



Office of
Mary Jo Spino
Clerk of the County Legislature

Jackson County Missouri

JOURNAL

Jackson County Courthouse
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County Legislature

*Scott Burnett (1st) Chairman, Theresa Garza Ruiz (1st AL) Vice Chairman,
Crystal Williams (2nd AL), Fred Arbanas (3rd AL),
Kenneth T. Bacchus (2nd), Dennis Waits (3rd), Dan Tarwater (4th),
Greg Grounds (5th), Bob Spence (6th)*

Monday, December 15, 2014

2:30 PM

Forty-eighth Regular Meeting

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

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

Scott Burnett honored his colleagues who will be leaving their office as a County Legislator. He presented plaques to Kenneth Bacchus, Theresa Garza Ruiz, Bob Spence and Fred Arbanas. He also presented a plaque to Theresa Garza Ruiz for serving as Vice Chairman of the Jackson County Legislature in 2014.

Theresa Garza Ruiz presented a plaque to Scott Burnett for serving as Chairman of the Jackson County Legislature in 2014.

Scott Burnett surrendered the Chair.

Fred Arbanas assumed the Chair.

1 ROLL CALL

Present 9 - Theresa Garza Ruiz, Crystal Williams, Fred Arbanas, Scott Burnett, Kenneth T. Bacchus, Dennis Waits, Dan Tarwater III, Greg Grounds and Bob Spence

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 December 08, 2014. The motion passed by a voice vote.

4 HEARINGS

None.

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

Mike Sanders, County Executive, said Jackson County gave away its 6th home through the Constructing Futures program. The home was given to a deserving family with 3 children who have been together for twenty years. One of the partners in this project was Operation Breakthrough and they participated by getting gifts, wrapping them and placing them under the Christmas tree at the home for the children. Sr. Berta with Operation Breakthrough interviewed each of the children and made a list of what they wanted.

Mike Sanders presented Sr. Berta with a check in the amount of \$15,000.00 for Operation Breakthrough from the County Executive Golf Tournament held earlier this year. He said they have had a tournament for the last 7 years and have given a total of \$106,000.00 to Operation Breakthrough. Sr. Berta thanked everyone involved and said the money would be put to good use.

Mike Sanders introduced Art Fillmore, a member of the Veteran's Task Force. Art Fillmore explained the pension reform as recommended in Ordinance #4709. Discussion.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

[4691](#) AN ORDINANCE to adopt the annual budget and set forth appropriations for the various spending agencies and the principal subdivisions thereof, for the fiscal year ending December 31, 2015.

(Legislature As A Whole - 4th. Perfection)

[4692](#) AN ORDINANCE setting the 2015 Jackson County, Missouri tentative tax levy.

(Legislature As A Whole - 4th. Perfection)

[4700](#) Justice and Law Enforcement Committee moved to perfect.

Crystal Williams objected to consent agenda.

[4700](#) A motion was made by Crystal Williams, seconded by Dan Tarwater III to perfect Ordinance #4700. The motion passed by a voice vote.

(PERFECTED)

[4700](#) A motion was made by Dennis Waits, seconded by Scott Burnett to suspend the rules to consider final passage of Ordinance #4700. The motion passed by a voice vote.

(APPROVED)

Consent Agenda. See Final Passage of Proposed Ordinances.

[4709](#)

