



Office of
Mary Jo Spino
Clerk of the County Legislature

Jackson County Missouri

JOURNAL

County Legislature

Jackson County Courthouse
415 East 12th Street, 2nd floor
Kansas City, Missouri 64106
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Scott Burnett (1st), Chairman, Henry C. Rizzo (2nd AL), Vice-Chairman,
Robert A. Stringfield, (1st AL), Fred Arbanas (3rd AL),
Ronald E. Finley (2nd), Dennis Waits (3rd), Dan Tarwater (4th),
Rhonda L. Shoemaker (5th), Bob Spence (6th)

Monday, August 2, 2004

2:30 PM

Thirtieth Regular Meeting

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

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

1 ROLL CALL

Present: Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Ronald E. Finley, Dennis Waits, Rhonda L. Shoemaker and Bob Spence

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 7/26/2004.
Seconded by Dennis Waits.

The motion passed by a voice vote.

(APPROVED)

4 HEARINGS

Fred Arbanas, County Legislator, asked for a moment of silence to remember Senator Harry Wiggins who passed away on Saturday, July 31, 2004.

Scott Burnett, Chairman, recognized Senator Mary Bland who was in the audience.

Terry Jones, employee of the Parks and Recreation Department, received her 20 year service pin.

Scott Burnett, Chairman, said today the Legislature will begin interviewing for three positions on the Jackson County Sports Authority. He asked each of the candidates to answer the following questions during their interview: a.) Are they a resident of Jackson County? b.) Are their taxes paid? He asked Jay Haden to outline county procedures and the state law regarding this process.

Jay Haden, Acting County Counselor, said that House Bill 795 changed the appointment mechanism for the Jackson County Sports Complex Authority. The law will become effective August 28, 2004. Previously there was no time limit on when the County Legislature had to submit nominating panels to the Governor for appointment. Now, if the County Legislature does not submit a panel within 30 days after the expiration of the term of the member of the Sports Authority, the Governor can appoint immediately. The law is silent as to whether this applies when a vacancy occurs due to a death or resignation of a Commissioner. Previously, Commissioners whose terms had expired held over in office until their successors were appointed and took office. Now, Commissioners whose term has expired as of August 28, 2004 will cease to hold office. So if nothing else happens as of August 28, the three members whose terms have expired will cease to hold office and the Sports Authority will not be able to take any official action because the statute requires that official action takes three votes and there will only be two members.

The requirements for membership on the Sports Complex Authority are that no more than three can be from any one political party. The two members whose terms have not expired are Republicans, so the Governor could only appoint one more Republican to the Authority at this point. The only partisan restriction placed on the Legislature's action is that only one panel should have Republicans on it. But there is no requirement that members be of a certain political party. The members must be Jackson County residents. Finally, no elected or appointed official of the State or any political subdivision of the State can be a member of the Sports Complex Authority.

The procedure followed by the County Legislature requires a Resolution be introduced. Jay Haden recommended that this be done next week. The week following the introduction of the Resolution, the Legislature can take nominations. Interviews can be conducted at any time. When the Legislature is ready to take up nominations, they will take one panel at a time. The Chair will declare the floor open. Seconds are not required for nominations. No legislator can nominate more than three for any one panel. After the nominations close, legislators vote by written ballot which they sign. The Clerk reads both the name of the legislator casting the vote and the names of the people he/she voted for. The Legislature can vote for three nominees for each panel but cannot cast more than one vote for any one person. Anyone who receives five votes on a panel is nominated. If more than three get five votes, the three with the highest number of votes are nominated. The Legislature votes as many times as it takes for three people to get five votes. If there is a tie, there is a run-off between the two candidates.

Ronald E. Finley, County Legislator, clarified that there are three vacancies on the Sports Authority. He said if the Legislature sends three panels to the Governor on August 16 and the Governor does not make an appointment before August 28, then there will only be two members on the Sports Authority.

Jay Haden said since the General Assembly is recessed the appointments will take effect immediately and will be subject to confirmation when the Senate reconvenes. They will be interim appointments until January 2005.

