

**IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI**

**AN ORDINANCE** appropriating \$27,039,000 from the undesignated fund balance of the 2020 CARES Act Fund for use by Truman Medical Centers, Inc., to make critical facility improvements and acquire needed equipment to better prepare for current and future pandemic response and authorizing the County Executive to execute a Cooperative Agreement with Truman Medical Centers, Inc., for the purchase or reimbursement by Jackson County for this purpose.

**ORDINANCE NO. 5354**, June 3, 2020

**INTRODUCED BY** Theresa Cass Galvin, County Legislator

WHEREAS, U.S. President Donald J. Trump, Missouri Governor Mike Parson, and County Executive Frank White, Jr., have all declared, in one form or another, the ongoing Coronavirus/COVID-19 pandemic to be a public health emergency; and,

WHEREAS, the County, through its various efforts, plays a significant role in the public health of its citizens; and,

WHEREAS, an appropriate response by the County to this emergency will require significant expenditures from the County CARES Act Fund, which consists of monies provided by the U.S. Treasury for this purpose; and,

WHEREAS, with the funding provided by this appropriation, Truman Medical Centers will make critical facility improvements and acquire needed equipment to better prepare for current and future pandemic response; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, that the following appropriation be and hereby is made:

<u>DEPARTMENT/DIVISION</u>	<u>CHARACTER/DESCRIPTION</u>	<u>FROM</u>	<u>TO</u>
CARES Act Fund 040-9999	32810- Undesignated Fund Balance	\$27,039,000	
TMC 040-2600	56790- Other Contractual Services		\$27,039,000

and,

BE IT FURTHER ORDAINED that the County Executive be and hereby is authorized to execute an appropriate Cooperative Agreement with Truman Medical Centers, Inc., in a form to be approved by County Counselor.

Effective Date: This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

\_\_\_\_\_  
Chief Deputy County Counselor

*See attached Counselor opinion*  
\_\_\_\_\_  
County Counselor

I hereby certify that the attached ordinance, Ordinance No. 5354 introduced on June 3, 2020, was duly passed on \_\_\_\_\_, 2020 by the Jackson County Legislature. The votes thereon were as follows:

Yeas \_\_\_\_\_

Nays \_\_\_\_\_

Abstaining \_\_\_\_\_

Absent \_\_\_\_\_

This Ordinance is hereby transmitted to the County Executive for his signature.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 5354.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Frank White, Jr., County Executive

Funds sufficient for this appropriation are available from the source indicated below.

ACCOUNT NUMBER: 040 9999 32810  
ACCOUNT TITLE: CARES Act  
Undesignated Fund Balance  
NOT TO EXCEED: \$27,039,000.00

There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.

ACCOUNT NUMBER: 040 2600 56790  
ACCOUNT TITLE: CARES Act  
TMC  
Other Contractual Services  
NOT TO EXCEED: \$27,039,000.00

\_\_\_\_\_  
Date

*See attached counsel opinion*  
Chief Administrative Officer



## OFFICE OF THE COUNTY COUNSELOR

JACKSON COUNTY COURTHOUSE  
415 EAST 12TH STREET  
KANSAS CITY, MISSOURI 64106

816-881-3355  
Fax: 816-881-3398

TO: FRANK WHITE, JR.  
COUNTY EXECUTIVE

FROM: BRYAN O. COVINSKY  
COUNTY COUNSELOR

DATE: JUNE 2, 2020

RE: CARES ACT FUNDS

You have asked this office to provide guidance on the interplay between section 532 of the Jackson County Code and the recent midyear receipt of significant federal funding via the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020. Per that Act, and pursuant to an application for direct federal funding that you filed with the U.S Treasury as authorized by the Act, Jackson County has received \$122,669,998.00 for coronavirus pandemic relief, of which \$18,354,806.00 has been previously appropriated by the County Legislature at your recommendation.

Section 532., Jackson County Code, 1984, provides:

532. Appropriations, Limitation on.

The County Legislature shall not increase the total appropriation from any fund as proposed by the County Executive in the budget so that the total appropriations shall exceed ninety-five percent (95%) of the income and revenue as estimated by the County Executive in the budget.

532.1 Exception, New Revenue.

If the County Executive shall propose and the County Legislature shall enact a measure that will provide additional income and revenues, and if the County Executive shall propose additional expenditures, the County Legislature may appropriate an amount equal to not more than ninety-five percent (95%) of the estimated income and revenue from the new source or sources.

This section governs how the County is to treat new revenues that are received mid-year and that are not a part of the County's annual budget process. Since the CARES Act funding received is not included in the 2020 Jackson County budget, the first paragraph of section 532, which governs the County Legislature's power to appropriate funds that you estimated in the annual budget, does not apply. Rather, the appropriation of CARES Act funds is governed by the exception in section 532.1. The County Legislature may

CARES Act Funds

June 2, 2020

Page 2

appropriate up to 95% of this “additional income and revenues” only if “the County Executive shall propose additional expenditures.”

Regarding pending legislative items, you have advised that you have not proposed any expenditures of CARES Act funds for hazard pay for County associates as contemplated by Ordinance 5352 now pending before the Legislature. You have also advised that you have not proposed any expenditure for Truman Medical Centers, Inc., for building improvements or equipment. Accordingly, the County Legislature is without authority at this time to appropriate any new revenues for these purposes.