



## The City of Lee's Summit

### Final Agenda

### City Council Rules Committee

Tuesday, August 7, 2018

6:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

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1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Action Letter
  - A. [2018-2189](#) July 16, 2018 Action Letter
5. Public Comments
6. Items for Discussion
  - A. [2018-2140](#) Discussion related to Amending the Public Comment portion of the City Council agenda.
  - B. [2018-2141](#) City Council Rule Section 2-60.21-Rule 2.1 Order of Business.
  - C. [2018-2157](#) Charter Section 3.5 Administrative Policy Matters and definition of the term "inquire".
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 Legislative Information Center website at "lsmo.legistar.com"

## Packet Information

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**File #:** 2018-2189, **Version:** 1

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July 16, 2018 Action Letter



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

Monday, July 16, 2018

6:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

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1. Call to Order
2. Roll Call

Chairperson Carlyle called the meeting to order at 6:00 p.m.

**Present:** 3 - Chairperson Trish Carlyle  
Councilmember Phyllis Edson  
Councilmember Diane Forte

**Absent:** 1 - Vice Chair Bob Johnson

Staff in attendance:

Brian Head  
Jina Bellamy

3. Approval of Agenda

Chairperson Carlyle asked for a motion to approve the agenda. Councilmember Forte made a motion to approve the Agenda as written. Seconded by Councilmember Edson. All were in favor. Motion passed 3-0.

4. Approval of Action Letter

- A. 2018-2139 February 12, 2018 Draft Action letter

Councilmember Edson moved to approve the action letter from the February 12, 2018 City Council Rules Committee Meeting. Seconded by Councilmember Forte. All were in favor. Motion passed 3-0.

5. Public Comments

There were no guests at the meeting and no public comments.

6. Items for Discussion

- A. 2018-2140 Sec. 2-60.22 - Rule 2.2 - Public Comments

After general discussion, Staff was directed to bring back an ordinance with similar proposed language as the current draft to the next Rules Committee meeting and include the following:

City Council Rules Committee

Action Letter - Draft

July 16, 2018

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1. a three minute time limit
2. a reference to the current practice of requiring a comment card and adding a section designating if the person is speaking on behalf of a group in attendance at the meeting or representing themselves.

**This Discussion Item was continued to the City Council Rules Committee due back on 8/7/2018**

- B. 2018-2141** At the City Council meeting on May 10, 2018, Mayor Baird requested a language change to City Council Rule Section 2-60.21-Rule 2.1 Order of business.

After general discussion regarding the Mayor's request to make Section 2-60.21-Rule 2.1 Order of Business more flexible and public friendly, the Committee directed Staff to ensure that the current order of items is accurate per the Charter. They also felt it might be prudent to have a conversation with the Mayor to further clarify his request and to formally communicate with him regarding his current authority to reorder the agenda as needed and to bring this item back to the next meeting in August.

**This discussion item was continued to the City Council Rules Committee due back on 8/7/2018.**

- C. 2018-2142** Changing Day of City Council Meetings from Thursdays to Tuesdays

After general discussion, the Committee directed Staff to draft a Resolution with a change in the meeting date from Thursdays to Tuesdays and take it before the full Council for discussion.

**Councilmember Forte moved to write a Resolution adopting the City Council schedule of meetings for 2018 and moving the meeting days from Thursdays to Tuesdays. Seconded by Councilmember Carlyle. Vote was Councilmember Carlyle and Forte "aye" and Councilmember Edson "nay". Motion passed 2-1.**

- D. 2018-2157** Charter Section 3.5 Administrative Policy Matters (below) and definition of the term "inquire".

**Councilmember Forte made a motion to move item number 2018-2157 to the next Rules Committee meeting for discussion. Seconded by Councilmember Edson. All were in favor. Motion passed 3-0.**

**7. Roundtable**

It was decided to schedule the next meeting of the Rules Committee for Tuesday, August 7, 2018 at 6:00 p.m.

**8. Adjournment**

**Chairperson Carlyle adjourned the meeting at 6:38 p.m.**

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## Packet Information

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**File #: 2018-2140, Version: 1**

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Preliminary discussions regarding modifications to Sec. 2-60.22-Rule 2.2-Public Comments were held at the December 5, 2017 City Council Rules Committee meeting.

At the previous meeting of the Rules Committee, members directed staff to prepare an ordinance providing that public comment should be limited to three minutes, that persons wishing to address the Council should complete a Request to Comment Card including the individual's name, physical address, general topic and whether the speaker is speaking on behalf of a group in attendance at the meeting.

An ordinance has been drafted and is provided in this packet.

AN ORDINANCE AMENDING SECTION 2-60.22.-RULE 2.2 PUBLIC COMMENTS. OF THE CODE OF ORDINANCES OF THE CITY OF LEE’S SUMMIT, MISSOURI TO PROVIDE FOR A TIME LIMIT FOR MEMBERS OF THE PUBLIC WISHING TO ADDRESS THE CITY COUNCIL OF THE CITY OF LEE’S SUMMIT, MISSOURI AND FURTHER PROVIDING FOR THE MANNER .

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

SECTION 1. That Section 2-60.22. - Rule 2.2 Public comments. of the Code of Ordinances of the City of Lee’s Summit, Missouri be amended to read as follows:

“Sec. 2-60.22. - Rule 2.2—Public comments.

