



City of Lee's Summit, Missouri

2006-2007

Charter Review Commission

Final Report

July 2007



CITY OF LEE'S SUMMIT

CHARTER REVIEW COMMISSION

July 6, 2007

To The Honorable Mayor, Councilmembers, and Citizens of Lee's Summit,

In July 2006, the City Council, pursuant to its authority and obligation under Section 14.8 of the Lee's Summit City Charter, passed Resolution No. 06-13 establishing a Charter Review Commission. According to the Resolution, the Commission was selected "to determine whether or not the Charter of Lee's Summit, Missouri will adequately serve the community into the future and to report to the voters as many amendments to the Charter as the Commission deemed advisable." Attached to this transmittal letter is the Commission's Final Report.

Cognizant of our role and responsibility to the City as the first Charter Review Commission, we the undersigned Commissioners, sought to develop a Charter evaluation process with an emphasis on public input and a measured review of the current Charter article by article. The process invited the continual evolution of ideas and opinions in an open and diverse debate of such topics as the characteristic of Lee's Summit governance, the characteristics of democratic leadership models, changes in state law since the inception of the Charter, practical experiences as the Charter language has been applied over the last 10 years, and potential enhancements to the often highly praised document that is our City Charter.

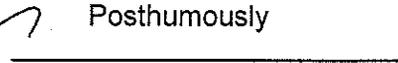
Many topics were raised during the Commission's review. In the end, there are presented in this Final Report six (6) proposed ballot questions comprising potential amendments to the City Charter. The proposed amendments were grouped into ballot questions representative of the following topics: (1) Housekeeping (2) Operations (3) Council Committee Appointments (4) Term Limitations (5) Reasons for Recall and (6) Clarification of Procedures pertaining to Initiative, Referendums and Recall. The draft ballot questions are included in the Appendix of our Final Report for consideration by the citizens of Lee's Summit at the November 6, 2007, election.

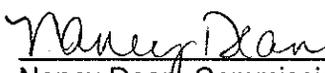
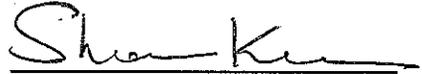
In closing, we have several expressions of appreciation and thanks to convey. We would like to thank the Mayor and City Council for the opportunity to serve our community as members of this first Charter Review Commission. We would like to acknowledge and thank all of the interested citizens of Lee's Summit who presented

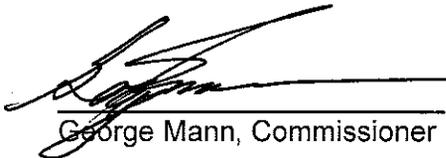
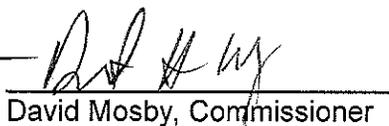
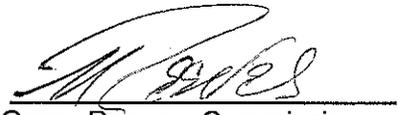
their concerns and ideas to the Commission throughout this process. It is their active participation that is truly reflective of the privilege we have to participate in our American democratic process.

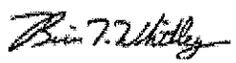
And finally, we would like to extend our deepest appreciation to Brian Scott, Robert Handley, Denise Chisum, and Amber Arbuckle of the City staff, whose countless hours of meetings, researching, drafting and managing our process were invaluable to the Commission completing its assignment. Thank you.

Respectfully Submitted,

 Christine Bushyhead, Chair	 Mark Bredemeier, Vice Chair	Posthumously  Mel Aytes, Commissioner
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 Nancy Dear, Commissioner	 Norman Dexter, Commissioner	 Shawn Kane, Commissioner
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 George Mann, Commissioner	 David Mosby, Commissioner	 Garey Reeves, Commissioner
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 Ed Stoll, Commissioner	 John Ulett, Commissioner	 Brian Whitley, Commissioner
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Lee's Summit
Charter Review Commission
2006-2007

Commission Members

Christine Bushyhead, *Chair*

Mark Bredemeier, *Vice-Chair*

Melvin Aytes, *Commissioner*

John Ulett, *Commissioner*

Nancy Dean, *Commissioner*

Garey Reeves, *Commissioner*

Brian Whitley, *Commissioner*

George Mann, *Commissioner*

Edwin Stoll, *Commissioner*

Sonja Wald, *Commissioner*
(Resigned October 2006)

David Mosby, *Commissioner*

Shawn Kane, *Commissioner*
(Appointed October 2006)

Norman Dexter, *Commissioner*

Supporting Staff

Brian Scott, *Assistant City Administrator*

Robert Handley, *City Attorney*

Denise Chisum, *City Clerk*

Amber Arbuckle, *Recording Secretary*

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IN MEMORIAM

The Charter Review Commission dedicates this Final Report in memory of Commissioner Melvin Aytes, who passed away as the Commission was completing its final deliberations. Mr. Aytes was an active member of the community serving on numerous City boards and commissions, including Chairman of the Public Safety Advisory Board since its inception in 1986. His various leadership roles with the City and his long tenure as a professor of political science at Longview Community College provided him with an invaluable base of knowledge that he utilized with gentle, sage advice to guide the Commission through many difficult decisions. The Charter Review Commission is deeply appreciative for not only the contribution that Mr. Aytes provided in the review of the City's Charter, but also for the contribution that he provided to make Lee's Summit a better community.

TABLE OF CONTENTS

Community Profile.....1

Charter Review Commission5

Summary of Recommended Amendments6

Summary of Discussions Regarding Topics not Recommended.....14

Appendix I Ballot Language

Appendix II Matrix of Changes to the Charter

Appendix III Draft of Charter with Proposed Changes

Appendix IV Resolution Creating the Charter Review Commission

Appendix V List of Topics for Consideration

Appendix VI Commission Support Materials and Staff Reports

Appendix VII Newspaper Articles About the Charter Review Commission

Appendix VIII Minutes of the Charter Review Commission

COMMUNITY PROFILE

History

Like many towns across the Midwest, Lee's Summit was originally platted as a "whistle stop town" along the Missouri Pacific Railroad in 1865. At the time the town was incorporated in 1868, it had a population of approximately 100 and consisted of the original 11 blocks that now make up the city's historic, downtown core. Today, the city has a population of approximately 90,000 and is 64 square miles in size.

Similar to many communities located at the suburban edge of a larger metropolitan area (Kansas City, MO), Lee's Summit has absorbed significant growth over the decades, from a population of 16,190 in 1970, to a population of 28,000 in 1980, to a population of 46,400 in 1990, to a population of 70,700 in 2000. The city averaged approximately 900 new single-family homes each year from 1992 to 2001, with the largest increase being from 1992 to 1996 at an annual average of 1,036 single-family homes. At the present growth rate, full build out is anticipated to occur in another 25 years with a population of approximately 150,000. This rapid and steady expansion has contributed to Lee's Summit's title over the past decades as one of the fastest-growing cities in the state of Missouri.

A Decade with a New Charter

This growth has become the impetus for much of the change that Lee's Summit has experienced within the past ten years, both in the community's quality of life and the City's governance structure.

In 1993 the City of Lee's Summit engaged the National Civic League, a non-profit, non partisan organization promoting active involvement of citizens in the governance of their communities, to lead a group of over 100 citizens through a strategic planning process that ultimately resulted in a blueprint for the future of Lee's Summit – *Lee's Summit: 21st Century*. The *Lee's Summit: 21st Century* plan brought forth a number of initiatives to enhance the quality of life in Lee's Summit; set the stage for strategic, future development; and provide for enhanced City governance and services. Key objectives of the plan include:

- Expand and diversify the City's tax base;
- Build a new city hall facility;
- Provide and maintain an adequate infrastructure plan utilizing innovative cost sharing methods and creative financing mechanisms;
- Foster and promote cultural diversity;
- Increase opportunities for residents to experience quality arts endeavors;
- Develop a comprehensive health plan for the city which address all aspects of community health;
- Provide for enhanced public safety facilities that meet the needs of public safety departments serving a city of 100,000 or more;
- Expand the downtown core to include all of Old Town Lee's Summit and integrate a new plan with the existing one to make a commitment to preserve and protect this area as the heart of the city.

Since the creation of the *Lee's Summit: 21st Century* plan in 1993, many of the objectives identified in the plan have been completed.

