



## COUNTY LEGISLATURE JACKSON COUNTY, MISSOURI

### JACKSON COUNTY COURTHOUSE

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### INDEPENDENCE

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DATE: December 28, 2017  
TO: County Executive Frank White Jr.  
FROM: Legislature Chair Scott Burnett, Budget Committee Chair Theresa Galvin,  
and Members of the Jackson County Legislature  
SUBJECT: Veto Override of Ordinance #5052

We have noted several fallacies in the County Executive's "Signing Statement" with limited line item vetoes of Ordinance #5052 dated December 22, 2017. These fallacies are highlighted in yellow in the attached response with our response to these fallacies in red.

We, the Legislature, override specific line item veto #1 – funding for the department of the Legislative Auditor and line item veto #2 – funding for the department of Sheriff Emergency Preparedness detailed below:

1. Fund: General; Department: "Legislative Auditor"; 5010 "Regular Salaries" \$369,000; 5040 "FICA" \$28,229; 5050 "Pension" \$33,210; 5060 "Insurance" \$19,000.
2. Fund: Health; Department: "Sheriff Emergency Preparedness"; 5010 "Regular Salaries" \$142,741; 5040 "FICA" \$10,920; 5050 "Pension" \$20,312; "Insurance" \$16,153; 6620 "Rent" \$33,900; 6641 "Copier Rental/Maintenance" \$5,000.

In addition, we, the Legislature, also override veto of all items listed in the "Signing Statement" from the County Executive for Ordinance #5052 based on the reasons clearly stated in the attached response dated December 28, 2017.

#### Attachments:

Legislature's Response to County Executive's "Signing Statement" dated December 22, 2017





Filed  
DEC 22, 2017  
MARY JO SPINO  
COUNTY CLERK

**FRANK WHITE, JR.**  
Jackson County Executive

December 22, 2017

Signing Statement from the County Executive

Ordinance 5052

TO THE JACKSON COUNTY LEGISLATURE :

Today I have signed Ordinance 5052, the annual appropriation order which provides the full and complete financial plan for Jackson County, Missouri's 2018 fiscal year. Despite my continued strong objection to certain provisions, I have signed and approved this Ordinance, with limited line-item vetoes,<sup>1</sup> because of the importance of avoiding a lapse in appropriations for the County Government. My Administration will continue to take appropriate actions and will work with the Legislature to mitigate the damage inflicted upon the County by their budgetary amendments.

State law and the county code require the adoption of an annual budget that presents "a complete financial plan."<sup>2</sup> In part, the budget is required to detail "all proposed expenditures for the administration, operation and maintenance of all offices, departments, commissions, courts and institutions (. . . )"<sup>3</sup> In addition, such expenditures may only be classified "as to various spending agencies and the principal subdivisions of those agencies" while also including "the means of financing" for such expenditures.<sup>4</sup> Finally, and in accordance with applicable state laws and county code provisions, Ordinance 5052 specifically states that "effective immediately upon" my signature, the annual budget "set(s) forth appropriations for the various spending agencies and the principal subdivisions thereof, for the fiscal year ending December 31, 2018."<sup>5</sup>

In accordance with the above requirements, on November 15, 2017, my Administration provided the Legislature with an on-time, balanced and detailed budget for their consideration. **The proposed budget provided for significant and long-overdue improvements to our facilities and operations**, while also increasing the support we provide to our most important asset, our County Associates. On December 15, 2017, over the objections of three of its members, the Legislature approved Ordinance 5052. The approved amendments to my proposed budget have placed in jeopardy most improvements that had been proposed. However, despite these changes, the approved budget does not provide for the reduction of appropriations from any fund.

**Legislature's Response:**

**The County Executive's proposed budget to provide for significant and long-overdue improvements was financially unsound. The County Executive proposed a \$30 million bond package without identifying a revenue source to service the debt beyond fiscal year 2018 other than from the county's savings account.**

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I have chosen to issue the following line-item vetoes. The items enumerated below should be considered "objected to" in their entirety, in accordance with the Jackson County Charter:

1. Fund: General; Department: "Legislative Auditor"; 5010 "Regular Salaries" \$369,000; 5040 "FICA" \$28,229; 5050 "Pension" \$33,210; 5060 "Insurance" \$19,000.<sup>6</sup>

