

BILL NO. 16-273

AN ORDINANCE CALLING AN ELECTION FOR APRIL 4, 2017, IN THE CITY OF LEE'S SUMMIT, MISSOURI, A CONSTITUTIONAL CHARTER CITY, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF SAID CITY QUESTIONS OF AMENDING THE CHARTER FOR THE CITY OF LEE'S SUMMIT AND AUTHORIZING THE ELECTION AUTHORITIES OF JACKSON AND CASS COUNTIES TO CONDUCT SAID ELECTION; PRESCRIBING THE FORM OF QUESTION TO BE USED AND PROVIDING THAT NOTICE OF SAID ELECTION BE GIVEN AND SAID ELECTION BE HELD IN ACCORDANCE WITH ALL APPLICABLE MISSOURI LAW.

WHEREAS, on April 2, 1996, the citizens of Lee's Summit, Missouri, voted to enact a City Charter for the governance of the City, which became effective on the first meeting after certification of the election results; and,

WHEREAS, Article XIV of the City Charter, §14.8 provides that from time to time, but no less often than every ten years, the Council shall provide for a Charter Review Commission to review the City Charter and to recommend to the voters of the city proposed amendments, if any, to the Charter, and that the Charter Review Commission shall, within twelve months of its first meeting, report to the voters as many amendments to the Charter as it deems advisable; and,

WHEREAS, the City Council appointed the City of Lee's Summit's First Charter Review Commission on July 6, 2006 by Resolution No. 06-13 and certain amendments to the Charter were authorized by the voters of the City; and,

WHEREAS, the City Council appointed the City of Lee's Summit 2016 Charter Review Commission on December 17, 2015 by Resolution No. 15-18

WHEREAS, the duly appointed Charter Review Commission held its first meeting on January 11, 2016, and after meeting regularly thereafter gathering information, holding public hearings, hearing testimony, debating issues and thoughtful deliberation, delivered its report to the voters with proposed amendments within twelve months of its first meeting; and,

WHEREAS, Article XIV of the City Charter, §14.7 provides that the Council shall at once provide by ordinance that any amendment so proposed shall be submitted to the electors at the next election held in the city not less than sixty days after passage of the ordinance; and,

WHEREAS, the next election to be held in the city, which is not less than 60 days after the Charter Review Commission delivered its report to the voters, will occur on April 4, 2017; and,

WHEREAS, the Council of the City of Lee's Summit wishes to submit the questions referred by the Charter Review Commission to the voters of the City.

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

SECTION 1. That an election shall be held on April 4, 2017, placing before the voters

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within the City of Lee's Summit the following questions in the following order:

QUESTION NO. 1

Shall the preamble of the City Charter for the City of Lee's Summit, Missouri, be amended to read as follows:

"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"?

QUESTION NO. 2

Shall the Charter of the City of Lee's Summit, Article III., City Council., be amended in various sections to: clarify the term "qualified voter", to require that a member of the City Council remain a qualified voter of his or her district during his or her term of office, to provide that the Mayor of the City shall appoint the Mayor Pro Tempore instead of the City Council, prohibit a Councilmember from holding any other elected public office or incompatible public office, clarify the qualifications for appointment to the City Council in the event of a vacancy, require seven days to lapse between introduction and final passage of any ordinance, require copies of proposed ordinances to be made available in the City Clerk's office and the City website, clarify the procedure for approval of an emergency ordinance and limiting the use of the emergency ordinance procedure to certain types of ordinances?

QUESTION NO. 3

Shall the Charter of the City of Lee's Summit be amended to include a new Section 3.15., Charter Violation and Ethics Code., requiring the adoption of an ethics code by the City Council, and allowing sanctions to be imposed upon a City Councilmember only upon a 2/3rds vote of the entire Council including the Mayor?

QUESTION NO. 4

Shall the Charter of the City of Lee's Summit, Article IV., Mayor., be amended in multiple sections to: require the Mayor to vote on all ordinances, remove the Mayor's power to veto ordinances and resolutions, set a time when the Mayor shall appoint members to certain boards and commissions, prohibit the Mayor from holding any other elected public office or incompatible public office, provide for discipline by the City Council in the event he or she is found to have violated certain provisions of the Charter; and, to further amend Article III., City

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Council., Sections 3.4 and 3.13 to remove references to veto and Mayoral tie-breaking to be consistent with Article IV., Mayor?

