Voucher assistance will be provided to adults in the Adult Residential Center (ARC),

and adults who are under Intensive Supervised Probation, House Arrest or Bond Supervision. Evaluation and treatment services will be provided by Court approved providers and providers who are working under contract at the Adult Residential Center.

Results Projected: Adults who receive vouchers will obtain an evaluation within 45 days and initiate recommended treatment within 60 days, post evaluation. Corrections anticipates serving 41 Johnson County clients during 2019.

Johnson County Department of Corrections: Changing Lives Through Literature

Request: \$9,500

Recommendation: \$7,250

The DAC recommends the Department of Corrections be awarded \$7,250 for the *Changing Lives Through Literature program (CLTL)*. This is the same amount the program is receiving in its 2018 ATF grant. This alternative intervention program targets moderate risk criminal defendants. Participants frequently have histories of drug and/or alcohol use and are under court-ordered supervision (probation) or contracts of diversion. For those on diversion, a criminal conviction is likely averted with completion of *CLTL* and meeting other diversion conditions. The program uses literature to impact the lives of clients through reading and group discussion. The program is free of charge and offered outside of traditional work hours. *CLTL* defendant participants, judges, and probation officers read literature and participate in facilitated discussion which helps to promote behavioral change. Some of the reading material used during the program relates to drug and alcohol addiction and abuse. With ATF support, *CLTL* was offered by the Johnson County Library from 2001 through June 2015, and by the District Attorney's Office from 2016 through 2018. The District Attorney's Office chose not to continue the program in 2019. It will come under the auspices of the Department of Corrections in 2019.

Results Projected: Participants will successfully complete the program and not be arrested for new charges or show evidence of drug or alcohol use. Corrections anticipates serving 30 Johnson County participants during 2019.

Johnson County Mental Health Center, Prevention Services

Request: \$133,000

Recommendation: \$120,000

The DAC recommends Prevention Services be awarded \$120,000, an increase of \$20,000 from its 2018 ATF grant. ATF supports staff (1.5 FTE) who provide prevention services in three areas: youth mobilization, education/training, and community engagement; and, other expenses associated with the Youth Leadership Summit and Strengthening Families, the End the Trend Campaign (use of social media for public service announcements about vaping), as well as supplies, consumables and mileage. During the annual Youth Leadership Summit middle school and high school student leaders are trained on effective prevention strategies and action planning for implementation of those strategies. Action plans created at the Summit focus on adolescent problem behaviors prioritized by each school. Prevention Services also provides training and technical assistance to cohorts of Strengthening Families, an evidence-based prevention program for parents and children in high risk families.

Results Projected: Youth Leadership Summit and Teen Task Force student participants will increase their knowledge of effective prevention strategies for impacting adolescent problem behaviors, and

increase confidence in their abilities to implement strategies. Teen Task Force members will contribute towards planning and implementing strategies and initiatives around drug and alcohol prevention. A new cohort of Strengthening Families will be mobilized. Participants in *Strengthening Families* will indicate an increase in knowledge and confidence. End the Trend will earn 100,000 impressions across social media platforms. Participants in the school prevention roundtable will indicate an increased level of knowledge and confidence. Technical assistance to school districts will help increase the participation rate of students taking the KS Communities That Care Survey. During 2019 Prevention Services anticipates serving 3,115 Johnson County residents.

SAFEHOME

Request: \$24,301

Recommendation: \$24,301

The DAC recommends SAFEHOME be awarded \$24,301 to continue its substance abuse support program. This program includes substance abuse education and an onsite substance abuse screening of every new resident in this domestic violence shelter. If applicable, an in-depth substance abuse interview is conducted. Assessments are provided as needed by Heartland Regional Alcohol and Assessment Center. SAFEHOME makes referrals to intervention and treatment programs and provides assistance with making connections to services. ATF dollars also support assistance to clients (such as transportation vouchers for travel to treatment), drug testing and bio waste disposal, and professional conferences/training.

Results Projected: Identified substance abusers will receive a referral to a substance abuse resource, and access that referral. The Adult Shelter Therapist will help the substance abuser identify healthy coping strategies which they can implement in place of unhealthy coping strategies. Identified substance abusers will indicate they feel supported by SAFEHOME staff. The organization anticipates serving 110 Johnson County participants during 2019.

The Family Conservancy

Request: \$40,000

Recommendation: \$40,000

The DAC recommends the Family Conservancy be awarded \$40,000 to implement *Conscious Discipline* programming in four Johnson County childcare centers that serve families at or below the Federal Poverty Level, and for substance abuse screening and education for all Johnson County clients served by Family Conservancy's counseling programs. *Conscious Discipline* is an evidence-based self-regulation program that integrates social-emotional learning and discipline, fostering healthy development to prevent future risk of substance abuse.

Results Projected: Parents and teachers completing the *Conscious Discipline* program will maintain or show an increase in positive child guidance and use multiple applications of strategies they learned. Clients in counseling programs will successfully complete their counseling treatment plan and report increased knowledge of harmful effects of misuse of substances. Clients who report they have a family member with substance misuse problems, will report improved knowledge or experience attitude changes to support family health. During 2019 the agency anticipates serving 470 Johnson County residents.

Treatment and Recovery

Alcohol Tax Funds are recommended to support nine treatment and recovery programs delivered by community-based organizations and Johnson County Mental Health Center. In general, treatment programs help to reduce substance abuse, lead to positive individual change and productivity, reduce mental and physical healthcare costs, improve public safety, and reduce law enforcement and court costs. Funding recommendations are based upon a review of each proposal and take into consideration the type of programming, outcome achievement and accountability.

Friends of Recovery Association

Request: \$60,000

Recommendation: \$58,000

The DAC recommends that Friends of Recovery (FORA) be awarded \$58,000, an increase of \$8,000 from 2018. ATF supports case management (education, mediation, mentorship, crisis intervention and advocacy) for individuals living in Oxford Houses, and costs such as supplies, audit, office space, printing, and purchase of a computer and software, and a printer. Oxford Houses serve individuals who often have limited resources, and are seeking a supportive environment within which to recover from substance abuse. Friends of Recovery operates 37 Oxford Houses in Johnson County.

Results Projected: Two new houses will be opened in Johnson County, resulting in more individuals served. All houses will be trained on the use of Narcan and have it in their houses. Ten percent of houses in Johnson County will accept individuals who use Medication Assisted Treatment. There will be an increase in the number of alumni who return to their former houses to assist individuals in recovery. The number of individuals leaving the houses in good standing will increase. FORA will develop and administer a questionnaire regarding past use of opioids, and a report on the responses will be available by the end of the year. During 2019 FORA anticipates serving approximately 451 Johnson County participants.

Johnson County Mental Health Center, Adolescent Center for Treatment (ACT)

Request: \$253,510

Recommendation: \$253,510

The DAC recommends that the Johnson County Mental Health Center's Adolescent Center for Treatment be awarded \$253,510 to deliver an adolescent residential treatment program for youth ages 12-18. This 30-bed facility is the only specialized youth residential program for treatment of substance use disorders in the state of Kansas. The majority of residential patients are court-ordered. Clinicians use *Mapping-Enhanced Counseling*, *Thinking For Change*, and *Stacked Deck*. ACT offers a sliding fee scale to ensure that no clients are turned away due to financial reasons.

Results Projected – Clients remain in treatment for a minimum therapeutic length of stay and receive a “successful completion” upon discharge. On discharge surveys, clients will rate the program favorably in areas of program quality and staff performance. During 2019 ACT anticipates serving 68 Johnson County youth.

Johnson County Mental Health Center, Adult Detoxification Unit (ADU)

Request: \$333,000

Recommendation: \$289,922

The DAC recommends that the Johnson County Mental Health Center's Adult Detoxification Unit be awarded \$289,922, an increase of \$21,341 from 2018. The Adult Detox Unit is a social

detoxification center which delivers services at no cost to adult Kansas residents 24 hours a day, seven days a week. Admissions primarily come through hospitals and law enforcement. The ADU is the only social detoxification program located in Johnson County and is a cost-effective alternative to hospital emergency rooms or incarceration.

Results Projected: Clients will successfully complete detoxification as evidenced by remaining in detox until staff recommend discharge. Clients who successfully complete detox will have a written discharge plan documenting a referral for ongoing services. At time of discharge, clients will rate the program favorably in areas of program quality and staff performance. During 2019 the Mental Health Center ADU anticipates serving 378 clients from Johnson County.

Johnson County Mental Health Center, Dual Diagnosis Adult Outpatient Program

Request: \$165,000

Recommendation: \$165,000

The DAC recommends that the Johnson County Mental Health Center's Dual Diagnosis Adult Outpatient Program be awarded \$165,000 to offer integrated outpatient treatment to adults who have co-occurring substance use disorders and mental health disorders, and to provide Medication Assisted Treatment (MAT) on a limited basis for clients with Opioid Use Disorder and/or Alcohol Use Disorders who are appropriate for this treatment, but with no means to pay for it. The dual-diagnosis program uses a sliding fee scale to assure access for low-income residents. No one is turned away for inability to pay fees.

Results Projected: Clients with dual-diagnosis will remain alcohol/drug free while participating in the program. Clients will complete at least eight hours of treatment before discharge (excluding "evaluation only" individuals). Clients will not engage in new criminal activity while participating in the program. In 2019, 291 Johnson County residents are anticipated to be served through the Dual Diagnosis program.

KidsTLC

Request: \$46,571

Recommendation: \$46,571

KidsTLC is licensed by the State of Kansas as a Psychiatric Residential Treatment Facility (PRTF). The DAC recommends KidsTLC be awarded \$46,571 to support substance abuse screening/assessment, evaluation, prevention/education, and clinical treatment for youth ages 12-18 who reside within the agency's PRTF. Clinical treatment is provided to youth who are dually diagnosed with substance use disorder and mental health issues. The evidence-based *Seeking Safety* curriculum is utilized in treatment. Relapse prevention sessions are provided to PRTF residents who are in recovery or were recently in treatment. Prevention education, which utilizes the evidence-based program *Positive Action*, is provided to all youth in the PRTF.

Results Projected: Youth will remain abstinent from drugs and alcohol during their treatment (evidenced by a urine analysis after youth returns from a pass outside the PRTF). Youth will feel they have sufficient access to substance abuse services and supports. At discharge youth will report overall improvement due to services received, and an increase in hopefulness and functioning. The program will help sustain the youth's recovery and provide linkages to community support. During 2019 the agency projects serving 46 Johnson County youth.

KVC Behavioral HealthCare**Request: \$100,000****Recommendation: \$35,000**

The DAC recommends KVC Behavioral HealthCare be awarded \$35,000 for Family Substance Abuse Recovery Services. This pilot program serves Johnson County families who have had children removed from their home (children are in foster care) and have been assessed by a KVC case manager; or, are referred by Kansas Department of Children and Families (DCF). During the family assessment, family members are screened for indication of substance abuse. If there is an indication, a referral is made to KVC's Licensed Addiction Counselor (LAC) for the KS Client Placement Criteria (KCPC) to be administered. If need for treatment is determined as result of the KCPC, KVC provides outpatient in-home treatment for families willing to participate. Other options include referring families to local support groups and in-patient therapy.

This program began in 2018 with ATF as the only source of funding. KVC encountered unexpected barriers which resulted in start-up delays and lag in participation. The DAC recommends support at a reduced level due to other priority funding choices and encourages KVC to diversify funding for this program.

Results Projected: Outpatient services will be provided in-home and families/individuals will report an increase in striving to improve family stability through lifestyle changes. Individuals/families coming into the program will complete intake within 10 days of being referred and assigned to a KVC LAC. If fully funded during 2019, KVC anticipates serving 50 Johnson County adults.

Lorraine's House**Request: \$60,000****Recommendation: \$25,000**

The DAC recommends Lorraine's House be awarded \$25,000, an increase of \$8,356 from 2018. Lorraine's House is a structured transitional living program for women recovering from addiction. Founded in 2016, Lorraine's House is comprised of three homes located in Johnson County. The target population is women who are transitioning from residential treatment, incarceration, unhealthy living environments or detox. Residents are expected to follow house rules, pay rent, be employed (or actively seeking employment), remain abstinent, and participate in recovery oriented groups. Referral sources include Heartland Regional Alcohol and Drug Assessment Center, Johnson County Mental Health, hospitals, crisis centers, and former residents.

Results Projected: Clients achieve their goal of living a sober, self-sufficient life in recovery. Results include stable housing, social connectedness, and employment. Residents will adhere to program guidelines, participate in a community-based support group, and secure and sustain employment. During 2019 Lorraine's House anticipates serving 67 Johnson County residents.

Mirror, Inc.**Request: \$176,000****Recommendation: \$176,000**

The DAC recommends Mirror be awarded \$176,000 to support its residential treatment component for Johnson County adults with co-occurring disorders (co-occurring disorder of substance use disorder and mental health disorder). Mirror is a statewide organization which has provided substance abuse services in Johnson County for 20 years. Located in Shawnee, this program addresses the needs of clients who fall below 200 percent of poverty and cannot access services in

a timely manner due to limited state block grant funding. Mirror's 34-bed facility is the only residential program located in Johnson County that serves this population.

Results Projected: The goal of the program is to provide quicker access to treatment services for Johnson County residents who have no resources to pay for treatment, and to aid them in accessing support services after treatment completion and discharge. Results include that time on wait list for Johnson County clients will be reduced (less than average wait time for Block Grant funded client). Discharged clients will remain in compliance with all discharge recommendations 30 days following treatment. (Recommendations may include continued mental health care, substance abuse aftercare, stable housing and use of support systems.) Clients' confidence level in handling high risk situations that could lead to substance use will increase from the time of admission to discharge. During 2019 with its ATF grant, Mirror anticipates serving 112 Johnson County residents who have co-occurring disorders.

Preferred Family Healthcare, Inc.

Request: \$130,000

Recommendation: \$120,000

The DAC recommends Preferred Family Healthcare (PFH) be awarded \$120,000. This amount is \$5,000 less than PFH's 2018 grant award, and \$18,000 more than PFH's 2017 award. The decrease from 2018 funding is not indicative of concerns about the program or organization, but a reflection of there being limited grant funds for allocation, more funds requested than available, and other priority funding choices. ATF supports the delivery of outpatient substance abuse treatment and treatment for co-occurring disorders of substance abuse and mental health disorders to Johnson County residents with limited or no resources to pay for services (e.g. uninsured, indigent and low-income residents). Treatment interventions include Cognitive Behavioral Therapy, Trauma-Focused Cognitive Behavioral Therapy, Motivational Interviewing, Motivational Enhancement Therapy and Eye Movement Desensitization and Reprocessing Therapy. Preferred Family Healthcare is a Johnson County Court approved provider for substance abuse services and offers services on an income-based sliding fee scale. With approval of the clinical supervisor, individuals with extenuating circumstances who are unable to pay the fee based upon the sliding scale, are not assessed any fees, with the exception of drug/alcohol testing. ATF support in 2019 is contingent upon Preferred Family Healthcare maintaining an affordable sliding fee scale and continuing to be a court approved provider. During 2019 Preferred Family Healthcare projects serving 813 Johnson County residents.

Results Projected: Clients will successfully complete treatment. Clients who are not disabled or retired will obtain or maintain employment or involvement in educational activities. Clients will have no arrests while in treatment. Clients who are in treatment will remain abstinent from substance use. Clients will obtain and/or maintain housing.

**2019 Alcohol Tax Fund
Participating Jurisdictions**

Jurisdiction	Amount
Johnson County Government	\$138,852
City of Gardner	\$19,200
City of Leawood	\$350,000
City of Lenexa	\$130,000
City of Merriam	\$20,000
City of Mission	\$40,000
City of Olathe	\$215,000
City of Overland Park	\$1,085,000
City of Prairie Village	\$40,000
City of Shawnee	\$84,660
Total Alcohol Tax Fund	\$2,122,712

The recommended grant awards represent the maximum ATF award for the calendar year and are based upon an estimate from local jurisdictions of local liquor tax revenue. Awards will only be made if jurisdictions receive adequate revenue. Actual dollars disbursed are dependent upon local liquor tax revenue received by participating jurisdictions. Neither United Community Services (UCS) nor the Drug and Alcoholism Council is responsible for a reduction in ATF fund awards payable by participating jurisdictions.

APPENDIX A
DRUG & ALCOHOLISM COUNCIL of JOHNSON COUNTY FUNDING PRIORITIES

ATF Funding Priorities 2019

By legislative mandate, ATF dollars must be used to fund programs “whose principal purpose is alcoholism and drug abuse prevention and education, alcohol and drug detoxification, intervention in alcohol and drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers.” KSA §79-41a04 (as amended).

For the purpose of the ATF application, these programs are generally defined as follows:

- Education and Prevention programs are designed to promote awareness and self-efficacy, and provide information, activities, and skill building to prevent problems with, or addiction to, alcohol and/or drugs.
- Intervention programs are designed to interrupt alcohol and/or drug use, and may include activities applied during early stages of drug use which encompass preventing the transition from drug use to abuse.
- Substance Abuse Treatment programs are licensed by the State of Kansas to provide substance abuse treatment services and are designed to assist clients with stopping use of alcohol and drugs and avoiding relapse.

Following numbering of priorities does not indicate one is more important than another.

Overall priority is given to:

1. Programs that target populations who are at-risk for substance use or abuse such as individuals who have mental health issues, individuals who are homeless and/or have other co-occurring issues, and individuals involved in the child welfare or criminal justice system.
2. Programs that address barriers to service including hours of operation, transportation, lack of care for children of parents seeking services, and physical location.
3. If fees are charged for services, there are accommodations for those clients with no ability, or limited ability, to pay the fees (such as a sliding fee scale based upon income).
4. Programs that demonstrate competency in addressing language and cultural barriers, and provide bi-lingual services in high demand languages, such as Spanish.
5. Programs that provide services to meet a current community need (defined through indicator data or *Communities That Care* survey trends).
6. Programs that demonstrate an awareness of the role of trauma in prevention and treatment of substance use and utilize a trauma informed care approach in delivery of services.
7. Programs that are evidence-based or reflect a best or promising practice, and include measures to ensure fidelity.
8. Programs that utilize measurable outcome data to improve service delivery.
9. Strategies and services that involve families, parents, guardians, and/or other support systems.
10. Programs that demonstrate through service delivery, competency in addressing the interrelationship between substance use/abuse and other risk factors as defined above in priority number one.

Priorities for Education and Prevention Programs include:

1. Strategies that seek to delay onset of first use of substances.
2. Programs that target use of gateway drugs and address new trends in drug use across all age groups.
3. Programs that utilize *Risk and Protective Factors* strategies.

Priorities for Treatment and Intervention Programs include:

1. Programs that provide effective treatment strategies for individuals with co-occurring substance use and mental health disorders.
2. Programs that serve targeted populations with early intervention strategies.
3. Programs that collaborate with other organizations and sectors, and provide linkage to community supports.
4. Programs that incorporate Recovery Oriented Systems of Care (ROSC) which sustain and support recovery, including but not limited to providing peer support, housing, case management, and/or to linkages to recovery communities and activities.

Applications are evaluated according to these criteria:

- Community Need
 - How the program addresses a clearly-stated community need, or opportunity to address a community need.
 - Does the program coordinate with other community services to maximize the impact of available resources and meet needs of population?
 - How the program benefits local jurisdictions.
 - The purpose of proposed program or services is consistent with ATF funding priorities.
- Responsiveness of Proposed Program Activities: A detailed description of program activities proposed for funding, including a clear exposition of:
 - the targeted population, strategies for reaching the target population, and access to services (e.g. are barriers to activities/services reduced or eliminated). If applying for substance abuse prevention and education programming for youth, how program addresses risk and protective factors of target population.
 - services/activities that are responsive to needs of population.
 - the evidence base for the effectiveness of the prevention or treatment program or services with the targeted population.
 - the ability to accommodate for cultural differences within the population.
- Measurable Outcomes
 - The program includes clear and measurable outcomes, and includes a plan for related data collection in order to evaluate success in achieving those outcomes. Outcome data reflecting on abstinence, housing, employment, criminal activity, access to and/or retention in services are preferred.
 - The program demonstrates clear linkage between program activities and outcomes.
 - The program provides reasonable evidence of the achievement of previously identified outcome(s).
 - Reasonable levels of service are provided for resources expended.
- Organizational Capacity and Funding
 - The organization is stable (financial position, legal issues, etc.)
 - The program has attracted sufficient community resources from public, private, and volunteer sources, to produce proposed outcomes.

- The program budget is realistic and reasonable in light of the proposed activities.
- The application demonstrates that ATF funding is critical to achieving the stated outcomes.
- The application and program comply with grant conditions.
- Qualifications, Licensing and Accreditation
 - If applicable, the agency is licensed/accredited.
 - Employees are qualified to provide services (accredited/licensed, if applicable)

APPENDIX B

2018 DRUG and ALCOHOLISM COUNCIL of JOHNSON COUNTY 2019 ATF GRANT REVIEW COMMITTEE MEMBERS

Jennifer Granger, Chair, Science Applications International Corporation (SAIC) - US Department of Agriculture Risk Management Agency
Chief David Brown, Vice-Chair, Fairway Police Department, City of Lenexa Representative, Grant Review Committee Chair
Jen Jordan-Spence, Secretary, City of Gardner, City of Gardner Representative
Judge Jenifer Ashford, 10th Judicial District Court ♦
Captain Troy Duvanel, Merriam Police Department, City of Merriam Representative, Grant Review Committee Chair
Nikki Green, Shawnee Mission Medical Center
Jill Grube, City of Lenexa, City of Shawnee Representative
Brad Hart, Healthcare Foundation of Greater Kansas City
Martha Lapietra, M.D., IPC-The Hospitalist Company
Cathy Lawless, Community Volunteer, City of Leawood Representative
Emily Meissen-Sebelius, Children’s Mercy Hospital, City of Prairie Village Representative, Grant Review Committee Vice-Chair
Jaime Murphy, Overland Park Municipal Court, City of Overland Park Representative, Grant Review Committee Vice-Chair
Chris Oliver, Shawnee Mission School District ♦
Christina O’Neil, O’Neil on Barkley
Major Daryl Reece, Johnson County Sheriff’s Office
Liana Riesinger, Francis Family Foundation, City of Mission Representative
Pastor Kevin Schutte, Pathway Community Church, Johnson County Board of County Commissioners Representative
Jill Vincente, City of Olathe Prosecutor’s Office, City of Olathe Representative
Charlene Whitney, Community Volunteer ♦

♦ Denotes Non-Voting Member

Staff Support:
Marya Schott, UCS Director of Resource Allocation

ALCOHOL TAX FUND 2019-2021 FUNDING PRIORITIES REPORT

A PLANNING PROCESS BY THE DRUG AND ALCOHOLISM COUNCIL
OF JOHNSON COUNTY, KANSAS, TO DEVELOP ALCOHOL TAX FUND
FUNDING PRIORITIES FOR 2019 THROUGH 2021

May 2018



**Drug and Alcoholism Council of Johnson County and
United Community Services of Johnson County
Alcohol Tax Fund 2019-2021 Funding Priorities**

Introduction

Alcohol and drug addiction impacts approximately 20.1 million people aged twelve or older in the United States (2016 National Survey on Drug Use and Health). Over \$600 billion dollars is spent annually in the United States to treat substance abuse (National Institute of Drug Abuse, 2018). Substance abuse is a chronic condition that goes untreated for approximately 89% of those with a Substance Use Disorder (SUD) resulting in negative impacts on all facets of society (individuals, families, and businesses), and likely to appear in multiple community systems (child welfare, criminal justice, emergency rooms, hospitals and primary care), costing communities billions of dollars annually (Substance Abuse Mental Health Services Administration - SAMHSA, Briefings on Substance Use Treatment and Recovery in the United States).

