

City of Raymore, Missouri



Charter Review Commission Revised Final Report and Recommendations

July 17, 2017

Raymore Charter Review Commission 2016 – 2017

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EXHIBIT A

TABLE OF CONTENTS

	<i>Charter Review Commission History</i>	4
	<i>Creation of the Commission</i>	4-5
	<i>Summary of Recommended Amendments</i>	6
I.	<i>Recommended Amendment to Definitions</i>	6
II.	<i>Recommended Amendments to City Council Qualifications, Compensation, Leadership and Vacancies of Office</i>	7
III.	<i>Recommended Amendments Pertaining to the Discharge of City Attorney and City Prosecutor</i>	10
IV.	<i>Recommended Amendments for Legislative Proceedings</i>	11
V.	<i>Recommended Amendments for Executive Powers</i>	12
VI.	<i>Recommended Amendments for the Appointment and Terms of the City Manager</i>	15
VII.	<i>Recommended Amendments for Nominations and Municipal Elections</i>	16
VIII.	<i>Recommended Amendments for Initiative, Referendum and Recall Petitions</i>	17
IX.	<i>Recommended Amendment to General provisions Related to Charter</i>	18
	<i>Recommended Ballot Language</i>	20
	<i>Conclusion</i>	24

Charter Review Commission History

Present Form of Government

Prior to 1997, the City of Raymore was a Fourth Class City with a mayor, a six-member board of aldermen, and a city administrator.

In November 1997, the City's voters adopted a Home Rule Charter for the City. That Charter provided for a Mayor, an eight-member City Council and a City Administrator. In November 2008, the City Council recommended a Charter amendment which changed the title of City Administrator to City Manager. The Mayor is elected for a term of three years. The City Council is made up of eight Councilmembers, two of whom are elected from each of the City's four wards. Councilmembers are elected for terms of two years, with one Councilmember from each ward coming up for election each year. Under the Charter, the City Council is charged with governing the City.

Creation of the Charter Review Commission

Section 14.8 of the City's Charter states:

From time to time, but no less than every ten (10) years, the Council shall provide for a Charter Review Commission to review the Charter and to recommend to the voters of the City proposed amendments, if any, to this Charter. The members of the Charter Review Commission shall be selected as provided by the Council. The Charter Review Commission shall consist of nine (9) qualified voters of the City, not more than three (3) of whom shall be an elected official of the City. No more than three (3) of the Commission members shall reside in any one (1) Council ward. The Charter Review Commission shall, within twelve (12) months of its first (1st) meeting, report to the voters as many amendments to the Charter as it shall deem advisable.

The first Charter Review Commission was established in 2007 and conducted its review of the Charter beginning in September of that year and concluded work and reported recommendations to the City Council in May, 2008. All those recommendations were accepted by the City Council and resulted in twelve (12) ballot measure questions being placed before the voters in August, 2008. All twelve ballot measures passed. A copy of Ordinance 28083 certifying the election results with the ballot measure language is attached to this report as Exhibit A.

On May 23, 2016, by Resolution 16-27, the City Council established a procedure for establishment of the second Charter Review Commission and for selecting members to serve on the Commission. By Resolution 16-40, on August 22, 2016, the City Council formally established the Charter Review Commission and appointed the Commissioners to be serving.

EXHIBIT A

The Charter Review Commission held its first meeting on September 8, 2016. At that meeting the Commission introduced themselves, heard opening remarks from the Mayor, and selected a chair and vice-chair. The Commission established a meeting time and schedule of 6:00 p.m. on the first and third Tuesday of each month.

The agenda for the second meeting of the Commission consisted of a legal overview and history of the Charter from city staff. Following that, the Commission discussed the manner in which they would like to proceed with the Charter review. The Commission determined that they would conduct the Charter review by doing an in-depth review of each section of the Charter and take the sections in order first to last. Recommended changes would be voted on by the Charter Commission with a simple majority vote necessary to bring the recommendation forward. Future areas of the Charter impacted by Commission discussion would be noted by staff and added to the agenda at the future date when that section was being addressed.

Following its in-depth review of each identified section, the Commission decided what changes, if any, to recommend to the voters for their consideration. Those recommendations are set out in this report.

