



CITY OF WESTWOOD, KANSAS
4700 RAINBOW BLVD.
WESTWOOD, KANSAS 66205

January 13, 2022

City Council Work Session: 6:00 PM
City Council Regular Meeting: 7:00 PM

Welcome to your Westwood City Council meeting. In an effort to mitigate the spread of COVID-19, this meeting may be attended remotely via Zoom:

Access Online:

<https://us02web.zoom.us/j/89908289796>

Access by Phone:

(346) 248-7799

Webinar ID: 899 0828 9796

CITY COUNCIL WORK SESSION AGENDA

[Note: This agenda is subject to changes, additions, or deletions at the discretion of the Governing Body]

- I. **CALL TO ORDER**
- II. **WORK SESSION ITEMS/DISCUSSION OF UPCOMING MATTERS**
 - A. [Roles of City Council Committees and City Staff \(Continuation of conversation from December 9, 2021 City Council work session\)](#)
- III. **ADJOURNMENT TO REGULAR MEETING**

REGULAR MEETING AGENDA

[Note: This agenda is subject to changes, additions, or deletions at the discretion of the Governing Body]

- II. **CALL TO ORDER**
- III. **APPROVAL OF THE AGENDA**
- IV. **PUBLIC COMMENT**

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda, or about items on the regular agenda for which the Governing Body, at its discretion, accepts public comment. Public comment should be limited to 2-3 minutes and, unless the topic of public comment is before the Governing Body as part of its agenda, no action will be taken by the Governing Body on public comment items. Please state your name and address for the record. Persons attending virtually online will be able to make public comment by using the "raise hand" function on Zoom.
- V. **PUBLIC HEARINGS**
- VI. **PRESENTATIONS AND PROCLAMATIONS**
 - A. [Climate Action KC Plan Presentation \(Roeland Park Mayor Mike Kelly and MARC Environmental Programs Director Tom Jacobs\)](#)
- VII. **CONSENT AGENDA**

All items listed below are considered to be routine by the Governing Body and will be enacted in one motion (roll call vote). There will be no separate discussion of these items unless a member of the

Governing Body so requests, in which event the item will be removed from the consent agenda and considered separately following approval of the consent agenda.

- A. [Consider December 9, 2021 City Council Work Session and Meeting Minutes](#)
- B. [Consider Appropriations Ordinance No. 734](#)

VIII. MAYOR'S REPORT

IX. COMMITTEE REPORTS

Reports on events, meetings, updates, and policy matters or proposals undertaken by the committee for future consideration by the City Council.

- A. Administration and Compensation Committee
- B. Business and Community Affairs Committee
- C. Parks and Recreation Committee
- D. Public Safety Committee
- E. Public Works Committee

X. STAFF REPORTS

- A. [Administrative Report \(City Clerk and Chief Administrative Officer Leslie Herring\)](#)
- B. [Public Works Report \(Public Works Director John Sullivan\)](#)
- C. [Police/Court Report \(Police Chief Curt Mansell\)](#)
- D. [City Treasurer Report \(City Treasurer Michelle Ryan\)](#)
- E. City Attorney Report (City Attorney Ryan Denk)

XI. OLD BUSINESS

XII. NEW BUSINESS

- A. [Consider Resolution No. 102-2022 Approving the Execution and Delivery of an Agreement to Release and Assign the City's Opioid Claims to the Kansas Attorney General and Certifying Costs Attributable to Substance Abuse and Addiction Mitigation in Excess of \\$500](#)
- B. [Consider 2022 Addendum to the Public Works Service Agreement with the City of Westwood Hills](#)

XIII. ANNOUNCEMENTS/GOVERNING BODY COMMENTS

XIV. EXECUTIVE SESSION

XV. ADJOURNMENT

UPCOMING MEETINGS

Regular meetings of the Westwood City Council are held at 7:00 PM on the second Thursday of each month. The next regular meeting of the Westwood City Council will be held Thursday, February 10, at 7:00 PM at Westwood City Hall. The City Calendar may be accessed at www.westwoodks.org. To receive further updates and communications, please see or sign up for the following:

Westwood Buzz Email: <https://bit.ly/3wA4DWx>
Facebook: [City of Westwood Kansas-Government](#)
[Westwood, KS Police Department](#)

Council Retreat Follow-up: Roles

Westwood City Council Work Session

December 9, 2021



Today's Objectives

- Achieve clarity on the key oversight and operational functions of the City
 - Begin discussing delegation of key operational functions based on consensus achieved as to who should be responsible for each
- Achieve consensus on the most appropriate organizational chart to pursue for formalization
 - Begin discussing changes to/formalization of the Council Committee structure based on consensus achieved



Key Oversight Functions

Currently Centralized & Formally Lying with the Governing Body

- Establishment of the strategic direction of the City and its operations and service delivery
- Enaction of ordinances (changing or creating law via the City Code)
- Provision of oversight to ensure the accurate and appropriate application of the City's Zoning Ordinance and City Code, including serving as appeals board for grievances/protests
- Issuance of decisions on zoning and land use applications, including:
 - Adoption of and any amendments to the Comprehensive [Land Use] Plan,
 - Amendments to the Zoning Ordinance,
 - Approval of site/development plans,
 - Approval of requests for replatting land, including refusal or acceptance of land dedicated for public purposes
 - Approval of requests for rezoning
 - Approval of special use permits
 - Issuance of temporary use permits
- Enaction of resolutions (a formal expression of the opinion or will of the Governing Body)
- Approval of an annual municipal budget, including setting the tax rate and approving the financing of City operations, including establishment of City fees
- Establishment of City boards, commissions, and foundations
- Appointment of members of such established boards, commissions, and foundations, as well as vacant City Council seats
- Appointment and removal of City officers (identified in the City Code, i.e. certain City staff, Treasurer, City Attorney, Judge, etc.)
- Oversight of such appointed City officers
- Directing and receiving audits of City operations and financials
- Authorization of contracts and agreements to be executed on behalf of the City (in alignment with the City's adopted Financial and Purchasing Policy), including approving project bids
- Enaction of operational policies (e.g. Employee Handbook, Financial and Purchasing Policy, Disposal of Surplus Property Policy, etc.)
- Provision of oversight to ensure that the City government, staff, and processes are structured in a way to achieve the highest community good while being efficient and responsive

Key Operational Functions

Currently Decentralized & Lacking Formalization

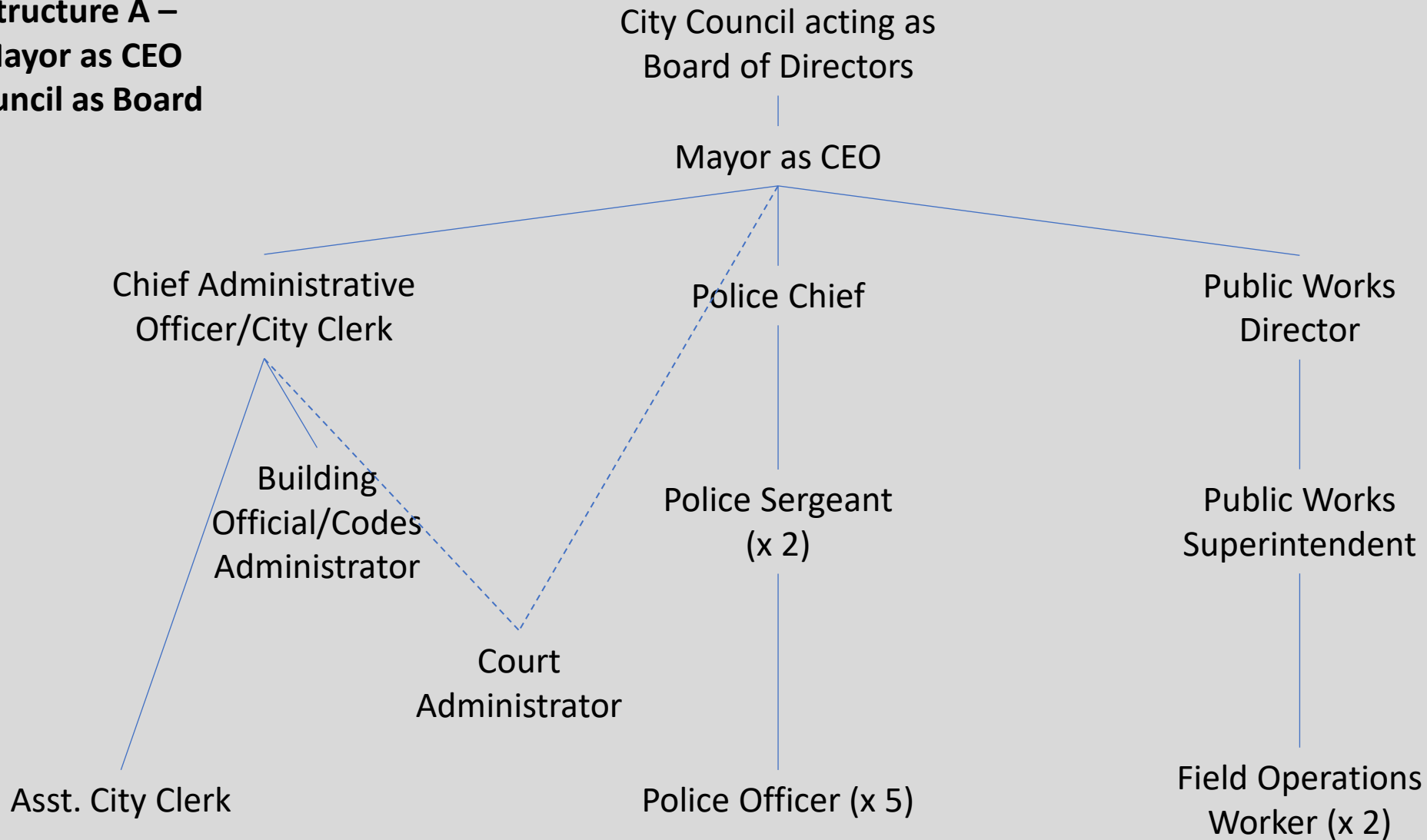
- Coordination and alignment of appointed boards and committees
- Supervision of the preparation of bid specifications
- Coordination of federal and state aid program applications
- Responsibility for real and personal City property (insuring, inventorying, etc.)
- Communication with the media and issuance of press releases when appropriate
- Creation and implementation of procedures to implement administrative policies adopted by Council
- Investigation or inquisition into the affairs or operation of any City department/operations
- Reporting on the affairs of the City to the Governing Body
- Ensuring that ordinances are followed
- Coordination, direction, and supervision of the operations of City departments
- Coordination of Council orders, directives, and reports to staff
- Making purchases and executing contracts per approved Council policy
- Drafting and presentation of the annual budget
- Management of City staff reclassifications, pay adjustments, hiring, firing, and changes to job descriptions per approved Council policy
- Development and recommendation of policy to the Governing Body
- Reporting and recommendation of financial decisions
- Creation of Council work plan and drafting of meeting agendas in accordance with the Governing Body's adopted strategic plan
- Provision of final oversight on meeting agenda packets, ensuring reports, items, and recommendations are complete, well-prepared, and aligned with strategic objectives of the City Council
- Coordination of strategic planning process and efforts of City Council
- Coordination of economic development efforts in line with the City Council's strategic objectives



Testing Concepts: Responsibility for Key Operational Functions

- Who is currently performing/responsible for each of these functions?
- Do the responsible parties know they are responsible for such functions?
- With whom should each of these functions lie to best allow the Governing Body to execute its key oversight functions, including efficiency and responsiveness?

**Structure A –
Mayor as CEO
Council as Board**



Structure A – Mayor as CEO and City Council as Board

Benefits

- Public perception of more accountability of staff to the general public's shifting desires
- Elected Mayor has the authority to directly oversee operational staff and control or greatly influence direction of operations and service delivery

Drawbacks

- A Mayor's time dedicated to the job varies from person to person
- High pressure on staff to please term-dependent elected official results in lower level of perceived job stability
- Poor job performance remedied politically, only (and likely not immediately nor without disruption to operations and service delivery)
- A great responsibility is laid on the shoulders of an elected official with a finite term to ensure coordination, consistency, and strategic and professional direction to career public servants/staff

What additional benefits, drawbacks, or considerations should be discussed with this organizational structure?



**Structure B –
Mayor as CEO
Council Committees as
Vice Presidents**



Structure B – Mayor as CEO and Council Committees as Vice Presidents

Benefits

- Public perception of more accountability of staff to the general public's shifting desires
- Councilmembers have the authority to directly oversee staff and control or greatly influence direction of operations and service delivery

