



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)

Monday, June 20, 2005

2:30 PM

Twenty-Fifth regular Meeting

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

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, Eugene Standifer Jr.,
Dennis Waits, Dan Tarwater, Rhonda L. Shoemaker and Bob Spence
Absent: Scott Burnett

2 THE PLEDGE OF ALLEGIANCE

Recited.

3 APPROVAL OF THE JOURNAL OF THE PREVIOUS MEETING

Henry C. Rizzo moved to approve the journal of the previous meeting held on 6/13/2005.
Seconded by Rhonda L. Shoemaker.

The motion passed by a voice vote.

(APPROVED)

This journal was approved as corrected in the last paragraph on page three. The figure read \$3.2 billion and was corrected to read \$3.2 million.

Resolutions #15532 and #15533 was adopted at this time. See page 9 for details.

4 HEARINGS

Michael Sanders, Prosecuting Attorney, said his purpose is to discuss where the Prosecutor's office fits in, in terms of competitiveness throughout the state and region. The benefits provisions will be discussed by the union heads when they speak. He said there is a fairly limited area of disagreement with the Administration in terms of the MOU's. Last week the County Executive expressed two concerns regarding compensation. He said these series of MOU's clear up charter provision issues that existed in the first MOU. They also establish a strict pay for performance system. It allows the Prosecutor to maintain the best and the brightest employees and helps his office be more competitive. He said staff in the Prosecutors office is excellent and dedicated.

It is imperative that his office pay competitive salaries because people who understand the complex nature of science and forensic testing can get a job in the private sector and make a highly competitive salary. Some of his staff has flown to other countries to teach how to prosecute cases. He challenged members of the Legislature to look at any prosecutor's office in the country that gets the amount of nationwide attention as the Prosecutor's office in Jackson County. There is an increase in violent crimes both nationally and locally which means an increase for competent and adequate resources in the Prosecutor's office.

The Prosecutor's office provided a handout to the legislators. Michael Sanders said the County Executive said maybe other prosecutors around the State of Missouri make more money but they work harder than the Jackson County Prosecutor's office. He referred to the handout that showed the different case loads for Prosecutor's offices around the State. He said the handout showed that Jackson County's case load is higher than any prosecutor's office in the State of Missouri. He pointed out that because of the work the Prosecutor's office does in checks and taxes, they generate over \$1 million in general revenue for Jackson County every year.

Mike Sanders referred to a chart of average salaries for Jackson County prosecutors and other prosecutors in the State of Missouri. He said the graph shows that Jackson County is higher than three other offices in the State; St. Louis, Missouri assistant circuit attorneys, Clay County Missouri assistant prosecutors and the municipal prosecutors for Wyandotte County. It showed that Jackson County is lower than its sister jurisdictions; 6% lower than Platte County assistant prosecutors, Wyandotte County assistant prosecutors, and \$14,000.00 per year behind Johnson County, Kansas, which makes his office uncompetitive. He said the local Missouri Bar Association did a study in 2003 and found that local governmental attorneys make on average \$68,556.00 per year, which is about \$16,000.00 per year less or a 23.72% reduction. He said they are also not competitive with the Jackson County Counselor's office. They are 20.6% under the County Counselor's office. He said the Missouri Bar Association reported that the average assistant prosecutor's salary for 2003 was \$76,000.00, which makes his staff salary \$24,000.00 below the state average. He said his office is not competitive within Jackson County or other prosecutor's offices. He said 5 of the last 6 prosecutors he lost went to other prosecutor's offices because they could offer between \$15,000.00 - \$20,000.00 more than Jackson County. He said Jackson County is dead last in the State of Missouri for starting salaries for prosecutors. He said the starting salary for the Jackson County Counselor's office is \$44,013.00, which is a 13.47% increase over what Jackson County prosecutors are paid.

Henry C. Rizzo, County Legislator, asked about disparate impact regarding the prosecutors office.

Michael Sanders referred to a handout from the Missouri Bar Association titled the Burden of Proof on disparate impact and discrimination cases. He said there were two areas of disagreement by the Administration, one was that if you pay the prosecutor's office staff more it could result in discrimination lawsuits against the county and the second dealt with disparate impact. He said a disparate impact case only applies when someone in a protected class is discriminated against, he referred to page 32 and 33 of the handout. He said a protected class is a member of a minority group, age, sex, or gender discrimination. For the County to be sued for disparate impact they would have to prove Title 7 federal or state discrimination based on them being in a protective class. He said last time he looked lawyers were not a protective class.

