



Office of
Mary Jo Spino
Clerk of the County Legislature

Jackson County Missouri

JOURNAL

Jackson County Courthouse
415 E. 12th Street, 2nd floor
Kansas City, Missouri 64106
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County Legislature

*DaRon McGee (4th) 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),
Jeanie Lauer (5th), Sean E. Smith (6th)*

Monday, March 27, 2023

3:00 PM

Twelfth Regular Meeting

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

DaRon McGee, Chairman, called the meeting of the Jackson County Legislature to order.

1 ROLL CALL

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

2 THE PLEDGE OF ALLEGIANCE

Recited.

3 APPROVAL OF THE JOURNAL OF THE PREVIOUS MEETING

A motion was made by Manuel Abarca IV, seconded by Jeanie Lauer to approve the journal of the previous meeting held on March 20, 2023. The motion passed by a voice vote.

4 HEARINGS

A motion was made by Sean Smith, seconded by Jalen Anderson, to reconsider Ordinance #5711 as perfected on March 21, 2023. The motion failed by a roll call vote:

Yes: 4 - Jalen Anderson, Charlie Franklin, Jeanie Lauer and Sean Smith.

No: 5 - Donna Peyton, Megan Marshall, Manuel Abarca IV, Venessa Huskey and DaRon McGee

5 COMMUNICATIONS WITH AND REPORTS OF THE COUNTY EXECUTIVE

Frank White, Jr., County Executive, expressed his thanks to Jalen Anderson, Venessa Huskey, Donna Peyton, and Chairman DaRon McGee for attending the ribbon cutting of the Frank White, Jr. Softball Complex this past Saturday. There was new turf installed on the infield. Many coaches and staff are excited about the new fields.

Second, Mr. White said, there are a series of mass shootings throughout

the country on a regular basis with no responsible gun legislation to keep our community and our children safe. There was another mass shooting today in Nashville. His hope is that our state legislature and those at the highest levels of government in Washington, D.C. will pass some responsible gun law in the near future. Mr. White asked everyone to join him in a moment of silence for those who lost their lives today in Nashville.

DaRon McGee, County Legislator, commended the Parks + Rec Department on their fine work at the Softball Complex. He said it is a nice upgrade to the complex.

Mr. McGee asked Troy Schulte, County Administrator, to give an update on the plumbing issues at the Historic Truman Courthouse in Independence. Mr. Schulte said, the Administration is engaging in some contract discussions with the term & supply vendor. The Administration will be bring legislation to the County Legislature in the next few weeks to cover the repairs using contingency funds. The approximate cost is \$190,000.00.

Manuel Abarca IV, County Legislator, asked the County Executive about the American Rescue Plan Act (ARPA) process. There are significant funds to be allocated. Some allocations have come through piecemeal. He asked the County Executive about the process for determining the priorities. Mr. White said that is not an easy question to answer because there are nine legislators and they each have wishes and wants. He would like to meet with each one of them to discuss their priorities. Additionally, the County has a number of infrastructure needs to address. The new Administration building is part of the plan. He is happy to meet with anyone to discuss these plans. Mr. Abarca asked if there are any public engagement plans. Mr. White said yes, the public input is important for the allocation of funds.

Manual Abarca IV requested additional information about the County policy related to the use of vehicles. Mr. White asked to clarify if he meant the fleet management policy. Mr. Abarca said yes. Mr. White said his office will provide that information.

Megan L. Marshall, County Legislator, asked if there is an update on grants the County has applied for related to the detention center. Troy Schulte said on Friday the County was notified of an award of a couple of hundred thousand dollars. He does not have the exact figure. This grant is funding for renovations to the existing jail. They had hoped to buy a new dishwasher, but that was not funded by the state. There will be a resolution

regarding the purchase of a new dishwasher. There will be legislation soon accepting the grant.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

[5718](#) AN ORDINANCE appropriating \$5,000,000.00 from the Undesignated Fund Balance of the American Rescue Plan Fund and authorizing the County Executive to execute an agreement with the University of Missouri - Kansas City (UMKC) for the purpose of continuing the Our Healthy KC Eastside program for COVID-19 vaccination and minority health outreach for the calendar year 2023, at a cost to the County not to exceed \$5,000,000.00.
(Finance and Audit Committee - 4th. Perfection)

7 FINAL PASSAGE OF PROPOSED ORDINANCES

[5723](#) Consent Agenda.

8 RESOLUTIONS IN COMMITTEE

[21202](#) Budget Committee moved to adopt. Consent Agenda.

