



The City of Lee's Summit

Final Agenda

City Council Rules Committee

Thursday, October 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. Public Comments
5. Business
 - A. [2019-2799](#) Approval of the Action letter from April 4, 2019.
 - B. [2019-2798](#) Discussion item - New Rules of Procedure
Presenter: Brian W. Head, City Attorney
 - C. [2019-3066](#) Social Media Archiving Discussion
Presenter: Cheryl Nash, Creative Services Manager
Brian W. Head, City Attorney
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 Legislative Information Center website at "lsmo.legistar.com"

Packet Information

File #: 2019-2799, **Version:** 1

Approval of the Action letter from April 4, 2019.

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

Thursday, April 4, 2019

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 City Council Rules Committee Meeting to order at 6:04 p.m.

2. Roll Call

Staff in Attendance:

Brian Head

Jina Bellamy

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

3. Approval of Agenda

Councilmember Forte made a motion to approve the Agenda. Councilmember Johnson seconded the motion. Motion Passed 4-0.

4. Approval of Action Letter

A. [2019-2660](#) Approval of the Action Letter

Councilmember Forte made a motion to approve the Action Letter from March 7, 2019. Councilmember Edson seconded the motion. Motion passed 4-0.

5. Public Comments

There were no outside guests and no public comments.

6. Items for Discussion

A. [2018-2462](#) Discussion related to expanding the number of Council districts.

Councilmember Johnson opened the discussion as he originally brought this item before the Committee at a previous meeting as he would like to make it easier for citizens to run for office. He started by referencing the table that was provided in the packet focusing on comparable cities. He would like to see the Council districts expanded from 4 to 5 with two representatives from

City Council Rules Committee

Action Letter - Draft

April 4, 2019

each district. He would like Staff to draft language assuming this would go to the voters in 2020.

The Committee discussed his proposal with the following points:

1. Appearance to Public: Councilmember Forte and Councilmember Carlyle were both concerned with making revisions so soon after the Charter was approved by the voters.

Brian Head mentioned we've had 4 Districts with 2 Councilmembers since the previous Charter. He also reminded the Committee that the Council can propose Charter Amendments whenever they choose.

2. Councilmembers needing to recuse themselves from vote: Councilmember Johnson mentioned that whenever someone has to recuse themselves (by State Law) 1/9 of the voters on the Council are taken out (11% of the voters), a portion of the constituents are not represented.

3. Changing the districts: Councilmember Carlyle asked who would be in charge of realigning the districts?

Councilmember Johnson stated that when reapportion happens in 2021, district boundaries are going to be redrawn and would just need to be drawn around 5 Districts instead of 4. He stated by Charter, the Council decides the boundaries and in the past, Council appointed a Committee to finalize the boundaries.

There was brief discussion on the upcoming Census and how much the population has changed and that would be considered at the same time as the reapportion. According to Councilmember Johnson that makes this the perfect time to suggest the district change.

Brian Head mentioned that should the City be redistricted, one candidate would have to run for two years and one for four. A provision would need to be added that didn't apply the term limit based upon the two year term. Because you have to be elected to two full terms. That initial person could serve as much as ten years under the current term limit. There would also need to be some transition provisions included giving guidance to the reapportion committee to make sure the original intent was followed.

Councilmember Carlyle, was concerned about the terms being shorter for one candidate and how they would have to put in the same amount of money and time as the candidate that ran for four years and then have to turn around and do it all again. She mentioned six districts instead of five for an even number.

She further expounded on how important it is that once someone is elected to the Council that Committee Chair and Staff not set any meetings prior to 5:00

p.m. if all Committee members for that particular Committee are not available (not just a quorum). She feels everyone should have an opportunity to have their voice heard.

Councilmember Edson mentioned that maybe one candidate would like the shorter term as a new councilmember to determine if that is really what they wish to do long-term.

Staff suggested language to be considered if going forward: "The Council shall cause the City to be reapportioned to five districts with as near as practical, the same number of voters in each district while attempting to establish boundaries along major thoroughfares and other natural barriers and breaks understanding you can't split a county precinct."

Councilmember Edson felt that it is ultimately up to the voters if the Council decides to add it to a ballot and she supports whatever they decide.

Councilmember Johnson made a motion (see below). A vote was taken and then more brief discussion. Councilmember Carlyle would like to see two options by Staff - one with five Districts and one with six. Staff mentioned that either way, there will still be staggered terms and someone will have to serve two years vs. four.

Councilmember Carlyle's original vote stands. Motion did not pass.

Councilmember Johnson made a motion to have the Committee ask Staff to prepare an ordinance which establishes, at the next reapportionment 5 Council Districts comprised of 2 Councilmembers each. Councilmember Edson seconded the motion. Vote was: Councilmember Carlyle nay, Councilmember Forte nay, Councilmember Johnson aye, Councilmember Edson aye. Vote was 2-2. Motion did not pass.

