



The City of Lee's Summit

Final Agenda

City Council Rules Committee

Thursday, November 1, 2018

7:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Action Letter
 - A. [2018-2389](#) Action Letter for September 4, 2018 City Council Rules Committee Meeting.
5. Public Comments
6. Items for Discussion
 - A. [2018-2264](#) AN ORDINANCE AMENDING SECTION 2-60.22.-RULE 2.2 PUBLIC COMMENTS. OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI TO CLARIFY THAT MEMBERS OF THE PUBLIC WISHING TO ADDRESS THE CITY COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI DURING CITY COUNCIL MEETINGS MUST LIMIT THEIR COMMENTS TO TOPICS ON THE AGENDA AND FURTHER PROVIDING FOR THE MANNER.
 - B. [2018-2267](#) AN ORDINANCE AMENDING ARTICLE I. IN GENERAL., OF CHAPTER 12. ELECTIONS., OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT MISSOURI, BY ENACTING A NEW SECTION 12-4 USE OF CITY STAFF AND RESOURCES PRIOR TO AN ELECTION., TO GENERALLY PROHIBIT PARTICIPATION BY STAFF, EXPENDITURE OF CITY FUNDS, AND USE OF CITY RESOURCES RELATED TO ANY DISTRICT SPECIFIC FORUM FROM AND AFTER FEBRUARY 1 OF ANY YEAR IN WHICH A GENERAL MUNICIPAL ELECTION IS TO BE HELD.
 - C. [2018-2388](#) Process of Filling Vacant City Council positions.
7. Roundtable
8. Adjournment

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Packet Information

File #: 2018-2389, **Version:** 1

Action Letter for September 4, 2018 City Council Rules Committee Meeting.



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

Tuesday, September 4, 2018

6:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

1. Call to Order

Chairperson Carlyle called the meeting to order at 6:00 p.m.

2. Roll Call

Present: 4 - Chairperson Trish Carlyle
Councilmember Phyllis Edson
Vice Chair Bob Johnson
Councilmember Diane Forte

Guests in Attendance

Brian Head
Stephen Arbo
Jina Bellamy

3. Approval of Agenda

Councilmember Forte made a motion to approve the agenda, seconded by Councilmember Edson. Motion passed unanimously with a vote of 4-0.

4. Approval of Action Letter

- A. 2018-2252 Draft Action letter from August 7, 2018 City Council Rules Committee meeting.
Councilmember Forte made a motion to approve the Action Letter from the August 7, 2018 City Council Rules Committee. Seconded by Councilmember Edson. Motion passed unanimously with a vote of 4-0.

5. Public Comments

There was no one in attendance, therefore no public comments.

6. Items for Discussion

- A. 2018-2157 Discussion of Charter Section 3.5 Administrative Policy Matters and definition of the term "inquire".
Councilmember Johnson wanted to discuss the process that councilmembers are currently utilizing when processing constituent concerns and to obtain clarification on when he should inquire directly of staff and not have to go to the City Manager.

He mentioned that he had experienced a few instances where his concerns were not addressed in any specific time frame. Other Councilmembers mentioned utilizing the current CityManager's email system that tracks concerns, whereby they email the details and express a day they would like a response back, or they flag the email to check back on a response if they didn't receive one.

The City Manager explained how the system works and that Staff receive's 100's of emails. He also mentioned that the Assistant City Managers work on different issues and one may not have the answer on a project where another will and that it is best to utilize the system in place so that concerns can be directed to the appropriate person.

After general discussion, it was decided that no further action would be required on this item.

- B. 2018-2264 Discussion related to limiting the topics addressed during the Public Comment portion of the agenda

City Attorney Brian Head gave a brief update on this item and provided some suggested changes to the the Amended Ordinance regarding content of Public Comments.

After some debate on whether or not to limit items to agenda topics only and if there was a need to make any changes at all to the amended ordinance, there was a consensus to list both options (see underlined content): "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."

It was noted that some citizens are not sure when they can and can not address the Council on an item and this language will help clarify that concern.

City Staff was going to make the change and bring the draft amended ordinance back to the next Rules Committee meeting in October. Councilmember Johnson wanted to go on record as stating that he does not want to approve or send anything for approval to the Council without first seeing the final in writing.

This Discussion Item was continued.to the City Council Rules Committee due back on 10/4/2018

- C. 2018-2265 Discussion related to formalizing the Newly Elected Official Orientation.

City Attorney Brian Head mentioned that the previous session agendas on Council orientation and documents were attached to the agenda for discussion.

