



Office of
Mary Jo Spino
Clerk of the County Legislature

Jackson County Missouri

JOURNAL

County Legislature

*Theresa Cass Galvin (6th) Chair, Dan Tarwater III (4th) Vice Chair,
Jalen Anderson (1st AL), Crystal Williams (2nd AL), Tony Miller (3rd AL),
Scott Burnett (1st), Ronald E. Finley (2nd), Charlie Franklin (3rd),
Jeanie Lauer (5th)*

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

Monday, June 22, 2020

10:00 AM

Twenty-fourth Regular Meeting

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

Theresa Cass Galvin, Chairman, called the meeting of the Jackson County Legislature to order.

1 ROLL CALL

Present 8 - Jalen Anderson, Crystal Williams, Tony Miller, Ronald E. Finley, Charlie Franklin, Dan Tarwater III, Jeanie Lauer and Theresa Cass Galvin

Absent 1 - Scott Burnett

2 THE PLEDGE OF ALLEGIANCE

Recited.

3 APPROVAL OF THE JOURNAL OF THE PREVIOUS MEETING

A motion was made by Dan Tarwater III, seconded by Charlie Franklin to approve the journal of the previous meeting held on June 15, 2020. The motion passed by a voice vote.

4 HEARINGS

Theresa Cass Galvin presented a 10 year service pin to Tedi Rowland, Deputy County Clerk.

5 COMMUNICATIONS WITH AND REPORTS OF THE COUNTY EXECUTIVE

None.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

[5355](#)

Budget Committee moved to perfect. Consent Agenda.

The Budget Committee recommended the perfection of the Committee Substitute for Ordinance #5355 dated June 22, 2020.

7 FINAL PASSAGE OF PROPOSED ORDINANCES

None.

8 RESOLUTIONS IN COMMITTEE

[20444](#) Land Use Committee moved to adopt. Consent Agenda.

9 CONSENT AGENDA

[5355](#) AN ORDINANCE repealing section 1810., Jackson County Code, 1984, relating to court costs, and enacting, in lieu thereof, one new section relating to the same subject.

(PERFECTED)

[20444](#) A RESOLUTION awarding twelve-month term and supply contracts for the furnishing of golf course chemicals and fertilizers for use by the Parks + Rec Department to Reinders, Inc., of Sussex, WI, Site One Landscape Supply of Cleveland, OH, Van Diest Supply of Olathe, KS, and Advanced Turf Solutions of Riverside, MO, under the terms and conditions of Invitation to Bid No. 10-20.

(ADOPTED)

The Budget Committee Substitute dated June 22, 2020 for Ordinance #5355 was moved to the Consent Agenda for perfection. Resolution #20444 was moved to the Consent Agenda for adoption.

A motion was made by Dan Tarwater III, seconded by Tony Miller, to approve the Consent Agenda. The motion passed by a roll call vote:

Yes: 8 - Jalen Anderson, Crystal Williams, Tony Miller, Ronald E. Finley, Charlie Franklin, Dan Tarwater III, Jeanie Lauer and Theresa Cass Galvin

Absent: 1 - Scott Burnett

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

[5362](#) Appropriating \$26,898.00 from the undesignated fund balance of the 2020 CARES Act Fund for use by Environmental Health to meet unanticipated costs at wastewater treatment plants necessary in connection with the fight against the ongoing Coronavirus/COVID-19 pandemic.

(Assigned to the Legislature As A Whole.)

[5363](#) A motion was made by Crystal Williams, seconded by Tony Miller to perfect Ordinance #5363. The motion passed by a voice vote.

(PERFECTED)

[5363](#)

A motion was made by Crystal Williams, seconded by Tony Miller, to adopt Ordinance #5363, appropriating \$8,498.00 from the undesignated fund balance of the 2020 Health Fund, representing a reimbursement from the Missouri Department of Health and Senior Services for completed childcare inspections. The motion passed by a roll call vote:

Yes: 8 - Jalen Anderson, Crystal Williams, Tony Miller, Ronald E. Finley, Charlie Franklin, Dan Tarwater III, Jeanie Lauer and Theresa Cass Galvin

Absent: 1 - Scott Burnett

(ADOPTED)

[5364](#)

A motion was made by Crystal Williams, seconded by Tony Miller to perfect Ordinance #5364. The motion passed by a voice vote.

