

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE CALLING FOR AN ELECTION TO AMEND THE CHARTER OF THE CITY OF INDEPENDENCE AND PROVIDING FOR SUBMISSION OF THE PROPOSED CHARTER AMENDMENTS TO THE QUALIFIED VOTERS OF THE CITY OF INDEPENDENCE FOR THEIR APPROVAL AT THE GENERAL ELECTION CALLED AND TO BE HELD ON AUGUST 6, 2024

WHEREAS, on December 5, 1961, the voters of the City of Independence, Missouri chose to adopt the City Charter;

WHEREAS, the Charter has not been extensively reviewed and updated by a Charter Review Commission in over 40 years;

WHEREAS, on August 1, 2022, a Charter Review Commission was established by the City Council by Resolution 6846;

WHEREAS, between August 2022 and December 2023, the Charter Review Commission held public meetings, sought input from voters, and made recommendations as to changes that were necessary or desirable for a streamlined Charter and effective governance of the City of Independence;

WHEREAS, after review of such recommendations, the City Council desires to submit to the voters of the City of Independence, Missouri certain proposed amendments to the City Charter at the August 6, 2024 election.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

Section 1: That an election shall be held on August 6, 2024, placing before the voters within the City of Independence the following questions in the following order:

CHARTER AMENDMENT QUESTION NO. 1

Shall the Charter of the City of Independence be amended throughout and Article 15 of the Charter of the City of Independence be amended to replace gender-specific terms with gender-neutral terms; to allow the City to publish legal notices online when not required to publish by State law in a local newspaper; to remove City boundary descriptions and references thereto; to include references to the Missouri Revised Statutes; to make grammatical, numbering, and language corrections as needed for clarity and accuracy; to provide that a Charter Review Commission shall review the Charter at least every seven (7) years and that Commission shall comprise of eleven (11) members who shall be appointed by the City Council; to remove provisions related to a prior election to revise the Charter; to remove outdated language regarding the election of the Mayor and Council during a previous Charter revision election; to remove the description of the council districts; to clarify the effective date of Charter revisions; and to amend the Certificate of the Charter Review Commission?

CHARTER AMENDMENT QUESTION NO. 2

Shall Articles 1, 2, 4, and 5 of the Charter of the City of Independence be amended to remove provisions explaining the powers of the City and to include the role of public engagement in City government; to clarify provisions relating to the Council's judgment of its members, the election of the Mayor Pro Tempore, vacancies in the office of the Mayor or councilmember, and the powers of the City and the City Council; to rename the City Management Analyst as the Internal Auditor and to clarify the Internal Auditor's job duties; to allow ordinances and resolutions to be maintained electronically; to remove provisions related to conduct of Councilmembers; to clarify that the City may adopt technical codes and that the City Code shall be posted on the City's website and updated at least annually; to remove the residency requirement for municipal judges; to provide that the Council shall approve the Mayor's appointment of municipal judges and to allow their reappointment without initiating the nomination process; to allow the City Prosecutor to apply for search warrants; to remove the Court Clerk's job duties; and to allow the City Council to transfer the City's municipal court to the Circuit Court of Jackson County; to remove provisions relating to conflicts of interest and political activities but require that the City Council establish a Code of Ethics for City officials and employees; to clarify the role of the Board of Ethics; and to remove Sections 5.8 through 5.20?

CHARTER AMENDMENT QUESTION NO. 3

Shall Articles 3, 8, 9, and 10 of the Charter of the City of Independence be amended to provide that the City Manager may be suspended or removed by the an affirmative vote of five (5) members of the City Council; to remove Section 3.2.1 regarding the coordination of emergency preparedness; to allow the City Council to establish City departments, offices, or agencies as needed and that the same are supervised by the City Manager; to delete Sections 3.4 through 3.24, Section 3.26, and Sections 3.33 through 3.35 regarding administrative departments of the City; to provide that the City budget shall be posted on the City's website; to provide that that the City shall not permit budgetary transfers in relation to any utility, nor shall it permit funds to be borrowed from any utility; to remove penalties for City officers and employees who enter into contracts on behalf of the City without authority to do so; to require that the City Council adopt financial policies with certain categories; to provide that the City may incur indebtedness and issue bonds and notes and to provide processes for such action, including preparation of a debt statement prior to certain action; to clarify that the City may license, tax, and regulate all businesses, occupations, professions, vocations, and activities as allowed by State law; and to remove Sections 9.1 through 9.5; and to remove Article 10?

