Call to Order/Roll Call

Approval of standing committee minutes for January 17, 2012.

Committee Agenda

Item No. 1 - RESOLUTION

Synopsis:
A resolution adopting a policy for the KCK Fire Department to be able to accept a payment plan, modify, or cancel debts incurred as a result of emergency medical treatment and ambulance transport, submitted by Fire Chief John Paul Jones

Tracking #: 120064
Item No. 2 - REVIEW

Synopsis:
Review and evaluate the pilot program regulating parking in the area generally bounded by Esterly Avenue on the north, State Line Road on the east, West 36th Avenue on the south, and Eaton Street on the west. This acknowledges the duty to review this program. Staff will perform the study and give a report at the next Public Works and Safety Standing Committee meeting.

On October 6, 2011, the Commission unanimously adopted Ordinance No. O-43-11. Per Sec. 5 of said ordinance, the pilot program was to be reviewed at the March 2012 Public Works and Safety Standing Committee meeting.

Tracking #: 110226

Item No. 3 - RESOLUTION

Synopsis:
A resolution declaring the Culvert Replacement - Structure No. 17 at North 51st Street and Kimball Avenue (CMIP #5304) as a necessary and valid improvement, and authorizing a survey of land for said project, submitted by Ken Moore, Deputy Chief Legal Counsel. This project is in the approved 2012 CMIP. It's planned that this construction will occur in 2012. It involves only minor right-of-way issues.

Tracking #: 120056

Item No. 4 - COMMUNICATION

Synopsis:
Communication submitting recommended changes to the current 50/50 Sidewalk Replacement Incentive Policy, submitted by Tim Nick, Public Works. The program is currently underutilized and the proposed changes should help increase homeowner participation.

Tracking #: 120063

IV. ADJOURN
The meeting of the Public Works and Safety Standing Committee was held on Tuesday, January 17, 2012, at 5:00 p.m., in the 6th Floor Human Resources Training Room of the Municipal Office Building. The following members were present: Commissioner Mendez, Chairman; Commissioners Cooley, Ellison, Markley, Murguia (arrived at 5:10 p.m.). BPU Board Member Terry Eidson was absent.

**Chairman Mendez** called the meeting to order. Roll call was taken and all members were present as shown above.

Approval of standing committee minutes for December 12, 2011. **On motion of Commissioner Ellison, seconded by Commissioner Cooley, the minutes were approved.** Motion carried unanimously.

Committee Agenda:

**Item No. 1 – 120012...**A resolution authorizing the execution of a special warranty deed to deed property known as Highland Park to the Turner Recreation Commission along with the responsibility and maintenance of the park, submitted by Margie Witt, Parks & Recreation Dept.

**Margie Witt,** Interim Director of Parks & Recreation, introduced Skyler with the Turner Recreation Commission. We want to transfer UG ownership of Highland Park to the Turner Recreation Commission. Originally it was a Wyandotte County park. In 1970 the park use was transferred to the KCK Parks & Recreation for baseball and softball leagues. As participation decreased throughout the years, in 2000 we worked with the Turner Recreation Commission and presented a year-to-year letter of agreement for exclusive use of the ball fields. The Parks & Recreation of Wyandotte County still maintained the park. As years have gone by, the usage of
the shelter and other practice fields have decreased. For example, the park shelter was not reserved at all. It was on a first come, first serve basis.

The advantages of this will allow the Turner Recreation Commission to do some capital improvements to the park. By transferring the property to them, we would not have to maintain the park and we would not have to invest any more money into the park. Since they are programming for the whole community, they are not just doing Turner Recreation. Everyone is welcome to come. That would better serve our community and would let them do the improvements.

Staff supports this recommendation. The Park Board, at their December 14th meeting, supported this. They agreed to this.

**Commissioner Ellison** said I don’t have a problem with it. My concern is setting a precedence. We have the Piper School District. They could organize a commission to do the same thing there. I was talking to Commissioner Markley a while ago. I don’t know whether we have any city parks out there. If there are parks there, they are probably maintained by dues from the neighborhood groups or the neighborhoods themselves. I can see, and as a matter of fact, Commissioner Markley had said Reverend Bishop Mark Holland had already said something about the Piper School District and parks. This has been going on since 1970. We’ll cross that bridge when we come to it.