During public comments, the public may address Council on any matter, except for those matters that are the subject of a public hearing requiring that testimony be sworn. **Any person requesting time to speak to the Council during the public comments portion of the meeting must complete a “Request to Comment” card consisting of at least the person’s name, physical address, general subject and whether such person is speaking on behalf of a larger group that is in attendance. A completed Request to Comment” card must be submitted to the City Clerk prior to the Call to Order, and the person will be given no more than three minutes to speak. Should the speaker yield to a question from a councilmember, the time yielded shall not be included in the three minutes.** ~~Any ordinance directed by Council to be drafted as a result of such a public hearing shall not be subject to comment by the public outside a duly advertised public hearing and being duly sworn. Such items shall be placed on the agenda under "Ordinances—Previous Public Hearing."~~

During public comments, Councilmembers may address a speaker on the speaker's issue, unless such matter is the subject of litigation involving the City and/or its employees or officials, and City Council has determined its litigation strategy and/or policy and such Councilmember comments will not act to diminish the City's position in such litigation.

~~Any ordinance directed by Council to be drafted as a result of such a public hearing requiring testimony to be sworn shall not be subject to comment by the public outside a duly advertised public hearing and being duly sworn. Such items shall be placed on the agenda under "Ordinances—Previous Public Hearing."~~

SECTION 2. If any part or portion of this ordinance is found invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining ordinance.

SECTION 3. 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 the City of Lee’s Summit, Missouri, this \_\_\_\_ day of

**BILL NO. 18-**

**ORDINANCE NO.**

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\_\_\_\_\_, 2018.

\_\_\_\_\_  
*Mayor William A. Baird*

ATTEST:

\_\_\_\_\_  
*City Clerk Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
*Mayor William A. Baird*

ATTEST:

\_\_\_\_\_  
*City Clerk Trisha Fowler Arcuri*

APPROVED AS TO FORM:

\_\_\_\_\_  
*City Attorney Brian W. Head*

## Packet Information

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**File #:** 2018-2141, **Version:** 1

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At the City Council meeting on May 10, 2018, Mayor Baird requested a language change to City Council Rule Section 2-60.21-Rule 2.1 Order of business.

He mentioned that Instead of the second sentence stating that "Such agenda shall be ordered as follows", he would like to have it be more flexible and possibly change the language to "Such agenda shall include the following items" or something to that effect. This would create a more public friendly meeting and be more convenient for the Council and Staff.

**\*\*Update** - as directed by the Committee, Staff inquired of the Mayor who indicated that it was his desire to be able to amend the order of agenda not just on the night of the meeting but also prior to the publication of the agenda. The Law Department has attached a redraft of Section 2-60.21 in this packet.



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

1. 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 items included herein below shall be included in the agenda and shall be in substantially the following order:

- A. Public comments. (Note: Each speaker shall be limited to three (3) minutes as provided in Sec2-60.22 of this Code of Ordinances. ~~Total time for public comments will be limited to ten (10) minutes.~~)
- B. Council comments. ~~(Note: Total time for Council comments will be limited to five (5) minutes.)~~
- C. 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 upon the request of any Councilmember prior to approval of the agenda for discussion as part of the regular agenda. A consent agenda item may be removed from the Consent Agenda after approval of the agenda upon the consent of the City Council
  1. ~~Second Reading Bill No. (Note: This bill was read for the first time on (date) and may be approved by Consent Agenda.)~~
- D. Proclamations.
- E. Presentations.
- F. Resolutions.
- G. ~~—~~Proposed ordinances forwarded from Committee. The following proposed ordinances were considered by a Council Committee, were forwarded to the Council with a recommendation for approval and are presented to the Council for two (2) readings and adoption.
- H. Emergency ordinances. The following proposed ordinances meet the criteria included in Section 3.13(f) of the Lee's Summit Charter for Emergency ordinances and are presented for two (2) readings in this meeting. Six (6) ~~Five (5)~~ affirmative votes are required for approval of second reading.
- I. 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 Section 3.13(f) of the Lee's Summit Charter. Five (5) affirmative votes are required for approval of second reading.
  1. ~~Application.~~
    - a. ~~First reading Bill No.~~
  2. ~~Application.~~
    - a. ~~Emergency reading Bill No.~~

~~(Note: Meets the criteria for an emergency ordinance, requires two (2) readings and a two-thirds (2/3) majority of the entire Council.)~~
- J. 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 (5) affirmative votes are required for approval of second reading.
  1. ~~First reading Bill No.~~
- K. Proposed ordinances—Second reading. The proposed Ordinances were advanced from First Reading without a unanimous vote of the City Council.
  1. ~~Second reading Bill No. (Note: This bill was read for the first time on (date).)~~

- L. Committee reports (Committee chairs report on matters held in Committee).
- M. Council roundtable.
- N. Staff roundtable.
- O. Adjournment. Unless determined otherwise by the Mayor and City Council, no new agenda items shall be considered after 11:00 p.m.

2, The order of business described above may be changed by the Mayor at any time prior to the approval of the agenda by the City Council, if in the Mayor's discretion he or she believes that such a changes would allow for a smoother transaction of business.

~~(Ord. No. 7253, § 1, 9-20-2012; Ord. No. 8163, § 1, 6-1-2017)~~

## Packet Information

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**File #:** 2018-2157, **Version:** 1

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Charter Section 3.5 Administrative Policy Matters and definition of the term "inquire".

"Except for the purpose of inquiries, information and investigations under Section 3.11, Investigations, the Council or its members shall deal with city officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately. Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the City Manager or the City Manager's subordinates are empowered to appoint, but the Council as a group may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees."