

COMPARED VERSION
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 220943

Amending Chapter 2, Code of Ordinances, by repealing section 2-721.1 relating to residency qualifications for boards and commissions and enacting in lieu thereof one new section of like number and subject matter and enacting one new section 2-723 relating to standing rules for boards and commissions.

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BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 2, Code of Ordinances, is hereby amended by repealing 2-721.1 relating to residency qualifications for boards and commissions and enacting in lieu thereof one new section of like number and subject matter and enacting one new section 2-723 relating to standing rules for boards and commissions, to read as follows:

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Sec. 2-721.1. Residency Requirement for Boards and Commissions.

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The provisions of Article VII, Section 8 of the Missouri Constitution, stating that no person shall be appointed to civil office in Missouri who shall not have resided in Missouri one year next preceding the appointment, applies to all city ~~appoints appointments to seventy-five percent of each board, commission and committee membership.~~ Furthermore, seventy-five percent of all city appointments to each board, commission and committee must reside within the official boundaries of Kansas City, Missouri. ~~Accordingly, a maximum of twenty-five percent of each board, commission and committee membership may reside outside~~ Pursuant to Article VII, Section 8 of the ~~official boundaries of Kansas City, Missouri.~~ Constitution, Missouri residency shall not be necessary in cases of a city appointment to an administrative position requiring technical or specialized skill or knowledge. If an appointment is to a position requiring technical or specialized skill or knowledge, the legislation establishing the position will describe the technical or specialized skill or knowledge required.

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Sec. 2-723. Standing Rules for Boards and Commissions.

The following provisions shall apply to all boards and commissions unless the board is for a city retirement system or the board is governed by Chapter 88 of this Code or unless any such provision is inconsistent or in conflict with state law, the City Charter, a corporate bylaw of the corporation for which the board was organized or ~~is subsequently any governing contract, collective bargaining agreement, or employee benefits system or is~~ provided for by another provision of this Code:

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(a) *Parliamentary authority.* The rules contained in the current edition of Robert's Rules of Order Newly Revised shall be the parliamentary authority in all cases to which they are applicable.

(b) *Notice of public meetings.* Pursuant to the provisions of Chapter 610, Revised Statutes of Missouri, whenever a meeting occurs at which any public business is to be discussed or decided, public notice of the time, date, and place of the meeting, and its agenda, shall be given as provided by such statutes.

(c) *Publication of notice and agenda.* It shall be the duty of the City Clerk to publish the meeting notice and agenda setting forth the matters to come before a board or commission for consideration at its meeting.

(d) *Closed sessions.*

(1) Pursuant to the provisions of Chapter 610, Revised Statutes of Missouri, and as otherwise may be provided for by law, boards and commissions may enter into closed session upon the affirmative vote of a majority of the votes cast. In any such instance, the reason for closing the meeting and reference to the specific provision of the law authorizing closing and the vote of each member on the motion to close shall be announced in open session beforehand and made a part of the minutes.

(2) Business not directly related to the specific reason announced for closing the meeting shall not be discussed during the closed session, and the meeting shall be closed only to the extent necessary for the reason announced. Any votes taken during a closed session shall be by roll call and recorded.

(3) Closed sessions may be adjourned by the chairperson if he or she determines that there is no further business to be considered in closed session and if there is no objection by any member. In the event of an objection, adjournment of a closed session shall be upon motion which shall be by roll call and recorded as provided above. After the closed session is ended, the board or commission will be in open session and shall proceed as appropriate.

(e) *Attendance.*

(1) Members shall advise the chairperson prior to a meeting of their intention to be absent from such meeting.

(2) The Mayor may remove any member of a board or commission if the member has more than three unexcused consecutive board or commission meetings unless such removal is inconsistent or in conflict with any provision of the City Charter or this Code.

(f) *Roll Call.* The chairperson shall call the roll at the beginning of every meeting.

(g) *Voting.*

- (1) Resolutions and actions being voted upon are subject to discussion and debate unless by unanimous vote of those present the resolution or action is to be heard by consent. A resolution or action heard by consent shall be voted upon without discussion or debate.
- (2) For any resolution or action, a voice vote shall be sufficient unless at the request of a member the vote shall be taken by roll call.

(h) *Votes required.* A simple majority of the members present is sufficient for passage of a resolution or action.

(i) *Quorum.* A quorum shall consist of a majority of the board or commission members.

(j) *Conduct of business.*

- (1) Boards and commissions shall hold regular public hearings at regular times and places designated by the board or commission.
- (2) Meetings may also be held at such other times and places as deemed necessary by the board or commission.
- (3) If a Board or Commission fails to hold a meeting or public hearing for over a year, the Board or Commission shall be automatically dissolved.
- (4) When a board or commission desires to conduct business outside of its regular times, regular places or standard business hours, the board or commission shall notify the Clerk's office at least seventy-two hours in advance of the desired meeting. After receiving timely notification, the Clerk will assign staff to provide administrative support to the board or commission for the irregularly scheduled meeting based on the Clerk's discretion and availability.
- (5) Pursuant to Ordinance No. 220366, all boards, commissions and task forces are required to comply with all applicable procurement provisions of Chapter 3 of this Code.
- (6) Boards and commissions shall remain within the authority and powers bestowed by state statute, the City Charter, or this Code. If a board or commission is not an investigative body per state statute, City Charter, or this Code, then the board or commission shall not conduct any investigations.

(7) Members of boards and commissions shall not make representations on behalf of the board or the City of Kansas City or communicate with the public, any individual, or entity on behalf of the board or commission in full without holding a noticed public or closed meeting to obtain the consensus of the board or commission.

(8) All members of boards and commissions that are not currently serving as an elected official shall take a leave of absence from the board or commission ~~during political candidacy~~ upon the filing deadline for the elective office for which they are a candidate throughout the duration of the election cycle. For the purposes of this section, a board or commission member is defined as a political candidate after filing for a committee with the Missouri Ethics Commission, a candidacy with the Secretary of State, or filings with other local, state, or federal agencies indicating candidacy for electoral public office, or having filed as a candidate within any relevant jurisdiction.

(k) *Membership.*

(1) All boards or commissions shall be organized to have between five and nine members unless specifically provided by statute or ordinance.

(2) All members shall serve for a term of four years, unless specifically provided by statute or subsequent ordinance, subject to resignation at the member's discretion or separation at will by the appointing officer, subject and pursuant to City Charter.

(3) The chairperson shall be the presiding officer of the board or commission. In the absence of the chairperson, the vice-chair shall preside. The chairperson shall be appointed by the Mayor and the vice-chairperson appointed by the chairperson.

(l) *Conflict of Interest Annual Report.* Pursuant to Section 2-2024 of this Code, members of all boards, commissions and other entities of the city or who receive funding from the city or which make recommendations on the expenditure of public funds, except members and contractors who are required to file a personal financial disclosure statement, shall file an annual conflict of interest disclosure report on the form provided by the city clerk or equivalent form provided by the state ethics commission which shall provide the following information, before May 1 of each year.

(m) *Failure to File.* Pursuant to Section 2-2024 of this Code, any member of a city board, commission or other entity who is appointed by the mayor or one or more members of the city council who fails to submit a conflict of interest annual report by June 1 of each year shall be deemed to have resigned membership, and this resignation shall be deemed accepted as of June 1 of the respective year. Any entity listed in subsection (d) of Section 2-2024 of this Code, having a member not appointed by the mayor or by one or more members of the city council who fails to

file the required disclosure report, shall be subject to the termination or suspension of any funding or other assistance provided by the City until all required disclosures are made.

Approved as to form:

Alan Holtkamp
Senior Associate City Attorney

