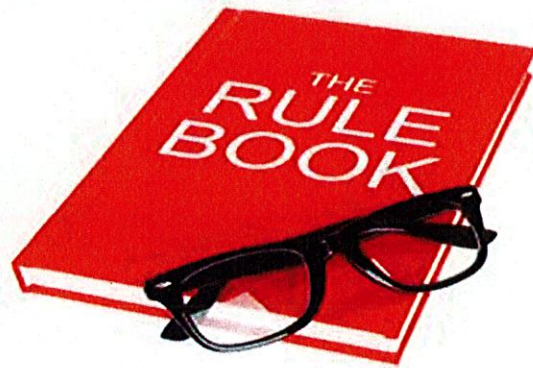




LEE'S SUMMIT

M I S S O U R I



CITY COUNCIL RULES AND PROCEDURES

QUICK REFERENCE GUIDE

April 2026 EDITION

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Chapter 2-Administration

Article II – COUNCIL

DIVISION 2.

– PROCEDURES FOR THE CONDUCT OF BUSINESS

**Chapter 2-Administration-Article II – Council-Division 2. – Procedures for the
Conduct of Business.**

DIVISION 2. PROCEDURES FOR THE CONDUCT OF BUSINESS.

Sec. 2-40. - Purpose.

These rules are intended to provide a clear and concise set of procedures for the governance of business of the City Council and City Council Committees as described below. They are intended to replace provisions of Roberts Rules of Order except that Roberts Rules may be used to clarify the rules in the event that these rules do not address a procedural question. The intent is further to be mindful of the following principles:

1. The City Council must act as a body.
2. The City Council should proceed in the most efficient manner possible.
3. The City Council must act by at least a majority as provided by the Charter.
4. Every member must have an equal opportunity to participate in decision making.
5. The City Council's rules of procedure must be followed consistently.
6. The City Council's actions should be the result of a decision on the merits and not a manipulation of the procedural rules.

(Ord. No. 8789, § 2, 12-17-2019)

Sec. 2-41. - Time of Council meeting and calling of special meetings.

The Council shall meet regularly at least once each month at such times and places as the Council may prescribe by resolution. The Mayor, upon the Mayor's own motion, may, or at the request of four (4) members of the Council shall, call a special meeting of the Council for a time not earlier than twenty-four (24) hours after notice is given to all members of the Council then in or near the City of Lee's Summit, or who can otherwise be contacted with reasonable effort.

(Ord. No. 8789, § 2, 12-17-2019)

Sec. 2-42. - Quorum.

A majority of the members of the Council shall constitute a quorum for its business, but a smaller number may meet to compel the attendance of absent members in the manner and subject to the penalties prescribed by ordinance, and the names of the absentees shall be noted by the City Clerk upon the journal.

(Ord. No. 8789, § 2, 12-17-2019)

Sec. 2-43. - Presiding officer.

The Mayor shall be Presiding Officer of the Council. During any absence or disability of the Mayor, the Mayor Pro Tempore shall assume the powers and duties of the Mayor. In the event that neither the Mayor nor Mayor Pro Tempore shall be in attendance at any meeting of the City Council, the Councilmembers present, a quorum being found, shall elect from among their number a presiding officer until the conclusion of that meeting or until the Mayor or Mayor Pro Tempore shall be present.

(Ord. No. 8789, § 2, 12-17-2019)

Sec. 2-44. - Order of business.

- A. The order of business in a regular City Council meeting shall be contained in the official agenda published in accordance with the Missouri Sunshine Law. Such agenda items included herein below shall be included in the agenda and shall be in the following order unless amended by the Mayor as provided by Subsection B herein below:
1. Public comments. (Note: Each speaker shall be limited to three (3) minutes as provided in Section 2-45 of the Code of Ordinances.)
 2. Council comments.
 3. Approval of Consent Agenda. Items on the Consent Agenda are routine business matters; or, proposed ordinances approved unanimously by the Council on First Reading. Consent agenda items may be removed upon the request of any Councilmember prior to approval of the agenda for discussion as part of the regular agenda. A consent agenda item may be removed from the Consent Agenda after approval of the agenda upon the consent of the City Council.
 4. Proclamations.
 5. Presentations.
 6. Resolutions.
 7. Proposed ordinances forwarded from Committee. The following proposed ordinances were considered by a Council Committee, were forwarded to the City Council with a recommendation for approval and are presented to the Council for two (2) readings and adoption.
 8. Emergency ordinances. The following proposed ordinances meet the criteria included in Section 3.13(f) of the Lee's Summit Charter for Emergency Ordinances and are presented for two (2) readings in this meeting. Six (6) affirmative votes are required for approval of second reading.
 9. Public hearings. Proposed ordinances considered after a public hearing will be read for the first time and forwarded to a future City Council meeting for second reading, unless deemed an emergency as defined in Section 3.13(f) of the Lee's Summit Charter. Five (5) affirmative votes are required for approval of second reading unless State law imposes a higher voting requirement.
 10. Proposed ordinances—First reading. The proposed ordinances presented for first reading may include items with a previous hearing; an item brought directly to the City Council without a recommendation from a Council Committee; or, items forwarded from citizen Boards or Commissions. Five (5) affirmative votes are required for approval of second reading unless State law imposes a higher voting requirement.
 11. Proposed ordinances—Second reading. The proposed Ordinances were advanced from First Reading without a unanimous vote of the City Council.
 12. Committee reports (Committee chairs report on matters held in Committee).
 13. Council roundtable.
 14. Staff roundtable.
 15. Adjournment. Unless determined otherwise by the Mayor and City Council, no new agenda items shall be considered after 11:00 p.m.

- B. The order of business described above may be changed by the Mayor at any time prior to the approval of the agenda by the City Council if, in the Mayor's discretion, he or she believes that such a change would allow for a smoother transaction of business.

(Ord. No. 8789, § 2, 12-17-2019)

Sec. 2-45. - Public Participation in Meetings.

- I. Public Comments
 - A. During public comments, the public may address Council on any matter listed in the Council agenda for the meeting or directly related to the operations of the City of Lee's Summit, except for those matters that are the subject of a public hearing requiring that testimony be sworn. Any person requesting time to speak to the Council during the public comments portion of the meeting must complete a "Request to Comment" card consisting of at least the person's name, whether or not the person is a resident of the city, the agenda item(s) the person wishes to address or the general subject related to the operations of the City of Lee's Summit and whether such person is speaking on behalf of a larger group that is in attendance before the person will be allowed to speak. A completed "Request to Comment" card must be submitted to the City Clerk prior to the Call to Order, and the person will be given no more than three (3) minutes to speak. Should the speaker yield to a question from a councilmember, the time yielded shall not be included in the three (3) minutes. Members of the public will be ruled out of order if their comments stray from the agenda item(s) or general subject related to the operations of the City of Lee's Summit as identified on the person's "Request for Comment" card.
 - B. During public comments, Councilmembers may address a speaker on the speaker's issue, unless such matter is the subject of litigation involving the City and/or its employees or officials, and City Council has determined its litigation strategy and/or policy and such Councilmember comments will not act to diminish the City's position in such litigation.
 - C. Any ordinance directed by Council to be drafted as a result of a public hearing requiring testimony to be sworn shall not be subject to comment by the public outside a duly advertised public hearing and upon being duly sworn. Such ordinances shall be placed on the agenda under "Public Hearing."
- II. Public Hearings, generally.
 - A. Public hearings required by law or deemed advisable by the City Council or Council Committee shall be organized and notice shall be provided as required by law. Any such notice shall set forth the subject, date, place, and time of the hearing as well as any special rules regarding the length of time allotted for each speaker, and other pertinent matters. Any person wishing to speak may do so as provided by these rules. In the interest of time, groups may be asked to limit the number of speakers to a single representative, and the Chair may provide additional speaking time to such representative as deemed appropriate by the Chair. Generally, members of the public wishing to speak will be given no more than three (3)

minutes. Should the speaker yield to a question from a councilmember, the time yielded shall not be included in the three (3) minutes. The total time allotted for the public to testify shall not exceed 45 minutes. The Applicant and Staff shall be given such time as may be required to fully present the item.

- B. All speakers should avoid repetitive testimony.
 - 1. Repetitive testimony in the same public hearing. If a speaker is providing testimony which presents evidence or arguments that the body has already heard from a previous speaker or speakers in same public hearing, the Chair has the discretion to end such repetitive testimony and limit testimony to the receipt of new evidence. If a speaker has provided written testimony for a public hearing, the Chair may limit oral testimony by such speaker to evidence that is not provided by the written testimony or questions from members. Speakers shall avoid reading written testimony to the body where such written testimony was made available to the body prior to the public hearing.
 - 2. Repetitive testimony in a second public hearing. In the case where the body is holding a second public hearing on the same subject matter or application as a previous public hearing before another City body, the Chair may limit testimony in the second public hearing to avoid repetition from the first public hearing. In such situations, the Chair may further limit testimony in the second public hearing to the receipt of new evidence that was not reasonably available at the time of the first public hearing.
 - 3. Repetitive testimony at continued public hearings. In the case where a public hearing before a body has been continued to a later date, the Chair may limit testimony in the continued public hearing to avoid repetition from the first public hearing, and may further limit testimony in the continued public hearing to the receipt of new evidence that was not reasonably available at the time of the first public hearing.
- C. All notice and other requirements of the Sunshine Law shall also apply to public hearings before the City Council, any City Council Committee or other Board/Commission of the City; such a hearing is considered part of a regular or special meeting thereof. A public hearing for which any required notices have been given may be continued to a date, time and place certain without further advertisement provided the date, time and place are announced during the meeting at which the hearing was scheduled to occur. The requirements of Rule 9; Motion 7 - Motion to postpone shall be followed in continuing a hearing at which a majority of the Council or Council Committee, is present.
- D. At the time appointed for the public hearing, the Chair shall open and preside over the public hearing. When the allotted time for the public hearing expires, or if no one wishes to speak who has not done so, the Chair shall declare the hearing ended. The Chair may re-open the public hearing at the same meeting at which the hearing was originally scheduled if the Body desires to receive additional evidence or testimony in the public hearing. During the body's debate and deliberation of the

pending matter after the public hearing has closed, the Chair may accept input and advice from City staff about the pending matter without re-opening the public hearing.

