



Office of  
**Mary Jo Brogato**  
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

*Victor E. Callahan (1st AL), Chairman*  
*Ronald E. Finley (2nd), Vice-Chairman*  
*Scott Burnett (1st), Dennis Waits (3rd), Dan Tarwater (4th),*  
*Terry Young (5th), Bob Spence (6th), Lisa White Hardwick (2nd AL),*  
*Fred Arbanas (3rd AL)*

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**Monday, August 2, 1999**

**3:30 PM**

**Thirtieth Regular Meeting**

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

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Victor E. Callahan, Chairman, called the meeting of the Jackson County Legislature to order.

**1 ROLL CALL**

Present: Victor E. Callahan, Lisa White Hardwick, Fred Arbanas, Scott Burnett, Ronald E. Finley, Dennis Waits, Terry Young and Bob Spence

**2 THE PLEDGE OF ALLEGIANCE**

Recited.

**3 APPROVAL OF THE JOURNAL OF THE PREVIOUS MEETING**

Fred Arbanas moved to approve the journal of the previous meeting held on . Seconded by Dennis Waits.

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

**(APPROVED)**

**4 HEARINGS**

*Resolution #12818 was adopted at this time. See page 4 for details.*

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

*Katheryn Shields, County Executive, announced that wind breakers have been given to Legislators and are given to registrants of the charity golf tournament which the county is sponsoring again this year. The date for this event is Tuesday, August 10, 1999 and the money will go to Operation Breakthrough, which is a day care center on Troost. Operation Breakthrough was also the recipient of this charitable event last year. Everyone is welcome to participate in the golf tournament and participants should complete the necessary forms.*

*The Administration handed out the Jackson County Law Update (CLAW), the new legal notes from our law department. Katheryn Shields said at one of their director's meetings it was requested that staff be kept informed regarding any changes that occur in governmental law. The law department, in response to that request, has started this newsletter to keep the departments, Legislature and Administration apprised of changes in governmental law.*

*Katheryn Shields distributed a Jackson County Service and Recognition Award and asked the Legislature for comments or suggestions regarding this program. Each month there will be one employee in the county identified as being the exemplary employee for that month. From these monthly winners, a Jackson County Employee of the Year will be chosen. As part of the reward, their name will be clearly identified and their picture will appear in the newsletter. She is contemplating giving the Employee of the Month \$100 and the Employee of the Year \$250. She feels this is a way, for very little money, to recognize the fine employees we have and say thank you for the work they are doing for Jackson County.*

Ronald E. Finley, Vice-Chairman, said he thinks things like this are very important because people do things and are often times not recognized. He would be supportive of this program if we are within certain guidelines for spending.

Ronald E. Finley asked Ms. Shields if she had any response or further discussion on the hearing last week with Judge Whipple. He said that the County Counselor had told the Legislature some things, but wanted to know if there was anything else she would like to share with the Legislature on what happened at the hearing.

Katheryn Shields said Judge Whipple took testimony from Jim McCoy, Manager of Detention Services, Pam Taylor, Population Control Coordinator and her. The Plaintiff also called the individual who is an employee of Truman Medical Center who runs the medical services at the jail. The questions evolved around how the County has met the requirements as set out and also regarding the jail population. The jail was designed to house 725 individuals but Mr. McCoy stated that he felt comfortable using space in day rooms which would handle 800 inmates. At the hearing on Wednesday, Judge Whipple increased the cap to 725 but indicated he would consider increasing it by 5 or 10 percent in his written order. The judge asked why he should approve anything above 725. Jane McQueeny, County Counselor, responded that Jackson County intends to operate the jail with the 725 cap, however, because of some of the other aspects of the court order, particularly the matrix, we would like to have room where we can safely keep people without being under the federal court order and perhaps releasing some under the matrix. The judge did not commit to when he would complete his written order. Ms. Shields indicated that the release on the matrix has been substantially higher so far in 1999 than it has been any full year that preceded it.

Ronald E. Finley said Pam Taylor, Population Control Coordinator, will be invited to attend a Health and Justice Committee meeting next week to discuss why Jackson County is releasing people at such a high rate and he also invited the County Executive to take part in these discussions.

Katheryn Shields suggested that this discussion be done in a closed session since Jackson County is involved in litigation involving this matter.

