



The City of Lee's Summit Final Agenda

City Council Rules Committee

Monday, May 22, 2017

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF ACTION LETTER
 - A. [2017-1221](#) Approval of Action letter for the April 26, 2017 City Council Rules Committee
5. PUBLIC COMMENTS
6. ITEMS FOR DISCUSSION
 - A. [2017-0963](#) AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE II. COUNCIL, DIVISION 3. STANDING COMMITTEES, SECTIONS 2-51 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT FOR THE PURPOSE OF EXPANDING THE ROLE OF THE ALTERNATE.
 - B. [2017-0964](#) AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE II. COUNCIL, DIVISION 3. STANDING COMMITTEES, SECTIONS 2-54 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT FOR THE PURPOSE OF CLARIFYING THE DUTIES AND AUTHORITY OF THE CHAIR OF COMMITTEES.
 - C. [TMP-0509](#) AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION, SECTION 2-60.21-RULE 2.1. ORDER OF BUSINESS, OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI, IN COMPLIANCE WITH THE CITY CHARTER, SECOND AMENDED, APPROVED APRIL 4, 2017.
 - D. [2017-1062](#) Action Letter Approval Process (requested by Chairperson Seif)
 - E. [2017-0864](#) Review City Council Agenda Format (Roundtable/Motions)

- F. [2017-0867](#) Creating a formal ethics policy for the City Council - Cont. from 9-26-16.
- 7. ROUNDTABLE
- 8. ADJOURNMENT

For your convenience, City Council agendas, as well as videos of City Council and Council Committee meetings, may be viewed on the City's Internet site at "www.cityofls.net".



The City of Lee's Summit

220 SE Green Street
Lee's Summit, MO 64063

Packet Information

File #: 2017-1221, **Version:** 1

Approval of Action letter for the April 26, 2017 City Council Rules Committee



LEE'S SUMMIT
MISSOURI

"Draft"

The City of Lee's Summit

Action Letter

City Council Rules Committee

Wednesday, April 26, 2017

4:00 PM

City Council Chambers

City Hall

220 SE Green Street

The original April 24 meeting was rescheduled to April 26, 2017

1. CALL TO ORDER
2. ROLL CALL

Chairperson Seif mentioned that Councilmember Edson was present as the alternate and does not have voting rights.

Present: 4 - Chairperson Diane Seif
Vice Chair Dave Mosby
Councilmember Rob Binney
Alternate Phyllis Edson

Absent: 1 - Councilmember Trish Carlyle

STAFF IN ATTENDANCE

Steve Arbo
Christal Weber
Denise Chisum
Jackie McCormick Heanue
Nancy Yendes
Steve Marsh
Craig Gentry
Nick Edwards
Jina Bellamy

3. APPROVAL OF ACTION LETTER

- A. 2017-1090 Approval of Action Letter for the March 27, 2017 City Council Rules Committee.

Councilmember Mosby made a motion to approve the March 27, 2017 Action Letter.
Councilmember Seif seconded the motion.
Councilmembers Seif and Mosby said "aye", Councilmember Binney abstained. Motion passed.

Councilmember Edson does not vote as an alternate.

4. PUBLIC COMMENTS

There were no Public Comments

5. ITEMS FOR DISCUSSION

- A. 2017-1132 PRESENTATION on changes to the City Council Council Order of Business to be in compliance with the Amended City Charter.

Denise Chisum, City Clerk, did a presentation (attached) on the Order of Business for future City Council agendas highlighting the Charter amendments that were approved in the April election. She further mentioned that the amendments become effective on July 1, 2017.

After the presentation, the City Clerk was asked to clarify some of the proposed changes involving items under the Consent agenda.

Councilmember Binney asked for clarification on Presentations and Ordinances Sections.

Presentation Section: Ms. Chisum stated that the "Presentation" section under the Consent agenda is for those items that are ceremonial in content and don't require a Legislative Act. (i.e. Drug Take Back, EDC Quarterly Report, etc.) This would prevent having citizens wait until the end of the meeting for their specific presentation.

Ordinances placed on the Consent Agenda: The City Clerk explained that the section is for those ordinances that have been to Council, read once, and passed with Council approval. The second reading would then be at the next City Council meeting. However, if a proposed ordinance has received recommendation from a Committee, it can be read twice at the same City Council meeting and would move to the end of the agenda and not be placed under Consent.

Councilmember Mosby inquired about items that are recommended for Council discussion/consideration and not for approval. Ms. Chisum stated those items would go under Presentations. Steve Arbo, City Manager further mentioned that clarity is needed on when readings can happen simultaneously at the Council meeting and believes that only those items that are recommended to Council for approval can be read twice. Ms. Chisum confirmed that if the item had a split vote at the Committee level, it would go before the City Council for a first reading and based on the response be forwarded to another Council meeting for the second reading and not be read twice in the same evening.

With no further questions, the Committee decided to move on to Agenda item 5.B and come back to this item after that discussion.

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After discussion and motion of item number 5.B, the Committee came back to Item 5.A. for a motion.

Councilmember Binney moved to direct staff to draft an Ordinance amending Section 2-54 to incorporate the items regarding the order of Council Business. Chairperson Seif seconded the motion.

After no further discussion, Chairperson Seif called for the vote: All were in favor. Motion passed: Vote 3-0 (Councilmember Edson does not vote as an alternate).

Ms. Heanue, Deputy City Attorney asked for clarification of the motion and stated that the Section should have been to amend Section 2-60 and not Section 2-54.

Councilmember Binney moved to reconsider his previous motion and revise and correct the remarks to Section 2-60 Rule 2.1 Order of Business with discussion. Councilmember Mosby seconded the motion.

Once Councilmember Binney made the motion to reconsider his previous motion, he then made a motion to direct Staff to draft an ordinance amending Section 2-60, specifically Rule 2.1 Order of Business for consideration of this Committee at the next meeting. Chairperson Seif seconded the motion.

However, when Chairperson Seif seconded the motion, she inadvertently directed it to Council instead of back to the Rules Committee. She then clarified the motion to have staff draft and ordinance amending Section 2-60, back to the Rules Committee and called for the vote. All were in favor, motion passed: Vote 3-0. (Councilmember Edson does not vote as an alternate).

At this time Chairperson Seif asked the Committee if they would like to table the remaining items to the next Rules Committee meeting.

Councilmember Binney made a motion to table the remaining items on the agenda until the next meeting on May 22, 2017 at 4:00 p.m. Motion was seconded by Councilmember Mosby.

