



The City of Lee's Summit

Final Agenda

City Council Rules Committee

Thursday, November 5, 2020

5:00 PM

Via Video Conference and City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

Notice is hereby given that the Rules Committee of the City of Lee's Summit will meet in regular session on Thursday, November 5, 2020 at 5:00 pm in person and by video conference as provided by Section 610.015 of the Revised Statutes of the State of Missouri. Due to the ongoing Covid-19 pandemic, public attendance in the meeting room at City Hall is extremely limited, and therefore the public is invited to attend the meeting by one of these methods:

- By viewing the meeting on the City website at www.WatchLS.net, and various cable providers (Spectrum channel 2, Google TV channel 143, AT&T U-Verse channel 99 and Comcast channel 7) for those whose cable providers carry the City of Lee's Summit meetings.
- By sending a request to the City Clerk at clerk@cityofls.net to attend the meeting on the Zoom platform. The City Clerk will provide instructions regarding how to attend by this method.

Persons wishing to comment on any item of business on the agenda may do so in writing prior to 5:00 p.m. on Wednesday, November 4, 2020, by one of the following methods:

- By sending an e-mail to clerk@cityofls.net,
- By leaving a voicemail at 816-969-1005 or
- By leaving written printed comments in the utility payments drop boxes located in the alley behind City Hall or inside the foyer at the north end of City Hall, both located at 220 SE Green Street, Lee's Summit, MO 64063.

Written comments submitted by these methods will be presented at the Rules Committee meeting.

In the event that the meeting cannot be broadcast via www.WatchLS.net and the cable channels noted above, this agenda will be amended to include directions for the public to attend via the Zoom software platform at www.Zoom.com; such amendment will include a specific link to attend the Rules Committee.

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Public Comments
5. Items for Discussion

A. [2020-3757](#) Approval of the City Council Rules Committee Action Letter for October 1, 2020.

B. [2020-3739](#) Discuss roles and responsibilities of City Council Committees.

Presenter: Brian Head, City Attorney

C. [2020-3330](#) Discussion: Section 2-60.6 relative to Authorization of Committees pertaining to contract approval.

Presenter: Brian Head, City Attorney

D. [2020-3758](#) Discussion of what majority is required to forward an item to the City Council with a recommendation for approval and what the status of an item is that either fails to receive an affirmative vote or results in a tie vote.

Presenter: Brian Head, City Attorney

E. [TMP-1702](#) An Ordinance amending Article II. Parks and Recreation Board of Chapter 19 Parks and Recreation of the Code of Ordinances of the City of Lee's Summit, Missouri by enacting a new Section 19-21 Appointments to the Parks and Recreation Board - Deadline. to provide for a certain deadline for appointment of Parks and Recreation Board members by the Mayor.

Presenter: Brian 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 #: 2020-3757, **Version:** 1

Approval of the City Council Rules Committee Action Letter for October 1, 2020.



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

Thursday, October 1, 2020
5:00 PM
Via Video Conference and City Council Chambers
City Hall
220 SE Green Street
Lee's Summit, MO 64063

Notice is hereby given that the City Council Rules Committee will meet on Thursday, October 1, 2020 at 5:00 p.m. via video conference and in person as provided by Section 610.015 of the Revised Statutes of the State of Missouri. Due to the ongoing Covid-19 pandemic, a public meeting room will not be available at City Hall, and therefore the public is invited to participate in the meeting with live audio and video via the Zoom software platform. Persons who wish to attend by this method should contact the City Clerk by the methods listed below to receive the information to participate by Zoom.

Persons wishing to provide public comment on any item of business on the agenda may do so in writing prior to Wednesday, September 30, 2020 by 1:00 p.m. either by email to: clerk@cityofls.net, by leaving a voicemail at 816-969-1005 or by leaving written printed comments in the utility payment drop boxes located in the alley behind City Hall or inside the foyer at the north end of City Hall, both located at 220 SE Green Street, Lee's Summit, MO 64063. Comments submitted by these methods will be presented in writing to the Committee members and included in the minutes/action letter of the meeting.

1. Call to Order

Councilmember Felker called the meeting to order at 5:02 p.m.

2. Roll Call

Staff in Attendance:

Brian Head
Jina Bellamy

Present: 4 - Chairperson Andrew Felker
Vice Chair Bob Johnson
Councilmember Phyllis Edson
Councilmember Trish Carlyle

3. Approval of Agenda

Councilmember Edson made a motion to approve the Agenda for the October 1, 2020 City Council Rules Committee as written. Councilmember Johnson Seconded the motion. Motion passed 4-0.

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Aye: 4 - Chairperson Felker
Vice Chair Johnson
Councilmember Edson
Councilmember Carlyle

4. Public Comments

There were no public comments.