[21203](#) Justice and Law Enforcement Committee moved to adopt. Consent Agenda.

9 CONSENT AGENDA

[5723](#) AN ORDINANCE appropriating \$8,377.00 from the undesignated fund balance of the 2023 Health Fund and authorizing the Director of Finance and Purchasing to issue a check to the Mid-America Regional Council in the amount of \$46,377.00 relating to the Local Emergency Planning Committee.
(ADOPTED)

[21202](#) A RESOLUTION awarding a three-year contract for the furnishing of mortgage loan information services to Trepp, Inc., of New York City, New York as a sole source purchase, at an actual first year cost to the County in the amount of \$90,023.00.
(ADOPTED)

[21203](#)

A RESOLUTION awarding a twelve-month term and supply contract with two twelve-month options to extend for the furnishing of LEWeb law enforcement computer information services for use by various County departments to the Regional Justice Information Service (REJIS) Commission of St. Louis, MO, as an acquisition from another governmental entity.

(ADOPTED)

Ordinance #5723 and Resolutions #21202 and #21203 were moved to the Consent Agenda for adoption.

A motion was made by Manuel Abarca IV, seconded by Venessa Huskey, to approve the Consent Agenda. The motion passed by a roll call vote:

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

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

Ordinance #5728 was discussed and perfected at this time. See pages 5-8 for details.

[5726](#)

Enacting sections 667. and 5575., Jackson County Code, 1984, relating to a ban on conversion therapy for minors, with a penalty provision.

(Assigned to the Diversity, Equity, & Inclusion Committee.)

[5727](#)

Establishing the New Detention Center Capital Project Fund as a dedicated special revenue fund within the County's financial system, appropriating \$99,017,979.00 from the Undesignated Fund Balance of the 2023 New Detention Center Capital Project Fund, authorizing the County Executive to execute three contract amendments to the contract with J.E. Dunn-Axiom of Kansas City, MO, for the construction of the new Jackson County Detention Center to cover the guaranteed maximum price, Component 2 (Site Demolition, Site Development, and Earthwork), and Component 2a (Engineering, Detailing, Mockups, and Early Procurement) at an aggregate cost to the County not to exceed \$99,017,979.00, and declaring the intent of the County to reimburse itself for this expense from future bond proceeds.

(Assigned to the Legislature As A Whole.)

DaRon McGee asked to be added as a sponsor for Ordinance #5727 and all future legislation pertaining to the new Jackson County Detention Center.

A motion was made by Manuel Abarca IV, seconded by Venessa Huskey, to approve Floor Substitute II dated March 27, 2023 for Ordinance #5728.

Discussion.

A motion was made by Jeanie Lauer, seconded by Jalen Anderson, to hold Ordinance #5728. The motion failed by a roll call vote:

Yes: 2 - Jalen Anderson, Jeanie Lauer

No: 6 - Donna Peyton, Megan Marshall, Manuel Abarca IV, Venessa Huskey, Charlie Franklin, and DaRon McGee

Abstain: 1 - Sean Smith

Jeanie Lauer, County Legislator, asked for clarification as to which substitute was under consideration. She inquired if this vote is regarding Floor Substitute II. Manuel Abarca IV said yes. Ms. Lauer asked the sponsor to state the revisions. Mr. Abarca deferred to the County Counselor. Jay Haden, Chief Deputy County Counselor, said to ignore the previous document titled Floor Substitute I. Floor Substitute II eliminates a previous sub-paragraph 5575.3 relating to First Amendment and freedom of religion issues. That is no longer in this ordinance. It also eliminates any reference to training and education. Now the section just has a notice requirement. Those are the two substantive changes. Subsections were also renumbered.

Jeanie Lauer inquired of the sponsor about the notice requirement. She asked how he anticipates the County would accomplish the notice requirement. Mr. Abarca said the same way the County fulfills any notice requirement, publish in the newspaper. Ms. Lauer asked how often would this run? Mr. Abarca stated it would be published one time. Ms. Lauer said many people, therapists, school counselors would not see just one notice. Mr. Abarca said the goal was to accommodate some of the objections listed by other legislators from the discussion last week in hopes of bringing together a more congenial effort to bring folks to the table. Mr. Abarca said the draft of the ordinance is to provide some level of notice to those impacted by the new law.

Jeanie Lauer asked about including a fiscal note since this notice requirement could be an additional cost to the County and staff resources. She said it also seems this gives an unfair advantage when some groups are required to receive notice, but other groups do not have that requirement. This could be construed as to giving notice to “bad actors” of a penalty provision, whereas the County does not give such notice to other “bad actors” such as burglars, domestic violence offenders, or other groups and criminals. It seems inconsistent with the intent.