B. [2019-2661](#) Points of Order and Debate Discussion

After brief discussion regarding Roberts Rules of Order being restrictive and often times confusing.

The members of the Rules Committee asked staff to create a set of rules and bring a draft "working" document to the June 6, 2019 meeting. The item will be called "City Council Rules of Order".

This Discussion Item was read into the record.

7. Roundtable

Councilmember Forte:

Councilmember Forte mentioned a concern with having Council meetings on Tuesdays when they fall on election days (typically April, August and November).

City Council Rules Committee

Action Letter - Draft

April 4, 2019

A suggestion was made to shift the meeting dates by one week and hold them on the 2nd, 3rd and 4th Tuesdays instead of 1st, 2nd and 3rd Tuesdays on the months when there are elections.

It was decided to have someone mention it during Council Comments at a Council meeting and if everyone is in agreement, the Clerk would create a resolution and make the change to the future calendars.

Brian Head:

Brian Head distributed the newly updated City Council Rules and Procedures Quick Reference Guide April 2019 Edition. He asked the Committee to review it and let Staff know if they had any changes or suggestions prior to distributing it to the full Council.

Councilmember Forte:

Councilmember Forte wanted to discuss the Committee meeting times, mentioned earlier by Councilmember Carlyle. She agrees that standard meeting dates and times should be convenient for all the members of a committee and not just a quorum of it's members.

Councilmember Carlyle clarified her previous comment stating that her first year as Councilmember, she was unable to attend a Committee meeting due to work committments. However, meetings were still held because a quorum of the members could meet at the set dates and times. She would like to see that changed. She mentioned that she would like to see that no meetings begin prior to 5:00 p.m. if the full Committee is not available.

The Committee discussed the pros and cons of restricting meeting dates and times. After brief discussion, Councilmember Carlyle clarified that she didn't want "no Committee meetings" held prior to 5:00 p.m. She would like to see that once Committees are formed, the Chair finds a standard date and time for Committee meetings to be held that works for all the Committee members and not just a quorum of members. If the day and time chosen doesn't work for one of the Committee members, they continue looking for another date and time that does. If no date and time works for everyone, maybe the Committees will have to be switched up. She understands that there may be conflicts but doesn't want to start out with one.

Councilmember Johnson inquired about the previous ordinance regarding the use of alternates on the Committee. Staff mentioned that there was a one year ordinance that allowed the alternate to be considered the 3rd or 4th member of the Committee (with voting rights). That ordinance expired and went back to the original ordinance where the alternate serves to fill in for a quorum but has no voting rights. Staff also mentioned that the Mayor Pro Tempore can also serve as an alternate with no voting rights.

8. Adjournment

Chairperson Carlyle adjourned the meeting at 7:17 p.m.

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Packet Information

File #: 2019-2798, **Version:** 1

Discussion item - New Rules of Procedure

In May 2019, the City Council Rules Committee gave staff direction to begin working on a new set of procedural rules of order to replace Robert's Rules of Order currently utilized by the City Council. It was the desire to the Committee to attempt to draft a simplified rules system that would allow for easier understanding of the various procedural rules.

Brian W. Head, City Attorney

BILL NO. 19- DRAFT 7-26-19

AN ORDINANCE repealing Division 2. Procedures, and Division 3. Standing Committees, of Article II. Council, in Chapter 2. Administration, of the Code of Ordinances of the City of Lee's Summit, Missouri in their entirety and enacting in lieu thereof a new Division 2. Procedure, and Division 3. Standing Committees, thereof; dealing generally with establishing rules of order and procedure for the Council and Council Committees as well as clarifying and providing new regulations for the operation of Council Committees.

WHEREAS, the Council and Council Committees have long utilized Robert's Rules of Order (Robert's) as the basis of the rules of procedure and order for the conduct of business; and,

WHEREAS, application of Robert's is often confusing and cumbersome; and,

WHEREAS, section 3.13(b) of the Charter of the City of Lee's Summit provides that the Council shall determine its own rules and order of business; and

WHEREAS, after due consideration by the City Council Rules Committee and; and

WHEREAS, the City Council wishes to adopt its own rules of order and to clarify and provide new regulations for the operation of City Council Committees.

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

SECTION 1. That Division 2. Procedures, and Division 3. Standing Committees, of Article II. Council, in Chapter 2. Administration, of the Code of Ordinances of the City of Lee's Summit, Missouri be and the same are hereby repealed in their entirety.

SECTION 2. That a new Division 2. Procedures, and Division 3. Standing Committees, of Article II. Council, in Chapter 2. Administration, of the Code of Ordinances of the City of Lee's Summit, Missouri are hereby enacted to read as follows:

'Division 2. Procedures for the Conduct of Business.

Sec. 2-40 Purpose.