Chairperson Seif stated that items number C, D, E, and F, will be tabled until May 22 at 4:00 p.m. for discussion and called for the vote. All were in favor, motion passed: Vote 3-0. (Councilmember Edson doesn't vote as an alternate).

This Discussion Item was approved.

**B. BILL NO. Options to assist in meeting management
17-106**

Nick Edwards gave an introduction of the next presentation (see attachments for this item).

Denise Chisum continued the discussion on changes to the Charter. She reminded the Committee that a majority of the Charter Amendments will be in effect July 1, 2017, however there are a few changes that will not go into effect until April 2018 when a new Mayor is elected.

The following changes mentioned were regarding the Mayor's voting rights and how all votes will have to be roll call votes, in random order and electronically recorded.

Councilmember Mosby requested clarification on the changes to the Mayor voting on all issues. Ms. Chisum stated that in the past, Mayor would vote to break a tie. With this change, the Mayor will vote on Ordinances and Resolutions but now has a choice to vote on any other issue. The Mayor will also now vote last on all issues.

Steve Marsh, Chief Technology Officer, ITS Department continued with the presentation by discussing some solutions to real time voting, agenda management and next day minutes capability, as well as an upgrade to our Granicus program. He stated that an upgrade would add a "meeting manager" tool that could assist with the changes needed to assist with the Charter amendments. The upgrade needed will involve a contract modification for an additional estimated \$1,615 per month to upgrade from iPad to Microsoft Surfaces/Illegislate.

Mr. Marsh also went through several of the issues that have been occurring with the current iPad and sees this as a way to alleviate those problems. If the upgrade is approved, there would be onsite training of the new Microsoft Surfaces and mock City Council meetings scheduled in June so that the upgrade to Granicus could go "LIVE" on July 1, 2016.

Councilmember Mosby asked if requiring a roll call vote on everything, if that would include items such as a lunch invitation. The City Clerk confirmed that as correct, if it is decided in an open meeting, there will be a roll call vote.

Councilmember Binney had a question about the electronic voting and how

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the notification system works. Ms. Chisum stated that after everyone has voted, it would show up on the screen so that all the viewers of the meeting could see the vote at one time. She further explained that the vote would go directly into Granicus which would assist with the production of action letters.

Councilmember Binney inquired about what would happen if someone wants to change their vote after it is captured. Ms. Chisum stated that the votes would not be released for viewing until locked in by everyone. Craig Gentry, ITS Department, also confirmed that the program could be reset for everyone to vote again if needed. Mr. Arbo stated that after a vote was locked in and if someone didn't understand something and wanted to make a motion to reconsider the vote, they could, if others, after discussing the situation of what caused the councilmember to want to redo the vote, agreed. Steve Marsh added that he will need to confirm, but believes the system will prompt the voter and automatically ask if they want to confirm the vote, before it is electronically captured and recorded, which would allow them an opportunity to change their vote at that time.

Councilmember Binney also inquired about being able to pull up different applications at the same time with the new system. Mr. Marsh stated that as many applications as needed could be open at the same time.

Councilmember Binney also asked about how the mover and seconder of motions would work. Mr. Gentry responded that it depends on how the program is setup and how the Council would like it done. One option is that everyone would see a mover and seconder choice on their Surface, if someone makes a motion, they would check the "mover" box. Once that happens, the mover choice will disappear from everyone else's Surface and they can only select "seconder", if they wish to second the motion. Once someone has checked the box - the choice for the others disappear. Another option is to have the City Clerk manually add the information for whomever moves and seconds motions.

Chairperson Seif asked about how absences, late arrivals, or if someone is away from the Dias for a particular vote, would work with the new proposed system? Ms. Chisum stated that it would be done manually by either herself or the Deputy City Clerk.

In answer to Councilmember Edson's question regarding absentee voting? Ms. Nancy Yendes, Chief Council of Planning and Infrastructure, responded that absentee voting is not an option. The person must be physically present to vote.

Chairperson Seif asked for any additional questions or for a motion.

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Mr. Nick Edwards, asked the Committee if Staff could move forward and bring a contract modification to the City Council to start the Granicus process while the Rules Committee is working on the ordinance resolving the Council business items, thereby assisting with meeting the July 1 target date and allowing plenty of time for implementation?

Councilmember Binney made a motion to direct staff to proceed with a contract modification to bring to the full council for consideration regarding the Granicus system and the use of the Surface product. Seconded by Councilmember Seif.

Chairperson Seif asked for further discussion:

Councilmember Mosby wanted to know if the alternative was to continue tabulating as is current practice and the City Clerk confirmed that was correct and stated that it would be a roll call vote on every motion.

A vote was taken on Councilmember Binney's previous motion. Councilmember's Binney and Seif said "aye", Councilmember Mosby - "no". Councilmember Edson as an alternate does not vote. Motion passed: Vote 2-1.

The Committee went back to Agenda item number 5.A to discuss a motion, now that Item 5.B had been discussed.

- C. 2017-0864 Review City Council Agenda Format (Roundtable/Motions)
This Discussion Item was tabled to the City Council Rules Committee on 5/22/2017 at 4:00 p.m.
- D. 2017-1062 Action Letter Approval Process (requested by Chairperson Seif)
This Discussion Item was tabled to the City Council Rules Committee on 5/22/2017 at 4:00 p.m.
- E. 2017-0963 AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE II. COUNCIL, DIVISION 3. STANDING COMMITTEES, SECTIONS 2-51 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT FOR THE PURPOSE OF EXPANDING THE ROLE OF THE ALTERNATE.
This Discussion Item was tabled to the City Council Rules Committee on 5/22/2017 at

City Council Rules Committee

Action Letter

April 26, 2017

4:00 p.m.

- F. 2017-0964 AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE II. COUNCIL, DIVISION 3. STANDING COMMITTEES, SECTIONS 2-54 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT FOR THE PURPOSE OF CLARIFYING THE DUTIES AND AUTHORITY OF THE CHAIR OF COMMITTEES.

This Discussion Item was tabled to the City Council Rules Committee on 5/22/2017 at 4:00 p.m.

6. ROUNDTABLE

There were no comments during Roundtable.

7. ADJOURNMENT

Chairperson Seif Adjourned the meeting at 4:52 p.m.

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FUTURE AGENDA ITEMS

Creating a formal ethics policy for the City Council - Cont. from 9-26-16.

