



AGENDA

Raymore Charter Review Commission Meeting
City Hall – 100 Municipal Circle
Executive Conference Room
January 3, 2017

6:00 p.m.

1. Call to Order and Confirmation of Quorum.

2. Pledge of Allegiance.

3. Approval of Minutes.

- December 20, 2016 Commission minutes

4. Unfinished Business

A. City Attorney recommends formal action by motion and vote on Article III, Section 3.2(b) qualifications.

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

B. City Attorney recommends formal action by motion and vote on Article III, Section 3.3 Compensation-continued discussion-(postponed from November 15, December 6 and December 20)

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

C. City Attorney recommends formal action by motion and vote on Article III, Section 3.7(b) Forfeiture of Office-continued discussion--(postponed from November 15 and December 6, December 20)

- 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 20, 2016 IN COUNCIL CHAMBERS AT 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI. COMMISSIONERS PRESENT: ACKLIN, BURKE, III, CASTLEMAN, DAREING, HUBACH, MOORHEAD, STIDHAM, WIGGINS, AND WILSON, CITY MANAGER JIM FEUERBORN, 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-December 6, 2016.

MOTION: By Commissioner Hubach, second by Commissioner Castleman to approve the December 6, 2016 minutes as amended and presented.

DISCUSSION: None

VOTE:	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. 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

City Attorney Jonathan Zerr recommended the Commission take 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 at the December 6, 2016 Commission meeting.

MOTION: By Commissioner Moorhead, second by Commissioner Wiggins to formally adopt changes to Sections 3.13 (f) and (h) to read:

3.13 (f) Procedure. Every proposed ordinance shall be read by title in *two (2) separate*, open Council meetings two (2) times before final passage *unless the Bill is declared an emergency in Section 3.13 (g)*. 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 shall be given an opportunity to be heard before the Council in accordance with such rules and regulations as the Council may adopt.

3.13 (h) Effective Date. Every adopted ordinance and resolution shall become effective immediately upon passage, adoption and approval by the Mayor (including deemed approval by the Mayor failing to either sign or disapprove the same within ~~fourteen (14)~~ *ten (10)* days of receipt,"

DISCUSSION: None

VOTE:	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

MOTION: By Commissioner Moorhead, second by Commissioner Wiggins to formally adopt changes to Sections 3.10 (a) and (b) to read:

3.10 (a) The City Attorney may be removed at any time with the consent of ~~six (6)~~ *five (5)* out of eight (8) members of the entire Council.

3.10 (b) Any Prosecuting Attorney may be removed at any time with the consent of ~~six (6)~~ *five (5)* out of eight (8) members of the entire Council.

DISCUSSION: None

VOTE:	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 III, Section 3.2(b) qualifications-continued discussion-(postponed from November 1 and December 6)

a. Staff report

City Attorney Jonathan Zerr suggested language on qualifications which has been discussed by the Commission on prior occasions. Suggested language (provided below) that contains only City oriented requirements for qualifications has been provided in the meeting materials.

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.~~

b. Commission Member Discussion and Questions

Chairman Moorhead stated that by listing only City qualifications, eliminates any conflict if changes were made to qualifications as required by State Statute. The reference in the proposed language to RSMo satisfies this concern. No discussion from Commission members was heard. No formal motion or vote heard.

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

a. Staff report

City Attorney Jonathan Zerr stated proposed language has been provided in the meeting packet. (provided below) The language as drafted would allow for annual increases to be set according to the consumer price index (CPI).

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.

City Manager Jim Feuerborn stated the draft language has been prepared based on discussions of the Commission. Changes include removing the word "annual", adding automatic increases, and defines when pay begins and ends. The increase would be based on a 12 month, June to May time frame, based on the Mountain Plains CPI. The time of June to May, allows for the City Manager to budget for such increases for the following budget year.

b. Commission Member Discussion and Questions

General discussion ensued. The Commission postponed discussion to January 3, 2017 in order to move to the next agenda item.

D. Article III, Section 3.4 Mayor Pro Tempore-continued discussion (postponed from November 15 and December 6)

a. Staff report

City Attorney Jonathan Zerr explained the draft language provided is based on prior conversations of the Commission to address concerns of the temporary absence of the Mayor and voting powers. (provided below) Draft language in option one addresses the Mayor's absence and/or disability and also allows reference to specific City Code provisions which outline duties and responsibilities of the Mayor Pro Tempore during the

physical absence of the Mayor. Option two provides an outline of the duties of the Mayor Pro Tempore, addresses the temporary absence vs. vacancy of the office of Mayor, and further defines the voting rights of the Mayor Pro Tempore in a temporary absence scenario as well as the voting rights of the Mayor Pro Tempore in the case of a vacancy of the Mayor position.

SECTION 3.4: - MAYOR PRO TEMPORE

Option one--

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

Option two--

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.***

b. Commission Member Discussion and Questions

Councilmember Hubach asked for clarification on the language in option two and powers provided to the Mayor Pro Tem.

