



The City of Lee's Summit
Final Agenda
City Council Rules Committee

Monday, February 12, 2018

6:00 PM

New Date and Time - City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

New Date and Time

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF ACTION LETTER
 - A. [2018-1826](#) Approval of the January 25, 2018 City Council Rules Committee Action Letter.
5. PUBLIC COMMENTS
6. ITEMS FOR DISCUSSION
 - A. [TMP-0802](#) AN ORDINANCE AMENDING ARTICLE II, DIVISION 1, SECTION 15-21, OF THE CITY OF LEE'S SUMMIT CODE OF ORDINANCES PERTAINING TO THE HUMAN RELATIONS COMMISSION FOR THE PURPOSE OF MODIFYING THE TYPE AND NUMBER OF MEMBERS, ESTABLISHING AN ATTENDANCE POLICY, AND DEFINING A QUORUM.
 - B. [2017-1592](#) AN ORDINANCE AMENDING SECTION 2-60.23-RULE 2.3 COUNCIL COMMENTS AND ENACTING TWO NEW SECTIONS; SEC. 2-60.24.-RULE 2.4 COUNCIL ROUNDTABLE. AND SEC. 2-60.25.-RULE 2.5 STAFF ROUNDTABLE. OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI TO PROVIDE GUIDANCE FOR THE ORDER AND CONDUCT OF BUSINESS FOR THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI.
 - C. [TMP-0773](#) AN ORDINANCE AMENDING ARTICLE III. OFFICERS AND EMPLOYEES. CHAPTER 2. ADMINISTRATION OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT BY REPEALING SECTION 2-61 AND ENACTING TEN NEW SECTIONS RELATING TO A CODE OF ETHICS, FINANCIAL DISCLOSURE AND CODE OF CONDUCT.

7. ROUNDTABLE
8. ADJOURNMENT

For your convenience, City Council agendas, as well as videos of City Council and Council Committee meetings, may be viewed on the City's Internet site at "www.cityofls.net".



The City of Lee's Summit

220 SE Green Street
Lee's Summit, MO 64063

Packet Information

File #: 2018-1826, **Version:** 1

Approval of the January 25, 2018 City Council Rules Committee Action Letter.



The City of Lee's Summit
Action Letter - Draft
City Council Rules Committee

Thursday, January 25, 2018

5:30 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

1. CALL TO ORDER

Chairperson Carlyle called the meeting to order at 5:37 p.m.

2. ROLL CALL

Present: 4 - Vice Chair Rob Binney
Chairperson Trish Carlyle
Councilmember Phyllis Edson
Councilmember Fred DeMoro

Guests in Attendance

Dale Coy

Tim Arbietter

Staff in Attendance

Brian Head

Jina Bellamy

3. APPROVAL OF AGENDA

Councilmember Binney made a motion to approve the Agenda as published.
Councilmember DeMoro seconded the motion. Motion passed unanimously.

4. APPROVAL OF ACTION LETTER

A. [2017-1728](#) Approval of the December 5, 2017 Rules Committee Action Letter

Councilmember Edson made a motion to approve the December 5, 2017 Action Letter.
Councilmember DeMoro seconded the motion. The Action Letter was unanimously approved.

5. PUBLIC COMMENTS

There were two individuals in the audience that wanted to speak before the Rules Committee:

1. Mr. Dale Coy, resident, expressed frustration with the lack of communication from Staff with response to his question at the last meeting, "Who is

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responsible for supervising Boards and Commissions for the City?"

Mr. Coy is seeking further direction from the Committee. Should he continuing waiting for an answer from Staff, present his question to another Council Committee, take it to the full Council, or forget about it.

Councilmember Carlyle asked him for his specific concerns regarding the Boards and Commissions, he mentioned the following:

- a. Beautification Committee : They are supposed to report annually to the City Council and act as the Tree Board and propose to the Council for ratification a tree ordinance for the City and they haven't done it.
- b. HSAB: The documents on their web page haven't been updated since 2014.
- c. HRC: The Committee does not have two High School members as required by Ordinance.
- d. PSAB: no one has reviewed the current ordinances to conform to state regulations in the last three years.

Mr. Coy does not believe it is his responsibility, as a citizen, to be discovering issues and bringing those issues to the attention of City Staff.

Mr. Head and Chairperson Carlyle responded to Mr. Coy's concerns as follows:

- a. Beautification Commission and the Tree Board: They are in the process of being completely redrafted (in light of Mr. Coy's previous comments).
- b. HRC: The Committee can't seem to keep student members and therefore will be doing a by-law change taking the student membership requirement out of the ordinance
- c. HSAB: The City is in the process of a web redesign which will hopefully take care of some of Mr. Coy's concerns.
- d. PSAB: As items are brought forward at CEDC and later to the Council, they have been reviewed beforehand to ensure compliance.

