



**The City of Lee's Summit**  
**Final Agenda**  
**City Council Rules Committee**

Monday, October 24, 2016

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

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1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF ACTION LETTER
  - A. [2016-0592](#) Action Letter for September 26, 2016 City Council Rules Committee
4. PUBLIC COMMENTS
5. ITEMS FOR DISCUSSION
  - A. [2016-0554](#) Process of referring items to Council Committees (continued from September 26, 2016).
  - B. [2016-0645](#) Chairpersons authority regarding referring items to Council Committees
  - C. [2016-0556](#) Guests attending City Council Closed Session meetings (continued from September 26, 2016).
  - D. [2016-0637](#) Limitations on public comments during City Council meetings
  - E. [2016-0553](#) Creating a formal ethics policy for the City Council (continued from September 26, 2016).
6. ROUNDTABLE
7. ADJOURNMENT

For your convenience, City Council agendas, as well as videos of City Council and Council Committee meetings, may be viewed on the City's Internet site at "www.cityofls.net".



# The City of Lee's Summit

220 SE Green Street  
Lee's Summit, MO 64063

## Packet Information

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**File #:** 2016-0592, **Version:** 1

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Action Letter for September 26, 2016 City Council Rules Committee



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

Monday, September 26, 2016

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

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1. CALL TO ORDER

2. ROLL CALL

**Present:** 3 - Chairperson Diane Seif  
Vice Chair Dave Mosby  
Councilmember Rob Binney  
**Absent:** 1 - Councilmember Trish Carlyle

Staff in attendance

Brian Head

Jina Bellamy

3. PUBLIC COMMENTS:

There were no public comments.

4. APPROVAL OF ACTION LETTER

A. [2016-0527](#) Approval of Action Letter - August 22, 2016

**On motion of Councilmember Mosby and Seconded by Councilmember Binney, the Action letter for August 22, 2016 was unanimously approved by the Committee.**

5. Discussion Items:

A. [2016-0556](#) Guests attending City Council Closed Session meetings (continued from September 26, 2016).

There was general discussion of this item and some examples of guests in attendance at previous meetings. There were a few suggestions: 1. Having a disclaimer at the beginning of each Closed Session that would remind the participants about the confidentiality of the meeting, and 2. If someone wants to bring someone into the Closed Session, that person would explain the role of the guest and the council could decide if they wish to allow the guest into the Closed Session. Staff was asked to bring back information from other cities on how they handle having guests in their Closed Sessions and if they have ever encountered issues regarding the guests. Brian Head

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mentioned there could be an issue if attorney client or confidentiality was waived due to the guest staying in the Closed Session. It was decided to have further discussion at the next Rules Committee meeting."

**This Discussion Item was continued to the City Council Rules Committee scheduled on 10/24/2016**

- B.**     [2016-0557](#)     Discussion: Start times for Committee Meetings.
- After general discussion it was decided not to pursue this item any further.
- This discussion was read into the record.**

- C.**     [2016-0553](#)     Creating a formal ethics policy for the City Council (continued from September 26, 2016).
- After general discussion it was decided that it would be better to discuss creating a formal ethics policy after determining the changes that the Charter Review Committee might suggest relative to the Charter. The Rules Committee will review the ethics policies from neighboring communities that were provided by staff and be prepared to discuss next steps at the next Rules Committee meeting.

**This Discussion Item was continued to the City Council Rules Committee scheduled on 10/24/2016**

- D.**     [2016-0554](#)     Process of referring items to Council Committees (continued from September 26, 2016).
- General discussion centered around specific language in Ordinance No. 7841, Section 2-58, Rule 1.8: Assignment to Committee - Procedure; and Time in Committee: The first sentence states that "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 current language appears to prohibit councilmembers from making a request at any other time outside of a Council Comment section at a City Council meeting.

City Attorney Brian Head informed the Committee that the intent was not to limit when councilmembers can request something be sent to committee but more to create perimeters that would prevent nonaction of a request by the Mayor Pro Tempore. They were looking at options that would allow a councilmember the ability to force the topic to a Committee if they felt it was important enough to override the Mayor Pro Tempore's action or inaction on the item.

City Staff was asked to draft language clarifying the intent of the ordinance,

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specifically regarding the avenue to bring items forward to Mayor Tem Pore to consider assigning to a committee. They would also like language regarding the authority of the Chair.

This Discussion Item was continued to the City Council Rules Committee scheduled on 10/24/2016

9. ROUNDTABLE:

There were no items for discussion.

10. ADJOURNMENT

Chairperson Seif adjourned the meeting at 5:50 p.m.

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**File #:** 2016-0554, **Version:** 1

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Process of referring items to Council Committees (continued from September 26, 2016).

Attached is an ordinance in draft form clarifying that the procedure previously authorized by the City Council to require an item or issue be considered in Committee, is not the only method.

This ordinance provides that the Council, the Mayor Pro Tempore upon request or upon his or her own initiate, or the Chair of a committee may assign certain issues. Additionally, this ordinance includes an amendment clarifying the time in which a Councilmember must act to remove an item from a committee in the event the committee has failed to act.

AN ORDINANCE AMENDING SECTION 2-58. RULE 1.8 – TIME IN COMMITTEE OF THE CODE OF ORDINANCES TO PROVIDE CERTAIN PROCEDURAL RULES FOR THE REFERRAL AND TIMING OF CONSIDERATION OF ISSUES AND ITEMS IN COUNCIL COMMITTEES.

