



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

Victor E. Callahan (1st AL), Chairman
Ronald E. Finley (2nd), Vice-Chairman
Scott Burnett (1st), Dennis Waits (3rd), Dan Tarwater (4th),
Terry Young (5th), Bob Spence (6th), Bill Petrie (2nd AL),
Fred Arbanas (3rd AL)

Tuesday, May 28, 2002

3:30 PM

Twentieth Regular Meeting

Independence Courthouse Annex, 308 W. Kansas, Ground Floor, Legislative Chambers

Victor E. Callahan, Chairman, called the meeting of the Jackson County Legislature to order.

1 ROLL CALL

Present: Victor E. Callahan, Bill Petrie, Fred Arbanas, Scott Burnett, Ronald E. Finley,
Dennis Waits, Terry Young and Bob Spence

2 THE PLEDGE OF ALLEGIANCE

Recited.

3 APPROVAL OF THE JOURNAL OF THE PREVIOUS MEETING

Fred Arbanas moved to approve the journal of the previous meeting held on 5/20/2002.
Seconded by Dan Tarwater.

The motion passed by a voice vote.

(APPROVED)

4 HEARINGS

Public Hearing regarding the Assessment Department was cancelled by the County Executive. It will be held at a later date.

Resolution #14198 was adopted at this time. See page 5 for details.

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

None.

Victor E. Callahan, Chairman, asked Jane McQueeny, County Counselor, about the sunshine law request on the time spent by her office staff on the lawsuit Turner vs. Garcia. He asked for an explanation since he received the monthly case log summaries but no costs were associated with them.

Jane McQueeny, County Counselor, stated that the cost of depositions was \$669.05. She said the two main attorneys that worked on the case were Kathy Kedigh and Randy Collins. There was also a paralegal, support staff and other attorneys that were consulted on the case.

Victor E. Callahan asked if it was possible to assess the cost of five attorneys. The plaintiff has spent in excess of \$30,000.00 using one attorney, so would it be reasonable to times that amount by five. He asked for an explanation of the redacted portions.

Jane McQueeney said she did the redacting after receiving advice from the Missouri Attorney General's office. The redacted portions are in general compliance with the guidelines provided and the case law of Missouri which indicates that an attorney's mental impressions, trial strategies and research analysis are protected by the attorney-client privilege and are not subject to an open records request.

Victor E. Callahan said the problem he has with this case is that the costs associated with it continue to escalate. He asked if someone could stop taxpayers money from being spent on a case that the County has lost. He asked when the County might have some financial accountability of this case. He asked if the County Counselor's office had made any attempt to settle this case.

Jane McQueeney said her office has a responsibility under the Charter, Chapter 16, to defend cases as they come in. They have an obligation both ethically and professionally to the defendants that are still in the case to defend them. She said they have asked the plaintiffs under oath in depositions what it would take to settle the case but neither side has come up with a response to date.

Victor E. Callahan asked if it would be in the best interest of Jackson County to settle the case at this point. He said as an elected official he has a financial interest to the taxpayers.

Jane McQueeney said she is waiting for the judge's final determination. Since the judge ordered a \$500 fine to be paid by the defendant, her office did not think the County should pay the attorney fees of the plaintiff and it has not been ordered by the judge.

Victor Callahan said the issue is the hidden costs that the County Counselor cannot report. This case has been ongoing for 2 1/2 years and the County Counselor has not consulted with anyone, but has done this at her sole discretion.

Jane McQueeney said the plaintiff usually spends more money on a case because they have the burden of truth. She said she was sure that the plaintiff's attorney had a higher hourly rate than the attorneys in her office. She indicated that the defendants were happy with the results of this case.

Ronald E. Finley asked Ms. McQueeney if the Legislature will need to resort to statutory requests to obtain information from her office.

Jane McQueeney said she hopes not. She said she was trying to protect her clients.

Victor E. Callahan stated that Mr. Witbolsfeugen asked him to sign an affidavit as to what they had discussed. He told the truth even though the County Counselor's office did not want him to do so.

