



## **AGENDA**

Raymore Charter Review Commission Meeting  
City Hall – 100 Municipal Circle  
Council Chambers

6:00 p.m.

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

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

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

- November 15, 2016 Commission minutes

### **4. Unfinished Business**

- A. Article III, Section 3.3 Compensation-continued discussion-(postponed from November 15)
  - a. Staff report
  - b. Commission Member Discussion and Questions
- B. Article III, Section 3.4 Mayor Pro Tempore-continued discussion
  - a. Staff report
  - b. Commission Member Discussion and Questions
- B. Article III, Section 3.7(b) Forfeiture of Office-continued discussion--(postponed from November 15)
  - a. Staff Report
  - b. Commission Member Discussion and Questions

### **5. New Business**

- A. Article III, Section 3.9 City Clerk
  - a. Staff report
  - b. Commission Member Discussion and Questions
- B. Article III, Section 3.10 City Attorney-City Prosecutor
  - a. Staff report
  - b. Commission Member Discussion and Questions

- C. Article III, Section 3.11 Investigations
  - a. Staff report
  - b. Commission Member Discussion and Questions
- D. Article III, Section 3.12 Independent Audit
  - a. Commission Member Discussion and Questions
  - b. Staff Report
- E. Section 3.13 Legislative Proceedings
  - a. Commission Member Discussion and Questions
  - b. Staff Report
- F. 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, NOVEMBER 15, 2016 IN THE EXECUTIVE CONFERENCE ROOM AT 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI. PRESENT: COMMISSIONERS ACKLIN, CASTLEMAN, DAREING, HUBACH, MOORHEAD, STIDHAM, AND WIGGINS, 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. Commissioner Burke absent.
- 2. Pledge of Allegiance.**
- 3. Approval of Minutes-November 1, 2016.**

**MOTION:** By Commissioner Hubach, second by Commissioner Stidham to approve the November 1, 2016 minutes as presented.

**DISCUSSION:** None

<b>VOTE:</b>	Commissioner Acklin	Aye
	Commissioner Burke, III	Absent
	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 III, Section 3.3 Compensation-continued discussion**

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

Mr. Feuerborn advised the Commission that Mr. Zerr's participation in tonight's meeting will be minimal due to his attendance at the Board of Adjustment and Planning and Zoning Commission meetings.

Chairman Moorhead asked to table discussion on this section to the December 6 meeting, under Unfinished Business for Mr. Zerr's input.

**b. Commission Member Discussion and Questions**

None heard.

**B. Article III, Section 3.13(d) Quorum-continued discussion**

Chairman Moorhead announced the Commission held previous discussion on this Section and items 3.2(b) and Section 3.4 listed under New Business. He asked the Commission to continue on with New Business beginning with discussion with Article III, Section 3.5 unless any member felt the need for further discussion on these Sections. None heard.

**5. New Business.**

**C. Article III, Remaining Sections**

- **Section 3.5 Administrative Policy Matters**

Chairman Moorhead provided an overview of Section 3.5. General discussion ensued and no changes were recommended.

- **3.6 Prohibition**

Chairman Moorhead announced the Commission has held previous discussions on this Section and asked to move forward unless any member felt the need for further discussion. None heard.

- **3.7 Vacancies-Forfeiture of Office-Filling of Vacancies**

**(a) Vacancies**

Commissioner Hubach brought forth discussion that in the case of a vacancy, she feels the position should be filled by a citizen vote at the next election, not by Council. Chairman Moorhead asked Ms. Woerner for an estimate of election costs.

**a. Staff Report**

Ms. Woerner provided an overview of estimated election costs.

**b. Commission Member Discussion and Questions**

Following Commission discussion regarding estimated election costs, consideration of filling a vacancy with the person at the last election who had the second highest number of votes, and vacancy procedures, it was determined the vacancy particulars would be better addressed in City Code and direction was given to staff to consider inclusion with the City staff team working on Code review.

Chairman Moorhead withdrew his position on filling a vacancy based on the second highest number of votes at the last election. He asked the Commission to leave the language at it exists in this section, affirmed by show of hands.

Mr. Feuerborn advised the Commission that it is preferable for Charter language to be general in nature and further expanded and/or defined in City Code.

