

2016-2017 Charter Review Commission

PROs and CONs

11/01/16 Preamble:

Recommendations from Jim Devine

➤ Add “Intent” sentence:

“With this home rule charter, we affirm governance which is responsive and inclusive to create an economically vital community committed to equal opportunity, education, business and citizen participation, diversity, historic and neighborhood preservation, and a high quality of life where families and businesses thrive.”

Suggestion from Brad: “...committed to a high quality of life where family and business thrives.”
“...which aspires to create an economically vital community...”

Brian’s suggestion: “...we affirm our commitment to self governance...”

Ron’s suggestion: “We the People of Lee’s Summit, Missouri, to build on a proud heritage, affirm governance that is responsive, inclusive and creates an economically vital community committed to diversity and equal opportunity that secures the benefits and advantages of constitutional home rule under the Missouri Constitution, do hereby establish this Charter for the better government of our city.”

A separate committee to consider and determine 2 examples of potential language.

11/15/16

Approved the following:

We, the People of Lee’s Summit, Missouri, in order to secure the benefits and advantages of constitutional home rule under the Missouri Constitution, do affirm our commitment to self-governance and aspire to create an economically vital community committed to equal opportunity, citizen participation, diversity and to promote a high quality of life where families and businesses thrive and hereby establish this Charter for the better government of our city.

Suggestion to revisit the possibility of changing “city” to “City” throughout document.

ARTICLE I. INCORPORATION, NAME AND BOUNDARIES

PROS:	CONS:
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***MOTION: NO CHANGE.**

ARTICLE II. POWERS

PROS:	CONS:
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***MOTION: NO CHANGE**

ARTICLE III. CITY COUNCIL Section 3.1. Where Powers Vested.

PROS:	CONS:
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***MOTION: NO CHANGE.**

Section 3.2(a) Composition

Suggested Changes

- Section 3.2(a) In each district, one at-large and one district-only
- Section 3.2(a) Eight districts with one councilmember and two at-large.
- No change to Charter:

<p>PROS:</p> <ul style="list-style-type: none"> • With two in each district and staggered terms, more chance for having at least one at each meeting. • Works well now. 	<p>CONS:</p> <ul style="list-style-type: none"> • Seniority provides institutional knowledge. • Could have councilmember that is unapproachable.
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- Section 3.2(a) Add two at-large councilmembers:

<p>PROS:</p> <ul style="list-style-type: none"> • Gives the ability to spread the talent around. • More chance for a voting block without at-large. • Times when districts are in conflict. 	<p>CONS:</p> <ul style="list-style-type: none"> • Could have more people in one district than others. • What is the benefit of adding? • Makes it easier to lobby. • Opens door for special interest groups because not working for one district. • Councilmembers making decisions for whole city, not just their district. • Burden of running city-wide. • Requires more people to run and difficult to get candidates to run. • Are there issues now? Is there a need to change? • At-large weakens representation of one side of the city because could have a consensus of the at-large from one area of the city and could pass anything.
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- Section 3.2(a) Eight individual districts to reduce size of each district, change to coincide with 2020 redistricting

<p>PROS:</p> <ul style="list-style-type: none"> • Smaller districts might be less conflicted • Would bring constituents closer to councilmembers • Campaigning would be more manageable 	<p>CONS:</p> <ul style="list-style-type: none"> • Could start building territorial interests. • Cost of campaigning would be the same no matter the size of district. • Difficult to find candidates • Will split into upper income and LMI districts • No continuation and institutional knowledge when leave
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MOTION: Section 3.2(a) Composition. No change.

<p>10/4/2016 Section 3.2(a)</p> <p>PROS:</p> <p>Further discussion:</p> <ul style="list-style-type: none"> ➤ Making 8 districts with one for each district ➤ Could walk your district. ➤ As an example, in State have one representative per district. ➤ Could still have people running unopposed. ➤ Primary reason for changing to 8 districts would be smaller districts, chance for people to be closer to their district representative. 	<p>CONS:</p> <ul style="list-style-type: none"> ➤ Would leave no institutional knowledge in a district. ➤ Would open for lobbyist to influence one person and easier to “buy” a smaller district. ➤ Committee assignments, would not have representation on key committees if only one member in a district. ➤ Issue on State ballot on campaign contributions. ➤ Several instances where councilmembers have run unopposed. Will thin the candidate stream. ➤ What would happen if you didn’t have a candidate? Would be without a district representative.
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	<ul style="list-style-type: none"> ➤ If have to appoint, who would do the appointment? Council. ➤ State districts are much larger and have more opportunities, more potential candidates ➤ What works at state is not necessarily right for city. ➤ Should be able to go to any councilmember and discuss your issue. ➤ Spreads one person thin, no alternate. ➤ May not be a good socio-economic mix.
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10/4/2016 MOTION to change to 8 districts in lieu of 4, one councilmember per district. MOTION FAILED.

Section 3.2(b) Qualifications

Suggested Changes

- Clarify “qualified voter
- Review language from state about voter qualification of a candidate. More descriptive.
- Tighten qualifications
- Full-time Councilmembers

PROS:	CONS:
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***MOTION: Section 3.2(b) Qualifications. Approve as follows:**

Qualifications. A Councilmember shall have been a resident of the city for two years next preceding election and a qualified voter of the city and shall remain a resident of his or her district and a qualified voter of his or her district. The term “qualified voter” shall be as defined in Section 9.1(d) of this Charter. A Councilmember shall have been a resident of his or her respective district for six months next preceding election.

Section 3.2(c) Election, Terms and Term Limitations

- Review provisions for effectiveness and success
- Clarify language
- Perhaps three year terms instead of four to encourage more people to run
- One 4-year councilmember, one 2-year councilmember-Change in terms across the board

<p>PROS:</p> <ul style="list-style-type: none"> • Could be an alternative for one councilmember term of 3 years instead of 2 years • Someone may not want to serve for four years • Brings up question about term limits for shorter terms. • Better to have 3-year terms across the board. 	<p>CONS:</p> <ul style="list-style-type: none"> • 2-year means have to run twice, more cost • Takes time for councilmembers to figure out process & procedures of City and Council • If shorten terms, new ones come in with agenda and can affect a well-run staff-2 years too much turnover. • Conversely, four-year term can be too long if have someone who is not effective. • Difficult to get someone who is either self-employed or retired. • Election cycle every year is disruptive. • Less than 4 year term, too much turnover, not only for staff but for public
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- Term limits

<p>PROS:</p> <ul style="list-style-type: none"> • More control in City Council. 	<p>CONS:</p> <ul style="list-style-type: none"> • Whenever have turn over in Council, control goes to professional staff.
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***MOTION: NO CHANGE.**

Section 3.3 Compensation

- Council compensation

PROS:	CONS:
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***MOTION: NO CHANGE.**

Section 3.4 Mayor Pro-Tempore

Section 3.4(c) Duties

- Council committee appointments
- Quorums for committee meetings

PROS: <ul style="list-style-type: none"> • Decided that Council committees should be in ordinances for Council Rules, not Charter. • Currently, Committees have 4 members and an alternate. Must have 3 – at least 2 members, alternate and/or MPT. • Consensus reached that these issues, as suggested during the Commission public hearing, should be Council Rules, not Charter amendments. • Action at later meeting is listed below. 	CONS:
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MOTION: See Motion below for Section 3.4(a), (b) and (c).