Trends in use of substances, addiction and treatment of Substance Use Disorder (SUD) are evolving both nationally and locally. And while tobacco, alcohol, and stimulants continue to be the most-favored drugs of choice, emerging trends in prescription drug abuse, opioid addiction, synthetic drug use, vaping, the legalization of marijuana and even electronic addiction have not only challenged treatment philosophies and modalities, but also reinforced the need for a strong foundation of prevention, evidenced-based treatment, and recovery oriented systems of care.

Alcohol Tax Fund

The Alcohol Tax Fund (ATF) is revenue collected from a state tax on liquor by the drink and by legislative mandate a portion must be used for programs that have the principal purpose of treating, preventing, or providing education about alcohol and drug abuse. Part of the revenue generated by the tax is returned to the jurisdiction (city or county) in which it was collected to address drug and/or alcohol abuse based on needs identified at the local level.

Drug and Alcoholism Council of Johnson County, ATF Grant Funds and Funding Priorities Report

The Drug and Alcoholism Council (DAC) of Johnson County, a project of United Community Services (UCS) of Johnson County, manages an annual grant allocation process of Alcohol Tax Fund (ATF) dollars on behalf of Johnson County Government and multiple cities in Johnson County, Kansas. Established in 1982, the DAC includes representatives from the municipalities that contribute to this fund, and community volunteers who have either a personal or professional interest in addressing substance abuse in this community (see Appendix 1 for 2018 participating municipalities and DAC membership).

The DAC submits funding recommendations to contributing jurisdictions that have the ultimate authority and responsibility for determining which recommended programs receive ATF grants. The recommendations are guided by Funding Priorities that are approved by the DAC annually. Every three to five years the priorities are developed through a formal planning process that includes input from key stakeholders, review of current literature, and analysis of indicator data in Johnson County. This report includes the DAC approved funding priorities for the 2019-2021 grant cycles, a description of the methodology, and a summary of the information collected and reviewed.

2019-2021 Alcohol Tax Fund Funding Priorities*

By state statute, an identified portion of Alcohol Tax Fund (ATF) dollars must be used to fund programs “whose principal purpose is alcoholism and drug abuse prevention and education, alcohol and drug detoxification, intervention in alcohol and drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers.” KSA §79-41a04 (as amended).

For the purpose of this application, these programs are generally defined as follows:

- Education and Prevention programs are designed to promote awareness and self-efficacy, and provide information, activities, and skill building to prevent problems with, or addiction to, alcohol and/or drugs.
- Intervention programs are designed to interrupt alcohol and/or drug use, and may include activities applied during early stages of drug use which encompass preventing the transition from drug use to abuse.
- Substance Abuse Treatment programs are licensed by the State of Kansas to provide substance abuse treatment services, and are designed to assist clients with stopping use of alcohol and drugs and avoiding relapse.

**Numbering of priorities does not indicate one is more important than another.*

For the purpose of the Alcohol Tax Fund, overall priority is given to:

1. Programs that target populations who are at-risk for substance use or abuse such as individuals who have mental health issues, individuals who are homeless and/or have other co-occurring issues, and individuals involved in the child welfare or criminal justice system.
2. Programs that address barriers to service including hours of operation, transportation, lack of care for children of parents seeking services, and physical location.
3. If fees are charged for services, there are accommodations for those clients with no ability, or limited ability, to pay the fees (such as a sliding fee scale based upon income).
4. Programs that demonstrate competency in addressing language and cultural barriers, and provide bi-lingual services in high demand languages, such as Spanish.
5. Programs that provide services to meet a current community need (defined through indicator data or *Communities That Care* survey trends).
6. Programs that demonstrate an awareness of the role of trauma in prevention and treatment of substance use and utilize a trauma informed care approach in delivery of services.
7. Programs that are evidence-based or reflect a best or promising practice, and include measures to ensure fidelity.
8. Programs that utilize measurable outcome data to improve service delivery.
9. Strategies and services that involve families, parents, guardians, and/or other support systems.
10. Programs that demonstrate, through service delivery, competency in addressing the interrelationship between substance use/abuse and other risk factors as defined above in priority number one.

Priorities for Education and Prevention Programs include:

1. Strategies that seek to delay onset of first use of substances.
2. Programs that target use of gateway drugs and address new trends in drug use across all age groups.
3. Programs that utilize *Risk and Protective Factors* strategies.

Priorities for Treatment and Intervention Programs include:

1. Programs that provide effective treatment strategies for individuals with co-occurring substance use and mental health disorders.
2. Programs that serve targeted populations with early intervention strategies.
3. Programs that collaborate with other organizations and sectors, and provide linkage to community supports.
4. Programs that incorporate Recovery Oriented Systems of Care (ROSC) which sustain and support recovery, including but not limited to providing peer support, housing, case management, and/or linkages to recovery communities and activities.

Additional Considerations

There are additional areas that the DAC will remain cognizant of over the next three years. Those areas include:

- Increased tolerance of marijuana due to legalization of medical and recreational use in many states. The impact of vaping as a gateway to nicotine and drug addiction
- Impact of SB367- a juvenile reform bill that passed in the 2016 legislative session to reduce unnecessary detention of juveniles (outlined further on page 5)
- Indicators of opioid addiction in Johnson County including seniors prescribed opioids during recovery from surgeries
- Relationship between substance use and teen suicide
- The habitual use of electronics as a form of addiction and its potential connection to alcohol and drug addiction

Information to Support the Priorities

Surveys and Interviews

Methodology

A task force of the DAC was convened to provide leadership (see Appendix 1 for list of task force members). A consultant was engaged to facilitate this process. Multiple methods were utilized to gather information, which included: surveys, interviews, and a literature review. Methods were designed to answer the following questions about the continuum of substance abuse services in Johnson County:

- What are the strengths of the existing continuum?
- What pieces are missing or need strengthening?
- Who is 'falling through the cracks' or has challenges accessing services?
- What trends are being watched locally and nationally?

Findings and Lessons Learned from Surveys and Interviews

A survey was developed and administered to the 23 local prevention, intervention and treatment providers that currently receive ATF grants (see Appendix 2). In total, 100% responded to the survey. Additionally, individual interviews were conducted with eleven key stakeholders including representatives from:

- State of Kansas Department of Aging and Disability Services (KDADS)
- Cities that contribute to the ATF in Johnson County
- Johnson County Department of Corrections
- Johnson County Sheriff's Office
- Local hospitals
- Local treatment providers
- Local foundation

The following three sections (Strengths, Areas for Development and Gaps, and Other Issues) reflect results of the survey and stakeholder interviews. A list of stakeholders interviewed is included in Appendix 2.

Strengths of Substance Use Disorder (SUD) Prevention, Education, and Treatment Continuum in Johnson County

Johnson County is considered a resource-rich environment with well-educated and informed stakeholders. There is a strong existing continuum of SUD services including education, prevention, early intervention, and a broad range of substance abuse treatment providers. Service providers in Johnson County understand the connection between substance use and mental health issues and the need to address them simultaneously. There are strong community collaborations involving schools, the community mental health center, law enforcement, and Community Corrections. There are also numerous resources and services that promote strong family relationships and bonding which enhance protective factors. Overall, Johnson County is a *healthy* community, ranking number one in overall health (Robert Wood Johnson, County Health Rankings). Finally, the grant-making process facilitated by the DAC is viewed with confidence in its “due diligence” process of matching ATF to need for services in this community.

Areas for Development and Gaps in SUD Prevention, Education, and Treatment Continuum in Johnson County

Communities that Care Data

An unintended consequence of the Kansas Student Data Privacy Act was that some school districts no longer administer the Kansas Communities That Care Youth Survey (CTC). The participation rate by Johnson County students dropped from 79-81% in 2012 through 2014, to 36% in 2017. The Kansas Student Data Privacy Act requires parents to “opt-in” to release information, rather than “opt-out.” The lack of Johnson County survey data makes it difficult to identify county-wide trends (specific age groups and/or drug usage) and where to target prevention programming (see Appendix 3: 2017 CTC Survey for Johnson County).

Co-Occurring SUD and Mental Health and the Connection to Suicide

Programs that address co-occurring substance use and mental health issues were identified as both a strength and an area for development in this community. It was considered a strength because there is wide recognition that co-occurring disorders exist and need to be addressed simultaneously. It was also identified as an area for development especially for youth who are mentally unstable and/or having suicidal ideations. Additionally, services need to be developed to reduce deaths by overdose. According to the Johnson County Sheriff’s Office, in Johnson County deaths by overdose currently outnumber deaths by motor vehicles. Further, according to the Sheriff’s Office, overdose deaths may be the result of opioid abuse or suicide, and are considered to be under-counted due to the cause of death listed by the physician or coroner (for example, overdose death listed as heart failure, cardiac arrest, etc.).

Specific Areas for Prevention Expansion or Development

Develop prevention and education programs that:

- Address the use and abuse of prescription drugs and opioids after surgeries, dental work and/or sport injuries
- Educate about the impact of substance use on brain development
- Target emerging drug usage such as vaping (nicotine and cannabinoid) and the use of marijuana edibles in schools
- Expand high school sobriety programs county-wide, and
- Utilize social media for public service announcements and other prevention materials by hash tagging schools, school groups, Facebook, and Twitter

Specific Areas for Treatment Enhancement or Development

Develop or expand treatment programs that:

- Promote the understanding and use of Medication Assisted Treatment (MAT) for opioid and alcohol abuse
- Increase case management for individuals in treatment (not just individuals with severe and persistent mental illness)
- Increase use of Peer Support and Recovery Coaches (for individuals and families)
- Increase services that include family participation to support the individual in treatment and to address the impact of substance abuse on the family unit as a whole
- Increase availability of treatment for youth with multiple and complex needs
- Increase availability of treatment services for low-income individuals who do not have private insurance or Medicaid, including services for clients who qualify under the Federal Block Grant, but experience long waiting times to access needed treatment
- Increase treatment services for veterans
- Increase housing programs that support safe and sober living
- Address barriers to service including transportation, child care and hours of operation that accommodate working individuals
- Provide services in languages other than English; providers may use translators, however, services delivered in the client's native language are considered to be more effective

Other Issues Stakeholders are Watching

Emerging trends in addiction and drug usage

- The perceived increased acceptance of marijuana due to the legalization of both recreational and medical marijuana in many states
- The presence of marijuana edibles (indistinguishable from candy and cookies) in local schools
- The impact of vaping nicotine and cannabinoid oil in public places and while driving
- Cell phone and internet addiction, especially with children, and the impact on impulse control and mental health
- Indicators of opioid use and abuse in local communities that can substantiate the severity of its use and abuse levels
- The use of Narcan (nasal spray version of naloxone) by police officers and firefighters to reverse opioid overdoses

Public Policy

- Federal and state funding and its impact on substance abuse prevention and treatment including:
 - Changes to health care (at a national level) and impact on coverage of behavioral health
 - Uncertainties in the State of Kansas' budget and implications for human services and behavioral health
- Turnover within State of Kansas departments and subsequent impact on clients
- The impact of Senate Bill 367 including:
 - Lack of requirements for parental participation and/or treatment
 - Closing Youth Residential Care (YRC II) facilities, which coupled with a decrease in local Psychiatric Residential Treatment Facility (PRTF) beds, has resulted in a lack of community treatment options for youth with severe mental health/psychiatric concerns, complex criminal backgrounds, and a history of alcohol and drug abuse.
- Kansas Communities That Care Youth Survey – Stakeholders are paying attention to potential policy changes at the state level which would make it less burdensome for schools to administer the survey.
- The potential of expanding the use of drug courts

Literature Review

The Science of Addiction

National Geographic "The Science of Addiction—New Discoveries About the Brain Can Help Us Kick the Habit" (September 2017)

This is a video about how different drugs impact the brain's wiring (cocaine, meth, heroin), including the impact on dopamine production and stimulation.

- The science behind cravings— "addiction hijacks the brain's neural pathways."
- Use of transcranial magnetic stimulation (TMS) for treating cocaine addiction (this technique also cited in pilot study by National Institute on Drug Abuse (NIDA). Further studies are now being conducted to see about the impact of TMS on other forms of addiction (e.g., smoking, drinking, gambling, binge eating).
- It takes 4-6 weeks for the brain to begin to "reset"
- Discusses baclofen and its use to treat alcohol dependency
- Discusses other forms of Medication Assisted Treatment (MAT) in the treatment of addiction done with psychosocial support as an adjunct
- Discusses "mindfulness" as a technique for relapse prevention—paying attention to cravings without reacting to them

New York Times: Addiction Inc., 4-part series (December 2017)

"The Giant Under Attack" , "In Pursuit of Liquid Gold" , "City of Addict Entrepreneurs" , "A Doctor with a Phone and a Mission"

This series includes information about the "business" of treatment and urine analysis (UA), and personal stories of people who were accessing treatment in various parts of the country. UAs have become a very profitable industry; national corporate treatment programs are buying small local providers, and offering intensive outpatient services by day, and sober living at night (client pays rent in sober living housing). The series demonstrates implications for the industry as it becomes more profit-driven and the need to maintain standards of quality in treatment for individuals with complex health issues and needs.

Kids and Electronic Addiction

New York Times "Is Your Child a Phone Addict" (January 2018)

The constant feedback loop creates Fear Of Missing Out (FOMO). References a 10-point questionnaire as a general assessment; cell phone use needs to be deliberate; need regular off-line time daily, and at least once a year for several days (family vacation, trips etc.). Also discusses the importance of removing phone from bedroom at night.

New York Times "Are Teenagers Replacing Drugs with Smartphones?" (March 2017)

Looks at minor decrease in drug use by teens over the past decade (with the exception of marijuana) and hypothesizes about the correlation between decreased drug use and increased phone and tablet use. Reviews NIDA's plan to conduct research on the issue. References a survey by Common Sense Media (2015) that found teens ages 13-18 averaged six and a half hours of screen media time per day on social media and other activities like video games. Also references a report from the Pew Research Center (2015) that found 24% of teens ages 13-17 report being online "almost constantly" and 73% had a smart phone or access to one (up from 45% in 2007).

Common Sense “New Report Finds Teens Feel Addicted to Their Phones, Causing Tension at Home”
(2016)

- One out of every two teens feels addicted to his or her device and the majority of parents (59%) feel their children are addicted
- 72% of teens and 48% of parents feel the need to immediately respond to texts, social-networking messages and other notifications; 69% of parents and 78% of teens check their devices at least hourly
- 77% of parents feel their children get distracted by their devices and don't pay attention when they're together at least a few times per week
- One-third of parents and teens (36% and 32% respectively) say they argue with each other daily about device use
- 56% of parents admit they check their mobile devices while driving; 51% of teens see their parents checking/using their mobile devices while driving

New York Post “It's ‘Digital Heroin’: How Screens Turn Kids into Psychotic Junkies” (August 2016)

- Brain imaging shows that the use of iPads, smartphones and Xboxes affect the brain's frontal cortex (which controls executive functioning including impulse control) in the same way cocaine does
- Technology raises dopamine levels
- Clinical studies show that screens increase depression, anxiety and aggression
- Dr. Kimberly Young (“Internet Addiction”) indicates that 18% of college-age internet users in the US suffer from tech addiction

New York Times “I Can't Stop: Schools Struggle with Vaping Explosion” (April 2018)

- Cites school and health officials indicating that “Nicotine is very addictive, the pods in vaping devices have a higher concentration of nicotine than do individual cigarettes”
- References a growing body of research that indicates vaping is a gateway for adolescents to begin smoking cigarettes
- References 2017 Monitoring the Future survey on adolescent drug use which indicates 24% of high school seniors reported vaping daily

University of Kansas Law School (May 2017), “Juvenile Law in Kansas after SB367: What's Changed, What's Next”

Article outlines the impact of Senate Bill 367 – a comprehensive juvenile reform bill that passed in the 2016 legislative session in order to reduce unnecessary detention of juveniles and implement evidence-based, community alternatives.

Indicator Data

2017 County Health Rankings Kansas Data (Robert Wood Johnson Foundation)

The following table reflects the number or percentage of adults based on self-reporting in the survey.

Indicator	Kansas	Johnson County
Excessive Drinking	17%	19%
Adult Smoking	18%	11%
Poor Mental Health Days	3.2	2.7
Drug Overdose Deaths	992	150
Uninsured Adults	14% (246,208)	9% (32,584)

*2014 National Survey on Drug Use and Health (NSDUH)

2014 NSDUH Including Sub Regions	US	Kansas	KC Metro
Drug Use Age 12 and Over	Estimated %	Estimate %	Estimate %
Illicit Drug Use in the Past Month	9.58%	6.78%	7.59%
Illicit Drug Dependence in the Last Year	2.70%	2.25%	2.11%
Binge Alcohol Use in Last Month	22.94%	24.59%	25.59%
Alcohol Dependence or Abuse in the Past Year	6.60%	7.06%	6.83%
Needing but Not Receiving Treatment in the Last Year	2.40%	1.99%	1.90%
Tobacco Use in Last Month	25.81%	27.53%	25.02%

*2016 data are available but do not include sub-region.

Substance Abuse Assessment Data (Source: Heartland Regional Alcohol and Drug Assessment Center)

HRADAC completes clinical substance abuse assessments in 76 counties throughout the State of Kansas.

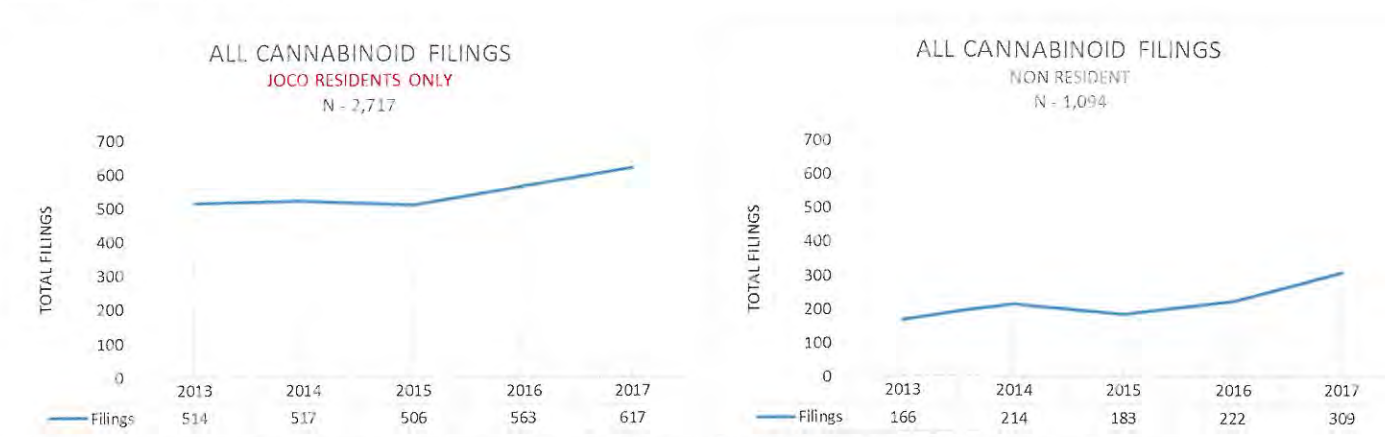
This does not represent all assessments completed in these counties as some are completed by other providers. Data are not currently available from the state so this is presented as a proxy measure.