Scott Burnett said if the Governor makes an appointment today when the General Assembly is recessed, the appointment is interim and must be confirmed by the State Senate within 30 days after the Legislature reconvenes in January. If they do not confirm that appointment, then the appointment is final.

Ronald E. Finley asked if there is a new Governor elected in November, can the new Governor withdraw the appointments and appoint other people.

Jay Haden said he believes the Governor in power on August 28, has the authority. They are permanent appointments except for the power of the Senate to reject them.

Dennis Waits asked what happens to the panels if the Governor does not make the appointments by August 28. He asked if the Governor had to select from the panels submitted.

Jay Haden said it is his opinion that the panel remains valid as long as it was timely submitted.

Dan Tarwater, County Legislator, asked if it was written in the Sports Authority rules that they must have a quorum to vote on something.

Jay Haden responded that it is written in the State statute, not the by-laws. The statute reads: "No action of the Authority shall be binding unless taken at a meeting at which at least three members are present and unless a majority of the members present at such meeting shall vote in favor." So you must have three members to meet and two to vote. Unless they can meet, they cannot take official action.

Bob Spence, County Legislator, asked if the resumes have been screened to make sure there are no elected officials that have applied.

Jay Haden said he has not screened them.

Scott Burnett asked if County Committeemen and Committeewomen would be a problem.

Jay Haden said that would not be a bar. A political party office is not the same as a public office. A City Council person or a municipal judge would not be eligible for membership. There are no spousal limitations.

Scott Burnett said on the 16th of August the County Legislature will select three panels of three persons each, to submit to the Governor.

Robert A. Stringfield, County Legislator, asked if they are not interviewed will they still be considered.

Dennis Waits said they a person does not need to be interviewed to be nominated.

Dan Tarwater clarified that the three panels they will be submitting names for were previously filled by Democratic members.

The County Legislature interviewed the following candidates for the Jackson County Sports Authority:

W.H. Bert Bates (Democrat), John Bondon (Democrat), Jack Campbell (Democrat), William "Bill" Carson (Democrat), G. Robert Fisher (Democrat), Aaron Israelite (Republican), Gerard J. Meiners (Democrat).

The above candidates confirmed that they are residents of Jackson County, their taxes are paid and they favor bi-state.

Candidates absent were: Dick Franklin, Allyce R. Ford and William H. Hann.

Senator Mary Bland was present to support Mr. Carson as a candidate for the Jackson County Sports Complex Authority. She also wanted to speak on behalf of her colleague, Harry Wiggins. Senator Wiggins was a unique man, the Legislature was his family. She said it was a joy and tremendous learning experience to work with him. She served with him in the Senate for 5 1/2 years but she knew him before that time. He was known as Mr. Baseball, as he loved baseball. She said we have lost a great soldier on the battle field, a great general who orchestrated things on the floor. She said Harry was a

wonderful, good and kind man and he left us with something to remember.

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

None.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

[3517](#)

AN ORDINANCE enacting section 2129., Jackson County Code, 1984, relating to the collection of delinquent property taxes, and enacting, in lieu thereof, one new section relating to the same subject.

(Finance and Audit Committee - 2nd. Perfection)

Ronald E. Finley waived the reading of Ordinance #3518. Seconded by Dan Tarwater.

The motion passed by a voice vote.

(APPROVED)

[3518](#)

AN ORDINANCE enacting section 2129., Jackson County Code, 1984, relating to the collection of delinquent property taxes, and enacting, in lieu thereof, one new section relating to the same subject.

(Finance and Audit Committee - 2nd. Perfection)

7 FINAL PASSAGE OF PROPOSED ORDINANCES

[3516](#)

Consent Agenda.

8 RESOLUTIONS IN COMMITTEE

[15093](#)

Public Works Committee moved do pass. Consent Agenda.

[15109](#)

Land Use Committee moved do pass. Consent Agenda.

[15111](#)

Finance and Audit Committee moved do pass. Consent Agenda.

[15112](#)

Public Works Committee moved do pass. Consent Agenda.

9 CONSENT AGENDA

[3516](#)

AN ORDINANCE transferring \$954.00 within the 2004 General Fund and appropriating \$9,534.00 from the unappropriated surplus of the 2004 Grant Fund to cover the Family Court Division's Accountability in Spanish Project.

