

The City of Lee's Summit
Action Letter - Draft
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

Chairperson Carlyle called the Rules Committee to Order at 6:01 p.m.

2. Roll Call

Staff in attendance:

Brian Head

Jina Bellamy

Cheryl Nash, Creative Services

Present: 4 - Chairperson Trish Carlyle
Vice Chair Bob Johnson
Councilmember Fred DeMoro
Councilmember Rob Binney

3. Approval of Agenda

Councilmember DeMoro made a motion to approve the agenda. Motion seconded by Councilmember Johnson. Vote: 4-0. Motion passed.

4. Public Comments

There were no public comments.

5. Business

- A. [2019-2799](#) Approval of the Action letter from April 4, 2019.

Councilmember DeMoro made a motion to approve the April 4, 2019 Action Letter. Motion was seconded by Councilmember Johnson. Vote was: 4-0. Motion passed.

- B. [2019-2798](#) Discussion item - New Rules of Procedure

Brian Head, City Attorney gave a brief summary of the draft of "New Rules of Procedure" for the Committee to review. The draft created, once finalized would provide the Council with one document of Rules for the City Council and Council Committees to follow based on information from Robert Rules of Order, specific motions that are possible and information gathered from other Cities. The goal being to put all the rules in one cohesive document.

The Committee went through the draft document asking for clarification and examples of several of the draft Rules.

As a result, the City Staff was directed to make the following changes and bring the document back to the next meeting.

1. Sec. 2-49 Rules of Order. Rule 9 Procedural Motions, Motion 4 - 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 three-fourths (3/4) majority of the entire Council including Mayor. This motion is debatable but may not be amended."

Consensus of the Committee was to change the proposed draft Rule from 3/4 to 2/3 majority of entire Council including Mayor.

2. Sec. 2-49 Rules of Order. Motion 13. To Rescind. "..... "A motion to rescind is out of order if rescission of the previous action would violate vested rights or is forbidden by law."

Councilmember Carlyle would like to have a footnote added giving a definition of vested rights and an example to clarify this motion.

3. Sec. 2-60.1 Composition of Membership. "....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..."

Brian Head mentioned that the language under this section in this document is incorrect and will need to be changed back to the original ordinance as referenced by a previous editor note. This was a one year amendment to an ordinance with a "sunset" provision to revert back to the original ordinance at the end of the year, which it did. However Muni Code didn't have the information corrected and had an editor's note and didn't want to change it back.

Our Rule book is currently correct and Brian Head, will ensure it is corrected in the next draft presented to the Committee.

The correct information shows that the alternate can vote if they are there to meet quorum requirements as the third member, but they can't be the fourth member of the Committee.

4. Sec. 2.60.3 - Duties of the regular Standing Committees. Item C. Legislative/Inter-Governmental Relations Committee. "The committee

shall...host the Annual State Legislative Dinner and work with ..."

City Attorney Brian Head stated this will need to be changed as the City can no longer host the dinner due to the Clean Missouri Constitutional Amendment.

5. Sec. 2.60.8 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, 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."

There was a question regarding how to handle if the Mayor Pro Tempore misses three consecutive meetings.

Mr. Head suggested adding language to the affect of , "however, if the Mayor Pro Tempore is the member that has missed meetings as described above, the Mayor Pro Tempore may be dropped, from the liasion or Committee appointment as determined by the Council."

C. [2019-3066](#) Social Media Archiving Discussion

Mr. Brian Head introduced the item mentioning a previous email, Council received regarding several recent court cases determining that social media sites for public officials can now be considered a public forum. He wanted to make them aware that if they get comments posted to any of their social media accounts where it mentions they are a councilmember, the councilmember is not allowed to take the post down - it is part of public record.

Ms. Cheryl Nash, Creative Services, further expounded regarding the City's Social Media archiving protocol. If there is anything mentioned about them being a Councilmember on Social media, it will automatically be archived and is open to being part of a sunshine law request to the public.

Staff was looking to get direction from the Committee to work on a Rule regarding Social Media. After general discussion, consensus of the Committee was to have Staff start working on a Rule.

6. Roundtable

There was no Roundtable Discussion.

7. Adjournment

Councilmember Johnson made a motion to adjourn the meeting. Councilmember DeMoro seconded the motion. Chairperson Carlyle adjourned the meeting at 7:43 p.m.

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