Mr. Head informed Mr. Coy that he also requested that Staff Liaisons be added to the web page for each of the Boards and Commissions. Mr. Head and Councilmember Carlyle stated that ultimately, the City Council has the ultimate authority over the Boards and Commissions, however Staff liaisons and support staff are the ones that work on agendas and post items to the webpage. Chairperson Carlyle thanked Mr. Coy for his comments and for bringing these concerns to the Committee.

2. Mr. Tim Arbietter, Chamber of Commerce wanted to support and encourage the Committee with the work they will be doing on their code of conduct and ethics discussion.

6. ITEMS FOR DISCUSSION

- A. [2017-1592](#) Further Defining of Council Comments

City Attorney Head explained the differences with where specific items would be discussed in light of a new "Staff Roundtable" previously moved onto the full Council at the last meeting. The Staff Roundtable would be a place for general interest items, community announcements and other such information. Staff may also ask for clarification or direction on agenda items or discuss emergency type items.

The only substantive changes to the existing definitions of Council Comments and Council Roundtable are:

1. Separating the definitions into two separate definitions
2. Adding "Ministerial Items" to Council Comments, thereby allowing Council to discuss non-law related issues.

In response to a question regarding if motions can be made in Council Roundtable, Mr. Head responded that would ultimately be the Mayor's decision.

After general discussion, it was decided to hold off on taking "Staff Roundtable" to the full Council until "Council Comments" and "Council Roundtable" are also ready and to bring all three definitions back to the Committee at their next meeting.

This Discussion Item was read into the record.

B. [TMP-0773](#)

AN ORDINANCE AMENDING ARTICLE III. OFFICERS AND EMPLOYEES. CHAPTER 2. ADMINISTRATION OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT BY REPEALING SECTION 2-61 AND ENACTING TEN NEW SECTIONS RELATING TO A CODE OF ETHICS, FINANCIAL DISCLOSURE AND CODE OF CONDUCT. (Rules Committee 10-3-17)
(Note: This item was CONTINUED from November 2, 2017 per Council's request.)

The draft ethics ordinance was discussed and the following changes were requested by the Committee prior to bringing it back to the Rules Committee for review at the next meeting.

1. All Sections will have an annotation of the State Statute including a hyperlink to the statute and keeping all the State Statute information within the document.
2. Sec. 2-62. - keeping all the definitions and adding three more: Official Authority, Official Influence, and Malfeasance.
3. Sec. 2-63. B.4. -line 4 - changing the word "personal" to personnel.
4. Sec. 2-65.C -adding "by motion" in the first line: After hearing the report, any Councilmember may "by motion" request that a public hearing be held on the matter.
5. Sec. 2-67. - renumbering section B and following and tweaking the

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language in the first paragraph to clarify that the person would be found guilty after the investigation.

6. Sec. 2-67.E2.-changing the number of the reserved section in light of the renumbering mentioned above.

7. Sec. 2-76.A - deleting the last three words in the paragraph "including physical appearance".

7. Sec.2-76.B - adding Mayor/Chair in the entire paragraph where ever Mayor is mentioned.

8. Sec. 2.76.C - taking out everything but the first and last sentence.

This Ordinance was continued to the City Council Rules Committee due back on 2/12/2018

7. ROUNDTABLE

Councilmember Binney mentioned he was approached by a citizen regarding Councilmembers texting during Council meetings and wondered if there were any laws in effect regarding social media at the dais. City Attorney Head mentioned the differences of Councilmembers using their personal phones vs. using City issued phones and what could be discoverable if we got sued.

At this time he is not aware of any laws that refer specifically to texting.

8. ADJOURNMENT

Chairperson Carlyle adjourned the meeting at 7:530p.m.

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Packet Information

File #: TMP-0802, **Version:** 1

AN ORDINANCE AMENDING ARTICLE II, DIVISION 1, SECTION 15-21, OF THE CITY OF LEE'S SUMMIT CODE OF ORDINANCES PERTAINING TO THE HUMAN RELATIONS COMMISSION FOR THE PURPOSE OF MODIFYING THE TYPE AND NUMBER OF MEMBERS, ESTABLISHING AN ATTENDANCE POLICY, AND DEFINING A QUORUM.

Issue/Request:

AN ORDINANCE AMENDING ARTICLE II, DIVISION 1, SECTION 15-21, OF THE CITY OF LEE'S SUMMIT CODE OF ORDINANCES PERTAINING TO THE HUMAN RELATIONS COMMISSION FOR THE PURPOSE OF MODIFYING THE TYPE AND NUMBER OF MEMBERS, ESTABLISHING AN ATTENDANCE POLICY, AND DEFINING A QUORUM.

Key Issues:

At the request of the Human Relations Commission (HRC) chairman, the proposed ordinance is being introduced to help clarify address Commission challenges. The Human Relations Commission has been challenged with frequent turnover, lack of quorum, and difficulty finding student members.

The proposed amendment would increase the number of HRC members in hopes of adding more members to count for quorum. Additionally, while finding student members will still be a priority for the HRC, the amendment would allow for students to make use of a citizen member position. Also, the proposed amendment would enact an attendance policy to help promote active participation among members.

