

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 AN 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 an election to be held on August 6, 2024.

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

Section 1: That an election is hereby called and 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 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 make changes related to the Charter Review Commission and previous Charter revision elections?

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 City Council; to clarify the Internal Auditor's

position; to amend provisions related to the City Code, ordinances, and resolutions; to clarify that the City may adopt technical codes; to amend provisions relating to municipal court, municipal judges, the City Prosecutor, and the Court Clerk; to make changes regarding the Board of Ethics and ethics provisions for the City Council?

CHARTER AMENDMENT QUESTION NO. 3

Shall Articles 3, 8, 9, and 10 of the Charter of the City of Independence be amended to make changes regarding the City Manager, City department, offices, and agencies, and the coordination of emergency preparedness; to provide requirements for the City budget, budget transfers, and financial policies; to remove penalties for City officers and employees who enter into contracts on behalf of the City without authority to do so; to provide processes for incurring debt and the issuance of bonds and notes; to clarify that the City may license, tax, and regulate all businesses, occupations, professions, vocations, and activities as allowed by State law; 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 election forms; to provide that council districts are established by ordinance; to clarify election processes; to remove a provision regarding political designations in campaigns; 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; to remove required ballot language; 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 make changes relating to public improvements, special tax bills, and special assessments; to amend provisions related to the Planning Commission, the planning director, the Board of Adjustment, and the Comprehensive Development Plan; and to provide that the City Planning Commission shall have all powers proscribed in Chapter 89, RSMo.; to make changes to provisions relating to lawsuits against the City; 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 or prior to the combination or elimination of the City police or fire departments, 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 or shall combine or eliminate the City police or fire departments?

Section 2: That the Notice of Election showing said questions, a copy of which is attached hereto and made part hereof as Exhibit 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 ~~striketrough~~ 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 immediately 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 scrivener's 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

EXHIBIT 1

PUBLIC NOTICE OF ELECTION FOR THE CITY OF INDEPENDENCE, MISSOURI

Public notice is hereby given to the qualified voters of the City of Independence, Missouri, that the Independence City Council has called an Election to be held Tuesday, August 6, 2024, commencing at six o'clock A.M. and closing at seven o'clock P.M., local time, on the questions contained in the following sample ballot:

OFFICIAL BALLOT

CITY OF INDEPENDENCE, MISSOURI

ELECTION

TUESDAY, AUGUST 6, 2024

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 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 make changes related to the Charter Review Commission and previous Charter revision elections?

YES

NO

INSTRUCTIONS TO VOTERS:

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."

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 City Council; to clarify the Internal Auditor's position; to amend provisions related to the City Code, ordinances, and resolutions; to clarify that the City may adopt technical codes; to amend provisions relating to municipal court, municipal judges, the City Prosecutor, and the Court Clerk; to make changes regarding the Board of Ethics and ethics provisions for the City Council?

YES

NO

INSTRUCTIONS TO VOTERS:

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.”

CHARTER AMENDMENT QUESTION NO. 3

Shall Articles 3, 8, 9, and 10 of the Charter of the City of Independence be amended to make changes regarding the City Manager, City department, offices, and agencies, and the coordination of emergency preparedness; to provide requirements for the City budget, budget transfers, and financial policies; to remove penalties for City officers and employees who enter into contracts on behalf of the City without authority to do so; to provide processes for incurring debt and the issuance of bonds and notes; to clarify that the City may license, tax, and regulate all businesses, occupations, professions, vocations, and activities as allowed by State law; to remove Sections 9.1 through 9.5; and to remove Article 10?

YES

NO

INSTRUCTIONS TO VOTERS:

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.”

CHARTER AMENDMENT QUESTION NO. 4

Shall Articles 6, 7, and 13 of the Charter of the City of Independence be amended to remove example election forms; to provide that council districts are established by ordinance; to clarify election processes; to remove a provision regarding political designations in campaigns; 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; to remove required ballot language; and to clarify that franchises and utilities are subject to State laws?

YES

NO

INSTRUCTIONS TO VOTERS:

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.”

CHARTER AMENDMENT QUESTION NO 5.

Shall Articles 11, 12, and 14 of the Charter of the City of Independence be amended to make changes relating to public improvements, special tax bills, and special assessments; to amend provisions related to the Planning Commission, the planning director, the Board of Adjustment, and the Comprehensive Development Plan; and to provide that the City Planning Commission shall have all powers proscribed in Chapter 89, RSMo.; to make changes to provisions relating to lawsuits against the City; and to provide that meetings, records, accounts, and votes of the Council and the City shall be open as required by State law?

YES

NO

INSTRUCTIONS TO VOTERS:

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."

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 or prior to the combination or elimination of the City police or fire departments, 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 or shall combine or eliminate the City police or fire departments?

YES

NO

INSTRUCTIONS TO VOTERS:

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."

Done by order of the Independence City Council this ____ day of _____, 2024.

Jackson County Board of Election Commissioner

EXHIBIT 2

PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF INDEPENDENCE