



Office of
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Clerk of the County Legislature

Jackson County Missouri

JOURNAL

County Legislature

Jackson County Courthouse
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*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)*

Wednesday, May 24, 2006

2:30 PM

Special Meeting

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

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

None.

4 HEARINGS

Katheryn Shields, County Executive, said the revenues currently generated from the "911" surcharge are not sufficient to meet the costs of providing "911" service to Jackson County. They have not been sufficient for the last three years. Jackson County has been falling behind in our payments to MARC for these services. Jackson County has been running between half million to one million dollars short on revenues. She said the State Legislature passed and authorized every county to put in a tax up to 15% to fund "911". Most counties asked for the 15% authorization. There is legislation before the County Legislature today that recommends Jackson County ask voters to approve up to 15% surcharge for "911" services. She said it is good to have this full authorization even though we would not initially implement the entire 15%.

Greg Ballentine, Director of Public Safety for MARC, said MARC provides staff support to the Public Safety Divisions Board which provides oversight of the regional "911" system. He said the "911" system serves nine counties; eight are original members and Miami County, Kansas joined a few years ago. Discussion regarding finances for this service has gone on for several years as it became evident that there would be shortfalls due to a variety of factors; increasing costs and the transition from wire line telephones to wireless telephones and now Internet telephones. The legislation in place has not kept up with emerging technology. So the only funding source that remains is the wire line "911" surcharge. Efforts have been made at the State level to implement a wireless surcharge. Other counties in the region have different tax rates depending on the number of telephone subscribers and the amount of dollars they need to raise in their county to support "911". Some counties have been able to build significant fund balances. In other situations, there are changes in the tax on an annual basis based on projected revenues.

Henry C. Rizzo asked how much the wire line user pays at the two percent rate.

Greg Ballentine said twenty-four cents is the average rate in Jackson County which is only on the base telephone charge.

Henry C. Rizzo asked if the rate applies to Time Warner with cable telephones.

Greg Ballentine said yes, it will now. Initially Time Warner was not collecting the tax. MARC has worked diligently with Time Warner and other Internet phone providers to get this done. Recently, \$76,000.00 was received in back payment from Time Warner by Jackson County. He said if the tax is raised to 5% it would be approximately sixty cents per month per subscriber. If the tax is raised to 7% it would be approximately eighty-four cents per month per subscriber. A 15% tax will not be needed at this time. MARC recommends asking the voters to authorize up to the State cap of 15%. This will allow the County Legislature to raise and lower the tax in the future within the cap of 15% which will allow the most flexibility as there is emerging technology and changes in the "911" services. Greg said the average rate is between two and three percent. He said the Kansas Legislature allows for a flat rate of seventy-five cents for the counties of Leavenworth and Wyandotte.

Scott Burnett, County Legislator, asked what the rate should be set at for next year.

Greg Ballentine said the rate needs to be set at 2.5% to break even. He said the equipment in the "911" centers is approaching 4 years old. Maintenance cost is increasing. In 2001-2002 it cost \$9 million to replace the equipment. MARC urges Jackson County to build a small fund balance to accommodate future replacement.

Scott Burnett said it is important to know what rate we will set in 2006 and to advise citizens.

Greg Ballentine recommended a 4% tax which would be approximately fifty cents per month per subscriber.

Scott Burnett asked at what rate are land lines decreasing in Jackson County.

Greg Ballentine said he did not have the figure but could get it to the Legislature by the end of the day.

Dan Tarwater, County Legislator, said we must have "911". The problem is it is not fair to tax land line users at an increased rate to support those people with cell phones.

Dennis Waits, County Legislator, said the real answer is Jackson County needs to get State legislation passed to deal with this issue.

Dan Tarwater said he is not in favor of raising it to 15% because it does not create the urgency to go to Jefferson City for legislation.

Katheryn Shields said she, along with MARC, the Missouri Coalition of Counties and others have tried to get this change in legislation over a number of years and have been unsuccessful. She reminded legislators that this is a dedicated tax that can only be used for "911" services.

Greg Ballentine said every state except Missouri and Wisconsin has a surcharge on wireless users for "911" services.

Robert A. Stringfield, County Legislator, asked Jay Haden if the language could be changed and not include a percentage. He said it would read "stay within the limits to

allow the County Legislature to make the adjustments to what is needed each year".

Jay Haden, Deputy County Counselor, responded that there has to be a limit on the authority. The "not to exceed" figure creates flexibility to levy any amount less than the statutory maximum. He said there must be a maximum.

Fred Arbanas, County Legislator, asked how many "911" calls are received from cell phones.

Greg Ballentine responded that in 2004 the wireless call volume was 31%, with a total number of wireless "911" calls of 411,872 in Jackson County. In 2005, the wireless call volume was 38%, with a total number of wireless "911" calls of 486,817 in Jackson County.

Rhonda Shoemaker, County Legislator, agrees that if Jackson County sets the tax at 15% there is no sense of urgency for the State of Missouri. She believes cell phones need to be taxed. She asked about the verbiage that reads "not to exceed 100 lines", and asked if it applied to businesses.

