



# Jackson County Missouri

## JOURNAL

### County Legislature

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

*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)*

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**Tuesday, July 19, 2005**

**2:30 PM**

**Twenty-Eighth Regular Meeting**

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

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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**

Scott Burnett moved to approve the journal of the previous meeting held on 7/11/2005.  
Seconded by Henry C. Rizzo.

**The motion passed by a voice vote.**

**(APPROVED)**

**4 HEARINGS**

*Kelly Markham-Stegall, Legislative Auditor, received a 10 year service pin.*

*Bob Biagioli, Assistant Director - Taxpayer Assistance, received a 30 year service pin.*

*Henry C. Rizzo, County Legislator, said members of the Legislature have received the construction schedule for the legislative offices and he said the builders were available to answer any questions.*

*Scott Burnett, County Legislator, announced that "Dutch" Newman is in the hospital and he asked everyone to remember her in their prayers.*

*Robert A. Stringfield, County Legislator, introduced William Eckhardt to make a presentation on the Ethics Commission.*

*William Eckhardt, prior Chairman of the Ethics Commission, said he served on the commission from October 1994 - July 2004. He said the Ethics Commission functions as a fact finder with limited jurisdiction, it cannot be proactive and it has quite limited jurisdiction. It only hears complaints concerning individuals who are Jackson County officers, elected or appointed officials, Jackson County employees, members of boards and commissions or lobbyists. It is further limited in that it can only hear complaints regarding certain activities such as conflicts of interest, violations of financial interest disclosure provisions, violations of lobbying registration and disclosure and other violations of ethical standards. It has a cumbersome appointment procedure where three positions select new members. The three positions are the President of the Southern Christian Leadership Conference, the Dean of UMKC Bloch School and the Director of Mid-America Regional Council.*

*He voiced his concerns. He said the commission can not work unless there is commitment and political will. The commission has quite limited jurisdiction, and it is not proactive. He suggested that the County have an inspector general or an ombudsmen. He said something needs to be done about staff support and a lawyer may need to be hired or some type of independent staff. He said in the past the County Counselor's office and the County Prosecutor's office have been involved in determining the jurisdiction of the matter. If it is an ethical or fact finding matter it is referred to the Ethics Commission. He said the Chairman must be a strong person and stand ready to respond to negative press. He said the commission needs public support. He publicly wished them well and offered his support.*

*Discussion. (Refer to tape.)*

*Bill Snyder, Deputy County Counselor, introduced Spencer Hardwick who will be serving as a summer intern in the County Counselor's office.*

## **5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE**

*Henry C. Rizzo, County Legislator, asked about the raises for the Prosecuting Attorney's office.*

*Troy Thomas, Chief Financial Officer, said they would be given as soon as the Administration receives the signed Memorandums of Understanding.*

## **6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE**

The Land Use Committee will have a public hearing on Friday, July 29, 2005 at 1:00 p.m. at Fleming Hall regarding Ordinances #3643 through #3646.

[3643](#)

AN ORDINANCE amending the zoning districts established by the Unified Development Code by rezoning a certain 1.6 ± acres from District LI (Light Industrial) to GB-P (General Business-Planned Zoning) District.

*(Land Use Committee - 1st. Perfection)*

[3644](#)

AN ORDINANCE amending the zoning districts established by the Unified Development Code by rezoning a certain 10.3 ± acres from District A (Agricultural) to District RR (Residential Ranchette) District.

*(Land Use Committee - 1st. Perfection)*

[3645](#) AN ORDINANCE amending the zoning districts established by the Unified Development Code by rezoning a certain 15 ± acres from District A (Agricultural) to District RR (Residential Ranchette) District.

*(Land Use Committee - 1st. Perfection)*

[3646](#) AN ORDINANCE amending the zoning districts established by the Unified Development Code by rezoning a certain 78.8 ± acres from District A (Agricultural) to District RE (Residential Estates) District and approving preliminary plat "Leisure Acres" creating a twenty-two (22) lot residential subdivision.

