



Office of
Mary Jo Spino
Clerk of the County Legislature

Jackson County Missouri

JOURNAL

County Legislature

*Jeanie Lauer (5th) Chairman,
Megan L. Marshall (3rd AL) Vice Chairman,
Jalen Anderson (1st AL), Donna Peyton (2nd AL), Manuel Abarca IV (1st),
Venessa Huskey (2nd), Charlie Franklin (3rd), DaRon McGee (4th),
Sean E. Smith (6th)*

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

Monday, December 2, 2024

3:00 PM

Forty-sixth Regular Meeting

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

Jeanie Lauer, Chairman, called the meeting of the Jackson County Legislature to order.

1 ROLL CALL

Present 9 - Megan L. Marshall, Jalen Anderson, Donna Peyton, Manuel Abarca IV, Venessa Huskey, Charlie Franklin, DaRon McGee, Sean E. Smith and Jeanie Lauer

2 THE PLEDGE OF ALLEGIANCE

Recited.

3 APPROVAL OF THE JOURNAL OF THE PREVIOUS MEETING

A motion was made by Megan L. Marshall, seconded by Venessa Huskey to approve the journal of the previous meeting held on November 20, 2024. The motion passed by a voice vote.

4 HEARINGS

None.

5 COMMUNICATIONS WITH AND REPORTS OF THE COUNTY EXECUTIVE

The County Executive was not present.

Jeanie Lauer said she just received a press release from the County Executive regarding ARPA funds. She asked the Administration to speak to the release and the status of ARPA funding.

Caleb Clifford, Chief of Staff, apologized that the County Executive was not present but there was a sudden and tragic family emergency that occurred last night. The County Executive wanted to share a statement with the County Legislature and the public in regards to his continuing commitment to ensure these funds are appropriately used and not sent back to the federal government. Frank White, Jr. will provide more details later. Mr. White will not support any solicitation process that involves analyzing the responses and awarding contracts in less than 30 days.

The Administration will be looking at alternative solutions.

Mr. Clifford thanked Troy Schulte, County Administrator, for his dedicated service to Jackson County and being a part of the Administration's team and for his work on advancing Jackson County. He indicated Jackson County is in a better position now than when Mr. Schulte arrived. He said the Administration is grateful and wishes him well on his new endeavors.

Ms. Lauer said ARPA funds needed to be encumbered by the end of December in order to be allocated. The procurement process takes approximately 3 weeks which is no longer a viable option. Therefore, Jackson County is looking at other options to get the monies out to the community. It does not mean that the individuals interested in receiving funds are at loss, it will just require another process. Mr. Clifford agreed with her statement.

Manuel Abarca IV, County Legislator, thanked Mr. Schulte for his service to Jackson County. He asked his time of departure and the Administration's plan regarding the County Administrator's position. Troy Schulte said he will serve until the end of 2024 to make sure the 2025 budget is wrapped up and the 2025 reassessment gets off to a good start in early January 2025. Caleb Clifford said the County Executive plans to post the position by the end of this week.

Manuel Abarca IV confirmed with the Administration and County Counselor that Jackson County has a procurement process for government entities and non-profit organizations. Bryan Covinsky, County Counselor, said he believes Chapter 10 speaks to it. He said they are working on an opinion with outside legal counsel on the issue of following the guidelines of the federal government (COVID-19).

Mr. Abarca had a copy of the guidelines and asked which rule he was referencing. Mr. Covinsky said he would get it to the County Legislature by the end of this week. He said he is in the final stages of the opinion with the assistance of Travis Elliott, attorney for Missouri Association of Counties, to make sure everyone is aware of the code of federal regulations on using ARPA funds. Mr. Abarca asked if Jackson County is paying for the services of Mr. Elliott. Mr. Covinsky said yes but he has not been paid yet. Mr. Abarca asked if there is concern about a favorable outcome for the County Executive/Administration who is paying for this opinion. Mr. Covinsky requested Mr. Elliott's opinion since he has provided opinions for other counties.

Manuel Abarca IV asked Bob Crutsinger, Director of Finance, to speak to the compliance rules for ARPA funds. Mr. Abarca noted that the system is down and the public is unable to watch the meeting live stream.