- Clean up language

PROS: <ul style="list-style-type: none"> • Divide up the section on Mayor PT and put in an outline form rather than narrative. – City Attorney • Consensus reached that suggestions are related to Council Rules, not the City Charter, but the Commission asked the City Attorney to divide into outline form, instead of narrative. 	CONS:
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Section 3.4(a) Election and Qualification

- ELECTION OF MAYOR PRO TEM

PROS: <p>How to keep the election of MPT from becoming political.</p> <ul style="list-style-type: none"> • Suggestion to elect Mayor Pro Tem prior to municipal election. • The sitting council would be more familiar and more experienced with the role of Mayor Pro Tem. • New councilmembers would not know who is the most qualified for a leadership position. • In off election years, the new councilmembers will have a year's experience. • Position of Mayor Pro Tem has evolved. • Mayor Pro Tem would have time to assign committees to begin with new council. • Need language to allow only those in office after 	CONS: <ul style="list-style-type: none"> • If all four positions change, who do you want to be voting on the MPT? • Could still be a problem if elect MPT between election and swearing in. • Should the ones going out, whether term limit or not re-elected, be choosing the MPT? • An incumbent, unless running unopposed, would have no chance of being elected as MPT.
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election to be eligible. Would have to be one of the four who are not up for election.	
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MOTION: City Attorney be directed to present wording to state as follows:
In an election year, the Election of Mayor Pro Tem shall occur after the municipal election and prior to the swearing in of new councilmembers. In non-election years, the Mayor Pro Tem shall be elected not later than April 30th. Councilmembers are eligible to serve as MPT after one year of the present election.”

SECOND CONSIDERATION: ELECTION OF MAYOR PRO TEM

<p>PROS: Further discussion on Section 3.4(a):</p> <ul style="list-style-type: none"> • After reconsideration, perhaps the new Council should choose a pro tem themselves, rather than the outgoing Council. • Would be best if there is a time deadline to elect a Mayor Pro-Tem. • Items can be taken directly to Council in the interim. • Suggestion: “At the first regular meeting following swearing in or first meeting in May, Council shall elect a Mayor Pro-Tem.” • Require the Mayor to set a strategic meeting every two years to agree upon and revisit the Council 5-year plan. Then elect a pro tem after that meeting. • Perhaps go back to Mayor appointments to committees. Would have a better idea of who would better serve. • Election of MPT should be first meeting in May • If Mayor not available, MPT would be the one to issue an emergency proclamation. Important to have MPT early in new Council. <p>➤ Goal is to establish a system that sets up value for the community as a whole.</p>	<p>CONS:</p> <ul style="list-style-type: none"> • Can create a feeling of power in the pro tem that overpowers mayor. • People jockey for position. • Same issues whether Mayor appoints committees or MPT appoints • If chosen first meeting in May, takes time for pro tem to select committees, so could be mid-June before committees are set. <p>Four scenarios:</p> <ul style="list-style-type: none"> • Keep as is: Council select MPT and MPT choose committees ➤ 2.5 members wanted to consider this idea • Mayor selecting MPT and Mayor choose committees ➤ 0 members wanted to consider • Mayor select MPT and MPT choose committees ➤ Mayor would be vetting the MPT. Gives checks and balances ➤ 8 members wanted to consider • Council select MPT and Mayor choose committees ➤ Provides degree of separation of powers ➤ 7 members wanted to consider
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MOTION: Modify Charter so Mayor appoints MPT and the MPT appoints Council Committees. Motion passed 7 “aye”, 5 “no”

On vote:

Micheal D	Aye	Brad	Aye	Jim	Aye	John	No	Mike A.	Aye
	Jose								
Gladys	Aye	Fred	No	Terry	Aye	Lenny	No	Paula	Aye
	Ron		No						

Staff directed to write the motion in the Charter for further consideration by the Commission.

NOTE: Wording in Article 3, Section 3.4(a) should also be included in Article IV, Mayor’s Powers and Duties.

<p>Consensus by Commission:</p> <ul style="list-style-type: none"> • Deadline for Mayor to appoint MPT: First meeting in May. • Deadline for MPT to appoint committees: Submit to Council by first regularly-scheduled meeting in June • MPT must have served on Council at least a year - No • Appointment of a councilmember to a committee is for a term of a year and a member can only be removed by a vote of the full council, by an unexpired term or by vacancy <p>City Attorney to bring back suggested language on these four points.</p>
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4/19: City Attorney presented language:

Section 3.4. Mayor Pro Tempore.

(a) Election and Qualification. The Mayor shall appoint annually, not later than the first regular meeting of the City Council in May, a Mayor Pro Tempore.

(b) Powers. The Mayor Pro Tempore shall assume the powers and duties of the Mayor during the absence or disability of the Mayor, or if a vacancy occurs. While assuming the powers and duties of the Mayor, the Mayor Pro Tempore shall retain his or her vote as a Councilmember, but shall not possess the additional mayoral voting power provided by Section 4.4(a), Council Meetings, and shall not possess the mayoral veto power provided by Section 4.4(c), Veto.

(c) Duties. The Mayor Pro Tempore shall appoint, with the advice and consent of a majority of the Council, all Council committees and Council liaisons not later than the first regular meeting of the City Council in June. Any appointment to a City Council Committee or a Council Liaison shall be for one (1) year, subject to removal by a vote of the majority of the Council.

MOTION: Accept language in Article 3, Section 3.4, as provided by the City Attorney, with the addition of “liaison”.

10/4/2016 Section 3.4(a) PROS: Further discussion on Section 3.4(a): <ul style="list-style-type: none">➤ Concern that Mayor could continue to appoint the same councilmember as Mayor Pro Tem➤ Need to have separation of powers	CONS: <ul style="list-style-type: none">➤ Difficult to take politics out of the process of committee assignments based on Mayor Pro Tem
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10/4/16 MOTION: Do not change current November 2007 Charter, Section 3.4(a), as it relates to the appointment of the Mayor Pro Tem.

MOTION FAILED. CONTINUE with Mayor appointing Mayor Pro Tem

10/4/2016 Section 3.4(c) PROS: Further discussion on Section 3.4(c): <ul style="list-style-type: none">➤ Suggestion to add language, “...subject to removal by vote of majority of Council only if evidence to support violation of Ethics Code, Charter or law, as defined in Section 3.15, has been validated.”➤ Still have a check with the Mayor Pro Tem making appointment.	CONS: <ul style="list-style-type: none">➤ Council may want to move assignments around that would have nothing to do with ethics code.
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10/4/16 MOTION: No change in previous decision.

