

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 240829

Declaring the dissolution of various boards, commissions, and committees in the City which have fulfilled their intended purposes or have otherwise expired; directing the City Manager to remove those boards and commissions from City websites and communications as appropriate; amending Chapter 2, Code of Ordinances, by repealing Section 2-2024 entitled "Conflict of interest annual report" and enacting in lieu thereof a new section of like number and subject matter for the purpose of removing those boards and commissions which are now or have previously been dissolved; amending Chapter 2, Code of Ordinances, by repealing Division 4 entitled "Commission on Industrial Development," inclusive of Sections 2-801 through 2-805; amending Chapter 2, Code of Ordinances, by repealing Division 13 entitled "Key to the City Commission," inclusive of Section 2-970; amending Chapter 2, Code of Ordinances, by repealing Division 16 entitled "Bicycle and Pedestrian Advisory Committee," inclusive of Sections 2-970.11 through 2-970.12; amending Chapter 2, Code of Ordinances, by repealing Division 21 entitled "Water Utilities Advisory Board," inclusive of Sections 2-970.50 through 2-970.56; amending Chapter 2, Code of Ordinances, by repealing Division 23 entitled "Houseless Advisory Commission," inclusive of Sections 2-970.65 through 2-970.72; amending Chapter 3, Code of Ordinances by repealing Sections 3-613, 3-615, and 3-619 and enacting in lieu thereof sections of like number and subject matter for the purpose of updating references to the proper boards; and amending Chapter 19, Code of Ordinances, by repealing Article II entitled "Community Video Advisory Board," inclusive of Sections 19-10 through 19-17.

WHEREAS, the Convention Hotel Steering Committee was established via Resolution No. 090444, extended via Resolution 100478, and completed its function in May of 2015; and

WHEREAS, the Fairness in City Contracts Board was replaced by the Fairness in Professional Services and Goods Board via Ordinance No. 180535, As Further Amended; and

WHEREAS, Global Commission Kansas City was dissolved via Ordinance No. 200832 in October of 2020; and

WHEREAS, the Independence Avenue Special Review District was dissolved via Ordinance No. 160513 in July of 2016; and

WHEREAS, the Land Trust of Jackson County is a governmental corporation established by RSMo. § 141.700 for the management, sale, and other disposition of tax delinquent lands, to which the City no longer appoints a trustee; and

WHEREAS, the Main Street Special Review Board was dissolved via Ordinance No. 171037 in January of 2017; and

WHEREAS, the 18th & Vine Development Committee was established via Committee Substitute for Resolution No. 140752 and has since fulfilled its purpose; and

WHEREAS, Alternatives to Incarceration was established via Committee Substitute for Resolution 230475, extended by Resolution No. 230607, and has since fulfilled its purpose; and

WHEREAS, the City Council desires to update its Code of Ordinances, City websites, and other City communications to reflect the current state of the operating boards and commissions throughout the City; NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the following boards, commissions, and committees are hereby dissolved:

- Convention Hotel Steering Committee
- Fairness in City Contracts Board
- Global Commission Kansas City
- Independence Avenue Special Review District
- The Mayor's appointee to the Land Trust of Jackson County
- Main Street Special Review Board
- 18th & Vine Development Policy Committee
- Alternatives to Incarceration
- Bicycle and Pedestrian Advisory Committee
- Commission on Industrial Development
- Community Video Advisory Board
- Equity Task Force
- Houseless Advisory Commission
- Kansas City Young Adult City Council
- Key to the City Commission
- Swope Ridge Geriatric Board
- Water Utilities Advisory Board
- Westport Event Management Committee
- Food Protection Advisory Board
- Midtown Housing Advisory Board
- Violence Free KC

Section 2. That the City Manager is hereby directed to remove those boards, commissions, and committees referenced in Section 1 from all City websites and communications.

Section 3. That Chapter 2, Code of Ordinances, is hereby amended by repealing Section 2-2024 entitled "Conflict of interest annual report" and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

The ~~Ethics Commission~~ **ethics commission** shall annually review any new boards, commissions, or other entities formed by the ~~City~~ **city** and make a recommendation to ~~Council~~ **council** on which, if any, shall be included in the ~~list~~ **list** of entities whose members are required to file annual financial disclosure reports.

~~(e)~~ **(e)** ~~Time for filing.~~ The financial disclosure reports shall be filed at the following times, but no person is required to file more than one financial disclosure statement in any calendar year:

~~(1)~~ **(1)** ~~(4)~~ Every person required to file a financial disclosure statement shall file the statements annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31.

~~(2)~~ **(2)** Except for candidates for council and mayor, the first disclosure report required of persons shall be filed with the city clerk prior to assuming employment or a position on the designated entity. An annual revised disclosure report shall be filed by May 1 of each calendar year.