Bob Crutsinger said he does not have the federal code in front of him but it is the documentation related to procurement requirements, Section 200.312. It is a very extensive document developed over a period of time with rules changing along the way.

Mr. Abarca said within the Frequently Asked Questions document it outlines specific things that Jackson County can do with ARPA funding. He is concerned that the Administration is creating a narrative that Jackson County cannot do things based on standards that they cannot and will not define. They continue to use the Jackson County Code, state law or a document that they cannot provide to deny the effort to spend federal funds in the community. The Jackson County Code is clear on contracting with government entities and non-profit organizations which does not require a formal procurement process. A formal procurement process can take anywhere from 2 to 45 days based on the need. He asked the Administration to show him where it says ARPA dollars can be revenue recovered.

Caleb Clifford said his earlier statement indicated that the County Executive's position and belief that a transparent and thorough solicitation and response is necessary not just for specific federal, state or county rules, but to ensure the funds are being used appropriately, to ensure the most in need are receiving the funds and they are justly evaluated based on established criteria that is publicly available. There should be public hearings and meetings to discuss the awards regardless of federal, state or local requirements.

Manuel Abarca IV asked Mr. Clifford if he was referring to the 4 town halls and 3 days of public testimony that were hosted in 2023. Caleb Clifford said no. He said they are talking about establishing different categories or areas in which individuals or organizations can submit a proposal that has established criteria that are quantifiable. Then having established evaluators, reviewers and a multi-step process that would then come before the County Legislature for consideration and approval. This process needs to be completed beforehand which is one of the major components that was missing last year.

Mr. Abarca asked if the process he described was followed for Our Healthy Jackson County. Mr. Clifford said no it was not. Mr. Clifford said the process was followed in the past for non-profit organizations, specifically when looking at issues such as hunger in Jackson County under the previous County Legislature. He said Our Healthy Jackson County was an agreement with another governmental entity, the University of Missouri system which is a different process and it was CARES Act funds not ARPA funds which have different requirements. Mr. Abarca said the contract was renewed in 2023 with ARPA funds and he asked what criteria was used. Mr. Clifford said the criteria was

pre-existing contract and sole source.

Mr. Abarca asked what years the Administration plans to use for revenue recovery. Mr. Clifford said he does not think there is a plan for revenue recovery. He said there are different options available and the County Executive will give details after reviewing the options. Some would be eligible expenses that the County could bill against. Revenue recovery is an option most jurisdictions have taken advantage of and could be a possibility. Mr. Clifford said he has not been part of any discussions that revenue recovery has been the focus.

Manuel Abarca IV referred to a letter from the Legislative Auditor which outlines the challenges with what the Administration is proposing. The letter is contradictory to the Administration's proposed solution. The Administration also indicated that ARPA monies were given to Our Healthy Jackson County without a procurement process but cannot do the same for other entities.

DaRon McGee, County Legislator, said he is concerned about how Jackson County moves forward. He said the Administration has had ARPA funds since 2021 and to date has not provided an ordinance to the County Legislature. The Administration says they have plans and recommendations but where is the legislation. The community cannot wait. Jackson County is risking sending the monies back to the federal government. The County Executive keeps sending out meaningless statements and he is not present at the meetings. Mr. McGee said a deal was reached last year and the Administration would be in 1300 Washington but the County Executive did not want to give \$3 million for the construction at the Truman Courthouse in Independence to create waiting rooms so taxpayers would not have to wait outside and use portable toilets while trying to conduct business. So the idea that he wants to work with this Legislature is not true. The County Executive in a meeting with Chairman Lauer agreed not to use ARPA funds for 1300 Washington and the Legislature identified other funding sources to renovate the building but the County Executive did not keep that agreement either. The County Executive is not willing to compromise, he is blackmailing the community to get a building for his offices and the County Counselor's offices, so two-thirds of the building will not be used for the public. Mr. McGee said it is time for the County Executive to show up and get to work. He is furious it has taken this long. This crisis was manufactured by the Administration. He asked the Administration not to send out a press release stating the County Executive wants to work with the County Legislature because he does not.

Jalen Anderson said with regards to Travis Elliott, the attorney for the Missouri Association of Counties (MAC), which is an organization ran by the 114 counties in Missouri, he wanted to point out that Mr. Elliott would

not just be working for Frank White Jr., County Executive.