Primary Diagnosis	All HRADAC		Johnson County	
	#	%	#	%
Alcohol Use Disorder	1541	24%	318	39%
Cannabis Use Disorder	1035	16%	119	14%
Hallucinogen Use Disorder	15	0%	4	0%
Inhalant Use Disorder	11	0%	2	0%
No Diagnosis	855	13%	77	9%
Opioid Use Disorder	382	6%	74	9%
Other/unknown Substance Use Disorder	15	0%	7	1%
Phencyclidine (PCP) Use Disorder	60	1%	3	0%
Sedative, Hypnotic, or Anxiolytic Use Disorder	30	0%	5	1%
Stimulant Use Disorder - Amphetamine Type	2350	36%	196	24%
Stimulant Use Disorder – Cocaine	229	4%	16	2%
Stimulant Use Disorder - Other/Unspecified	13	0%	1	0%
Total	6,536	100%	822	100%

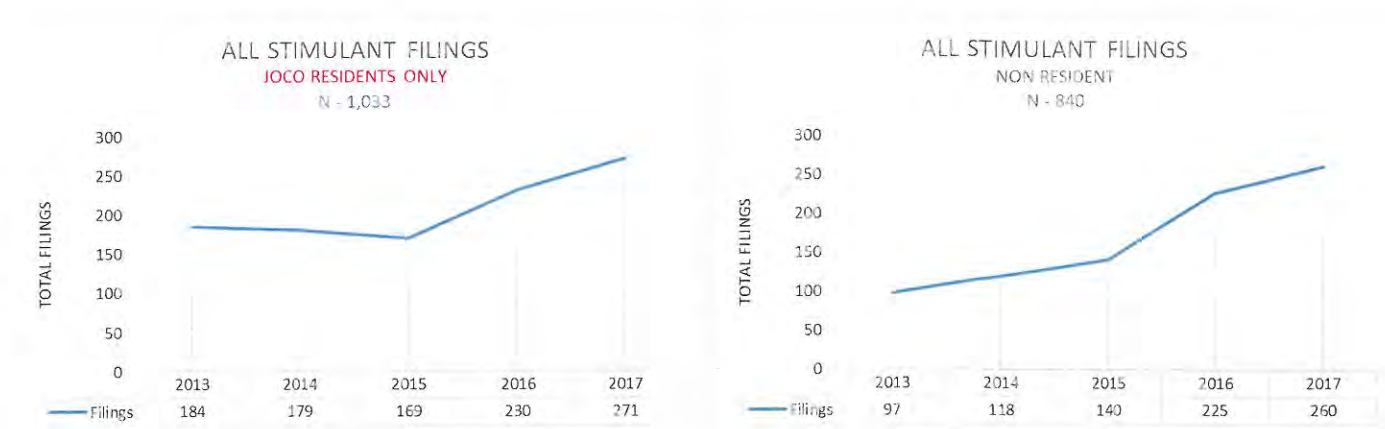
Recommendation	All HRADAC		Johnson County	
	#	%	#	%
Level .5 – Early Intervention	38	1%	18	2%
Level I – Outpatient Treatment	2433	37%	356	43%
Level II – Intensive Outpatient Treatment	529	8%	53	6%

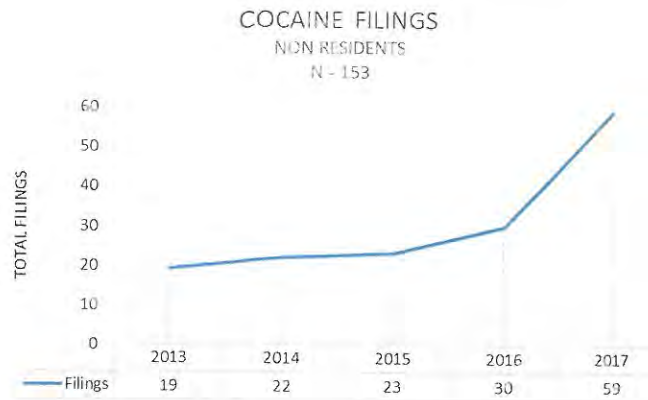
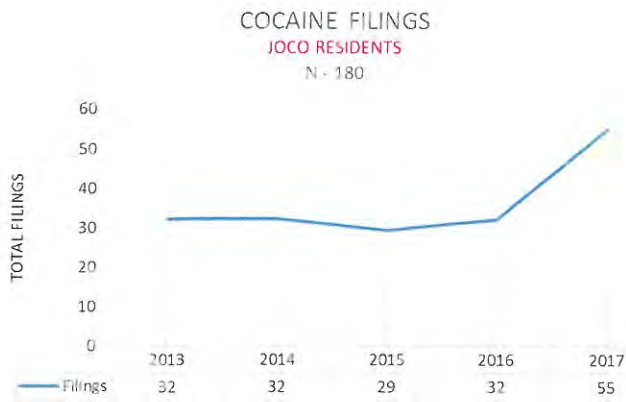
	All HRADAC		Johnson County	
Level III.1 – Reintegration	46	1%	4	0%
Level III.2-D – Social Detox	10	0%	1	0%
Level III.3 – Intermediate Treatment – Adult	1852	28%	214	26%
Level III.5 – Intermediate Treatment – Adolescent	36	1%	7	1%
No Treatment Recommended	1591	24%	169	21%
Referred to Case Management Only	1	0%	0	0%
Total	6,536	100%	822	100%

Annual Trends in Drug Filings in Johnson County Court (Source: Johnson County Justice Information Management System)

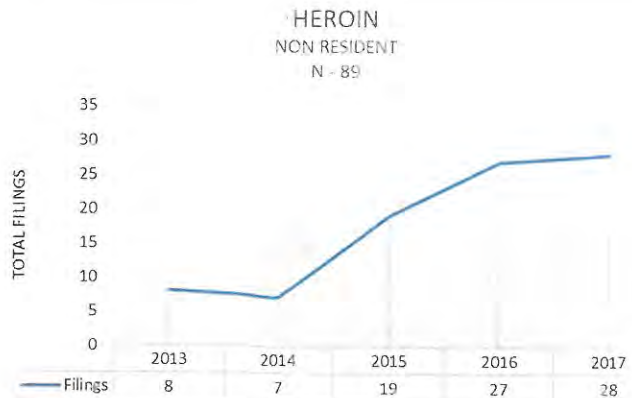
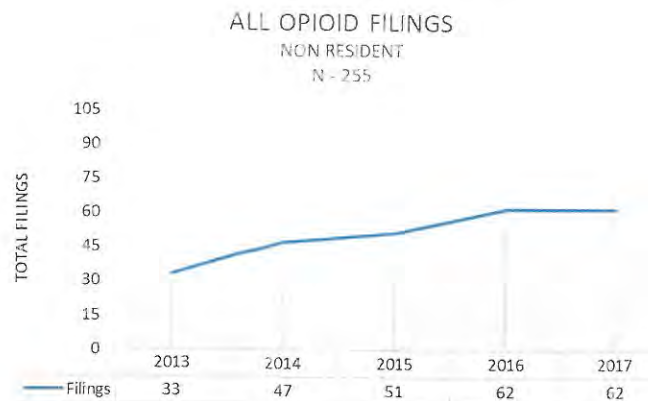
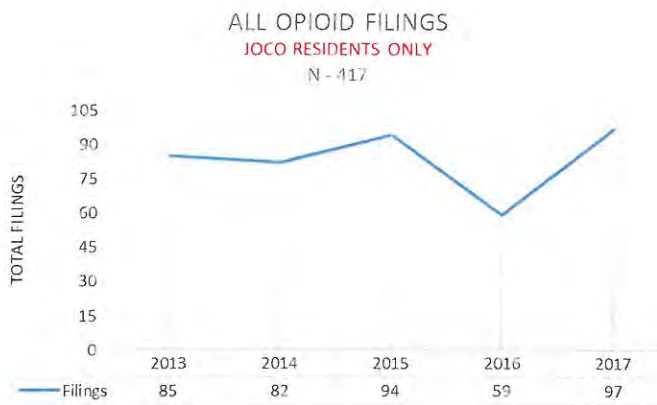


Note: There was a 39% increase in cannabinoid filings from 2016-2017 for non-residents.





Note: From 2013 to 2017, there was a 72% increase in cocaine filings on Johnson County residents and a 97% increase in non-resident filings. Additionally, methamphetamine filings have continued to steadily increase.



Johnson County Kansas Crime Laboratory Drug Identification Statistics (Source: Johnson County Sheriff's Office Criminalistics Laboratory)

The following table (page 11) reflects the results of substances tested for trials from all municipalities in Johnson County for the past ten years. The drugs listed were identified based on materials that were seized by law enforcement officers at the time of arrest, traffic stop, or of a crime, and are tested for evidence in criminal trials. All drugs seized are not submitted for testing. These results are included in this report to demonstrate the various types of illegal substances that are present in Johnson County.

Category	Total 2006	Total 2007	Total 2008	Total 2009	Total 2010	Total 2011	Total 2012	Total 2013	Total 2014	Total 2015	Total 2016*
Designer Drugs	6	12	35	197	220	89	258	111	80	83	48
MDMA	92	69	35	64	50	96	60	143	77	30	22
Pseudo/Ephed	1	1	0	0	0	1	1	0	2	0	1
Methamphetamine	364	426	214	290	237	194	422	549	484	590	683
Steroids	9	1	15	11	44	139	28	10	11	10	60
Pharmaceuticals	135	258	266	477	544	398	528	1070	616	590	827
Cocaine	666	459	296	375	385	232	155	170	175	95	140
Heroin	4	13	30	97	56	63	55	46	71	79	131
Cathine/Cathinone (Khat)	2	2	0	49	0	0	0	0	0	0	15
Ketamine	18	18	3	19	1	7	0	0	0	0	0
GHB/GBL	1	1	3	4	0	4	1	1	0	0	0
PCP	3	3	3	4	4	5	6	16	4	11	9
LSD	2	6	5	1	24	11	8	2	16	4	50
Marijuana/THC	1417	2176	1376	1488	2053	2101	1672	1575	1698	1915	2057
Psilocin/Bufotenine	37	23	7	10	13	34	26	33	30	13	46
Synthetic Cannabinoids					410	1123	649	654	315	137	66
Substituted Cathinones	0	0	0	1	27	220	179	284	71	19	1
Opium	0	0	0	0	0	0	1	0	0	0	0
Presence Not Confirmed	0	0	0	0	0	0	4	0	0	0	0
No Controlled Substance	228	193	181	296	514	607	638	491	498	373	360
Quantity Not Sufficient	41	45	59	21	24	36	19	19	10	16	30
Miscellaneous	3	0	0	16	33	13	25	22	27	37	44
Total	3029	3706	2528	3420	4639	5373	4735	5196	4185	4002	4590

*2016 data is through December 5, 2016 when the computer system changed.

2016 Top 10 Compounds*	Items
Marijuana	1541
Methamphetamine	683
Tetrahydrocannabinol (THC)	516
Alprazolam	384
No controlled substances	360
Cocaine	140
Heroin	131
Amphetamine	92
Oxycodone	82
Lysergic acid diethylamide (LSD)	50

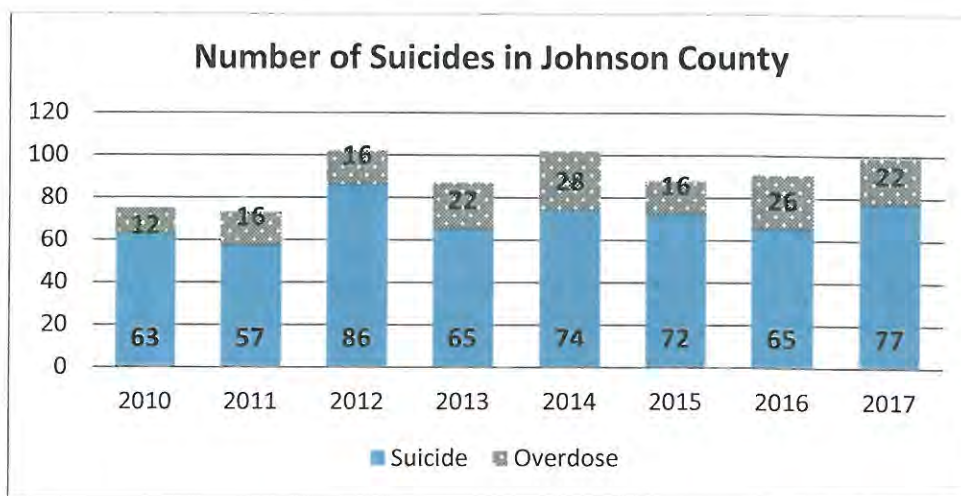
2016 Top 10 Pharmaceuticals	Items
Alprazolam	384
Amphetamine	92
Oxycodone	82
Morphine	42
Hydrocodone	40
Clonazepam	37
Diazepam	23
Zolpidem	16
Buprenorphine	15
Methylphenidate	13

*Compounding includes the combining or mixing of two or more drugs

Suicide

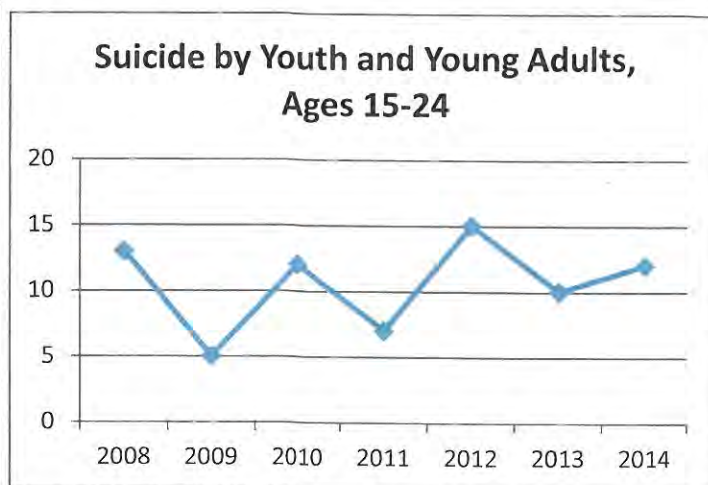
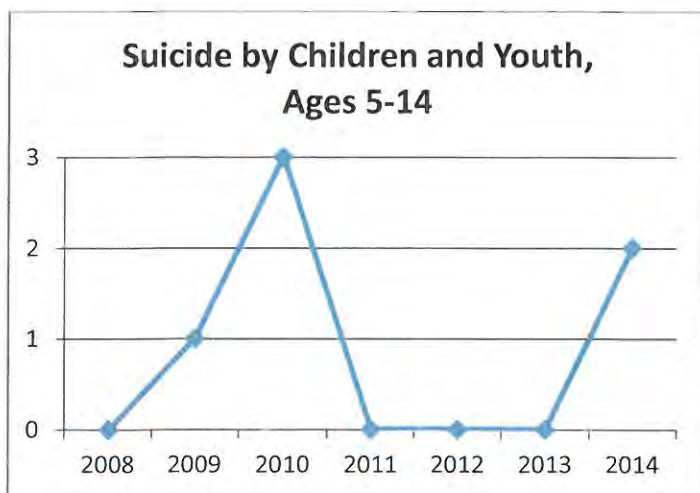
Alcohol and drug use is recognized as a contributing factor to some suicide attempts and completions. A recent report from Kansas Health Institute (KHI) stated, “suicide often occurs because of a complex combination of factors including mental disorders, substance abuse, and other treatable illnesses. It is included with drug overdoses and alcohol-related liver mortality in what have been called ‘Deaths of Despair’ by some researchers” (Death by Suicide: Disparities in the Sunflower State, KHI 2018).

The following table documents the number of suicides, including those caused by overdose in Johnson County between 2010 and 2017 according to the Johnson County Sheriff’s Coroner Call-out Log.



Suicide in Johnson County –Practicum Report by Gabriel Hawkins, MA (2016) submitted to the Department of Preventive Medicine and Public Health and the Faculty of the Graduate School of the University of Kansas.

This practicum report includes suicide trends for multiple age groups according to Kansas death certificates between the years of 2008 and 2014. Demographically, white middle-aged men (between 45-54) showed multiple risk factors for suicide. The following two tables demonstrate total suicides between 2008 and 2014 for Johnson County individuals 5 to14 years-old and 15 to 24 years-old. The Kansas Health Institute report indicates that suicide is the second-leading cause of death for individuals 15 to 24 years-old (KHI 2018).



Alcohol Related Crashes in Kansas and in Johnson County
KS Department of Transportation Fact Book on Crash Data (2006-2016)

Kansas	Total Crashes	Total Alcohol Related	% Alcohol Related	Johnson County	Total Crashes	Total Alcohol Related	% Alcohol Related
2006	65,460	3,210	5%	2006	12,271	492	4%
2007	70,589	3,292	5%	2007	12,610	528	4%
2008	65,858	3,366	5%	2008	11,538	489	4%
2009	61,173	3,120	5%	2009	10,106	443	4%
2010	60,634	2,820	5%	2010	10,785	448	4%
2011	60,082	2,569	4%	2011	10,978	390	4%
2012	58,245	2,683	5%	2012	10,566	401	4%
2013	58,472	2,394	4%	2013	9,703	351	4%
2014	59,533	2,400	4%	2014	10,665	395	4%
2015	60,473	2,310	4%	2015	11,309	389	3%
2016	61,844	2,211	4%	2016	12,273	400	3%

Johnson County Med-Act Narcan Administrations (Source: Johnson County EMS System)

The following table reflects the total number of times Johnson County Med-Act administered Narcan (naloxone) to unconscious individuals when a potential overdose was suspected. This medication is designed to rapidly reverse opioid overdoses. FirstWatch Trigger is a software that is used by the county to continually mine medical records and search for free text in the narrative referencing “heroin” or “opioids.” These measures are presented together because there are occasions when Narcan is administered and the individual is not revived (not opioid overdose), as well as times when two doses of Narcan are administered.

Year	2017	2016	2015	2014	2013	2012	2011	2010
Total # Narcan Administrations	273	268	264	234	219	244	257	219
FirstWatch Trigger		273	212	161				

Additional Supporting Information

Vaping

Use of electronic cigarettes also referred to as vape pens has become a national trend for both adolescents and adults. Vaping devices utilize liquid forms of nicotine and other substances to create an inhalable vapor. Vaping has become a popular way to consume many forms of drugs including:

- Liquid THC
- Bath Salts
- Flakka
- Hash Oil
- Synthetic marijuana
- Psychedelics

Interviews with Johnson County Sheriff's Office, and Johnson County Adolescent for Treatment (ACT) indicate:

- Many people are vaping THC oil which does not smell; people vape it in public places and while driving.
- 100% of ACT residents who were asked, said if they were a non-smoker, they would be willing to try an E-Cig for the first time rather than smoking a regular cigarette.
- 100% of ACT residents who were asked, agreed they know students at their school who were not drug users prior to E-Cigs, but started using drugs after they began using E-cigarettes.
- ACT residents report they have used E-cigarettes to inhale other drugs such as Hash Oil, K2 Oil, etc. Many report they had smoked an E-Cig while in school attending a class.

SAMHSA Federal Update: Brief summary of presentation to DAC in November 2017 by Kimberly Nelson, SAMHSA Regional Administrator

Opioids are a pressing issue that has hit the Midwest. Naloxone, the opioid reversal drug, can be purchased with state prevention funding, if allowed by the state. Naloxone is costly, but important for first responders. The President's budget suggests a cut to the SAMHSA budget, but Congress still must finalize his recommendations. The Kansas block grant has been released and it includes a reduction in funds for mental health (community mental health centers will be impacted). Some states are expanding access to medication assisted treatment (very few such options in Kansas). Federal legislation has encouraged states to allow nurse practitioners and physician assistants to prescribe medication assisted treatment. Kansas has this option in place, extending the reach of physicians and promoting access. Serious mental illness is also a priority, but less clearly formulated to date. The [White House Opioid report](#) has recently been released and contains 55 recommendations. The [National Survey on Drug Use and Health](#) data was recently released.

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Common Sense "New Report Finds Teens Feel Addicted to Their Phones, Causing Tension at Home" (2016) <https://www.common Sense media.org/about-us/news/press-releases/new-report-finds-teens-feel-addicted-to-their-phones-causing-tension-at>

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“City of Addict Entrepreneurs” (<https://www.nytimes.com/interactive/2017/12/27/business/new-drug-rehabs.html>)

“A Doctor with a Phone and a Mission” (<https://www.nytimes.com/interactive/2017/12/27/business/drug-addiction-ads.html>)

New York Times **“Is Your Child a Phone Addict”** (January 2018)

<https://www.nytimes.com/2018/01/17/well/family/is-your-child-a-phone-addict.html>)

New York Times **“Are Teenagers Replacing Drugs with Smartphones?”** (March 2017)

<https://www.nytimes.com/2017/03/13/health/teenagers-drugs-smartphones.html?action=click&contentCollection=Well&module=RelatedCoverage®ion=EndOfArticle&pgtype=article>)

New York Times **“I Can’t Stop: Schools Struggle with Vaping Explosion”** (April 2018)

<https://www.nytimes.com/2018/04/02/health/vaping-ecigarettes-addiction-teen.html>)

Reach Healthcare Foundation and Mid-America Regional Council **“2015 Regional Health Assessment for Greater Kansas City”** (www.reachhealth.org and www.marc.org)

Robert Wood Johnson Foundation, **“2017 County Health Rankings: Kansas”**

(<http://www.countyhealthrankings.org/explore-health-rankings/rankings-reports/2017-county-health-rankings-key-findings-report>)

Substance Abuse and Mental Health Services Administration (SAMHSA): Briefing on Substance Use and Treatment and Recovery in the United States

https://www.samhsa.gov/sites/default/files/partnersforrecovery/docs/Briefing_Substance_Use_Treatment.pdf

SAMHSA: **“Key Substance Use and Mental Health Indicators in the United States: Results from the 2016 National Survey on Drug Use and Health”** (<https://www.samhsa.gov/data/sites/default/files/NSDUH-FFR1-2016/NSDUH-FFR1-2016.htm>)

SAMHSA (2014), **“Understanding the Connection Between Suicide and Substance Abuse: What the Research Tells Us”** (<https://www.samhsa.gov/capt/tools-learning-resources/understanding-connection-suicide-substance-abuse>)

University of Kansas, Department of Preventative Medicine and Public Health, **“Suicide in Johnson County – Practicum Report by Gabriel Hawkins, MA”** (2016)

University of Kansas Law School (May 2017), **“Juvenile Law in Kansas after SB367: What’s Changed, What’s Next”** (<https://law.ku.edu/sites/law.ku.edu/files/docs/recent-developments/2017/derousse-materials-juvenile-law.pdf>)

US Department of Health and Human Services, **“Healthy People 2020”** <https://www.healthypeople.gov/>

APPENDIX

**Appendix 1: Contributing Jurisdictions to 2018 Alcohol Tax Fund (ATF)
2018 Drug and Alcoholism Council Membership
2019-2021 ATF Funding Priorities Task Force**

Contributing Jurisdictions to 2018 Alcohol Tax Fund

Johnson County, Gardner, Leawood, Lenexa, Merriam, Mission, Olathe, Overland Park, Prairie Village and Shawnee

2018 DAC Membership

Judge Jenifer Ashford*
10th Judicial District

Major David Brown
City of Lenexa Representative

Captain Troy Duvanel
City of Merriam Representative

Jennifer Granger
SAIC

Nikki Green
Shawnee Mission Medical
Center

Jill Grube
City of Shawnee Representative

Brad Hart
Healthcare Foundation of Greater
Kansas City

Jen Jordan-Spence
City of Gardner
Representative

Martha Lapietra, MD
IPC-The Hospitalist Company

Cathy Lawless
City of Leawood Representative

Emily Meissen-Sebelius
City of Prairie Village
Representative

Jaime Murphy
City of Overland Park
Representative

Christina O'Neil
O'Neil on Barkley

Chris Oliver*
Shawnee Mission School
District

Major Daryl Reece
Johnson County Sheriff's Office

Liana Riesinger
City of Mission Representative

Rev. Kevin Schutte
Johnson County BOCC
Representative

Jill Vincente
City of Olathe Representative

Charlene Whitney*
Community Volunteer

**Ex Officio Member (non-voting)*

2019-2021 ATF Funding Priorities Task Force

Honorable Jenifer Ashford, 10th Judicial District

Major David Brown, Retired Lenexa Police Department

Jen Jordan-Spence, City of Gardner, Grant Program Coordinator

Cathy Lawless, Community Volunteer

Marya Schott, United Community Services, Director of Resource Allocation

Megan Toal, Consultant, Toal and Associates

Appendix 2: 2018 DAC Members and Key Stakeholders Interviewed for Report 2018 ATF Providers

2018 DAC Members and Key Stakeholders Interviewed for this Report

Charles Bartlett, Kansas Department for Aging and Disability Services (KDADS)
Dr. Martha Lapietra, Cottonwood Springs Hospital and IPC-The Hospitalist Company (DAC)
Susan Sherman, City of Olathe
Danielle Dulin, City of Lenexa
Jen Jordan-Spence, City of Gardner (DAC)
Nikki Green, Shawnee Mission Medical Center (DAC)
Margo Quiriconi, Children’s Mercy Hospital, Community Health Initiatives
Robert Sullivan, Johnson County Department of Corrections
Major Daryl Reece, Johnson County Sheriff’s Office (DAC)
Brad Hart, Healthcare Foundation of Greater Kansas City (DAC)
Kevin Kufeldt, Johnson County Adolescent Center for Treatment (ACT)

2018 ATF Prevention, Intervention and Treatment Providers Surveyed for this Report

(Surveys were anonymous.)