(ADOPTED)

[15093](#) A RESOLUTION awarding a term and supply contract on Electronic Solicitation No. BB200444 for the furnishing of small parts washer service and fluids disposal for use by the Public Works Department, for the upcoming one-year period, to Safety-Kleen Systems, Inc., of Independence, MO, in the estimated amount of \$20,000.00.

(ADOPTED)

[15109](#) A RESOLUTION awarding a twelve-month term and supply contract on Bid No. 30-04 for tree maintenance and removal service for use by the Parks and Recreation Department to Asplundh Tree Expert Company of Lenexa, KS, in the estimated amount of \$50,000.00.

(ADOPTED)

[15111](#) A RESOLUTION extending the term of and authorizing an increase to the term and supply contract with Reddi Services, Inc., of Shawnee, KS, in the amount of \$16,111.50, for the furnishing of emergency sewer repair service and public sewer, storm sewer and culvert clean-out service for use by various departments countywide at an estimated annual cost of \$22,000.00, and a total two-year contract estimated usage of \$28,111.50.

(ADOPTED)

[15112](#) A RESOLUTION awarding contracts on Bid No. 19-04 for office building alterations at the Public Works Department's new Technology Center to Jenkins & Associates, Inc., of Shawnee Mission, KS, in the actual amount of \$227,922.00.

(ADOPTED)

To adopt Ordinance 3516. To adopt Resolutions 15093, 15109, 15111, 15112.

Dan Tarwater moved the passage of the consent agenda. Seconded by Bob Spence. The motion passed by a roll call vote:

Yes: 7 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Ronald E. Finley, Rhonda L. Shoemaker and Bob Spence
Absent: 1 - Dennis Waits

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

[3519](#) Amending the districts established by the Jackson County Zoning Order by changing from District A (Agricultural) to District RE (Residential Estates), a certain 73 ± acre tract and approving the preliminary plat "Saddle Brook Estates," creating a twenty two lot residential subdivision.

(Land Use Committee)

[3520](#) Amending the districts established by the Jackson County Zoning Order by changing from District A (Agricultural) to District RR (Residential Ranchette), a certain 21.5 ± acre tract and approving the preliminary plat "Finn Estates," creating a four lot residential subdivision.

(Land Use Committee)

No dissenting vote to consider Resolution #3521 - not on printed agenda.

- [3521](#) Ronald E. Finley moved to perfect Ordinance #3521. Seconded by Bob Spence.
The motion passed by a voice vote. (PERFECTED)
- [3521](#) Ronald E. Finley moved to suspend the rules to consider final passage of Ordinance #3521. Seconded by Bob Spence.
The motion passed by a voice vote. (APPROVED)
- [3521](#) Ronald E. Finley moved the passage of Ordinance #3521 as perfected, partially repealing Ordinance 3497, dated May 10, 2004, and authorizing the County Executive to execute an Agreement with the Greater Kansas City Community Foundation to partially sponsor the Global Legacy-NAITCP 2004 Summit at an actual cost to the County of \$5,000.00. Seconded by Dennis Waits.
Yes: 8 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Ronald E. Finley, Dennis Waits, Rhonda L. Shoemaker and Bob Spence
(ADOPTED)

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

- [15113](#) Awarding a contract for the furnishing of onsite training on Delphi software applications for use by the MIS Department, to Borland Software Corporation of Scotts Valley, CA, at a cost to the County not to exceed \$10,000.00, as a sole source purchase.
(Finance and Audit Committee)
- [15114](#) Authorizing the County Executive to execute a Cooperative Agreement with the City of Blue Springs, MO, for the furnishing of road maintenance and snow removal.
(Public Works Committee)
- [15115](#) Authorizing the County Executive to execute permanent rights-of-way in favor of the City of Kansas City, MO, for the Blue River Basin, Dodson Industrial Flood Reduction Project, which extends from Bruce Watkins Expressway near Manchester and 87th Street to a tie-in at the GSA Federal Complex on the south.
(Land Use Committee)
- [15116](#) Awarding a two-year contract on Bid No. 7-04 for the furnishing of inmate commissary service for use by the Department of Corrections for the upcoming two-year period to Canteen Correctional Services of Larkspur, CO, at an estimated annual commission payable to the County in the amount of \$69,000.00.
(Health and Justice Committee)
- [15117](#) Authorizing the County Executive to execute a permanent soil nail easement in favor of the City of Independence, MO, for the Main Street Bridge Replacement over Union Pacific Railroad Spur.
(Public Works Committee)

