



The City of Lee's Summit

Final Agenda

City Council Rules Committee

Thursday, January 3, 2019

6:00 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. [2018-2463](#) Action Letter for November 1, 2018 City Council Rules Committee Meeting
5. Public Comments
6. Items for Discussion
 - A. [2018-2461](#) Discussion related to procedure for selecting a new Councilmember following a vacancy on the City Council.
 - B. [2018-2462](#) Discussion related to expanding the number of Council districts.
7. Roundtable
8. 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 Legislative Information Center website at "lsmo.legistar.com"

Packet Information

File #: 2018-2463, **Version:** 1

The City of Lee's Summit
Action Letter - Draft
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

Chairperson Carlyle called the meeting to order at 7:00 p.m.

2. Roll Call

Staff in attendance:

Brian Head, City Attorney

Jina Bellamy, Recording Secretary

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

3. Approval of Agenda

Councilmember Forte approved the agenda as written. Councilmember Edson seconded the motion. Vote was 4-0. Motion passed.

4. Approval of Action Letter

A. [2018-2389](#) Action Letter for September 4, 2018 City Council Rules Committee Meeting.

Councilmember Forte moved to approve the Action letter from Sept 4, 2018. Councilmember Edson seconded the motion. Vote 4-0. Motion passed.

5. Public Comments

There was no public in attendance at the meeting.

6. Items for Discussion

A. [BILL NO. 18-199](#) 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 comments to topics on the agenda or general subjects related to the operations of the City of Lee's Summit and further providing for the manner. (Rules Committee 11/1/18)

City Attorney, Brian Head mentioned that this is an item that has been

discussed previously. Councilmember Johnson requested to see the final marked up version showing all the suggested changes of the ordinance, prior to voting on it. This limits the public comment section of the agenda to items that are either on the agenda or items that are directly related to the operations of the City of Lee's Summit.

There was general discussion regarding:

1. The types of items that would be considered "operations of the city" and how to monitor individuals who get off topic.

Staff expressed that ultimately the Chairperson has the authority to stop someone from speaking who heads in a direction that is not related to the operations of the City. There was a concern about how the public would know in advance about what happens when going off topic. Two suggestions would be 1. placing a note on the agenda under the "Public Comment" section, and 2. Add the information to the comment card.

2. The types of questions received in the past from the public regarding filling out comment cards, where they can obtain the cards and where information about comment cards should be published. Staff mentioned comment cards can be obtained from the City Clerk's office or outside of Chambers prior to the meeting.

Councilmember Forte made a motion to direct staff to prepare item 2018-2264 to the full City Council. Chairperson Carlyle stated that she had a motion to direct staff to prepare item 2018-2264 to the full Council for discussion and approval. Staff asked for clarification of the motion. Chairperson Carlyle stated she asked for discussion and approval and asked Councilmember Forte if that was what she wanted. Councilmember Forte confirmed that was what she wanted. Councilmember Edson seconded the motion. Vote 4-0. Motion passed.

B. [BILL NO. 18-200](#)

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. (Rules Committee 11/1/18)

Brian Head gave a brief summary regarding this subject and how and why a draft ordinance was created. He mentioned previous Rules Committee meetings where discussion included creating an ordinance limiting district forums where City staff and City funds had been utilized during the later stages of City Council campaigns. It was previously discussed that Feb 1 was the date selected where there would be no City funds expended in District forums and staff would not be asked to attend district specific forums from Feb 1 until the election was held.

Councilmember Johnson wanted to discuss the last sentence of the draft ordinance that stated: "This section shall not apply when any such forum is requested by the City Manager and limited to educational information on any

ballot measures." Councilmember Johnson mentioned the "appearance" of election educational pieces that Staff sends out that are "four color and slick" - look like election propaganda and suggested maybe having staff do their educational pieces in black and white print.

Councilmember Forte reminded the Committee that the intent of requesting this ordinance was not to give an unfair advantage to a current councilmember that could ask for a District Forum who is running for office against a new candidate who wouldn't have that ability.

After general discussion, the Committee's consensus was to strike the sentence from the draft ordinance.

Councilmember Edson made a motion to send Ordinance 2018-2267. an Ordinance amending Article I in General, of the 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 as amended to the City Council for approval. Vote 4-0. Motion passed.

C. 2018-2388 Process of Filling Vacant City Council positions.

Brian Head provided a review of the item and our process to date, mentioning there is not a good rule that tells you how to select someone to fill a vacant Council seat.

Discussion ensued regarding:

1. Councilmember Johnson mentioned a change that needs to be made in the current "Application Review Process Conducted by the City Council on May 11, 2017" in the packet. Since Mayor is now considered a member of the Council and votes on items, a majority of Council would need to be changed from 4 to 5 in the last section.

