



## **AGENDA**

Raymore Charter Review Commission Meeting  
City Hall – 100 Municipal Circle  
Council Chambers  
December 20, 2016

6:00 p.m.

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

**2. Pledge of Allegiance.**

**3. Approval of Minutes.**

- December 6, 2016 Commission minutes

**4. Unfinished Business**

A. City Attorney recommends formal action by motion and vote on Sections 3.10 (a) & (b) City Attorney and City Prosecutor, and Sections 3.13 Legislative Procedures (f) and (h) as amended on December 6, 2016

- a. Staff report
- b. Commission Member Discussion and Questions

B. Article III, Section 3.2(b) qualifications-continued discussion-(postponed from November 1 and December 6)

- a. Staff report
- b. Commission Member Discussion and Questions

C. Article III, Section 3.3 Compensation-continued discussion-(postponed from November 15 and December 6)

- a. Staff report
- b. Commission Member Discussion and Questions

- D. Article III, Section 3.4 Mayor Pro Tempore-continued discussion (postponed from November 15 and December 6)
  - a. Staff report
  - b. Commission Member Discussion and Questions
- E. Article III, Section 3.7(b) Forfeiture of Office-continued discussion--(postponed from November 15 and December 6)
  - a. Staff Report
  - b. Commission Member Discussion and Questions
- F. Article III, Section 3.11 Investigations (opinion from City Attorney regarding the issuance of subpoena)
  - a. Staff Report
  - b. Commission Member Discussion and Questions

## **5. New Business**

- A. Article IV Mayor
  - a. Staff report
  - b. Commission Member Discussion and Questions
- B. Article V City Manager
  - a. Staff report
  - b. Commission Member Discussion and Questions

## **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, DECEMBER 6, 2016 IN COUNCIL CHAMBERS AT 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI. COMMISSIONERS PRESENT: ACKLIN, BURKE, III, CASTLEMAN, DAREING, HUBACH, MOORHEAD, STIDHAM, AND WIGGINS, CITY MANAGER, 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. Assistant City Manager Meredith Hauck absent. City Attorney Jonathan Zerr and City Manager Jim Feuerborn left the meeting at 6:30 p.m. due to prior commitments.

**2. Pledge of Allegiance.**

**3. Approval of Minutes-November 15, 2016.**

**MOTION:** By Commissioner Stidham, second by Commissioner Hubach to approve the November 15, 2016 minutes as presented.

**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.**

Chairman Moorhead advised the Commission that due to Mr. Feuerborn and Mr. Zerr having to leave the meeting, discussions on unfinished business agenda items for this meeting would be deferred to the December 20 meeting. He asked staff to provide a summary of changes made to date at the December 20 meeting as well.

**5. New Business.**

**A. Article III, Section 3.9 City Clerk**

Commissioner Hubach asked for this section to be removed from the Charter as she believes it inaccurately reflects that the City Clerk works for the Council. It is the only position besides the City Manager outlined in Charter and she also does not feel the Council should have approval with advice and consent of the appointment. She noted the position and duties are outlined in City Code.

Commissioner Burke suggested moving the City Clerk position and duties to Article V-City Manager as it more appropriately fits in that section as the Clerk works under the direction of the City Manager.

Commission's discussion ensued regarding the unique duties of the City Clerk position, removing the position from the Charter, removing advice and consent and moving the position and duties to Article V-City Manager.

**a. Staff report**

City Clerk Jeanie Woerner provided historical information on possible reasoning this Section has been contained within the Charter since adoption. The position's reporting authority to the City Manager is outlined in the City's organizational chart, administrative personnel policy, and job description.

**b. Commission Member Discussion and Questions**

Chairman Moorhead brought forth discussion on implications of this being removed. He provided an example that if it is removed and the City Manager hires an unqualified individual, the Council loses the advice and consent for the appointment of the position as a check and balance. Commission discussion ensued further on removing the position entirely as well as removing "advice and consent". Following discussion, Commissioner Moorhead asked for a show of hands to leave Section 3.9 as it currently exists, confirmed by a show of hands. Commissioner Hubach did not show her hand in approval.