Megan L. Marshall asked for clarification from the County Counselor about the notice requirement. Her interpretation is this section requires

notice to the citizens of Jackson County, not specifically providers. Bryan Covinsky, County Counselor, said the section states, "The County shall provide notice to ensure awareness of this section to Providers and other persons who may be subject to this section in order to ensure that they are aware of the potential harms of Conversion Therapy." Mr. Covinsky said, when an element of notice is added in, then to enforce the ordinance would require an element to prove how the offender got the notice. There are multiple ways notice can be given. It would be up to a court to determine if the notice was proper. Megan L. Marshall said there would be cost effective ways to give notice that does not take away the intent of the ordinance. Bryan Covinsky said that this requires that notice would have to be part of the enforcement.

Jeanie Lauer said state statutes require public notice through social media and through newspapers. That would require additional costs. We are a litigious society. It leaves us with the potential that a bad actor could claim "I didn't see it" and that would be sufficient defense of the charge. The onus on the County is to prove that they did see the notice. It leaves us with potential litigation and another encumbrance on the County.

Jalen Anderson, County Legislator, asked when an ordinance is passed and signed by the County Executive, how long before it is enacted? Mr. Haden said an ordinance is effective the date it is signed by the County Executive unless there is an effective date. Mr. Anderson said his original ordinance introduced by himself, Mr. Abarca and signed on by Legislator Lauer and Smith, did not have this notice requirement. He has never seen notice given that will give a 90-day effective date on a law to protect children. This gives people who do horrible things the chance to say, "I didn't see that notice." He asked if we would do this with human trafficking or assault? He said this is a chance to tie the County up with lawsuits that cannot be defended.

Mr. Abarca asked the County Counselor where the 90-day provision is in the ordinance. Jay Haden said it is in section C in the last paragraph of the ordinance. Mr. Abarca asked why this was included. Mr. Haden said one of the Legislators asked him to put it in there.

Frank White, Jr. asked the County Counselor, based on the notification requirement of the ordinance, if it would put the County in jeopardy to receive more lawsuits by people claiming they did not receive the notice. Mr. Covinsky said he is not sure it would be a general exposure for more lawsuits. Mr. Covinsky gave an example of how an attorney might prosecute such a case. These requirements are foundational. The notice

has nothing to do with the substance of your case. In this circumstance, if you are to enforce the statute, the notice piece becomes foundational. That was not a requirement of the other ordinance. It would be an element that the prosecutor would have to provide. The defense would have the opportunity to say, "I did not receive notice." It adds another layer to being able to enforce the ordinance – how the notice was provided. The court would have to determine if that notice was sufficient. A lot will depend on how the County goes about providing that notice. It would be difficult to say what is sufficient notice.

Frank White, Jr. said part of his job is to not put the County in harms way. This legislation as written, leaves the County with potential for more lawsuits. He said if this passes he cannot see himself signing it into law based on how it is written.

Donna Peyton, County Legislator, said she had concerns voting on Proposed Floor Amendment II which sets a 90-day effective date to be enacted. She doesn't see the necessity of the 90-days effective date. Jay Haden acknowledged there is conflict between the boiler plate language on the signature page that states the ordinance is effective upon signature of the County Executive and the section C of the ordinance that has a 90-day effective date. He said the County Counselor's Office will correct that when it is filed with the Clerk's office. Ms. Peyton said she has concerns that a Legislator would request a change to the effective date without notifying the sponsor. Mr. Haden said he will review his emails and let the legislature know who made the request. This section has been in the ordinance since last week.

Donna Peyton asked what Mr. Haden meant about the ability to amend or revise the ordinance. Mr. Haden said he was referring to correcting the signature page, which inadvertently said the ordinance is effective upon the signature of the County Executive. Once the ordinance is perfected, it cannot be substantially changed. Sean E. Smith, County Legislator, asked for clarification about amending an ordinance at a later date, after it is adopted. Mr. Smith said it is possible to revise the law at a later date. Mr. Haden agreed.

Ms. Lauer asked about the inclusion of a fiscal note. Mr. Haden said it is not the practice of the County to include a fiscal note on anything that does not have a specific direct expenditure attached to the request.

[5728](#)

A motion was made by Manuel Abarca IV, seconded by Venessa Huskey, to approve Floor Substitute II dated March 27, 2023 for Ordinance #5728. The motion passed by a voice vote.

