

**IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI**

**AN ORDINANCE** repealing section 9303., Jackson County Code, 1984, relating to the Anti-Crime Sales Tax, and enacting, in lieu thereof, one new section relating to the same subject.

**ORDINANCE NO. 5440**, November 2, 2020

**INTRODUCED BY** Dan Tarwater III, County Legislator

WHEREAS, by Ordinance No. 4881, dated August 22, 2016, the Legislature did authorize the continuation of the community-based anti-crime tax (COMBAT), which was submitted to the voters of Jackson County, for a period of nine years effective until March 31, 2027, for the purpose of promoting and providing public safety within Jackson County, including the prevention and treatment of drug abuse and addiction and the prevention, investigation, prosecution, and detention of violent criminals and drug dealers; and,

WHEREAS, on November 8, 2016, the voters of Jackson County did authorize the continuation of a countywide sales tax at the rate of one-quarter of one cent, to be used solely to combat the serious problems of illegal drug use and violent crime which were then and are still plaguing our community; and,

WHEREAS, by Resolution No. 19745, dated February 26, 2018, the Legislature did authorize the Missouri State Auditor to conduct a comprehensive performance audit to examine and evaluate the management of the County's fiscal, budgetary, and procurement policies and procedures to ensure transparency and accountability to the

taxpayers in the expenditure of public funds; and,

WHEREAS, the Legislature further requested the State Auditor to audit the COMBAT tax pursuant to section 29.200.3, RSMo, in accordance with an engagement letter dated March 6, 2019; and,

WHEREAS, the Missouri State Auditor's report on that office's COMBAT findings concluded the percentages of COMBAT estimated revenues allocated to the various county departments or outside entities have not been updated since 1995, when Resolution No. 10950, dated September 5, 1995, was adopted; and,

WHEREAS, the Auditor's report further stated that all funding provided from the Anti-Crime Sales Tax (COMBAT) Fund should be authorized in an updated resolution or ordinance setting out the funding percentages for each department, agency, and or initiative so that no department, agency, or initiative receives more funding than authorized; and,

WHEREAS, to ensure COMBAT monies are used efficiently and anti-crime programs are adequately funded, periodic reviews and updates to the allocation percentages should be performed and entities should be appropriated the full amount of their allocations; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause.

Section 9303., Jackson County Code, 1984, is hereby repealed and one new section enacted in lieu thereof, to be known as section 9303. to read as follows:

9303. [Appropriation for Arrest, Prosecution, and Incarceration] Annual Distribution of Funds.

The percentage allocations setting out the purposes of the annual distribution of Anti-Crime Sales Tax funds are hereby adopted as set forth in Schedule I, appended to this chapter. The County Legislature shall neither appropriate nor transfer to any COMBAT spending agency or initiative, in any year, revenues that total a percentage of available Anti-Crime Sales Tax funds greater than the percentage set forth for that spending agency or initiative in Schedule I.

- a. The County Legislature shall annually appropriate, in connection with the adoption of the annual budget, an amount equal to the annual percentage distribution of all total available Anti-Crime Sale Tax funds, less a [[7]] 5% unappropriated fund balance pursuant to subsection 9303.(b), which shall include the annual estimated revenue, prior year audited undesignated fund balance, and projected revenues in excess/less than expenditures.
- b. Annually, in connection with the adoption of the annual budget, an amount equal to [[7]] 5% of the estimated annual revenue of the Anti-

Crime Sales Tax Fund shall be set aside in the undesignated fund balance and not subject to appropriation and not subject to distribution pursuant to the percentage allocation set forth in Schedule I.

- c. Each year not less than 50% of the proceeds of the Anti-Crime Sales Tax shall be appropriated for the arrest, prosecution, and incarceration of those accused of drug related offenses and/or violent crimes.
- d. The departments, agencies, and/or initiatives within the purposes set forth in Schedule I are subject to modification on an annual basis in connection with the adoption of the annual budget.
- e. The County Legislature shall review the annual percentage distribution no ~~no~~ [less than every four years]] later than December 31, 2024, and no less often than every four years thereafter.