**Legislature's Response – Veto Override Item #1, Legislative Auditor:**

**Despite the County Executive's objection to this budget amendment, the Legislature has deemed that this item will stand as presented in the floor amendment (2018 Budget Floor Amendment, page 3, dated December 15, 2017).**

2. Fund: Health; Department: "Sheriff Emergency Preparedness"; 5010 "Regular Salaries" \$142,741; 5040 "FICA" \$10,920; 5050 "Pension" \$20,312; "Insurance" \$16,153; 6620 "Rent" \$33,900; 6641 "Copier Rental/Maintenance" \$5,000.<sup>7</sup>

**Legislature's Response – Veto Override Item #2, Sheriff Emergency Preparedness:**

**Despite the County Executive's objection to this budget amendment, the Legislature has deemed that this item will stand as presented in the floor amendment (2018 Budget Floor Amendment, page 5, dated December 15, 2017).**

As amended, this Ordinance does not provide adequate funding for numerous essential positions, many of which are currently filled. In particular, two current staff positions with the County Counselor's office have been defunded as was the County's Director of Collections. If the Legislature elects not to override my veto of the new funding for yet unfilled positions within the County Auditor's office I will work with them to ensure these funds are used only for essential staffing. Furthermore, no funding saved by this action will be used by my Administration or have any impact on my Administrative staffing.

*"As amended, this Ordinance does not provide adequate funding for numerous essential positions, many of which are currently filled."*

**Legislature's Response:**

**Contrary to the County Executive's statement, the County Executive's budget did not include funding for the Office of Communications.**

*"... In particular, two current staff positions with the County Counselor's office have been defunded..."*

**Legislature's Response:**

**Agreed, funding will not be restored to the County Counselor's Office for any defunded positions whether currently filled or vacant.**

*"...as was the County's Director of Collections."*

**Legislature's Response:**

**Agreed, funding will not be restored for the Director of Collections position that has been vacant for five years.**

As amended, this Ordinance appears to transfer the County's Office of Emergency Preparedness from the County Executive to the Sheriff. Such an action would violate state law, the County's Charter, numerous executive orders and various contractual agreements. In particular, Missouri State law states that the County's "executive officer" shall appoint a coordinator of emergency management, "subject to the direction and control of the executive officer (. . .)." <sup>8</sup> In addition, the Jackson County Charter provides the County Executive with the unique authority to create or abolish departments, <sup>9</sup> transfer employees, <sup>10</sup> appoint directors and officers not provided for, <sup>11</sup>

and "be responsible for the administration of all affairs of the county placed in his or her charge (. . .) by law (. . .)." <sup>12</sup> If this veto is not overridden, I will support a legislative action that would immediately appropriate the necessary funds to ensure that the two current County Associates in the Office of Emergency Preparedness are able to remain employed by the County.

**Legislature's Response:**

**What the County Executive fails to mention from RSMo 44.080 in saying the County's "executive officer" shall appoint a coordinator of emergency management, "subject to the direction and control of the executive officer (....) or governing body."**<sup>8</sup>

**Full text of RSMo 44.080 states:**

**44.080. All political subdivisions shall establish a local emergency management organization. —**

1. Each political subdivision of this state shall establish a local organization for disaster planning in accordance with the state emergency operations plan and program. The executive officer of the political subdivision shall appoint a coordinator who shall have direct responsibility for the organization, administration and operation of the local emergency management operations, subject to the direction and control of the executive officer **or governing body**. Each local organization for emergency management shall be responsible for the performance of emergency management functions within the territorial limits of its political subdivision, and may conduct these functions outside of the territorial limits as may be required pursuant to the provisions of this law. 2. In carrying out the provisions of this law, each political subdivision may:

(1) Appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons; the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the federal and state governments; and

(2) Appoint, provide, or remove rescue teams, auxiliary fire and police personnel and other emergency operations teams, units or personnel who may serve without compensation.

**Furthermore, the County Charter grants the power to the Legislature in Article II, Section 16.39 states:**

"The County Legislature shall have the power to: Provide for disaster planning and civil defense as required by the law or deemed appropriate."

Of note, included within the legislative amendments are numerous references to "Reserve" Funds that were originally earmarked for jail and courthouse improvements, existing staff salaries and to respond to unpredictable emergencies. Based upon the budgetary amendments, it appears that these funds have been shifted to these undefined "reserve" line-items. It should be noted that, had I signed Ordinance 5062 into law prior to the approval of this Ordinance, the annual budget "would have run counter to" and been "contrary to the clear requirements of state law" according to the County Counselor.<sup>13</sup> While a veto override of 5062 would not have any impact on the county's budget for 2018, I would implore the Legislature to reconsider any such action due to the potential damage it would most certainly cause in subsequent years.

