



## The City of Lee's Summit

### Final Agenda

#### City Council Rules Committee

Thursday, October 1, 2020

5:00 PM

Via Video Conference and City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

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Notice is hereby given that the City Council Rules Committee will meet on Thursday, October 1, 2020 at 5:00 p.m. via video conference and in person as provided by Section 610.015 of the Revised Statutes of the State of Missouri. Due to the ongoing Covid-19 pandemic, a public meeting room will not be available at City Hall, and therefore the public is invited to participate in the meeting with live audio and video via the Zoom software platform. Persons who wish to attend by this method should contact the City Clerk by the methods listed below to receive the information to participate by Zoom.

Persons wishing to provide public comment on any item of business on the agenda may do so in writing prior to Wednesday, September 30, 2020 by 1:00 p.m. either by email to: [clerk@cityofls.net](mailto:clerk@cityofls.net), by leaving a voicemail at 816-969-1005 or by leaving written printed comments in the utility payment drop boxes located in the alley behind City Hall or inside the foyer at the north end of City Hall, both located at 220 SE Green Street, Lee's Summit, MO 64063. Comments submitted by these methods will be presented in writing to the Committee members and included in the minutes/action letter of the meeting.

#### 1. Call to Order

#### 2. Roll Call

#### 3. Approval of Agenda

#### 4. Public Comments

#### 5. Items for Discussion

- A. [2020-3695](#) Approval of the City Council Rules Committee Action Letter for September 3, 2020.
- B. [2020-3696](#) Discussion: Expanding the role of the alternate  
*Presenter:* Brian Head, City Attorney
- C. [2020-3330](#) Discussion: Sections 2-60.3 and 2-60.6 relative to Authorization of Committees pertaining to contract approval and other items.  
*Presenter:* Brian Head, City Attorney

- D. [2020-3700](#) Discussion of Mayor's ability to vote while serving as an ex officio member of the Legislative and Intergovernmental Relations City Council Committee.

Presenter: Brian W. Head, City Attorney

- E. [TMP-1702](#) An Ordinance amending Article II. Parks and Recreation Board of Chapter 19 Parks and Recreation of the Code of Ordinances of the City of Lee's Summit, Missouri by enacting a new Section 19-21 Appointments to the Parks and Recreation Board - Deadline. to provide for a certain deadline for appointment of Parks and Recreation Board members by the Mayor.

Presenter: Brian Head, City Attorney

## 6. Roundtable

## 7. 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 Legislative Information Center website at "[lsmo.legistar.com](http://lsmo.legistar.com)"

## Packet Information

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**File #:** 2020-3695, **Version:** 1

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Approval of the City Council Rules Committee Action Letter for September 3, 2020.

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

Thursday, September 3, 2020

5:00 PM

Via Video Conference and City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

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Notice is hereby given that the City Council Rules Committee will meet on Thursday, September 3, 2020 at 5:00 p.m. via video conference and in person as provided by Section 610.015 of the Revised Statutes of the State of Missouri. Due to the ongoing Covid-19 pandemic, a public meeting room will not be available at City Hall, and therefore the public is invited to participate in the meeting with live audio and video via the Zoom software platform. Persons who wish to attend by this method should contact the City Clerk by the methods listed below to receive the information to participate by Zoom.

Persons wishing to provide public comment on any item of business on the agenda may do so in writing prior to Wednesday, September 2, 2020 by 1:00 p.m. either by email to: [clerk@cityofls.net](mailto:clerk@cityofls.net), by leaving a voicemail at 816-969-1005 or by leaving written printed comments in the utility payment drop boxes located in the alley behind City Hall or inside the foyer at the north end of City Hall, both located at 220 SE Green Street, Lee's Summit, MO 64063. Comments submitted by these methods will be presented in writing to the Committee members and included in the minutes/action letter of the meeting.

**1. Call to Order**

Chairperson Felker called the September 3, 2020 City Council Rules Committee Meeting to order at 5:00 p.m.