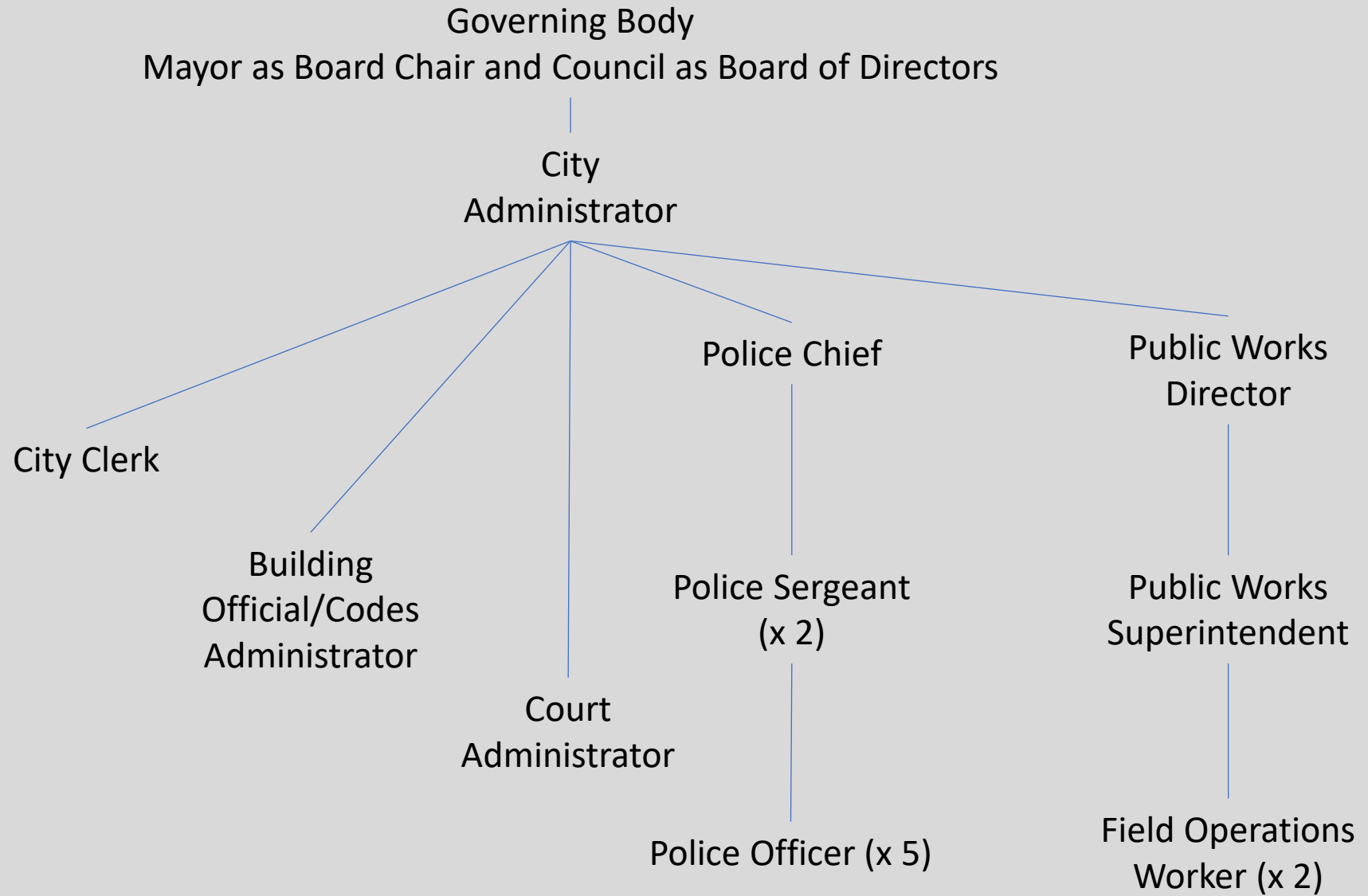
Drawbacks

- Councilmembers' time dedicated to the job varies from person to person
- High pressure on staff to please term-dependent elected officials results in lower level of perceived job stability
- Changing committee assignments results in loss of operational efficiency as staff must reintroduce and justify operational direction and actions
- Decentralization of operational oversight provides conditions for uncoordinated, disjointed work plans and lack of strategic focus in operations and service delivery
- Council Committees providing direct staff oversight could also lead to confusion over where authority lies (Mayor, Committee, Committee Chair, multiple committees depending on topic du jour, etc.)
- Poor job performance remedied politically only (and likely not immediately nor without disruption to operations and service delivery)

What additional benefits, drawbacks, or considerations should be discussed with this organizational structure?



**Structure C –
City Administrator as
CEO
Governing Body as
Board**



Structure C – City Administrator as CEO and Governing Body as Board (Mayor as Board Chair)

Benefits

- Consistent, direct, on-site oversight, coordination, accountability of trained, professional support of City operations and service delivery
- Centralization of accountability for carrying out the established goals of the Governing Body
- Poor job performance handled immediately
- Regular accountability mechanism through performance evaluation administered by Mayor/Governing Body
- Greatly reduces politics from department head/operational staff decision-making and communications

Drawbacks

- Public perception of lower level of democratic direct control of direction of City operations and service delivery
- Less involvement/control of elected officials in the day-to-day operations and administration of the key City functions
- Shifting the executive function from [part-time, temporary] elected officials and to a professional administrator comes with the cost to compensate that full-time staff person for carrying the executive responsibilities
- Unless required, a professional manager may not live in the community and so be seen as less invested in decisions made

What additional benefits, drawbacks, or considerations should be discussed with this organizational structure?



Maintaining City Council Committees

Benefits

- Items for Governing Body action get vetted prior to being placed on City Council meeting agenda
- Staff has an avenue to test ideas and receive direction on matters that are time-sensitive or seem to need lots of work prior to taking up time and space on the City Council meeting agenda

Drawbacks

- A committee of two results in easier group-think/less minds vetting ideas and making calls
- A committee of two is hamstrung by the willingness/unwillingness of one person to participate
- Requires a great amount of trust, mutual respect, and vigilant coordination to ensure high level functioning
- Staff recommendations could never make it out of committee, even though others on Council may find merit in allowing discussion on such item

What additional benefits, drawbacks, or considerations should be discussed with this organizational structure?

Adding City Council Committee of the Whole

Benefits

- Items for Governing Body action have an additional layer of vetting prior to being placed on City Council meeting agenda
- All Councilmembers have an opportunity to workshop items prior to Governing Body action
- All Councilmembers are equally involved in all aspects of City operations

Drawbacks

- Real, robust discussion occurs at the Committee of the Whole meeting, and less discussion occurs during the regular City Council meeting, where action is taken (this might get some getting used to by the public)
- Would likely result in the need for a second standing monthly meeting of the City Council or earlier start time for regular meetings
- Results in a greater number of actual meetings, possibly leading to an unnecessary and inefficient layer of vetting/discussion of items

What additional benefits, drawbacks, or considerations should be discussed with this organizational structure?

Dissolving City Council Committee Structure

(only appropriate if Structure A or C is selected)

Benefits

- Provides for greater autonomy and efficiency of the CEO (whether Mayor or Administrator) to execute key functions
- Reduces opportunity for division within Governing Body arising from being left out of decision making/providing direction to staff
- Provides opportunity to hold work shops/sessions on regular City Council meeting nights to work through upcoming agenda items or provide direction to staff
- Allows the entire Governing Body to focus on the big picture
- Provides greater opportunity for mayor-appointed ad hoc committees of two councilmembers to focus on a specific task requiring attention/work to develop recommendation

Drawbacks

- Loss of sense of ownership of individual councilmembers for sphere of influence/expertise in City operations or service delivery
- Would likely result in only one meeting a month with the Governing Body; however, could result in two standing monthly meetings: one workshop and one City Council business/action meeting

What additional benefits, drawbacks, or considerations should be discussed with this organizational structure?



Testing Concepts: Council Structure

- What is the appropriate structure of levels/layers of Governing Body involvement, control, and deliberation/discussion relating to operations and oversight for the size of city we are?
- What is the desired (and optimal) process for introducing new projects/policy for research, development, drafting, and recommendation? (e.g. Complete Streets policy and task force, field and facility reservations, block party procedure development, new street banners, etc.)
- What is the desired (and optimal) process for engaging with operational decisions that may eventually result in Council action? (e.g. employee handbook update, sensitive personnel matters, modifications to scope of work of infrastructure projects, law/code enforcement efforts, etc.)



Moving Forward

- Achieve clarity on the key oversight and operational functions of the City
 - Begin discussing delegation of key operational functions based on consensus achieved as to who should be responsible for each
- Achieve consensus on the most appropriate organizational chart to pursue for formalization
 - Begin discussing changes to/formalization of the Council Committee structure based on consensus achieved
- Formalize decisions made by updating policy documents and/or City Code, as appropriate
- Create and adopt a strategic plan
- Achieve consensus on the future use of City-owned real estate (ULI TAP)





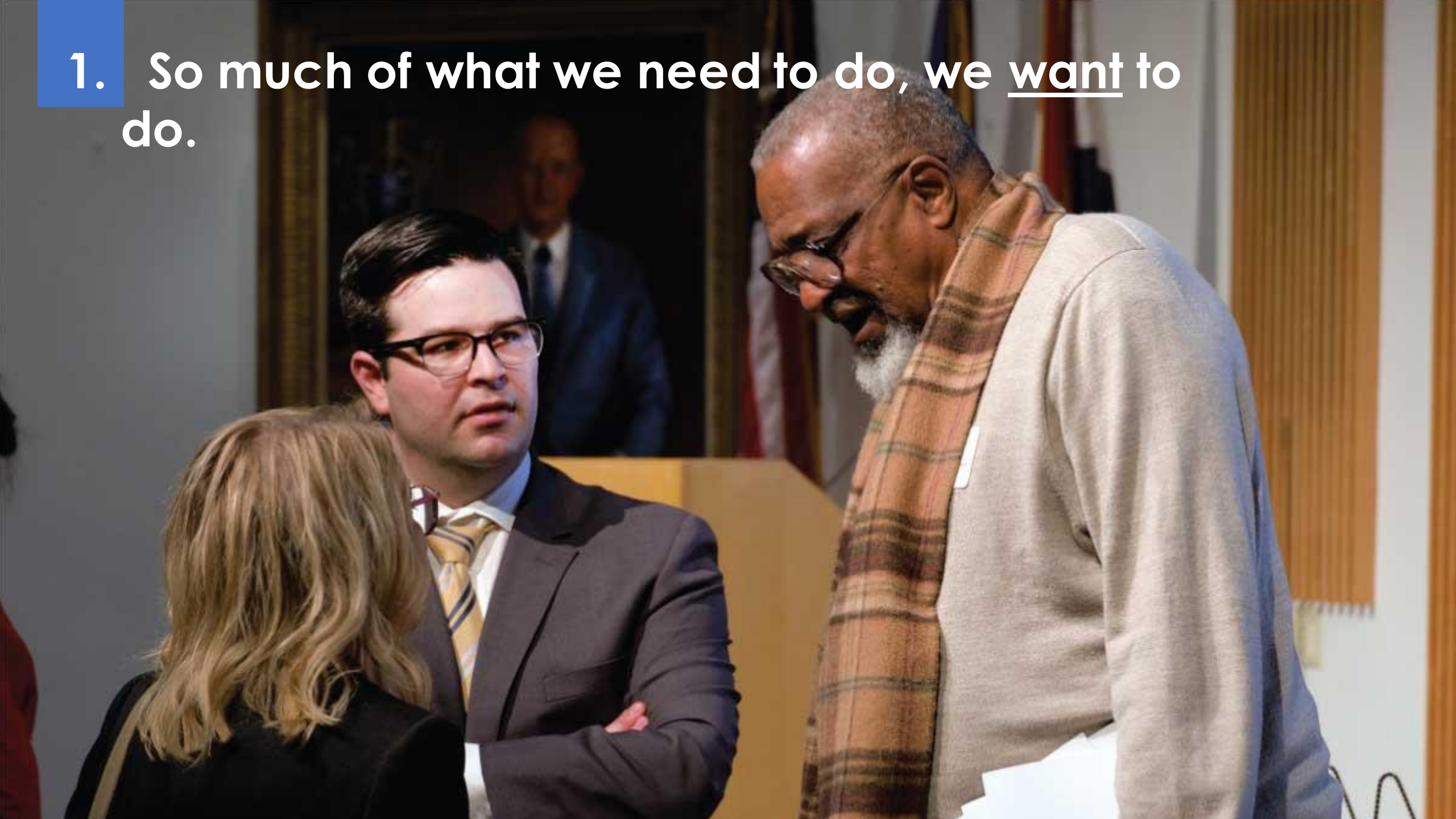
Regional CLIMATE ACTION PLAN

NET ZERO
REGION
BY 2050



Guiding thoughts

1. So much of what we need to do, we want to do.



2. We have already pro



3. Solutions must match the challenge.



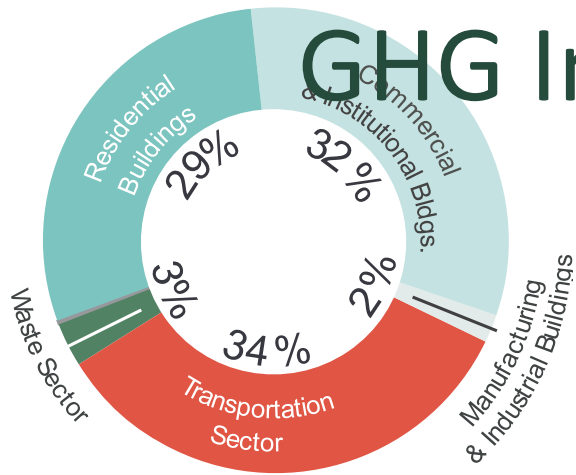
4. Leadership comes from all



5. Do no harm. Doing nothing is harmful.



GHG Inventory 2015



Energy

Grid-based electrical power use
Building energy efficiency

Transportation

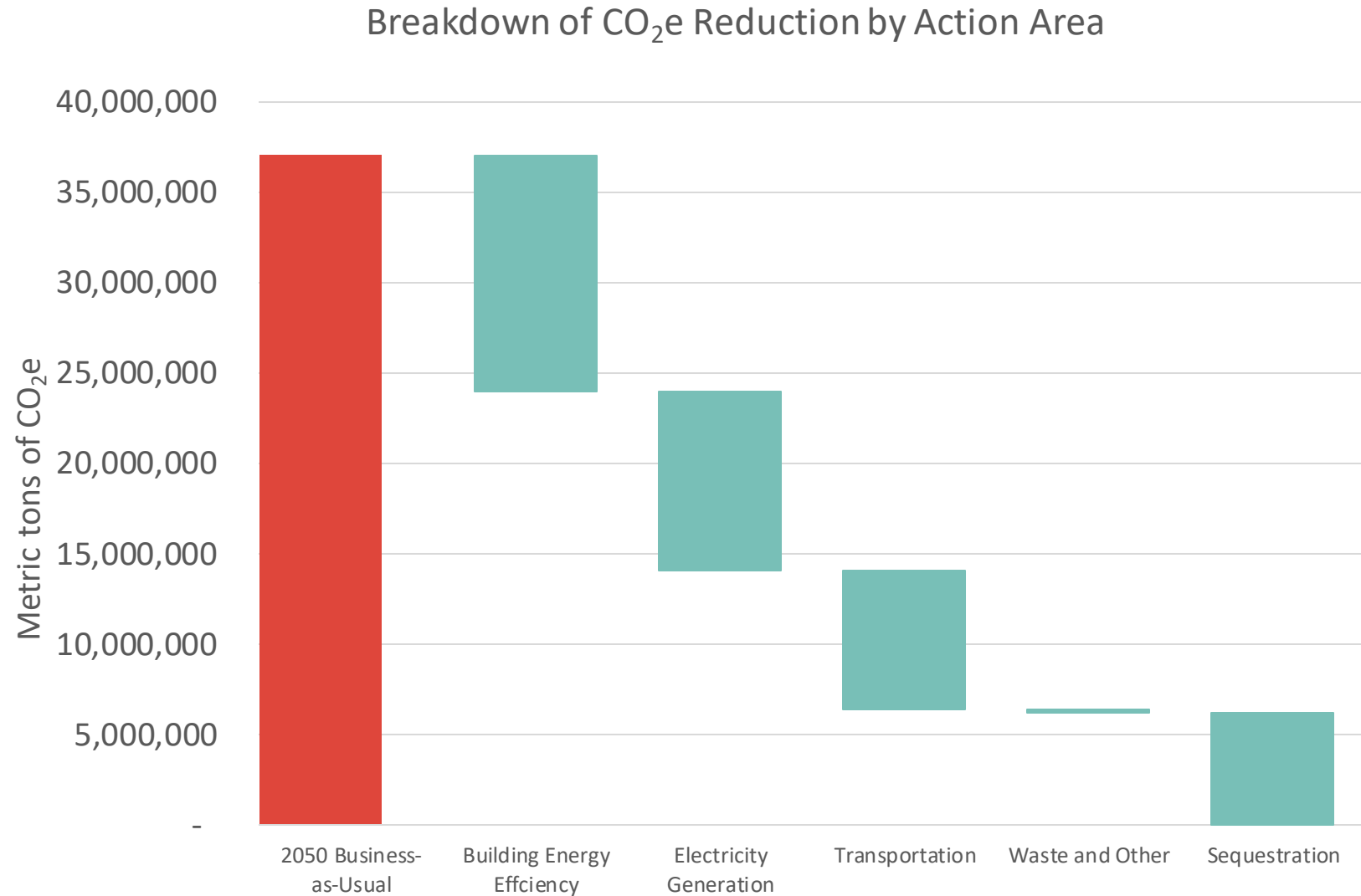
Technology, fuel and behavior

Waste

Landfills emit greenhouse gases too!

