



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  
(816)881-3242

*Henry C. Rizzo (2nd AL), Chairman, Bob Spence (6th), Vice-Chairman,  
Robert A. Stringfield (1st AL), Fred Arbanas (3rd AL), Scott Burnett (1st),  
Eugene Standifer Jr. (2nd), Dennis Waits (3rd), Dan Tarwater (4th),  
Rhonda L. Shoemaker (5th)*

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**Monday, August 21, 2006**

**2:30 PM**

**Thirty-Third Regular Meeting**

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

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Henry C. Rizzo, Chairman, called the meeting of the Jackson County Legislature to order.

**1 ROLL CALL**

Present: Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Rhonda L. Shoemaker, Bob Spence 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 8/14/2006.  
Seconded by Dennis Waits.

**The motion passed by a voice vote.**

**(APPROVED)**

**4 HEARINGS**

*Henry C. Rizzo said Governor Blunt has sent a letter requesting a new panel. The Clerk of the Legislature distributed copies of a resume from Deron Cherry as a candidate for the Jackson County Sports Authority. Henry noted that he is a Republican.*

*Dennis Waits, County Legislator, asked if the Legislature should rescind the previous Resolution regarding the Sports Authority and put together a new panel.*

*Ed Rucker, County Counselor, said the statute does not allow the Governor to reject the panel. It contains no provision to send a second panel. The danger is if the Legislature prepares a Resolution to rescind a panel then any subsequent panel appointed more than 30 days past July 15th is a panel that the Governor can argue was appointed out of time. Once the 30 days expires the Governor clearly, by statute, has the right to appoint any qualified person.*

*Dennis Waits asked if the Legislature should pick a second panel.*

*Ed Rucker said this body went through litigation over this 30 years ago, but this remains a gray area. The technical problem with a second panel is there is no power to reject or retract the first panel. Any person appointed from the second panel may be a nullity. There is no authority to appoint a second panel. If the second panel is not a valid panel then the Governor cannot appoint from it.*

*Bob Spence asked if a precedent was set in the past since panels have been rejected and new panels have been sent to the Governor.*

*Ed Rucker responded that the Governor's letter requested the County Legislature to send another panel. He said even if it was done in the past, it is not a precedent that will bind any court so it is not a binding legal precedent. It may be a precedent in the political science sense but not in the legal sense.*

*Dennis Waits asked counsel to look at this issue and report back to the Legislature next week.*

*Ed Rucker said Jay Haden, Deputy County Counselor, is out of town this week at a County sponsored event on environmental management, so he asked the Legislature for two weeks.*

*The Legislature agreed.*

*Dennis Waits announced that anyone wishing to serve on the Jackson County Sports Complex should send their resume to the Clerk of the Legislature.*

*Henry C. Rizzo said the County Legislature will not meet the week of Labor Day so the Sports Authority panel will be discussed in 3 weeks at the legislative meeting scheduled to be held on September 11th.*

*Ed Rucker said with the Legislature's permission he would send a letter to the Governor asking if the panel is rejected and what is his authority.*

*The Legislature authorized Mr. Rucker to send a letter to the Governor.*

*Dan Tarwater said the County Legislature sent a panel within 30 days to the Governor.*

*Ed Rucker said he is concerned because the statute is clear and says to send a panel of 3 names, 2 panels would be 6 names.*

## **5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE**

*Katheryn Shields, County Executive, said most bills go into effect on August 28th, after being signed by the Governor.*

*House Bill 1707 allows citizens to file documents at the courthouses either in Kansas City or in Independence, where previously documents could only be filed at the Kansas City Courthouse.*

*Senate Bill 932 deals with the privacy issue and will allow citizens to redact private information like social security numbers and bank account numbers. It also prohibits submitters from including that kind of sensitive information in recorded documents after August 28th when the bill goes into effect. Jackson County is the only county in the State of Missouri where citizens can request that social security numbers, credit card numbers and bank account numbers be removed, as a result of our legislative efforts.*

*The forms to request a redaction are currently available on-line, on the Recorder of Deeds web site. Citizens must use the form to get personal information redacted from currently recorded documents.*