**2. Roll Call**

**Guests in Attendance:**

**Brian Head**

**Jina Bellamy**

**Present:** 3 - Chairperson Andrew Felker  
Vice Chair Bob Johnson  
Councilmember Phyllis Edson

**Absent:** 1 - Councilmember Trish Carlyle

**3. Approval of Agenda**

Councilmember Edson made a motion to approve the Agenda as written. Motion was seconded by Councilmember Johnson. Roll call vote was taken: Chairperson Johnson - aye, Councilmember Edson - aye, Councilmember Felker - aye) Motion passed with a vote 3-0-1 (Councilmember Carlyle absent).

#### 4. Public Comments

There were no public comments.

#### 5. Items for Discussion

- A. [2020-3481](#) Approval of the City Council Rules Committee Action Letter for May 7, 2020.  
Councilmember Edson made a motion to approve Council Rules Committee Action Letter for May 7, 2020 . Councilmember Johnson seconded the motion. Roll Call Vote ( Councilmember Johnson - aye, Councilmember Edson - aye, Councilmember Felker - aye). Motion passed 3-0-1 (Councilmember Carlyle absent).

- B. [2020-3330](#) Discussion of Sections 2-60.3 and 2-60.6 relative to Authorization of Committees pertaining to contract approval and other items.

Brian Head gave a brief history and explained that initial discussions at the meeting in May revolved around what recommending authority the Committees have to approve contracts within their specific subject matter jurisdiction. This would assist with the budget process and knowing how it is impacted when contracts go over budget. During that initial discussion, the Committee decided to expand the review of each Committee's roles and not just regarding contracts.

Discussion included:

1. The roles of the alternate Committee members and when they should be allowed to vote. Specifically if they are in attendance for "quorum purposes only" or if the current ordinance should revert back to the sun-set ordinance where a alternate is counted as the 3rd or 4th member of the Committee with voting rights.
2. What happens with specific votes (2-2, 2-1) should something "die" in Committee or be referred to Council with an explanation or send it to an Ad-Hoc committee, and what constitutes a majority vote.

The Committee would like staff to bring back the previous "sun-set" ordinance where the alternate was counted as the 3rd or 4th member of the Committee and adding language regarding taking 2-2 votes on items to City Council with an explanation (not recommendation.) It was also discussed that majority would mean a majority of the quorum so if there are 3 members at the meeting and the vote is 2-1 - it is a majority and can go to Council with a recommendation.

Brian Head mentioned that if something comes from Committee with recommendation for approval there are two readings in a single evening and the item can be approved. However, if it comes directly to the Council or to the Council without a recommendation for approval, it requires a reading at it's first presentation then you have to wait seven days before another reading, thereby delaying the process.

City Council Rules Committee

Action Letter - Draft

September 3, 2020

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After further general discussion regarding the individual Committees and their role, there were a few brief comments regarding the following:

1. Community and Economic Development Committee: Do they make decisions regarding park and land use as mentioned in the current role? Mr. Head said he would have to look into the history to determine.
2. Legislative Intergovernmental Relations Committee:
  - a. A question was raised regarding the definition of Ex Officio member and can that member vote. It was also pointed out that it is listed differently in several places and needs consistency. Mr. Head said he would look into it further and do a memo for clarification.
  - b. Also to change the word Chairman to Chair.

Consensus of the Committee was to have Mr. Head send the staff liaisons and Chairs of each Committee their individual Scope of duties for their input and revision for future discussions by the Rules Committee. Mr. Head will also raise the question to the Committees regarding to what extent they believe they need authority to recommend contracts for Council approval.

**This Discussion Item was continued to the City Council Rules Committee due back on 10/1/2020.**

- C. [2020-3482](#) AN ORDINANCE amending Article II. Parks and Recreation Board of Chapter 19 Parks and Recreation of the Code of Ordinances of the City of Lee's Summit, Missouri by enacting a new Section 19-21 Appointments to the Parks and Recreation Board - Deadline. to provide for a certain deadline for appointment of Parks and Recreation Board members by the Mayor.

Brian gave a brief history and presented draft language to be considered by the Committee to change the process of nominating officers to the Park Board until after the Mayor makes appointments to the Board. Brian mentioned a change from the proposed language in the packet from the first day of April to the first day of May which worked better for the Park Board.

After general discussion, consensus was to have staff draft a bill for discussion and recommendation at the next Rules Committee meeting.

