



Office of
Mary Jo Spino
Clerk of the County Legislature

Jackson County Missouri

JOURNAL

County Legislature

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

Jackson County Courthouse
415 E. 12th Street, 2nd floor
Kansas City, Missouri 64106
(816)881-3242

Monday, August 12, 2024

3:00 PM

Thirtieth Regular Meeting

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

Jeanie Lauer, Chairman, called the meeting of the Jackson County Legislature to order.

1 ROLL CALL

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

2 THE PLEDGE OF ALLEGIANCE

Recited.

3 APPROVAL OF THE JOURNAL OF THE PREVIOUS MEETING

A motion was made by Megan L. Marshall, seconded by Jalen Anderson to approve the journal of the previous meeting held on August 05, 2024. The motion passed by a voice vote.

4 HEARINGS

Dion Sanker, Chief Deputy Prosecuting Attorney, recognized Jennifer Dameron, Director of Intergovernmental Affairs for the Prosecuting Attorney's Office, for her service to the Prosecuting Attorney's Office and the citizens of Jackson County.

5 COMMUNICATIONS WITH AND REPORTS OF THE COUNTY EXECUTIVE

Frank White, Jr., County Executive, was not present. Sylvya Stevenson, Chief Administrative Officer, said there was no report.

Manuel Abarca IV, County Legislator, requested an update on the State Tax Commission's order. Troy Schulte, County Administrator, said the position of the Administration is to find a way to oppose the State Tax Commission's ruling. The specifics have not been developed yet and as with most litigation, they are happy to address the issues in closed session if the Legislature desires.

Mr. Abarca said he is a little disappointed. From the press conference held earlier there seemed to be a lot to say and now it seems there is nothing to say to the Legislature.

Bryan Covinsky, County Counselor, said he will repeat what he said at the press conference. The STC order is unprecedented. They have never retroactively issued an order like this. The County Counselor's Office will look at this and challenge the order because clearly it was done inappropriately. Mr. Covinsky said he maintains that the STC issued this order after the Attorney General's office had completed presenting its case in its writ of mandamus trial that was filed against the County. They dismissed the case before the County Counselor's Office had an opportunity to present its side of the case. The case had not gone well for the Attorney General. Mr. Covinsky said he has expressed that to many of the Legislators when they have questions about the case. The State Tax Commission was a part of the case. The amount of damage and liability that is going to occur from this order is problematic for all the schools and the cities. If the County does nothing, then the County is exposed to liability to the taxing jurisdictions. Mr. Covinsky said they have an obligation to move forward with challenging the order so they can understand it, because the STC issued the order in a closed session and transparency is important in these matters.

Manuel Abarca IV asked if Mr. Covinsky thinks the STC does not have the authority to make this ruling. Mr. Covinsky said that is correct. The purpose of the STC is addressed under the Missouri Constitution, Article X, section 14 which states the purpose of the STC is to correct actions that are arbitrary, unfair, or capricious. This is what the STC has done today with this order. The STC had already approved the maintenance plan and already approved the valuations from 2023. The time to tell the County that the assessments were wrong was in the summer of 2023 and it is well past that time. As pointed out in the press conference, the taxing jurisdictions budgets have been set and this will cause them to be overblown and have to come back on the taxpayers in the future.

Mr. Abarca said that he agrees with the point made by the County Administrator that the taxing jurisdictions have chances to recoup. Mr. Abarca said, he did not understand how there is a \$100 million shortfall but also an opportunity to recoup. So, any tax loss would be offset. There is no direct shortfall because of the recoup - although there may be tax levy issues. But then the next year would set a new balance for the baseline. Mr. Abarca said that is what he believes is the aim - not to create a shortfall. Mr. Abarca added that since Sunday he has received emails from over 40 taxpayers seeking tax relief. He said, never in all of his years of service, has an issue generated this much taxpayer engagement this fast. He worries that the County is so caught up in the legalities that the tax problems do not get fixed.