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

SECTION 1. That Section 2-58. Rule 1.8 – Time in committee. of the Code of Ordinances of the City of Lee’s Summit, Missouri be amended to read as follows:

“Sec. 2-58. - Rule 1.8—Assignment to Committee—Procedure—Time in committee.

**A. *Assignment to Committee, Generally.*** The City Council may assign any item or issue to the appropriate Committee at any time upon consensus of the Council or a vote of a majority of the entire Council. The Mayor Pro Tempore may, upon the request of any Councilmember, or any time he or she feels that an issue of significant importance has arisen, assign such item to the appropriate Council Committee for consideration. In addition, the Chair of any Committee may assign such an issue to his or her own committee provided that the subject matter is appropriate for his or her committee.

**B. *Procedure to Require Assignment to 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 **at any time prior to 30 days after the expiration of time in committee** 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.”

SECTION 2. 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 \_\_\_\_\_, 2016.

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

ATTEST:

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

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2016.

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

ATTEST:

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

APPROVED AS TO FORM:

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**BILL NO. 16-**

**ORDINANCE NO.**

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City Attorney *Brian W. Head*

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**File #:** 2016-0645, **Version:** 1

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Chairpersons authority regarding referring items to Council Committees

Attached is an ordinance in draft form clarifying that the procedure previously authorized by the City Council to require an item or issue be considered in Committee, is not the only method.

This ordinance provides that the Council, the Mayor Pro Tempore upon request or upon his or her own initiative, or the Chair of a committee may assign certain issues. Additionally, this ordinance includes an amendment clarifying the time in which a Councilmember must act to remove an item from a committee in the event the committee has failed to act.

AN ORDINANCE AMENDING SECTION 2-58. RULE 1.8 – TIME IN COMMITTEE OF THE CODE OF ORDINANCES TO PROVIDE CERTAIN PROCEDURAL RULES FOR THE REFERRAL AND TIMING OF CONSIDERATION OF ISSUES AND ITEMS IN COUNCIL COMMITTEES.

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**B. *Procedure to Require Assignment to 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 **at any time prior to 30 days after the expiration of time in committee** 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.”

SECTION 2. 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 \_\_\_\_\_, 2016.

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

ATTEST:

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

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2016.

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

ATTEST:

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

APPROVED AS TO FORM:

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**BILL NO. 16-**

**ORDINANCE NO.**

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City Attorney *Brian W. Head*

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**File #:** 2016-0556, **Version:** 1

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Guests attending City Council Closed Session meetings (continued from September 26, 2016).

Attached is a short memo describing some quick research from other communities.



**City of Lee's Summit**  
**Department: Law**  
**Memorandum**

<b>To:</b>	Council Rules Committee
<b>From:</b>	City Attorney, Brian Head <i>BH</i>
<b>Date:</b>	October 24, 2016
<b>Re:</b>	Guests at Closed Session

At the previous City Council Rules Committee meeting, Staff was asked to poll some area cities to determine how they handled guests attending Closed Session meetings. The following is a list of responses:

**Belton:**

In Belton the City Attorney said it hasn't come up but if it had the mayor would need to be aware and give general consent to bringing someone from the outside into closed session.

**Blue Springs:**

In Blue Springs staff brings resource people in to ask questions. There is no vote or determination by Council or Mayor. The individuals present information, answer questions and leave. Council tries not to conduct discussion with them present. Guests leave when the input is done and minutes reflect it.

**Columbia:**

The City of Columbia has had non-city employees participate in closed meetings only if they are needed for that closed meeting discussion. If there is more than one topic, the person is asked to leave/not be in the room when the other topics are discussed.

**Independence:**

In Independence the City Manager requests permission of the Council via a consensus. Minutes reflect who was present and why.

**Jefferson City:**

When there is a need to have an "outside person" attend a Closed Session to make a presentation or answer questions about an issue (or a paid consultant who has been invited to provide updates on court cases, negotiations, etc.). The City Clerk annotates the attendance in the minutes.

Then the City Clerk annotates IN the minutes the point in which the outside person(s) either entered or left the meeting... "Mr. Doe left at this point in the meeting (7:45 P.M.)" to show that they were not present when other topics may have been discussed that did not involve them. If they are brought into the meeting after it has already been going, that information is entered as well.... "Mr. Doe came into the meeting at this point (8:15 P.M.)"

If NO "others" were present, that designation is just left off the attendance altogether.

They have always known that if there is an "outside" person there, it is for the Council's own benefit (to answer questions, present updates, etc.) and sometimes at the Council's own invitation.

For clarification - there are never outside guests (non-City staff) there just to watch and listen without having an active part in the meeting. There are times when City Department Heads want to attend meetings to keep informed on the issues that may affect their departments. But if there are ever any issues, such as personnel not directly involving them, they are NOT there. In fact, the only one who might be present at those meetings besides the Council Members themselves (and Mayor) is the City Clerk to take the minutes.





## Packet Information

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**File #:** 2016-0637, **Version:** 1

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Limitations on public comments during City Council meetings

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**File #:** 2016-0553, **Version:** 1

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Creating a formal ethics policy for the City Council (continued from September 26, 2016).