



**MINUTES
REGULAR CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, SEPTEMBER 14, 2020**

PRESENT: Mayor Jean Moore
Mayor Pro Tem R.D. Mallams
Councilman Bill Garnos
Councilman Tom Frisby
Councilmember Tina Spallo

City Manager Scott Wingerson
Assistant City Manager Bob Baer
City Clerk Ruth Bocchino
City Attorney Chris Williams

Item No. 1. On the Agenda. Meeting Called to Order.

Mayor Moore opened the Regular City Council Meeting Monday, September 14, 2020, at 7:30 pm.

Item No. 2. On the Agenda. ROLL CALL

City Clerk Ruth Bocchino called Roll. All Councilmembers were present.

Item No. 3. On the Agenda. Pledge of Allegiance to the Flag of the United States of America.

Mayor Moore asked all to join in the Pledge of Allegiance to the Flag of the United States of America.

Item No. 4. On the Agenda. Approval of Agenda.

City Manager Scott Wingerson stated: *"Mayor, before we get to the Consent Agenda, could staff ask for a change in the agenda? Thank you very much. We are asking the Council to add two items to the agenda tonight; Item 11A, which is a Special Event Permit for Car-Stravaganza on September 26th; it's a Classic Car Show in Linden Square. The application was received on Friday after the agenda was published and the event occurs before your next meeting on the 28 as it's on the 26th. Item 11B is a Building Permit for a roof at 7514 North Oak, that is Christian Brothers Roofing; they are proposing a roof addition as a training facility for their business there and waiting two weeks for them would jeopardize the project to be finished before winter sets in so we are asking for your consideration of Item 11A and Item 11B later on your agenda."*

If this is an acceptable change in the Council's eyes we just ask for a simple motion, second, and vote."

Mayor Moore stated: *"Is there a motion to accept the agenda as amended?"*

Mayor Pro Tem Mallams stated: *"Mayor Moore, with the additions of what our City Manager has included, 11A and 11B, I would like to make that motion."* **Councilmember Spallo** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0)

The Agenda was approved as amended.

Item No. 5. On the Agenda. Approval of the August 24, 2020, Regular City Council Meeting Minutes.

Mayor Pro Tem Mallams moved to approve the minutes of the August 24, 2020, Regular City Council meeting as presented. **Councilman Frisby** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0)

Item No. 6. On the Agenda. **PROCLAMATION:** Daughters of the American Revolution Constitution Week.

Mayor Moore read the Proclamation and presented to Maggie Henderson.

Item No. 7. On the Agenda. **CONSENT AGENDA.**

Following the Clerk's reading:

Mayor Pro Tem Mallams moved to approve the Consent Agenda as published. **Councilman Frisby** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0)

Mayor Pro Tem Mallams moved to approve **RESOLUTION R-20-43** A Resolution authorizing acceptance of a proposal from Capital Electric Line Builders, Incorporated, for the replacement of pedestrian signals and painting of existing traffic signal structures at the intersection of North Oak Trafficway and Northeast 72nd Street in the total amount of \$66,185.08. **Councilman Frisby** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0)

Mayor Pro Tem Mallams moved to approve **RESOLUTION R-20-44** A Resolution accepting easements from certain property owners in conjunction with the Northeast 76th Street and North Tracy Avenue storm drainage improvements Project CP2131. **Councilman Frisby** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0)

Mayor Pro Tem Mallams moved to approve the **SIX MONTH FINANCIAL STATEMENT**. **Councilman Frisby** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0)

Mayor Pro Tem Mallams moved to approve a **SPECIAL EVENT PERMIT: Walk to End Alzheimer's (Virtual)**. **Councilman Frisby** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0)

REGULAR AGENDA.

Item No. 8. On the Agenda. Communications from the audience.