**This Discussion Item was continued to the City Council Rules Committee due back on 10/1/2020.**

## 6. Roundtable

Councilmember Johnson mentioned his desire to discuss the number of councilmembers in each district in light of a potential future redistricting due to the census and making a proposed change to the Charter.

The next meeting of the City Council Rules Committee will be held on September 21, 2020 at 5:30 p.m.

## 7. Adjournment

**City Council Rules Committee**

**Action Letter - Draft**

**September 3, 2020**

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**Councilmember Felker adjourned the September 3, 2020 City Council Rules Committee at 6:11 p.m.**

For your convenience, City Council agendas, as well as videos of City Council and Council Committee meetings, may be viewed on the City's Legislative Information Center website at "[lsmo.legistar.com](https://lsmo.legistar.com)"

## Packet Information

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**File #:** 2020-3696, **Version:** 1

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Discussion: Expanding the role of the alternate

At the last meeting of the Committee staff was directed to include Ordinance number 8164 passed by the Council in 2017 with a one year sunset.

That ordinance allowed for the alternate to participate and vote on items acting as either the third or fourth member of a Committee. That Ordinance was not continued in 2018 and expired. The current rule provides that an alternate may only participate and vote when the presence of the alternate is necessary for the Committee to have a quorum. A copy of Ordinance 8164 and the current language of 2-60.1 are included.

Brian Head, City Attorney



AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE II. COUNCIL, DIVISION 3. STANDING COMMITTEES, SECTIONS 2-51 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT FOR THE PURPOSE OF EXPANDING THE ROLE OF THE ALTERNATE FOR A PERIOD OF ONE YEAR.

WHEREAS, Chapter 2 of the Code of Ordinances of the City of Lee's Summit ("Code") sets forth provision regarding administration of City affairs; and,

WHEREAS, Article II. Division 3., of Chapter 2 of the Code, specifically sets forth provisions regarding standing committees of the City of Lee's Summit ("City") Council; and,

WHEREAS, Ordinance No. 7665 sets forth Rule 1.1, composition of membership; and,

WHEREAS, Rule 1.1 has become Code section 2-51; and,

WHEREAS, the City Council wishes to clarify the voting rights and participation of alternate committee members.

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

SECTION 1. That Chapter 2. Administration, Article II. Council, Division 3. Standing Committees, Section 2-51. Composition of membership – Rule 1.1 shall be amended to read as follows,

**Sec. 2-51. Composition of membership. Rule 1.1.**

City Councilmembers shall be appointed to regular standing committees by the Mayor Pro Tempore who, when appointing a committee, shall designate a member thereof as Chair, designate another member as Vice Chair and designate the total number of Councilmembers to serve on each committee. The Mayor Pro Tempore shall also designate one (1) councilmember, other than himself/herself, to serve as an alternate member for each standing committee. ~~The alternate committee member shall have voting rights and shall be counted for purposes of quorum only when a quorum would not exist without the alternate's attendance.~~ ***The alternate committee member shall have voting rights and shall be counted as either the third or fourth member of the committee. In the event that all regular members of the Committee are present, the alternate shall not have any voting right or the right to participate.*** No Councilmember shall serve as an alternate for more than two (2) standing committees. The Mayor Pro Tempore shall be an ex-officio member of all committees of the City Council, for the purpose of a quorum and discussion, but shall have no vote unless the Mayor Pro Tempore is a duly appointed member of said committee. A quorum for a standing committee cannot be achieved by the presence of both the alternate committee member and the Mayor Pro Tempore.

SECTION 3. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4. 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.

SECTION 5. That the provisions of Section 2 above shall become effective from and after July 1, 2017 and shall remain in effect to and until June 30, 2018 unless further extended or made permanent by Ordinance of the Council of the City of Lee's Summit, Missouri prior to such June 30, 2018 date. In the event that said provisions are not extended or made permanent then Section 2-51 of the Code of Ordinances of the City of Lee's Summit, shall revert to the language in effect on the day prior to the passage of this ordinance and read as follows:

**"Sec. 2-51. Composition of membership. Rule 1.1.**

City Councilmembers shall be appointed to regular standing committees by the Mayor Pro Tempore who, when appointing a committee, shall designate a member thereof as Chair, designate another member as Vice Chair and designate the total number of Councilmembers to serve on each committee. The Mayor Pro Tempore shall also designate one (1) councilmember, other than himself/herself, to serve as an alternate member for each standing committee. The alternate committee member shall have voting rights and shall be counted for purposes of quorum only when a quorum would not exist without the alternate's attendance. No Councilmember shall serve as an alternate for more than two (2) standing committees. The Mayor Pro Tempore shall be an ex-officio member of all committees of the City Council, for the purpose of a quorum and discussion, but shall have no vote unless the Mayor Pro Tempore is a duly appointed member of said committee. A quorum for a standing committee cannot be achieved by the presence of both the alternate committee member and the Mayor Pro Tempore."

SECTION 6. 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 Lee's Summit, Missouri, this 1<sup>st</sup> day of June, 2017.

  
\_\_\_\_\_  
Mayor Randall L. Rhoads

ATTEST:

  
\_\_\_\_\_  
City Clerk Denise R. Chisum

APPROVED by the Mayor of said city this 6<sup>th</sup> day of June, 2017.

  
\_\_\_\_\_  
Mayor *Randall L. Rhoads*

ATTEST:

  
\_\_\_\_\_  
City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney *Brian W. Head*

Current language

Sec. 2-60.1. - Composition of membership.

City Councilmembers shall be appointed to regular standing committees by the Mayor Pro Tempore who, when appointing a committee, shall designate a member thereof as Chair, designate another member as Vice Chair and designate the total number of Councilmembers to serve on each committee. The Mayor Pro Tempore shall also designate one (1) councilmember, other than himself/herself, to serve as an alternate member for each standing committee. The alternate committee member shall have voting rights and shall be counted for purposes of quorum only when a quorum would not exist without the alternate's attendance. No Councilmember shall serve as an alternate for more than two (2) standing committees. The Mayor Pro Tempore shall be an ex-officio member of all committees of the City Council, for the purpose of a quorum and discussion, but shall have no vote unless the Mayor Pro Tempore is a duly appointed member of said committee. A quorum for a standing committee cannot be achieved by the presence of both the alternate committee member and the Mayor Pro Tempore.

(Ord. No. 8789, § 2, 12-17-2019)

## Packet Information

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**File #:** 2020-3330, **Version:** 1

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Discussion: Sections 2-60.3 and 2-60.6 relative to Authorization of Committees pertaining to contract approval and other items.

At the February 27, 2020 meeting of the City Council Rules Committee, members discussed the authority for each Council Committee as found in Sec. 2-60.3 (previously Sec. 2-53) Duties of the regular standing Committees - Rule 1.3 of the Lee's Summit Code of Ordinances. Members reviewed the section and asked staff to provide an amendment related to the relative authority of each committee to review and recommend approval of various types of contracts including goods, services and construction projects. Staff prepared an amendment in an attempt to make clear that each Committee has the authority to review such contracts that are otherwise within the subject matter authority of the Committee (see the attached language). This item was presented at the May 7, 2020 meeting of the Committee. Following discussion, the consensus of the Committee was to proceed with a complete review of section 20-60.3 (the powers and duties of each City Council Committee. Staff has prepared a document for the use of the Committee that will allow space for notes and amendments.

Brian Head, City Attorney

## **DIVISION 3. - STANDING COMMITTEES**

### **Sec. 2-60.1. - Composition of membership.**

City Councilmembers shall be appointed to regular standing committees by the Mayor Pro Tempore who, when appointing a committee, shall designate a member thereof as Chair, designate another member as Vice Chair and designate the total number of Councilmembers to serve on each committee. The Mayor Pro Tempore shall also designate one (1) councilmember, other than himself/herself, to serve as an alternate member for each standing committee. The alternate committee member shall have voting rights and shall be counted for purposes of quorum only when a quorum would not exist without the alternate's attendance. No Councilmember shall serve as an alternate for more than two (2) standing committees. The Mayor Pro Tempore shall be an ex-officio member of all committees of the City Council, for the purpose of a quorum and discussion, but shall have no vote unless the Mayor Pro Tempore is a duly appointed member of said committee. A quorum for a standing committee cannot be achieved by the presence of both the alternate committee member and the Mayor Pro Tempore.

