



Office of
Mary Jo Spino
Clerk of the County Legislature

Jackson County Missouri

JOURNAL

County Legislature

Jackson County Courthouse
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Kansas City, Missouri 64106
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Dan Tarwater, (4th), Chairman, Henry C. Rizzo (2nd AL), Vice-Chairman,
Robert A. Stringfield, (1st AL), Fred Arbanas (3rd AL),
Scott Burnett (1st), Eugene Standifer Jr. (2nd), Dennis Waits (3rd),
Rhonda L. Shoemaker (5th), Bob Spence (6th)

Monday, May 23, 2005

2:30 PM

Twenty-First Regular Meeting

Independence Courthouse Annex, 308 West Kansas, Ground Floor, Legislative Chambers

Dan Tarwater, Chairman, called the meeting of the Jackson County Legislature to order.

1 ROLL CALL

Present: Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Dan Tarwater, Rhonda L. Shoemaker and Bob Spence

2 THE PLEDGE OF ALLEGIANCE

Recited.

3 APPROVAL OF THE JOURNAL OF THE PREVIOUS MEETING

Bob Spence moved to approve the journal of the previous meeting held on 5/16/2005.
Seconded by Dennis Waits.

The motion passed by a voice vote.

(APPROVED)

4 HEARINGS

None.

Fred Arbanas, County Legislator, presented a courtesy resolution to Will Staller, an employee of the Jackson County Parks and Recreation Department for 35 years, congratulating him on his retirement. (Resolution #15491)

Katheryn Shields, County Executive, presented a 35 year service pin to Mr. Staller and thanked him for all the great things he did for Jackson County Parks and Recreation.

Resolutions #15492 and #15493 were adopted at this time. See page 7 for details.

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

Katheryn Shields, County Executive, was pleased to report that Certificates of Value, which show sales value on houses in Jackson County, are now available on-line and accessible to the public. Citizens looking for sale information on property can visit the county web site at www.jacksongov.org, click on "Search County Records On-line", click "Tax" then search by owner, street, or parcel number. If sales information is available, it is listed just above the appraised and assessed values for the property. It is also noted if sales information is not available. We have only had Certificates of Value since January of 2004. We are also working to further enhance the search capabilities, so that citizens may choose to search only those properties that have Certificates of Value filed. As citizens begin to enjoy on-line access to these particular public records for the first time, this may be a good time to consider making photos available to them as well.

Scott Burnett, County Legislator, asked for someone to explain why some homes that were sold since January 2004 are not listed.

Michael O'Flaherty, Director of Assessment, said there are a series of transactions where there is no relevance to the price. An example would be someone giving property to their children. The price is really not relevant so you wouldn't have to put in a price. On the form itself all you would need to do is check the appropriate box, sign it, file it and then it would be entered in at \$0. Anything that is court ordered, contributions to capital of a corporation or limited liability, or this sort of range of transactions, do not require a price.

Katheryn Shields said a price is not required because there may not be a price, it is a transaction but not a sale or if there is a price it is not reflective of the actual value.

Bob Spence, County Legislator, asked if buyers even know about filing the Certificate of Value and are relying on real estate agents or title companies to do it.

Michael O'Flaherty said Jackson County has primarily had excellent response from the title companies. The vast majority of people do comply. But if a title company is not involved, they may not comply because they do not know about the Certificate of Value. He said there is a process in place where two reminders are sent out. He said the title companies are very cooperative.

Dan Tarwater, Chairman, said the Certificate of Value is part of the closing documents.

Michael O'Flaherty said one of the advantages of putting the form on-line is that the title companies were able to integrate it into their closing documents.

Dan Tarwater complimented Mr. O'Flaherty and Ms. Shields for their help at the neighborhood and home association meetings. He thinks people are becoming more comfortable and understand the assessment process better because of these informative meetings.

Bob Spence commended Michael O'Flaherty and staff for getting the Certificates of Value on the web site so quickly.

Michael O'Flaherty thanked the Management Information Systems Department.

Katheryn Shields presented a 10 year service pin to Michael "Shawn" Van Dyke, a Highway Maintenance Foreman with the Public Works Department.

She presented the January 2005 Employee of the Month Award to Gary Russell, an Engineering Technician with Public Works. She said Gary is responsible for the creation of the Green Building Permit system. He also took on the inspections and coordination of the new Public Works/GIS Technology Center at 303 Walnut in Independence, Missouri.

Katheryn Shields reported that the Lydia Bridge project (a joint County-City project) won an award last week from the local chapter of the National Public Works Association. The bridge on Lydia, just south of Bannister Road, had been unsafe during heavy rains for many years. Together with the City of Kansas City, we did not just build a new bridge, we helped solve a real safety problem and improved the surrounding community.