Mr. Anderson said Our Healthy Jackson County was the largest investment in the east side ever in Jackson County. The County Legislature went through the process to make sure we had partners with UMKC. He said \$145 million of CARES Act and ARPA funds were spent without any interference from the federal government. He asked if the Administration was aware that a group was put together to choose the organizations to receive the funding from the 2023 program. Mr. Clifford responded no and Mr. Anderson said he was not aware either.

In discussions with Congressman Cleaver and the Treasury Department, it was Mr. Anderson's understanding that any plan needs to be approved by the federal government before we can move forward with ARPA funds. Mr. Clifford agreed and said they also have the ability to retroactively say a usage of funds was inappropriate. Jalen Anderson asked Mr. Crutsinger the process used in 2021. Bob Crutsinger said to receive the funds, Jackson County had to certify that they would spend the funds according to eligible expenses. If not, Jackson County would be liable for any ineligible expenses and suffer audit findings that could last for many years. Mr. Anderson asked who accepted the funds on behalf of the County. Mr. Crutsinger said the County Executive signed the document to accept the funds, since he is the Chief Administrative Officer.

Donna Peyton, County Legislator, is very concerned about encumbering these funds. The County Legislature was so concerned they asked the County Executive to present his plan by April 30, 2024. The County Legislature did not receive a plan or any correspondence explaining why no plan was received. A plan was presented in August, legislation was passed to encumber the funds and it was vetoed by the County Executive. The ARPA process was allowed in 2023 but then later it was considered to be "illegal" for lack of a better term. When the Legislature asked what would make the process legal, the response was it would need the County Executive to sign off on it. The County Legislature and Administration are all concerned. She said they have been told there are other options but the options have not been revealed. She asked will the options be revealed and voted on by the County Legislature or will they agree upon what has already been adopted or agree upon processes that have already been completed.

Caleb Clifford said he does not have any additional information at this time. He said eligible expenses within the ARPA guidelines can be used to keep the funds in Jackson County, Missouri. There are other options available as well which the County Executive will review with staff and provide options to the County Legislature to be sure the funds do not go back. The County Executive wanted to make it clear today that the time has passed to have a fair, transparent, competitive process which is why

other options are being explored.

Donna Peyton asked why the other options are not available today for the County Legislature's consideration.

6 PERFECTON OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

[5900](#) Land Use Committee moved to perfect. Consent Agenda.

7 FINAL PASSAGE OF PROPOSED ORDINANCES

None.

8 RESOLUTIONS IN COMMITTEE

[21641](#) A RESOLUTION authorizing the County Executive or the Chairman of the Legislature to sell the County-owned property located at 1300 Washington Street, Kansas City, MO 64105 via the competitive bidding process.

(Legislature As A Whole - 19th Meeting)

A motion was made by Manuel Abarca IV, seconded by Donna Peyton to hold Resolution #21641. The motion passed by a voice vote.

[21766](#) A RESOLUTION transferring \$49,500.00 within the 2024 General Fund and authorizing a contract to cover the cost of consultation and proposal services to Colette Holt & Associates Law Firm of San Antonio, TX, at a cost to the County not to exceed \$49,500.00.

(Legislature As A Whole - 6th. Meeting)

A motion was made by Manuel Abarca IV, seconded by Megan L. Marshall to hold Resolution #21766. The motion passed by a voice vote.

[21802](#) Land Use Committee moved to adopt. Consent Agenda.

[21803](#) Land Use Committee moved to adopt. Consent Agenda.

[21804](#) A RESOLUTION awarding a four-month term and supply contract with four twelve-month options to extend for the furnishing of pest management for use by various County Departments to National Exterminating Company dba Smithereen Pest Management, of Kansas City, MO, under the terms and conditions of the City of Kansas City, MO Contract No. EV2535, an existing government contract.

(Finance and Audit Committee - 2nd. Meeting)

[21805](#) A RESOLUTION awarding a contract for construction services for the Stoenner Road Bridge Replacement County Project No. 3247, Federal Project No. BRO-B048 to Dondlinger & Sons Construction Company, Inc., of Wichita, KS, under the terms and conditions of Invitation to Bid No. 24-068 at a cost to the County not to exceed \$877,022.00.