2. Councilmember Forte would like to see better communication on how things are specifically done.

Brian suggested having the Council pass a Resolution stating how they wish to proceed in the future and will work on a draft Resolution to review at the next Rules Committee meeting.

Staff was requested to draft a procedure and bring it back to the next Rules Committee for discussion.

7. Roundtable

Staff mentioned an item from Councilmember Johnson that was previously requested regarding changing Council Districts. Staff will add that item to the next Rules Committee meeting.

Staff also mentioned that previously the Committee had inquired about the functions of an alternate Committee member. Council voted to have a temporary one-year rule change that would allow the alternate to be the 3 or 4th member of a Committee. That rule expired July 1, 2018, unless Council chooses to extend it.

Consensus from the Committee was to leave it reverted back to the original and should the Council desire or if an issue arises, they can bring it up at that time.

8. Adjournment

Chairperson Carlyle adjourned the meeting at 7:39 p.m.

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Packet Information

File #: 2018-2461, **Version:** 1

Discussion related to procedure for selecting a new Councilmember following a vacancy on the City Council.

At the November meeting of the City Council Rules Committee, Councilmember Forte requested information from staff related to the selection of a new Councilmember following a vacancy on the Council. Staff was directed to create a first draft procedure and provide it to the Committee at the next meeting. A draft procedure is attached for discussion.

Presented by: Brian W. Head, City Attorney

Section 1. Vacancies: 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. The Mayor and City Council shall hold a special 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.
5. Any qualified citizen who has made an application for a vacancy may speak for five (5) minutes on his or her own behalf.
6. The Mayor will accept nominations from the sitting Council from among the eligible applicants for the vacant seat. A second to a nomination is not required. At the close of nominations and prior to voting, any Councilmember who has nominated a candidate may provide comments about that candidate.
7. 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.
8. 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 as described in section 7 above. 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.
9. 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.

10. In the event that 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 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.

Packet Information

File #: 2018-2462, **Version:** 1

Discussion related to expanding the number of Council districts.

At the October meeting of the City Council Rules Committee Councilmember Johnson asked to discuss the possibility of amending the Charter to expand the number of Council districts. Attached are 1. a provision from the Constitution and 2. provisions from the City Charter related to amendments.

Generally, there are three ways that the Charter may be amended: 1. the Council may propose amendments; 2. a petition signed by 10% of the qualified voters of the City to amend the Charter; 3. by recommendation from a Charter Commission.

Presented by: Brian W. Head, City Attorney

Section 14.7. - Charter Amendment.

Amendments to this Charter may be framed and submitted to the electors by a commission in the manner provided by law and the Missouri Constitution for framing and submitting a complete charter. Amendments may also be proposed by the Council, by the Charter Review Commission, or by petition of not less than ten percent of the qualified electors of the city, filed with the City Clerk in the manner prescribed for initiative petitions in Article X, setting forth the proposed amendment(s). The Council shall at once provide by ordinance that any amendment so proposed shall be submitted to the electors at the next available regular or special election date as established by the Missouri election calendar in accordance with state law, for which timely notice may be given. Any amendment approved by a majority of the qualified electors voting thereon shall become a part of this Charter at the time and under the conditions fixed in the amendment; sections or articles may be submitted separately or in the alternative and determined as provided by law and the Constitution for a complete charter.

Section 14.8. - Charter Review Commission.

From time to time, but no less often than every ten years, the Council shall provide for a Charter Review Commission to review this Charter and to recommend to the voters of the city proposed amendments, if any, to this Charter. The members of the Charter Review Commission shall be selected as provided by the Council. The Charter Review Commission shall consist of at least eight qualified voters of the city, none of whom shall be an elected official of the city. No more than thirty percent of the commission members shall reside in any one Council district. The Charter Review Commission shall, within twelve months of its first meeting, report to the voters as many amendments to the Charter as it shall deem advisable.

Missouri Constitution Section

[←Article: 06019a1](#)

[Article: 060211→](#)

Article VI
LOCAL GOVERNMENT
Section 20
November 14, 2016

Amendment to city charters--procedure to submit and adopt.

Section 20. Amendments of any city charter adopted under the foregoing provisions may be submitted to the electors by a commission as provided for a complete charter. Amendments may also be proposed by the legislative body of the city or by petition of not less than ten percent of the registered qualified electors of the city, filed with the body or official having charge of the city elections, setting forth the proposed amendment. The legislative body shall at once provide, by ordinance, that any amendment so proposed shall be submitted to the electors at the next election held in the city not less than sixty days after its passage, or at a special election held as provided for a charter. Any amendment approved by a majority of the qualified electors voting thereon, shall become a part of the charter at the time and under the conditions fixed in the amendment; and sections or articles may be submitted separately or in the alternative and determined as provided for a complete charter.

Source: Const. of 1875, Art. IX, § 17 (Adopted November 2, 1920).

[Top](#)



Missouri General Assembly

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