QUESTION NO. 5

Shall the Charter of the City of Lee's Summit, Section 6.2., Personnel System., be amended to require all appointments and promotions of City Employees and Officers be made solely on the basis of merit and further clarifying that any personnel code shall authorize the City Manager to promulgate certain personnel rules?

QUESTION NO. 6

Shall the Charter of the City of Lee's Summit, Section 7.3., Court Administration., be amended to enact a new provision requiring the Court Administrator to discharge his or her duties under the direction and control of the City Manager, and remove a provision that authorizes the Municipal Judges to suspend, remove and evaluate the performance of the Court Administrator?

QUESTION NO. 7

Shall the Charter of the City of Lee's Summit, Section 9.3., Determination of Election Results., be amended to require canvassing of election returns at the next regularly scheduled meeting of the City Council following receipt of the certification of election returns?

QUESTION NO. 8

Shall the Charter of the City of Lee's Summit, Article X., Initiative, Referendum and Recall., be amended in multiple sections to clarify the initiative, referendum and recall processes and specifically the authority of voters to adopt or reject a proposed ordinance through an initiative procedure, clarify the authority of voters to adopt or reject certain ordinances approved by the City Council through the referendum process, provide additional operational guidance for a petitioners committee, specify the content of a petition, specify the qualifications to be a petition circulator, provide certain time limits, and specify when the City Council must act following receipt and certification of a sufficient petition?

QUESTION NO. 9

Shall the Charter of the City of Lee's Summit, Article XI., Financial Procedures., be amended in multiple sections to require that the budget of the City provide a complete financial plan for all City funds and activities and to allow that the City may utilize newspapers of general circulation

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in the city or other means provided by law to provide certain public notices related to the budget and summary of receipts and expenditures?

QUESTION NO. 10

Shall the Charter of the City of Lee's Summit, Article XII., Franchises., be amended in multiple sections to allow for use of the right-of-way consistent with applicable state and federal law?

QUESTION NO. 11

Shall the Charter of the City of Lee's Summit, Section 14.7, Charter Amendment., be amended to clarify when an election related to charter amendments proposed by the City Council, Charter Review Commission, or a citizen petition be submitted to the voters?

QUESTION NO. 12

Shall the Charter of the City of Lee's Summit be amended by deleting Articles XV., Transitional Provisions., XVI., Schedule., and XVII., Transitional Provisions for Charter Amendments Approved by the Voters on November 6, 2007, in their entirety and by amending Sections 3.2(c), 4.2(b) and 7.2(a) to clarify certain language and to remove references to Article XVI?

SECTION 2. That the form of Notice of Election showing said questions, a copy of which is attached hereto and made a part hereof, is hereby approved.

SECTION 3. That at said election the qualified registered voters of the city shall vote at the polling places within the city, as designated by the Board of Election Commissioners of Jackson County, Missouri, and the Clerk of Cass County, Missouri.

SECTION 4. That the judges and clerks at said election shall be designated by the Board of Election Commissioners of Jackson County, Missouri, and the Clerk of Cass County, Missouri.

SECTION 5. That the City Clerk is hereby authorized and directed to notify the Board of Election Commissioners of Jackson County, Missouri, and the County Clerk of Cass County, Missouri, of the passage of this Ordinance no later than 5:00 P.M. on Tuesday, January 24, 2017, and to include in said notification all of the terms and provisions required by Chapter 115, RSMo, as amended.

SECTION 6. That a full and complete copy of the proposed amendments to the Charter of the City of Lee's Summit, Missouri is attached hereto and incorporated herein by reference, and a copy of same shall be maintained on file in the office of the City Clerk of the City of Lee's Summit, Missouri where the same shall be open for inspection and copying.

SECTION 7. That amendments to the Charter of the City of Lee's Summit, Missouri approved by the voters of the City at the April 4, 2017 election, shall become effective at the first meeting of the City Council after certification of the election results except as provided herein

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below.

