



Office of
Mary Jo Spino
Clerk of the County Legislature

Jackson County Missouri

JOURNAL

County Legislature

*Scott Burnett (1st) Chair, Alfred Jordan (2nd) Vice Chair,
Garry J. Baker (1st AL), Crystal Williams (2nd AL), Tony Miller (3rd AL),
Dennis Waits (3rd), Dan Tarwater III (4th), Greg Grounds (5th),
Theresa Galvin (6th)*

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

Monday, January 8, 2018

2:30 PM

Second Regular Meeting

Eastern Jackson County Courthouse, 308 W. Kansas, Independence, Missouri, Ground Floor, Legislative Chambers

Scott Burnett, Chairman, called the meeting of the Jackson County Legislature to order.

1 ROLL CALL

Present 9 - Garry Baker, Crystal Williams, Tony Miller, Scott Burnett, Alfred Jordan, Dennis Waits, Dan Tarwater III, Greg Grounds and Theresa Galvin

2 THE PLEDGE OF ALLEGIANCE

Recited.

3 APPROVAL OF THE JOURNAL OF THE PREVIOUS MEETING

A motion was made by Dan Tarwater III, seconded by Dennis Waits to approve the journal of the previous meeting held on January 03, 2018. The motion passed by a voice vote.

4 HEARINGS

None.

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

None.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

[5064](#) AN ORDINANCE amending subsection 902.33, Jackson County Code, 1984, relating to the Ethics Code.
(Finance and Audit Committee - 3rd. Perfection)

[5066](#) AN ORDINANCE amending subsections 1503.2 and 1503.3, Jackson County Code, 1984, relating to the Employees' Pension Plan.
(Finance and Audit Committee - 3rd. Perfection)

[5068](#)

Land Use Committee moved to perfect.

Dan Tarwater III objected to the Consent Agenda.

[5068](#)

A motion was made by Dennis Waits, seconded by Dan Tarwater III to perfect Ordinance #5068. The motion passed by a voice vote.

(PERFECTED)

[5068](#)

A motion was made by Dan Tarwater III, seconded by Dennis Waits, to adopt Ordinance #5068 as perfected, appropriating \$8,958.00 from the undesignated fund balance of the 2018 Park Fund in acceptance of easement and processing fees from the City of Kansas City, Missouri, and authorizing the County Executive to execute an Acquisition Agreement and Permanent Sewer Easement in favor of the City of Kansas City. The motion carried by a roll call vote:

Yes: 9 - Garry Baker, Crystal Williams, Tony Miller, Scott Burnett, Alfred Jordan, Dennis Waits, Dan Tarwater III, Greg Grounds and Theresa Galvin

(ADOPTED)

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

[19686](#)

A motion was made by Dan Tarwater III, seconded by Dennis Waits, to adopt Resolution #19686, authorizing the County Executive and the Jackson County Sheriff to execute an Agreement with West Central Missouri Regional Lodge No. 50 of the Fraternal Order of Police regarding the terms and conditions of employment of members of its bargaining unit within the Sheriff's Office. The motion passed by a roll call vote:

Yes: 9 - Garry Baker, Crystal Williams, Tony Miller, Scott Burnett, Alfred Jordan, Dennis Waits, Dan Tarwater III, Greg Grounds and Theresa Galvin

(ADOPTED)

[19687](#)

A motion was made by Garry J. Baker, seconded by Dennis Waits, to adopt Resolution #19687, authorizing the Jackson County Legislature to hold closed meetings on Monday, January 8, 2018, and on Tuesday January 16, 2018 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 meetings. The motion passed by a roll call vote:

Yes: 9 - Garry Baker, Crystal Williams, Tony Miller, Scott Burnett, Alfred Jordan, Dennis Waits, Dan Tarwater III, Greg Grounds and Theresa Galvin

(ADOPTED)

[19688](#)

Transferring \$25,000.00 within the 2018 General Fund and authorizing the Chair of the Legislature to execute an Agreement with Williams & Campo, P.C., of Lee's Summit, MO, to serve as Legal Advisor to the Jackson County Legislature, at a cost to the County not to exceed \$25,000.00.
(Assigned to the Legislature As A Whole.)

This item will be considered at the legislative meeting scheduled to be held on Tuesday, January 9, 2018 at 2:00 P.M. in the Kansas City Legislative Assembly Area.

Steve Nixon, County Counselor, said there is no longer a need for a closed session at this time.