DaRon McGee, County Legislator, said he had a constituent reach out to him who had her home appraised at \$410,000.00. She got an increase from the County saying her house was worth \$970,000.00. This increased her mortgage payment to about \$1,200.00 a month more than what she was paying previously. Mr. McGee said if the County assesses the properties at these values over time, and this is passed on to the taxing jurisdictions including the libraries and the school districts, then is this not a method of ill-gotten gains? Why would the taxing jurisdictions, if they knew this issue was in litigation, be spending this money. Why wouldn't they be putting this money aside if they knew there was a chance that they might have to give this money back? Mr. McGee said he is concerned about that. Troy Schulte said this is a question for the taxing jurisdictions. Mr. Schulte said this action by the STC is unprecedented. They have never done a retroactive action after the levies are set. Mr. McGee said it doesn't answer the question in his mind related to the bad tax assessment itself. In the case described, the taxpayer appealed the assessment, and the County agreed that the house was worth \$440,000.00, but she was already paying on that higher value. That doesn't clarify for the taxing jurisdictions what we do about that. Mr. Schulte said that is what the appeal process is set up to address. It sounds like that worked out for the taxpayer. She would have received a refund from the County. Mr. Schulte said the County will claw back funds from the taxing jurisdictions when there is a refund. But the County has never clawed back an entire year's worth of one-off distributions. When tax payments come in, the County will withhold from the jurisdictions' distribution the amount that was refunded.

Sean E. Smith, County Legislator, said in describing the State Tax Commission ruling as unprecedented, when has our County or any county experienced 54,000 appeals? When has another county had its appeals process, according to the STC and a judge, become impossible for taxpayers to access the system to file an appeal? When have we ever had 10,000 appeals outstanding for over a year after they were filed. He said the appeals process and the defects in the process have been exacerbated by the massive number of appeals. So, this has all been unprecedented. The STC's ruling was unprecedented, but it seems as if they were trying to address an unprecedented situation within the County or within the nation's history in which we have denied taxpayers due process. Mr. Schulte said they are going to have to agree to disagree on these points. Mr. Schulte said this process has been litigated since 2019. Mr. Smith said there were issues, such as hanging up on taxpayers after they were on hold for six hours trying to file an appeal - are these normal practices? Mr. Schulte said, no those issues are not acceptable. Mr. Smith said these are all unprecedented things. Mr. Smith said this body asked those with the authority to fix the problems to fix them. Now we are left with the STC coming over the top, they saw the evidence in the trial, the process which denied people due process,

the process took money from people - or even in some cases under taxed people - it was a cluster. For the County to say we are going to look for ways to challenge that in court and further delay it, is unconscionable. Right now, the County has over collected \$119 million. Mr. Smith said, if the County doesn't correct that in the next 20 to 30 days, we will turn that \$100 million problem into a quarter of a million-dollar problem. Because the taxing entities have said they would rather have seen this fixed last year, but we did not do it. Mr. Smith said he believes the fix can be had with collaboration with the taxing jurisdictions to fix this for taxpayers with minimal harm to taxing jurisdictions with recoupment over a period of time. Some of the biggest taxing jurisdictions have spoken to Mr. Smith and expressed their willingness to reach a compromise settlement. Mr. Smith said he is disappointed the County Executive is not here because he believes a solution is within the parameters of the County Executive and County Legislature's authority. Appealing will leave the taxing jurisdictions in a much worse position.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

A motion was made by Manuel Abarca IV, seconded by Sean E. Smith, to hold Ordinance #5861. The motion passed by a roll call vote:

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

[5861](#)

AN ORDINANCE submitting to the qualified voters of Jackson County, Missouri, at a General Election to be held on November 5, 2024, a question authorizing Jackson County to impose a countywide capital improvement sales tax of one-fourths of one percent for a period of twenty years for the purpose of retaining the Kansas City Chiefs sports team in Jackson County, Missouri.

(Legislature As A Whole - 3rd. Perfection)

[5864](#)

A motion was made by Manuel Abarca IV, seconded by Sean E. Smith, to perfect Ordinance #5864 submitting to the qualified voters of Jackson County, Missouri, at the general election to be held on November 5, 2024, a question to amend the Jackson County Charter, with an effective date. The motion passed by a roll call vote:

Yes: 5 - Donna Peyton, Manuel Abarca IV, Venessa Huskey, DaRon McGee and Sean E. Smith

No: 4 - Jeanie Lauer, Megan L. Marshall, Jalen Anderson and Charlie Franklin

(PERFECTED)

[5865](#) AN ORDINANCE enacting section 5577., Jackson County Code, 1984, relating to possession of firearms and age restriction.
(Rules Committee - 3rd. Perfection)

[5868](#) Justice and Law Enforcement Committee moved to perfect. Consent Agenda.