5. Items for Discussion

- A. 2020-3695 Approval of the City Council Rules Committee Action Letter for September 3, 2020.

Councilmember Johnson made a motion to approve the City Council Rules Committee Action Letter for September 3, 2020. Motion was seconded by Councilmember Edson. Motion passed 4-0.

Aye: 4 - Chairperson Felker
Vice Chair Johnson
Councilmember Edson
Councilmember Carlyle

- B. 2020-3696 Discussion: Expanding the role of the alternate

At the last meeting of the Rules Committee, staff was directed to add Ordinance 8164 regarding the role of the alternate to the Agenda for discussion. Staff gave a brief history of the ordinance explaining it was passed in 2017 with a one year sunset and allowed alternates to participate and vote on items as either the third or fourth member of a Committee. In the event that all regular members of the Committee were present, the alternate would not have any voting rights or the right to participate.

In 2018, the ordinance reverted back to it's original rule where an alternate may only participate and vote when they are needed for quorum purposes. This allowed the alternate to serve as either the member required for quorum or to round out a full membership of the Committee.

Staff further explained that the ordinance didn't consider Legislative Intergovernmental Relations Committee (LIRC), which only has three regular members, therefore changing the dynamics with the "alternate's role" in the previous definition. He confirmed that the Mayor was appointed by Council to serve as an "ex officio" member and according to Robert's Rules of Order, he is counted as part of a quorum and has voting rights. [The Committee will discuss this further down in the Agenda -under item 2020-3700].

After lengthy discussion revolving several scenarios regarding the role of the alternate, the ex officio position, and Councilmembers freedom of speech if attending a meeting as a member of the public, Councilmember Johnson made a motion that item 2020-3696 be moved to the full City Council with a recommendation for approval. Councilmember Carlyle seconded the motion.

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Councilmember Felker repeated Councilmember Johnson's motion that item 2020-3696 be moved to the City Council for "discussion" and asked for further comments from the Committee. At that time, Councilmember Carlyle mentioned the change in the motion that Councilmember Felker inadvertently stated Councilmember Johnson's motion from moving to Council for "approval" to moving to Council for "discussion". At that time, Councilmember Felker mentioned the motion would stand amended as Councilmember Johnson's original motion.

Further discussion:

It was discussed throughout the committee meeting whether it would be better to have staff draft the language and bring the Ordinance back to the Committee for one more review or to go ahead and send it on to the full Council for approval. Councilmember Johnson was passionate about not prolonging the process and wanted to move forward. Councilmembers Edson and Carlyle were concerned about taking something to the full Council without seeing the drafted language beforehand. As such, Councilmember Carlyle removed her second to the motion, leaving the motion without a second.

At that time, Councilmember Felker, with Committee consensus decided to change the agenda. It was decided to keep this item open and allow staff time to work on draft language for review after discussing item 2020-3700, "Mayor's ability to vote while serving as an ex officio member of the LIRC" as the two items are related and will be discussed in tandem. It was at that time that the Committee moved on to the next item on the agenda.

Continued discussion after item 2020-3700, starts with Staff's rough draft of language in **bold** below:

Sec. 2-60.1. - Composition of membership.

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 for purposes of quorum only when a quorum would not exist without the alternate's attendance.~~ **The alternate committee member shall have voting rights and shall be counted as either the third or fourth member of the committee except that for purposes of the Legislative Intergovernmental Relations Committee, the alternate would serve as either the second or third member and shall have the right to vote and participate. The alternate may not serve in the ex officio seat of the Mayor.** 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

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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.

There was a concern about clarifying the sentence "**The alternate may not serve in the ex officio seat of the Mayor.**" Staff suggested: "**The alternate of the Legislative Intergovernmental Relations Committee may not serve in the ex officio seat of the Mayor.**"

Councilmember Edson, with assistance from staff, made a motion to recommend approval of the amendments as discussed by the Committee to Section 2-60.1, Composition of membership, to provide for an expanded alternate to the City Council with recommendation for approval. Councilmember Carlyle seconded the motion.

Councilmember Johnson left the meeting at approximately 6:30 p.m.

There being no further discussion:

Councilmember Felker asked for a roll call vote.

Vote was:

Councilmember Edson - aye

Councilmember Johnson - absent

Councilmember -Carlyle -aye

Councilmember Felker - aye

Motion passes with vote of 3-0 with 1 absent.

Councilmember Edson made a motion to move Section 2-60.3 Authorizing Committees, to the full council for approval. Councilmember Felker offered an amendment to the motion adding "C" to the Section 2-60.3C and adding the language about the mayor's role as an ex officio member.

Staff offered to restate the motion as follows:

"I move that Sec 2-60.3C of the Code of Ordinances be amended by adding the language, " the mayor shall serve as an ex officio member of the committee and shall have all rights and privileges including the right to participate and vote and for all purposes count for quorum to be amended by adding that to the end of the section and recommend approval to the City Council."