Section 3.5 Administrative Policy Matters

- Prohibition of interference by the City Council
- No consequence if violate prohibition
- Relationship between Council and City Manager
- Add a Council employee, responsive to Council

PROS: <ul style="list-style-type: none">• Any penalty related to 3.5 should be included in Section 3.7(b)• If repeat offense, could move toward removal• Protects the balance of power• Elected body would be the best place for	CON: <ul style="list-style-type: none">• Removal from office is extreme, maybe a progression to bring back to Council and maybe a censure instead of removal.• Code of Ethics could be an opportunity for Council to approve bad behavior.
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<p>consideration of violation Need teeth in Charter to make sure Mayor and Council do not violate.</p> <ul style="list-style-type: none"> • Pick out 2-3 acts that damage the form of government. • Council could be required to adopt a Code of Ethics within 12 months of charter adoption that includes reasons for removal. • Combine 3.5 and 3.7(b) to include Code of Ethics • Gives them the authority to police themselves • The City Manager should define the weight of the misconduct. • If City Manager determines there is a potential violation, issue would be brought to Council as a whole for decision. • Under 3.7(b) add sentence “Any councilmember having been found to have violated Section 3.5 shall be subject to discipline by the Council up to and including removal from office.” <p>“Any violation of the Charter may be brought to the Council by the City Manager, City Attorney, Mayor other Councilmember.”</p> <ul style="list-style-type: none"> • If intent is to censure violator, have to have process in place or dead-end. • Due processes – don’t get into the “he said/she said”. • Brian to bring back language that would <ul style="list-style-type: none"> ➢ include consequences to violations; ➢ require Council to have a Code of Ethics (not in same section); and , ➢ who has ability to bring forward. 	<ul style="list-style-type: none"> • Difficult to police themselves. • Would leave it open to interpretation. • Other side there could be a councilmember that others don’t like, could set them up and get 2/3rds to vote with them to get rid of a councilmember. • If leave to interpretation, will fail. • Council ends up being judge of their peers.
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***MOTION: SEE NEW SECTION 3.15, TO BE ADDED TO THE CHARTER.**

Section 3.6 Prohibition of Holding Other Office

<p>PROS:</p> <ul style="list-style-type: none"> • Maybe add “elected” position? • Discussion on what the section actually means. • City Attorney to research. 	<p>CONS:</p>
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CONSENSUS FOR CITY ATTORNEY TO RESEARCH ISSUE AND DRAFT LANGUAGE.

***MOTION: Accept amending language as proposed by the City Attorney:**

Section 3.6. Prohibition Against Holding Other Office.

Except where authorized by law, or pursuant to an agreement between the city and another entity of government, no Councilmember shall hold any other Lee’s Summit city office, or city employment, other elected public office or any incompatible public office, during the term for which the Councilmember was elected to the Council, and no former Councilmember shall hold any compensated appointive Lee’s Summit city office or city employment until one year after the expiration of the term for which the Councilmember was elected to the Council.

Section 3.7. Vacancies; Forfeiture of Office; Filling of Vacancies.

PROS:	CONS:
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***MOTION:** In Section 3.7(c), amend to read :

“The Council by a majority vote of all its remaining members shall appoint a qualified person, **as defined in Section 3.2,** to fill a vacancy...”

Section 3.8. Judge of Qualifications.

PROS:	CONS:
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***MOTION: NO CHANGE**

Section 3.9. City Clerk.

➤ Availability of records in electronic format

PROS: <ul style="list-style-type: none">• Have to consider if there are changes in methods of providing documents.• Sunshine Law dictates methods of providing documents.• City policy sets up requirements.	CONS:
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***MOTION: NO CHANGE**

Section 3.10. Law Department.

PROS:	CONS:
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***MOTION: NO CHANGE**

Section 3.11. Investigations.

PROS:	CONS:
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***MOTION: NO CHANGE**

Section 3.12. Audits and Reviews.

PROS: <ul style="list-style-type: none">• How often does an audit occur and should it be in Charter or in Council policies.<ul style="list-style-type: none">➤ Audit recommended by City Manager annually.• Is it redundant?• City Attorney to research and report back.• Per City Manager, this provision is effective and works well.• Major Departments now go through national accreditation programs every three years.• Most of the City Manager-suggested audits have been technology systems and customer service, instead of operational.• Issues with this section can be fixed by ordinance.	CONS: <p>The City Council does not audit themselves at this time.</p>
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***MOTION: NO CHANGE**

Section 3.13. Legislative Proceedings.

Section 3.13(a) Meetings

- Public comments at City Council meeting, no interaction with councilmembers during public comments.
- Agendas
- More interactive process

<p>PROS:</p> <ul style="list-style-type: none"> • How detailed does the Commission want to go into the order of business? Most is in the Code of Ordinances. • Different types of ordinances – committee structure. • Does the Commission want to discuss or is this a Council/Staff issue? • Brian: At least 7 days have to lapse between first and second reading. • Requirement for two readings. • Unless there is a legal rationale, would be difficult to let the Mayor and Council do things the way they want. 	<p>CONS:</p>
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***MOTION: NO CHANGE**

Section 3.13 (b) Rules and Journals.

<p>PROS:</p>	<p>CONS:</p>
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***MOTION: NO CHANGE**

Section 3.13 (c) Voting.

<p>PROS:</p> <p>Voice votes vs. roll call votes.</p> <ul style="list-style-type: none"> • Votes need to be on record. There seems to be way too much confusion while voting. • People can still answer “Present but not voting” or “abstain”. • Eliminating voice votes would pressure Council to add simultaneous electronic display. • Video conferencing. Councilmembers can participate but must be present to vote. State law. • With simultaneous display, the screen would display the vote. 	<p>CONS:</p> <ul style="list-style-type: none"> • Some Council members are not voting or they change their votes. • Requiring roll call votes on every issue will slow the process.
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MOTION: Amend Section 3.13(c) by replacing “voice vote” in first sentence with “roll call vote” and delete “except on the adoption of any ordinance which shall be either by simultaneous electronic display or roll call, ...”

<p>10/4/2016 Section 3.13(c)</p> <p>PROS:</p> <p>Further discussion on Section 3.13(c):</p> <ul style="list-style-type: none"> ➤ Suggested changing to “Voting on ordinances or resolutions shall be by roll call or electronic display.” ➤ Decision was to keep requirement roll call on every motion. 	<p>CONS:</p> <ul style="list-style-type: none"> ➤
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***NO CHANGE.**

Section 3.13 (d) Form of Ordinances.

PROS:	CONS:
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***MOTION: NO CHANGE**

**Section 3.13 (e) Procedure
Section 3.13(f) Emergency Ordinances**

➤ Bills read and passed on the same evening

<p>PROS: Language suggested by City Attorney</p> <ul style="list-style-type: none"> • Readings in two different meetings • Discuss whether there is a need for two public hearings – PC and Council • Changes in technology – reports and ordinances are available on the Web. Different from 10 years ago, which increases transparency. • Suggestion <ul style="list-style-type: none"> ➤ Remove Section 3.12(f) Emergency Clause and allow the Council to determine whether or not an ordinance is read in one or two meetings. ➤ Add “Council Committee or City Board/ Commission”. 	<p>CONS:</p> <ul style="list-style-type: none"> • Community would feel the City is trying to pull a fast one if the emergency clause is removed.
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***MOTION: Amend Section 3.13 (e) Procedures., to read as follows:**

(1) Procedure. 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...

Amend Section 3.13 (f) Emergency Ordinances., to read as follows:

(f) Emergency Ordinances. ~~All emergency ordinances shall be read in full in open City Council meetings.~~ 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.**

On vote:

Micheal D	Aye	Brad	Aye	Jim	Aye	John	Absent	Mike A.	Aye	Jose	Aye
Gladys	Absent	Fred	Aye	Terry	No	Lenny	No	Paula	Aye	Ron	No

Section 3.13 (e)(2) Procedures.