Jay Haden said it was intended to ease the burden on a call center or commercial telephone business. There is a substitute before the Legislature that eliminates the verbiage in the ballot language because it could be confusing to the voter.

Scott Burnett asked if all of the area (voice over Internet protocol) have "911" capability now.

Greg said they are in the process of connecting all of them. He said the FCC gave a time period for voice override providers to be connected to "911" systems.

Discussion regarding ballot language. (Refer to video or audio tape.)

Greg Ballentine said 4% surcharge would generate enough revenue to cover the projection of expenses for 2007 for Jackson County.

Bob Spence, County Legislator, asked who determines the budget for "911" services.

Greg Ballentine said the Public Safety Communications Board determines the budget. The Board was created by inter local agreement of the eight counties of which Jackson County is one of them. The Board consists of elected officials from the eight counties. He said the County Executive of Jackson County is a member of the Board as well as Scott Burnett, County Legislator.

Henry C. Rizzo asked if the \$1 million shortfall was just Jackson County.

Greg said yes it is only Jackson County. In the inter local cooperation agreement, the counties agree to share the cost of the regional "911" system based on a formula equal to their percentage of population. Currently Jackson County is approximately thirty-eight percent of the regional population. So Jackson County is responsible for thirty-eight percent of the regional system. The "911" surcharge funds comes to each county and then they pay to the Mid-America Regional Council (MARC). It is that percentage that is currently in deficit.

Dennis Waits asked the Administration to explain why it is critical that this question be placed on the August 2006 ballot.

Jay Haden explained that according to state statute each governmental body shall make it's determination of such tax rate each year no later than September 1st. It shall fix the

new rate which will be collected as provided.

Dennis Waits said if this question is not approved by the voters until November 2006, Jackson County could not set the tax rate until September 2007 which would cause us to fall further behind in our payments.

Jay Haden said he is reluctant to changing ballot language without concurrence from other lawyers.

More discussion regarding ballot language. (Refer to video or audio tape.)

Katheryn Shields said she recommends Jackson County follow the model of Clay and Platte County which is for the total authorization of 15%. However, it is the Legislature's decision.

Katheryn Shields recognized Smokey Dyer, Kansas City, Missouri Fire Department, Rick Brisbane, Communications Manager, Nick Nichols, Deputy Chief both from the Kansas City Police Department and Tom Phillips, Jackson County Sheriff in the audience, who are all proponents of Ordinance #3771.

Tom Phillips said over half the emergency "911" calls in eastern Jackson County are wireless.

Katheryn Shields said she sent an email to Mike Sanders, Prosecuting Attorney and Senator Charles Wheeler because one of them will need to deal with this issue when they are County Executive.

Dennis Waits called for the question.

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

None.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

Ordinance #3771

Dennis Waits moved to adopt the floor substitute of 5/24/06. Seconded by Dan Tarwater.

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

3771

Scott Burnett moved to approve the amendment to the floor substitute of 5/24/06, to delete the number "15" and insert the number "7" after the words "rate of" in the heading, to delete the word "fifteen" and insert the word "seven" after the word "exceed" in Section 1. and Section 2. on page three. Seconded by Fred Arbanas.

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)

[3771](#) Dennis Waits moved to perfect Ordinance #3771 as amended. Seconded by Rhonda L. Shoemaker.
The motion passed by a voice vote. (PERFECTED)

[3771](#) Dennis Waits moved to suspend the rules to consider final passage of Ordinance #3771. Seconded by Dan Tarwater.
The motion passed by a voice vote. (APPROVED)

[3771](#) Dennis Waits moved the passage of Ordinance #3771 as perfected, submitting to the qualified voters of Jackson County, Missouri, at the primary election to be held on August 8, 2006, a question authorizing Jackson County to reimpose a tax at the rate of 7% of the local tariff rate for each telephone access line, not to exceed one hundred lines, for emergency telephone service utilizing a single three-digit number "911.". Seconded by Fred Arbanas.
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)

7 FINAL PASSAGE OF PROPOSED ORDINANCES

None.

8 RESOLUTIONS IN COMMITTEE

None.

9 CONSENT AGENDA

None.

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

None.

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

None.

12 COUNTY EXECUTIVE ORDERS

None.

13 UNFINISHED BUSINESS

None.

14 NEW BUSINESS

Dennis Waits said it is his understanding that there is construction planned at I-70 and Noland Road. He believes the County Legislature needs to think about approaching the State of Missouri to try to encourage them to leave two lanes of traffic open on Noland Road. It will be important to the people who live in Independence and to the businesses in Independence. He believes the Legislature needs to go on the record and make a statement to that effect. There is nothing to do today, he just asked all members to think about it.

Katheryn Shields said she will be in New York next Tuesday, Wednesday and Thursday dealing with the bonds and the bond financing.

15 ADJOURNMENT

The next legislative meeting is scheduled to be held on Monday, June 5, 2006 at 2:30 P.M. in the Legislative Assembly Area, Kansas City, Missouri.