~~(3)~~ **(3)** Every candidate for council and mayor, including incumbent candidates, shall file no later than ~~fourteen~~ **14** days after the close of filing for candidacy, as provided in ~~Section~~ **section** 602(a) of the City Charter. The time period for this filing shall cover the ~~twelve~~ **12** months prior to the closing date of filing for candidacy.

~~(f)~~ **(f)** ~~Failure to file.~~ Any member of a city board, commission or other entity who is appointed by the mayor or one or more members of the city council who fails to report by June 1 of each year shall be deemed to have resigned membership, and this resignation shall be deemed accepted as of June 1 of the respective year. Any entity listed in subsection (d) with a member not appointed by the mayor or one or more members of the city council failing to file the required disclosure report shall be subject to termination or suspension of any funding or other assistance provided by the city until all required disclosures are made.

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

Section 4. That Chapter 2, Code of Ordinances, is hereby amended by repealing Division 4 entitled "Commission on Industrial Development," inclusive of Sections 2-801 through 2-805.

~~Sec. 2-801. Commissioner of business and industrial development—Appointment, salary.~~

- Formatted: Normal, Justified, Indent: Left: 0", First line: 0"
- Formatted: Font color: Auto
- Formatted: Normal, Justified, Tab stops: Not at 0.75"
- Formatted: Font color: Auto
- Formatted: Normal, Justified, Indent: First line: 0", Tab stops: Not at 0.75"
- Formatted: Normal, Justified, Indent: Left: 0", First line: 0.5", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"
- Formatted: Font color: Auto
- Formatted: Font color: Auto
- Formatted: Font color: Auto
- Formatted: Normal, Justified, Indent: First line: 0", Tab stops: Not at 0.75"
- Formatted: Normal, Justified, Indent: Left: 0.5", Hanging: 0.5", Numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1.02"
- Formatted: Font color: Auto
- Formatted
- Formatted: Font color: Auto
- Formatted: Font color: Auto
- Formatted: Normal, Justified
- Formatted
- Formatted: Font color: Auto
- Formatted
- Formatted
- Formatted: Font color: Auto
- Formatted: Font color: Auto
- Formatted: Font color: Auto
- Formatted: Normal, Justified
- Formatted
- Formatted: Font color: Auto
- Formatted: Font color: Auto
- Formatted: Font color: Auto

~~The city council shall, by resolution, appoint a commissioner of business and industrial development, who shall hold that position during the pleasure of the city council, and whose salary shall from time to time be fixed by the city council.~~

~~Sec. 2-802. Same—Assistants and employees.~~

~~The commissioner of business and industrial development shall have such number of assistants and employees as the city council may from time to time direct by resolution.~~

~~Sec. 2-803. Same—Duties.~~

~~It shall be the duty of the commissioner of business and industrial development to investigate and study such measures as may be taken to stimulate business and industrial activity within the city, including the location and expansion of business and industrial plants and other establishments; to formulate and adopt plans for the coordinated development, conservation and use of the city's resources in ways that will promote and advance the economic welfare of its citizens; to engage in promotional activities by the use of advertising, educational media and public relations, and by the solicitation of industrial and commercial enterprises to encourage the expansion and location of such enterprises within the corporate limits of the city; to maintain contact and personal relations with business, civic and professional groups and associations, including membership and attendance at their meetings here and elsewhere, for the purpose of making the activities of the commission widely and favorably known and thereby to obtain early information as to contemplated expansion or relocation of business or industrial concerns likely to be prospects for location or expansion in the city; to make available to private groups, organizations, associations and agencies such facts, data and information as may be useful and desirable in their efforts to encourage the location of industries and commercial enterprises within the city; to encourage the industrial development of the city by the dissemination of information within and without the city; to do such other and further related acts as shall, in the judgment of the commission, be necessary and proper to carry out the purposes for which the commission is created; to encourage the organization of advisory boards or committee among interested groups of citizens and, insofar as practicable, to cooperate with such boards or committees to secure active aid thereof in the accomplishment of the aims and fulfillment of the duties of the commission; to report to the mayor and city council the findings and results of studies, along with recommendations; and to make such reports and perform such other duties as may be prescribed by the city council.~~

~~Sec. 2-804. Commission established; membership; officers.~~

~~(a) There is hereby created and established a commission to be known as the commission on industrial development. The commission shall be composed of 42 members, who shall be appointed by the mayor. Of the first commission established, 14 members shall be appointed for a term of three years, 14 members for a term of two years, and 14 members for a term of one year. The successors of the members so appointed shall each be appointed for a term of three years. The members of the commission shall serve without compensation and shall be subject to removal by the city council upon recommendation of the mayor. The following business concerns and agencies shall be requested each to nominate one of its members for the~~