(APPROVED)

[5728](#)

A motion was made by Manuel Abarca IV, seconded by Venessa Huskey, to perfect Floor Substitute II dated March 27, 2023 for Ordinance #5728, enacting sections 667. and 5575., Jackson County Code, 1984, relating to a ban on conversion therapy for minors, with a penalty provision and an effective date. The motion passed by a roll call vote:

Yes: 5 - DaRon McGee, Megan L. Marshall, Donna Peyton, Manuel Abarca IV and Venessa Huskey

No: 2 - Jalen Anderson and Jeanie Lauer

Abstain: 2 - Charlie Franklin and Sean E. Smith

(PERFECTED)

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE[21208](#)

A motion was made by Manuel Abarca IV, seconded by Megan L. Marshall, to adopt Resolution #21208, authorizing the Chairman of the Legislature to execute an amendment to the Consulting Agreement with Fred Dreiling, LLC, of Kansas City, MO, to serve as Chief Lobbyist to perform state legislative lobbyist services for the Legislature, awarded pursuant to Resolution 20841, dated December 13, 2021. The motion passed by a roll call vote:

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

(ADOPTED)

[21209](#)

Awarding a contract for the furnishing of annual software maintenance for use by the Finance and Purchasing Department to Mitchell Humphrey of St. Louis, MO, as a sole-source purchase, at an actual cost to the County in the amount of \$87,310.00.

(Assigned to the Finance and Audit Committee.)

[21210](#)

Authorizing the County Executive to execute an Intergovernmental Cooperative Agreement with the City of Independence, MO, for the use of certain County property for a civic event, at no cost to the County.

(Assigned to the Finance and Audit Committee.)

[21211](#)

Awarding a contract for the furnishing of a backhoe for use by the Public Works Department to CSTK of Kansas City, KS, under the terms and conditions set forth in the Sourcewell Contract No. 040319-JCB, an existing competitively bid government contract, at an actual cost to the County in the amount \$130,194.00.

(Assigned to the Public Works Committee.)

[21212](#) Awarding a contract on Bid 23-011 for the 2023 Pavement Maintenance Program (Surface Treatments), Project No. 3273, to Vance Brothers, Inc., of Kansas City, MO, at an actual cost to the County not to exceed \$470,400.00.

(Assigned to the Public Works Committee.)

[21213](#) A motion was made by Manuel Abarca IV, seconded by Megan L. Marshall, to adopt Resolution #21213, congratulating Macedonia Baptist Church of Kansas City, Missouri on the occasion of its 107th anniversary. The motion passed by a roll call vote:

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

(ADOPTED)

[21214](#) Congratulating the Ruskin Eagles High School boys basketball team on winning the Greater Kansas City Suburban District Championship.

(Assigned to the Legislature As A Whole.)

[21215](#) Congratulating Melodie Chrisman on the occasion of her retirement after more than fifteen years of service to the Community Services League.

(Assigned to the Legislature As A Whole.)

12 COUNTY EXECUTIVE ORDERS

None.

13 UNFINISHED BUSINESS

Jalen Anderson presented Resolution #21205, adopted by the County Legislature on March 20, 2023, to Justin Horn, recognizing him for his service on the Board of Directors of the Jackson County Children's Services Fund.

14 NEW BUSINESS

DaRon McGee recognized and congratulated Captain Mike Rogers with the Sheriff's Department on his retirement from Jackson County effective March 31, 2023, after 33 years of service.

Jay Haden said he was questioned by Mr. Anderson for clarification about the perfection of Ordinance #5728. Rule 16D of the Rules of the Legislature say a proposal for ordinance may be immediately added to the perfection agenda of the same meeting at which the proposal was introduced only if a motion for immediate perfection is carried. Passage of such a motion

requires a two-thirds majority of those present and voting. If the ordinance appropriates funds, a motion for immediate perfection will be defeated by two "No" votes. He believes the vote to perfect was defeated.

After the conclusion of the meeting, the County Counselor conferred with Robert's Rules of Order and the Rules of the Legislature and determined that because of the two abstentions, Ordinance #5728 was perfected.

15 ADJOURNMENT

A motion was made by Jeanie Lauer, seconded by Manuel Abarca IV, to adjourn the meeting. The motion passed by a voice vote.

Meeting adjourned until Monday, April 3, 2023 at 3:00 P.M. at the Jackson County Courthouse, 415 E. 12th Street, Kansas City, Missouri, 2nd Floor, Legislative Assembly Area.