



Office of
Mary Jo Spino
Clerk of the County Legislature

Jackson County Missouri

JOURNAL

County Legislature

*Charlie Franklin (3rd) Chairman,
Theresa Cass Galvin (6th) Vice Chairman,
Jalen Anderson (1st AL), Crystal Williams (2nd AL), Tony Miller (3rd AL),
Scott Burnett (1st), Ronald E. Finley (2nd), Dan Tarwater III (4th),
Jeanie Lauer (5th)*

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

Monday, January 10, 2022

10:00 AM

Second Regular Meeting

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

Charlie Franklin, Chairman, called the meeting of the Jackson County Legislature to order.

1 ROLL CALL

Present 9 - Charlie Franklin, Theresa Cass Galvin, Jalen Anderson, Crystal Williams, Tony Miller, Scott Burnett, Ronald E. Finley, Dan Tarwater III and Jeanie Lauer

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 Theresa Cass Galvin to approve the journal of the previous meeting held on January 03, 2022. The motion passed by a voice vote.

4 HEARINGS

None.

5 COMMUNICATIONS WITH AND REPORTS OF THE COUNTY EXECUTIVE

None.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

[5587](#)

Finance and Audit Committee moved to perfect.

Ronald E. Finley objected to the Consent Agenda.

[5587](#)

A motion was made by Dan Tarwater III, seconded by Theresa Cass Galvin to perfect Ordinance #5587. The motion passed by a voice vote.

(PERFECTED)

[5587](#)

A motion was made by Dan Tarwater III, seconded by Scott Burnett, to adopt Ordinance #5587 repealing Schedule I to Chapter 31, Jackson County Code, 1984, relating to sewer fees and charges and enacting, in lieu thereof, one new schedule relating to the same subject. The motion passed by a roll call vote:

Yes: 8 - Charlie Franklin, Theresa Cass Galvin, Jalen Anderson, Crystal Williams, Tony Miller, Scott Burnett, Dan Tarwater III and Jeanie Lauer

No: 1 - Ronald E. Finley

(ADOPTED)

7 FINAL PASSAGE OF PROPOSED ORDINANCES

None.

8 RESOLUTIONS IN COMMITTEE

None.

9 CONSENT AGENDA

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

[5588](#)

Enacting chapter 39, Jackson County Code, 1984, to be titled "Public Health," consisting of thirteen sections, with a penalty provision.

(Assigned to the Health and Environment Committee.)

Crystal Williams, County Legislator, said Ray Dlugolecki, Acting Jackson County Health Director, is present to address Ordinance #5588. She said this ordinance gives a framework for discussion and she and Jalen Anderson are open to amendment. She understands there are concerns about the broad language and the civil rights issues. Ms. Williams said the language for this ordinance was lifted from the City of Kansas City ordinance and stems from the upending of decades old norms established for public health by a judge in Cole County and the Missouri Attorney General. This ordinance is a plan to cope with public health issues as a community and society on a local level, particularly for the benefit of children.

Scott Burnett, County Legislator, asked if this has been passed by the City of Kansas City. Jay Haden, Chief Deputy County Counselor, said the circuit court ruling in Cole County, Missouri, an area that covers Jefferson City, set aside the regulatory scheme that has been the basis of the County's health orders. The judge in that case said those rules were

improperly promulgated. Counties and cities under home rule charter have the ability to set their own ordinance on public health.

Ronald E. Finley, County Legislator, asked if the County is involved in the appeal of the Cole County case. He also requested how many other jurisdictions in Missouri are involved in this case. Mr. Haden said he wasn't positive about all entities involved with the appeal. He said there are four home rule charter counties and about 20 home rule charter cities in Missouri.

Crystal Williams said there are other entities in the state that have codified this information. The opposition to this ordinance is coming from people who do not approve of any public health regulations.

Jalen Anderson, County Legislator, said he agrees with Legislator Williams. It is important that this is not tied to masks or the public health issues we are dealing with today, but this is about the authority of our public health department and the County to handle broader health issues. He said the reactionary response to the COVID pandemic has cause great fear and worry about taking away power from parents, schools, or individuals. This ordinance sets out the parameters to protect society.

