



Office of
Mary Jo Spino
Clerk of the County Legislature

Jackson County Missouri

JOURNAL

County Legislature

Jackson County Courthouse
415 East 12th Street, 2nd floor
Kansas City, Missouri 64106
(816)881-3242

*Dennis Waits (3rd), Chairman, Dan Tarwater (4th), Vice-Chairman,
Theresa Garza Ruiz (1st AL), Henry C. Rizzo (2nd AL), Fred Arbanas (3rd AL),
Scott Burnett (1st), James D. Tindall (2nd), Greg Grounds (5th),
Bob Spence (6th)*

Monday, December 8, 2008

2:30 PM

Forty-eighth Regular Meeting

K.C. Legislative Assembly Area, Kansas City, Missouri

Dennis Waits, Chairman, called the meeting of the Jackson County Legislature to order.

1 ROLL CALL

Present: Theresa Garza Ruiz, Henry C. Rizzo, Scott Burnett, James D. Tindall, Dennis Waits, Dan Tarwater, Greg Grounds and Bob Spence
Absent: Fred Arbanas

2 THE PLEDGE OF ALLEGIANCE

Recited.

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3 APPROVAL OF THE JOURNAL OF THE PREVIOUS MEETING

Dan Tarwater moved to approve the journal of the previous meeting held on 12/1/2008.
Seconded by Henry C. Rizzo.

The motion passed by a voice vote.

(APPROVED)

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4 HEARINGS

None.

Bob Spence, County Legislator, said Fred Arbanas had his second hip replacement today and he is out of surgery and doing well.

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5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

Mike Sanders, County Executive, said Jackson County employees donated over 1,000 pounds of food to the Harvesters Food Drive. He thanked Scott Burnett for his support with Harvesters.

Mike Sanders presented a proclamation to Jim Nunnely, COMBAT Director. Comments made by Jim Nunnely and Angela Castle, Anti-Drug Program Administrator. Dennis Waits, Dan Tarwater, James D. Tindall, Henry C. Rizzo and Scott Burnett, County Legislators also commented.

*Dan Tarwater congratulated Mike Sanders on his award.
Bob Spence said he saw the article in the newspaper this morning.*

Mike Sanders said it is paid for by private dollars.

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6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

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[4064](#) Anti-Drug Committee moved to perfect.

Dan Tarwater objects to the Consent Agenda.

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[4064](#) Dan Tarwater moved to perfect Ordinance #4064. Seconded by Bob Spence.

The motion passed by a voice vote. (PERFECTED)

[4064](#) Dan Tarwater moved to suspend the rules to consider final passage of Ordinance #4064. Seconded by Bob Spence.

The motion passed by a voice vote. (APPROVED)

Consent Agenda. See Final Passage of Proposed Ordinances.

[4066](#) AN ORDINANCE repealing sections 900., 905., 906., 910., 915., 920., 940., 941., 942., 943., 944., 950., and 951., Jackson County Code, 1984, relating to ethics for county officials, employees, and board and commission members, and enacting, in lieu thereof, twenty-eight new sections relating to the same subject, with a penalty provision.

(Finance and Audit Committee - 2nd. Perfection)

(Ordinance #4066 will be discussed at the legislative meeting scheduled to be held on Friday, December 12, 2008.)

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[4067](#) Justice and Law Enforcement Committee moved to perfect.

Theresa Garza Ruiz objects to the Consent Agenda.

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[4067](#) Theresa Garza Ruiz moved to perfect Ordinance #4067. Seconded by Dan Tarwater.
The motion passed by a voice vote. (PERFECTED)

[4067](#) Theresa Garza Ruiz moved to suspend the rules to consider final passage of Ordinance #4067. Seconded by Dan Tarwater.
The motion passed by a voice vote. (APPROVED)
Consent Agenda. See Final Passage of Proposed Ordinances.

[4068](#) Justice and Law Enforcement Committee moved to perfect.
Theresa Garza Ruiz objects to the Consent Agenda.
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[4068](#) Theresa Garza Ruiz moved to perfect Ordinance #4068. Seconded by Dan Tarwater.
The motion passed by a voice vote. (PERFECTED)
The Justice and Law Enforcement Committee moved to perfect Ordinance #4068 as amended on December 8, 2008, to delete the figure "74,558.00" and insert the figure "105,517.00" after the "\$" sign in the heading, to insert the sentence "Funds sufficient for the remainder of this expenditure were appropriated by Ordinance 4061, the 2009 County Budget ordinance." after the line "NOT TO EXCEED" all on page 5.