~~consideration of the mayor for appointment as a member of the commission: Kansas City Power and Light Company, the Gas Service Company, Southwestern Bell Telephone Company, Chamber of Commerce, Kansas City Terminal Railway Company, and the Highway Carriers' Association. In addition to appointed members, the members of the city council committee on industrial development shall be ex officio members. The commission shall select a chairman and three vice-chairmen from its members to serve at the pleasure of the commission. The commissioner of business and industrial development shall be the secretary and executive officer of and disbursing agent for the commission.~~

~~(b) Of the six additional members authorized to be appointed on the first commission, two shall be appointed for a term of three years, two for a term of two years, and two for a term of one year, their terms to coincide with the terms of the members of each such respective class already appointed to the commission.~~

~~**Sec. 2-805. Duties of commission.**~~

~~The duties of the commission on industrial development shall be, in collaboration with the commissioner of industrial development, to formulate and promote plans to stimulate business and industrial activities within the city, including the location and expansion of business and industrial plants and other establishments; to make recommendations and reports to the city council; and to perform such other duties as from time to time may be prescribed by the city council.~~

Section 5. That Chapter 2, Code of Ordinances, is hereby amended by repealing Division 13 entitled "Key to the City Commission," inclusive of Section 2-970.

~~**Sec. 2-970. Key to the City Commission.**~~

~~(a) There is established a key to the city commission to advise the city council on changes to the city's official corporate symbol, seal, mark, and key.~~

~~(b) The commission shall consist of up to nine members to be appointed by the mayor for terms of four years.~~

~~(c) The commission shall meet as necessary, as determined by its membership, to evaluate design changes to the city's official corporate symbol, seal, mark, and key.~~

~~(d) The commission shall report its recommendations to the city council.~~

Section 6. That Chapter 2, Code of Ordinances, is hereby amended by repealing Division 16 entitled "Bicycle and Pedestrian Advisory Committee," inclusive of Sections 2-970.11 through 2-970.12.

~~**Sec. 2-970.11. Committee established; membership; officers.**~~

~~There is hereby created and established a committee to be known as the bicycle and pedestrian advisory committee. The committee shall be composed of 13 members. Each councilperson (other than the mayor) shall recommend one member, and upon these recommendations, 12 committee members shall be appointed by the mayor to serve two year terms. The mayor shall appoint one additional committee member to serve as chairperson of the committee. The mayor shall fill any vacancy on the committee by appointing a new member, in the same manner as the original appointment, to serve a two year term. Regardless of the length of service, all committee members terms shall end on the day that the councilmanic terms end, provided that each member shall serve until his or her successor has been appointed. The members of the committee shall serve without compensation and shall be subject to removal by the mayor. The following departments shall each designate one employee to serve the committee in an advisory capacity: city development, public works, parks and recreation, water services, health, neighborhood and community services, and police.~~

~~Sec. 2-970.12. Duties of the committee.~~

~~(a) The committee is charged with recommending to the mayor and city council ways to make the city more bicycle and pedestrian friendly. The committee will be the formal means through which active citizen participation is provided to advise the mayor and city council on policy and implementation for bicycle and pedestrian issues, such as the following:~~

- ~~(1) Proposing policies to achieve platinum designation by the League of American Bicyclists by the year 2020.~~
- ~~(2) Providing oversight of the implementation of the Citywide Trails Plan through an annual review of its progress.~~
- ~~(3) Researching best practices for an integrated approach of education, enforcement, and engineering strategies to improve bicycle and pedestrian safety.~~
- ~~(4) Increasing bicycle ridership and pedestrian traffic by developing an integrated bikeway system for commuter and recreational use.~~
- ~~(5) Prioritizing bicycle and pedestrian related projects to be completed by city departments.~~
- ~~(6) Creating a bikeway plan that integrates the current Bike KC and Citywide Trails Plans.~~
- ~~(7) Integrating best practicing and recommending standards and guidelines for bicycle amenities and pedestrian facilities.~~
- ~~(8) Partnering with local agencies and organizations to enhance the safety of the city's streets for all modes of transportation by providing education and enforcement events and activities.~~

~~(9) — Other bicycle and pedestrian issues deemed appropriate by the committee.~~

~~(b) The committee will meet at least eight times per year. The chairperson shall set the time and place for the first meeting, and the schedule for subsequent, regular meetings shall be set at the first meeting.~~

~~(c) The committee shall make an annual report of its recommendations to the city council. The committee may make additional reports to the council as it determines to be necessary.~~

Section 7. That Chapter 2, Code of Ordinances, is hereby amended by repealing Division 21 entitled “Water Utilities Advisory Board,” inclusive of Sections 2-970.50 through 2-970.56.