This item will be added to the May 22, 2017 City Council Rules Committee agenda for discussion.

Packet Information

File #: 2017-0963, **Version:** 1

AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE II. COUNCIL, DIVISION 3. STANDING COMMITTEES, SECTIONS 2-51 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT FOR THE PURPOSE OF EXPANDING THE ROLE OF THE ALTERNATE.

At the last meeting of the Rules Committee, Staff was directed to prepare an ordinance allowing the alternate on any given committee to be a replacement for either the third or the fourth member of the committee. This ordinance makes that Change and allows the alternate to participate and vote as either the third or fourth member of the committee.

Proposed Motion:

I Move to forward this ordinance related to the role of the Committee Alternate with a recommendation for approval.

AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE II. COUNCIL, DIVISION 3. STANDING COMMITTEES, SECTIONS 2-51 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT.

WHEREAS, Chapter 2 of the Code of Ordinances of the City of Lee's Summit ("Code") sets forth provision regarding administration of City affairs; and,

WHEREAS, Article II. Division 3., of Chapter 2 of the Code, specifically sets forth provisions regarding standing committees of the City of Lee's Summit ("City") Council; and,

WHEREAS, Ordinance No. 7665 sets forth Rule 1.1, composition of membership; and,

WHEREAS, Rule 1.1 has become Code section 2-51; and,

WHEREAS, the City Council wishes to clarify the voting rights and participation of alternate committee members.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That Chapter 2. Administration, Article II. Council, Division 3. Standing Committees, Section 2-51. Composition of membership – Rule 1.1 shall be amended to read as follows,

Sec. 2-51. Composition of membership. Rule 1.1.

City Councilmembers shall be appointed to regular standing committees by the Mayor Pro Tempore who, when appointing a committee, shall designate a member thereof as Chair, designate another member as Vice Chair and designate the total number of Councilmembers to serve on each committee. The Mayor Pro Tempore shall also designate one (1) councilmember, other than himself/herself, to serve as an alternate member for each standing committee. ~~The alternate committee member shall have voting rights and shall be counted for purposes of quorum only when a quorum would not exist without the alternate's attendance.~~ The alternate committee member shall have voting rights and shall be counted as either the third or fourth member of the committee. In the event that all regular members of the Committee are present, the alternate shall not have any voting right or the right to participate. No Councilmember shall serve as an alternate for more than two (2) standing committees. The Mayor Pro Tempore shall be an ex-officio member of all committees of the City Council, for the purpose of a quorum and discussion, but shall have no vote unless the Mayor Pro Tempore is a duly appointed member of said committee. A quorum for a standing committee cannot be achieved by the presence of both the alternate committee member and the Mayor Pro Tempore.

SECTION 3. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4. That should any section, sentence or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences, or clauses.

SECTION 5. That this Ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of Lee's Summit, Missouri, this ____ day of _____, 2017.

Mayor Randall L. Rhoads

ATTEST:

City Clerk Denise R. Chisum

APPROVED by the Mayor of said city this ____ day of _____, 2017.

Mayor Randall L. Rhoads

ATTEST:

City Clerk Denise R. Chisum

APPROVED AS TO FORM:

City Attorney Brian W. Head

Packet Information

File #: 2017-0964, **Version:** 1

AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE II. COUNCIL, DIVISION 3. STANDING COMMITTEES, SECTIONS 2-54 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT FOR THE PURPOSE OF CLARIFYING THE DUTIES AND AUTHORITY OF THE CHAIR OF COMMITTEES.

At the last meeting of the Rules Committee staff was directed to prepare an ordinance clarifying the duties and authority of the Chair of Committees. Specifically this ordinance provides that a Chair should not cancel a meeting only due to the absence of the Chair if there is likely to otherwise be a quorum. Additionally, this ordinance places a duty of communication on the Chair and allows the Chair to bring forward topics for discussion upon concurrence by the Committee.

Proposed Motion:

I move that the ordinance related to the duties and authority of the Chair of Committee be forwarded to the City Council with a recommendation for approval.



LEE'S SUMMIT

LAW DEPARTMENT
OFFICE OF THE CITY ATTORNEY

DATE: April 26, 2017
TO: Chairperson Councilmember Diane Seif and Members of the Rules Committee
FROM: Nancy K. Yendes, Chief Counsel of Infrastructure and Planning
SUBJECT: Bullet Points Regarding Clarifying Role of Chair for Council Committees

Please accept this memorandum as the response to the request at the last Rules Committee meeting for bullet points on the Role of the Chairperson for Council Committees. I have reviewed the video of the meeting to get a sense of what the Committee was considering as areas of discussion. Those bullet points are outlined below and, if the Committee is interested, could serve as the basis to draft an ordinance adopting them as part of the City's Code.

Clarification of the Role of Chairperson for Council Committees:

1. Preside at all meetings unless the Vice-Chair assumes this duty due to the Chair's absence or disability
2. Set the meeting date and time and verify or confirm the Chair or Vice-Chair are available
3. Determine if a quorum will be present, alert alternate if needed for quorum (does the Committee want a minimum time before the meeting for this determination)
4. Consult with Committee members as appropriate on rescheduling meetings
5. Set the meeting agenda and work with staff to ensure information for each agenda item is available for the meeting
6. Inform the Committee of additional items to allow the members to decide if they want to make the additional item one of Committee interest
7. Refer items to Council or Mayor Pro Tem to decide if the item should be formally referred to a Committee
8. Refer items to the full Council in the event the Committee is unable to meet before Council action is needed.

If the Committee is ready to have a draft Ordinance prepared a motion would be in order.

Proposed motion:

I move that the staff draft an Ordinance amending Section 2-54 to incorporate Items No. _____ for consideration of this Committee at its next meeting.

Packet Information

File #: TMP-0509, **Version:** 1

AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION, SECTION 2-60.21-RULE 2.1. ORDER OF BUSINESS, OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI, IN COMPLIANCE WITH THE CITY CHARTER, SECOND AMENDED, APPROVED APRIL 4, 2017.

Background:

Per adopted Charter amendments to Sec. 3.13 Legislative Procedures, subsections (e) and (f), the order of the Council agenda requires adjustment. This issue was presented to the Council Rules Committee for discussion on April 26, 2017, and Staff received direction to draft an ordinance amending the Code of Ordinances to reflect the amendments to the Charter.

