



## FRANK WHITE, JR. Jackson County Executive

### **Veto Message for Ordinances No. 5895 and No. 5896**

**Date: November 15, 2024**

To the Honorable Members of the Jackson County Legislature,

After a thorough review of Ordinances 5895 and 5896, I am compelled to return them without my approval. As determined by our County Counselor's Office, both ordinances are legally unsound and cannot be enacted without violating state, local, and federal statutes governing County budget and appropriations. These legal requirements ensure that both the Executive and Legislative branches work collaboratively — a partnership fundamental to effective governance and sound fiscal responsibility.

Before I go further, I want to extend my gratitude to Budget Committee Chairman Jalen Anderson, the members of his committee, and all who participated in the recent hearings on the remaining American Rescue Plan Act (ARPA) funds. I also thank Legislative Chair Jeanie Lauer and others who have joined me in discussions on this important matter. Through collaboration like this, Jackson County has successfully managed and distributed over \$230 million from various federal programs, including ARPA funds. These resources have supported University Health, provided millions in rental and utility assistance, and strengthened our community health centers, first responders, teachers, and parents as they navigated the challenges of the pandemic. This is the power not only of teamwork but of a government that truly works for the people.

While we're all committed to helping our community thrive, the remaining ARPA funds are limited and the deadline to allocate them is quickly approaching. It is our responsibility to ensure every dollar goes where it can do the most good. Let me be clear: there are no easy choices here. The needs in our community, especially among our non-profits, far exceed the resources we have left to allocate. These organizations are doing remarkable work, and I'm proud of the partnerships we've built with them, supporting their efforts with tens of millions of dollars to date. But as leaders, our duty is to the entirety of Jackson County and its future. That means we'll have to make hard decisions—and sometimes say "no," even when it's unpopular.

### **Key Issues with Ordinances 5895 and 5896**

#### **1. Collaborative Agreement on Appropriations is Essential**

The laws governing our County require that any spending, particularly from remaining ARPA funds, be based on mutual agreement between the County Executive and the Legislature. No single branch has the authority to act unilaterally on these funds. The \$230 million we've already distributed is proof of what we can accomplish together, and I remain committed to finding common ground. But meaningful collaboration is essential to make sure we're putting



the community's interests first, not the interests of individual elected officials, as we've been entrusted to do.

**2. A Need for Transparency and Responsibility**

These ordinances are part of a pattern of actions that have created confusion and false hope, especially for our non-profit partners. From announcing funds prematurely to making promises that go beyond the Legislature's authority twice, these moves have delayed essential support. The people of Jackson County deserve better. We have an obligation to make decisions transparently and thoughtfully, setting a clear, consistent path that the community can trust.

**3. Financial Stability Must Be a Priority**

These ordinances also propose taking large sums from our rainy day fund—funds that protect us against unexpected crises. With potential revenue reductions from cannabis sales tax and senior property tax freezes, we face serious fiscal challenges. These challenges are compounded by capital improvements needed across our facilities, from the downtown courthouse to University Health, totaling over \$750 million. If we deplete our reserves now, we put our financial future at risk and weaken our ability to address these pressing needs.

**4. Unprecedented Expansion of Legislative Budget Control**

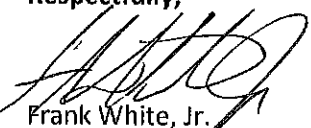
These ordinances would place nearly all remaining ARPA funds and over \$15 million from the rainy day fund under the Legislature's direct budget control, allocating funds to vague line items like "contingency" and "other contractual services" without clear explanations. Ordinance 5895 alone would transfer over 90% of ARPA funds to the Legislature, creating the largest budget expansion in our County's history. That's not how taxpayer dollars should be handled—especially not at a time when our community is looking to us for transparency and accountability.

**5. Commitment to Thoughtful, Long-Term Solutions**

Our path forward must be responsible, transparent, and grounded in the best interests of our community. I'm committed to using these funds to meet urgent infrastructure needs, reduce long-term costs to taxpayers, and ensure Jackson County remains resilient. This means that while we'll continue to support our non-profits, we must also prioritize projects that strengthen our County's foundations, benefit the community as a whole, and prepare us for the challenges ahead.

