



Jackson County Missouri

JOURNAL

County Legislature

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

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

Thursday, October 12, 2006

4:00 PM

Fortieth Regular Meeting

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

Henry C. Rizzo, Chairman, called the meeting of the Jackson County Legislature to order.

1 ROLL CALL

Present: Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Rhonda L. Shoemaker, Bob Spence and Bob Spence
Absent: Dennis Waits

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 10/9/2006.
Seconded by Eugene Standifer Jr..

The motion passed by a voice vote.

(APPROVED)

4 HEARINGS

Scott Burnett moved to waive the reading of all Ordinances and Resolutions on the agenda, except Resolution #16035 and #16046. Seconded by Rhonda Shoemaker.

The motion passed by a voice vote.

(APPROVED)

Add-on Resolution #16048 was read at this time. See pages 8 and 9 for details.

Discussion. (Refer to audio/video tapes.)

Dan Tarwater, County Legislator, stated that an agreement has been reached that there will be a \$3.50 surcharge on parking for all events at Arrowhead, instead of the \$1.00 surcharge on the game tickets. He said Jackson County residents benefit because season ticket holders will not have to pay the surcharge on their parking passes. He said the agreement was faxed to all legislators and it was favorable to the taxpayers, Jackson County residents and the Chiefs.

The Legislature took a 20 minute recess.

The Legislature reconvened.

Clark Hunt with the Kansas City Chiefs said pursuant to the terms of the lease the original ticket user fee was not effective until the renovation was complete which would have been approximately 2010. He said between now and then they would continue to work with the NFL to see if they would consider changing their policy and accept the ticket user fee.

Dan Tarwater asked if the expenses exceed the fund amount at Arrowhead with regards to the \$3.50 surcharge, what would happen.

Clark Hunt said pursuant to the terms of the lease and the long term maintenance fund for the facility, the financial obligation for the maintenance at the stadium is the responsibility of the Chiefs. No matter how much money is in the long term maintenance fund, it is the Chiefs obligation to ensure that the stadium is kept in first class condition.

Scott Burnett asked what would happen if the fund went down. He asked if the Chiefs have written contractual improvements to be made regardless of the fund amount.

Ken Spain, attorney for the K.C. Chiefs, said one of the recitations in this first amendment reaffirms the team's obligation to do that, Section 10.5.6 and also at the end of recital D and in the body of paragraph 2, in the new Section 13.1, under E on page 3. It states that tenant acknowledges and agrees that the various repair, maintenance, management and operation obligations of it under the amended lease are neither limited nor reduced in any respect by the available amount of money in the fund.

Dan Tarwater stated this is 100% expense neutral to the taxpayers of Jackson County. The only people at risk are the Kansas City Chiefs. He asked Clark if Jackson County was assured that the NFL would agree to the terms of this amendment.

Clark Hunt said the Finance Committee of the NFL unanimously approved this amendment today. This amendment is completely consistent with league policy on not having any issues with parking user fees. He said he does not expect any problems.

Fred Arbanas, County Legislator, asked Clark Hunt to send a copy of the written confirmation, when received from the NFL, to the Chairman of the County Legislature.

Clark Hunt agreed to do so.

Robert A. Stringfield, County Legislator, said Steve Mitchell said this is not legally a breach of contract by Jackson County. He asked how the Legislature can be assured that there will not be lawsuits filed against Jackson County.

Ed Rucker, County Counselor, said any individual can file a lawsuit at any time. He said this was not part of the ballot language and the lawyers have discussed the issue and are not concerned about lawsuits in this sense. The fact that a contract contains a condition is not something that binds the parties, if the parties agree to change the condition.

Robert A. Stringfield asked about parking user fees being able to go up or down, as mentioned on page 3, paragraph B.

Clark Hunt said this provision is designed to ensure that the historical ratio of about 3 1/2 fans per car does not change over time to the detriment of the county. If in a particular year, for some reason, we averaged 4 people per car coming to Chiefs games then the fee would be adjusted accordingly.

Bob Spence asked if individuals bought their ticket on Jackson County preference days could they purchase a parking ticket less the \$3.50 surcharge.

Clark Hunt said the individual would probably need to purchase the parking on a season basis.

Bob Spence asked if they could just purchase parking for a single game day at the cheaper rate.

Clark Hunt said they do not pre-sell parking on a single game basis only on a season basis. Historically, reserved parking has been held for season ticket holders. It is possible in the future that this policy can be changed and allow the sale of reserved parking on something other than a season basis. If that change is made, then it would accommodate the suggestion offered by Mr. Spence.

