

BILL NO. 24-015

AN ORDINANCE AMENDING CHAPTER 11 OF THE CITY OF LEE'S SUMMIT MUNICIPAL CODE PROVIDING FOR RULES RELATING TO MUNICIPAL COURT PERSONNEL MANAGEMENT, DEFINING TERMS, ROLES AND RESPONSIBILITIES, AND CREATING WITHIN CHAPTER 11 OF THE LEE'S SUMMIT MUNICIPAL CODE TWO NEW SECTIONS: SECTION 11-5 DEFINITIONS AND SECTION 11-6 MUNICIPAL COURT PERSONNEL MANAGEMENT FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Section 7.3 of the Charter of the City of Lee's Summit sets out certain roles and responsibilities of the Court Administrator and the City Manager as adopted by the voters in April 2017; and,

WHEREAS, Supreme Court Rule 37.04 Appendix A detailing the Minimum Operating Standards for Municipal Divisions was adopted in September 20, 2016 and subsequently revised on June 12, 2018 and November 3, 2020 the latest revision being effective on June 1, 2021; and,

WHEREAS, the City Council desires that the City manage its relations with the Lee's Summit Municipal Division of the 16th Judicial Circuit Court in a lawful and forthright manner and respect the constitutional principles of separation of powers and the integrity of the judiciary as a separate and independent branch of government; and,

WHEREAS, these proposed new sections will delineate the roles and responsibilities of the City Manager in the supervision of the Court Administrator in relation to non-judicial functions:

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

SECTION 1. There is hereby enacted two new sections of Chapter 11 of the Municipal Code to wit: Section 11-5 Definitions and Section 11-6 Municipal Court Personnel Management to read as follows:

Section 11-5 Definitions:

1. As used in Section 11-6 below, the phrase "court-related functions" shall refer to:
 - a. any action, decision, or the performance of any ministerial or discretionary act that impacts any case or any defendant before the court in the Lee's Summit Municipal Division of the 16th Judicial Circuit Court.
 - b. any record keeping of the orders of the judges or actions of the court reflected or entered into any court database or court system including, but not limited to Missouri Case.net or Show Me Courts, where any entry or notation is made in the case record of any matter of the court, or at the direction of a Lee's Summit Municipal Division judge.
2. As used in Section 11-6 below, the phrase "city policies" shall cover:
 - a. all clerks of the court and other non-elected judicial personnel when performing non-court-related functions, and all such clerks of the court and other non-elected judicial personnel shall abide by all city policies;

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b. any matter or conduct involving an alleged violation of any city policy shall be subject to discipline or termination as set forth by the city, including, but not limited to all human resources, code of conduct, employment, payroll, procurement, purchasing, or any other currently published policies of the city.

Section 11-6 Municipal Court Personnel Management

1. For matters involving hiring the Court Administrator the authority to make decisions is as follows:
 - a. Initial contact Human Resources
 - b. Final authority Both Lee's Summit Judges, with consent of the City Manager
2. For matters involving the job performance or discipline of the Court Administrator regarding court-related functions the authority to make decisions is as follows:
 - a. Initial contact Either Lee's Summit Judge
 - b. Final authority Lee's Summit Presiding Judge
3. For matters involving the job performance or discipline of the Court Administrator regarding city policies the authority to make decisions is as follows:
 - a. Initial contact Lee's Summit Judges
 - b. Final authority City Manager after consulting Lee's Summit Judges
4. For matters involving the job evaluation of the Court Administrator the authority to make such evaluations is as follows:
 - a. Initial contact Lee's Summit Judges
 - b. Final authority Lee's Summit Judges
5. For matters involving the termination of the Court Administrator for court-related functions, the authority to make decisions is as follows:
 - a. Initial contact Lee's Summit Judges
 - b. Final authority City Manager after consulting Lee's Summit Judges
6. For matters involving the termination of the Court Administrator regarding city policies, the authority to make decisions is as follows:
 - a. Initial contact Lee's Summit Judges
 - b. Final authority City Manager after consulting Lee's Summit Judges
7. For matters involving the hiring of court personnel, the authority to make decisions is as follows:
 - a. Initial contact Human Resources
 - b. Final authority Court Administrator with unanimous approval of the Lee's Summit Judges
8. For matters involving the discipline of court personnel in their performance of court-related functions, the authority to make decisions is as follows:
 - a. Initial contact Court Administrator

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b. Final authority Court Administrator with unanimous approval of the Lee's Summit Judges

9. For matters involving the discipline of court personnel regarding city policies, the authority to make decisions is as follows

- a. Initial contact Human Resources
- b. Final authority Court Administrator

10. For matters involving the termination of court personnel for defects in their performance of court-related functions, the authority to make decisions is as follows:

- a. Initial contact Judge whose matter is at issue
- b. Final Authority Judge whose matter is at issue with Human Resources and confirmation by the City Manager

11. For matters involving the discipline and termination of court personnel who are found to have violated any city policies as set out in Section 11-5.2, the process and authority to make decisions is as follows

- a. Initial contact Court Administrator
- b. Final authority Court Administrator and Human Resources

12. In the event the final authority cannot reach a joint decision on any of the matters set forth in paragraphs 1 through 11 above, the matter may be brought to the attention of the Presiding Judge of the 16th Judicial Circuit. If the 16th Circuit Court Presiding Judge takes no action within 60 days, then the final decision on the matter shall be submitted to binding arbitration by an arbitrator selected by the unanimous agreement of the Lee's Summit Judges and the City Manager. Such arbitrator shall be paid for by the City of Lee's Summit.

13. Absent an agreement, the judge who has the largest number of years of service within their current term of office in the Lee's Summit Municipal Division shall be the Lee's Summit Municipal Division Presiding Judge.

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

SECTION 3. 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 _____, 2024.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

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APPROVED by the Mayor of said city this ____ day of _____, 2024.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*