**B. Article III, Section 3.10 City Attorney-City Prosecutor**

Chairman Moorhead lead discussion on these two positions and referenced that the Mayor holds power to appoint but does not hold power to remove these positions. He reviewed the positions and held discussion on if the two positions should be removed with a simple majority vote.

Mayor Turnbow and Commission members noted that when this Charter was formed, it was following a difficult time politically with the Mayor, Council and City Attorneys. This would explain why the majority of 6 of 8 of the Council is required to remove the positions. Mayor Turnbow noted 6 of 8 is a deviation from most model charters which are 5 of 8.

Commissioner Stidham noted that the removal contains the language that the Commission has discussed and changed in Section 1.2 regarding the number of a majority of the entire Council. Commission discussion ensued.

Chairman Moorhead asked for a show of hands to change Article III, Section 3.10(a) and (b) from "may be removed at any time with the consent of six (6) out of eight (8) members

of the entire Council.” to “with the consent of five (5) out of eight (8) members of the entire Council.” Confirmed by a show of hands by all present.

**Section 3.10 (c) Qualifications**

**a. Staff report**-None provided

**b. Commission Member Discussion and Questions**

Chairman Moorhead review the existing qualifications for these two positions. No changes recommended.

**Section 3.10 (d) Compensation**

**a. Staff report**-None provided

**b. Commission Member Discussion and Questions**

Chairman Moorhead review compensation for these two positions. No changes recommended.

**C. Section 3.11 Investigations**

**a. Staff report**-None provided

**b. Commission Member Discussion and Questions**

Chairman Moorhead review the investigative powers in this section. He noted that recent legislation may have affected the powers to issue subpoenas, and asked for the City Attorney to provide an opinion in the future. No changes recommended.

**D. Section 3.12 Independent Audit**

**a. Staff report**-None provided

**b. Commission Member Discussion and Questions**

Chairman Moorhead review this section advising that the City does follow auditing procedures outlined in this section. No changes recommended.

## **E. Section 3.13 Legislative Proceedings**

**a. Staff report**-None provided

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

Commissioner Hubach requested Section 3.13 (c) *Voting*, be amended to require all votes are by voice roll call to clarify how votes are cast, to assist the City Clerk in recording same and to hold members accountable for their votes. Discussion ensued regarding the length of time that would be added to each meeting, the number of times a roll call vote is requested on an annual basis, and the need to perform roll call votes. Chairman Moorhead clarified that meetings are video recorded and the Mayor does confirm votes by voice count.

City Clerk Jeanie Woerner provided information that addressed concerns raised by Commissioner Hubach. The City Clerk does ask for clarification of votes that may be in question and consideration of electronic voting mechanisms are being explored for future purposes.

No changes recommended.

## **Section 3.13 (a) Meetings**

**a. Staff report**-None provided

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

Chairman Moorhead asked for any comments in the requirements of calling special meetings. None heard.

## **Section 3.13 (f) Procedure**

**a. Staff report**-None provided

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

Chairman Moorhead noted that under current administrative procedures, a bill that is introduced is read by title only, at a regular Council meeting and the second reading of a bill is performed at the next regular Council meeting. He reviewed the language as written in this section as, "shall be read by title in open Council meeting two (2) times before final passage." He stated with the word "meeting" being written as singular, indicates that a bill could be read two times in the same meeting for passage. He asked for Commission input.

Commission members provided input regarding the transparency of having one reading at two separate meetings, the ability to have additional time after the first reading if further information is needed, and providing a second reading at a separate meeting

provides the opportunity for citizens to learn of legislation being considered by Council. Commissioner Burke suggested adding language to clarify emergency provisions under Section (d).

Chairman Moorhead clarified the suggested language to read, "Every proposed ordinance shall be read by title in open Council meeting two (2) *meeting* times before final passage *unless an emergency is declared under section 3.13 (d)*. Confirmed by a show of hands by all present.