Ray Dlugolecki said recent rulings have perhaps unintentionally hampered public health's ability to respond to all public health concerns dealing with cases such as Ebola, pertussis, hepatitis, and other diseases. Each year the Jackson County Health Department responds to about 9,000 reports of health concern including cases of hepatitis A exposure, norovirus outbreaks at a restaurant, or pertussis cases in a day care. Mr. Dlugolecki gave the example of a person with tuberculosis. Tuberculosis is spread by droplets and is drug resistant to most medications. It requires isolation and treatment over time. The epidemiologists at the Health Department build a relationship with tuberculosis patients to ensure public health measures are followed. This ruling out of Cole County will hamper the Health Department's ability to work with these cases.

Scott Burnett asked about the Health Department's COVID testing program. He said his son waited in line for multiple hours two days this past week trying to obtain a COVID test. Ray Dlugolecki said the Health Department is increasing its testing volume at existing sites and setting up pop up testing clinics throughout the County. The Health Department is discussing plans with local school districts to offer testing for students and staff using the Health Department's laboratories.

Tony Miller, County Legislator, said he had reviewed the ordinance and has some concerns as a lawyer. He is concerned about the civil rights implications of some sections. He agrees with the need to address public health concerns over the next 50 to 100 years without being reactionary to the current situation. He believes there needs to be protections to individual rights such as an independent review, right to notice, right to a hearing, and a right to counsel to protect constitutional rights. Mr. Miller said one section deals with containment. As it applies to COVID-19, he wonders if containment is a realistic goal. He said he has concerns about the power and authority being vested in one person. He wonders if a health board might be more appropriate. He is concerned about people being deprived of their liberty or property and the need for due process.

Crystal Williams said she understands Mr. Miller's concerns, but they must figure out a way to address these issues quickly if there is a public health emergency.

Theresa Cass Galvin, County Legislator, said she agrees with Tony Miller. This ordinance gives a lot of authority to one person. She wondered if some provisions involve violations of HIPAA. She questioned whether the enforcement aspect of this is commanding the Sheriff to take certain actions.

Caleb Clifford, Chief of Staff, said he doesn't believe anything in this language violates HIPAA. He said the Sheriff maintains the discretion as to whether or not to take a particular action. He asked if adding an appeal to the County Legislature might satisfy due process.

Ronald E. Finley asked if the Health Department could provide information regarding how they have handled public health cases in the past.

Jeanie Lauer, County Legislator, said she appreciated the discussion and agrees with the concerns raised by Tony Miller and Theresa Cass Galvin. She has concerns delegating this authority to one person. She wonders if the qualifications for this role need to be reviewed or updated.

Crystal Williams said she does not think there is much difference in what this ordinance recommends and the current responsibilities of the Health Department. Ray Dlugolecki said the Health Department has two medical directors on its board. Crystal Williams said she recommends that this ordinance be reviewed over the next week to see if the Legislature can reach a consensus.

Jalen Anderson asked Ray Dlugolecki if the proposed ordinance gives the Health Department any authority that they do not possess currently. Mr. Dlugolecki said the proposed ordinance pulls back some of the Health Department's authority. Most public health rules around the country look similar to this proposal. This ordinance comes into play in situations where an individual exposes the public to an infectious disease disregarding the Health Department's guidelines. Public health officials must respond with nuance and balance to maintain a good relationship with those exposed or diagnosed with an infectious disease. Mr. Anderson asked that Legislators send their specific concerns with the ordinance so an amendment can be drafted this week. He hopes to come to an understanding on this matter. Mr. Anderson said many of these instances occur in only the most extreme circumstances. Ray Dlugolecki said an example is pertussis. There is an outbreak of pertussis each year in a school. They have successfully worked within a classroom to deal with these outbreaks. It would only be an outlandish situation in which there is an outbreak such as measles is occurring in every classroom of a school. It would only be in those situations they would recommend a closure.

Charlie Franklin, County Legislator, said further discussion on this ordinance will be in the Health and Environment Committee.

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

None.

12 COUNTY EXECUTIVE ORDERS

[22-01](#)

I hereby appoint Ray Dlugolecki, MPH as Acting Jackson County Health Director to serve until the return of Bridgette Shaffer, MPH, effective immediately. A copy of Ray Dlugolecki's resume is attached.

13 UNFINISHED BUSINESS

None.

14 NEW BUSINESS

None.

15 ADJOURNMENT

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

Meeting adjourned until Tuesday, January 18, 2022 at 10:00 A.M. at the Jackson County Courthouse, 415 E. 12th Street, Kansas City, Missouri, 2nd Floor, Legislative Assembly Area.