*Dan Tarwater asked if Jackson County could remove personal information from all recorded documents.*

*Katheryn Shields said it is a huge task and they could not find a program to guarantee that it would get off every document. She said there was no support from other counties. Frankly, other counties are not anxious to have this in place. The only compromise we could come up with, that would allow us to do this without the Recorder of Deeds across the State of Missouri opposing this legislation, is that the citizen would need to request that this information be removed.*

*Katheryn said each year the Longview Horse Park Association holds an Annual Benefit Horse Show to help raise money to make improvements to the County's horse park, located on the South shore of Longview Lake. This year's event will be held on Saturday, August 26 at 6 p.m. at the County Horse Park. Over the last 5 years, the Association has made over a half-million dollars in improvements to the horse park. The money this year will be used to renovate and expand the facilities, which will create an opportunity to host world-class national and regional events in the future. This should be a fun family event and she encouraged all to attend.*

*Katheryn gave a quick update on the Fort Osage Education Center. She said we are in the 4th month of construction, all foundations are complete and the first level walls will be completed this week. The project remains on budget and on schedule with the construction estimated to be complete in February 2007.*

*There is a resolution before the Legislature today that deals with the fabrication of the exhibits for the Education Center and she asked for their support. She said she could set up tours for anyone interested.*

## 6 PERFECTON OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

[3792](#)

Land Use Committee moved to perfect.

*Fred Arbanas objects to the consent agenda.*

[3792](#)

Fred Arbanas moved to perfect Ordinance #3792. Seconded by Bob Spence.

**The motion passed by a voice vote.**

(PERFECTED)

[3792](#)

Fred Arbanas moved to suspend the rules to consider final passage of Ordinance #3792. Seconded by Bob Spence.

**The motion passed by a voice vote.**

(APPROVED)

*Consent Agenda. See Final Passage of Proposed Ordinances.*

[3796](#)

Public Works Committee moved to perfect.

*Bob Spence objects to the consent agenda.*

[3796](#)

Bob Spence moved to perfect Ordinance #3796. Seconded by Fred Arbanas.

**The motion passed by a voice vote.**

(PERFECTED)

- [3796](#) Bob Spence moved to suspend the rules to consider final passage of Ordinance #3796. Seconded by Fred Arbanas.  
**The motion passed by a voice vote.** (APPROVED)  
*Consent Agenda. See Final Passage of Proposed Ordinances.*
- [3797](#) Anti-Drug Committee moved to perfect. Consent Agenda.
- [3798](#) Health and Justice Committee moved to perfect. Consent Agenda.
- [3799](#) Finance and Audit Committee moved to perfect.  
*Scott Burnett objects to the consent agenda.*
- [3799](#) Scott Burnett moved to perfect Ordinance #3799. Seconded by Dennis Waits.  
**The motion passed by a voice vote.** (PERFECTED)
- [3799](#) Scott Burnett moved to suspend the rules to consider final passage of Ordinance #3799. Seconded by Fred Arbanas.  
**The motion passed by a voice vote.** (APPROVED)  
*Henry C. Rizzo objects to the consent agenda.*
- [3799](#) Scott Burnett moved the passage of Ordinance #3799 as perfected, repealing section 1523., Jackson County Code, 1984, relating to the Employees' Pension Plan, and enacting, in lieu thereof, one new section relating to the same subject. Seconded by Dennis Waits.  
Yes: 7 - Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Rhonda L. Shoemaker, Bob Spence and Bob Spence  
Abstain: 2 - Robert A. Stringfield and Henry C. Rizzo  
(ADOPTED)

## 7 FINAL PASSAGE OF PROPOSED ORDINANCES

- [3792](#) Consent Agenda.
- [3794](#) Consent Agenda.
- [3795](#) Consent Agenda.
- [3796](#) Consent Agenda.

## 8 RESOLUTIONS IN COMMITTEE

[15989](#) Public Works Committee moved do pass. Consent Agenda.

[15990](#) Land Use Committee moved do pass. Consent Agenda.