7 FINAL PASSAGE OF PROPOSED ORDINANCES

None.

8 RESOLUTIONS IN COMMITTEE

[21641](#) A RESOLUTION authorizing the County Executive or the Chairman of the Legislature to sell the County-owned property located at 1300 Washington Street, Kansas City, MO 64105 via the competitive bidding process.
(Legislature As A Whole - 2nd. Meeting)

A motion was made by Manuel Abarca IV, seconded by Sean E. Smith, to hold Resolution #21641. The motion passed by a roll call vote:

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

[21667](#) A RESOLUTION amending Rules 16 and 19 of the Rules of the Jackson County Legislature relating to the transfer of legislation between committees.
(Rules Committee - 6th. Meeting)

[21668](#) A RESOLUTION expressing the support of the Jackson County Legislature for the creation of a Jackson County Office of Gun Violence Prevention.
(Budget Committee - 5th. Meeting)

[21690](#) Finance and Audit Committee moved to adopt. Consent Agenda.
Manuel Abarca IV objected to the Consent Agenda.

[21690](#)

A motion was made by Megan L. Marshall, seconded by Jalen Anderson, to adopt Resolution #21690 authorizing the County Counselor to execute Addendums to existing Legal Services Agreements with certain lawyers and law firms at an aggregate cost to the County not to exceed \$57,000.00. The motion passed by a roll call vote:

Yes: 7 - Jeanie Lauer, Megan L. Marshall, Jalen Anderson, Donna Peyton, Venessa Huskey, Charlie Franklin and DaRon McGee

No: 2 - Manuel Abarca IV and Sean E. Smith

(ADOPTED)

[21691](#)

A RESOLUTION expressing the intent of the Legislature to work with the County Executive to develop a plan to commit federal American Rescue Plan (ARPA) funds and begin the required procurement process to ensure funds are under contract by the end of 2024.

(Legislature As A Whole - 1st. Meeting)

A motion was made by Donna Peyton, seconded by Manuel Abarca IV, to hold Resolution #21691. The motion passed by a roll call vote:

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

9 CONSENT AGENDA

[5868](#)

AN ORDINANCE appropriating \$40,600.00 from the undesignated fund balance of the 2024 General Fund in receipt of extradition reimbursement from the State of Missouri to cover unanticipated transportation budgetary shortfalls within the Sheriff's Office.

(PERFECTED)

Ordinance #5868 was moved to the Consent Agenda for perfection.

A motion was made by Jalen Anderson, seconded by Megan L. Marshall, to approve the Consent Agenda. The motion passed by a roll call vote:

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

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

[5869](#) Appropriating \$185,600.00 from the undesignated fund balance of the 2024 Grant Fund, in acceptance of the Family Court Division's Juvenile Court Diversion Program grant received from the State of Missouri, Division of Youth Services.

(Assigned to the Justice and Law Enforcement Committee.)

[5870](#) Amending the zoning districts established pursuant to the Unified Development Code by rezoning a certain 5.04± acre tract from District AG (Agricultural) to District RE (Residential Estates).

(Assigned to the Land Use Committee.)

[5871](#) Renewing a conditional use permit (CUP) in District HI (Heavy Industrial) for continuous operation of a 147-foot monopole of wireless communications, subject to specified conditions, as to a 2,500 square foot tract.

(Assigned to the Land Use Committee.)

[5872](#) Amending the zoning districts established pursuant to the Unified Development Code by rezoning a certain 5.00± acre tract from District AG (Agricultural) to District RE (Residential Estates).

(Assigned to the Land Use Committee.)

[5873](#) Amending the zoning districts established pursuant to the Unified Development Code by rezoning a certain 1.01± acre tract from District LB (Local Business) to District GB (General Business).