## **(b) Forfeiture of Office**

### **a. Commission Member Discussion and Questions**

Commissioner Hubach brought forth discussion on the process of impeachment. Chairman Moorhead asked for a staff report.

### **b. Staff Report**

Mr. Feuerborn asked for staff time for research the Revised Statutes of Missouri (RSMo) for comparison language on "impeachment". He advised that Section 3.8, Judge of Qualifications, does have vague language as well.

Mr. Zerr quoted to the Commission, Section 106.220 of RSMo pertaining to impeachment or forfeiture of an office of public officers. He suggested the Commission consider adding a new subsection (6) under 3.7(b) to include conduct for forfeiture as well as reference to statutory language of 106.220, 106.230 and 106.290 and a new subsection 3.2 (d) to outline the process of removal of office. Language defining the process of removal could be outlined to read, "an individual who has forfeited an office may be subject to removal pursuant to RSMo 106.220, 106.230 and 106.290."

Commission discussion then focused on a citizen's right to bring forth complaints of misconduct of office. Mr. Feuerborn asked if the Commission would like to see language that addresses the Council as being the judge of qualifications as well as language that allows the Council to accept a formal citizen complaint. Discussion ensued and the Commission agreed for staff to submit draft language.

Chairman Moorhead asked for Section 3.7 to be placed on the December 6 agenda under Unfinished Business and have staff provide the statutory language as discussed.

Chairman Moorhead asked for discussion on any recommendations to Section 3.8. None heard.

Chairman Moorhead advised the agenda for the December 6 meeting under New Business, would begin with Section 3.9.

Mr. Feuerborn advised staff has recommended compensation language, Cass County policy language and information from Missouri Ethics Commission regarding conflict of interest to bring forth for the Commission discussion at the December 6 meeting.

**6. Other.**

**7. Public Comments.**

**8. Adjournment.**

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

<b>VOTE:</b>	Commissioner Acklin	Aye
	Commissioner Burke, III	Absent
	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 7:21 p.m.

Respectfully submitted,

Jeanie Woerner  
City Clerk

### **SECTION 3.3: - COMPENSATION**

The Council may determine the annual compensation of Councilmembers by ordinance, ~~If no ordinance adjusting the compensation is passed by the Council prior to July 1 of each year, an automatic adjustment shall be made as follows.;~~ but no ordinance changing such compensation shall become effective for a Councilmember until the commencement of his/her new term of office.

~~The Council compensation shall be as established by ordinance as of January 1, 2017 and shall be automatically adjusted on an annual basis pursuant to the Mountain Plains Consumer Price Index as established by the United States Department of Labor, Bureau of Labor Statistics for the 12 month period June-May of each year, with an effective date of the following November 1 for all Councilmembers.~~

~~Compensation shall begin the day of the administration of the oath of office prorated by day for the month and shall cease on the date of resignation, removal from office or the expiration of term prorated by day for the month.~~

### **SECTION 3.4: - MAYOR PRO TEMPORE**

The Council shall elect annually from among its members a Mayor Pro Tempore. The Mayor Pro Tempore shall assume the powers and duties of the Mayor during the physical absence in person or disability of the Mayor, or if a vacancy occurs. ~~While assuming the powers and duties of the Mayor, the Mayor Pro Tempore shall retain his/her vote as a Councilmember, but shall not possess the additional mayoral voting power provided by Section 4.4(a), and shall not possess the mayoral veto power provided by Section 4.4(c). All as defined and in accordance with City Code Section entitled Mayor Pro Tempore-Duties~~

*OR*

The Council shall elect annually from among its members a Mayor Pro Tempore. The Mayor Pro Tempore shall assume the powers and duties of the Mayor during the absence or disability of the Mayor, or if a vacancy occurs. ~~While assuming the powers and duties of the Mayor during the physical absence in person or disability of the Mayor (until and if the seat is declared vacant), the Mayor Pro Tempore shall retain his/her vote as a Councilmember, but shall not possess the additional mayoral voting power provided by Section 4.4(a), and shall not possess the mayoral veto power provided by Section 4.4(c). While assuming the powers and duties of the Mayor following a vacancy, the Mayor Pro Tem shall possess the Mayoral veto power provided by Section 4.4(c) and the Mayoral voting power provided by Section 4.4(a), but shall not retain his/her vote as a Councilmember.~~