III. Special Procedural rules for public meetings and public hearings conducted by video conference.

- A. **Applicability.** The provisions of this section shall apply to the City Council, Council Committees, and all boards and commissions of the City that are subject to the Sunshine Law as set forth in RSMo ch. 610 of the (each a "body" as used in this section).
- B. **Method of holding meetings, in-person or by videoconference.** Each body may elect to conduct meetings in-person or by videoconference. The chair of each body shall communicate the method of conducting each meeting to City staff with sufficient advanced notice to prepare for the method of holding each meeting. City staff will coordinate with the body to conduct each meeting by the method selected by the body.
- C. **General rules for videoconference meetings.**
 - 1. The City Manager shall select a videoconference platform which shall be used by each body to hold meetings which are conducted by videoconference. This method shall be communicated to the bodies of the City. The City Manager may change the videoconference platform from time to time, as deemed necessary.
 - 2. The provisions of this section shall apply to all meetings that are conducted by videoconference.
 - 3. This section shall govern participation in a public meeting by videoconference. If a person participates in a meeting by telephone, these rules will be followed to the greatest extent possible.
 - 4. City staff is directed to incorporate directions regarding how to participate in public meetings by videoconference within the various hearing notices, mailings, agendas, site signage and other means that are distributed to the public for public meetings and public hearings.
 - 5. City staff shall communicate the requirements of this section, as deemed necessary, to educate applicants and members of the public who participate in a meeting by videoconference.
- D. **Public hearing oath during sworn public hearings.**
 - 1. For each public hearing, when called upon by the chair of the body, the swearing-in oath shall be delivered as normal to the participants in the videoconference meeting. Video screens shall be turned on, when possible, so the participants can see the person being sworn in.
 - 2. Prior to administering the swearing-in oath, the chair should inform the participants that anyone who needs to be sworn in should have their audio and video turned on, for the limited purpose of swearing to the oath. After this step

is complete, all persons who have been sworn in should turn off audio and video and wait to speak to the body as outlined below.

3. The chair of each body will inquire, as necessary, of person speaking in a sworn public hearing whether they were sworn in, and if not then they will receive the public hearing oath.

E. Applicant participation and testimony.

1. The applicant in a public hearing will be given an access code and a password to participate on the selected videoconference platform.
2. The applicant may circulate the access code and password only to consultants and team members who might speak in the meeting. The access code and password will apply only to the designated meeting and should be treated as confidential information.
3. At the swearing-in oath, all applicant team members who might speak should have audio and video turned on to swear to the oath.
4. When the applicant's team members are not speaking, audio and video should be turned off.
5. During the question and answer period of a public hearing, when an applicant team member wants to speak, the person should turn on their video and wait to be called upon by the chair of the body. When finished, the person should turn off their audio and video again. Keeping everyone muted unless speaking will minimize background noise and distractions during the course of the discussion.
6. When an applicant's item is finished on the agenda, all of the applicant's team members should leave the videoconference platform. Such persons can continue watching the meeting as a member of the public through LSTV or other publicly available means.
7. The overall goal is to conduct each public hearing as close to the normal in-person process as possible, within the constraints of the videoconference setting.

F. Public testimony.

1. Public participation through the videoconference platform in a public hearing is solely for the purpose of providing testimony in the public hearing. General attendance by the public at a public meeting, when not providing testimony in a public hearing, must be by one of the methods stated on the agenda of the meeting and the other written material that is distributed for the public meeting. These methods will typically include watching on LSTV or on the television channel designated by a cable service provider. The several City departments will coordinate to provide information to the public and potential speakers at public hearings about the procedural rules in this section.

2. A member of the public who wants to speak at a public hearing by videoconference must inform the City Clerk by 5:00 p.m. on the day before the meeting date.
3. A member of public who makes a timely request to speak at a public hearing by videoconference will receive an access code and password to participate in the videoconference platform as a speaker. The access code and password will apply only to the designated meeting and should be treated as confidential information. The City Clerk's office and City staff shall coordinate to administer this provision.
4. The speaker must use their actual name on the videoconference platform and cannot participate anonymously. Anyone who attempts to participate anonymously will be dismissed from the videoconference platform by the host.
5. The member of the public that participates in the public hearing must have audio and video turned on to swear to the oath when the swearing-in oath is given for the public hearing.
6. When a member of the public is not speaking, audio and video must be turned off. If a participant fails to follow this rule, the chair may direct that the person be removed from the videoconference platform.
7. When a member of the public is called by the chair of the body to speak, the person should turn on their audio and video and address the body. If a member of the public fails to respond when it is their turn to speak, the chair may direct that that person shall be removed from the videoconference platform by the host.
8. If the speaker has any questions, those questions should be stated during their comments, but an answer will only be provided after the speaker has finished all comments. The chair of the body will call upon the appropriate person to answer any questions raised by the speaker.
9. When the agenda item is finished, the member of the public should leave the videoconference platform. Such persons can continue watching the meeting as a member of the public through LSTV broadcast or other publicly available means. Besides City staff and the body itself, the videoconference platform is limited to applicants and public speakers only during their specific agenda item.
10. The time allotted each participant to speak and the total time for the public to testify shall be as described herein above for public hearings.

(Ord. No. 8789 § 2, 12-17-2019, Ord. No. 9399, § 1, 4-26-22, Ord. No. 10338 – 3-10-26)

Sec. 2-46. - 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.

(Ord. No. 8789 § 2, 12-17-2019)

Sec. 2-47. - Council roundtable.

The Council roundtable is reserved for items of general interest, community announcements, and other such information. Council may ask for clarification or give direction about agenda items or discuss items of an emerging nature.
(Ord. No. 8789 § 2, 12-17-2019)

Sec. 2-48. - 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 exists for adding to the agenda.
(Ord. No. 8789, § 2, 12-17-19)

Sec. 2-49. - Rules of Order.

The following rules of order shall be used to govern the transaction of business for the City Council and any City Council Committees:

Rule 1. *Action by the City Council.* The City Council shall proceed by motion unless otherwise provided for herein. Any member of the City Council may make a motion except the Chair. The Chair of any City Council Committee may, however, make a motion at a City Council Committee meeting.

Rule 2. *Second Required.* A second to any motion shall be required to allow consideration and debate on any procedural or substantive motion.

Rule 3. *One Motion at a Time.* A Councilmember may make only one motion at a time except as may be provided by these rules.

Rule 4. *Substantive Motion.* A substantive motion is out of order while another substantive motion is pending.

Rule 5. *Adoption by a Majority Vote.* Any substantive motion to adopt any ordinance or resolution may be adopted only by a majority of the entire City Council including the Mayor, unless a greater number of votes are required by these Rules, or the Charter or State law provisions. Any procedural motion may be adopted by a majority of the City Council present and voting.

Rule 6. *Voting.* All votes taken during any City Council meeting or City Council Committee meeting shall be cast by members of the City Council physically present and in attendance at the meeting. Voting shall be either by roll call vote or simultaneous electronic display, and the ayes and nays shall be recorded in the journal. In all roll call votes the names of the members of the Council shall be called randomly. A majority of the members of the Council shall constitute a quorum for its business, but a smaller number may meet to compel the attendance of absent members in the manner and subject to the penalties prescribed by ordinance. Except as otherwise provided in this Charter, the affirmative vote of a majority of the entire Council shall be necessary to adopt any ordinance.

Rule 7. *Debate*. The Chair shall state the motion and then open the floor to debate. The Chair shall preside over the debate according to the following general principles:
The maker of the motion is entitled to speak first;

A member who has not spoken on the issue shall be recognized before someone who has already spoken;

Rule 8. *Ratification of Actions*. To the extent permitted by law, the City Council may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

Rule 9. *Procedural Motions*.

(a) *Certain Motions Allowed*. In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

(b) *Order of Priority of Motions*. In order of priority (if applicable), the procedural motions are:

Motion 1. *To Adjourn*. This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to adjourn to a time and place certain shall state the time and place when the meeting shall reconvene provided that such time and location comply with the requirements of RSMo. Chapter 610. In the event that a motion to adjourn is made without reference to a time and place certain, the City Council shall reconvene at such time and place as stated in the previously approved meeting schedule.

Motion 2. *To Take a Brief Recess*. This motion may be made to allow a short recess of the City Council. In no event shall a motion to recess provide for a recess longer than thirty (30) minutes. The Mayor may call for a brief recess following completion of an agenda item but for no longer than fifteen (15) minutes unless a specific reason for a longer recess is stated.

Motion 3. *To Follow the Agenda*. This motion, if approved, requires the Mayor and City Council to follow the agenda as approved. The motion must be made prior to the consideration of an item that does not follow the agenda. Failure to do so waives the motion.

Motion 4. *To Suspend the Rules*. The City Council may suspend any procedural rule not required by statute, the City Charter or any other law upon motion and the affirmative vote of a two-thirds (2/3) majority of the entire Council, including the Mayor. This motion is debatable but may not be amended.

Motion 5. *To Divide a Complex Motion and Consider It by Paragraph.* The motion is in order whenever a member has the floor during debate and wishes to consider and vote on subparts of a complex motion separately.

Motion 6. *To Table (Lay Upon the Table).* The City Council may defer a substantive motion for later consideration at an unspecified time. A substantive motion, the consideration of which has been deferred, expires upon the conclusion of the current session, as described in Motion 17 herein below, of the City Council. If consideration of a motion has been Tabled, a new motion with the same effect cannot be introduced while the deferred motion remains pending.

Motion 7. *To Postpone (To postpone to a date certain).* The City Council may defer a substantive motion or item of business for later consideration at a specified date. Any such motion shall state the specific date where the item will be considered. The item will then return to the agenda on the specified date without further action by the City Council.

Motion 8. *To Refer a Motion or item to a Committee.* The City Council may vote to refer a substantive motion or item of business to a committee for its study and recommendations. Any such item so referred shall be subject to Section 2-60.7 as if the item had been referred by the Mayor Pro Tempore.

Motion 9. *To Amend.*

- (a) An amendment to a motion must be pertinent to the subject matter of the main motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original main motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend.
- (b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.
- (c) Any amendment to a proposed ordinance or resolution shall be reduced to writing before the vote on the amendment upon the request of the Mayor or any Councilmember.
- (d) No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Motion 10. *The Previous Question / To End Debate.* The motion, upon approval, shall cause the immediate end of debate on the item. The motion is debatable but may not be amended. The motion is not in order until there have been at least twenty (20) minutes of debate, and every member has had an opportunity to speak once. No such motion shall be effective unless it shall receive a second and the affirmative vote of two-thirds of the entire City Council including the Mayor.

Motion 11. *To take from the table.* Any item deferred by a Motion to Table may be removed from the table and taken up for consideration and action at any time prior to the end of the current session of the City Council. A motion to take from the table must be approved by a majority of the entire Council including the Mayor. Upon approval, any such motion shall cause the item to be placed on the agenda for the next regular meeting of the City Council at which the item may be lawfully considered as provided by the order of business described herein above and with the same rank.