Blue Valley School District, USD 229
De Soto School District, USD 232
Olathe School District, USD 233
Shawnee Mission School District, USD 512
Spring Hill School District, USD 230
Artists Helping the Homeless
Boys and Girls Club of Greater Kansas City, Olathe Club
Cornerstones of Care
First Call Alcohol/Drug Prevention & Recovery
Friends of Recovery Association (Oxford Houses)
Heartland Regional Alcohol and Drug Assessment Center
Johnson County Court Services
Johnson County Department of Corrections
Johnson County District Attorney’s Office
Johnson County Mental Health Center: Prevention Services and Dual Diagnosis Adult Outpatient Treatment/
Adult Detox Unit/Adolescent Center for Treatment
KidsTLC, Inc.
KVC Behavioral Healthcare, Inc.
Lorraine’s House, Inc.
Mirror, Inc.
Preferred Family Healthcare, Inc., Olathe Office
SAFEHOME, Inc.
The Family Conservancy

Appendix 3: 2017 Kansas Communities That Care

According to Greenbush/Southeast Kansas Education Service Center, "Reports showing Kansas Communities That Care (KCTC) Youth Survey data provide an objective profile of the problem behaviors, risk factors and protective factors that exist in your communities. This information highlights strengths and challenges, which help in the development of a focused prevention plan. Data from the KCTC Survey is used to help school and community planners assess current conditions and prioritize areas of greatest need. Each risk and protective factor can be linked to specific types of interventions that have been shown to be effective in either reducing risk(s) or enhancing protection(s). Survey results help schools and communities make key decisions regarding allocation of resources, how and when to address specific needs, and which strategies are most effective and known to produce results." (www.kctcdata.org)

The Kansas Communities That Care Survey is given to students in the 6th, 8th, 10th and 12th grades, usually between December 1 and January 31. The participation rate by Johnson County students dropped from 79-81% in 2012 through 2014, to 36% in 2017. Percentage of participation is based upon total number of 6th, 8th, 10th, and 12th grade students in the County (public and private schools). The lack of Johnson County survey data makes it less reliable for identifying county-wide trends (not statistically reflective of the County), however, individual school districts which administer the survey and have significant participation, are able to compare their district and building results over time.

2017 Johnson County Kansas Communities That Care Survey Data

- 53.9% of students report within past 12 months, they have talked to at least one parent about dangers of tobacco, alcohol, or drug use.
- 16.7% of students report they have tried cigarettes, e-cigarettes, vape pens or e-hookahs.

Alcohol is the most likely substance abused: 31.9% used at least once in lifetime; 19.5% used in past 30 days.

- Average age when had first drink was 13.8 years-old.
- Average age when began drinking one/two times per month was 15.3 years-old.
- 30-day alcohol use increased 194% from 8th grade to 10th grade (8.55% to 25.15%); and, it increased 86% from 10th grade to 12th grade (25.15% to 46.77%).

Marijuana

- 13.1% of surveyed students reported use of marijuana in their lifetime,
- 7.3% of survey students reported use of marijuana in past 30-days,
- The average age when first smoked marijuana was 14.8

Use of prescription pain relievers not prescribed

- 2% of students responded "at least once" to question asking number of occasions used during past 30 days.
- 5.5% percent of students responded "at least once" to question asking number of occasions used during lifetime.

Use of prescription stimulants not prescribed

- 2% percent of students responded "at least once" to question asking number of occasions used during past 30 days.
- 5.1% percent of students responded "at least once" to question asking number of occasions used over lifetime.

City of Mission	Item Number:	9.
ACTION ITEM SUMMARY	Date:	November 30, 2018
Administration	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

RE: Approval of contracts with the cities of Roeland Park, Fairway, Westwood, and Mission Woods to provide animal control services beginning January 1, 2019.

RECOMMENDATION: Approve the individual contracts with the cities of Roeland Park, Fairway, Westwood and Mission Woods to provide animal control services beginning January 1, 2019.

DETAILS: In May 1983, the cities of Fairway, Mission, Mission Woods, Roeland Park, Westwood, and Westwood Hills entered into an agreement to create the Northeast Animal Control Commission (NEACC). Since its formation, each member city has made an annual per capita contribution based on population figures established by the State, with all funds used exclusively to support the operation of NEACC.

In recent years, NEACC members have engaged in ongoing conversations regarding the quality and level of services received compared to costs. Various members have expressed a desire to leave the Commission and/or explore alternative service delivery methods. All six cities committed to the current agreement through the end of 2018 as alternatives were explored on a timeline that would allow each city's respective Governing Body to make decisions for the 2019 Budget.

After careful evaluation, Mission believed our residents would be better served if animal control services were provided in-house through hiring Community Service Officers (CSOs). These CSOs would not only provide animal control services, but a number of other peripheral functions within the Police Department as well. This recommendation was included in the 2019 Budget approved by the City Council in August 2018.

Recognizing that Mission's exit from NEACC would have a significant financial impact for the other NEACC cities, the City committed to offering animal control services to other current NEACC members on a contractual basis. Contract documents were developed and reviewed by all current NEACC member cities, and the respective Governing Bodies of Roeland Park, Fairway, Westwood and Mission Woods have all approved contracts to become effective January 1, 2019.

These contracts are now ready for review and approval by Mission's City Council. Staff will be seeking authority to execute the contract documents as presented.

CFAA CONSIDERATIONS/IMPACTS: NA

Related Statute/City Ordinance:	
Line Item Code/Description:	
Available Budget:	

RESOLUTION NO. 1010

A RESOLUTION ESTABLISHING THE CITY OF MISSION'S INTENT TO WITHDRAW FROM THE NORTH EAST ANIMAL CONTROL COMMISSION EFFECTIVE DECEMBER 31, 2018.

WHEREAS, the City of Mission, Kansas, entered into an Interlocal Cooperation Agreement, with an original effective date of May 1, 1983, with certain other Johnson County, Kansas, cities in order to provide jointly and cooperatively for the provision of animal control services for the participating cities, including Mission; and

WHEREAS, each of the participating cities declared that the provision of animal control services would be best attained by the cities cooperating in the management of such animal control services; and

WHEREAS, in order to accomplish their joint goals of providing and paying for animal control services within the participating cities, the participating cities entered into the Interlocal Cooperation Agreement, effective as of May 1, 1983, and created the Northeast Animal Control Commission (the "NEACC"); and

WHEREAS, the participating cities, including Mission, are now investigating alternative methods of providing animal control services within each jurisdiction; and

WHEREAS, the Governing Body of the City of Mission, Kansas has agreed to use an alternative method to provide animal control services within the city limits of Mission and to withdraw from the Northeast Animal Control Commission.


NOW, THEREFORE, LET IT BE RESOLVED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS:

Section 1. That the City Council hereby elects to terminate its participation in the Northeast Animal Control Commission as of December 31, 2018, pursuant to the termination provisions of the Interlocal Cooperation Agreement which created the NEACC.

BE IT FURTHER RESOLVED, that the City intends that this Resolution will serve as the City's written notice of its election to terminate its participation in the North East Animal Control Commission effective December 31, 2018.

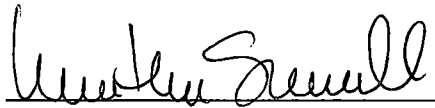
THIS RESOLUTION IS PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION, this 15th day of August 2018.

THIS RESOLUTION IS APPROVED BY THE MAYOR this 15th day of August 2018.



Ronald E. Appletoft, Mayor

ATTEST:



Martha Sumrall, City Clerk

ANIMAL CONTROL SERVICES AGREEMENT

THIS AGREEMENT, is entered into this ____ day of _____, 2018, between the City of Mission, Kansas, a municipal corporation, hereinafter referred to as “Mission,” and the City of Fairway, Kansas, a municipal corporation, hereinafter referred to as Fairway.

WHEREAS, Mission and Fairway share many of the same challenges and concerns related to the provision of animal control services; and

WHEREAS, effective January 1, 2019 Mission will no longer participate as a member of the North East Animal Control Commission (“NEACC”) and will provide animal control services in-house through the use of Community Service Officers (“CSOs”); and

WHEREAS, Mission is willing to partner with other former NEACC member cities to offer animal control services on a contractual basis annually; and

WHEREAS, Fairway desires to engage the services of Mission for the purpose of providing animal control services; and

WHEREAS, K.S.A. 12-2908, and amendments thereto, authorize the parties to enter into an agreement with each other for the performance of a governmental service, activity, or undertaking; and

WHEREAS, Mission and Fairway agree to accept the terms and conditions of this Agreement,

NOW, THEREFORE, in consideration of the above and foregoing recitals, the mutual promises and covenants hereinafter given, and for other good and valuable considerations, the parties hereto agree as follows:

A. Purpose. The parties hereto enter into this Agreement for the purpose of establishing the terms and conditions upon which Mission will provide certain animal control services to Fairway and upon which Fairway will share in the costs of such services and equipment.

B. Services Provided. Mission shall furnish to Fairway certain animal control services. For purposes of this Agreement, “Animal Control” shall mean enforcement of the animal control ordinances of Fairway regarding the pick-up, housing, placement, or impound, either temporary or permanent, of abandoned, abused, ill, injured, neglected, unwanted or at-large domestic or wild animals and the removal of certain dead animals. “Enforcement” shall mean fulfillment of the requirements of Fairway regarding pick-up and care of domestic or wild or running-at-large animals as described under their Code. Service delivery methods and any additional services desired by Fairway and agreed to by Mission are outlined in Exhibit A.

C. **Animal Control Ordinances.** It shall be the responsibility of Fairway to notify Mission immediately upon effective date of any changes to ordinances impacting animal control regulations in Fairway.

D. **Program Review and Analysis.** Mission and Fairway mutually agree that regular service delivery standards, including response times, were not tracked by NEACC. In order to better evaluate service delivery expectations, Mission will conduct an initial review and analysis of the services, including response times, in June 2019. Results of the analysis will be shared individually with Fairway as well as collectively with all cities currently contracting with Mission for animal control services. Adjustments to the services and pricing outlined in Exhibit A may be considered and implemented following mutual agreement of the parties. Thereinafter, an annual review of the program and services will be conducted each year in anticipation of contract renewal discussions.

E. **Pricing Structure.** The estimated costs of services and equipment to be provided under this Agreement were established through a proposed budget for 2019, mutually reviewed and agreed to by Fairway and the other participating former NEACC members. The budget and methodology used to establish the per call fee for 2019 is included as Exhibit B. The parties recognize that the actual costs for the items furnished may differ from those estimated. Fairway agrees to share in the costs of those services as billed to Fairway by Mission and due by March 1 of each year during the term of this agreement.

F. **Additional Services.** In addition to the response to animal control calls, Fairway may request additional services of a similar or related nature to be provided by Mission under this Agreement. In the event such services are requested and can be provided, Fairway agrees to share in the costs of such additional services, which may be purchased in fifty (50) hour increments in accordance with the terms outlined in Exhibit A

G. **Reports.** The Chief of Police of Mission shall, at least quarterly, submit to Fairway a complete written report of the animal control services provided. An annual report shall be provided no later than July 1 of each calendar year.

H. **Effective Date and Duration.** The initial term of this Agreement is January 1, 2019, through December 31, 2019, and this Agreement shall be automatically renewed utilizing the then current Attachment A, as updated from the June review process described in Section D above, unless Fairway provides notice of nonrenewal to Mission prior to October 1 of the then current calendar year. Either party may terminate this Agreement by giving ninety (90) days written notice to the other party.

In the event of termination by either party, Fairway is only responsible for the cost of services performed through the effective date of termination.

I. Hold Harmless. The Parties hereby agree that neither party shall have the obligation to indemnify the other for acts for which such party would otherwise be immune pursuant to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6104, et seq.) and amendments thereto, nor will the indemnity obligations set forth herein act as a waiver of either party's protections under such provisions, and further that any liability of the other party shall be subject to the liability limitations set forth in K.S.A.75-6105, and amendments thereto. Additionally, and notwithstanding anything set forth herein to the contrary, the Parties specifically agree that the terms of this section, and the terms of this agreement, shall be subject to and limited by the Kansas Cash Basis Law (K.S.A. 10-110 et seq.) and the Budget Law (K.S.A. 75-2935 et seq.), and amendments thereto.

Notwithstanding the foregoing, each party shall indemnify and hold harmless the other party from any and against all claims, losses, damages or costs arising from or in any way related to the negligent or intentional act, error, or omission of the indemnifying party, its officers, employees or agents, in performing under this Agreement, as may be permitted by law. Under no circumstances shall either party be liable for any indirect, incidental, special, punitive, or consequential damages or losses resulting from or related to the services provided by them pursuant to this Agreement.

J. Notices. Any notices required or permitted by this Agreement shall be in writing and shall be sent by U.S. mail, to the following:

TO MISSION: City of Mission, Kansas
Attn: Chief of Police
6090 Woodson
Mission, Kansas 66202

TO Fairway: City of Fairway, Kansas
Attn: Chief of Police
5252 Belinder Road
Fairway, KS 66205

K. Miscellaneous

1. The waiver of any breach of any provision of this Agreement shall not constitute a waiver of any subsequent breach of the same or other provisions herein.

2. This Agreement contains the entire understanding between the parties and supersedes all prior agreements or understandings between the parties with respect to the subject matter hereof.
3. Any modification or waiver of any provision in this Agreement shall not be effective unless made in writing.
4. This Agreement shall be governed by and construed in accordance with the laws of the State of Kansas.
5. Neither party shall assign, transfer, convey, subcontract, resell or otherwise dispose of this Agreement or any of the rights and obligations hereunder without the prior written consent of the other party.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in two (2) counterparts by their duly authorized representatives and made effective the day and year first above written.

THE CITY OF MISSION, KANSAS

By: _____
Ronald E. Appletoft, Mayor

ATTEST:

Martha Sumrall, City Clerk

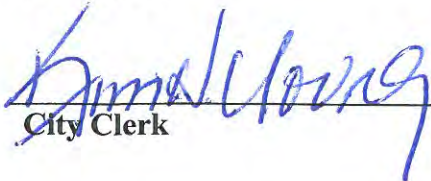
APPROVED AS TO FORM:

David K. Martin, City Attorney

THE CITY OF Fairway, KANSAS

By: 
Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:



City Attorney

EXHIBIT A
SERVICES AND COSTS

Pursuant to the terms and conditions outlined in the Agreement and the associated Exhibits, Mission agrees to provide the following animal control services to Fairway:

1. Response to animal control related calls provided by two Community Service Officers assigned to shifts as follows:

CSO1	Monday – Friday	7 a.m. to 3 p.m.
CSO2	Tuesday – Friday	3 p.m. to 11 p.m.
	Saturday	9 a.m. to 5 p.m.

2. Animal control calls received outside these hours will be handled by Fairway’s law enforcement personnel or others designated by Fairway. Fairway’s law enforcement personnel will also handle animal control calls in the event that shift coverage as outlined above is not available due to holiday schedules or other approved leave time.
3. Mission will use its best efforts to ensure that 90 percent of high priority calls are responded to by a CSO during regular CSO service hours on the day such call is received within 20 minutes of dispatch. High priority calls include those calls that pose an emergent danger to the community including:
 - a. animal bites;
 - b. vicious dogs;
 - c. injured animals;
 - d. police assist calls (police officer on scene requesting assistance from a CSO); and
 - e. animal cruelty.
4. Lower priority calls include all calls that are not high priority calls. These calls will be responded to by the call center staff over the telephone, referral to other resources, or by dispatching a CSO as necessary. Lower priority calls are non-emergent requests for service, including but not limited to:
 - a. patrol request – CSO requested to patrol a specific area due to possible code violations;
 - b. trespass
 - c. stray dog/cat/other animal confined;

EXHIBIT A
SERVICES AND COSTS

- d. barking dog; and
 - e. leash law violation.
5. Fairway will be required to provide for the pick-up and disposal of large dead or injured wildlife through other means.
 6. Mission will not be responsible for providing services or enforcement related to ordinances in Fairway as it may apply to accessory animal (meaning animals other than domesticated dogs and cats, such as chickens or bees) permitting. A specific list of accessory animals which may be included or excluded from the provisions of this agreement shall be addressed annually with Fairway.
 7. Fairway will be required to contribute a base fee of \$1,500 annually in order to receive services as outlined in this Agreement.
 8. In addition to the base fee, Fairway will be invoiced an annual per call fee which will be established based on the costs of providing animal control services to all cities contracting with Mission. Fairway's annual per call fee will be the annual per call rate multiplied by an average of the total animal control calls provided to Fairway in the three previous years. For purposes of this agreement, the service year for purposes of call calculation will be from July 1 through June 30. Fees will be invoiced January 1 of each year and will be due and payable no later than March 1 of each calendar year.
 9. As a part of the annual call calculation outlined above, if a difference in total annual calls greater than +/- 10%, excluding the base fee, occurs, Mission and Fairway agree that a corresponding credit or assessment will be billed at the conclusion of the fiscal year. Any credit may be applied to the next year's annual fees, and an assessment will be due and payable by March 1 of each calendar year.
 10. Pending agreement on the services to be provided, Fairway may purchase additional services (park patrol, etc.) in fifty hour increments at a cost of \$25/hour (2019 rate). Services may be purchased quarterly and the City of Mission will invoice Fairway with payment due 30 days from the date of the invoice. Service hours outside of those outlined in Item 1 above are not available for purchase. The cost of additional service hours will be reviewed and updated annually as a part of the per call rate calculation described in Section 8 above.

EXHIBIT B
ANNUAL PER CALL RATE

For purposes of this Agreement the Annual Per Call Rate for 2019 was established based on the following budget assumptions:

Category	2019 Estimated Budget	Notes:
<u>Personnel</u>		
Salaries	\$ 85,093	2 FT CSO's
Retirement Benefits	\$ 9,321	
Health/Welfare Benefits	\$ 45,780	
Taxes	\$ 6,399	
Sub-total Personnel	\$146,593	
45% of total Personnel	\$ 65,967	Assumes 45% of CSO's time is spent on animal control activities
<u>Contractuals</u>		
Legal/Professional Services	\$ 900	
Vehicle Insurance	\$ 1,672	
Taxes/Licenses	\$ 420	
Training/Education	\$ 1,000	
Animal Sheltering Services	\$ 7,000	
Cellular Phone Service	\$ 1,440	
Dead Animal Incineration	\$ 300	
Sub-total Contractuals	\$ 12,732	
<u>Commodities</u>		
Equipment	\$ 1,000	
Gasoline	\$ 3,480	
Office Supplies	\$ 180	
Vehicle Mtce/Supplies	\$ 1,800	
Sub-total Commodities	\$ 6,460	
<u>Capital</u>		
Truck	\$ 10,000	
Sub-total Capital	\$ 10,000	
Total Animal Control Expenses	\$ 95,159	

EXHIBIT B
ANNUAL PER CALL RATE

City	3 Year Call Average
Fairway	121
Mission	437
Mission Woods	8
Roeland Park	316
Westwood	82
Westwood Hills	16
Total all cities	980

1. Total annual calls (3 year average) for all NEACC members = 980
2. The per call rate was established by dividing the total animal control expenses by the three year call average for all NEACC cities. The per call rate was \$97/call which was rounded up to \$100
3. In each subsequent year, actual costs will be updated to establish a new annual per call rate.

ANIMAL CONTROL SERVICES AGREEMENT

THIS AGREEMENT, is entered into this 5th day of December , 2018, between the City of Mission, Kansas, a municipal corporation, hereinafter referred to as “Mission,” and the City of Mission Woods, a municipal corporation, hereinafter referred to as City of Mission Woods.

WHEREAS, Mission and City of Mission Woods share many of the same challenges and concerns related to the provision of animal control services; and

WHEREAS, effective January 1, 2019 Mission will no longer participate as a member of the North East Animal Control Commission (“NEACC”) and will provide animal control services in-house through the use of Community Service Officers (“CSOs”); and

WHEREAS, Mission is willing to partner with other former NEACC member cities to offer animal control services on a contractual basis annually; and

WHEREAS, The City of Mission Woods desires to engage the services of Mission for the purpose of providing animal control services; and

WHEREAS, K.S.A. 12-2908, and amendments thereto, authorize the parties to enter into an agreement with each other for the performance of a governmental service, activity, or undertaking; and

WHEREAS, Mission and the City of Mission Woods agree to accept the terms and conditions of this Agreement,

NOW, THEREFORE, in consideration of the above and foregoing recitals, the mutual promises and covenants hereinafter given, and for other good and valuable considerations, the parties hereto agree as follows:

A. Purpose. The parties hereto enter into this Agreement for the purpose of establishing the terms and conditions upon which Mission will provide certain animal control services to the City of Mission Woods and upon which City of Mission Woods will share in the costs of such services and equipment.

B. Services Provided. Mission shall furnish to City of Mission Woods certain animal control services. For purposes of this Agreement, “Animal Control” shall mean enforcement of the animal control ordinances of City of Mission Woods regarding the pick-up, housing, placement, or impound, either temporary or permanent, of abandoned, abused, ill, injured, neglected, unwanted or at-large domestic or wild animals and the removal of certain dead animals. “Enforcement” shall mean fulfillment of the requirements of City of Mission Woods regarding pick-up and care of domestic or wild or running-at-large animals as described under their Code. Service delivery methods and any

additional services desired by City of Mission Woods and agreed to by Mission are outlined in Exhibit A.

C. Animal Control Ordinances. It shall be the responsibility of City of Mission Woods to notify Mission immediately upon effective date of any changes to ordinances impacting animal control regulations in the City of Mission Woods.

D. Program Review and Analysis. Mission and the City of Mission Woods mutually agree that regular service delivery standards, including response times, were not tracked by NEACC. In order to better evaluate service delivery expectations, Mission will conduct an initial review and analysis of the services, including response times, in June 2019. Results of the analysis will be shared individually with the City of Mission Woods as well as collectively with all cities currently contracting with Mission for animal control services. Adjustments to the services and pricing outlined in Exhibit A may be considered and implemented following mutual agreement of the parties. Thereinafter, an annual review of the program and services will be conducted each year in anticipation of contract renewal discussions.