### **SECTION 3.7: - VACANCIES—FORFEITURE OF OFFICE—FILLING OF VACANCIES**

- (a) *Vacancies.* The office of a Councilmember shall become vacant upon the Councilmember's death, resignation, recall or removal from office in any manner authorized by this Charter or by law, or upon forfeiture of the office.
- (b) *Forfeiture Of Office.* A Councilmember shall forfeit his/her office **and the Council shall, after procedures set forth in Section 3.8, declare their seat vacant** if the Councilmember:
  - (1) Any time during the term of office lacks any qualification for the office prescribed by this Charter or by law,
  - (2) Violates any prohibition as provided in Section 3.6,
  - (3) Is convicted of a felony,
  - (4) Fails to pay, by its original due date without valid reason, any valid tax or assessment that is owed to the City, or
  - (5) Fails to attend three (3) consecutive regular meetings of the Council or more than twenty-five percent (25%) of the Council's regular meetings during any twelve (12) month period without being excused by the Council.
- (c) *Filling Of Vacancies.* The Council by a majority vote of all its remaining members shall appoint a qualified person to fill a vacancy until the next regular municipal election as established by the Missouri election calendar in accordance with State law, for which timely notice may be given, when a person will be elected by qualified voters to serve the remainder of the unexpired term.

# Missouri Revised Statutes

## Chapter 106 Removal and Impeachment of Public Officers

[←106.210](#)**Section 106.220.1**[106.230→](#)

August 28, 2016

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**Forfeiture of office--reasons for.**

106.220. Any person elected or appointed to any county, city, town or township office in this state, except such officers as may be subject to removal by impeachment, who shall fail personally to devote his time to the performance of the duties of such office, or who shall be guilty of any willful or fraudulent violation or neglect of any official duty, or who shall knowingly or willfully fail or refuse to do or perform any official act or duty which by law it is his duty to do or perform with respect to the execution or enforcement of the criminal laws of the state, shall thereby forfeit his office, and may be removed therefrom in the manner provided in sections [106.230](#) to [106.290](#).

(RSMo 1939 § 12828)

Prior revisions: 1929 § 11202; 1919 § 9175; 1909 § 10204

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Missouri General Assembly

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# Missouri Revised Statutes

## Chapter 106 Removal and Impeachment of Public Officers

[←106.220](#)

**Section 106.230.1**

[106.240→](#)

August 28, 2016

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### Complaint against officer--duty of prosecuting attorney.

106.230. When any person has knowledge that any official mentioned in section [106.220](#) has failed, personally, to devote his time to the performance of the duties of such office, or has been guilty of any willful, corrupt or fraudulent violations or neglect of any official duty, or has knowingly or willfully failed or refused to perform any official act or duty which by law it was his duty to do or perform with respect to the execution or enforcement of the criminal laws of this state, he may make his affidavit before any person authorized to administer oaths, setting forth the facts constituting such offense and file the same with the clerk of the court having jurisdiction of the offense, for the use of the prosecuting attorney or deposit it with the prosecuting attorney, furnishing also the names of witnesses who have knowledge of the facts constituting such offense; and it shall be the duty of the prosecuting attorney, if, in his opinion, the facts stated in said affidavit justify the prosecution of the official charged, to file a complaint in the circuit court as soon as practicable upon such affidavit, setting forth in plain and concise language the charge against such official, or the prosecuting attorney may file such complaint against such official upon his official oath and upon his own affidavit.

(RSMo 1939 § 12829)

Prior revisions: 1929 § 11203; 1919 § 9176; 1909 § 10205

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# Missouri Revised Statutes

## Chapter 106 Removal and Impeachment of Public Officers

[←106.280](#)

**Section 106.290.1**

[106.010→](#)

August 28, 2016

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### Payment of costs.

106.290. If, upon the trial of such cause, the defendant be acquitted, the complainant shall be adjudged to pay all costs, and upon motion for that purpose, filed before said cause shall be called for trial, the court may compel him to give security for payment of the same, and in default thereof may dismiss the complaint, except that in cases where the complaint is filed officially, no security for costs shall be required, and no costs adjudged against the complainant; but the same shall be paid by the county in case of acquittal, and by the defendant in case of conviction.

(RSMo 1939 § 12835)

Prior revisions: 1929 § 11209; 1919 § 9182; 1909 § 10211

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