SCHEDULE I  
ANNUAL DISTRIBUTION OF ANTI-CRIME SALES TAX

<u>Initiative</u>	<u>Annual % Distribution of Total Available Funds</u>
COMBAT Administration	4.5
COMBAT Programming	35
Law Enforcement	20
Prosecution	17
Judicial	11
Incarceration	10
Medical	2.5
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Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

[Signature]  
Chief Deputy County Counselor

[Signature]  
County Counselor

I hereby certify that the attached ordinance, Ordinance No. 5440 introduced on November 2, 2020, was duly passed on December 7, 2020 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 5

Nays 4

Abstaining 0

Absent 0

This Ordinance is hereby transmitted to the County Executive for his signature.

12.7.2020  
Date

[Signature]  
Mary Jo Spino, Clerk of the Legislature

VETOED - DECEMBER 16, 2020

I hereby approve the attached Ordinance No. 5440.

VETOED BY THE COUNTY EXECUTIVE ON DECEMBER 16, 2020. (See Attached)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Frank White, Jr., County Executive



**FRANK WHITE, JR.**  
Jackson County Executive

**RECEIVED**

DEC 16 2020

MARY JO SPINO  
COUNTY CLERK

SP 3:23 pm

December 16, 2020

Veto Message from the County Executive

Ordinance 5440

TO THE JACKSON COUNTY LEGISLATURE

I am returning herewith without my approval Ordinance 5440, which, most notably, authorizes changes to the annual funding percentage distributions for departments, agencies, and/or initiatives of the Anti-Crime Sales Tax (COMBAT) Fund.

First, I would like to commend and thank the members of the Jackson County Legislature for their willingness to engage in difficult discussions related to the County's public safety spending. While my concerns related to both the process that led to, as well as some of the changes proposed within have ultimately led me to veto Ordinance 5440, I wholeheartedly believe these discussions are necessary and candidly long overdue. Regardless if my veto is overturned or not, I am genuinely hopeful that the Legislature and other interested parties continue to focus their time and efforts on this issue in 2021 and beyond.

If these discussions are to continue in the future, I would strongly recommend that the members of the Legislature establish a process to include all internal partners from the beginning, including, but not limited to, the Prosecuting Attorney, Sheriff, and Circuit Court. To the credit of the Ordinance's sponsors, they have rightfully acknowledged that these parties were either not engaged soon enough or in at least one case, at all, during the preparation and passage of this Ordinance.

Accordingly, it is my belief that due to the lack of involvement of the Sheriff's Office and relevant jail leadership, this Ordinance proposes to unnecessarily cap the amount of COMBAT funding for the county jail during one of the most difficult times it has encountered. Specifically, the Jackson County jail has spent, on average, \$3,400,061 per year over the past five years (note: expenditures, not budgeted). Were Ordinance 5440 allowed to go into effect, the jail would receive and be capped at \$3,580,000 in COMBAT funding in 2021.

As the Legislature is aware, in addition to the other costs regularly incurred by the jail, we are currently in the midst of a global pandemic that has uniquely impacted detention facilities around the world. In addition, there is currently an outbreak of COVID-19 that requires weekly testing of staff and detainees, at a weekly cost of \$135,000. Thankfully, these costs are fully reimbursable from funds received from the federal government as part of the CARES Act, but as of today, there are no federal funds available to cover these costs in 2021.



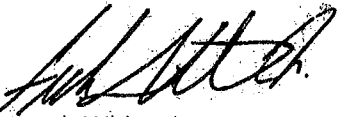
Members of the County Legislature  
December 16, 2020  
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Currently, if the Legislature determines during the course of the year that the jail, or any other entity, requires additional funding, the Legislature may appropriate funds mid-year to address such unanticipated mid-year needs. Unfortunately, this Ordinance would strip the Legislature of this authority:

*"The County Legislature shall neither appropriate nor transfer to any COMBAT spending agency or initiative, in any year, revenues that total a percentage of available Anti-Crime Sales Tax funds greater than the percentage set forth for that spending agency or initiative in Schedule I."*

For the foregoing reasons, Ordinance 5440 has earned my veto.

Respectfully submitted,



Frank White, Jr.  
Jackson County Executive