



## **AGENDA**

Raymore Charter Review Commission Meeting  
City Hall – 100 Municipal Circle  
Executive Conference Room  
Tuesday, November 1, 2016

6:00 p.m.

### **1. Call to Order and Confirmation of Quorum.**

### **2. Pledge of Allegiance.**

### **3. Approval of Minutes.**

- October 18, 2016 Commission minutes

### **4. Unfinished Business**

- A. Article III, Section 3.2(b) Councilmember Qualifications
  - a. Staff report
  - b. Commission Member Discussion and Questions
- B. Article III, Section 3.2-Temporary Displacement of Residency following Redistricting
  - a. Staff Report
  - b. Commission Member Discussion and Questions
- C. Article III, Quorum-continued discussion
  - c. Staff Report
  - d. Commission Member Discussion and Questions

### **5. New Business**

- A. Article III, Section 3.3 Compensation
  - a. Staff report
  - b. Commission Member Discussion and Questions
- B. Article III, Section 3.4 Mayor Pro Tempore (definition of “absence”)
  - a. Staff report
  - b. Commission Member Discussion and Questions

- C. Article III, Remaining Sections
  - a. Staff report
  - b. Commission Member Discussion and Questions
  
- D. Review of Article IV-Mayor
  - a. Commission Member Discussion and Questions
  - b. Staff Report

**6. Other.**

**7. Public Comments.** Please identify yourself for the record and keep comments to a maximum of five minutes.

**8. Adjournment.**

*Any person requiring special accommodation (i.e., qualified interpreter, large print, hearing assistance) in order to attend this meeting, please notify this office at (816) 331-3324 no later than forty eight (48) hours prior to the scheduled commencement of the meeting.*

*Hearing aids are available for this meeting for the hearing impaired. Inquire with the City Clerk.*

**THE RAYMORE CHARTER REVIEW COMMISSION MET ON TUESDAY, OCTOBER 18, 2016 IN THE EXECUTIVE CONFERENCE ROOM AT 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI. PRESENT: COMMISSIONERS ACKLIN, BURKE, III, CASTLEMAN, DAREING, HUBACH, MOORHEAD, STIDHAM, WIGGINS, AND WILSON, CITY MANAGER JIM FEUERBORN, ASSISTANT CITY MANAGER MEREDITH HAUCK, CITY CLERK JEANIE WOERNER AND CITY ATTORNEY JONATHAN ZERR.**

- 1. Call To Order and Confirmation of Quorum.** Chairman Moorhead called the meeting to order at 6:00 p.m. and determined a quorum.
- 2. Pledge of Allegiance.**
- 3. Approval of Minutes-October 4, 2016.**

Chairman Moorhead noted corrected minutes have been distributed for approval.

**MOTION:** By Commissioner Stidham, second by Commissioner Castleman to approve the October 4, 2016 minutes.

**DISCUSSION:** None

<b>VOTE:</b>	Commissioner Acklin	Aye
	Commissioner Burke, III	Aye
	Commissioner Castleman	Aye
	Commissioner Dareing	Aye
	Commissioner Hubach	Aye
	Commissioner Moorhead	Aye
	Commissioner Stidham	Aye
	Commissioner Wiggins	Aye
	Commissioner Wilson	Aye

#### **4. Unfinished Business.**

##### **A. Article 1, Section 1.2-Definition of "Quorum"**

###### **a. Staff Report**

City Attorney Zerr and City Manager Feuerborn advised the Commission that the language approved at the October 4 meeting in Section 1.2-Definitions which defined Council, Councilmembers, and Mayor as it pertains to a quorum, creates an unintended ripple effect on language throughout the Charter. He suggested language to address a "quorum" that is already identified in Section 3.13(d). To further define quorum the following was recommended for consideration. "*Quorum*. A majority of the *sworn* members of the Council shall constitute a quorum for the transaction of its business."

Mr. Zerr proposed additional language to define "majority" in Section 1.2, page 1 as follows:

Except where expressly stated otherwise or where the context clearly requires otherwise:

Throughout this Charter, the word "City" with the first letter of the word capitalized, shall mean the City of Raymore, Missouri;

~~Whenever an action under this Charter requires the vote of a majority of the entire Council, this shall mean a vote of at least five (5) of the eight (8) Councilmembers;~~

~~Whenever an action under this Charter requires the vote of three-fourths (¾) of the entire Council, this shall mean a vote of at least six (6) of the eight (8) Councilmembers;~~

*“Whenever an action under this Charter requires the vote of the Council, this shall mean a vote of the majority of the quorum of Councilmembers present. In the event of a tie of the Councilmembers, the Mayor may vote to break a tie in accordance with Section 4.4 of this Charter.”*

*“Whenever an action under this Charter requires the vote of the entire Council, this shall mean a vote of at least five (5) of the eight (8) Councilmembers. In the event of a four (4) to four (4) tie of the eight (8) Councilmembers, the Mayor may vote to break the tie in accordance with eight Section 4.4 of this Charter.”*

**b. Commission Member Discussion and Questions**

Commission discussion ensued with clarification from Chairman Moorhead that this does not give the Mayor additional power but preserves the Mayor’s veto power.