[15991](#) Land Use Committee moved do pass. Consent Agenda.

[15992](#) Public Works Committee moved do pass. Consent Agenda.

[15995](#) Land Use Committee moved do pass. Consent Agenda.

**9 CONSENT AGENDA**

- [3797](#) AN ORDINANCE transferring \$15,392.00 within the 2006 General Fund and \$33,377 within the 2006 Anti-Drug Sales Tax Fund, appropriating \$93,769.00 from the unappropriated surplus of the 2006 Grant Fund, and authorizing the County Executive to execute Amendment #3 and Amendment #4 to the Memorandum of Agreement with the Kansas City Metropolitan Crime Commission regarding the Project Safe Neighborhoods program.
- (PERFECTED)
- [3798](#) AN ORDINANCE appropriating \$2,500.00 from the unappropriated surplus of the 2006 Grant Fund and authorizing the County Executive to execute an Agreement with the Missouri Safety Center in acceptance of the Jackson County Sheriff's You Drink and Drive, You Lose enforcement grant, awarded by the Missouri Safety Center.
- (PERFECTED)
- [3792](#) AN ORDINANCE amending the zoning districts established pursuant to the Unified Development Code by changing a certain 14.1± acre tract from District A (Agricultural) to District RR (Residential Ranchette) for a two-lot residential subdivision.
- (ADOPTED)
- [3794](#) AN ORDINANCE appropriating \$46,980.00 from the unappropriated surplus of the 2006 Grant Fund to cover the Family Court Division's Family Drug Court Program grant received from the State of Missouri Drug Courts Coordinating Commission.
- (ADOPTED)
- [3795](#) AN ORDINANCE appropriating \$32,490.00 from the unappropriated surplus of the 2006 Grant Fund to cover the Family Court Division's Juvenile Drug Court Program grant received from the State of Missouri Drug Courts Coordinating Commission.
- (ADOPTED)
- [3796](#) AN ORDINANCE reappropriating \$74,099.75 from the unappropriated surplus of the 2006 Special Road and Bridge Fund and \$12,138.98 from the unappropriated surplus of the 2006 Public Building Corporation Fund representing funds left over from fully performed or cancelled contracts executed in 2005, to allow the reuse of these funds on current projects.
- (ADOPTED)
- [15989](#) A RESOLUTION authorizing the County Executive to execute Change Order No. 3 to the contract with Ideker, Inc., of St. Joseph, MO, for the Colbern Road Phase II Project, No. 2411, increasing the contract amount by \$270,808.37.
- (ADOPTED)

[15990](#) A RESOLUTION awarding a contract on Bid No. 11-06 for exhibit fabrication and installation at the Fort Osage Education Center for use by the Parks and Recreation Department to Design Craftsmen, LLC, of Midland, MI, at a cost to the County not to exceed \$587,144.00, and authorizing the County Executive to execute change orders in an amount not to exceed \$60,000.00, for a total contract authorization of \$647,144.00.

(ADOPTED)

[15991](#) A RESOLUTION authorizing the County Executive to execute a Park Management Agreement with the Downtown Community Improvement District for the furnishing of maintenance and safety-related services at the County's Oppenstein Brothers Memorial Park, at no cost to the County.

(ADOPTED)

[15992](#) A RESOLUTION accepting a right-of-way and authorizing payment to the property owner, William W. Bowlin, in the total amount of \$6,470.00, in connection with the Colbern Road Phase 4 Road Improvements, Project No. 2487.

(ADOPTED)

[15995](#) A RESOLUTION transferring \$60,000.00 within the 2006 Park Enterprise Fund to cover the cost of additional fuel for resale by the Parks and Recreation Department.

(ADOPTED)

To perfect Ordinances 3797, 3798. To adopt Ordinances 3792, 3794, 3795, 3796. To adopt Resolutions 15989, 15990, 15991, 15992, 15995.

Dan Tarwater moved the passage of the consent agenda. Seconded by Eugene Standifer Jr.. The motion passed by a roll call vote:

Yes: 9 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Rhonda L. Shoemaker, Bob Spence and Bob Spence

## 10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

[3800](#) Appropriating \$53,875.00 from the unappropriated surplus of the 2006 Grant Fund in acceptance of a grant awarded to the Family Court Division by the Missouri Department of Public Safety for the Victim Advocacy Program.