I don’t have any problem with the Turner situation. The one thought that I had was that we have Highland Crest, and I’m just going to lay it on the table. Black folks when they see the park well maintained not knowing the procedures to reserve it—and this sure is a nice park—let’s go there the 4th of July, and we got a problem because now it’s been reserved by another group, and that’s going to be on the Turner Recreation Commission. I can see, and maybe Commissioner Mendez right from Argentine right next door—just be aware of that because those are potential problems. I’m speaking on past history of 72 years so I know what can. The young kids today, those who are 50 and below, are not aware. The new kids are not aware of the background of some of these things, but there is some potential there so I want you to just be aware that there is a potential there.

**Ms. Witt** said on the 4th of July, that park, even though we close the park off, we still have issues, and I know Skyler is aware of this that we have issues of fireworks going everywhere. It is a major cleanup. I don’t think that there’s a problem with Highland Crest or
anyone using that park. They’ve continued to do it. I don’t see any changes in the use. The only thing is if they want to reserve it, they would have their number which they can put on the field and take our number down. **Commissioner Ellison** said okay. That might solve it. I can kind of see—you’ve been around a while too—would you agree that that could be a problem? **Chairman Mendez** said that could be a hotspot.

**Action:** Commissioner Markley made a motion, seconded by Commissioner Murguia, to approve and forward to full commission. Roll call was taken and there were five “Ayes,” Ellison, Cooley, Markley, Murguia, Mendez.

Adjourn

**Chairman Mendez** adjourned the meeting at 5:16 p.m.

cg
Staff Request for Commission Action

Type: Standard
Committee: Public Works and Safety Committee
Proposed for the following Full Commission Meeting Date: 04/05/2012

Date of Standing Committee Action: 3/12/2012
(If none, please explain):

[ ] Changes Recommended By Standing Committee (New Action Form required with signatures)

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<td>3/7/2012</td>
<td>John Paul Jones</td>
<td>5550</td>
<td><a href="mailto:jjones@wycokck.org">jjones@wycokck.org</a></td>
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Item Description: **ONLY VISIBLE TEXT WILL BE PRINTED**
A policy for the Kansas City, KS Fire Department to be able to accept a payment plan, modify or cancel debts incurred as a result of emergency medical treatment and ambulance transport. The department receives approximately twenty requests annually for help with ambulance bills, out of over 15,000 transports. These requests represent 1/100th of all transports. The letters document the financial and health circumstances that make it difficult or impossible for the patient to pay the bill. The average amount billed in 2011 was $812.61. Twenty-six percent of all accounts are self-pay and most requests are from this type of patient. The others are insured, but are left with a co-pay that is beyond their means to pay.

Action Requested: **ONLY VISIBLE TEXT WILL BE PRINTED**
Approval of the attached policy for the Kansas City, KS Fire Department which permits the department, after receiving a written request documenting financial and/or health circumstances, to accept a payment plan, reduce the amount owed, or cancel the debt in its entirety.

[ ] Publication Required

Budget Impact: (if applicable)

Amount: $
Source:
[ ] Included In Budget
[ ] Other (explain)

Supporting Documentation
RESOLUTION NO. ________________

WHEREAS, the Kansas City, Kansas Fire Department occasionally receives requests for consideration related to Emergency Medical Service ("EMS") charges;

WHEREAS, the modification or cancelation of EMS charges is occasionally required to address hardships suffered by EMS clients;

WHEREAS, the Kansas City, Kansas Fire Department is in need of an internal policy that addresses the modification or cancelation debts owed to the Unified Government of Wyandotte County/ Kansas City, Kansas for the emergency medical treatment and transportation provided by EMS;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

1. That the Unified Government Board of Commission of Wyandotte County/ Kansas City, Kansas hereby adopts the Kansas City, Kansas Fire Department Ambulance Bill Modification Policy.

2. That the Unified Government Board of Commission of Wyandotte County/ Kansas City, Kansas authorizes the County Administrator's Office to execute and maintain the Kansas City, Kansas Fire Department Ambulance Bill Modification Policy.