Chairman Moorhead was provided consensus from Commission members on this proposed language. He reminded members it would not preclude additional language or changes in the future. He also advised the Commission that consideration of the further definition of Quorum as suggested by Counsel, would be discussed during the Commission’s review of Article III.

**MOTION:** By Commissioner Burke, second by Commissioner Wiggins to reverse the motion and vote made at the October 4 meeting as it pertained to Section 1.2 and approve the language as suggested to Definitions in Section 1.2 (outlined above).

**DISCUSSION:** None

<b>VOTE:</b>	Commissioner Acklin	Aye
	Commissioner Burke, III	Aye
	Commissioner Castleman	Aye
	Commissioner Dareing	Aye

Commissioner Hubach	Aye
Commissioner Moorhead	Aye
Commissioner Stidham	Aye
Commissioner Wiggins	Aye
Commissioner Wilson	Aye

**B. Article 1, Section 1.2-Definition of “Termination” (as it applies to expiration of terms)**

**a. Staff Report**

Mr. Zerr and Mr. Feuerborn referenced language from RSMo 105.455 (1) which defines expiration of term as it applies to elected and appointed state officials. This topic was discussed at the October 8 meeting as outlined in Section 1.2 Definitions specific to the terms of the Councilmember, Mayor, and Municipal Judge, and the City Prosecutor (when added to this section) and also as defined in Section 3.6 Prohibitions, as it pertains to “expiration of terms” and time limits of seeking City employment after the expiration of a term. At that time, the Commission requested clarification as to different scenarios in the instance of a resignation, etc. before the end of the term of office. RSMo 105.455(1) reads in part: “.....*who vacates the of office, whether by resignation, expulsion, term limitation or otherwise*”, ..... the expiration of any term for which such person was elected or appointed.”

Mr. Zerr stated this language will address questions raised as to termination and expiration of term of service and the prohibitions again seeking city employment or running for elected office within the one (1) year period.

Commission discussion ensued. Chairman Moorhead noted that based on recommendations, no changes would be made to Section 1.2, paragraphs one and two. Recommended changes to paragraph 3 further clarify expiration of term.

**b. Commission Member Discussion and Questions**

Mr. Feuerborn stated staff recommends adding a paragraph in Section 1.2, page two to mirror paragraph three regarding the Municipal Judge and outlining same for the City Prosecutor. Further, pertaining to the third paragraph in Section 1.2, page two regarding the Municipal Judge add language to define that in the event the judge were to be dismissed, in certain cases, the judge could be rehired. The suggested language would be as provided by Mr. Zerr, “...Judge’s contract with the City, *nor of the Council hiring the former Municipal Judge to serve a new term as Municipal Judge.*” When the Commission begins the review of Section 7.2, this language will be mirrored in that section. In addition, the paragraph regarding the City Prosecutor should also be added to Article VII.

Chairman Moorhead stated he had suggested at the last meeting to also include City Prosecutor in Section 1.2 to mirror language as with the Municipal Judge.

**MOTION:** By Commissioner Moorhead, second by Commissioner Hubach to amend Definitions 1.2, page two, paragraph three pertaining to the Municipal Judge by adding "...Judge's contract with the City, *nor of the Council hiring the former Municipal Judge to serve a new term as Municipal Judge.*" and also add in this section, a paragraph four, the same language pertaining to City Prosecutor.

**DISCUSSION:** None

<b>VOTE:</b>	Commissioner Acklin	Aye
	Commissioner Burke, III	Aye
	Commissioner Castleman	Aye
	Commissioner Dareing	Aye
	Commissioner Hubach	Aye
	Commissioner Moorhead	Aye
	Commissioner Stidham	Aye
	Commissioner Wiggins	Aye
	Commissioner Wilson	Aye

Mr. Zerr left to attend the Planning and Zoning Commission meeting at 6:50 p.m.

**C. Article III, Section 3.2-Definition of "Temporary Displacement of Residency"**

**a. Staff Report**

Mr. Feuerborn recalled extensive discussion by the Commission at the October 4 meeting pertaining to this topic. He advised Council is the judge of qualifications as outlined in Charter Section 3.8, therefore giving Council the discrepancy in determining "residency" requirements. A definition of temporary displacement of residency could be further defined in the City Code to address both elected and employed positions.

