

WORK SESSION MINUTES – WEDNESDAY, NOVEMBER 2, 2022

STATE OF KANSAS)
) SS
CITY OF KANSAS CITY)

The Board of Public Utilities of Kansas City, Kansas (aka BPU, We, Us, Our) met in Work Session on Wednesday, November 2, 2022 at 4:30 P.M. The following Board Members were present: Mary Gonzales, President; Rose Mulvany Henry, Vice President; Thomas Groneman, Secretary; Robert L. Milan, Jeff Bryant and David Haley.

Also present: William Johnson, General Manager; Angela Lawson, Deputy Chief Counsel; Lori Austin, Chief Financial Officer/Chief Administrative Officer; Jeremy Ash, Interim Chief Operating Officer; Johnetta Hinson, Executive Director Customer Service; Steve Green, Executive Director Water Operations; Jerin Purtee, Executive Director Electric Supply; Darrin McNew, Acting Executive Director Electric Operations; Dennis Dumovich, Director of Human Resources; Ashley Culp, HR Manager; Randy Otting, Director Accounting; and Robert Kamp, IT Project Manager.

A video of this meeting is on file at the Board of Public Utilities and can be found on the BPU website, www.bpu.com.

Ms. Gonzales called the meeting to order at 4:30 P.M.

Roll call was taken, all Board Members were present.

Item #3 –Approval of Agenda

A motion was made to approve the Agenda by Mr. Bryant, seconded by Mr. Groneman, and unanimously carried.

Item #4 –Board Update/GM Update

Ms. Mulvany Henry informed the Board that the Unified Government (UG) PILOT sub-committee meeting had been postponed and rescheduled for November 9, 2022.

Ms. Gonzales reminded the other Board members to turn their self-evaluations into Ms. Angela Lawson, Chief Deputy Counsel, upon completion.

Due to a delay in arrival, Agenda Item 6 was presented before Agenda Item 5.

Item #6 – WYCO Redistricting

Ms. Lawson explained to the Board that new districts would need to be approved this
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year and introduced Mr. Mike Grimm, UG Research Manager, to review possible options for BPU Redistricting, as a result of the 2020 Census. (See attached PowerPoint.)

Mr. Grimm said that his approach was to change the districts as little as possible. The first alternative was to leave District 1 as it was, and give some of the western part of District 2 to District 3. The second alternative was, again to leave District 1 the same, with District 2 giving to District 3, but more in the eastern part of the city.

Mr. Bryant, Board Member for District 3, said that he felt more inclined to go with the second alternative. Mr. Groneman, Board Member for District 2, agreed. Mr. Milan, Board Member for District 1, would not see any changes in either option.

Mr. Grimm was going to look along the state line to see if there was an alternative 3 to add the needed additional numbers to District 3 from District 2. He would send that information back to the Board for discussion at the future Work Session. The Board would vote on the redistricting before the end of 2022.

Item #5 – Self-Recognition Resolution

Mr. Ryan Denk, MVP Law, gave an overview of information that had been sent to the Board regarding a resolution establishing a Policy of Board of Public Utilities with Regard to Employee Organizations. (See attached.) It was his recommendation that BPU needed to establish procedures regarding how to handle collective bargaining at BPU. The primary focus was to provide some structure for negotiations with the existing labor unions.

He also touched base on various definitions. During that review it was determined that “Board” needed to be defined in the resolution as well.

He also included Representation Election in the proposed resolution to establish procedures; polling of interest, election, etc., in the event that an employee group should want to establish a separate bargaining unit. Mr. Denk made clear that including the process in the resolution was for the possibility of future organization representation; it did not have anything to do with current bargaining units.

The Board told Mr. Denk that they would like for the union to review and provide feedback.

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Item #7 – Adjourn

A motion was made to adjourn the Work Session at 5:35 P.M. by Mr. Bryant, seconded by Ms. Mulvany Henry and unanimously carried.