~~Sec. 2-970.50. Establishment and purpose.~~

~~There is hereby created the water utilities advisory board, whose purpose is to review and make recommendations to the city council and the water services department for the services, financial policies, rates, charges, and fees used to support the annual budget of Kansas City's municipally owned water, wastewater and stormwater utilities. If requested by the city council, the board shall review and make recommendation on other matters related to the water utilities.~~

~~Sec. 2-970.51. Establishment; membership; appointment and qualification of members.~~

~~The board shall consist of five voting members who shall be appointed by the mayor and a liaison member, the director of water services or their delegate, who shall have no voting rights. The board's voting members shall consist of representatives recruited from among business and residential communities which represent the city's customer base, demonstrate industry expertise, and shall be allocated as follows:~~

- ~~(1) — Two members shall be residential customers residing in Kansas City;~~
- ~~(2) — Two members shall be business customers located in Kansas City; and~~
- ~~(3) — One member shall be from the city at large.~~

~~Sec. 2-970.52. Terms.~~

~~Voting members shall serve staggered five year terms, with initial appointments being as follows: one member shall serve a five year term, one member shall serve a four year term, one member shall serve a three year term, one member shall serve a two year term, and one member shall serve a one year term. Following the initial appointments, all members shall serve five year terms. The mayor may appoint a member to complete the remaining term of any vacant position. Voting members, at the end of their term, may be reappointed at the pleasure and discretion of the mayor. Voting members shall be subject to removal by the mayor.~~

~~Sec. 2-970.53. Duties.~~

~~The board shall hold at least four regular meetings each year, and call special meetings as required. The board shall provide recommendations to the city council and the water services department for the services, financial policies, rates, charges, and fees that support the annual budget process of Kansas City's municipally owned water, wastewater and stormwater utilities.~~

~~Sec. 2-970.54. Rules and procedures.~~

~~The board may adopt, from time to time, rules governing its own procedures and fixing the time and place of its meetings to effectuate its purpose and govern its affairs. However, three absences in a single year from meetings shall be deemed to be a resignation from the board. The board shall elect a chair and a vice chair from among its members. The terms of the chair and vice chair shall be for one year with eligibility for re-election.~~

~~Sec. 2-970.55. Compensation.~~

~~The members of the board shall serve without compensation.~~

~~Sec. 2-970.56. Staff support and supplemental training.~~

~~The water services department shall provide clerical and administrative services for the board. Voting members' industry expertise shall be supplemented by receiving cost of service or similar water utility financial management training.~~

Section 8. That Chapter 2, Code of Ordinances, is hereby amended by repealing Division 23 entitled "Houseless Advisory Commission," inclusive of Sections 2-970.65 through 2-970.72.

~~2-970.65. Commission Establishment; Purpose.~~

~~There is hereby established a commission to be known as the Houseless Advisory Commission.~~

~~2-970.66. Purpose; Duties.~~

~~The Commission shall meet to study and address the issue of houselessness in Kansas City, Missouri and serve as an advisory body to the City Council, the city manager and any identified department directors regarding issues of houselessness and how the City can better coordinate and improve the services provided to persons experiencing houselessness and those at risk of becoming houseless. The Commission shall take a holistic approach and include discussions regarding housing, emergency shelter, outreach, counseling, rent and utility payments and any other supportive services.~~

~~2-970.67. Membership.~~

~~The Commission shall consist of up to seven members appointed by the mayor, with at least one member of the City Council serving on the Commission. Members shall serve without compensation.~~

~~2-970.68. Chairperson; Other Officers.~~

~~The Mayor shall appoint one member to serve as chairperson. The Commission may nominate and elect a vice chair and other officers.~~

~~2-970.69. Terms.~~

~~Each member of the Commission shall be appointed for a two-year term. The Mayor may appoint a member to complete the remaining term of any vacant position. The terms shall be staggered. To effectuate a staggering of terms, three of the initial appointments shall be for one year, while the remainder shall be for two years. Thereafter, all terms shall be for two years.~~

~~Sec. 2-970.70. Meetings; Rules and procedures.~~

~~The Commission will meet no less than quarterly. The Commission shall have the power to establish the time and place of meetings. The Commission may adopt bylaws, establish a quorum and create other rules and procedures to govern their affairs. The Commission shall recommend to the Mayor the removal of a member for cause or failure to meet the established attendance requirement. The Mayor shall appoint a replacement to serve out the remainder of that member's term.~~

~~Sec. 2-970.71. Staff support.~~

~~The City Manager shall provide staff support to the Commission.~~

~~Sec. 2-970.72. Annual report.~~

~~The Commission shall provide an annual report to the Mayor, City Council and City Manager on its activities and recommendations on matters and city programs affecting persons experiencing homelessness in the city. The Commission is authorized to provide additional and more frequent reports.~~

Section 9. That Chapter 3, Code of Ordinances, is hereby amended by repealing Sections 3-613, 3-615, and 3-619 and enacting in lieu thereof sections of like number and subject matter to read as follows:

Sec. 3-613. Certification and appeals.

