



Agenda - Final

Special Committee for Legal Review

Kevin McManus, Chair
Heather Hall, Vice Chair
Andrea Bough
Lee Barnes Jr.

Tuesday, January 3, 2023

1:30 PM

10th Floor, Council Chamber

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

PUBLIC OBSERVANCE OF MEETINGS

Members of the City Council may attend this meeting via video conference.

Any closed session may be held via teleconference.

The public can observe this meeting at the links provided below.

Applicants and citizens wishing to participate have the option of attending each meeting or they may do so through the video conference platform ZOOM, using this link:

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

Lucas

[221060](#)

Sponsor: Mayor Quinton Lucas

Approving and authorizing partial settlement of the lawsuit entitled *Russell Elwood, et al., v. City of Kansas City, Mo.*, Case No. 2216-CV26061, to resolve claims brought by the International Association of Firefighters, Local 42.

Attachments: [No Fact sheet for ordinance 221060](#)
[Docket memo 221060](#)

SEMI-ANNUAL DOCKET

The listing of Semi-Annual Docket items is provided this week for informational purposes only. Please see City Clerk's Office for a complete listing.

HELD IN COMMITTEE

Robinson

[220966](#)

Sponsor: Councilmember Melissa Robinson

Expressing apologies on behalf of the City of Kansas City and declaring the

City's intent to make amends for its participation in the sanctioning of the enslavement of Black people and any historical enforcement of segregation and accompanying discriminatory practices against Black citizens of Kansas City, encouraging others to join the City in this effort, and establishing a commission within ninety days to be known as the Mayor's Commission on Reparations to advise the City regarding reparation issues.

Attachments: [No Fact Sheet](#)
[Docket Memo 220966 V. 1](#)

Lucas

[220998](#)

Sponsor: Mayor Quinton Lucas

Calling for submission to the voters of Kansas City, at an election to be held on the general municipal election date prescribed by Section 115.121.3, RSMo, of Tuesday, April 4, 2023, a question of whether to impose an additional sales tax of three percent (3%) on the retail sale of adult use marijuana; directing the City Clerk to provide notice of the election; and recognizing an accelerated effective date.

Attachments: [No Fact Sheet](#)
[Docket Memo 220998](#)

ADDITIONAL BUSINESS

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

2. Those who wish to comment on proposed ordinances can email written testimony to: public.testimony@kcmo.org

Comments received will be distributed to the committee and added to the public record by the clerk.

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

Live Stream on the city's website at

www.kcmo.gov

Live Stream on the city's YouTube channel at:

<https://www.youtube.com/watch?v=3hOuBlg4fok>

3. Closed Session

Pursuant to Section 610.021 subsection 1 of the Revised Statutes of Missouri to discuss legal matters, litigation, or privileged communications with attorneys;
Pursuant to Section 610.021 subsection 2 of the Revised Statutes of Missouri to discuss real estate;

Pursuant to Section 610.021 subsections 3 and 13 of the Revised Statutes of Missouri to discuss personnel matters;

Pursuant to Section 610.021 subsection 9 of the Revised Statutes of Missouri to discuss employee labor negotiations;

Pursuant to Section 610.021 subsection 11 of the Revised Statutes of Missouri to discuss specifications for competitive bidding;

Pursuant to Section 610.021 subsection 12 of the Revised Statutes of Missouri to discuss sealed bids or proposals; or

Pursuant to Section 610.021 subsection 17 of the Revised Statutes of Missouri to discuss confidential or privileged communications with auditors.

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

Adjournment



Kansas City

414 E. 12th Street
Kansas City, MO
64106

Legislation Text

File #: 221060

ORDINANCE NO. 221060

Sponsor: Mayor Quinton Lucas

Approving and authorizing partial settlement of the lawsuit entitled *Russell Elwood, et al., v. City of Kansas City, Mo.*, Case No. 2216-CV26061, to resolve claims brought by the International Association of Firefighters, Local 42.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Attorney is hereby authorized to enter into an agreement to resolve claims brought by the International Association of Firefighters, Local 42, in the lawsuit entitled *Russell Elwood, et al., v. City of Kansas City, Mo.*, Case No. 2216-CV26061.