Councilmember Edson agreed to that wording.

Councilmember Carlyle Seconded the motion for discussion.

Discussion:

Councilmember Carlyle, was concerned about sending a change to part of a Committee's definition to the full Council. She would prefer to wait and send all

the Committee definitions at the same time once they were all reviewed and updated language provided. Councilmember Edson agreed and asked if it was the will of the Chair that if Councilmember Carlyle would remove her second, she would remove her motion. At that time, Councilmember Carlyle removed her Second, thereby removing the motion.

- C. 2020-3330 Discussion: Sections 2-60.3 and 2-60.6 relative to Authorization of Committees pertaining to contract approval and other items.

The Rules Committee discussed the suggested changes received from the Public Works Committee which included points of clarification and modernizing the language. The rest of the conversation focused on all the Committees and their authority to review contracts.

In conclusion, Staff was directed to:

1. Update the Public Works Committee Roles with their suggested changes
2. Work with the Committee Chairs of the other Committees to assist in getting their suggested changes.
3. Once information is received (if prior to the next meeting), prepare draft language incorporating the Committees suggestions.
4. Leave the draft language from Section 2.60.6 in the packet and bring it back to the next Rules Committee meeting.

Staff stated he would work on the Legislative Intergovernmental Relation's Committee Roles as well as the Rules Committee and bring updated language to the next meeting.

This discussion item was continued to the City Council Rules Committee due back on 11/5/2020.

- D. 2020-3700 Mayor's ability to vote while serving as an ex officio member of the Legislative and Intergovernmental Relations City Council Committee.

As the Committee is currently in the process of reviewing the "alternate" language (2020-3696) as well as, updating each Council Committee's duties (Sec. 2-60.3) item number 2020-3330, questions were raised regarding the rights of an "ex officio" member and who could fill the position. Staff did some research and presented his findings to the Committee.

After brief discussion Staff's conclusion was that Roberts Rules of Order makes clear that the Mayor, as an ex officio member of the Legislative and Intergovernmental Relations Committee, has all rights and privileges of a Councilmember serving as a committee member including the right to participate in discussion, vote and count for quorum. Of further note, no other Councilmember can fill the role as an "alternate" in the seat of the "ex officio" membership that Mayor is appointed to.

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- E. TMP-1702 An Ordinance amending Article II. Parks and Recreation Board of Chapter 19 Parks and Recreation of the Code of Ordinances of the City of Lee's Summit, Missouri by enacting a new Section 19-21 Appointments to the Parks and Recreation Board - Deadline. to provide for a certain deadline for appointment of Parks and Recreation Board members by the Mayor.

Councilmember Felker mentioned this item was supposed to be amended and revised off the Agenda. He explained that Staff is waiting on additional feedback from the City Manager.

This Ordinance was continued to the City Council Rules Committee due back on 11/5/2020.

6. Roundtable

There were no discussion items.

7. Adjournment

Councilmember Felker Adjourned the meeting at 6:50 p.m.

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Packet Information

File #: 2020-3739, **Version:** 1

Discuss roles and responsibilities of City Council Committees.

Over the last several meetings of the Committee the members have discussed the roles and responsibilities of the individual Committees. Staff has received input from the Public Works Committee, the Community and Economic Development Committee, and the Legislative and Intergovernmental Relations Committee. Additionally, as directed Staff has made some amendments for discussion to the provision related to the Rules Committee. Staff has not yet received information from the Finance and Budget Committee

Brian Head, City Attorney

DIVISION 3. - STANDING COMMITTEES

Sec. 2-60.1. - Composition of membership.

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 for purposes of quorum only when a quorum would not exist without the alternate's attendance. 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.

(Ord. No. 8789, § 2, 12-17-2019)

Sec. 2-60.2. - Regular Standing Committees enumerated.

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.

(Ord. No. 8789, § 2, 12-17-2019)

Sec. 2-60.3. - Duties of the regular Standing Committees.

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. (Ord. No. 8789, § 2, 12-17-2019)

Sec. 2-60.3. - Duties of the regular Standing Committees.

- A. *Community and Economic Development Committee.* The committee shall review current or proposed policies or ordinances dealing generally with **matters related to the public health, safety and welfare of the community including but not limited to matters pertaining to** planning, zoning, **development regulations, property maintenance** and other related community development department issues **regulations pertinent to the use and maintenance of private property.** 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. **In addition to all regular members of the committee, one (1) member of the Planning and Zoning Commission shall serve as an ex officio member of the committee. Such ex officio member shall have the right to participate and discuss but shall not have the right to vote.**
- 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, and~~ work with City staff to monitor legislation introduced at the state and federal level 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, **right-of-way management**, 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, **landfill operations and regulations 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 ***including but not limited to any and all procedures for the conduct of business before 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.~~

(Ord. No. 8789, § 2, 12-17-2019)

Packet Information

File #: 2020-3330, **Version:** 1

Discussion: Section 2-60.6 relative to Authorization of Committees pertaining to contract approval.