These rules are intended to provide a clear and concise set of procedures for the governance of business of the City Council and City Council Committees as described below. They are intended to replace provisions of Roberts Rules of Order except that Roberts Rules may be used to clarify the rules in the event that these rules do not address a procedural question. The intent is further to be mindful of the following principles:

- 1. The City Council must act as a body.***
- 2. The City Council should proceed in the most efficient manner possible.***
- 3. The City Council must act by at least a majority as provided by the Charter.***
- 4. Every member must have an equal opportunity to participate in decision making.***
- 5. The City Council's rules of procedure must be followed consistently.***
- 6. The City Council's actions should be the result of a decision on the merits and not a manipulation of the procedural rules.***

Sec. 2-41. - Time of Council meeting and calling of special meetings.

The Council shall meet regularly at least once each month at such times and places as the Council may prescribe by resolution. The Mayor, upon the Mayor's own motion, may, or at the request of four (4) members of the Council shall, call a special meeting of the Council for a time not earlier than twenty-four (24) hours after notice is given to all members of the Council then in or near the City of Lee's Summit, or who can otherwise be contacted with reasonable effort.

Sec. 2-42. - Quorum.

A majority of the members of the Council shall constitute a quorum for its business, but a smaller number may meet to compel the attendance of absent members in the manner and subject to the penalties prescribed by ordinance, and the names of the absentees shall be noted by the City Clerk upon the journal.

~~Sec. 2-43 Roberts rule of order adopted~~

Sec. 2-43.- Presiding officer:

The Mayor shall be Presiding Officer of the Council. During any absence or disability of the Mayor, the Mayor Pro Tempore shall assume the powers and duties of the Mayor. In the event that neither the Mayor nor Mayor Pro Tempore shall be in attendance at any meeting of the City Council, the Councilmembers present, a quorum being found, shall elect from among their number a presiding officer until the conclusion of that meeting or until the Mayor or Mayor Pro Tempore shall be present.

~~Sec. 2-60.21. - Rule 2.1 2-44~~ **Order of business.**

A. 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 Subsection B herein below:

1. Public comments. (Note: Each speaker shall be limited to three (3) minutes as provided in ~~Section 2-60.22~~ **Section 2-45** of the Code of Ordinances.)
2. Council comments.
3. Approval of Consent Agenda. Items on the Consent Agenda are routine business matters; or, proposed ordinances approved unanimously by the Council on First Reading. Consent agenda items may be removed upon the request of any Councilmember prior to approval of the agenda for discussion as part of the regular agenda. A consent agenda item may be removed from the Consent Agenda after approval of the agenda upon the consent of the City Council.
4. Proclamations.
5. Presentations.
6. Resolutions.

7. Proposed ordinances forwarded from Committee. The following proposed ordinances were considered by a Council Committee, were forwarded to the City Council with a recommendation for approval and are presented to the Council for two (2) readings and adoption.
 8. Emergency ordinances. The following proposed ordinances meet the criteria included in Section 3.13(f) of the Lee's Summit Charter for Emergency Ordinances and are presented for two (2) readings in this meeting. Six (6) affirmative votes are required for approval of second reading.
 9. Public hearings. Proposed ordinances considered after a public hearing will be read for the first time and forwarded to a future City Council meeting for second reading, unless deemed to be an emergency as defined in **Section 3.13(f)** of the Lee's Summit Charter. Five (5) affirmative votes are required for approval of second reading **unless State law imposes a higher voting requirement.**
 10. Proposed ordinances—First reading. The proposed ordinances presented for first reading may include items with a previous hearing; an item brought directly to the City Council without a recommendation from a Council Committee; or, items forwarded from citizen Boards or Commissions. Five (5) affirmative votes are required for approval of second reading **unless State law imposes a higher voting requirement.**
 11. Proposed ordinances—Second reading. The proposed Ordinances were advanced from First Reading without a unanimous vote of the City Council.
 12. Committee reports (Committee chairs report on matters held in Committee).
 13. Council roundtable.
 14. Staff roundtable.
 15. Adjournment. Unless determined otherwise by the Mayor and City Council, no new agenda items shall be considered after 11:00 p.m.
- B. 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 a change would allow for a smoother transaction of business

(Ord. No. 7253, § 1, 9-20-2012; Ord. No. 8163, § 1, 6-1-2017; Ord. No. 8439, § 1, 8-23-2018)

Sec. ~~2-452-60.22.~~ ~~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

BILL NO. 19- DRAFT 7-26-19

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 (3) minutes to speak. Should the speaker yield to a question from a councilmember, the time yielded shall not be included in the three (3) 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 **upon** being duly sworn. Such **ordinances** ~~items~~ shall be placed on the agenda under "Public Hearing."

(Ord. No. 7253, § 1, 9-20-2012; Ord. No. 8438, § 1, 8-23-2018; Ord. No. 8512, § 1, 12-4-2018)

Sec. ~~2-46 2-60.23.~~ - Rule 2.3—Council comments.

The Council comments section of the agenda is reserved for legislative or ministerial discussions among the Councilmembers only. Any member of City Council may use this time to introduce new initiatives and issues for further discussion and/or assignment to a Council Committee. Directions to staff, including legal opinions, may result from these discussions.