Councilmember Edson clarified her original request regarding the New Council

Orientation, stating that the concern was directed more toward having tours of the community.

Suggested locations to include were: Airport, City Hall (especially all the conference rooms), Lee's Summit Police Headquarters, Lee's Summit Fire Headquarters, Animal Control, Public Works, Parks and Recreation, KC Cass pump station and the New Water Utilities building.

Councilmember Forte also mentioned that when scheduling orientation that Staff should wait until after the candidate filing is closed to ensure being able to include all potential newly elected officials in the orientation.

City Attorney Head mentioned that if anyone thought of any other tour locations, to email them to Jina Bellamy and she will include them on the list.

D. 2018-2267 Discussion related to prohibiting certain types of communications and forums in the period before City elections

City Attorney Brian Head explained that the Committee shared a concern about expending City funds on public communication and District Forums prior to the last day of filing for an elected office. The Committee would like to see a rule created that would assist in preventing an encumbant councilmember from having an unfair advantage.

After general discussion and debate on a good timelimit and what to include in a rule (all public communication or specific to a district), it was decided to have Staff draft a rule specifically regarding District Forums not being funded by City resources nor attended by City Staff from Feb 1 until after the April election.

7. Roundtable

Councilmember Johnson would like to have a discussion regarding amending the number of council districts the current Charter requires.

Councilmember Forte would like to have a discussion on the process of choosing a councilmember to take someone's place. How they are appointed. To define a process.

Staff informed the Committee, that once the Council meetings moved to Tuesdays starting in October, the Rules Committee would need to change their regular day and wondered if they would like to move to the first Thursday each month. It was decided to move to the first Thursday each month starting in October.

8. Adjournment

Chairperson Carlyle adjourned the meeting at 7:16 p.m.

Packet Information

File #: 2018-2264, **Version:** 1

AN ORDINANCE AMENDING SECTION 2-60.22.-RULE 2.2 PUBLIC COMMENTS. OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI TO CLARIFY THAT MEMBERS OF THE PUBLIC WISHING TO ADDRESS THE CITY COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI DURING CITY COUNCIL MEETINGS MUST LIMIT THEIR COMMENTS TO TOPICS ON THE AGENDA AND FURTHER PROVIDING FOR THE MANNER.

At the August meeting of the City Council Rules Committee, members of the Committee discussed the possibility of limiting the topics allowed during the Public Comment portion of the agenda. The Law Department has concluded its research and has found that certain types of restrictions have generally been upheld by the Courts all across the country. Attached are: a draft ordinance for discussion purposes; some example lanaguage from a few other cities that have been upheld; and a public participation pamphlet from the Lee's Summit School District.

UPDATE: At the September 4, 2018 meeting of the Committe, member discussed the item and provided additional input for the staff along with direction to make certain changes to the proposed ordinance. Those changes have been made and the draft ordinance has been amended to include those changes.

AN ORDINANCE AMENDING SECTION 2-60.22.-RULE 2.2 PUBLIC COMMENTS. OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI TO CLARIFY THAT MEMBERS OF THE PUBLIC WISHING TO ADDRESS THE CITY COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI DURING CITY COUNCIL MEETINGS MUST LIMIT THEIR COMMENTS TO TOPICS ON THE AGENDA AND FURTHER PROVIDING FOR THE MANNER .

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

SECTION 1. That Section 2-60.22. - Rule 2.2 Public comments. of the Code of Ordinances of the City of Lee's Summit, Missouri be amended to read as follows:

"Sec. 2-60.22. - Rule 2.2—Public comments.

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, physical address, 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 minutes to speak. Should the speaker yield to a question from a councilmember, the time yielded shall not be included in the three 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.

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.

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 being duly sworn. Such items shall be placed on the agenda under "Public Hearing."

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

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

BILL NO. 18-

ORDINANCE NO.

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

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

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

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*

Packet Information

File #: 2018-2267, **Version:** 1

AN ORDINANCE AMENDING ARTICLE I. IN GENERAL., OF CHAPTER 12. ELECTIONS., OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT MISSOURI, BY ENACTING A NEW SECTION 12-4 USE OF CITY STAFF AND RESOURCES PRIOR TO AN ELECTION., TO GENERALLY PROHIBIT PARTICIPATION BY STAFF, EXPENDITURE OF CITY FUNDS, AND USE OF CITY RESOURCES RELATED TO ANY DISTRICT SPECIFIC FORUM FROM AND AFTER FEBRUARY 1 OF ANY YEAR IN WHICH A GENERAL MUNICIPAL ELECTION IS TO BE HELD.