### **Section 3.13 (g) Emergency Ordinances**

**a. Staff report**-None provided

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

Chairman Moorhead asked for input for discussion. No discussion heard or changes recommended.

### **Section 3.13 (h) Effective Date**

**a. Staff report**-None provided

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

Chairman Moorhead provided history on the question of the definition of "receipt" and how the interpretation has been used to manipulate the timeline outlined in this section. He suggested reducing the fourteen (14) days and removing the word "receipt". Commission discussion ensued.

City Attorney Zerr advised that the definition of receipt was actually further defined in Section 110.100 to address the concerns discussed by the Commission.

Commission discussion ensued and Mayor Turnbow noted our sister Charter cities have ten (10) days.

Chairman Moorhead asked for this section be changed to reduce the fourteen (14) days to ten (10) days. Confirmed by a show of hands. Commissioner Hubach did not show her hand in approval.

### **Section 3.13 (i) Authentication and Recording**

No discussion.

## **6. Other.**

Chairman Moorhead stated the next meeting will be December 20.

**7. Public Comments.**

**8. Adjournment.**

**MOTION:** By Commissioner Hubach, second by Commissioner Stidham 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 7:50 p.m.

Respectfully submitted,

Jeanie Woerner  
City Clerk

# Raymore Charter Review Commission

Charter Section	Initial Suggestion
<p>These are the initial areas requested for review</p>	
<p>1.1</p>	
<p>1.2</p>	<p><del>10/4 define Council to 8 Councilmembers plus the mayor define Councilmembers</del>            10-18 section 1.2 strike paragraphs 2 &amp; 3 replace w/language in this set of minutes  <i>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.</i></p> <p><i>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.</i></p>
<p>1.2</p>	<p>pertaining to municipal judge-also duplicate for prosecutor. Further add to both paragraphs on page 2-"nor of the Council hiring the former Municipal Judge/City Prosecutor to serve a new term as Municipal Judge/City Prosecutor"</p>
<p>3.2 Qualifications</p>	<p>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.</p>
<p>3.3 Compensation</p>	<p>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.</p> <p>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.</p> <p>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.</p>

	<p>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</p> <p>OR</p> <p>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.</p>
3.4 Mayor Pro Tem	
3.7	
3.9	remove City Clerk-no changes recommended
3.10 a & b	remove 6 of 8 with 5 of 8
3.11	
3.13d	Quorum. A majority of the <i>sworn members of the.....not recommended -changed in Section 1.2</i>
3.13 (f)	..."shall be read by title in open Council meeting two (2) times before...." CHANGE TO ".... shall be read by title in open Council meeting two (2) <i>meeting</i> times before final passage unless <i>an emergency is declared under Section 3.13 (d)</i> "
3.13(h) Effective Date	"....disapprove the same within fourteen (14) REPLACE WITH ten (10) days of receipt....."
4.2(b)	mirror qualifications outlined in Council 3.2(b)-City requirements
4.3	mirror compensation as outlined in 3.3 for council
4.4(a)	remove....right to vote in the case of a tie (period) remove with the exception of the hiring firing of the CA, CPA and CM.....
4.4(c)	14 days of receipt change as per 3.13(h) in 2 locations

## **SECTION 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.~~

## **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.

### **SECTION 3.13 LEGISLATIVE PROCEEDINGS (f)**

*Procedure.* Every proposed ordinance shall be read by title in *two (2) separate*, open Council meetings *two (2) times* before final passage *except unless the Bill is declared an emergency in Section 3.13 (g).* *Every proposed Resolution may be read by title and approved by the Council in a single open meeting.* A copy of each proposed ordinance shall be provided for each Councilmember at the time of its inclusion on the agenda, and at least three (3) copies of each proposed ordinance shall be provided for public inspection in the office of the City Clerk until it is finally adopted or fails of adoption. Persons interested in a proposed ordinance *or resolution* shall be given an opportunity to be heard before the Council in accordance with such rules and regulations as the Council may adopt.

\*\*regular italics approved on 12/6 by show of hands

\*\*regular italics w/highlight would be staff recommended language for clarity