EXHIBIT A

Summary of Recommended Amendments

I. **Recommended Definition Amendment.** The Commission gave careful consideration to the Definitional provisions under Article I, Section 1.2 of the Charter. The review identified a number of recommended amendments in order to clarify voting requirements outlined within the Charter, avoid any misinterpretation of terms or language and to create a consistent application of terms throughout the Charter.

A. The following amendment of the Definitions under Section 1.2 are recommended to the voting requirements for actions by the City Council and Mayor, to provide clarification for the vote of a majority of Councilmembers versus the vote of all the Councilmembers:

The Commission recommends deletion and replacement of Section 1.2, sub-paragraphs 2 and 3 as follows:

~~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 a majority of a quorum of the 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 present. 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 Section 4.4 of this Charter.

Justification. During its review of the Charter, the Commission found some of the language or terms used throughout the Charter might be open for misinterpretation as it related to the voting requirements between the City Council and the Mayor's power to break ties. To clarify the meaning of terms for voting purposes, the Commission is recommending the foregoing alteration to specifically reference the limited tie-breaking authority of the Mayor and to distinguish the requirements for a vote of the full Council, versus approval by a majority of a quorum of the Council.

B. The following amendment of the Definitions under Section 1.2 are recommended to clarify the ability of a municipal judge who otherwise meets all other qualifications to run for Mayor or the City Council:

EXHIBIT A

Amend Article 1.2 sub-paragraph 9 as follows:

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 Mayor or Councilmember 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.**

Justification. During its review of the Charter, the Commission expressed a need to clarify the ability of the Council to rehire a former Municipal Judge to serve a new term as Municipal Judge, in spite of the prohibition for other types of municipal employment. The foregoing language was proposed to address the same.

C. The following addition to the Definitions under Section 1.2 are recommended to clarify the ability of the City Prosecuting Attorney who otherwise meets all other qualifications to run for Mayor or the City Council:

Adding the following sub-paragraph 10 as follows:

Any prohibition against a former City Prosecuting Attorney holding City employment until one (1) year after the expiration of the term for which the City Prosecuting Attorney was appointed shall not be deemed to prohibit a former City Prosecuting Attorney from running for Mayor or Councilmember within one (1) year after the expiration of the City Prosecuting Attorney's contract with the City nor of the Council hiring the former City Prosecuting Attorney to serve a new term as Prosecuting Attorney.

Justification. During its review of the Charter, the Commission expressed a need to clarify the ability of the City Prosecuting Attorney to serve on the City Council or as Mayor following their terms in spite of the prohibition for other types of municipal employment. The foregoing language was proposed to address the same.

II. Recommended Amendments to the City Council Qualifications, Compensation, Leadership and Vacancies of Office. The Commission spent a significant amount of time discussing the powers, obligations and duties of the Council under the Council-Manager form of governance. The discussion has resulted in a number of recommended amendments to the City Charter in order to clarify the qualifications for Councilmembers in alignment with state statute, establish a standardized structure for discussion by Council of potential increases in compensation, provide for the authority of the Mayor Pro Tempore during a temporary absence of the Mayor and/or a permanent vacancy in the office of Mayor, provide clarification on attendance requirements of Councilmembers and allow forfeiture of office for violations of the Code of Conduct for Elected Officials.

EXHIBIT A

A. The following amendment is recommended to comply with state statutory provisions for qualifications of Councilmembers and to conform with any future statutory requirements imposed by the legislature.

Amend Article III, Section 3.2(b) as follows:

(b) 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 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 Section 115.306 RSMo, as amended.** ~~liens or forfeitures and shall not have been found guilty of or plead guilty to a felony.~~

Justification. It was determined by the Commission that including the requirement for U.S. citizenship and referencing the statutory provisions for all elected officials within the State of Missouri under Section 115.306 of the Revised Statutes of Missouri would bring the Charter into compliance with state law and allow it to continue being compliant if changes are ever adopted by the Missouri legislature. This change allows the Charter to detail city specific qualifications while providing flexibility should state law change.

B. The following amendment is recommended to require an annual discussion for compensation of Councilmembers. Commission members discussed the obstacles for elected officials to vote for pay increases while in office, have proposed the following to require an annual discussion for compensation of Councilmembers, and to clarify when compensation for service as a Councilmember is to commence and end.