Motion 12. *To Reconsider.* The City Council may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side. In the event of a tie, those voting "no" shall be considered on the prevailing side. Motions to reconsider actions taken by the City Council may be made at the same regular or special session meeting of the City Council where the vote being moved to be reconsidered was taken; or, at the next regular or special session meeting of the City Council after the meeting where the vote being moved to be reconsidered was taken. The time limitations on making a motion to reconsider stated in this subsection shall not apply to votes/actions taken at standing or special committees. The motion cannot interrupt deliberation on a pending matter but is in order at any time before final adjournment of the meeting. If a motion is made and approved at the same meeting where the item was originally voted upon then that item may be considered during the same meeting. However, if a motion to reconsider is made and approved at the next meeting after the item was originally voted upon then that item shall be placed on the next regular meeting of the City Council after the meeting where the motion was approved and with the same rank.

Motion 13. *To Rescind.* The motion cannot interrupt deliberation on a pending matter but is in order at any time no item of business has been introduced or is being deliberated by the City Council. This motion does not bring a question back before the City Council for renewed consideration (as with a motion to reconsider); rather, its effect is to reverse a previous action. A motion to rescind is out of order if rescission of the previous action would violate vested rights or is forbidden by law. Additionally, the motion is not in order for the purpose of repealing any ordinance or resolution. An ordinance or resolution may be repealed only by an instrument of equal dignity. If notice of the intent to make the motion is given to all members at least 24 hours prior to the beginning of the meeting, the motion requires a simple majority of the entire Council including the Mayor to pass; however, if no notice is given then the motion requires the affirmative vote of 2/3rds of the entire Council including the Mayor to pass. *(Note: Examples of vested rights would include a vote to hire a Council Employee such as City Manager, the approval of a liquor license, and the purchase or sale of property authorized without an ordinance.)

Motion 14. *To Prevent Reintroduction for Six Months.* The motion shall be in order immediately following the defeat of a substantive motion and at no other time.

The motion requires a vote equal to two-thirds of the entire City Council including the Mayor for adoption. If adopted, the motion prevents the reintroduction of a motion with the same or substantially similar subject matter and remains in effect for six months or until the expiration of the current Session of the City Council whichever occurs first.

Motion 15. *To Direct the City Manager.* Any Councilmember may make a motion to direct the City Manager to take such action as the Council deems proper and necessary for the efficient governance of the City provided such direction is otherwise consistent with the Charter of the City. The motion requires the affirmative vote of a majority of the entire Council including the Mayor to be adopted.

Motion 16. *To Go into Closed Session.* The City Council may go into closed session only for one or more of the permissible purposes listed in chapter 610 RSMo. or as otherwise provided by law. The City Council shall commence a closed session only after a motion to go into closed session has been made and adopted by the vote of a majority of those present and voting during an open meeting. The motion shall state the purpose of the closed session. Any vote taken during the closed session shall be by roll call. The City Council shall terminate the closed session by a majority vote, using a motion to adjourn or upon the declaration of the Chair that the meeting is adjourned.

Motion 17. *Sine Die.* A motion to Adjourn Sine Die shall be in order only upon the conclusion of all business of the two-year session of the City Council. A session of the City Council shall commence upon the swearing in of new or re-elected Councilmembers following the regular municipal election in April of even numbered years and shall continue for a two-year period to and until the next election is held and new members are to be sworn in as provided by the Charter. The election of a person to fill a vacancy on the Council shall not be treated as the start of a new session unless the election occurs during a regular municipal election in April of even numbered years. The motion is not debatable or subject to amendment.

Rule 10. *Withdrawal of Motion or Second.* Any motion or second may be withdrawn by the maker without the consent of the other at any time before it is amended or before the chair puts the motion to a vote, whichever occurs first.

Rule 11. *Duty to Vote.* Each Councilmember shall be permitted to abstain from voting, by so indicating when the vote is taken. However, Councilmembers are elected to represent the citizens of the district and the City as a whole and should vote on all matters except in cases involving conflicts of interest as defined by law or the City Council. In all cases, an abstention shall be treated as a vote that is not cast for or against the motion and shall not be counted for the purpose of determining the result of the vote.

Rule 12. *Special Rules of Procedure.* The City Council may adopt special rules of procedure for matters constituting special circumstances. Any such rule shall be adopted only upon

the affirmative vote of two thirds of the members of the entire City Council including the Mayor.

Rule 13. *Public Hearings* – Repealed March 2026

Rule 14. *Minutes*. Minutes of the City Council proceedings, including closed sessions, shall be kept as required by law. The exact wording of each motion and the results of each vote shall be recorded in the minutes. The City’s “action letters” shall serve as the minutes of a meeting. When requested by any member of the Council, the City’s final action letter for a meeting may be expanded to include additional information about the matters discussed and the persons who provided such discussion, and such expanded action letter shall be presented to the City Council within one month after such request.

Rule 15. *Amendment of the Rules*. These rules may be amended by ordinance at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting. Adoption of an amendment shall require an affirmative vote of a majority of the entire City Council.

Rule 16. *Local Rules to Govern*. These rules shall govern the conduct of business for the Council of the City of Lee’s Summit, Missouri and any City Council Committee. In the event that these rules do not address a procedural question the then current edition of Robert’s Rules of Order Newly Revised (RONR) may be utilized to answer such procedural questions, so long as RONR does not conflict with Missouri law or with the general intent of these rules as expressed herein. Parliamentary rulings may be made only by the Mayor as the presiding officer of meetings of the Council or temporary presiding officer at meetings of the Council. At the option of the Mayor or temporary presiding officer or at the request from a member of the Rules Committee, they may refer points of order to the Rules Committee for an immediate advisory opinion or seek the advice of staff for such interpretation and application.

Rule 17. *Consensus defined*. For the purposes of City Council and Council Committee action, the terms consensus or consensus shall mean the unanimous consent of all City Council members present at a City Council meeting or all Council Committee members, with a voting right, present at a Council Committee meeting. Such unanimous consent will not necessarily imply that every member is in favor of the proposed action, but rather indicate that no member objects to the proposed action. Failure of the body to reach a consensus shall require a formal motion and vote for the action being proposed to proceed.
(Ord. No. 8789, § 2, 12-17-2019, Ord. No. 9493, § 2, 9-6-2022)

Sec. 2-50. - Procedural rules for public meetings and public hearings conducted by videoconference – Repealed March 2026.

Secs. 2-51—2-60. - Reserved.

Chapter 2-Administration

Article II – COUNCIL

DIVISION 3.

-STANDING COMMITTEES

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 as either the third or fourth member of the committee except that, for purposes of the Legislative and Intergovernmental Relations Committee, the alternate may serve as either the second or third member and shall have the right to vote and participate. The alternate for the Legislative and Intergovernmental Relations Committee may not serve in the ex officio seat of the Mayor. 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; Ord. No. 8991, § 2, 10-20-2020).

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 the public health, safety and welfare of the community. Such matters may include but are not limited to those pertaining to planning, zoning, development regulations, and other regulations and issues relating to the use and maintenance of private property. The committee may consider and report upon proposed ordinances and matters referred to it relating to parks, 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. In addition to all regular members of the committee, one (1) member of the Planning and Zoning Commission shall serve as an ex officio member of the committee. Such ex officio member shall have the right to participate and discuss but shall not have the right to vote.

- 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, 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 public works, water and wastewater prior to consideration and action by the City Council. The committee shall consider current or proposed ordinances or policies addressing right-of-way management, and infrastructure or transportation issues. (In conjunction with the Design and Construction Manual). The committee shall review issues concerning the Lee's Summit Airport, following review by and recommendations from the Board of Aeronautical Commissioners. The committee shall also review matters relating to the development, use and conservation of energy and other energy related concerns, including environmental impacts and pollution and their effect on natural resources such as air and water. Additionally, the committee shall review issues related to the operation, regulation and post-closure activities of the Resource Recovery Park, including applicable Department of Natural Resources (DNR) regulations. Finally, the committee shall review the recovery of natural resources of all types and by all means including impacts on the environment and the public health safety and welfare.
- E. *Rules Committee.* The committee shall formulate and present for consideration the rules of the Council including but not limited to any and all procedures for the conduct of business before the Council and shall consider and report upon all propositions to amend or change the rules. Any Councilmember may request consideration of a rule or procedure for the conduct of business of the Council. Such request shall be made during the Council Comments portion of any regular or special Council meeting.

(Ord. No. 8789, § 2, 12-17-2019, Ord. No. 9144 § 2, 5-6-2021)

Sec. 2-60.4. - Duties of Committee Chair; Committee Organization.

- A. It is the duty of the Chair to preside at all sessions of the committee. In the absence of the Chair, the Vice Chair of the committee shall preside, and in his/her absence a member appointed by the Chair.
- B. The Chair, while the committee is in session, shall preserve order and decorum in and adjacent to the committee or meeting room and shall conduct all hearings in accordance with the Rules of the Council.
- C. The Chair shall have custody of all bills, proposed ordinances, papers and other documents referred to the committee and shall make reports authorized by the committee and submit the same to the Council without delay.
- D. Actions of committees:
 - 1. An affirmative vote of a majority of the entire committee shall be required to recommend any ordinance to the City Council for approval. As used in this section, the term "entire committee" includes only the voting members of the committee and does not include any member that does not otherwise have the right to cast votes. Any ordinance receiving the affirmative vote of a majority of the entire committee shall be placed on the "Proposed ordinances forwarded from Committee" portion of the City Council agenda.
 - 2. Whenever a motion to recommend approval of any ordinance shall receive an affirmative majority vote of those present and voting but less than a majority of the entire committee, such ordinance shall be forwarded to the City Council without a recommendation and be placed on the "Proposed ordinances - First reading" portion of the agenda.
 - 3. Whenever a motion to recommend approval of any ordinance shall result in an even division of the votes cast, such ordinance shall be reported to the City Council without a recommendation and be placed on the "Committee Reports" portion of the agenda. Except that, the Chair of the Committee may, in his or her sole discretion, direct staff to place such item on the "Proposed ordinances - First reading" portion of the City Council agenda. Any such item shall carry a notation of the even division of the question and shall state that it was placed on the "Proposed ordinances - First reading" portion of the agenda at the direction of the Chair. The Chair shall notify staff not later than the end of the next business day following such even division vote of his or her desire to place any such item on the agenda as described above. An item to be placed on the City Council Agenda at the direction of the Committee Chair shall be placed on the next agenda for which such inclusion can meet relevant City Council packet deadlines. If the Chair fails to so notify staff, the item cannot be placed on the "Proposed ordinances - First reading" portion of the City Council agenda and will be placed on the "Committee Reports" portion of the agenda.
 - 4. Whenever a motion to recommend approval of any ordinance fails to receive a majority of any type or an even division vote as described in subsections 1, 2, and 3 above, it shall be forwarded to the City Council without a recommendation and be placed on the "Committee Reports" portion of the agenda.