[4068](#) Theresa Garza Ruiz moved to suspend the rules to consider final passage of Ordinance #4068. Seconded by Scott Burnett.
The motion passed by a voice vote. (APPROVED)
Consent Agenda. See Final Passage of Proposed Ordinances.

7 FINAL PASSAGE OF PROPOSED ORDINANCES

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[4064](#) Consent Agenda.

[4065](#) Consent Agenda.

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[4067](#) Consent Agenda.

[4068](#) Consent Agenda.

8 RESOLUTIONS IN COMMITTEE

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[16767](#) Anti-Drug Committee moved do pass. Consent Agenda.

[Play Video](#)

[16768](#) Justice and Law Enforcement Committee moved do pass. Consent Agenda.

[Play Video](#)

[16769](#) Budget Committee moved do pass. Consent Agenda.

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[16772](#) Anti-Drug Committee moved do pass. Consent Agenda.

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[16773](#) Finance and Audit Committee moved do pass. Consent Agenda.

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[16774](#) Anti-Drug Committee moved do pass. Consent Agenda.

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[16776](#) Public Works Committee moved do pass. Consent Agenda.

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9 CONSENT AGENDA

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- [4064](#) AN ORDINANCE appropriating \$291,576.00 from the fund balance of the 2008 Anti-Drug Sales Tax Fund in acceptance of the 2008 Byrne Justice Assistance Grant (JAG) from the U. S. Department of Justice and authorizing the County Executive to execute an Interlocal Agreement pursuant to the terms of the grant award with the Cities of Independence and Kansas City, and the Board of Police Commissioners of the City of Kansas City for the County's distribution of the grant award proceeds, at a cost to the County not to exceed \$161,844.50.
- (ADOPTED)
- [4065](#) AN ORDINANCE repealing Schedule I, Chapter 50, Jackson County Code, 1984, relating to park fees and charges, and enacting, in lieu thereof, a new schedule relating to the same subject.
- (ADOPTED)
- [4067](#) AN ORDINANCE appropriating \$16,275.00 from the fund balance of the 2008 Grant Fund to cover the Family Court Division's Truancy Court Project with the Independence School District.
- (ADOPTED)
- [4068](#) AN ORDINANCE appropriating \$92,558.00 from the fund balance of the 2008 Grant Fund in acceptance of a grant from the U.S. Department of Justice's Paul Coverdell Forensic Science Improvement Program, and authorizing the purchase of a portable, digital x-ray machine for use by the Medical Examiner's Office from MinXray, Incorporated, of Northbrook, IL, at a cost to the County not to exceed \$105,517.00, as a sole source purchase.
- (ADOPTED)
- [16767](#) A RESOLUTION transferring \$44,000.00 within the 2008 Anti-Drug Sales Tax Fund to cover the cost of overtime salaries for Department of Corrections personnel.
- (ADOPTED)
- [16768](#) A RESOLUTION transferring \$34,911.00 within the 2008 Health Fund to cover the cost of replacing water heaters in the Jackson County Detention Center Annex.
- (ADOPTED)
- [16769](#) A RESOLUTION authorizing the County Executive to execute a month-to-month lease for the furnishing of office space for use by Missouri State Board of Probation and Parole to the State of Missouri's Office of Administration, and accepting rental payments from the State of Missouri.
- (ADOPTED)

[16772](#) A RESOLUTION authorizing the Director of Finance and Purchasing to execute a Consulting Agreement with Patricia Pereyra Westley of Kansas City, MO, to develop the employment portion of the COMBAT Re-Entry Program, at a cost to the County not to exceed \$43,333.00.

(ADOPTED)

[16773](#) A RESOLUTION awarding a contract for the furnishing of telecommunications audit services for use by the Information Technology Department to Net Results Group, Inc., of Southfield, MI, under the terms and conditions of Request for Proposals No. 24-08, for specified percentage commissions payable by the County.

(ADOPTED)

[16774](#) A RESOLUTION awarding a twenty-four (24) month term and supply contract, with two twelve (12) month options to extend, for the furnishing of urinalysis testing for use by the Prosecuting Attorney's Office to Health Productivity Systems, Inc., of Kansas City, MO, under the terms and conditions of Request for Proposals No. 43-08.