Amend Article III, Section 3.3 as follows:

The Council may determine the annual compensation of Councilmembers by ordinance, but no ordinance changing such compensation shall become effective for a councilmember until the commencement of his/her new term of office. **On at least an annual basis, the compensation of Councilmembers shall be placed upon an agenda and discussed by the Council at a work session to determine the need for any alterations.**

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.

Justification. During review, the Commission discussed issues related to increasing individual Councilmember pay and the potential questions for when compensation is to begin and end. The Commission has recommended the foregoing revisions to require an annual

EXHIBIT A

discussion for compensation of Council and to clarify the starting and ending dates for compensation.

C. The following amendment clarifies the role of the Mayor Pro Tem when serving during the physical absence of the Mayor and following the declared vacancy in the seat of the Mayor. These changes would also correlate with the alterations made under the Definitions section 1.2 of the Charter as to voting rights.

Amend Article III, Section 3.4 as follows:

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 Tempore 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.**

Justification. The Commission identified a need to distinguish and clarify the role of the Mayor Pro Tempore during the absence of the Mayor. In doing so, it was determined that two (2) distinct circumstances should be addressed. First, the physical temporary absence of the Mayor from the City which would allow the Mayor to maintain his veto power and not relinquish the same to the Mayor Pro Tempore. Second, the more final determination of vacancy in the Mayor's seat due to death, disability or resignation which would allow the Mayor Pro Tempore to exercise both the veto power and the tie-breaking power of the Mayor until the vacancy is filled by an election.

D. The Commission discussed vacancies in the roles of the City Council and Mayor at length including the process by which a Council or Mayoral seat is declared vacant, and the basis upon which a member of the Council or the Mayor may forfeit their seat. The following amendment would allow for a declaration by the Council of a vacancy due to forfeiture and allow for forfeiture of the seat due to violations of the Code of Conduct for Elected Officials.

Amend Article III, Section 3.7(b) as follows:

(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

EXHIBIT A

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 **or work sessions** during any twelve (12) month period without being excused by the Council-, **or**
- (6) Violates terms and provisions of the Code of Conduct for Elected Officials as contained in the Raymore City Code.**

Justification. The Commission considered the basis for Councilmember forfeiture of their office and the potential for misinterpretation of regular meetings. It was determined by the Commission that the 25% attendance requirement should apply to regular meetings or work sessions of the Council. It was also determined that standards of conduct and the adopted Code of the same should be incorporated as a requirement for any Councilmember.

III. Recommended Amendments for the discharge of the City Attorney and City Prosecutor. The Commission considered the provisions for retention and discharge of the City Attorney and the City Prosecutor. They have recommended an alteration allowing for discharge of each position based upon five (5) votes of the Council as opposed to six (6) votes of the Council.

The Commission recommends amending Article III, Section 3.10(a) as follows:

(a) *City Attorney.* The City shall retain the services of an attorney or law firm to serve as City Attorney. The City Attorney shall be appointed by the Mayor with the advice and consent of six (6) out of eight (8) members of the entire Council. The City Attorney shall serve as the chief legal advisor to the Mayor, the Council, administrative staff and all the City departments, offices and agencies, shall represent the City in all legal proceedings and shall perform any other duties prescribed by law, by this Charter, by ordinance, or as may be required of the City Attorney by the Mayor, Council or City Manager. The person appointed shall serve for a term of two (2) years, and nothing shall preclude a person from serving successive terms. 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.

The Commission recommends amending Article III, Section 3.10(b) as follows:

EXHIBIT A

(b) *Prosecuting Attorney.* The City shall have one (1) or more Prosecuting Attorneys appointed by the Mayor with the advice and consent of six (6) out of eight (8) members of the entire Council. The Prosecuting Attorney(s) shall prosecute violations of the City ordinances before the Municipal Court. Any person appointed shall serve for a term of two (2) years, and nothing shall preclude a person from serving successive terms. 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.

Justification. The foregoing amendments are recommended by the Commission to allow for easier removal of the City Attorney and/or City Prosecutor by a simple majority vote of the entire Council while retaining the same super-majority of Council votes to retain the services of a City Attorney and/or City Prosecutor. The Commission determined that the proposed amendments will allow for greater flexibility and responsiveness for each role and may help to avoid any unnecessary delay in the event that a change is required.