*"... included within the legislative amendments are numerous references to "Reserve" Funds that were originally earmarked for jail and courthouse improvements..."*

**Legislature's Response:**

**The only funds for Building & Improvements (account 8020) recommended by thy County Executive in the General Fund, Health Fund and Anti-Drug Sales Tax Fund amounted to \$3,000 that was moved to a reserve account via the Legislature's budget amendment.**

*"...existing staff salaries..."*

**Legislature Response:**

Previously addressed above.

*"...and to respond to unpredictable emergencies"*

**Legislature's Response:**

There is \$2,560,279 in the General Fund for emergencies recommended by the County Executive and approved by the Legislature.

*"It should be noted that, had I signed Ordinance 5062 into law prior to the approval of this Ordinance, the annual budget "would have run counter to" and been "contrary to the clear requirements of state law" according to the County Counselor.<sup>13</sup> While a veto override of 5062 would not have any impact on the county's budget for 2018..."*

**Legislature's Response:**

**Article II, Section 11 of the County Charter:**

The County Legislature shall specify the effective date of each county ordinance, which may be any time after the approval of the County Executive or its passage notwithstanding the objections of the County Executive.

Finally, the Jackson County Charter uniquely grants the County Executive with both the authority and responsibility to "execute and enforce the provisions" of the Jackson County Charter, ordinances, resolutions and applicable Missouri State laws.<sup>14</sup> Legislative efforts that significantly impede my executive and administrative authorities or to sufficiently staff County operations undermine the County Charter and the County Executive's ability to exercise my Charter responsibilities and take care that the laws be faithfully executed.

**Legislature's Response:**

**Article III, Section 6.5 of the County Charter reads in its entirety:**

**The County Executive shall "Execute and enforce the provisions of this charter, and the ordinances, resolutions and policies of the County Legislature, and the laws of the state pertaining to the government of the county; see that all contracts with the county are faithfully performed and cause to be instituted in the name of the county appropriate actions thereon."**

**Article II, Section 16.5 of the County Charter states:**

**The County Legislature shall have the power, pursuant to and in conformity with the constitution, and without limiting the generality of the powers vested in the County Legislature by this charter, to: Make such rules and regulations as may be necessary or proper to establish and carry into effect the provisions of this charter and county ordinances and provide for the enforcement of the charter and county ordinances by appropriate penalties not exceeding for any one offense, a fine of one thousand dollars or imprisonment in the county detention center for not more than one year, or by both such fine and imprisonment.**

**Furthermore, Article III, Section 5 of the County Charter states:**

**The County Executive shall be responsible for the administration of all affairs of the county placed in his or her charge by this charter, by law or by county ordinance.**

In accordance with the Jackson County Charter and all other applicable laws, the Administration will construe, including without limitation, any references to reserve, COMBAT and emergency management, not to abrogate these Executive authorities, duties and responsibilities.

**Legislature's Response:**

**Based on the reasons clearly stated above, we, the Legislature, are overriding the County Executive's limited line item vetoes of Ordinance #5052.**

Respectfully submitted,



Frank White, Jr.  
Jackson County Executive

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<sup>1</sup> See below.

<sup>2</sup> § 50.550.1; see also Jackson County Code § 535.

<sup>3</sup> *Id.*; see also Jackson County Code § 535.1

<sup>4</sup> § 50.550.3; see also Jackson County Code § 537.3

<sup>5</sup> Ordinance 5052, 2017.

<sup>6</sup> See 2018 Budget Amendments, p 3.

<sup>7</sup> See 2018 Budget Amendments, p 5.

<sup>8</sup> See § 44.080 RSMo.

<sup>9</sup> See Jackson County Charter Article IV. § 11.

<sup>10</sup> See Jackson County Charter Article III. § 6.4.

<sup>11</sup> See Jackson County Charter Article III. § 5; 6.1; Article IV § 1; 3; 4; 6.

<sup>12</sup> See Jackson County Charter Article III. § 1; 5.

<sup>13</sup> See attached County Counselor Memorandum, December 22, 2017.

<sup>14</sup> Jackson County Charter Art. III, § 6.5.