(PERFECTED)

[5364](#)

A motion was made by Crystal Williams, seconded by Tony Miller, to adopt Ordinance #5364, appropriating \$1,300.00 from the undesignated fund balance of the 2020 Anti-Crime Sales Tax Fund in acceptance of funds received from members of the Jackson County Multi-Jurisdictional Drug Task Force. The motion passed by a roll call vote:

Yes: 8 - Jalen Anderson, Crystal Williams, Tony Miller, Ronald E. Finley, Charlie Franklin, Dan Tarwater III, Jeanie Lauer and Theresa Cass Galvin

Absent: 1 - Scott Burnett

(ADOPTED)

[5365](#)

Appropriating \$113,317.00 from the undesignated fund balance of the 2020 Federal Forfeiture Fund and awarding a contract for the furnishing of portable and mobile radios for use by the Sheriff's Office and the Drug Task Force to Motorola Solutions of Chicago, IL, under the terms and conditions of Mid-America Regional Council/Kansas City Regional Purchasing Cooperative Contract No. 34733, a competitively-bid, fixed-price government contract, at an actual cost to the County in the amount of \$167,368.00.

(Assigned to the Budget Committee.)

[5366](#)

A motion was made by Crystal Williams, seconded by Dan Tarwater III to perfect Ordinance #5366. The motion passed by a voice vote.

(PERFECTED)

[5366](#)

A motion was made by Crystal Williams, seconded by Dan Tarwater III, to adopt Ordinance #5366, appropriating \$2,500.00 from the undesignated fund balance of the 2020 Park Fund in acceptance of a donation from Mike Dodd to the Parks + Rec Department, to be used for a new commemorative park bench at Longview Lake. The motion passed by a roll call vote:

Yes: 8 - Jalen Anderson, Crystal Williams, Tony Miller, Ronald E. Finley, Charlie Franklin, Dan Tarwater III, Jeanie Lauer and Theresa Cass Galvin

Absent: 1 - Scott Burnett

(ADOPTED)

[5367](#)

Appropriating \$157,500.00 from the undesignated fund balance of the 2020 CARES Act Fund to allow the Information Technology, Collection, and Public Works Departments, and County Executive's Office, to acquire mobile computers and virtual meeting software, provide health screenings at County facilities, rent automobiles and tents, and pay other costs necessary in connection with the fight against the ongoing Coronavirus/COVID-19 pandemic.

(Assigned to the Legislature As A Whole.)

Crystal Williams, County Legislator, introduced Diana Turner, Director of the Department of Corrections, to speak to Ordinance #5368. Ms. Turner said the interim contract to provide for mental health services at the jail will expire on June 26th. Passage of this ordinance is an important step for the Department of Corrections. This will be the first time the jail has had full time mental health professionals providing services within the Jackson County Detention Center. She said this vendor is highly qualified and passage of this measure is in the best interest of the County.

Jeanie Lauer, County Legislator, asked how this funding compares to what was previously allocated. Troy Schulte, County Administrator, said the Administration recommends that the Department of Corrections apply for Mental Health funds to cover the cost for these services through the Mental Health Fund Levy monies. This ordinance will allocate funds through the end of 2020 out of the Health Fund.

Crystal Williams, County Legislator, said she is frustrated by the lack of communications from the Department of Corrections. She said any information about the department is communicated through Twitter. Moving forward she would like better communication from the Sheriff on activities at the jail.

Dan Tarwater III, County Legislator, agreed that he was disappointed in the

communication flow. Diana Turner said she would report these comments up her chain of command.

Theresa Cass Galvin said, for clarification, this contract will be paid out of Health Fund monies for the balance of 2020, but next year the Department of Corrections will need to apply to the Mental Health Fund Levy Board for funding for this contract through the Mental Health fund.