Proposed City Council Motion:

I move to recommend to City Council AN ORDINANCE AMENDING ARTICLE II, DIVISION 1, SECTION 15-21, OF THE CITY OF LEE'S SUMMIT CODE OF ORDINANCES PERTAINING TO THE HUMAN RELATIONS COMMISSION FOR THE PURPOSE OF MODIFYING THE TYPE AND NUMBER OF MEMBERS, ESTABLISHING AN ATTENDANCE POLICY, AND DEFINING A QUORUM.

Background:

The Human Relations Commission is a group of citizen volunteers appointed by the Mayor with consent from the City Council. The Commission was formed in 1993 following the community strategic planning process. The HRC's mission is to promote mutual understanding, respect, and inclusion among all diverse groups represented in Lee's Summit.

Presenter: Nick Edwards | Assistant City Manager

Recommendation: Staff Recommends Approval

BILL NO.**ORDINANCE NO.**

AN ORDINANCE AMENDING ARTICLE II, DIVISION 1, SECTION 15-21, OF THE CITY OF LEE'S SUMMIT CODE OF ORDINANCES PERTAINING TO THE HUMAN RELATIONS COMMISSION FOR THE PURPOSE OF MODIFYING THE TYPE AND NUMBER OF MEMBERS, ESTABLISHING AN ATTENDANCE POLICY, AND DEFINING A QUORUM.

WHEREAS, Lee's Summit has experienced an exponential growth in population over the past 50 years, resulting in new residents to the community often of different heritages, races, ethnicities, religions, and/or economic means, creating a much more diverse community overall, this being most recently reflected in the 2010 U.S. Census data; and

WHEREAS, Chapter 15, entitled Human Rights, of the Code of the City of Lee's Summit ("Code") deals with issues regarding equality, diversity, and discrimination; and,

WHEREAS, the City of Lee's Summit ("City") initiated a community strategic planning process in 1993 known as *Lee's Summit 21st Century*, to which one of the goals to emerge from this plan was the formation of a City Human Relations Commission, which was codified in Chapter 15 of the Code, to "eliminate racial misunderstandings, hate group activities, and prejudices of all types; and, to promote mutual understanding and respect among all social, racial, religious, cultural, and ethnic groups in the city;" these goals being further supported and expanded upon in an update to the strategic plan in 1998; and

WHEREAS, the City initiated a second community strategic planning process in 2008 know as *Lee's Summit 360: Charting a Course for Tomorrow*, to which one of the goals to emerge from this plan was to "identify, educate and implement civic standards for diversity within the community in order to promote mutual understanding and respect among all social, racial, religious, cultural, and ethnic groups;" and

WHEREAS, the Mayor established a Task Force on Diversity in 2010 composed of representatives from *Lee's Summit 360*, the City's Human Relations Commission, the Lee's Summit Police Department, the business community and education community to review and understand these goals, and to develop strategies to support and further these goals; and

WHEREAS, the Mayor's Task Force on Diversity developed the following mission statement: "*It is our mission to promote mutual understanding, respect, and inclusion among all diverse groups represented in Lee's Summit through the implementation of education and civic standards;*" and to further this mission statement, reviewed the City's current Human Rights provisions found in Chapter 15 of the Code and the duties and structure of the Human Relations Commission (HRC), making suggested changes that were adopted as Ordinance 7101 on October 21, 2011 ; and

WHEREAS, it is necessary for certain administrative policies to be implemented for the purpose of the Committee's effectiveness and responsiveness.

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

SECTION 1. That section be revised to reflect the changes outlined in exhibit A

SECTION 2. That 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 _____, 2018.

BILL NO.

ORDINANCE NO.

ATTEST:

Mayor Randall L. Rhoads

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2018.

ATTEST:

Mayor Randall L. Rhoads

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney Brian Head

Exhibit A

Sec. 15-21. - Human Relations Commission created; composition; term of members; organization.

A. Purpose. It shall be the mission of the Human Relations Commission to promote mutual understanding, respect, and inclusion among all diverse groups represented in Lee's Summit through increased awareness and communication.

B. Members of Human Relations Commission.

1. Citizen members. There shall be a Human Relations Commission consisting of ~~eight~~^{four} (8⁴) citizen members, appointed by the Mayor, with the consent of the City Council.

2. Community sector members. In addition, there shall be three (3) members of the Human Relations Commission appointed by the Mayor, with the consent of the City Council that represent, the business community sector, the faith community sector, and the educational community sector.

~~3. Student members. In addition, there shall be two (2) student members of the Human Relations Commission. The student members must be a sophomore, junior or senior student of a school district within the city limits. The Human Relations Commission shall seek nominations from area high schools, review the applications and select candidates for interviews. The Human Relations Commission will recommend for appointment by the Mayor, with the consent of the Council, student members to serve one year terms from September 1 to August 31 as non-voting members of the Commission.~~

4. Mayor. In addition, the Mayor shall serve on the Commission as liaison.

5. All members shall serve without compensation. Citizen and Community Sector Members and shall serve staggered terms of three (3) years each, provided that all members shall continue in office until their respective successors shall have been appointed and qualified. In the event of death or resignation of any member, the Mayor with the consent of the City Council shall appoint a successor to serve the unexpired portion of his or her term.