Ronald E. Finley asked the status of the review of department costs and expenditures that was to be completed mid-year. The purpose of this review was to identify employees who did not get raises as a result of the salary study and give them some type of increase.

Katheryn Shields said the review has been done, however there were some errors. She plans on having the report available at the next legislative meeting. She also hopes to have a final report from the Records Department regarding the overtime costs for the Records Response Team as well as recommendations from the department regarding its needs for the future.

Lisa White Hardwick, County Legislator, asked the status of the Peat Marwick audit.

Katheryn Shields said she has asked the auditing firm to slow the process.

## 6 PERFECTING OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

[2922](#)

Land Use Committee recommended do not perfect.

[2922](#) Fred Arbanas moved to perfect Ordinance #2922, amending the districts established by the Jackson County Zoning Order by changing from A (Agricultural) to RR (Residential Ranchette), a certain 87 + acre tract and approving the preliminary plat "Rock Ledge Estates," creating a 16-lot residential subdivision. Seconded by Dan Tarwater.

Yes: 0

No: 8 - Victor E. Callahan, Lisa White Hardwick, Fred Arbanas, Scott Burnett, Ronald E. Finley, Dennis Waits, Terry Young and Bob Spence

(FAILED)

[2930](#) Land Use Committee moved to perfect.

*Fred Arbanas objects to the consent agenda.*

[2930](#) Fred Arbanas moved to perfect Ordinance #2930. Seconded by Dan Tarwater.

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

(PERFECTED)

[2930](#) Fred Arbanas moved to suspend the rules to consider final passage of Ordinance #2930. Seconded by Dan Tarwater.

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

(APPROVED)

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

[2931](#) Public Works Committee moved to perfect. Consent Agenda.

[2932](#) AN ORDINANCE appropriating \$600,000.00 from the unappropriated surplus of the 1999 Criminal Justice Fund to cover costs associated with the litigation of claims arising out of the Jackson County Detention Center Annex project.

[2933](#) Finance and Audit Committee moved to perfect. Consent Agenda.

*Fred Arbanas moved to waive the reading of Ordinances #2935 through #2938. 2nd. by Dennis Waits.*

*Voice Vote.*

(APPROVED)

*The Land Use Committee will have a public hearing regarding Ordinances #2935 through #2938 at 1:00 p.m. on Friday, August 13, 1999 at Fleming Hall in Blue Springs, Missouri.*

[2935](#) AN ORDINANCE amending the districts established by the Jackson County Zoning Order by changing from A (Agricultural) to RS (Residential Suburban) a certain 1 + acre lot.

[2936](#) AN ORDINANCE amending the districts established by the Jackson County Zoning Order by changing from A (Agricultural) to RR (Residential Ranchette), a certain 11 + acre tract.

[2937](#) AN ORDINANCE amending the districts established by the Jackson County Zoning Order by changing from A (Agricultural) to RR (Residential Ranchette), a certain 17.3 + acre tract.

[2938](#) AN ORDINANCE amending the districts established by the Jackson County Zoning Order by changing from A (Agricultural) to RE (Residential Estates), a certain 2.5 + acre tract.

[2939](#) Health and Justice Committee moved to perfect. Consent Agenda.

[2940](#) Health and Justice Committee moved to perfect. Consent Agenda.

[2941](#) Health and Justice Committee moved to perfect. Consent Agenda.

[2942](#) Health and Justice Committee moved to perfect. Consent Agenda.

**7 FINAL PASSAGE OF PROPOSED ORDINANCES**

[2930](#) Consent Agenda.

**8 RESOLUTIONS IN COMMITTEE**

[12785](#) Public Works Committee moved do pass. Consent Agenda.

[12801](#) Dennis Waits moved to hold Resolution #12801, until 8/9/1999, nominating candidates for appointment to the Jackson County Sports Complex Authority. Seconded by Terry Young.

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

(APPROVED)

With regards to Resolution #12801, the Legislature interviewed Reverend Nelson Thompson, a candidate for the Jackson County Sports Authority.

[12818](#) Dennis Waits moved the passage of Resolution #12818, congratulating Bettie Yahn-Kramer upon having been named as Chair Elect of the Great Lakes Regional Council of the Parks and Recreation Association. Seconded by Terry Young.