Jim Oldebeken approached Council and stated: *"My name is Jim Oldebeken and I live at 7402 North Highland Avenue here in Gladstone. I wish to share some observations that I have related to our County and the Clay County Constitution Commission. It was recommended to me that I attend. I did so; I've attended five meetings. I have very actively tried to follow what has transpired. I had concerns early on and I just pursued, just keeping a close eye on what I was seeing. I mean no disrespect to any other public servant here or citizen but I'll just share my viewpoints. I was concerned about the repeated violations of the Emergency Public Health Order. Not once, not twice, not less than three times, maybe four. I don't understand that. That was after a public comment was made at one of the first meetings about the lack of social distancing; and if you can't social distance, you wear a mask. At the August 17 meeting, two individuals made comments about no minutes, no agenda, I guess there was an agenda, maybe, but not really. Copies of the documents that the Constitution Committee had but we did not and as of today, well, I've asked repeatedly, I'm a citizen, I know what the laws say, I've asked, and asked, and asked; I've asked, there are six attorneys on this 14-member Commission and if there are problems, I think they need to be looked at. Not necessarily the non-legal people. I'm very concerned about how these meetings were held. I count over 30 violations of the law, easily documented. The first one is not providing the name and location of the Records Custodian. It's very explicit in the law, the Missouri Sunshine. I asked north of, quite a few times, I've documented all of them. I just can't believe we still don't have minutes of the first and last meeting. There is no way I can support this. I don't even have to understand what it says. I don't support a non-Democratic process; I cannot support, no, I cannot support violating the law to try to improve government. Sunshine is real clear; I don't think it's here to be ignored. I don't think it's here to be set aside by people that think they are above that. So, I want to close by asking those in this room to help keep this conversation going. Don't take my word for it, take a look yourself. The documents, they are yours. You should all ask for them. There is a group called Facebook, a Facebook group, Citizens for a better Clay County, that has a lot of activity on it. Make your own decisions. I will share whatever public documents I have with anybody. I seek to aggregate and make them available in some place, in some way. I'll say one more thing that I've learned a lot about. There is a wonderful booklet put out by the AG, maybe most of you have seen it. It's on the Sunshine Law. It's a booklet and you have the law, and you have the booklet. The booklet is fantastic. But, the quote at the beginning is very basic and very important: 'A successful democracy depends on public trust and openness in government.'*

Today is Mercy Otis Warrens birthday; I consider her the best historian of the War of Independence. She lived before, during, and after; lost half her family, and she corresponded with a lot of cool people. Thank you."

Ken Jamison and Kirk Davis approached Council and stated:

To see entire transcript of the presentation of the Constitution of Clay County, Missouri, please review the attached document or review the audio/video at:

<https://www.gladstone.mo.us/CityGovernment/recordings/view-hd.php?dt=2020-09-14&os=0>

After the presentation the following occurred:

Mayor Moore stated: *"I understand there may be some questions, so if you will pause for a moment. Questions from the Council?"*

Mayor Pro Tem Mallams stated: *"Kirk and Ken, pats on the back for the work that you have done with the Clay County Commission. Just a couple of comments, then I do have a question. I read through the duties of the Presiding Commissioner and the County Administrator and I have to say they look very similar to what we have here in Gladstone. I support the term limits, the recall, no political affiliation for the Commissioners. Being on Facebook, there appears to be opposition to the Constitution and the final product and I guess I'm curious; what do you foresee or what do you believe are the major areas of concern and how will you communicate with the residents as you move forward to November?"*

Mr. Davis stated: *"I'll take the first shot. So relative to communications, the last issue, that's a challenge, with COVID. Normally, we would get out in front of the city groups and do the circuit. We can't do that because they are not meeting especially so we too have a Facebook page and we have received endorsements already from the Clay County EDC, the Clay County Mayors, from the Northland Chamber of Commerce and some smaller affiliated groups that operate here in Clay County so I think the momentum is building in that regard. What do I see as challenges? Why would anybody be against this? I'm not really sure I understand why there would be someone against it other than part of the issue is the four positions that are being rolled into administration. Those are easily rolled into an administrative function and who knows, maybe even the current elected will be the ultimate appointees. I don't know. But that is one. That's a big change. Some people want to be able to vote on 15 or 16 different positions. In this case, though, if you look at it, we are just swapping. We are adding the number of Commissioners and you will have the ability to vote on five out of seven vs. two out of three. Five out of seven but at the same time the four positions are kind of being swapped for County Commission positions in terms of what you can vote on. We think it brings Clay County a little bit closer to the individual voters so that's my general reflection for me."*