Other Information/Unique Characteristics:

Attached is the:

- Proposed ordinance;
- Approved amendments to the Charter for Section 3.13. Legislative Proceedings, as approved by the voters on April 4, 2017, and
- Existing Code of Ordinances, Sec. 2-60.21. - Rule 2.1-Order of business, and

Proposed Committee Motion:

I move to recommend amending Chapter 2. Administration, Section 2-60.21-Rule 2.1. Order of Business, of the Code of Ordinances for the City of Lee's Summit, Missouri, in compliance with the City Charter, Second Amended, Approved April 4, 2017.

BILL NO. 17-

AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION, SECTION 2-60.21-RULE 2.1. ORDER OF BUSINESS, OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI, IN COMPLIANCE WITH THE CITY CHARTER, SECOND AMENDED, APPROVED APRIL 4, 2017.

WHEREAS, Chapter 2. Administration of the Code of Ordinances for the City of Lee's Summit provides for the City Council Order of Business; and,

WHEREAS, on April 4, 2017, voters in the city of Lee's Summit approved amendments to the Lee's Summit City Charter; and,

WHEREAS, the approved changes in Section 3.13. Legislative Proceedings. of the Charter imposed changes in the procedures and order of business for the Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That Section 2-60.21–Rule 2.1. Order of Business, of the Code of Ordinances for the City of Lee's Summit, Missouri be amended to read as follows:

Sec. 2-60.21. - Rule 2.1—Order of business.

The order of business in a regular City Council meeting shall be contained in the official agenda published in accordance with the Missouri Sunshine Law. Such agenda shall be in substantially the following order:

1. PUBLIC COMMENTS:

(NOTE: Total time for Public Comments will be limited to 10 minutes.)

2. COUNCIL COMMENTS:

(NOTE: Total time for Council Comments will be limited to 5 minutes.)

3. APPROVAL OF CONSENT AGENDA:

Items on the Consent Agenda are routine business matters; were previously discussed in a Council Committee and carry a recommendation for approval; or, proposed ordinances approved unanimously by the Council on First Reading. Consent agenda items may be removed by any Councilmember for discussion as part of the regular agenda.

A. SECOND READING BILL NO.

(Note: This bill was read for the first time on (date) and may be approved by Consent Agenda.)

4. PROCLAMATIONS:

5. PRESENTATIONS:

6. RESOLUTIONS:

7. PROPOSED ORDINANCES FORWARDED FROM COMMITTEE:

The following proposed ordinances were considered by a Council Committee and are

BILL NO. 17-

presented to the Council for two readings and adoption.

8. EMERGENCY ORDINANCES:

The following proposed ordinances meet the criteria included in Sec. 3.13(f) of the Lee's Summit Charter for Emergency ordinances and are presented for two readings in this meeting. Five affirmative votes are required for approval of second reading.

9. PUBLIC HEARINGS:

Proposed ordinances considered after a public hearing will be read for the first time and forwarded to a future City Council meeting for second reading, unless deemed to be an emergency as defined in Sec. 3.13(f) of the Lee's Summit Charter. Five affirmative votes are required for approval of second reading.

A. Application

1) FIRST READING BILL NO.

B. Application

1) EMERGENCY READING BILL NO.

(NOTE: Meets the criteria for an emergency ordinance, requires two readings and a 2/3rds majority of the entire Council.)

10. PROPOSED ORDINANCES – FIRST READING:

The proposed ordinances presented for first reading may include items with a previous hearing; an item brought directly to the City Council without a recommendation from a Council Committee; or, items forwarded from citizen Boards or Commissions. Five affirmative votes are required for approval of second reading.

A. FIRST READING BILL NO.

11. PROPOSED ORDINANCES – SECOND READING:

The proposed Ordinances were advanced from First Reading without a unanimous vote of the City Council.

A. SECOND READING BILL NO.

(Note: This bill was read for the first time on (date).)

12. COMMITTEE REPORTS (Committee chairs report on matters held in Committee):

13. COUNCIL ROUNDTABLE:

14. STAFF ROUNDTABLE:

ADJOURNMENT: Unless determined otherwise by the Mayor and City Council, no new agenda items shall be considered after 11:00 p.m.

SECTION 2. That the amendments to a certain code provision as set out in Section 1 herein above shall be effective on and after July 1, 2017.

SECTION 3. That this ordinance shall be in full force and effect from and after the date

BILL NO. 17-

of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2017.

Mayor Randall L. Rhoads

ATTEST:

City Clerk Denise R. Chisum

APPROVED by the Mayor of said city this _____ day of _____, 2017.

Mayor Randall L. Rhoads

ATTEST:

City Clerk Denise R. Chisum

APPROVED AS TO FORM:

City Attorney Brian W. Head

**LEE'S SUMMIT CITY CHARTER
AS AMENDED APRIL 4, 2017**

Section 3.13. Legislative Proceedings.

(e) Procedure.

- (1) Every proposed ordinance shall be read by title in open Council meeting two times before final passage not more than one of which shall be on the same day; and at least one week shall elapse between introduction and final passage, unless the ordinance shall have received a recommendation of approval from a City Council Committee.
- (2) A copy of each proposed ordinance shall be provided for each Council member at the time of its introduction and made available in electronic format until it is finally adopted or fails of adoption. Copies shall be available in the Office of the City Clerk and publically available on the City's web site.
- (3) Persons interested in a proposed ordinance shall be given an opportunity to be heard before the Council in accordance with such rules and regulations as the Council may adopt.
- (4) If the Council adopts an amendment to a proposed ordinance that constitutes a change in substance, any member of the Council may require that the proposed ordinance as amended be placed on file for public inspection in the Office of City Clerk for one additional week before final passage. In the absence of such a request, the Council may consider the amended ordinance at the same meeting.

(f) Emergency Ordinances. An ordinance may be passed as an emergency measure on the day of its introduction if it contains a declaration describing in clear and specific terms the facts and reasons constituting the emergency and receives the affirmative vote of two-thirds of the entire Council. An ordinance granting, reviewing or extending a franchise shall not be passed as an emergency ordinance. The emergency procedure shall be restricted to the following:

- (1) Bills concerning the immediate preservation of public peace, property, health, economic development, safety or morals.
- (2) An appropriation for payment of principal or interest of the public debt.
- (3) An appropriation for the payment of current expenses of the City government or payment of compromise settlement of damage claims upon recommendations of the City Attorney.
- (4) Calling an election or providing for the submission of a proposal to the people.
- (5) Any ordinance fixing any tax rate or assessment.
- (6) Any ordinance relating to the public improvement to be paid for by special assessment.