Bob Spence asked what document is need to determine residency.

Clark Hunt said they need a personal property tax receipt.

Dan Tarwater explained that there is 5 years before this goes into effect.

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

None.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

[3825](#)

AN ORDINANCE appropriating \$100,500.00 from the unappropriated surplus of the 2006 Grant Fund to cover the renewal of the Family Court Division's Family Centered Out-of-Home Care grant received from the Missouri Department of Social Services Children's Division.

(Health and Justice Committee - 2nd. Perfection)

[3826](#)

AN ORDINANCE amending the zoning districts established pursuant to the Unified Development Code by changing from District LB-p (Local Business-Planned Development) to District LI (Light Industrial), a certain 5± acre tract.

(Land Use Committee - 1st. Perfection)

[3827](#)

AN ORDINANCE amending the zoning districts established pursuant to the Unified Development Code by changing from District A (Agricultural) to District RR (Residential Ranchette), a certain 5± acre tract.

(Land Use Committee - 1st. Perfection)

[3828](#)

AN ORDINANCE amending the zoning districts established pursuant to the Unified Development Code by changing from District A (Agricultural) to District RR (Residential Ranchette), a certain 5± acre tract.

(Land Use Committee - 1st. Perfection)

[3829](#) AN ORDINANCE amending the zoning districts established pursuant to the Unified Development Code by changing from District A (Agricultural) to District RR (Residential Ranchette), a certain 5± acre tract.

(Land Use Committee - 1st. Perfection)

[3830](#) AN ORDINANCE amending the zoning districts established pursuant to the Unified Development Code by changing from District A (Agricultural) to District RR (Residential Ranchette), a certain 10± acre tract for a two lot residential subdivision.

(Land Use Committee - 1st. Perfection)

[3831](#) AN ORDINANCE amending the zoning districts established pursuant to the Unified Development Code by changing from District A (Agricultural) to District RE (Residential Estates), a certain 3± acre tract.

(Land Use Committee - 1st. Perfection)

[3832](#) AN ORDINANCE appropriating \$35,000.00 from the Unappropriated Surplus of the 2006 Recorder's Fee Fund and authorizing an increase to the contract awarded to Scanning America of Lawrence, KS under the terms and conditions of Electronic Request for Proposal No. PP20051, for the furnishing of scanning services for use by the Records Department, at an additional cost to the County not to exceed \$35,000.00.

(Finance and Audit Committee - 1st. Perfection)

[3833](#) AN ORDINANCE amending section 24004., Jackson County Code, 1984, relating to Federal Emergency Management Agency (FEMA) maps used for the development of land in unincorporated Jackson County.

(Land Use Committee - 1st. Perfection)

7 FINAL PASSAGE OF PROPOSED ORDINANCES

[3820](#) AN ORDINANCE appropriating \$10,020.00 from the unappropriated surplus of the 2006 Grant Fund to cover the Sheriff's Office's Youth Alcohol grant and authorizing the County Executive to execute a contract with the Missouri Department of Transportation, Highway Safety Division, in acceptance of the grant funds.

(PERFECTED)

[3821](#) AN ORDINANCE appropriating \$9,000.00 from the unappropriated surplus of the 2006 Grant Fund to cover the Sheriff's Office's Sobriety Checkpoint grant and authorizing the County Executive to execute a contract with the Missouri Department of Transportation, Highway Safety Division, in acceptance of the grant funds.

(PERFECTED)

[3822](#) AN ORDINANCE appropriating \$10,020.00 from the unappropriated surplus of the 2006 Grant Fund to cover the Sheriff's Office's DWI Enforcement grant and authorizing the County Executive to execute a contract with the Missouri Department of Transportation, Highway Safety Division, in acceptance of the grant funds.

(PERFECTED)

[3823](#) AN ORDINANCE appropriating \$20,010.00 from the unappropriated surplus of the 2006 Grant Fund to cover the Jackson County Sheriff's Office's Hazardous Moving Violation grant received from the Missouri Department of Transportation, Highway Safety Division, and authorizing the County Executive to execute a contract with the Missouri Department of Transportation, Highway Safety Division, in acceptance of the grant funds.

(PERFECTED)

[3824](#) AN ORDINANCE appropriating \$15,000.00 from the unappropriated surplus of the 2006 Grant Fund to cover the Family Court Division's Child Protection Center (CPC) - Jewish Heritage Foundation 2nd Program grant, received from the Jewish Heritage Foundation.