Mr. Jamison stated: *"Facebook. I'm not really big on social media. I've heard bits and pieces about it; I took a quick glance at some of the Facebook groups. Some of these Facebook groups have 2,000 members but it will tell you how many people see a post and it will be about 50 people. So .0001% of the people of that group see the post or like the post. Now when you go to*

barber shops, when you go to VFW Halls, Elks Lodges, and talk to real people, face to face, man to man, woman to woman, and you tell them about the document, they like it. In terms of campaigning, the ability and capability to campaign for this has been hindered quite a bit because of COVID but we are reaching out to, the people on the Commission, we know thousands and thousands of people; on speed dial, on email, we work with them, so I think we will be able to campaign and sell this pretty well and pretty effectively. Other major concerns was Recorder of Deeds, County Clerk, no longer being elected. If you see the duties and responsibilities for those positions, they are severely restricted in black and white by statute. Missouri statute. It codifies what they can do so they don't deal anything with policy. If I'm County Clerk, or he's County Clerk, it doesn't really make a difference because what we can do on a daily basis in that position is restricted by Missouri law; and when people say we are taking away your vote or your voice because we are no longer elected County Clerk, they don't finish the sentence. No longer electing County Clerk, ok, correct, but we are also giving you a new voice with a County Commissioner. You've got to finish the sentence here. Your voice is going to be more impactful and more effective by electing five out of seven County Commissioners as opposed to a County Clerk or Recorder of Deeds. That's the major concern that I encountered."

Mr. Davis stated: "Did we answer your question, R.D.?"

Mayor Pro Tem Mallams stated: "You have put many hours into this and I guess my concern is when November rolls around and it's election day that the people that are voting are aware of the contents of the Constitution and how it will benefit Clay County."

Mr. Davis stated: "You know we are going to have to do the typical campaign gyrations that you see; mailers, signage, and things like that, but it's a little different this year. Also people don't want to see the detail; it's a 15-page document which is relatively short for a Constitution; it covers everything I think is important but still people won't read it so we are also going to have some flyers and some things; a lot of email postings that are consolidated and much shorter; 10 point, 10 talking points on an email blast. We are trying to work our own networks. We do have a Facebook page, we are raising money for mailers and signs and things like that. It's going to be hard to get the detail out but if you read the question, I think the question is, frankly, brilliantly written, by some of the attorneys on our Commission, and if you read that are you going to look at that and say, 'why shouldn't I be for this?' So..."

Mr. Jamison stated: "One other concern, major concern we've encountered, was there was an allegation we rushed the job. The Commission of 14 members, we were appointed on July 15 so the entity of the Commission existed for a couple of months. The people that made up that Commission, served on that Commission, and they serve and live in Clay County for decades and the chaos and circus we've seen at the County Commission at Clay County government level in recent years, that's reflective of what has been going on for decades. The people who serve on the Commission, don't forget about the entity and how long the entity...people have been living this for decades and they know the problems of this County are at the fundamental foundational level. So that's one allegation that I didn't really see a lot of merit to."

Councilman Frisby stated: "My congratulations to you guys for coming up with this document and I know you have a lot of time in retirement Mr. Davis, so that was not an issue. My two

comments really quick: can you address the ballot language issue going around saying that it is tilted one way, not giving enough detail about the elected officials, those types of things, being not on the ballot language?