(Assigned to the Land Use Committee.)

[5874](#) Amending the zoning districts established pursuant to the Unified Development Code by rezoning a certain 9.43± acre tract within District LI-p (Light Industrial-Planned).

(Assigned to the Land Use Committee.)

The Land Use Committee will have a public hearing on Ordinances #5870, #5871, #5872, #5873, and #5874 on Monday, August 19, 2024 at 1:30 p.m. in the Legislative Assembly Area, 415 E. 12th Street, 2nd Floor, Kansas City, MO 64106.

[5875](#) Appropriating \$2,500,000.00 from the undesignated fund balance of the 2024 County Improvement Fund, transferring \$2,500,000.00 within the 2024 New Detention Center C/P Fund, and authorizing the County Executive to execute an amendment to the contract with J.E. Dunn-Axiom of Kansas City, MO, for the construction of the new Jackson County Detention Center to cover Component Packages 3 and 4 related to the final design, construction, and furnishing costs of the new Detention Center Project, at a cost to the County not to exceed \$19,698,551.00.
(Assigned to the Budget Committee.)

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

[21692](#) Authorizing the County Executive to execute a Letter of Agreement with the Communications Workers of America, Local 6360, regarding the terms and conditions of the employment of members of its bargaining unit.
(Assigned to the Justice and Law Enforcement Committee.)

[21693](#) Expressing the support of the Jackson County Legislature for a contribution to the City of Raymore, Missouri to offset the cost of settling the dispute regarding a landfill to be built in south Kansas City.
(Assigned to the Finance and Audit Committee.)

[21694](#) A RESOLUTION expressing the intent of the Legislature to strenuously request that the County Counselor not appeal the Missouri State Tax Commission Order issued on August 6, 2024.
(Introduced by Sean E. Smith)

Discussion.

Jeanie Lauer, County Legislator, said Resolution #21694 will not be read into the record. This piece of legislation made it on to the agenda in error. It had not been approved to form by the Counselor's Office as is required by Rule 8 of the Rules of the Legislature. Sean E. Smith objected. Ms. Lauer said there are questions as to legality that need further discussion. Mr. Smith said this has been approved to form by the Legislature's request for legislative action (RLA) process. Ms. Lauer asked the County Counselor to speak to that issue. Whitney Miller, Chief Deputy County Counselor, said the file was approved in error. Ms. Miller said she was out of the office due to covid, and she did not adequately communicate with the staff to hold this legislation from the agenda because of concerns with the legality of this issue. She distributed a legal opinion today expressing the concerns with the legality of this legislation. Sean E. Smith said the Legislature should re-address this after the closed session. Ms. Lauer said there will not be a closed session because the closed session was to discuss the trial, and the trial has been dismissed. Manuel Abarca IV said, to clarify, this means they

will be left in the dark because the County Administrator said earlier that the litigation matters will be discussed in closed session. Bryan Covinsky said the Counselor's Office can be available for a closed session. Mr. Covinsky said he has written a legal memo on both issues. Mr. Smith said he considers this to be a matter of urgency, and it seems inappropriate that the Legislative body is not allowed to be heard and their opinion to be addressed so taxpayers and others in the County can understand that the Legislature is on their side, while the Administration wants to continue to uphold the status quo. Mr. Smith said, if nothing else he thinks this needs to be heard and voted on by the Legislature.

Jeanie Lauer read into the record a portion of the County Counselor's opinion from point #2 Resolution 21694 violates the County Charter:

The County Counselor is a Charter Officer under the Jackson County Charter and with that comes certain duties and responsibilities. Under Article 5, Section 7," The County Counselor and assistants under his or her direction shall have charge of and conduct all of the civil law business of the county, and the departments, officers, board and commissions, institutions and agencies thereof." Words in statutory context shall have their plain meaning unless a specific definition is included. "Have charge of" and "conduct" here have similar meanings; each means to be in control of, direct and administer the civil law business of the County. Under the Charter, the County Counselor and the lawyers he employs, have control of the civil law matters that the County is involved in.

At no point in the Charter or Code is there a requirement for the County Counselor to receive legislative approval for any goal or aims of litigation, only to receive approval for settlements over \$5000.