~~(a) (a)~~ The director shall be responsible for all certification decisions with regard to SLBEs and shall ensure that only persons meeting the requirements for certification as an SLBE are certified as such. The director shall apply the standards within this section in making a certification decision. To the extent not otherwise inconsistent with anything contained herein, the director shall have the authority to establish rules and regulations for purposes of ensuring that only persons meeting the definition of an SLBE as provided in ~~section 3-601(a)(17)~~ obtain certification.

~~(b) (b)~~ All persons applying for certification or who possess certification shall be subject to an audit by the director at any time. An applicant's or certified business' refusal to facilitate an audit shall be grounds for denial of its certification application or revocation of its certification.

Formatted: Font: Not Bold, Border: : (No border)

Formatted: Border: : (No border)

Formatted: Indent: Left: 0", First line: 0.5", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Tab stops: 0.75", Left

Formatted: Border: : (No border)

Formatted: Border: : (No border)

Formatted: Tab stops: 0.75", Left

Formatted: Border: : (No border)

Formatted: Indent: Left: 0", First line: 0.5", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Tab stops: 0.75", Left

Formatted: Border: : (No border)

Formatted: Indent: First line: 0.5", Tab stops: 0.75", Left

~~(c) (e)~~ All applicants shall be required to demonstrate that they have the skill and expertise to perform in the particular area(s) of work for which they are seeking certification.

~~(d) (4)~~ All applicants shall be required to demonstrate that they have annual gross receipts that, when added with those of its subsidiary or subsidiaries and averaged over three consecutive years, do not exceed five percent of the applicable business size standard for the SBA general contractor classification which is equivalent of the NAIC code 236220 as established in 13 CFR 121.201, as amended.

~~(e) (e)~~ All applicants shall be required to demonstrate that the business is an independent business and is not a subsidiary or affiliate of any other person.

~~(1) (1)~~ Independence shall be determined by considering the ability of the applicant to perform satisfactorily in its area(s) of specialty without substantial reliance upon finances, resources, bonding, expertise, staff, facilities, or equipment of non-SLBEs. Recognition of the applicant as a separate and distinct entity by governmental taxing authorities is not dispositive of the applicant's assertion of independence.

~~(2) (2)~~ Independence will be established by the degree to which financial, equipment leasing, business and other relationships with larger established firms vary from normal industry practices, and other appropriate factors.

~~(3) (3)~~ Independence will be evaluated as of the date of application submission.

~~(4) (4)~~ Recognition of a business as a separate entity for tax or corporate purposes is not necessarily sufficient to demonstrate that a firm is an independent business and is not a subsidiary or affiliate of another person.

~~(f) (f)~~ All applicants and certified businesses shall submit such information or documentation as may be required by the director in connection with its certification as an SLBE, including, but not limited to current licenses and federal, state and local tax returns and schedules (business and personal), and all other forms that are required to be included with or attached to the return at the time of filing. Failure to submit such information or documentation shall result in the denial of its certification application or revocation of its certification.

~~(g) (g)~~ A certification application may be withdrawn by an applicant without prejudice at any time prior to an audit. Documentation submitted to support an application will not be returned to the applicant. An applicant may reapply for certification at any time, except that any applicant who withdraws an application for reasons relating to their ownership or control of the business shall be required to wait three months before reapplying.

~~(h) (h)~~ The applicant has the burden of demonstrating to the director, by a preponderance of the evidence, that it meets all the requirements for certification. The director shall make determinations concerning whether the applicant has met its burden by considering all the facts in the record, viewed as a whole.

Formatted: Indent: Left: 0", First line: 0.5", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Tab stops: 0.75", Left

Formatted: Border: : (No border)

Formatted: Border: : (No border)

Formatted: Tab stops: 0.75", Left

Formatted: Indent: Left: 0", First line: 0.5", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Tab stops: 0.75", Left

Formatted: Border: : (No border)

Formatted: Border: : (No border)

Formatted: Tab stops: 0.75", Left

Formatted

Formatted: Border: : (No border)

Formatted: Border: : (No border)

Formatted

Formatted: Border: : (No border)

Formatted: Border: : (No border)

Formatted: Indent: Left: -0.5"

Formatted

Formatted: Border: : (No border)

Formatted: Border: : (No border)

Formatted: Indent: Left: -0.5"

Formatted

Formatted: Border: : (No border)

Formatted: Indent: Left: -0.5"

Formatted

Formatted: Border: : (No border)

Formatted: Border: : (No border)

Formatted: Indent: First line: 0"

Formatted

Formatted: Border: : (No border)

Formatted: Border: : (No border)

Formatted: Tab stops: 0.75", Left

Formatted: Border: : (No border)

Formatted

Formatted: Border: : (No border)

Formatted: Tab stops: 0.75", Left

Formatted

Formatted: Border: : (No border)

Formatted: Border: : (No border)

~~(i) (4)~~ Certification of an applicant shall be valid for three years from the effective date of the certification and only as to the area(s) of specialty specified therein, contingent upon the annual establishment by the certified firm of its continued eligibility. The director is authorized to require SLBEs to submit yearly updates of information including, but not limited to, current licenses and federal, state and local tax returns and schedules (business and personal), and all other forms that are required to be included with or attached to the return at the time of filing.