Yes: 7 - Victor E. Callahan, Lisa White Hardwick, Fred Arbanas, Scott Burnett, Dennis Waits, Terry Young and Bob Spence

Absent: 1 - Ronald E. Finley

(ADOPTED)

**9 CONSENT AGENDA**

Dennis Waits moved the passage of the consent agenda. Seconded by Terry Young.  
The motion passed by a roll call vote:

Yes: 7 - Victor E. Callahan, Lisa White Hardwick, Fred Arbanas, Ronald E. Finley, Dennis Waits, Terry Young and Bob Spence

Absent: 1 - Scott Burnett

[2931](#)

AN ORDINANCE extending the boundaries of Salem East Sewer District 95.

(PERFECTED)

[2933](#)

AN ORDINANCE appropriating \$50,000.00 from the unappropriated surplus of the 1999 Health Fund and authorizing the County Executive to execute an Agreement with the Mid-America Regional Council to provide social services to the aging and needy through the Palestine Senior Citizens' Activity Center at a cost to the County not to exceed \$50,000.00.

(PERFECTED)

[2939](#)

AN ORDINANCE appropriating \$39,121.00 from the unappropriated surplus of the 1999 Grant Fund to cover the Volunteers in Probation Program Grant for Family Court funded by the Missouri Department of Social Services, Division of Youth Services.

(PERFECTED)

[2940](#)

AN ORDINANCE appropriating \$51,459.00 from the unappropriated surplus of the 1999 Grant Fund to cover the Alternative to School Suspension Program Grant for Family Court funded by the Missouri Department of Social Services, Division of Youth Services.

(PERFECTED)

[2941](#)

AN ORDINANCE appropriating \$51,411.00 from the unappropriated surplus of the 1999 Grant Fund to cover the Community Outreach Restitution Program Grant for Family Court funded by the Missouri Department of Social Services, Division of Youth Services.

(PERFECTED)

[2942](#)

AN ORDINANCE appropriating \$22,500.00 from the unappropriated surplus of the 1999 Grant Fund to cover the Project Turn-Around Grant for Family Court funded by the Missouri Department of Social Services, Division of Youth Services.

(PERFECTED)

[2930](#)

AN ORDINANCE amending the districts established by the Jackson County Zoning Order by changing from A (Agricultural) to LI (Light Industrial), a certain 6.6 + acre tract.

(ADOPTED)

- [12785](#) A RESOLUTION authorizing the County Executive to execute a Cooperative Agreement for sewer service with the City of Independence, Missouri, to control, operate, and maintain the sewerage systems in the Farview Heights, Farview North, Salem East, New Salem, Elm Grove, and Osage Manor sewer districts.

(ADOPTED)

**10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE**

*None.*

**11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE**

- [12819](#) Authorizing payment of \$9,301.00 to the City of Greenwood from the Greenwood CURS account to cover maintenance costs for the City's 1999 street and road maintenance program.

*(Public Works Committee)*

- [12820](#) Awarding a contract on Bid No. 67-99 for the furnishing of a Fairway aerator for use by the Parks and Recreation Department, to Outdoor Equipment Company of Grandview, MO, in the actual amount of \$5,480.00.

*(Land Use Committee)*

- [12821](#) Awarding a contract on Bid No. 93-99 for the furnishing of swing sets and picnic tables for use by the Parks and Recreation Department to Custom Play Systems of Lake Winnebago, MO (\$8,320.00), and Little Tykes (McMaster) of Leawood, KS (\$2,182.50), in the actual aggregate amount of \$10,502.50.

*(Land Use Committee)*

- [12822](#) Authorizing the County Executive to execute an agreement with Young Lawyer's Association of K.C. Foundation for a project entitled "Protect Your Child Day," with a local match from the County not to exceed \$3,000.00.

*(Anti-Drug Committee)*

- [12823](#) Awarding a contract on Bid No. 95-99 for the furnishing of a paper cutter for use by the Office Services Unit, to A & W Worldwide, Inc., of Huntington, NY, in the actual amount of \$6,067.00.

*(Finance and Audit Committee)*

- [12824](#) Approving the award of a contract for the furnishing of computer hardware and software for use by various County departments to G. E. Capital of St. Louis, MO, in the estimated amount of \$75,000.00, under an existing government contract of the State of Missouri.

*(Finance and Audit Committee)*

[12825](#) Declaring certain equipment as surplus personal property and authorizing its disposal by way of trade-in, on ten H&K MPS/40A2 (NT) submachine guns with sound suppressors and miscellaneous items, to Spectre Guns of Blue Springs, MO, as a sole source purchase, and at no cost to the County.