*(Land Use Committee - 1st. Perfection)*

## 7 FINAL PASSAGE OF PROPOSED ORDINANCES

*None.*

## 8 RESOLUTIONS IN COMMITTEE

[15535](#) Finance and Audit Committee moved do pass. Consent Agenda.

[15552](#) A RESOLUTION recommending on an interim basis until the Jackson County Ethics Commission meets and establishes procedures for the receipt and investigation of such complaints that all conflict of interest complaints be referred to the Office of the Prosecuting Attorney.

*(Legislature As A Whole - 1st. Meeting)*

## 9 CONSENT AGENDA

[15535](#) A RESOLUTION authorizing the Trustees of the Land Trust of Jackson County, Missouri to convey one (1) parcel of real property located in Kansas City, Jackson County, Missouri for support of various projects for the upgrading and redevelopment of the urban core in accordance with § 141.750.0 RSMo, 2000.

(ADOPTED)

To adopt Resolution 15535.

Dennis Waits moved the passage of the consent agenda. Seconded by Scott Burnett. The motion passed by a roll call vote:

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

## 10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

- [3647](#) Appropriating State of Missouri reimbursement fund in the amount of \$600,224.39 from the 2005 Road and Bridge Fund to cover the costs for Colbern Road Phases II and III and other road and bridge highway projects.  
*(Public Works Committee)*
- [3648](#) Transferring \$10,468.00 from the After School Supervision Education and Treatment grant and appropriating \$10,468.00 to the Community Restitution Diversion Program for a reallocation of funds as approved by the grantor.  
*(Finance and Audit Committee)*
- [3649](#) Exempting the Prosecuting Attorney's Office, Sheriff's Department and three vacant Park Ranger positions in the Parks and Recreation Department from application and effect of Ordinance #3642 passed by the Legislature on July 11, 2005.  
*(Finance and Audit Committee)*  
*Discussion regarding Ordinance #3650. (Refer to tape.)*  
*No dissenting vote to consider Ordinance #3650 - not on printed agenda.*
- [3650](#) Dennis Waits moved to perfect Ordinance #3650. Seconded by Henry C. Rizzo.  
**The motion passed by a voice vote.** (PERFECTED)
- [3650](#) Dennis Waits moved to suspend the rules to consider final passage of Ordinance #3650. Seconded by Henry C. Rizzo.  
**The motion passed by a voice vote.** (APPROVED)
- [3650](#) Dennis Waits moved the passage of Ordinance #3650 as perfected, relating to the use of the southerly portion of Rankin Road as a limited access road and authorizing the County Executive to execute an agreement with adjacent property owners for gated access. Seconded by Henry C. Rizzo.  
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)

**11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE**

*Henry C. Rizzo, Vice-Chairman, assumes the Chair.*

[15557](#) Authorizing the Jackson County Legislature to hold a closed meeting on Tuesday, July 19, 2005, for the purpose of conducting privileged and confidential communications between itself and the Jackson County Counselor under Section 610.021(1) (2) of the Revised Statutes of Missouri, and closing all records prepared for discussion at said meeting.

*(WITHDRAWN BY SPONSOR TARWATER, CONCURRED BY WAITS AND SHOEMAKER)*

*The County Legislature will schedule a closed session for Monday, July 25, 2005. Dennis Waits recommended that an election board update be given during the session.*

*Dan Tarwater, Chairman, assumes the Chair.*

[15558](#) Authorizing and directing the Office of the County Counselor to institute condemnation proceedings on certain tracts of land required for the purpose of widening Colbern Road known as Phase III, Project No. 2455.

*(Public Works Committee)*

[15559](#) Awarding a twenty-four (24) month term and supply contract for the furnishing of maintenance on Motorola radios for use by various County departments, to Commenco, Inc., of Kansas City, MO, under the terms and conditions of Electronic Solicitation No. BB200536.

*(Finance and Audit Committee)*

[15560](#) Awarding a twelve (12) month term and supply contract for the furnishing of emergency sewer repair service and public and storm sewer and culvert clean out for use by various County departments to Ace Pipe Cleaning Inc., of Kansas City, MO, under the terms and conditions of Electronic Solicitation No. BB200561.

