

## **BILL NO. 17-88**

---

AN ORDINANCE CANVASSING AND DECLARING THE RESULTS OF THE APRIL 4, 2017, REGULAR MUNICIPAL ELECTION FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, a special election was held in the City of Lee's Summit, Missouri, on April 4, 2017; and,

WHEREAS, the official return of the election has been received from the Jackson County Board of Election Commissioners, certified by such board; and,

WHEREAS, the official return of the election has been received from the Election Authority of Cass County, certified by such authority; and,

WHEREAS, the Council of the City of Lee's Summit, Missouri wishes to canvass and declare the results and effect of the election described above as provided by section 9.3 of the Charter of the City of Lee's Summit, Missouri.

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

SECTION 1. That the election conducted in the City of Lee's Summit, Missouri on April 4, 2017 is found to have been held in all respects as required by the Constitution and the law of the State of Missouri and the Charter of the City of Lee's Summit, Missouri at designated voting places; that duly qualified electors of the City of Lee's Summit and no others were permitted to vote and that the official return of the election, as submitted by the Jackson County Board of Election Commissioners attached hereto as Exhibit "A" and Election Authority of Cass County attached hereto as Exhibit "B" is as follows:

### **QUESTION NO. 1**

Shall the preamble of the City Charter for the City of Lee's Summit, Missouri, be amended to read as follows:

"We, the People of Lee's Summit, Missouri, in order to secure the benefits and advantages of constitutional home rule under the Missouri Constitution do affirm our commitment to self-governance and aspire to create an economically vital community committed to equal opportunity, citizen participation, diversity and to promote a high quality of life where families and businesses thrive and hereby establish this Charter for the better government of our city"?

YES 6,465

NO 2,105

### **QUESTION NO. 2**

Shall the Charter of the City of Lee's Summit, Article III., City Council., be amended in various sections to: clarify the term "qualified voter", to require that a member of the City Council remain a qualified voter of his or her district during his or her term of office, to provide that the Mayor of the City shall appoint the Mayor Pro Tempore instead of the City Council, prohibit a Councilmember from holding any other elected public office or incompatible public office, clarify

## **BILL NO. 17-88**

---

the qualifications for appointment to the City Council in the event of a vacancy, require seven days to lapse between introduction and final passage of any ordinance, require copies of proposed ordinances to be made available in the City Clerk's office and the City web site, clarify the procedure for approval of an emergency ordinance and limiting the use of the emergency ordinance procedure to certain types of ordinances?

YES 6,039

NO 2,481

### **QUESTION NO. 3**

Shall the Charter of the City of Lee's Summit be amended to include a new Section 3.15., Charter Violation and Ethics Code., requiring the adoption of an ethics code by the City Council, and allowing sanctions to be imposed upon a City Councilmember only upon a 2/3rds vote of the entire Council including the Mayor?

YES 6,067

NO 2,461

### **QUESTION NO. 4**

Shall the Charter of the City of Lee's Summit, Article IV., Mayor., be amended in multiple sections to: require the Mayor to vote on all ordinances, remove the Mayor's power to veto ordinances and resolutions, set a time when the Mayor shall appoint members to certain boards and commissions, prohibit the Mayor from holding any other elected public office or incompatible public office, provide for discipline by the City Council in the event he or she is found to have violated certain provisions of the Charter; and, to further amend Article III., City Council., Sections 3.4 and 3.13 to remove references to veto and Mayoral tie-breaking to be consistent with Article IV., Mayor?

YES 4,548

NO 3,869

### **QUESTION NO. 5**

Shall the Charter of the City of Lee's Summit, Section 6.2., Personnel System., be amended to require all appointments and promotions of City Employees and Officers be made solely on the basis of merit and further clarifying that any personnel code shall authorize the City Manager to promulgate certain personnel rules?

YES 5,842

NO 2,552

## **BILL NO. 17-88**

---

### **QUESTION NO. 6**

Shall the Charter of the City of Lee's Summit, Section 7.3., Court Administration., be amended to enact a new provision requiring the Court Administrator to discharge his or her duties under the direction and control of the City Manager, and remove a provision that authorizes the Municipal Judges to suspend, remove and evaluate the performance of the Court Administrator?

YES 4,203  
NO 4,081

### **QUESTION NO. 7**

Shall the Charter of the City of Lee's Summit, Section 9.3., Determination of Election Results., be amended to require canvassing of election returns at the next regularly scheduled meeting of the City Council following receipt of the certification of election returns?

YES 4,972  
NO 3,275

### **QUESTION NO. 8**

Shall the Charter of the City of Lee's Summit, Article X., Initiative, Referendum and Recall., be amended in multiple sections to clarify the initiative, referendum and recall processes and specifically the authority of voters to adopt or reject a proposed ordinance through an initiative procedure, clarify the authority of voters to adopt or reject certain ordinances approved by the City Council through the referendum process, provide additional operational guidance for a petitioners committee, specify the content of a petition, specify the qualifications to be a petition circulator, provide certain time limits, and specify when the City Council must act following receipt and certification of a sufficient petition?

YES 5,765  
NO 2,527

### **QUESTION NO. 9**

Shall the Charter of the City of Lee's Summit, Article XI., Financial Procedures., be amended in multiple sections to require that the budget of the City provide a complete financial plan for all City funds and activities and to allow that the city may utilize newspapers of general circulation in the City or other means provided by law to provide certain public notices related to the budget and summary of receipts and expenditures?