Mr. Jamison stated: *"The Missouri Supreme Court, I mean, the ballot language is legal. There is nothing wrong with the ballot. The opposition will try to misconstrue and try to say that something is wrong but according to the Missouri Supreme Court it's legal. It's correct. We are not required to spell out every single provision, every single entity, in the ballot language."*

Councilman Frisby stated: *"Right, and I understand that, and I follow those groups also but their contention is you purposely left off some of the important items, that people would think that they are losing their votes for those four offices is the main one that I see being bandied about. Of that four, your side only, there would be no opposition. Could you address the thought going into that process?"*

Mr. Jamison stated: *"We felt we hit the major points of the Constitution. 16 pages, many provisions, dealing with several different issues; if we included every single issue in the Constitution in the ballot language, the ballot in November would be a stack of paper so we feel like we complied with the guidance of the Missouri Supreme Court."*

Councilman Frisby stated: *"Are you going to have the full document available on your site if somebody wants to go read that?"*

Mr. Jamison stated: *"Yes, so again, but, there are so many Facebook groups it's become diluted and don't know where to go so we have a single, one source, one stop place and it's the Constitution, ballot language, if you go to the County Clerk's office, I'd be happy to email if you want my email, I'll send you my personal email and email you the documents, whatever you guys need."*

Mr. Davis stated: *"I can send that site. I don't have it in front of me, but I can send that site to Scott and he can share it with you."*

Councilman Frisby stated: *"You said you had a site of your own, correct?"*

Mr. Jamison stated: *"The site is not set up yet. It is in the process of being done, but once it is set up we can send it out to everybody and that's a one stop place where everything located on one site."*

Councilman Frisby stated: *"I think that will help a lot. Thank you, Mayor."*

Councilman Garnos stated: *"Thank you, Mayor. A funny coincidence, I think we have a street here also named after a Kirk Davis, I don't know if that is a relative of yours or not but...Welcome to Gladstone. I wanted to first commend the Constitution Commission for their diligent work. I remember when even the Advisory Committee was meeting beforehand, there was serious concern that a Constitution Commission would be able to draft this kind of a document and get it on the November election in time just because of the time constraints and*

then we lost two months for municipal elections to get the ball rolling on this and you were still able to get it done which I have to commend you on. The thing that I was most pleased in reading the draft was something that was carried over from the previous effort back in 2013. It was the support for non-partisan elections. I was stunned when that was a recommendation back in 2013 and I was very pleased that you included it in this to have a bi-partisan group recommend non-partisan County Commission. I thought was a big, big deal and I'm glad you kept that in there. I just wanted to comment on that. Second of all, I know back in 2013, when we went down this road before, the City Council passed a Resolution of support back then and I don't know if we or other City Council's may be asked for Resolutions of support for this as part of the public education campaign, but I would hope that it would be and I still have a copy of the one from 2013 if we want to use that one. Back in 2013, I wanted to ask specifically about audits and what the draft Constitution provides regarding audits. I may not remember this correctly, but when the group put together the provisions back in 2013 at the 11th hour, I remember there was a lot of consternation about audits and what should be in the draft Constitution about audits. At the 11th hour, I think, pages got added specifying the audits, of course it all went down in flames. Since then, we have had continuous problems, controversies, and lawsuits regarding audits which I'm still having a hard time understanding how governments can fight the need to do financial audits. One of the questions I had was just what do we have in here on that issue, what does it require or not require, and how much of that issue was discussed with you folks?"

Mr. Davis stated: "So break it down into, there was a lot of discussion about this issue and whether the external auditor was, should be a member of the staff or be responsible to the Commission so there is an internal and an external audit. OK. The internal audit is done every year, very similar to what you see once a year after the auditors come in here for about three weeks in January and then they give you their findings. That stays in place. OK. In addition to that, you have an external auditor here who we decided to leave elected so they aren't responsible to the County Commission. The discussion was should the auditor be elected or appointed by the County Commission. They ultimately left it as an elected position because of the feeling that there should be some independence in that position and they shouldn't be beholden to the elected County Commission. But that goes back to, that's at the heart of the point you are trying to make so you are going to see two audit efforts; one is the external, one is the internal."