(Ord. No. 8789, § 2, 12-17-2019)

### **Sec. 2-60.2. - Regular Standing Committees enumerated.**

The regular standing committees of the Council shall be as follows:

- A. Community and Economic Development Committee;
- B. Finance and Budget Committee;
- C. Legislative/Inter-Governmental Relations Committee;
- D. Public Works Committee;
- E. Rules Committee.

(Ord. No. 8789, § 2, 12-17-2019)

### **Sec. 2-60.3. - Duties of the regular Standing Committees.**

- A. *Community and Economic Development Committee.* The committee shall review current or proposed policies or ordinances dealing generally with planning, zoning and other related community development department issues. The committee shall review current or proposed policies or ordinances dealing with code enforcement; review current or proposed procedures for the administrative enforcement of the International Building Codes, Life Safety Codes, and the International Fire Codes (includes review of all relevant national codes); review current and proposed policies in relation to residential and commercial development, park and land use and development, and general landscaping issues. The committee may consider and report upon proposed ordinances and matters referred to it relating to commerce, industrial growth, expansion and development, economic development, the creation and retention of jobs, and all other matters as directed by the City Council. The committee shall review CDBG applications and decide on a recommended allocation of grant funds for City Council approval by ordinance.

- B. *Finance and Budget Committee.* The committee shall evaluate and review financial statements, review and evaluate investment actions, recommend purchasing and bid approvals to the full Council and consider all other financial transactions as directed by the City Council. The committee shall review the City Manager's proposed budget prior to its consideration by the City Council pursuant to Article XI of the City Charter. The committee shall report upon all bills, proposed ordinances, measures or questions referred to it pertaining to appropriations and the overall financial condition and future needs of the City. The committee shall consider all other budget related matters as directed by the City Council.



- C. *Legislative/Inter-Governmental Relations Committee.* The committee shall develop the annual state and federal legislative programs for City Council consideration, host the Annual "Kick-Off" Meeting with state legislators in combination with the school districts and Chamber of Commerce to present the state legislative program, and work with City staff to monitor legislation introduced at the state and federal level affecting municipalities and identify issues for the Council to consider taking a position and/or lobbying state or federal legislators. The committee shall work with political subdivisions in the area on common issues, projects, and agreements. A quick response team consisting of the Mayor, City Manager, and Chairman of this Committee shall meet and provide a position statement for the Committee during the legislative session in those instances where action on specific legislation is imminent.

D. *Public Works Committee.* The committee shall review matters relating to the following:

1. Public works or water and wastewater items prior to consideration and action by the City Council, consider current or proposed ordinances or policies addressing all infrastructure or transportation issues, in conjunction with the Design and Construction Manual, and review issues concerning the Lee's Summit Airport, following review and recommendations from the Board of Aeronautical Commissioners; and

2. The development, use and conservation of energy and other energy related concerns; environmental impact and pollution, including natural resources such as air, water, solid waste, recovery of natural resources of all types and by all means, including environmental impact and public health and safety as it relates to these issues, and the committee shall also consider changes and amendments to the landfill operations, review Department of Natural Resources (DNR) regulations, consider closure and post-closure requirements and review matters concerning the Sanitary Landfill and Resource Recovery Park prior to consideration and action by the Council.

E. *Rules Committee*. The committee shall formulate and present for consideration the rules of the Council; shall consider and report upon all propositions to amend or change the rules, which propositions shall stand referred without reading or consideration and without discussion, explanation or debate to the Committee on Rules. (Ord. No. 8789, § 2, 12-17-2019)

## Sec. 2.60.6. Other Duties.

**Each committee shall have the authority, within its specific subject matter as provided by Sec.2-60.3 to review and make recommendations on contracts for the purchase of goods and services. Any contract for the purchase of goods or services, including construction projects, which exceeds the authority of the City Manager or requires a Council approved appropriation for which no appropriation exists, must be reviewed by the Finance and Budget Committee.** ~~Each committee,~~ In addition to the duties above prescribed, **each Committee** shall perform such other duties as may be required by Council.

## Packet Information

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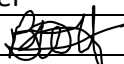
**File #:** 2020-3700, **Version:** 1

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Discussion of Mayor's ability to vote while serving as an ex officio member of the Legislative and Intergovernmental Relations City Council Committee.