CITY OF LEE'S SUMMIT CODE OF ORDINANCES

CHAPTER 2. LEGISLATIVE PROCEEDINGS.

DIVISION 4. - MEETINGS

Sec. 2-60.21. - Rule 2.1—Order of business.

The order of business in a regular City Council meeting shall be contained in the official agenda published in accordance with the Missouri Sunshine Law. Such agenda shall be ordered as follows:

- A. Public comments.
- B. Council comments.
- C. Approval of Consent Agenda. Items on the Consent Agenda are routine business matters for action by Council with no public discussion. All items have been previously discussed in Council Committee and carry a committee recommendation. Consent agenda items may be removed by any Councilmember for discussion as part of the regular agenda.
- D. Proposed ordinances. Proposed ordinances, submitted as bills, are often passed with little or no discussion. All items were previously discussed by the Council or Council Committee. This is a formal reading of proposed ordinances, as required by the City Charter.
- E. Ordinances—Previous public hearing. Proposed ordinances, submitted as bills, are passed with little or no discussion, as staff was directed by City Council, after a public hearing on the matter, to draft the proposed ordinance. No additional public comments are heard regarding these bills.
- F. Proclamations (if any).
- G. Presentations.
- H. Public hearings (sworn). In an effort to assist applicants who travel from outside the Kansas City Metropolitan Area, every effort will be made to hear the application on the scheduled meeting date.
- I. Public hearings (legislative).
- J. Other business.
- K. Committee reports (committee chairs report on matters held in committee).
- L. Council roundtable.
- M. Staff roundtable.
- N. Adjournment. Unless determined otherwise by the Mayor and City Council, no new agenda items shall be considered after 11:00 p.m.

After the meeting is called to order, an invocation and the pledge of allegiance may take place. Then, roll call shall be taken and the agenda approved by voice vote.

(Ord. No. 7253, § 1, 9-20-2012)



Packet Information

File #: 2017-1062, **Version:** 1

Action Letter Approval Process (requested by Chairperson Seif)



The City of Lee's Summit

220 SE Green Street
Lee's Summit, MO 64063

Packet Information

File #: 2017-0864, **Version:** 1

Review City Council Agenda Format (Roundtable/Motions)



Packet Information

File #: 2017-0867, **Version:** 1

Creating a formal ethics policy for the City Council - Cont. from 9-26-16.

Revised Statutes of the State of Missouri
Ethics Provisions
105.450 through 105.467

Definitions.

105.450. As used in sections 105.450 to [105.496](#) and sections [105.955](#) to [105.963](#), unless the context clearly requires otherwise, the following terms mean:

(1) "Adversary proceeding", any proceeding in which a record of the proceedings may be kept and maintained as a public record at the request of either party by a court reporter, notary public or other person authorized to keep such record by law or by any rule or regulation of the agency conducting the hearing; or from which an appeal may be taken directly or indirectly, or any proceeding from the decision of which any party must be granted, on request, a hearing de novo; or any arbitration proceeding; or a proceeding of a personnel review board of a political subdivision; or an investigative proceeding initiated by an official, department, division, or agency which pertains to matters which, depending on the conclusion of the investigation, could lead to a judicial or administrative proceeding being initiated against the party by the official, department, division or agency;

(2) "Business entity", a corporation, association, firm, partnership, proprietorship, or business entity of any kind or character;

(3) "Business with which a person is associated":

(a) Any sole proprietorship owned by himself or herself, the person's spouse or any dependent child in the person's custody;

(b) Any partnership or joint venture in which the person or the person's spouse is a partner, other than as a limited partner of a limited partnership, and any corporation or limited partnership in which the person is an officer or director or of which either the person or the person's spouse or dependent child in the person's

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custody whether singularly or collectively owns in excess of ten percent of the outstanding shares of any class of stock or partnership units; or

(c) Any trust in which the person is a trustee or settlor or in which the person or the person's spouse or dependent child whether singularly or collectively is a beneficiary or holder of a reversionary interest of ten percent or more of the corpus of the trust;

(4) "Commission", the Missouri ethics commission established in section 105.955;

(5) "Confidential information", all information whether transmitted orally or in writing which is of such a nature that it is not, at that time, a matter of public record or public knowledge;

(6) "Decision-making public servant", an official, appointee or employee of the offices or entities delineated in paragraphs (a) through (h) of this subdivision who exercises supervisory authority over the negotiation of contracts, or has the legal authority to adopt or vote on the adoption of rules and regulations with the force of law or exercises primary supervisory responsibility over purchasing decisions. The following officials or entities shall be responsible for designating a decision-making public servant:

(a) The governing body of the political subdivision with a general operating budget in excess of one million dollars;

(b) A department director;

(c) A judge vested with judicial power by Article V of the Constitution of the state of Missouri;

(d) Any commission empowered by interstate compact;

(e) A statewide elected official;

(f) The speaker of the house of representatives;

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(g) The president pro tem of the senate;

(h) The president or chancellor of a state institution of higher education;

(7) "Dependent child" or "dependent child in the person's custody", all children, stepchildren, foster children and wards under the age of eighteen residing in the person's household and who receive in excess of fifty percent of their support from the person;

(8) "Paid political consultant", a person who is paid for profit to promote the election of a certain candidate or the interest of a committee, as defined in section [130.011](#), including, but not limited to, planning campaign strategies; coordinating campaign staff; organizing meetings and public events to publicize the candidate or cause; public opinion polling; providing research on issues or opposition background; coordinating or purchasing print or broadcast media; direct mail production; phone solicitation; fund raising; and any other political activities. The term "paid political consultant" shall not include vendors who provide tangible goods that do not promote the election of a candidate or the interest of a committee in the ordinary course of the vendor's business;

(9) "Political subdivision" shall include any political subdivision of the state, and any special district or subdistrict;

(10) "Public document", a state tax return or a document or other record maintained for public inspection without limitation on the right of access to it and a document filed in a juvenile court proceeding;

(11) "Substantial interest", ownership by the individual, the individual's spouse, or the individual's dependent children, whether singularly or collectively, directly or indirectly, of ten percent or more of any business entity, or of an interest having a value of ten thousand dollars or more, or the receipt by an individual, the individual's spouse or the individual's dependent children, whether singularly or

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collectively, of a salary, gratuity, or other compensation or remuneration of five thousand dollars, or more, per year from any individual, partnership, organization, or association within any calendar year;

(12) "Substantial personal or private interest in any measure, bill, order or ordinance", any interest in a measure, bill, order or ordinance which results from a substantial interest in a business entity.

(L. 1965 p. 229 § 1, A.L. 1978 H.B. 1610 § 2, A.L. 1991 S.B. 262, A.L. 1997 S.B. 16, A.L. 2016 H.B. 1983)

Prohibited acts by elected and appointed public officials and employees.

105.452. 1. No elected or appointed official or employee of the state or any political subdivision thereof shall:

(1) Act or refrain from acting in any capacity in which he is lawfully empowered to act as such an official or employee by reason of any payment, offer to pay, promise to pay, or receipt of anything of actual pecuniary value paid or payable, or received or receivable, to himself or any third person, including any gift or campaign contribution, made or received in relationship to or as a condition of the performance of an official act, other than compensation to be paid by the state or political subdivision; or

(2) Use confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself, his spouse, his dependent child in his custody, or any business with which he is associated;

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(3) Disclose confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself or any other person;

(4) Favorably act on any matter that is so specifically designed so as to provide a special monetary benefit to such official or his spouse or dependent children, including but not limited to increases in retirement benefits, whether received from the state of Missouri or any third party by reason of such act. For the purposes of this subdivision, "special monetary benefit" means being materially affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected. In all such matters such officials must recuse themselves from acting, except that such official may act on increases in compensation subject to the restrictions of Section 13 of Article VII of the Missouri Constitution; or

(5) Use his decision-making authority for the purpose of obtaining a financial gain which materially enriches himself, his spouse or dependent children by acting or refraining from acting for the purpose of coercing or extorting from another anything of actual pecuniary value.

2. No elected or appointed official or employee of any political subdivision shall offer, promote, or advocate for a political appointment in exchange for anything of value to any political subdivision.

(L. 1978 H.B. 1610 § 3, A.L. 1990 H.B. 948, A.L. 1991 S.B. 262, A.L. 2008 H.B. 2233)

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Paid political consulting, prohibited for statewide elected officials and members of general assembly.

105.453. 1. No statewide elected official or member of the general assembly shall accept or receive compensation of any kind as a paid political consultant for:

(1) A candidate for the office of governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor, state senator, or state representative;

(2) The candidate committee of the governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor, state senator, or state representative;

(3) The governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor, any state senator, or any state representative;

(4) Any continuing committee; or

(5) Any campaign committee.

2. For purposes of this section, the terms "candidate", "candidate committee", "campaign committee", and "continuing committee" shall have the same meanings given to such terms under section [130.011](#).

(L. 2016 H.B. 1983)

Additional prohibited acts by certain elected and appointed public officials and employees, exceptions.

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105.454. 1. No elected or appointed official or employee of the state or any political subdivision thereof, serving in an executive or administrative capacity, shall:

(1) Perform any service for any agency of the state, or for any political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power for receipt or payment of any compensation, other than of the compensation provided for the performance of his or her official duties, in excess of five hundred dollars per transaction or five thousand dollars per annum, except on transactions made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer is the lowest received;

(2) Sell, rent or lease any property to any agency of the state, or to any political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power and received consideration therefor in excess of five hundred dollars per transaction or five thousand dollars per year, unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received;

(3) Participate in any matter, directly or indirectly, in which he or she attempts to influence any decision of any agency of the state, or political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power, when he or she knows the result of such decision may be the acceptance of the performance of a service or the sale, rental, or lease of any property to that agency for consideration in excess of five hundred dollars' value per transaction or five thousand dollars' value per annum to him or her, to his or her spouse, to a dependent child in his or her custody or to any business with which he or she is associated unless the transaction is made pursuant to an award on a contract let or

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sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received;

(4) Perform any services during the time of his or her office or employment for any consideration from any person, firm or corporation, other than the compensation provided for the performance of his or her official duties, by which service he or she attempts to influence a decision of any agency of the state, or of any political subdivision in which he or she is an officer or employee or over which he or she has supervisory power;

(5) Perform any service for consideration, during one year after termination of his or her office or employment, by which performance he or she attempts to influence a decision of any agency of the state, or a decision of any political subdivision in which he or she was an officer or employee or over which he or she had supervisory power, except that this provision shall not be construed to prohibit any person from performing such service and receiving compensation therefor, in any adversary proceeding or in the preparation or filing of any public document or to prohibit an employee of the executive department from being employed by any other department, division or agency of the executive branch of state government. For purposes of this subdivision, within ninety days after assuming office, the governor shall by executive order designate those members of his or her staff who have supervisory authority over each department, division or agency of state government for purposes of application of this subdivision. The executive order shall be amended within ninety days of any change in the supervisory assignments of the governor's staff. The governor shall designate not less than three staff members pursuant to this subdivision;

(6) Perform any service for any consideration for any person, firm or corporation after termination of his or her office or employment in relation to any case, decision, proceeding or application with respect to which he or she was directly concerned or

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in which he or she personally participated during the period of his or her service or employment.

2. No elected or appointed official or employee of any school district shall perform a service or sell, rent, or lease any property to the school district for consideration in excess of five hundred dollars' value per transaction or five thousand dollars' value per annum to him or her, to his or her spouse, to a dependent child in his or her custody or to any business with which he or she is associated unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.

(L. 1978 H.B. 1610 § 4, A.L. 1991 S.B. 262, A.L. 1998 H.B. 1120, A.L. 2004 S.B. 968 and S.B. 969, A.L. 2005 H.B. 577 merged with S.B. 307, A.L. 2014 S.B. 719)

Six-month waiting period for certain elected or appointed officials--limited to compensated lobbyists--exemptions--definitions.

105.455. 1. No person elected or appointed to the state senate, to the state house of representatives, or to the office of governor, lieutenant governor, attorney general, secretary of state, state treasurer, or state auditor who vacates the office, whether by resignation, expulsion, term limitation under Article III, Section 8 of the Constitution of Missouri, or otherwise, shall act, serve, or register as a lobbyist until six months after the expiration of any term of office for which such person was elected or appointed.

2. No person holding an office that required appointment by the governor and confirmation by the senate who vacates the office, whether by resignation, expulsion, or otherwise, shall act, serve, or register as a lobbyist until six months after the vacation of such office.