Councilman Garnos stated: "The last question that I had was, I was disappointed back in 2013, and I've spoken about this in open session here before, when the County Government draft Constitution failed back then, it was in my opinion that it was defeated in large part through misinformation and fear-mongering back then and I commented here in Council the weekend before the June election that I was disappointed to see that campaign starting up again. I had mentioned it here that the weekend before I got this mailer that talked about this Constitution Commission-do you want to be like Jackson County? Do you want all officials appointed like Jackson County? County executives in jail, appointed Assessor asks Jackson County, we don't want to lose electing the Sheriff or Prosecutor. I have these same ones from the 2013 campaign that got sent out with just nothing but complete misinformation. Besides the fact that it is more than a little bit insulting to our neighbors in Jackson County. I did just want to ask you, does the draft Constitution make all officials appointed like Jackson County? Does it put County executives in jail? Does it provide for an appointed Assessor, and does it take away electing the County Sheriff or Prosecutor?"

Mr. Davis stated: *"I think we answered that in that your County Administrator has a code of ethics that will stay with him or her their entire professional career. It's spelled out specifically as a requirement. Your Sheriff is still elected, Prosecutor is still elected, Assessor is still elected and I'm forgetting the fourth now; the Auditor still elected. The other four positions, we're talking about maybe affecting 15 to 20 employees, the other four positions simply become part of Administration. The only thing similar to Jackson County in this deal is the Public Administrator because the Public Administrator down there is appointed by Court En Banc. And we are suggesting the same thing and it works. So I think that answers all of the questions that you had."*

Councilman Garnos stated: *"They were mostly rhetorical, but I'd been on a rant about this once before so I just thought I'd share it with you all. That's all I had, Mayor, thank you."*

Mr. Jamison stated: *"We tried to be laser-like focused on integrity, checks and balances, accountability, if you have a lot of anger, bitter and resentment to the County Commissioners, who shall remain nameless, the best way to achieve revenge on those two individuals is voting yes on this Constitution because their wrong doing in my opinion, or alleged wrong doing, will never happen again."*

Mayor Moore stated: *"I want to thank both of you for your service on the Commission and for making all this information available to us tonight. Were you thinking that you might want something from the Council in terms of an endorsement?"*

Mr. Davis stated: *"You know if we can get an endorsement that's great; our job here tonight was to come and present information and answer questions and how you choose to accept that information and move forward is certainly up to the Council."*

Mayor Moore stated: *"We have some time that we could still take that action before the November 3 election so we will push that on to staff and see what we can do in that regard. Thank you both for all your time."*

Mayor Moore asked if there was anyone else who wished to speak before Council.

There were none.

Item No. 9. On the Agenda. Communications from the City Council.

Mayor Moore stated: *"I had the opportunity to make a Zoom presentation at NNI on what is happening in the city along with Mayors from Parkville, Riverside, and Pleasant Valley. It's just cool to be able to say how many good things we have going on in Gladstone. It was a great opportunity to toot our whistle and I was really happy to have that opportunity. Similarly, as those of you who have been Mayors in the past, remember the 7:30 am Northland Regional Chamber of Commerce Board meeting; at least you can do it in your pajamas now. I was at their meeting last week too, so pretty much a similar presentation. It's always good to hear updates from that group."*

Item No. 10. On the Agenda. Communications from the City Manager.

City Manager Scott Wingerson stated: *"Madam Mayor and members of the Council, thank you. It's going to be a busy weekend in the City of Gladstone coming up. The 17th, 18th, and 19th, especially on the East side, so we are going to ask for a little bit of patience from the public. We have a lot going on. Just to highlight a few things: Beautification weekend is Friday, Saturday and Sunday. I would expect that it would set all sorts of records with people at home cleaning out their closets and basements and garages and stuff like that. It is on the West side of Happy Rock. On Friday and Saturday, Winnetonka will be hosting a high school softball tournament at Happy Rock so we will have a softball tournament and beautification going on at the same time. Saturday morning, we have Youth Flag football at Happy Rock on the East side. Saturday morning, we have a swim meet at the Community Center; Saturday morning we have Dunkin' Dogs at the outdoor pool. Saturday night we have Pickin' on the Front Porch at AJ, Friday and Saturday at the Community Center we have the National Stamp Dealer Show. Quite a busy weekend; we are glad to get things going back for the community but pleading for a little bit of patience on the East side of Happy Rock when those events conflict. Hopefully everybody will do a good job of being patient. Thank you."*

Item No. 11. On the Agenda. **FIRST READING BILL NO. 20-29** An Ordinance amending Ordinance 3.396, Title II, Chapter 130, Section 2.130.010, of the Code of Ordinances, City of Gladstone, Missouri, to update its regulations relating to horseback riding and bicycle safety in City Parks and Trails.