A motion was made by Theresa Garza Ruiz, seconded by Dennis Waits to approve the Finance and Audit Committee amendment dated December 15, 2015, to insert the paragraph "1503.14.7 Purchase of Credited Service Due to Military Service. In addition to Credited Service pursuant to section 1503.14.6, Service purchased by a Vested Member pursuant to section 1503.45.1 due to military service prior to employment with the Employer will be Credited Service." at the top of page 6; to delete the figure "75,000" and insert the figure "100,000" after the symbol "\$" in paragraph "c" on page 7 and in paragraph "d" on page 8; to insert the sentence "All provisions and requirements of this subsection shall be subject to the option to reduce the date and time of a Normal Retirement Date allowed through the purchase of Military Service contained within section 1503.45.1" after the numbers and letters "1503.45(b)(v)(B)" at the top of page 9; to insert an "s" after the word "subsection" and to insert the phrase "and c of this section," all in the paragraph numbered "1503.45" on page 9; to insert the sentence "c. Service shall also include the number of years a Vested Member purchases pursuant to section 1503.45.1." after sentence "B" on page 11; to insert the paragraphs "1503.45.1 Purchase of Service Due to Military Service a. Only a Vested Member of the Plan may opt to purchase individual years of Military Service, up to four (4) years of Service, one year for each full year of military service. Such option to purchase individual years of Military Service must be exercised or declared within twelve (12) months of either the vesting of the Member, or the effective date of Ordinance 4709. Once a Member has exercised or declared the option to purchase years of Military Service, the Member shall have twenty-four (24) months from the date of such declaration to provide to the County full payment for years of Service purchased pursuant to the calculations as provided in subsection (b) of this section. b. Annually the Board of Trustees shall determine the cost of the purchase of a year of Service for this purpose, in a manner that is cost neutral to the Plan and based on the following factors: i. A discount factor equal to the then current interest rate on the thirty-year Treasury Bond plus 200 basis points; ii. The immediately preceding five (5) year historical aggregate salary experience of the Plan; and iii. The generational mortality table used for the immediately preceding Annual Valuation. c. A Member may elect to purchase years of Military Service, but a Member may not purchase partial years of Service. A member may only purchase complete years of Service. d. A Vested Member may purchase Service pursuant to this section 1503.45.1 with either after-tax dollars or with pre-tax contributions, such as rollover contributions or plan-to-plan transfers from other retirement arrangements qualified under Internal Revenue Code sections 401(a), 403(a), 403(b), 457(b) or 408; e. If Service is purchased pursuant to this section 1503.45.1, such Service will be considered "Credited Service" pursuant to section 1503.14, unless at the time of the purchase the Member, at the Member's request, opts to purchase Service only for purposes of establishing an earlier Normal Retirement Date than otherwise allowed or provided pursuant to section

1503.39. In this case, Service will not be Credited Service for any purpose other than establishment of an earlier than otherwise allowed or provided Normal Retirement Date under the Rule of 80. A member may purchase up to four (4) years of service for this purpose. The Board of Trustees shall set the cost of Service purchased for establishing an earlier retirement date utilizing the same factors as stated in section 1503.45.1 b, above. f. A Member may not purchase Service pursuant to this section 1503.45.1 to establish Vested status pursuant to section 1503.48. g. A Terminated Employee as defined under section 1509. of this chapter may not purchase Service under this section. h. Military Service. The term "Military Service" shall refer to a full calendar year of military service within the United States Military, whether active, reserve, or inactive, so long as the Member was honorably discharged from such service.; to insert an "s" at the end of the word "section" and to insert the phrase "and 1503.45.1" after the number "1505.1" both in the first sentence of paragraph 1505. at the bottom of page 14; to delete the sentence "Any Elected Official who terminates employment before becoming Vested in the Plan will receive, within 90 days of termination, a lump-sum refund of all Employee Contributions previously made under this section 1505.1, plus interest at five percent (5%) compounded annually." in paragraph 1505.1 on page 15; to insert the sentence "c. Service may also be purchased by a Vested Member pursuant to section 1503.45.1." in the last sentence in paragraph 1523 on page 17; to insert the sentences "The Employer's deposits shall be made from the Employer's General Fund and any of the Employer's special purpose revenue funds that are the source of Members' salaries. Each such special purpose revenue fund shall contribute at the contribution rate specified in the Fund's annual actuarial report, while the General Fund shall contribute at a rate of not less than 9%, unless the Actuary has determined that the total required contribution rate is less than 9%." after the word "report" in paragraph 1550. on page 17; to delete the title and paragraph "Pension Plan Not a Contractual Obligation. Although it is the intention of the Employer that this Plan shall be continued and contributions made regularly each year, this Plan is entirely voluntary on the part of the Employer and the continuance of the Plan and the payments thereunder are not assumed as a contractual obligation of the Employer. The Employer does not guarantee or promise to pay or cause to be paid any of the benefits provided by this Plan." and insert the title "Property Right, Vested Members. Each Member of the Plan who has Vested shall have a property right in any benefit of the Plan to which he or she may be entitled under any provision of this chapter." in paragraph 1570 on page 17 and 18; to delete paragraph "1571. Employer Has Sole Discretion. The Employer specifically reserves the right, in its sole and uncontrolled discretion and by official and authorized act, to modify, suspend, in whole or in part, at any time or from time to time, and for any period or periods, or to discontinue at any time, the contributions specified in Section 1550 of this chapter." on page 18; to delete the