PROS: <ul style="list-style-type: none">Charter says: "...and at least three copies shall be provided for public inspection in the Office of the City Clerk and made available in electronic format until it is finally adopted or fails of adoption".	CONS:
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***MOTION: Amend language to state,**

(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 publicly available on the City's web site."

3.13 (g) Effective Date.

PROS:	CONS:
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***MOTION: NO CHANGE**

3.13 (h) Authentication and Recording

PROS: Add period at end of sentence!	CONS:
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***MOTION: NO CHANGE.**

Section 3.14. Revision of Ordinances

PROS: Confirmed this is the City Clerk's. However, this is a carry-over from the original Charter Commission and any updates from this Review Commission will not take three years to change in the Code of Ordinances.	CONS:
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***MOTION: NO CHANGE.**

PROPOSED NEW PROVISION:

Section 3.15. Charter Violation and Ethics Code.

Any violation of this Charter or adopted Ethics Code by the Mayor or a Councilmember ~~may~~ **shall** be brought to the attention of the entire City Council by *either* the Mayor, another Councilmember, the City Manager or City Attorney.

Any violation of this Charter may constitute a cause for discipline up to and including removal from office. The Council shall not impose any such discipline upon a member or the Mayor unless such sanctions receive an affirmative vote of two-thirds of the members of the entire Council, including the Mayor.

The Council shall, within one year of the adoption of this provision, enact an Ethics Code governing the conduct of the Mayor and City Councilmembers.

PROS:	CONS:
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<ul style="list-style-type: none"> • Difference between “may” and “shall” for City Manager. • If brought up on ethics issue, would have to be significant. • Should not be a penalty for City Manager to bring something forward to full Council, so should be “shall”. • Council would be the judge of the extent of the violation • By using “shall”, not an option and would need to be brought to the Mayor and Council. • As a neutral position, the City Manager should explain to the offender before goes forward to de-escalate. • Perhaps change to bring violation of the Mayor, or if Mayor is the violator the MPT, and then the Mayor or MPT would be the one to investigate before moving forward. • Need to set the bar high. Might be painful process but reduce the ability to misuse the process. • Considering the consequences, if it gets to a vote, needs to be a high percentage – perhaps 7 out of 8. • Need a central person to determine whether or not the issue should be brought forward. (See Cons) • Any consideration of a violation must be placed on an agenda for discussion. • Outside opinions – who could provide info? Joe Lauber would be a great resource. This is more of a legal issue. 	<ul style="list-style-type: none"> • City Manager should not be placed between councilmembers on an issue. • How many votes needed to pass and can this be enforced? • The central person who is to determine whether there is a violation could be friends with the violator.
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MOTION: Insert Section 3.15, as written by the City Attorney, into the Charter, with the exception of the first sentence change “may” to “shall” and use the option of “a 2/3 majority” (which would be 6 votes).

10/18/16 Continued discussion on the Ethics Code.

<p>PROS:</p> <ul style="list-style-type: none"> • Should “shall” be changed to “may”? • Reviewed minutes and Pros/Cons for past discussions. • Do you need a provision that says how to bring it forward? Up to Council to determine if they will move forward. • Even if the first paragraph were removed, still have enough teeth. • Discussion of removing the first paragraph. Perhaps should be in Ethics Code instead. • Paragraphs 2 and 3 establish a base line. • Citizens also have the option to either take an issue to the Mayor or recall. • Could remove Attorney and leave Manager. 	<p>CONS:</p> <ul style="list-style-type: none"> • Difficult for employees, i.e. Manager & Attorney, to turn in an elected official. • Leaving first paragraph is would cause more harm than good. • If take out first paragraph, lose “Ethics Code” requirements. •
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MOTION: First paragraph be struck and the second and third remain, with amendment in second

paragraph by adding “or adopted Ethics Code” in paragraph 2.

Section 3.15. Charter Violation and Ethics Code.

~~Any violation of this Charter or adopted Ethics Code by the Mayor or a Councilmember may shall be brought to the attention of the entire City Council by either the Mayor, another Councilmember, the City Manager or City Attorney.~~

Any violation of this Charter or adopted Ethics Code may constitute a cause for discipline up to and including removal from office. The Council shall not impose any such discipline upon a member or the Mayor unless such sanctions receive an affirmative vote of two-thirds of the members of the entire Council, including the Mayor.

The Council shall, within one year of the adoption of this section, enact an Ethics Code governing the conduct of the Mayor and City Councilmembers.

MOTION PASSED.

ARTICLE IV. MAYOR
Section 4.1. Executive Power

- Full-time Mayor
- Executive role
- Procedural and wording issues

PROS:	CONS:
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***MOTION: NO CHANGE.**

Section 4.2. Qualifications; Election and Term.

PROS: • Clarify “qualified voter” throughout Charter	CONS:
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***MOTION: NO CHANGE**

Section 4.3 Compensation

PROS: • State Constitution language, so a Council could not vote for their own raise.	CONS:
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***MOTION: NO CHANGE**

Section 4.4(a) Council Meetings

Mayor voting on all issues

PROS: <ul style="list-style-type: none"> • Suggest mayor vote on all issues and does not have veto power. • Makes a record of the mayor’s vote. • Also, mayor might have a line-item veto on the budget. • Potential for mayor to lead the discussion to protect thought processes. • Mayor elected at large and voting makes that person accountable to the community. • Other charters have the mayor voting. 	CONS: <ul style="list-style-type: none"> • What happens in case of a tie? Fails. • Could be mayor is leading the discussion and does not want to influence a vote either way. • Cannot be a facilitator if you have to vote • Is asking the mayor to take more of a role than a facilitator worth changing this subsection? • If there is a very split council, could shut down business. • Mayor would become a member of the council. • Does this strengthen or weaken the mayor?
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<ul style="list-style-type: none"> • Mayoral veto is similar to 4th class city. • Mayor could choose not to vote and opt to facilitate only. • If doesn't vote, could be called on it. • If can't rely on council to conduct business, need to have the mayor voting. • Veto power sparsely used. Maybe designed for a larger body. 	
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MOTION: Revise wording in Section 4.4(a) to read as follows, and deleting Subsection 4.4(c).

Section 4.4(a) Council Meetings

(a) Council Meetings. The Mayor shall preside at meetings of the Council, and shall vote on all ordinances except in the event of a legal conflict. The Mayor may call special meetings of the Council as provided in Section 3.13(a), Meetings.

DISCUSSION on May 3: Mayor voting on all issues. Motion and second to discuss further

<p>PROS: City Attorney presented new wording.</p> <ul style="list-style-type: none"> • Did Commission want to change to say the Mayor shall vote on all issues or does it mean only on ordinances? • City Attorney interpreted this as meaning the Mayor could vote on any of the issues but "shall" vote on ordinances. <p>Would Mayor be a part of the Council.</p> <ul style="list-style-type: none"> • Reason for Mayor voting was to get the Mayor's position on the table. But only on ordinances. • Mayor could vote on an issue to break a tie if he wishes, in the language previously voted on. • Mayor as member of Council: takes 5 to pass ordinance and if member, would be the same number. 	<p>CONS:</p> <ul style="list-style-type: none"> • Concern that a vote by the Mayor could shut down an issue.
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MOTION: Motion failed to reopen discussion on Section 4.4(a) Council meetings. Revisions stand.