3. That the Kansas City, Kansas Fire Department will continue to inform the County Administrator's office of the number of accounts and amounts that have been written-off during the previous year in an annual report.

4. The Mayor, the County Administrator, and the Unified Government's other officers, agents, and employees are hereby authorized and directed to take such further action, and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS ______ DAY OF ____________________, 2012.

Joe Reardon, Mayor/CEO
ATTEST:

Unified Government Clerk

Approved as to Form:

Misty S. Brown, Assistant Counsel
The Kansas City, Kansas Fire Department, at its discretion, may modify or cancel debts owed to the Unified Government for emergency medical treatment and transportation provided by the department. The Kansas City, Kansas Fire Department follows the write-off guidelines established by the Medicare and Medicaid Programs. The Kansas City, Kansas Fire Department will provide the County Administrator’s office with an annual report that sets out the number of accounts and amounts that have been written-off during the previous year.

The department’s billing contractor occasionally receives requests for consideration related to ambulance bills. Those requests are forwarded to the EMS Director’s office for review and determination of any action that may be taken. The department will provide written documentation of the decision to the billing contractor. The billing contractor will then inform the patient. All copies of written documentation and email correspondence concerning an account are maintained by the billing contractor.

Modification of Debt
If the department receives a written request from a patient or their agent outlining their financial circumstances, the department may authorize the write-off up to twenty percent of the balance due and/or may accept a payment plan. The billing contractor continues to track the account and all payments are sent to the lock box for proper posting. If the patient does not stay current with the payment plan, the account may be referred to collections or setoff.

If the department receives a written request from an attorney requesting modification of the debt as a result of a court-ordered judgment, the department may authorize writing off up to twenty percent of the balance due, provided the remaining balance is paid in full. Payment is made to the lock box and the billing contractor handles appropriate posting to the account.

If the patient is a member of the Ambulance Membership Program at the time treatment and/or transportation was provided, the department may write off any unpaid balance after insurance payment(s), if applicable, have been received. The Membership Program database is maintained by the department and the billing contractor has access to it to verify current membership.

Cancellation of Debt
If the department receives a written request from a patient or their agent that outlines circumstances which indicate the patient has no means of income and no reasonable expectation of income in the foreseeable future, the department may cancel the debt in its entirety.

If the department receives a written request from a patient or their agent which includes documentation that a hospital has written off all or part of the patient’s hospital stay after the ambulance transport, the department may modify the patient’s debt by the same percentage used by the hospital, up to and including 100%.

If the patient’s debts have been discharged in a bankruptcy proceeding, the department may write off the debt in accordance with the rules governing bankruptcies.
Date: April 22, 2011
RE: Financial Assessment Request
KUMR#:

Dear,
This is to inform you that the University of Kansas Financial Assessment Committee has met and reviewed your application for financial assistance. The Committee has approved financial assistance for the following accounts:

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<tr>
<th>Account #</th>
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<tr>
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<td>$58,428.23</td>
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<tr>
<td></td>
<td>$56,014.69</td>
</tr>
<tr>
<td></td>
<td>$250.00</td>
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<td></td>
<td><strong>Total: $114,692.92</strong></td>
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Your balance outstanding is now zero. The total amount approved for Charity Care assistance is **$114,692.92**. If you have any questions about the amount that has been liquidated, please contact Patient Financial Services at (913)588-5820.

Please note that this action applies only to your K. U. hospital account(s) and does **not** include accounts that you have with physicians. To determine the status of, or to obtain other information about your physician accounts, you will need to call (913)588-2509.

The University of Kansas Hospital reserves the right to retroactively reverse a Financial Assistance award should a payer source be subsequently identified, which in the Hospital's opinion, could be used for payment of the Hospital bill.

The Hospital is pleased to be able to provide this financial assistance and we wish you the best in the future. We do suggest exploring insurance coverage to cover future medical expenses.

Sincerely,

Account Representative
Patient Financial Services
The department receives approximately twenty hardship requests out of 15,000 transports per year. Below are examples of the requests for your information. Names and other identifying details have been removed to protect patient privacy.