SECTION 8. That any and all amendments to Article IV of the Charter of the City of Lee's Summit, Missouri if approved by the voters of the City at the April 4, 2017 election, shall not become effective during the current term of the Mayor in office as of the date of this Ordinance.

SECTION 9. That the amendments to section 3.13. Legislative Proceedings., of the Charter of the City of Lee's Summit, Missouri if approved by the voters of the City at the April 4, 2017 election shall become effective on July 1, 2017.

SECTION 10. That this ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2016.

Mayor Randall L. Rhoads

ATTEST:

City Clerk Denise R. Chisum

APPROVED by the Mayor of said city this ____ day of _____, 2016.

Mayor Randall L. Rhoads

ATTEST:

City Clerk Denise R. Chisum

APPROVED AS TO FORM:

City Attorney Brian W. Head

TUESDAY, APRIL 4, 2017

NOTICE OF ELECTION

CITY OF LEE'S SUMMIT, MISSOURI

Notice is hereby given to the qualified voters of the City of Lee's Summit, Missouri, that the City Council of the city has called an election to be held in the city on Tuesday, April 17, 2017, commencing at 6:00 a.m. and closing at 7:00 p.m., on the questions contained in the following sample ballot:

OFFICIAL BALLOT
ELECTION
CITY OF LEE'S SUMMIT, MISSOURI
TUESDAY, April 4, 2017

QUESTION NO. 1

Shall the preamble of the City Charter for the City of Lee's Summit, Missouri, be amended to read as follows:

"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"?

YES
NO

INSTRUCTIONS TO VOTERS: If you are in favor of the question, place an X in the box opposite "YES." If you are opposed to the question, place an X in the box opposite "NO."

QUESTION NO. 2

Shall the Charter of the City of Lee's Summit, Article III., City Council., be amended in various sections to: clarify the term "qualified voter", to require that a member of the City Council remain a qualified voter of his or her district during his or her term of office, to provide that the Mayor of the City shall appoint the Mayor Pro Tempore instead of the City Council, prohibit a Councilmember from holding any other elected public office or incompatible public office, clarify the qualifications for appointment to the City Council in the event of a vacancy, require seven days to lapse between introduction and final passage of any ordinance, require copies of proposed ordinances to be made available in the City Clerk's office and the City web site, clarify the procedure for approval of an emergency ordinance and limiting the use of the emergency

ordinance procedure to certain types of ordinances?

YES
NO

INSTRUCTIONS TO VOTERS: If you are in favor of the question, place an X in the box opposite "YES." If you are opposed to the question, place an X in the box opposite "NO."

QUESTION NO. 3

Shall the Charter of the City of Lee's Summit be amended to include a new Section 3.15., Charter Violation and Ethics Code., requiring the adoption of an ethics code by the City Council, and allowing sanctions to be imposed upon a City Councilmember only upon a 2/3rds vote of the entire Council including the Mayor?

YES
NO

INSTRUCTIONS TO VOTERS: If you are in favor of the question, place an X in the box opposite "YES." If you are opposed to the question, place an X in the box opposite "NO."

QUESTION NO. 4

Shall the Charter of the City of Lee's Summit, Article IV., Mayor., be amended in multiple sections to: require the Mayor to vote on all ordinances, remove the Mayor's power to veto ordinances and resolutions, set a time when the Mayor shall appoint members to certain boards and commissions, prohibit the Mayor from holding any other elected public office or incompatible public office, provide for discipline by the City Council in the event he or she is found to have violated certain provisions of the Charter; and, to further amend Article III., City Council., Sections 3.4 and 3.13 to remove references to veto and Mayoral tie-breaking to be consistent with Article IV., Mayor?

YES
NO

INSTRUCTIONS TO VOTERS: If you are in favor of the question, place an X in the box opposite "YES." If you are opposed to the question, place an X in the box opposite "NO."

QUESTION NO. 5

Shall the Charter of the City of Lee's Summit, Section 6.2., Personnel System., be amended to require all appointments and promotions of City Employees and Officers be made solely on the basis of merit and further clarifying that any personnel code shall authorize the City Manager to promulgate certain personnel rules?