(Public Works Committee - 2nd. Meeting)

[21810](#) A motion was made by Charlie Franklin, seconded by Venessa Huskey, to adopt Resolution #21810, authorizing the Chairman of the Legislature to execute a First Amendment of the 201 West Lexington Office Space Agreement with Lex LLC of Independence, MO at a cost to the County not to exceed \$63,714.00. The motion passed by a roll call vote:

Yes: 9 - Megan L. Marshall, Jalen Anderson, Donna Peyton, Manuel Abarca IV, Venessa Huskey, Charlie Franklin, DaRon McGee, Sean E. Smith and Jeanie Lauer

(ADOPTED)

[21811](#) A RESOLUTION implementing an allocation methodology for the distribution of approximately \$70.4 million in remaining Jackson County American Rescue Plan Act (ARPA) funds by the end of 2024.

(Legislature As A Whole - 2nd. Meeting)

A motion was made by Jalen Anderson, seconded by Megan L. Marshall to hold Resolution #21811. The motion passed by a roll call vote:

Yes: 5 - Jalen Anderson, Megan L. Marshall, Charlie Franklin, Sean E. Smith, and Jeanie Lauer

No: 4 - Donna Peyton, Manuel Abarca IV, Venessa Huskey, and DaRon McGee

9 CONSENT AGENDA

[5900](#) AN ORDINANCE repealing Schedule I, Chapter 50, Jackson County Code, 1984, relating to park fees and charges and enacting, in lieu thereof, one new schedule relating to the same subject.

(PERFECTED)

[21802](#) A RESOLUTION transferring \$76,200.00 within the 2024 Park Fund and awarding a contract for the purchase of one Towmaster trailer and one skid steer loader for use by the Parks + Rec Department to K.C. Bobcat of Blue Springs, MO under the terms and conditions of Sourcwell Contract No. 092922-MNR and Sourcwell Contract No. 020223-CEC, both existing, competitively bid government contracts, at an actual cost to the County in the amount of \$76,200.00.

(ADOPTED)

[21803](#) A RESOLUTION declaring certain County-owned land as surplus real property and authorizing the County Executive to execute an Inter-governmental Cooperative Agreement with the City of Kansas City, Missouri for the purchase of said real property for the construction of a city-owned Rehabilitation and Detention Center.

(ADOPTED)

Ordinance #5900 was moved to the Consent Agenda for perfection. Resolutions #21802 and #21803 were moved to the Consent Agenda for adoption.

A motion was made by Megan L. Marshall, seconded by Donna Peyton, to approve the Consent Agenda. The motion passed by a roll call vote:

Yes: 9 - Megan L. Marshall, Jalen Anderson, Donna Peyton, Manuel Abarca IV, Venessa Huskey, Charlie Franklin, DaRon McGee, Sean E. Smith and Jeanie Lauer

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

[5901](#) Repealing sections 4031., and 4055., and Schedule I to chapter 40, Jackson County Code, relating to public health, and enacting, in lieu thereof, two new sections and one new schedule relating to the same subject.

(Assigned to the Health and Environment Committee.)

[5902](#) 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, 2025.

(Assigned to the Budget Committee.)

[5903](#) Setting the 2025 Jackson County, Missouri tentative tax levy.

(Assigned to the Budget Committee.)

[5904](#) Repealing Section 5577., Jackson County Code, 1984, relating to possession of firearms and age restriction, and to enact in lieu thereof two new sections, Sections 5577. and 5578., relating to the same subject, with a severability clause and a penalty provision.

(Assigned to the Legislature As A Whole.)

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

Cheryl Colter, Assistant Director of Accounting in the Finance Department, said Resolution #21812 was time sensitive since W2's are needed. She said indemnity language was necessary. Whitney Miller explained the indemnity language.

Manuel Abarca IV asked when the Finance department became aware that the language was needed. Ms. Colter responded it was in October. Mr. Abarca asked what would happen if this legislation was not adopted today. Troy Schulte said it would be done as an emergency purchase.

Discussion.