5. Whenever the motion to approve an item does not include a recommendation of approval and receives an affirmative majority vote of the entire committee or a majority of the committee members present and voting, such ordinance shall be forwarded to the City Council without recommendation and shall be placed on the "Proposed ordinances - First reading" portion of the agenda.
 6. Nothing in this section 2-60.4 shall prevent a member of a committee from making any motion that is otherwise proper as provided in the rules of order.
- E. When a motion has been decided by a committee, any member voting on the prevailing side may move to reconsider the vote provided that: (1) the Chair still has possession of the bill or proposed ordinance; and (2) the motion to reconsider is made on the same day on which the motion was decided or at the next day on which the committee convenes with a quorum present at a properly scheduled meeting at which the original motion would be in order. A majority of the members appointed to the committee is required to sustain any motion to reconsider."
- (Ord. No. 8789, § 2, 12-17-2019, Ord. No 9099, § 2, 3-9-2021)

Voting Requirements for sending an item from Committee as provided by Section 2-60.4:

Committee Motion	Committee Vote Related to Section 2- 60.4 of the Code of Ordinances	Full Council Agenda Location
Recommend Approval	4-0 3-1 3-0	Proposed Ordinance Forwarded from Committee
Recommend Approval	2-1 2-0	First reading
Recommend Approval	2-2	Committee Reports unless Chair directs staff to place on first reading by the end of the next business day.
Recommend Approval	Less than 2	Committee Reports
Recommend for Consideration	4-0 3-1 3-0 2-1 2-0	First Reading

Sec. 2-60.5. - Public to be heard.

All items before a committee shall be considered only after giving the proponents, the opponents, and any persons desiring to address the committee a reasonable opportunity to be heard during the public comment period on the agenda. Persons addressing the committee shall keep their remarks to the point and avoid repetition and are subject to call to order by the Chair for failure to do so. In the discretion of the committee Chair, the length of time allowed anyone (1) speaker may be limited. Additionally, in the discretion of the Chair, a member of the public may be permitted to speak during presentation of an agenda item in addition to the public comment opportunity for addressing the committee.

(Ord. No. 8789, § 2, 12-17-2019)

Sec. 2-60.5a. - Quorum.

A majority of all committee members shall constitute a quorum for the transaction of business.

(Ord. No. 8789, § 2, 12-17-2019)

Editor's note— Ord. No. 8789, § 2, adopted December 17, 2019, set out provisions intended for use as 2-65. For purposes of classification, and at the editor's discretion, these provisions have been included as § 2-60.5a.

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. In addition to the duties above prescribed, each Committee shall perform such other duties as may be required by Council.

(Ord. No. 8789, § 2, 12-17-2019, Ord. No. 9144 § 2, 5-4-2021)

Sec. 2-60.7. - Assignment to Committee—Procedure—Time in committee.

Any Councilmember may request, during "Council Comments" at any Council meeting, that the Mayor Pro Tempore assign an item or issue to a Committee for discussion and/or action. The Mayor Pro Tempore shall, within fourteen (14) days after the request is made at the City Council meeting, either assign the item or issue as requested or shall affirmatively decline, in writing filed with the City Clerk. In the event that the Mayor Pro Tempore shall fail to act in the time specified or shall decline to assign the item or issue, he or she shall assign any item or issue to a Committee upon receipt of a written petition containing the signatures of at least three (3) Councilmembers. Any such petition shall be filed with the City Clerk not later than fourteen (14) days after the Mayor Pro Tempore shall decline to assign the issue or item; or, twenty-eight (28) days after the initial request is made during "Council Comments" at a Council meeting, whichever is less.

Any item or issue so assigned shall remain with its respective standing committee or a special standing committee of the Council, until sixty (60) calendar days have expired after referral to the committee by the Mayor Pro Tempore. Three (3) members of the Council shall have the power to call up any item to the full Council after that time. Such power may be

exercised by filing a petition to that effect with the City Clerk in such form as the City Clerk may require. Upon receipt of said petition containing the signatures of at least three (3) Councilmembers, the City Clerk shall provide said petition to the full Council for further determination as to how to proceed with the bill or proposed ordinance.

An item, bill or proposed ordinance shall not be subject to the petition process upon the expiration of sixty (60) calendar days after the first date the item is subject to the petition process described herein.

(Ord. No. 8789, § 2, 12-17-2019)

Sec. 2-60.8. - Attendance.

Any member of a committee or Council liaison to any board or commission absent, without good cause as acknowledged by the Chair of the committee, board or commission, from three (3) consecutive meetings thereof as shown by the records of the committee, board or commission, may be dropped therefrom as determined by the Mayor Pro Tempore upon written notification of said committee member of being removed from the committee, board or commission; however, if the Mayor Pro Tempore is the member who has been absent as described above from three (3) consecutive meetings, the Mayor Pro Tempore may be dropped from the liaison or Committee appointment as determined by the Council.

(Ord. No. 8789, § 2, 12-17-2019)

Sec. 2-3 – 2.20. Reserved.

Chapter 2-Administration

Article III

OFFICERS AND EMPLOYEES

DIVISION 1.

ETHICS, FINANCIAL REPORTING, AND CODE OF CONDUCT

Chapter 2-Administration-Article III – Council-Division 1. Ethics, Financial Reporting, and Code of Conduct

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

Subdivision I. Code of Ethics

Sec. 2-61. - Vacancies on the Council—How filled.

Upon the vacancy of the office of a Councilmember due to death, resignation, recall, removal or forfeiture as provided in Section 3.7 of the Charter, the following procedure shall apply.

- A. At the next regular meeting of the City Council following the creation of a vacancy, the Mayor and Council shall call for applications from qualified citizens to fill the vacant office. Such applications shall be in a form and require such information as may be determined by the Council.
- B. The Council shall allow not less than fourteen (14) days nor more than thirty (30) days for the filing of such applications. Applications shall be filed with the City Clerk and shall be date and time stamped.
- C. Upon conclusion of the application period, the City Clerk shall provide copies of all applications to the Mayor and Councilmembers.
- D. During the time that applications may be filed, City Councilmembers shall provide questions they wish asked of the candidates to the Mayor who shall compile those questions for use during the City Council interview of the candidates.
- E. If there is a large number of applicants, the Mayor and City Council may, in their sole discretion, during a meeting of the City Council, determine which candidates shall move forward in the process.
- F. Thereafter the City Council shall hold a meeting at a time and place determined by the Council not less than seven (7) days or more than thirty (30) days from the last date to file an application to interview candidates and select a new Councilmember.
- G. Any qualified citizen who has made an application for the vacancy and who has been invited to proceed in the process may speak for two (2) minutes on his or her own behalf as an opening statement.
- H. The Mayor shall ask questions of each candidate from those questions previously provided by members of the City Council. Questions will alternate between candidates and each candidate will have one (1) minute to answer. At the conclusion of the question-and-answer period each candidate will be given two (2) minutes to give a closing statement.
- I. Following the question-and-answer period, the Mayor shall open the floor to citizens who wish to speak in favor or in opposition to a candidate. Each speaker will be given one (1) minute to speak. The Mayor may ask that those wishing to speak in favor of a candidate combine their efforts and no more than five (5) minutes will be allotted to supporters of each candidate.
- J. At the conclusion of public comments, the Mayor shall open the floor to nominations from the sitting Council from among the eligible applicants for the vacant seat. A second to a nomination is not required. Upon hearing no further nominations the Mayor shall declare that nominations are closed. At the close of nominations and prior to voting, any Councilmember who has nominated a candidate may provide comments about that candidate.

- K. Following any comments, the Mayor shall request that a roll call vote be taken. Each Councilmember shall state which candidate he or she wishes to vote for. If any single candidate receives a majority of the votes cast by the remaining Councilmembers, including the Mayor, then he or she shall be declared appointed.
- L. In the event that no candidate receives a majority of the votes of the remaining members of the Council, including the Mayor, then only the candidates with the two (2) highest vote totals will remain in nomination and all others will be removed. In the event there is a tie resulting in more than two (2) candidates remaining in nomination then those candidates and any other candidate receiving the next higher number of votes shall remain on the ballot and up to two (2) additional roll calls may be taken. If no candidate receives a majority of the votes of the remaining Councilmembers, including the Mayor, after the third (3rd) ballot then the Mayor shall declare the nominations null and reopen the floor to nominations and the process shall repeat.
- M. Any person appointed as provided by Section 3.7 of the Charter shall serve until the next regular municipal election as established by the Missouri election calendar in accordance with state law, for which timely notice may be given, when a person will be elected by qualified voters to serve the remainder of the unexpired term, if any.
- N. If more than one (1) vacancy exists at any time, the vacancies shall be filled in the same order they were created. Any person appointed to fill such a vacancy shall, upon swearing in, immediately assume the powers and duties of the office of Councilmember and shall immediately have the right to vote on all matters before the Council including filling other vacancies existing at the time of appointment.
- (Ord. No. 8372, § 2, 3-15-2018; Ord. No. 10098, § 1, 4-8-2025)

Sec. 2-62. - Definitions:

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:

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.

Appointed official: The City Manager, City Attorney, and the City Prosecutor.

Business entity: A corporation, association, firm, partnership, proprietorship, or other business entity of any kind or character.

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.

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.

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.

Elected official: A City Councilmember and the Mayor as further defined herein.

Malfeasance in office: is the commission of an unlawful act, done in an official capacity, which affects the performance of official duties.

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.

Official authority or Official influence: Any use of City resources 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.

Public body: Any agency, board, body, commission, committee, department or office of the City of Lee's Summit Missouri.

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.

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. (Ord. No. 8372, § 2, 3-15-2018)

State Law reference— 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. Except that nothing herein shall be construed to prohibit any elected official from exercising his or her right as a private citizen to express opinions or vote in any municipal election.

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, personnel 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.

(Ord. No. 8372, § 2, 3-15-2018)

State Law reference— 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.

State Law Reference— 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:
5. 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.
6. 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.

(Ord. No. 8372, § 2, 3-15-2018)

State Law reference— See RSMo. 105.458.

Sec. 2-65. - Procedures.

If any employee or appointed official violates any provision of Sections 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 (2/3) 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 (2/3) majority of the entire council including the Mayor, a public hearing shall be held as provided by RSMo Ch. 536 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 (2/3) of the entire Council including the Mayor.

(Ord. No. 8372, § 2, 3-15-2018)

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 (2/3) 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 (2/3) 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. (Ord. No. 8372, § 2, 3-15-2018)

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.

(Ord. No. 8372, § 2, 3-15-2018)

Secs. 2-68 – 2-74 - Reserved.

Subdivision II. – Financial Reporting

Sec. 2-75. - 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 (10) 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 (2) 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 (1) 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. (Ord. No. 8372, § 2, 3-15-2018; Ord. No. 8444, § 1, 9-6-2018; Ord. No. 8923, § 1, 8-11-2020; Ord. No. 9193, § 1, 7-20-2021; Ord. No. 9734, § 1, 8-22-2023; Ord. No. 9982, § 1, 9-10-2024; Ord. No. 10202, § 1, 9-9-2025)

Secs. 2-76. through Sec. 2-79. - reserved.