..end

Approved as to form:

Tara M. Kelly
Senior Associate City Attorney

No
Fact
Sheet
Provided
For
Ordinance
221060



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Please Select

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

Approving and authorizing partial settlement of the lawsuit entitled Russell Elwood, et al, v. City of Kansas City, Mo., Case No. 2216-CV26061, to resolve claims brought by the International Association of Firefighters, Local 42.

Discussion

That the City Attorney is hereby authorized to enter into an agreement to resolve claims brought by the International Association of Firefighters, Local 42, in the lawsuit Russell Elwood, et al, v. City of Kansas City Mo., Case No. 2216-CV26061.

Fiscal Impact

1. Is this legislation included in the adopted budget? ☐ Yes ☒ No
2. What is the funding source?
N/A.
3. How does the legislation affect the current fiscal year?
N/A.
4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
No.
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
No.

Office of Management and Budget Review
(OMB Staff will complete this section.)



City of Kansas City, Missouri

Docket Memo

1. This legislation is supported by the general fund. ☐ Yes ☒ No
2. This fund has a structural imbalance. ☐ Yes ☒ No

Additional Discussion (if needed)

There is no fiscal impact of this legislation.

Citywide Business Plan (CWB) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Finance and Governance (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- ☐ Reform the City's economic incentives to meet the policy objectives of the City Council
- ☐ Ensure the resiliency of City government
- ☐ Engage in workforce planning including employee recruitment, development, retention, and engagement
- ☒ Ensure a responsive, representative, engaged, and transparent City government
- ☐
- ☐

Prior Legislation

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

Service Level Impacts

None

Other Impacts

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

N/A

City of Kansas City, Missouri

Docket Memo

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

N/A

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

N/A

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

N/A

5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?

N/A



Legislation Text

File #: 220966

ORDINANCE NO. 220966

Sponsor: Councilmember Melissa Robinson

Expressing apologies on behalf of the City of Kansas City and declaring the City's intent to make amends for its participation in the sanctioning of the enslavement of Black people and any historical enforcement of segregation and accompanying discriminatory practices against Black citizens of Kansas City, encouraging others to join the City in this effort, and establishing a commission within ninety days to be known as the Mayor's Commission on Reparations to advise the City regarding reparation issues.

WHEREAS, the institution of chattel slavery in the United States, which lasted for over 250 years, enriched American industries, commercial and financial corporations and transformed the newly established United States into an international economic power through the oppressive, dehumanizing and torturous system of enslaved Black labor; and

WHEREAS, after slavery ended in the US, the slaveowners were compensated for the loss of their enslaved Africans, but those who had been held in bondage were never compensated for their labor, despite the promise of "40 acres and a mule"; and

WHEREAS, Black Kansas Citians have been subjected to discriminatory practices by business and financial institutions, including at times acting pursuant to policy enacted or enabled by the City of Kansas City itself; and

WHEREAS, Black Kansas Citians historically have had limited opportunity in their ability to fully participate in the growth and development that has occurred in Kansas City since its inception; and

WHEREAS, Black people in Kansas City have historically been denied equal access to homeownership and affordable housing because of redlining Black neighborhoods, mortgage lending discrimination and predatory lending, limited historical access to government housing programs (i.e. GI Bill), destruction of homes through urban renewal (e.g. building of I-70 and Highway 71), lack of investment in affordable housing in the Black community, gentrification, replacement of affordable housing with luxury and market-rate apartments and condos and discriminatory evictions; and

WHEREAS, Black people in Kansas City have suffered from historic and systemic inequity in educational opportunity, including Black schools that have been historically underfunded, property-tax based school financing which advantages wealthy, mainly Caucasian school districts, Black student academic achievement levels that are well below their Caucasian counterparts, discriminatory practices in school discipline (suspensions, expulsions, etc.), Black students' disproportionate lack of access to pre-K and other early education programs and Black students not having culturally relevant curricula that reflect their reality in the world; and

