

BILL NO. 25-065

AN ORDINANCE ENACTING A NEW SECTION 2-61. VACANCIES ON THE COUNCIL – HOW FILLED. ESTABLISHING A PROCEDURE FOR APPOINTING A NEW COUNCILMEMBER FOLLOWING A VACANCY IN THE CITY COUNCIL AS PROVIDED BY SECTION 3.7 OF THE CHARTER OF THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Section 3.7 of the City Charter of the City of Lee's Summit, Missouri provides that the Council shall appoint a qualified person to the City Council in the event of a vacancy created by death, resignation, recall, forfeiture or removal from office; and,

WHEREAS, the Charter does not provide guidance related to the procedure to follow in the event of such vacancy; and,

WHEREAS, the City Council wishes to provide a procedure for use during such times and provide guidance related to the process for appointing a Councilmember following a vacancy.

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

SECTION 1. That a new section 2-61. Vacancies on the Council – How filled., of the Code of Ordinances of the City of Lee's Summit is hereby adopted to read as follows:

“SECTION 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.

1. 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.
2. 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.
3. Upon conclusion of the application period, the City Clerk shall provide copies of all applications to the Mayor and Councilmembers.
4. 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.
5. 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.
6. 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.

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7. 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.
8. 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.
9. 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.
10. 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.
11. 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 shall be declared appointed.
12. 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 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 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
13. 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.
14. If more than one 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.”

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PASSED by the City Council for the City of Lee's Summit, Missouri, this _____ day of _____, 2025.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2025.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*