(PERFECTED)

8 RESOLUTIONS IN COMMITTEE

[16034](#) A RESOLUTION authorizing the County Executive to execute a First Addendum to the Agreement with Meet Me in the Middle Peace Coalition for the furnishing of awards, billboard advertising, and educational materials associated with The Children Against Violence art contest, at a cost to the County not to exceed \$2,000.00.

(Anti-Drug Committee - 2nd. Meeting)

[16035](#) Dan Tarwater moved the passage of Resolution #16035, authorizing the County Executive to execute Tax Credit Agreements with the Missouri Development Finance Board, the Jackson County Sports Complex Authority, and the Kansas City Chiefs Football Club, Inc., and Kansas City Royals Baseball Corporation concerning improvements to Arrowhead and Kauffman Stadiums at the Harry S Truman Sports Complex. Seconded by Bob Spence.

Yes: 8 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Rhonda L. Shoemaker, Bob Spence and Bob Spence

Absent: 1 - Dennis Waits

(ADOPTED)

Henry C. Rizzo stated that there will be a press conference immediately following the legislative meeting.

Henry C. Rizzo thanked Dan Tarwater for his work on these negotiations.

Dan Tarwater thanked Clark Hunt for being available.

Clark Hunt thanked Henry and Dan for all their help in this process.

- [16037](#) A RESOLUTION transferring \$123,510.00 within the 2006 General Fund to cover the Jackson County Election Board's increased estimated expenses for the 2006 general election budget.
(Finance and Audit Committee - 1st. Meeting)
- [16038](#) RESOLUTION transferring \$82,526.00 within the 2006 General Fund to cover the Kansas City Election Board's increased estimated expenses for the 2006 general election.
(Finance and Audit Committee - 1st. Meeting)
- [16039](#) A RESOLUTION awarding a twenty-four month term and supply contract with two twelve-month options for extension for the furnishing of painting services for use by the Facilities Management Department to Northeast Painting Co. of Kansas City, MO, under the terms and conditions of Invitation to Bid No. 15-06.
(Finance and Audit Committee - 1st. Meeting)
- [16040](#) A RESOLUTION awarding a twenty-four month term and supply contract with one twelve-month option for extension for the furnishing of maintenance, repair and operating supplies for use by various county departments to Lowe's Home Improvement Warehouse of Independence, MO, under the terms and conditions of Invitation to Bid No. 26-06.
(Finance and Audit Committee - 1st. Meeting)
- [16041](#) A RESOLUTION awarding a twenty-four month term and supply contract with two twelve-month options for extension for the furnishing of plumbing services for use by the Facilities Management and Parks and Recreation Departments to Rodriguez Mechanical of Kansas City, KS, under the terms and conditions of Invitation to Bid No. 19-06.
(Finance and Audit Committee - 1st. Meeting)
- [16042](#) A RESOLUTION awarding a contract and authorizing the County Executive to execute an Agreement for the furnishing of electronic home monitoring services for use by the Office of Jackson County Population Control to BI Incorporated of Boulder, CO, under the terms and conditions of Request for Statement of Interest/Qualifications No. 23-06 at a cost to the County not to exceed \$185,000.00.
(Health and Justice Committee - 1st. Meeting)
- [16043](#) A RESOLUTION authorizing an increase to the service agreement with Software Unlimited Corp. of Tupelo, MS, for the furnishing of data conversion services for use by the Prosecuting Attorney's Office, and authorizing the County Executive to execute an addendum to the agreement, in a total amount not to exceed \$20,000.00.
(Anti-Drug Committee - 1st. Meeting)

[16044](#)

A RESOLUTION authorizing the County Executive to execute and submit a grant application with MARC Solid Waste Management District, to be submitted on behalf of Sustain KC, requesting \$50,000.00 to promote sustainable building construction and renovation practices, and agreeing to provide \$25,000.00 for the County match for a \$75,000.00 total project cost.

(Finance and Audit Committee - 1st. Meeting)

[16045](#)

A RESOLUTION authorizing the Director of the Department of Finance and Purchasing to issue a check in the amount of \$1,000.00 to the Greater Kansas City Interfaith Council, to sponsor the Second Annual Table of Faiths Celebration, to be held November 14, 2006.

(Finance and Audit Committee - 1st. Meeting)

[16046](#)

Dan Tarwater moved to reassign Resolution #16046 to the Finance and Audit Committee, directing the Administration to issue a Request for Proposal for the purpose of soliciting bid proposals for Group Health Care Insurance for the 2007 fiscal year. Seconded by Scott Burnett.

The motion passed by a voice vote.

(APPROVED)

Discussion. (Refer to audio/video tapes.)