(ADOPTED)

[16776](#) A RESOLUTION awarding twenty-four (24) month term and supply contracts, with annual options to extend for a total of 36 months, for the furnishing of general contractor services for use by the Public Works Department to Caman Construction Company of Kansas City, MO, and American Concrete Flatwork of Olathe, KS, under the terms and conditions of Invitation to Bid No. 47-08.

(ADOPTED)

To adopt Ordinances 4064, 4065, 4067, 4068. To adopt Resolutions 16767, 16768, 16769, 16772, 16773, 16774, 16776.

Dan Tarwater moved the passage of the consent agenda. Seconded by Henry C. Rizzo. The motion passed by a roll call vote:

Yes: 8 - Theresa Garza Ruiz, Henry C. Rizzo, Scott Burnett, James D. Tindall, Dennis Waits, Dan Tarwater, Greg Grounds and Bob Spence
Absent: 1 - Fred Arbanas

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

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[4069](#) Theresa Garza Ruiz moved to perfect Ordinance #4069. Seconded by Bob Spence.

The motion passed by a voice vote. (PERFECTED)

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[4069](#) Theresa Garza Ruiz moved to suspend the rules to consider final passage of Ordinance #4069. Seconded by Bob Spence.

The motion passed by a voice vote. (APPROVED)

- [4069](#) Theresa Garza Ruiz moved the passage of Ordinance #4069 as perfected, appropriating \$20,000.00 from the fund balance of the 2008 Grant Fund to cover a grant received from the Missouri Highway and Transportation Commission for the Jackson County Sheriff's Office's Statewide Transportation Improvement Program, On Call Work Zone Enforcement grant, and authorizing the County Executive to execute a Program Agreement regarding said grant. Seconded by Dan Tarwater.
- Yes: 8 - Theresa Garza Ruiz, Henry C. Rizzo, Scott Burnett, James D. Tindall, Dennis Waits, Dan Tarwater, Greg Grounds and Bob Spence
Absent: 1 - Fred Arbanas
- (ADOPTED)
- [4070](#) Dan Tarwater moved to perfect Ordinance #4070. Seconded by Henry C. Rizzo.
- The motion passed by a voice vote.** (PERFECTED)
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- [4070](#) Dan Tarwater moved to suspend the rules to consider final passage of Ordinance #4070. Seconded by Henry C. Rizzo.
- The motion passed by a voice vote.** (APPROVED)
- [4070](#) Dan Tarwater moved the passage of Ordinance #4070 as perfected, transferring \$40,000.00 within and appropriating \$50,000.00 from the fund balance of the 2008 Anti-Drug Sales Tax Fund to fund a contractual interest payment and employee salaries for the Jackson County Drug Court program. Seconded by Henry C. Rizzo.
- Yes: 8 - Theresa Garza Ruiz, Henry C. Rizzo, Scott Burnett, James D. Tindall, Dennis Waits, Dan Tarwater, Greg Grounds and Bob Spence
Absent: 1 - Fred Arbanas
- (ADOPTED)
- [4071](#) Amending the zoning districts established pursuant to the Unified Development Code by changing from District A (Agricultural) to District RR (Residential Ranchette) a certain 46.5 ± acre tract, and approving the preliminary plat "Country Oaks," creating an eight-lot residential subdivision.
- (Land Use Committee)*
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- [4072](#) Amending the zoning districts established pursuant to the Unified Development Code by changing from District A (Agricultural) to District RE (Residential Estates) a certain 5 ± acre tract.
- (Land Use Committee)*
- [Play Video](#)