Finally, she said last week Jackson County served as host for the American Jail Association Annual Conference and Jail Expo. Director Graham Morris and the Detention Center staff worked hard to prepare for this event, making sure that over 2,000 people would feel welcome and enjoy their visit to Jackson County/Kansas City. By all accounts, it was a success. This annual event offers over 53 different workshops designed specifically for corrections personnel who work in the jail environment. Committee members from the jail include: Chairperson Laura Scott, Bruce Moore, Ronald Bearce, Roger Swick, Margo Hurse, Carmen Rodriguez, Warren Valleau, David Chase and from the Kansas City Visitors Bureau - Dot Theisen. She commended all the committee members for doing a fine job.

Katheryn Shields summarized Memorandum of Understandings from the Prosecutor's Office from Local 42 covering the prosecutors and the Carpenter's Union covering the support staff. She said they have begun their financial analysis and there has been some misconception about how the new proposed Memorandums compare to the old ones. The major difference is in the area of wage compensation. The prior agreement was a 3 year agreement for 2002, 2003 and 2004 and it had a salary increase of six percent (6%) per year. There was essentially no other benefits involved. With the new proposal, it runs four years, 2005 through 2008. Any staff that meets a satisfactory level and anyone who was employed as of January 1, 2005 receives a six percent (6%) increase. Then when they receive an evaluation that is at least satisfactory they receive another three percent (3%). On the three percent (3%), it says at least three percent (3%) so it could actually be more but there is no upper limit. Most union contracts have an upper limit but this one does not. So there is a nine percent (9%) increase guaranteed to any employee who meets satisfaction and then in addition there is a five percent (5%) deferred compensation contribution by the County, which is up to five percent (5%). Obviously, Jackson County would have to budget assuming that people would contribute at the maximum level. So you essentially compare a three year contract with a six percent (6%) per year increase with a four year contract with essentially a fourteen percent (14%) per year increase guaranteed to go to the employees in the compensation package. On the prior MOU, there was an agreement between Katheryn Shields and the former prosecutor and the head of the union that if County revenue did not grow at a rate that it could afford the six percent (6%) increase, then open positions would be frozen to pay for the increases, which is in fact what has happened over the last three years. There is no such agreement in the proposed MOU's so the County would anticipate that it is fourteen percent (14%) new money every year.

Henry C. Rizzo, County Legislator, asked if the County Executive was part of the negotiations.

Katheryn responded she was not part of the negotiations, nor was anyone from the administration, personnel or law department.

Henry C. Rizzo asked Katheryn what she considered the biggest issue with this matter.

Katheryn said the amount of the increases is a huge issue.

Mr. Rizzo asked if Katheryn thought that the Prosecuting Attorney should be able to negotiate.

Katheryn Shields said the Sheriff has always been involved in negotiations with the Fraternal Order of Police. Along with the Sheriff, staff from personnel, the law department and finance have also been involved. She said she would not negotiate with a union on working conditions for any charter officer's department without that charter officer being involved. She does not think it is reasonable for a contract to be negotiated when the individual who must present the annual budget does not have an opportunity to look at the numbers and consider the other costs that might arise in the County. For example, Jackson County will be going out for bid for health insurance. The County currently pays about \$10 million for health insurance. If there is a minimum of eleven percent (11%) increase the County will have to come up with an additional \$1 million which is something the County has done in the past, unless the cost is passed to the employees. She understands that a union only represents those people in their bargaining unit. She understands that a department head or another charter officer of a particular department are most focused on his/her own employees. Katheryn said she understands and respects that point. She said her responsibility as County Executive and the responsibility of the County Legislature transcends any single department. The County Executive and County Legislature must look at what is best for all of the employees and what is best for the County as a whole.

Henry C. Rizzo said perhaps the circumstances in the past do not apply to today and he believes much hard work went into this agreement. He said he would be interested in hearing the other side speak on the issue of the negotiated Memorandum of Understandings.

Katheryn said she is assuming there will be hearings regarding this issue. She wanted to present the basic financial information.

Henry said he has dealt with the unions of this area for 25 years and they are not unreasonable people.

Katheryn said she attended her first meeting on Friday regarding the proposed MOU's. She offered at least seven times to sit down together and discuss an agreement that everyone could bring before the Legislature and support. She said her offer was vociferously rejected.

She said she asked Gallagher Benefit Services, who conduct compensation studies for Jackson County every two to three years, to look at the salary increases given to attorneys in 2004 and 2005. The average increase was approximately 3.4%. In private as well as public firms, professionals who received their organizations highest performance ratings received increases that averaged 5.4%. If this proposal was carried to all union employees in Jackson County, it would cost almost \$13 million over the four year contract. If this proposal was carried to all Jackson County full time employees over the four years, it would cost almost \$30 million. Compensation studies have been done and there has always been equity throughout the system in Jackson County, both internal and external equity.