YES 6,884  
NO 1,603

## **BILL NO. 17-88**

---

### **QUESTION NO. 10**

Shall the Charter of the City of Lee's Summit, Article XII., Franchises., be amended in multiple sections to allow for use of the right-of-way consistent with applicable state and federal law?

YES 5,713  
NO 2,559

### **QUESTION NO. 11**

Shall the Charter of the City of Lee's Summit, Section 14.7, Charter Amendment., be amended to clarify when an election related to charter amendments proposed by the City Council, Charter Review Commission, or a citizen petition be submitted to the voters?

YES 6,400  
NO 1,923

### **QUESTION NO. 12**

Shall the Charter of the City of Lee's Summit be amended by deleting Articles XV., Transitional Provisions., XVI., Schedule., and XVII., Transitional Provisions for Charter Amendments Approved by the Voters on November 6, 2007, in their entirety and by amending Sections 3.2(c), 4.2(b) and 7.2(a) to clarify certain language and to remove references to Article XVI?

YES 4,360  
NO 3,524

### **QUESTION NO. 13**

Shall District 4 Councilmember Christopher Moreno be recalled?

YES 1,634  
NO 956

### **TAX RENEWAL QUESTION "A"**

Shall the municipality of Lee's Summit, Missouri continue to impose a capital improvement sales tax of one-half of one percent (1/2 of 1%) until March 31, 2033, for the purpose of funding capital improvements which may include the design, construction, repair and maintenance of streets, roads, bridges, and additional projects related to stormwater, transportation and transportation-related improvements and the acquisition of necessary rights-of-way and other property interests and which may include the retirement of debt under previously authorized bonded indebtedness, beginning April 1, 2018?"

YES 6,638  
NO 2,066

## **BILL NO. 17-88**

---

SECTION 2. That it is accordingly found and declared that the necessary majority having voted in favor of Question 1 that the same be and hereby is approved and shall be effective as described in Ordinance 8049 approved by the Council of the City of Lee's Summit on December 15, 2016.

SECTION 3. That it is accordingly found and declared that the necessary majority having voted in favor of Question 2 that the same be and hereby is approved and shall be effective as described in Ordinance 8049 approved by the Council of the City of Lee's Summit on December 15, 2016.

SECTION 4. That it is accordingly found and declared that the necessary majority having voted in favor of Question 3 that the same be and hereby is approved and shall be effective as described in Ordinance 8049 approved by the Council of the City of Lee's Summit on December 15, 2016.

SECTION 5. That it is accordingly found and declared that the necessary majority having voted in favor of Question 4 that the same be and hereby is approved and shall be effective as described in Ordinance 8049 approved by the Council of the City of Lee's Summit on December 15, 2016.

SECTION 6. That it is accordingly found and declared that the necessary majority having voted in favor of Question 5 that the same be and hereby is approved and shall be effective as described in Ordinance 8049 approved by the Council of the City of Lee's Summit on December 15, 2016.

SECTION 7. That it is accordingly found and declared that the necessary majority having voted in favor of Question 6 that the same be and hereby is approved and shall be effective as described in Ordinance 8049 approved by the Council of the City of Lee's Summit on December 15, 2016.

SECTION 8. That it is accordingly found and declared that the necessary majority having voted in favor of Question 7 that the same be and hereby is approved and shall be effective as described in Ordinance 8049 approved by the Council of the City of Lee's Summit on December 15, 2016.

SECTION 9. That it is accordingly found and declared that the necessary majority having voted in favor of Question 8 that the same be and hereby is approved and shall be effective as described in Ordinance 8049 approved by the Council of the City of Lee's Summit on December 15, 2016.

SECTION 10. That it is accordingly found and declared that the necessary majority having voted in favor of Question 9 that the same be and hereby is approved and shall be effective as described in Ordinance 8049 approved by the Council of the City of Lee's Summit on December 15, 2016.

SECTION 11. That it is accordingly found and declared that the necessary majority having voted in favor of Question 10 that the same be and hereby is approved and shall be effective as described in Ordinance 8049 approved by the Council of the City of Lee's Summit on December 15, 2016.

## **BILL NO. 17-88**

---

SECTION 12. That it is accordingly found and declared that the necessary majority having voted in favor of Question 11 that the same be and hereby is approved and shall be effective as described in Ordinance 8049 approved by the Council of the City of Lee's Summit on December 15, 2016.

SECTION 13. That it is accordingly found and declared that the necessary majority having voted in favor of Question 12 that the same be and hereby is approved and shall be effective as described in Ordinance 8049 approved by the Council of the City of Lee's Summit on December 15, 2016.

SECTION 14. That it is accordingly found and declared that the necessary majority required by the Charter of the City of Lee's Summit, Missouri having voted in favor of Question 13 that Christopher Moreno shall be recalled and that as provided by section 10.7(c) of the Charter of the City of Lee's Summit, Missouri a vacancy shall hereafter exist in the office until such time as it shall be filled by the City Council as provided by section 3.7 of the Charter of the City of Lee's Summit, Missouri.

SECTION 15. That it is accordingly found and declared that the necessary majority having voted in favor of TAX RENEWAL QUESTION "A" that the same be and hereby is approved and shall be effective as described in Ordinance 8070 approved by the Council of the City of Lee's Summit on January 12, 2017.

PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

ATTEST:

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

APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*