Ordinances 5895 and 5896, if enacted, would jeopardize our County's financial health and set a troubling precedent for the misuse of public funds. I urge the Legislature to reconsider and join me in forging a path that reflects our shared commitment to the people of Jackson County. Together, we can ensure these remaining ARPA funds serve the community thoughtfully, transparently, and effectively. My commitment is to the people of Jackson County, to a fair and transparent process, and to a future we can all be proud of.

Respectfully,



Frank White, Jr.  
County Executive

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

**AN ORDINANCE** appropriating \$70.4 million from the undesignated fund balance of the 2024 American Rescue Plan Fund.

**ORDINANCE NO. 5895**, October 28, 2024

**INTRODUCED BY** DaRon McGee, Sean E. Smith, Manuel Abarca IV, Donna Peyton and Venessa Huskey, County Legislators

WHEREAS, by Resolution 21769, dated October 14, 2024, the County Legislature implemented the method for the distribution of approximately \$70.4 million in remaining Jackson County American Rescue Plan funds by the end of 2024; and

WHEREAS, ARPA requires that these federal funds may be used only to cover expenses to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel and hospitality; to respond to workers performing essential work during the COVID-19 public health emergency providing premium pay to eligible workers of the State, territory, or Tribal/local government that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work; for the provision of government services to the extent of the reduction in revenue of such State, territory, or Tribal/local government due to COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the State, territory, or Tribal/local government prior to the emergency; and to make necessary investments in water, sewer, or broadband infrastructure; and incurred during the period from March 3, 2021 through December 31, 2026; and,

WHEREAS, ARPA funds must be obligated by December 31, 2024 and spent by December 31, 2026; and,

WHEREAS, an appropriation is necessary in order to place the funds in the proper spending account; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, that the following appropriations be made from the undesignated fund balance of the 2024 American Rescue Plan Fund:

| <u>DEPARTMENT/DIVISION</u>                                   | <u>CHARACTER/DESCRIPTION</u>        | <u>FROM</u> | <u>TO</u>  |
|--|-------------------------------------|-------------|------------|
| 050-9999   | 32810 - Undesignated Fund           | 70,400,000  |            |
| ARPA - Undesignated Fund                                     |                                     |             |            |
| 050-0112   | 56789 - Outside Agency Funding      |             | 1,000,000  |
| Women's Health Initiatives                                   |                                     |             |            |
| 050-0112   | 56070- Intergovernmental Agreements |             | 320,000    |
| ARPA - Senior Services                                       |                                     |             |            |
| 050-0112   | 56789 - Outside Agency Funding      |             | 2,880,000  |
| ARPA - Senior Services                                       |                                     |             |            |
| 050-0112   | 56790 - Other Contractual Services  |             | 3,000,000  |
| ARPA - Small Business Grants Initiative                      |                                     |             |            |
| 050-0112   | 56070- Intergovernmental Agreements |             | 1,500,000  |
| ARPA - Childcare Facility Improvements/<br>Capacity Building |                                     |             |            |
| 050-0112   | 56789 - Outside Agency Funding      |             | 1,500,000  |
| ARPA - Childcare Facility Improvements/<br>Capacity Building |                                     |             |            |
| 050-0112   | 56070- Intergovernmental Agreements |             | 2,800,000  |
| ARPA - Public Improvement Program<br>for Parks and Community |                                     |             |            |
| 050-0112   | 56789- Outside Agency Funding       |             | 8,200,000  |
| ARPA - Public Improvement Program<br>for Parks and Community |                                     |             |            |
| 050-0112   | 56789- Outside Agency Funding       |             | 3,000,000  |
| ARPA - New Affordable Housing Expansion                      |                                     |             |            |
| 050-0112   | 56789- Outside Agency Funding       |             | 11,500,000 |
| ARPA - Housing and Houselessness Programs                    |                                     |             |            |
| 050-0112   | 56790 - Other Contractual Services  |             | 500,000    |