Creation of Citizen Boards and Commissions to Address Quality of Life Issues

The City has created several citizen boards and commissions to address specific objectives that were outlined in the plan. These include the Human Relations Commission in 1993, the Health Education Advisory Board in 2001, the Beautification Commission in 2001, and the Arts Council in 2002. In addition, the voters of Lee's Summit adopted the City's Charter in 1996 establishing home rule for the City and providing for a more enhanced form of governance.

Identify and Address Road Issues Utilizing New and Innovative Financing Mechanisms

In an effort to address the increasing demand placed on the city's existing road infrastructure that comes from substantial growth, the City developed a thoroughfare master plan in 1995 that identified 51 major transportation projects throughout the city. This list was ultimately narrowed to 19 projects that became the City's first 10-Year Road Plan. The Road Financing Plan was developed in the late 1990's as a mechanism to finance the 10-Year Road Plan. The Road Finance Plan was composed of three primary revenue sources – the existing Half Cent Sales Tax for Transportation, the newly adopted Half Cent Sales Tax for Capital Improvements, and the newly adopted Excise Tax for Roads. The latter was an excise tax on building contractors for the purpose of generating revenue from new development that could be utilized to pay for road improvements needed to accommodate the additional traffic created by the development. This was considered to be an innovative financing method at the time of its creation and has since been used as a model by other cities around the state. The 10-Year Road plan resulted in a number of major arterial roads being built in the community, including:

- Blackwell (Colbern to Tudor)
- Chipman (US 50 to M-291)
- Independence (Colbern to Tudor)
- Longview (Sampson to Ward)
- Pryor (Chipman to Longview)
- Scruggs (M-291 to Blackwell)
- Todd George (McKee to Tudor)
- Ward (Scherer to M-150)

The second 10-Year Road Plan was completed last year, and the Half Cent Sales Tax for Capital Improvements was renewed for another ten years in April of 2007.

Initiatives to Address Infrastructure and City Facility Needs

In addition to the Excise Tax for Roads and the Half Cent Sales Tax for Capital Improvements, a number of other initiatives have been approved by the voters resulting in new or enhanced City facilities to meet the needs of a growing community or needed improvements to key areas of the city. These include:

1996

- Water Tap & Sewer Bond Election passed with 62% voter approval

1997

- Road Excise Tax Election passed with 73% voter approval
- Half Cent Sales Tax for Capital Improvements passed with 58% voter approval
- Three/Eights Cent Sales Tax for Park Improvements passed with 51% voter approval

1998

- Hotel/Motel Tax (5% of gross daily rental receipts) passed with 83% voter approval

2000

- GO Bond No Tax Increase – Maintenance Facility passed with 65% voter approval

2002

- GO Bonds No Tax Increase – Downtown improvements and new City Hall passed with 61% voter approval
- GO Bonds No Tax Increase – Public Safety, Fire Station and Animal Control Facility passed with 76% voter approval
- GO Bonds No Tax Increase – Road & Intersection improvement for West 3rd Street passed with 70% voter approval

2005

- Renewal of Sales Tax (1/4 of 1%) for Parks Improvements passed with 69% voter approval

2007

- Renewal of Half Cent Sales Tax for Capital Improvements passed with 67% voter approval

These voter-approved initiatives have resulted in a new police station, a new Public Works maintenance facility, Legacy Park and Legacy Park Community Center, a new city hall, a new fire station, enhancements to the existing Fire Department headquarters, major infrastructure improvements to the downtown core, a new senior center (the Gamber Center) and numerous road and infrastructure projects, all over the past ten years.

Growth in Commercial Development

Over 11 million square feet of retail and commercial development has occurred within the city over the past decade. In addition to commercial development, the city has seen several major residential developments over the past decade as well.

The combination of successful community initiatives identified through the *Lee's Summit: 21st Century* plan, successful bond and sales tax initiatives, and the quality of

growth have all resulted in Lee's Summit being ranked 44th in *Money Magazine's* 100 Best Places to Live in 2006.

Demographics

The table below shows the change that has occurred from the 1990 Census to the 2000 Census in the four largest ethnic categories.

Race	1990	2000	Percentage of Change
White	96.9%	93.2%	-3.8%
Black	1.7%	3.5%	106.0%
Hispanic	1.0%	2.0%	100.0%
Asian	0.6%	1.0%	67.0%

The 2000 Census provides the following breakdown of occupations and income levels within the city of Lee's Summit.

Occupation Category	%
Professional	44%
Sales	28%
Services	11%
Production/Transportation	9%
Construction	8%
Total of Occupations	100%

Level of Income	%
\$100,000 and Over	20.1%
\$50,000 - \$100,000	42.0%
\$25,000 - \$50,000	23.2%
\$10,000 - \$25,000	11.2%
Less than \$10,000	3.5%

Present Form of Government

The City of Lee's Summit currently operates under a Mayor/Council/City Administrator form of government as established by the City Charter when it was adopted in 1996. Prior to this adoption, the City was governed as a Fourth Class City under Missouri statutes.

The City Council is composed of a Mayor and eight Councilmembers, two elected from each of the four Council districts. In addition to conducting its work as a Council of the whole, the City Council also conducts administrative review and policy development through council committees which include the Finance & Personnel Committee, the Public Works Committee, the Community Development Committee, and the Intergovernmental Relations and Legislative Affairs Committee. There are also numerous boards, commissions, and citizens' committees that make for an active and involved citizenry.

City Services

The City offers a full compliment of public services to citizens including public safety (police, fire/EMS), public works improvements and maintenance, planning and land use administration, codes administration, water and sewer services, parks and recreation services, a municipal airport, and a landfill. The City currently has 638 full-time employees, a total annual budget of over \$150 million, and a "AAA" bond rating.

CHARTER REVIEW COMMISSION

Creation of the Charter Review Commission

The City's Charter was first adopted in 1996 by the voters of the City. Section 14.2 of the City Charter states:

From time to time, but no less often than every ten years, the Council shall provide for a Charter Review Commission to review this 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 at least eight qualified voters of the city, none of whom shall be an elected official of the city. No more than thirty percent of the commission members shall reside in any one Council district. The Charter Review Commission shall, within twelve months of its first meeting, report to the voters as many amendments to the Charter as it shall deem advisable.

The City Council established the Charter Review Commission on July 6, 2006 by Resolution 06-13 (please see Appendix IV). The Commission was comprised of 12 members appointed by the City Council, three from each of the City's four Council districts.

Establishment of the Commission and Initial Fact Gathering

The Charter Review Commission first met on Monday evening, July 17, 2006 for the purpose of establishing themselves, electing a Chair and Vice Chair, and developing a process and schedule for accomplishing the task before them.

The Commission began the process of review by first conducting two public forums in August of 2006 for the purpose of obtaining public comment and input into the City's current Charter and any proposed amendments. Thereafter, each Commission meeting began with a public comment portion followed by discussion of the topics set forth in the Commission's posted agenda. Comments and ideas were developed into a "List of Topics for Review and Discussion" that was categorized by the appropriate article of the Charter. Please see Appendix V for minutes of the forums and the list of topics compiled from the forum. The Charter Review Commission established meeting dates on the second and fourth Mondays of every month at 7:00 p.m.

SUMMARY OF RECOMMENDED AMENDMENTS

Several proposed amendments to the current City Charter were developed based on input received from the public forums initially held by the Charter Review Commission, additional testimony on specific issues received by the Charter Review Commission at later dates, objective and professional input from the City's staff, and general discussion amongst Commission members. Many of these recommendations were nominal and pertained to items that 1) needed to be changed to keep in accordance with state statutes or state administrative procedures, or 2) operational changes. These were placed into two general recommendations which will be presented to the voters in two separate questions. Other proposed amendments are more substantive in nature and thus, presented as stand alone proposals and corresponding ballot questions. For a review of the proposed ballot language, please see Appendix I.

1. Amend the current City Charter to repeal certain provisions which are in conflict with the law and administrative procedures of the state of Missouri, including:

- **That the City Council shall be the judge of elections;**
- **That failure or refusal to obey a Council subpoena is a misdemeanor; and**
- **That Council action on election results shall occur at the next regularly scheduled meeting.**

Background: In reviewing the current Charter, the Charter Review Commission noted that there were several specific areas of the Charter that were either out of date or misaligned with current state statutes and/or administrative practices. These notations were brought to the attention of the Charter Review Commission at its second fact gathering forum. It is intended that these items be presented as a single ballot question.