Subdivision III. -Code of Conduct

Sec. 2-80. - 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 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 ensure that the Council conducts business openly and in a transparent manner.

(Ord. No. 8372, § 2, 3-15-2018)

Sec. 2-81. - 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.
- 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.* 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.

(Ord. No. 8372, § 2, 3-15-2018)

Sec. 2-82 – Social Media.

- A. *Purpose.* This Section is intended to establish the rules and procedures for ensuring an elected official's use of social media for City-related communications complies with the Missouri Open Records Law, and the rules and schedules established by the Missouri Secretary of State for retaining and disposing of public records.
- B. *Archived when.*
 - 1. The City shall archive any content related to any City business or communication that is posted by an elected official on any Official account. The City shall also archive any responses to content posted by an elected official on such accounts.
 - 2. An elected official should not delete or remove any content posted on any account that is related to any City business or communication. The City shall retain the content in accordance with the current Missouri Secretary of State records retention schedules and the Missouri Sunshine law Chapter 610 RSMo. to the extent that it applies.
- C. *Definition.* For purposes of this Section,
 - 1. "Campaign Account" shall mean any social media account created, maintained, or operated by, or on behalf of, an Elected Official and used to promote or endorse a political campaign or candidate.
 - 2. "Elected Official" shall mean the same as the term defined in Section 2-62 of the City Code, as amended, which is a City Councilmember and the Mayor.
 - 3. "Personal Account" shall mean any social media account whether created, maintained, or operated by, or on behalf of, an Elected Official that is used solely to share and discuss the Elected Official's private opinions regarding matters that are unrelated to City business and do not involve the City in any manner.
 - 4. "Official Account" shall mean a social media account, operated and maintained by or on behalf of an Elected Official and where the Elected Official invites the public to discuss City business. The account is not used for campaign-related or personal purposes.
- D. *Exception.* Nothing herein shall apply to any personal account or campaign account. However, Councilmember should refrain from discussing City business on any account that is not archived.

(Ord. No. 8885 – 5-12-2020.)

Secs. 2-83-2-85. - Reserved.

Sections from the Charter of the City of Lee's Summit, Missouri

Sec. 3.15. Charter Violation and Ethics Code.

Any violation of this Charter or adopted Ethics Code may constitute a cause for discipline up to and including removal from office. The Council shall not impose any such 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.

The Council shall, within one year of the adoption of this provision, enact an Ethics Code governing the conduct of the Mayor and City Councilmembers.

(Charter of the City of Lee's Summit, Missouri - 2017)

Sec. 14.1. Personal Financial Interest.

Any elected or appointed officer, employee, or member of any committee, authority, board or commission of the city who has any direct or indirect substantial financial interest (as defined by the conflict of interest statutes of Missouri) (a) in any party transacting business with the city, or (b) in the subject matter of any city transaction, shall make known that interest and shall refrain from voting upon or otherwise participating in his or her capacity as a city officer, employee or member in such transaction. Any city officer, employee or member who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit the office or position. Violation of this section with the express or implied knowledge of the party transacting business with the city shall render the transaction voidable by the city.

(Charter of the City of Lee's Summit, Missouri-2017)

Chapter 2-Administration

Article V –BOARDS AND COMMISSIONS

DIVISION 1. -GENERALLY

DIVISION 1. GENERALLY

Sec. 2-250. - Purpose of boards, commissions and committees and applicability of division.

All boards, commissions and committees shall endeavor to fulfill the mission, scope or purpose provided by law. They shall provide recommendations and advice to the City Council on issues related to the subject matter assigned to that board, commission or committee by ordinance, the Charter, or other law. This Division 1 shall apply to all boards, commissions and committees of the City except when a different term or condition is otherwise provided by law. Additionally, nothing herein in this Division 1 shall apply to any board, commission, or committee created by any Missouri statute.

(Ord. No. 9538, § 1, 11-1-2022)

Sec. 2-251. - Filling of vacancies; successive terms.

Vacancies in any city board, commission or committee occasioned by removals, resignations, expiration of term or otherwise, shall be reported to the Mayor and filled in a like manner as original appointments, except that if a vacancy is in an unexpired term, the appointment shall be made only for the unexpired portion of that term. Except as may otherwise be provided by law, no member of any board, commission or committee of the city shall serve for more than three (3) successive full terms, and, members shall not be eligible for further appointment to such board, commission or committee until one (1) year after the expiration of the third full term. Provided, however, that a member of any board, commission or committee who shall be prevented by this section from serving an additional term may make an application for appointment. Any such person may be appointed for an additional term upon a two-thirds ($\frac{2}{3}$) vote of the entire Council. All members shall be provided a copy of this Article V of the City Code, a copy of the City's ethics policy and information related to the Missouri open meetings law.

(Ord. No. 9538, § 1, 11-1-2022)

Sec. 2-252. - Absence of members from meetings.

Each board, commission or committee shall establish a calendar of meetings for the following year no later than the first meeting of the board, commission or committee on or after July 1 of each year. Except as may otherwise be provided by law, any member of a City board, commission or committee who shall be absent for three (3) regular meetings during any calendar year, or, who shall be absent for three (3) successive regular meetings without cause acceptable to a majority of the other members thereof shall be deemed to have vacated their position on said board, commission or committee, and the position shall immediately become vacant subject to the right to be heard by the City Council as provided in Section 2-257 herein.

(Ord. No. 9538, § 1, 11-1-2022)

Sec. 2-253. Members to be registered voters - exceptions.

All proposed appointees to City boards, committees, and commissions shall be qualified voters of the City as defined by the Charter of the City of Lee's Summit, except as otherwise may be provided by resolution, ordinance, statute, or the Missouri Constitution. However, a person who is not a qualified voter of the City may be appointed to any City board, committee,

or commission seat provided that he or she shall be approved by a two-thirds (2/3) vote of the entire City Council.

Any registered voter who is appointed to a board, committee, or commission, and who thereafter becomes ineligible under this Section 2-253 during the person's term of service because the person is no longer a qualified voter, shall be reappointed to the person's seat on such board, committee, or commission as of the date that the person is no longer a qualified voter of the City, or the position shall be promptly filled as provided by law. All members of a board, committee, or commission shall report his or her home address yearly to the City Clerk and at any time when such address changes.

The information provided to the City Council at the time that an appointment is recommended shall include whether or not the individual is a qualified voter of the City. (Ord. No. 8372, § 2, 3-22-2022)

Sec. 2-254. Application for appointment to Boards, Committees and Commissions - Content.

- A. Initial appointment. All persons wishing to be considered for appointment to any City board, committee, or commission shall be first complete an application for appointment. The application shall include at least: name, address, e-mail address, telephone number, City Council District in which the person is registered to vote, years as a Lee's Summit resident, education, employment and position, reason for interest in appointment and any qualifications, involvement in other community activities, any boards, commissions or committees of interest, current service on any other City of Lee's Summit board, committee or commission and when the current term expires; and, past service on a board, committee or commission in Lee's Summit or any other community. The completed application shall be forwarded to the City Council prior to consideration of any appointment.
- B. Reappointment. All persons seeking reappointment shall be asked by staff to update the information included in the application listed in Subsection A above. In the event that the person seeking reappointment does not have on file a previous application, that individual shall be asked to complete the application form. However, failure to update or provide such information shall not bar a person from being appointed or serving on the board, committee or commission. The original application and any updates shall be forwarded to the City Council prior to consideration of any reappointment.

(Ord. No. 9375, § 1, 3-22-2022; Ord. No. 9513, § 1, 10-4-2022)

Sec. 2-255. - Length of term.

No term for any member of a City board, commission or committee shall be longer than three (3) years unless specifically otherwise provided by ordinance, the charter or other law. Any member shall continue to serve until a replacement is appointed as provided by the Charter of the City of Lee's Summit. Notwithstanding anything hereinabove, the term of any member who is appointed to a new or newly reorganized board, commission or committee shall be determined by the drawing of lots with one-third (1/3) of members to serve one (1) year, one-third (1/3) of members shall serve two (2) years and one-third (1/3) of the members

shall serve three (3) years. In the event that number of members of a board or commission isn't evenly divisible by three (3) then preference shall be given to a three-year term for more than one-third ($\frac{1}{3}$) of members.

(Ord. No. 9538, § 1, 11-1-2022)

Sec. 2-256. - Meetings to be held quarterly.

Each City board, commission or committee shall meet at least once quarterly except that no board, commission or committee shall be required to meet at any time during a declared emergency.

(Ord. No. 9538, § 1, 11-1-2022)

Sec. 2-257. - Appointments and removal.

A. *Generally.* The procedure for appointment and removal of members of City boards, commissions or committees shall be as stated in this section except as otherwise provided by another provision of the Charter, this Code or Missouri statute.

B. *Appointment.* The Mayor shall appoint all members of boards, commissions and committees as provided in Section 4.4(e) of the Charter of the City of Lee's Summit, Missouri and this Division 1.

C. *Removal.* Members of boards, commissions and committees may be removed by a two-thirds ($\frac{2}{3}$) majority of the entire City Council except as may otherwise be specifically provided by State statute, the City Charter or this Code. Any member so removed shall be provided notice of their removal via regular U.S. Mail. Any member so removed shall, if the member so requests in writing with the City Clerk, have the right to be heard by the Council at the next regular meeting of the Council occurring at least seven (7) days after notice of removal has been mailed and not more than twenty-one (21) days. The request to address Council shall be filed by the affected board, commission or committee member not more than ten (10) days after notice has been mailed and at least four (4) work days prior to the next regular Council meeting. Grounds for removal of members, although not deemed exclusive, may be that the member:

1. Lacks at any time during the member's term of appointment, any qualification for the board or commission prescribed by the Charter, by this Code, or by law;

or

2. Malfeasance or misfeasance.

(Ord. No. 9538, § 1, 11-1-2022)

Sec. 2-258. - Communications to the City Council.

All boards, commissions and committees shall report their activities by causing an action letter to be prepared following each meeting. Action letters shall be an open record unless otherwise provided by RSMo. Ch. 610, shall be considered the report of the body once approved and shall be provided to the Mayor, City Council and City Manager. The City Council or a Committee of the Council may request a supplemental report at any time. A board, commission or committee may provide an additional report on a matter within the mission,

scope or purpose of the board, commission or committee but only after such report is approved by a majority of the entire membership thereof.

(Ord. No. 9538, § 1, 11-1-2022)

Sec. 2-259. - Conduct of meetings.

Meetings shall be conducted as provided by the rules of procedure generally applicable to the City Council and City Council Standing Committees as found in Chapter 2, Divisions 2 and 3 of the Code of Ordinances of the City of Lee's Summit Missouri. Each agenda shall have an item labeled "Citizen Comments" and provisions shall be made to take citizen comments at each meeting. The Missouri Sunshine Law, RSMo. Ch. 610, shall apply to boards, commissions, and committees and any subcommittees thereof.