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3. For purposes of this section, the prohibition contained herein shall apply only to lobbyists employed by a lobbyist principal for pay or other compensation in excess of reimbursement for expenses incurred.

4. The provisions of this section shall not apply to any person who acts, serves, or registers as a lobbyist for a state department or agency.

5. For purposes of this section, the terms "lobbyist" and "lobbyist principal" shall have the same meanings given to such terms under section [105.470](#).

(L. 2016 H.B. 1979)

Prohibited acts by members of general assembly and statewide elected officials, exceptions.

105.456. 1. No member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor shall:

(1) Perform any service for the state or any political subdivision of the state or any agency of the state or any political subdivision thereof or act in his or her official capacity or perform duties associated with his or her position for any person for any consideration other than the compensation provided for the performance of his or her official duties;

(2) Sell, rent or lease any property to the state or political subdivision thereof or any agency of the state or any political subdivision thereof for consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received;

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(3) Attempt, for compensation other than the compensation provided for the performance of his or her official duties, to influence the decision of any agency of the state on any matter, except that this provision shall not be construed to prohibit such person from participating for compensation in any adversary proceeding or in the preparation or filing of any public document or conference thereon. The exception for a conference upon a public document shall not permit any member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor to receive any consideration for the purpose of attempting to influence the decision of any agency of the state on behalf of any person with regard to any application, bid or request for a state grant, loan, appropriation, contract, award, permit other than matters involving a driver's license, or job before any state agency, commission, or elected official. Notwithstanding Missouri supreme court rule 1.10 of rule 4 or any other court rule or law to the contrary, other members of a firm, professional corporation or partnership shall not be prohibited pursuant to this subdivision from representing a person or other entity solely because a member of the firm, professional corporation or partnership serves in the general assembly, provided that such official does not share directly in the compensation earned, so far as the same may reasonably be accounted, for such activity by the firm or by any other member of the firm. This subdivision shall not be construed to prohibit any inquiry for information or the representation of a person without consideration before a state agency or in a matter involving the state if no consideration is given, charged or promised in consequence thereof; or

(4) Solicit any registered lobbyist for any compensated or noncompensated position, with a hiring date beginning after such person is no longer an elected official, while such person holds office.

2. No sole proprietorship, partnership, joint venture, or corporation in which a member of the general assembly, governor, lieutenant governor, attorney general,

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secretary of state, state treasurer, state auditor or spouse of such official is the sole proprietor, a partner having more than a ten percent partnership interest, or a coparticipant or owner of in excess of ten percent of the outstanding shares of any class of stock, shall:

(1) Perform any service for the state or any political subdivision thereof or any agency of the state or political subdivision for any consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received; or

(2) Sell, rent, or lease any property to the state or any political subdivision thereof or any agency of the state or political subdivision thereof for consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest and best received.

3. No individual or business entity shall solicit a member of the general assembly to become employed by that individual or business entity as a legislative lobbyist while such member is holding office as a member of the general assembly. No member of the general assembly shall solicit clients to represent as a legislative lobbyist.

4. For purposes of this section, the terms "lobbyist" and "legislative lobbyist" shall have the same meanings given to such terms under section [105.470](#).

(L. 1978 H.B. 1610 § 5, A.L. 1985 H.B. 193, A.L. 1990 H.B. 1650 & 1565, A.L. 1991 S.B. 262, A.L. 1998 H.B. 1120, A.L. 2010 S.B. 844, A.L. 2016 H.B. 1979)

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Prohibited acts by members of governing bodies of political subdivisions, exceptions.

105.458. 1. No member of any legislative or governing body of any political subdivision of the state shall:

(1) Perform any service for such political subdivision or any agency of the political subdivision for any consideration other than the compensation provided for the performance of his or her official duties, except as otherwise provided in this section; or

(2) Sell, rent or lease any property to the political subdivision or any agency of the political subdivision for consideration in excess of five hundred dollars per transaction or five thousand dollars per annum, or in the case of a school board five thousand dollars per annum, unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received; or

(3) Attempt, for any compensation other than the compensation provided for the performance of his or her official duties, to influence the decision of any agency of the political subdivision on any matter; except that, this provision shall not be construed to prohibit such person from participating for compensation in any adversary proceeding or in the preparation or filing of any public document or conference thereon.

2. No sole proprietorship, partnership, joint venture, or corporation in which any member of any legislative body of any political subdivision is the sole proprietor, a partner having more than a ten percent partnership interest, or a coparticipant or owner of in excess of ten percent of the outstanding shares of any class of stock, shall:

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(1) Perform any service for the political subdivision or any agency of the political subdivision for any consideration in excess of five hundred dollars per transaction or five thousand dollars per annum, or in the case of a school board five thousand dollars per annum, unless the transaction is made pursuant to an award on a contract let after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received;

(2) Sell, rent or lease any property to the political subdivision or any agency of the political subdivision where the consideration is in excess of five hundred dollars per transaction or five thousand dollars per annum, or in the case of a school board five thousand dollars per annum, unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.

(L. 1978 H.B. 1610 § 6, A.L. 1985 H.B. 193, A.L. 1998 H.B. 1120, A.L. 2005 H.B. 577 merged with S.B. 306 merged with S.B. 307)

Interest in measure, bill, or ordinance to be recorded--financial interest statement.

105.461. 1. The governor, lieutenant governor, any member of the general assembly, or any member of the governing body of a political subdivision who has a substantial personal or private interest in any measure, bill, order or ordinance proposed or pending before the general assembly or such governing body, shall, before such official passes on the measure, bill, order or ordinance, file a written report of the nature of the interest with the chief clerk of the house of representatives or the secretary of the senate or clerk of such governing body and such statement shall be recorded in the appropriate journal or other record of proceedings of the governing body. The governor shall make the governor's written

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report along with the governor's approval or disapproval of any bill or act of the general assembly describing the nature of the interest and such report shall be recorded in the journal of the house of representatives or of the senate.

2. The governor, lieutenant governor, any member of the general assembly, or any member of the governing body of a political subdivision shall be deemed to have complied with the requirements of this section if such official has filed, at any time before the official passes on such measure, bill, order or ordinance, a financial interest statement pursuant to sections [105.483](#) to [105.492](#) which discloses the basis for the official's substantial personal or private interest or interests that the official may have therein. Any such person may amend the person's financial interest statement to disclose any subsequently acquired substantial interest at any time before the person passes on any measure, bill, order or ordinance, and shall be relieved of the provisions of subsection 1 of this section.

