

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

Tuesday, August 7, 2018

6:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

1. Call to Order

On motion of Councilmember Carlyle the August 7, 2018 City Council Rules Committee was called to order at 6:05 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
Jina Bellamy

3. Approval of Agenda

Chairperson Carlyle requested that the Agenda be amended by moving item number 6.C - 2018-2157 Charter Section 3.5 Administrative Policy Matters and definition of the term "inquire" to the next scheduled Rules Committee meeting in September.

Councilmember Forte made a motion to approve the agenda as amended. Councilmember Edson seconded the motion. All were in favor with a vote of 4-0. Agenda was approved as Amended.

4. Approval of Action Letter

A. [2018-2189](#) July 16, 2018 Action Letter

Councilmember Forte made a motion to approve the Action Letter from July 16, 2018. Councilmember Edson seconded the motion. All were in favor with a vote of 4-0. Motion passed.

5. Public Comments

There were no audience members and no comments.

6. Items for Discussion

A. [2018-2140](#) Discussion related to Amending the Public Comment portion of the City Council agenda.

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City Attorney Head gave a brief review regarding discussion of this item at the previous Rules Committee meeting. He presented a proposed ordinance with the added language requested regarding the comment card and three minute time limit previously discussed. City Attorney Head mentioned that he also included some language regarding if the citizen is asked a question during their three minutes and how that would be handled.

The Rules Committee discussed the proposed changes and gave their opinions on the positive and negative aspects of comment cards and time limits.

Comment Cards:

One member didn't care for the comment cards as a whole but did see the value in the citizen's information being available and another member thought that it would be friendlier if the Mayor had the information and was able to call the citizen forward at the appropriate time. There was also a concern on how the citizen would know about filling out the comment cards in advance and if knowing the general subject was critical.

Staff addressed these concerns by suggesting a sign be posted in front of the Council Chambers with cards available, as well as, adding information on the Agenda and the newly designed webpage. As far as the subject line - this could be marked "optional" - thereby giving the citizen the choice of documenting the subject or not.

In response to Chairperson Carlyle's question on the legality of comment cards, City Attorney Head responded that research had already been done and we can regulate time, place and manner. He also mentioned that the Charter only requires that citizens be given the right to speak on items of city business on the agenda. The Charter does not guarantee anyone the right to speak about anything they want. Staff referenced information from the 9th Circuit (California). There were also questions regarding groups speaking on a subject and how to regulate that. Staff suggested asking the individuals if they were speaking for a group and if so requesting that they contribute new information only, as is present practice.

Time limits:

Staff mentioned the importance of setting a time limit for each speaker that is enforceable vs setting a 10 minute overall time limit for Public Comments. This will ensure that one person doesn't monopolize the full 10 minutes and allows some control from an agenda management perspective.

The Rules Committee would like more information as to what restrictions may be placed on content. Staff encouraged the Rules Committee to go forward with setting a time limit and coming back to the other concerns with an amendment at a later date.

Chairperson Carlyle summarized the desires of the Rules Committee to go forward with the comment card to include the name, address and making the subject matter "optional" with a time limit of 3 minutes. However they would like to revisit restricting comments to Lee's Summit issues only and any other language that can help with the timelimits. Chairperson Carlyle asked that Staff look at other court opinions, especially those in our Circuit.

Councilmember Forte moved that 2018-2140 Amending the Public Comments portion of the City Council agenda as discussed and to move it to the full Council for Approval.

Councilmember Edson Seconded the motion. All were in favor. Motion passed 4-0.

B. [2018-2141](#) City Council Rule Section2-60.21 - Rule 2.1 Order of Business

City Attorney Head gave an overview of the proposed changes to Section 2.60.21-Rule 2.1 - Order of Business relative to obtaining clarification from Mayor Baird and general clean up of the section.

Staff informed the Committee that Mayor Baird would like to have the ability to change the Council Agenda prior to publication in an effort to streamline the Council meetings. He would also like to have the option to amend the agenda prior to adoption by the Council the night of the meeting, if there is a need (i.e. an item drops off the agenda, and emergency ordinance is needed, etc.). The original rule appeared to limit the order of items to be presented.

After general discussion, it was decided to change the language in Section 2.60.21 Rule 2.1 Order of Business number 1.

FROM:

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 shall be in substantially the following order.

TO:

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 Section 2.

New Section 2.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 changes would allow for a smoother transaction of business.

Councilmember Johnson inquired about the change in section H. changing from 5 affirmative votes to 6. Staff informed the Committee that the 5 affirmative votes was in error from the original 2012 ordinance. The original Charter

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section 3.13 F - provides for 2/3 of 8 would be 6. The Council is not 9 members and 2/3 of 9 is still 6.

Councilmember Forte moved that 2018-2141, City Council Rules Section 2-60.21-Rule 2.1 -Order of Business be sent to the full Council for adoption. Seconded by Councilmember Edson. All were in favor. Motion passed 4-0.

Councilmember Carlyle clarified the motion that the Rules Committee adopted the Rule 2.1 and it is going before the Council for approval. Councilmember Forte acknowledge that was her intent on the motion.

- C. [2018-2157](#) Charter Section 3.5 Administrative Policy Matters and definition of the term "inquire".

This items was continued to the next City Council Rules Committee Meeting in September.

This Discussion Item was continued to the City Council Rules Committee due back on 9/4/2018

7. Roundtable

Roundtable item 1. Councilmember Forte would like the Rules Committee to discuss the topic of not holding District Forums after the election cycle begins. Councilmember Johnson added that he would like to see publications included in that discussion and suggested 30-60 days prior to election.

After some brief discussion:

Chairperson Carlyle summarized the topic by saying that forums, any type of mailers or any other types of communications being paid for by the City, not be done within 60 days of an election.

Someone inquired about the date candidate filing begins prior to any municipal election. After some discussion, Staff was then asked to provide the City election calendar at the next meeting.

Staff will also research on current campaign finance and determine if we can create our own rules and provide parameters to the Committee.

Roundtable item 2. City Attorney Head wanted to revisit the conversation regarding restricting Public Comments that was mentioned earlier in the meeting. He asked the Committee members to consider alternatives related to Public Comment and that there were multiple ways to address content. The Council could restrict comments to only issues on the agenda at the beginning and then allow the open mic portion at the end. Alternatively, Council could allow public comment on each individual non public hearing item on the agenda. There are more options then just having public comments at one point on the agenda. The City Attorney asked the Committee to consider these suggestions for discussion at the next meeting.

Councilmember Johnson mentioned that he believed that the public should

have an opportunity to speak at the Committee level on each individual item.

Councilmember Forte agreed that there is ability for public to speak at Committee level and that members can sometimes read the audience and see that someone wants to talk. It is easier to address them in the Committee meeting.

8. Adjournment

Chairperson Carlyle asked for a motion to adjourn the meeting. Councilmember Forte moved to adjourn the meeting. Councilmember Johnson seconded the motion. Meeting adjourned at 6:55 p.m.

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