- I received services from the Unified Government of Wyandotte County. I have no insurance and am receiving Social Security. I am applying for a hardship case.
- We are humbly requesting a reduction of the amount due for our deceased brother. He did not have any medical insurance, life insurance, Medicare or Medicaid.
- I am a Burmese refugee from the country of Burma. I left the refugee camp in Thailand to come to America in 2009. Since then I have been trying to make a life for myself here in America. I have worked a couple of jobs trying to make a living, but I am currently unemployed. My wife and three young children are still in Burma and I hope that they will join me someday in America as they do not have money for food or shelter where they are. At the time of my trip to the ER in the ambulance, I did not have insurance coverage. As a single unemployed individual I do not have the option for medical coverage at the moment. [provides an accounting of expenses] I would like to request some financial assistance for this bill as it will be difficult for me to pay it in full. I live very frugally so I can hopefully continue to provide for myself in the future.
- I am unable to pay my bills at the current time. I have been unemployed for the last two years due to health problems. I do not have any form of health insurance, I do not have a bank account, savings, or any other form of income to pay bills at this time. I am enclosing a copy of the letter I received from KU Medical Center releasing me from the current bills that were due them. I would appreciate it very much if you could help me out in the matter. [letter attached]
- This is a letter of Hardship. I was hospitalized on 8/25/11. I am currently unemployed at this time and unable to pay the remaining balance on this account. My insurance has paid $82.63 from the original balance of $972.70. I do understand that I have a balance of $390.07. Can you please help me with my situation? I am trying to seek employment at this time, but have had no luck.
- I ask for your mercy and understanding concerning this bill. I am 64 years old, single mom, with my 20 year old special need disabled son at our home. I walked into the kitchen and passed out. My sister called 9-1-1. I had a fractured right wrist and fractured right hip. I had to learn to walk again and it took me 5 weeks to learn to write again. As of today, I am still on a walker with a right arm holder on it. I don’t have any health insurance. I will have Medicare this year on Oct 20, 2012. [The surgeon] agreed to a settlement on his bill in full. He says I am 70% healed so at least 6 more weeks on the walker with arm holder. Please consider discounting my bill. I have a lot of bills right now to try to negotiate lowering. Just know the EMTs and firemen are good people. Many many thank you’s to you all. We appreciate you.
- I is a diabetic. I am an 83 years old and on fix income. I only have Medicare insurance. I am asking for some asstg or discharging this bill. If there are any way you can help me on this bill will be highly appesrated. Thanking you in advance. [Medicare paid, remaining balance is the co-pay.]
Review and evaluate the pilot program parking in the area generally bounded by Esterly Avenue on the north, State Line Road on the east, West 36th Avenue on the south, and Eaton Street on the west. This acknowledges the duty to review this program. Staff will perform the study and give a report at the next Public Works and Safety Standing Committee meeting.

*On October 6, 2011, the Commission unanimously adopted Ordinance No. O-43-11. Per Sec. 5 of said ordinance, the pilot program was to be reviewed at the March 2012 Public Works and Safety Standing Committee meeting.*
Type: Standard
Committee: Public Works and Safety Committee

Date of Standing Committee Action:
(If none, please explain):

Proposed for the following Full Commission Meeting Date: Confirmed Date: 4/5/2012

Changes Recommended By Standing Committee (New Action Form required with signatures)

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<tr>
<td>2/28/2012</td>
<td>Kenneth J. Moore</td>
<td>573-5060</td>
<td><a href="mailto:smitchell@wycokck.org">smitchell@wycokck.org</a></td>
<td></td>
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Item Description:
Project Name: Culvert Replacement - Structure No. 17 at North 51st Street & Kimball Avenue - Project (CMIP 5304)

This Resolution declares that this project is a necessary and valid improvement project. This Resolution directs the Chief Counsel to cause a survey and description of such parcels to be undertaken and prepared by a licensed land surveyor or a professional engineer to identify and describe the property to be acquired for this project, and to submit an Ordinance authorizing the exercise of eminent domain and to undertake all other necessary actions to complete the acquisition of such parcels.