CHARTER AMENDMENT QUESTION NO. 4

Shall Articles 6, 7, and 13 of the Charter of the City of Independence be amended to remove example nominating petition, affidavit of circulator, and acceptance of candidacy forms and to provide that they shall be provided by the City Clerk; to provide that council districts are established by ordinance; to clarify processes for swearing in elected officials and in the case that only one councilmember at large is elected; to remove a provision that allows campaign paraphernalia to bear political designations; to establish the period for filing nomination

petitions; to provide a process for write-in candidates; to clarify processes regarding death, adjudication of incompetence, or disqualification of candidates; to provide a process for the random order of candidates on a ballot; to clarify processes for canvassing returns; to provide that election ties shall be decided by drawing of straws; to provide that candidates shall be disqualified if they are in arrears to the City for fees or taxes, are delinquent in paying State income taxes, or have unresolved municipal warrants; to clarify the referendum process and which ordinances are not subject to the referendum process; to provide that an initiative, referendum, or recall petition shall be voted on at the next legally available election; to remove required ballot language; to clarify the certification of election results; and to clarify that franchises and utilities are subject to State laws?

CHARTER AMENDMENT QUESTION NO. 5.

Shall Articles 11, 12, and 14 of the Charter of the City of Independence be amended to remove provisions relating to funding of, bidding, and bond requirements for public improvements; and to remove Sections 11.11 through 11.20 regarding special tax bills and special assessments for public improvements, sewers, sidewalks, nuisance abatement, liens, condemnation proceedings, and drainage and levee districts; to remove the duties of the Planning Commission, the planning director, and the Board of Adjustment, the provision allowing the Mayor and City Manager to serve as ex officio members of the Planning Commission, the subpoena power of the Planning Commission and the Board of Adjustment, and specific items required in the Comprehensive Development Plan; and to provide that the City Planning Commission shall have all powers proscribed in Chapter 89, RSMo.; to provide that notice of suits and civil process may be served on the City Manager; to remove the prohibition on the City furnishing security for a bond in a judicial proceeding; and to provide that meetings, records, accounts, and votes of the Council and the City shall be open as required by State law?

CHARTER AMENDMENT QUESTION NO. 6

Shall the Charter of the City of Independence be amended to provide that prior to the sale of a public utility, the City Council shall, by ordinance, call for an election of the registered voters of the City to determine whether the City shall sell such public utility?

Section 2: That the Notice of Election showing said questions, a copy of which is attached hereto and made part hereof as Attachment 1, is hereby approved.

Section 3: That a full and complete copy of the proposed amendments to the Charter of the City of Independence, with ~~strike through~~ for language being removed and underscore for language being added, is attached hereto and incorporated herein as Attachment 2, and a copy of the same shall be maintained on file in the office of the City Clerk of the City of Independence, where the same shall be open for inspection and copying.

Section 4: That the City Clerk is hereby authorized and directed to notify the Board of Election Commissioners of Jackson County, Missouri of the passage of this Ordinance no later than 5:00 P.M. on May 28, 2024 in accordance with laws applicable to this election.

Section 5: That the amendments to the Charter of the City of Independence, Missouri approved by the voters of the City at the August 6, 2024 election shall become effective at the first meeting of the City Council after certification of the election results.

Section 6: That this ordinance shall be in full force from and after its passage and approval.

Section 7: That correction of any scriveners' errors identified within this Ordinance are hereby authorized by this Ordinance.

PASSED THIS _____ DAY OF _____, 2024, 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