*(Public Works Committee)*

[15561](#) Awarding twelve (12) month term and supply contracts for the furnishing of Ford parts for use by the Public Works and Parks and Recreation Departments to Independence Lincoln Mercury of Independence, MO and Midway Ford Truck Center Inc., of Kansas City, MO, under the terms and conditions set forth in existing government contracts of the City of Independence, MO.

*(Public Works Committee)*

[15562](#) Honoring the life and works of Commissioner Mildred L. Watson.

*(Legislature As A Whole)*

[15563](#) Awarding a twelve (12) month term and supply contract for the furnishing of printing stationary, envelopes, and business cards for use by various County departments to Service Printing & Graphics of Kansas City, MO, and S&S Printing of Oak Grove, MO, under the terms and conditions of Electronic Solicitation No. BB200549.

*(Finance and Audit Committee)*

[15564](#) Awarding a twelve (12) month term and supply contract for the furnishing of automatic transmission service for use by the Public Works and Parks and Recreation Departments to Certified Transmission Rebuilders of Independence, MO under the terms and conditions of Invitation to Bid No. BB200529.

*(Public Works Committee)*

[15565](#) Authorizing the County Executive to execute Modification No. 1 to an Intergovernmental Cooperative Agreement with the City of Lee's Summit, Missouri, regarding cost-sharing for the improvement of Colbern Road, Phase II, Project No. 2411.

*(Public Works Committee)*

*No dissenting vote to consider Resolution #15566 - not on printed agenda.*

[15566](#) Fred Arbanas moved the passage of Resolution #15566, honoring the life and works of Thomas J. Walsh. Seconded by Scott Burnett.

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)

*Scott Burnett mentioned that Roger Cunningham, a representative of the Northeast area of Kansas City, Missouri, passed away on June 19, 2005.*

[15567](#) Authorizing the County Executive to execute a Fifth Addendum to the Agreement with the Salvation Army, to provide housing for homeless Drug Court referrals, for the Prosecuting Attorney's Deferred Prosecution and Drug Court Programs, at an increased cost to the County not to exceed \$25,000.00 and extending the Agreement for a period of twelve months.

*(Anti-Drug Committee)*

## 12 COUNTY EXECUTIVE ORDERS

*None.*

## 13 UNFINISHED BUSINESS

*None.*

**14 NEW BUSINESS**

Robert A. Stringfield, County Legislator, said he believes that Ordinance #3642 was adopted in violation of the legislative rules. He said the legislative rules state that fiscal numbers should be reflected in the ordinance that indicate the impact and they were not included with Ordinance #3642. He asked how members of the Legislature were to carry out their due diligence if they did not receive all the financial information. He added that ordinances are to be perfected in their final form. Ordinance #3642 had 3 or 4 substitutes. The legislative rules state when it has a substitute it is a draft, a draft is not the final form. He said the legislative rules need to be changed to conform to give legislators the chance to do due diligence so they can make the right decision for the taxpayers and Jackson County citizens. He said an ordinance must be perfected by unanimous consent but three legislators objected which is not unanimous. He felt the legislators as well as the public should have had more notice and time to review the ordinance. He said the dilemma now is where the funding will come from for this legislation. He asked Troy Thomas why the fiscal note was not attached.

Troy Thomas responded that the ordinance gave the authority to the County Executive to make any and all necessary transfers.

Robert A. Stringfield said he will send a written list of the violations to the County Counselor's office.

Henry C. Rizzo assumes the Chair.

Fred Arbanas said the rules have always called for bracketing or underlining when changes are made and that was not the case with the final amendment on Ordinance #3642. Bill Snyder agreed.

Henry C. Rizzo said he would like more time to review amendments to legislation.

**15 ADJOURNMENT**

Fred Arbanas moved to adjourn the meeting. Seconded by Rhonda L. Shoemaker.

**The motion passed by a voice vote.**

(APPROVED)

*Meeting adjourned until Monday, July 25, 2005 at 2:30 p.m. at the Independence Courthouse Annex, 308 W. Kansas, Ground Floor, Legislative Chambers.*