



Office of
Mary Jo Spino
Clerk of the County Legislature

Jackson County Missouri

JOURNAL

County Legislature

Jackson County Courthouse
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*Dan Tarwater (4th) Chairman, Henry C. Rizzo (2nd AL), Vice-Chairman,
Theresa A. Garza (1st AL), Fred Arbanas (3rd AL), Scott Burnett (1st),
James D. Tindall (2nd), Dennis Waits (3rd),
Greg Grounds (5th), Bob Spence (6th)*

Monday, April 23, 2007

2:30 PM

Fifteenth Regular Meeting

Independence Courthouse Annex, 308 West Kansas, Ground Floor, Legislative Chambers

Dan Tarwater, Chairman, called the meeting of the Jackson County Legislature to order.

1 ROLL CALL

Present: Theresa A. Garza, Henry C. Rizzo, Fred Arbanas, Scott Burnett, James D. Tindall, Dennis Waits, Dan Tarwater and Greg Grounds
Absent: Bob Spence

2 THE PLEDGE OF ALLEGIANCE

Recited.

3 APPROVAL OF THE JOURNAL OF THE PREVIOUS MEETING

Henry C. Rizzo moved to approve the journal of the previous meeting held on 4/16/2007.
Seconded by Dennis Waits.

The motion passed by a voice vote.

(APPROVED)

4 HEARINGS

None.

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

Mike Sanders, County Executive, said Fred Siems will have a budget presentation next week for the Legislature.

Mike said his office filed Executive Order 07-16 on April 19, 2007 regarding the County Executive issuing Personal Services Contracts. He said with the help of Larry Blick, Fred Siems and the county counselor, they have put together a program to restore the integrity of the process. This will ensure to the public and the Legislature that when a contract is issued by the County Executive, the County is getting value for its dollar and there are legitimate reasons for doing it.

He discussed the highlights of the process. He said they will follow Chapter 9 which will require competitive bidding on the vast majority of all contracts, other than sole source or emergency contracts. Additionally, there will be a requirement that has not been followed in the past, which is whenever the County Executive issues a professional services contract the Legislature will be notified. Finally, when a request for professional services is made there will be specific budgetary line item authority to pay the contract. He said this is a short range fix to voluntarily limit the power of the County Executive. But the next County Executive can rescind this Executive Order. He said a long term fix would be to take this issue before the voters to amend the charter.

Dan Tarwater said he and Victor Callahan introduced legislation in 1996 to limit the power of the County Executive with regards to professional service contracts but they were told that the County Legislature did not have the power.

Fred Arbanas, County Legislator, asked if there are any areas that this Executive Order does not cover.

Mike Sanders responded no. He said it was intentionally left broad in its scope and it relates to the issuance of any contract let by the County Executive.

Henry C. Rizzo asked Mike Sanders if it was his intention to bid all professional service contracts and bring them before the County Legislature.

Mike Sanders said a vast majority would come before the Legislature but it would depend on what services were needed. If there are emergencies there may not be time to bring it before the Legislature. He asked Mr. Rizzo how many professional services contracts he has let since he has been in office.

Henry C. Rizzo said he was not aware of any and Mr. Sanders agreed.

Henry C. Rizzo asked if the County Executive has an alternate plan if the jail becomes overcrowded since the matrix has been lifted.

Mike Sanders replied that they are developing an alternate plan and will present it to the County Legislature at a later date. Jackson County now has the ability to run its own jail based on public safety, necessity and budget. Jackson County has been under the federal court order for 23 years so they are inventing procedures. He said they are in discussions with a number of different agencies. However, there are no early releases and no jail overcrowding.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

Fred Arbanas moved to waive the reading of Ordinance #3887 and #3888. Seconded by Theresa Garza.

The motion passed by voice vote.

(APPROVED)

The Land Use Committee will have a Public Hearing on Friday, April 27, 2007 at 1:00 P.M. at Fleming Hall regarding the above mentioned Ordinances.

[3887](#)

AN ORDINANCE granting a conditional use permit in District A (Agricultural) for a period of fifteen years to construct a 126-ft. monopole tower for wireless communications as to a 0.78± acre tract.

(Land Use Committee - 3rd. Perfection)

[3888](#) 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 30 ± acre tract and approving the preliminary plat "Hoover Estates - 2nd Plat," creating a five-lot residential subdivision.
(Land Use Committee - 3rd. Perfection)

[3893](#) Health and Justice Committee moved to perfect. Consent Agenda.

[3894](#) Health and Justice Committee moved to perfect. Consent Agenda.