[21812](#)

A motion was made by Megan L. Marshall, seconded by Sean E. Smith, to approve the Floor Amendment for Resolution #21812 dated December 2, 2024, to delete the phrase "provide online pay statements, W-2 and 1099 forms, and other reports" and insert the phrase "prepare W-2 and Affordable Care Act (ACA) forms and online statement services, and other tax submissions and filings" in the heading and paragraph 2 on page 1. The motion passed by a roll call vote:

Yes: 9 - Megan L. Marshall, Jalen Anderson, Donna Peyton, Manuel Abarca IV, Venessa Huskey, Charlie Franklin, DaRon McGee, Sean E. Smith and Jeanie Lauer

(APPROVED)

[21812](#)

Discussion.

A motion was made by Manuel Abarca IV, seconded by DaRon McGee to hold Resolution #21812. The motion failed by a roll call vote:

Yes: 3 - Manuel Abarca IV, Venessa Huskey, and DaRon McGee
No: 6 - Jalen Anderson, Donna Peyton, Megan L. Marshall, Charlie Franklin, Sean E. Smith, and Jeanie Lauer

Discussion.

- [21812](#) A motion was made by Megan L. Marshall, seconded by Sean E. Smith, to adopt the Floor Amendment for Resolution #21812 dated December 2, 2024, authorizing the Director of Finance and Purchasing to execute a Master Service Agreement with ADP, Inc., of Roseland, New Jersey to prepare W-2 and Affordable Care Act (ACA) forms and online statement services, and other tax submissions and filings under the terms and conditions of OMNIA Contract Number R200701, a competitively bid government contract. The motion passed by a roll call vote:
Yes: 7 - Megan L. Marshall, Jalen Anderson, Donna Peyton, Venessa Huskey, Charlie Franklin, Sean E. Smith and Jeanie Lauer
No: 2 - Manuel Abarca IV and DaRon McGee

(APPROVED)
- [21813](#) Awarding a twenty-four-month term and supply contract, with two twelve-month options to extend, for the furnishing of printing and mailing services for use by the Assessment Department to One2One Communications, LLC, dba OneSource of Buffalo Grove, IL, under the terms and conditions of invitation to Bid No. 24-053.
(Assigned to the Finance and Audit Committee.)
- [21814](#) Awarding a twenty-four-month term and supply contract with one twelve-month option to extend for the furnishing of concrete flat work, curbing, and street repairs for use by various County departments to Quality Custom Construction of Lone Jack, MO, under the terms and conditions of Invitation to Bid No. 24-043.
(Assigned to the Finance and Audit Committee.)
- [21815](#) Awarding a twelve-month term and supply contract with two twelve-month options to extend for the furnishing of temporary inmate housing for use by the Department of Corrections to the Andrew County, Missouri Sheriff's Office as an acquisition from another governmental entity.
(Assigned to the Justice and Law Enforcement Committee.)
- [21816](#) Declaring certain County-owned vehicles as surplus property and authorizing their disposal pursuant to Chapter 11 of Jackson County Code, 1984.
(Assigned to the Justice and Law Enforcement Committee.)
- [21817](#) Awarding a twelve-month term and supply contract, with one twelve-month option to extend, for the furnishing of drug and alcohol testing, pre-employment physical examinations, and fitness for duty medical examinations for use by the Department of Corrections to Caduceus of Hapeville, Georgia, under the terms and conditions of Invitation to Bid No. 24-062.
(Assigned to the Justice and Law Enforcement Committee.)

[21818](#) Awarding a thirty-six-month term and supply contract, with two twelve-month options to extend, for the furnishing of Maintenance, Repair, and Operations supplies, parts, equipment, and materials for use by various County departments to W.W. Grainger of Lake Forest, IL, under the terms and conditions of OMNIA Partners-City of Tucson, AZ Contract No. 240078, an existing competitively bid government contract.
(Assigned to the Finance and Audit Committee.)