This resolution exceeds the Legislature's authority to direct the County Counselor and the limited scope of its own responsibilities concerning litigation. As such, this resolution would be invalid and unenforceable.

Sean E. Smith said that same section of the County Charter specifies that the County Legislature needs to approve any litigation to which the Legislature may be a party, as the Legislature was a party to the dismissed lawsuit, and likely the Legislature is a party to this State Tax Commission Order as it has the authority to direct the manner and authority of the assessment process. Mr. Smith said, it seems to him that if the Legislature is not making the decision on how the County proceeds, the Legislature is absconding on its duties. He said, it seems we are unilaterally without the consent of the body making that decision to act in a manner that is inconsistent with Charter. The Legislature will be negligent in its duties.

Manuel Abarca IV said in addition to that, our County Counselor admitted at the press conference this morning that this is Legislative intent - that it will

have no bearing on what the County Counselor does or does not do. The reality is this is expressing our Legislative intent - not directing - not an ordinance - this is a resolution stating we - the majority or not -- would like this to happen. This is being reframed as County Ordinance/County law. It can't be both.

Bryan Covinsky said, to respond to Legislator Smith's statement, the STC specifically left the Legislature out of its order. So, the Legislature is not a party. Mr. Covinsky said he suspects that is because of the issues created in the lawsuit due to ethics violations they committed through its communications. Mr. Abarca said those are alleged violations. Mr. Covinsky said there was a violation order by the judge which is why the Attorney General had to sit for the deposition. Mr. Abarca said the County Counselor has not told the Legislature about these matters. Mr. Covinsky said he had a conversation with Mr. Abarca and has explained this to him and had previously stated he is available to speak to other Legislators. Mr. Abarca said this has not been directed to the body as a whole.

Megan L. Marshall, County Legislator, said the County Counselor issued an opinion and she had a question on a specific part of the legal opinion. Under the first section, the County Counselor lines out that the resolution, which was not read into the record, gives the Legislature authority to control the litigation of other elected officials and individual employees. The last paragraph of that points states:

If there were a situation where the Client and the Legislature did not agree on the goals of litigation, the Counselor's Office has a duty to the Client in that litigation that cannot be transferred to the Legislature without that client's informed consent. This could place an individual employee in a position where they feel pressured to agree to a strategy that works against their own interest by the Legislature. Additionally, the County Counselor assigned to the litigation could also be in the impossible position of reconciling opposing goals from the individual client and the Legislature.

Ms. Marshall said in reference to her question around that section, can the County Counselor provide an example when a resolution such as this one could be abused by a legislator or legislators. Mr. Covinsky said there are situations in which an employee is sued and the County indemnifies the employee, then the employee is the client. The County Counselor will make a legal determination if it will defend the employee after the discovery process and an investigation into the case. If a Legislator takes a different viewpoint as to whether an employee should be indemnified or not could present an ethical violation for the attorney. There are cases from the Prosecuting Attorney's Office, cases from the Sheriff's Office, cases from

the Parks + Rec Department, in which a supervisor may be named in a lawsuit. The County Counselor would consult with the client and if there is an opportunity to settle those lawsuits, then the County Counselor would bring the settlement to the Legislature, not during the process.

Ms. Marshall read section 3 of the Legal Opinion titled, Resolution 21694 would subject Jackson County to significant liability:

The August 6th Order has a finding that Jackson County violated its duties as prescribed in RSMo 137.115.10-137.115.12, among other violations. However, they (the STC) provided no reference to any investigation or review of facts or allegations. There is no record of anything to support this claim of error and despite numerous lawsuits, no Court has made any factual finding that Jackson County violated mandatory state law when conducting the 2023 real property assessments.

Ms. Marshall said, her question is, did the STC investigate the property tax assessments of Jackson County? Mr. Covinsky said they did not. He said the County Counselor's Office has taken depositions from the two STC commissioners that signed that order. The Commissioners specifically said they have done nothing to investigate the claims made and that the order was based on social media posts. The experts used at trial were based on social media. The STC commissioners have no background or training in assessment. That is what was brought before the court. That same expert said he did not believe the Attorney General was going to win its case. Ms. Marshall asked if the STC commissioners testified at trial that the tax assessments were inaccurate. Mr. Covinsky said they did not. Ms. Marshall said the second paragraph that is underlined reads:

This means that for school districts, for example, they will not get any of their planned distributions for the 2024-2025 school year until the County has recouped millions to tens of millions, depending on the district, in tax dollars to refund to the taxpayers.

