

BILL NO. 19-121

AN ORDINANCE AMENDING SECTION 1, PROCUREMENT DEFINITIONS, AND SECTION 2, AUTHORITY AND ENFORCEMENT, OF THE CITY OF LEE'S SUMMIT PROCUREMENT POLICY MANUAL.

WHEREAS, the City of Lee's Summit ("City") Procurement and Contract Services Division of the Finance Department provides semi-centralized procurement of goods and services for City operations; and,

WHEREAS, on October 5, 2017, pursuant to Ordinance No. 8253, the City Council adopted the current City of Lee's Summit Procurement Policy ("Procurement Policy") which sets forth policy guidelines intended to assist in the procurement of goods and services at economical prices while ensuring compliance with all applicable laws and policies and simultaneously maintaining confidence in government expenditures; and,

WHEREAS, Section 2.10 of the Procurement Policy sets forth the policies regarding purchasing any services, goods, or property from the Mayor, Councilmembers, or City employees or an entity in which such persons hold a "substantial interest" as defined by RSMo § 105.450; and,

WHEREAS, although RSMo. § 105.450, *et al*, allows the spouse and dependent children of the Mayor, Councilmembers, or employees to be award a contract with the City provided certain procedures are followed, Section 2.10 is more restrictive then state statute and prohibits contracting with the Mayor, Councilmembers, or employees and his or her spouse or dependent children regardless of whether the elected official or employee otherwise complies with state law; and,

WHEREAS, Section 2.10 was only intended to prohibit the Mayor, Councilmembers, or employees from contracting with the City, not their spouse or dependent children; and,

WHEREAS, the City desires to amend the Procurement Policy to reflect the City's intent.

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

SECTION 1. The definition of the term "substantial interest" as set forth in Section 1 "Procurement Definitions" of the City of Lee's Summit Procurement Policy is deleted in its entirety

SECTION 2. Subsection 2.10 "Prohibited Acts by Elected and Appointed Officials and Employees" of Section 2 "Authority & Enforcement" of the City of Lee's Summit Procurement Policy is deleted in its entirety and replaced with the following:

2.10 Prohibited Acts by Elected and Appointed Public Officials and Employees.

For any transaction identified in this policy, the City shall not knowingly purchase any service, good or property from any Councilmember, the Mayor or any City Employee or any entity in which he or she holds a "substantial interest". For purpose of this section the term "substantial interest" shall mean ownership by the individual either directly or indirectly of ten percent or more of any business entity, or of an interest having a value of ten thousand dollars or more, or the receipt by an individual of a

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salary, gratuity or other compensation or remuneration of five thousand dollars, or more per year from an individual, partnership, organization, or association within any calendar year. Additionally, it is recognized that it is difficult or impossible for every employee utilizing a purchasing card to have knowledge of every entity which a Councilmember, the Mayor or another employee may hold an interest as described above; however, the City shall exercise its best efforts to refrain from conducting such transactions utilizing a purchasing card and shall not knowingly do so.

SECTION 3. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred nor any cause or causes of action occurred or existing, under any language, act or ordinance repealed hereby. Nor shall any existing right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 4. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 5. 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.

SECTION 6. This Ordinance shall be in full force and effect from and after the date of its adoption, passage, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2019.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said City this _____ day of _____, 2019.

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Mayor *William A. Baird*

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APPROVED AS TO FORM:

Chief Counsel of Management and Operations
Daniel R. White