YES

NO

INSTRUCTIONS TO VOTERS: If you are in favor of the question, place an X in the box opposite "YES." If you are opposed to the question, place an X in the box opposite "NO."

QUESTION NO. 6

Shall the Charter of the City of Lee's Summit, Section 7.3., Court Administration., be amended to enact a new provision requiring the Court Administrator to discharge his or her duties under the direction and control of the City Manager, and remove a provision that authorizes the Municipal Judges to suspend, remove and evaluate the performance of the Court Administrator?

YES
NO

INSTRUCTIONS TO VOTERS: If you are in favor of the question, place an X in the box opposite "YES." If you are opposed to the question, place an X in the box opposite "NO."

QUESTION NO. 7

Shall the Charter of the City of Lee's Summit, Section 9.3., Determination of Election Results., be amended to require canvassing of election returns at the next regularly scheduled meeting of the City Council following receipt of the certification of election returns?

YES
NO

INSTRUCTIONS TO VOTERS: If you are in favor of the question, place an X in the box opposite "YES." If you are opposed to the question, place an X in the box opposite "NO."

QUESTION NO. 8

Shall the Charter of the City of Lee's Summit, Article X., Initiative, Referendum and Recall., be amended in multiple sections to clarify the initiative, referendum and recall processes and specifically the authority of voters to adopt or reject a proposed ordinance through an initiative procedure, clarify the authority of voters to adopt or reject certain ordinances approved by the City Council through the referendum process, provide additional operational guidance for a petitioners committee, specify the content of a petition, specify the qualifications to be a petition circulator, provide certain time limits, and specify when the City Council must act following receipt and certification of a sufficient petition?

YES
NO

INSTRUCTIONS TO VOTERS: If you are in favor of the question, place an X in the box opposite "YES." If you are opposed to the question, place an X in the box opposite "NO."
QUESTION NO. 9

Shall the Charter of the City of Lee's Summit, Article XI., Financial Procedures., be amended in multiple sections to require that the budget of the City provide a complete financial plan for all City funds and activities and to allow that the city may utilize newspapers of general circulation in the City or other means provided by law to provide certain public notices related to the budget and summary of receipts and expenditures?

YES
NO

INSTRUCTIONS TO VOTERS: If you are in favor of the question, place an X in the box opposite "YES." If you are opposed to the question, place an X in the box opposite "NO."

QUESTION NO. 10

Shall the Charter of the City of Lee's Summit, Article XII., Franchises., be amended in multiple sections to allow for use of the right-of-way consistent with applicable state and federal law?

YES
NO

INSTRUCTIONS TO VOTERS: If you are in favor of the question, place an X in the box opposite "YES." If you are opposed to the question, place an X in the box opposite "NO."

QUESTION NO. 11

Shall the Charter of the City of Lee's Summit, Section 14.7, Charter Amendment., be amended to clarify when an election related to charter amendments proposed by the City Council, Charter Review Commission, or a citizen petition be submitted to the voters?

YES
NO

INSTRUCTIONS TO VOTERS: If you are in favor of the question, place an X in the box opposite "YES." If you are opposed to the question, place an X in the box opposite "NO."

QUESTION NO. 12

Shall the Charter of the City of Lee's Summit be amended by deleting Articles XV., Transitional Provisions., XVI., Schedule., and XVII., Transitional Provisions for Charter Amendments

Approved by the Voters on November 6, 2007, in their entirety and by amending Sections 3.2(c), 4.2(b) and 7.2(a) to clarify certain language and to remove references to Article XVI?

YES
NO

INSTRUCTIONS TO VOTERS: If you are in favor of the question, place an X in the box opposite "YES." If you are opposed to the question, place an X in the box opposite "NO."

A full and complete copy of Ordinance No. _____, submitting the above questions to the electorate, including a full and complete copy of the proposed amendments to the City Charter, is on file in the office of the City Clerk of the City of Lee's Summit, Missouri where the same is open for inspection and copying.

The election will be held at the following polling places in the City:

PRECINCT

POLLING PLACE

DATED: _____, 20__.

Board of Election Commissioners of
Jackson County, Missouri

Cass County Clerk