(Ord. No. 7253, § 1, 9-20-2012; Ord. No. 8351, § 1, 3-1-2018)

Sec. ~~2-47 2-60.24.~~ - Rule 2.4—Council roundtable.

The Council roundtable is reserved for items of general interest, community announcements, and other such information. Council may ask for clarification or give direction about agenda items or discuss items of an emerging nature.

(Ord. No. 8351, § 2, 3-1-2018)

Sec. ~~2-48 2-60.25.~~ - Rule 2.5—Staff roundtable.

The staff roundtable is reserved for items of general interest, community announcements and other such information; however, staff may ask for clarification or direction from the Council related to items on the agenda or for items of an emergency nature for which insufficient time exist for adding to the agenda.

(Ord. No. 8351, § 3, 3-1-2018)

Sec. 2-49 Rules of Order. The following rules of order shall be used to govern the transaction of business for the City Council and any City Council Committees:

Rule 1. Action by the City Council. The City Council shall proceed by motion unless otherwise provided for herein. Any member of the City Council may make a motion except the Chair. The Chair of any City Council Committee may, however, make a motion at a City Council Committee meeting.

Rule 2. Second Required. A second to any motion shall be required to allow consideration and debate on any procedural or substantive motion.

Rule 3. One Motion at a Time. A Councilmember may make only one motion at a time except as may be provided by these rules.

Rule 4. Substantive Motion. A substantive motion is out of order while another substantive motion is pending.

Rule 5. Adoption by a Majority Vote. Any substantive motion to adopt any ordinance or resolution may be adopted only by a majority of the entire City Council including the Mayor, unless a greater number of votes are required by these Rules, or the Charter or State law provisions. Any procedural motion may be adopted by a majority of the City Council present and voting.

Rule 6. Voting. All votes taken during any City Council meeting or City Council Committee meeting shall be cast only by members of the City Council physically present and in attendance at the meeting. (Previous section 2-47) Voting shall be either by roll call vote or simultaneous electronic display, and the ayes and nays shall be recorded in the journal. In all roll call votes the names of the members of the Council shall be called randomly. A majority of the members of the Council shall constitute a quorum for its business, but a smaller number may meet to compel the attendance of absent members in the manner and subject to the penalties prescribed by ordinance. Except as otherwise provided in this Charter, the affirmative vote of a majority of the entire Council shall be necessary to adopt any ordinance. (Charter 3.13c)

Rule 7. Debate. The Chair shall state the motion and then open the floor to debate. The Chair shall preside over the debate according to the following general principles:

**The maker of the motion is entitled to speak first;
A member who has not spoken on the issue shall be recognized before someone who has already spoken;**

Rule 8. Ratification of Actions. To the extent permitted by law, the City Council may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

Rule 9. Procedural Motions

(a) Certain Motions Allowed. *In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.*

(b) Order of Priority of Motions. *In order of priority (if applicable), the procedural motions are:*

Motion 1. To Adjourn. *This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to adjourn to a time and place certain shall state the time and place when the meeting shall reconvene provided that such time and location comply with the requirements of RSMo., Chapter 610. In the event that a motion to adjourn is made without reference to a time and place certain the City Council shall reconvene at such time and place as stated in the previously approved meeting schedule.*

Motion 2. To Take a Brief Recess. *This motion may be made to allow a short recess of the City Council. In no event shall a motion to recess provide for a recess longer than thirty (30) minutes. The Mayor may call for a brief recess following completion of an agenda item but for no longer than fifteen (15) minutes unless a specific reason for a longer recess is stated.*

Motion 3. To Follow the Agenda. *This motion, if approved, requires the Mayor and City Council to follow the agenda as approved. The motion must be made prior to the consideration of an item that does not follow the agenda. Failure to do so waives the motion.*

Motion 4. To Suspend the Rules. *The City Council may suspend any procedural rule not required by statute, the City Charter or any other law upon motion and **the affirmative** vote of a three-fourths (3/4) majority of the entire Council, **including the Mayor. This motion is debatable but may not be amended.** (previously Section 2-46)*

Motion 5. To Divide a Complex Motion and Consider It by Paragraph. *The motion is in order whenever a member has the floor during debate and wishes to consider and vote on subparts of a complex motion separately.*

Motion 6. To Table (Lay Upon the Table). *The City Council may defer a substantive motion for later consideration at an unspecified time. A substantive motion, the consideration of which has been deferred, expires upon the conclusion of the current session, as described in Motion 17*

herein below, of the City Council. If consideration of a motion has been Tabled, a new motion with the same effect cannot be introduced while the deferred motion remains pending.

Motion 7. To Postpone (To postpone to a date certain). The City Council may defer a substantive motion or item of business for later consideration at a specified date. Any such motion shall state the specific date where the item will be considered. The item will then return to the agenda on the specified date without further action by the City Council.