**b. Commission Member Discussion and Questions**

Chairman Moorhead stated he is agreeable with using the power of qualification, investigation, etc. and that the Council has independent authority under this section to determine residency.

Councilmember Hubach requested future discussion of impeachment of an elected official.

Commission members discussed the consequences of displacement of Council ward representation after a redistricting process. Mr. Feuerborn stated the City Code may address this scenario and staff will research. Discussion ensued.

**D. Review of Article III-City Council**

**a. Commission Member Discussion and Questions**

- 3.2 (c) Commission members discussed expanding the term of Councilmembers and term limits. After discussion no change was recommended but consideration could be brought forth at a later date.

**b. Staff Report**

Mr. Feuerborn answered general questions.

**5. New Business.**

**A. Review of Article IV-Mayor**

Due to time constraints, Chairman Moorhead asked for this item to be moved to the November 1 Commission agenda.

**6. Other.**

**7. Public Comments.**

**8. Adjournment.**

**MOTION:** By Commissioner Stidham, second by Commissioner Wiggins to adjourn.

<b>VOTE:</b>	Commissioner Acklin	Aye
	Commissioner Burke, III	Aye
	Commissioner Castleman	Aye
	Commissioner Dareing	Aye
	Commissioner Hubach	Aye
	Commissioner Moorhead	Aye
	Commissioner Stidham	Aye
	Commissioner Wiggins	Aye
	Commissioner Wilson	Aye

The regular meeting of the Charter Review Commission adjourned at 7:52 p.m.

Respectfully submitted,

Jeanie Woerner  
City Clerk

## Proposed Language for Charter

### Section 1.2: - Definitions

Except where expressly stated otherwise or where the context clearly requires otherwise:

Throughout this Charter, the word “City” with the first letter of the word capitalized, shall mean the City of Raymore, Missouri;

~~Whenever an action under this Charter requires the vote of a majority of the entire Council, this shall mean a vote of at least five (5) of the eight (8) Councilmembers;~~

~~Whenever an action under this Charter requires the vote of three fourths (3/4) of the entire Council, this shall mean a vote of at least six (6) of the eight (8) Councilmembers;~~

Whenever an action under this Charter requires the vote of the Council, this shall mean a vote of the majority of the quorum of Councilmembers present. In the event of a tie of the Councilmembers, the Mayor may vote to break a tie in accordance with Section 4.4 of this Charter.

Whenever an action under this Charter requires the vote of the entire Council, this shall mean a vote of at least five (5) of the eight (8) Councilmembers. In the event of a four (4) to four (4) tie of the eight (8) Councilmembers, the Mayor may vote to break the tie in accordance with eight Section 4.4 of this Charter.

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JSZ suggestion....

In Subsection (d) of Section 7.2 the prohibition against a former Municipal Judge holding City employment until one (1) year after the expiration of the term for which the Judge was appointed shall not be deemed to prohibit a former Judge from running for any elected office within one (1) year after the expiration of the Judge’s contract with the City, nor of the Council hiring the former Municipal Judge to serve a new term as Municipal Judge.

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Quorum definition – See Section 3.13(d). Suggested language...

“A majority of the sworn members of the Council shall constitute a quorum for the transaction of its business.”

Termination: See Section 105.455 RSMo for proposed language when defining “expiration”.

Temporary Displacement of Residency: Council is the determining body on “residency” qualifications. A definition for Temporary Displacement of Residency could be included in the Code to address both elected and employed positions.

Section 3.2(b) – A Councilmember shall have reached the age of twenty-five (25) years prior to commencing a term of office, shall have been a resident of the City for two (2) years and resident of his/her respective ward for six (6) months immediately preceding election and a qualified voter, shall remain a resident of his/her ward and a qualified voter during his/her term of office, ~~shall not be in arrears for any unpaid City taxes, liens or forfeitures and shall not have been found guilty of or plead guilty to a felony~~ and shall be in compliance with all qualifications of Missouri statute and law.

Section 3.4 – Consider defining absence to “unavailable in a manner where it is not possible to have full participation (including voting) in person”.

3.2

*Qualifications.* A Councilmember shall have reached the age of twenty-five (25) years prior to commencing a term of office, **shall be a citizen of the United States**, shall have been a resident of the City for two (2) years and resident of his/her respective ward for six (6) months immediately preceding election and a qualified voter, shall remain a resident of his/her ward and a qualified voter during his/her term of office, **shall not be in arrears for any unpaid City taxes, shall not be subject to city liens or forfeitures, and shall comply with all provisions of rsmo 115.306 as amended**~~liens or forfeitures and shall not have been found guilty of or plead guilty to a felony.~~