ATTEST:


Secretary

APPROVED:


President

**BOARD OF PUBLIC UTILITIES
RESOLUTION NO. _____**

**A RESOLUTION ESTABLISHING A POLICY OF BOARD OF
PUBLIC UTILITIES WITH REGARD TO EMPLOYEE
ORGANIZATIONS.**

WHEREAS, it is the policy of the elected Board for the Board of Public Utilities (“BPU” or “Utility”), not to come under the provisions of K.S.A. § 75-4321 et. seq., generally known as the Kansas Public Employee Employer Relations Act; and,

WHEREAS, the Board of Public Utilities fully subscribes to the precept of Home Rule as delineated in Article XII, Section 5 of the Kansas Constitution; and,

WHEREAS, the Board for the BPU has previously recognized, through self-recognition, the International Brotherhood of Electrical Workers, L. No. 53 (“IBEW”) for the purpose of representing certain clerical and physical employees (excluding supervisory, confidential, and professional employees) in their relationships with the BPU with respect to grievances and conditions of employment; and,

WHEREAS, designated representatives of the BPU and the IBEW have in the past held meet and confer discussions arriving at mutually agreed upon Working Rules relating to conditions of employment for the aforementioned physical and clerical employees;

WHEREAS, the Board desires to continue to permit collective meet and confer discussions between the BPU and recognized employee organizations under the terms and conditions stated within this new policy regarding employee organizations;

NOW, THEREFORE, be it resolved by the Board for the Board of Public Utilities that the following policy to be added to a new section titled Human Resources and is hereby adopted to be effective January 1, 2023.

SECTION I. Definitions. For the purpose of this Policy, the following definitions shall apply:

- a. **“Employee”** is a person working in the service of the BPU, holding a classification in a regular, full-time position, not of a Supervisory, Professional or Confidential nature.
 1. **“Supervisory employee”** means any individual who through use of independent judgment normally performs different work from his or her subordinates, having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend a preponderance of such actions.
 2. **“Confidential Employee”** means any employee whose unrestricted access to confidential personnel files or other information concerning the administrative operations of the City, or whose functional responsibilities or knowledge in connection with the issues involved in the meet and confer process would make his or her membership in the same Employee Organization as other Employees incompatible with his or her official duties.
 3. **“Professional Employee”** includes any employee: (1) whose work is predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; involves the consistent exercise of discretion and judgment; requires knowledge of an advanced type in a field of science or learning customarily acquired by prolonged study in an institution of higher learning; or (2) who has completed courses of prolonged

- study as described in paragraph (1) of this subsection, and is performing related work under the supervision of a professional person in order to qualify as a professional employee, or (3) attorneys at law or any other person registered as a qualified professional by a board of registration or other public body established for such purposes under the laws of the State of Kansas.
- b. **“Designated Bargaining Representative of the BPU”** means that group of individuals assigned by the General Manager of the BPU to represent the Utility in meet and confer and grievance proceedings with a Recognized Employee Organization.
 - c. **“Employee Organization”** means any organization which includes employees of the Utility and which has as one of its primary purposes representing such employees in dealings with the Utility over conditions of employment and grievances.
 - d. **“Recognized employee organization”** means an employee organization which has been formally acknowledged or certified by the Utility as representing a majority of the employees of an appropriate unit.
 - e. **“Meet and confer in good faith”** is the process whereby the designated bargaining representative of the BPU and representatives of recognized employee organizations have the mutual obligation personally to meet and confer in order to exchange freely information, opinions and proposals to endeavor to reach agreement on conditions of employment.
 - f. **“Conditions of employment”** means salaries, wages, hours of work, vacation allowances, sick and injury leave, number of holidays, insurance benefits, prepaid legal service benefits, wearing apparel, premium pay for overtime, shift differential pay, jury duty and grievance procedures, but nothing in this act shall authorize the adjustment or change of such matters which have been fixed by State law or BPU board resolution.
 - g. **“Impasse”** is the state that exists when neither party can make positive movement toward the resolution of an issue.
 - h. **“Mediation”** is the efforts of a neutral third party employed by the Federal Mediation and Conciliation Service to assist the Parties in the resolution of the differing proposals concerning conditions of employment.
 - i. **“Fact-finding”** means investigation of such a dispute by an individual, panel, or board with the fact-finder submitting a report to the parties describing the issues involved; the report shall contain recommendations for settlement.

SECTION II. Representation Election. Any Employee Organization who desires to demonstrate the representative authority to act on behalf of a group of employees may establish such representational status in the following manner:

1. The Employee Organization shall present to the Executive Assistant to the General Manager a petition signed by at least thirty percent (30%) of the full time, regular Employees in the Employee Group for which the Employee Organization is requesting designation as such Employee Group’s representative. Such petition shall name the Employee Organization seeking representation and shall further identify the chief representative and up to two (2) associate representatives of such Employee Organization.
2. Upon receipt of such a petition, the Executive Assistant to the General Manager shall check all signatures against the roster of full time, regular employees in the Employee Group identified in the certification petition as of the date that the petition is filed and declare such petition either sufficient or insufficient.
3. Upon declaration of sufficiency by the Executive Assistant to the General Manager, the Board shall determine if the requested Employee Group bargaining unit sought by the petition is appropriate. Factors to be considered by the Board include the following:
 - a. The principle of efficient administration of the Utility;
 - b. The existence of a community of interest among employees;
 - c. The history and extent of employee organization;
 - d. Geographical location;
 - e. The effects of over fragmentation and the splintering of a work organization; and,
 - f. The recommendations of the parties involved.