10/18/16

<p>PROS:</p> <ul style="list-style-type: none"> • Add "and resolutions" after "Ordinances" and Mayor voting last. • Would see more leadership from Mayor if votes. • If Mayor votes last, would still break a tie. 	<p>CONS:</p>
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MOTION: Amend the language to read: "...and may vote on any issue before the Council and shall vote on all ordinances and resolutions except in the event of a legal conflict. The Mayor shall vote last on all items".

FURTHER AMENDED LANGUAGE suggested by Ron Williams:

(a) Council Meetings.

- (1) The Mayor shall preside at meetings of the Council.**
- (2) The Mayor may vote on any issue before the Council.**
- (3) The Mayor shall vote on all ordinances and resolutions except in the event of a legal conflict.**
- (4) The Mayor shall vote last on all items.**
- (5) The Mayor may call special meetings of the Council as provided in Section 3.13.(a), Meetings.**

Section 4.4(b) State of the City.

<p>PROS:</p> <ul style="list-style-type: none"> • Messages basically deal with Staff’s progress and needs to be more substantive. • Maybe say to focus on City’s strengths and weaknesses, instead of how great they are. • Up to the Mayor how to handle this requirement. 	<p>CONS:</p>
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***MOTION: NO CHANGE**

Section 4.4(c) Veto.

<p>PROS:</p>	<p>CONS:</p>
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***MOTION: DELETE THIS SECTION**

Section 4.4(d) Execution of Laws.

<p>PROS:</p>	<p>CONS:</p>
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4.4(e) Execution of Documents.

<p>PROS:</p> <ul style="list-style-type: none"> • Add words from deleted 4.4(c) Veto regarding the execution of documents. • Even if Mayor votes “no”, if the item was passed by the Council, the Mayor would not be fulfilling responsibility of this office. There would be dissension in the Council 	<p>CONS:</p> <ul style="list-style-type: none"> • Have to determine the person in a certain position to sign if Mayor refuses. • Does this require (demand) that the Mayor sign?
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***MOTION: ADD PROPOSED LANGUAGE:**

“If any ordinance, resolution, agreement or instrument is not signed by the Mayor within 10 days of approval by the City Council, the same shall be deemed executed by the Mayor.”

BECOMES SECTION 4.4(d)

4.4(f) Appointments.

- Attendance of members at citizen board meetings
- Method of appointment to boards and commissions
- Lack of transparency on who has applied.
- Volunteer hours

<p>PROS:</p> <ul style="list-style-type: none"> • Appointments have not always been timely. • Should be City Clerk who advises Mayor who is coming up. (Mayor’s secretary keeps the Mayor apprised of any terms coming due.) • Could have members whose terms are expired still serving. • Attendance should be within the by-laws of the Boards/Commissions • Suggest vacancies shall be filled within 90 days. • Time requirement does require a mayor to 	<p>CONS:</p>
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appoint.	
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***FINAL MOTION: Amend to include, "...shall appoint all members of committees, authorities, boards and commissions at or prior to the expiration of a term or vacancy..."**

BECOMES SECTION 4.4(e)

4.4(g) Administrative Policy Matters.

BECOMES SECTION 4.4(f)

4.4(h) Remit Fines and Forfeitures and Grant Reprieves and Pardons.

BECOMES SECTION 4.4(g)

4.4(i) Review City Manager.

BECOMES SECTION 4.4(h)

4.4(j) Other Duties

BECOMES SECTION 4.4(i)

PROS: <ul style="list-style-type: none">Steve Arbo – no instance of overlap in duties between Mayor and City Manager	CONS:
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***MOTION: NO CHANGE in Section (g) through (j), [amended to Section (f) through (i)] with the exception of adjusting the outline.**

Section 4.5. Prohibition Against Holding Other Office.

PROS: <ul style="list-style-type: none">Proposed new language by City Attorney to match amendments in Article III City Council, Section 3.6.	CONS:
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***MOTION: Same as councilmember:
"...shall hold any other Lee's Summit city office, or city employment, other elected public office or any incompatible public office, during the term..."**

Section 4.6.(a) Vacancy

PROS:	CONS:
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***MOTION: No Change**

Section 4.6.(b) Forfeiture of Office

PROS: <ul style="list-style-type: none">Discussion about similarity to Section 3.7	CONS:
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MOTION: Approve as modified by City Attorney:

"...The Mayor shall be subject to discipline by the council up to and including removal of office if he or she shall have been found to have violated Section 3.5 Administrative Policy Matters, after opportunity for a public hearing.

Section 4.6.(c) Filling of Vacancy

PROS:	CONS:
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***MOTION: No Change**

ARTICLE V. CITY MANAGER

Section 5.1 Appointment and Terms

- Explore title of City Manager
- Clarify the language, should say “Office of the City Manager”
- Indefinite term, serves at will of Council. Does the role need to be changed?

<p>PROS:</p> <ul style="list-style-type: none"> City Manager form of government. High-level, top tier professionals but politically responsive. City Manager must be responsive to the elected officials but the elected officials should not be involved in day-to-day activities. City Manager is here to help Mayor and Council to be successful. City Manager is an “at will” position Need ability to attract good people. Keeps a City Manager’s attention if don’t have a set number of years. Branches of government – Legislative, Administrative and Judicial 	<p>CONS:</p> <ul style="list-style-type: none"> What does “indefinite” mean? Council has the ability to relieve a City Manager by 2/3 vote Contract with set number of years? Is not the normal practice in a municipal organization
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MOTION: NO CHANGE

Section 5.2 Powers and Duties

Section 5.2(a) Appointment and Removal of Department Directors

PROS:	CONS:
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MOTION: NO CHANGE

Section 5.2(b) Administration of Departments.

- Boards/commissions should get documents in timely manner before meeting (SEE proposed new Section 5.2(k))

<p>PROS:</p> <ul style="list-style-type: none"> Suggest 5 business days prior to meeting Proposed an entirely new article – Section 5.2(k) See discussion and vote for Section 5.2(k) 	<p>CONS:</p> <ul style="list-style-type: none"> No other provisions in Charter about a time requirement
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MOTION: NO CHANGE

Section 5.2(c) Attend City Council Meetings.

Section 5.2(d) Enforcement of Laws.

PROS:	CONS:
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MOTION: NO CHANGE

Section 5.2(e) Budget and Capital Program.

<p>PROS:</p> <ul style="list-style-type: none"> Alignment of City Council budget with goals. Suggest adding wording “...demonstrating its alignment with the City’s vision”. How do the proposed programs fit in with Council goals? Or wording, “In alignment with the City’s adopted vision statement.” 	<p>CONS:</p> <ul style="list-style-type: none"> Don’t believe the Charter is the place for that.
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MOTION: NO CHANGE

Section 5.2(f) Finance and Administrative Report.

PROS: <ul style="list-style-type: none">• Make this available electronically	CONS:
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MOTION: NO CHANGE

Section 5.2(g) Other Reports.

PROS:	CONS:
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MOTION: NO CHANGE

Section 5.2(h) Report of Financial Condition of the City.