(L. 1991 S.B. 262 § 105.460, A.L. 1997 S.B. 16)

Prohibited acts by persons with rulemaking authority--appearances--exceptions.

105.462. 1. No member of any agency of the state or any political subdivision thereof who is empowered to adopt a rule or regulation, other than rules and regulations governing the internal affairs of the agency, or who is empowered to fix any rate, adopt zoning or land use planning regulations or plans, or who participates in or votes on the adoption of any such rule, regulation, rate or plan shall:

(1) Attempt to influence the decision or participate, directly or indirectly, in the decision of the agency in which he or she is a member when he or she knows the result of such decision may be the adoption of rates or zoning plans by the agency which may result in a direct financial gain or loss to him or her, to his or her spouse

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or a dependent child in his or her custody or to any business with which he or she is associated;

(2) Perform any service, during the time of his or her employment, for any person, firm or corporation for compensation other than the compensation provided for the performance of his or her official duties, if by the performance of the service he or she attempts to influence the decision of the agency of the state or political subdivision in which he or she is a member;

(3) Perform for one year after termination of his or her employment any service for compensation for any person, firm or corporation to influence the decision or action of the agency with which he or she served as a member; provided, however, that he or she may, after termination of his or her office or employment, perform such service for consideration in any adversary proceeding or in the preparation or filing of any public document or conference thereon unless he or she participated directly in that matter or in the receipt or analysis of that document while he or she was serving as a member.

2. No such member or any business with which such member is associated shall knowingly perform any service for, or sell, rent or lease any property to any person, firm or corporation which has participated in any proceeding in which the member adopted, participated in the adoption or voted on the adoption of any rate or zoning plan or the granting or revocation of any license during the preceding year and received therefor in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum except on transactions pursuant to an award on contract let or of sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.

(L. 1978 H.B. 1610 § 7, A.L. 1998 H.B. 1120)

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Appointment to board or commission, financial interest statement required.

105.463. Within thirty days of submission of the person's name to the governor and in order to be an eligible nominee for appointment to a board or commission requiring senate confirmation, a nominee shall file a financial interest statement in the manner provided by section [105.485](#) and shall request a list of all political contributions and the name of the candidate or committee as defined in chapter 130, to which those contributions were made within the four-year period prior to such appointment, made by the nominee, from the ethics commission. The information shall be delivered to the nominee by the ethics commission. The nominee shall deliver the information to the president pro tem of the senate prior to confirmation.

(L. 2010 S.B. 844)

(2012) Senate Bill 844 provision declared unconstitutional as a violation of the original purpose requirement of Art. III, Sec. 21, Constitution of Missouri. *Legends Bank v. State*, 361 S.W.3d 383 (Mo. banc).

Prohibited acts by persons in judicial or quasi-judicial positions.

105.464. 1. No person serving in a judicial or quasi-judicial capacity shall participate in such capacity in any proceeding in which the person knows that a party is any of the following: the person or the person's great-grandparent, grandparent, parent, stepparent, guardian, foster parent, spouse, former spouse, child, stepchild, foster child, ward, niece, nephew, brother, sister, uncle, aunt, or cousin.

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2. No provision in the section shall be construed to prohibit him from entering an order disqualifying himself or herself or transferring the matter to another court, body, or person for further proceedings.

(L. 1978 H.B. 1610 § 8, A.L. 1997 S.B. 16, A.L. 1999 S.B. 1, et al.)

Dissolution of candidate committee required, when--disbursement of moneys, limitations--definitions.

105.465. 1. Any person who registers as a lobbyist shall dissolve his or her candidate committee. In the course of dissolving such committee, such person shall not disburse moneys from such committee, except for the purpose of:

(1) Returning a contribution made to the candidate committee to the entity responsible for making the contribution to the committee;

(2) Donating moneys to a nonprofit entity qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended; or

(3) Transferring moneys to a political party committee.

2. For purposes of this section, the term "lobbyist" shall have the same meaning given to such term under section [105.470](#), and the terms "committee", "candidate committee", "contribution", and "political party committee" shall have the same meanings given to such terms under section [130.011](#).

(L. 2016 H.B. 2203)

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Exceptions to applicability of sections 105.450 to 105.458, 105.462 to 105.468, and 105.472 to 105.482.

105.466. 1. No provision of sections [105.450](#) to [105.458](#), [105.462](#) to 105.468, and [105.472](#) to [105.482](#) shall be construed to prohibit any person from performing any ministerial act or any act required by order of a court or by law to be performed.

2. No provision of sections [105.450](#) to [105.458](#), [105.462](#) to 105.468, and [105.472](#) to [105.482](#) shall be construed to prohibit any person from communicating with the office of the attorney general or any prosecuting attorney or any attorney for any political subdivision concerning any prospective claim or complaint then under consideration not otherwise prohibited by law.

3. No provision of sections [105.450](#) to [105.458](#), [105.462](#) to 105.468, and [105.472](#) to [105.482](#) shall be construed to prohibit any person, firm or corporation from receiving compensation for property taken by the state or any political subdivision thereof under the power of eminent domain in accordance with the provisions of the constitution and the laws of the state.

(L. 1978 H.B. 1610 § 9)

Discharge and discrimination prohibited, reasons--reinstatement.

105.467. 1. A governmental body, state agency or appointing authority shall not discharge, threaten, or otherwise discriminate against a person or state employee acting on behalf of a person regarding compensation, terms, conditions, location, or privileges of employment because:

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(1) The person or state employee acting on behalf of the person reports or is about to report, verbally or in writing, a violation or a suspected violation of sections [105.450](#) to 105.498; or

(2) A person or state employee acting on behalf of the person is requested by the commission to participate in an investigation, hearing, or inquiry held by the commission or any related court action.

This subsection shall not apply to a person or state employee acting on behalf of a person who knowingly or recklessly makes a false report.

2. A person or state employee acting on behalf of a person who alleges a violation of subsection 1 of this section may bring a civil action for appropriate injunctive relief, or actual damages, or both.

3. A court, in rendering a judgment in an action brought pursuant to this section, shall order, as the court considers appropriate, reinstatement of the person or state employee acting on behalf of the person, the payment of back wages, full reinstatement of fringe benefits and seniority rights, actual damages, or any combination of these remedies. A court may also award such person all or a portion of the costs of litigation, including reasonable attorney's fees and witness fees, if the court determines that the award is appropriate.

(L. 1991 S.B. 262)