words "Not Consideration" and insert the words "No Right to Continued Employment" after the word "Plan" in the title of paragraph 1572 on page 18; to delete the first sentence "This Plan shall not be deemed to be a consideration or an inducement for the employment of any Member or Employee" of paragraph 1572 on page 18.

[4709](#)

A motion was made by Theresa Garza Ruiz, seconded by Dennis Waits to perfect Ordinance #4709 as amended. The motion passed by a voice vote.

(PERFECTED)

[4709](#)

A motion was made by Theresa Garza Ruiz, seconded by Dennis Waits to suspend the rules to consider final passage of Ordinance #4709. The motion passed by a voice vote.

(APPROVED)

Consent Agenda. See Final Passage of Proposed Ordinances.

7 FINAL PASSAGE OF PROPOSED ORDINANCES

[4700](#)

Consent Agenda.

[4709](#)

Consent Agenda.

8 RESOLUTIONS IN COMMITTEE

[18677](#)

Finance and Audit Committee moved to adopt. Consent Agenda.

[18681](#)

Anti-Drug Committee moved to adopt. Consent Agenda.

[18682](#)

Anti-Drug Committee moved to adopt. Consent Agenda.

[18685](#)

Finance and Audit Committee moved to adopt. Consent Agenda.

9 CONSENT AGENDA

[4700](#)

AN ORDINANCE appropriating \$34,000.00 from the undesignated fund balance of the 2014 Grant Fund to cover the Family Court Division's Kansas City, Missouri School District Contract program with the Kansas City, School District.

(ADOPTED)

[4709](#)

AN ORDINANCE repealing subsections 1503.14, 1503.35, 1503.39, and 1503.45 and sections 1505., 1523., 1550., 1570., 1571., and 1572., Jackson County Code, 1984, relating to the Jackson County Employees Pension Plan, and enacting, in lieu thereof, four new subsections and five new sections relating to the same subject.

(ADOPTED)

[18677](#) A RESOLUTION authorizing the Director of Finance and Purchasing to execute an Addendum to the Agreement with CompuTrust Software of Morgan Hill, CA, for the furnishing of customized report software, at a cost to the County in the amount of \$9,330.00, as a sole source purchase.

(ADOPTED)

[18681](#) A RESOLUTION transferring \$3,724.00 within the 2014 Anti-Drug Sales Tax Fund and authorizing the County Executive to execute an Agreement with the City of Kansas City, Missouri, for the furnishing of a Housing Inspector for the Prosecuting Attorney's Office's Drug Abatement Response Team (DART) Program, at a cost to the County not to exceed \$25,920.00.

(ADOPTED)

[18682](#) A RESOLUTION transferring \$124,254.00 within the 2014 Anti-Drug Sales Tax Fund and \$25,000.00 within the 2014 General Fund for repairs and upgrades in the Prosecuting Attorney's Office located at the Downtown Kansas City Courthouse.

(ADOPTED)

[18685](#) A RESOLUTION authorizing the County Executive to execute a Memorandum of Agreement with the City of Kansas City and the Land Clearance for Redevelopment Authority of Kansas City, Missouri, to form the Kansas City Vacant Properties Assessment Coalition, at no cost to the County.

(ADOPTED)

Ordinances #4700, #4709 and Resolutions #18677, #18681, #18682, #18685 were sent to the Consent Agenda for adoption.

A motion was made by Dan Tarwater, seconded by Dennis Waits, to approve the Consent Agenda. The motion passed by a roll call vote:
Yes: 9 - Theresa Garza Ruiz, Crystal Williams, Fred Arbanas, Scott Burnett, Kenneth T. Bacchus, Dennis Waits, Dan Tarwater III, Greg Grounds and Bob Spence

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

No objection to the consideration of Ordinance #4710 - not on printed agenda.