*(Health and Justice Committee)*

[12826](#) Awarding a contract on Bid No. PW-09-99 for the Buckner Tarsney Road at Hammond/Webster and Wood Lake Project, Number 2354, to Tasco Construction Co. of Pleasant Hill, MO, in the actual amount of \$581,118.22.

*(Public Works Committee)*

[12827](#) Awarding a contract on Bid No. 88-99 for three years for the furnishing of window washing services for use by the Facilities Management Department to Countryside Maintenance & Management Services, Inc., of Lenexa, KS, at an estimated first-year cost of \$13,180.00.

*(Finance and Audit Committee)*

[12828](#) Declaring certain vehicles as surplus personal property and authorizing their disposal.

*(Finance and Audit Committee)*

[12829](#) Awarding a contract for the furnishing of Intergraph software and hardware for use by the Assessment Department to Systems Consultants Group of Kansas City, MO, under a City of Kansas City, Missouri government contract, at the actual cost to the County of \$7,896.12.

*(Finance and Audit Committee)*



*Lisa White Hardwick said Resolution #12830 is being introduced as a follow-up to the discussion that began last week. The sole purpose of this resolution is to avoid a needless duplication of resources to be expended on this audit. The other purpose is to avoid conflicting reports from two separate audits which will mean hiring a third auditor to arbitrate. She said the sponsors of this legislation are trying to avoid any taint that might fall upon the reports because of the parties performing the audits. They are trying to move forward by hiring a third party, neutral, auditing firm that has had no previous relationship with the County.*

*Fred Arbanas, County Legislator, asked if this meant the legislative auditor would be pulled from this process.*

*Lisa White Hardwick said the legislative auditor would need to be involved and if there needed to be an amendment to the resolution she would approve.*

*Fred Arbanas said he does not have a problem with Ms. McCaskill performing the audit. He feels her staff will handle the audit in a professional manner.*

*Dennis Waits, County Legislator, said he is also sponsoring a resolution which states that the State Auditor will continue to audit all of the construction aspects of the jail, however, the population control element would be audited by an independent auditor.*

*Ronald E. Finley said the issue of the population control was raised by the State Auditor and he would like to know why it is such a hot issue.*

*Bob Spence, County Legislator, said it seems logical to hire an auditor that all parties are comfortable with and stop the audits being performed by the State Auditor and Peat Marwick.*

*Scott Burnett, County Legislator, said he supports Resolution #12830 because he does not want to spend \$25,000.00 twice. He feels the State Auditor will do a professional job but it will always be questioned. It is important that one audit be done on both issues - population control and construction.*

*Terry Young, County Legislator, said she supports the original resolution for the State Auditor to assist the Legislative Auditor. She feels the state audit is the most independent audit the County could get. The reason for the audit is because the Legislature could not get information in a timely manner and then when information was received it was incorrect.*

*Lisa White Hardwick responded that the same scope of audit would be used by an independent, neutral, auditing firm, the only difference would be that both the Legislature and County Executive would have input.*

*Fred Arbanas thinks that with this amendment it is probably better for the Legislature to pick the auditing firm. Then we can say that they did the work for the Legislature and not for the County Executive.*

*Katheryn Shields believes that this is an excellent amendment to the resolution. She indicated at last weeks meeting she was very open to the Legislature picking the Big 5 firm. She stands by that and this merely reflects those sentiments.*

*Ronald E. Finley, Vice-Chairman, assumes the Chair.*

*Victor E. Callahan, Chairman, said he is against this amendment and against this resolution. Claire McCaskill is not coming in to do a state audit. We are a charter county and she has been called in to assist our Legislative Auditor. Kelly Stegall will be in complete control and there is no reason to go back on that and give just another professional service contract. He is in support of Mr. Waits' proposal that we keep the integrity of this audit in tact. We have to rely on the constitutional officer of the State of Missouri.*

*Fred Arbanas said that if this resolution passes he thinks the Chairman of the Legislature should be involved with the audit committee or finance committee in the selection process.*

*Scott Burnett said that these two audits will always be used against each other, will cost us \$50,000.00 and is a waste of taxpayer money. He feels that this resolution would work through a lot of those problems.*