E. Pricing Structure. The estimated costs of services and equipment to be provided under this Agreement were established through a proposed budget for 2019, mutually reviewed and agreed to by the City of Mission Woods and the other participating former NEACC members. The budget and methodology used to establish the per call fee for 2019 is included as Exhibit B. The parties recognize that the actual costs for the items furnished may differ from those estimated. The City of Mission Woods agrees to share in the costs of those services as billed to the City of Mission Woods by Mission and due by March 1 of each year during the term of this agreement.

F. Additional Services. In addition to the response to animal control calls, the City of Mission Woods may request additional services of a similar or related nature to be provided by Mission under this Agreement. In the event such services are requested and can be provided, the City of Mission Woods agrees to share in the costs of such additional services, which may be purchased in fifty (50) hour increments in accordance with the terms outlined in Exhibit A

G. Reports. The Chief of Police of Mission shall, at least quarterly, submit to the City of Mission Woods a complete written report of the animal control services provided. An annual report shall be provided no later than July 1 of each calendar year.

H. Effective Date and Duration. The initial term of this Agreement is January 1, 2019, through December 31, 2019, and this Agreement shall be automatically renewed utilizing the then current Attachment A, as updated from the June review process described in Section D above, unless the City of Mission Woods provides notice of nonrenewal to Mission prior to October 1 of the then current

calendar year. Either party may terminate this Agreement by giving ninety (90) days written notice to the other party. In the event of termination by either party, the City of Mission Woods is only responsible for the cost of services performed through the effective date of termination.

I. Hold Harmless. The Parties hereby agree that neither party shall have the obligation to indemnify the other for acts for which such party would otherwise be immune pursuant to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6104, et seq.) and amendments thereto, nor will the indemnity obligations set forth herein act as a waiver of either party's protections under such provisions, and further that any liability of the other party shall be subject to the liability limitations set forth in K.S.A.75-6105, and amendments thereto. Additionally, and notwithstanding anything set forth herein to the contrary, the Parties specifically agree that the terms of this section, and the terms of this agreement, shall be subject to and limited by the Kansas Cash Basis Law (K.S.A. 10-110 et seq.) and the Budget Law (K.S.A. 75-2935 et seq.), and amendments thereto.

Notwithstanding the foregoing, each party shall indemnify and hold harmless the other party from any and against all claims, losses, damages or costs arising from or in any way related to the negligent or intentional act, error, or omission of the indemnifying party, its officers, employees or agents, in performing under this Agreement, as may be permitted by law. Under no circumstances shall either party be liable for any indirect, incidental, special, punitive, or consequential damages or losses resulting from or related to the services provided by them pursuant to this Agreement.

J. Notices. Any notices required or permitted by this Agreement shall be in writing and shall be sent by U.S. mail, to the following:

TO MISSION: City of Mission, Kansas
Attn: Chief of Police
6090 Woodson
Mission, Kansas 66202

TO City of Mission Woods: City of Mission Woods, Kansas
Attn: Shelley Floyd
4700 Rainbow Blvd.
Westwood Kansas 66205

K. Miscellaneous

1. The waiver of any breach of any provision of this Agreement shall not constitute a waiver of any subsequent breach of the same or other provisions herein.

2. This Agreement contains the entire understanding between the parties and supersedes all prior agreements or understandings between the parties with respect to the subject matter hereof.
3. Any modification or waiver of any provision in this Agreement shall not be effective unless made in writing.
4. This Agreement shall be governed by and construed in accordance with the laws of the State of Kansas.
5. Neither party shall assign, transfer, convey, subcontract, resell or otherwise dispose of this Agreement or any of the rights and obligations hereunder without the prior written consent of the other party.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in two (2) counterparts by their duly authorized representatives and made effective the day and year first above written.

THE CITY OF MISSION, KANSAS

By: _____
Ronald E. Appletoft, Mayor

ATTEST:

Martha Sumrall, City Clerk

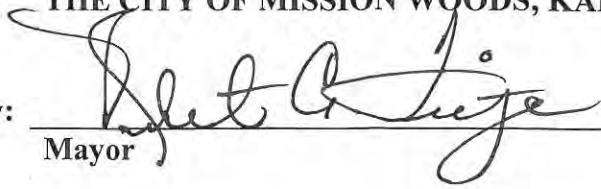
APPROVED AS TO FORM:

David K. Martin, City Attorney

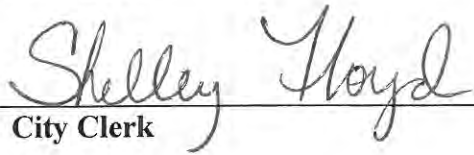
THE CITY OF MISSION WOODS, KANSAS

By:

Mayor

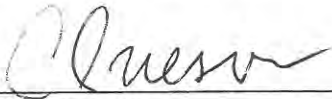
A handwritten signature in cursive script, appearing to read "Dale G. Lige", written over a horizontal line.

ATTEST:

A handwritten signature in cursive script, appearing to read "Shelley Hoyd", written over a horizontal line.

City Clerk

APPROVED AS TO FORM:

A handwritten signature in cursive script, appearing to read "C. Querson", written over a horizontal line.

City Attorney

**EXHIBIT A
SERVICES AND COSTS**

Pursuant to the terms and conditions outlined in the Agreement and the associated Exhibits, Mission agrees to provide the following animal control services to the City of Mission Woods:

1. Response to animal control related calls provided by two Community Service Officers assigned to shifts as follows:

CSO1	Monday – Friday	7 a.m. to 3 p.m.
CSO2	Tuesday – Friday	3 p.m. to 11 p.m.
	Saturday	9 a.m. to 5 p.m.

2. Animal control calls received outside these hours will be handled by the City of Mission Woods’s law enforcement personnel or others designated by the City of Mission Woods’s law enforcement personnel will also handle animal control calls in the event that shift coverage as outlined above is not available due to holiday schedules or other approved leave time.
3. Mission will use its best efforts to ensure that 90 percent of high priority calls are responded to by a CSO during regular CSO service hours on the day such call is received within 20 minutes of dispatch. High priority calls include those calls that pose an emergent danger to the community including:
 - a. animal bites;
 - b. vicious dogs;
 - c. injured animals;
 - d. police assist calls (police officer on scene requesting assistance from a CSO); and
 - e. animal cruelty.
4. Lower priority calls include all calls that are not high priority calls. These calls will be responded to by the call center staff over the telephone, referral to other resources, or by dispatching a CSO as necessary. Lower priority calls are non-emergent requests for service, including but not limited to:
 - a. patrol request – CSO requested to patrol a specific area due to possible code violations;
 - b. trespass
 - c. stray dog/cat/other animal confined;

EXHIBIT A
SERVICES AND COSTS

- d. barking dog; and
 - e. leash law violation.
5. The City of Mission Woods will be required to provide for the pick-up and disposal of large dead or injured wildlife through other means.
 6. Mission will not be responsible for providing services or enforcement related to ordinances in the City of Mission Woods as it may apply to accessory animal (meaning animals other than domesticated dogs and cats, such as chickens or bees) permitting. A specific list of accessory animals which may be included or excluded from the provisions of this agreement shall be addressed annually with the City of Mission Woods.
 7. The City of Mission Woods will be required to contribute a base fee of \$1,500 annually in order to receive services as outlined in this Agreement.
 8. In addition to the base fee, the City of Mission Woods will be invoiced an annual per call fee which will be established based on the costs of providing animal control services to all cities contracting with Mission. The City of Mission Wood's annual per call fee will be the annual per call rate multiplied by an average of the total animal control calls provided to the City of Mission Woods in the three previous years. For purposes of this agreement, the service year for purposes of call calculation will be from July 1 through June 30. Fees will be invoiced January 1 of each year and will be due and payable no later than March 1 of each calendar year.
 9. As a part of the annual call calculation outlined above, if a difference in total annual calls greater than +/- 10%, excluding the base fee, occurs, Mission and the City of Mission Woods agree that a corresponding credit or assessment will be billed at the conclusion of the fiscal year. Any credit may be applied to the next year's annual fees, and an assessment will be due and payable by March 1 of each calendar year.
 10. Pending agreement on the services to be provided, the City of Mission Woods may purchase additional services (park patrol, etc.) in fifty hour increments at a cost of \$25/hour (2019 rate). Services may be purchased quarterly and the City of Mission will invoice the City of Mission Woods with payment due 30 days from the date of the invoice. Service hours outside of those outlined in Item 1 above are not available for purchase. The cost of additional service hours will

be reviewed and updated annually as a part of the per call rate calculation described in Section 8 above.

**EXHIBIT B
ANNUAL PER CALL RATE**

For purposes of this Agreement the Annual Per Call Rate for 2019 was established based on the following budget assumptions:

Category	2019 Estimated Budget	Notes:
<u>Personnel</u>		
Salaries	\$ 85,093	2 FT CSO's
Retirement Benefits	\$ 9,321	
Health/Welfare Benefits	\$ 45,780	
Taxes	\$ 6,399	
Sub-total Personnel	\$146,593	
45% of total Personnel	\$ 65,967	Assumes 45% of CSO's time is spent on animal control activities
<u>Contractuals</u>		
Legal/Professional Services	\$ 900	
Vehicle Insurance	\$ 1,672	
Taxes/Licenses	\$ 420	
Training/Education	\$ 1,000	
Animal Sheltering Services	\$ 7,000	
Cellular Phone Service	\$ 1,440	
Dead Animal Incineration	\$ 300	
Sub-total Contractuals	\$ 12,732	
<u>Commodities</u>		
Equipment	\$ 1,000	
Gasoline	\$ 3,480	
Office Supplies	\$ 180	
Vehicle Mtce/Supplies	\$ 1,800	
Sub-total Commodities	\$ 6,460	
<u>Capital</u>		
Truck	\$ 10,000	
Sub-total Capital	\$ 10,000	
Total Animal Control Expenses	\$ 95,159	

EXHIBIT B
ANNUAL PER CALL RATE

City	3 Year Call Average
Fairway	121
Mission	437
Mission Woods	8
Roeland Park	316
Westwood	82
Westwood Hills	16
Total all cities	980

1. Total annual calls (3 year average) for all NEACC members = 980
2. The per call rate was established by dividing the total animal control expenses by the three year call average for all NEACC cities. The per call rate was \$97/call which was rounded up to \$100
3. In each subsequent year, actual costs will be updated to establish a new annual per call rate.

ANIMAL CONTROL SERVICES AGREEMENT

THIS AGREEMENT, is entered into this ____ day of _____, 2018, between the City of Mission, Kansas, a municipal corporation, hereinafter referred to as “Mission,” and the City of Roeland Park, a municipal corporation, hereinafter referred to as Roeland Park.

WHEREAS, Mission and Roeland Park share many of the same challenges and concerns related to the provision of animal control services; and

WHEREAS, effective January 1, 2019 Mission will no longer participate as a member of the North East Animal Control Commission (“NEACC”) and will provide animal control services in-house through the use of Community Service Officers (“CSOs”); and

WHEREAS, Mission is willing to partner with other former NEACC member cities to offer animal control services on a contractual basis annually; and

WHEREAS, Roeland Park desires to engage the services of Mission for the purpose of providing animal control services; and

WHEREAS, K.S.A. 12-2908, and amendments thereto, authorize the parties to enter into an agreement with each other for the performance of a governmental service, activity, or undertaking; and

WHEREAS, Mission and Roeland Park agree to accept the terms and conditions of this Agreement,

NOW, THEREFORE, in consideration of the above and foregoing recitals, the mutual promises and covenants hereinafter given, and for other good and valuable considerations, the parties hereto agree as follows:

A. Purpose. The parties hereto enter into this Agreement for the purpose of establishing the terms and conditions upon which Mission will provide certain animal control services to Roeland Park and upon which Roeland Park will share in the costs of such services and equipment.

B. Services Provided. Mission shall furnish to Roeland Park certain animal control services. For purposes of this Agreement, “Animal Control” shall mean enforcement of the animal control ordinances of Roeland Park regarding the pick-up, housing, placement, or impound, either temporary or permanent, of abandoned, abused, ill, injured, neglected, unwanted or at-large domestic or wild animals and the removal of certain dead animals. “Enforcement” shall mean fulfillment of the requirements of Roeland Park regarding pick-up and care of domestic or wild or running-at-large animals as described under their Code. Service delivery methods and any additional services desired by Roeland Park and agreed to by Mission are outlined in Exhibit A.

C. **Animal Control Ordinances.** It shall be the responsibility of Roeland Park to notify Mission immediately upon effective date of any changes to ordinances impacting animal control regulations in Roeland Park.

D. **Program Review and Analysis.** Mission and Roeland Park mutually agree that regular service delivery standards, including response times, were not tracked by NEACC. In order to better evaluate service delivery expectations, Mission will conduct an initial review and analysis of the services, including response times, in June 2019. Results of the analysis will be shared individually with Roeland Park as well as collectively with all cities currently contracting with Mission for animal control services. Adjustments to the services and pricing outlined in Exhibit A may be considered and implemented following mutual agreement of the parties. Thereinafter, an annual review of the program and services will be conducted each year in anticipation of contract renewal discussions.

E. **Pricing Structure.** The estimated costs of services and equipment to be provided under this Agreement were established through a proposed budget for 2019, mutually reviewed and agreed to by Roeland Park and the other participating former NEACC members. The budget and methodology used to establish the per call fee for 2019 is included as Exhibit B. The parties recognize that the actual costs for the items furnished may differ from those estimated. Roeland Park agrees to share in the costs of those services as billed to Roeland Park by Mission and due by March 1 of each year during the term of this agreement.

F. **Additional Services.** In addition to the response to animal control calls, Roeland Park may request additional services of a similar or related nature to be provided by Mission under this Agreement. In the event such services are requested and can be provided, Roeland Park agrees to share in the costs of such additional services, which may be purchased in fifty (50) hour increments in accordance with the terms outlined in Exhibit A

G. **Reports.** The Chief of Police of Mission shall, at least quarterly, submit to Roeland Park a complete written report of the animal control services provided. An annual report shall be provided no later than July 1 of each calendar year.

H. **Effective Date and Duration.** The initial term of this Agreement is January 1, 2019, through December 31, 2019, and this Agreement shall be automatically renewed utilizing the then current Attachment A, as updated from the June review process described in Section D above, unless Roeland Park provides notice of nonrenewal to Mission prior to October 1 of the then current calendar year. Either party may terminate this Agreement by giving ninety (90) days written notice to the other

party. In the event of termination by either party, Roeland Park is only responsible for the cost of services performed through the effective date of termination.

I. **Hold Harmless.** The Parties hereby agree that neither party shall have the obligation to indemnify the other for acts for which such party would otherwise be immune pursuant to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6104, et seq.) and amendments thereto, nor will the indemnity obligations set forth herein act as a waiver of either party's protections under such provisions, and further that any liability of the other party shall be subject to the liability limitations set forth in K.S.A. 75-6105, and amendments thereto. Additionally, and notwithstanding anything set forth herein to the contrary, the Parties specifically agree that the terms of this section, and the terms of this agreement, shall be subject to and limited by the Kansas Cash Basis Law (K.S.A. 10-110 et seq.) and the Budget Law (K.S.A. 75-2935 et seq.), and amendments thereto.

Notwithstanding the foregoing, each party shall indemnify and hold harmless the other party from any and against all claims, losses, damages or costs arising from or in any way related to the negligent or intentional act, error, or omission of the indemnifying party, its officers, employees or agents, in performing under this Agreement, as may be permitted by law. Under no circumstances shall either party be liable for any indirect, incidental, special, punitive, or consequential damages or losses resulting from or related to the services provided by them pursuant to this Agreement.

J. **Notices.** Any notices required or permitted by this Agreement shall be in writing and shall be sent by U.S. mail, to the following:

TO MISSION: City of Mission, Kansas
 Attn: Chief of Police
 6090 Woodson
 Mission, Kansas 66202

TO Roeland Park: City of Roeland Park, Kansas
 Attn: City Administrator
 46000 W. 51st Street
 Roeland Park, KS 66206

K. **Miscellaneous**

1. The waiver of any breach of any provision of this Agreement shall not constitute a waiver of any subsequent breach of the same or other provisions herein.

2. This Agreement contains the entire understanding between the parties and supersedes all prior agreements or understandings between the parties with respect to the subject matter hereof.
3. Any modification or waiver of any provision in this Agreement shall not be effective unless made in writing.
4. This Agreement shall be governed by and construed in accordance with the laws of the State of Kansas.
5. Neither party shall assign, transfer, convey, subcontract, resell or otherwise dispose of this Agreement or any of the rights and obligations hereunder without the prior written consent of the other party.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in two (2) counterparts by their duly authorized representatives and made effective the day and year first above written.

THE CITY OF MISSION, KANSAS

By: _____
Ronald E. Appletoft, Mayor

ATTEST:

Martha Sumrall, City Clerk

APPROVED AS TO FORM:


David K. Martin, City Attorney

THE CITY OF Roeland Park, KANSAS

By: 

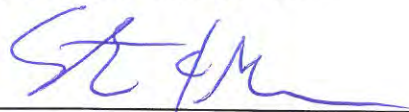
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney

**EXHIBIT A
SERVICES AND COSTS**

Pursuant to the terms and conditions outlined in the Agreement and the associated Exhibits, Mission agrees to provide the following animal control services to Roeland Park:

1. Response to animal control related calls provided by two Community Service Officers assigned to shifts as follows:

CSO1	Monday – Friday	7 a.m. to 3 p.m.
CSO2	Tuesday – Friday	3 p.m. to 11 p.m.
	Saturday	9 a.m. to 5 p.m.

2. Animal control calls received outside these hours will be handled by Roeland Park’s law enforcement personnel or others designated by Roeland Park. Roeland Park’s law enforcement personnel will also handle animal control calls in the event that shift coverage as outlined above is not available due to holiday schedules or other approved leave time.
3. Mission will use its best efforts to ensure that 90 percent of high priority calls are responded to by a CSO during regular CSO service hours on the day such call is received within 20 minutes of dispatch. High priority calls include those calls that pose an emergent danger to the community including:
 - a. animal bites;
 - b. vicious dogs;
 - c. injured animals;
 - d. police assist calls (police officer on scene requesting assistance from a CSO); and
 - e. animal cruelty.
4. Lower priority calls include all calls that are not high priority calls. These calls will be responded to by the call center staff over the telephone, referral to other resources, or by dispatching a CSO as necessary. Lower priority calls are non-emergent requests for service, including but not limited to:
 - a. patrol request – CSO requested to patrol a specific area due to possible code violations;
 - b. trespass
 - c. stray dog/cat/other animal confined;

EXHIBIT A
SERVICES AND COSTS

- d. barking dog; and
 - e. leash law violation.
5. Roeland Park will be required to provide for the pick-up and disposal of large dead or injured wildlife through other means.
 6. Mission will not be responsible for providing services or enforcement related to ordinances in Roeland Park as it may apply to accessory animal (meaning animals other than domesticated dogs and cats, such as chickens or bees) permitting. A specific list of accessory animals which may be included or excluded from the provisions of this agreement shall be addressed annually with Roeland Park.
 7. Roeland Park will be required to contribute a base fee of \$1,500 annually in order to receive services as outlined in this Agreement.
 8. In addition to the base fee, Roeland Park will be invoiced an annual per call fee which will be established based on the costs of providing animal control services to all cities contracting with Mission. Roeland Park's annual per call fee will be the annual per call rate multiplied by an average of the total animal control calls provided to Roeland Park in the three previous years. For purposes of this agreement, the service year for purposes of call calculation will be from July 1 through June 30. Fees will be invoiced January 1 of each year and will be due and payable no later than March 1 of each calendar year.
 9. As a part of the annual call calculation outlined above, if a difference in total annual calls greater than +/- 10%, excluding the base fee, occurs, Mission and Roeland Park agree that a corresponding credit or assessment will be billed at the conclusion of the fiscal year. Any credit may be applied to the next year's annual fees, and an assessment will be due and payable by March 1 of each calendar year.
 10. Pending agreement on the services to be provided, Roeland Park may purchase additional services (park patrol, etc.) in fifty hour increments at a cost of \$25/hour (2019 rate). Services may be purchased quarterly and the City of Mission will invoice Roeland Park with payment due 30 days from the date of the invoice. Service hours outside of those outlined in Item 1 above are not available for purchase. The cost of additional service hours will be reviewed and updated annually as a part of the per call rate calculation described in Section 8 above.

**EXHIBIT B
ANNUAL PER CALL RATE**

For purposes of this Agreement the Annual Per Call Rate for 2019 was established based on the following budget assumptions:

Category	2019 Estimated Budget	Notes:
<u>Personnel</u>		
Salaries	\$ 85,093	2 FT CSO's
Retirement Benefits	\$ 9,321	
Health/Welfare Benefits	\$ 45,780	
Taxes	\$ 6,399	
Sub-total Personnel	\$146,593	
45% of total Personnel	\$ 65,967	Assumes 45% of CSO's time is spent on animal control activities
<u>Contractuals</u>		
Legal/Professional Services	\$ 900	
Vehicle Insurance	\$ 1,672	
Taxes/Licenses	\$ 420	
Training/Education	\$ 1,000	
Animal Sheltering Services	\$ 7,000	
Cellular Phone Service	\$ 1,440	
Dead Animal Incineration	\$ 300	
Sub-total Contractuals	\$ 12,732	
<u>Commodities</u>		
Equipment	\$ 1,000	
Gasoline	\$ 3,480	
Office Supplies	\$ 180	
Vehicle Mtce/Supplies	\$ 1,800	
Sub-total Commodities	\$ 6,460	
<u>Capital</u>		
Truck	\$ 10,000	
Sub-total Capital	\$ 10,000	
Total Animal Control Expenses	\$ 95,159	

EXHIBIT B
ANNUAL PER CALL RATE

City	3 Year Call Average
Fairway	121
Mission	437
Mission Woods	8
Roeland Park	316
Westwood	82
Westwood Hills	16
Total all cities	980

1. Total annual calls (3 year average) for all NEACC members = 980
2. The per call rate was established by dividing the total animal control expenses by the three year call average for all NEACC cities. The per call rate was \$97/call which was rounded up to \$100
3. In each subsequent year, actual costs will be updated to establish a new annual per call rate.

ANIMAL CONTROL SERVICES AGREEMENT

THIS AGREEMENT, is entered into this 8 day of November, 2018, between the City of Mission, Kansas, a municipal corporation, hereinafter referred to as "Mission," and the City of Westwood, a municipal corporation, hereinafter referred to as Westwood.