IV. Recommended Operational Amendments for Legislative Proceedings. The Commission discussed potential confusion in the language utilized for the procedure on adopting ordinances by the Council, including the requirements for an emergency passage of a bill and the timing for the Mayor to exercise the veto power. Under current Charter language, the exception for emergency readings is not clearly identified. Similarly, the veto power of the Mayor was determined to be too long for effective governance given the regular Council meetings every other Monday.

A. The following amendment to the City Charter has been recommended by the Commission to clarify the operation and process for approval of ordinances.

Amend Article III, Section 3.13(f) as follows:

(f) Procedure. Every proposed ordinance shall be read by title ~~in open Council meeting two (2) times~~ **in two (2) separate, open Council meetings two (2) times** before final passage **unless the Bill is declared an emergency under 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 or 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.

Justification. The Commission is proposing an amendment to clarify the process for voting on ordinances by a standard procedure of the Council at two separate meetings, or an alternative emergency method to allow a final vote by the Council at a single meeting.

B. The following amendment to the City Charter is recommended by the

EXHIBIT A

Commission to clarify the operation and process for effective dates of ordinances approved by the Council.

Amend Article III, Section 3.13(h) as follows:

(h) Every adopted ordinance and resolution shall become effective immediately upon passage, adoption and approval by the Mayor (including deemed approved by the Mayor failing to either sign or disapprove the same within ~~fourteen (14)~~ ten (10) days of receipt as provided in Section 4.4(c), or any later date specified therein).

Justification. The Commission is proposing this amendment which shortens the timeframe that the Mayor can veto an ordinance or resolution. The Commission considered this issue and believes that the ten (10) day timeframe for acceptance or rejection of any ordinance or resolution by the Mayor will allow the Council to reconsider a matter and override the veto of the Mayor at the next regular Council meeting without unnecessary delay.

V. Recommended Amendments for the Executive Powers.

The Commission discussed the powers, obligations and limitations imposed by the Charter on the office of the Mayor under the Council-Manager form of governance currently adopted by the City. These discussions resulted in six (6) proposed changes to the Charter. The changes include the removal of antiquated language applicable to civil defense, aligning the qualifications for Mayor to the recommended changes for Councilmembers, aligning the required discussion of compensation adjustments to the recommended changes for Council members, the Mayoral right to vote for tie-breaking purposes, the limitation on the Mayoral right to veto ordinances and resolutions within ten (10) days, to the recommended alterations under Article III, Section 3.13(h) above, and the forfeiture of office.

A. The following amendment is recommended to remove what the Commission identified as antiquated and superfluous language within the Charter as it relates to the authority of the Mayor under military law.

Amend Article IV, Section 4.1 as follows:

The executive power in the City shall be vested in a Mayor who shall be recognized as the head of the City for all legal and ceremonial purposes ~~and by the Governor of Missouri for all purposes of military law.~~

Justification. Military law addresses the authority of the United States armed forces. The Commission determined in its review of the pertinent language that the authority of the Governor over the Mayor, elected officials, and all citizens in the State of Missouri, are established by the Missouri Constitution and do not require further identification within the Charter.

B. The following amendment is recommended to comply with state statutory provisions for qualifications of Mayors and elected officials and to conform with any future

EXHIBIT A

statutory requirements imposed by the legislature.

Amend Article IV, Section 4.2(a) as follows:

(b) 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 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 Section 115.306 RSMo, as amended.** ~~liens or forfeitures and shall not have been found guilty of or plead guilty to a felony.~~

Justification. It was determined by the Commission that including the requirement for U.S. citizenship and referencing the statutory provisions for all elected officials within the State of Missouri under Section 115.306 of the Revised Statutes of Missouri would bring the Charter into compliance with state law and allow it to continue being compliant if changes are ever adopted by the Missouri legislature. This change allows the Charter to detail city specific qualifications while providing flexibility should state law change.