6. Attendance Policy. Any member who misses two consecutive meetings without prior notice to the Commission Chairman will be determined a voluntarily resignation. The Commission Chairman may end an appointment if a member misses three meetings in the same fiscal year.

C. The Commission shall elect one (1) of its members as Chair, who shall preside at all meetings of the Commission and perform all the duties and functions of the Chair thereof. The Mayor shall convene the first meeting of the Commission and conduct the election of the Chair. The Commission shall also elect one (1) of its members as Vice Chair who shall act as chair during the absence or incapacity of the chair and when so acting the Vice Chair shall have and perform all the duties and functions of the Chair of the Commission.

D. The terms of office of the Chair and Vice Chair shall be for one (1) year and no person shall serve more than two (2) consecutive terms in the same office, unless such election to an immediately subsequent term be by unanimous vote.

- E. The Commission shall elect one of its own to serve as a recording secretary, whose term of office will be for one (1) year, and no person shall serve more than two (2) consecutive terms in the office unless such election to an immediately subsequent term be by unanimous vote.
- F. The Chair or Vice Chair may resign from office at any time during the term and may do so without resigning from the Commission. In such event, the Commission shall elect another member to replace the resigning officer and such person shall serve the unexpired term of the person he or she replaces.
- G. ~~G.~~A majority of the appointed members of the Commission shall constitute a quorum for the purpose of conducting the business thereof. A quorum shall exist when a simple majority of appointed members are present (vacant, un-appointed, positions shall not be counted).
- H. ~~H.~~The City Manager shall assign staff support and monetary support for the Commission.

Packet Information

File #: 2017-1592, **Version:** 1

AN ORDINANCE AMENDING SECTION 2-60.23-RULE 2.3 COUNCIL COMMENTS AND ENACTING TWO NEW SECTIONS; SEC. 2-60.24.-RULE 2.4 COUNCIL ROUNDTABLE. AND SEC. 2-60.25.-RULE 2.5 STAFF ROUNDTABLE. OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI TO PROVIDE GUIDANCE FOR THE ORDER AND CONDUCT OF BUSINESS FOR THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI.

This item was previously numbered 2017-1474 - " Unpublished Items and Motions during Council Meetings". After the meeting on October 3, 2017, it was decided to change the title to Further Defining Council Roundtable and bring it back to the City Council Rules Committee for further discussion. The new item number is 2017-1592.

At the December meeting, the Committee approved the definition of Staff Roundtable and asked that the definitions of Council Comments be brought back to the Committee at their meeting in January.

At the January meeting, it was decided to bring Staff Roundtable, Council Comments and Council Roundtable back before the Committee for one more review before sending to the full Council.

I move to recommend approval to the City Council of AN ORDINANCE AMENDING SECTION 2-60.23-RULE 2.3 COUNCIL COMMENTS AND ENACTING TWO NEW SECTIONS; SEC. 2-60.24.-RULE 2.4 COUNCIL ROUNDTABLE. AND SEC. 2-60.25.-RULE 2.5 STAFF ROUNDTABLE. OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI TO PROVIDE GUIDANCE FOR THE ORDER AND CONDUCT OF BUSINESS FOR THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI.

AN ORDINANCE AMENDING SECTION 2-60.23-RULE 2.3 COUNCIL COMMENTS AND ENACTING TWO NEW SECTIONS; SEC. 2-60.24.-RULE 2.4 COUNCIL ROUNDTABLE. AND SEC. 2-60.25.-RULE 2.5 STAFF ROUNDTABLE. OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI TO PROVIDE GUIDANCE FOR THE ORDER AND CONDUCT OF BUSINESS FOR THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI.

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

SECTION 1. That section 2-60.23. - Rule 2.3 Council comments of the Code of Ordinances of the City of Lee's Summit, Missouri be amended to read as follows:

"Sec. 2-60.23. - Rule 2.3 Council comments.

The Council comments section of the agenda is reserved for legislative or ministerial discussions among the Councilmembers only. Any member of City Council may use this time to introduce new initiatives and issues for further discussion and/or assignment to a Council Committee. Directions to staff, including legal opinions, may result from these discussions."

SECTION 2. That sections 2-60.24. - Rule 2.4 Council roundtable and Sec. 2-60.25. - Rule 2.5 staff roundtable of the Code of Ordinances of the City of Lee's Summit, Missouri be enacted to read as follows:

"Sec. 2-60.24. - Rule 2.4 Council roundtable.

The Council roundtable is reserved for items of general interest, community announcements, and other such information. Legislative or ministerial items not otherwise included on the agenda shall be heard and discussed during the Council comments section of the agenda.

Sec. 2-60.25. - Rule 2.5 Staff roundtable.