WHEREAS, Mission and Westwood share many of the same challenges and concerns related to the provision of animal control services; and

WHEREAS, effective January 1, 2019 Mission will no longer participate as a member of the North East Animal Control Commission ("NEACC") and will provide animal control services in-house through the use of Community Service Officers ("CSOs"); and

WHEREAS, Mission is willing to partner with other former NEACC member cities to offer animal control services on a contractual basis annually; and

WHEREAS, Westwood desires to engage the services of Mission for the purpose of providing animal control services; and

WHEREAS, K.S.A. 12-2908, and amendments thereto, authorize the parties to enter into an agreement with each other for the performance of a governmental service, activity, or undertaking; and

WHEREAS, Mission and Westwood agree to accept the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the above and foregoing recitals, the mutual promises and covenants hereinafter given, and for other good and valuable considerations, the parties hereto agree as follows:

A. **Purpose.** The parties hereto enter into this Agreement for the purpose of establishing the terms and conditions upon which Mission will provide certain animal control services to Westwood and upon which Westwood will share in the costs of such services and equipment.

B. **Services Provided.** Mission shall furnish to Westwood certain animal control services. For purposes of this Agreement, "Animal Control" shall mean enforcement of the animal control ordinances of Westwood regarding the pick-up, housing, placement, or impound, either temporary or permanent, of abandoned, abused, ill, injured, neglected, unwanted or at-large domestic or wild animals and the removal of certain dead animals. "Enforcement" shall mean fulfillment of the requirements of Westwood regarding pick-up and care of domestic or wild or running-at-large animals as described under their Code. Service delivery methods and any additional services desired by Westwood and agreed to by Mission are outlined in Exhibit A.

C. **Animal Control Ordinances.** It shall be the responsibility of Westwood to notify Mission immediately upon effective date of any changes to ordinances impacting animal control regulations in Westwood.

D. **Program Review and Analysis.** Mission and Westwood mutually agree that regular service delivery standards, including response times, were not tracked by NEACC. In order to better evaluate service delivery expectations, Mission will conduct an initial review and analysis of the services, including response times, in June 2019. Results of the analysis will be shared individually with Westwood as well as collectively with all cities currently contracting with Mission for animal control services. Adjustments to the services and pricing outlined in Exhibit A may be considered and implemented following mutual agreement of the parties. Thereinafter, an annual review of the program and services will be conducted each year in anticipation of contract renewal discussions.

E. **Pricing Structure.** The estimated costs of services and equipment to be provided under this Agreement were established through a proposed budget for 2019, mutually reviewed and agreed to by Westwood and the other participating former NEACC members. The budget and methodology used to establish the per call fee for 2019 is included as Exhibit B. The parties recognize that the actual costs for the items furnished may differ from those estimated. Westwood agrees to share in the costs of those services as billed to Westwood by Mission and due by March 1 of each year during the term of this agreement.

F. **Additional Services.** In addition to the response to animal control calls, Westwood may request additional services of a similar or related nature to be provided by Mission under this Agreement. In the event such services are requested and can be provided, Westwood agrees to share in the costs of such additional services, which may be purchased in fifty (50) hour increments in accordance with the terms outlined in Exhibit A.

G. **Reports.** The Chief of Police of Mission shall, at least quarterly, submit to Westwood a complete written report of the animal control services provided. An annual report shall be provided no later than July 1 of each calendar year.

H. **Effective Date and Duration.** The initial term of this Agreement is January 1, 2019, through December 31, 2019, and this Agreement shall be automatically renewed utilizing the then current Attachment A, as updated from the June review process described in Section D above, unless Westwood provides notice of nonrenewal to Mission prior to October 1 of the then current calendar year. Either party may terminate this Agreement by giving ninety (90) days written notice to the other

party. In the event of termination by either party, Westwood is only responsible for the cost of services performed through the effective date of termination.

I. Hold Harmless. The Parties hereby agree that neither party shall have the obligation to indemnify the other for acts for which such party would otherwise be immune pursuant to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6104, et seq.) and amendments thereto, nor will the indemnity obligations set forth herein act as a waiver of either party's protections under such provisions, and further that any liability of the other party shall be subject to the liability limitations set for in K.S.A. 75-6105, and amendments thereto. Additionally, and notwithstanding anything set forth herein to the contrary, the Parties specifically agree that the terms of this section, and the terms of this agreement, shall be subject to and limited by the Kansas Cash Basis Law (K.S.A. 10-110 et seq.) and the Budget Law (K.S.A. 75-2935 et seq.), and amendments thereto.

Notwithstanding the foregoing, each party shall indemnify and hold harmless the other party from any and against all claims, losses, damages or costs arising from or in any way related to the negligent or intentional act, error, or omission of the other, its officers, employees or agents, in performing under this Agreement, as may be permitted by law. Under no circumstances shall either party be liable for any indirect, incidental, special, punitive, or consequential damages or losses resulting from or related to the services provided by them pursuant to this Agreement.

J. Notices. Any notices required or permitted by this Agreement shall be in writing and shall be sent by U.S. mail, to the following:

TO MISSION:

City of Mission, Kansas
Attn: Chief of Police
6090 Woodson
Mission, Kansas 66202

TO WESTWOOD:

City of Westwood, Kansas
Attn: Chief Greg O'Halloran
4700 Rainbow Blvd.
Westwood, KS 66205

K. Miscellaneous

1. The waiver of any breach of any provision of this Agreement shall not constitute a waiver of any subsequent breach of the same or other provisions herein.

2. This Agreement contains the entire understanding between the parties and supersedes all prior agreements or understandings between the parties with respect to the subject matter hereof.
3. Any modification or waiver of any provision in this Agreement shall not be effective unless made in writing.
4. This Agreement shall be governed by and construed in accordance with the laws of the State of Kansas.
5. Neither party shall assign, transfer, convey, subcontract, resell or otherwise dispose of this Agreement or any of the rights and obligations hereunder without the prior written consent of the other party.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in two (2) counterparts by their duly authorized representatives and made effective the day and year first above written.

THE CITY OF MISSION, KANSAS

By: _____
Ronald E. Appletoft, Mayor

ATTEST:

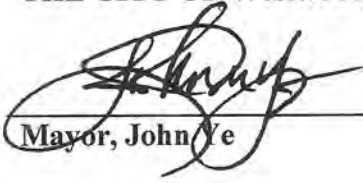
Martha Sumrall, City Clerk

APPROVED AS TO FORM:

David K. Martin, City Attorney

THE CITY OF Westwood, KANSAS

By:



Mayor, John Ye

ATTEST:



City Clerk, Fred Sherman

APPROVED AS TO FORM:



City Attorney, Ryan Denk

EXHIBIT A
SERVICES AND COSTS

Pursuant to the terms and conditions outlined in the Agreement and the associated Exhibits, Mission agrees to provide the following animal control services to Westwood:

1. Response to animal control related calls provided by two Community Service Officers assigned to shifts as follows:

CSO1	Monday – Friday	7 a.m. to 3 p.m.
CSO2	Tuesday – Friday	3 p.m. to 11 p.m.
	Saturday	9 a.m. to 5 p.m.

2. Animal control calls received outside these hours will be handled by Westwood’s law enforcement personnel or others designated by Westwood. Westwood’s law enforcement personnel will also handle animal control calls in the event that shift coverage as outlined above is not available due to holiday schedules or other approved leave time.
3. Mission will use its best efforts to ensure that 90 percent of high priority calls are responded to by a CSO during regular CSO service hours on the day such call is received within 20 minutes of dispatch. High priority calls include those calls that pose an emergent danger to the community including:
 - a. animal bites;
 - b. vicious dogs;
 - c. injured animals;
 - d. police assist calls (police officer on scene requesting assistance from a CSO); and
 - e. animal cruelty.
4. Lower priority calls include all calls that are not high priority calls. These calls will be responded to by the call center staff over the telephone, referral to other resources, or by dispatching a CSO as necessary. Lower priority calls are non-emergent requests for service, including but not limited to:
 - a. patrol request – CSO requested to patrol a specific area due to possible code violations;
 - b. trespass
 - c. stray dog/cat/other animal confined;

EXHIBIT A
SERVICES AND COSTS

- d. barking dog; and
 - e. leash law violation.
5. Westwood will be required to provide for the pick-up and disposal of large dead or injured wildlife through other means.
 6. Mission will not be responsible for providing services or enforcement related to ordinances in Westwood as it may apply to accessory animal permitting such as chickens or bees.
 7. Westwood will be required to contribute a base fee of \$1,500 annually in order to receive services as outlined in this Agreement.
 8. In addition to the base fee, Westwood will be invoiced an annual per call fee which will be established based on the costs of providing animal control services to all cities contracting with Mission. Westwood's annual per call fee will be the annual per call rate multiplied by an average of the total animal control calls provided to Westwood in the three previous years. For purposes of this agreement, the service year for purposes of call calculation will be from July 1 through June 30. Fees will be invoiced January 1 of each year and will be due and payable no later than March 1 of each calendar year.
 9. As a part of the annual call calculation outlined above, if a difference in total annual calls greater than +/- 10%, excluding the base fee, occurs, Mission and Westwood agree that a corresponding credit or assessment will be billed at the conclusion of the fiscal year. Any credit may be applied to the next year's annual fees, and an assessment will be due and payable by March 1 of each calendar year.
 10. Pending agreement on the services to be provided, Westwood may purchase additional services (park patrol, etc.) in fifty hour increments at a cost of \$25/hour (2019 rate). Services may be purchased quarterly and the City of Mission will invoice Westwood with payment due 30 days from the date of the invoice. Service hours outside of those outlined in Item 1 above are not available for purchase. The cost of additional service hours will be reviewed and updated annually as a part of the per call rate calculation described in Section 8 above.

**EXHIBIT B
ANNUAL PER CALL RATE**

For purposes of this Agreement the Annual Per Call Rate for 2019 was established based on the following budget assumptions:

Category	2019 Estimated Budget	Notes:
<u>Personnel</u>		
Salaries	\$ 85,093	2 FT CSO's
Retirement Benefits	\$ 9,321	
Health/Welfare Benefits	\$ 45,780	
Taxes	\$ 6,399	
Sub-total Personnel	\$146,593	
45% of total Personnel	\$ 65,967	Assumes 45% of CSO's time is spent on animal control activities
<u>Contractuals</u>		
Legal/Professional Services	\$ 900	
Vehicle Insurance	\$ 1,672	
Taxes/Licenses	\$ 420	
Training/Education	\$ 1,000	
Animal Sheltering Services	\$ 7,000	
Cellular Phone Service	\$ 1,440	
Dead Animal Incineration	\$ 300	
Sub-total Contractuals	\$ 12,732	
<u>Commodities</u>		
Equipment	\$ 1,000	
Gasoline	\$ 3,480	
Office Supplies	\$ 180	
Vehicle Mtce/Supplies	\$ 1,800	
Sub-total Commodities	\$ 6,460	
<u>Capital</u>		
Truck	\$ 10,000	
Sub-total Capital	\$ 10,000	
Total Animal Control Expenses	\$ 95,159	

**EXHIBIT B
ANNUAL PER CALL RATE**

City	3 Year Call Average
Fairway	121
Mission	437
Mission Woods	8
Roeland Park	316
Westwood	82
Westwood Hills	16
Total all cities	980

1. Total annual calls (3 year average) for all NEACC members = 980
2. The per call rate was established by dividing the total animal control expenses by the three year call average for all NEACC cities. The per call rate was \$97/call which was rounded up to \$100
3. In each subsequent year, actual costs will be updated to establish a new annual per call rate.

City of Mission	Item Number:	10.
ACTION ITEM SUMMARY	Date:	December 3, 2018
Administration	From:	Brian Scott

Action items require a vote to recommend the item to full City Council for further action.

RE: Amendment to the 2018 Budget

RECOMMENDATION: Approve the resolution to amend the maximum expenditure limit for the Mission Convention and Visitors Bureau Fund in the 2018 Budget.

DETAILS: The adopted annual budget establishes the maximum expenditure authority for each fund or taxing authority for that particular fiscal year. Exceeding these expenditures without formally amending the budget is a violation of Kansas budget statutes. Furthermore, state laws require that a public hearing be held when amending the budget. A public hearing has been scheduled for the City Council meeting on December 19th, and the attached notice was published in The Legal Record on December 4, 2018.

The budget amendment is not the result of unanticipated or unauthorized expenditures, but rather results from the fact the the Mission Convention and Visitors Bureau (MCVB) fund is used as a pass through for a variety of fundraising opportunities. It is difficult, at the time the original budget is established, to anticipate the revenues and expenditures to be collected and disbursed in any particular fiscal year. The expenditure authority is being increased to account for holiday adoptions and collections received to support Alexander Goodwin and "Alexander's Journey," and other charitable giving activities which have occurred throughout the year. Funds expended do not exceed revenues collected.

The budget amendment is established through the attached resolution and will increase the expenditure authority in the 2018 Budget for the Mission Convention and Visitors Bureau Fund from \$60,000 to \$90,000.

CFAA: N/A

Related Statute/City Ordinance:	K.S.A. 79-2929a(a)
Line Item Code/Description:	Fund 19 Mission Convention and Visitors Bureau (MCVB)
Available Budget:	Fund 19 - \$90,000

**Notice of Budget Hearing for Amending the
2018 Budget**

The governing body of

City of Mission

will meet on the day of December 19, 2018 at 7:00 P.M. at Mission City Hall, 6090 Woodson, Mission, KS 66202 for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at City Clerk's Office, Mission City Hall and will be available at this hearing.

Summary of Amendments

Fund	2018 Adopted Budget			2018 Proposed Amended Expenditures
	Actual Tax Rate	Amount of Tax that was Levied	Expenditures	
Convention & Visitors' Bureau			60,000	90,000
			0	0
			0	0
			0	0
			0	0
			0	0

Brian Scott

Official Title: Asst. City Admin/Fin. Dir.

CITY OF MISSION

RESOLUTION NO. ____

A RESOLUTION OF THE CITY OF MISSION, KANSAS AMENDING THE MAXIMUM EXPENDITURE AUTHORITY FOR THE 2018 BUDGET FOR THE MISSION CONVENTION AND VISITORS BUREAU (MCVB) FUND.

WHEREAS, the Mission Convention and Visitors Bureau (MCVB) Fund is used as a pass through for the City's fundraising efforts for various community projects; and

WHEREAS, the revenues and expenditures are difficult to anticipate when the original budget is adopted; and

WHEREAS, the proposed amendments are not the result of any unexpected or unauthorized expenditures and expenditures will not exceed revenues; and

WHEREAS, in accordance with state law, the City of Mission conducted a public hearing and has prepared the necessary documents to amend the 2018 Budget to increase expenditure limits in the Mission Convention and Visitors Bureau (MCVB) Fund.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF MISSION:

Section 1. That the maximum expenditure authority in the 2018 Budget for the following fund has been established as:

Mission Convention and Visitors Bureau Fund: \$90,000

PASSED AND APPROVED BY THE CITY COUNCIL this 19th day of December 2018.

APPROVED BY THE MAYOR this 19th day of December 2018.

Ronald E. Appletoft, Mayor

ATTEST:

Martha M. Sumrall
City Clerk

City of Mission	Item Number:	11.
ACTION ITEM SUMMARY	Date:	November 28, 2018
Administration	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

RE: Ordinance Adopting the 2019 Budget for the City of Mission, Kansas

RECOMMENDATION: Approve an ordinance adopting the 2019 Budget of the City of Mission, Kansas.

DETAILS: As part of the annual budget process, the City takes formal action to adopt the 2019 Budget by ordinance. This ordinance represents one of two ordinances that are considered each December to finalize the City's annual budget, and to provide expenditure authority.

There are no changes to the budget that was approved by the City Council in August 2018.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	
Line Item Code/Description:	
Available Budget:	n/a

**CITY OF MISSION
ORDINANCE NO. _____**

**AN ORDINANCE ADOPTING THE 2019 BUDGET OF THE CITY OF MISSION,
KANSAS.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION,
KANSAS:

SECTION 1. Adoption of Budget. The City of Mission hereby adopts its budget for the year 2019. Copies of said budget shall be open for inspection in the office of the City Clerk during business hours. Upon filing of the budget with the County Clerk of Johnson County, Kansas, said budget shall constitute an appropriation for each fund, and the appropriation thus made shall not be used for any other purpose, pursuant to K.S.A. 79-2934.

SECTION 2. Take Effect. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the official City newspaper, all as provided by law.

PASSED BY THE CITY COUNCIL this 19th day of December 2018.

APPROVED BY THE MAYOR this 19th day of December 2018.

Ronald E. Appletoft, Mayor

(SEAL)

Attest:

Martha Sumrall, City Clerk

City of Mission	Item Number:	12.
ACTION ITEM SUMMARY	Date:	December 3, 2018
Administration	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

RE: Authorization to Spend According to the Approved 2019 Annual Budget.

RECOMMENDATION: Approve an ordinance authorizing the City Administrator to make expenditures in accordance with the adopted 2019 Annual Budget.

DETAILS: As part of the annual budget process, the City Council takes formal action in December to authorize and direct the City Administrator to spend according to the adopted budget and in compliance with City Council Policy 102.

The attached ordinance will authorize the City Administrator to spend in accordance with the approved annual budget.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	
Line Item Code/Description:	
Available Budget:	

**CITY OF MISSION
ORDINANCE NO. _____**

AN ORDINANCE AUTHORIZING EXPENDITURES BY THE CITY ADMINISTRATOR FROM THE 2019 BUDGET.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS:

SECTION 1. Grant of Authority. The City Administrator is hereby authorized to make expenditures from the 2019 City Budget as adopted by the Resolution Number 1011 and Resolution Number 1012 pursuant to and in accordance with City Council Policy Number 102, as from time to time amended. Copies of said Policy shall be open for inspection in the office of the City Clerk during business hours.

SECTION 2. Take Effect. This Ordinance shall be in full force and effect from and after its passage, approval and publication in the official City newspaper, all as provided by law.

PASSED BY THE CITY COUNCIL this 19th day of December 2018.

APPROVED BY THE MAYOR this 19th day of December 2018.

Ronald E. Appletoft, Mayor

(SEAL)

Attest:

Martha Sumrall, City Clerk

City of Mission	Item Number:	13.
ACTION ITEM SUMMARY	Date:	November 28, 2018
Administration	From:	Martha Sumrall

Action items require a vote to recommend the item to full City Council for further action.

RE: 2019 Cereal Malt Beverage Licenses

RECOMMENDATION: Approve the 2019 Cereal Malt Beverage License Renewals

DETAILS: City ordinance and Kansas statutes require that any person wishing to sell any cereal malt beverage (CMB) at retail must obtain an annual license for each place of business. Renewal applications for 2019 include the following Mission businesses:

- Johnny's Hickory House BBQ, 5929 Broadmoor
- Hy-Vee Grocery, 6655 Martway
- Hy-Vee Convenience Store, 6645 Martway
- QuikTrip, 4700 Lamar
- Target, 6100 Broadmoor

Each applicant has submitted the required renewal application, fee, and background checks for each applicant/store manager have been conducted.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	K.S.A. 41-2702; City of Mission Code Section 600.160 & 600.170
Line Item Code/Description:	n/a
Available Budget:	n/a

City of Mission	Item Number:	14.
DISCUSSION ITEM SUMMARY	Date:	December 4, 2018
ADMINISTRATION	From:	Laura Smith

Discussion items allow the committee the opportunity to freely discuss the issue at hand.

RE: 2019 Legislative Program

DETAILS: Each January, the City prepares a Legislative Program which outlines priorities and areas of interest or concern to be communicated to our state legislatures at the outset of the legislative session.

The Program is typically presented at the January Committee meeting. Staff has attached the League of Kansas Municipalities 2019 Statement of Municipal Policy which outlines their legislative priorities for 2019. Work has not yet begun on the joint City/County legislative platform.

This will be an opportunity for Councilmembers to communicate any specific policy issues they would like to see incorporated in Mission's 2019 Legislative Program which will appear as an Action Item on the January 9, 2019 Finance & Administration Committee agenda.

CFAA CONSIDERATIONS/IMPACTS: NA

Related Statute/City Ordinance:	
Line Item Code/Description:	
Available Budget:	

2019 Statement of Municipal Policy

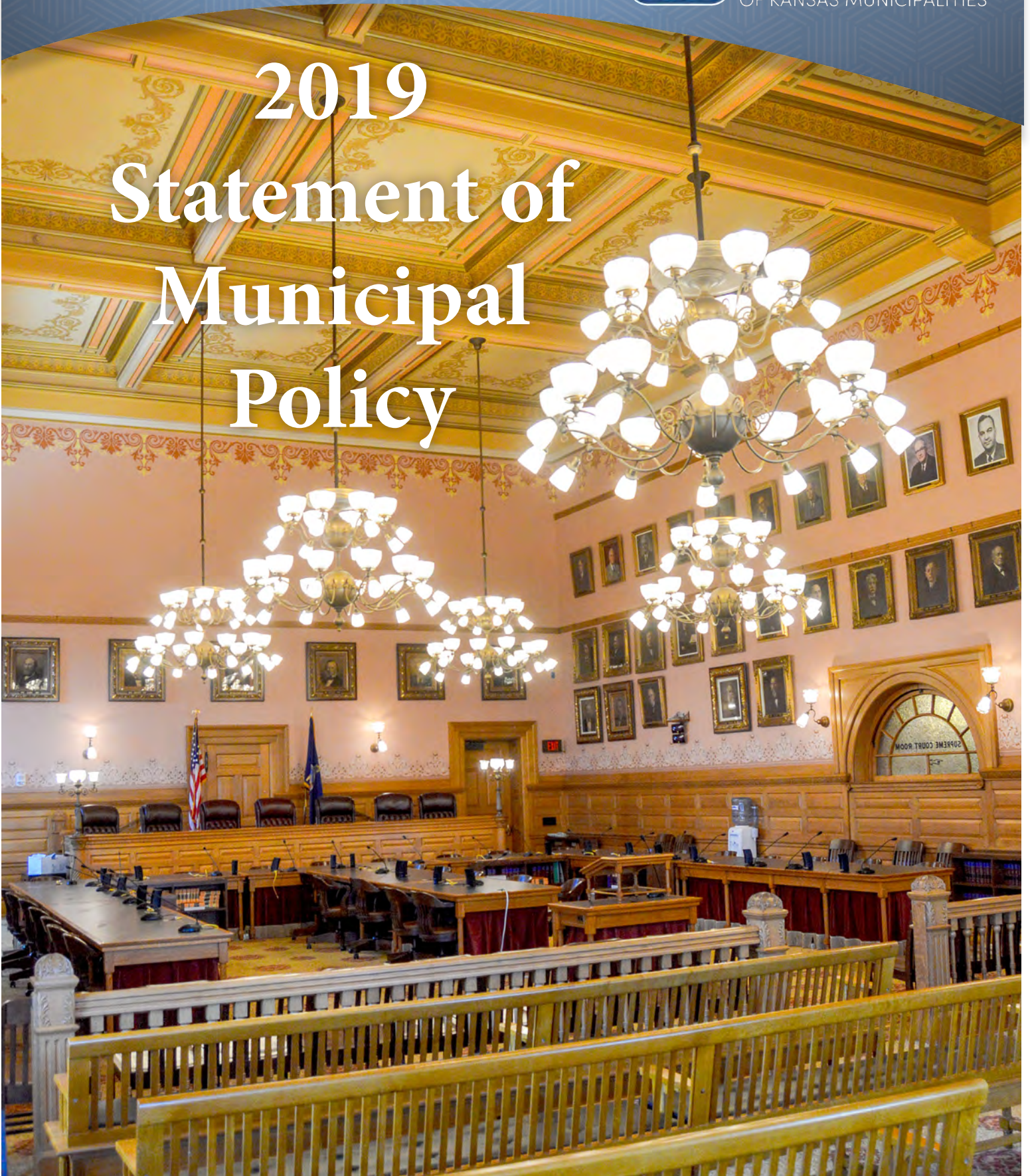


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MISSION STATEMENT

The mission of the League shall be to strengthen and advocate for the interests of the cities of Kansas to advance the general welfare and promote the quality of life of the people who live within our cities.