Henry C. Rizzo asked if Mr. Sanders opinion was that if the raise is passed by the Legislature there will be little or no legal action.

Michael Sanders said there cannot be legal action. It would have to be shown that

Jackson County was intentionally discriminating against minority groups. He said the bargaining teams have agreed to a MOU that is fair and removes some of the charter violations that may or may not have occurred with the first MOU signed by the Administration. It also frees up the Prosecutor's ability to pay people based on merit, to remain competitive.

Henry C. Rizzo asked if Mr. Sanders would work with the Administration to find money in the Prosecutor's budget to fund the MOU's.

Michael Sanders said he already has done this in the last three meetings he has had with the County Executive. He said the County Legislature has already appropriated the money for 2005 to fund the raises. They are asking the Legislature to allow the appropriation for raises. Since they are represented by a bargaining unit, the only way he can give raises is when a MOU passes. He said the only thing he is asking for in 2006, 2007 and 2008 is the merit pool of slightly more than 3%.

Henry C. Rizzo asked what the big differences are between the previous MOU and the proposed MOU.

Michael Sanders said the County Executive has informed him that the Prosecutor's office is no longer operating under the previous MOU. He said the staff has not been unionized prior to this MOU with the Carpenter's Union. The previous MOU was signed by the County Executive and the Union. The previous MOU was 6% per attorney across the board regardless of merit. It also stated that if there was a grievance within the Prosecutor's office, the final arbiter of what was allowed within the Prosecutor's office was the County Executive. The County Executive could decide who was hired, fired, promoted and what the MOU meant. Mr. Sanders said he believes this provision was problematic concerning the Charter because it meant the Prosecutor's office was conceding its authority and responsibility to the County Executive. In the proposed MOU, this provision has been omitted so that the Prosecuting Attorney has the authority and responsibility to run his office. He thinks the proposed MOU is longer, more detailed and it provides a better platform for the Prosecutor's office, which is why he thought the Prosecutor's office negotiating team should be the chief individuals responsible for negotiating the MOU.

Robert A. Stringfield, County Legislator, asked if the reason for the heavy case load per attorney is a result of vacancies in his office.

Michael Sanders said he thinks they are short between 5-7 attorneys at this time.

Bob Spence, County Legislator, said as he recalled the budget negotiations, the money allocated for the Prosecutor's office was never earmarked for this purpose, which is why the money is now being transferred from other accounts into new accounts. He asked if Mr. Sanders felt that the County Legislature has any responsibility to treat the rest of the County employees in a light manner.

Michael Sanders said he thinks the County's compensation study showed that 99% of it's employees are paid above the norm, which makes the County incredibly competitive.

Bob Spence said he believes the study includes the Prosecutor's office.

Michael Sanders said he showed him the Prosecutor's office.

Bob Spence asked if Mr. Sanders was saying that the rest of the county employees do not need raises.

Michael Sanders said he does not represent the other employees. He does not think the

compensation study included the Prosecutor's office. He said his office is grossly uncompetitive with other offices.

Bob Spence said apparently that is debatable, but he is willing to look at the numbers. He asked if Mr. Sanders was concerned that employees of the County as well as those employees of his office might have to pick up a larger share of the health costs increases.

Michael Sanders asked what the revenue projections are for 2007 and 2008.

Mr. Spence said he did not think anyone knows the answer.

Mr. Sanders said that revenue projections will probably be up in Jackson County.

Mr. Spence agreed but his question was how much would the revenues increase. His fear is that they will not be up enough to cover the proposed MOU's.

Mr. Sanders said the MOU's have clear provisions that everything is essentially subject to adequate revenue. There are even provisions for layoffs in the Prosecutor's office. He said the plan for 2006-2008 is cheaper than the plan we currently have in place.

Mr. Spence asked if Mr. Sanders was aware that almost all government entities rely on unspent budget money carried forward to the next budget year and that most of the carry over money comes from unspent salaries. He said Mr. Sanders is proposing to spend all the money.

Mr. Sanders said he does not understand how that would be the case, because that would mean there would be no vacant positions from 2006-2008.

Mr. Spence said he understands the importance of public safety but the County has other important issues as well.

Mr. Sanders said he can suggest other areas in the County where expenses can be cut.

Mr. Spence asked if the people in the audience had a job.