C. The following amendment is recommended to require an annual discussion for compensation of Mayor (as recommended for the Council under Article III, Section 3.3 above). Commission members discussed the obstacles for elected officials to vote for pay increases while in office, and have proposed the following to require an annual discussion for compensation of Mayor and to clarify when compensation for service as a Mayor is to commence and end.

Amending Article IV, Section 4.3 as follows:

The City Council may determine the annual compensation of Mayor by ordinance, but no ordinance changing such compensation shall become effective for the Mayor until the commencement of a new term of office. **On at least an annual basis, the compensation of the Mayor shall be placed upon an agenda and discussed by the Council at a work session to determine the need for any alterations.**

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.

Justification. During review, the Commission discussed issues related to increasing Mayoral pay and the potential questions for when compensation is to begin and end. The Commission has recommended the foregoing revisions to require an annual discussion for compensation of Mayor and to clarify the starting and ending dates for compensation.

D. The following amendment is recommended to clarify the tie-breaking voting

EXHIBIT A

power of the Mayor for any tie-vote of the Council.

Amend Article IV, Section 4.4 as follows:

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, the City Prosecuting Attorney and City Manager.~~ The Mayor may call special meetings of the Council as provided in Section 3.13(a).

Justification. The Commission reviewed this section in the light of recommended changes under section 1.2 of the definitions regarding the Mayor's right to break a tie vote of the Council and determined that the included language was no longer necessary.

E. The following amendment to the City Charter is recommended by the Commission to clarify the operation and process for effective dates of ordinances approved by the Council, and in accordance with the recommendation under Article III, Section 3.13(h) above, to limit the Mayoral right to veto ordinances and resolutions within ten (10) days.

Amend Article IV, Section 4.4(c) as follows:

(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 ~~fourteen (14)~~ **ten (10)** 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 (3/4) of the entire Council. If any ordinance or resolution be neither signed nor returned by the Mayor within ~~fourteen (14)~~ **ten (10)** days of receipt by the Mayor, the same shall be deemed approved by the Mayor as if the Mayor had signed it.

Justification. The Commission recommends the proposed amendment to shorten the timeframe within which the Mayor can veto an ordinance or resolution. The Commission considered this issue and believes that the ten (10) day timeframe for acceptance or rejection of any ordinance or resolution by the Mayor will allow the Council to reconsider a matter for potential override at the next regular Council meeting, within two (2) weeks of its passage.

F. The Commission discussed the potential vacancy in the office of the Mayor including the process by which a Mayoral seat is declared vacant, and the basis upon which the Mayor may forfeit their seat. The following amendment would allow for a declaration by the Council of a vacancy due to forfeiture and allow for forfeiture of the office of Mayor due to violations of the Code of Conduct for Elected Officials.

Amend Article IV, Section 4.6(b) as follows:

EXHIBIT A

(b) Forfeiture Of Office. The Mayor shall forfeit his/her office **and the Council shall, after procedures set forth in Section 3.8, declare their seat vacant** if the Mayor:

- (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 **or work sessions** during any twelve (12) month period without being excused by the Council-, **or**
- (6) Violates terms and provisions of the Code of Conduct for Elected Officials as contained in the Raymore City Code.**

Justification. The Commission considered the basis for forfeiture of the office of the Mayor and the potential for misinterpretation of regular meetings. It was determined by the Commission that the 25% attendance requirement should apply to regular meetings or work sessions of the Council. It was also determined that standards of conduct and the adopted Code of the same should be incorporated as a requirement for the Mayor.

VI. Recommended Amendments for the Appointment and Term of the City Manager. The Commission considered the appointment process and term for the City Manager. The Commission considered information regarding the current term for the City Manager's contract and the process utilized for the same which requires yearly reviews and a set term of years.

Amend Article V, Section 5.1 as follows:

There shall be a City Manager appointed by the Mayor with the advice and consent of six (6) out of eight (8) members of the entire City Council. The City Manager and the Acting City Manager, should the position of City Manager become vacant, shall be appointed solely on the basis of such person's executive and administrative qualifications. ~~The person appointed shall serve for an indefinite term.~~ The City Manager may be removed with the consent of six (6) out of eight (8) members of the entire Council. The City Manager shall be compensated as established by the Council. The person appointed to the office of the City Manager shall become a resident of and reside within the City limits within one (1) year of appointment and possess qualifications provided by

EXHIBIT A

ordinance. The residency requirement may be waived by a three-fourths (3/4) vote of the entire Council.

