

COMMITTEE SUBSTITUTE FOR 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 and City Clerk 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 6 entitled "Liberty Memorial Commission" inclusive of Sections 2-851 through 2-854; 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 21 entitled "Water Utilities Advisory Board," inclusive of Sections 2-970.50 through 2-970.56; 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 Auditor conducted a performance audit in September 2024 entitled “City Should Confirm Need for Inactive Boards, Provide Training on Board Operating Requirements” wherein the Auditor recommended the dissolution of various inactive boards and commissions within the City; 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
- Commission on Industrial Development
- Community Video Advisory Board
- Kansas City Young Adult City Council
- Key to the City Commission
- Swope Ridge Geriatric Board
- Water Utilities Advisory Board
- Westport Event Management Committee
- Midtown Housing Advisory Board
- Violence Free KC
- Liberty Memorial Commission

Section 2. That the City Manager and City Clerk are 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:

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

(a) *Disclosure to Missouri Ethics Commission.* Members of the council, including the mayor, candidates for council and mayor, the city manager and assistants, the city clerk, the city auditor, the internal auditor, the commissioner of purchases and supplies, the city attorney, and the

directors of all departments of the city, shall file with the city clerk and the state ethics commission the long form of the state ethics commission's personal financial disclosure statement completed in conformance with state law.

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

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

- (1) Employers who are contractors and/or suppliers of the city, and from whom the appointee received income of \$10,000.00 or more during the period covered by the report;
- (2) Each sole proprietorship who are contractors and/or suppliers of the city, owned by appointee;
- (3) Each general partnership and joint venture who are contractors and/or suppliers of the city, and in which the appointee is a partner or participant;
- (4) Each closely-held corporation, limited partnership, or other closely held entity who are contractors and/or suppliers of the city, and in which the appointee owns ten percent or more of any class of the outstanding stock, units or other equity interests;
- (5) Each publicly-traded corporation, limited partnership or other publicly-traded entity who is a contractor and/or supplier of the city, and which is listed on a regulated stock exchange or automated quotation system in which the appointee owns two percent or more of any class of outstanding stock, units or other equity interests;
- (6) Miscellaneous income of \$9,999.99 or more from any single source who are contractors and/or suppliers to the city, and not otherwise included in the report;
- (7) Each corporation or other entity who is a contractor and/or supplier to the city, and in which the appointee served as a director, officer or receivers;
- (8) Each not-for-profit corporation, association, organization or union in which the appointee served as an officer, director, employee or trustee, except church, fraternal or service organizations where no pay was received; and

- (9) Spouse and children who were employed by the city, and what department they worked for;
- (10) Real property owned and/or managed in whole or in part by member, spouse or dependent children within corporate boundaries.

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

- (1) American Jazz Museum;
- (2) Board of trustees of city trusts - all members file;
- (3) Board of zoning adjustment;
- (4) Brownfields commission;
- (5) Building and fire code board of appeals;
- (6) Employees retirement system board of trustees;
- (7) Central city economic development sales tax board;
- (8) City market oversight committee;
- (9) City plan commission;
- (10) Construction workforce board;
- (11) Convention management advisory authority;
- (12) Downtown economic stimulus authority;
- (13) Economic development corporation;
- (14) Emerging technology board;
- (15) Enhanced enterprise zone board;
- (16) Environmental management commission;
- (17) Fairness in construction board;
- (18) Firefighters pension system board of trustees;

- (19) Health commission;
- (20) Healthcare system board of trustees;
- (21) Historic preservation commission;
- (22) Housing authority - only mayoral appointees;
- (23) Housing trust fund advisory board;
- (24) Houseless advisory commission;
- (25) Human resources board;
- (26) Human rights commission;
- (27) Impact fee advisory committees;
- (28) Industrial development authority;
- (29) Jackson County Board of Equalization - only mayoral appointees;
- (30) Kansas City Area Transportation Authority - only mayoral appointees;
- (31) Kansas City lesbian, gay, bisexual, trans and queer commission (LGBTQC);
- (32) Kansas City, Municipal Assistance Corporation;
- (33) Kansas City Museum Advisory Board;
- (34) Kansas City Parking and Transportation Commission;
- (35) KCTGA Comprehensive HIV Care Plan;
- (36) Land Bank of Kansas City, Missouri - only mayoral appointees;
- (37) Land clearance for redevelopment authority;
- (38) Liquor control board of review;
- (39) Mayor's commission on reparations;
- (40) Municipal art commission;
- (41) Municipal judicial nominating commission;

- (42) Municipal officials and officers ethics commission;
- (43) Neighborhood tourist development fund committee;
- (44) Parks and recreation board of commissioners;
- (45) Planned industrial expansion authority;
- (46) Police retirement board - only mayoral appointees;
- (47) Port KC;
- (48) Property maintenance appeals board;
- (49) Public improvement advisory committee;
- (50) Small business task force;
- (51) Special review boards and business districts, including the Union Hill Special Business District and the Westport Special Business District;
- (52) Tax increment financing commission; and
- (53) Visit KC.

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

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

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

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

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.

Section 5. That Chapter 2, Code of Ordinances, is hereby amended by repealing Division 6 entitled "Liberty Memorial Commission," inclusive of Sections 2-851 through 2-854.

Section 6. That Chapter 2, Code of Ordinances, is hereby amended by repealing Division 13 entitled "Key to the City Commission," inclusive of Section 2-970.

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.

Section 8. 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) 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) 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.

(c) 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) 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) 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) 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) 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) Independence will be evaluated as of the date of application submission.
- (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) 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) 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) 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.

(i) 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) 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) 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) 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](#).

(m) 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 professional services and goods board or fairness in construction board, as appropriate, and as set forth herein. The procedures shall be as follows:

- (1) 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.
- (2) Within five business days of receipt of an effective written notice of appeal, the director shall forward the notice to the chairperson of the fairness in 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 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.

- (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.
 - (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.
 - (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.
 - (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.
- (n) An SLBE shall be graduated from the SLBE program as follows:
- (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 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) 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) The director shall notify an SLBE in writing that it has graduated from the SLBE program.

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

- (1) Administer and enforce the SLBE program;
- (2) Update the SLBE directory available to the general public, city departments and agencies;
- (3) Assist city departments and agencies in finding qualified SLBEs to participate in the SLBE program;
- (4) Identify appropriate contracting opportunities for qualified SLBEs;
- (5) Publish an annual department and agency report for the city's fiscal year detailing the results of the SLBE program; and
- (6) Provide a semi-annual compliance report to the city manager, the fairness in construction board and the fairness in 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) Develop and maintain relationships with organizations representing contractors, including small business organizations, and solicit their support for the SLBE program.

(c) 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.

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

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Sec. 3-619. Coordination with fairness boards.

In addition to semi-yearly reports, the director shall consult from time-to-time with the fairness in professional services and goods board and the fairness in construction board for the purpose of reporting on the implementation of the SLBE 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.

Section 9. 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.

Approved as to form:


Samuel Miller
Assistant City Attorney



Authenticated as Passed


Quinton Lucas, Mayor


Marilyn Sanders, City Clerk

SEP 19 2024

Date Passed