Ronald E. Finley, County Legislator, asked Diana Turner to explain what services will be provided by this contract. Ms. Turner said this agreement will provide for a qualified mental health professional to be on site at the jail seven days a week to provide services to inmates and detainees daily.

[5368](#)

A motion was made by Crystal Williams, seconded by Dan Tarwater III to perfect Ordinance #5368. The motion passed by a voice vote.

(PERFECTED)

[5368](#)

A motion was made by Crystal Williams, seconded by Dan Tarwater III, to adopt Ordinance #5368, appropriating \$306,000.00 from the undesignated fund balance of the 2020 Health Fund and awarding a twelve-month contract with one twelve-month option to extend for the furnishing of mental health services to the inmates of the Department of Corrections to Advanced Correctional Healthcare of Peoria, IL, under the terms and conditions of Request for Proposals No. 11-20, at an actual cost to the County in 2020 in the amount of \$306,000.00. The motion passed by a roll call vote:

Yes: 8 - Jalen Anderson, Crystal Williams, Tony Miller, Ronald E. Finley, Charlie Franklin, Dan Tarwater III, Jeanie Lauer and Theresa Cass Galvin

Absent: 1 - Scott Burnett

(ADOPTED)

[5369](#)

Appropriating \$2,000,000.00 from the undesignated fund balance of the 2020 CARES Act Fund to support the Jackson County Health Department, allow the hiring of contact tracers, and pay other costs necessary in connection with the fight against the ongoing Coronavirus/COVID-19 pandemic.

(Assigned to the Legislature As A Whole.)

Dan Tarwater III said he knows the Health Department will be at the legislative meeting next week to testify as to how many contact tracers have been hired. Troy Schulte said 10 contract tracers have been hired but the goal is 52. Dan Tarwater III asked they give more information on how this process will work. Ronald E. Finley said he noticed that the Kansas City Health Department has not received any money for contact tracers and would like to know the method for submitting requests for

reimbursements.

[5370](#) Appropriating \$19,500.00 from the undesignated fund balance of the 2020 Health Fund and awarding a contract for the furnishing of a used fleet vehicle for use by the Medical Examiner's Office to the Missouri State Highway Patrol, at an actual cost to the County in the amount of \$19,500.00, as an acquisition from another government.
(Assigned to the Budget Committee.)

[5371](#) Appropriating \$1,500,000.00 from the undesignated fund balance of the 2020 CARES Act Fund to allow for allocation to food banks and other food providers in Jackson County to insure that food insecurity is minimized in the wake of the full economic impact in connection with the fight against the ongoing Coronavirus/COVID-19 pandemic and authorizing the Administration to solicit proposals from outside agencies to assist in mitigating that need.
(Assigned to the Legislature As A Whole.)

[5372](#) Appropriating \$36,924,000.00 from the undesignated fund balance of the 2020 CARES Act Fund to provide funds to the cities of Kansas City, Independence, Lee's Summit, Blue Springs, Raytown, Grandview, Grain Valley, Oak Grove, and Greenwood, Missouri, to allow them to meet unanticipated costs necessary in connection with the fight against the ongoing Coronavirus/COVID-19 pandemic and authorizing the County Executive to execute Intergovernmental Agreements with the cities at an aggregate cost to the County not to exceed \$36,924,000.00.
(Assigned to the Legislature As A Whole.)

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

[20446](#) Nominating candidates for appointment to the Jackson County Sports Complex Authority, for a term to expire July 15, 2025.
(Assigned to the Legislature As A Whole.)

Theresa Cass Galvin requested that Legislators send resumes of their nominees to the Clerk of the Legislature's Office for consideration at next week's meeting.