7 FINAL PASSAGE OF PROPOSED ORDINANCES

[3884](#) Consent Agenda.

[3886](#) Consent Agenda.

[3890](#) Consent Agenda.

[3891](#) Consent Agenda.

[3892](#) Consent Agenda.

8 RESOLUTIONS IN COMMITTEE

[16259](#) Public Works Committee moved do pass. Consent Agenda.

[16260](#) Land Use Committee moved do pass. Consent Agenda.

[16261](#) Land Use Committee moved do pass. Consent Agenda.

[16262](#) Anti-Drug Committee moved do pass. Consent Agenda.

[16263](#) Anti-Drug Committee moved do pass. Consent Agenda.

[16264](#) Anti-Drug Committee moved do pass. Consent Agenda.

[16265](#) Public Works Committee moved do pass. Consent Agenda.

[16266](#) Public Works Committee moved do pass. Consent Agenda.

9 CONSENT AGENDA

- [3893](#) AN ORDINANCE appropriating \$5,000.00 from the unappropriated surplus of the 2007 Grant Fund and authorizing the County Executive to execute an Agreement with the Missouri Highway and Transportation Commission in the acceptance of the Commission's Blueprint for Roadway Safety: Overtime Enforcement for Aggressive Driving grant.
(PERFECTED)
- [3894](#) AN ORDINANCE appropriating \$1,821.00 from the unappropriated surplus of the 2007 Health Fund and authorizing the Director of Finance and Purchasing to issue a check in the amount \$1,820.18 to the Mid-America Regional Council as a pass-through of funds received from the Missouri Emergency Response Commission.
(PERFECTED)
- [3884](#) AN ORDINANCE transferring \$10,373.00 within the 2007 General Fund, appropriating \$31,762.00 from the unappropriated surplus of the 2007 Grant Fund, and authorizing an extension of the Coordinated Community Response to Domestic Violence Grant funded by the U.S. Department of Justice.
(ADOPTED)
- [3886](#) AN ORDINANCE transferring \$13,791.00 within the 2007 General Fund, appropriating \$17,124.00 from the unappropriated surplus of the 2007 Grant Fund, and authorizing an extension of the Community Gun Violence Prosecution Grant awarded by the United States Department of Justice, Office of Justice Programs.
(ADOPTED)
- [3890](#) AN ORDINANCE transferring \$95,034.00 within the 2007 General Fund and appropriating \$197,986.00 from the unappropriated surplus of the 2007 Grant Fund in acceptance of a grant from the Missouri Department of Public Safety for a program focused on prevention and prosecution of sexual assaults.
(ADOPTED)
- [3891](#) AN ORDINANCE appropriating \$5,000.00 from the unappropriated surplus of the 2007 Grant Fund and authorizing the County Executive to execute an Agreement with the Missouri Safety Center in acceptance of the Jackson County Sheriff's Office's Click It or Ticket Overtime Enforcement grant.
(ADOPTED)
- [3892](#) AN ORDINANCE appropriating \$3,000.00 from the unappropriated surplus of the 2007 Grant Fund in acceptance of grant funds awarded to the Jackson County Sheriff's Office by the Missouri Safety Center for the Pick Up Truck Overtime STEP Enforcement Project, to promote seat belt usage in pick up trucks.
(ADOPTED)

- [16259](#) A RESOLUTION authorizing the County Executive to execute Change Order No. 2 to the contract with U. S. Engineering of Kansas City, MO, for the furnishing of HVAC renovation for use by the Facilities Management Department, under the terms and conditions of Invitation to Bid No. 30-05, in an amount not to exceed \$348,517.43.
(ADOPTED)
- [16260](#) A RESOLUTION awarding a contract for the purchase of fourteen Evinrude outboard boat motors for use by the Parks and Recreation Department to BRP US, Inc., of Sturtevant, WI, under the terms and conditions of an existing United States government contract No. GS-07F-0066H, at a total cost to the County not to exceed \$52,794.00.
(ADOPTED)
- [16261](#) A RESOLUTION authorizing the County Executive to execute a Permanent Ingress/Egress Easement Agreement across a portion of Jackson County park property in favor of Public Water Supply District No. 13 of Lee's Summit, MO.
(ADOPTED)
- [16262](#) A RESOLUTION authorizing the County Executive to execute an Agreement with Jackson County Court Appointed Special Advocates (CASA), for its Guardian Ad Litem program, as a local match to a private grant, at a cost to the County not to exceed \$50,000.00.
(ADOPTED)
- [16263](#) A RESOLUTION authorizing the County Executive to execute a Cooperative Agreement with the Salvation Army, to provide housing and services for homeless Drug Court referrals, at a cost to the County not to exceed \$7,000.00.
(ADOPTED)
- [16264](#) A RESOLUTION authorizing the County Executive to execute an Agreement with Operation Breakthrough, Inc., for its Youth Empowerment program, a development program targeting the reduction of substance abuse, crime, and violence, as a local match to a private grant, at a cost to the County not to exceed \$23,936.00.
(ADOPTED)
- [16265](#) A RESOLUTION accepting a right-of-way, permanent drainage easements, and a temporary construction easement and authorizing payment to the property owner, Property Reserve, Inc., in the actual amount of \$223,845.00, in connection with the Woods Chapel Road Improvement Project, No. 2293.
(ADOPTED)
- [16266](#) A RESOLUTION awarding a contract on Bid No.PW12-2006 to Emery Sapp and Sons, Inc., of Kansas City, MO, for the Liggett Road Improvements Project, No. 2449, at an actual cost to the County not to exceed \$2,431,676.95.
(ADOPTED)