Measuring effectiveness

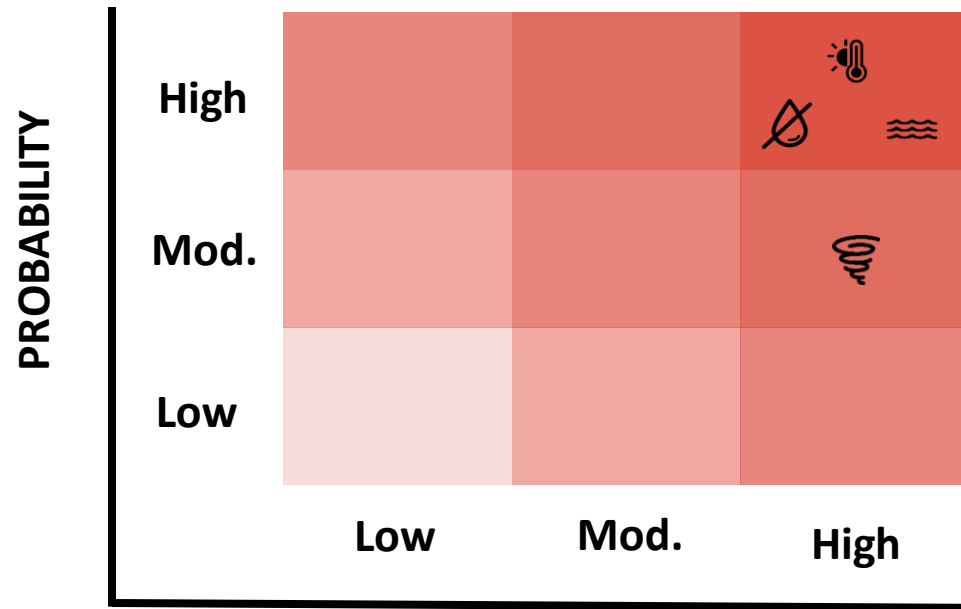
- 37 metric tons of CO₂E must be reduced by 2050.
- Actions in the energy, transportation, and waste sectors reduce GHG by 83%.





Climate Risk & Vulnerability

Risk Matrix

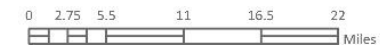
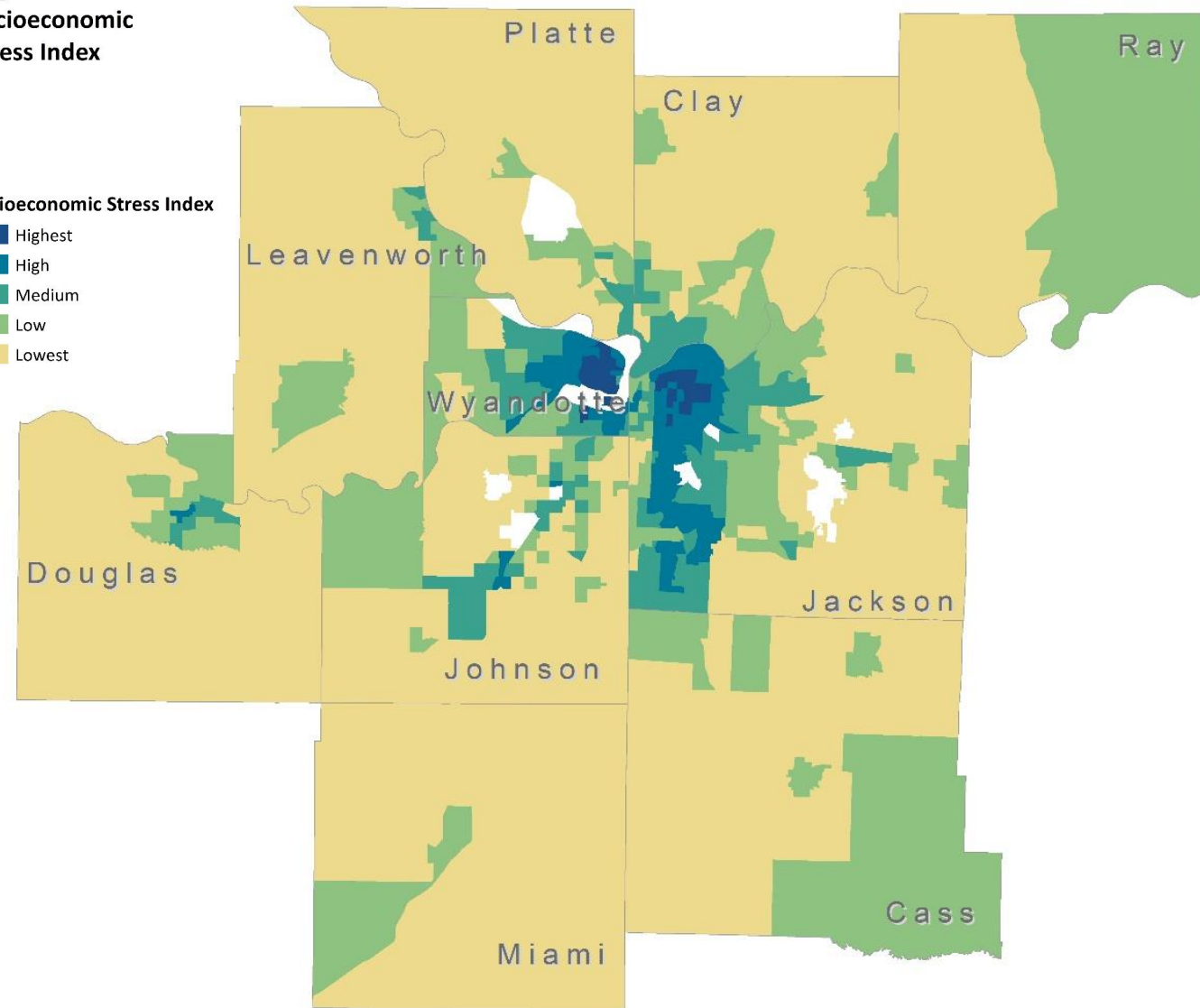


CONSEQUENCE

Regional Socioeconomic Stress Index

Socioeconomic Stress Index

- Highest
- High
- Medium
- Low
- Lowest



Action Areas



Collaboration
& Leadership



Innovation
& Finance



Community
Resilience



Urban
Greening



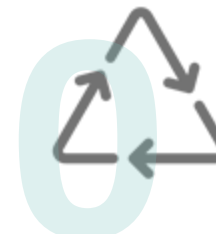
Renewable
Energy



Energy
Efficiency



Transportation
& Land Use



Industry &
Resource
Management



Food
& Agriculture

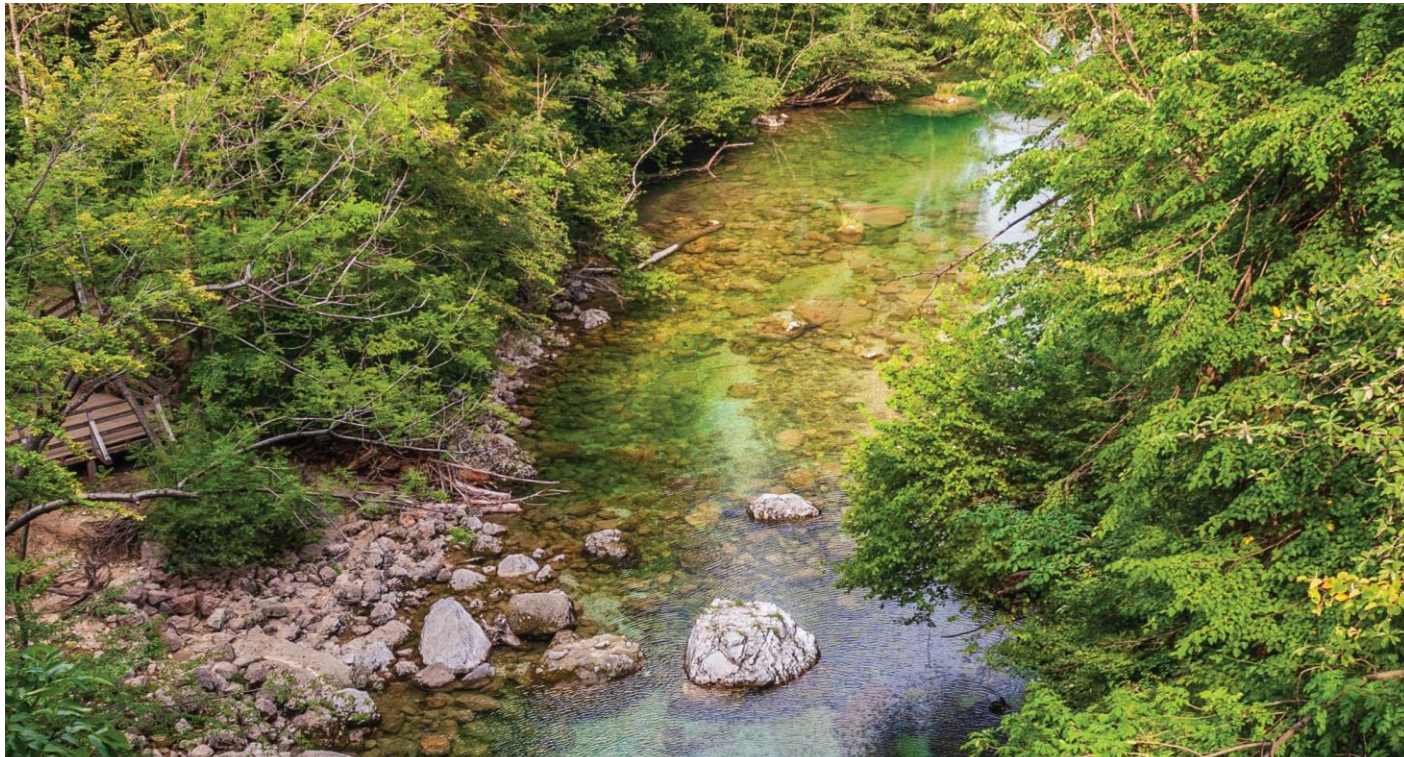


Adaptation

1. Food & agriculture



2. Nature-based solution



3. Finance and innovation



4. Organic waste



COMPOST

EXTRA
YARD

FOR THE
ENVIRONMENT

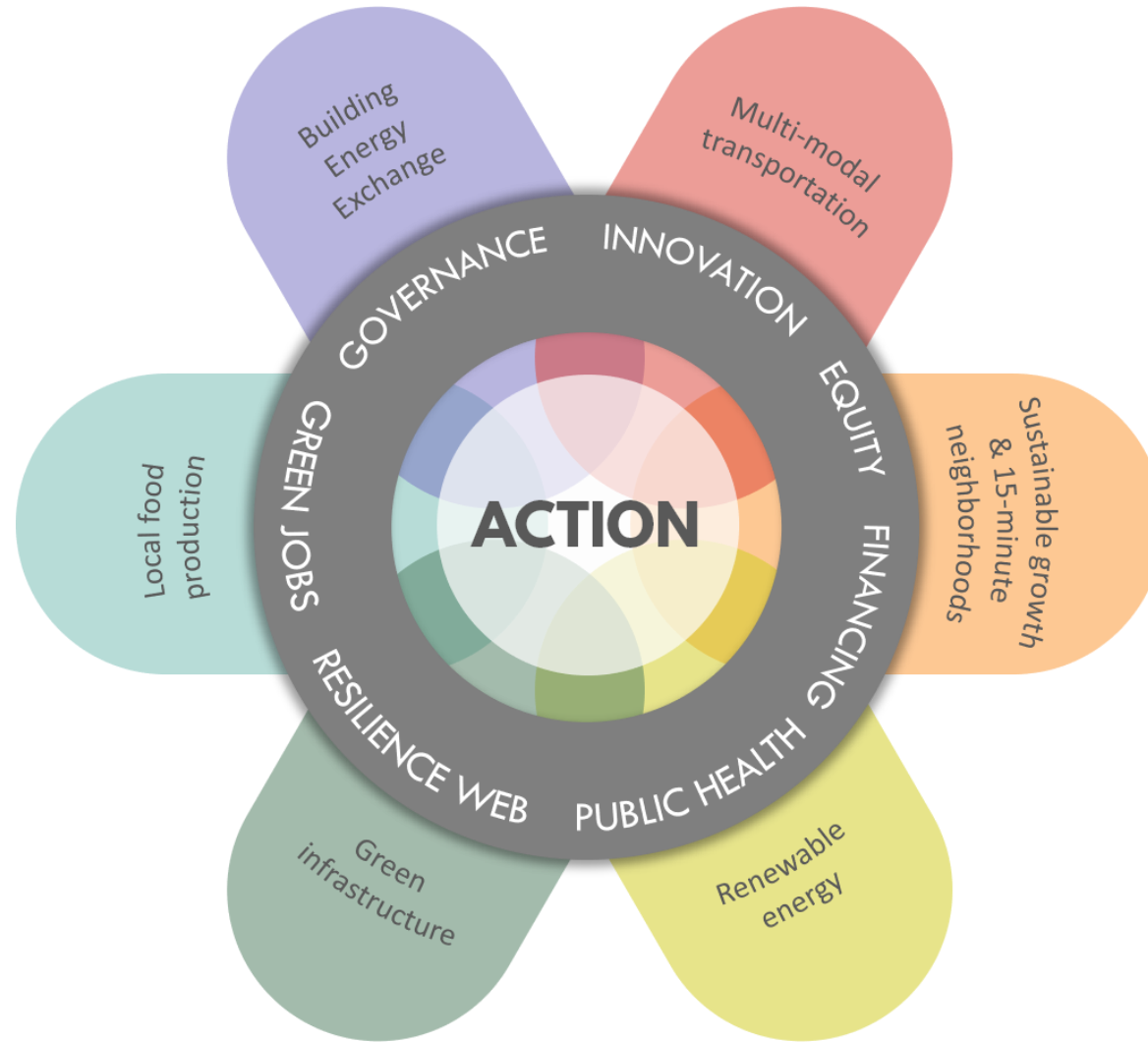
MISSOURI
DEPARTMENT OF
NATURAL RESOURCES
This program was funded in part by the
Missouri Department of Natural Resources

Mid-America Regional Council
Solid Waste
Management District

5. Resilient Infrastructure



System Linkages





Local Government Policies

Energy

- Benchmarking, building performance, IECC2021, energy disclosure, solar ready

Urban Greening

- Tree protection, native landscaping, stormwater standards, stream buffer management

Transportation and Land Use

- Setbacks, road widths, parking maximums, etc.