[20447](#)

A motion was made by Dan Tarwater III, seconded by Tony Miller, to adopt Resolution #20447, transferring \$220,000.00 within the 2020 CARES Act Fund for use by the Raytown, Sni-Valley, Fort Osage, Prairie Township, Lone Jack, and Inter City Fire Protection Districts to reimburse for unanticipated expenses necessary in connection with the fight against the ongoing Coronavirus/COVID-19 pandemic and authorizing the County Executive to execute Intergovernmental Agreements with the districts. The motion passed by a roll call vote:

Yes: 8 - Jalen Anderson, Crystal Williams, Tony Miller, Ronald E. Finley, Charlie Franklin, Dan Tarwater III, Jeanie Lauer and Theresa Cass Galvin

Absent: 1 - Scott Burnett

(ADOPTED)

Ronald E. Finley asked Troy Schulte to explain Resolution #20447. Mr. Schulte said the funds for this expense were previously appropriated. This will allow for the fire protection districts to submit requests for reimbursement of their unanticipated COVID-19 expenses for personal protective equipment (PPE), overtime and equipment costs. He said the allocation was determined based on the fire protection district size. Mr. Finley asked Mr. Schulte to distribute the plan and methodology used to determine the request for reimbursement of costs.

[20448](#)

Transferring \$68,276.00 within the 2020 Anti-Crime Sales Tax Fund and authorizing the issuance of payment in the amount of \$68,275.35 to the Missouri State Auditor for services rendered for the audit of the COMBAT tax.

(Assigned to the Anti-Crime Committee.)

[20449](#)

Approving the 2020-2021 Jackson County Assessment and Equalization Maintenance Plan.

(Assigned to the Finance and Audit Committee.)

Gail McCann Beatty, Director of Assessment, and Maureen Monaghan, Deputy Director of Assessment, addressed Resolution #20449. Ms. Monaghan said the Assessment and Equalization Maintenance Plan is a tool used by the State Tax Commission (STC) to ensure a reassessment plan is in place in Jackson County. It is a commitment of all parties (County officials, the Assessment Department and the STC) to fulfill their duties and show they have the financial support to get it done.

Ms. Beatty said the monies listed in this plan correspond to what the Legislature allocated in the approved 2020 budget. This is not a request for additional funds. This plan will provide three things: a new CAMA

system, a process for residential and new construction reassessment, and their demolition permits. They need assistance for the implementation of the new CAMA system.

Charlie Franklin, County Legislator, asked Troy Schulte about the role of the Administration involvement with this plan. Mr. Schulte said the Administration has been involved and will be introducing some requests for legislative action related to the reassessment plan.

Dan Tarwater III said the Legislature adopted a resolution calling for the Assessment Department to freeze the reassessment levels. He asked if the Assessment Department has a plan in place to meet those requests.

Gail McCann Beatty said the bids have been submitted for the new CAMA system. The department continues to have staffing problems and hiring challenges with their current budget. She said their budget and salaries are not competitive and they will need to use outside resources to fill those gaps.

Ronald E. Finley requested an update from the department since their discussions during the budget meetings. With the distraction of the pandemic, he said, an update and refresher are needed on what was previously discussed.

Crystal Williams asked about the staffing issues. Gail McCann Beatty said that not all 71 staff positions are appraiser positions. Some of these staff people are clerks. The department also lost staff during the pandemic. In comparing Jackson County with St. Louis County, Jackson County has only 9 residential appraisers versus about 80 appraisal staff in St. Louis County. Ms. Williams said her constituents are concerned about what will happen with the 2021 reassessment.

Crissy Wooderson, Legislative Auditor, said the money is in the budget to be utilized when a plan is brought forward by the Assessment Department. She said this was included in the budget message as well.

12 COUNTY EXECUTIVE ORDERS

[20-09](#)

Pursuant to section 706.1, Jackson County Code, 1984, I hereby promulgate a one-time exception to section 9.2 of the Personnel Rules for Jackson County Employees. Juneteenth is declared an additional floating holiday in 2020 effective immediately.

[20-10](#)

Pursuant to section 706.1, Jackson County Code, 1984, I hereby promulgate the following amendment to Rule 9 of the Jackson County

Personnel Rules for Jackson County associates. The amendment shall be effective immediately, and shall apply to all associates who have experienced an eligible birth or adoption within the twelve months prior to its effective date.

