

BILL NO. 22-226

AN ORDINANCE AMENDING DIVISION 1. GENERALLY, OF ARTICLE V. BOARDS, COMMISSIONS AND COMMITTEES OF CHAPTER 2. ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT MISSOURI BY ENACTING FOURTEEN NEW SECTIONS THEREOF DEALING GENERALLY WITH RULES FOR THE CONDUCT OF BUSINESS BY CITY BOARDS, COMMISSIONS AND COMMITTEES.

WHEREAS, the City is currently in the process of realigning several boards, committees and commissions; and,

WHEREAS, the various rules governing the formation, term, and conduct of business have long been inconsistent and often different from one entity to the next; and,

WHEREAS, the City Council wishes to provide consistency in these rules to provide certainty and clear guidance for members of city boards, commissions and committees.

NOW, THEREFORE, be it ordained by the City Council of the City of Lee's Summit, Missouri, as follows:

SECTION 1. That Division 1. Generally, of Article V. Boards, Commissions and Committees of Chapter 2. Administration, of the Code of Ordinances of the City of Lee's Summit, Missouri be amended by enacting fourteen new sections to read as follows:

"Sec. 2-250. Purpose of Boards, Commissions and Committees and applicability of division.

All boards, commissions and committees shall endeavor to fulfill the mission, scope or purpose provided by law. They shall provide recommendations and advice to the City Council on issues related to the subject matter assigned to that board, commission or committee by ordinance, the charter, or other law. This Division 1 shall apply to all boards, commissions and committees of the City except when a different term or condition is otherwise provided by law. Additionally, nothing herein in this Division 1 shall apply to any board, commission, or committee created by any Missouri statute.

Sec. 2-251. Filling of vacancies; successive terms.

Vacancies in any city board, commission or committee occasioned by removals, resignations, expiration of term or otherwise, shall be reported to the Mayor and filled in a like manner as original appointments, except that if a vacancy is in an unexpired term, the appointment shall be made only for the unexpired portion of that term. Except as may otherwise be provided by law, no member of any board, commission or committee of the city shall serve for more than three successive full terms, and, members shall not be eligible for further appointment to such board, commission or committee until one year after the expiration of the third full term. Provided, however, that a member of any board, commission or committee who shall be prevented by this section from serving an additional term may make an application for appointment. Any such person may be appointed for an additional term upon a two-thirds (2/3) vote of the entire Council. All members shall be provided a copy of this Article V. of the City Code, a copy of the City's ethics policy and information related to the Missouri open meetings law.

Sec. 2-252. Absence of members from meetings.

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Each board, commission or committee shall establish a calendar of meetings for the following year no later than the first meeting of the board, commission or committee on or after July 1 of each year. Except as may otherwise be provided by law, any member of a city board, commission or committee who shall be absent for three regular meetings during any calendar year, or, who shall be absent for three successive regular meetings without cause acceptable to a majority of the other members thereof shall be deemed to have vacated their position on said board, commission or committee, and the position shall immediately become vacant subject to the right to be heard by the City Council as provided in Section 2-257 herein.

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Sec. 2-255. Length of term.

No term for any member of a city board, commission or committee shall be longer than three years unless specifically otherwise provided by ordinance, the charter or other law. Any member shall continue to serve until a replacement is appointed as provided by the Charter of the City of Lee's Summit. Notwithstanding anything hereinabove, the term of any member who is appointed to a new or newly reorganized board, commission or committee shall be determined by the drawing of lots with 1/3 of members to serve one year, 1/3rd of members shall serve two years and 1/3rd of the members shall serve three years. In the event that number of members of a board or commission isn't evenly divisible by three then preference shall be given to a three-year term for more than 1/3rd of members.

Sec. 2-256. Meetings to be held quarterly.

Each city board, commission or committee shall meet at least once quarterly except that no board, commission or committee shall be required to meet at any time during a declared emergency.

Sec. 2-257. Appointments and removal.

(a) Generally. The procedure for appointment and removal of members of city boards, commissions or committees shall be as stated in this section except as otherwise provided by another provision of the charter, this code or Missouri statute.

(b) Appointment. The Mayor shall appoint all members of boards, commissions and committees as provided in section 4.4(e) of the Charter of the City of Lee's Summit, Missouri and this Division 1.

(c) Removal. Members of boards, commissions and committees may be removed by a 2/3rds majority of the entire City Council except as may otherwise be specifically provided by state statute, the city charter or this code. Any member so removed shall be provided notice of their removal via regular US Mail. Any member so removed shall, if the member so requests in writing with the City Clerk, have the right to be heard by the council at the next regular meeting of the council occurring at least seven (7) days after notice of removal has been mailed and not more than twenty-one (21) days. The request to address council shall be filed by the affected board, commission or committee member not more than ten (10) days after notice has been mailed and at least four (4) work days prior to the next regular council meeting. Grounds for removal of members, although not deemed exclusive, may be that the member:

(1) Lacks at any time during the member's term of appointment, any qualification for the board or commission prescribed by the charter, by this Code, or by law; or,

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(2) Malfeasance or misfeasance.