At the last meeting of the Rules Committee staff was asked to review the rules surround the authority of the Mayor to vote and participate when acting as an ex officio member of the City Council Legislative and Intergovernmental Relations Committee. Staff has reviewed the item and has prepared a memorandum for consideration and discussion.

Brian W. Head, City Attorney

	<b>City of Lee's Summit Law Department Memorandum</b>	
	<b>To:</b>	City Council Rules Committee William Baird, Mayor Stephen A. Arbo, City Manager
	<b>From:</b>	Brian W. Head, City Attorney 
	<b>Date:</b>	September 21, 2020
	<b>Re:</b>	Voting Rights – Mayor as Ex Officio Member of Legislative and Intergovernmental Relations Committee

**Question Presented:**

May the Mayor vote on items before the Legislative and Intergovernmental Relations Committee (the "Committee") in his capacity as an ex officio member?

**Facts:**

- The Mayor has historically attended the Legislative and Intergovernmental Relations Committee as an ex officio member of the Committee.
- In the past Mayors have both voted and declined to vote.
- There is no ordinance or code provision that provides that the Mayor is a member of the Committee ex officio or otherwise. However, the Mayor is appointed annually with other Committee and Liaison appointments to serve in this role.
- The Committee only consists of three members instead of four (plus alternate). All other committees have four (plus alternate).
- The Mayor serves along with the Chair of the Committee and the City Manager on the Legislative quick response team.

**Discussion:**

The Mayor has long served as an Ex Officio member of the Committee and was reappointed on July 7, 2020 to continue in that role. Additionally, the code provides that the Mayor serve as a member of the quick response team as listed above. We find nothing in the code or charter that requires Mayor to serve as a member of the Committee; however, the Mayor is appointed along with other Councilmembers to various council committees.

After reviewing some very anecdotal historical information, it appears that the fact that there are only three members of the committee (instead of the standard four) was intended to allow for the Mayor's attendance and participation. In contrast, the Mayor Pro Tempore, via a code provision, serves as an ex officio member of all committees for the purpose of quorum only and does not have the right to vote.

Additionally, it is important to note that the number of Committee members is significant. If this Committee were to have four regular members plus the Mayor then this would constitute a majority of the entire Council and the Mayor would be required to chair the meetings. Also, any action taken would

then be an act of the Council and not of a Committee of the Council. This is especially important now that the Mayor has the right to vote on items before the City Council.

Generally, an ex officio member of a committee who is a member as the result of holding an office, is afforded all rights and privileges of membership including the right to vote and to count for quorum. We have no rule discussing the rights of ex officio members of a committee, therefore, pursuant to our rules of procedure we are required to look to Robert's Rules of Order for guidance.

Robert's provides the above stated rule with two exceptions:

1. if the ex officio member is an officer of the body and serves as a member of all committees then, absent a bylaw provision to the contrary, that ex officio member would have the right to vote and discuss but not count for quorum. We have an ordinance that provides that the Mayor Pro Tempore serve as an ex officio member of all City Council Committees for purposes of quorum and discussion but may not vote.
2. If the ex officio committee member is NOT a member of the body then similarly he or she would have the right to vote and discuss but not count for quorum. I have attached an explanation related to the treatment of ex officio members from the official website for Robert's Rules of Order ([robertsrules.com](http://robertsrules.com)) below.

**Conclusion:**

Robert's Rules of Order make clear that the Mayor, as an ex officio member of the Legislative and Intergovernmental Relations Committee, has all rights and privileges of a Councilmember serving as a committee member including the right to participate in discussion, vote and count for quorum.

**Recommendation:**

If it is the desire of the Rules Committee to clarify the Mayor's participation and voting in the Legislative and Intergovernmental Committee via a rule then we would recommend inserting the following sentence into section 2-60.3(c):

The Mayor shall serve as an ex officio member of the Committee and shall have all rights and privileges including the right to participate and vote and for all purposes shall count for quorum.