- [4073](#) Granting a conditional use permit (CUP) in District A (Agricultural) for a period of five (5) years to operate a horse boarding stable, subject to specified conditions, as to a 40 ± acre tract .
(*Land Use Committee*)
[Play Video](#)
- [4074](#) Dan Tarwater moved to perfect Ordinance #4074. Seconded by Henry C. Rizzo.
The motion passed by a voice vote. (PERFECTED)
Ordinance #4074 was perfected as corrected.
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- [4074](#) Dan Tarwater moved to suspend the rules to consider final passage of Ordinance #4074. Seconded by Henry C. Rizzo.
The motion passed by a voice vote. (APPROVED)
- [4074](#) Dan Tarwater moved the passage of Ordinance #4074 as perfected, transferring \$118,856.00 within and appropriating \$67,900.00 from the fund balance of the 2008 General Fund to cover the costs of salary increases within the Prosecuting Attorney's Office's Family Support Division awarded in a labor arbitration. Seconded by Theresa Garza Ruiz.
Yes: 7 - Theresa Garza Ruiz, Henry C. Rizzo, Scott Burnett, James D. Tindall, Dennis Waits, Dan Tarwater and Greg Grounds
No: 1 - Bob Spence
Absent: 1 - Fred Arbanas
(ADOPTED)
Bob Spence and Dan Tarwater commented on Ordinance #4074.
- [4075](#) Dan Tarwater moved to perfect Ordinance #4075. Seconded by James D. Tindall.
The motion passed by a voice vote. (PERFECTED)
Ordinance #4075 was perfected as corrected.
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- [4075](#) Dan Tarwater moved to suspend the rules to consider final passage of Ordinance #4075. Seconded by Henry C. Rizzo.
The motion passed by a voice vote. (APPROVED)

[4075](#) Dan Tarwater moved the passage of Ordinance #4075 as perfected, appropriating \$363,487.00 from the fund balance of the 2008 General Fund to cover the costs of salary increases within the Prosecuting Attorney's Office awarded in a labor arbitration. Seconded by Theresa Garza Ruiz.

Yes: 7 - Theresa Garza Ruiz, Henry C. Rizzo, Scott Burnett, James D. Tindall, Dennis Waits, Dan Tarwater and Greg Grounds

No: 1 - Bob Spence

Absent: 1 - Fred Arbanas

(ADOPTED)

No objection to the consideration of Ordinance #4076 - not on printed agenda.

[4076](#) Dan Tarwater moved to perfect Ordinance #4076. Seconded by Henry C. Rizzo.

The motion passed by a voice vote.

(PERFECTED)

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[4076](#) Dan Tarwater moved to suspend the rules to consider final passage of Ordinance #4076. Seconded by Henry C. Rizzo.

The motion passed by a voice vote.

(APPROVED)

[4076](#) Dan Tarwater moved the passage of Ordinance #4076 as perfected, appropriating \$15,125.00 from the fund balance of the 2008 Anti-Drug Sales Tax Fund to cover the costs of rent and operating expenses for the Public Defender's Office for December 2008. Seconded by Henry C. Rizzo.

Yes: 8 - Theresa Garza Ruiz, Henry C. Rizzo, Scott Burnett, James D. Tindall, Dennis Waits, Dan Tarwater, Greg Grounds and Bob Spence

Absent: 1 - Fred Arbanas

(ADOPTED)

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

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[16778](#) Authorizing the County Executive to execute an Intergovernmental Cooperative Agreement with the City of Kansas City, Missouri, for animal shelter services, at a cost to the County not to exceed \$26,500.00 in 2009.

(Legislature As A Whole)

(Resolution #16778 will be discussed at the legislative meeting scheduled to be held on Friday, December 12, 2008.)

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[16779](#) Authorizing the County Executive to execute an agreement with the City of Kansas City, Missouri for animal control services at a cost to the County not to exceed \$103,205.04 in 2009.

(Legislature As A Whole)

(Resolution #16779 will be discussed at the legislative meeting scheduled to be held on Friday, December 12, 2008.)

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[16780](#) Authorizing the renewal of the County's vehicle liability insurance for use countywide with the Missouri Public Entity Risk Management Fund (MOPERM) of Jefferson City, Missouri, at a cost to the County not to exceed \$196,153.00, as an acquisition from another governmental entity.

(Finance and Audit Committee)

After the closed meeting, the County Legislature reconsidered Resolution #16780.

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[16780](#) Scott Burnett moved the passage of Resolution #16780, authorizing the renewal of the County's vehicle liability insurance for use countywide with the Missouri Public Entity Risk Management Fund (MOPERM) of Jefferson City, Missouri, at a cost to the County not to exceed \$196,153.00, as an acquisition from another governmental entity. Seconded by Dan Tarwater.

Yes: 8 - Theresa Garza Ruiz, Henry C. Rizzo, Scott Burnett, James D. Tindall, Dennis Waits, Dan Tarwater, Greg Grounds and Bob Spence

Absent: 1 - Fred Arbanas

(ADOPTED)

No objection to the consideration of Resolution #16781 - not on printed agenda.