Discussion: Section 3.8 of the current Charter provides that the City Council shall be the judge of the qualifications and elections of its members and other elected officials. In the past several years, the provision with regard to being a judge of elections has become somewhat antiquated. The Missouri legislature passed the Missouri Comprehensive Election Act in the mid 1970s which put the jurisdiction for election contest in the courts, rather than leaving them with city councils. For this reason, the Charter Review Commission recommends that the phrase "judge of elections" be stricken from the Charter.

Section 3.11 of the Charter provides that the City Council may initiate investigations into the affairs of the City; and as part of this investigation has the authority to subpoena people to testify and present relevant information. Anyone who fails or refuses to obey such a subpoena shall be guilty of a misdemeanor. The Charter Review Commission is of the opinion that misdemeanors and felonies are the type of criminal offenses that the state legislature establishes. City issues that need to be criminally prosecuted are considered to be infractions. The Commission recommends that the phrase "misdemeanor" be stricken from the Charter and replaced with the phrase "prosecuted in accordance with the law."

Section 9.3 of the Charter states that the City Council is required to declare the results of any municipal election at the next regularly scheduled Council meeting following the election. This presents two issues. First, due to the Missouri Comprehensive Election Act, county election authorities now declare election results. Any action by the City Council is a mere formality. Second, since elections are on Tuesdays, election results are not always available by the next regularly scheduled Council meeting in order for the Council to take action. Instead, the Commission recommends that the Council declare the election results at the next regularly scheduled City Council meeting following the date of receipt by the City Clerk of the election results from the election authorities of Jackson and Cass Counties.

Outcome: The Charter Review Commission deemed these to be worthy recommendations and appropriate language has been incorporated into the draft of the Charter.

2. **Amend the Charter to provide for certain operational mandates including:**
 - **Allow Council voting by simultaneous electronic display (if so desired);**
 - **Require that the Council provide for both an independent financial audit and an operational management report at least once a year;**
 - **Require periodic management/performance reviews (performance audits) of City operations, programs or other matters;**
 - **Clarify that resolutions go into effect in the same time and manner as ordinances, and that the City Council may pass resolutions over the veto of the Mayor in the same manner as ordinances;**
 - **The Mayor's annual State of the City speech be delivered during the first quarter of the City's fiscal year;**
 - **The title of City Administrator be changed to "City Manager;"**
 - **Clarify that candidates for office declare their candidacy rather than be nominated;**
 - **Provide that the procedure for petitions to amend the City Charter shall be the same as for initiative petitions; and**
 - **Require the City Clerk to make public records available in electronic format.**

Background: In addition to the housekeeping items identified in the first recommendation, staff and the Charter Review Commission also noted several minor items that, if changed, would provide for more flexibility for the City Council, a greater degree of transparency and better communication of government operations to the citizens, and greater clarity of provisions of the Charter. As with the first recommendation, these items are presented in a second recommendation that is intended to be treated as a single ballot question.

Discussion: Section 3.13 of the current City Charter states that voting shall be by voice vote, which shall be by roll call. The Charter Review Commission believes that an opportunity should be provided for additional forms of voting to occur in conjunction

with voice vote and roll call, if the City Council is so desirous. These forms might include light boards or various other technologies.

Section 3.12 of the current City Charter states that the City Council shall provide for an independent audit of all City accounts and a management report at least once a year. The Charter Review Commission believes that although the City does a comprehensive annual financial audit, some clarification of this in the Charter should be provided. Likewise, the Commission also believes that clarification is needed of a management report. The Commission agreed to recommend that the language be clarified as follows: “independent *financial* audit” and “*operational* management report.”

In addition, to the above discussion regarding Section 3.12, the Charter Review Commission also agreed to add another provision to this section requiring periodic management/performance reviews (performance audits) of City operations, programs or other matters. This was born out of discussion among the Charter Review Commission concerning a proposed provision for a City Performance Auditor. There had been considerable discussion among the original Charter Commission members about providing for a City Performance Auditor in the Charter. Ultimately, this provision was not included in the original charter, but the City Council subsequently did decide at a later date to require by code that management or performance reviews (commonly referred to as performance audits) be conducted on an annual basis upon the recommendation of the City Administrator or at the initiation of the City Council. During discussions regarding a possible provision for a City Performance Auditor in the Charter, the Charter Review Commission decided against this provision, but believed that a provision supporting the existing code requirement for performance reviews had merit. The Commission, however, was careful in drafting the provision so that it did not make annual performance reviews mandatory, thereby binding future City Councils to a requirement that could become cost prohibitive or cumbersome.

Section 3.13 (g) provides a specific time as to when ordinances become effective. However, no point is specified as to the effective date of resolutions. The Commission believed that the effective date for resolutions should be the same as for ordinances. In addition, this section is silent as to whether the City Council can override the Mayor’s veto of a resolution. The Charter Review Commission took the position that the City Council should be able to override the Mayor’s veto of a resolution just as it can with an ordinance. Commissioners who had served on the original Charter Commission acknowledged that these items were an oversight by the original Charter Commission.

Section 4.4 (b) states: “The Mayor shall at least annually present to the Council information as to the affairs of the city and any recommendations of the Mayor.” This has become known as the Mayor’s “State of the City Address” and has traditionally been delivered at a spring luncheon. Concern was expressed that the “State of the City Address” could be politicized by a Mayor, especially given the fact that it is traditionally delivered near the time of the municipal elections in April. Commissioners believed that this was an important provision of the Charter, but discussed options on how to de-politicize this speech. Options included having the City Administrator present the

speech, or having the Mayor give the speech at a City Council meeting. The Commission voted 11-1 that the Mayor present the “State of the City Address.” The Commission further agreed that a time frame should be placed on the delivery of the speech and thus voted 11-1 to recommend the Charter provide that the Mayor shall deliver the “State of the City Address” during the first quarter of the fiscal year.

Article V of the City Charter refers to the duties and responsibilities of the City Administrator. One suggestion was to change the title from City Administrator to City Manager; the thought being that the title of City Administrator harkens back to the City’s previous form of government as a Fourth Class City under Missouri statutes where the City Administrator served as an assistant to the Mayor. In the current Charter, the City Administrator acts more as a City Manager in the sense of having a full array of duties and responsibilities for the daily operations of the City, including appointment power of all City employees and preparation and presentation of the City’s budget. A title change would more accurately reflect the actual role of the City Administrator within the current structure of the Charter.

Article IX of the current Charter is titled “Nomination and Election of Candidates.” One of the items on the List of Topics for consideration was creating a primary system for elected officials. This was discussed by the Commission and ruled out as too expensive for a separate primary election and too impractical. Given this, it is recommended that the title of Article IX and Section 9.2 be changed to reflect that candidates “declare” their candidacy as opposed to being nominated, which would infer that candidates are nominated through a primary system or by some political party, which is not the case.

Section 14.7 of the Charter provides that amendments to the City Charter can be made through an initiative process. The Charter Review Commission, however, noted there is no specific procedure to follow when an initiative for a Charter amendment is actually presented. The Commission suggested language be added in this section stating that initiatives for Charter amendments were to be handled in the same manner as other initiatives as set forth in Article X.

There are numerous sections throughout the current City Charter that require the City Clerk to keep certain documents on record and available for public inspection. In particular, Section 11.6 requires that copies of the budget and the capital improvement program as adopted be public records and made available to the public at suitable places in the City. Several of the Commissioners believed that such information should not only be in printed form at a particular office or location, but also in electronic format and available on the City’s website, the argument being that in this electronic age, providing information to the public in electronic format was of little cost to the City and would make information much more accessible. It was agreed to recommend that the words “make public records available in electronic format” be added in Sections 3.12, 3.13, 5.2, 11.5, 11.6, 12.2, and 15.3.

Though not recommended as an amendment to the Charter, the Charter Review Commission would like to informally recommend that the City consider placing a greater

number of public reports and documents on the City's web page. This is in accordance with the Commission's desire for greater transparency with City government and better access to information for the general public.

Outcome: As with the first recommendation the Commission believed that these recommended changes were of an operational nature, and would be best to encapsulate these into one ballot question.

3. The office of the Mayor Pro Tempore should appoint members of the City Council to the Council subcommittees and as Council liaisons, instead of the office of the Mayor, with the advice and consent of the City Council.