Jane McQueeney said that was a leap in logic. She said they asked him to provide a deposition testimony so that an attorney from her office could represent him.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

None.

7 FINAL PASSAGE OF PROPOSED ORDINANCES

None.

8 RESOLUTIONS IN COMMITTEE

[14183](#) A RESOLUTION awarding a term and supply contract on Bid No. 11-02 for the furnishing of hazardous materials abatement for use countywide to BRAL Environmental Services, Inc., of Kansas City, Missouri, in the estimated annual amount of \$50,000.00.

(Finance and Audit Committee - 1st. Meeting)

[14184](#) Public Works Committee moved do pass. Consent Agenda.

[14185](#) A RESOLUTION commending Lee's Summit Parks and Recreation Director J. Thomas Lovell, Jr., upon receiving the Missouri Park and Recreation Association's Fellow Award.

(Legislature As A Whole - 1st. Meeting)

[14190](#) Public Works Committee moved do pass. Consent Agenda.

[14191](#) A RESOLUTION awarding contracts on Bid No. 26-02 for the Historic Courthouse Roof Renovation Project to Mid-Co Contractors, Inc., of Belton, MO (\$380,680.00), Earl Hankins Co. of Kansas City, MO (\$303,759.00), Goens Bros., Inc., of Gladstone, MO (\$26,400.00), and Young Group, Ltd., of Robinson, IL (\$160,365.00), in the actual aggregate amount of \$871,204.00, and authorizing the County Executive to approve change orders in an amount not to exceed \$87,120.00, for a grand total contract authorization of \$958,324.00.

(Finance and Audit Committee - 1st. Meeting)

9 CONSENT AGENDA

[14184](#) A RESOLUTION authorizing total payment of \$4,520.00 to Gordon R. & Alice P. Taylor and William E. & Margaret J. Taylor for a right-of-way and temporary construction easement, in connection with the Harris Road Bridge Replacement Project No. 2409.

(ADOPTED)

[14190](#) A RESOLUTION awarding a contract on Bid No. 36-02 for the furnishing of miscellaneous equipment for use by the Public Works Department at the Vehicle Service Center to Linweld, Inc., of Kansas City, MO (\$8,084.54), Myers Brothers of KC - Kansas City, MO (\$57,820.00), and RB & SB, LLC, aka Equipment Universe of Kansas City, MO (\$5,950.00), in the actual aggregate amount of \$71,854.54, and declaring one (1) Sun tire balancer and one (1) Coats tire changer as surplus personal property and authorizing their disposal by way of trade-in.

(ADOPTED)

To adopt Resolutions 14184, 14190.

Dan Tarwater moved the passage of the consent agenda. Seconded by Terry Young.
The motion passed by a roll call vote:

Yes: 5 - Victor E. Callahan, Bill Petrie, Fred Arbanas, Ronald E. Finley and Terry Young

Absent: 3 - Scott Burnett, Dennis Waits and Bob Spence

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

Dan Tarwater moved to perfect Ordinance #3256. Seconded by Terry Young.

Dan Tarwater and Terry Young removed their motion to perfect Ordinance #3256.

[3256](#)

Repealing sections 1600. and 1604., Jackson County Code, 1984, relating to defense and indemnification of county officers and employees and enacting in lieu thereof two new sections relating to the same subject.

(Finance and Audit Committee)

[3257](#)

Enacting sections 5561. and 5562., Jackson County Code, 1984, relating to petty offenses.

(Public Works Committee)

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

[14192](#)

Awarding a contract for the furnishing of fiberglass stackable cots for use by the Department of Corrections to Glasspec Associates LTD of Miami, FL in the amount of \$9,025.00, as a sole source purchase.

(Health and Justice Committee)

[14193](#)

Authorizing payment of \$5,873.01 to the City of Buckner from the Buckner CURS account to cover costs of the City's 2002 street and road maintenance program.

(Public Works Committee)

[14194](#)

Awarding a contract on Electronic Solicitation No. BB200225 for the furnishing of one (1) hot pressure washer with 14' utility trailer and water tank, for use by the Public Works Department to Hotsy Equipment Company of Kansas City, Missouri, in an amount not to exceed \$12,495.00.

(Public Works Committee)

[14195](#)

Awarding a contract on Bid No. 38-02 for the publication of notices of delinquent land tax foreclosures and sales for Jackson County to The Pulse of Kansas City, MO, at an actual cost not to exceed \$20,000.00.

(Finance and Audit Committee)

[14196](#) Awarding a contract for the furnishing of maintenance on SurfControl software for use by the Management Information Systems Department to SurfControl of Scotts Valley, CA, in the actual amount of \$8,625.00, as a sole source purchase.

(Finance and Audit Committee)

[14197](#) Terry Young moved the passage of Resolution #14197, authorizing the Manager of the Division of Finance to issue a check in the amount of \$100,000.00, to the City of Raytown, to partially fund the city's Gateway Project No. 1. Seconded by Dan Tarwater.

Yes: 5 - Victor E. Callahan, Bill Petrie, Fred Arbanas, Ronald E. Finley and Terry Young
Absent: 3 - Scott Burnett, Dennis Waits and Bob Spence

(ADOPTED)

[14198](#) Fred Arbanas moved the passage of Resolution #14198, congratulating Harvey A. Jones Engineering Co., Inc., upon the occasion of its 150th anniversary and recognizing its accomplishments as a leader in civil engineering and land surveying. Seconded by Dan Tarwater.

Yes: 8 - Victor E. Callahan, Bill Petrie, Fred Arbanas, Scott Burnett, Ronald E. Finley, Dennis Waits, Terry Young and Bob Spence

(ADOPTED)

[14199](#) Awarding a twelve-month term and supply contract on Electronic Solicitation No. BB200219 for the furnishing of games and sports equipment for use by the Department of Corrections to S & S Worldwide of Colchester, CT, in the estimated amount of \$10,000.00.

(Health and Justice Committee)

[14200](#) Awarding a contract for the maintenance of microfilm equipment for use by the Records Department to Dynamic Computer Solutions of Kansas City, MO, at a cost to the County not to exceed \$9,212.00, as a sole source purchase.

(Finance and Audit Committee)

[14201](#) Authorizing the County Executive to execute an agreement with Southwestern Bell Advanced Solutions, Inc., of San Antonio, TX, for the furnishing of frame relay line and services for use by the Management Information Services Department at the Medical Examiner's Office, at a one-time cost of \$14.00, and a monthly cost of \$641.25 (\$7,695.00 annually), for a total cost of \$4,502.75 for Year 2002, as a sole source purchase.

(Finance and Audit Committee)

[14202](#) Awarding a contract on Bid No. PW-01-2002 for the 2002 Road Rehabilitation Program, Project No. 2454, to Superior-Bowen Asphalt Company of Kansas City, MO, in an amount not to exceed \$680,130.71.

(Public Works Committee)

No dissenting vote to consider Resolution #14203 - not on printed agenda.

[14203](#)

Ronald E. Finley moved the passage of Resolution #14203, authorizing execution of professional services agreements with E. Gail McCann-Beatty and Mike Harmon for the provision of real property appraisal consultation services in connection with the Board of Equalization at a cost to the County not to exceed the sum total of \$15,000.00. Seconded by Terry Young.

Yes: 5 - Victor E. Callahan, Bill Petrie, Fred Arbanas, Ronald E. Finley and Terry Young
Absent: 3 - Scott Burnett, Dennis Waits and Bob Spence

(ADOPTED)

12 COUNTY EXECUTIVE ORDERS

None.

13 UNFINISHED BUSINESS

None.

14 NEW BUSINESS

None.

15 ADJOURNMENT

Dan Tarwater moved to adjourn the meeting. Seconded by Terry Young.

The motion passed by a voice vote.

(APPROVED)

Meeting adjourned until Monday, June 3, 2002 at 3:30 p.m. in the Legislative Assembly Area, Kansas City, Missouri.