

BILL NO. _____

RESOLUTION NO. _____

A RESOLUTION CREATING THE CHARTER REVIEW COMMISSION FOR THE CITY OF INDEPENDENCE, MISSOURI, TO CONSIST OF NINE MEMBERS TO BE APPOINTED BY THE CITY COUNCIL; DEFINING THE PURPOSES AND DUTIES OF SAID COMMISSION AND THE OBJECTIVES SOUGHT TO BE ACCOMPLISHED; AND FURTHER PROVIDING FOR THE ORGANIZATION AND PLAN OF OPERATION OF SAID COMMISSION.

WHEREAS, the Charter is the foundation of home-rule municipal government, addressing the most important aspects of local government and is the organic law of the community; and,

WHEREAS, a well-functioning local government relies on established rules, regulations, practices, and precedent, and its charter is a large part of this; and

WHEREAS, While a charter contains the enduring guiding principles for governmental operations, they are documents crafted by flawed human beings who are unable to see into the future and therefore needs to be revised and updated from time to time; and

WHEREAS, the Charter of the City of Independence was adopted by the registered qualified electors on December 5, 1961 and was amended by said registered qualified electors in 1972, 1978, 1985, 1987, 1999, and 2002; and

WHEREAS, the last Citizen Commission led update of the City Charter occurred in 1985; and

WHEREAS, Section 15.2 of the Charter provides that the Charter may be amended in any manner now or hereafter provided by the state constitution; and

WHEREAS, it was the objective of the original Charter Commission which drafted the original charter to ensure a high level of competence, efficiency, and responsiveness to the wishes of the electorate in the city government of Independence; and

WHEREAS, the Charter Amendment Advisory Board, which recommended the present Charter, while affirming the basic appropriateness of the original charter expanded upon it and modernized the terminology; and

WHEREAS, serving on the Charter Review Commission provides citizens an opportunity to directly participate in shaping the Charter to meet the City's needs in such areas as public services, efficiency of resources, effective local democracy and the aspirations of the City as a whole; and

WHEREAS, the City Council believes that the study of the existing Charter should be deliberate, thoughtful, and inclusive; and

WHEREAS, the City Council further believes that at the heart of this process is the active and focused engagement of a diverse and representative group of community members, that all segments of the community should be represented, and that no one should be excluded based on race, creed, color, ethnicity, national origin, religion, sex, sexual orientation, gender expression, age, height, weight, disability status, veteran status, military obligations or marital status;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF

INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That there is hereby established a Charter Review Commission to review the existing Charter of the City of Independence, Missouri and make such recommendations for change as the Commission may deem necessary and proper in order to amend the provisions of the existing Charter with reference to improving the mode and manner of operation and efficiency in conducting the affairs of the City and to advise the City Council on revisions which may be necessary or desirable to improve and enhance transparency and the general function of city government.

SECTION 2. That the Commission shall consist of nine citizens of the City of Independence, to be appointed by the City Council in the following manner: The City Manager shall solicit applications from candidates with the qualities of leadership, temperance, judgement, and interest in the governance of the City of Independence for a period of 45 days. Applicants will answer questions about their interest, their experience and how they would approach the work. The members should a) be in touch with the perspectives present in the community; b) command respect from local residents; and c) bolster the confidence of citizens in the process and the work of the commission. Each District Councilmember shall recommend three individuals from their Council District for final consideration by the full Council. Each member of the City Council will then rank the three finalists in each Council District, with the top two finalists in each District being appointed to the Commission. The Mayor shall appoint the Chairperson of the Commission. When selecting Commissioners, City Council officials will look for candidates with diverse perspectives who have experience championing community needs. Because it is imperative that the Commission is able to be detached, objective and impartial, any former Independence Mayor, City Councilmember, or City of Independence employee shall be ineligible to serve on the Commission.