|  |                                     |            |
|--|-------------------------------------|------------|
| ARPA - Arts Revitalization<br>050-0112                                     | 56070 - Intergovernmental Agreement | 275,000    |
| ARPA - Curb Gun Violence<br>050-0112                                       | 56789- Outside Agency Funding       | 344,938    |
| ARPA - Curb Gun Violence<br>050-0112                                       | 56072 - Health Department Expense   | 2,380,062  |
| ARPA - Curb Gun Violence<br>050-0112                                       | 56070 - Intergovernmental Agreement | 1,000,000  |
| ARPA - Food Desert/Insecurity<br>050-0112                                  | 56789- Outside Agency Funding       | 1,000,000  |
| ARPA - Food Desert/Insecurity<br>050-0112                                  | 56790 - Other Contractual Services  | 1,000,000  |
| ARPA - Creation of Master Plan<br>050-0112                                 | 56070 - Intergovernmental Agreement | 16,000,000 |
| ARPA - Municipal and Other<br>Taxing Jurisdictions Grants Fund<br>050-0112 | 58020 - Buildings & Improvements    | 9,450,000  |
| ARPA - County Infrastructure<br>050-2603                                   | 56072 - Health Department Expense   | 1,500,000  |
| ARPA - County Infrastructure<br>050-5006                                   | 56071 - Election Board Expense      | 375,000    |
| ARPA - County Infrastructure<br>050-5004                                   | 56071 - Election Board Expense      | 375,000    |
| ARPA - County Infrastructure<br>050-2101                                   | 58020 - Buildings & Improvements    | 500,000    |
| ARPA - County Infrastructure   |                                     |            |

and,

BE IT FURTHER ORDAINED, that all Jackson County construction projects will be appropriately executed in accordance with the procurement rules and regulations under Jackson County's Purchasing Code Chapter 10, and be constructed using Missouri prevailing wage and approved occupational titles and all compliance guidelines of the County; and,

BE IT FURTHER ORDAINED, that in accordance with current U.S. Treasury Guidelines and under Chapter 10 of the County Code, under the titled section denoted as Competitive Bid Not Required subsection 1030.7 tax exempt organizations and agencies stating that, "competitive bidding shall not be required when funds are appropriated and a contract for services is or will be awarded by resolution or ordinance of the County Legislature to an organization or agency which is exempt from federal income taxation"; meaning all funded categories denoted as grant programs will utilize this mechanism for fast and vetted distribution of funds by the deadline; and,

BE IT FURTHER ORDAINED, that while 2023 applicants are legitimately accepted, a 2024 process will be initiated within 24 hours of this legislation being adopted and the process will be opened and completed in at least 10 days; and,

BE IT FURTHER ORDAINED, that all County officials be and hereby are authorized to execute any and all documents necessary to give effect to said appropriations.

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 5895 introduced on October 28, 2024, was duly passed on November 4, 2024 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 5

Nays 2

Abstaining 1

Absent 0

Excused 1

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

11.4.2024  
Date

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

I hereby approve the attached Ordinance No. 5895.

\_\_\_\_\_  
Date

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

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

ACCOUNT NUMBER: 050 9999 32810  
ACCOUNT TITLE: American Rescue Plan Fund  
Undesignated Fund Balance  
NOT TO EXCEED: \$70,400,000.00

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Administrative Officer

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

**AN ORDINANCE** appropriating \$30 million from the undesignated fund balance of the general fund.

**ORDINANCE NO. 5896**, October 28, 2024

**INTRODUCED BY** DaRon McGee, Sean E. Smith, Manuel Abarca IV, Donna Peyton and Venessa Huskey, County Legislators

WHEREAS, by Resolution 21769, dated October 14, 2024, the County Legislature implemented the method for the distribution of approximately \$70.4 million in remaining Jackson County American Rescue Plan funds by the end of 2024; and,