Justification. Based upon the requirement of the yearly review and a set terms of years, the Commission is recommending removal of the indefinite term for the City Manager.

VII. Recommended Amendments for Nominations and Municipal Elections. The following amendments to the City Charter are recommended to clarify the induction of newly elected Councilmembers by oath of office at the commencement of their term and to allow for a duly elected Councilmember to continue service for a set period of time following the alteration of ward boundaries which would place them outside their original ward.

A. The Commission discussed the process used in determining election results and inducting newly elected officials at the next regularly scheduled Council meeting following an election. The Commission also discussed the commencement of an official's term in light of their compensation. The following amendment would require the administration of an oath of office prior to commencement of the term and any compensation for newly elected officials.

Amend Article IX, Section 9.3 as follows:

The Council shall declare the results of any municipal election, regular or special, at the next regularly scheduled Council meeting following such election. As the first order of business at that meeting, the candidate receiving the highest number of votes for each office shall be declared elected and inducted into office ~~at that time~~ **by oath.**

Justification. Utilizing the oath of office allows for a clear demarcation in when a Councilmember term begins, and when the corresponding compensation for service in that position should commence. This would allow for the previous seated official to continue serving until the oath is administered to the newly elected official.

B. The Commission discussed the impact of the decennial census, the realignment of Council wards and the potential for displacement of an elected Councilmember, Board or Commission member due to alteration of ward boundary lines. The Commission sought to address the concern through an amendment allowing for a displaced individual to retain their seat for the earlier of, the remainder of their term or the next regular or special election.

Amend Article XI, Section 9.4 as follows:

There shall be four (4) wards, bounded and numbered as established by the Council. ward boundaries shall be established by ordinance following each decennial census. wards shall comprise compact and contiguous territory and shall contain, as nearly as possible, an equal number of inhabitants. **Councilmembers displaced following the realignment of ward boundaries shall serve for the earlier of the remainder of their terms or the next regular**

EXHIBIT A

or special municipal election, or until their deaths or resignations. Members of any Commission or Board appointed to represent individual City Council wards who are displaced following the realignment of ward boundaries shall serve for the remainder of their terms.

Justification. The Commission deemed it appropriate for Councilmembers, and Board and Commission members to retain realigned seats as a result of the decennial census in consideration of costs and consistency of governance. The Commission sought to solve the potential conflict in qualifications.

VIII. Recommended Amendments for Initiative, Referendum and Recall Petitions. The Commission is recommending two (2) changes to the City Charter as it relates to the initiative, referendum and recall petitions. These proposed amendments would require that petitions contain the registered address for each voter and the date of their signature, and increase the time for the City Clerk to complete a certification on any supplemental petition.

A. The Commission is recommending that the City Charter be amended to require that any petition for recall, referendum or initiative include the voter registration address for each person that signs the same, along with the date of their signature.

Amend Article X, Section 10.3 as follows:

All papers or a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by ~~the~~ **their voter registration address and date** of the person signing. Initiative and referendum petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered. A recall petition shall state the name and title of office of the elected official sought to be recalled. No petition shall seek the recall of more than one (1) officer, but several propositions for recall may be separately submitted at the same election on the same ballot.

Justification. The Commission is recommending this amendment to aid in the verification of any petition signatures for initiative, referendum, or recall petition are a registered voter at the actual physical address rather than a PO Box or income property at the date of signature.

B. The Commission is recommending that the City Charter be amended to increase the number of days the City Clerk has to certify sufficiency of any supplemental recall, initiative or referendum petition from five (5) days to ten (10) days.

Amend Article X, Section 10.4 as follows:

Within thirty (30) calendar days after the petition is filed, the City Clerk shall complete a certificate to the petition's sufficiency, specifying, if its insufficient, the particulars wherein it is defective and shall promptly send a copy of the

EXHIBIT A

certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the City Clerk within two (2) business days after receiving the copy of the City Clerk's certificate and files a supplement to the petition within ten (10) calendar days after receiving the copy of such certificate. Such supplement to the petition shall comply with the requirements of Subsection (b) and (c) of Section 10.3, and within ~~five (5)~~ **ten (10)** business days after it is filed, the City Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified insufficient and the petitioners' committee does not amend within the time required, the City Clerk shall promptly present the City Clerk's certificate to the Council, and the Certificate then shall be a final determination as to the sufficiency of the petition.