The staff roundtable is reserved for items of general interest, community announcements and other such information; however, staff may ask for clarification or direction from the Council related to items on the agenda or for items of an emergency nature for which insufficient time exist for adding to the agenda."

SECTION 3. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this ____ day of _____, 2018.

BILL NO. 18-

ORDINANCE NO.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2018.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*

Packet Information

File #: TMP-0773, **Version:** 1

AN ORDINANCE AMENDING ARTICLE III. OFFICERS AND EMPLOYEES. CHAPTER 2. ADMINISTRATION OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT BY REPEALING SECTION 2-61 AND ENACTING TEN NEW SECTIONS RELATING TO A CODE OF ETHICS, FINANCIAL DISCLOSURE AND CODE OF CONDUCT.

In April 2017, the Citizens of the City of Lee's Summit approved Charter Question No. 3 requiring the City Council to enact an ethics code within one year of the effective date of the Charter Amendment. The issue was referred to the City Council Rules Committee. The Committee met numerous times to consider provisions of the ethics rules. The Ordinance, as presented, provides definitions and regulations consistent with existing provisions of State Statute and the City of Lee's Summit Charter and is applicable in various parts to Elected officials and City Employees. In addition to ethics rules, the ordinance provides a procedure for determining the existence of an ethical violation and if so found, a disciplinary procedure consistent with Constitutional due process. This ordinance provides a code of conduct and incorporates financial reporting provisions previously approved by the Council.

Proposed Committee Motion:

I move to recommend approval to the City Council of AN ORDINANCE AMENDING ARTICLE III. OFFICERS AND EMPLOYEES. CHAPTER 2. ADMINISTRATION OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT BY REPEALING SECTION 2-61 AND ENACTING TEN NEW SECTIONS RELATING TO A CODE OF ETHICS, FINANCIAL DISCLOSURE AND CODE OF CONDUCT.

AN ORDINANCE AMENDING ARTICLE III. OFFICERS AND EMPLOYEES. CHAPTER 2. ADMINISTRATION OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT BY REPEALING SECTION 2-61 AND ENACTING TEN NEW SECTIONS RELATING TO A CODE OF ETHICS, FINANCIAL DISCLOSURE AND CODE OF CONDUCT.

WHEREAS, on April 5, 2017 the voters of the City of Lee's Summit approved QUESTION NO. 3 requiring that the Council promulgate and adopt an Ethics Code governing the conduct of the City Council; and,

WHEREAS, the Council wishes to adopt an Ethics Code that satisfies this Charter provision and that also remains consistent with certain statutes of the State of Missouri; and,

WHEREAS, the Council wishes to re-adopt and re-number the financial disclosure requirements previously adopted; and,

WHEREAS, in an effort to guide Councilmembers on issues related to decorum the Council wishes to adopt a Code of Conduct.

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

SECTION 1. That Section 2-61. Disclosure of potential conflicts of interests of the Code of Ordinances of the City of Lee's Summit be and the same is hereby repealed.

SECTION 2. That Article III. Officers and Employees. Chapter 2. Administration of the Code of Ordinances of the City of Lee's Summit, Missouri be amended by enacting a new Division 1. Ethics, Financial Reporting, and Code of Conduct consisting of three new subdivisions and ten new sections to read as follows:

ARTICLE III. - OFFICERS AND EMPLOYEES

DIVISION 1. – ETHICS, FINANCIAL REPORTING, AND CODE OF CONDUCT

A. Code of Ethics.

Sec. 2-61. Policy Declaration.

The citizens and visitors of the City expect public officials and employees to be independent, impartial and accountable. Included is the expectation that public officials and employees conduct themselves in a manner that will preserve public confidence in and respect for the City. To that end public officials and employees shall insure that:

- a. Government decisions and policy be made through appropriate channels of the governmental structure;
- b. Public office or employment is not used for personal gain; and,

- c. Public officers and employee shall avoid actual conflicts of interest at all times and endeavor to avoid even the appearance of conflict of interest when practicable.

Sec. 2-62. Definitions:

- A. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 1. *Adversary proceedings*: Any proceedings where a record may be kept and maintained as a public record at the request of either party by a court reporter, notary public or other person authorized to keep such record by law or by any rule or regulation of the agency conducting the hearing; or from which an appeal may be taken directly or indirectly, or any proceeding from the decision of which any party must be granted, on request, a hearing de novo; or any arbitration proceeding; or a proceeding of the personnel review board of the City.
 2. *Appointed official*: The City Manager, City Attorney, and the City Prosecutor.
 3. *Business entity*: A corporation, association, firm, partnership, proprietorship, or other business entity of any kind or character.
 4. *Business with which he/she is associated*: Any sole proprietorship owned by himself/herself or his/her spouse, any partnership or joint venture in which he/she or his/her spouse is a partner, any corporation in which he/she is an officer or director or creditor or any trust in which he/she or his/her spouse or dependent child is a beneficiary or holder of a reversionary interest of the corpus of the trust.
 5. *City Councilmember*: Any person elected or appointed from each of the four respective districts of the City as described in section 3.2 of the Charter of the City of Lee's Summit, Missouri.
 6. *Confidential information*: All information whether transmitted orally or in writing which is of such a nature that it is not, at that time, a matter of public record or public knowledge.
 7. *Elected official*: A City Councilmember and the Mayor as further defined herein.
 8. *Malfeasance*: Malfeasance in office is the commission of an unlawful act, done in an official capacity, which affects the performance of official duties.
 9. *Mayor*: Any person elected by the voters of the City as described in section 4.2 of the Charter of the City of Lee's Summit, Missouri.
 10. *Official authority or Official influence*: The direct or indirect use of position, title, privilege or other incidents of office or employment to coerce, attempt to coerce or otherwise affect the behavior of another or to endorse any person or proposition; in such a way as to give the appearance of governmental sanction.
 - 7-11. *Public body*: Any agency, board, body, commission, committee, department or office of the City of Lee's Summit Missouri.
 - 8-12. *Substantial interest or substantial financial interest*: Ownership by the individual, or his/her spouse, directly or indirectly, of any business entity or interest, either as an

owner or creditor, or the receipt by an individual or his/her spouse of a salary, gratuity or other compensation or remuneration from any individual, partnership, organization or association or one (1) who has acted as a guarantor or who has executed any credit instrument on behalf of any such individual, partnership, organization or association.

~~9.13.~~ *Substantial personal or private interest in any measure or bill:* Any interest in a measure or bill which results from a substantial interest or substantial financial interest in a business entity.

See RSMo. [105.450](#)

Sec. 2-63. Prohibited acts by elected officials, appointed officials, employees, etc. – Generally

- A. No City officer, committee, authority, board or commission member, or employee shall:
1. Use official authority or official influence for the purpose of interfering with or affecting the result of an election to a Lee's Summit city office or any ballot proposition.
 2. Directly or indirectly coerce or command a City employee to pay, lend, or contribute anything of value to a committee, organization, agency or person for the political or electoral purposes of any candidate for Lee's Summit city office or any ballot proposition.
See [Section 14.3](#) of the Charter, Second Amended, for the City of Lee's Summit.
- B. No elected or appointed official or employee of the City shall:
1. Act or refrain from acting in any capacity in which he/she is lawfully empowered to act as such an official or employee by reason of any payment, offer to pay, promise to pay or receipt of anything of actual pecuniary value other than compensation to be paid by the City.
 2. Use confidential information obtained in the course of or by reason of his/her employment or official capacity in any manner with intent to result in financial gain for himself/herself, his/her spouse, his/her dependent child in his/her custody, or any business with which he/she is associated.
 3. Disclose confidential information obtained in the course of or by reason of his/her employment or official capacity in any manner with intent to result in financial gain for himself/herself or any other person.
 4. With respect to any contract or transaction which is or may be the subject of an official act or action of the City, without proper legal authorization or official authority, disclose confidential information concerning the property, real estate, personal~~nael~~ affairs, or legal affairs of the City to any individual or entity outside of the City Council or City staff, or use such information to advance the financial or other private interest of himself or others.

5. Use his/her decision making authority for the purpose of obtaining a financial gain which materially enriches himself/herself, his/her spouse or dependent children by acting or refraining from acting for the purpose of coercing or extorting from another anything of actual pecuniary value.
6. Offer, promote, or advocate for a political appointment in exchange for anything of value to the City, to himself/herself, or to any other person.

See RSMo. [105.452](#)

Sec. 2-64. Prohibitions - Generally.

- A. No elected or appointed official or employee of the City shall:
 1. Perform any service for the City for receipt or payment of any compensation, other than of the compensation provided for the performance of his/her official duties, in excess of five hundred dollars (\$500.00) per transaction or five thousand dollars (\$5,000.00) per annum, except on transactions made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer is the lowest received.
 2. Sell, rent or lease any property to the City and receive consideration therefor in excess of five hundred dollars (\$500.00) per transaction or five thousand dollars (\$5,000.00) per year unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.
 3. Participate in any matter, directly or indirectly, in which he attempts to influence any decision of the City when he/she knows the result of such decision may be the acceptance of the performance of a service or the sale, rental, or lease of any property to the City for consideration in excess of five hundred dollars (\$500.00) value per transaction or five thousand dollars (\$5,000.00) value per annum to him/her, to his/her spouse, to a dependent child in his/her custody or to any business with which he/she is associated unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.
 4. Perform any services or actions during the time of his/her office or employment for any consideration from the City or from any person, to him/her, to his/her spouse, to a dependent child in his/her custody, or to any business with which he/she is associated, other than the compensation provided for the performance of his/her official duties, by which service or action he/she attempts to influence a decision of the City.
 5. Perform any service for consideration, during one (1) year after termination of his/her office or employment, by which performance he/she attempts to influence a decision of the City, except that this provision shall not be construed to prohibit

any person from performing such service and receiving compensation therefor, in any adversary proceeding or in the preparation or filing of any public document.