[16781](#) Dan Tarwater moved the passage of Resolution #16781, authorizing the Jackson County Legislature to hold a closed meeting on Monday, December 8, 2008, for the purpose of conducting privileged and confidential communications between itself and the Jackson County Counselor under section 610.021(1) of the Revised Statutes of Missouri, and closing all records prepared for discussion at said meeting. Seconded by Henry C. Rizzo.

Yes: 8 - Theresa Garza Ruiz, Henry C. Rizzo, Scott Burnett, James D. Tindall, Dennis Waits, Dan Tarwater, Greg Grounds and Bob Spence

Absent: 1 - Fred Arbanas

(ADOPTED)

No objection to the consideration of Resolution #16782 - not on printed agenda.

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[16782](#)

James D. Tindall moved the passage of Resolution #16782, authorizing the County Executive to execute a Cooperative Agreement for Medical Examiner Services in 2009 with Clay County, Missouri, for compensation payable to Jackson County in the amount of \$216,656.00. Seconded by Dan Tarwater.

Yes: 8 - Theresa Garza Ruiz, Henry C. Rizzo, Scott Burnett, James D. Tindall, Dennis Waits, Dan Tarwater, Greg Grounds and Bob Spence
Absent: 1 - Fred Arbanas

(ADOPTED)

Resolution #16782 was adopted as corrected.

No objection to the consideration of Resolution #16783 - not on printed agenda.

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[16783](#)

James D. Tindall moved the passage of Resolution #16783, authorizing the County Executive to execute a Cooperative Agreement for Medical Examiner Services in 2009 with Cass County, Missouri, for compensation payable to Jackson County in the amount of \$95,015.00. Seconded by Dan Tarwater.

Yes: 8 - Theresa Garza Ruiz, Henry C. Rizzo, Scott Burnett, James D. Tindall, Dennis Waits, Dan Tarwater, Greg Grounds and Bob Spence
Absent: 1 - Fred Arbanas

(ADOPTED)

No objection to the consideration of Resolution #16784 - not on printed agenda.

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[16784](#)

James D. Tindall moved the passage of Resolution #16784, authorizing the County Executive to execute a Cooperative Agreement for Medical Examiner Services in 2009 with Platte County, Missouri, for compensation payable to Jackson County in the amount of \$72,542.00. Seconded by Theresa Garza Ruiz.

Yes: 8 - Theresa Garza Ruiz, Henry C. Rizzo, Scott Burnett, James D. Tindall, Dennis Waits, Dan Tarwater, Greg Grounds and Bob Spence
Absent: 1 - Fred Arbanas

(ADOPTED)

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12 COUNTY EXECUTIVE ORDERS

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[08-23](#)

Pursuant to section 706.1, Jackson County Code, 1984, I hereby promulgate the attached Personnel Rules for Jackson County Employees.

[08-24](#)

I hereby make the following appointment and reappointments to the Stormwater Commission:

Appointments

Larry Finley is appointed to fill the vacancy occasioned by the resignation of Lawrence Creek, Little Blue, such term to expire December 11, 2010. A copy of Mr. Finley's resume is attached.

Reappointments

Richard Arroyo is reappointed for such term to expire December 11, 2010.

Bob Spence is reappointed for such term to expire December 11, 2011.

John Reece is reappointed for such term to expire December 11, 2011.

Jason Hanson is reappointed for such term to expire December 11, 2011.

Mayor Phyllis Dieckmann is reappointed for such term to expire December 11, 2011.

13 UNFINISHED BUSINESS

None.

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14 NEW BUSINESS

None.

The County Legislature went into closed session.

The County Legislature reconvened.

Ordinances #4074 and #4075 were adopted at this time. See pages 6 and 7 for details.

Resolution #16780 was reconsidered and adopted at this time. See page 8 for details.

Dennis Waits reminded everyone of the reception for Jim Nunnely immediately following the legislative meeting.

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15 ADJOURNMENT

Dan Tarwater moved to adjourn the meeting. Seconded by Henry C. Rizzo.

The motion passed by a voice vote.

(APPROVED)

Meeting adjourned until Friday, December 12, 2008 at 2:30 P.M. in the Kansas City Legislative Assembly Area.

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