Rule 9.21 is amended to read as follows:

Section 9.21 - Family and Medical Leave

A. This Rule is promulgated pursuant to the requirements of Public Law 103-3, The Family and Medical Leave Act of 1993 and the official rules and regulations promulgated hereunder by the appropriate agency of the United States, (hereinafter referred to simply as "FMLA"). For the purposes of this rule, all provisions of the FMLA, codified as 29 U.S.C. § 2601 et seq. (2005), are hereby adopted and incorporated herein by reference as is fully set forth herein, as the official Personnel Rule of Jackson County. The material set forth hereafter is intended to be a summary and clarification of the application of the FMLA to all employees, whether merit or non-merit, of Jackson County, and the official text of said public law and the regulations promulgated hereunder shall govern to the extent of any conflict between said summary and the FMLA.

B. The Appointing Authority shall grant an eligible employee leave in accordance with the FMLA, not to exceed 12 weeks during any 12 month period or up to 26 weeks of leave in any 12 month period in compliance with the expansion of FMLA under The Support for Injured Servicemembers Act of 2007. To be eligible for this leave, an employee must have worked at least 12 months for the County and at least 1250 hours in the year immediately preceding the commencement of the leave.

Nothing herein shall prevent the County from discretionary denial or the placement of reasonable limitations or conditions upon privileges otherwise granted under the FMLA in accordance with the terms thereof.

C. Eligibility. Eligible employees are entitled to a total of 12 weeks leave during any 12 month period for one or more of the following: 1) caring for a spouse, child, or parent with a serious health condition, or 2) the serious health condition of the employee, or 3) an employee's spouse, son, daughter or parent has been notified of an impending call or order to active military duty or who is already on active duty (herein "servicemember"). Employees shall provide their Appointing Authorities with a written statement from a physician certifying the condition for which the leave is required in cases of serious health condition. Eligible employees are entitled to a total of 26 weeks during any 12 month period for an employee whose spouse, son, daughter, parent or next-of-kin is injured or recovering from an injury suffered

while on active military duty and who is unable to perform the duties of the servicemember's office, grade, rank, or rating.

D. Return to Work. When the employee reports for work following family medical leave for their own serious health condition he shall furnish a physician's statement indicating the ability to resume the duties of his regular position to the Appointing Authority who will provide a copy to Human Resources.

E. Advance Notice. The employee is required to give the Appointing Authority thirty days notice of foreseeable leaves, as well as to make reasonable efforts in scheduling leaves to avoid disrupting the County's business operations, as more specifically set forth in 29 U.S.C. § 2612(e) (2005) of the Act.

F. Recertification. For pregnancy, chronic or permanent/long term conditions under continuing supervision of a health care provider, the County may request recertification no more often than every thirty (30) days and only in connection with an absence by the employee once the duration of the initial certification has passed. If the employee requests an extension, circumstances described by the previous certification have changed significantly, or the County receives information that casts doubt upon the employee's stated reason for the absence a recertification can be required by the County.

A recertification requested by the County shall be at the employee's expense unless otherwise provided for by the County; and the employee must provide the requested recertification to the County within the time frame requested by the County, which will allow at least fifteen (15) days. Failure to submit the recertification within the allotted timeframe will result in an automatic denial of the employee requested extension or termination of FMLA benefits for an employer requested recertification.

G. Married Employees. In the case where both spouses are employees of the County, their combined total leave in any 12-month period may be limited to 12 weeks to care for a sick parent or 26 weeks to care for a covered injured or ill servicemember. This limitation does not apply to leave taken by either spouse to care for the other who is seriously ill, to care for a child with a serious illness, or to take care of his or her own illness.

H. Intermittent Leave. The employee is entitled to take leave on an intermittent or reduced schedule basis, only when an employee is requesting leave because of a serious health condition, either their own or that of a family member.

I. Benefits. The payment and accrual of sick leave, vacation leave, and payment or accrual of other benefits shall be governed by the medical leave rule (Section 9.11 hereof), except as otherwise required by FMLA and that Jackson County will require that employees substitute accrued paid leave for unpaid FMLA leave in the following order: 1) Accrued sick leave balance will be substituted until such accrual is exhausted; 2) Accrued compensatory time balance will be substituted until such accrual is exhausted; 3) Accrued vacation balance will be substituted until such accrual is exhausted; and 4) All other accrued leave balance. Once all accrued time has been exhausted, employees will be placed on leave without pay status.