The following is a portion of an explanatory faq from: <https://robertsrules.com/frequently-asked-questions/#faqs>

“Ex officio” is a Latin term meaning “by virtue of office or position.” Ex-officio members of boards and committees, therefore, are persons who are members by virtue of some other office or position that they hold. For example, if the bylaws of an organization provide for a Committee on Finance consisting of the treasurer and three other members appointed by the president, the treasurer is said to be an ex-officio member of the finance committee, since he or she is automatically a member of that committee by virtue of the fact that he or she holds the office of treasurer.

Without exception, ex-officio members of boards and committees have exactly the same rights and privileges as do all other members, including, of course, the right to vote. There are, however, two instances in which ex-officio members are not counted in determining the number required for a quorum or in determining whether or not a quorum is present. These two instances are:

1. In the case of the president, whenever the bylaws provide that the president shall be an ex-officio member of all committees (or of all committees with certain stated exceptions); and

2. When the ex-officio member of the board or committee is neither an ex-officio officer of the board or committee nor a member, employee, or elected or appointed officer of the society (for example, when the governor of a state is made ex officio a member of a private college board).

Again, however, it should be emphasized that in these instances the ex-officio member still has all of the rights and privileges of membership, including the right to vote. [RONR (12th ed.) 49:8–9, 50:16.]



## Packet Information

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**File #:** TMP-1702, **Version:** 1

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An Ordinance amending Article II. Parks and Recreation Board of Chapter 19 Parks and Recreation of the Code of Ordinances of the City of Lee's Summit, Missouri by enacting a new Section 19-21 Appointments to the Parks and Recreation Board - Deadline. to provide for a certain deadline for appointment of Parks and Recreation Board members by the Mayor.

At the May meeting of the Committee, City Attorney Head presented a request from Mayor Baird related to the timing of Parks Board Appointments. The Lee's Summit Charter provides that the Mayor, upon the advice and consent of the City Council, has the authority to appoint members of the Parks Board and shall do so not later than June 1 of each year. Mayor Baird requested this rule change to insure that appointments are made prior to the selection of officers by the Parks Board. Typically, officer are selected in April with an effective date of July 1. This creates a situation where individuals may be selected for an office without knowing whether or not the Mayor and Council wish to reappoint.

Proposed language for a rule is attached.

Update: At the last meeting of the Committee, staff was directed to bring back the language in an ordinance form for review and possible approval.

Proposed Motion: I move that An Ordinance amending Article II. Parks and Recreation Board of Chapter 19 Parks and Recreation of the Code of Ordinances of the City of Lee's Summit, Missouri by enacting a new Section 19-21 Appointments to the Parks and Recreation Board - Deadline. to provide for a certain deadline for appointment of Parks and Recreation Board members by the Mayor be forwarded to the City Council with a recommendation for approval.

Brian Head, City Attorney

Proposed language relating to Parks Board appointments:

The Mayor, with the advice and consent of a majority of the entire Council, before the first day of April each year, shall appoint such Parks and Recreation directors as may be required due to expiration of terms. Such appointments shall be effective on July 1st of each year. Appointments due to resignation, death or disability may occur at any time.

**BILL NO. 20-**

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AN ORDINANCE amending Article II. Parks and Recreation Board of Chapter 19 Parks and Recreation of the Code of Ordinances of the City of Lee’s Summit, Missouri by enacting a new Section 19-21 Appointments to the Parks and Recreation Board – Deadline. to provide for a certain deadline for appointment of Parks and Recreation Board members by the Mayor. (Rules 10/1/20)

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

SECTION 1. That Article II. Parks and Recreation Board of Chapter 19 Parks and Recreation of the Code of Ordinances of the City of Lee’s Summit, Missouri be amended by adding a new Section 19-21. Appointments to the Parks and Recreation Board – Deadline. to read as follows:

“Sec. 19-21. Appointments to the Parks and Recreation Board – Deadline.

The Mayor, with the advice and consent of a majority of the entire Council, before the first day of May each year, shall appoint such Parks and Recreation directors as may be required due to expiration of terms. Such appointments shall be effective on July 1st of each year. Appointments due to resignation, death or disability may occur at any time.

SECTION 2. If any part or portion of this ordinance is found invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining ordinance.

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 \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor *William A. Baird*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor *William A. Baird*

ATTEST:

**BILL NO. 20-**

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\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*