Background: Section 4.4(f) – Appointments – states: “The Mayor, with the advice and consent of a majority of the Council, shall appoint all members of committees, authorities, boards and commissions, except as otherwise provided by law or this Charter.” Though not specifically stated, it has been assumed that this section allows for the Mayor to appoint Councilmembers to the various Council committees as well.

Discussion: Commissioners who participated on the original Charter Commission stated the intent of the provision was for the appointment to traditional City boards and commissions. None of the original commissioners had thought of the unintended ambiguity of the appointment of Council Committees. Others noted that the current Charter provision for the Mayor to make appoints to committees, boards and commissions is within the context of the executive powers of the Mayor. Several Commissioners believed that to allow the Mayor to make appointments to Council committees would be crossing over into the legislative branch. Rather they believe it makes sense for the Mayor Pro-Tempore, as a member of the legislative body, to make appointments to Council committees and to appoint Council liaisons to the various City boards and commissions.

Outcome: The Commission voted unanimously to recommend that Section 3.4 of the Charter be amended to allow for the Mayor Pro-Tempore to appoint the Council committees with the advice and consent of the Council.

4. There should be no limit to the number of terms that the Mayor or a Councilmember may serve, provided no Mayor or Councilmember may be eligible to be elected to more than two consecutive four year terms of office.

Background: The current City Charter does not provide for term limits for either the Mayor or Councilmembers. However, this had been a much debated subject among the original Charter Commission and the decision to omit this provision from the original Charter passed by a narrow margin.

Discussion: Proponents of the current status of no term limits believe that if a Councilmember is doing a good job, then he or she should not be forced out of office by term limits. The election of a Mayor or Councilmember in essence serves as an affirmation of that individual's job performance. It was further held that the current status of no term limits also allowed for continuity and institutional knowledge among the Mayor and Council.

Those in favor of term limits expressed the view that term limits are not to penalize elected officials, but instead create an opportunity for others with new perspectives and different ideas to serve on the Council. The fact that there are no term limits currently, some Commissioners believed, could allow for long-serving Councilmembers to become complacent and set in their view points. Furthermore, challenging a long serving incumbent could be discouraging for those interested in running for office. Many of the Commissioners believed there was a general interest among the citizens for term limits for elected officials.

Outcome: The Commissioners believe that if term limits are to be initiated, it should not prevent an elected official from returning to office again at a future date. Instead, the only purpose of term limits is to break the chain of incumbency. The Commission voted 7-4 in favor of limiting terms for both the Mayor and Council to no more than two consecutive terms. The incumbent Mayor and Councilmembers on November 6, 2007 shall be eligible for re-election to one additional consecutive four-year term after completion of their incumbent term of office.

5. Amend Article X of the Charter pertaining to initiatives, referendums and recalls to provide for the following:

- **Thirty calendar days (instead of 20 calendar days) to certify the sufficiency of initiative, referendum, or recall petition;**
- **Ten business days (instead of 10 calendar days) for amended initiative, referendum, and recall petitions to be filed with the City Clerk; and**
- **Provide that the City Clerk's certification of sufficiency shall be delivered by United States certified mail return receipt requested.**

Background: The city has been faced with two initiative referendums and a recall within the past two and a half years. These experiences have given the staff an opportunity to test the provisions of the Charter. Based on this experience the Commission identified several suggestions that would provide for greater clarification of the process and address flaws that were experienced.

Discussion: Section 10.4 (a) of the current Charter provides that the City Clerk will have twenty (20) days upon receipt of the petitions to certify the sufficiency of the petitions as to whether they meet the threshold requirements to be placed on the ballot. The City Clerk actually contracts with the election authorities of Jackson and Cass counties to make this determination. Both of the authorities have up-to-date records of registered voters and equipment and staff knowledgeable to accomplish the verification process.

However, twenty (20) calendar days is sometimes not enough time for the election authorities to complete the verification. For this reason, the Commission is proposing that the time for certification of petitions be extended to thirty (30) calendar days.

Another problem has been with the ten (10) day window for returning amended petitions to the City Clerk's office. On one occasion, this placed the final date to receive the amended petitions on a weekend. Changing it from calendar days to business days will alleviate this problem in the future.

Finally, issues have arisen as to proper notification of the petitioners' committee. When the original petitions are deemed to be insufficient, the City Clerk must notify them by mail of the insufficiency. Once this notice is received by the petitioners' committee, the period for amending the petitions by gathering more signatures begins. The actual notification has proved difficult at times. The Commission is proposing that language be placed in the Charter that calls for delivery of all notices to be by United States certified mail return receipt requested.

Outcome: The Commission briefly discussed these proposed amendments and agreed that they should be incorporated into the Charter.

6. A general statement of the reason for a proposed recall should be provided by a recall petition committee and stated clearly on both the top and bottom of the recall petition form.

Background: Article X of the City's current Charter provides for, among other things, the ability to recall elected officials. Specific procedures are laid out as to the forming of a petitioner's committee for recall, the number of days that the committee is able to collect petition signatures, and the process for verification of the petition signatures once returned to the City. The City experienced its first recall of an elected official during the time that the Charter Review Commission was in the process of reviewing the current Charter. The recall was very contentious and generated much public comment before the Commission about the need to review and enhance the provisions in the current Charter pertaining to recall.

Discussion: Probably the one single item that generated the most public comment was the petition form itself. Only general guidance is provided in the current Charter about how the petition form is to be structured. Experience with creating petition forms for two other, separate initiatives in the past few years has given staff an opportunity to develop a petition form that meets the needs of the process. However, with the recall effort accusations arose as to misrepresentation of the purpose of the petitions when presented to a potential signer. Signers later stated that they thought they were signing a petition to keep the elected official in office as opposed to having an election to remove the official. Still others thought that they were signing a petition for a traffic signal to be installed at a busy intersection. Several ideas were suggested including having a photo of the elected official to be recalled actually on each page of the petition. Some of the Commissioners

expressed concern that questions would develop about who would be able to select the picture of the elected official and about reproduction quality of the photo.

Another suggestion that was discussed by the Charter Review Commission was whether there should be a specific set of reasons stated within the Charter upon which to base a recall. The Commission believed that while outlining specific reasons such as malfeasances and ineptness by an elected official may have merit in limiting a frivolous recall effort, in the end there was no proof that such language in other city charters has been successful in this regard. Furthermore, Commissioners believed that it would be difficult to determine if a reason provided met one of the threshold reasons provided in the Charter, and the City should not be placed in a position of having to make that determination.

Outcome: Instead, the Commissioners preferred having a general statement of purpose as to the recall stated on both the top and bottom of the petition. Discussion ensued as to placing a limit on the length of the statement and whether the reason should be judged as to appropriateness. It was decided that the City should not be the judge of whether the statement is appropriate or place parameters on the length, rather the statement should stand on its own merits, but clearly placed on the petition form so the signer may see it and be aware of it.

SUMMARY OF DISCUSSIONS REGARDING TOPICS NOT RECOMMENDED

Though the Charter Review Commission developed several recommended amendments to the current City Charter based on input and testimony received by the Commission, there were an equal number of amendments that the Commission decided after thorough research and long deliberation to not forward as recommendations. These included:

- Adjusting the years of a term of office;
- Providing for at-large representation on the Council;
- Providing that the Mayor serve as a member of the City Council;
- Providing the Mayor with certain additional voting power and eliminating veto power;
- Providing that the City Administrator be appointed by the City Council
- Providing for a City Performance Auditor; and
- Providing for a public vote on capital expenditures over a certain monetary threshold.

Please see Appendix V for the complete List of Topics. Due to considerable discussion on each of these topics, a brief summary of the discussion is provided in this section.

Term of Office

Prior to the City Charter being adopted in 1996, the City's government was structured under the Fourth Class provisions of the Missouri statutes. These statutes called for two-year terms of office. When the Charter was developed, it was decided to provide for four-year terms of office. Certain public comments presented to the Commission expressed concern that the four-year term can present difficulties for a Councilmember who is elected in the same election cycle as the Mayor to run for the office of Mayor, and thus precluding the Councilmember from also running for re-election to his or her office. The Commission discussed changing the terms to three years, or adjusting the Mayor's term of office. Concern was expressed that if the term of office was lowered for either the Mayor or a Councilmember, it may not allow enough time in office for an elected official to get over the initial learning curve before having to run for re-election again. Eventually, the Commissioners believed that it was best to leave the terms as currently provided in the Charter.