[4710](#) A motion was made by Dan Tarwater III, seconded by Dennis Waits to perfect Ordinance #4710. The motion passed by a voice vote.

[4710](#)

A motion was made by Dan Tarwater III, seconded by Dennis Waits to suspend the rules to consider final passage of Ordinance #4710. The motion passed by a voice vote.

(APPROVED)

[4710](#)

A motion was made by Dan Tarwater III, seconded by Dennis Waits, to adopt Ordinance #4710, repealing Schedules II and III to Chapter 2, Jackson County Code, 1984, relating to Jackson County employees not within the Merit System, and enacting, in lieu thereof, two new schedules relating to the same subject. The motion passed by a roll call vote:

Yes: 9 - Theresa Garza Ruiz, Crystal Williams, Fred Arbanas, Scott Burnett, Kenneth T. Bacchus, Dennis Waits, Dan Tarwater III, Greg Grounds and Bob Spence

(ADOPTED)

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

[18689](#)

A motion was made by Bob Spence, seconded by Theresa Garza Ruiz, to adopt Resolution #18689, congratulating the Lee's Summit High School boys soccer team on winning the Class 4 Missouri High School State Soccer Championship. The motion passed by a roll call vote:

Yes: 9 - Theresa Garza Ruiz, Crystal Williams, Fred Arbanas, Scott Burnett, Kenneth T. Bacchus, Dennis Waits, Dan Tarwater III, Greg Grounds and Bob Spence

(ADOPTED)

[18690](#)

A motion was made by Bob Spence, seconded by Theresa Garza Ruiz, to adopt Resolution #18690, congratulating the Lee's Summit West High School Varsity Cheerleading squad on winning the 2014 Missouri State Cheerleading Championship. The motion passed by a roll call vote:

Yes: 9 - Theresa Garza Ruiz, Crystal Williams, Fred Arbanas, Scott Burnett, Kenneth T. Bacchus, Dennis Waits, Dan Tarwater III, Greg Grounds and Bob Spence

(ADOPTED)

[18691](#)

A motion was made by Bob Spence, seconded by Theresa Garza Ruiz, to adopt Resolution #18691, congratulating the Lee's Summit North High School Varsity Cheerleading squad on winning the 2014 Missouri State Cheerleading Championship. The motion passed by a roll call vote:

Yes: 9 - Theresa Garza Ruiz, Crystal Williams, Fred Arbanas, Scott Burnett, Kenneth T. Bacchus, Dennis Waits, Dan Tarwater III, Greg Grounds and Bob Spence

(ADOPTED)

[18692](#)

A motion was made by Theresa Garza Ruiz, seconded by Dan Tarwater III, to adopt Resolution #18692, transferring \$18,549.00 within the 2014 General Fund and awarding a contract for the furnishing of consulting services for use by the Compliance Review Office to Strategic Workplace Solutions of Belton, MO, under the terms and conditions of Request for Qualifications (RFQ) 78-14, at a cost to the County not to exceed \$43,315.00. The motion passed by a roll call vote:

Yes: 9 - Theresa Garza Ruiz, Crystal Williams, Fred Arbanas, Scott Burnett, Kenneth T. Bacchus, Dennis Waits, Dan Tarwater III, Greg Grounds and Bob Spence

(ADOPTED)

[18693](#)

A motion was made by Crystal Williams, seconded by Greg Grounds, to adopt Resolution #18693, transferring \$33,334.00 within the 2014 General Fund and authorizing the County Executive to execute a Memorandum of Agreement with the City of Kansas City, Missouri, the Kansas City Board of Police Commissioners, and the Research Foundation of the City University of New York, c/o John Jay College of Criminal Justice, Center for Crime Prevention and Control, for use by the Prosecuting Attorney's Office's No Violence Alliance Project, at an actual cost to the County not to exceed \$33,334.00. The motion passed by a roll call vote:

Yes: 9 - Theresa Garza Ruiz, Crystal Williams, Fred Arbanas, Scott Burnett, Kenneth T. Bacchus, Dennis Waits, Dan Tarwater III, Greg Grounds and Bob Spence

(ADOPTED)

Discussion.

No objection to the consideration of Resolutions #18694, #18695, #18696, and #18697 - not on printed agenda.

