

ORDINANCE NO. O-_____

**AN ORDINANCE AMENDING THE UNIFIED GOVERNMENT'S COMMUNITY
BENEFIT ORDINANCE**

WHEREAS, on December 7, 2023, the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas adopted a new section in the municipal code to create its Community Benefits Ordinance, codifying a Community Benefits Fund to be funded from fees received from development projects that have received economic development incentives;

WHEREAS, certain amendments to the Community Benefits Ordinance are required as a result of budget and program changes that have been enacted since the creation of the Community Benefits Ordinance; and

WHEREAS, these amendments are intended to condense the public comment period, provide a deadline and process for the forwarding of recommendations regarding how the funds in the benefits fund are to be allocated, update the categories of permitted expenditures from the benefits fund, and correct a numbering error in the section.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF
COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/
KANSAS CITY, KANSAS AS FOLLOWS:**

Section 1. That Chapter 9 of the Unified Government Code is hereby amended by the addition of a new section to read as follows:

Sec. 9-20. Community Benefits Fund

(a) *Purpose.* The Unified Government is committed to community outreach and engagement that promotes transparency and accountability and that ensures development projects in Kansas City, Kansas benefit and promote economic growth and prosperity for all residents.

(b) *Definitions.* For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this subsection:

Community Benefits Advisory Board or advisory board means those certain members appointed by the mayor/CEO and commissioners to serve as members pursuant to this section.

Community Benefits Fund or benefits fund means the designated funds collected by the unified government for the purpose of disbursement pursuant to a recommendation by the advisory board to the economic development and finance standing committee.

Economic Incentive or economic incentive means any public assistance that lowers the market cost of completing an economic development project, such as land transfers below market rate or any economic incentive tool utilized by the department of economic development. Economic incentive does not include benefits received under the Neighborhood Revitalization Act pursuant to K.S.A. 12-17,114 *et seq.*

(c) *Community Benefits Advisory Board.*

(1) The Community Benefits Advisory Board shall consist of eleven members appointed by the mayor/CEO and the commissioners. The mayor/CEO shall appoint the chair from among the members of the advisory board and the mayor pro tem shall appoint the vice-chair from among the members of the advisory board. Only residents of the county, or owners or chief executive officers of businesses located in the county, are eligible to serve as members of the advisory board. Members of the advisory board shall be residents of the appointing commissioner's district, or the business shall be located in the appointing commissioner's district, as the case may be.

Notwithstanding any other provision of this subsection to the contrary, of the members first appointed to the advisory board after the effective date of this ordinance, those members appointed by the mayor/CEO, and those members appointed by the at-large commissioner and commissioners representing even-numbered districts, shall serve an initial one-year term and then shall serve two-year terms thereafter. All other members serve two-year terms.

(2) The advisory board may meet upon the call of the chair. The board shall act in an advisory capacity only and may act to forward recommendations to the mayor/CEO, for assignment to the economic development and finance standing committee, how the funds in the benefits fund are to be allocated.

(3) To the extent permitted by state and local law, one-half of all administrative fees and issuance fees received by the unified government as a result of any new development projects located in the city funded by utilizing economic incentives shall be set aside in the benefits fund.

(4) As necessary, or when requested by the mayor/CEO or the board of commissioners, the advisory board may open a public comment period consisting of no less than thirty (30) days to receive feedback from the community on which category or categories described in subsection (d) of this section those funds in the benefits fund should be spent.

(5) The public comment period may be completed with the help and advice of those Unified Government departments and staff assigned by the county

administrator. Tools for community engagement may include town halls, online surveys, attendance at neighborhood meetings, attending public events, marketing, and multi-language meetings.

(6) After the public comment period, the advisory board may convene a public hearing on the matter, after providing proper notice. The advisory board shall forward any recommendation to the economic development and finance standing committee by October 1 of each calendar year. Any such recommendation requires an affirmative vote of a majority of all members of the advisory board. If the advisory board does not act to forward a recommendation to the economic development and finance standing committee by October 1 of any calendar year, unified government staff may make a recommendation regarding how the funds in the benefits fund are to be allocated.

(7) The advisory board shall be subject to the Kansas Open Meetings Act, K.S.A. 75-4317 *et seq.*, and the Kansas Open Records Act, K.S.A. 42-215 *et seq.*, and members of the advisory board shall be subject to the Unified Government Code of Ethics.

(8) The economic development and finance standing committee may consider any such recommendation of the advisory board at its next regularly scheduled meeting. Upon hearing the matter, the economic development and finance standing committee may recommend to the board of commissioners how the funds in the benefits fund that year are to be spent. The economic development and finance standing committee may amend the recommendation forwarded by the advisory board or may enhance or reduce the amounts contained therein.

(d) The categories of permitted expenditures from the benefits fund shall be limited to the following:

(1) Unified Government Parks & Recreation capital projects located within Kansas City, Kansas, as described in section 25-90 of the Unified Government Code of Ordinances;

(2) The Kansas City, Kansas Affordable Housing Trust Fund, as described in section 9-21 of the Unified Government Code of Ordinances; and

(3) The Unified Government microgrant and rebate program for licensed home-based child care providers, as described in section 9-22 of the Unified Government Code of Ordinances;

(e) The distribution of community benefits made pursuant to this section shall not exceed an amount that is one-third of the money in the benefits fund for any one category described in subsection (d) of this section; except that such limitation may be exceeded or waived for any distribution upon a two-thirds vote of the board of commissioners. The distribution of community benefits made pursuant to this section shall include those distressed areas identified as Qualified Census Tracts for that year, as identified by the

federal Department of Housing and Urban Development pursuant to notice in the Federal Register.

(f) *Allocation.* Allocations made pursuant to this section may occur starting June 1, 2024, or when the benefits fund has moneys totaling at least \$500,000, whichever occurs first.

(g) *Eligibility.* Recipients of funds pursuant to this section shall not be delinquent on any taxes, fines, and fees owed to the unified government. All recipients shall be residents of the city, or shall be an entity duly licensed and located in the city. No member of the advisory board shall be a recipient of funds pursuant to this section, or shall represent an entity that is a recipient of such funds.

(h) *Exemptions.* The requirements of this section may be waived in whole or in part by resolution of the board of commissioners upon submission by the mayor/CEO, in consultation with the county administrator.

(i) *Policy Review.* In consultation with the unified government legal department, the advisory board shall review the effectiveness of this ordinance and make recommendations based on that review every two years. A review report shall be submitted to the economic development and finance standing committee for consideration.

Section 2. That original section 27-801 be and the same is hereby repealed.

Section 3. Effective Date. This amendment shall take effect and be in full force from and after its passage and approval, and publication in the official newspaper.

**APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS _____ DAY OF _____ 202__.**

Tyrone A. Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Unified Government Chief Counsel