At the last meeting of the City Council Rules Committee staff was direct to bring back information related to the possibility of restricting certain types of communications and forums in the period prior to a City Council election

For the April 2018 City Council Election the election calendar was:

1. First day for candidate filing - December 12, 2017
2. Last day for candidate filing - January 16, 2018
3. Election Day - April 3, 2018

UPDATE: At the September 4, 2018 meeting of the City Council Rules Committee, Staff was direct to bring back a draft ordinance related to restricting the use of staff for district specific forums beginning February 1 of any general municipal election year. A draft ordinance is attached for discussion by the Committee.

Jina Bellamy

From: Trisha Fowler Arcuri
Sent: Monday, August 20, 2018 2:21 PM
To: Jina Bellamy
Subject: 2018 Election calendar

2018 MISSOURI ELECTION CALENDAR

2018 Election Calendar

2017 Election Calendar

2016 Election Calendar

Official Election Day	Style of Election	Last Day to Register to Vote	First Day for Candidate Filing	Last Day for Candidate Filing	Final Certification Date
February 6, 2018	Bond elections may be held on the first Tuesday after the first Monday in February but no other issue shall be included on the ballot for such election.	January 10, 2018	October 17, 2017 [Jurisdictions in Kansas City begin filing October 24, 2017]	November 21, 2017	November 28, 2017
March 6, 2018 (see local charter)	Charter cities and charter counties ONLY	February 7, 2018	November 14, 2017 [Jurisdictions in Kansas City begin filing November 21, 2017]	December 19, 2017	December 26, 2017
April 3, 2018	General Municipal Election Day	March 7, 2018	December 12, 2017 [Jurisdictions in Kansas City begin filing December 19, 2017]	January 16, 2018	January 23, 2018
August 7, 2018	Primary Election	July 11, 2018	February 27, 2018	March 27, 2018	May 29, 2018
November 6, 2018	General Election	October 10, 2018	July 17, 2018* [Jurisdictions in Kansas City begin filing July 24, 2018]	August 21, 2018*	August 28, 2018

Jina Bellamy

From: Trisha Fowler Arcuri
Sent: Monday, August 20, 2018 2:19 PM
To: Jina Bellamy
Subject: Election Stuff

2019 Election Calendar

2018 Election Calendar

2017 Election Calendar

Official Election Day	Style of Election	Last Day to Register to Vote	First Day for Candidate Filing	Last Day for Candidate Filing	Final Certification Date
February 5, 2019	Bond elections may be held on the first Tuesday after the first Monday in February but no other issue shall be included on the ballot for such election.	January 9, 2019	October 16, 2018 [Jurisdictions in Kansas City begin filing October 23, 2018]	November 20, 2018	November 27, 2018
March 5, 2019 (see local charter)	Charter cities and charter counties ONLY	February 6, 2019	November 13, 2018 [Jurisdictions in Kansas City begin filing November 20, 2018]	December 18, 2018	December 25, 2018
April 2, 2019	General Municipal Election Day	March 6, 2019	December 11, 2018 [Jurisdictions in Kansas City begin filing December 18, 2018]	January 15, 2019	January 22, 2019
August 6, 2019	Available for public elections	July 10, 2019	April 16, 2019	May 21, 2019	May 28, 2019
November 5, 2019	Available for public elections	October 9, 2019	July 16, 2019* [Jurisdictions in Kansas City begin filing July 23, 2019]	August 20, 2019*	August 27, 2019

*Opening and closing of filing for jurisdictions authorized to elect directors in November, such as 911 & Emergency Services directors.

AN ORDINANCE AMENDING ARTICLE I. IN GENERAL., OF CHAPTER 12. ELECTIONS., OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT MISSOURI, BY ENACTING A NEW SECTION 12-4 USE OF CITY STAFF AND RESOURCES PRIOR TO AN ELECTION., TO GENERALLY PROHIBIT PARTICIPATION BY STAFF, EXPENDITURE OF CITY FUNDS, AND USE OF CITY RESOURCES RELATED TO ANY DISTRICT SPECIFIC FORUM FROM AND AFTER FEBRUARY 1 OF ANY YEAR IN WHICH A GENERAL MUNICIPAL ELECTION IS TO BE HELD.