4. If the Board determines that the bargaining unit sought by the petition is appropriate, the Board shall, by resolution set the day(s) and time(s) for an election by Employees in the identified Employee Group to be conducted.
5. Elections by secret ballot shall be held at times and places convenient to the Employees within the Employee Group which is identified in the petition.
6. Polling places shall be named by the Executive Assistant to the General Manager and a representative of the Employee Organization.
7. The Executive Assistant to the General Manager shall be responsible for conducting the election; placing the question on the ballot offering the Employee a choice between each of the qualifying Employee Organizations and no representative.
8. The Executive Assistant to the General Manager shall tabulate the ballots and certify the results of the election.
9. To win the right to represent the identified Employee Group, an organization must receive the votes of more than fifty percent (50%) of total votes cast. At least 50% of those Employees within the identified Employee Group must cast ballots for an election to constitute a valid election which can result in certification.
10. Employees seeking to decertify the designation of an Employee Organization previously certified as the representative of an Employee Group may do so by filing a petition for decertification following the same procedures as a petition for certification. Decertification elections shall follow the same procedures as certification elections.
11. Employee Organizations petitioning for recognition as the bargaining representative of an Employee Group must achieve recognition through the foregoing process prior to January 1st (6 months prior to the July 1st implementation date for Working Rule agreements) to allow for meet and confer discussions relating to conditions of employment in accordance with Section III. Recognition achieved after January 1st shall result in deferral of meet and confer discussions relating to conditions of employment until the following January 1st negotiation cycle.
12. The Parties shall commence meet and confer discussions for Working Rules relating to conditions of employment at a mutually convenient time, but no later than six (6) months prior to the expiration of an existing agreement (January 1st) for agreement renewals with previously recognized employee organizations.
13. A petition to certify or decertify an Employee Organization shall not be filed: (1) within one (1) year of the holding of an election pursuant to the procedures of this Section II; or, (2) more than six (6) months prior to the January 1st meet and confer commencement deadline.
14. The passage of this resolution shall not be construed as requiring recertification of any bargaining unit previously recognized and certified by the BPU.

SECTION III. Scope of Discussion. Upon certification by the Executive Assistant to the General Manager that an Employee Organization has received the votes of a majority of those eligible to vote, such Employee Organization shall be declared sole representative of that the identified Employee Group (“Recognized Employee Organization”) and shall enter into meet and confer discussions with the Designated Bargaining Representative of the BPU in the manner set forth by this resolution. However, the following topics are considered management rights and are not subject to meet and confer discussion. Management may:

- a. Direct the work of its employees.
- b. Hire, promote, transfer, assign and retain employees.
- c. Reprimand, suspend and/or discharge employees for proper cause.
- d. Maintain the efficiency of governmental operations.
- e. Relieve employees from duty for lack of funds or lack of work.
- f. Determine the methods, means, materials, assignments and personnel by which Utility operations are to be conducted.
- g. Take any actions necessary to carry out the mission of the Utility.
- h. Initiate, prepare, certify and administer its budget, and,
- i. Exercise all powers and duties granted to the Utility by law.

SECTION IV. A. Discussion Procedures. No later than December 1st during the calendar year preceding the year in which the term of the then current Working Rules will expire, the Recognized

Employee Organization shall submit a letter of request to conduct meet and confer discussions with the Utility toward the resolution of issues concerning conditions of employment to the General Manager. Failure to submit the letter in accordance with the above shall result in the forfeiture of the right to meet and confer for that year.

Meet and confer discussions shall then commence no later than January 1st. Discussions shall be held at reasonable and convenient times and places.

B. Impasse. If the Parties have failed to resolve, remove, or agree to an issue of discussion by May 15th, that issue shall be declared at Impasse. The parties may also jointly declare that they are at impasse prior to the May 15th impasse deadline. Only those issues which the Parties have reached impasse on shall proceed through the following impasse resolution procedures. On or before the impasse date the parties shall confer in person, identify and reduce to writing a written statement identifying those issues upon which the parties are at impasse. This statement shall be accompanied by an exchange between the parties of each party's written proposal for each issue upon which the parties are at impasse. Within ten days of the impasse date or within seven days of the date of the appointment of the mediator, the parties shall convene a mediation to attempt to resolve the impasse.