Ms. Marshall said, thinking long term of this process, what is the likely cost of this litigation if taxing jurisdictions filed a lawsuit, and what would be length of time to resolve such litigation.

Mr. Covinsky said, if the County accepts the order and says nothing, the school districts and the taxing jurisdictions could sue Jackson County for not defending what was already passed by the State Tax Commission and the values approved by the STC. There's a number of legal challenges that could occur.

Donna Peyton, County Legislator, said there has been talk of an appeal. Will

there be an appeal or are these hypothetical comments? Mr. Covinsky said an appeal is one idea. The County Counselor's Office is reviewing the options. Ms. Peyton said, there are many different possible outcomes - we do not currently have any legal litigation happening. Why is it prohibitive of the Legislature to say this is what we would like to happen - this is our intent. Mr. Covinsky said the clients are the specific departments involved, the Assessment Department and the Board of Equalization. The Legislature is not a party to this potential litigation. Ms. Peyton asked if the Legislature would even be notified of what was happening with the hypothetical case. Mr. Covinsky said he would keep them informed in a closed session. Mr. Covinsky said without more information he cannot speculate as to what will happen. If he needs to come to the Legislature he will. Ms. Peyton said, so at this point it is all moot. The Legislature is not allowed a voice in what is going to happen.

DaRon McGee asked for the legal basis in which the school districts could sue the County. Mr. Covinsky said if the County enforces the order, the districts could refuse to give back funds that have been dispersed. They could file a writ stopping the enforcement of the order. Sean E. Smith asked if the order directs that the funds be clawed back.

Whitney Miller said the order does not specify claw backs. The order says the County must cap the values at 15%, so then the County either caps the values and does not issue refunds, which creates a liability to taxpayers who claim they are owed a refund. On the flip side the County could issue a refund to the taxpayers, then the practice of the County is to claw back those funds. This happens as a one-off all the time. If there is a refund issued the distribution to the jurisdictions is withheld. Ms. Miller said the STC order says the county caps at 15% and the County has the option of giving refunds and not clawing the money back, in which case the County will be footing the bill for tens of millions of dollars that was collected and refunded to the taxpayers. There is that option. The typical process - the reasonable process is to claw that back. Another option will be that the County will not give a distribution until the claw back is paid off. Some of the taxing jurisdictions will not get a tax distribution for a very long period of time. The taxing jurisdictions have already spent these funds. This is not our money. It is the taxing jurisdictions money.

Mr. Smith said the STC order does not order claw backs. The point of this resolution is to work with the school districts to determine the best way to move forward. Mr. Smith said a year ago the Legislature had a resolution to resolve the tax assessment issues. The Legislature ultimately passed that resolution. Stating our intent is not a legal issue. The harm doubles in the next six weeks. The levy rates are going to be set soon. Mr. Smith said he thinks the Legislature deserves its opportunity to pass this resolution to work through a solution. Ms. Miller said, this is not similar to the previous

resolution. This went way beyond that prior resolution to require approval of any settlement over \$5,000. What was sent to the County Counselor's office was not Legislative intent. The County Counselor's office changed the language.

Mr. Smith said he received a message from the County Clerk who is not in attendance today, that she received the signed and approved as to form resolution from the County Counselor's Office. Mr. Smith suggested the County Counselor's Office attorney's be placed under oath. He believes this is terribly inappropriate.

Donna Peyton said this has been referred to as unprecedented. Why can't the Legislature talk to the STC commissioners? Can we have a discussion to reach a solution. Ms. Miller said she believes that is appropriate, but the order does the opposite of that. It prevents any efforts to meet in the middle. The order removes the ability to find a solution beyond setting it at 15%. Mr. Covinsky said there is a letter being sent to the STC to get clarification.

