



The City of Lee's Summit
Action Letter
City Council Rules Committee

Monday, January 23, 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

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

Absent: 1 - Councilmember Trish Carlyle

Guests and Staff in attendance at the Meeting

Guests:

Councilmember Faith

Staff:

Brian Head

Jina Bellamy

3. APPROVAL OF ACTION LETTER
 - A. [2017-0863](#) Approval of Action Letter for November 28, 2016 City Council Rules Committee

On motion of Councilmember Mosby and Seconded by Councilmember Binney, the Action letter for November 28, 2016 was unanimously approved by the Committee.

4. PUBLIC COMMENTS

There were no public comments.

5. ITEMS FOR DISCUSSION
 - A. [2017-0867](#) Creating a formal ethics policy for the City Council (continued from September 26, 2016).

This Discussion Item was tabled until after the Charter election in April.

6.
 - B. [2017-0864](#) Review City Council Agenda Format

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Chairperson Seif mentioned to the Committee that there are some Council Rules in the Quick Reference Guide that are not defined and those that are, may need to be refined or expanded upon. She also mentioned looking into time limits for discussion items.

The following discussion ensued:

Councilmember Seif used the "Council Roundtable" section in the reference guide to illustrate the lack of definition and potential Sunshine Law issues that can arise when making motions from roundtable. It was believed this could pose a problem as the public would not have been aware of the item being brought up in advance of the meeting (as it wouldn't have been on the posted agenda).

City Attorney Brian Head read from the Quick Reference Guide the definition of "Council Comments" where roundtable is referred to at the end of the definition as follows, "However, items of general interest, community announcements, and other such information shall be reserved for the roundtable section of the agenda."

City Attorney Head also informed the Committee that there is no law in Missouri that requires that every item discussed be listed on the posted agenda. He further explained that it depends on the "character" of the issue and how many individuals would be impacted by a change (i.e. a law) or if it is simply a ministerial discussion for staff direction. City Attorney Head mentioned that the City Council may want to look for examples of "Best Practices in these situations. He indicated that one option would to add a rule that states 24 hours notice is required if there is an intent or desire to act on an item. However, if it comes into the council meeting before the 24 hour requirement (unless it is an emergency or a discussion item only), it would be acted on at the next Council meeting.

City Attorney Head informed the Committee that there may be changes to Agenda formats (order of business) in the future, due to the Charter Commission's suggested changes, if passed by voters in April. The agenda may need to be reordered. One of the items that the Charter Commission wants to add involves a seven day waiting period between introduction and final passage, unless it is an emergency item. These changes will not go into effect until July, allowing time to discuss the impact.

Councilmember Mosby made a motion to table the discussion regarding reviewing the City Council Agenda Format roundtable until after the Charter Commission ballot proposals have been voted for or against by the public, Seconded by Councilmember Seif. Motion passed 3-0.

C. [2017-0865](#) Replacing Council Committee Appointees

Chairperson Seif mentioned her concerns with the vacant seat on the Finance and Budget Committee. She read aloud the following information from the City Council Rules and Procedures Quick Reference Guide: "any member of a committee absent, without good cause, from three (3) consecutive meetings of the committee, as shown by the records of the committee, may be dropped therefrom as determined by the Mayor Pro Tempore." It was noted that the alternate (Councilmember Faith) had missed at least the last three meetings.

The following discussion ensued:

Chairperson Seif asked Councilmember Binney (as Mayor Pro Tempore) if he was going to appoint a new member to the Finance and Budget Committee. Councilmember Binney was not aware that the alternate had missed three consecutive meetings. Councilmember Binney had been filling in at the meetings and was aware that Councilmember Faith was unable to attend the meetings due to work obligations. It was Councilmember Binney's understanding that staff was looking at changing the meeting times to accommodate Councilmember Faith's schedule.

Chairperson Seif wanted to bring it to Councilmember Binney's attention as the budget process is beginning soon and she believes it is important to have a full Committee and would like to see a representative from District 4 appointed.

Chairperson Seif asked for further discussion:

Councilmember Mosby asked that if Councilmember Binney appoints Councilmember Faith as the member, that he would let the full Council know. He also expressed his disappointment in only have three Councilmembers on the Committee currently. He believes it is a good idea to have each of the four districts represented, currently 25% of the community are not represented. He also understands the need for some flexibility in this situation and if a Councilmember could step in and fill the Committee, even though they are not from District 4, that would be ok as well.

Councilmember Edson, as an alternate, would like to see the role of the alternate clearly defined. Her understanding is that the alternate is needed to fill quorum requirements, however has no voting power.

Chairperson Seif wanted to add that it is important for Committee members to inform Staff if they are unable to attend a meeting in a timely manner.

There was no action taken on this item and was for discussion purposes only.

This Discussion Item was read into the record.

6. ROUNDTABLE

Conflict of Interest:

Chairperson Seif asked if a person has a conflict of interest, does it need to be declared at the Committee level as well as at the Council level.

City Attorney Head stated there is not a rule that specifies when that conflict must be identified. The statute just states that it has to be disclosed. He further mentioned you should announce your conflict before the Council acts on the matter.

The City code says it has to be recorded on the records. City Attorney Head would recommend that the conflict be submitted in writing to the City Clerk, or when a conflict is first realized, to state it in an open meeting. It is best practice to disclose the conflict as soon as it is realized.

If someone mentions a potential conflict to the City Attorney, right before a meeting, he would advise them not to vote on the item, unless he knows for certain it isn't a conflict.

The Chairperson asked the City Attorney to draft some language clarifying conflicts of interest and make it an agenda item at the next meeting.

Action Letter Approval:

Chairperson Seif asked City Attorney Head if it is appropriate to move something to the full Council without having the Action letter approved. City Attorney Head stated it is not necessary to have the action letter approved first, as sometimes Committee's only meet as needed.

Guest Speaker:

Councilmember Craig Faith wanted to speak to the Committee regarding the earlier topic of replacing the vacant seat on the Finance and Budget Committee. He mentioned that he had been asked to be on the Committee as a member in September, however he had work obligations. He doesn't recall any notification that he needed to show up as an alternate and wasn't sure if someone else had been appointed. He was seeking clarification to determine if he was still considered the alternate or had

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been disqualified from serving on this Committee. He believes that Staff was able to move the time so that it is no longer a conflict, but now needs to know if he is disqualified or not.

Chairperson Seif deferred Councilmember Faith's question to Councilmember Binney (as Mayor Pro Tempore), and informed him that he had been listed on the roll call and counted absent for three meetings.

Councilmember Binney (as Mayor ProTempore) will need to check with the Chair of the Committee before responding definitively.

7. ADJOURNMENT

Meeting adjourned at 5:49 p.m.

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".