Dan Tarwater said there is no legislation before the Legislature regarding this matter. He said he appreciates the input from the County Executive and would like to hear from the Prosecuting Attorney. He assumes this legislation will be introduced next week at which time he will assign it to the Finance and Audit Committee.

Henry C. Rizzo asked if the Prosecutor's office included the Administration in negotiations regarding the financing.

Michael Sanders, Prosecuting Attorney, said anytime the Administration has asked to meet with his office they have met with them. He said at no time was his office contacted by the Administration that they wanted to participate. He said he is sensing a high degree of confusion on the part of the Administration as to the terms. At the meeting on Friday, his office was clear on the terms and what it meant. The Administration expressed no confusion about the numbers. He said his office knows the money is in the budget and believes it is a fair agreement for the office and the County. He said there is no more important purpose of this County or any county than ensuring the competitiveness of the chief office that protects the public. He asked the press and members of the Legislature to withhold their judgement on what the County Executive has said until the Prosecutor's office has the opportunity to respond.

Dennis Waits, County Legislator, said he asked that this legislation be on the agenda today. He understands that it could not be prepared today because a fiscal note is needed. He hopes that the fiscal can be prepared so the resolution can be introduced at the next legislative meeting and assigned to committee. He is a sponsor and will support the legislation. He asked that everyone work together to accomplish this task. He said Katheryn has been involved in many endeavors to help all employees get a pay raise. This year she agreed that all employees receive the raise at the same time instead of on their anniversary date. He said he has looked at the numbers and the staff in the Prosecutor's office are not comparatively compensated for their efforts like many other attorneys. He said even if the private sector has only been getting pay raises of 2.5% to 3.5% it may be because they were already at a fair level. He thinks some of the staff are not at the same level and they need to be boosted. He said he asked the Chairman of the Legislature to have a legislative meeting next week even though the Legislature typically takes off for the Memorial Day Holiday so this can be discussed.

Dan Tarwater said the Finance and Audit Committee will hear public testimony at their meeting scheduled to be held June 6, 2005.

Katheryn Shields said the Finance Department has indicated that transfers are needed within the Prosecutor's budget in order to make this possible. The Finance Department needs input from the Prosecutor's office as to where the transfers are coming from.

Dennis Waits said the key person who has this information has been hospitalized. When Sandy Graybill gets out of the hospital then she can work with Jeremy Willmoth, Budget Administrator and Troy Thomas, Chief Financial Officer.

Katheryn said Jeremy and Troy will be available.

Dennis Waits asked Michael Sanders to alert the County Executive and County Legislature when Sandy Graybill is available so everyone can be there and begin the process.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

Resolution #15494 was adopted at this time. See page 7 for details.

The Legislature took a 5 minute recess.

The Legislature reconvenes.

The Land Use Committee will have a public hearing on Friday, June 3, 2005 at 1:00 P.M. at Fleming Hall regarding Ordinances #3630 through #3634.

Fred Arbanas moved to waive the reading of Ordinances #3630, #3631, #3632, #3633 and #3634. Seconded by Henry C. Rizzo.

The motion passed by a voice vote.

(APPROVED)

3630

AN ORDINANCE amending the zoning districts established by the Unified Development Code by rezoning a certain 20 ± acres from District A (Agricultural) to District RU (Residential Urban) District and approving the preliminary plat "The Fields of Highland Park" creating seventy (70) residential subdivision lots.

(Land Use Committee - 1st. Perfection)

3631

AN ORDINANCE amending the zoning districts established by the Unified Development Code by rezoning a certain 15 ± acres from District A (Agricultural) to District RE (Residential Estates) District.

(Land Use Committee - 1st. Perfection)

3632

AN ORDINANCE amending the zoning districts established by the Unified Development Code by rezoning a certain 54.5 ± acres from District A (Agricultural) to District RR (Residential Ranchette) District and approving the preliminary plat "Robinson Estates" creating ten (10) residential subdivision lots.

(Land Use Committee - 1st. Perfection)

3633

AN ORDINANCE amending the zoning districts established by the Unified Development Code by rezoning a certain 10 ± acres from District A (Agricultural) to District RU (Residential Urban) District and approving the preliminary plat "Golden Fields" creating thirty-one (31) residential subdivision lots.

(Land Use Committee - 1st. Perfection)

3634

AN ORDINANCE amending the zoning districts established by the Unified Development Code by rezoning a certain 10 ± acres from District A (Agricultural) to District RR (Residential Ranchette) District.

(Land Use Committee - 1st. Perfection)

7 FINAL PASSAGE OF PROPOSED ORDINANCES

None.

8 RESOLUTIONS IN COMMITTEE

None.