~~(j) (4)~~ Once certified, an SLBE must notify the department in writing within 30 calendar days of any change(s) in circumstances affecting the SLBEs continued ability to meet the SLBE certification requirements or of any material change(s) in the information provided in the certification application process. The statement must include supporting documentation describing in detail the nature of any changes. If the SLBE fails to make timely notification of such change(s), it will be deemed to have failed to cooperate and it may have its certification suspended or revoked on that ground, notwithstanding the fact that the changes, if disclosed, may not have impaired the SLBEs ability to retain its certification intact.

~~(k) (4)~~ The director shall safeguard information that reasonably may be regarded as confidential business information from disclosure to unauthorized persons consistent with federal, state and local law.

~~(l) (4)~~ The director is authorized to deny certification as an SLBE to any person not meeting the requirements for certification as such, and to suspend or revoke certifications an SLBE as provided in ~~section 3-617-~~ section 3-617.

~~(m) (4)~~ The director shall notify an SLBE or applicant for certification as an SLBE of any decision to deny, suspend or revoke that certification. Notification shall be in writing and shall indicate the basis for the director's decision. That decision shall be final, subject to the right of appeal to the ~~fairness in city contracts professional services and goods~~ board or fairness in construction board, as appropriate, and as set forth herein. The procedures shall be as follows:

~~(1) (4)~~ Within ten business days of the date the director sends written notice of his decision, any aggrieved person wishing to appeal the director's decision shall file with the director a written notice of appeal stating the reasons for the appeal and including all supporting documentation they wish to be considered. The information or documentation submitted shall be limited to the issue(s) raised in the written notice of appeal. No new or additional information shall be considered for the appeal without a showing by the appellant that it was not available or, through due diligence, could not have been made available. The written notice must specify whether the firm wishes to appeal in writing and/or appear personally for a hearing and if they intend to be accompanied by counsel. The failure to file a written notice of appeal complying with the requirements herein shall constitute a full and complete waiver of any right to appeal or otherwise protest any decision.

Formatted: Indent: First line: 0.5", Tab stops: 0.75", Left

Formatted: Indent: Left: 0", First line: 0.5", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Tab stops: 0.75", Left

Formatted: Border: : (No border)

Formatted: Border: : (No border)

Formatted: Indent: First line: 0.5", Tab stops: 0.75", Left

Formatted: Indent: Left: 0", First line: 0.5", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Tab stops: 0.75", Left

Formatted: Border: : (No border)

Formatted: Border: : (No border)

Formatted: Indent: First line: 0.5", Tab stops: 0.75", Left

Formatted: Indent: Left: 0", First line: 0.5", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Tab stops: 0.75", Left

Formatted: Border: : (No border)

Formatted: Border: : (No border)

Formatted: Indent: First line: 0.5", Tab stops: 0.75", Left

Formatted: Indent: Left: 0", First line: 0.5", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Tab stops: 0.75", Left

Formatted: Border: : (No border)

Formatted: Border: : (No border)

Formatted: Indent: First line: 0.5", Tab stops: 0.75", Left

Formatted: Indent: Left: 0", First line: 0.5", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Tab stops: 0.75", Left

Formatted: Border: : (No border)

Formatted: Tab stops: 0.75", Left

Formatted

Formatted: Border: : (No border)

Formatted: Border: : (No border)

~~(2)~~ (2) Within five business days of receipt of an effective written notice of appeal, the director shall forward the notice to the chairperson ~~or of the fairness in city contracts professional services and goods~~ board or chairperson of the fairness in construction board. The fairness in construction board's jurisdiction shall include appeals from certification decisions that relate to certification in area(s) of work specific to the construction trades or the supply of construction related materials. The ~~fairness in city contracts professional services and goods~~ board shall have jurisdiction over all other appeals. In the event that there is any question as to which body has jurisdiction over the appeal, the matter shall be left to the discretion of the director whose decision in that regard shall be conclusive.

Formatted: Border: : (No border)
Formatted: Indent: Hanging: 0.5", Numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Border: : (No border)
Formatted: Border: : (No border)

~~(3)~~ (3) Within five business days from the date of receipt of notice from the director, the respective chairperson shall set a hearing date, provided however that the hearing date will be no more than 60 days from the date notice is received from director. The chairperson shall cause notice of the hearing to be served upon all parties by certified mail. Such notice shall set forth with particularity the issues on appeal and shall include the hearing date, time and place.