If within ten days of the appointment of the mediator the impasse still exists, the parties shall request a panel of fact finders from the Kansas Public Employer-Employee Relations Board. The parties shall select a fact finder through alternating strikes from the panel provided within three days from the date that the panel is provided. A fact-finding hearing shall be convened within fourteen days thereafter. Within fourteen days after the close of the fact-finding hearing, the fact finder shall make and serve upon the parties written findings of facts and recommendations for resolution of the dispute.

If the impasse persists fourteen days after the issuance of the recommendation of the fact-finder: (1) The designated bargaining representative of the BPU shall submit to the Board a copy of the findings of fact and recommendations of the fact-finder, together with the representative's recommendations for settling the dispute; (2) the employee organization may submit to the Board its recommendations for settling the dispute; (3) the Board or a duly authorized committee thereof shall forthwith conduct a hearing at which the parties shall be required to explain their positions; and (4) thereafter, the Board shall take such action as it deems to be in the public interest, including the interest of the public employees involved. The Board's decision shall be final and binding.

C. Working Rules. Agreements reached shall be reduced to writing and signed by both Parties for a specific time period of one (1) or more years.

The foregoing resolution is adopted by the Board of Public Utilities of Kansas City,

Kansas, this _____ day of _____, 2022.

THE BOARD OF PUBLIC UTILITIES OF KANSAS CITY, KANSAS

By _____
Mary Gonzales, President

ATTEST:

Thomas Groneman, Secretary

Approved as to form:

BPU Legal Counsel

DRAFT

The background features abstract, overlapping geometric shapes in various shades of blue, ranging from light sky blue to deep navy blue. The shapes are primarily triangles and polygons, creating a dynamic, layered effect. The text is centered in the white space between these shapes.

Board of Public Utilities 2020 Redistricting

Why Do We Redistrict?

- ▶ BPU charter ordinance requires nearly equal population in each district
- ▶ Redistricting occurs every 10 years with decennial U.S. Census
- ▶ Census provides population in voting districts (wards/precincts)
- ▶ Ward/precincts are used to create BPU districts

Census Data for Redistricting, Timeline

- ▶ April 1, 2020 → Census Day
- ▶ March 31, 2021 **DELAYED** → Census Population Data Delivered to Govt. for Redistricting
- ▶ Sept. 30, 2021 → Census Population Data Delivered
- ▶ May 2022 → Final Kansas House, Senate and Congressional boundaries set
- ▶ June / July 2022 → Wyandotte Co. Election Office redrew precinct boundaries
- ▶ July / August 2022 → Unified Govt. staff calculated population in newly created precincts
- ▶ December 2022 → Board of Public Utilities District boundaries set
- ▶ Early 2023 → Wyandotte Co. Election office will redraw precinct lines

BPU Redistricting - Charter Ordinance

1. Each district to contain 1/3rd total population of City, not to exceed +/- 2% of that population
2. Maintain a reasonably compact area in each district and avoid noncontiguous zones or unusually exaggerated extension of district lines
3. Follow election precinct lines
4. Avoid use of number of registered voters or other partisan data
5. Maintain, as much as possible, the integrity of a broadly cohesive area of interest