Mr. Sanders said this is an issue that is important to the county. He thinks it is correct for someone to exercise their first amendment right to look at the Legislature and the way it operates. He said there are also people present who do not work for the county because they think the issue of public safety is important.

Kim Gillihan, Carpenters' District Council, was present to speak on the proposed MOU for the staff of the Prosecutor's office.

Louie Wright, International Association of Fire Fighters Local #42, was present to speak on the proposed MOU for the assistant prosecuting attorneys.

Discussion. (Refer to audio or video tape.)

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

None.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

[3636](#) Land Use Committee moved to perfect.

Fred Arbanas objects to the consent agenda.

[3636](#) Fred Arbanas moved to perfect Ordinance #3636. Seconded by Bob Spence.

The motion passed by a voice vote. (PERFECTED)

[3636](#) Fred Arbanas moved to suspend the rules to consider final passage of Ordinance #3636.
Seconded by Bob Spence.

The motion passed by a voice vote. (APPROVED)

Consent Agenda. See Final Passage of Proposed Ordinances.

[3639](#) Health and Justice Committee moved to perfect.

Bob Spence objects to the consent agenda.

[3639](#) Bob Spence moved to perfect Ordinance #3639. Seconded by Fred Arbanas.

The motion passed by a voice vote. (PERFECTED)

[3639](#) Bob Spence moved to suspend the rules to consider final passage of Ordinance #3639.
Seconded by Fred Arbanas.

The motion passed by a voice vote. (APPROVED)

Consent Agenda. See Final Passage of Proposed Ordinances.

7 FINAL PASSAGE OF PROPOSED ORDINANCES

[3636](#) Consent Agenda.

[3639](#) Consent Agenda.

8 RESOLUTIONS IN COMMITTEE

Fred Arbanas moved to waive the reading of Resolutions #15511 and #15512.
Seconded by Bob Spence.

The motion passed by a voice vote. (APPROVED)

- [15511](#) A RESOLUTION authorizing the County Executive to execute a Memorandum of Understanding with Local Union No. 42 of the International Association of Fire Fighters regarding the terms and conditions of employment of members of its bargaining unit within the Office of the Prosecuting Attorney and transferring within the General Fund \$53,498.00, and within the Anti-Drug Sales Tax Fund \$7,700.00 and also transferring \$182,270.00 of Prosecuting Attorney salaries from the General Fund to the Anti-Drug Sales Tax Fund to be determined by the Prosecuting Attorney as counter to the negotiated agreement in the 2005 budget.
(Legislature As A Whole - 2nd. Meeting)
- [15512](#) A RESOLUTION authorizing the County Executive to execute a Memorandum of Understanding with Carpenters' District Council of Kansas City & Vicinity regarding the terms and conditions of employment of members of its bargaining unit within the Office of the Prosecuting Attorney and transferring within the General Fund \$35,070.00 and within the Anti-Drug Sales Tax Fund \$57,809.00 and within the Prosecuting Attorney's Bad Check Fund \$12,250.00 as counter to the negotiated agreement in the 2005 budget.
(Legislature As A Whole - 2nd. Meeting)
- [15514](#) Land Use Committee moved do pass. Consent Agenda.
- [15515](#) Finance and Audit Committee moved do pass. Consent Agenda.
- [15517](#) Finance and Audit Committee moved do pass. Consent Agenda.
- [15518](#) Health and Justice Committee moved do pass. Consent Agenda.
- [15519](#) Health and Justice Committee moved do pass. Consent Agenda.
- [15522](#) Land Use Committee moved do pass. Consent Agenda.
- [15523](#) Health and Justice Committee moved do pass. Consent Agenda.
- [15524](#) Land Use Committee moved do pass. Consent Agenda.
- [15526](#) A RESOLUTION authorizing the County Executive to execute a Memorandum of Understanding with Service Employees International Union, Local 2000, regarding the terms and conditions of employment of members of its bargaining unit.
(Legislature As A Whole - 1st. Meeting)
Bill Snyder, Deputy County Counselor, said a representative from the SEIU will be present next week to answer any questions regarding Resolution #15526.

[15527](#) A RESOLUTION appointing members of the Jackson County Legislature as an ad hoc committee to participate on behalf of the Legislature with the administration in the negotiations of the leases of the Truman Sports Complex.

