



The City of Lee's Summit
Action Letter - Final
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.

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

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.

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"