



Jackson County Missouri

Jackson County Courthouse
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Legislation Details (With Text)

File #: 5835 **Version:** 0 **Name:** Chapter 2 Legality of Legislation
Type: Ordinance **Status:** Defeated
File created: 2/15/2024 **In control:** County Legislature
On agenda: 2/19/2024 **Final action:** 2/19/2024
Title: AN ORDINANCE enacting section 242., Jackson County Code, 1984, relating to the approval of proposed legislation by the County Counselor as to form and legality.
Sponsors: Jeanie Lauer
Indexes: COUNTY COUNSELOR, JACKSON COUNTY CODE, LEGISLATION
Code sections:
Attachments: 1. 5835bu.pdf, 2. 5835 bu 1.pdf, 3. 5835defeated.pdf

Date	Ver.	Action By	Action	Result
2/19/2024	0	County Legislature	perfect	Pass
2/19/2024	0	County Legislature	adopt	Fail

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE enacting section 242., Jackson County Code, 1984, relating to the approval of proposed legislation by the County Counselor as to form and legality.

ORDINANCE NO. 5835, February 19, 2024

INTRODUCED BY Jeanie Lauer, County Legislator

WHEREAS, it is the desire of the Jackson County Legislature to ensure that the legislation passed by the body is enforceable and does not conflict with any federal, state, or local laws; and,

WHEREAS, currently the Jackson County Counselor approves each item of proposed legislation as to form only; and,

WHEREAS, the Jackson County Counselor has the expertise and ability to review proposed legislation for conformity to existing laws and enforceability; and,

WHEREAS, the Legislature desires to create a new review and approval procedure for proposed legislation to allow the Jackson County Counselor to determine if the legislation adheres to form and is in conformity with the law; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause.

Section 242., Jackson County Code, 1984, is hereby enacted, to read as follows:

242. Legal Review Requirement for Proposed Legislation

242.1 Purpose

The purpose of this section is to establish a process for the legal review of all Proposed Legislation, including resolutions and ordinances, by the County Counselor to ensure compliance with required standards of Legality and Form prior to consideration by the County Legislature.

242.2 Definitions: For the purpose of this section, the following definitions shall apply:

- (a) Proposed Legislation: Any resolution or ordinance proposed for consideration by the County Legislature.
- (b) County Counselor: The county's legal advisor who has been appointed to provide legal services to the county and its entities, or their designee.
- (c) Legality: Compliance of the proposed legislation with applicable federal, state, and local laws, regulations, and rules.
- (d) Form: Adherence of the proposed legislation to structural, procedural, and

formatting standards established by the County Legislature.

242.3 Review Process

(a) Submission for Review: Proposed Legislation must be submitted to the County Counselor at least four (4) business days before its scheduled consideration by the County Legislature.

(b) Review for Legality and Form: The County Counselor will review all proposed legislation for Legality and Form.

(c) Approval or Rejection:

- i. If approved, the County Counselor shall sign and date the Proposed Legislation, attesting that it is correct as to Legality and Form. This signature and date will serve as official confirmation of the Proposed Legislation's compliance at the time of review.
- ii. If rejected, the County Counselor will provide the legislation's sponsor with written notification detailing the reasons for rejection. This notification may also include recommended revisions to ensure compliance. The County Counselor's office will ensure that this feedback is constructive and clear, aiming to facilitate the necessary adjustments for the Proposed Legislation to pass review for Legality and Form.

(d) Resubmission after Rejection: Rejected legislation can be revised and resubmitted for review, following the process as outlined in this section.

(e) Review of Amendments: If any substantive amendments or substitutions to Proposed Legislation that has previously been reviewed and approved, then the Proposed Legislation with such amendments or substitutions must be resubmitted

for review following the process outlined in this section.

242.4 Enforcement: Proposed Legislation that has not been reviewed or approved as to Legality and Form by the County Counselor as specified in Section 242.3, including any substantive amendments or substitutions, will be invalid and unenforceable.

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

APPROVED AS TO FORM:

County Counselor

I hereby certify that the attached ordinance, Ordinance No. 5835 introduced on February 19, 2024, was defeated on February 19, 2024 by the Jackson County Legislature. The votes thereon were as follows:

Yeas _____ 2 _____

Nays _____ 5 _____

Abstaining _____ 0 _____

Absent _____ 1 _____

Excused _____ 1 _____

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. 5835.

Date

Frank White, Jr., County Executive