SECTION 3. That Appointments to the committee will be affirmed by majority vote of the City Council at the August 1, 2022 City Council meeting. The Commission shall begin its work as soon as practicable after all members are appointed, with the goal of recommending amendments within one year of the first meeting for consideration by the City Council in order to ensure that proposed amendment can be placed on the February 2024 ballot in a timely manner.

SECTION 4. That the members of the Charter Amendment Advisory Board shall serve without compensation. Any member of the Charter Amendment Advisory Board shall be removeable at the pleasure of the City Council by a vote of at least five members of the Council, with or without cause. Any member of the Commission may be removed by the Council for malfeasance, failure to attend three or more consecutive meetings for any reason whatsoever, or willful neglect of duty.

SECTION 5. That the Charter Amendment Advisory Board shall be authorized to transact business upon the appointment of five members; no less than five members shall constitute a quorum to do business.

SECTION 6. That the Charter Amendment Advisory Board shall act as an advisory board to the City Council on matters pertaining to the revision and amendment of the City Charter. The power and duties of the Charter Amendment Advisory Board shall be as follows:

1. To meet at least monthly at a time and place selected by the membership. Said meetings shall be public meetings and shall comply with all applicable laws and ordinances governing public meetings.
2. To request of the City Manager suitable and qualified assistance should the Board ever have need for such services.
3. To study the City Charter, conduct hearings and make written recommendations to the City

Council by August 1, 2023.

4. To adopt rules for the transaction of business, and to keep a record of activities and minutes of all meetings.
5. To hold and conduct meetings calculated to enlist the cooperation of all groups in the community to cooperate in effectuating the purposes of the board.

SECTION 7. That the Commission shall review best practices, shall seek citizen input, shall consult with City boards and commissions, shall review the National Civic League Model City Charter, Ninth Edition, and shall review the current Charter in order to formulate recommendations for amendment, revision, or repeal of provisions of the Charter to the City Council.

SECTION 8. That the Commission shall outline in their final report the following:

1. The substance of any proposed amendments, revisions, or repeals to the Charter (the Proposals);
2. The policy reason(s) for each Proposal;
3. Estimated fiscal budgetary impact for each Proposal;
4. Impacts of each Proposal on existing City laws, rules, practices, and procedures;
5. Proposed ballot language for each Proposal in accordance with Article 15 of the Charter.

SECTION 9. That the Commission shall consider the following areas:

1. Inclusion of a mandatory Charter review provision in Article 15 and to determine the period of time between each mandatory review.
2. Procedural changes, including changing the dollar amount above which a bond is required for a public improvement project (Section 11.6) and changing the timing of initiative and referendum elections to be congruent with the Jackson County Board of Elections (Article 7).
3. Review of the formation and operation of public utilities as outlined in Sections 3.12 through 3.18.
4. Review of the Powers and Duties of the Personnel Board (Section 3.29) to ensure consistency with state and federal law.
5. Political activities, including allowable activities by City employees (Section 5.4).
6. Administrative Departments (Article 3), to ensure maximum flexibility to meet the evolving needs of the community.
7. Campaign finance, including consideration of contribution and expenditure limits (Article 5).
8. Term limits for Mayor and City Council (Article 6.2).

SECTION 10. That the scope of the Commission's work may be expanded by the City Council via resolution, and the Commission may request such an expansion of scope.

SECTION 11. That the City Counselor shall provide legal counsel and research to the Board as requested by them.

SECTION 12. That there shall be no other assignment added for the Charter Amendment Charter Amendment Advisory Board to consider, unless done so by amendment to this or subsequent ordinances.

SECTION 13. That Ordinance No. 4429, Resolution No. 1630, Resolution No. 2266, and

Ordinance No. 13023 and all other ordinances and resolutions in conflict herewith are hereby repealed.

SECTION 14. That all other City Code provisions and ordinances and resolutions not in conflict with this ordinance are to remain in full force and effect unless previously or subsequently amended or repealed.

SECTION 15. That the procedures of the Commission shall be governed by Roberts Rules of Order.

PASSED THIS ____ DAY OF _____, 2022, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY

City Counselor

REVIEWED BY:

City Manager