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

SECTION 1. That Article 1. In General of Chapter 12. Elections., of the Code of Ordinances of the City of Lee's Summit, Missouri, be and hereby is amended by enacting a new section 12-4 Use of City Staff and Resources Prior to an Election. to read as follows:

"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 February 1 of any year in which a general municipal election is to be held 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. This section shall not apply when any such forum is requested by the City Manager and limited to educational information on any ballot measure.

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

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

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

Mayor William A. Baird

ATTEST:

BILL NO. 18-

ORDINANCE NO.

City Clerk *Trisha Fowler Arcuri*

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

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*

Packet Information

File #: 2018-2388, **Version:** 1

Discussion regarding the process of filling vacant Council positions

Charter Section 3.7 - Vacancies; Forfeiture of Office; Filling of Vacancies

Filling of Vacancies. The Council by a majority vote of all its remaining members shall appoint a qualified person, [as defined in Section 3.2(b),] to fill a vacancy 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.

Section 3.2 (b) Composition; Qualifications; Election and Terms

Qualifications. A Councilmember shall have been a resident of the city for two years next preceding election and a qualified voter [of the city] and shall remain a resident of his or her district and a qualified voter [of his or her district. The term "qualified voter" shall be as defined in Section 9.1(d) of this Charter.] A Councilmember shall have been a resident of his or her respective district for six months next preceding election.

Application Review Process Conducted by the City Council on May 11, 2017

Establishment of Speaking Order:

- All candidates must be present in the City Council Chambers at 6:00 PM and introduce themselves to Denise Chisum, City Clerk. She will be positioned at her desk in front of the City Council Dais.
- Each applicant will draw a number from the box indicating their order of presentation to the City Council later that evening.
- The City Clerk will establish the speaking order list based upon the lottery drawing and present that list to the Mayor and City Council.

Speaking to the City Council as an Applicant:

- Each applicant will be called upon to speak for a five-minute period by the Mayor in the same order as established by the City Clerk
- A five-minute timer will be set for each individual. A count-down clock will be shown on the screen to help the applicant stay within the time limit.
- The comments are to be made without the assistance of visuals, such as a PowerPoint slide or overhead projection.

City Council Questions to the Applicants:

- Upon completion of the five-minute presentations by all applicants, the Mayor will conduct a question/answer period between the City Councilmembers and the applicants.
- In total, there will be a 60 minute period allotted to City Council questions and applicant responses.
- The City Councilmembers will ask their questions as briefly and succinctly as possible to allow time for the respondent.
- The City Councilmembers' questions will be directed for a single designated applicant; a group question to all applicants consumes meeting time and may diminish the availability of questions for other Councilmembers.
- Applicant responses will be limited to a three-minute period.
- The Mayor will declare the question and response period completed, when appropriate.

City Council Selection Process:

- Upon completion of the question and response period, general discussion may occur regarding the merits of the applicants.
- Following deliberation, the Mayor will ask for nominations. A City Councilmember may nominate one of the applicant participants as the next District 4 Councilmember. (Staff will have a sample motion available in writing in the packet form.) Upon hearing no further nominations the Mayor will declare nominations are closed.
- The Mayor will conduct a roll call vote based upon the motion or motions made to nominate an applicant.

- If there are not 4 votes for a single applicant, only the applicants with the two highest total votes will remain as eligible applicants for nomination. The Council will continue voting until a single applicant receives 4 votes.
- The applicant receiving four affirmative voice votes from the City Council will be named as the District 4 Councilmember to serve a term to expire on April 2018.

Timeline for Filling Vacant District 4 City Council Seat

The City of Lee's Summit has released the following process that will be used to fill the vacant District 4 City Council seat.

2017 Timeline for Filling Councilmember Vacancy

Date	Time	Action
Fri., April 21		A Public Notice will be issued advising the public of the process to fill the vacant seat in District 4.
Mon., April 24	8 a.m.	Those desiring to file for this position must complete an official filing form in the Office of the City Clerk. Applicants must meet the requirements for a councilmember as defined in the City Charter.
Thurs., May 4	5 p.m.	Last day to file for the District 4 City Council seat with the City Clerk's Office
Fri., May 5	By 5 p.m.	Members of the City Council will be advised of candidates filing for office and provided information.
May 11 (TENTATIVE)		A TENTATIVE date for the Mayor and City Council to interview candidates for the vacant District 4 City Council seat.
May		Swearing in of new councilmember

For more information, contact Lee's Summit Mayor Randy Rhoads at 816.969.1010 or the Office of the City Clerk at 816.969.1006