(Ord. No. 9538, § 1, 11-1-2022)

Sec. 2-260. - Agenda and action letters.

An agenda shall be prepared in accordance with Missouri law in such a manner as to reasonably advise the public of topics to be discussed. Deviation from the agenda shall not invalidate the notice of any such meeting. An action letter shall be prepared by the City Clerk or staff liaison following each board, commission or committee meeting or any subcommittee thereof.

(Ord. No. 9538, § 1, 11-1-2022)

Sec. 2-261. - Special rule on quorum.

A quorum of the entire board, commission or committee shall be necessary for the conduct of business. A quorum may be reached by the in-person presence of individuals or by virtual participation so long as notice has been properly provided for virtual participation. In the event that less than a majority but more than two members are present, a board, commission or committee may hear reports and presentations and take public comments. No votes or other actions may take place during such meetings with only a minority present. The chair or acting chair shall adjourn the meeting immediately following such reports, presentations or public comments. An action letter shall be prepared by the City Clerk or staff liaison and it shall indicate that only a minority of the board, commission or committee was present.

(Ord. No. 9538, § 1, 11-1-2022)

Sec. 2-262. - Election and duties of the chair.

The chair shall, when present, preside at all meetings of the board, commission or committee. The chair shall, with the assistance of staff, cause an agenda to be prepared that will advise the public generally of the topics to be discussed and/or acted upon. The chair of any new or reorganized board, commission or committee shall be appointed by the Mayor; thereafter, the chair of each board, commission or committee shall be elected by the members of the board, commission or committee at the first meeting of such body during the month of July of each year or as soon thereafter as is practical. In the event of the absence of the chair, the board, commission or committee shall select from the members present, a quorum being found, a temporary chair who shall preside during that meeting. In the event

that for any reason the previously elected chair is unable to serve, then the board, commission or committee shall elect a new chair to serve the remainder of the unexpired term.
(Ord. No. 9538, § 1, 11-1-2022)

Sec. 2-263. - Code of conduct.

Members of the City of Lee's Summit boards, commissions and committees should:

- A. Practice civility, professionalism and decorum in discussions and be fair, impartial and respectful with one another as well as guests and citizens.
- B. Listen carefully to community opinions, attitudes, and needs.
- C. Not engage in shouting or physical actions that could be construed as threatening. Members should conduct themselves in a professional manner at all times.
- D. Avoid dominating the conversation, agenda and decision-making process.
- E. Honor the role of the chair in maintaining order.
- F. Be punctual and keep comments relative to the topics discussed.
- G. Each member should participate in the group's discussion and work assignments.

(Ord. No. 9538, § 1, 11-1-2022)

Sec. 2-264. - Liaisons.

- A. *Council liaison.* A member of the City Council may be appointed to each board, commission or committee as a non-voting City Council liaison. Council liaisons shall not be counted for purposes of quorum. The role of the Council liaison is to communicate the City Council's needs, policies, and interest to the members of the board, commission or committee and to assist with communicating recommendations from the board, commission or committee to the City Council.
- B. *Staff liaison.* Each board, commission or committee may have a staff liaison assigned by the City Manager. Staff liaisons are members of the administrative staff and have knowledge and expertise in the subject area of the board, commission or committee. The staff liaison may not vote and shall not be counted for purposes of quorum. Staff liaisons shall serve to provide information for the board, commission or committee, facilitate the meeting process by working with the chair, coordinate with other staff members to meet the needs of the board, commission or committee and to advise the City Manager and staff of the activities of the board, commission or committee.

(Ord. No. 9538, § 1, 11-1-2022)

Sec. 2-265. - Subcommittees.

Subcommittees shall consist of members of the main board, commission or committee appointed by the chair at his or her discretion unless membership in such a subcommittee shall be provided by other provisions of this Code, the Charter or Missouri statutes. Notwithstanding anything herein, the chair shall have the discretion to appoint persons who are not members of the main board, commission or committee to serve as ex officio members of the subcommittee, when, in the opinion of the chair, outside expertise or perspective will be advantageous to the subcommittee. Ex officio members shall not have the right to vote but shall have the right to notice of meetings and the right to be heard. The number of members of any subcommittee shall be determined by the chair of the main committee

except that in no event shall the number of subcommittee members on any given subcommittee be equal to or greater than the number required for quorum of the main committee. Ex officio members shall not count toward quorum.

(Ord. No. 9538, § 1, 11-1-2022)

Sec. 2-266. - Broadcast of meetings.

- A. *Policy.* It shall be the policy of the City of Lee's Summit to conduct meetings in a transparent and open way.
- B. *Definitions.*
 - 1. Broadcast shall mean either conveying a meeting to the public via the city cable channel and/or streaming such meeting via an online platform.
 - 2. Ad Hoc committee shall mean any board, task force, commission or committee created by ordinance or resolution with limited subject matter and a limited duration.
- C. Those bodies whose meetings shall be broadcast live and be made available on the City website and other streaming platforms are:
 - 1. City Council.
 - 2. City Council Committees.
 - 3. Planning Commission.
 - 4. Tax Increment Financing Commission.
- D. Those bodies whose meetings shall be recorded and made available on at least the City website are:
 - 1. Parks and Recreation Board.
- E. Those bodies whose meetings may be recorded when practicable and made available on the City website are:
 - 1. Board of Aeronautic Commissioners.
 - 2. Human Relations Commission.
 - 3. License Tax Review Committee.
 - 4. Public Safety Advisory Board.
 - 5. Board of Appeals.
 - 6. Wellness Commission.
 - 7. Cultural Commission.
 - 8. Land Clearance for Redevelopment Authority.
 - 9. Board of Zoning Adjustment.
- F. The recording and broadcast of any ad hoc committee shall be determined in the ordinance or resolution forming that committee.
- G. Nothing herein shall apply to any subcommittee of any of the boards, task forces, commissions or committees listed herein above.
- H. In the event that live broadcast or recording is unavailable due to technical reasons nothing herein shall prevent such a meeting from taking place. However, all reasonable efforts shall be made to provide the level of broadcast and recording as provided herein.

(Ord. No. 10077, § 1, 2-4-2025)

Chapter 2-Administration

Article VIII

-MEETINGS AND RECORDS

Sec. 2-525. - Definitions.

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:

Closed meeting, closed record, closed vote shall mean any meeting, record or vote closed to the public.

Public governmental body shall mean any legislative, administrative or governmental entity created by the constitution or statutes of this State, by order or ordinance of any political subdivision or district, judicial entities when operating in an administrative capacity, or by executive order, including:

- A. Any body, agency, board, bureau, council, commission, committee, board of regents or board of curators or any other governing body of any institution of higher education, including a community college, which is supported in whole or in part from State funds;
- B. Any advisory committee or commission appointed by the governor by executive order;
- C. Any department, or division of the State, of any political subdivision of the State, of any county or of any municipal government, school district or special purpose district including but not limited to sewer districts, water districts, and other subdistricts of any political subdivision;
- D. Any other legislative or administrative governmental deliberative body under the direction of three (3) or more elected or appointed members having rulemaking or quasi-judicial power;
- E. Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body's governing board or its chief administrative officer, policy or policy revisions or expenditures of public funds including, but not limited to, entities created to advise bi-state taxing districts regarding the expenditure of public funds, or any policy advisory body, policy advisory committee or policy advisory group appointed by a president, chancellor or chief executive officer of any college or university system or individual institution at the direction of the governing body of such institution which is supported in whole or in part with State funds for the specific purpose of recommending directly to the public governmental body's governing board or the president, chancellor or chief executive officer policy, policy revisions or expenditures of public funds provided, however, the staff of the college or university president, chancellor or chief executive officer shall not constitute such a policy advisory committee. The custodian of the records of any public governmental body shall maintain a list of the policy advisory committees described in this subsection; and
- F. Any quasi-public governmental body. The term "quasi-public governmental body" means any person, corporation or partnership organized or authorized to

do business in this State pursuant to the provisions of chapter 352, 353, or 355, RSMo, or unincorporated association which either:

1. Has as its primary purpose to enter into contracts with public governmental bodies, or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; or
2. Performs a public function, as evidenced by a statutorily based capacity to confer or otherwise advance, through approval, recommendation or other means, the allocation or issuance of tax credits, tax abatement, public debt, tax-exempt debt, rights of eminent domain, or the contracting of leaseback agreements on structures whose annualized payments commit public tax revenues; or any association that directly accepts the appropriation of money from a public governmental body, but only to the extent that a meeting, record, or vote relates to such appropriation.

Public meeting shall mean any meeting of a public governmental body subject to RSMo Sections 610.010 to 610.030 at which any public business is discussed, decided, or public policy formulated, whether such meeting is conducted in person or by means of communication equipment, including, but not limited to, conference call, video conference, internet chat, or internet message board. The term "public meeting" shall not include an informal gathering of members of a public governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this chapter, but the term shall include a public vote of all or a majority of the members of a public governmental body, by electronic communication or any other means, conducted in lieu of holding a public meeting with the members of the public governmental body gathered at one location in order to conduct public business.

Public record shall mean any record, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared for the public governmental body by a consultant or other professional service paid for in whole or in part by public funds, including records created or maintained by private contractors under an agreement with a public governmental body or on behalf of a public governmental body; provided, however, that personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen (18) years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen (18) years. The term "public record" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting. Any document or study prepared for a public governmental body by a consultant or other professional service as described in this subdivision shall be retained by the public governmental body in the same manner as any other public record.

Public vote shall mean any vote, whether conducted in person, by telephone, or by any other electronic means, cast at any public meeting of any public governmental body.

(Code 1988, § 2-571; Ord. No. 5810, § 1, 9-9-2004)

State Law reference— Similar provisions, RSMo 610.010.

Sec. 2-526. - Notice of public meetings.

- A. All public governmental bodies shall give notice of the time, date, and place of each meeting, and its tentative agenda, in a manner reasonably calculated to advise the public of the matters to be considered, and if the meeting will be conducted by telephone or other electronic means, the notice of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting. If a public body plans to meet by Internet chat, Internet message board, or other computer link, it shall post a notice of the meeting on its website in addition to its principal office and shall notify the public how to access that meeting. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.
- B. Notice conforming with all of the requirements of Subsection A. of this section shall be given at least twenty-four (24) hours, exclusive of weekends and holidays when the facility is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.
- C. When it is necessary to hold a meeting on less than twenty-four (24) hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.
- D. A formally constituted subunit of a parent governmental body may conduct a meeting without notice as required by this section during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting, if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

- E. A public body shall allow for the recording by audiotape, videotape, or other electronic means of any open meeting. A public body may establish guidelines regarding the manner in which such recording is conducted so as to minimize disruption to the meeting. No audio recording of any meeting, record, or vote closed pursuant to the provisions of Subsection A of Section 2-530 shall be permitted without permission of the public body; any person who violates this provision shall be guilty of a Class C misdemeanor.