Scott Burnett, Chairman, said the County Legislature will have a closed session on Tuesday, January 16, 2018 at 11:00 A.M. in the Kansas City Legislative Assembly Area per Resolution #19687. The County Legislature will have a regular legislative meeting on Tuesday, January 16, 2018 at 2:30 P.M. in Kansas City, Missouri.

12 COUNTY EXECUTIVE ORDERS

None.

13 UNFINISHED BUSINESS

Jean Peters Baker, Prosecutor, said there are significant issues that she needs to report to Jackson County in regards to ordinances that the County

Legislature has enacted. As a Prosecutor, she follows laws given to her by multiple bodies, the County Legislature being one of the bodies. If someone disagree with a rule of law, they cannot arbitrarily disregard it. If she has an objection to a law, she seeks redress in the courts. She said the ordinance adopted to move COMBAT under her direction has resulted in zero change. She has been advised that the County Executive has told associates to ignore her direction. She believes the ordinance has legal value but she is unable to follow the directive. She has an order that she is trying to follow, however, she has no control over the Human Resources or Finance Departments. Even after the ordinance was adopted, the County Executive has changed funding schemes in COMBAT. She wants to be accountable, transparent and follow the rule of the law. Financial changes in COMBAT should have the County Legislature's approval. She said she feels there is value in talking to each other and will try again this afternoon to talk to the Administration. The only other option is a lawsuit and she does not want to go that route, as it is not the right path for Jackson County.

Frank White Jr., County Executive, said they have a meeting at 4:30 p.m. today. He said there are different interpretations of the COMBAT ordinance. He deals with the law and the charter. He said he received an opinion from outside counsel as suggested by the County Counselor. He said he is trying to avoid associates of COMBAT being in limbo.

Dennis Waits, County Legislator, said the County Legislature voted unanimously to put COMBAT under the direction of the Prosecutor. A legal opinion is just an opinion. He thinks the next step is to take it to court.

Frank White Jr. said he agrees with Dennis Waits.

Crystal Williams, County Legislator, thanked them for being willing to have conversations. She too is frustrated.

Steve Nixon, County Counselor, said there is conflicting language in the charter and in the ordinance. He agrees that a judge needs to decide.

Dan Tarwater III, County Legislator, said on Friday Steve Nixon said his office is conflicted because they represent both the County Executive and the County Legislature. He said his office was out of it. However, later that same day Steve Nixon said he agreed with the outside opinion.

Steve Nixon said there are only two ways for resolution; one is to talk and work it out and the second is to ask for a decision in a court of law. He said he is prepared to file a declaratory judgment lawsuit.

Dan Tarwater III said Steve Nixon agreed last week to file a declaratory

judgment.

Steve Nixon said he is prepared to go forward with a declaratory judgment and outside counsel. He talked to the Administration and will prepare a resolution to appear on the agenda next week, if they can agree on how it gets funded.

Dan Tarwater III asked the County Counselor if he would ask the County Executive to stop shifting monies out of COMBAT.

Steve Nixon said he believes it will be discussed in the meeting later today.

Crystal Williams asked if a decision will be made today because she and her constituents are losing patience.

Greg Grounds, County Legislator, said he appreciates the willingness of the Prosecutor and County Executive to talk, but he believes we need action. He is not sure a declaratory judgment will resolve it. He thinks we may need writs of prohibition, mandamus or a temporary restraining order, something the courts can move on in a couple of days, to freeze things in place and begin to sort it out. He said we need to find out if it is a valid ordinance. Therefore he thinks discussion can only offer an interim solution until they get a judicial resolution.

Discussion.

Alfred Jordan, County Legislator, said the County Legislature has the ability to override a veto, therefore it is law.

Garry Baker, County Legislator, said a lot of this is common sense. He asked the County Executive to work with the County Legislature.

Dan Tarwater clarified that the County Counselor did not give an opinion, he just agreed with an outside opinion that the Administration paid for from Graves Garrett.

Discussion.

14 NEW BUSINESS

None.

15 ADJOURNMENT

A motion was made by Dan Tarwater III, seconded by Dennis Waits, to adjourn the meeting. The motion passed by a voice vote.

Meeting adjourned until TUESDAY, January 9, 2018 at 2:00 P.M. at the Jackson County Courthouse, 415 E. 12th Street, Kansas City, Missouri, 2nd Floor, Legislative Assembly Area.