6. Perform any service for any consideration for any person after termination of his/her office or employment in relation to any case, decision, proceeding or application with respect to which he/she was directly concerned or in which he/she personally participated during the period of his service or employment. See RSMo. [105.454](#)
- B. In addition to the other requirements of this article, no member of the City Council or the Mayor shall:
1. Perform any service for the City or any agency of the City for any consideration other than the compensation provided for the performance of his/her official duties.
 2. Sell, rent or lease any property to the City for consideration in excess of five hundred dollars (\$500.00) per transaction or five thousand dollars (\$5,000.00) per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.
 3. Attempt, for any compensation other than the compensation provided for the performance of his/her official duties, to influence the decision of the City on any matter; except that, this provision shall not be construed to prohibit such person from participating for compensation in the preparation or filing of any public document or conference thereon.
 4. No sole proprietorship, partnership, joint venture or corporation in which any member of the City Council is the sole proprietor, partner, co-participant or owner of in excess of ten (10) percent of the outstanding shares of any class of stock, or of an interest having a value of ten thousand dollars (\$10,000.00) or more, or the receipt by an individual, the individual's spouse or the individual's dependent children, whether singularly or collectively, of a salary, gratuity, or other compensation or remuneration of five thousand dollars (\$5,000.00), or more, per year from any individual, partnership, organization, or association within any calendar year or more shall:
 - i. Perform any service for the City for any consideration in excess of five hundred dollars (\$500.00) per transaction or Five Thousand Dollars (\$5,000.00) per annum unless the transaction is made pursuant to an award on a contract let after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received.
 - ii. Sell, rent or lease any property to the City where the consideration is in excess of five hundred dollars (\$500.00) per transaction or five thousand dollars (\$5,000.00) per annum unless the transaction is made pursuant to

an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.

See RSMo. [105.458](#)

Sec. 2-65. - Procedures.

If any employee or appointed official violates any provision of section 2-62 through 2-64 inclusive, or provisions of the City of Lee's Summit Charter whether willfully or unintentionally, he/she shall be subject to discipline or other action as allowed by the employment policies of the City or otherwise provided by law. If any elected official violates any provision of sections 2-62 through 2-64, inclusive, or provisions of the Charter of the City of Lee's Summit whether willfully or unintentionally, that official is subject to the procedures and penalties provided by Section 3.15 City of Lee's Summit Charter and set out in the section, below:

- A. By a motion at a City Council meeting, any Councilmember may request the initiation of an investigation of the facts and circumstances regarding an alleged violation of any provision of sections 2-62 through 2-64, inclusive, by any elected official. Such motion shall include details as to the identity of the elected official in question and the facts and circumstances supporting the movant's allegation of such violation.
- B. If such motion is adopted by a two-thirds majority of the entire council including the Mayor, then the Mayor shall initiate the investigation with an appropriate internal or external investigator after such investigator is approved by the City Council. However, if the Mayor is the subject of the matter of the investigation then the Mayor Pro Tempore shall initiate the investigation with an internal or external investigator as described above. Upon conclusion of the investigation, the investigator shall present the findings at a public meeting.
- C. After hearing the report, any Councilmember may by motion request that a public hearing be held on the matter. If such motion is adopted by a two-thirds majority of the entire council including the Mayor, a public hearing shall be held as provided by Chapter 536 RSMo. and the matter shall be considered a contested case.
- D. If, upon hearing or following a waiver of hearing, the Council determines that a violation has occurred, the Council may, by resolution take such disciplinary action as provided by section 2-66 below. Additionally, the Council may refer such matter to appropriate law enforcement agencies as it may deem appropriate upon the affirmative vote of two-thirds of the entire Council including the Mayor.

Sec. 2-66. Penalties.

- A. *Generally.* Violation of the Charter or this Code of Ethics may be grounds for censure or removal of office. The Council shall not impose any 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. See [Section 3.15](#) of the Charter, Second Amended, for the City of Lee's Summit.
- B. *Forfeiture.* Notwithstanding subsection A. above, any City officer or employee who willfully conceals a substantial financial interest or interest in any party transacting

business with the City, or in the subject matter of any City transaction or who otherwise willfully violates the requirements of section 14.1 of the City Charter shall be guilty of malfeasance in office or position and shall forfeit the office or position. Any Councilmember or the Mayor found, by a two-thirds vote of the entire Council, to have willfully concealed a substantial financial interest or interest in any party transacting business with the City, or in the subject matter of any City transaction or who otherwise is found to have willfully violated the requirements of this section 14.1 of the City Charter shall be guilty of malfeasance in office and shall immediately forfeit the office. See [Section 3.7](#) and [Section 14.1](#) of the Charter, Second Amended, for the City of Lee's Summit.

Sec. 2-67. Malicious Complaints.