(Code 1988, § 2-572; Ord. No. 5810, § 2, 9-9-2004)

State Law reference— Similar provisions, RSMo 610.020.

Sec. 2-527. - Custodian of records appointed.

The City Clerk is hereby appointed as the Custodian of Records and is to be responsible for the maintenance of all records of the City and all records of the City's public governmental bodies. The Custodian is authorized to appoint assistant custodians to aid in the performance of the Custodian's duties, as established by State law, City ordinance, and City policies which govern access to and maintenance of public records, meetings, or votes.

(Code 1988, § 2-573)

Sec. 2-528. - Public records to be accessible.

- A. The City shall make available for inspection and copying by the public that body's public records. No person shall remove original public records from City premises or its custodian without written permission of the designated custodian. No public governmental body shall, after August 28, 1998, grant to any person or entity, whether by contract, license or otherwise, the exclusive right to access and disseminate any public record unless the granting of such right is necessary to facilitate coordination with, or uniformity among, industry regulators having similar authority.
- B. Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third business day following the date the request is received by the custodian of records of the City. If records are requested in a certain format, the public body shall provide the records in the requested format, if such format is available. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three (3) days for reasonable cause.
- C. If a request for access is denied, the Custodian shall provide, upon written request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third business day following the date that the written request for the statement is received.

(Code 1988, § 2-574; Ord. No. 5810, § 3, 9-9-2004)

Sec. 2-529. - Fees for access to and copies of public records.

- A. Fees for copying public records, except those records restricted under Section 32.091, RSMo., shall not exceed ten cents (\$0.10) per page for a paper copy not larger than nine (9) by fourteen (14) inches, with the hourly fee for duplicating

time not to exceed the average hourly rate of pay for clerical staff of the public governmental body. Research time required for fulfilling records requests may be charged at the actual cost of research time. Based on the scope of the request, the public governmental body shall produce the copies using employees of the body that result in the lowest amount of charges for search, research, and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the public governmental body to provide an estimate of the cost to the person requesting the records. Documents may be furnished without charge or at a reduced charge when the public governmental body determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the public governmental body and is not primarily in the commercial interest of the requester.

- B. Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices, and for paper copies larger than nine (9) by fourteen (14) inches shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the public governmental body required for making copies and programming, if necessary, and the cost of the disk, tape, or other medium used for the duplication. Fees for maps, blueprints, or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints, or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual costs of such programming.
- C. Payment of such copying fees may be requested in advance. All monies received by the City and its public governmental bodies will be paid over to the Director of Finance to be deposited in the City's General Fund.

(Code 1988, § 2-575; Ord. No. 5810, § 4, 9-9-2004)

Sec. 2-530. - Closed meetings, records, and votes.

- A. Except to the extent disclosure is otherwise required by law, and subject to additional actions on the part of the City as may be required by law, all meetings, records, and votes of the City and its governmental bodies are closed to the public to the extent they relate to the following:
 - 1. Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is

ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of RSMo 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

2. Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;
3. Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two (72) hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two (72) hour period before such decision is made available to the public. As used in this subsection, the term "personal information" means information relating to the performance or merit of individual employees;
4. The State militia or National Guard or any part thereof;
5. Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;
6. Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen (18) years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen (18) years;
7. Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;
8. Welfare cases of identifiable individuals;
9. Preparation, including any discussions or work product, on behalf of the City or its public governmental bodies or their representatives, for negotiations with employee groups;
10. Software codes for electronic data processing and documentation thereof;

11. Specifications for competitive bidding, until either the specifications are officially approved by the City or its public governmental bodies or the specifications are published for bid;
12. Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;
13. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of the City and its public governmental bodies once they are employed as such;
14. Records which are protected from disclosure by law;
15. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;
16. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;
17. Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to RSMo Ch. 610;
18.
 - a. Security measures, global positioning system (GPS) data, investigative information, or investigative or surveillance techniques of any public agency responsible for law enforcement or public safety that, if disclosed, has the potential to endanger the health or safety of an individual or the public.
 - b. Any information or data provided to a tip line for the purpose of safety or security at an educational institution that, if disclosed, has the potential to endanger the health or safety of an individual or the public.
 - c. Any information contained in any suspicious activity report provided to law enforcement that, if disclosed, has the potential to endanger the health or safety of an individual or the public.
 - d. Operational guidelines, policies and specific response plans developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which has the potential to endanger individual or public safety or health. Financial records related to the procurement of or expenditures relating to operational guidelines, policies or plans purchased with public funds shall be open. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair its ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

19. Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:
 - a. Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;
 - b. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;
 - c. Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety (90) days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the document shall be returned to the nonpublic governmental body or destroyed;
20. The portion of a record that identifies security systems or access codes or authorization codes for security systems of real property;
21. Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open; and
22. Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body.

- B. Except as set forth in Subsection C of this section, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the public governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific section of this article shall be announced publicly at an open meeting of the governmental body and entered into the minutes.
- C. A public governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to the specific exception allowed pursuant to the provisions of Subsection A. of this section. Such notice shall comply with the procedures set forth in Section 2-526 for notice of a public meeting.
- D. Any meeting or vote closed pursuant to Subsection A of this section shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote which does not directly relate to the specific reason announced to justify the closed meeting or vote. Public governmental bodies holding a closed meeting shall close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session.
- E. Any votes taken during a closed meeting shall be taken by roll call.
- F. Public records shall be presumed to be open unless otherwise closed pursuant to the provisions of this article.
- G. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication.
- H. All votes taken by roll call in meetings of a public governmental body consisting of members who are all elected, except for any committee established by a public governmental body, shall be cast by members of the public governmental body who are physically present and in attendance at the meeting. When it is necessary to take votes by roll call in a meeting of the public governmental body, due to an emergency of the public body, with a quorum of the members of the public body physically present and in attendance and less than a quorum of the members of the public governmental body participating via telephone, facsimile, Internet, or any other voice or electronic means, the nature of the emergency of the public body justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting.
- I. In the event any member of a public governmental body makes a motion to close a meeting, or a record, or a vote from the public and any other member believes that such motion, if passed, would cause a meeting, record or vote to be closed from the public in violation of any provision in RSMo Ch. 610, such latter member shall state his objection to the motion at or before the time the vote is taken on the motion. The public governmental body shall enter in the

minutes of the public governmental body any objection made pursuant to this subsection. Any member making such an objection shall be allowed to fully participate in any meeting, record or vote that is closed from the public over the member's objection. In the event the objecting member also voted in opposition to the motion to close the meeting, record or vote at issue, the objection and vote of the member as entered in the minutes shall be an absolute defense to any claim filed against the objecting member pursuant to RSMo 610.027.

- J. Any member of a public governmental body who transmits any message relating to public business by electronic means shall also concurrently transmit that message to either the member's public office computer or the Custodian of Records in the same format. The provisions of this section shall only apply to messages sent to two (2) or more members of that body so that, when counting the sender, a majority of the body's members are copied. Any such message received by the Custodian or at the member's office computer shall be a public record subject to the exceptions of Subsection A of this section.

(Code 1988, § 2-576; Ord. No. 5700, § 1, 2-19-2004; Ord. No. 5810, §§ 5, 6, 9-9-2004; Ord. No. 8027, § 1, 12-8-2016; Ord. No. 9775, § 1, 10-24-2023)

Secs. 2-531—2-550. - Reserved.

Chapter 10

EMERGENCY AND DISASTER PLANNING AND RESPONSE

Article I-IN GENERAL

**Chapter 10 – Emergency and Disaster Planning and Response – Article 1- In
General**

Sec. 10-1. - Purpose and declaration of policy.

This chapter is enacted to set out and clarify the authority of the City and its officers and employees with regard to emergency and disaster situations. It is intended to grant as broad a power as permitted by statutory and constitutional authority.

(Code 1988, § 10-1)

Sec. 10-2. - Mayor's power during emergency.

Notwithstanding any provision of this Code to the contrary, when the Mayor, or the Mayor's designee as set forth in the Lee's Summit Emergency Operations Plan, determines in the Mayor's or Mayor's designee's discretion that a state of public emergency exists within the City, the Mayor may by proclamation declare a state of emergency, govern the City by proclamation, and exercise through the assistance of the Emergency Management Coordinator and in consultation with the City Manager and the City Attorney, all emergency powers, including but not limited to all of the following:

- A. The power to authorize emergency response activities by City departments including but not limited to the Police and Fire Departments, and by such emergency services personnel as the Mayor may designate or appoint.
- B. The power to authorize contracts for the emergency construction or repair of public improvements and to authorize procurement of emergency services when the delay of advertising and public bidding might cause serious loss or injury to the City, upon following the procedures of Section 10-9.
- C. The power to authorize the purchase or lease goods and services that the City deems necessary to the City's emergency response or for the repair of City facilities, or both, upon following the procedures of Section 10-9.
- D. The power to lease real property or structures, or both, that the Mayor deems necessary for the continued operation of City government.
- E. The power to promulgate rules and orders to implement and clarify the mayoral proclamation exercising emergency power.
- F. The power to delegate any or all of these duties to the Emergency Management Coordinator as defined in Section 10-5.

(Code 1988, § 10-2)

Sec. 10-3. - Effective date and termination of emergency powers.

Proclamations, rules, and orders issued pursuant to Section 10-2 shall be effective upon issuance and shall remain in effect until withdrawn by the Mayor or issuing authority. However, those proclamations, rules, and orders shall be withdrawn by the Mayor or issuing authority, and those persons acting pursuant to Section 10-2 shall cease to exercise emergency powers at such time as the conditions giving rise to the emergency cease.

(Code 1988, § 10-3)

Sec. 10-4. - Penalty for violation of emergency proclamation, rule, or order.

The violation of a proclamation of emergency, a subsequent proclamation exercising emergency powers, a rule, or order, which proclamation, rule or order is issued pursuant to Section 10-2, or the violation of any order or directive given by a peace officer or designated emergency services personnel pursuant to authority resulting from Section 10-2

is a misdemeanor and punishable as provided in Section 1-13 of this Code.
(Code 1988, § 10-4)

Sec. 10-5. - Selection of Emergency Management Coordinator.

The Chief of the Fire Department or the Acting Chief of the Fire Department shall serve as the City's Emergency Management Coordinator.
(Code 1988, § 10-5)

Sec. 10-6. - General duties of Emergency Management Coordinator.