WHEREAS, this is a match to ARPA funds designated by Resolution 21769; and,

WHEREAS, ARPA funds must be obligated by December 31, 2024 and spent by December 31, 2026; and,

WHEREAS, an appropriation is necessary in order to place the funds in the proper spending account; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, that the following appropriations be made from the undesignated fund balance of the 2024

General Fund:

| <u>DEPARTMENT/DIVISION</u>         | <u>CHARACTER/DESCRIPTION</u>         | <u>FROM</u> | <u>TO</u>  |
|------------------------------------|--------------------------------------|-------------|------------|
| General Fund-<br>Undesignated Fund |                                      |             |            |
| 001-9999                           | 32810 - Undesignated Fund<br>Balance |             | 30,000,000 |

|  |                                 |            |
|--|---------------------------------|------------|
| Jury Room Relocation                   |                                 |            |
| 001-3001                               | 58020 Building and Improvements | 2,550,000  |
| Exterior/ADA Compliance/Beautification |                                 |            |
| 001-1204                               | 58020 Building and Improvements | 2,600,000  |
| Ground Floor Separation                |                                 |            |
| 001-1204                               | 58020 Building and Improvements | 1,600,000  |
| Family Justice Center                  |                                 |            |
| 001-2199                               | 58020 Building and Improvements | 500,000    |
| Public Health Department               |                                 |            |
| 001-2603                               | 58060 Other Improvements        | 1,500,000  |
| Election Boards                        |                                 |            |
| 001-5006                               | 58170 - Other Equipment         | 375,000    |
| Election Boards                        |                                 |            |
| 001-5004                               | 58170 - Other Equipment         | 375,000    |
| Historic Courthouse Independence       |                                 |            |
| 001-1206                               | 58020 Building and Improvements | 1,500,000  |
| Contingency Fund                       |                                 |            |
| 001- 8005                              | 58020 Building and Improvements | 2,000,000  |
| Health Department                      |                                 |            |
| 001-2603                               | 56830 - Contingency             | 1,500,000  |
| Food Insecurity                        |                                 |            |
| 001-0112                               | 56830 - Contingency             | 1,000,000  |
| Arts Revitalization                    |                                 |            |
| 001-0112                               | 56789 - Outside Agency          | 500,000    |
| Small Business Grants Initiative       |                                 |            |
| 001-0112                               | 56789 - Outside Agency          | 2,000,000  |
| New Affordable Housing Expansion       |                                 |            |
| 001-0112                               | 56789 - Outside Agency          | 2,000,000  |
| Municipal/Other Taxing Jurisdictions   |                                 |            |
| 001-0112                               | 56790 - Other Contractual       | 10,000,000 |

and,

BE IT FURTHER ORDAINED, that all Jackson County construction projects will be appropriately executed in accordance with the procurement rules and regulations under Jackson County's Purchasing Code Chapter 10, and be constructed using Missouri prevailing wage and approved occupational titles and all compliance guidelines of the county; and,

BE IT FURTHER ORDAINED, that in accordance with current U.S. Treasury Guidelines and under Chapter 10 of the County Code, under the titled section denoted as Competitive Bid Not Required subsection 1030.7 tax exempt organizations and agencies stating that, "competitive bidding shall not be required when funds are appropriated and a contract for services is or will be awarded by resolution or ordinance of the County Legislature to an organization or agency which is exempt from federal income taxation"; meaning all funded categories denoted as grant programs will utilize this mechanism for fast and vetted distribution of funds by the deadline; and,

BE IT FURTHER ORDAINED, that all County officials be and hereby are authorized to execute any and all documents necessary to give effect to said appropriations.

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 5896 introduced on October 28, 2024, was duly passed on November 4, 2024 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 5                      Nays 3  
Abstaining 0                Absent 0  
Excused 1

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

11.4.2024  
Date

Mary Jo Spino  
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 5896.

\_\_\_\_\_  
Date

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

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

ACCOUNT NUMBER: 001 9999 32810  
ACCOUNT TITLE: General Fund  
Undesignated Fund  
NOT TO EXCEED: \$30,000,000.00

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Administrative Officer