(Legislature As A Whole - 1st. Meeting)

9 CONSENT AGENDA

[3636](#) AN ORDINANCE amending the zoning districts established by the Unified Development Code by rezoning a certain 3.4 ± acres from District A (Agricultural) to District RE (Residential Estate) District.

(ADOPTED)

[3639](#) AN ORDINANCE appropriating \$1,821.00 from the unappropriated surplus of the 2005 Health Fund and authorizing the Director of the Department of Finance to issue a check in the amount \$1,820.18 to the Mid-America Regional Council as a pass-through of funds received from the Missouri Emergency Response Commission.

(ADOPTED)

[15514](#) A RESOLUTION authorizing the County Executive to execute Change Order No. 1 to the contract awarded to GameTime c/o Cunningham Associates, Inc., of Charlotte, North Carolina, for the design and installation of playground areas at various shelter locations in Lake Jacomo at a cost to the County not to exceed \$4,431.10 for a new total cost not to exceed \$191,461.00.

(ADOPTED)

[15515](#) A RESOLUTION authorizing the purchase of Data Circuit Upgrades for use by various County departments from SBC-ASI Division (Southwestern Bell) of San Antonio, TX, at a total cost to the County not to exceed \$31,224.00 annually, as a sole source purchase.

(ADOPTED)

[15517](#) A RESOLUTION awarding a (36) month term and supply contract for the furnishing of vending machine services for use by various County departments to the Swanson Corporation of Kansas City, MO, under the terms and conditions of Invitation to Bid No. 19-05.

(ADOPTED)

[15518](#) A RESOLUTION authorizing the purchase of mobile radios for use by the Sheriff's Department to Motorola Communications of Glen Rock, NJ, under the terms and conditions of an existing government contract in an amount not to exceed \$98,717.33.

(ADOPTED)

[15519](#) A RESOLUTION awarding twelve (12) month term and supply contracts for the furnishing of mattresses, bedding, and linens for use by the Department of Corrections from Bob Barker Co. of Fuquay Varina, NC; ATD-American Co. of Wyncote, PA; and Tabb Textile Co. of Opelika, AL, under the terms and conditions set forth in Electronic Solicitation No. BB200511.

(ADOPTED)

[15522](#) A RESOLUTION authorizing the County Executive to execute an Agreement with Missouri River Relief, Inc., to partially fund the organization's cleanup efforts along the banks of the Missouri River in Jackson County, at the actual cost of \$2,000.00.

(ADOPTED)

[15523](#) A RESOLUTION authorizing the County Executive to execute an Agreement with Bridging the Gap, Inc., for the Jackson County Rotating Recycling Center Project, at the actual amount of \$34,00.00.

(ADOPTED)

[15524](#) A RESOLUTION authorizing the County Executive to execute an agreement with Keep Kansas City Beautiful in promoting litter abatement and beautification efforts in Jackson County, at the actual cost of \$50,000.00.

(ADOPTED)

To adopt Ordinances 3636, 3639. To adopt Resolutions 15514, 15515, 15517, 15518, 15519, 15522, 15523, 15524.

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

Yes: 7 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Eugene Standifer Jr., Dennis Waits, Dan Tarwater and Bob Spence

Absent: 2 - Scott Burnett and Rhonda L. Shoemaker

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

None.

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

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

[15528](#) Authorizing the Jackson County Legislature to hold a closed meeting on Monday, June 20, 2005, 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.

(WITHDRAWN BY SPONSOR TARWATER, CONCURRED BY WAITS AND SPENCE)

Dan Tarwater, Chairman, resumes the Chair.

[15529](#)

Bob Spence moved the passage of Resolution #15529, authorizing payment of \$158,942.96 to the City of Grain Valley, MO, from the Grain Valley County Urban Road System ("CURS") account for road improvements and maintenance. Seconded by Dennis Waits.

Yes: 7 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Eugene Standifer Jr., Dennis Waits, Dan Tarwater and Bob Spence

Absent: 2 - Scott Burnett and Rhonda L. Shoemaker

(ADOPTED)

[15530](#)

Bob Spence moved the passage of Resolution #15530, authorizing payment of \$7,375.85 to the City of Buckner, MO, from the Buckner County Urban Road System ("CURS") account for road improvements and maintenance. Seconded by Dennis Waits.