Justification. The Commission is recommending the foregoing City Charter amendment based upon information submitted by the City Clerk, in consultation with the County Clerk, to increase the number of days that the City Clerk has to certify sufficiency of any supplemental recall, initiative and referendum petitions. Five days might not be sufficient for verification of signatures.

IX. Recommended Amendment to General Provisions Related to Charter Amendments. The Commission is recommending an amendment to the City Charter as it relates to the petitions to amend the Charter. The proposed amendment would allow five additional days for verification of signatures on any supplemental petitions.

Amend Article XIV, Section 14.7(f) as follows:

(f) Procedure for Certifying Petition. In the event that a petition signed by not less than ten percent (10%) of the qualified votes of the City is submitted for a Charter amendment to the City Clerk, the City Clerk shall, within thirty (30) calendar days after the filing of the petition, complete a certificate as to the petition's sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended if the petitioners' committee files a notice of intention to amend it with the City Clerk within two (2) business days after receiving the copy of the City Clerk's certificate and files a supplement to the petition within ten (10) calendar days after receiving the copy of such certificate. Such supplement to the petition shall comply with the requirements as outlined above, and within ~~five (5)~~ **ten (10)** business days after it is filed, the City Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified insufficient and the petitioners' committee does not amend it within the time required, the City Clerk shall promptly present the City Clerk's certificate to the Council, and the certificate shall then be a final

EXHIBIT A

determination as to the sufficiency of the petition.

Justification. This amendment would align the timeframe for the City Clerk, in consultation with the County Clerk, to certify any supplemental petition for Charter amendments with the recommended amendments for supplemental initiative, referendum and recall petitions.

EXHIBIT A

Recommended Ballot Language

Question 1. Shall the Charter of the City of Raymore be amended to clarify terminology regarding the voting requirements for a “vote of the Council” (meaning a vote of a majority of a quorum) and a “vote of the entire Council” (meaning the vote of a majority of all eight (8) councilmembers)?

Question 2. Shall the Charter of the City of Raymore be amended to clarify the ability of the City Council to rehire a former Municipal Judge for a new term as Municipal Judge in spite of the prohibition for other types of municipal employment?

Question 3. Shall the Charter of the City of Raymore be amended to clarify the ability of a former municipal prosecutor to run for the office of Mayor or a City Council seat within one (1) year from the discontinuation of their employment term with the City or be re-hired as the City Prosecutor for a new term?

Question 4. Shall the Charter of the City of Raymore, Article III, City Council and Article IV, Mayor, be amended in various sections to:

- (a) Require that the Mayor and City Council members be citizens of the United States, not subject to City liens or forfeitures, and compliant with all statutory requirements for service as an elected official, and
- (b) Require that the compensation of the Mayor and Councilmembers be placed on a Council work session agenda for discussion at least annually, and
- (c) Identify the commencement of compensation for Councilmembers upon the administration of their oath of office and the termination of compensation at their resignation, removal or the expiration of their term, prorated by day for the month, and
- (d) Require that the Council declare the office of the Mayor to be vacant following a forfeiture of office, and
- (e) Requiring the forfeiture of office by the Mayor or Councilmembers who miss more than twenty-five percent (25%) of the Council’s regular meetings or work sessions during any twelve (12) month period without being excused by the Council, and
- (f) Requiring the forfeiture of office if the Mayor or Councilmembers who violate the terms and provisions of the Code of Conduct for Elected Officials as adopted by the Raymore City Code?

Questions 5. Shall the Charter of the City of Raymore, Article III, City Council, Section 3.4 be amended as regards the duties of the Mayor Pro Tempore during (1) the temporary physical

EXHIBIT A

absence in person or disability of the Mayor, or (2) in the event the Mayoral seat is declared vacant, to authorize the Mayor Pro Tempore to break a tie vote of the Council, and authorize the Mayor Pro Tempore to veto ordinances and resolutions?