[15118](#)

Dennis Waits moved the passage of Resolution #15118, authorizing the Jackson County Legislature to hold a closed meeting on Monday, August 2, 2004, for the purpose of conducting privileged and confidential communications between itself and the Jackson County Counselor concerning the status of legal actions, causes of action, and/or litigation, and closing all records prepared for discussion at said meeting. Seconded by Dan Tarwater.

Yes: 8 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Ronald E. Finley, Dennis Waits, Rhonda L. Shoemaker and Bob Spence

(ADOPTED)

12 COUNTY EXECUTIVE ORDERS

None.

13 UNFINISHED BUSINESS

Robert A. Stringfield asked about Resolution #14965, which states that the Administration will make all efforts to collect penalties and interests waived as legally possible to do so. He said it is his understanding that the Administration has stopped sending out letters to taxpayers in reference to this matter. He asked who gave the authorization to stop the letters. He asked if the Legislature voted on this action.

Troy Thomas, Chief Financial Officer, said per the directive of the County Legislature, additional letters have not been mailed. He is not aware of a vote.

Dan Tarwater said it was to clarify what the Administration was doing.

Scott Burnett said it is his understanding that we are just putting it on hold until we can make sure we are doing it correctly.

Jay Haden said they stopped sending out additional letters. If anyone responds to the letters sent, Jackson County will accept payment.

Robert A. Stringfield said he thinks the Legislature should have voted on this issue and he is not satisfied with it. He said he has not received one complaint. He said if legislators receive complaints, they should handle them on an individual basis. He said he hopes if we hold this, we will not hold it for long.

Dan Tarwater said we stopped to make sure all legal aspects are covered. He said there were 400 letters sent and another 36,000 to be sent.

Ronald E. Finley said the Legislature did not formally repeal the Resolution. After discussion last week between the Legislature and Administration, they realized that it was necessary to look at what collection procedures would be used. Some legislators received calls from constituents. Currently, there is no formal waiver policy in place.

Scott Burnett asked if the past accounts will be sent with a different set of rules than what we will proceed with in the future.

Jay Haden said on the collection issues we are only dealing with the past due amounts. If the sentiment is that we should apply these same rules to the existing accounts, it can be done.

Dennis Waits said many people paid their taxes by December 31 but their accounts were not credited until a later date. He asked if those people were included in the category that will receive letters.

Troy Thomas said timely payments are all posted by January 31 and they are not included in the list of delinquencies.

Robert A. Stringfield said the Administration is probably confused as to what the Legislature wants them to do.

Scott Burnett said he believes the question is, if waivers are to be granted on the letters sent, what is the criteria they need to meet. Also, the question is will Jackson County grant any waivers at all. They need to be consistent for the past and the future.

Fred Arbanas agrees that the Legislature adopted a resolution instructing the Administration to do something and no formal action was voted on to stop it. He said the Legislature was not aware of all the problems involved in this process regarding the collection of penalties and interests that were waived.

Scott Burnett said it is his understanding that the letters have been delayed until the details can be worked out.

14 NEW BUSINESS

Scott Burnett, Chairman, expressed his sympathy to the family of Roger Gooden, 5th Ward Democratic Committeeman who passed away over the weekend.

15 ADJOURNMENT

Dan Tarwater moved to adjourn the meeting. Seconded by Ronald E. Finley.

The motion passed by a voice vote.

(APPROVED)

The Legislature went into closed session.

The next legislative meeting is scheduled to be held on Monday, August 9, 2004 at 2:30 p.m. at the Independence Annex, 308 W. Kansas, Ground Floor, Legislative Chambers.