[21819](#) A motion was made by Manuel Abarca IV, seconded by Donna Peyton, to adopt Resolution #21819, congratulating textile, teaching and performing artist Karen E. Griffin on her recognition as a 2025 Missouri Arts Awards recipient. The motion passed by a roll call vote:

Yes: 9 - Megan L. Marshall, Jalen Anderson, Donna Peyton, Manuel Abarca IV, Venessa Huskey, Charlie Franklin, DaRon McGee, Sean E. Smith and Jeanie Lauer

(ADOPTED)

[21820](#) A motion was made by Megan L. Marshall, seconded by Jalen Anderson, to adopt Resolution #21820, authorizing the Jackson County Legislature to hold a closed meeting on Monday, December 2, 2024, for the purpose of conducting privileged and confidential communications between itself and the Jackson County Counselor under section 610.021(1) of the Revised Statutes of Missouri, and closing all records prepared for discussion at said meeting. The motion passed by a roll call vote:

Yes: 9 - Megan L. Marshall, Jalen Anderson, Donna Peyton, Manuel Abarca IV, Venessa Huskey, Charlie Franklin, DaRon McGee, Sean E. Smith and Jeanie Lauer

(ADOPTED)

No objection to the consideration of Resolution #21821 - not on printed agenda.

[21821](#) Awarding a twelve-month term and supply contract, with one twelve-month option to extend, for the furnishing of on-call construction management at risk services for use by various County departments to McCown Gordon, of Kansas City, MO, under the terms and conditions of Request for Qualifications No. 24-051.
(Assigned to the Public Works Committee.)

12 COUNTY EXECUTIVE ORDERS

None.

13 UNFINISHED BUSINESS

Discussion regarding reconsideration of Ordinance #5897. Jeanie Lauer said the time for reconsideration has passed.

Whitney Miller said the legislative meeting held on November 20th counted as a meeting even though there was no quorum.

Sean E. Smith asked how a meeting is held without a quorum.

Ms. Miller recited Robert's Rules, "If a quorum fails to appear at a regular or properly called meeting, the inability to transact business does not retract from the fact that the society's rules requiring the meeting to be held were complied with and the meeting was convened even though it had to adjourn immediately."

A motion was made by Manuel Abarca IV, seconded by Sean E. Smith to suspend the rules. Ms. Miller said she did not know the protocol for suspending Robert's Rules.

Jeanie Lauer was not ready to entertain the motion, she wanted clarification.

The County Legislature recessed. The County Legislature reconvened.

Discussion.

Jeanie Lauer said Legislator Huskey wanted to reconsider Ordinance #5897 in order to amend it. Venessa Huskey agreed. The question with legal is do we need to reconsider or just have an amendment at the next meeting.

Whitney Miller said based on their understanding of Robert's Rules there was a meeting on November 20th so it would be too late to reconsider unless the rule was suspended with two-thirds vote. The problem is it was adopted and we are now wanting to adopt an amended version.

Discussion.

Ms. Miller said the County Counselor's office will draft a new ordinance to repeal and replace Ordinance #5897 to be introduced on December 9, 2024.

Donna Peyton asked the Administration for clarification on the absence of the County Executive.

Caleb Clifford stated that a close family member had a serious episode last night and family is at the hospital today.

A motion was made by Manuel Abarca IV, seconded by Sean E. Smith to suspend the rules to reconsider Ordinance #5895, regarding the distribution of ARPA funds for \$70.4 million. The motion failed by a roll call vote:

Yes: 4 - Manuel Abarca IV, Venessa Huskey, DaRon McGee and Sean E. Smith

No: 4 - Jalen Anderson, Megan L. Marshall, Charlie Franklin and Jeanie Lauer

Absent: 1 - Donna Peyton

Manuel Abarca IV asked for the section of Robert's Rules regarding a meeting occurring without a quorum. Whitney Miller said it was Section 30, page 336.

14 NEW BUSINESS

Bryan Covinsky said there will be no legislation to vote on after the closed session. The closed session is regarding a letter from the City of Lee's Summit that the County Counselor sent to legislators.

Closed session per Resolution #21820.

The County Legislature recessed.

The County Legislature reconvened.

15 ADJOURNMENT

A motion was made by Megan L. Marshall, seconded by Jalen Anderson, to adjourn the meeting. The motion passed by a voice vote.

Meeting adjourned until Monday, December 9, 2024 at 3:00 P.M. at the Eastern Jackson County Courthouse, 308 W. Kansas, Independence, Missouri, Ground Floor, Legislative Chambers.