Councilman Garnos moved **Bill No. 20-29** be placed on its First Reading. **Mayor Pro Tem Mallams** seconded.

Councilman Frisby stated: *"Mayor Moore, I do have some discussion. I have several items that I have an issue with on this entire Ordinance. I don't know if you want me to bring them up now or would you like me to..."*

Mayor Moore stated: *"Why don't you give us a quick overview of those and then we can make a determination if this is perhaps something that we want to table till a later date."*

Councilman Frisby stated: *"That will work. My biggest concern, my overarching concern is, on the new bicycle Ordinance when we place a 20 mile per hour restriction on a bicycle on a path, on a park path, I see that as completely unenforceable. I can see if that is in the Ordinance, I can see complaints coming into the Public Safety about speeding bicycles on our paths and I don't feel it would be a good use for our resources to have a Public Safety person go and attempt to clock a bicycle on, I think it's unacceptable, or it's unattainable to enforce it."*

City Manager Wingerson stated: *"The Council has some options at this point. We'd be glad to do a little bit more research on the 20 mile per hour speed limit and compare it to other cities in the area and see how they are enforcing it and how that works and bring that back to you as a Study Session at your next meeting with a proposed, either this Ordinance that is pending before you, or a somehow revised to meet Councilman Frisby's desires. It's really up to the Council;*

there is no hurry on this if the Council wants to take some time; ask us to do some more research, we'd be glad to do that."

Mayor Moore stated: *"Is that acceptable?"*

The option was acceptable to all Councilmembers.

Mayor Moore stated: *"Chris do we need to do anything special here?"*

Attorney Chris Williams stated: *"We had the motion for the first reading, right?"*

Mayor Moore stated: *"Right."*

Attorney Williams stated: *"One thing you could do is go ahead and approve the First Reading and then postpone the action until a later date. If you want to. Or the motion could be withdrawn and we can undo it since, I suppose it's possible, the Ordinance could change based on the future presentation and research from staff."*

Councilman Garnos stated: *"I'd be happy to withdraw the First Reading."*

Mayor Pro Tem Mallams stated: *"And I would withdraw the second."*

Mayor Moore stated: *"So we will consider this; do I need to take a vote on that?"*

Attorney Williams stated: *"You don't have to vote on that, you can just declare that we are going to postpone action until after staff has done initial research."*

Mayor Moore stated: *"So we will remove 20-29; we will postpone that and let staff do some work on that and bring it back to us at a later time. Is everybody OK with that?"*

All Councilmembers were OK.

Item 11A. on the Agenda. CONSIDER SPECIAL EVENT PERMIT: Car-Stravaganza, September 26, 2020, Linden Square, 602 Northeast 70th Street.

Mayor Pro Tem Mallams moved to approve the Special Event Permit, Car-Stravaganza, September 26, 2020, Linden Square, 602 Northeast 70th Street. **Councilman Frisby** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0)

Item 11B. on the Agenda. CONSIDER BUILDING PERMIT: Christian Brothers, 7514 North Oak Trafficway, roof addition.

Councilmember Spallo moved to approve the Building Permit, Christian Brothers, 7514 North Oak Trafficway, roof addition. **Councilman Garnos** seconded. The Vote: "aye",

Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0)

Item No. 12. On the Agenda. Other Business.

There was none.

Item No. 13. On the Agenda. Adjournment.

Mayor Moore adjourned the September 14, 2020, Regular City Council meeting at 8:23 pm.