Formatted: Indent: Hanging: 0.5", Numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Border: : (No border)
Formatted: Border: : (No border)

~~(4)~~ (4) At the hearing, all parties shall be provided a fair and impartial hearing. Legal counsel may accompany the SLBE or applicant for certification as an SLBE during the hearing, speak on their behalf, respond to questions, and otherwise make a presentation. Each side will be limited to a period of 15 minutes to address the board, unless extended by the hearing officer for good cause. Reasonable accommodations will be made for those with disabilities and/or limited language proficiency. For the appeal, the burden of proof rests on SLBE or applicant for certification as an SLBE to establish that the director's decision was improper.

Formatted: Indent: Hanging: 0.5", Numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Border: : (No border)
Formatted: Border: : (No border)
Formatted: Border: : (No border)

~~(5)~~ (5) The board shall, within 15 business days of the hearing or within 15 days of the deadline set by the hearing officer for the submission of any additional documentation, if applicable, make a written decision on the appeal, which decision shall affirm, alter, or reverse the director's decision. Written notice of the decision on the appeal shall be sent to all parties by mail setting forth the reasons for the decision. The decision of the board shall be binding on all parties, subject to the right of appeal as provided by law.

Formatted: Indent: Hanging: 0.5", Numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Border: : (No border)
Formatted: Indent: Hanging: 0.5", Numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Border: : (No border)

~~(6)~~ (6) Any person receiving a decision upholding the director's decision to deny or revoke certification as an SLBE shall be ineligible to reapply for SLBE certification for one calendar year from the later of the date the board's decision was issued, or the final date of any court decision.

Formatted: Border: : (No border)
Formatted: Indent: Left: 0", First line: 0.5", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Tab stops: 0.75", Left
Formatted: Border: : (No border)

~~(n)~~ (n) An SLBE shall be graduated from the SLBE program as follows:

Formatted: Border: : (No border)

~~(1)~~ (1) If the annual gross receipts of the SLBE when added with those of its subsidiary or subsidiaries and averaged over three consecutive years exceed five percent of the applicable business size standard for the SBA general contractor

Formatted: Indent: First line: 0.5", Tab stops: 0.75", Left
Formatted: Indent: Hanging: 0.5", Numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"
Formatted: Border: : (No border)

classification which is equivalent of the NAIC code 236220 as established in 13 CFR 121.201, as amended, the SLBE shall graduate from the SLBE program.

~~(2)~~ ~~(2)~~ An SLBE shall graduate from the SLBE program without regard to annual gross receipts ten years after the date it is first certified as an SLBE.

~~(3)~~ ~~(3)~~ The director shall notify an SLBE in writing that it has graduated from the SLBE program.

~~(o)~~ ~~(e)~~ Notwithstanding any anything within this section to the contrary, no SLBE shall be entitled to appeal any decision to remove or otherwise deny a renewal of certification on the grounds that the SLBE has graduated from the SLBE program due to the expiration of the ten-year certification period as provided in subsection (n)(2).

Sec. 3-615. - Duties and authority of director.

~~(a)~~ ~~(a)~~ The director is hereby authorized to establish rules and regulations to implement the SLBE program. This authorization shall include, but not be limited to, authority to establish a uniform application fee to be paid by any person requesting certification as an SLBE, provided however that the application fee shall not exceed the costs reasonably expected to be incurred by the department in certifying an SLBE.

~~(b)~~ ~~(b)~~ The director shall, in addition to any other duties specified herein:

~~(1)~~ ~~(4)~~ Administer and enforce the SLBE program;

~~(2)~~ ~~(2)~~ Update the SLBE directory available to the general public, city departments and agencies;

~~(3)~~ ~~(3)~~ Assist city departments and agencies in finding qualified SLBEs to participate in the SLBE program;

~~(4)~~ ~~(4)~~ Identify appropriate contracting opportunities for qualified SLBEs;

~~(5)~~ ~~(5)~~ Publish an annual department and agency report for the city's fiscal year detailing the results of the SLBE program; and

~~(6)~~ ~~(6)~~ Provide a semi-annual compliance report to the city manager, the fairness in construction board and the fairness in ~~city contracting~~ professional services and goods board that discloses the total contract dollars awarded to SLBEs and total dollar value of bid incentives awarded to SLBEs.

~~(7)~~ ~~(7)~~ Develop and maintain relationships with organizations representing contractors, including small business organizations, and solicit their support for the SLBE program.

Formatted: Border: : (No border)

Formatted: Indent: Left: -0.5"

Formatted: Border: : (No border)

Formatted

Formatted: Border: : (No border)

Formatted: Indent: Left: -0.5"

Formatted: Border: : (No border)

Formatted

Formatted

Formatted: Border: : (No border)

Formatted: Border: : (No border)

Formatted

Formatted: Line spacing: single

Formatted

Formatted: Border: : (No border)

Formatted: Border: : (No border)

Formatted: Border: : (No border)

Formatted: Line spacing: single

Formatted

Formatted: Border: : (No border)

Formatted

Formatted

Formatted: Border: : (No border)

Formatted

Formatted

Formatted: Border: : (No border)

Formatted: Border: : (No border)

Formatted: Border: : (No border)

Formatted

Formatted

Formatted: Border: : (No border)

Formatted: Border: : (No border)

Formatted: Border: : (No border)

Formatted

Formatted

Formatted: Border: : (No border)

Formatted: Border: : (No border)

Formatted

Formatted

Formatted: Border: : (No border)

Formatted: Border: : (No border)

~~(c) (e)~~ Every city department and agency shall maintain and provide the director such information as may reasonably be requested for purposes of monitoring the total contract dollars awarded to SLBEs and total dollar value of bid incentives awarded to SLBEs.