Food

- Zoning adjustments

Local Government Actions

Planning and decision-making

- **Adopt the Climate Action Plan**
- **Designate a point person for resilience**
- **Squeeze every benefit out of every dollar**
- Complete local vulnerability assessment
- Implement resilience elements of local plans

Lead by example

- **Retrofit city-owned buildings**
- **Plant trees – along streets and streams**
- Join Evergy's Renewable Direct Program
- Design resilient infrastructure

Think like a partner

- Collaborate on implementation (trees, bikes, building improvements)
- **Encourage local participation (businesses, residents, institutions)**





Regional CLIMATE ACTION PLAN

Tom Jacobs | 816/701-8352 | tjacobs@marc.org

Karen Clawson | 816/701-8255 | kclawson@marc.org

www.Kcmetroclimateplan.org



NET ZERO
REGION
BY 2050

City of Westwood, Kansas
City Council Work Session
4700 Rainbow Boulevard
December 9, 2021 – 6:00 PM

Council Present: David E. Waters, Mayor
Jeff Harris, Council President
Andrew Buckman, Councilmember
Jason Hannaman, Councilmember
Laura Steele, Councilmember
Holly Wimer, Councilmember

Council Absent: None

Staff Present: Leslie Herring, CAO/City Clerk
Curt Mansell, Chief of Police
John Sullivan, Director of Public Works
Ryan Denk, City Attorney

Call to Order

Mayor David E. Waters called the meeting to order at 6:00 p.m. on December 9, 2021.

Roles of City Council Committees and City Staff

Mayor Waters and Mrs. Herring conducted a follow-up discussion from the BOARDynamics Governing Body retreat held on October 3, 2021. No action was taken and no direction was given to the Mayor or staff.

Adjournment to Regular Meeting

The meeting was adjourned at 6:50 p.m. in order to prepare for the monthly City Council meeting at 7 p.m.

APPROVED: _____
David E. Waters, Mayor

ATTEST: _____
Leslie Herring, City Clerk

**City of Westwood, Kansas
City Council Meeting
4700 Rainbow Boulevard
December 9, 2021 – 7:00 p.m.**

Council Present: David E. Waters, Mayor
Andrew Buckman, Councilmember
Jason Hannaman, Councilmember
Jeff Harris, Council President
Laura Steele, Councilmember
Holly Wimer, Councilmember

Council Absent: None

Staff Present: Leslie Herring, CAO/City Clerk
Curtis Mansell, Police Chief
John Sullivan, Public Works Director
Michelle Ryan, City Treasurer
Ryan Denk, City Attorney

Call to Order

Mayor David E. Waters called the meeting to order at 7:00 p.m. on December 9, 2021. The City Clerk called the roll. A quorum was present. The evening's meeting was held in a hybrid manner, with attendees joining both in person and via Zoom.

Swearing In Newly Elected City Councilmembers

Councilmembers Buckman, Hannaman and Harris were reelected to serve a four-year term on the City Council during the November 2nd General Election. Mrs. Herring administered the Oath of Office for Councilmembers Buckman, Hannaman and Harris and they returned to their seat on the dais.

Approval of Agenda

Motion by Councilmember Harris to approve the December 9, 2021 City Council agenda as stated. Second by Councilmember Steele. Motion carried by a 5-0 voice vote.

Public Comment

No comments by members of the public in attendance were made.

Public Hearings

Consider Resolution No. 101-2021 Adopting an Amended Fiscal Year 2021 Annual Budget

State budget law requires a budget amendment if expenditures in a fund are expected to exceed the approved budget amount. The process for amending the budget includes publication of the proposed amendment, a public hearing, and formal adoption of the budget amendment by the City Council prior to the end of the year.

Expenditures in two funds are expected to exceed the level authorized in the adopted 2021 budget. In order to remain in compliance with the State budget law, a budget amendment increasing authorized expenditures must be adopted.

Capital Improvement Plan (CIP) Fund

In 2021, design and engineering work commenced on both the State Line Road/47th Terrace/48th Street [2021 CIP construction] project and the 47th Street [2022 CIP] reconstruction project. Both projects are interjurisdictional and in both cases the City of Westwood has taken the leading role in project management and contract execution in a relationship where the City of Westwood will pay the upfront costs for the projects and then invoice our participating neighboring jurisdictions. As the CIP Fund is only about 10 years old and since 2021 is the first budget year since its creation that the City has planned inter/multi-jurisdictional projects (the 2021 CIP project is a partnership with Westwood Hills and Kansas City, MO and the 2022 CIP project is a partnership with the Unified Government of Wyandotte County Kansas City, KS), not enough budget authority was planned in the CIP Fund to allow for the City of Westwood to cover the contractually obligated amounts for those project costs this year; although the City does have the budget authority in the General Fund.

To honor the fund structure and budget forecast as presented by staff for the 2022 and future budgets, staff recommends the CIP Fund be amended to provide sufficient budget expenditure authority to cover the up front contractual costs for these projects. City staff recommends funding all CIP project costs from the CIP by way of planned transfers to the CIP rather than expending separate portions of one project from separate funds.

To reduce the need for future budget amendments for this reason, the 2022 budget approved by the City Council and submitted to the State lists the CIP Fund as an unbudgeted fund, which is a fairly typical government financing strategy to allow for more ebb and flow that is naturally a part of construction projects. By listing the CIP Fund as unbudgeted, there is no budget authority cap (outside of the City's on-hand revenues and ability to pay) and the City is able to expend funds during a fiscal year without the tight tie to forecasted construction costs calculated one – two years previously during budget development.

Woodside TIF/CID Fund

Property taxes in the Woodside tax increment financing (TIF) district as well as sales tax activity at Woodside (which impacts the community improvement district (CID) sales tax revenues) is higher than anticipated when the 2021 budget was developed in the summer of 2020. 2021 expenditures (property tax and CID sales tax revenues paid out to the bondholder) in the Woodside TIF/CID Fund are expected to exceed the level authorized in the adopted 2021 budget. In order to remain in compliance with the State budget law, a budget amendment is necessary to increase expenditure authority for these bondholder payments.

All other funds have sufficient legal budget authority within the approved 2021 budget for the expenditures budgeted in each. Staff recommends the City Council conduct a public hearing and, following the hearing, approve the amended budget by way of Resolution 101-2021.

Mayor Waters opened the Public Hearing for adopting an Amended Fiscal Year 2021 Annual Budget at 7:15 p.m. No comments were made by the public. Mayor Waters closed the Public Hearing at 7:15 p.m.

Motion by Councilmember Hannaman to approve Resolution 101-2021 adopting amendments to the 2021 fiscal year budget as presented. Second by Councilmember Harris. Motion carried with a 5-0 voice vote.

Presentations and Proclamations

Evergy Service Update – Rebecca Galati

Rebecca Galati, Senior Customer Solutions Manager with Evergy, provided an update on recent Evergy updates and developments.

Consent Agenda

All items listed below are considered to be routine by the Governing Body and will be enacted in one motion. There will be no separate discussion of these items unless a member of the Governing Body so requests, in which event the item will be removed from the consent agenda and considered separately following approval of the consent agenda.

- A. Consider November 11, 201 City Council Meeting Minutes
- B. Consider Appropriations Ordinance 733

Motion by Councilmember Harris to approve the Consent Agenda as presented in the agenda packet. Second by Councilmember Steele. Mrs. Herring performed a roll call vote. Motion passed 5-0.

Mayor's Report

Mayor Waters provided an update on COVID-19 numbers for Johnson County.

Mayor Waters noted Tom Jacobs from Mid-America Regional Council will be making a presentation on Climate Action KC during the January 13th City Council meeting.

Mayor Waters provided an update of events he attended as Mayor over the past month.

Mayor Waters thanked city staff for their work on the Mayor's Tree Lighting Ceremony on December 2nd.

Mayor Waters congratulated Councilmember Wimer and Mrs. Herring for being selected for the Leadership Northeast program for 2022.

Committee Reports

Administration & Compensation Committee

Councilmember Hannaman had nothing to additional report.

Business & Community Affairs Committee

Councilmember Buckman had nothing additional to report.

Parks & Recreation Committee

Councilmember Wimer had nothing additional to report.

Public Safety Committee

Councilmember Harris had nothing additional to report.

Public Works Committee

Councilmember Steele attended a presentation on Unified Government of Wyandotte County and Kansas City, KS's county wide mobility plan with Councilmember Hannaman on December 2nd.

Staff Reports

Administrative Report

Mrs. Herring provided an overview of the November 2021 Administrative Report included in the agenda packet and offered to answer questions.

Public Works Report

Mr. Sullivan provided an overview of the November 2021 Public Works Report included in the agenda packet and offered to answer any questions.

Public Safety Report

Chief Mansell provided an overview of the November 2021 Public Safety Report included in the agenda packet and offered to answer questions.

Treasurer's Report

Mrs. Ryan provided an overview of the November 2021 Treasurer's Report that was included in the agenda packet and offered to answer any questions.

City Attorney's Report

Mr. Denk had nothing to report.

Old Business

No Old Business items were considered.

New Business

Consider Agreement with Johnson County for the Public Improvement of 47th Street from Mission Road to Rainbow Boulevard

47th Street will undergo resurfacing and geometric improvements in 2022, including a two-inch mill and overlay and a Complete Streets redesign. This is a joint project with the Unified Government of Wyandotte County-Kansas City, KS ("The UG"). The total project cost is currently estimated to be just under \$2.5 million, with the total cost to Westwood estimated to be under \$500,000.

As a designated County Assistance Road System ("CARS") Program road, this work on 47th Street qualifies for up to 50% financial assistance on eligible costs from Johnson County. Since the roadway is located within two jurisdictions, Westwood will be reimbursed by the Unified Government of Wyandotte County-Kansas City, KS for the work performed within its jurisdiction and Westwood will be reimbursed up to \$259,000 for the work within its (Westwood's) jurisdiction by Johnson County. Enclosed is the agreement for Johnson County CARS funding for the 47th Street work.

Motion by Councilmember Steele to authorize the Mayor to execute the Agreement between Johnson County, Kansas, and the City of Westwood, Kansas, for the Public Improvement of 47th Street from Mission Road to Rainbow Boulevard. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote.

Announcements/Governing Body Comments

Councilmember Hannaman wished everyone a happy holiday season.

Councilmember Wimer noted the Women's Club will hold their holiday luncheon on December 15th.

Councilmember Harris noted on November 16th he attended a meeting held by the Woodside development team in the Westwood Community Room to present plans to the Spring Valley Neighborhood Association for the parcel of land owned by Woodside at the corner of Rainbow Boulevard and 46th Street. Councilmember Steele, Wimer and Mrs. Herring attended the meeting as well. Councilmember Harris noted that some in attendance were concerned about delivery traffic, general traffic patterns, and proposed building height. Councilmember Harris wished those in attendance a happy holiday season.

Councilmember Steele congratulated Councilmembers Buckman, Hannaman and Harris on their reelection to City Council.

Mayor Waters noted the Westwood Foundation approved a grant to the Westwood Women's Club for their Belinder Beautification project.

Executive Session

No matters required an Executive Session during this meeting.

Adjournment

Motion by Councilmember Harris to adjourn the meeting. Second by Councilmember Steele. Motion carried by a 5-0 voice vote. The meeting adjourned at 8:22 pm.

APPROVED: _____
David E. Waters, Mayor

ATTEST: _____
Leslie Herring, City Clerk

City of Westwood, Kansas
Appropriation Ordinance No. 734

AN ORDINANCE APPROPRIATING CITY EXPENDITURES FOR THE PERIOD OF DECEMBER 1, 2021 - DECEMBER 31, 2021 AND SUMMARIZING SAID EXPENDITURE HEREIN.

	General Month Ending 12/31/2021	Capital Improvements Month Ending 12/31/2021	Equipment Reserve Month Ending 12/31/2021	Stormwater Month Ending 12/31/2021	Special Highway Month Ending 12/31/2021	Woodside TIF/CID Month Ending 12/31/2021	Debt Service Month Ending 12/31/2021	Total All Funds Month Ending 12/31/2021
Expenditures								
Salary & Benefits	125,794.53	0.00	0.00	0.00	0.00	0.00	0.00	125,794.53
Employee Expenses	3,754.25	0.00	0.00	0.00	0.00	0.00	0.00	3,754.25
Professional Fees	27,957.21	15,413.35	0.00	0.00	0.00	0.00	0.00	43,370.56
General Operating Expenses	11,899.03	0.00	22,652.61	0.00	0.00	0.00	0.00	34,551.64
Utilities	29,156.44	0.00	0.00	0.00	0.00	0.00	0.00	29,156.44
Equipment and Maintenance	3,647.92	0.00	(380.00)	27.80	0.00	0.00	0.00	3,295.72
Street and Stormwater	(370.33)	552,078.35	0.00	2,845.33	0.00	0.00	0.00	554,553.35
Park and Events	354.88	0.00	0.00	0.00	0.00	0.00	0.00	354.88
Miscellaneous	0.00	0.00	0.00	0.00	0.00	8,153.62	0.00	8,153.62
Interfund Transfers	286,000.00	175,000.00	0.00	118,516.00	0.00	0.00	0.00	579,516.00
Total Expenditures	488,193.93	742,491.70	22,272.61	121,389.13	0.00	8,153.62	0.00	1,382,500.99

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

SECTION 1. The Claims included herin are hereby approved and allowed.