WHEREAS, Black people have historically suffered from years of inadequate healthcare, including lack of access to doctors and healthcare facilities in Black neighborhoods resulting in Black people suffering disproportionately from treatable diseases and lack of adequate access to healthy foods; the intergenerational psycho-cultural, mental and spiritual damages of the post traumatic slavery syndrome are well documented by Black psychiatrists and psychologists; and

WHEREAS, Black people have not had equal access to capital for business development due to discriminatory practices of financial institutions, lack of access to good jobs, disinvestment in the Black community by governmental bodies, and systematic denial of opportunities in sectors of the local economy such as carpentry, brick masonry, roofing, and other crafts and skills, including on many major projects financed by the city's tax dollars; and

WHEREAS, Black people in Kansas City have suffered at the hands of racist law enforcement in Kansas City for generations resulting in a high rate of police brutality against Black people, over-policing in the Black community, disproportionate incarceration rates, racial profiling, bias in sentencing, negative impact of cash bail, and family destruction due to the so-called war on drugs and more; and

WHEREAS, the 2022-27 Community Health Improvement Plan (CHIP), approved by the Health Commission of Kansas City in 2021, acknowledges that racism is a public health crisis which impacts opportunities for gainful employment that pays a living wage, opportunities for affordable and quality education and training, opportunities to find and secure safe, affordable and dignified housing, opportunities to find and receive culturally-competent and affordable preventive medical care services, opportunities to live violence free, and opportunities to access healthy foods for oneself and one's family, and that Kansas City has a long history of investing in the inequality of its Black communities; and

WHEREAS, in 2019, the City Council unanimously approved a resolution declaring racism as a public health crisis; and

WHEREAS, Mayor Quinton Lucas is a member of the Mayors Organized for Reparations and Equity (MORE);

WHEREAS, members of MORE have pledged to "form an advisory committee/commission composed of members of local, Black-led organizations to formally advise the Mayor on an approach to reparations — including strategies and opportunities to seek public and/or private dollars to fund pilot programs" (<https://moremayors.org/mayors>); and
NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF KANSAS CITY:

Section 1. That the City of Kansas City apologizes and commits to make amends for its participation in the sanctioning of the enslavement of Black people and any historical enforcement of segregation and accompanying discriminatory practices against Black citizens of Kansas City.

Section 2. That the City of Kansas City encourages other organizations and institutions in Kansas City, Missouri that have advanced and benefited from racial inequity to join the City in its apology and to develop their own procedures for reparatory justice.

Section 3. That the City of Kansas City establishes a commission to be known as the Mayor's Commission on Reparations to advise the City regarding reparation issues as follows:

- A. *Establishment.* There is hereby established a commission to be known as the Mayor's Commission on Reparations.
- B. *Purpose and Duties.* The Commission will study and develop reparations proposals for the City's review. Proposals should focus on five impact areas, including housing (homeownership and affordable housing), economic development, health, education, and criminal justice.
- C. *Commission Membership; Terms.* The Commission will be comprised of seventeen (17) members appointed by the Mayor. The Commission should include members who understand and are sensitive to the needs of the Black community. Commissioners shall be appointed for the duration of the Commission's existence. Any vacancy on the Commission will be filled in the same manner as the original appointment.
- D. *Commission Meetings; Compensation.* The Commission shall meet no less than once per month. Commissioners will be provided with a stipend of seventy-five dollars (\$75.00) for each Commission meeting attended.
- E. *Staff Support.* The City Manager shall provide staff support to the Commission.
- F. *Reports.* The Commission will issue a preliminary report of its findings within one year of its inaugural meeting and a final report will be issued within six (6) months thereafter.

Section 4. That the Mayor's Commission on Reparations is to be established within ninety (90) days of the Effective Date of this Ordinance.