Motion 8. To Refer a Motion or item to a Committee. The City Council may vote to refer a substantive motion or item of business to a committee for its study and recommendations. Any such item so referred shall be subject to Section 2-60.7 as if the item had been referred by the Mayor Pro Tempore.

Motion 9. To Amend.

(a) An amendment to a motion must be pertinent to the subject matter of the main motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original main motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend.

(b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

(c) Any amendment to a proposed ordinance or resolution shall be reduced to writing before the vote on the amendment upon the request of **the Mayor or** any Councilmember. (Section 2-59 – previously only applied to committees.)

(d) No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. (Section 2-60 rule 1.10)

Motion 10. The Previous Question / To End Debate. The motion, upon approval, shall cause the immediate end of debate on the item. The motion is debatable but may not be amended. The motion is not in order until there have been at least twenty (20) minutes of debate and every member has had an opportunity to speak once. No such motion shall be effective unless it shall receive a second and the affirmative vote of two-thirds of the entire City Council including the Mayor.

Motion 11. To take from the table. Any item deferred by a Motion to Table may be removed from the table and taken up for consideration and action at any time prior to the end of the current session of the City Council. A motion to take from the table must be approved by a majority of the entire Council including the Mayor. Upon approval, any such motion shall cause

the item to be placed on the agenda for the next regular meeting of the City Council at which the item may be lawfully considered as provided by the order of business described herein above and with the same rank.

Motion 12. To Reconsider. ~~Sec. 2-44.—Timing of motions to reconsider.—~~ ***The City Council may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side. In the event of a tie, those voting “no” shall be considered on the prevailing side.*** Motions to reconsider actions taken by the City Council may be made at the same regular or special session meeting of the City Council where the vote being moved to be reconsidered was taken; ***or***, at the next regular or special session meeting of the City Council after the meeting where the vote being moved to be reconsidered was taken. The time limitations on making a motion to reconsider stated in this subsection shall not apply to votes/actions taken at standing or special committees. ***The motion cannot interrupt deliberation on a pending matter but is in order at any time before final adjournment of the meeting. Upon approval, any such motion shall cause the item to be placed on the agenda for the next regular meeting of the City Council at which the item may be lawfully considered as provided by the order of business described herein above and with the same rank.***

****Drafting note: This provision is similar to current section 2-44. However, subsections B and C of the existing are to be deleted in their entirety.

~~B.—All other procedures set forth in Robert's Rules of Order, which do not conflict with the provisions set forth in subsection A of this section, concerning motions to reconsider, shall remain in full force in effect.~~

~~C.—The rules governing timing of motions to reconsider set forth in subsection A of this section shall be controlling over any conflicting rules provided in Robert's Rules of Order.~~

~~(Ord. No. 7475, § 1, 6-19-2014)~~

Motion 13. To Rescind. The motion cannot interrupt deliberation on a pending matter but is in order at any time no item of business has been introduced or is being deliberated by the City Council. This motion does not bring a question back before the City Council for renewed consideration (as with a motion to reconsider); rather, its effect is to reverse a previous action. A motion to rescind is out of order if rescission of the previous action would violate vested rights or is forbidden by law. Additionally, the motion is not in order for the purpose of repealing any ordinance or resolution. An ordinance or resolution may be repealed only by an instrument of equal dignity. If notice of the intent to make the motion is given to all members at least 24 hours prior to the beginning of the meeting, the motion requires a simple majority of the entire Council including the Mayor to pass; however, if no notice is given then the motion

requires the affirmative vote of 2/3rds of the entire Council including the Mayor to pass.

Motion 14. To Prevent Reintroduction for Six Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires a vote equal to two-thirds of the entire City Council including the Mayor for adoption. If adopted, the motion prevents the reintroduction of a motion with the same or substantially similar subject matter and remains in effect for six months or until the expiration of the current Session of the City Council whichever occurs first.

Motion 15. To Direct the City Manager. Any Councilmember may make a motion to direct the City Manager to take such action as the Council deems proper and necessary for the efficient governance of the City provided such direction is otherwise consistent with the Charter of the City. The motion requires the affirmative vote of a majority of the entire Council including the Mayor to be adopted.

Motion 16. To Go into Closed Session. The City Council may go into closed session only for one or more of the permissible purposes listed in chapter 610 RSMo., or as otherwise provided by law. The City Council shall commence a closed session only after a motion to go into closed session has been made and adopted by the vote of a majority of those present and voting during an open meeting. The motion shall state the purpose of the closed session. Any vote taken during the closed session shall be by roll call. The City Council shall terminate the closed session by a majority vote, using a motion to adjourn or upon the declaration of the Chair that the meeting is adjourned.

Motion 17. Sine Die. A motion to Adjourn Sine Die shall be in order only upon the conclusion of all business of the two-year session of the City Council. A session of the City Council shall commence upon the swearing in of new or re-elected Councilmembers following the regular municipal election in April of even numbered years and shall continue for a two-year period to and until the next election is held and new members are to be sworn in as provided by the Charter. The election of a person to fill a vacancy on the Council shall not be treated as the start of a new session unless the election occurs during a regular municipal election in April of even numbered years. The motion is not debatable or subject to amendment.