Question 6. Shall the Charter for the City of Raymore, Article III, City Council, be amended in various sections to allow for removal of the City Attorney and the City Prosecuting Attorney with the consent of five (5) out of the eight (8) members of the entire Council?

Question 7. Shall the Charter of the City of Raymore, Article III, City Council, Section 3.13 be amended to clarify the procedure for adoption of ordinances requiring that they be read by title in two (2) separate, open Council meetings before passage unless declared an emergency?

Question 8. Shall the Charter of the City of Raymore, Article III, City Council, Section 3.13(h) and Article IV, Mayor, Section 4.4(c) be amended to change the time limit for the Mayor to veto any adopted ordinance and resolution from fourteen (14) days to ten (10) days?

Question 9. Shall the Charter of the City of Raymore, Article IV, Mayor, Section 4.1 be amended to remove the reference to military law?

Question 10. Shall the Charter of the City of Raymore, Section 1.2 and Article IV, Mayor, Section 4.4 be amended to authorize the Mayor to a break a tie vote of the Council in all circumstances?

Question 11. Shall the Charter of the City of Raymore, Article V, City Manager Section 5.1 be amended to remove the indefinite term of the City Manager?

Question 12. Shall the Charter of the City of Raymore, Article IX, Nominations and Elections, Section 9.3 be amended so that the term and compensation for an elected municipal official shall begin upon their reciting of the oath of office following the declaration of election results by the Council?

Question 13. Shall the Charter of the City of Raymore, Article IX, Nominations and Elections, Section 9.4 be amended so that Councilmembers displaced following the realignment of ward boundaries shall be allowed to serve for the earlier of the remainder of their terms, the next regular or special municipal election, or until their deaths or resignations?

Question 14. Shall the Charter of the City of Raymore, Article IX, Nominations and Elections, Section 9.4 be amended so that members of any Commission or Board appointed to represent individual City Council wards who are displaced following the realignment of ward boundaries shall be allowed serve for the remainder of their terms?

Question 15. Shall the Charter of the City of Raymore, Article X, Initiative, Referendum and Recall be amended in various sections to:

- (a) Require that petitioners for any initiative, referendum or recall provide their voter

EXHIBIT A

registration address and date, and

- (b) Increase the time to certify any supplement petitions for recall, initiative or referendum from five (5) to ten (10) days?

Question 16. Shall the Charter of the City of Raymore, Article XIV, General Provisions, Section 14.7 be amended to increase the time to certify any supplement petition for charter amendment from five (5) to ten (10) days?

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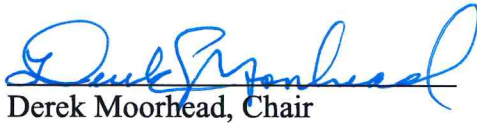
EXHIBIT A

Conclusion

The Commission wishes to express its appreciation for the professionalism and hard work of City Manager Jim Feuerborn, City Attorney Jonathan Zerr, and City Clerk Jean Woerner in their assistance and background work during this Charter Review.

Finally, the Commission wishes to thank the City Council for their confidence in appointing us as members to serve this community and its citizens.

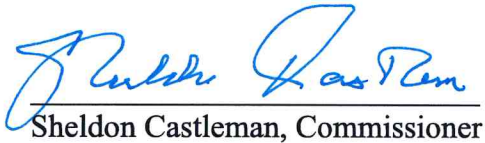
Respectfully submitted,

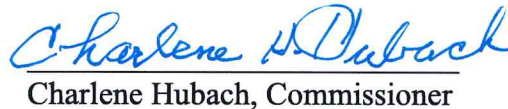

Derek Moorhead, Chair


Stephanie Daring, Vice Chair

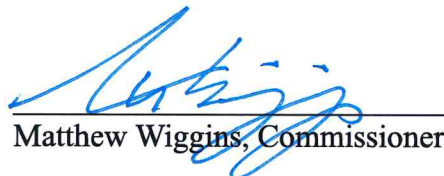

Calvin Acklin, Commissioner


Joseph Burke III, Commissioner


Sheldon Castleman, Commissioner


Charlene Hubach, Commissioner


Tim Stidham, Commissioner


Matthew Wiggins, Commissioner


Michael Wilson, Commissioner