Population Thresholds

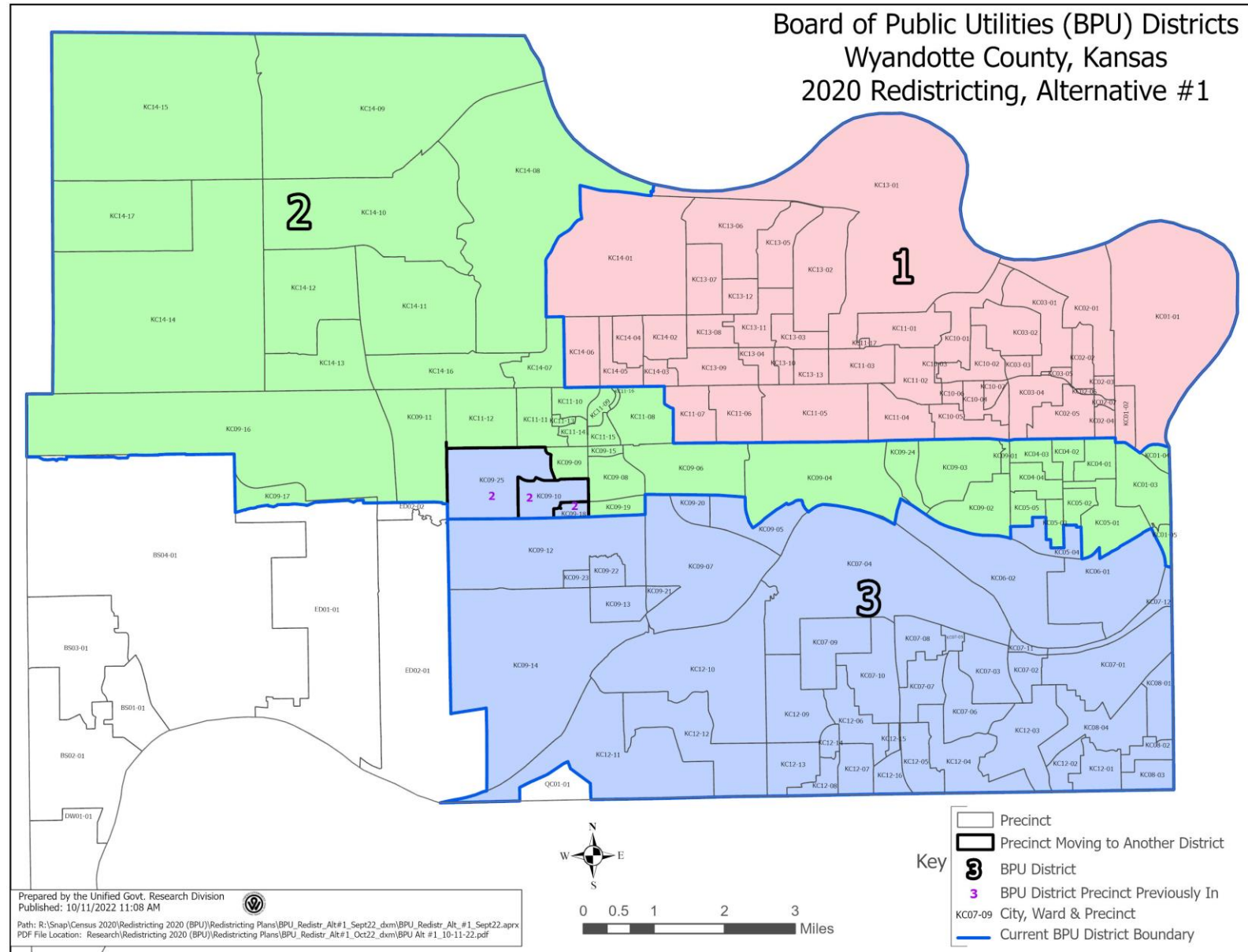
- ▶ Kansas City, KS 2020 Census Population: 156,607
- ▶ Target Population for Each District: $156,607 / 3 = 52,202$
- ▶ Range (+/-): $52,202 * 2\% = 1,044$
 - ▶ Maximum Population Range: $52,202 + 1,044 = 53,246$
 - ▶ Minimum Population Ranges: $52,202 - 1,044 = 51,158$

BPU Redistricting, Alternative #1

<i>BEFORE RESDISTRICTING</i>		
BPU District	2020 Population	Diff. from Optimal Population
1	52,892	690
2	55,495	3,293
3	48,220	-3,982
Total Kansas City, Kansas Population	156,607	---

<i>AFTER RESDISTRICTING, ALT. #1</i>		
BPU District	2020 Population	Diff. from Optimal Population
1	52,892	690
2	52,257	55
3	51,458	-744
Total Kansas City, Kansas Population	156,607	---

BPU Redistricting, Alternative #1



BPU Redistricting, Alternative #2

<i>BEFORE RESDISTRICTING</i>		
BPU District	2020 Population	Diff. from Optimal Population
1	52,892	690
2	55,495	3,293
3	48,220	-3,982
Total Kansas City, Kansas Population	156,607	---

<i>AFTER RESDISTRICTING, ALT. #2</i>		
BPU District	2020 Population	Diff. from Optimal Population
1	52,892	690
2	52,373	171
3	51,342	-860
Total Kansas City, Kansas Population	156,607	---

BPU Redistricting, Alternative #2

Board of Public Utilities (BPU) Districts
Wyandotte County, Kansas
2020 Redistricting, Alternative #2