Rule 10. Withdrawal of Motion or Second

Any motion or second may be withdrawn by the maker without the consent of the other at any time before it is amended or before the chair puts the motion to a vote, whichever occurs first.

Rule 11. Duty to Vote

Each Councilmember shall be permitted to abstain from voting, by so indicating when the vote is taken. However, Councilmembers are elected to represent the citizens of the district and the City as a whole and should vote on all matters except in cases involving conflicts of interest as defined by law or the City Council. In all cases an abstention shall be treated as a vote that is not cast for or against the motion and shall not be counted for the purpose of determining the result of the vote.

Rule 12. Special Rules of Procedure

The City Council may adopt special rules of procedure for matters constituting special circumstances. Any such rule shall be adopted only upon the affirmative vote of two thirds of the members of the entire City Council including the Mayor.

Rule 13. Public Hearings

A. Public hearings required by law or deemed advisable by the City Council or Council Committee shall be organized and notice shall be provided as required by law. Any such notice shall set forth the subject, date, place, and time of the hearing as well as any special rules regarding the length of time allotted for each speaker, and other pertinent matters. Any person wishing to speak may do so as provided by these rules. In the interest of time, groups may be asked to limit the number of speakers to a single representative, and the Chair may provide additional speaking time to such representative as deemed appropriate by the Chair.

B. All speakers should avoid repetitive testimony.

1. Repetitive testimony in the same public hearing. If a speaker is providing testimony which presents evidence or arguments that the body has already heard from a previous speaker or speakers in same public hearing, the Chair has the discretion to end such repetitive testimony and limit testimony to the receipt of new evidence. If a speaker has provided written testimony for a public hearing, the Chair may limit oral testimony by such speaker to evidence that is not provided by the written testimony, or questions from members. Speakers shall avoid reading written testimony to the body where such written testimony was made available to the body prior to the public hearing.

2. Repetitive testimony in a second public hearing. In the case where the body is holding a second public hearing on the same subject matter or application as a previous public hearing before another City body, the Chair may limit testimony in the second public hearing to avoid repetition from the first public hearing. In such situations, the Chair may further limit

testimony in the second public hearing to the receipt of new evidence that was not reasonably available at the time of the first public hearing.

3. Repetitive testimony at continued public hearings. In the case where a public hearing before a body has been continued to a later date, the Chair may limit testimony in the continued public hearing to avoid repetition from the first public hearing, and may further limit testimony in the continued public hearing to the receipt of new evidence that was not reasonably available at the time of the first public hearing.

C. All notice and other requirements of the Sunshine Law shall also apply to public hearings before the City Council, any City Council Committee or other Board/Commission of the City; such a hearing is considered to be part of a regular or special meeting thereof. A public hearing for which any required notices have been given may be continued to a date, time and place certain without further advertisement provided the date, time and place are announced during the meeting at which the hearing was scheduled to occur. The requirements of Rule 9; Motion 7 – Motion to Postpone shall be followed in continuing a hearing at which a majority of the Council or Council Committee, is present.

D. At the time appointed for the public hearing, the Chair shall open and preside over the public hearing. When the allotted time for the public hearing expires, or if no one wishes to speak who has not done so, the Chair shall declare the hearing ended. The Chair may re-open the public hearing at the same meeting at which the hearing was originally scheduled if the Body desires to receive additional evidence or testimony in the public hearing. During the body's debate and deliberation of the pending matter after the public hearing has closed, the Chair may accept input and advice from City staff about the pending matter without re-opening the public hearing.

Rule 14. Minutes

Minutes of the City Council proceedings, including closed sessions, shall be kept as required by law. The exact wording of each motion and the results of each vote shall be recorded in the minutes. The City's "action letters" shall serve as the minutes of a meeting. When requested by any member of the Council, the City's final action letter for a meeting may be expanded to include additional information about the matters discussed and the persons who provided such discussion, and such expanded action letter shall be presented to the City Council within one month after such request.

Rule 15. Amendment of the Rules

These rules may be amended by ordinance at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of

the stated purposes of the meeting. Adoption of an amendment shall require an affirmative vote of a majority of the entire City Council.

Rule 16. Local Rules to Govern

These rules shall govern the conduct of business for the Council of the City of Lee's Summit, Missouri and any City Council Committee. In the event that these rules do not address a procedural question the then current edition of Robert's Rules of Order Newly Revised (RONR) may be utilized to answer such procedural questions, so long as RONR does not conflict with Missouri law or with the general intent of these rules as expressed herein. Parliamentary rulings may be made only by the Mayor as the presiding officer of meetings of the Council or temporary presiding officer at meetings of the Council. At the option of the Mayor or temporary presiding officer or at the request from a member of the Rules Committee, they may refer points of order to the Rules Committee for an immediate advisory opinion ***or seek the advice of staff for such interpretation and application.*** (previously in 2-53E)

Rule 17. ~~Sec. 2-45.~~ - Consensus defined.