2018-2019 GOVERNING BODY



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Daron Hall
City Manager, Pittsburg



VICE PRESIDENT
John McTaggart
Mayor, Edwardsville



IMMEDIATE
PAST PRESIDENT
Jeff Longwell
Mayor, Wichita

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Toni Wheeler, City Attorney, Lawrence
J. Michael Wilkes, City Manager, Olathe

EXECUTIVE DIRECTOR

Erik Sartorius

ABOUT THE LEAGUE

Supporting Kansas Cities

A Trusted Voice for Kansas Cities Working to Strengthen Our State.

The League of Kansas Municipalities is a membership association that advocates on behalf of cities, offers training and guidance to city appointed and elected officials, and has a clear purpose of strengthening Kansas communities. Since 1910, the League has been a resource for cities across Kansas and has acted as a body to share ideas, facilitate communication between members and provide information on best practices in city operations.

Our 500 plus member cities consist of both the largest communities and the smallest cities. The League is governed by members through a Governing Body of elected officials and city-appointed staff.





2019 ACTION AGENDA

The prosperity of the State of Kansas is absolutely dependent upon the prosperity of our cities. Over 82% of Kansans live in an incorporated city. In an effort to promote healthy and sustainable communities, the elected and appointed city officials of Kansas hereby establish the following as our action agenda for 2019:

HOME RULE. Consistent with the Home Rule Amendment of the Kansas Constitution approved by voters in 1960, we support local elected officials making decisions for their communities, particularly local tax and revenue decisions.

PROTECTION OF THE FIRST AMENDMENT. The right of the people through their democratically elected and appointed officials to petition and speak to their government officials shall not be abridged. We support cities' First Amendment right of freedom of association to work together to accomplish common goals.

TAX LID REPEAL. We support repeal of the property tax lid.

INTERNET SALES TAX COLLECTIONS. The inability of governments to collect local option sales or compensating use tax on remote sales continues to erode a viable and fair revenue source. The League supports state legislation establishing a program to help the state collect state and local sales and compensating use taxes due from in-state purchasers. Remitted taxes should be distributed using existing methods for the state and local governments.

ALTERNATIVE PROPERTY VALUATION. We support proven techniques to define commercial properties at their highest and best use. The Kansas Board of Tax Appeals should be required to consider all three methods of valuation — cost minus depreciation, sales comparison, and income — when determining a property's true value.

BUDGET TIMELINE. We support legislation to allow the adoption of City budgets by November 30 but keep the August 25 deadline for certification of the amount of ad valorem tax revenue needed. The current statutory framework for the adoption of municipal budgets makes it difficult for cities to plan for budgets that must be presented to governing bodies five months before the start of the fiscal year.

WORKERS' COMPENSATION. We support reasonable and just benefits for employees injured within the course and scope of their public employment, and effective enforcement of the Workers' Compensation Act.



FINANCE & TAXATION

An adequate source of revenue is necessary to fund the essential services of city government. Each city is unique in both services provided and the ability to pay for such services; maximum flexibility should be granted to local governing bodies to determine the amount and source of funding for city services.

TAX/SPENDING LID. Local spending and taxing decisions are best left to the local officials representing the citizens that elected them. We strongly oppose any state-imposed limits on the taxing and spending authority of cities and support repeal of the property tax lid.

TAX LID. We support repeal of the tax lid. If repeal of the tax lid does not occur, the cost of elections and timing of the budget approval process, in coordination with such an election, make the tax lid unfeasible. We support removing the election process under the tax lid and replacing with a protest petition. We support additional exemptions to make the law more workable.

ALTERNATIVE PROPERTY VALUATION. We support proven techniques to define commercial properties at their highest and best use. The Kansas Board of Tax Appeals should be required to consider all three methods of valuation--cost minus depreciation, sales comparison, and income--when determining a property's true value.

INTERNET SALES TAX COLLECTIONS. The inability of governments to collect local option sales or compensating use tax on remote sales continues to erode a viable and fair revenue source. The League supports state legislation establishing a program to help the state collect state and local sales and compensating use taxes due from in-state purchasers. Remitted taxes should be distributed using existing methods/formulas for the state and local governments. The League further supports the adoption

of the safe harbor provisions as used by South Dakota to ensure constitutional compliance with the recent U.S. Supreme Court decision in *South Dakota v. Wayfair, Inc et al.*, 138 S. Ct. 2080 (2018) in order to bring tax fairness to Kansas brick-and-mortar businesses.

EMS/HOSPITAL FUNDING. Municipal hospitals and emergency medical services (EMS) are challenged in meeting their communities' needs. Between 2009 and 2014, city and county tax revenue budgeted for hospitals increased 33.3% to meet these needs. We support the expansion of Medicaid in Kansas to allow such entities access to federal funding, helping cities maintain and provide critical services for their citizens.

TAX POLICY. The League supports the long-established philosophy of balancing revenue from income, sales, and property taxes to assure the fiscal ability of the state and local governments to provide the services citizens want and need. Changes to tax policies should not be undertaken without a full understanding of the overall impact upon all taxpayers, taxing entities, and the sources and amounts of tax revenues to be generated or eliminated by such policy changes.

BUDGET TIMELINE. We support legislation to allow the adoption of City budgets by November 30 but keep the August 25 deadline for certification of the amount of ad valorem tax revenue needed. The current statutory framework for the adoption of municipal budgets makes it difficult for cities to plan for budgets that must be presented to governing bodies five months before the start of the fiscal year.

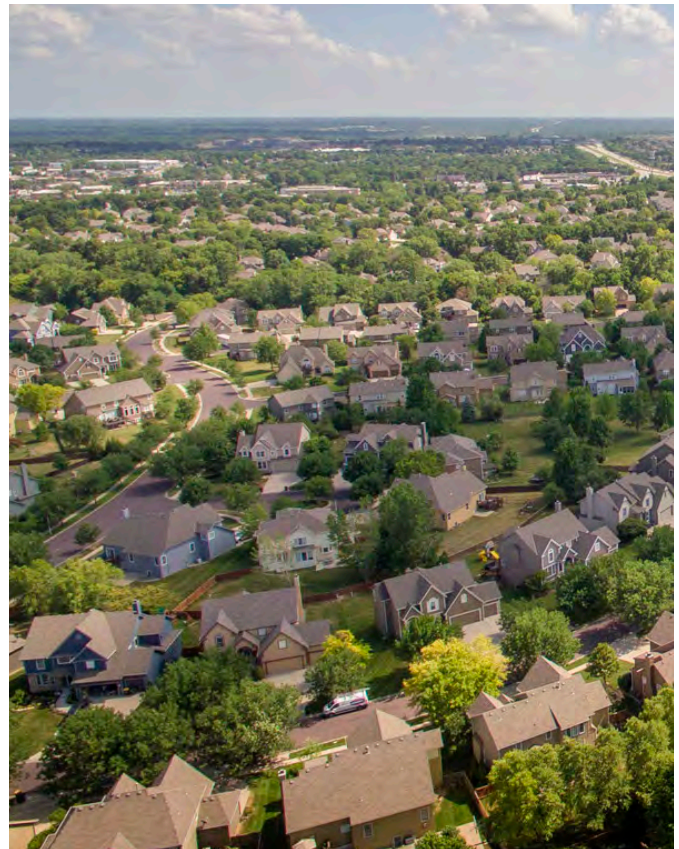
FINANCE POLICIES. Cities should be allowed to set financial policies in-line with bond rating requirements and other generally accepted best practices for municipal management.

PROPERTY TAX EXEMPTIONS. We support a broad tax base and believe the existing property tax base should be protected. We encourage the Legislature to resist any proposal to further exempt any specific property classification from taxation, including industry-specific exemptions. We support the current statutory definition of machinery and equipment and the exemption should not be expanded. The Legislature should actively review existing exemptions to determine if they should continue or be repealed.

SALES TAX EXEMPTIONS. Given the current and future budget challenges facing state and local governments, we oppose the continued erosion of the state and local sales tax base by the passage of new exemptions. The Legislature should actively review existing exemptions to determine if they should continue or be repealed. We support the continuation of sales tax exemptions for municipal services.

SALES TAX HOLIDAY. Should the state establish any sales tax holidays, the law should allow an opt-in for local governments.

UNFUNDED MANDATES. We oppose unfunded mandates. If the state or federal governments seek to promote particular policy objectives, such mandates should be accompanied by an appropriate level of funding.



PROPERTY VALUATION. To maintain fair and equal taxation, we support appraisals based on fair-market value. We oppose caps in property valuations as unconstitutional and inequitable.

LAVTR. The State Legislature, as required by Kansas statutes, should help to relieve the burden on property taxpayers by funding the Local Ad Valorem Tax Reduction (LAVTR) program. This should include keeping the promises made with reference to the machinery and equipment mitigation legislation, future gaming revenues and the existing statutory formula.

CITY AND COUNTY REVENUE SHARING. The State Legislature should fund existing city and county revenue sharing programs as required by Kansas statutes.

ALTERNATIVE REVENUE SOURCES. Cities should be authorized to approve alternative revenue sources in order to maintain appropriate levels of funding for the health, safety and welfare of our citizens.

TELECOMMUNICATIONS TAXES. We support cities' continued ability to impose and collect taxes and fees on telecommunications providers.

LOCAL SALES TAXES. We support the existing statutory authority for all cities to impose local sales taxes and seat taxes and the existing statutory distribution for all sales taxes.

BANKING AND INVESTMENT RESTRICTIONS. We support maximum banking and investment choices for local government. At a minimum, all cities, counties and school districts should have the same banking and investment authority the state has granted to itself.

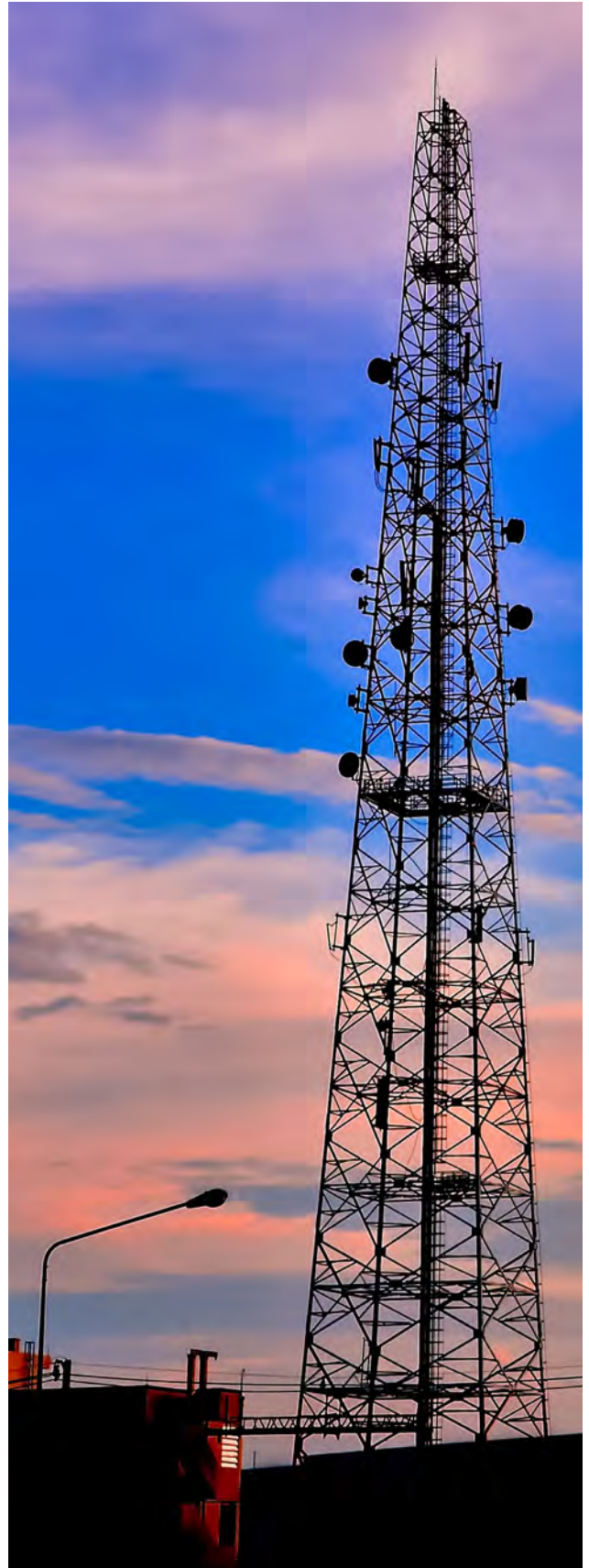
FEDERAL LOAN PROGRAMS. We support changes to allow local governments to participate directly in federal loan programs.

TAX CREDITS. We support the continued availability of tax credits as a tool for economic development.

SUMMARY PUBLICATION OF RESOLUTIONS. We support legislation allowing cities to publish a summary of a resolution, with the full text of any resolution posted on the city's official website, in lieu of publication of the full resolution.

TAXES PAID UNDER PROTEST. Due to the effect that taxes paid under protest can have on cities, the state and the county where the city is located should be required to notify cities when taxes, including compensating use and ad valorem taxes, are paid under protest so that cities have accurate data when making budgetary decisions.

EXPANDED GAMING. If the State Legislature authorizes expanded gaming, cities should receive funds to offset the impact, similar to agreements for other gaming that occurs in Kansas.





PUBLIC SAFETY

Cities play a critical role in the protection of the health and safety of the citizens of Kansas. Because mandated programs are costlier and less efficient, government at all levels should cooperate in the development of health and safety programs.

ASSET FORFEITURE. We support the option of civil asset forfeiture as an important component in reducing financial gains from criminal acts while providing civil due process. All assets forfeited, or the proceeds of the sale of the same, should remain with the local government that seizes the property.

MUNICIPAL COURT. Municipal courts serve a vital role protecting an individual's right to equal protection under the law following arrest or detainment. We support the local control of, and judicial authority of, municipal courts. All assessed court funds under a municipal court order, other than restitution collected and payable to a third party and state assessments paid under K.S.A. 12-4117, shall be retained by the local municipality. We support municipalities' ability to set appropriate fines and fees.

LAW ENFORCEMENT AND PUBLIC SAFETY. We believe cooperative efforts, rather than state and federal mandated requirements, are vital to the efficient and effective development of local law enforcement and public safety programs.

EMERGENCY 911 SERVICES. Cities and counties should maintain local control of the 911 system and the 911 tax should continue to include both wireline and wireless communications. We support legislation providing flexibility for local governments to utilize these funds to provide emergency services. 911 funds should not be diverted by the legislature for other uses.

EMERGENCY MANAGEMENT. We request the Adjutant General and the State of Kansas review the role of cities in the state emergency management plan. Because cities play a crucial role in effective emergency management, implementation strategies must promote cooperative efforts between federal, state and local governments.

MEDICAL CHARGES. The cost of health care services for prisoners and individuals in custody is a growing concern for cities. We strongly believe the first person responsible for the payment of medical costs should be the individuals in custody. Another needed change, to begin addressing these costs, is to clarify that the entity charging for a crime is responsible in the event those costs cannot be recovered. We support the pooling of resources between all state and local law enforcement agencies.

LAW ENFORCEMENT DISCRETION. We support local governments' discretion in establishing law enforcement vehicle pursuit policies and the ability of law enforcement officers to use discretion in determining when to make an arrest.

SERVICE ANIMAL FRAUD. We recognize the important role service animals play for the disabled community. The use of such animals is being tainted, by service animal fraud. We support strengthening and redefining the crime of service animal fraud to disincentivize individuals from asserting their animal is a service animal in order avoid vicious animal, exotic, livestock, or breed-specific ordinances.

ALCOHOL & CMB REGULATION. We support the authority of cities to license and regulate alcoholic liquor and cereal malt beverage retailers and establishments.

FIREARMS AND WEAPONS. We support the local regulation of firearms and weapons.

HOMELAND SECURITY. First responders at the local level serve as the front line defense in the prevention and response to terrorism and other security risks. Local governments should be granted maximum flexibility and discretion over implementation of monies and strategies regarding homeland security.

AMUSEMENT PARK RIDES. We support reasonable regulations of amusement park rides to protect public safety.

DRIVING UNDER THE INFLUENCE. We support legislation bringing the driving under the influence laws into compliance with recent court cases.

CYBERSECURITY. Organizations of every size constantly face cyber-related incidents. We encourage the State to provide collaborative discussions, training programs, and feasibility studies for the impact of cyber-attacks on cities. Cities will use information provided by the state government to determine best practices and policies for municipal implementation.





INFRASTRUCTURE

Cities construct, manage, operate and maintain numerous infrastructure components that provide a high quality of life. Infrastructure involving transportation, municipal utilities, energy services, and water and environmental structures are all dependent on the ability of local officials to self-determine what's appropriate for their own communities. This self-governance relies on the expectation of cooperation from the state government and full funding as required by law under current statutory programs from both the state and federal government.

TRANSPORTATION

CONNECTING LINKS. The State should increase KDOT's funding for connecting link programs to contract with cities to provide for the maintenance of state highways within city limits. The last increase in the connecting link program was in 1999. We support full funding of the City Connecting Link Improvement Program (CCLIP).

CITY-COUNTY HIGHWAY FUND. The City-County Highway Fund is essential to maintaining local roads and bridges and should be fully funded and not be diverted for other purposes. Such funding should include the transfer of fees from the registration of out-of-state commercial vehicles, as directed by K.S.A. 9-3425i. The proceeds from any increases to the motor fuel tax rates should be allocated in accordance with current statutory provisions.

COMPREHENSIVE TRANSPORTATION PROGRAM. We support full funding of the Kansas comprehensive transportation program. We oppose any use of these funds to balance the state's General Fund budget. Any reduction in funding jeopardizes existing programs.

FEDERAL FUND EXCHANGE PROGRAM. We support legislation to codify the Federal Fund Exchange Program, including allowing the banking of funds for a minimum of three years and a fixed exchange rate.

TRANSPORTATION SAFETY. The State should work in cooperation with local governments to continue to provide safe roads and bridges within Kansas.

TRANSPORTATION MAINTENANCE. Because transportation infrastructure is critical to state and local development activities, we support the continued maintenance of the transportation infrastructure in Kansas.

AIRPORT FUNDING. We support the continued use of state economic development dollars (EDIF funds) to enhance airport facilities and services.

TRANSPORTATION DEVELOPMENT DISTRICTS. We support the continued ability of cities to establish transportation development districts to meet the economic development and transportation infrastructure needs in the community.

RECREATIONAL TRAILS. We support the development of recreational trails, including rails to trails, aquatic trails, and hike-and-bike on levee trails projects, and oppose any legislation that would make such development more burdensome or costly.

COOPERATION WITH KDOT. We support the continued efforts of the Kansas Department of Transportation to work with cities on cooperative programs, including the transportation revolving loan fund and various economic development projects.

RAIL SERVICE. We support existing and enhanced passenger and freight rail service in Kansas and seek a strong partnership with the state and federal government to achieve meaningful improvements.

MUNICIPAL UTILITIES

BROADBAND. Access to reliable broadband service, as defined by the FCC minimums for “served areas” is increasingly important to the economic health of Kansas cities. We support the 2018 establishment of the Statewide Broadband Expansion Planning Task Force as a means for identifying ways the state can best facilitate broadband expansion in Kansas. Recommendations from the task force must recognize the important role local governments play in such expansion and they must not remove important planning and right of way authority from local governments. Further, we support legislation that promotes full disclosure of transport and connection fees by internet providers.

SERVICE TERRITORY. Municipalities must retain the authority to purchase, construct, or extend the infrastructure necessary to supply the cities and their inhabitants with public utilities, including electric services. We believe in the current statutory framework which allows cities’ jurisdictional limits to change over time, due to the annexation of land, including land located within the service territory of another utility provider.

MUNICIPAL OPERATION. We support the ability of cities to operate municipal gas, water, electric, sewer, telecommunications, broadband, solid waste, stormwater or other utility services. We further support the ability of cities to set and control the rates for locally owned and operated utilities, and support the current defined service territory statutes.

RIGHT OF FIRST REFUSAL. We support municipal utilities having the ability to invest in new electric/transmission projects in order to provide reliable, affordable service to local customers. We oppose efforts prohibiting competition for transmission projects in Kansas.

FRANCHISE AUTHORITY. We oppose any legislation restricting the current franchise authority for cities, including limits on franchise fees.



MANDATES. We oppose unfunded federal and state mandates regulating the operation of municipal gas, water, electric, sewer, telecommunications, solid waste, stormwater utilities or other utility services. Any mandates passed down to cities should not be imposed without a cost-benefit analysis and should be accompanied by appropriate funding. In addition, regulations should provide for a reasonable implementation schedule.

PUBLIC WATER SUPPLY SUPERVISION PROGRAM.

We support changes to the statutory language increasing the funding stability for the Kansas Department of Health and Environment's Public Water Supply Supervision program. These changes must balance municipal cost concerns and recognize the state has a responsibility to contribute to these important public health matters. In addition, we recognize a need to update standards to meet federal clean drinking water standards.

ENERGY

ELECTRIC UTILITY DEREGULATION. Community-owned and operated municipal electric utilities make long-term power supply decisions and investments with the goal of benefiting their overall community. We support continued local control over power supply decisions.

STATEWIDE ENERGY POLICY. We support the development of a coordinated and comprehensive energy policy, including the use of renewables, developed with strong input from cities. We encourage the state to adopt legislation providing the mechanism and staff support for the development of such policy.