At-Large Representation

The Commission spent some time discussing the idea of at-large representation on the City Council. Supporters of at-large representation believed that the current structure of two Councilmembers from each of the four Council districts sometimes allowed for a somewhat narrow, district only view, to be fostered among the Councilmembers. Testimony was provided to the Commission that sometimes Councilmembers will vote against something that they know is controversial to their constituents knowing full well that the rest of the City Council will vote for it. Those in favor of at-large representation believed that some form of at-large representation on the City Council could allow for a broader, more city-wide view point.

Those with an alternative view expressed that district only representation has never been a problem and were unsure of the real need for at-large representation at this time. Concern was also expressed that at-large representation may lead to expensive, city-wide campaigns being mounted by candidates; and that these campaigns could result in political influence by major contributors.

Still others suggested that as the city has grown, the four districts have become too large to be effectively represented by only two Councilmembers. One individual who commented to the Commission suggested that the City have more, smaller districts that were represented by one councilmember each.

The Commission spent considerable time discussing the possibility of at-large representation in Lee's Summit. Suggestions included having four at-large representatives, one each from the four districts. Another suggestion was made for two at-large representatives, one from Districts 1 and 3 and the other from Districts 2 and 4. Ultimately, the Charter Review Commission came to the conclusion that the city was not ready for at-large representation, this could be a topic for consideration by a future Charter Review Commission when the city has a larger population.

Mayor as Member of Council

The discussion of at large representation also played into another topic for consideration, whether the Mayor should be a member of the Council. There was much discussion about the role and relationship of the Mayor and the Council and the separation of powers. In the end, the Commission believed that allowing the Mayor to become a part of the Council would do away with the at-large representation that the Mayor's position currently offers, as well as diminish the distinction between the executive branch and the legislative branch of the current City government structure.

Power of the Mayor to Vote

Section 4.4 (a) of the current City Charter states: "The Mayor shall preside at meetings of the Council, but the Mayor shall have the right to vote only in the case of a tie." Section 4.4 (c) further provides that the Mayor shall approve or veto ordinances or resolutions adopted by the City Council. The Council may override the Mayor's veto by a two-thirds vote.

Much of the discussion of the Commission at first centered on the relationship and roles of the Mayor as the elected executive, the City Council as the elected legislative body, and the City Administrator as the appointed administrative official. Some Commissioners believed that the Mayor's right to veto ordinances or resolutions adopted by the City Council serves as a check on the Council and keeps a distinct balance between the executive function of the Mayor and the legislative function of the Council. Furthermore, the veto is, in fact, a more powerful tool than a vote, and in essence serves to express the Mayor's position on a given issue. Concern was expressed that if the Mayor also votes on all issues brought before the Council, then the Mayor has essentially become a member of the Council and the role of the elected executive is eliminated.

Other Commissioners held that because the Mayor does not vote, citizens do not know the Mayor's position on issues. This was a common theme in many of the comments presented by the public. Some believe that the lack of a voting record or a clearly evident position on issues makes it difficult for a candidate to articulate an alternative platform in an election campaign against an incumbent Mayor. The thought was also expressed that the Mayor's power to veto is rarely, if ever, used and that it does not, in actuality, serve as a tool to ensure a balance with the Council. Others commented that accountability ultimately lies with the voters who elect the Councilmembers.

While the Commission initially voted to recommend that the Charter provide that the Mayor vote on all issues before the Council and no longer have the power to veto ordinances or resolutions passed by the Council, it reconsidered this recommendation upon further thought and evaluation and ultimately decided not to carry it forward.

City Administrator Appointed by the City Council

The current City Charter provides that the City Administrator be appointed by the Mayor with the advice and consent of a majority of the entire City Council.

Proponents of the current Charter language held that the appointment of the City Administrator by the Mayor is an executive appointment to carry out the daily administrative responsibilities often delegated to the executive branch. This theory dates back to the time when the City was governed under the Fourth Class City provisions of the state statutes. Some of the Commissioners that participated on the original Charter Commission stated that the Commission intended for the Mayor to appoint the City Administrator, the City Council to appoint the City Attorney, and the City Administrator to appoint the City Clerk in an effort to balance out the power of the different branches of government. However, the original Charter Commission also realized that it would not be good for the Mayor to force a City Administrator on the Council. For this reason, it was required that the appointment be with the advice and consent of the City Council.

An alternative view expressed was that to maintain a balance of power between the executive branch and the legislative branch, it would be best to have the City Administrator appointed by the Council without any vote of the Mayor. As it is currently structured, the City Administrator is forced to serve two branches of government, the executive Mayor and the legislative City Council who may have opposing view points on a matter. It was proposed, instead, that the City Administrator be appointed in the same manner as the City Attorney is by the City Council. The Mayor could still recommend discharge with a majority of the Council, or the City Administrator can be discharged with two-thirds of the City Council's vote.

The Commission at first voted to recommend that the Charter be amended to allow for the City Administrator to be appointed by the City Council. However, upon further consideration and deliberation the Commission decided to not bring forth this recommendation. In the end, the Charter Review Commission came to the conclusion that the balance of power as currently provided in the City Charter has worked well, and there is not a pressing need to change the appointment of the City Administrator.

City Performance Auditor

One of the suggestions made during the initial fact gathering forums was that of a full-time, city auditor tasked with conducting performance audits. Proponents suggested that such a position could provide greater accountability and integrity of elected officials and City staff in the performance of their duties.

Concern was expressed, however, that such a position could become a political tool of elected officials who direct the auditor to examine various departments or programs in an effort to discredit one another or to expose some perceived wrong. They held that accountability for City services and programs ultimately lies with the City Administrator and the elected officials. And because of this, they should be responsible for insuring that the City's resources are allocated appropriately and that the City's programs are run efficiently.

After further discussion on this topic, the Commission decided not to recommend a provision for a City Performance Auditor in the City Charter.

Public Vote on Capital Projects

Another suggestion made during the initial fact gathering forums held by the Charter Review Commission was that all capital improvement projects over a certain monetary threshold be placed before the voters for approval. While there is no specific provision of this nature currently in the City Charter, there are provisions for preparation of an annual budget and a capital improvement program, as well as a provision for the issuance of bonds. The Commission believed, after some discussion, that these provisions were adequate and that trust needed to be placed with the elected officials, an essential component of a representative form of government, to make appropriate decisions on behalf of the entire city. In addition, the Commissioners believed that it would be impractical for citizens to vote on every capital improvement project.

TUESDAY, NOVEMBER 6, 2007

NOTICE OF ELECTION

CITY OF LEE'S SUMMIT, MISSOURI

Notice is hereby given to the qualified voters of the City of Lee's Summit, Missouri, that the City Council of the City has called an election to be held in the City on Tuesday, November 6, 2007, commencing at 6:00 a.m. and closing at 7:00 p.m., on the questions contained in the following sample ballot:



OFFICIAL BALLOT
ELECTION
CITY OF LEE'S SUMMIT, MISSOURI
TUESDAY, NOVEMBER 6, 2007

QUESTION NO. 1

Shall the Charter of Lee's Summit be amended to repeal certain provisions which conflict with current state law pertaining to judges of election results; punishments for failure or refusal to obey a City Council subpoena; and the canvassing and certification of election returns by the proper county verification boards?

YES _____
NO _____

QUESTION NO. 2

Shall the Charter of Lee's Summit be amended to implement certain operational changes in municipal government that would change the title of City Administrator to City Manager; clarify Lee's Summit city office or employment for conflict of interest purposes; clarify the City Council advice and consent requirement for appointment of the City Clerk; require annual independent financial audits and operational management reports; require periodic performance audits of city operations and programs; require the City Clerk to make public records available in electronic format; allow the Council to vote by simultaneous electronic display as an alternative to voice or random roll call vote; clarify that resolutions go into effect at the same time and manner as do ordinances; require that the annual State of the City presentation be delivered during the first quarter of the city's fiscal year; clarify that the Council may pass a resolution over the Mayor's veto in the same manner as ordinances; clarify that candidacies for office are by declaration and not nomination; provide that the petition procedure for amendment of the City Charter be in the same manner as that for

initiative petitions; clarify the effect of Charter amendments on ordinances, proceedings, contracts and taxes; and make various typographical, grammatical and stylistic revisions to the text of the Charter?