For the purposes of City Council and Council Committee action, the terms consensus or general consensus shall mean the unanimous consent of all City Council members present at a City Council meeting or all Council Committee members, with a voting right, present at a Council Committee meeting. Such unanimous consent will not necessarily imply that every member is in favor of the proposed action, but rather indicate that no member objects to the proposed action. Failure of the body to reach a consensus shall require a formal motion and vote for the action being proposed to proceed.

DIVISION 3. - STANDING COMMITTEES

Sec. 2-~~60.1~~ 54. - Composition of membership—~~Rule 1.1.~~

City Councilmembers shall be appointed to regular standing committees by the Mayor Pro Tempore who, when appointing a committee, shall designate a member thereof as Chair, designate another member as Vice Chair and designate the total number of Councilmembers to serve on each committee. The Mayor Pro Tempore shall also designate one (1) councilmember, other than himself/herself, to serve as an alternate member for each standing committee. The alternate committee member shall have voting rights and shall be counted as either the third or fourth member of the committee. In the event that all regular members of the Committee are present, the alternate shall not have any voting right or the right to participate. No Councilmember shall serve as an alternate for more than two (2) standing committees. The Mayor Pro Tempore shall be an ex-officio member of all committees of the City Council, for the purpose of a quorum and discussion, but shall have no vote unless the Mayor Pro Tempore is a duly appointed member of said committee. A quorum for a standing committee cannot be achieved by the presence of both the alternate committee member and the Mayor Pro Tempore.

Editor's note—Section 5 of Ord. No. 8164, adopted June 1, 2017 provides: "That the provisions of Section 2-[1] above shall become effective from and after July 1, 2017 and shall

BILL NO. 19- DRAFT 7-26-19

~~remain in effect to and until June 30, 2018 unless further extended or made permanent by Ordinance of the Council of the City of Lee's Summit, Missouri prior to such June 30, 2018 date. In the event that said provisions are not extended or made permanent then Section 2-51 of the Code of Ordinances of the City of Lee's Summit, shall revert to the language in effect on the day prior to the passage of this ordinance and read as follows:" Section 2-51 is set out in its entirety in Ord. No. 8164.~~

~~Sec. 2-**60.2** 52. - Regular Standing Committees enumerated—Rule 1.2.~~

The regular standing committees of the Council shall be as follows:

- A. Community and Economic Development Committee;
- B. Finance and Budget Committee;
- C. Legislative/Inter-Governmental Relations Committee;
- D. Public Works Committee;
- E. Rules Committee.

~~Sec. 2-**60.3** 53. - Duties of the regular Standing Committees—Rule 1.3.~~

- A. *Community and Economic Development Committee.* The committee shall review current or proposed policies or ordinances dealing generally with planning, zoning and other related community development department issues. The committee shall review current or proposed policies or ordinances dealing with code enforcement; review current or proposed procedures for the administrative enforcement of the International Building Codes, Life Safety Codes, and the International Fire Codes (includes review of all relevant national codes); review current and proposed policies in relation to residential and commercial development, park and land use and development, and general landscaping issues. The committee may consider and report upon proposed ordinances and matters referred to it relating to commerce, industrial growth, expansion and development, economic development, the creation and retention of jobs, and all other matters as directed by the City Council. The committee shall review CDBG applications and decide on a recommended allocation of grant funds for City Council approval by ordinance.
- B. *Finance and Budget Committee.* The committee shall evaluate and review financial statements, review and evaluate investment actions, recommend purchasing and bid approvals to the full Council and consider all other financial transactions as directed by the City Council. The committee shall review the City Manager's proposed budget prior to its consideration by the City Council pursuant to Article XI of the City Charter. The committee shall report upon all bills, proposed ordinances, measures or questions referred to it pertaining to appropriations and the overall financial condition and future needs of the City. The committee shall consider all other budget related matters as directed by the City Council.
- C. *Legislative/Inter-Governmental Relations Committee.* The committee shall develop the annual state and federal legislative programs for City Council consideration, host the Annual "Kick-Off" Meeting with state legislators in combination with the school districts and Chamber of Commerce to present the state legislative program, host the Annual State Legislative Dinner and work with City staff to monitor legislation introduced at the state and federal level

BILL NO. 19- DRAFT 7-26-19

affecting municipalities and identify issues for the Council to consider taking a position and/or lobbying state or federal legislators. The committee shall work with political subdivisions in the area on common issues, projects, and agreements. A quick response team consisting of the Mayor, City Manager, and Chairman of this Committee shall meet and provide a position statement for the Committee during the legislative session in those instances where action on specific legislation is imminent.