SECTION 2. That the payment of all claims and charges against the respective accounts and funds provided in the budget for the year 2021 are consistent with that budget and are hereby authorized, ratified and approved.

SECTION 3. This Ordinance shall take effect from and after its passage.

ADOPTED this 13th day of January, 2022.

MAYOR

ATTEST: CITY CLERK



Chief Administrative Officer/City Clerk Report

January 2022

To: Mayor and City Council
From: Leslie Herring, Chief Administrative Officer/City Clerk
Date: January 13, 2022
RE: Update on some of the key areas of focus of the Administration Department

Current Priorities

3rd Quarter (October) 2021 through 1st Quarter (March) 2022

- *Create a Records Retention Policy*
 - Not yet started.
- *Create a Citizen Satisfaction Strategic Plan of Action*
 - Staff is considering how to quantify and make progress on citizen satisfaction, possibly involving administering citizen satisfaction surveys relating to City operations and service delivery. This work will likely branch from creation and adoption of a Governing Body Strategic Plan.
- *Review and consider updates to the Comprehensive Plan and the City's zoning ordinance*
 - The Planning Commission arrived at consensus at its January meeting to set the text amendments to the Zoning Ordinance for a public hearing in February. The text amendments are scheduled to come before the City Council at your February meeting. City staff is working with the Planning Commission chair to create an approach to conducting the City's annual review of the Comprehensive Plan, following the conclusion of the text amendments to the Zoning Ordinance.
- *Create and Adopt a Governing Body Strategic Plan*
 - City staff is working with the Mayor to create an approach for the Council to consider to build a strategic plan for use by City staff and the Council in guiding projects and priorities. This work will occur following the Governing Body's determinations related to executive roles and responsibilities.
- *Execute the City's future facilities plan and plan for future use of City-owned/optioned property*
 - City staff is working with the Mayor to convene a steering committee of stakeholders to outline and guide the professional third-party work of the facilities assessment/feasibility analysis. This project is expected to take place from May – November of 2022, with the aim of having a firm identified by the steering committee for recommendation to the City Council at your April regular meeting and a final presentation of findings at your November meeting.
- *Support the City's Pavement Management Plan*
 - City Administration staff will support the Public Works Department as it leads the process of engaging in a joint contract for professional services to evaluate the City's streets and sidewalks and recommend prioritization of projects for inclusion in future

CIPs. This work is expected to conclude prior to occur during the 2nd quarter of 2022, so that the 2023 budget can be built around its findings.

➤ *Inventory the City's Assets*

- City administration, public works, and police staff met with the City's insurance broker on January 11th to review City assets and coverages. City staff will work with the broker to make changes to the values of the City's assets to be a truer reflection of current value and to add assets not currently included in our coverage. Staff learned at that meeting that the City's insurance broker recommends a couple immediate policy changes be made, which City staff will review and authorize within its set spending authority as governed by the City's Financial and Purchasing Policy. At the March regular City Council meeting, the City Council will be asked to renew its insurance coverage, as the City's policy runs through March 31st of each year. At that time, City staff and the City's broker will detail any changes made administratively in the interim.

Building Permits

The following is a snapshot of select building permits of note issued last month:

Residential

New Construction:

- 2900 W. 48th Terrace (Waiver & Exception from the Zoning Ordinance approved by Planning Commission on August 2, 2021)

Additions:

- 4711 W. 49th Street – Add three-season room with a deck above
- 2903 W. 48th Street – Garage addition (Waiver & Exception from the Zoning Ordinance approved by the Planning Commission on September 13, 2021)

Alterations: None

Demolition: None

Commercial

New Construction: None

Additions: None

Alterations: None

Demolition: None

Westwood Public Works Monthly Report

TO: GOVERNING BODY
FROM: JOHN SULLIVAN, DIRECTOR OF PUBLIC WORKS
RE: MONTHLY REPORT, DECEMBER 2021
DATE: JANUARY 11, 2022

Some of the activities for Public Works in December include:

1. Daily collection of trash from City Hall and City Parks.
2. Perform a weekly inspection of the playground equipment and park facilities.
3. Perform a weekly inspection of the traffic control signs throughout the city; replace poles and signs as required.
4. I prepared the Purchase Orders and documentation for those purchases.
5. Performed routine maintenance at the City Hall to include the servicing of the air handling equipment, re-lamping fixtures and repairing or installing appurtenances including plumbing fixtures.
6. I represented the city at various meetings to include:
Public Works Directors Meeting – Virtual – 1.5 hrs.
7. Received, via email, Kansas One-Call Locate Requests, advised callers of their status with the City of Westwood regarding utilities and advised, when appropriate, the need to either get an excavation permit, building permit or fence permit. I provided the building official with a copy of the locate requests for follow-up for any building permits that may be required and answered any questions when asked.
8. We performed routine maintenance on the Public Works vehicles and equipment to include fluid services, cleaning, and general repairs.
9. Routine maintenance of the Public Works Facility to include the air handling equipment, plumbing, electrical, and cleaning.
10. Performed various clerical duties for the Public Works Department's daily functions.
11. I attended Public Works, City Council and Staff and Committee meetings as required.
12. Observed activities associated with ROW Permits.
13. We marked streetlight utilities when requested by the One-Call System.
14. We performed monthly safety checks at all City properties as well as monthly fire extinguisher inspections.
15. Mitch is attending monthly Safety Committee Meetings.
16. We continued the annual residential leaf pickup program concluding it on December 21st.
17. We loaded roll off containers from the leaf pickup program.
18. We started removing leaves from public properties as time allows.
19. We provided support services to the annual holiday lighting.
20. We replaced the water heater in the community room kitchen.
21. We repaired the signal head on the hawk system on Rainbow.
22. We installed the snow equipment on the trucks in preparation for the Jan. 1 snow event.

23. We changed the cutting edge on the loader bucket.
24. We changed out the tires to the winter tires on the loader.
25. We made a modification to the loader belly pan to promote water drainage from the machine.
26. We picked up the new radios from Commenco.

This concludes my activities report for some of the activities for Public Works in December.

To: Governing Body
From: John Sullivan, Director of Public Works
Date: January 11, 2022
Re: Monthly Status Report

- W. 47th Street Project: The 2nd check set of plans have been reviewed by KDOT with some minor changes. The ROW easement agent is working on obtaining both permanent and temporary easements. The streetlights are in the queue for production. We have a meeting with KDOT this afternoon. Due to the Gas Companies inability to move their project along this may have an effect on our letting date.
- 2021 Street Improvement Projects: This project has been delayed until April 1, 2022. Kansas Gas has completed its relocation work of phase I. Phase II has been started on W. 48th Street. Due to the high voltage electric line located below the roadway I have allowed them to install dual gas mains on this section of roadway. This will prevent the roadway from having to be crossed for each of the service connections on the opposite side of the installed main. While I don't particularly like having two mains, I believe this will reduce the chance for damage to the high-profile electric line. In addition, our street will not suffer the issue of potholing trying to locate all the existing utilities. We should see the south side of W. 48th Street main installation complete today. We expect to see potholing to begin on the northside of W. 48th Street tomorrow and finishing up the first part of next week with the actual main installation to begin on toward the middle of next week with completion before the holiday break. The fourth phase of installation will begin tomorrow with potholing to begin on Rainbow from W. 48th Terrace to W. 47th Place. The main installation will follow. Due to union rules, the contractor will not work in conditions when the temperature or wind chill temperature is below a certain degree. They have stopped work for the last two weeks. I have put in a call to the project manager to try and determine what the plan is moving forward.
- State Line CARS Project: We have received the approved agreement from the Kansas AG office.
- Mission Woods request for participation in a traffic signal modification, striping and handicap ramp relocation related to Shawnee Mission Parkway and Rainbow: The City of Westwood shares the intersection previously

mentioned with the City of Mission Woods (25% Westwood, 75% Mission Woods). Mission Woods would like to add an additional crosswalk on the east side of the intersection and on the south side of the intersection. They would also like to move the crosswalk that is on the west side of the intersection farther east which would require new handicap ramps. I indicated we would not participate in any improvements in Mission Woods, and I would have to discuss with the Public Works committee whether we want to bring forward a project and what that may cost. We are in the very early stages of discussion, and I don't think we have a good understanding of what signal modifications will be required. The city of Mission Woods wants this done sooner rather than later. We shall see. I have not heard anything else on this matter to date.

- Westwood View School Project: The project appears to be moving along.
- Leaf Pickup: Leaf pickup has concluded on December 21.

WESTWOOD

December 2021

ACTIVITIES / OFFENSE	THIS MONTH	21-YTD	20-YTD	21-Avg	CHANGE
PART I CRIMES					
MURDER					No Change
RAPE			1		-1
ROBBERY		2		0.17	2
BURGLARY					
BUSINESS	1	2		0.17	2
RESIDENTIAL		3	2	0.25	1
VEHICLE	4	14	26	1.17	-12
MOTOR VEH THEFT	1	5	6	0.42	-1
LARCENY / THEFT		12	25	1.00	-13
ASSAULT / BATTERY		1	4	0.08	-3
ARRESTS					
FELONY		1	3	0.08	-2
MISDEMEANOR		1	2	0.08	-1
TRAFFIC		2	2	0.17	No Change
DRUG		9	16	0.75	-7
DUI		1	3	0.08	-2
WARRANTS	3	50	26	4.17	24
CONFINED					No Change
SUMMONS					
HAZARD	9	129	484	10.75	-355
NON-HAZARD	26	346	1020	28.83	-674
DUI		1	2	0.08	-1
ORD. VIOLATION	6	68	48	5.67	20
ACCIDENTS					
NON-INJURY	3	15	17	1.25	-2
INJURY		3	4	0.25	-1
PRIVATE PROPERTY	2	7	1	0.58	6
ADMIN.DUTIES-PD	39	238	367	19.83	-129
ADMIN.DUTIES - CITY	54	134	49	11.17	85
ALARM	3	64	62	5.33	2
ANIMAL	2	28	13	2.33	15
ASSIST - POLICE	15	83	65	6.92	18
ASSIST - PUB MOTOR	14	140	130	11.67	10
BLD. CHECK-SHAKE		64	70	5.33	-6
BLD. CHECK-PATROL	605	7912	14281	659.33	-6369
BUSINESS CHECK	10	1410	1431	117.50	-21
CIVIL MATTER		3	3	0.25	No Change
EXTRA PATROL HAZARD					No Change
EXTRA PATROL NON HAZ		3	3		No Change
EXTRA PATROL DUI					No Change
EXTRA PATROL ORD.					No Change

WESTWOOD

December 2021

ACTIVITIES / OFFENSE	THIS MONTH	21-YTD	20-YTD	21-Avg	CHANGE
CRIMINAL DAMAGE		3	10	0.25	-7
DISTURBANCE	2	13	36	1.08	-23
DISORDERLY CONDUCT					No Change
FIELD INTERVIEW FORM			2		-2
FIRE	2	10	7	0.83	3
FOLLOW UP	12	80	30	6.67	50
INFO / INVEST		53	46	4.42	7
JUVENILE	1	9	4	0.75	5
MENTAL HEALTH					
SUICIDE			1		-1
ATT SUICIDE			2		-2
INVOLUNTARY COMMITTAL			2		-2
ALL OTHER MENTAL HEALTH		5	7	0.416666667	-2
MEDICAL CALL	15	130	89	10.83	41
NATURE UNKNOWN			3		-3
NOISE COMPLAINT		8	10	0.67	-2
OPEN DOOR	5	15	23	1.25	-8
ORD. COMPLAINT	5		5		-5
ORD. VIOL WARNING			1		-1
ORD. VIOL LETTER			1		-1
OTHER			5		-5
PED. CHECK		3	6	0.25	-3
PUBLIC SERVICE	9	147	170	12.25	-23
RECOVERED PROP		7	13	0.58	-6
RESIDENCE CHECK		137	354		-217
SUSPICIOUS SUBJECT	6	44	52	3.67	-8
VEH CHECK OCCUPIED	3	11	21	0.92	-10
VEH CHECK UNOCCUPIED		56	33	4.67	23
TELE. CALL HARASS			1		-1
TELE. CALL THREAT	1	3		0.25	3
TRAFFIC COMPLAINT	3	19	32	1.58	-13
TRAFFIC WARNING	10	248	134	20.67	114
UNATTENDED DEATH		3		0.25	3

Total Activity

817

Last Year - YTD Activity

17517

Year to Date Activity

10896

Difference in Activity

-6621

Total Monthly Summons

41

Hazardous Summons Percentage

22%

**WESTWOOD
INCIDENT SUMMARY**

BUSINESS BURGLARY

CASE NO: 20210340 **LOCATION:** 4935 Belinder Ave
DATE : 12/27/2021
ACTIVITY: Unknown suspect(s) cut the lock on the gate and removed several pieces of copper pipe without permission.

BURGLARY TO AUTO

CASE NO: 20210320 **LOCATION:** 2001 W 47th Pl
DATE : 12/01/2021
ACTIVITY: Unknown suspect(s) broke the passenger side window and removed several items from the vehicle without permission.

CASE NO: 20210322 **LOCATION:** 2000 W 47th Pl
DATE : 12/02/2021
ACTIVITY: Unknown suspect(s) broke the passenger side window and removed the victim's purse and its contents without permission.

CASE NO: 20210328 **LOCATION:** 2000 W 47th Pl
DATE : 12/06/2021
ACTIVITY: Unknown suspect(s) got into the unlocked vehicle and removed several credit cards without permission.

CASE NO: 20210337 **LOCATION:** 2515 W 47th Terr
DATE : 12/18/2021
ACTIVITY: Unknown suspect(s) got into the unlocked vehicle and removed money without permission.