9 CONSENT AGENDA

None.

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

None.

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE[15492](#)

Bob Spence moved the passage of Resolution #15492, congratulating Mark McLaughlin on being selected as a candidate for the 2005 Presidential Scholars Program. Seconded by Fred Arbanas.

Yes: 9 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Dan Tarwater, Rhonda L. Shoemaker and Bob Spence

(ADOPTED)

[15493](#)

Bob Spence moved the passage of Resolution #15493, congratulating Ben Murrell on being selected for the 2005 Missouri Scholars 100. Seconded by Fred Arbanas.

Yes: 9 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Dan Tarwater, Rhonda L. Shoemaker and Bob Spence

(ADOPTED)

[15494](#)

Bob Spence moved the passage of Resolution #15494, congratulating Hubert Lau on being selected for the 2005 Missouri Scholars 100 Award and for his excellence in academics and music. Seconded by Dennis Waits.

Yes: 9 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Dan Tarwater, Rhonda L. Shoemaker and Bob Spence

(ADOPTED)

[15495](#)

Authorizing the County Executive to execute a temporary construction easement with the City of Independence in conjunction with grading operations for the Little Blue Parkway Road extension.

(Public Works Committee)

[15496](#)

Authorizing the County Executive to enter into a Cooperative Agreement with the City of Oak Grove, MO, for road maintenance and snow removal services.

(Public Works Committee)

No dissenting vote to consider Resolution #15497 - not on printed agenda.

Dennis Waits said contact had been made with 65 individuals that have not been registered as required by the Sex Offender Registration Act. Visits have been made to all parts of the county and beyond to track down people not registered. One of the individuals they were able to find had been under investigation by the Kansas City Police Department and is now being charged with three counts of rape.

[15497](#)

Henry C. Rizzo moved the passage of Resolution #15497, requesting the Sheriff's Office to present a quarterly report to the Legislature on the progress of the Sex Offender Registration Act compliance. Seconded by Dennis Waits.

Yes: 8 - Robert A. Stringfield, Henry C. Rizzo, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Dan Tarwater, Rhonda L. Shoemaker and Bob Spence

Absent: 1 - Fred Arbanas

(ADOPTED)

12 COUNTY EXECUTIVE ORDERS

None.

13 UNFINISHED BUSINESS

None.

14 NEW BUSINESS

Scott Burnett distributed a survey concerning the COMBAT evaluation. He asked for everyone to return the form to him in two weeks at the legislative meeting scheduled to be held on June 6, 2005.

Scott Burnett said the legislature has been invited to the Rotary Club 13 luncheon at the dining hall on Colbern Road at 11:30 a.m. on June 2, 2005.

Robert A. Stringfield, County Legislator, said he is troubled with the closed meeting held last week. He sent a correspondence to the County Counselor asking if the second part of the meeting was in compliance with the Sunshine law. The County Counselor responded that in his opinion it was spontaneous. He is in disagreement with that and has doubts about the conducting of business after the first part. He asked the County Counselor if his response was an opinion. He is not sure if the legislature has jeopardized themselves as a public body. Three legislators objected to the second part of the meeting but were overridden. He asked the Counselor if we can admit that we made a mistake or is he standing by his opinion.

Ed Rucker, County Counselor, said that the legal advice he gives to the Legislature is usually given in closed session. Mr. Stringfield has disagreed with the characterization of the conversation to which he refers as being spontaneous. If Mr. Stringfield has information that the characterization is incorrect and was in fact not spontaneous, was facts and not opinions, he would be interested in having them. That is all he said about the legal advice at this time on this kind of an issue concerning a closed meeting. This can be discussed at the next closed meeting.

Fred Arbanas, County Legislator, said he asked Mr. Rucker if they could discuss the second issue. He was told that they could, so he had no objections.

Robert A. Stringfield said that the problem he has is if you read Section 610.022 it states "Any meeting or vote closed shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote which does not directly relate to the specific reason announced to justify the closed meeting." With that resolution we had voted to close the meeting and paragraph 1 could apply to that. When they got into the closed meeting he doesn't think it was spontaneous, they changed the subject matter after they had gone ahead and come up with whatever the agreement was. He is troubled with this and that is why he is asking that question.

Fred Arbanas asked Mr. Rucker if he is confident with the opinions he gave regarding closed sessions. Mr. Rucker said he has heard nothing that would change his opinion. He said, if possible he will be noticing a closed session next Tuesday, May 31, 2005.

15 ADJOURNMENT

Dennis Waits moved to adjourn the meeting. Seconded by Henry C. Rizzo.

The motion passed by a voice vote.

(APPROVED)

Meeting adjourned until TUESDAY, May 31, 2005 at 2:30 p.m. in the Legislative Assembly Area, Kansas City, Missouri.