To perfect Ordinances 3893, 3894. To adopt Ordinances 3884, 3886, 3890, 3891, 3892.
To adopt Resolutions 16259, 16260, 16261, 16262, 16263, 16264, 16265, 16266.

Dennis Waits moved the passage of the consent agenda. Seconded by Henry C. Rizzo.
The motion passed by a roll call vote:

Yes: 8 - Theresa A. Garza, Henry C. Rizzo, Fred Arbanas, Scott Burnett, James D. Tindall, Dennis Waits, Dan Tarwater and Greg Grounds
Absent: 1 - Bob Spence

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

[3895](#) Appropriating \$15,000.00 from the unappropriated surplus of the 2007 Federal Forfeiture Fund to cover the costs of online legal publication and legal research services for use by the Prosecuting Attorney's Office.
(Health and Justice Committee)

[3896](#) Transferring \$21,137.00 within the 2007 Anti-Drug Sales Tax Fund, appropriating \$32,077.00 from the unappropriated surplus of the 2007 Grant Fund, and authorizing the County Executive to execute Amendment #5 to the Memorandum of Agreement with the Kansas City Metropolitan Crime Commission regarding the Project Safe Neighborhoods program.
(Anti-Drug Committee)

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

[16270](#) Awarding a twenty-four month term and supply contract, with two twelve-month options to extend, on Invitation to Bid No. 3-07 for the furnishing of rental equipment for use by the Parks and Recreation Department to All Seasons Party Rental of Grandview, MO.
(Land Use Committee)

[16271](#) Authorizing the County Executive to execute Change Order No. 4 to the contract with Ideker, Inc., of St. Joseph, MO, for the Colbern Road Phase II Project, No. 2411, increasing the contract amount by \$291,368.51.
(Public Works Committee)

Discussion regarding Resolution #16272 and #16273.

[16272](#) Dennis Waits moved the passage of Resolution #16272, authorizing the County Executive to execute a Cooperative Agreement with Animals Best Friends, to assist with the welfare and placement of animals from the Independence Animal Shelter, at an actual cost to the County not to exceed \$39,400.00. Seconded by Henry C. Rizzo.

Yes: 6 - Henry C. Rizzo, Fred Arbanas, Scott Burnett, James D. Tindall, Dennis Waits and Dan Tarwater
No: 2 - Theresa A. Garza and Greg Grounds
Absent: 1 - Bob Spence

(ADOPTED)

Resolution #16272 was adopted pending compliance.

[16273](#)

Dennis Waits moved the passage of Resolution #16273, transferring \$100,000.00 within the 2007 Health Fund and authorizing the County Executive to execute a cooperative agreement for the Kansas City Pet Project with Spay and Neuter Kansas City, to provide for spay and neutering services and animal welfare education through a partnership with Kansas City, Missouri Animal Control, AnimalKind, and Wayside Waifs, at an actual cost to the County not to exceed \$100,000.00. Seconded by Henry C. Rizzo.

Yes: 5 - Henry C. Rizzo, Scott Burnett, James D. Tindall, Dennis Waits and Dan Tarwater

No: 2 - Theresa A. Garza and Greg Grounds

Abstain: 1 - Fred Arbanas

Absent: 1 - Bob Spence

(ADOPTED)

Resolution #16273 was adopted pending compliance.

12 COUNTY EXECUTIVE ORDERS

07-16

I hereby promulgate the following Rules to establish a Competitive and Open Process for Awarding Professional Services Contracts pursuant to the authority of the County Executive under the Constitutional Home Rule Charter of Jackson County Missouri.