- D. *Public Works Committee.* The committee shall review matters relating to **the** following:
1. Public works or water and wastewater **items** prior to consideration and action by the City Council, consider current or proposed ordinances or policies addressing all infrastructure or transportation issues, in conjunction with the Design and Construction Manual, and review issues concerning the Lee's Summit Airport, following review and recommendations from the Board of Aeronautical Commissioners; and
 2. The development, use and conservation of energy and other energy related concerns; environmental impact and pollution, including natural resources such as air, water, solid waste, recovery of natural resources of all types and by all means, including environmental impact and public health and safety as it relates to these issues, and the committee shall also consider changes and amendments to the landfill operations, review Department of Natural Resources (DNR) regulations, consider closure and post-closure requirements and review matters concerning the Sanitary Landfill and Resource Recovery Park prior to consideration and action by the Council.
- E. *Rules Committee.* The committee shall formulate and present for consideration the rules of the Council; shall consider and report upon all propositions to amend or change the rules, which propositions shall stand referred without reading or consideration and without discussion, explanation or debate to the Committee on Rules.

~~Sec. 2-60.454. — Rule 1.4 — Duties of Committee Chair; Committee Organization.~~

- A. It is the duty of the Chair to preside at all sessions of the committee. In the absence of the Chair, the Vice Chair of the committee shall preside, and in his/her absence a member appointed by the Chair.
- B. The Chair, while the committee is in session, shall preserve order and decorum in and adjacent to the committee **or meeting** room and shall conduct all hearings in accordance with the Rules of the Council.
- C. The Chair shall have custody of all bills, proposed ordinances, papers and other documents referred to the committee and shall make reports authorized by the committee and submit the same to the Council without delay.
- D. An affirmative vote of a majority of committee members shall be required to recommend an item to City Council for approval. Whenever a motion that a bill or proposed ordinance be "recommended to the City Council for approval" shall fail, or if there is an even division on the question, the Chair shall report on said bill or proposed ordinance with respective committee voting results to the full Council.
- E. When a motion has been decided by a committee, any member voting on the prevailing side may move to reconsider the vote provided that: (1) the Chair still has possession of the bill or proposed ordinance; and (2) the motion to reconsider is made on the same day on which

BILL NO. 19- DRAFT 7-26-19

the motion was decided or at the next day on which the committee convenes with a quorum present at a properly scheduled meeting at which the original motion would be in order. A majority of the members appointed to the committee is required to sustain any motion to reconsider.

Sec. 2-~~60.5~~ 55. —~~Rule 1.5~~—Public to be heard.

All items before a committee shall be considered only after giving the proponents, the opponents, and any persons desiring to address the committee a reasonable opportunity to be heard **during the public comment period on the agenda**. Persons addressing the committee shall keep their remarks to the point and avoid repetition and are subject to call to order by the Chair for failure to do so. In the discretion of the committee Chair, the length of time allowed any one (1) speaker may be limited. **Additionally, in the discretion of the Chair, a member of the public may be permitted to speak during presentation of an agenda item in addition to the public comment opportunity for addressing the committee.**

Sec. 2-~~65~~ 56. —~~Rule 1.6~~—Quorum.

A majority of all committee members shall constitute a quorum for the transaction of business.

Sec. 2-~~60.6~~ 57. —~~Rule 1.7~~—Other duties.

Each committee, in addition to the duty above prescribed, shall perform such other duties as may be required by the Council.

Sec. 2-~~60.7~~ 58. —~~Rule 1.8~~—Assignment to Committee—Procedure—Time in 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 in 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.

BILL NO. 19- DRAFT 7-26-19

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.

(Ord. No. 7240, § 1, 9-20-2012; Ord. No. 7841, § 1, 3-31-16)

~~Sec. 2-59. Rule 1.9 To be reduced to writing.~~

~~Every motion on amendments offered to bills or proposed ordinances not previously published shall be reduced to writing if any Councilmember requests it.~~

~~(Ord. No. 7240, § 1, 9-20-2012)~~

~~Sec. 2-60. Rule 1.10 Must be germane.~~

~~No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.~~

~~(Ord. No. 7240, § 1, 9-20-2012)~~

~~Sec. 2-60.81. Rule 1.11 Attendance.~~

Any member of a committee **or Council liaison to any board or commission** absent, without good cause **as acknowledged by the Chair of the committee, board or commission**, from three (3) consecutive meetings **thereof of the committee**, as shown by the records of the committee, **board or commission**, may be dropped therefrom as determined by the Mayor Pro Tempore **upon written notification of said committee member of being removed from the committee, board or commission.**

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

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2019.

Mayor William A. Baird

ATTEST:

City Clerk Trisha Fowler Arcuri

APPROVED by the Mayor of said city this _____ day of _____, 2019.

BILL NO. 19- DRAFT 7-26-19

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*

Packet Information

File #: 2019-3066, **Version:** 1

Social Media Archiving Discussion

Issue/Request:

Recent case law in both Missouri and in the Federal Courts have clarified the status of the social media of elected officials. Staff will provide information related to what steps may need to be taken to insure that we are in full compliance with applicable law.

Cheryl Nash, Creative Services Manager
Brian W. Head, City Attorney