- A. The Emergency Management Coordinator shall be responsible for the performance and supervision of performance of all duties in connection with coordinating and carrying out the City's role in furnishing services in the event of major natural or manmade emergencies and/or disasters, including but not limited to floods, fire, earthquakes, severe weather incidents, epidemics, hazardous substance accidents or incidents, insurrections, riots, looting, and persistent violent civil disobedience, which threaten the public peace, health and safety or which damage and destroy public or private property of this City.
- B. The Emergency Management Coordinator and the City Manager may request the Mayor, when appropriate, to declare a state of emergency as provided in Section 10-2.
- C. The Emergency Management Coordinator shall assist the Mayor or the Mayor's designee in the exercise of emergency powers under Section 10-2.
- D. The Emergency Manager Coordinator shall act in coordination with the State and other governmental agencies as may be necessary to plan and implement a joint jurisdiction emergency planning and disaster services plan and mutual aid arrangements.
- E. The Emergency Manager Coordinator shall consult with the City Manager and City Attorney or designees in the planning and exercise of emergency powers.

(Code 1988, § 10-6)

Sec. 10-7. - Emergency operations plan.

The emergency operations plan recommended by the Emergency Management Coordinator dated March 2023, as approved by Ordinance no. 9645 a true and accurate copy being on file with the C is hereby adopted as the emergency operations plan for the City.
(Code 1988, § 10-7; Ord. No. 5761, §1, 6-3-2004, Ord. No. 9645, §1, 4-4-2023)

Sec. 10-8. - Other specific powers and duties of the Emergency Management Coordinator.

The Emergency Management Coordinator shall:

- A. Coordinate emergency training activities.
- B. Maintain a liaison with other municipal, state, regional and federal disaster services agencies.
- C. Coordinate, after the declaration of a state of emergency, all necessary personnel, equipment and supplies from all departments of the City to aid in carrying out the emergency operations plan.

- D. Prepare under the direction of the Mayor and in consultation with the City Attorney, all necessary proclamations, rules, and orders, pursuant to Section 10-2, and implementing the Emergency Operations Plan.
- E. Serve as the liaison for any joint or mutual emergency operation administration affecting one or more other governmental agencies.
- F. Assume other emergency responsibilities as assigned by the Mayor, Council, and/or City Manager.

(Code 1988, § 10-8)

Sec. 10-9. - Emergency procurements.

- A. Notwithstanding any provision of this Code to the contrary, the Mayor or Mayor's designee, upon declaration of a state of emergency by proclamation as provided in Section 10-2, may authorize the City Manager or the City Manager's designees to procure by purchase or lease, such goods and services as are deemed necessary for the City's emergency response effort.
- B. This emergency procurement of goods or services may be made in the open market without filing a requisition or estimate and without advertisement for immediate delivery or furnishing.
- C. A full written account of all emergency procurements made during this emergency, together with a requisition for the required materials, supplies, equipment or services, shall be submitted to or provided by the City Manager within thirty (30) days after their procurement, and shall be open to public inspection for a period of at least one (1) year subsequent to the date of the emergency purchases. The City Manager shall, within three (3) months of the conclusion of the emergency, formally communicate these emergency expenditures in a full written account to the Council.

(Code 1988, § 10-9)

Sec. 10-10. - Severability.

The provisions of this chapter are declared to be severable, and if any section, sentence, clause or phrase of this chapter shall for any reason be held invalid or unconstitutional or if the application of this chapter to any person or circumstances is held invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses and phrases of this chapter.

(Code 1988, § 10-10)

Sec. 10-11. - Continuity of government—Mayoral succession.

For the purpose of determining the order of succession for the office of Mayor when the incumbent is not immediately available to act due to absence or disability the following order of succession shall apply:

- A. Mayor Pro Tempore.
- B. If neither the Mayor or the Mayor Pro Tempore are available due to absence or disability then the chairs of the following committees shall, in the following order of succession, act as Mayor until the Mayor or Mayor Pro Tempore resume the duties of their office or until the Council shall convene and select an acting Mayor from among their number:

1. Rules Committee.
 2. Public Works Committee.
 3. Finance and Budget Committee.
 4. Community and Economic Development Committee.
 5. Legislative and Intergovernmental Relations Committee.
- C. If no committee chair is available then, the Councilmember (other than the Mayor or Mayor Pro Tempore) with the second highest seniority and so forth.
- D. In cases where Councilmembers were inaugurated on the same day, the order of succession will be decided alphabetically by last name.
- E. No person serving as the chair of a City Council Committee as listed in section B above may serve as Mayor as provided in this section unless such person shall have first served for two (2) years at any time as a Councilmember.

(Ord. No. 10085, § 1, 3-3-2025)

Chapter 12-Elections

Article I-IN GENERAL

Use of City Staff and Resources Prior to an Election

**Chapter 12-Elections – Article I – In General - Use of City Staff and Resources
Prior to an Election**

Sec. 12-1. - Registration and election; laws applicable.

Registration of qualified voters and the conduct of all municipal elections shall be done in conformance with the City Charter and RSMo ch. 115.

(Code 1988, § 12-1)

Sec. 12-2. - Filing dates.

- A. Candidates for any elective office of the City shall file a declaration of their candidacy with the City Clerk of the City between the times provided below:
 - 1. The opening filing date for an elective office of the City shall be 8:00 a.m. on the seventeenth (17th) Tuesday prior to the election for such office.
 - 2. The closing filing date for an elective office of the City shall be 5:00 p.m. on the fourteenth (14th) Tuesday prior to the election.
- B. The City Clerk shall, before the seventeenth (17th) Tuesday prior to any election at which offices are to be filled, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing and the closing filing date of the election. Such notification shall be accomplished by legal notice published in one newspaper of general circulation in the City.
- C. Candidates wishing to withdraw their declaration of candidacy must do so by the closing date set up in Subsection A.2. above.

(Ord. No. 9237, § 1, 9-14-2021)

State Law reference— Similar provisions, RSMo 115.127.

Sec. 12-3. - Filing for municipal office; procedures.

- A. The names of candidates who file a declaration of candidacy with the City Clerk between the hours of 8:00 a.m. and 5:00 p.m. on the first day open for filing for a municipal office shall be listed on the ballot in the order determined by random drawing. Each candidate may draw a number at random at the time of filing.
 - 1. The City Clerk shall draw a number at random for any candidate who declines or fails to draw a number at the time of filing;
 - 2. The number so drawn will be recorded by the City Clerk and noted on the Declaration of Candidacy form completed by the candidate;
 - 3. The names of candidates filed on the first day of filing for each office shall be listed on the ballot in ascending order of the numbers so drawn.
- B. The names of candidates who file a declaration of candidacy after 5:00 of the first day for filing shall be listed on the ballot in the sequential order in which such candidates' declarations of candidacy are filed.
- C. Candidates may file their declarations of candidacy by certified mail if they are:
 - 1. Unable to appear in person because of physical disability, and the declaration is accompanied by a sworn statement of a licensed physician so stating; or
 - 2. A member of the armed forces of the United States on active duty, and the declaration is accompanied by a sworn statement of the candidate's commanding officer so stating.
- D. The names of candidates who file declarations of candidacy by certified mail pursuant to Subsection C of this Section, and which are received by the City Clerk

prior to 5:00 p.m. of the first day open for filing, shall be listed on the ballot in order determined by random drawing, as if they had been filed on the first day open for filing under the procedure set forth in Subsection A of this section. After 5:00 p.m. of the first day for filing, the names of all other such candidates filed by certified mail shall be listed on the ballot together with the names of all candidates who filed declarations of candidacy pursuant to Subsection B of this section, in the order in which the respective declarations of candidacy are received by the City Clerk.

(Ord. No. 5653, 12-4-2003)

Cross reference— Declaration of candidacy, City Charter, § 9.2.

State Law reference— Similar provisions, RSMo 115.127.5., 115.124, 115.355.

Sec. 12-4. - Use of City Staff and Resources Prior to an Election.

No member of City Staff shall appear in any official capacity at any forum identified as a district specific public forum from and after the first day of candidate filing for a City municipal office until such Election Day has passed. Additionally, no City resources, equipment or funds shall be used to support or in any way promote such a forum. Nothing herein shall prohibit a City Staff member from attending such a forum as a citizen. No staff member so attending shall be asked to provide information on behalf of the City in any matter.

(Ord. No. 8513, §1, 12-4-2018, Ord. No. 9864 § 12, 3-5-2024)

Secs. 12-5—12-25. - Reserved

SAMPLE MOTIONS FOR COUNCIL ACTION

Quick Reference Guide

Lay the Question on the Table

- **Purpose:** to enable the Council to attend to more urgent business, to lay aside the pending question in such a way that its consideration may be resumed at the will of the assembly as easily as if it were a new question, and in preference to new questions competing with it for consideration.
- **Motion Language:** "I move to lay the question on the table..."
- **Amendment:** Motion may not be amended.

Take Matter from the Table

- **Purpose:** For use to resurrect an issue after some business has been transacted since the question was laid on the table.
- **Motion Language:** "I move to take from the table..."
- **Amendment:** Motion may not be amended.

Postpone to a Certain Time

- **Purpose:** to make the issue an order of the day for the time to which it was postponed, often to allow for additional time for information to be provided or considered in connection with the issue, and if it is not then disposed of, it becomes unfinished business
- **Motion Language:** "I move that the question be postponed to a date certain of ..."

Refer to a Committee

- **Purpose:** to enable a question to be more carefully investigated and put into better shape for the full City Council to consider, than can be done in the City Council meeting itself.
- **Motion Language:** "I move to refer the question to the _____ Committee."

Amend Motion

- **Purposes:** (a) to insert or add (that is, place at the end); (b) to strike out; (c) to strike out and insert, or to substitute, as it is called, when an entire paragraph is struck out and another is inserted.
- **Motion Language:** "I move to amend the motion by (inserting, striking out, or striking out _____ and inserting _____)."

City Council only:

- I move for a **second reading** of Bill No. _____ An Ordinance ...
- I move for **adoption** of Bill No. _____ An Ordinance...
- I move to **refer** Bill No. _____ An Ordinance... **to the _____ Board/Commission/Committee** - Mayor Pro Tempore does not need a motion for this.

City Council and Committees only:

- I move to **continue** agenda item TMP-_____ An Ordinance... **to a date certain of ____/____/2021**
- I move to **table** agenda item TMP-_____ An Ordinance...
- I move to **deny** agenda item TMP-_____ An Ordinance...

City Council and all Committees, Boards & Commissions:

- I move to **amend** agenda item number TMP-_____ by **inserting / adding / striking out / substituting** _____

Committees, Boards & Commissions only:

- I move to recommend to City Council approval of agenda item number TMP-_____ An Ordinance...
- I move to recommend to City Council approval of agenda item number TMP-_____ An Ordinance... **as amended.**
- I move to recommend to City Council approval of agenda item number TMP-_____ An Ordinance... **with the condition that** _____
- I move to recommend to City Council **denial of** agenda item TMP-_____ An Ordinance...

Without Recommendation:

- I move to **forward** to City Council agenda item number TMP-_____ An Ordinance...