Formatted: Border: : (No border)

Formatted: Indent: Left: 0", First line: 0.25", Line spacing: single, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

~~(d) (d)~~ Each department director shall cooperate in providing the director the information necessary to publish an annual report.

Formatted: Border: : (No border)

Formatted: Border: : (No border)

Sec. 3-619. Coordination with fairness boards.

Formatted: Font: Times New Roman, 12 pt, Border: : (No border)

Formatted: Font: Not Bold

In addition to semi-yearly reports, the director shall consult from time-to-time with the fairness in ~~city contracts professional services and goods~~ board and the fairness in construction board for the purpose of reporting on the implementation of the SLBE ~~Program~~ program and identifying methods by which the city may increase the participation of SLBEs in eligible contracts. The boards may make recommendations to the director with regard to the small local business enterprise development program.

Formatted: Border: : (No border)

Formatted: Line spacing: single

Formatted: Border: : (No border)

Section 10. That Chapter 19, Code of Ordinances, is hereby amended by repealing Article II entitled "Community Video Advisory Board," inclusive of Sections 19-10 through 19-17.

Sec. 19-10. Continuation of authority.

~~The members of the community video advisory board as constituted on the effective date of this chapter appointed by the elected officials of the city shall continue to serve as voting members of the community video advisory board the members of the community video advisory board as constituted on the effective date of this chapter appointed by the chief executive officer of American Cablevision shall continue to serve, but without vote, as members of the community video advisory board.~~

Sec. 19-11. Membership.

~~The community video advisory board shall be composed of 16 members. The mayor shall appoint 13 residents of the city, two from each council district and one from the city at large to serve as chairman. A total of three members of the community video advisory board, who shall serve without voting privileges, shall be appointed by operators who have entered into a franchise agreements with the city. In the event there is more than one operator with a franchise from the city, then the franchised operators shall elect three members in the manner described in the following sentences. Each franchised operator shall be entitled to cast as many votes in such election as the result of multiplying the number of that operator's subscribers in the city by three, and the total number of votes an operator is entitled to cast may be cast for one person or may be distributed among two or three persons in any proportion as the operator may see fit.~~

Sec. 19-12. Terms.

~~Members shall serve four year terms. Terms shall be staggered as being served by the members of the community video advisory board on the effective date of this chapter. Members may continue to serve until replaced by a new member to complete the four year term.~~

~~Sec. 19-13. Quorum.~~

~~A quorum shall be one half the number of members currently appointed by elected officials of the city, plus one member.~~

~~Sec. 19-14. Staff.~~

~~The franchise administrator shall provide appropriate staff assistance to the community video advisory board.~~

~~Sec. 19-15. Operator assistance.~~

~~An operator shall cooperate with the community video advisory board to assist it in meeting its responsibilities.~~

~~Sec. 19-16. Duties.~~

~~The community video advisory board shall have the following duties:~~

- ~~(1) *Educational access.* The community video advisory board shall monitor and promote the educational access channels, reviewing usage by local public schools and institutions of higher learning, to ensure that the channels bring educational value to Kansas City. The board may make recommendations concerning the use of the educational access channels. The board shall also serve as a source of community input to any coordinating body. The board shall also mediate conflicts arising from the establishment and operation of the educational access channels.~~
- ~~(2) *Government channel.* The community video advisory board shall monitor and promote the government channel, being available to assist with programming development. The board shall recommend to the city council and franchise administrator programming areas for the effective use of the government channel.~~
- ~~(3) *Consumer protection.* The community video advisory board may inquire into consumer complaints, serve as a source of information to the public, and make recommendations to the city and any operator, including the city or its affiliate, concerning consumer protection matters.~~
- ~~(4) *System upgrade or construction.* The community video advisory board may review the progress and status of the upgrade or development of a system to be provided by an operator.~~
- ~~(5) *Additional duties.* The community video advisory board shall perform any additional duties or tasks required by the city council or franchise administrator.~~

~~Sec. 19-17. Annual report.~~

~~The community video advisory board shall submit to the city council by July 1 each year, a report advising the council as to the board's work the prior 12 months, each operator's compliance with this chapter and the operator's franchise, and any other matters relevant to any cable communications system in the city.~~

Approved as to form:

Samuel Miller
Assistant City Attorney