[18694](#)

A motion was made by Dan Tarwater III, seconded by Greg Grounds, to adopt Resolution #18694, confirming the appointment of Paul Arena as Chief Deputy Auditor. The motion passed by a roll call vote:

Yes: 9 - Theresa Garza Ruiz, Crystal Williams, Fred Arbanas, Scott Burnett, Kenneth T. Bacchus, Dennis Waits, Dan Tarwater III, Greg Grounds and Bob Spence

(ADOPTED)

[18695](#)

A motion was made by Dennis Waits, seconded by Kenneth T. Bacchus, to adopt Resolution #18695, authorizing the County Executive to execute an Employment Agreement with Dennis Dumovich to serve as the Director of Human Resources for Jackson County. The motion passed by a roll call vote:

Yes: 9 - Theresa Garza Ruiz, Crystal Williams, Fred Arbanas, Scott Burnett, Kenneth T. Bacchus, Dennis Waits, Dan Tarwater III, Greg Grounds and Bob Spence

(ADOPTED)

[18696](#)

A motion was made by Theresa Garza Ruiz, seconded by Greg Grounds, to adopt Resolution #18696, authorizing an increase to the Agreement with Consolidated Communications (formerly SureWest) of Lenexa, KS, for use County-wide at an increased cost to the County for 2014 not to exceed \$7,449.00. The motion passed by a roll call vote:

Yes: 9 - Theresa Garza Ruiz, Crystal Williams, Fred Arbanas, Scott Burnett, Kenneth T. Bacchus, Dennis Waits, Dan Tarwater III, Greg Grounds and Bob Spence

(ADOPTED)

[18697](#)

A motion was made by Dennis Waits, seconded by Dan Tarwater III, to adopt Resolution #18697, honoring Fred Arbanas on the occasion of his retirement and for his forty-two years of dedicated service to Jackson County. The motion passed by a roll call vote:

Yes: 8 - Theresa Garza Ruiz, Crystal Williams, Scott Burnett, Kenneth T. Bacchus, Dennis Waits, Dan Tarwater III, Greg Grounds and Bob Spence

Abstain: 1 - Fred Arbanas

(ADOPTED)

Comments by Fred Arbanas and other legislators.

[18698](#)

A motion was made by Dennis Waits, seconded by Scott Burnett, to adopt Resolution #18698, authorizing the County Counselor to settle the employment claims of Michelle Heffern for the total payment by the County of \$110,000.00. The motion passed by a roll call vote:

Yes: 8 - Theresa Garza Ruiz, Fred Arbanas, Scott Burnett, Kenneth T. Bacchus, Dennis Waits, Dan Tarwater III, Greg Grounds and Bob Spence

Absent: 1 - Crystal Williams

(ADOPTED)

12 COUNTY EXECUTIVE ORDERS

[14-21](#)

I hereby appoint Dennis Dumovich, as Director of Human Resources, to fill the vacancy occasioned by the resignation of Joanne Mossie, effective December 22, 2014. A copy of Mr. Dumovich's resume is attached.

The County Legislature went into closed session.

The County Legislature reconvened.

Resolution #18698 was adopted at this time. See page 9 for details.

13 UNFINISHED BUSINESS

County Legislators Bob Spence, Ken Bacchus, Theresa Garza Ruiz and Crystal Williams made comments.

14 NEW BUSINESS

A motion was made by Dennis Waits, seconded by Theresa Garza Ruiz to hold a closed meeting as authorized by section 610.021 (1), RSMo, to discuss legal actions, causes of action, and/or litigation. The motion passed a roll call vote:

Yes: 8 - Theresa Garza Ruiz, Fred Arbanas, Scott Burnett, Kenneth T. Bacchus, Dennis Waits, Dan Tarwater, Greg Grounds and Bob Spence.

Absent: 1 - Crystal Williams

15 ADJOURNMENT

A motion was made by Dan Tarwater, seconded by Greg Grounds, to adjourn the meeting. The motion passed by a voice vote.

Meeting adjourned until Monday, January 5, 2015 at 2:30 P.M. at the Jackson County Courthouse, 415 E. 12th Street, Kansas City, Missouri, 2nd Floor, Legislative Assembly Area.