..end

Approved as to form and legality:

Lana K. Torczon
Assistant City Attorney

**No Fact Sheet
Provided for
Ordinance No.**

220966



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Please Select

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

Expressing apologies on behalf of the City of Kansas City and declaring the City's intent to make amends for its participation in the sanctioning of the enslavement of Black people and any historical enforcement of segregation and accompanying discriminatory practices against Black citizens of Kansas City, encouraging others to join the City in this effort, and establishing a commission within ninety days to be known as the Mayor's Commission on Reparations to advise the City regarding reparation issues

Discussion

Click or tap here to provide more detailed information and analysis on this topic.

Fiscal Impact

1. Is this legislation included in the adopted budget? ☐ Yes ☒ No
2. What is the funding source?
N/A
3. How does the legislation affect the current fiscal year?
N/A.
4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
No.
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
No.



City of Kansas City, Missouri

Docket Memo

Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. ☐ Yes ☒ No
2. This fund has a structural imbalance. ☐ Yes ☒ No

Additional Discussion (if needed)

This funding will be determined by additional discussion.

Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Finance and Governance (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- ☐ Reform the City's economic incentives to meet the policy objectives of the City Council
- ☐ Ensure the resiliency of City government
- ☐ Engage in workforce planning including employee recruitment, development, retention, and engagement
- ☒ Ensure a responsive, representative, engaged, and transparent City government
- ☐
- ☐

Prior Legislation

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

Service Level Impacts

None

Other Impacts

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



City of Kansas City, Missouri

Docket Memo

N/A

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

N/A

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

N/A

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

N/A

5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?

N/A



File #: 220998

ORDINANCE NO. 220998

Sponsor: Mayor Quinton Lucas

Calling for submission to the voters of Kansas City, at an election to be held on the general municipal election date prescribed by Section 115.121.3, RSMo, of Tuesday, April 4, 2023, a question of whether to impose an additional sales tax of three percent (3%) on the retail sale of adult use marijuana; directing the City Clerk to provide notice of the election; and recognizing an accelerated effective date.

WHEREAS, the Missouri Constitution permits voters in cities to impose an additional sales tax of three percent (3%) on the retail sale of adult use marijuana; and

WHEREAS, the Missouri Constitution permits voters in cities to impose an additional sales tax on the retail sale of adult use marijuana to support regulatory administration, enforcement, and equitable neighborhood quality of life in the City; and

WHEREAS, the City currently handles a high volume of code and other enforcement requests in the Neighborhood Services Department, Regulated Industries Division, Department of Public Works, and Department of Public Health; and

WHEREAS, the Neighborhood Services Department, Regulated Industries Division, Department of Public Works, and Department of Public Health have administrative responsibility for marijuana and alcohol regulation, neighborhood quality of life, and abatement of neighborhood dumping and trash removal; and

WHEREAS, the City wishes to impose an additional sales tax to support the Neighborhood Services Department, Regulated Industries Division, Department of Public Works, and Department of Public Health in establishing administrative support for marijuana and alcohol regulation, code enforcement, neighborhood quality of life, and abatement of neighborhood dumping and trash removal; and

WHEREAS, Section 115.121.3 of the Missouri Revised Statutes provides that the “general municipal election day” is on the first Tuesday following the first Monday in April each year; and

WHEREAS, the next general municipal election day is April 4, 2023; NOW,
THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. ELECTION CALLED. That a general municipal election is called and shall be held on Tuesday, April 4, 2023, for the purpose of submitting to the voters the question of whether to impose an additional sales tax of three percent (3%) on the retail sale of adult use marijuana.

Section 2. BALLOT TITLE. The ballot title shall be:

QUESTION NO. __

(Additional Sales Tax on Retail Sale of Adult Use Marijuana)

“Shall the City of Kansas City impose an additional sales tax of three percent (3%) on the retail sale of adult use non-medicinal marijuana?”