Scott Burnett, Chairman of the Finance and Audit Committee, distributed a list of questions to Joanne Mossie, Director of Human Resources and CBIZ staff.

Dan Tarwater said he previously asked for loss ratios and he has not received that information. He asked Pat O'Byrne what commission he was receiving on this account.

Pat O'Byrne said CBIZ receives one percent, which is common in their industry. He said there is an agreement with Coventry for a bonus and it is based on the volume of business that CBIZ has, but the majority of the income is one percent.

Dan Tarwater asked him to provide the Legislature with the types of overrides and how much they are.

Pat O'Byrne said he would get the answers as they have an open disclosure policy.

Scott Burnett asked Pat O'Byrne to add Dan's questions to his list.

Dan Tarwater said in his research he found out that it is not a good idea to switch insurance companies every year because you will get a bad name. But on the flip side, insurance agencies will bid these contracts every year so they can use that as a negotiating point to the providers that they have already, as opposed to saying a 14 1/2 increase is acceptable. Also high loss ratios can be taken out because some of the employees may not be with us any longer or may not be employees any longer. They typically bid them every year to keep the others honest.

Pat O'Byrne said if you bid it out every year and the carriers see that the ratio of bids they give to the business that they place is very low, they will give little attention to that bid. If you only bid when there is a concern regarding the delivery of the health care or the price, then they look at it closely and give the best bid.

Dan Tarwater asked if patients are not happy, who should they contact.

Pat O'Byrne said they should contact Coventry, then Human Resources and then CBIZ.

Bob Spence asked if CBIZ worked for Jackson County.

Pat O'Byrne said CBIZ is retained and can be fired by Jackson County.

Bob Spence asked what CBIZ does for Jackson County.

Pat O'Byrne said he has a sheet of the different services provide which he will distribute to the legislators.

Bob Spence said he is not sure of their function since they work for Jackson County but are paid by Coventry, based on their fees.

Henry C. Rizzo asked why Jackson County was not informed that Coventry dropped NKC Hospital.

Pat O'Byrne said he did not know.

Scott Burnett said there is nothing that provides legislators with any means to contact the insurance brokers, CBIZ or the McDaniel/Hazley Group. He asked if CBIZ has letterhead.

Pat O'Byrne said that is a good point and they will work diligently to make sure that this does not happen again.

Henry C. Rizzo asked the insurance brokers to advise the County Legislature whether or not their companies have any pending litigation at this time.

Scott Burnett asked that his questions be answered by Monday, October 16, 2006 to the Finance and Audit Committee.

Pat O'Byrne said they will try to get all of the answers by Monday.

9 CONSENT AGENDA

None.

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

None.

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

Dan Tarwater moved to adopt Resolution #16048. Seconded by Bob Spence.

Robert A. Stringfield objects and asks for a point of order on Rule 14 of the Rules of the Legislature. Rule 14 states that no legislation shall be passed at any meeting unless said legislation is included on the agenda prepared for that meeting, except by unanimous consent of the members present.

Jay Haden, Deputy County Counselor, agreed. However, there is another Rule (Rule Twenty-Seven) allows the rules to be suspended which would require a two-thirds majority.

Bob Spence asked if there is anyone in the room who can tell him who knew what and when in Jackson County concerning the surcharge on the ticket problem. He has heard that the word was out in March. However, the County Legislature did not know anything.

Henry C. Rizzo, said no member of the County Legislature had advance knowledge of this issue, but he does not know if anyone in the Administration received any information.

16048

Dan Tarwater moved to suspend the rules to consider final passage of Resolution #16048. Seconded by Bob Spence.

Yes: 7 - Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Rhonda L. Shoemaker, Bob Spence and Bob Spence

No: 1 - Robert A. Stringfield

Absent: 1 - Dennis Waits

(APPROVED)

[16048](#)

Dan Tarwater moved the passage of Resolution #16048, authorizing the County Executive to execute a consent to the First Amendment to the 2006 Sublease Amendment by and between the Jackson County Sports Complex Authority and the Kansas City Chiefs Football Club, Inc., concerning the occupancy of Arrowhead Stadium at the County's Harry S. Truman Sports Complex. Seconded by Eugene Standifer Jr..

Yes: 7 - Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Rhonda L. Shoemaker, Bob Spence and Bob Spence

No: 1 - Robert A. Stringfield

Absent: 1 - Dennis Waits

(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 Eugene Standifer Jr..

The motion passed by a voice vote.

(APPROVED)

The next legislative meeting is scheduled to be held on Monday, October 16, 2006 at 2:30 P.M. in the Legislative Assembly Area, Kansas City, Missouri.