PROS: <ul style="list-style-type: none">• Add “comma” to divide into two sentences.• City Manager provides recommendations as he deems necessary to the Mayor and Council.• Should it be “shall”?• Change “desirable” to “necessary” or “appropriate”.• Final decision was to add a “comma” after “city”.	CONS: <ul style="list-style-type: none">• As proposed, does not change the meaning of the paragraph much.• City Manager should not be held accountable if he doesn’t make a recommendation. Should be up to Council to ask questions.
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MOTION: Add “comma” after the word “city”.

Section 5.2(i) Execution of Documents.

PROS: <ul style="list-style-type: none">• Conversation about Mayor not signing a document.	CONS: <ul style="list-style-type: none">• But that deals with Mayor not signing ordinances when he vetoes.
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MOTION: NO CHANGE

Section 5.2(j) Other Duties

PROS:	CONS:
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MOTION: NO CHANGE

PROPOSED Section 5.2(k)

➤ To address the issue that boards/commissions should get documents in timely manner before meeting.

PROS: <ul style="list-style-type: none">• Suggest 5 business days prior to meeting• Should not pull items off the agenda for last minute changes. Long process and shouldn’t penalize applicants.• Could be included in each boards or commission by-laws or in department procedures.	CONS: <ul style="list-style-type: none">• No other provisions in Charter about a time requirement -may not belong in the Charter, procedurally handled internally.• Few boards and commission need a 5 day lead time.
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MOTION: DO NOT ADD PROPOSED SECTION 5.2(k).

(NOTE: Section 5.2: No changes except 5.2.h) – see above.)

Section 5.3. Acting City Manager

PROS: <ul style="list-style-type: none">• Council could appoint an acting city manager.• Maybe put it in the hands of the Mayor.• Council could still make a change• Based on Section 5.3, Mayor would have the ability to appoint with advice and consent of Council.	CONS: <ul style="list-style-type: none">• No provision in case of an emergency if City Manager is incapacitated. There could be an instance where he could not submit a letter.
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MOTION: NO CHANGE

Section 5.4. Performance Review

PROS: <ul style="list-style-type: none"> • Question of fiscal or calendar year. • May be in City Manager contract. 	CONS:
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MOTION: NO CHANGE

ARTICLE VI. ADMINISTRATIVE ORGANIZATION AND PERSONNEL SYSTEM

Section 6.1. Administrative Organization

PROS:	CONS:
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MOTION: NO CHANGE

Section 6.2. Personnel System

- Transparency of government. Explore how all departments can move to a more transparent operation.
- Personnel policies. Give a clear message that the City is committed to diversity in personnel and actions.

PROS: <ul style="list-style-type: none"> • Take out cap “A” in “all”. • Why is there “shall” and “may”? 	CONS: <ul style="list-style-type: none"> • Could be a change in law that requires a quick policy change. City Manager has ability to change without Council action.
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MOTION: Change “may” to “shall”; and, correct typo - “All” to “all”.

ARTICLE VII. MUNICIPAL COURT

Comments from Judge Altieri: Provided packets for Commission

- Remove provision for a presiding judge
- Include judges in the hiring process for court personnel
- Place Court Administration position under Human Resources
- Change Traffic Violations Bureau supervision from Presiding Judge to both judges
- Add provision from State Statutes as Section 7.3(b):
 “In the event the Municipal Judges are unable to reach an agreement regarding the administration of the Municipal Court, then the Presiding Judge of the circuit shall be contacted and the Presiding Judge of the circuit shall decide the issue.”

PROS: <ul style="list-style-type: none"> • A two-year rotation for presiding judge. • Re Judges should be included in hiring of court personnel • Need for job descriptions for court clerks and administrator move the requirement for presiding judge. 	CONS: <ul style="list-style-type: none"> • How to determine the presiding judge position • Two divisions of court- Divisions 243 and 263 of the Sixteenth Judicial Circuit Court • Issue with division of two departments overseeing Court Administrator
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Comments from Conrad: <ul style="list-style-type: none"> • Court has a lot of the same financial responsibilities as the Finance Department. • He cannot discipline a court administrator. Must follow the same rules as other city positions. • Subcommittee of other employees from different 	
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departments assist in interviews for positions with advice of HR <ul style="list-style-type: none"> • Court administrator hiring does involve the judges • Has worked well in the past. 	
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Section 7.1 Jurisdiction

PROS:	CONS:
	•

MOTION: NO CHANGE

Section 7.2. Judges Section 7.2(a) Election and Terms

➤ Remove provision for a presiding judge

PROS:	CONS:
<ul style="list-style-type: none"> • A lot of information to determine what falls to a hiring manager, HR, how much say judge has in decisions. • In addition to personnel issues, presiding judge is in charge of dockets. • In all organizations, someone has to be in charge of making decisions. • Circuit Court has a presiding judge who would turn to City Charter for direction. • Per Law Dept., the word “senior” would appear to mean the one who has been on the bench the longest. • Other cities operate without a presiding judge. 	<ul style="list-style-type: none"> • Question is whether an amendment would be better for the community. • Alarming that there is discord in positions • Need to further define “senior judge”? • What does eliminating the presiding judge accomplish? • What influence does the presiding circuit judge have over municipal court? • What happens if presiding judge becomes incapacitated? • Could see the need for a second opinion but decisions for the municipal court should be up to municipal judges. Would decisions from Jackson County presiding circuit judge be timely? • With rotation, could have a newly-elected judge serving as presiding judge.

MOTION: Accept 7.2(a) as written

MOTION to AMEND to change language to allow for a two-year rotation. Direct Law to bring back with appropriate language. MOTION FAILED.

VOTE on original motion tied 4 to 4.

7/19/16 SECOND DISCUSSION

PROS:	CONS:
<ul style="list-style-type: none"> • David Elliott provided background from original Charter Commission. • Chapter 11 of Code, carried over. There was no controversy about this concept; Commission left it alone. • 27 references in current Code to presiding judge. • Would have to analyze to see if the provisions are being followed. • Independence has two judges but they are not elected. • His interpretation: the judge who has been sitting on the bench longest would be presiding judge. • Define “senior judge”, maybe the longest-tenured municipal judge sitting on the bench? 	<ul style="list-style-type: none"> • Not suggesting to put in Charter, belongs in Code. • What does “shall be designated by agreement” mean? • What will be gained by changing?

MOTION: City Attorney to provide definition of “senior”, as well as how to decide presiding judge in event more judges’ positions are added. Passed 11-0

On 9/20/16, MOTION: NO CHANGE to 7.2(a)

**Section 7.2(b) Powers and Duties
Section 7.2(d) Prohibition
Section 7.2(e) Vacancies
Section 7.2(f) Forfeiture of Office
Section 7.2(g) Removal from Office**

PROS:	CONS: <ul style="list-style-type: none">•
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MOTION: NO CHANGE

Section 7.2(h) Filing of Vacancies

PROS: <ul style="list-style-type: none">• Include the word “qualified” – “... when a qualified person will be publicly elected...”	CONS: <ul style="list-style-type: none">• Not necessary because any person filing for elected office must meet the qualifications.
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MOTION: NO CHANGE

Section 7.2(i) Compensation

PROS:	CONS: <ul style="list-style-type: none">•
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MOTION: NO CHANGE

Section 7.3. Court Administration.