Manuel Abarca IV asked if there any other circumstances in which a County has reimbursed taxes across the state. Whitney Miller said it is common to reimburse taxes but at a much smaller rate. Mr. Abarca said the City of St. Louis reimbursed earnings tax to its remote workers. They set the funds aside and found a solution.

A motion was made by Manuel Abarca IV to adopt resolution #21694. Jeanie Lauer called the motion out of order because the resolution was not read into the record. A motion was made by Manuel Abarca IV to read resolution #21694 into the record. Jeanie Lauer called the motion out of order. Mr. Abarca disagreed.

Whitney Miller said adopting this resolution will interfere with the payment under protest process and situations in which tax appeals have been resolved. This is an apples and oranges comparison (referring to the earnings tax dispute in St. Louis).

Ms. Miller said if the intent of the resolution is truly to strictly be Legislative opinion, the County Counselor's Office does not approve of anything beyond strictly Legislative intent. Megan L. Marshall asked for the portion of the rules governing recognizing a motion. Ms. Miller said Rule 8 says the resolution must be approved to form. Ms. Miller said she states under oath that Resolution #21694 was signed in error. Ms. Lauer said she has not recognized the motion. Ms. Miller said she has not been informed if the resolution is strictly for legislative intent. Mr. Smith said he commits that the intent of the resolution is intent only. If it is not, he is open to reconsideration next week. Megan L. Marshall said she understands the intent of the Legislature. This resolution does far more than expressing the intent to

oppose the STC. If it is the intent to stay on the side of taxpayers -- that is one thing. This resolution requires an amendment to remove the other language. This goes far beyond the STC order. Manuel Abarca IV called the question. Ms. Miller asked for clarification on the action requested. Ms. Lauer said it is a procedural question on the action of a motion. Ms. Miller reiterated that if Mr. Smith is requesting legislative intent, the County Counselor's Offices has no objection to proceeding. An amendment would be appropriate.

A motion was made by DaRon McGee, seconded by Megan L. Marshall to hold resolution #21694. The Deputy County Clerk requested clarification as to if it was the Chairman's desire to read the resolution into the record. Jalen Anderson, County Legislator, asked for a point of order as to what action is being requested. Whitney Miller said her understanding is that there is a motion to hold the resolution, which cannot be voted on until the resolution is read into the record. Jeanie Lauer asked the County Counselor's Office who is in charge of the agenda? Whitney Miller said the Chairman. Ms. Lauer said, she as the Chairman, has the say on what is read and what goes on the agenda. Mr. Smith asked if this is consistent with the rules. He believes it is inappropriate to not read it into the record. Jalen Anderson said if the Chair states that something not be read into the record, then the motion is out of order. Ms. Miller said it has been the practice that the Chairman has control of the agenda. DaRon McGee suggested that this resolution be read into the record and this matter be held. Ms. Lauer said there is enough concern with the legality that she is not in favor of reading the resolution into the record.

[21695](#)

A motion was made by Megan L. Marshall, seconded by Charlie Franklin, to adopt Resolution #21695, authorizing the Jackson County Legislature to hold a closed meeting on Monday, August 12, 2024, for the purpose of conducting privileged and confidential communications between itself and the Jackson County Counselor under section 610.021(1) of the Revised Statutes of Missouri, and closing all records prepared for discussion at said meeting. The motion passed by a roll call vote:

Yes: 7 - Jeanie Lauer, Megan L. Marshall, Jalen Anderson, Donna Peyton, Manuel Abarca IV, Venessa Huskey and DaRon McGee

No: 2 - Charlie Franklin and Sean E. Smith

(ADOPTED)

12 COUNTY EXECUTIVE ORDERS

None.

13 UNFINISHED BUSINESS

None.

14 NEW BUSINESS

Closed meeting per Resolution #21695.

The Legislature adjourned to go into the closed meeting.

15 ADJOURNMENT

A motion was made by Jalen Anderson, seconded by Sean E. Smith, to adjourn the meeting. The motion passed by a voice vote.

Meeting adjourned until Monday, August 19, 2024 at 3:00 P.M. at the Jackson County Courthouse, 415 E. 12th Street, Kansas City, Missouri, 2nd Floor, Legislative Assembly Area.