MOTOR VEHICLE THEFT

CASE NO: 20210336 **LOCATION:** 4720 Rainbow
DATE : 12/18/2021
ACTIVITY: Unknown suspect(s) removed the victim's vehicle without permission.

WESTWOOD
COURT SUMMARY
DECEMBER, 2021

COURT DATE	ARRAIGNMENTS	TRIALS	FINES	LETTERS	WARRANTS
December 03, 2021	20	00	\$ 1,010.00	07	07
December 10, 2021	07	02	\$ 2,714.75	03	01
December 17, 2021	19	02	\$ 675.00	07	00
TOTALS					
December, 2021	46	04	\$ 4,399.75	17	08
December, 2020	117	14	\$ 5,532.00	108	36
TOTAL (\$ 4,399.75) less					
* Kansas DL fees:					\$ 81.00
* Judges Training Fund:					\$ 8.00
* LET Training Fund:					\$ 180.00
* Seat Belt Fund:					\$ 0.00
December, 2021 TOTAL:					\$4,130.75

Y.T.D. TOTALS 2021		Y.T.D. TOTALS 2020	
ARRAIGNMENTS:	765	ARRAIGNMENTS:	1781
TRIALS	141	TRIALS:	239
LETTERS:	376	LETTERS:	1880
WARRANTS:	288	WARRANTS:	286
FINES:	\$94,580.25	FINES:	\$134,711.40
KS DL FEES:	\$1910.00	KS DL FEES:	\$2129.00
JUDGES FUND:	\$227.50	JUDGES FUND:	\$489.00
L.E.T.FUND:	\$5,167.50	L.E.T FUND:	\$9,496.50
COMM CORRECT FUND:	\$0.00	COMM CORRECT FUND:	\$0.00
SEATBELT SAFETY FUND:	\$240.00	SEATBELT SAFETY FUND:	\$300.00

**City of Westwood
Treasurer's Report
12/31/2021**

1. Balance Sheet by Fund – shows overall ending cash balances for the City by Fund.
 - a. Ending unencumbered cash through 12/31/2021 is \$3,094,807 and remains up from prior year by \$595,858.
 - b. Encumbered cash which is the cash remaining after recording encumbrances at year end is at \$2,542,358 which is up by \$165,825 from the prior year ending cash balance. The difference in these amounts is due to the large encumbrances in 2021 in CIP for street projects that were delayed.
 - c. Total Encumbrances of \$516,349 were recorded as of 12/31/2021. Recording these encumbrances at year end allows us to record the 2021 expenditures in the current budget year for expenditures not paid until after year end. This is a common practice allowed by state statute. Additional encumbrances should they be identified will be recorded through the audit process.
2. Cash Flow – shows beginning cash by fund and associated revenues and expenditures for each fund in a more summarized format.
3. Statement of Operations – General Fund
 - a. Revenue to date received of \$2,992,953 of the total \$2,701,153 budgeted. Overall year to date 2021 revenue is up compared to 2020 by \$303K.
 - i. Taxes – overall up about \$196K from prior year. Ad Valorem taxes are up \$46K from prior year. City and County sales tax revenue is up about \$117K compared to prior year. Liquor Tax is up about \$24K, Motor Vehicle up \$4K and Special Assessments up \$4K.
 - ii. Fees and Licenses – up year to date by \$13K, Utility Franchise Fees up by \$9K, Pool Fees are up by about \$8K, Occupational Licenses down by about \$3K.
 - iii. Building Permits – Remain up this year by \$27K.
 - iv. Intergovernmental Fees are down by \$7K as compared to last year. Police services are down about \$12K but Public Works services are up \$4K.
 - v. Fines – continue to be at lower levels this year and are down \$22K from prior year.
 - vi. Grants and Donations – the year-to-date number reflects the Federal ARPA - American Rescue Plan Act distribution received of \$125K.
 - vii. Reimbursements – up \$1K as this was broken out into a separate line item this year.
 - viii. Miscellaneous Income – down \$30K due to reimbursements and other income received throughout the year.
 - b. Overall Year to Date Expenditures through December total \$2,670,015, up \$80K compared to the prior year. December Expenditures also include \$286K of year end transfers in 2021.
 - i. General Overhead total expenditures of \$274,722 for the month. The year-to-date spending is up from the prior year by \$171K. Salary and benefits has decreased by \$25K, increase in the Professional Fees line items as noted in previous months of \$91K, and the majority of the increase is due to transfers increasing of \$109K from the prior year.
 - ii. Administrative expenditures of \$25,187 for the month, year to date is down \$20K from the prior year. Professional Fees decreased by \$14K and General operating by \$7K.
 - iii. Public Works total expenditures of \$80,395 for the month, to date spending is almost the same as last year. Decreases in Salary and Employee Expenses by \$1K, Professional Fees up \$3K, Utilities up \$4K, Equipment and Maintenance down \$7K, transfers up \$1K.
 - iv. Police expenditures are \$103,513 this month, this is down year to date by \$56K. Decrease in Salary and Benefits \$26K, Professional Fees up by \$15K, decrease in transfers by \$46K.
 - v. Parks and Rec expenditures at \$4,375 for the month which is down compared to the prior year by \$14K.
 - vi. Cancelled Encumbrances and clearing outstanding checks totaling \$12K that is returning cash to the general fund balance.
 - c. Net Receipts Over (Under) Expenditures in the General Fund are \$(277,228) for the month. Year to date through December remains positive receipts over expenditures of \$335,748 which is an increase over the prior year by \$236K.

4. Other Funds – Current Month and Year to Date
 - a. Sales Tax Revenue was strong again with the December deposit of \$32K, this is generally closer to \$25K on average a month.
 - b. CIP – does include \$58K for Engineering on 47th, as well as encumbrances for remaining 47th street design costs of \$59K, Hard costs on the annex, alley, state line project of \$381K and Easement acquisition cost of \$52K. These were approved 2021 expenditures and projections.
5. Budget to Actual Expenditures
 - a. All Funds are Under budget after the Budget Amendment was approved.

I am happy to answer any questions at the meeting or upon request.

Michelle Ryan
City of Westwood Treasurer



City of Westwood, Kansas
Balance Sheet by Fund
As of December 31, 2021

	General Fund 12/31/2021	Capital Improvements Fund 12/31/2021	Equipment Reserve Fund 12/31/2021	Stormwater Fund 12/31/2021	Special Highway Fund 12/31/2021	Woodside TIF/CID Fund 12/31/2021	Debt Service Fund 12/31/2021	All Funds 12/31/2021
Assets								
Current Assets								
Cash In Bank	1,110,610.02	889,193.20	245,440.39	167,573.68	118,218.51	381,142.20	145,754.11	3,057,932.11
Cash In Bank - Bond Fund	36,527.43	0.00	0.00	0.00	0.00	0.00	0.00	36,527.43
Cash In Bank - Woodside Village Acct	9.35	0.00	0.00	0.00	0.00	0.00	0.00	9.35
PayPal - City Account	120.77	0.00	0.00	0.00	0.00	0.00	0.00	120.77
Petty Cash	217.75	0.00	0.00	0.00	0.00	0.00	0.00	217.75
Total Current Assets	1,147,485.32	889,193.20	245,440.39	167,573.68	118,218.51	381,142.20	145,754.11	3,094,807.41
Total Assets	\$ 1,147,485.32	\$ 889,193.20	\$ 245,440.39	\$ 167,573.68	\$ 118,218.51	\$ 381,142.20	\$ 145,754.11	\$ 3,094,807.41
Liabilities and Fund Balance								
Current Liabilities								
Encumbrances	7,513.91	508,835.70	0.00	0.00	0.00	0.00	0.00	516,349.61
Woodside Village Deposits	9.19	0.00	0.00	0.00	0.00	0.00	0.00	9.19
Refundable Bond Deposits	36,089.99	0.00	0.00	0.00	0.00	0.00	0.00	36,089.99
Total Current Liabilities	43,613.09	508,835.70	0.00	0.00	0.00	0.00	0.00	552,448.79
Total Liabilities	43,613.09	508,835.70	0.00	0.00	0.00	0.00	0.00	552,448.79
Fund Balance								
Fund Balance	768,123.80	850,050.47	125,319.46	175,237.98	56,119.53	275,697.32	125,984.85	2,376,533.41
Fund Balance - Current Year	335,748.43	(469,692.97)	120,120.93	(7,664.30)	62,098.98	105,444.88	19,769.26	165,825.21
Total Fund Balance	1,103,872.23	380,357.50	245,440.39	167,573.68	118,218.51	381,142.20	145,754.11	2,542,358.62
Total Liabilities and Fund Balance	\$ 1,147,485.32	\$ 889,193.20	\$ 245,440.39	\$ 167,573.68	\$ 118,218.51	\$ 381,142.20	\$ 145,754.11	\$ 3,094,807.41

No assurance is provided. Substantially all disclosures omitted.

City of Westwood, Kansas

Cash Flow

For the One Month Ended December 31, 2021

	General Fund Month Ending 12/31/2021	Capital Improvements Fund Month Ending 12/31/2021	Equipment Reserve Fund Month Ending 12/31/2021	Stormwater Fund Month Ending 12/31/2021	Special Highway Fund Month Ending 12/31/2021	Woodside TIF/CID Fund Month Ending 12/31/2021	Debt Service Fund Month Ending 12/31/2021	All Funds Month Ending 12/31/2021
Unencumbered Cash, Beginning Period	1,414,450.03	921,504.82	90,713.00	288,962.81	118,218.51	361,198.43	(87,761.89)	3,107,285.71
Receipts								
Taxes	126,129.12	32,344.38	0.00	0.00	0.00	0.00	0.00	158,473.50
Fees and Licenses	40,507.65	0.00	0.00	0.00	0.00	0.00	0.00	40,507.65
Building Permits	5,245.97	0.00	0.00	0.00	0.00	0.00	0.00	5,245.97
Intergovernmental	24,858.77	0.00	0.00	0.00	0.00	0.00	0.00	24,858.77
Restricted Use	0.00	0.00	0.00	0.00	0.00	28,097.39	0.00	28,097.39
Fines	5,931.00	0.00	0.00	0.00	0.00	0.00	0.00	5,931.00
Miscellaneous	8,292.80	0.00	0.00	0.00	0.00	0.00	0.00	8,292.80
Interfund Transfers	0.00	169,000.00	177,000.00	0.00	0.00	0.00	233,516.00	579,516.00
Total Receipts	210,965.31	201,344.38	177,000.00	0.00	0.00	28,097.39	233,516.00	850,923.08
Expenditures								
Salary & Benefits	125,794.53	0.00	0.00	0.00	0.00	0.00	0.00	125,794.53
Employee Expenses	3,754.25	0.00	0.00	0.00	0.00	0.00	0.00	3,754.25
Professional Fees	27,957.21	15,413.35	0.00	0.00	0.00	0.00	0.00	43,370.56
General Operating Expenses	11,899.03	0.00	22,652.61	0.00	0.00	0.00	0.00	34,551.64
Utilities	29,156.44	0.00	0.00	0.00	0.00	0.00	0.00	29,156.44
Equipment and Maintenance	3,647.92	0.00	(380.00)	27.80	0.00	0.00	0.00	3,295.72
Street and Stormwater	(370.33)	552,078.35	0.00	2,845.33	0.00	0.00	0.00	554,553.35
Park and Events	354.88	0.00	0.00	0.00	0.00	0.00	0.00	354.88
Miscellaneous	0.00	0.00	0.00	0.00	0.00	8,153.62	0.00	8,153.62
Interfund Transfers	286,000.00	175,000.00	0.00	118,516.00	0.00	0.00	0.00	579,516.00
Total Expenditures	488,193.93	742,491.70	22,272.61	121,389.13	0.00	8,153.62	0.00	1,382,500.99
Prior Year Cancelled Encumbrances	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Increase / (Decrease) in Refundable Bond Deposits	2,750.00	0.00	0.00	0.00	0.00	0.00	0.00	2,750.00
Unencumbered Cash, End of Period	\$ 1,147,485.32	\$ 889,193.20	\$ 245,440.39	\$ 167,573.68	\$ 118,218.51	\$ 381,142.20	\$ 145,754.11	\$ 3,094,807.41

No assurance is provided. Substantially all disclosures omitted.

City of Westwood, Kansas

Statement of Operations

General Fund

For The One Period and Twelve Periods Ended December 31, 2021 and 2020

	Month Ending 12/31/2021	Year To Date 12/31/2021	Year To Date 12/31/2020	Year Ending 12/31/2021	
	Actual	Actual	Prior Year	Current Budget	Over/(Under) Budget
Receipts					
Taxes	\$ 126,129.12	\$ 1,817,843.26	\$ 1,621,705.00	\$ 1,717,803.00	100,040.26
Fees and Licenses	40,507.65	453,041.64	439,502.70	474,200.00	(21,158.36)
Building Permits	5,245.97	154,262.37	127,247.14	30,000.00	124,262.37
Intergovernmental	24,858.77	310,717.55	317,301.88	336,100.00	(25,382.45)
Fines	5,931.00	100,352.75	122,336.75	140,000.00	(39,647.25)
Grants and Donations	0.00	125,215.81	43.75	0.00	125,215.81
Reimbursements	0.00	1,101.00	225.00	0.00	1,101.00
Miscellaneous	8,292.80	30,418.63	60,850.19	3,050.00	27,368.63
Total Receipts	210,965.31	2,992,953.01	2,689,212.41	2,701,153.00	291,800.01
Expenditures					
General Overhead					
Salary & Benefits	2,601.19	33,507.34	59,315.93	59,478.00	(25,970.66)
Employee Expenses	2,165.58	5,073.60	3,093.69	1,200.00	3,873.60
Professional Fees	24,302.27	224,507.62	133,036.89	184,716.00	39,791.62
General Operating Expenses	2,665.85	17,522.25	11,440.84	21,630.00	(4,107.75)
Utilities	24,357.52	255,286.32	274,624.23	242,258.00	13,028.32
Equipment and Maintenance	0.00	451.11	2,092.51	0.00	451.11
Street and Stormwater	(370.33)	0.00	0.00	264,670.00	(264,670.00)
Park and Events	0.00	5,364.83	3,832.00	14,750.00	(9,385.17)
Intergovernmental	0.00	15,914.50	7,280.50	0.00	15,914.50
Interfund Transfers	219,000.00	219,000.00	110,000.00	296,730.00	(77,730.00)
Total General Overhead	274,722.08	776,627.57	604,716.59	1,085,432.00	(308,804.43)
Administrative					
Salary & Benefits	20,856.78	264,557.09	262,444.13	286,562.00	(22,004.91)
Employee Expenses	883.30	8,171.57	8,469.11	6,100.00	2,071.57
Professional Fees	0.00	1,460.00	15,551.00	0.00	1,460.00
General Operating Expenses	447.04	18,777.77	25,741.45	18,030.00	747.77
Utilities	0.00	0.00	290.92	0.00	0.00
Park and Events	0.00	221.26	928.77	2,000.00	(1,778.74)
Interfund Transfers	3,000.00	3,000.00	3,000.00	3,000.00	0.00
Total Administrative	25,187.12	296,187.69	316,425.38	315,692.00	(19,504.31)

No assurance is provided. Substantially all disclosures omitted.