*(Health and Justice Committee)*

[3801](#) Transferring \$90,031.75 within and appropriating \$360,127.00 from the unappropriated surplus of the 2006 Anti-Drug Sales Tax Fund, in acceptance of a grant awarded by the U.S. Department of Justice for the Multi-Jurisdictional Task Force Project for the 2006-2007 period.

*(Anti-Drug Committee)*

*No objection to consideration of Ordinance #3802 - not on printed agenda.*



[3802](#) Rhonda L. Shoemaker moved to perfect Ordinance #3802. Seconded by Dan Tarwater.  
**The motion passed by a voice vote.** (PERFECTED)

[3802](#) Rhonda L. Shoemaker moved to suspend the rules to consider final passage of Ordinance #3802. Seconded by Dan Tarwater.  
**The motion passed by a voice vote.** (APPROVED)

[3802](#) Rhonda L. Shoemaker moved the passage of Ordinance #3802 as perfected, reimposing a tax of 3.0% of the tariff rate for each local telephone access line, not to exceed 100 lines per person or per location, for emergency telephone service utilizing a single three-digit number "911.". Seconded by Dan Tarwater.  
Yes: 9 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Rhonda L. Shoemaker, Bob Spence and Bob Spence  
(ADOPTED)

*Fred Arbanas, County Legislator, said Wisconsin and Missouri are the only two states that do not charge the "911" tax on cell phones. He hopes the next Administration puts a push on this legislation in Jefferson City.*

*Dennis Waits agreed but said this Administration has worked hard to get this legislation passed on the state level.*

*Rhonda Shoemaker, County Legislator, agreed and said she has received calls asking why cell phones are exempt from this tax. It is her understanding that 40% of the calls to "911" are from cell phones.*

## 11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

[15999](#) Awarding twelve (12) month term and supply contracts with one (1) twelve (12) month option for extension for the furnishing of mattresses, bedding, and linens for use by the Department of Corrections to Walter F. Stephens, Jr., Inc., of Franklin, OH, Tabb Textile Co., Inc., of Opelika, AL, Bob Barker Co., Inc., of Fuquay Varina, NC, and ATD American Co. of Wyncote, PA, under the terms and conditions set forth in Electronic Solicitation No. BB200624.  
(Health and Justice Committee)

[16000](#) Authorizing the County Executive to execute a Supplemental Cooperative Agreement for Jackson County Family Court Staff with the Missouri Department of Social Services, Family Support Division, Division of Child Support Enforcement.  
(Health and Justice Committee)

[16001](#)

Authorizing the County Executive to execute a Child Support Enforcement Cooperative Agreement with the State of Missouri Department of Social Services, Family Support Division.

*(Health and Justice Committee)*

*No objection to consideration of Resolution #16002 - not on printed agenda.*

[16002](#)

Scott Burnett moved the passage of Resolution #16002, congratulating the St. James Catholic Church upon its 100th anniversary celebration to be held Sunday, August 27, 2006. Seconded by Eugene Standifer Jr..

Yes: 9 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Rhonda L. Shoemaker, Bob Spence and Bob Spence

(ADOPTED)

**12 COUNTY EXECUTIVE ORDERS**06-14

I hereby make the following appointments to the Housing Resources Commission:

Anne McGregor to replace the vacant term of Marilyn Shapiro for a term to expire October 31, 2008.

David Odegard to replace the expired term of Darlene Caswell for a term to expire October 31, 2007.

Copies of the resumes of Ms. McGregor and Mr. Odegard are attached.

**13 UNFINISHED BUSINESS**

None.

**14 NEW BUSINESS**

None.

**15 ADJOURNMENT**

*The next legislative meeting is scheduled to be held on Monday, August 28, 2006 at 2:30 P.M. at the Independence Courthouse Annex, 308 W. Kansas, Ground Floor, Legislative Chambers.*