YES _____
NO _____

QUESTION NO. 3

Shall the Charter of Lee's Summit be amended to authorize the office of Mayor Pro Tempore to appoint City Council committees and Council liaisons instead of the office of the Mayor, with the advice and consent of a majority of the Council?

YES _____
NO _____

QUESTION NO. 4

Shall the Charter of Lee's Summit be amended to provide: (a) that there shall be no limit to the number of terms a person may serve as a Councilmember, provided no person shall be eligible or qualified to be elected as a Councilmember to more than two consecutive four-year terms, except that an incumbent Councilmember on November 6, 2007 shall be eligible for re-election to one additional consecutive four-year term after completion of the incumbent term of office; and (b) that there shall be no limit to the number of terms a person may serve as Mayor, provided no person shall be eligible or qualified to be elected as Mayor to more than two consecutive four-year terms, except that the incumbent Mayor on November 6, 2007 shall be eligible for re-election to one additional consecutive four-year term after completion of the incumbent term of office?

YES _____
NO _____

QUESTION NO. 5

Shall the Charter of Lee's Summit be amended to require notarized affidavits for initiative, referendum and recall petitioners' committees and petition circulators; clarify what constitutes valid notice to a petitioners' committee; allow thirty calendar days to certify the sufficiency of petitions; allow ten business days for the filing of amended petitions; and provide for the City Clerk's mailing of the certificate of sufficiency by United States certified mail return receipt requested?

YES _____
NO _____

QUESTION NO. 6

Shall the Charter of Lee's Summit be amended to require that a general statement of the reason(s) for the proposed recall of an elected official be published at the top and bottom of all recall petition pages?

YES _____
NO _____

INSTRUCTIONS TO VOTERS: If you are in favor of the question, place an X in the box opposite "YES." If you are opposed to the question, place an X in the box opposite "NO."

A full and complete copy of Ordinance No. _____, submitting the above questions to the electorate, including a full and complete copy the proposed amendments to the City Charter, is on file in the office of the City Clerk of the City of Lee's Summit, Missouri where the same is open for inspection and copying.

=====

The election will be held at the following polling places in the City:

PRECINCT
POLLING PLACE

November 6, 2007.

Board of Election Commissioners of
Jackson County, Missouri

Cass County Election Authority
Cass County, Missouri

**City of Lee's Summit - Charter Review Commission
Matrix of Recommendations**

Reviewed Article: Article I. Incorporation, Name and Boundaries

Section	Maintain	Delete	Re-Draft	Recommended Changes
Section 1.1 Incorporation, Name and Boundaries	X			

Reviewed Article: Article II. Powers

Section	Maintain	Delete	Re-Draft	Recommended Changes
Section 2.1 Powers	X			
Section 2.2 Construction	X			

Reviewed Article: Article III. City Council

Section	Maintain	Delete	Re-Draft	Recommended Changes
Section 3.1 Where Powers Vested	X			
Section 3.2(a) Composition;	X			
Section 3.2 (b)Qualifications	X			
Section 3.2 (c) Election and Terms			X	<p>Change this title's section from "Election and Terms" to "Election, Terms and Term Limitations."</p> <p>Maintain current language and add the following: "There shall be no limit to the number of terms a person may serve as a Councilmember, provided no person shall be eligible or qualified to be elected as a Councilmember to more than two consecutive four-year terms."</p>
Section 3.3 Compensation	X			

**City of Lee's Summit - Charter Review Commission
Matrix of Recommendations**

Section 3.4 Mayor Pro Tempore			X	Add language as a fourth sentence: "The Mayor Pro Tempore shall appoint, with the advice and consent of a majority of the Council, all Council committees and Council liaisons."
Section 3.5 Administrative Policy Matters			X	Delete the term "City Administrator" and replace it with "City Manager."
Section 3.6 Prohibition Against Holding Other Office			X	Within the title of this subsection, add the term "Against" to read: "Prohibition Against Holding Other Office." Within the section add the term "Lee's Summit" before "city."
Section 3.7 (a) Vacancies	X			
Section 3.7 (b) Forfeiture of Office	X			
Section 3.7 (c) Filling of Vacancies	X			
Section 3.8 Judge of Qualifications				Delete "election and" from the first sentence.
Section 3.9 City Clerk			X	Delete "City Administrator" and replace it with "City Manager." Within the section change the first sentence from "with the advice and consent of the Council" to read "with the advice and consent of a majority of the entire Council."
Section 3.10 (a) Law Department; City Attorney			X	Delete "City Administrator" and replace it with "City Manager."
Section 3.10 (b) Law Department; Accountability			X	Delete "City Administrator" and replace it with "City Manager."
Section 3.10(c) Law Department; Attend City Council Meetings	X			

**City of Lee’s Summit - Charter Review Commission
Matrix of Recommendations**

Section 3.10 (d) Law Department; Staff Attorneys	X			
Section 3.10 (e) Law Department; Prosecuting Attorneys	X			
Section 3.10 (f) Law Department; Qualifications	X			
Section 3.10 (g) Law Department; Compensation	X			
Section 3.11 Investigations			X	In the last sentence, delete “guilty of a misdemeanor and” so sentence reads: “Any person who fails or refuses to obey a subpoena issued in the exercise of these powers by the Mayor and Council shall be subject to punishment as prescribed by law.”
Section 3.12 Independence Audit			X	Change title of section from “Independent Audits” to “Audits and Reviews.” Change this section into a subsection (a) Independent Audits.”
Section 3.12 (a) Independence Audit			X	Add “financial” before audit and “operational” before management report. Replace last sentence to read: “A copy of the audit report and management report prepared by the certified public accountant or firm of such accountants shall be maintained in the Office of the City Clerk and shall be open to public inspection and made available in electronic format.”
Section 3.12 (b) Performance Reviews			X	Add new subsection to read: “The Council, upon its own initiative or upon a recommendation of the City Manager, shall provide for periodic management/performance reviews (performance audits) of the city

**City of Lee’s Summit - Charter Review Commission
Matrix of Recommendations**

				operations, programs or other matters.”
Section 3.13 (a) Legislative Proceedings; Meetings	X			
Section 3.13 (b) Legislative Proceedings; Rules and Journals			X	Add at the end of the last sentence, “...maintained in the Office of the City Clerk and made available in electronic form.”
Section 3.13 (c) Legislative Proceedings; Voting			X	Replace first sentence to read: “Voting shall be by either voice vote or by simultaneous electronic display, except on the adoption of any ordinance which shall be by either simultaneous electronic display or by roll call and the ayes and ayes shall be recorded in the journal.”
Section 3.13 (d) Legislative Proceedings; Form of Ordinances	X			
Section 3.13 (e) Legislative Proceedings; Procedure			X	In second sentence add: “and made available in electronic format.”
Section 3.13 (f) Legislative Proceedings; Emergency Ordinances	X			
Section 3.13 (g) Legislative Proceedings; Effective Date			X	Add “resolution” along with “ordinance.”
Section 3.13 (h) Legislative Proceedings; Authentication and Recording			X	Add to the end of the last sentence “...which shall be open to public inspection, maintained in the office of the City Clerk and made available in electronic format.”
Section 3.14 Revision of Ordinances	X			

**City of Lee’s Summit - Charter Review Commission
Matrix of Recommendations**

Reviewed Article: Article IV. Mayor

Section	Maintain	Delete	Re-Draft	Recommended Changes
Section 4.1 Executive Power	X			
Section 4.2 (a) Qualifications	X			
Section 4.2 (b) Election and Term			X	<p>Change the title of the section from “Election and Term” to “Election, Term and Term Limitations.”</p> <p>Add a last sentence reading “There shall be no limit to the number of terms a person may serve as Mayor, provided no person shall be eligible or qualified to be elected Mayor to more than two consecutive, four-year terms.”</p>
Section 4.3 Compensation	X			
Section 4.4 (a) Powers and Duties; Council Meetings	X			
Section 4.4 (b) Powers and Duties; State of the City			X	<p>Replace first sentence text with the following: “The Mayor, during the first quarter of the city’s fiscal year, shall present to the Council information as to the affairs of the city and any recommendations of the Mayor.”</p>
Section 4.4 (c) Powers and Duties; Veto			X	<p>Add “resolution” along with “ordinance.”</p>
Section 4.4 (d) Powers and Duties; Execution of Laws	X			
Section 4.4 (e) Powers and Duties; Execution of Documents	X			

**City of Lee's Summit - Charter Review Commission
Matrix of Recommendations**

Section 4.4 (f) Powers and Duties; Appointments	X			
Section 4.4 (g) Powers and Duties; Administrative Policy Matters			X	Delete “City Administrator” and replace it with “City Manager.”
Section 4.4 (h) Powers and Duties; Remit Fines and Forfeitures and Grant Reprieves and Pardons	X			
Section 4.4 (i) Powers and Duties; Review City Administrator			X	Delete “City Administrator” and replace it with “City Manager.”
Section 4.4 (j) Powers and Duties; Other Duties	X			
Section 4.5 Prohibition Against Holding Other Office			X	Within the title of this section, add the term “Against” to read: “Prohibition Against Holding Other Office.” Add “Lee’s Summit” before “city.”
Section 4.6 (a) Vacancy	X			
Section 4.6 (b) Forfeiture of Office	X			
Section 4.6 (c) Filling of Vacancy	X			

Reviewed Article: Article V. City Manager

Section	Maintain	Delete	Re-Draft	Recommended Changes
Section 5.1 Appointment and Term			X	Delete “City Administrator” and replace it with “City Manager.”