City of Westwood, Kansas

Statement of Operations

General Fund

For The One Period and Twelve Periods Ended December 31, 2021 and 2020

	Month Ending 12/31/2021	Year To Date 12/31/2021	Year To Date 12/31/2020	Year Ending 12/31/2021	
	Actual	Actual	Prior Year	Current Budget	Over/(Under) Budget
Public Works					
Salary & Benefits	29,587.95	375,968.77	377,566.74	389,236.00	(13,267.23)
Employee Expenses	44.99	3,818.61	3,150.91	6,900.00	(3,081.39)
Professional Fees	0.00	10,545.42	7,425.70	15,000.00	(4,454.58)
General Operating Expenses	2,850.06	20,469.75	19,664.67	22,050.00	(1,580.25)
Utilities	1,773.92	14,500.29	10,365.34	23,500.00	(8,999.71)
Equipment and Maintenance	2,158.63	48,254.87	55,976.25	44,000.00	4,254.87
Park and Events	(20.00)	0.00	0.00	0.00	0.00
Interfund Transfers	44,000.00	44,000.00	43,000.00	40,000.00	4,000.00
Total Public Works	80,395.55	517,557.71	517,149.61	540,686.00	(23,128.29)
Police					
Salary & Benefits	72,748.61	896,348.57	919,801.63	1,053,180.00	(156,831.43)
Employee Expenses	660.38	12,835.33	16,324.40	26,500.00	(13,664.67)
Professional Fees	3,654.94	57,160.36	41,575.55	65,800.00	(8,639.64)
General Operating Expenses	5,856.76	47,844.92	47,483.79	58,500.00	(10,655.08)
Utilities	514.53	3,249.38	3,365.17	5,000.00	(1,750.62)
Equipment and Maintenance	78.36	7,884.79	8,632.77	17,974.00	(10,089.21)
Park and Events	0.00	1,045.08	0.00	0.00	1,045.08
Interfund Transfers	20,000.00	20,000.00	66,000.00	20,000.00	0.00
Total Police	103,513.58	1,046,368.43	1,103,183.31	1,246,954.00	(200,585.57)
Parks & Rec					
Professional Fees	0.00	161.00	9,885.00	10,000.00	(9,839.00)
General Operating Expenses	79.32	2,531.60	998.15	2,000.00	531.60
Utilities	2,510.47	15,900.85	22,416.15	31,000.00	(15,099.15)
Equipment and Maintenance	1,410.93	4,709.60	14,490.33	6,000.00	(1,290.40)
Park and Events	374.88	9,970.64	374.74	11,850.00	(1,879.36)
Total Parks & Rec	4,375.60	33,273.69	48,164.37	60,850.00	(27,576.31)
Total Expenditures	488,193.93	2,670,015.09	2,589,639.26	3,249,614.00	(579,598.91)
Prior Year Cancelled Encumbrances	0.00	12,810.51	0.00	0.00	12,810.51
Receipts Over (Under) Expenditures	\$ (277,228.62)	\$ 335,748.43	\$ 99,573.15	\$ (548,461.00)	884,209.43

No assurance is provided. Substantially all disclosures omitted.

City of Westwood, Kansas
Statement of Operations
Other Funds
For The One Period Ended December 31, 2021

	Other Funds					
	Capital Improvements Fund Month To Date 12/31/2021 Actual	Equipment Reserve Fund Month To Date 12/31/2021 Actual	Stormwater Fund Month To Date 12/31/2021 Actual	Special Highway Fund Month To Date 12/31/2021 Actual	Woodside TIF/CID Fund Month To Date 12/31/2021 Actual	Debt Service Fund Month To Date 12/31/2021 Actual
Receipts						
Taxes						
City Sales & Use Tax - Special	32,344.38	0.00	0.00	0.00	0.00	0.00
Total Taxes	\$ 32,344.38	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Restricted Use						
WV CID-1	0.00	0.00	0.00	0.00	21,834.08	0.00
WV CID-2	0.00	0.00	0.00	0.00	6,263.31	0.00
Interfund Transfers	169,000.00	177,000.00	0.00	0.00	0.00	233,516.00
Total Receipts	201,344.38	177,000.00	0.00	0.00	28,097.39	233,516.00
Expenditures						
Professional Fees	15,413.35	0.00	0.00	0.00	0.00	0.00
General Operating Expenses	0.00	22,652.61	0.00	0.00	0.00	0.00
Equipment and Maintenance						
Repairs & Maint Leaf Truck	0.00	0.00	27.80	0.00	0.00	0.00
Machinery & Equipment Purchase	0.00	(380.00)	0.00	0.00	0.00	0.00
Total Equipment and Maintenance	0.00	(380.00)	27.80	0.00	0.00	0.00
Street and Stormwater						
Capital Improvement Expense	552,078.35	0.00	0.00	0.00	0.00	0.00
Stormwater Expense	0.00	0.00	370.33	0.00	0.00	0.00
Leaf Pickup Expenses	0.00	0.00	2,475.00	0.00	0.00	0.00
Total Street and Stormwater	552,078.35	0.00	2,845.33	0.00	0.00	0.00
Miscellaneous						
UMB CID Payment	0.00	0.00	0.00	0.00	8,153.62	0.00
Total Miscellaneous	0.00	0.00	0.00	0.00	8,153.62	0.00
Interfund Transfers	175,000.00	0.00	118,516.00	0.00	0.00	0.00
Total Expenditures	742,491.70	22,272.61	121,389.13	0.00	8,153.62	0.00
Receipts Over (Under) Expenditures	\$ (541,147.32)	\$ 154,727.39	\$ (121,389.13)	\$ 0.00	\$ 19,943.77	\$ 233,516.00

No assurance is provided. Substantially all disclosures omitted.

City of Westwood, Kansas
Statement of Operations
Other Funds
For The Twelve Periods Ended December 31, 2021

	Other Funds					
	Capital Improvements Fund Year To Date 12/31/2021 Actual	Equipment Reserve Fund Year To Date 12/31/2021 Actual	Stormwater Fund Year To Date 12/31/2021 Actual	Special Highway Fund Year To Date 12/31/2021 Actual	Woodside TIF/CID Fund Year To Date 12/31/2021 Actual	Debt Service Fund Year To Date 12/31/2021 Actual
Receipts						
Taxes						
Ad Valorem Tax	0.00	0.00	0.00	0.00	0.00	15,209.65
City Sales & Use Tax - Special	298,738.18	0.00	0.00	0.00	0.00	0.00
Motor Vehicle Tax	0.00	0.00	0.00	0.00	0.00	1,180.63
Total Taxes	\$ 298,738.18	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 16,390.28
Restricted Use						
Stormwater Utility Fee	0.00	0.00	122,099.16	0.00	0.00	0.00
State Hwy Maintenance	0.00	0.00	0.00	14,809.80	0.00	0.00
Special Highway Fund Revenue	0.00	0.00	0.00	47,642.69	0.00	0.00
WV Ad Valorem Tax	0.00	0.00	0.00	0.00	388,097.08	0.00
WV CID-1	0.00	0.00	0.00	0.00	157,676.96	0.00
WV CID-2	0.00	0.00	0.00	0.00	66,166.42	0.00
Miscellaneous	0.00	0.00	688.78	0.00	0.00	0.00
Interfund Transfers	169,000.00	177,000.00	0.00	0.00	0.00	233,516.00
Total Receipts	467,738.18	177,000.00	122,787.94	62,452.49	611,940.46	249,906.28
Expenditures						
Professional Fees	15,413.35	0.00	0.00	0.00	0.00	0.00
General Operating Expenses	0.00	22,652.61	0.00	0.00	0.00	0.00
Equipment and Maintenance						
Repairs & Maint Leaf Truck	0.00	0.00	427.02	0.00	0.00	0.00
Machinery & Equipment Purchase	0.00	33,259.34	0.00	0.00	0.00	0.00
Special Highway Maintenance	0.00	0.00	0.00	353.51	0.00	0.00
Total Equipment and Maintenance	0.00	33,259.34	427.02	353.51	0.00	0.00
Street and Stormwater						
Capital Improvement Expense	747,017.80	967.12	0.00	0.00	0.00	13,337.50
Stormwater Expense	0.00	0.00	4,618.33	0.00	0.00	0.00
Leaf Pickup Expenses	0.00	0.00	6,890.89	0.00	0.00	0.00
Total Street and Stormwater	747,017.80	967.12	11,509.22	0.00	0.00	13,337.50
Miscellaneous						
UMB TIF Payment	0.00	0.00	0.00	0.00	370,652.70	387.00
UMB CID Payment	0.00	0.00	0.00	0.00	135,842.88	0.00
Interest on GO Bond	0.00	0.00	0.00	0.00	0.00	43,206.26
Principal on GO Bond	0.00	0.00	0.00	0.00	0.00	173,206.26
Total Miscellaneous	0.00	0.00	0.00	0.00	506,495.58	216,799.52
Interfund Transfers	175,000.00	0.00	118,516.00	0.00	0.00	0.00
Total Expenditures	937,431.15	56,879.07	130,452.24	353.51	506,495.58	230,137.02
Receipts Over (Under) Expenditures	\$ (469,692.97)	\$ 120,120.93	\$ (7,664.30)	\$ 62,098.98	\$ 105,444.88	\$ 19,769.26

No assurance is provided. Substantially all disclosures omitted.

City of Westwood, Kansas
Summary of Expenditures - Actual and Budget
Regulatory Basis
For The Year Ended December 31, 2021

	Certified Budget	Expenditures Chargeable to Current Year	Difference Over/(Under)
Expenditures			
General Fund	3,249,614.00	2,670,015.09	(579,598.91)
Capital Improvements Fund	951,500.00	937,431.15	(14,068.85)
Equipment Reserve Fund	153,000.00	56,879.07	(96,120.93)
Stormwater Fund	149,516.00	130,452.24	(19,063.76)
Special Highway Fund	37,410.00	353.51	(37,056.49)
Woodside TIF/CID Fund	540,000.00	506,495.58	(33,504.42)
Debt Service Fund	350,750.00	230,137.02	(120,612.98)
Total Expenditures	5,431,790.00	4,531,763.66	(900,026.34)

No assurance is provided. Substantially all disclosures omitted.

COUNCIL ACTION FORM

Meeting Date: January 13, 2022

Staff Contact: Leslie Herring, Chief Administrative Officer/City Clerk

Agenda Item: Consider Resolution No. 102-2022 approving the execution and delivery of an agreement to release and assign the City's opioid claims to the Kansas Attorney General and certifying costs attributable to substance abuse and addiction mitigation in excess of \$500

Background/Description of Item

Kansas is part of the multi-state litigation aimed at holding the producers and distributors of opioids accountable for the negative effects that their drugs have had on the American public. In 2021, the State Legislature passed HB 2079 to govern the distributions of settlement funds. The bill requires 75% of settlement funds to go to the state and 25% of these funds to be split between municipal governments. In order to receive settlement funds, cities need to certify previous or expected costs to the City of at least \$500, agree to spend any settlement funds for lawful purposes (identified in the League of Kansas Municipalities information sheet included with the meeting materials), and waive any remaining claims related to the opioid litigation. Going through these steps, presented tonight, will be the only way for the City of Westwood to receive settlement funds.

Staff Comments/Recommendation

Westwood Police Department staff has compiled an internal accounting of expenses from just the past five (5) years which record the City of Westwood's costs directly related to the opioid epidemic. These costs to-date have been in personnel – both training in the use of naloxone and in responding to incidents involving opioids within our city. The Westwood Police Department anticipates additional expense in excess of \$500 to purchase replacement naloxone for officers to carry with them in the event they need to perform life saving measures on someone experiencing an opioid overdose.

Staff recommends that the City Council execute and submit to the Attorney General's Office the following form documents, as prescribed and prepared by the League of Kansas Municipalities and reviewed by the City Attorney:

- a. Pass a resolution certifying that City has or anticipates having at least \$500 in costs associated with substance abuse treatment or mitigation
- b. Sign a release agreement with the Attorney General (included in the meeting materials)
- c. Sign the Janssen (Johnson & Johnson) Participation Form ([Janssen Settlement referenced in the document is accessible via this link](#))

- d. Sign the Distributor's Participation Form ([Distributor Settlement referenced in the document is accessible via this link](#))

Budget Impact

To-date, City staff calculates its opioid-related costs over the past five (5) years at \$1,020.25. The City anticipates expense for the cost of replacement doses of naloxone, estimated at \$800.00, which order is currently being coordinated by the Westwood Police Department.

The amount of settlement funds resulting from Westwood's participation in this action is unknown; however, any funds received would be of value in offsetting the City's costs related to opioid abuse and addiction mitigation efforts.

Suggested Motion

I move to approve Resolution No. 102-2022 approving the execution and delivery of an agreement to release and assign the City's opioid claims to the Kansas Attorney General and certifying costs attributable to substance abuse and addiction mitigation in excess of \$500, and to authorize the Mayor to execute the Janssen (Johnson & Johnson) Participation Form and the Distributor's Participation Form.

Opioid Settlement Informational Sheet

Kansas is part of the multi-state litigation aimed at holding the producers and distributors of opioids accountable for the negative effects that their drugs have had on the American public. In 2021, the State Legislature passed HB 2079 to govern the distribution of settlement funds. The bill requires 75% of settlement funds to go to the state and 25% of these funds to be split between municipal governments. Pursuant to this legislation, the League, the Kansas Association of Counties, and the Attorney General's office are finalizing a required Memorandum of Understanding (MOU) governing how the local funds will be split and used.