Action Requested:

Adopt Resolution

☐ Publication Required

Budget Impact: (If applicable)

Amount: $
Source:
☐ Included In Budget
☐ Other (explain) Consistent with capital budget
RESOLUTION NO. ____________________

A RESOLUTION declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the construction, maintenance, operation, use and repair of the Culvert Replacement – Structure No. 17 at North 51st Street & Kimball Avenue - Project (CMIP 5304), all in Wyandotte County, Kansas.

BE IT RESOLVED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

SECTION 1. It is hereby found and determined necessary that certain lands be condemned for public use providing for land necessary for construction, maintenance, operation, use and repair of the Culvert Replacement – Structure No. 17 at North 51st Street & Kimball Avenue - Project (CMIP 5304). This project consists of replacing the storm system at the intersection of N. 51st Street and Kimball Avenue; culvert under Kimball Avenue; and realigns the box culvert under N. 51st Street. This project is all in Wyandotte County, Kansas.

SECTION 2. The Board of Commissioners hereby directs and authorizes its Chief Counsel to cause a survey and description of such parcels to be undertaken and filed with the Clerk of Wyandotte County/Kansas City, Kansas; to thereafter prepare and submit to the Board of Commissioners an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the Board of Commissioners to initiate eminent domain proceedings in the District Court of Wyandotte County, and to undertake all other necessary actions to complete acquisition of such parcels.

SECTION 3. This resolution shall be published once in the official County, newspaper, The Wyandotte Echo.

ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

THIS _______ DAY OF ____________________, 2012.

________________________________________
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

________________________________________
KENNETH J.MOORE
Deputy Chief Counsel
Staff Request for Commission Action

Tracking No. 120063

Type: Standard
Committee: Public Works and Safety Committee

Date of Standing Committee Action: 3/12/2012
(If none, please explain):

Proposed for the following Full Commission Meeting Date: Confirmed Date: 3/29/2012

3/29/2012

Changes Recommended By Standing Committee (New Action Form required with signatures)

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<td>3/7/2012</td>
<td>Tim Nick</td>
<td>x5400</td>
<td><a href="mailto:tnick@wyeokck.org">tnick@wyeokck.org</a></td>
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Item Description:
The Public Works staff proposes changes to the current 50/50 Sidewalk Replacement Incentive Policy. The program is currently underutilized and the proposed changes are intended to increase homeowner participation.

The attached documents include the recommended changes, and a revised copy of the current policy.
The major changes are:
1. Alter the UG percentage funding on multiple house projects
2. Alter the district deadline date from September 1 to June 1 for 2012. Starting in 2013 the district deadline date will be April 1st
3. Any monies after September 1 will be used for sidewalks in need of repair near parks and U.G. facilities
   (1st document represents the original document)
   (2nd document represents the original document with mark-ups)

Action Requested:
It is requested that the Standing Committee accept and approve the recommendations and forward to the Full Commission for approval.

Publication Required

Budget Impact: (if applicable)

Amount: $
Source:
☑ Included In Budget Funded by dedicated sales tax.
☐ Other (explain)

File Attachment File Attachment
MEMORANDUM

TO: Bob Roddy  
Director of Public Works

FROM: Tim Nick  
Program Coordinator

DATE: February 27, 2012

SUBJECT: Proposed 50/50 Sidewalk Program Changes

Over the past several years the 50/50 Sidewalk Program, as it exists now, has been greatly underutilized. Over the past three years the program has expended an average of just under $19,000 per year for reimbursements to homeowners for removal and replacement of existing sidewalks. With the current budgeted amount of $100,000 you can see that there is good reason to review the program and determine possible changes.

If we wish for this program to be more successful, there are changes that can be implemented that should bring increased participation. The following are the proposed changes that are recommended:

- Change the date for which uncommitted funds are made available to all commission districts from September 1 to April 1. This gives residents ample time to apply for the program while also allowing other residents to take advantage of remaining funds. The September date may shorten the construction season if inclement weather arrives and may not allow residents to take advantage of the funding.

- Change the reimbursement rate based on how many residents within a neighborhood participate in the program. Currently the rate of approximately 50% is paid, no matter how many houses are involved. The proposed change would be to remain at 50% for one house but increase to 60% for 2-5 adjacent houses and 70% for more than 5 houses in a row. This change would hopefully increase the desire of entire neighborhoods to take advantage of the program.