_____ Yes

_____ No

Section 3. ELECTION NOTICE. That the notice of election shall read as follows:

NOTICE OF ELECTION
CITY OF KANSAS CITY, MISSOURI

Notice is hereby given to the qualified voters of the City of Kansas City, Missouri, that the City Council of the City has called a general municipal election to be held in the City on April 4, 2023, commencing at 6:00 A.M. and closing at 7:00 p.m., on the question contained in the following sample ballot:

OFFICIAL BALLOT
CITY OF KANSAS CITY

GENERAL MUNICIPAL ELECTION, APRIL 4, 2023

QUESTION NO. __

(Additional Sales Tax on Retail Sale of Adult Use Marijuana)

Shall the City of Kansas City impose an additional sales tax of three percent (3%) on the retail sale of adult use non-medicinal marijuana?

_____ Yes

_____ No

Instructions to voters will be supplied by the election authorities.

A complete copy of Ordinance No. 20____ (as it may be amended) submitting the above question to the electorate is on file in the Office of the City Clerk of Kansas City, Missouri, and is open for inspection and copying.

The election will be held at the following polling places in the City of Kansas City, Missouri:
[insert list in last publication only].

I hereby certify that the foregoing is the legal notice to be published pursuant to Section 115.127 RSMo, as amended.

Given under my hand and the official seal of the City of Kansas City, Missouri, this _____ day
of January, 2023.

(SEAL)

Marilyn Sanders
City Clerk of Kansas City, Missouri

Before me, a notary public, personally appeared Marilyn Sanders, to me known to be the City Clerk of Kansas City, Missouri, and the person who acknowledged to me that she executed the same for the purposes therein stated.

Notary Public

My commission expires: _____

Section 4. NOTICE TO ELECTION AUTHORITIES BY CITY CLERK. That following passage of this ordinance the City Clerk shall deliver certified copies of this ordinance and notice of election to the Clerk of Cass County, Board of Election Commissioners of Clay County, Board of Election Commissioners of Kansas City, and Board of Election Commissioners of Platte County, not later than January 24, 2023, which shall be the authority of each election authority of the City to submit the question to the electors of Kansas City and to give public notice as provided by law.

Section 5. ACCELERATED EFFECTIVE DATE. This ordinance, providing for the submission of the continuation of the earnings tax to the people of Kansas City, Missouri, is hereby recognized to be an ordinance with an accelerated effective date within the meaning of Section 503(a)(3)(A) of the Charter because it calls for an election and provides for the submission of a question to the people; and as such shall become effective immediately following approval by the Mayor, or five days after passage if no action is taken by the Mayor to approve or veto the ordinance.

Approved as to form and legality:

Matthew Gigliotti
City Attorney

**No Fact Sheet
Provided for
Ordinance No.**

220998

City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Mayor/Council's Office

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

Calling for submission to the voters of Kansas City, at an election to be held on the general municipal election date prescribed by Section 115.121.3, RSMo, of Tuesday, April 4, 2023, a question of whether to impose an additional sales tax of three percent (3%) on the retail sale of adult use marijuana; directing the City Clerk to provide notice of the election; and recognizing an accelerated effective date.

Discussion

This ordinance would require participation in a special election for which the City would be responsible for the cost of election judges and a pro rata share of election costs. The exact cost of the election cannot be estimated at this time because additional ballot items are not known. Previous special election costs have been approximately \$500,000. These funds are already appropriated in the FY 2022-2023 Budget.

Fiscal Impact

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

2. What is the funding source?

This is appropriated in the General Fund, Board of Elections.

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

N/A

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

No.

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

No.



City of Kansas City, Missouri

Docket Memo

Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. ☒ Yes ☐ No
2. This fund has a structural imbalance. ☐ Yes ☒ No

Additional Discussion (if needed)

Click or tap here to enter text.

Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Finance and Governance (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- ☐ Reform the City's economic incentives to meet the policy objectives of the City Council
- ☐ Ensure the resiliency of City government
- ☐ Engage in workforce planning including employee recruitment, development, retention, and engagement
- ☒ Ensure a responsive, representative, engaged, and transparent City government
- ☐
- ☐

Prior Legislation

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

Service Level Impacts

None

Other Impacts

City of Kansas City, Missouri

Docket Memo

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

N/A

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

N/A

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

N/A

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

N/A

5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?

N/A