Respectfully submitted:


Ruth E. Bocchino, City Clerk

Approved as presented: ✓

Approved as modified:


Jean B. Moore, Mayor

THE CONSTITUTION OF CLAY COUNTY, MISSOURI

"Government is a trust, and the officers of the government are trustees. And both the trust and the trustees are created for the benefit of the people." – Henry Clay

Preamble

We, the people of Clay County, Missouri, in order to avail ourselves of the benefits and responsibilities of home rule powers, hereby create a county government to serve our present and future needs, increase citizen participation, provide for a responsive and efficient government, and to guarantee the right of our citizens to determine the best form of government for our County.

ARTICLE I. Effective Date, Name, Boundaries, County Seat, and Powers of the County

Section 1.01. Effective Date. The effective date of this Constitution shall be January 1, 2021.

Section 1.02. Name. The name of the County as it operates under this Constitution shall continue to be Clay County, Missouri.

Section 1.03. Nature and Legal Capacity. Clay County is a political subdivision of the state of Missouri and a body corporate and politic, and as such, shall have all powers possible for a county to have under the Constitution and laws of the state of Missouri and under this Constitution. Such powers shall include all rights and powers of local self-government not inconsistent with the Constitution and laws of the state of Missouri.

Section 1.04. Boundaries. The boundaries of Clay County are unchanged by this Constitution and may only be changed pursuant to Missouri law.

Section 1.05. County Seat. The seat of county government shall continue to be located in Liberty, Missouri.

Section 1.06. Exercise of Powers. All powers of the County shall be executed as provided by this Constitution, or if the Constitution makes no provision, as provided by Missouri law, or otherwise as provided by ordinance or resolution of the County Commission.

Section 1.07. Construction. The powers of the County under this Constitution shall be construed liberally in favor of the County, and the specific mention of particular powers shall not be construed as limiting in any way the general powers of the County.

ARTICLE II. County Commission

Section 2.01. Powers and Duties. The governing body of the County shall be called the County Commission. The powers of the County Commission conferred by this Constitution are limited only as provided elsewhere in this Constitution or by Missouri law. The County Commission shall have all legislative, executive and other powers conferred by applicable Missouri law upon counties of the State of Missouri.

Section 2.02. Composition. The County Commission shall be composed of seven members. There shall be two districts created, which shall be named the Eastern District and the Western District. The two districts shall be identical to the two districts in existence prior to the adoption of this Constitution. The two districts may thereafter be altered and amended, as set forth herein. Each district shall elect two in-district Commissioners, who shall be elected by the qualified voters of their respective districts, and one at-large Commissioner, who shall be elected by the qualified voters of the entire County. Additionally, there shall be a Presiding Commissioner who shall be elected by the qualified voters of the entire County. The titles of the Commissioners shall be:

- A. Presiding Commissioner
- B. Eastern District Commissioner – Seat 1
- C. Eastern District Commissioner – Seat 2
- D. Eastern District Commissioner – At Large
- E. Western District Commissioner – Seat 1
- F. Western District Commissioner – Seat 2
- G. Western District Commissioner – At Large

Section 2.03. Qualifications. The qualifications to serve as a member of the County Commission shall be:

- A. A resident and registered voter of Clay County for at least two (2) years prior to the date of taking office and, if serving as a District Commissioner, a resident of their respective district for at least one (1) year prior to the date of taking office.
- B. Remain a resident and registered voter of Clay County and, if serving as a District Commissioner, remain a resident and registered voter of their respective district throughout their term of office.

Section 2.04. Terms of Office. All Commission terms, other than those set forth below, shall be for a period of four (4) years, commencing on the first business day of January following the Commissioner's election. Elections for specific offices shall occur as follows:

- A. Presiding Commissioner. The current Presiding Commissioner shall remain in office until a successor takes office on the first business day of January 2023. The current Presiding Commissioner's compensation and entitlement to benefits will not be changed during his term of office. Beginning with the 2022 election, the Presiding Commissioner will be elected to four (4) year terms and will receive the compensation and benefits set forth herein.