In order to receive settlement funds, your city will need to certify previous or expected costs to the city of at least \$500, agree to spend any settlement funds for lawful purposes, and waive any remaining claims related to the opioid litigation. **It is important to note** that any city not having already filed a lawsuit on their own is barred from doing so by HB 2079. So, if your city is a non-litigating city, meaning that you have not filed opioid litigation on your own independent of the state, then going through these steps will be the only way that your city can receive settlement funds.

Certifying Costs and Agreeing to Spend Funds on Lawful Purposes

Your city will be required to certify, **by resolution**, that the city has had or will have at least \$500 in costs related to opioid abuse or addiction mitigation and that the city is able to utilize any settlement funds on purposes approved in the MOU and the various settlements. The League's sample resolution will, among other things, certify costs and the ability to spend on lawful purposes as required.

- **Question 1: What are approved purposes?**
 - Approved purposes will likely include projects and activities, including law enforcement, that prevent, reduce, treat, or mitigate the effects of substance abuse and addiction. Language in the various settlements and the finalized MOU will offer more clarity on this. Cities will be able to partner with non-profit entities or pool money with other municipalities to use the settlement funds on projects well suited to address the problems brought on by opioid addiction and abuse.

- **Question 2: What can be included as we calculate costs?**
 - Generally any public funds spent on opioid abuse mitigation and treatment can be included when calculating if your city meets that \$500 threshold. Examples we have heard from cities have been the cost of Narcan kits and the personnel costs to emergency agencies (Fire, EMS, and Police) in responding to overdose calls.

Waiving Claims

Your city will also be required to enter various agreements waiving any future claims that the city may have against various producers and distributors arising from conduct covered by the state settlement. All cities wishing to receive settlement funds will be required to enter the MOU. In addition to the MOU, cities wishing to receive funds will need to enter agreements with other entities (as of now Johnson & Johnson and a collection of distributors). Where you can find this release and how it will be submitted will vary by city population:

- **Cities with population of 10,000 or more.**
 - You should have received a notice from the National Opioids Settlement Administrator. This notice will include directions on how to register for the national settlement site and will include a code unique to your city allowing you to register for the site. Once registered, you will be sent the settlement release forms for the distributor's settlement and the J&J settlement that can be signed online by anyone with authorization to do so. If you have not received this notice, send an email to jgoodyear@lkm.org.
- **Cities with population of less than 10,000**
 - You will still need to sign these releases in order to have access to funds, but you will not be able to do so online. Instead, you will be required to submit an Exhibit K form. These forms will be a PDF and there will be one for the Distributors settlement and one for the Janssen (Johnson & Johnson) settlement. The forms can be found on the League's website, on the Kansas Fights Addiction Act page https://www.lkm.org/page/Opioid_Settlement. In order to participate and receive funds, your city will need to fill out, sign, and submit both forms to participation@nationalopioidsettlement.com
- **Question 1: Who can sign the MOU and these settlement releases and agreements on behalf of the city?**
 - Release of these claims will require action by the governing body. Some cities have begun passing resolutions releasing claims and authorizing city personnel or a city official (ex: city manager or administrator, or mayor) to enter the agreements

necessary to effectuate that waiver. The League has developed a sample resolution doing just that. While you will not be required to pass such a resolution, it may be easier for the city to do so; authorizing one official to act on the city's behalf instead of waiting until all agreements are ready and finalized to hold a special meeting of the governing body to take up each agreement.

Sample Resolution

The League, in consult with some city attorneys, has drafted a sample resolution to certify city costs, affirm that the city will only spend the funds on permissible purposes, and authorize a city official to execute any agreements that are necessary for the city to receive settlement funds. We urge you to work with your city attorney as you make modifications to the resolution to make it fit your city.

Submission of the Resolution and Signed MOU

Once your city has passed a resolution certifying costs and has signed Exhibit A of the MOU, those signed documents must be submitted to the Attorney General's Office. The completed Exhibit A and the resolution can be submitted on the Attorney General's Opioid page: <https://ag.ks.gov/opioids>. There you will find a link to a Subdivision Settlement Document Submission Form where you will be required to fill in some information and upload the forms.

More Questions? Contact jgoodyear@lkm.org

RESOLUTION NO. 102-2022

A RESOLUTION OF THE CITY OF WESTWOOD, KANSAS, APPROVING THE EXECUTION AND DELIVERY OF AN AGREEMENT TO RELEASE AND ASSIGN THE CITY'S OPIOID CLAIMS TO THE KANSAS ATTORNEY GENERAL AND CERTIFYING COSTS ATTRIBUTABLE TO SUBSTANCE ABUSE AND ADDICTION MITIGATION IN EXCESS OF \$500.

WHEREAS, in 2021, the Kansas Legislature enacted HB 2079, the Kansas Fights Addiction Act (the "Act"), authorizing litigating municipalities to access opioid litigation settlement funds and become eligible for certain state grants by entering an agreement releasing the city's opioid litigation claims to the Attorney General and assigning any future opioid litigation claims to the Attorney General (the "Agreement"); and

WHEREAS, the City of Westwood sustained damages related to the opioid epidemic; and

WHEREAS, the City of Westwood desires to enter an Agreement releasing and assigning its Claims to the Attorney General in order to access opioid litigation settlement funds and become eligible for certain state grants;

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS:

Section 1. Authorization of the Agreement. City hereby authorizes the release of its legal claims arising from covered conduct to the Attorney General, and the assignment of any future legal claims arising from covered conduct to the Attorney General, pursuant to the Agreement by and between the Attorney General and the City in substantially the form presented to and reviewed by the governing body at this meeting (copies of this document shall be on file in the records of the City), with such changes therein as shall be reviewed by the City Attorney and the officials of the City executing such documents.

Section 2. Execution of the Agreement. The Mayor and to the extent deemed necessary, the City Attorney and City Clerk, are hereby authorized and directed to execute, seal, attest and deliver the Agreement in substantially the form presented to and reviewed by the governing body at this meeting and such other settlement agreements, documents, certificates and instruments as may be necessary and desirable to carry out and comply with the intent of this Resolution, for and on behalf of the City.

Section 3. Certification of Costs and Expenses. The City hereby certifies that it has incurred costs and expenses related to substance abuse or addiction mitigation in excess of \$500 and the City can utilize the opioid litigation settlement funds for the lawful purposes established in the Kansas Fights Addiction Act and the settlement agreements. The Mayor and City Attorney are hereby authorized to execute, seal, attest and deliver such other documents, certificates and instruments as may be necessary and desirable to certify these costs and expenses or similar costs and expenses, for and on behalf of the City.

Section 4. Effective Date. This Resolution shall be in full force and effect from and after its adoption.

ADOPTED this 13th day of January, 2022 and **SIGNED** by the Mayor.

Mayor

Attested:

City Clerk

REVIEWED AND APPROVED AS TO FORM:

City Attorney

Exhibit A — Agreement to Release and Assign Claims

BETWEEN:

[City of Westwood], (the “Assignor”), a municipality as defined by Kansas Statutes Annotated §12-105a, or other Political Subdivision, located within the State of Kansas, with its principal business office located at:

[Westwood City Hall]
4700 Rainbow Blvd.

AND: Westwood, KS 66205

Derek Schmidt, the duly elected Attorney General of the State of Kansas, with a principal business office located at:

The Office of the Kansas Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612

FOR VALUE CONTEMPLATED, to gain access to money recovered by the State of Kansas for the abatement or remediation of substance abuse or addiction, made available by the Kansas Fights Addiction Act, 2021 Kansas House Bill No. 2079, consistent with **Kansas Opioids Memorandum of Understanding between the Kansas Attorney General, the League of Kansas Municipalities, and the Kansas Association of Counties**, and to permit as adopted by resolution passed by the Assignor on [January 13, 2022], the Assignor hereby releases its legal claims, and transfers and assigns to the Assignee, his successors, assigns, deputies, assistants, and personal representatives, any and all claims, demands, and cause or causes of actions on any kind whatsoever which the undersigned has or may have against any opioid manufacturer, distributor, and/or pharmacy, or entity within the Pharmaceutical Supply Chain, arising from the following type of claim:

Any and all claims arising out of “covered conduct” and “opioid litigation” as defined by 2021 Kansas House Bill No. 2079, and any and all claims on file by Assignor in MDL Case No. 1:17-md-2804, if any.

And the undersigned may in the name of the State of Kansas and for the benefit of the State of Kansas as defined by state law, 2021 House Bill No. 2079, and consistent with Kansas Opioids Memorandum of Understanding between the Attorney General, the League of Kansas Municipalities, and the Kansas Association of Counties, prosecute, collect, settle, compromise and grant releases on said claim as in his sole discretions deems advisable.

Any failure of the Assignor to comply with any requirement of the Memorandum of Understanding, the Kansas Fights Addiction Act, any other provision of Kansas law, or any reporting, requesting, monitoring, or other provision of any opioid settlement agreement which produces money governed by the Kansas Fights Addiction Act, may result in the suspension, termination, or other cessation of future payments to the Assignor from any fund established in the Kansas Fights Addiction Act.

IN WITNESS THEREOF, the parties have executed this Assignment on the day and year first above written.

Signed, sealed and delivered in the presence of:

ASSIGNOR

Authorized Signature

David E. Waters, Mayor

Print Name and Title

ASSIGNEE

Authorized Signature

Derek Schmidt, Kansas Attorney General
Office of the Kansas Attorney General

Settlement Participation Form

Governmental Entity: City of Westwood	State: Kansas
Authorized Signatory: David E. Waters, Mayor	
Address 1: 4700 Rainbow Blvd.	
Address 2:	
City, State, Zip: Westwood, Kansas, 66205	
Phone: (913) 362-1550	
Email: david.waters@westwoodks.org	

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 (“Janssen Settlement”), and acting through the undersigned authorized official, hereby elects to participate in the Janssen Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Janssen Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Janssen Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Janssen Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Janssen Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Janssen Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Janssen Settlement.
7. The Governmental Entity has the right to enforce the Janssen Settlement as provided therein.

8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Janssen Settlement, including but not limited to all provisions of Section IV (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Janssen Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Janssen Settlement shall be a complete bar to any Released Claim.
9. In connection with the releases provided for in the Janssen Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Janssen Settlement.

10. Nothing herein is intended to modify in any way the terms of the Janssen Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Janssen Settlement in any respect, the Janssen Settlement controls.

I swear under penalty of perjury that I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: David E. Waters

Title: Mayor

Date: 12/31/21

Settlement Participation Form

Governmental Entity:City of Westwood	State:Kansas
Authorized Signatory:David E. Waters, Mayor	
Address 1:4700 Rainbow Blvd.	
Address 2:	
City, State, Zip: Westwood, Kansas 66205	
Phone:(913) 362-1550	
Email:david.waters@westwoodks.org	

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 (“Distributor Settlement”), and acting through the undersigned authorized official, hereby elects to participate in the Distributor Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Distributor Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Distributor Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Distributor Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Distributor Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Distributor Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Distributor Settlement.
7. The Governmental Entity has the right to enforce the Distributor Settlement as provided therein.

8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Distributor Settlement, including but not limited to all provisions of Part XI, and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Distributor Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Distributor Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Distributor Settlement.
10. In connection with the releases provided for in the Distributor Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Distributor Settlement.
11. Nothing herein is intended to modify in any way the terms of the Distributor Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Distributor Settlement in any respect, the Distributor Settlement controls.

I swear under penalty of perjury that I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: David E. Waters

Title: Mayor

Date: 12/31/21

COUNCIL ACTION FORM

Meeting Date: January 13, 2022

Staff Contact: John Sullivan, Public Works Director

Agenda Item: Consider 2022 Addendum to the Public Works Service Agreement with the City of Westwood Hills

Background / Description of Item

Each year the Public Works Service Agreement with the City of Westwood Hills is reviewed and revised as needed. The hourly wages have been adjusted to reflect budgeted 2022 wages and benefit rates. No other adjustments are recommended.

The annual addendum to the City's agreement with Mission Woods will be considered at Mission Woods' February regular meeting and, as such, can be expected on Westwood's February regular meeting agenda as well.

Staff Recommendation

Staff recommends Council authorize the Mayor to execute the Public Works Service Agreement Addendum for FY 2022 the City of Westwood Hills.

Suggested Motion

I move to authorize the Mayor to execute the Public Works Service Agreement Addendum for FY 2022 for the City of Westwood Hills.

**PUBLIC WORKS SERVICE AGREEMENT ADDENDUM
WESTWOOD HILLS, KANSAS
CHARGES AND TERMS FOR SERVICE**

**EFFECTIVE DATE OF THIS ADDENDUM JANUARY 1, 2022
(to apply until a subsequent Addendum is executed)**

For Service provided and attributable to Westwood Hills:

- 1. Snow Removal**
95.33 per hour
- 2. De-icing**
95.33 per hour
Current market price to Westwood per ton for material
19.64 per ton loading fee
- 3. Other requested services**
Hourly reimbursement for time spent by the following individuals:
76.20 per hour straight time; -Director of Public Works
40.05 per hour straight time; 60.07 per hour overtime-Superintendent of Public Works
35.35 per hour straight time; 53.02 per hour overtime-Maintenance Worker III
36.98 per hour-Loader
40.97 per hour-Chipper
33.51 per hour-Truck
8.38 per hour-Car
10.50 per hour-Miscellaneous Tool Charges
10.50 per hour-Trailer

Costs of Materials are at cost to the City of Westwood

- 4. Any costs may be adjusted on an item-by item basis and mutual agreement as appropriate under the circumstances.**
- 5. Payment will be due after receipt of itemized invoice. Normally, if an invoice is received by the Wednesday before the second Monday of the month, a warrant for payment will be presented and approved by the Westwood Hills Council on that second Monday; and payment will be made within 7 days thereafter.**
- 6. If an invoice remains unpaid 90 days after presentation, Westwood may decline further service under this Agreement until the delinquency is cured.**

IN WITNESS WHEREOF, the Mayor of Westwood, Kansas, has signed this Agreement on behalf of the City of Westwood, Kansas and the Mayor of Westwood Hills, Kansas, has signed this Agreement on behalf of the City of Westwood Hills, Kansas.

CITY OF WESTWOOD, KANSAS

CITY OF WESTWOOD HILLS, KANSAS

By: _____
David Waters, Mayor

By: _____
Paula Schwach, Mayor

ATTEST:

ATTEST:

Leslie Herring, City Clerk

Beth O'Bryan, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Ryan Denk, City Attorney

James Orr, City Attorney