**City of Lee’s Summit - Charter Review Commission
Matrix of Recommendations**

Section 5.2 Powers and Duties			X	Delete “City Administrator” and replace it with “City Manager.”
Section 5.2 (a) Powers and Duties; Appointment and Removal of Department Directors			X	Delete “City Administrator” and replace it with “City Manager.”
Section 5.2 (b) Powers and Duties; Administration of Departments			X	Delete “City Administrator” and replace it with “City Manager.”
Section 5.2 (c) Powers and Duties; Attend City Council Meetings			X	Delete “City Administrator” and replace it with “City Manager.”
Section 5.2 (d) Powers and Duties; Enforcement of Laws			X	Delete “City Administrator” and replace it with “City Manager.”
Section 5.2 (e) Powers and Duties; Budget and Capital Program			X	Delete “City Administrator” and replace it with “City Manager.” Add at the end of the last sentence “...which shall be open to public inspection, maintained in the office of the City Clerk, and made available in electronic format.”
Section 5.2 (f) Powers and Duties; Finance and Administrative Report			X	Delete “City Administrator” and replace it with “City Manager.” Add at the end of the last sentence “...the official copy of which shall be on file in the Office of the City Clerk.”
Section 5.2 (g) Powers and Duties; Other Reports			X	Delete “City Administrator” and replace it with “City Manager.”

**City of Lee's Summit - Charter Review Commission
Matrix of Recommendations**

Section 5.2 (h) Powers and Duties; Report of Financial Condition of the City			X	Delete “City Administrator” and replace it with “City Manager.”
Section 5.2 (i) Powers and Duties; Execution of Documents			X	Delete “City Administrator” and replace it with “City Manager.”
Section 5.2 (j) Powers and Duties; Other Duties			X	Delete “City Administrator” and replace it with “City Manager.”
Section 5.3 Acting City Administrator			X	Within the title of this subsection, delete “City Administrator” and add the term “City Manager.”
Section 5.4 Performance Review			X	Delete “City Administrator” and replace it with “City Manager.”

Reviewed Article: Article VI. Administrative Organization and Personnel System

Section	Maintain	Delete	Re-Draft	Recommended Changes
Section 6.1 (a) Administrative Organization; Departments, Authorities and Offices	X			
Section 6.1 (b) Administrative Organization; Committees, Boards and Commissions	X			
Section 6.2 Personnel System			X	Delete “City Administrator” and replace it with “City Manager.”

**City of Lee's Summit - Charter Review Commission
Matrix of Recommendations**

Reviewed Article: Article VII. Administrative Organization and Personnel System

Section	Maintain	Delete	Re-Draft	Recommended Changes
Section 7.1 Jurisdiction	X			
Section 7.2 (a) Judges; Election and Terms	X			
Section 7.2 (b) Judges; Powers and Duties	X			
Section 7.2 (c) Judges; Qualifications	X			
Section 7.2 (d) Judges; Prohibition			X	Add "Lee's Summit" before "city."
Section 7.2 (e) Judges; Vacancies	X			
Section 7.2 (f) Judges; Forfeitures of Office	X			
Section 7.2 (g) Judges; Removal from Office	X			
Section 7.2 (h) Judges; Filling of Vacancies	X			
Section 7.2 (i) Judges; Compensation	X			
Section 7.3 Court Administration	X			
Section 7.4 Traffic Violations Bureau	X			

Reviewed Article: Article VIII. Parks and Recreation Board

Section	Maintain	Delete	Re-Draft	Recommended Changes
Section 8.1 (a) Composition; Appointment and Terms	X			

**City of Lee's Summit - Charter Review Commission
Matrix of Recommendations**

Section 8.1 (b) Composition; Council Liaison			X	Add "Mayor Pro Tempore" in place of "Mayor" and remove "entire" before Council.
Section 8.1 (c) Composition; Officers	X			
Section 8.1 (d) Composition; Removal	X			
Section 8.2 (a) Powers and Duties; General	X			
Section 8.2 (b) Powers and Duties; Property	X			
Section 8.3 (a) Parks and Recreation Fund; Tax Levy	X			
Section 8.3 (b) Parks and Recreation Fund; Separate Fund	X			
Section 8.4 Annual Report				
Section 8.5 Review of Board Decisions	X			

Reviewed Article: Article IX. Declaration of Candidates and Election

Section	Maintain	Delete	Re-Draft	Recommended Changes
Article IX Nominations and Elections			X	Change the Article's title from "Nominations and Elections" to "Declaration of Candidacy and Elections."
Section 9.1 Municipal Elections	X			
Section 9.1 (a) Municipal Elections; Regular Elections	X			

**City of Lee’s Summit - Charter Review Commission
Matrix of Recommendations**

Section 9.1 (b) Municipal Elections; Special Elections			X	Delete the word “City” before Council.
Section 9.1 (c) Municipal Elections; Conduct of Elections	X			
Section 9.1 (d) Municipal Elections; Definition of Qualified Voter	X			
Section 9.2 Declaration of Candidacy			X	Change the subsection title from “Nominations” to “Declaration of Candidacy.”
Section 9.3 Determination of Election Results			X	At the end of the first sentence change from “such election” to “certification of the election returns by the respective verification board of each county.”
Section 9.4 City Council Districts			X	Delete the word “City” before Council.

Reviewed Article: Article X. Initiative, Referendum and Recall

Section	Maintain	Delete	Re-Draft	Recommended Changes
Section 10.1 (a) General Authority; Initiative			X	Delete the word “City” before Council.
Section 10.1 (b) General Authority; Referendum	X			
Section 10.1 (c) General Authority; Recall	X			

**City of Lee’s Summit - Charter Review Commission
Matrix of Recommendations**

Section 10.2 Commencement of Proceedings; Petitioners’ Committee; Notarized Affidavit			X	Within the title of this subsection, add “Notarized” before Affidavit. In the first sentence add: “...a notarized affidavit...”, “...street...” before address, “...consenting that delivery of notice to such address shall constitute valid receipt by the committee...”, and “...and a general statement of the reason(s) for the recall...”
Section 10.3 (a) (1) Petitions; Number of Signatures; Initiative	X			
Section 10.3 (a) (2) Petitions; Number of Signatures; Referendum	X			
Section 10.3 (a) (3) Petitions; Number of Signatures; Recall	X			
Section 10.3 (b) Petitions; Form and Consent			X	At the end of the fourth sentence, add “...and the general statement of reason(s) for recall on the top and bottom of all pages of the petition.”
Section 10.3 (c) Petitions; Notarized Affidavit of Circulator			X	Within the title of this subsection, and in the first sentence, add “Notarized” before Affidavit.
Section 10.3 (d) (1) Petitions; Time for Filing Petitions; Initiative	X			
Section 10.3 (d) (2) Petitions; Time for Filing Petitions; Referendum	X			
Section 10.3 (d) (3) Petitions; Time for Filing Petitions; Recall	X			