- Include judges in the hiring process for court personnel
- Place Court Administration position under Human Resources

PROS: <p>Position of Court Administrator:</p> <ul style="list-style-type: none">• Should be directly under the City Manager, which would remove elected officials from being responsible for personnel.• There are federal and state requirements for collecting funds and reports that are to be submitted to the Finance Director.• Court Administrator schedules dockets. Not daily contact with judges.• Exit interviews are conducted, so data can be reviewed to see reasons for leaving.	CONS: <ul style="list-style-type: none">• Should Commission make decisions dealing with personnel?• Judges are transient and should not be involved in hiring.• Charter already says personnel issues are the responsibility of the City Manager. If the department decides input from judges is necessary, that is their decision.• Not the Commission’s role to settle personnel issues.
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MOTION: AMEND the section by deleting “. . .” and adding the following:

The Court Administrator and other court employees shall discharge all duties incident of the court administration under the direction and control of the City Manager, except as otherwise provided by law.

ON 9/20/16: Language proposed by City Attorney

“The Council shall provide for a Court Administrator, clerks and other personnel for the Municipal Court. The Court Administrator and other court employees shall discharge all duties incident of the court administration under the direction and control of **[the presiding judge of the Circuit. All issues and matters not incident to court administration shall be subject to the policies and procedures of the City and fall under the direction and control of the City Manager, except as provided by law. The City Manager, or his/her designee, shall appoint, suspend or remove, and render the annual performance review, of the Court Administrator after**

consultation with the municipal court judges.]”
MOTION: APPROVE with language above.

Section 7.4. Traffic Violations Bureau.

➤ Change Traffic Violations Bureau supervision from Presiding Judge to both judges

PROS:	CONS: •
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MOTION: NO CHANGE

ARTICLE VIII. PARKS AND RECREATION BOARD

Section 8.1 Composition
Section 8.1(a) Appointment and Terms

PROS: <ul style="list-style-type: none"> • Most of structure based in State Statutes. • Original Charter continued the established Park Board provisions. • Has been in place for 47 years. • Advantages – gives Board opportunity to be focused on Park issues only and relieves Council of dealing with those day-to-day issues. • Intimately connected to City with payroll and other functions. • All decisions of the Park Board are subject to review by Council if 3 councilmembers request review. • Success in LS has been phenomenal under this system. 	CONS: <ul style="list-style-type: none"> • Could do away with Park Board and give operation to Council. • No provision for term limitation. Should there be?
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***MOTION: NO CHANGE.**

10/18/16 FURTHER DISCUSSION FROM CITIZEN:

➤ Publicly-elected Park Board members

PROS: <ul style="list-style-type: none"> • Quasi-separation between Parks and City. • Accountability for expenditure of funds. • Council can deny an appointment and/or remove a board member. • What about term limits? Institutional knowledge. If limit, no incentive to run. 	CONS: <ul style="list-style-type: none"> • Do not know of any park board that is election. • Citizen could ask for removal of a member.
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NO CHANGE

Section 8.1(b) Council Liaison
Section 8.1(c) Officers
Section 8.1(d) Removal

PROS: <ul style="list-style-type: none"> • Vote of 2/3rd should include the vote of the mayor. 	CONS:
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***MOTION: NO CHANGE.**

Section 8.2 Powers and Duties
Section 8.2(a) General

➤ Parks and Recreations Department

PROS:	CONS:
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<ul style="list-style-type: none"> • Great Parks system so make sure carefully consider any changes. • Separate from rest of the City. Allowed under MO statutes. 	<ul style="list-style-type: none"> • Not sure a good idea to have separate.
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***MOTION: NO CHANGE**

Section 8.2(b) Property

<p>PROS:</p> <ul style="list-style-type: none"> • Tom Lovell P&R Director, provided procedures followed when Parks acquires property – 16 point process. • Provisions are in Charter for Council to review. Land is titled in the name of the City. Fits in with responsibility given to Park Board. • The addition of parks increases the value of land around it. • Any acquisition is presented to the Council. • Some properties are endowments or often developments set aside property that is not conducive to development for a park. 	<p>CONS:</p> <ul style="list-style-type: none"> • Presently Board has authority to purchase property. Up to City Council to stop them. Would like to see this changed. • When add to City-owned, reduce tax base and could increase tax burden for tax payers. • Would feel more comfortable with this being under the Council. • Perhaps needs more public discussion. • Having the Council approve will make it political. • If acquire land, Council may not review before purchased. However, a Council member serves as liaison and that role is to keep Council informed. Also, Mayor signs sale transactions.
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***MOTION: NO CHANGE**

Section 8.3 Parks and Recreation Fund

Section 8.3(a) Tax Levy

Section 8.3(b) Separate Fund

- Use of property and sales tax revenue, as approved by voters

PROS:	CONS:
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***MOTION: NO CHANGE**

Section 8.4 Annual Report

PROS:	CONS:
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***MOTION: NO CHANGE**

Section 8.5 Review of Board Decisions

- Change requirement for Council review of Parks Board decisions from “2/3rds” vote of the Council to “simple majority”

<p>PROS:</p> <ul style="list-style-type: none"> • Lot of Boards/Commissions spend time & resources vetting issues and then their decisions are flipped by a simple majority; becomes political. • Would focus Council’s attention on something they feel is important enough to reverse the decision of an important board. • Addresses checks and balances. A bad decision should have 2/3rd in agreement. • David Elliott: Before the Charter, Parks was strictly under State Statute. This was a compromise between Charter Commission and Park Board. Issue was thoroughly discussed and considered. 	<p>CONS:</p> <ul style="list-style-type: none"> • See no problem with another level of review. • Too high of a threshold for Council vote. Should be a simple majority. Makes more sense to maintain transparency.
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MOTION: Section 8.5 to read “simple majority”, rather than 2/3rds vote. MOTION FAILED.

***MOTION: NO CHANGE. (Passed 9-2)**

ARTICLE IX. DECLARATION OF CANDIDACY AND ELECTIONS

**Section 9.1 Municipal Election
Section 9.1(a) Regular Elections.
Section 9.1(b) Special Elections.
Section 9.1(c) Conduct of Elections.
Section 9.1(d) Definition of Qualified Voter**

PROS: <ul style="list-style-type: none">• Should there be something in Charter to keep people from making their party affiliations a part of the campaign material.• Can easily identify party affiliation through candidate donations, another layer.• Could state that any candidate shall not show any party affiliation.• Other candidates would be the ones to police that.	CONS: <ul style="list-style-type: none">• In the last election, there were “code” words used in advertisements that showed party affiliation.• Provision is already in the Charter.• Not a Charter issue or something Charter could control.• Voter responsibility to decide if it matters to them.
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MOTION: NO CHANGE

Section 9.2 Declaration of Candidacy

PROS: <ul style="list-style-type: none">• Last line – perhaps move and add 9.5 penalties to cover the whole Article.	CONS: <ul style="list-style-type: none">• This is the only part of the Article that had violations.
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MOTION: NO CHANGE

Section 9.3. Determination of Election Results.

PROS:	CONS:
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MOTION: Insert “...meeting following receipt of certification...”