*Lisa White Hardwick said that this is not a normal circumstance primarily because Claire McCaskill was an employee of this county. We are trying to avoid the appearance of impropriety and that is the reason to go forward with an independent audit. Our auditor should be able to provide whatever leadership she can to get this audit going, but the results should be issued by an independent audit firm. She supports both the amendment and the resolution.*

*Fred Arbanas calls for the question to end debate on the amendment. 2nd. By Dan Tarwater.*

*Roll Call: 9 yes - Callahan, Hardwick, Arbanas, Burnett, Finley, Waits, Tarwater, Young, Spence.*

(APPROVED)

*Ronald E. Finley calls for a vote on the amendment.*

[12830](#)

*Fred Arbanas moved do pass the Floor Amendment of 8/2/1999, to delete the word "Executive" and insert the word "Legislature" in the heading on page one and in the BE IT RESOLVED paragraph on page 3.*

*Yes: 4 - Lisa White Hardwick, Fred Arbanas, Scott Burnett and Bob Spence*

*No: 3 - Victor E. Callahan, Ronald E. Finley and Terry Young*

*Abstain: 1 - Dennis Waits*

(APPROVED)

*Victor E. Callahan resumes the Chair.*

*Dennis Waits calls for the question to take up the amended resolution. 2nd by Dan Tarwater.*

*Roll Call: 9 yes - Callahan, Hardwick, Arbanas, Burnett, Finley, Waits, Tarwater, Young, Spence.*

*(APPROVED)*

[12830](#)

Dan Tarwater moved to adopt Resolution #12830 as amended, rescinding Resolution 12794 which authorized the State Auditor to audit aspects of the Jackson County Detention Center, requesting the County Executive to terminate the contracts with KMPG Peat Marwick for audits in connection with the Jackson County Detention Center Project, and authorizing the County Executive to retain another "Big 5" accounting firm to perform such audits. Seconded by Fred Arbanas.

Yes: 4 - Lisa White Hardwick, Fred Arbanas, Scott Burnett and Bob Spence

No: 4 - Victor E. Callahan, Ronald E. Finley, Dennis Waits and Terry Young

*(FAILED)*

[12831](#)

Ronald E. Finley moved the passage of Resolution #12831, authorizing the Jackson County Legislature to hold a closed meeting on Monday, August 2, 1999, 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 Terry Young.

Yes: 7 - Victor E. Callahan, Lisa White Hardwick, Fred Arbanas, Scott Burnett, Ronald E. Finley, Terry Young and Bob Spence

Absent: 1 - Dennis Waits

*(ADOPTED)*

[12832](#)

Transferring \$25,000 within the 1999 General Fund and authorizing the County Executive to execute an Agreement with the Office of the Missouri State Auditor to assist the Legislative Auditor with her audit of the Jackson County Detention Center Project, at a cost to the County not to exceed \$25,000.

*(Finance and Audit Committee)*

[12833](#)

Directing the Legislative Auditor to redefine the scope of the audit of the Jackson County Detention Center Annex project directed by Resolution 12794, and authorizing the County Executive to retain an independent "Big 5" accounting firm to audit the financial transactions and accounts relating to the management and operation of the project, including the Population Control Management Program, at a cost to the County not to exceed \$10,000.00.

*(Finance and Audit Committee)*

*Dennis Waits said he has introduced Resolution #12833 as a compromise and hopes that it will remove the audit from being a political audit.*

*Ronald E. Finley said he will need additional time for the Finance & Audit Committee meeting next week and would like to set the time at 1:00 p.m. on Monday, August 9, 1999.*

*Katheryn Shields asked if there is a reason why the Legislature is not voting on Resolution #12833 today.*

*Victor E. Callahan responds that changes need to be made.*

*Dennis Waits said that he hopes the Legislature can pass this resolution next week.*

*Resolution #12831 is adopted at this time. See above for details.*

**12 COUNTY EXECUTIVE ORDERS**

*None.*

**13 UNFINISHED BUSINESS**

*None.*

**14 NEW BUSINESS**

*None.*

*The Legislature goes into closed session.*

*The Legislature reconvenes.*

**15 ADJOURNMENT**

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

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

**(APPROVED)**

*Meeting adjourned until Monday, August 9, 1999 at 3:30 p.m. at the Old Courthouse on the Square, 112 W. Lexington, Division 28, 2nd floor, Independence, Missouri.*