**City of Lee’s Summit - Charter Review Commission
Matrix of Recommendations**

<p>Section 10.4 (a) Procedure After Filing; Certificate of City Clerk; Amendment</p>			<p>X</p>	<p>Replace first sentence text and replace with: “Within thirty (30) calendar days after the petition is filed, the City Clerk shall complete a certificate as to its 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 United States certified mail return receipt requested.”</p> <p>In the second sentence change “calendar days” to “business days.”</p> <p>In the third sentence change “registered mail” with “United States certified mail return receipt requested.”</p>
<p>Section 10.4 (b) Procedure After Filing; Court Review; New Petition</p>	<p>X</p>			
<p>Section 10.5 Referendum Petitions; Suspension of Effect of Ordinance</p>	<p>X</p>			
<p>Section 10.6 (a) Action on Initiative, Referendum and Recall Petitions; Initiative and Referendum; Council Action</p>	<p>X</p>			

**City of Lee's Summit - Charter Review Commission
Matrix of Recommendations**

Section 10.6 (b) Action on Initiative, Referendum and Recall Petitions; Initiative and Referendum; Submission to Voters	X			
Section 10.6 (c) Action on Initiative, Referendum and Recall Petitions; Recall			X	Delete the word "City" before Council.
Section 10.6 (d) Action on Initiative, Referendum and Recall Petitions; Withdrawal of Petitions	X			
Section 10.7 (a) Results of Election; Initiative	X			
Section 10.7 (b) Results of Election; Referendum	X			
Section 10.7 (c) Results of Election; Recall	X			

Reviewed Article: Article XI. Financial Procedures

Section	Maintain	Delete	Re-Draft	Recommended Changes
Section 11.1 Fiscal Year	X			
Section 11.2 Submission of Budget and Budget Message			X	Delete "City Administrator and replace it with "City Manager."
Section 11.3 Budget			X	Delete "City Administrator and replace it with "City Manager."

**City of Lee's Summit - Charter Review Commission
Matrix of Recommendations**

Section 11.4 (a) Capital Program; Submission to Council			X	Delete "City Administrator and replace it with "City Manager."
Section 11.4 (b) Capital Program; Contents	X			
Section 11.5 Council Action on Budget	X			
Section 11.5 (a) Council Action on Budget; Notice and Hearing	X			
Section 11.5 (b) Council Action on Budget; Amendment Before Adoption	X			
Section 11.5 (c) Council Action on Budget; Adoption	X			
Section 11.6 Public Records			X	Add to the end of first sentence "...in printed form or electronic format."
Section 11.7 (a) Amendment After Adoption; Supplemental Appropriations			X	Delete "City Administrator and replace it with "City Manager."
Section 11.7 (b) Amendment After Adoption; Reduction of Appropriations			X	Delete "City Administrator and replace it with "City Manager."
Section 11.7 (c) Amendment After Adoption; Transfer of Appropriations			X	Delete "City Administrator and replace it with "City Manager."
Section 11.7 (d) Amendment After Adoption; Emergency Appropriations; Effective Date	X			

**City of Lee's Summit - Charter Review Commission
Matrix of Recommendations**

Section 11.8 Tax Rates and Tax Rolls	X			
Section 11.9 Sale of Bonds	X			

Reviewed Article: **Article XII. Franchises**

Section	Maintain	Delete	Re-Draft	Recommended Changes
Section 12.1 Granting of Franchises	X			
Section 12.2 Right of Regulation	X			
Section 12.2 (a) Right of Regulation; Misuse-Nonuse	X			
Section 12.2 (b) Right of Regulation; Efficiency	X			
Section 12.2 (c) Right of Regulation; Non-discrimination	X			
Section 12.2 (d) Right of Regulation; Audit of Accounts			X	Add to the end of last sentence "...which shall be made available in printed or electronic format."
Section 12.2 (e) Right of Regulation; Service to Public	X			
Section 12.2 (f) Right of Regulation; Use of City Property	X			
Section 12.2 (g) Right of Regulation; Rates and Charges	X			

**City of Lee's Summit - Charter Review Commission
Matrix of Recommendations**

Section 12.2 (h) Right of Regulation; Other Regulations	X			
Section 12.3 Temporary Permits	X			
Section 12.4 Operation Beyond Franchise Period	X			

Reviewed Article: Article XIII. Licensing, Taxation and Regulation of Business, Occupations, Professions, Vocations and Other Activities or Things

Section	Maintain	Delete	Re-Draft	Recommended Changes
Section 13.1			X	Delete the word "City" before Council.

Reviewed Article: Article XIV. General Provisions

Section	Maintain	Delete	Re-Draft	Recommended Changes
Section 14.1 Personal Financial Interest	X			
Section 14.2 (a) (1) Prohibitions; Activities Prohibited; Discrimination	X			
Section 14.2 (a) (2) Prohibitions; Activities Prohibited; False Reports	X			
Section 14.2 (a) (3) Prohibitions; Activities Prohibited; Undue Influence	X			

**City of Lee’s Summit - Charter Review Commission
Matrix of Recommendations**

Section 14.2 (b) Prohibitions; Activities Prohibited; Penalties	X			
Section 14.3 Political Activity	X			
Section 14.4 All Ordinances Effective on Municipal Land	X			
Section 14.5 Notice of Suits	X			
Section 14.6 Official Bonds	X			
Section 14.7 Charter Amendment			X	In the second sentence add “...in the manner prescribed for initiative petitions in Article X.”
Section 14.8 Charter Review Commission	X			
Section 14.9 (a) Public Improvements and Special Assessments; Improvements	X			
Section 14.9 (b) Public Improvements and Special Assessments; Special Assessments	X			
Section 14.10 Proof of Ordinance	X			
Section 14.11 Separability	X			

**City of Lee’s Summit - Charter Review Commission
Matrix of Recommendations**

Reviewed Article: Article XV. Transitional Provisions

Section	Maintain	Delete	Re-Draft	Recommended Changes
Section 15.1 Personnel System	X			
Section 15.2 Continuance of Taxes, Assessments and Fees	X			
Section 15.3 Ordinances to Remain in Force			X	Add the following language: “...or at the time the Charter is amended...”
Section 15.4 Pending Actions and Proceedings			X	Add the following language: “...or any amendment thereto...”
Section 15.5 Continuance of Contracts, Public Improvements and Taxes			X	Add the following language: “...or any amendment thereto...”

Reviewed Article: Article XVI. Schedule

Section	Maintain	Delete	Re-Draft	Recommended Changes
Section 16.1 Election to Adopt Charter	X			
Section 16.2 (a) Election of City Officials; Incumbents	X			
Section 16.2 (b) Election of City Officials; City Council	X			
Section 16.2 (c) Election of City Officials; Mayor	X			
Section 16.2 (d) Election of City Officials; Municipal Judges	X			

**City of Lee's Summit - Charter Review Commission
Matrix of Recommendations**

Section 16.3 Time of Taking Full Effect	X			
Section 16.4 Temporary Ordinances	X			
Section 16.5 Purpose of Schedule	X			

Reviewed Article: ADD NEW ARTICLE:

Article XVII. Transitional Provisions for Charter Amendments Approved by the Voters on November 6, 2007

Section	Maintain	Delete	Re-Draft	Recommended Changes
Section 17.1 Election to Amend Charter			X	Add the following: "The Charter Review Commission's proposed amendments to this Charter shall be submitted to a vote of the electors of the City of Lee's Summit at the regular general election to be held on November 6, 2007. The election shall be administered by the officials now charged with the responsibility for the conduct of municipal election."
Section 17.2 (a) Election of City Officials; Councilmembers			X	Add the following: "Notwithstanding the term limitations of Section 3.2 (c), an incumbent Councilmember on November 6, 2007 shall be eligible for re-election to one additional consecutive four-year term after completion of the incumbent terms of office."
Section 17.2 (b) Election of City Officials; Mayor			X	Add the following: "Notwithstanding the term limitations of Section 4.2 (b), the incumbent Mayor on November 6, 2007, shall be eligible for re-election to one additional consecutive four-year term after completion of the incumbent term of office."

**City of Lee's Summit - Charter Review Commission
Matrix of Recommendations**

<p>Section 17.3 Time of Taking Full Effect</p>			<p>X</p>	<p>Add the following: “Charter amendments approved by the voters on November 6, 2007 shall be in effect at the first meeting of the City Council after certification of those election results.”</p>
<p>Section 17.4 Purpose of First Amendment Schedule</p>			<p>X</p>	<p>Add the following: “The purpose of the foregoing amended schedule provisions is to implement the changes to the form of government presented by the amendments to the Charter adopted by the voters on November 6, 2007. These provisions shall constitute a part of this Charter only to the extent and for the time required to implement those changes.”</p>