Section 9.4 City Council Districts

- More clarification about council division lines
- Determine how to establish redistricting committee
- Number of districts, including at-large versus more districts

PROS:	CONS: <ul style="list-style-type: none">• If there are 8 districts and only one councilmember in each district, the City would lose institutional knowledge when a new councilmember is elected.• Financial argument is made only on gross population. Number of registered voters who vote does not fluctuate that much, traditionally.• Easier to be more political if smaller districts.
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MOTION: NO CHANGE

ARTICLE X. INITIATIVE, REFERENDUM AND RECALL

****See proposed section amendments from City Clerk and City Attorney****

Substantive proposed changes:

Section 10.2. Commencement of Proceedings; Petitioners' Committee; Notarized Affidavit.

Proposed Section 10.2(f)

PROS:	CONS:
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<ul style="list-style-type: none"> Suggestion to add 14 days. Referendum needs to be within a certain amount of days because don't want to go too long after ordinance passes and has been in place. 	
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MOTION: ADD the following in Section 10.2:

(f) A committee affidavit related to a referendum shall be filed no later than fourteen (14) days after adoption by the City Council of the ordinance sought to be reconsidered.

Section 10.4. Procedure After Filing.

Section 10.4(a) Certificate of City Clerk; Amendment.

PROS: <ul style="list-style-type: none"> Change 5 business days to 10 business days to certify petition. Gives County time to verify. 	CONS:
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MOTION: AMEND Section 10.4(a)(5) to read:

(5) Within ten (10) business days after the supplement petition is filed....

On ARTICLE X. INITIATIVE, REFERENDUM AND RECALL, the Commission voted to APPROVE the suggestions from the City Clerk and City Attorney, which are clerical in nature, for the whole Section and APPROVE the two proposed changes above.

ARTICLE XI. FINANCIAL PROCEDURES

Section 11.1 Fiscal Procedures

Section 11.2 Submission of Budget and Budget Message

Section 11.3 Budget

Section 11.4 Capital Program.

- Tie CIP to city goals to understand why expenditures are being made
- How can Charter require an annual strategic meeting of Mayor and Council

PROS: <ul style="list-style-type: none"> Charter may already address the request - 11.4(b)(1) appears to cover this comment 	CONS: <ul style="list-style-type: none"> No set city goal adopted by the Council that is adopted into the budget.
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MOTION: NO CHANGE in 11.1 to 11.4

NOTE: City Attorney and Finance Director to Review Article 11 to assure compliance with State Statute procedures

ON 9/20/1: NO CHANGE.

Section 11.5 Council Action on Budget.

Section 11.6 Public Records

- Provision for action if budget not passed (Section 11.5.(c))

PROS: <ul style="list-style-type: none"> State Statutes and Charter state it would revert to the previous budget [11.5(c)] Procedure but no penalty. Keep using the one in place until a new budget is passed. Maybe provision to say if there is no newspaper, notice can be given in another way. Change to say, "...shall publish annually...or as otherwise provided by law." In that way, if State Statutes changes, will be covered. See Sections 11.5(a), and 11.6 second sentence 	CONS: <ul style="list-style-type: none"> No provision if there is not a newspaper of general circulation. What happens if local papers are gone? Lose the intent.
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MOTION: Amend 11.5(a) and 11.6 to add "...or as otherwise provided by law".

**Section 11.7. Amendment After Adoption.
Section 11.8. Tax Rates and Tax Rolls.
Section 11.9. Sale of Bonds.**

PROS:	CONS:
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MOTION: NO CHANGE

ARTICLE XII. FRANCHISES

Section 12.1. Granting of Franchises.

PROS: <ul style="list-style-type: none">• State allows 30 years but city can be more restrictive.• Typo – “therefor” should be “therefore”.	CONS:
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**Section 12.2. Right of Regulation.
Section 12.3. Temporary Permits.
Section 12.4. Operation Beyond Franchise Period.**

PROS:	CONS:
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MOTION: NO CHANGE

11/01/16 Proposed changes provided by Law to meet State Statutes.

MOTION: Approve changes as provided

ARTICLE XIII. LICENSING, TAXATION AND REGULATION OF BUSINESS, OCCUPATIONS, PROFESSIONS, VOCATIONS AND OTHER ACTIVITIES OR THINGS

Section 13.1. Objects of Licensing, Taxation and Regulation.

PROS:	CONS:
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MOTION: NO CHANGE

ARTICLE XIV. GENERAL PROVISIONS

Creation of limits on citizen commissions and committees to assure participant opportunities for citizens ("Strategy 3" from LS 360)

**Section 14.1. Personal Financial Interest
Section 14.2. Prohibitions**

PROS: <ul style="list-style-type: none">• City passes an annual Personal Financial Disclosure ordinance, which is part of the City's Code of Ordinances.• Several provisions could be included in the Council's Code of Ethics.	CONS:
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MOTION: NO CHANGE

Section 14.3. Political Activity

PROS:	CONS:
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<ul style="list-style-type: none"> • City employees placing political signs in their yards does not seem to be enforceable and needs to be clarified. • Charter Commission as a whole can educate but cannot tell people to vote for amendments until after the Commission has disbanded. • Is there funding for education of the ballot? • Brian to research issue of employees endorsing candidates and other ballot issues, specifically signs. • Statute allows public safety personnel to serve on other boards. • Council could pass ordinances, rather than putting in Charter. 	
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MOTION: ON HOLD FOR INFORMATION FROM CITY ATTORNEY

ON 9/20/16: MOTION for no change.

Section 14.4. All Ordinances Effective on Municipal Land

Section 14.5. Notice of Suits

Section 14.6. Official Bonds

PROS:	CONS:
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MOTION: NO CHANGE

Section 14.7. Charter Amendment

PROS: • Add:	CONS:
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MOTION: Amend a portion of Section 14.7 by removing “at the next election held in the city not less than sixty days after its passage, or at a special election held as provided by law and the Constitution for a charter” as follows:

“...The Council shall at once provide by ordinance that any amendment so proposed shall be submitted to the electors at the next available regular or special election date as established by the Missouri election calendar in accordance with state law, for which timely notice may be given...”

Section 14.8. Charter Review Commission

PROS: • Not clear that Council will place recommendations on ballot. • Way Charter reads, once Commission makes a decision, the amendments are placed on the ballot. • Once commission sets amendments, could be certified by City Clerk to go on ballot. • Previous section 14.7 clarifies that the Council must place on the next ballot.	CONS:
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MOTION: NO CHANGE

Section 14.9. Public Improvements and Special Assessments

Section 14.10. Proof of Ordinance

Section 14.11 Separability

PROS:	CONS:
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MOTION: NO CHANGE

ARTICLE XV. TRANSITIONAL PROVISIONS

PROS:	CONS:
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MOTION: STRIKE ARTICLE FROM NOVEMBER 2007 CHARTER.

ARTICLE XVI. SCHEDULE

PROS:	CONS:
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MOTION: STRIKE ARTICLE FROM NOVEMBER 2007 CHARTER.

**ARTICLE XVII. TRANSITIONAL PROVISIONS FOR CHARTER AMENDMENTS
APPROVED BY THE VOTERS ON NOVEMBER 6, 2007**

PROS:	CONS:
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MOTION: STRIKE ARTICLE FROM NOVEMBER 2007 CHARTER.

SUGGESTIONS FOR POSSIBLE ADDITIONAL ARTICLES:

- Human rights, code of ethics, as outlined in other City Charters

PROS:	CONS:
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MOTION: