



Jackson County Missouri

JOURNAL

County Legislature

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

Scott Burnett (1st), Chairman, Henry C. Rizzo (2nd AL), Vice-Chairman,
Robert A. Stringfield, (1st AL), Fred Arbanas (3rd AL),
Ronald E. Finley (2nd), Dennis Waits (3rd), Dan Tarwater (4th),
Rhonda L. Shoemaker (5th), Bob Spence (6th)

Monday, March 1, 2004

2:30 PM

Ninth Regular Meeting

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

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

1 ROLL CALL

Present: Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Dennis Waits,
Rhonda L. Shoemaker and Bob Spence
Absent: Ronald E. Finley

2 THE PLEDGE OF ALLEGIANCE

Recited.

3 APPROVAL OF THE JOURNAL OF THE PREVIOUS MEETING

Dan Tarwater moved to approve the journal of the previous meeting held on 2/23/2004.
Seconded by Bob Spence.

The motion passed by a voice vote.

(APPROVED)

4 HEARINGS

None.

Resolution #14925 was adopted at this time. See page 7 for details.

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

Sheriff Tom Phillips distributed to the Legislature a packet that starts out with the Opinion of the Supreme Court of Missouri. Last week the Missouri Supreme Court upheld the constitutionality of the right to carry concealed weapons. There were two aspects of the court case they were hearing. One was its constitutionality which they did rule in favor and second was the violations of the Hancock Amendment. Jackson County made an appeal to the court because it was an unfunded mandate and the Supreme Court upheld it. The question now is where do we go from here and what do we do.

Sheriff Phillips received a memo from Jim Vermeersch, Executive Director of the Missouri Sheriff's Association, stating that there is legislation in Jefferson City, Missouri to fund the bill, so funding will be provided to all the Sheriff's offices. The four counties that challenged the Hancock Amendment were Camden, Cape Girardeau, Greene and Jackson Counties and they are exempt from issuing any permits at this time. Sheriff Phillips explained that there are certain aspects of the bill that did pass and are in effect immediately. Anyone over the age of 21 that is not a convicted felon or been incarcerated, in a mental institution, or deemed mentally incapable, can carry a concealed weapon in their vehicle. He asked the County Legislature to read over the application process included in their packets and to review the forms and certificates. Also included in the packet is the estimated cost needed to fund the application process. This estimate was included in the 2004 budget presentation. Two other programs in place which the Sheriff feels are also unfunded mandates are: the sexual offender listing and racial profiling. His office has taken money from other budget line items to pay for these programs. He is using part time reserve officers and a staff sergeant is overseeing this operation, in addition to his regular duties. The approximate cost of \$150,000.00 would include 2 deputies and 3 clerks and would fund the right to carry permit application process as well as the sex offender registration process and racial profiling. This figure does not include any equipment as the department feels it can absorb that cost.

Dan Tarwater, County Legislator, thanked the Sheriff for appealing this legislation. He asked if some citizens in Kansas City, Missouri who do not live in Jackson County could apply for a permit.

Sheriff Phillips replied that a resident of Jackson County who owns property in another county that was not exempt, could go to one of those counties and get a permit. Jackson County would have to honor that permit. Also, any resident outside of any of the 4 counties that are exempt, could get a permit and Jackson County would have to honor it. Any out of state right to carry permits would also have to be honored by Jackson County since Missouri has a reciprocity with those states. So conceivably, a Kansas City resident in Clay County could get a permit and come to Jackson County.

Scott Burnett, Chairman, asked if there is a fiscal note on the bill pending in the State Legislature to fund all the counties.

Sheriff Phillips said he has not seen the proposed legislation yet. He only received a memo from the Director of the Missouri Sheriff's Association which stated that Representative Crawford introduced the bill along with a couple of Senators. He will try to get a copy of the legislation and present it to the County Legislature at their meeting next week.

Scott Burnett asked if anyone over the age of 21 could carry a concealed weapon in their vehicle with a permit.

Sheriff Phillips explained that a permit is not necessary as long as you meet the other criteria. He indicated that the statute still applies to anyone placarding their business or their residence to prevent anyone from carrying a concealed weapon on their property. If proper signage is in plain view on a building and someone enters a building with a weapon, they will be asked to remove their weapon from the building and if they refuse they can be issued a citation.

Bob Spence, County Legislator, asked if a person could carry a firearm in their vehicle glove compartment or under the seat.