Sec. 2-258. Communications to the City Council

All boards, commissions and committees shall report their activities by causing an action letter to be prepared following each meeting. Action letters shall be an open record unless otherwise provided by Chapter 610 RSMo., shall be considered the report of the body once approved and shall be provided to the Mayor, City Council and City Manager. The City Council or a Committee of the Council may request a supplemental report at any time. A board, commission or committee may provide an additional report on a matter within the mission, scope or purpose of the board, commission or committee but only after such report is approved by a majority of the entire membership thereof.

Sec. 2-259. Conduct of Meetings.

Meetings shall be conducted as provided by the rules of procedure generally applicable to the City Council and City Council Standing Committees as found in Chapter 2, Divisions 2 and 3 of the Code of Ordinances of the City of Lee's Summit Missouri. Each agenda shall have an item labeled "Citizen Comments" and provisions shall be made to take citizen comments at each meeting. The Missouri Sunshine Law, Chapter 610 RSMo. shall apply to boards, commissions, and committees and any subcommittees thereof.

Sec. 2-260. Agenda and Action Letters.

An agenda shall be prepared in accordance with Missouri Law in such a manner as to reasonably advise the public of topics to be discussed. Deviation from the agenda shall not invalidate the notice of any such meeting. An action letter shall be prepared by the City Clerk or Staff Liaison following each board, commission or committee meeting or any subcommittee thereof.

Sec. 2-261. Special rule on quorum.

A quorum of the entire board, commission or committee shall be necessary for the conduct of business. A quorum may be reached by the in-person presence of individuals or by virtual participation so long as notice has been properly provided for virtual participation. In the event that less than a majority but more than two members are present, a board, commission or committee may hear reports and presentations and take public comments. No votes or other actions may take place during such meetings with only a minority present. The chair or acting chair shall adjourn the meeting immediately following such reports, presentations or public comments. An action letter shall be prepared by the City Clerk or staff liaison and it shall indicate that only a minority of the board, commission or committee was present.

Sec. 2-262. Election and Duties of the Chair.

The chair shall, when present, preside at all meetings of the board, commission or committee. The chair shall, with the assistance of staff, cause an agenda to be prepared that will advise the public generally of the topics to be discussed and / or acted upon. The chair of any new or reorganized board, commission or committee shall be appointed by the Mayor; thereafter, the chair of each board, commission or committee shall be elected by the members of the board,

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commission or committee at the first meeting of such body during the month of July of each year or as soon thereafter as is practical. In the event of the absence of the chair, the board, commission or committee shall select from the members present, a quorum being found, a temporary chair who shall preside during that meeting. In the event that for any reason the previously elected chair is unable to serve, then the board, commission or committee shall elect a new chair to serve the remainder of the unexpired term.

Sec. 2-263. Code of Conduct.

Members of the City of Lee's Summit boards, commissions and committees should:

- A. Practice civility, professionalism and decorum in discussions and be fair, impartial and respectful with one another as well as guests and citizens.
- B. Listen carefully to community opinions, attitudes, and needs.
- C. Not engage in shouting or physical actions that could be construed as threatening. Members should conduct themselves in a professional manner at all times.
- D. Avoid dominating the conversation, agenda and decision-making process.
- E. Honor the role of the chair in maintaining order.
- F. Be punctual and keep comments relative to the topics discussed.
- G. Each member should participate in the group's discussion and work assignments.

Sec. 2-264. Liaisons

A. Council Liaison

A member of the City Council may be appointed to each board, commission or committee as a non-voting City Council liaison. Council liaisons shall not be counted for purposes of quorum. The role of the Council liaison is to communicate the City Council's needs, policies, and interest to the members of the board, commission or committee and to assist with communicating recommendations from the board, commission or committee to the City Council.

B. Staff Liaison

Each board, commission or committee may have a staff liaison assigned by the City Manager. Staff liaisons are members of the administrative staff and have knowledge and expertise in the subject area of the board, commission or committee. The staff liaison may not vote and shall not be counted for purposes of quorum. Staff liaisons shall serve to provide information for the board, commission or committee, facilitate the meeting process by working with the chair, coordinate with other staff members to meet the needs of the board, commission or committee and to advise the City Manager and staff of the activities of the board, commission or committee.

Sec 2-265. Subcommittees

Subcommittees shall consist of members of the main board, commission or committee appointed by the chair at his or her discretion unless membership in such a subcommittee shall be provided by other provisions of this code, the charter or Missouri statutes. Notwithstanding anything herein, the chair shall have the discretion to appoint persons who are not members of the main board, commission or committee to serve as ex officio members of the subcommittee,

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when, in the opinion of the chair, outside expertise or perspective will be advantageous to the subcommittee. Ex officio members shall not have the right to vote but shall have the right to notice of meetings and the right to be heard. The number of members of any subcommittee shall be determined by the chair of the main committee except that in no event shall the number of subcommittee members on any given subcommittee be equal to or greater than the number required for quorum of the main committee. Ex officio members shall not count toward quorum.”

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, adoption, and approval by the Mayor.

SECTION 3. That this Ordinance shall be effective on and after January 1, 2023.

SECTION 4. 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.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2022.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2022.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*