If, in the opinion of a City Councilmember or the Mayor, the complaining party was motivated by malice or reason contrary to the spirit of any law on which such complaint was based, in filing the complaint without just cause, he/she may, by motion, request that the same be reported to the appropriate law enforcement authorities. Any person who knowingly files a complaint without just cause, or with malice, [having been found guilty or having pleaded guilty in a Court of competent jurisdiction](#) shall be guilty of a misdemeanor punishable under section 1-13(A) of this code or as otherwise provided by law.

Secs. 2-68 – 2-74 - Reserved.

B. Financial Reporting

2-6775. Disclosure of potential conflicts of interest.

- A. *Declaration of Policy.* The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and, that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the City.
- B. *Conflicts of Interest.* The Mayor or any Councilmember who has any direct or indirect substantial personal or private interest, as defined by Section 105.450(11), (12), Missouri Revised Statutes, in any bill shall disclose on the records of the City Council the nature of his/her interest and shall disqualify himself/herself from voting on or participating in any matters relating to this interest. Any elected or appointed officer, employee, or member of any committee, authority board or commission of the City who has a direct or indirect substantial interest or who has any direct or indirect substantial financial interest, as defined by Section 105.450(11), (12), Missouri Revised Statutes, in any bill shall disclose on the records of the City Council the nature of his/her interest and

shall disqualify himself/herself from voting on or participating in any matters relating to this interest.

- C. *Disclosure Statements.* Each elected official, the City Manager, the Assistant City Manager, the City Attorney, the Director of Finance, the City Clerk and the City Purchasing Agent shall disclose the following information by May 1 if any such transactions were engaged in during the previous calendar year:
1. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any that such person had with the City of Lee's Summit, other than compensation received as an elected official or as an employee or payment of any tax, fee or penalty due to the City of Lee's Summit, and other than transfers for no consideration to the City of Lee's Summit; and,
 2. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest, as defined by Section 105.450(11) RSMo, had with the City of Lee's Summit, other than payment of any tax, fee or penalty due to the City of Lee's Summit or transactions involving payment for providing utility service to the City of Lee's Summit, and other than transfers for no consideration to the City of Lee's Summit.
 3. The City Manager, the Assistant City Manager(s), the City Attorney, the Director of Finance, the City Clerk and the City Purchasing Agent also shall disclose by May 1 the following information for the previous calendar year:
 - a. The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement;
 - b. The name and address of each sole proprietorship that he/she owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he/she was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partnership units; and, the name or any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;

- c. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.
- D. *Filing of Statements.* The statements shall be filed with the City Clerk and the Ethics Commission. The statements shall be available for public inspection and copying during normal business hours.
- E. *When Filed.* The financial disclosure statements shall be filed at the following times, but no person is required to file more than one financial disclosure statement in any calendar year.
 - 1. Each person who is subject to this ordinance shall file the statement within thirty (30) days of such appointment or employment.
 - 2. Every other person required to file a financial disclosure statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31; provided that any member of the City Council may supplement the financial disclosure statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial disclosure statement.

Sec 2-~~768~~ through Sec. 2-~~79~~ reserved.

C. Code of Conduct

Sec. 2-~~8075~~. Policy Declaration.

Councils are composed of individuals with diverse backgrounds, personalities, values, opinions, and goals. All have chosen to serve in public office in order to preserve, protect and enhance the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues and with an understanding that a diversity of opinion makes us stronger. In order to maintain public confidence in the legislative and decision making process it is necessary to insure that the Council conducts business openly and in a transparent manner.

Sec. 2-~~7681~~. Conduct in Public Meetings.

Members of the Council and the Mayor should at all times:

- A. *Practice civility, professionalism and decorum in discussions and debate.* Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, anyone to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated. Councilmembers and the Mayor should conduct themselves in a professional manner at all times, ~~including physical appearance.~~
- B. *Honor the role of the Mayor/Chair in maintaining order.* It is the responsibility of the Mayor/Chair to keep the comments of all persons, focused during public meetings.

Councilmembers should honor efforts by the Mayor/Chair to focus discussions on current agenda items. If there is disagreement about the agenda or the Mayor's/Chair's actions in refraining staff, public or Councilmembers from speaking, those objections should be voiced politely and with reason.

- C. *Avoid personal comments that could offend other Councilmembers.* ~~If a Councilmember is personally offended by the remarks of another Councilmember, the offended Councilmember should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Councilmember to justify or apologize for the language used.~~ The Mayor will maintain order of this discussion.
- D. *Demonstrate effective problem-solving approaches.* Councilmembers have a public forum to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.
- E. *Be punctual and keep comments relative to topics discussed.* Councilmembers have made a commitment to attend meetings and partake in discussions. Therefore, it is important that Councilmembers be punctual and that meetings start on time. It is equally important that discussions on issues be relative to the topic at hand to allow adequate time to fully discussed scheduled issues.

SECTION 3. That the City Clerk shall cause a copy of this ordinance to be provided to each candidate for elected City office upon filing of a declaration of candidacy with the office of the City Clerk.

SECTION 4. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this ____ day of _____, 20178.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 20178.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*