Sheriff Phillips answered yes.

Bob Spence asked if you could get mail order permits from other states.

Sheriff Phillips said he read in the paper that in Pennsylvania you can complete a \$20 application and receive a permit.

Dan Tarwater verified that prior to this legislation a person could carry a weapon but it had to be in plain sight.

Sheriff Phillips said it had to be in plain sight or far removed from immediate access.

Dennis Waits, County Legislator, asked if an SIS (Suspended Imposition of Sentence) counted as a conviction.

Sheriff Phillips said he does not believe it counts.

Robert Stringfield, County Legislator, asked the Sheriff what his backup plan is when Jackson County can issue weapon permits.

Sheriff Phillips said the plan is that state funding is forthcoming. When state legislation is passed, Jackson County will receive funding. At that time, the Sheriff will present to the County Executive and County Legislature his plan for hiring, in order to implement the program. If there is no funding, the Sheriff's Department would ask for volunteer reserves or "Rob Peter to pay Paul". At the end of 2003, the Sheriff's Department was able to purchase the AFIS (Automated Fingerprint Identification System) which will speed up the fingerprinting process.

Robert Stringfield said he understands the Hancock Amendment but is perplexed with the ruling that isolates four counties.

Katheryn Shields, County Executive, responded that only four counties raised this issue, Jackson County being one of them. She said Jackson County has set themselves in a position where they are helping every county in the State of Missouri because Jackson County was the lead on this issue. The Sheriff and County Executive were questioned by their lawyers on whether or not this was a valid issue and whether the State Supreme Court would listen to this issue. The Court did listen and Jackson County does not have to proceed and assume the burden unless the State of Missouri provides the funds for this State mandated service.

Sheriff Phillips said Justice White, the dissenting opinion, agrees that it affects every County but they heard it on a case by case basis.

Katheryn Shields said it sounds like, from what is happening in Jefferson City, that they are trying to fund this state wide, not just the four counties. Everyone agrees that the State should not be passing down to the counties new responsibilities without the funds to cover them. Otherwise, counties would need to go to local taxpayers and ask them to pick up the cost or as the Sheriff has been doing, short other things to make due.

Scott Burnett said in conversations with Al Brooks, he indicated that other counties can follow the other four counties process to appeal and also be exempt.

Sheriff Phillips said he spoke to other Sheriffs who were going to approach their commissions regarding an appeal depending on what the State of Missouri does with funding.

Rhonda Shoemaker, County Legislator, asked if the funding needs of the Jackson County Sheriff's Department is in the total amount of \$150,000.00 from the State of Missouri.

Katheryn Shields said her suggestion was to ask for additional monies for equipment.

Sheriff Phillips said the \$100.00 fee for a weapon permit, includes \$62.00 that would go to the Sheriff's Department to be used for training and equipment.

This concluded discussion regarding the concealed and carry law.

Katheryn Shields read a statement: "Because of serious allegations that came to my attention involving attempts to improperly influence contracts under the COMBAT Anti-Drug Tax, I contacted the office of the United States Attorney. Following my contact, an agent of the Federal Bureau of Investigation has requested documentation relating to the COMBAT tax. When I contacted the federal authorities, I pledged the full cooperation of my administration. And of course, I urge all other branches of County government to cooperate fully, so that we may have this matter thoroughly investigated and speedily resolved."

Scott Burnett asked that Katheryn provide members of the Legislature with a copy of her comment.

Katheryn Shields agreed to do so.

Henry C. Rizzo, County Legislator, asked Jay Haden, Deputy County Counselor, about an ordinance he sponsored regarding the sexual predator list.

Jay Haden said it was in the add-on packet that he would distribute to members of the Legislature later in the meeting.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

[3464](#) AN ORDINANCE approving the preliminary plat "Windsor Subdivision, Phases 5 and 6," creating a 41-lot residential subdivision, as to a 157.5 ± acre tract.

(Land Use Committee - 4th. Perfection)

[3465](#) AN ORDINANCE amending the districts established by the Jackson County Zoning Order by changing from A (Agricultural) to RR (Residential Ranchette), a certain 86 ± acre tract, and approving the preliminary plat "Whippoorwill Place - 2nd Plat," creating a fifteen-lot residential subdivision.

(Land Use Committee - 4th. Perfection)

[3466](#) AN ORDINANCE amending the districts established by the Jackson County Zoning Order by changing from A (Agricultural) to RE (Residential Estates), a certain 20 ± acre tract.

(Land Use Committee - 4th. Perfection)

[3469](#) Anti-Drug Committee moved to perfect. Consent Agenda.

[3470](#) Anti-Drug Committee moved to perfect.

Dan Tarwater objects to the consent agenda.

[3470](#) Dan Tarwater moved to perfect Ordinance #3470. Seconded by Dennis Waits.

The motion passed by a voice vote. (PERFECTED)

[3470](#) Dan Tarwater moved to suspend the rules to consider final passage of Ordinance #3470.
Seconded by Dennis Waits.

The motion passed by a voice vote. (APPROVED)

Consent Agenda. See Final Passage of Proposed Ordinances.

7 FINAL PASSAGE OF PROPOSED ORDINANCES

[3470](#) Consent Agenda.

8 RESOLUTIONS IN COMMITTEE

[14916](#) Health and Justice Committee moved do pass. Consent Agenda.

[14917](#) Health and Justice Committee moved do pass. Consent Agenda.

[14918](#) Public Works Committee moved do pass. Consent Agenda.

[14919](#) Land Use Committee moved do pass. Consent Agenda.

[14921](#) Land Use Committee moved do pass. Consent Agenda.

9 CONSENT AGENDA

[3469](#) AN ORDINANCE appropriating \$69,548.00 from the unappropriated surplus of the 2004 Anti-Drug Sales Tax Fund to cover a grant received from the United States Executive Office of the President's Midwest HIDTA Investigative Support Center to allow the Jackson County Drug Task Force to contract with an intelligence analyst.

(PERFECTED)

[3470](#) AN ORDINANCE appropriating \$112,630.00 from the unappropriated surplus of the 2004 Anti-Drug Sales Tax Fund to restore partial funding for Drug-Abuse Resistance Education (DARE) programs within the County which had been omitted in the 2004 County budget due to a math error in the budget process.

(ADOPTED)

[14916](#) A RESOLUTION declaring certain items as surplus personal property and authorizing their disposal.

(ADOPTED)

[14917](#) A RESOLUTION authorizing the Director of the Department of Finance to issue a check in the amount of \$5,000.00 to the City of Raytown, to partially fund the city's recycling center.

(ADOPTED)

[14918](#) A RESOLUTION awarding a one-year term and supply contract for the furnishing of Hotsy equipment parts and service for use by the Public Works and Parks and Recreation Departments to Hotsy Equipment Company of Kansas City, MO, at an estimated cost to the County of \$5,000.00, as a sole source purchase.

(ADOPTED)

[14919](#) A RESOLUTION awarding a term and supply contract for the furnishing of Rain Bird irrigation systems parts and service for use by the Parks and Recreation Department to provide for departmental needs for the upcoming one-year period to Hydrologic Water Management Systems, Inc., of Olathe, KS, in the estimated amount of \$26,000.00, as a sole source purchase.

(ADOPTED)

[14921](#) A RESOLUTION awarding a twelve-month term and supply contract for the furnishing of maintenance and miscellaneous telephone repair services for the Telrad phone system for use by the Parks and Recreation Department to Allegiant Telecom of Lenexa, KS, in the estimated amount of \$5,000.00, as a sole source purchase.

(ADOPTED)

To perfect Ordinance 3469. To adopt Ordinance 3470. To adopt Resolutions 14916, 14917, 14918, 14919, 14921.

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

Yes: 7 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Dennis Waits, Rhonda L. Shoemaker and Bob Spence

Absent: 1 - Ronald E. Finley

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

[3471](#) Appropriating \$150,000.00 from the unappropriated surplus of the 2004 Grant Fund to cover the Mental Health Court grant received from the U.S. Department of Justice's Office of Justice Programs, and authorizing the County Executive to execute an Agreement with Truman Medical Center Behavioral Health Network, to implement this grant program at a cost to the County not to exceed \$150,000.00.

(Health and Justice Committee)

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

[14924](#) Awarding a twelve (12) month term and supply contract on Electronic Solicitation No. BB200387 for the furnishing of mattresses, bedding, and linens for use by the Department of Corrections to Bob Barker of Fuquay Varina, NC (\$1,465.20), Walter F. Stephans of Franklin, OH (\$632.04), Tabb Textile of Opelika, AL (\$20,141.35), ATD American of Wyncote, PA (\$4,149.43), and Robinson Textiles of Los Angeles, CA (\$9,544.50), in the estimated aggregate amount of \$35,932.93.

(Health and Justice Committee)

[14925](#) Dan Tarwater moved the passage of Resolution #14925, commending Maria Jurado on her recent designation as a Distinguished Finalist in the ninth annual Prudential Spirit of Community Awards program. Seconded by Bob Spence.

Yes: 6 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Rhonda L. Shoemaker and Bob Spence

Absent: 2 - Ronald E. Finley and Dennis Waits

(ADOPTED)

[14926](#) Authorizing the purchase of proprietary carbonated soft drinks for resale by the Parks and Recreation Department at its concessions operations from Coca-Cola Bottling Company of Lenexa, KS (\$65,000.00), and Pepsi Cola General Bottlers of Olathe, KS (\$25,000.00) at an estimated aggregate cost to the County not to exceed \$90,000.00.

(Land Use Committee)

[14927](#) 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 \$25,000.00.

(Finance and Audit Committee)

[14928](#) Awarding a twelve (12) month term and supply contract on Bid No. 52-03 for the furnishing of car wash service for use by various County departments to WhiteWash dba Spot-Not Car Wash of Kansas City, MO (\$7,000.00) and Quick Clean Car Wash, Inc., of Independence, MO (\$250.00), in the estimated aggregate amount of \$7,250.00.

(Finance and Audit Committee)

[14929](#) Urging the administration to post the County's sex offender registry on the Sheriff's page on the County's internet website, to be replaced by a link to the statewide sex offender registry on the Missouri Highway Patrol's website when available.

(Health and Justice Committee)

[14930](#)

Authorizing the Director of the Department of Finance to issue a check in the amount of \$69,065.50 to County Court Services, Inc., to resolve a claim for unpaid billings on the contract awarded by Resolution 14464, dated February 24, 2003.

(Anti-Drug Committee)

[14931](#)

Authorizing the Director of the Department of Finance to make payment in the amount of \$6,508.44, representing certain taxes on real estate within Jackson County that has been sold or transferred since January 1, 2004, which were mistakenly not billed or collected on the County's 2003 tax bills.

(Finance and Audit Committee)

12 COUNTY EXECUTIVE ORDERS

None.

13 UNFINISHED BUSINESS

Scott Burnett announced that for the next three weeks the County Legislature will accept applications/resumes for the two Sports Authority vacancies. He said that resumes should be taken to the County Clerk's office.

Jay Haden introduced Pam Fellin, the new paralegal investigator in the County Counselor's office. Pam has been working with the legislative aides and assisting Jay in getting the legislative work ready.

Dennis Waits asked Scott Burnett if someone needs to fill out an application for the Sports Authority or can names just be offered as was done in the past.

Scott Burnett said resumes should be submitted to the County Clerk's office and then the Legislature will interview on March 22, 2004.

Dennis Waits asked if interviews would be limited to only those people who submit an application and/or resume.

Scott Burnett asked who else there would be.

Dennis Waits said perhaps a legislator would offer a name at the meeting and has no resume or application. Also, do people have to be present for an interview, for instance Bondon and Mackey are on the Sports Authority and they would not need to be present for an interview.

Scott Burnett said if someone was present on March 22 unannounced, they will be interviewed.

Henry C. Rizzo asked the Chairman when the Legislature planned to cumulate this process.

Scott Burnett said by the end of March, 2004.

Henry C. Rizzo said that Scott is doing exactly what he indicated in his letter to Senator Bartle, complying with the March 29th deadline.

Scott Burnett said he did not write a letter to Senator Bartle.

Henry C. Rizzo said Scott Burnett wrote a letter to the Governor, and Senator Bartle indicated in his article that the deadline was March 29th.

Scott Burnett said he has never talked or met Senator Bartle.

Henry C. Rizzo said Scott indicated last week that he was going to Jefferson City to meet with our lobbyist, Bill Waris and was then going to meet with the Senator.

Scott Burnett said it did not happen.

14 NEW BUSINESS

None.

15 **ADJOURNMENT**

Dan Tarwater moved to adjourn the meeting. Seconded by Robert A. Stringfield.

The motion passed by a voice vote.

(APPROVED)

*Meeting adjourned until Monday, March 8, 2004 at 1:30 p.m. at the Independence Annex,
308 W. Kansas, Ground Floor, Legislative Chambers.*