ENERGY EFFICIENCY. We support public and private incentives to encourage energy efficiency by local governments and citizens.



WATER AND ENVIRONMENT

WATER QUALITY. We support a clean and safe public water supply and the protection of public health and aquatic life. We endorse regional and cooperative solutions to water quality challenges that address point and non-point source pollution while balancing municipal cost concerns.

WATER QUANTITY. Government at all levels should aggressively pursue the conservation, protection and development of current and future municipal water supplies. We support cost-effective efforts to extend the life of reservoirs and to expand reservoir storage for use by municipal water suppliers. We support immediate state action, in consultation with municipal providers, to address over-appropriated surface and groundwater resources while respecting priority of water rights.

WATER PLANNING. We support increased municipal representation on the Kansas Water Authority; broad-based revenue sources and distribution for the state Water Plan Fund; and a re-evaluation of the process for adopting the annual state Water Plan Fund budget.

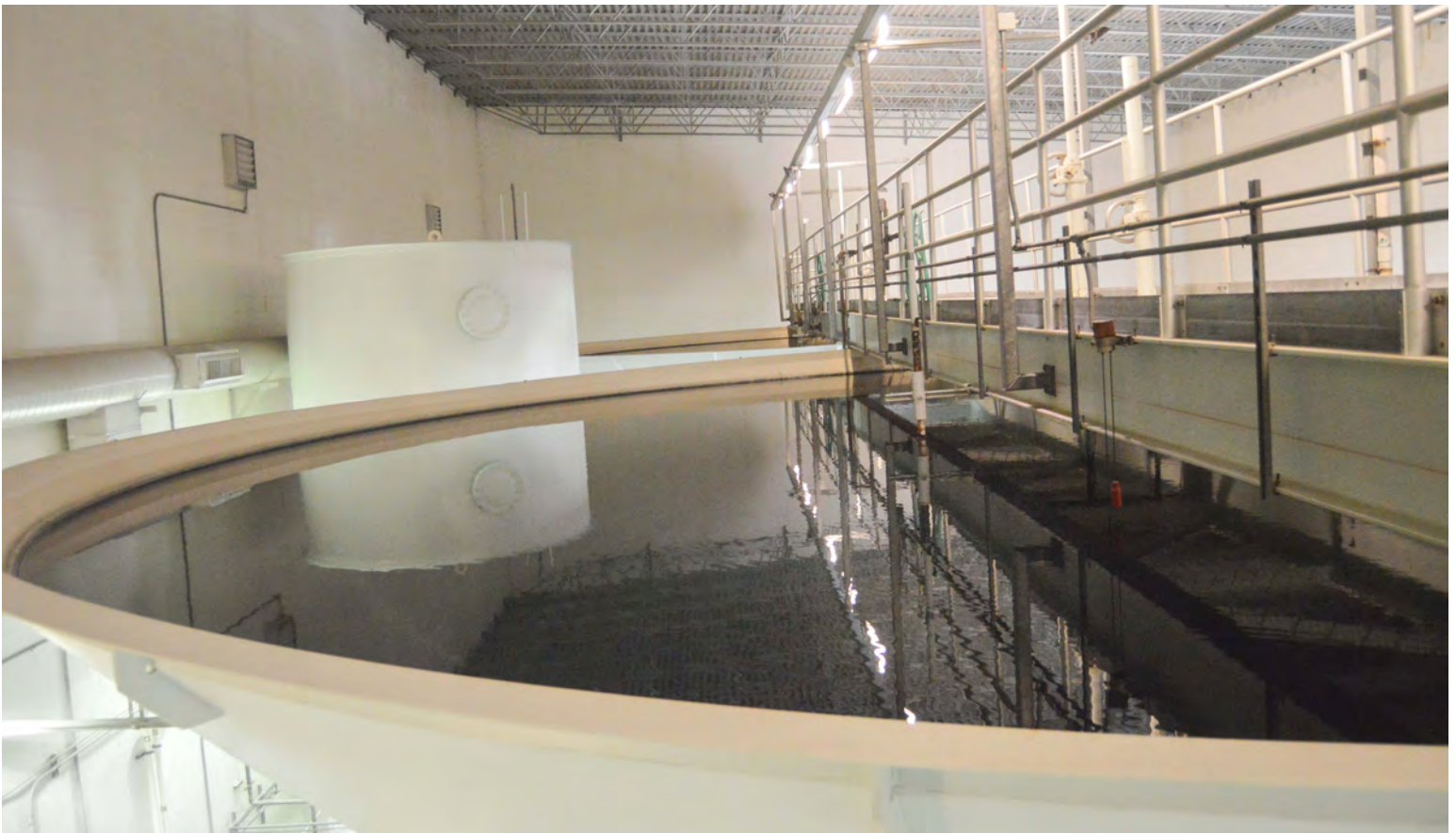
INFRASTRUCTURE FUNDING. We support increased federal and state funding to assist local communities with their water, wastewater, stormwater, levee and dam infrastructure and associated security needs.

STORMWATER MANAGEMENT. We endorse regional and cooperative solutions to stormwater quality and quantity challenges that address point and non-point source pollution.

SOLID WASTE. The home rule powers of cities to dispose of and manage municipal solid waste should not be restricted.

HAZARDOUS WASTE. We support a comprehensive state-local approach to provide assistance in identifying hazardous wastes and to develop programs to monitor and dispose of such wastes. We encourage state agencies to work cooperatively with local governments in the development and approval of programs to identify, monitor and dispose of hazardous waste. Further, appropriate education and training should be provided prior to the implementation of such programs.

CLEAN AIR. We support air quality controls and a state-developed air quality plan that protects the health and safety of Kansans while balancing municipal cost concerns.



HUMAN RESOURCES

City employees are the foundation of effective city government. City governing bodies must have the authority to develop local personnel policies to attract and maintain a high quality public workforce.

WORKERS' COMPENSATION. We support reasonable and just benefits for employees injured within the course and scope of their public employment, and effective enforcement of the Workers' Compensation Act.

KPERS & KP&F. We support the full funding of the Kansas Public Employees Retirement System (KPERS) and Kansas Police & Fire (KP&F) retirement systems and honoring all commitments that have been made by KPERS and KP&F. The local KPERS system should remain separate from the state and school retirement system. Changes to the KPERS system should not impact a city's ability to hire and retain qualified public employees, including any undue burden on hiring KPERS retirees, or reduce benefits promised to employees.

PUBLIC EMPLOYER-EMPLOYEE RELATIONS ACT (PEERA)/COLLECTIVE BARGAINING. We oppose any federal or state mandate requiring collective bargaining at the local level.

PERSONNEL MANDATES. We oppose state and federal mandates involving public personnel.

WEAPONS AND FIREARMS. We support the ability of local governments to set policies regarding the carrying of weapons and firearms by municipal employees while they are engaged in their work.

PREVAILING WAGE. We oppose federal and state mandates requiring or prohibiting the payment of prevailing wage.

HEALTH CARE & OTHER BENEFITS. We support cooperation and active study of ways to relieve the financial burden of securing employee health care coverage, including the continued option for cities to participate in the state health care program.

UNEMPLOYMENT. We support reasonable and just benefits for employees who are qualified individuals under the Kansas Employment Security Law. We oppose the finding that volunteers, who are paid a nominal stipend, are considered a qualified individual. We support legislation to define "volunteer" in Kansas employment law such that it is consistent with federal law.





GOVERNMENT POLICIES & PROCEDURES

Abid by the longstanding constitutional Home Rule authority of Kansas cities, there is a need to ensure local governments maintain autonomy and the authority of self-governance to create a safe and sustainable quality of life for residents. In an effort to construct appropriate policies for their community, such as economic and community development initiatives, cities should be committed to implementing procedures which ensure ethical and transparent governance from their officials.

HOME RULE. Consistent with the Home Rule Amendment of the Kansas Constitution approved by voters in 1960, we support local elected officials making decisions for their communities, particularly local tax and revenue decisions.

PROTECTION OF THE FIRST AMENDMENT. The right of the people through their democratically elected and appointed officials to petition and speak to their government officials shall not be abridged. We support cities' First Amendment right of freedom of association to work together to accomplish common goals.

CITY ELECTIONS. City elections should remain non-partisan and separate from state and national elections.

INSTALLATION OF ELECTED OFFICIALS. We support local decision-making in determining the proper time to install newly elected officials.

ANNEXATION. The ability of cities to grow is inherent in the economic growth and development of the state. Therefore, we support local jurisdictions' ability to make their own decisions regarding orderly growth through annexation.

SIGN REGULATION. We support the authority of local government to regulate signs in compliance with federal law.

PUBLIC PROPERTY & RIGHTS-OF-WAY. We support the ability of cities to control and manage public property and rights-of-way and to impose franchise or use fees on those entities that utilize the rights-of-way.

EMINENT DOMAIN. Eminent domain is a fundamental municipal power. The authority to acquire property through condemnation proceedings is critical for public improvement projects. We support increased flexibility for local governments to use eminent domain for economic development purposes, including blight remediation, without seeking legislative approval.

INTERLOCAL COOPERATION. We support the principle of voluntary cooperation among all levels of government.

GOVERNMENTAL IMMUNITY. We support continued immunity for cities from tort liability and legislation strengthening the Kansas Torts Claims Act.

POLICE POWERS. We support the authority of cities to regulate in order to protect the health, safety, and welfare of the public.

CONSOLIDATION. We support processes for local consolidation without undue statutory barriers. We further believe the issue of consolidation is an inherently local one and the voters should be allowed to determine whether consolidation with another unit of government occurs.

COMMUNITY DEVELOPMENT

ABANDONED AND BLIGHTED HOUSING. We support legislation that streamlines and expedites the process for local governments, neighborhood organizations and private businesses to deal with the blight of abandoned, nuisance, foreclosed housing, and commercial structures to protect the rights and property values of surrounding property owners.

ECONOMIC DEVELOPMENT PARTNERSHIPS. State and regional partnerships are vital to the sustained growth of the state and should be supported by policy and with adequate funding.

TAX ABATEMENTS. We support the authority of cities to offer tax abatements to encourage business investment in their communities.

TAX INCREMENT FINANCING (TIF). We support the continued use of TIF to promote economic development. TIF laws should allow maximum flexibility and allow for efficient use by communities.

REVITALIZATION TOOLS. We support the continued use of the Neighborhood Revitalization Act, the Downtown Redevelopment Act, the Transportation Development District Act and the Community Improvement District Act to promote local neighborhood development.

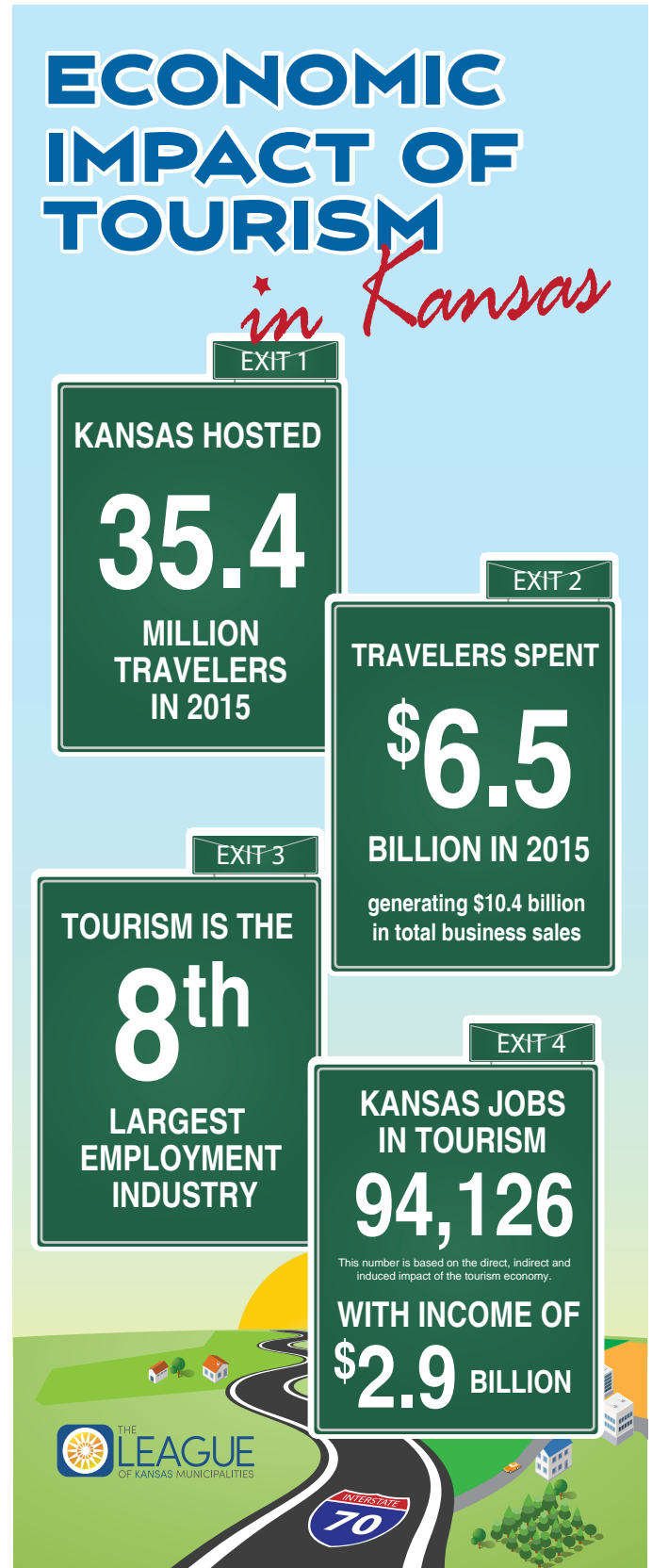
TOURISM. We support cooperative ventures between the state and local government in Kansas to promote tourism as an industry that is vital to growth and development all across the state.

STAR BONDS. We support the ability of cities to utilize STAR bonds to promote economic development in their communities.

LAND USE AND ZONING. We support the ability of local officials to make land use and zoning decisions within their community, including decisions about the location, placement, size, appearance and siting of transmission and receiving facilities and any other communications facilities.

MODERATE INCOME HOUSING PROGRAM. We support the continued funding of the Moderate Income Housing Program to promote affordable housing options. Accessibility to such housing stock is important to job growth and economic success in communities.

EXPORTS. We support the Kansas Department of Commerce providing assistance to Kansas businesses who may become Kansas exporters, whether by direct provision of services or through outsourcing.





The Effects of BLIGHTED PROPERTY



Abandoned and blighted property is not just a big-city issue. It is a statewide issue. This issue impacts public safety, the values of adjoining properties, and discourages improvements to adjoining property.

4+
years



The median length of time a property was reported as abandoned was **four years**. One-third of responding cities noted some of the properties had been **abandoned for 10 or more years**.*

89%

*of member cities identify abandoned or blighted property as a significant or very significant concern in their communities.**

Abandoned property affects the health, safety, and welfare of the entire community - taxpayers, property owners, and residents. Other concerns associated with abandoned property include **increased police calls** for theft, prowlers, drug issues, and squatting. Additionally, cities reported an **increase in fire calls** responding to accidental fires and arson.*



Code enforcement issues related to abandoned property include **overgrown vegetation, dilapidated structures, wildlife, illegal dumping, and additional demand for sanitation services**.* Abandoned properties have a strong potential to become dangerous structures as they continue to deteriorate.



Unpaid property taxes on abandoned properties **creates a higher tax burden** on others to provide necessary city services. As these properties fall further into disrepair, the neglect can cause a blighting effect and result in **loss of property values of surrounding properties**.*



Abandoned property and blight is a welcoming **environment for pests and vermin** as well as a potentially **dangerous nuisance** for a neighborhood.

* The League completed several member surveys about the impact of blighted and abandoned property. The median population of responding cities was 2,500.

TRANSPARENCY IN GOVERNMENT

OPEN MEETINGS. All levels of government should be subject to the same open meetings requirements. These laws should not be unduly burdensome.

OPEN RECORDS. All levels of government should be subject to the same open records requirements. State laws governing open records should balance the public's right of access, with the necessity of protecting the privacy of individual citizens, and the ability of public agencies to conduct their essential business functions. We support a city's ability to recoup reasonable costs associated with open records requests.

INTERGOVERNMENTAL DIALOGUE.

Communication between all levels of government is critical to the successful delivery of public services to the citizens of Kansas. Representatives from cities provide facts and information crucial to intergovernmental relations, and as such, should have the same rights and responsibilities as private interest lobbyists. We support current law regarding the use of state and local public moneys to provide information and advocate on behalf of our cities and citizens. Any reporting system should not increase the administrative burden on local governments.

BODY CAMERAS. We support the ability of local governments to determine when and how body cameras will be used by law enforcement officers. We support the establishment of reasonable regulations concerning public access to recordings, balancing the needs of law enforcement and the individuals whose images are captured in the recordings.





FEDERAL ISSUES

Local officials welcome the opportunity to work together with federal and state officials on policies impacting local communities. Federal agencies should research and understand the fiscal impact on local units of government when implementing new guidelines or laws. Cities manage their finances, infrastructure and personnel more effectively without unfunded federal mandates.

COMMUNITY DEVELOPMENT BLOCK GRANTS (CDBG) – We support continued funding for Community Development Block Grants, Community Service Block Grants and HOME Grants. These programs’ funding is an essential component of cities’ strategies to fund critical community services and infrastructure needs.

MUNICIPAL BONDS. We support the removal or modification of overly burdensome and costly restrictions affecting the issuance of municipal bonds. Further, we support the continued tax-exempt status for municipal bonds.

BROADBAND DEPLOYMENT & MUNICIPAL OVERSIGHT. Access to reliable broadband service is increasingly important to the economic health of Kansas cities. However, federal action via legislation or orders from federal agencies must recognize the key role local governments play in such expansion, and it must not remove important planning and right of way authority from local governments. Cities must be afforded the continued right to address safety, health and welfare for both their citizens and other entities with valuable infrastructure in the right of way. In addition, the right of way serves as an important resource for citizens, and the right to offset costs of management and levy taxes should not be limited.

OVERTIME RULE. We support modernizing rules for overtime, but have concerns about the fiscal impact of the changes, particularly if they include automatic increases in the overtime threshold. As employers, absorbing the impact of sharp increases would have a significant negative impact on municipal budgets.

IMMIGRATION REFORM. We support a federal solution to immigration reform. Any immigration policy should not negatively impact local governments with additional law enforcement or administrative burdens. We support Congress continuing assistance to under-served areas with large immigrant populations, who are attempting to remain in compliance with the United States Citizenship and Immigration Services.

TRANSPORTATION. We support funding the Fixing America’s Surface Transportation Act (FAST ACT), which allows investment in critical infrastructure.

STORMWATER. We support simple and flexible federal regulations of municipal stormwater run-off that allow for orderly and cost-effective development. The federal government should appropriate funds for research and for the development of pilot projects on stormwater management.

WATER QUALITY. We support a clean and safe public water supply and the protection of public health and aquatic life. We endorse federal investments and cooperative solutions that address water quality challenges and take into account municipal cost concerns.

HAZARDOUS WASTE. We urge federal agencies to work cooperatively with state and local governments in the development and approval of programs to identify, monitor and dispose of hazardous waste. Appropriate education and training should be provided prior to the implementation of such programs.

TELECOMMUNICATIONS DATA. We support the continued ability of public safety officials to access data from telecommunications companies in times of emergencies to assist investigations.

RAIL SERVICE. We support existing and enhanced passenger and freight rail service in Kansas. In many cases, this service is the only affordable alternative to highway transportation in communities. Changes to Amtrak service should not sacrifice this alternative nor the investments in the service by cities.

RAILROAD QUIET ZONES. We urge Congress to reexamine the Train Horn Rule with the Federal Railroad Administration. Rules for implementing quiet zones should be less burdensome and allow for differences in community circumstances while continuing to protect public safety. We also request Congress provide federal funds for the purpose of establishing quiet zones and consider new technology which may enhance the safety of quiet zones while minimizing or eliminating train horn noise.



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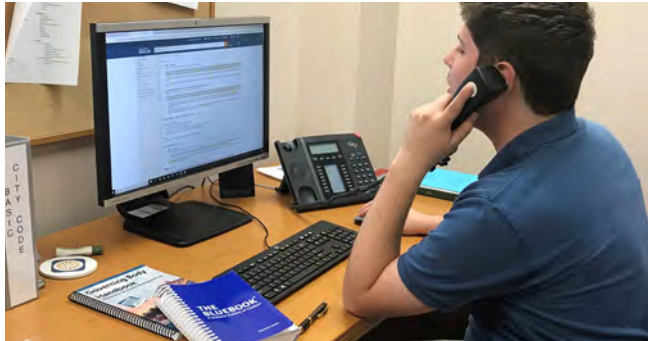
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POLICY DEVELOPMENT

This *Statement of Municipal Policy* defines the core principles of the organization. It was developed by city officials through the League's policy committees. There are three policy committees that are focused in specific areas: Finance & Taxation, Public Officers & Employees, and Utilities & Environment. The fourth committee, the Legislative Policy Committee, reviews the entire Statement and the recommendations of the three specific committees. The Statement is then submitted to the Governing Body and is ultimately adopted by the Convention of Voting Delegates at the League's Annual Conference. For more information about the League policy committees or process, check out the League website at www.lkm.org or contact us at (785) 354-9565.

THE LEAGUE ADVOCATES FOR CITIES

The League advocates on our members' behalf to sponsor and encourage beneficial legislation for cities and oppose legislation that would be detrimental to our members' interest.



THE LEAGUE OFFERS GUIDANCE

Member cities can contact the League with a legal inquiry or question. Additionally, we provide sample ordinances and guidance on legislation and rulemaking from both the state and federal level.

COMMUNICATIONS & OUTREACH

Since 1914, the League has published the *Kansas Government Journal*, a publication for city, county and state government officials that is printed ten times a year. The League publishes a weekly e-newsletter, researches municipal issues affecting Kansas communities and develops programs for cities to use to engage their residents and reinforce the importance of civic engagement.



MUNICIPAL TRAINING & EDUCATION

The League offers members a variety of education and training opportunities throughout the year. Our annual conference brings together leaders in municipal government to offer innovative ideas for cities. Throughout the year, the League works with professionals in the field to train, inspire and solve problems facing municipal leaders at all levels. The League offers over 30 manuals and publications on municipal issues ranging from finance and budgeting, personnel, planning, economic development, open meetings and open records to traffic ordinances.

CONTRACT SERVICES

The League offers members a competitive rate to have the League engage in contract services, which include codification services, executive personnel search program (LEAPS) and personnel policies.





THE
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