The Rules Committee has discussed the authority of the various Council Committees to review and recommend approval of contracts for approval to the City Council. At the last meeting, staff was directed to provision section 2-60.6 and some language that had previously been drafted to resolve this issue. That information is attached.

Brian Head, City Attorney

Sec. 2.60.6. Other Duties.

Each committee shall have the authority, within its specific subject matter as provided by Sec.2-60.3 to review and make recommendations on contracts for the purchase of goods and services. Any contract for the purchase of goods or services, including construction projects, which exceeds the authority of the City Manager or requires a Council approved appropriation for which no appropriation exists, must be reviewed by the Finance and Budget Committee. ~~Each committee,~~ In addition to the duties above prescribed, **each Committee** shall perform such other duties as may be required by Council.

Packet Information

File #: 2020-3758, **Version:** 1

Discussion of what majority is required to forward an item to the City Council with a recommendation for approval and what the status of an item is that either fails to receive an affirmative vote or results in a tie vote.

The Committee has discussed the confusion surrounding the majority necessary to pass an item onto Council with a recommendation for approval and the status of an item that fails to pass due to a tie vote or a vote of no. Staff was directed at the last meeting to bring this forward as a discussion item. Attached is the relevant provision of the current rules for your review. Staff has also included some comments regarding the rules in an effort to assist in framing the issues that need to be discussed.

Brian Head, City Attorney

Packet Information

File #: TMP-1702, **Version:** 1

An Ordinance amending Article II. Parks and Recreation Board of Chapter 19 Parks and Recreation of the Code of Ordinances of the City of Lee's Summit, Missouri by enacting a new Section 19-21 Appointments to the Parks and Recreation Board - Deadline. to provide for a certain deadline for appointment of Parks and Recreation Board members by the Mayor.

At the May meeting of the Committee, City Attorney Head presented a request from Mayor Baird related to the timing of Parks Board Appointments. The Lee's Summit Charter provides that the Mayor, upon the advice and consent of the City Council, has the authority to appoint members of the Parks Board and shall do so not later than June 1 of each year. Mayor Baird requested this rule change to insure that appointments are made prior to the selection of officers by the Parks Board. Typically, officer are selected in April with an effective date of July 1. This creates a situation where individuals may be selected for an office without knowing whether or not the Mayor and Council wish to reappoint.

Proposed language for a rule is attached.

Update: At the last meeting of the Committee, staff was directed to bring back the language in an ordinance form for review and possible approval.

Proposed Motion: I move that An Ordinance amending Article II. Parks and Recreation Board of Chapter 19 Parks and Recreation of the Code of Ordinances of the City of Lee's Summit, Missouri by enacting a new Section 19-21 Appointments to the Parks and Recreation Board - Deadline. to provide for a certain deadline for appointment of Parks and Recreation Board members by the Mayor be forwarded to the City Council with a recommendation for approval.

Brian Head, City Attorney

Proposed language relating to Parks Board appointments:

The Mayor, with the advice and consent of a majority of the entire Council, before the first day of April each year, shall appoint such Parks and Recreation directors as may be required due to expiration of terms. Such appointments shall be effective on July 1st of each year. Appointments due to resignation, death or disability may occur at any time.

BILL NO. 20-

AN ORDINANCE amending Article II. Parks and Recreation Board of Chapter 19 Parks and Recreation of the Code of Ordinances of the City of Lee's Summit, Missouri by enacting a new Section 19-21 Appointments to the Parks and Recreation Board – Deadline. to provide for a certain deadline for appointment of Parks and Recreation Board members by the Mayor. (Rules 10/1/20)

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

SECTION 1. That Article II. Parks and Recreation Board of Chapter 19 Parks and Recreation of the Code of Ordinances of the City of Lee's Summit, Missouri be amended by adding a new Section 19-21. Appointments to the Parks and Recreation Board – Deadline. to read as follows:

“Sec. 19-21. Appointments to the Parks and Recreation Board – Deadline.

The Mayor, with the advice and consent of a majority of the entire Council, before the first day of May each year, shall appoint such Parks and Recreation directors as may be required due to expiration of terms. Such appointments shall be effective on July 1st of each year. Appointments due to resignation, death or disability may occur at any time.

SECTION 2. If any part or portion of this ordinance is found invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining ordinance.

SECTION 3. 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 _____, 2020.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2020.

Mayor *William A. Baird*

ATTEST:

BILL NO. 20-

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*