- Include a change that would allow any funds still available after September 1 to be used on sidewalks adjacent to parks or Unified Government buildings that create a public health risk.
SIDEWALK REPLACEMENT INCENTIVE POLICY

Program Elements:
- Reimburse owner, tenant or contractor a flat unit rate for permitted and inspected replacement of existing sidewalk.
- Rate will initially be targeted to cover approximately ½ of the average cost for sidewalk removal and replacement. Rate may be adjusted annually to balance demand for this program and to reflect changing construction costs.
- Program will be funded as a separate line item in the annual budget.
- Reimbursement limited to extent of annual funds available on a first come, first serve basis.
- Funds will be allocated equally to each of the eight commission districts until September 1 of each year. After September 1, all uncommitted funds will be available for any eligible location in the city.

Quality Controls: To be eligible for reimbursement all of the following must occur:
- Right-of-way use permit obtained.
- UG staff perform initial site review during which area of removal are marked.
- UG staff perform form inspection.
- UG staff perform final inspection.
- Materials and workmanship comply with Kansas City, Kansas construction standards.
- It is the permittee’s sole responsibility to coordinate the necessary inspections.

Eligibility:
- Only Kansas City, Kansas properties are eligible.
- Existing residences, whether a single owner or a benefit district, are eligible.
- Redevelopment that is eligible for tax incentives through TIF or NRA is eligible.
- Commercial property will limited to 1,200 SF of walk in any given year.
- New development and utility patch work is not eligible.
- Eligible work is the replacement of sidewalk in the right-of-way parallel to the street for repair of trip hazard or cosmetic repair and the replacement of driveway aprons up to 10 feet behind curb. (Driveway will be reimbursed at the sidewalk rate) Brick or specialty concrete will be reimbursed at the same rate as concrete walk.
- Extension of walk where it does not currently exist is not eligible at this time of the program. In future years this limitation may be reviewed.
SIDEWALK REPLACEMENT INCENTIVE POLICY

Program Elements:
- Reimburse owner, tenant or contractor a flat unit rate for permitted and inspected replacement of existing sidewalk.
- Rate will initially be targeted to cover approximately 50% of the average cost for sidewalk removal and replacement for one house, 60% for 2-5 adjacent houses and 70% for more than 5 houses in a row. Rate may be adjusted annually to balance demand for this program and to reflect changing construction costs.
- Program will be funded as a separate line item in the annual budget.
- Reimbursement limited to extent of annual funds available on a first come, first serve basis.
- Funds will be allocated equally to each of the eight commission districts until September 1, 2012, and starting in 2013 the date will be April 1, of each year. After September 1, the dates mentioned before, all uncommitted funds will be available for any eligible location in the city.
- Any funds still available September 1 may be used on a first come, first served basis for sidewalk removal and replacement for properties adjacent to UG facilities, parks or schools.

Quality Controls: To be eligible for reimbursement all of the following must occur:
- Right-of-way use permit obtained.
- UG staff perform initial site review during which area of removal is marked and photos taken.
- UG staff perform form inspection.
- UG staff perform final inspection and take photos of completed project.
- Materials and workmanship comply with Kansas City, Kansas construction standards.
- It is the permittee's sole responsibility to coordinate the necessary inspections.

Eligibility:
- Only Kansas City, Kansas properties are eligible.
- Existing residences, whether a single owner or a benefit district, are eligible.
- Redevelopment that is eligible for tax incentives through TIF or NRA is eligible.
- Commercial property will be limited to 1,200 SF of walk in any given year.
- New development and utility patch work is not eligible.
- Eligible work is the replacement of sidewalk in the right-of-way parallel to the street for repair of trip hazard or cosmetic repair and the replacement of driveway aprons up to 10 feet behind curb. (Driveway will be reimbursed at the sidewalk rate) Brick or specialty concrete will be reimbursed at the same rate as concrete walk.

- Extension of walk where it does not currently exist is not eligible at this time of the program. In future years this limitation may be reviewed.