J. Medical Evaluation. The Appointing Authority may request an additional medical evaluation at the County's expense for the purpose of granting a family medical leave request or allowing the employee to return to work at any time the medical condition is in question.

K. Parental Leave. FMLA leave in connection with the birth or adoption of a child shall be governed by Rule 9.25 of these Rules

New Rule 9.25 is added, to read as follows:

Section 9.25- Paid Parental Leave.

A. In order to allow parents time to bond and care for their new child, all regular and appointed employees who are eligible to take leave under the County's family and medical leave policy shall be granted paid parental leave due to birth of the employee's child or the placement within the employee's home of an adopted child in accordance with the following provisions:

1. An eligible employee will receive up to twelve weeks of leave with pay at 100 percent of the employee's base pay per birth or adoption event.
2. An employee may take paid parental leave intermittently, provided the leave is taken in no less than one week increments and is approved by the employee's manager.
3. If both parents are eligible employees, each will receive the leave available under subsections (1) and (2) of this section.
4. Leave will be based on the employee's certified normal rate of pay, not including premiums or overtime.
5. All paid parental leave will run concurrently with family and medical leave under the County's family and medical leave policy and must be started

within 12 weeks following the birth or adoption of a child, unless approved by the Appointing Authority. Paid parental leave will not reduce eligibility for other types of paid and unpaid leaves such as sick leave, vacation, floating holiday, and holiday.

6. An eligible employee must submit a completed employee request for family and medical leave form, requesting FML leave to the human resources office at least 30 days prior to the anticipated date of the leave. To the extent the 30-day notice is not possible, the employee must submit a completed employee request for family and medical leave form to the human resources benefits office as soon as possible.

7. Multiple births or adoptions do not increase the length of leave granted for the birth or adoption event.

8. An eligible employee will be required to furnish an employee request for FMLA form for the birth of child. If applicable, the medical certification requirements for FML leave will govern. The medical documentation must be completed and signed by the individual's health care provider.

9. An eligible employee will be required to furnish appropriate adoption documentation, such as a letter from an adoption agency, or from the attorney in cases of private adoption.

10. Surrogate mothers and sperm donors are excluded from coverage under this policy, as are parents who elect to place their newborn child/children up for adoption.

11. In the unfortunate event that the new child dies during the time of paid parental leave, the leave shall be cancelled, and employee shall be allowed to take bereavement leave and may apply for/request the use of FMLA leave.

12. A fraudulent request for paid parental leave shall be grounds for serious disciplinary action, up to and including termination of employment.

13. An employee must return to work for a minimum of 6 months after taking paid parental leave, or will be required to repay the County for the leave.

14. To be eligible for this leave, an employee must meet the time in County service requirements set out in Rule 9.21.B of these rules.

13 UNFINISHED BUSINESS

Dan Tarwater III said he was in favor of Executive Order 20-10 Family and Medical Leave. He asked the County Counselor for an explanation in writing as to why family leave pay can be retroactive but hazard pay cannot be retroactive. Jay Haden, Chief Deputy County Counselor, said he will get an opinion to the County Legislature explaining why they believe it is different.

14 NEW BUSINESS

Theresa Cass Galvin said since the County Legislature only cancelled one meeting so far this year, the County Legislature will not meet on Monday, July 6th or Tuesday, September 8, 2020. In addition, the legislative meeting scheduled to be held on Monday, July 13th will be held in Kansas City, Missouri.

A motion was made by Dan Tarwater III, seconded by Charlie Franklin, to cancel the legislative meetings scheduled to be held on July 6th and September 8th and to move the location to Kansas City for the legislative meeting scheduled to be held on July 13th. The motion passed by a voice vote.

15 ADJOURNMENT

A motion was made by Dan Tarwater III, seconded by Charlie Franklin, to adjourn the meeting. The motion passed by a voice vote.

Meeting adjourned until Monday, June 29, 2020 at 10:00 A.M. at the Jackson County Courthouse, 415 E. 12th Street, Kansas City, Missouri, 2nd Floor, Legislative Assembly Area.