Yes: 7 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Eugene Standifer Jr., Dennis Waits, Dan Tarwater and Bob Spence

Absent: 2 - Scott Burnett and Rhonda L. Shoemaker

(ADOPTED)

[15531](#)

Bob Spence moved the passage of Resolution #15531, authorizing payment of \$224,411.70 to the City of Blue Springs, MO, from the Blue Springs County Urban Road System ("CURS") account for road improvements and maintenance. Seconded by Dennis Waits.

Yes: 7 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Eugene Standifer Jr., Dennis Waits, Dan Tarwater and Bob Spence

Absent: 2 - Scott Burnett and Rhonda L. Shoemaker

(ADOPTED)

No dissenting vote to consider Resolutions #15532 and #15533 - not on printed agenda.

[15532](#)

Eugene Standifer Jr. moved the passage of Resolution #15532, proclaiming June 20th through June 25th, 2005 as Alpha Week in Jackson County. Seconded by Henry C. Rizzo.

Yes: 7 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Eugene Standifer Jr., Dan Tarwater, Rhonda L. Shoemaker and Bob Spence

Absent: 2 - Scott Burnett and Dennis Waits

(ADOPTED)

[15533](#)

Fred Arbanas moved the passage of Resolution #15533, commending Reverend Dr. Nelson "Fuzzy" Thompson on his retirement from the Mason Memorial United Methodist Church after fourteen (14) years of dedicated service. Seconded by Henry C. Rizzo.

Yes: 7 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Eugene Standifer Jr., Dan Tarwater, Rhonda L. Shoemaker and Bob Spence

Absent: 2 - Scott Burnett and Dennis Waits

(ADOPTED)

[15534](#)

Nominating candidates for appointment to the Jackson County Sports Complex Authority.

(Legislature As A Whole)

[15535](#) 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.

(Finance and Audit Committee)

No dissenting vote to consider Resolutions #15536 and #15537 - not on printed agenda.

[15536](#) Fred Arbanas moved the passage of Resolution #15536, awarding a five month (5) month term and supply contract for the furnishing of park security for use by the Parks and Recreation Department to Land & Air Security Specialists, Inc., of Liberty, MO, under the terms and conditions of Electronic Solicitation No. BB200514. Seconded by Bob Spence.

Yes: 7 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Eugene Standifer Jr., Dennis Waits, Dan Tarwater and Bob Spence

Absent: 2 - Scott Burnett and Rhonda L. Shoemaker

(ADOPTED)

[15537](#) Dennis Waits moved the passage of Resolution #15537, awarding twelve (12) month term and supply contracts for the furnishing of soft drinks for use by the Parks and Recreation Department concessions operations to Coca-Cola Bottling Company of Lenexa, KS, and Pepsi America, Inc. of Olathe, KS, as proprietary purchases. Seconded by Fred Arbanas.

Yes: 7 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Eugene Standifer Jr., Dennis Waits, Dan Tarwater and Bob Spence

Absent: 2 - Scott Burnett and Rhonda L. Shoemaker

(ADOPTED)

[15538](#) Awarding a twelve-month term and supply contract for the furnishing of recycled toner cartridges for use by various County departments to Pacific Northwest Business Products of Seattle, WA, under the terms and conditions of an existing government contract of the City of Kansas City, MO.

(Finance and Audit Committee)

No dissenting vote to consider Resolution #15539 - not on printed agenda.

[15539](#) Bob Spence moved the passage of Resolution #15539, authorizing payment of \$17,745.23 to the City of Sugar Creek, MO, from the Sugar Creek County Urban Road System ("CURS") account for road improvements and maintenance. Seconded by Dennis Waits.

Yes: 7 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Eugene Standifer Jr., Dennis Waits, Dan Tarwater and Bob Spence

Absent: 2 - Scott Burnett and Rhonda L. Shoemaker

(ADOPTED)

[15540](#)

Authorizing the County Executive to execute an agreement with the Kansas City Area Development Council to provide a current profile of Jackson County at a cost to the County not to exceed \$24,950.00.

(Finance and Audit Committee)

12 COUNTY EXECUTIVE ORDERS

None.

13 UNFINISHED BUSINESS

None.

14 NEW BUSINESS

None.

15 ADJOURNMENT

Bob Spence moved to adjourn the meeting. Seconded by Dennis Waits.

The motion passed by a voice vote.

(APPROVED)

Meeting adjourned until Monday, June 27, 2005 at 2:30 p.m. at the Independence Courthouse Annex, 308 W. Kansas, Ground Floor, Legislative Chambers.