PROFESSIONAL SERVICES

Professional services are infrequent, technical or unique functions performed by independent contractors or consultants whose occupations are rendering such services. While not limited to individuals holding professional licenses, the services are considered to be "professional" and contracts for these services may run to partnerships, firms, or corporations as well as to individuals. Examples of providers of professional services include, but are not limited to, accountants, appraisers, archaeologists, attorneys, business and technical consultants, physicians, performing artists, researchers, and real estate brokers. The selection of an independent contractor or consultant providing professional services is usually based on skill, knowledge, reputation, and creativity. Price may be a secondary factor in the selection.

PROFESSIONAL SERVICES CONTRACT PROCEDURE

This procedure shall be the exclusive procedure used whenever any agency of county government under the authority of the County Executive desires to contract with an outside vendor to receive professional services directly for the benefit of the operations of Jackson County. The procedures used pursuant to this Order shall be informed by and guided by the provisions of Chapter 10 of the Jackson County Code relating to Purchasing except that in cases of conflict this order shall govern for the purposes of awarding Professional Service Contracts.

This Executive Order does not apply to procedures for the procurement of architectural, engineering and land surveying services, which are set forth in Executive Order #94-24.

Professional services contractors shall submit acceptable plans to the Contract Review Office for compliance with Chapter 6 of the Jackson County Code.

SECTION 1 - REQUEST FOR PROFESSIONAL SERVICES CONTRACT

All requests for a Professional Services Contract shall be made in writing and addressed to the Finance and Purchasing Department. Each request shall specify at least:

1. Name of the requesting department and official
2. The project or need to be addressed by the Professional Services Contract.
3. Budget line authority for the cost of the Professional Services Contract.
4. Scope of work required
5. Minimum qualifications
6. Suggested selection criteria
7. When the services will be needed

SECTION 2 - ISSUANCE OF THE RFP/RFQ

When purchasing is notified that budgeted funds are available, the purchasing manager shall prepare a request for proposal or a request for qualifications which may contain:

Scope of the work required

Minimum qualifications

Pricing

Procedure for submitting proposals

Deadline for proposals / schedule for opening proposals
Other material/information deemed necessary by the purchasing manager.

The purchasing manager shall cause the RFP/RFQ to be published on the county website and distributed widely to encourage multiple responsive proposals from different individuals or firms.

Exceptions to this section can be made by the Purchasing Manager when competitive bids are not required according to Section 1030 of Chapter 10. Those reasons are sole source contracts, emergencies, purchases from other governments and fixed price contracts.

SECTION 3 - EVALUATION OF THE RESPONSES TO THE RFP/RFQ

All proposals submitted shall be kept sealed until opened simultaneously at the scheduled time. Each proposal shall respond fully to the request or it may be stricken as non-responsive, and disregarded. Once the proposals are opened, the purchasing manager shall prepare a summary allowing a side by side comparison of the responses. The director and or the principal officer of the originating department shall, at the request of the County Executive, make an advisory recommendation suggesting which proposal should be accepted.

SECTION 4 - DETERMINATION OF THE AWARD

At such time as the County Executive is fully informed and satisfied that the process has been open, competitive, and fair, and that the acceptance of a bid is in the best interest of the County, the Executive may make an award of the contract.

SECTION 5 - NOTIFICATION OF THE LEGISLATURE

Pursuant to Chapter 2, Section 232. of the County Code, the County Executive shall file with the Clerk of the Legislature an executed copy of every Professional Services Contract issued by the Executive. Pursuant to Chapter 2, Section 241. of the County Code, the County Counselor shall file with the Clerk of the Legislature an executed copy of every Legal Services Contract issued by the Counselor.

13 UNFINISHED BUSINESS

Henry C. Rizzo said the Budget Committee will meet Monday, April 30, 2007 at 1:30 P.M. in the Kansas City Legislative Assembly Area to review current invoices for the stadium project.

14 NEW BUSINESS

Scott Burnett, County Legislator, said Midwest Airlines has been a good partner with Kansas City and there is a hostile take over by Air Tran of Midwest Airlines. He will give staff some information to draft legislation similar to what the City of Kansas City passed last week, for the County Legislature's consideration next week.

15 **ADJOURNMENT**

Henry C. Rizzo moved to adjourn the meeting. Seconded by Scott Burnett.

The motion passed by a voice vote.

(APPROVED)

Meeting adjourned until Monday, April 30, 2007 at 2:30 P.M. in the Legislative Assembly Area, Kansas City, Missouri.