Mr. Zerr stated the language as written in option two does not give the Mayor Pro Tempore any veto power in the temporary absence of the Mayor. The Mayor, in a temporary absence, maintains the right to veto or to overturn action made by the Mayor Pro Tempore in the Mayor's temporary absence. In the case of a vacancy of the seat of Mayor, the language is written to provide the Mayor Pro Tempore, as acting Mayor, the right to break a tie and the right to veto, but the Mayor Pro Tempore would not retain his vote as a member of the Council.

Commission discussion ensued.

MOTION: By Commissioner Hubach, second by Commissioner Dareing to accept the language identified in option two.

DISCUSSION: None

VOTE:	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

E. Article III, Section 3.7(b) Forfeiture of Office--(postponed from November 15 and December 6) directed staff to bring language to include ethical violations

a. Staff report

City Attorney Jonathan Zerr stated staff offers no changes with the opinion that Section 3.8, Judge of Qualifications provides Council the authority to enforce the forfeiture of office qualifications as defined in Section 3.7(b).

b. Commission Member Discussion and Questions

Chairman Moorhead lead discussion on the forfeiture or removal of office for violations of ethical conduct.

Mr. Zerr suggested staff bring forth suggested language to Section 3.7 by adding a subsection to reference the forfeiture of office due to violations of ethical conduct with a cross reference to City Code at the January 3, 2017 meeting.

F. Article III, Section 3.11 Investigations (opinion from City Attorney regarding the issuance of subpoena)

a. Staff report

City Attorney Jonathan Zerr reported that his investigation has determined that Council does have the authority to issue subpoenas. If subpoenas are not complied with, enforcement would be by Circuit Court.

City Manager Jim Feuerborn stated staff is concurrently doing a comprehensive City Code review alongside of the Charter Review, to incorporate the Commission's changes as well as staff suggested changes. He stated the particular section of City Code that further outlines investigations and powers, received extensive staff discussion. He strongly suggested the Commission not make changes to this Section. Commission discussion ensued and no action or further suggested action at this time was heard.

Chairman Moorhead stated due to the hour, New Business for the January 3, 2017 meeting would begin with Article IV and Article V.

5. New Business.

A. Article IV, Mayor

B. Article V, City Manager

6. Other.

City Attorney Jonathan Zerr referenced the chart provided in the meeting packet that outlines changes the Commission has recommended as of December 6. There are approximately 11 areas of Charter that the Commission has recommended changes. He encouraged the Commission to be mindful of the number of proposed amendments, stating the changes still need to be approved by the Council as recommended to voters, and keep in mind the voters might be leary of a large number of changes.

Mr. Feuerborn further advised the Commission that procedurally, the timeline is at 25% near the Commission's timeframe for final review.

Chairman Moorhead stated the next meetings will be January 3 & 17, 2017.

7. Public Comments.

8. Adjournment.

MOTION: By Commissioner Wiggin, second by Commissioner Dareing to adjourn.

VOTE:	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 7:21 p.m.

Respectfully submitted,

Jeanie Woerner
City Clerk

Charter Review Commission January 3, 2017 staff report items:

UNFINISHED BUSINESS REPORTS:

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 **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 XXXXXXXX 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 January - December of each year. In no event, shall any automatic increase become effective for a Councilmember until the commencement of his/her term of office.

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 3.7: - 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: ,
or
 - (6) Or violates terms and provisions of the Code of Conduct for Elected Officials as contained in the Raymore City Code.**
- (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.

NEW BUSINESS REPORTS:

SECTION 4.2: - QUALIFICATIONS—ELECTION AND TERM

- (a) *Qualifications.* The Mayor shall have reached twenty-five (25) years of age 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 immediately preceding election and a qualified voter, shall remain a resident and qualified voter of the City 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 4.3: - COMPENSATION

The Council may determine the annual compensation of the Mayor 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 the Mayor until the commencement of a new term of office.~~

The Mayor compensation shall be as established by ordinance as of XXXXXXXX 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 January - December of each year. In no event, shall any automatic increase become effective for Mayor until the commencement of his/her term of office.

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 4.4: - POWERS AND DUTIES

The Mayor shall have the following powers and duties:

- (a) *Council meetings.* The Mayor shall preside at meetings of the Council, and the Mayor shall have the right to vote in the case of a tie, with the exception of the hiring and firing of the City Attorney, City Prosecuting Attorney and City Manager. The Mayor may call special meetings of the Council as provided in Section 3.13(a).
- (b) *State of the City.* The Mayor shall at least annually present to the Council information as to the affairs of the City and any recommendations that he/she has for the improvement of the City and its affairs.
- (c) *Veto.* An ordinance or resolution adopted by the Council shall be presented to the Mayor for the Mayor's approval. The Mayor shall either sign the same or, within **ten (10)** ~~fourteen (14)~~ days of receipt of the ordinance or resolution, return it with a written statement of the Mayor's reasons for disapproval. Ordinances or resolutions vetoed by the Mayor shall be considered at the next regular meeting of the Council, and the Council may pass the ordinance or resolution over the veto by an affirmative vote of three-fourths ($\frac{3}{4}$) of the entire Council. If any ordinance or resolution be neither signed nor returned by the Mayor within **ten (10)** ~~fourteen (14)~~ days of receipt by the Mayor, the same shall be deemed approved by the Mayor as if the Mayor had signed it.