- B. Eastern District Commissioner – Seat 1. The winner of the November of 2020 election for Eastern Commissioner shall occupy Seat 1 of the Eastern District and shall remain in office for a full four (4) year term. The Commissioner will receive the compensation and benefits in place for this office prior to the adoption of this Constitution until the first business day of January 2023. For the remainder of this term, the Commissioner will receive the compensation and benefits set forth herein. Beginning with the 2024 election, this Commissioner will be elected to four (4) year terms and will receive the compensation and benefits set forth herein.
- C. Eastern District Commissioner – Seat 2. The office of Eastern District Commissioner – Seat 2 will be elected for a full four (4) year term in the 2022 election and will take office on the first day of January 2023 and will receive the compensation and benefits set forth herein.
- D. Eastern District Commissioner – At Large. The office of Eastern District Commissioner – At Large will be elected for a special two (2) year term in the 2022 election and will take office on the first day of January 2023 and will receive the compensation and benefits set forth herein. Beginning with the 2024 election, this office will be elected to four (4) year terms and will receive the compensation and benefits set forth herein.
- E. Western District Commissioner – Seat 1. The winner of the November of 2020 election for Western Commissioner shall occupy Seat 1 of the Western District and shall remain in office for a full four (4) year term. The Commissioner will receive the compensation and benefits in place for this office prior to the adoption of this Constitution until the first business day of January 2023. For the remainder of this term, the Commissioner will receive the compensation and benefits set forth herein. Beginning with the 2024 election, this Commissioner will be elected to four (4) year terms and will receive the compensation and benefits set forth herein.
- F. Western District Commissioner – Seat 2. The office of Western District Commissioner – Seat 2 will be elected for a full four (4) year term in the 2022 election and will take office on the first day of January 2023 and will receive the compensation and benefits set forth herein.
- G. Western District Commissioner – At Large. The office of Western District Commissioner – At Large will be elected for a special two (2) year term in the 2022 election and will take office on the first day of January 2023 and will receive the compensation and benefits set forth herein. Beginning with the 2024 election, this office will be elected to four (4) year terms and will receive the compensation and benefits set forth herein.

Section 2.05. Term Limits. Commissioners shall be limited to serving two consecutive four (4) year terms in the same office and a total of four (4) terms of four (4) years each, not including special two (2) year terms set forth in this Constitution. It shall not be a violation of this provision for a Commissioner to run, at any time, for an office other than the office for which the Commissioner is term limited. A Commissioner who has been term limited in an office may run for that office again, provided there has been at least one intervening election for the office for which the Commissioner was not a candidate.

Section 2.06. Commission Districts. There shall be two County Commission districts. The districts will be as compact and equal in population as possible. The districts shall be subject to alteration every ten (10) years, following the Decennial United States Census, as set forth herein.

Section 2.07. Compensation. All Commission members shall be paid a salary equal to the base salary paid to elected members of the Missouri House of Representatives. The six (6) District Commissioners shall not be entitled to any benefits, including health insurance and retirement benefits. The Presiding Commissioner shall be entitled to additional compensation of \$12,000 per year and will be eligible to participate in the health insurance plan available to all other County employees. The Presiding Commissioner shall not be entitled to any other benefits, including retirement benefits.

Section 2.08. Duties of the Presiding Commissioner. The Presiding Commissioner shall:

- A. Be considered a member of the Commission and vote only in the case of tie, unless specifically provided by this Constitution or by Missouri law.
- B. Provide leadership in the communication of policy to the public.
- C. Lead the Commission in developing its long-range plans and policies, establishing annual priorities, and planning for the economic growth and stability of Clay County government.
- D. Officiate and preside at all meetings and events.
- E. Call special meetings of the Commission as deemed necessary and, in such manner, as required by law.
- F. Attend, or designate a representative of the Commission to attend, all meetings, conferences, and negotiations relating to policy matters involving other units of government and legislative bodies.
- G. Prepare, at least annually, a written or verbal message to the Commission and the citizens detailing such information concerning the economic, physical, and social conditions and needs of Clay County.
- H. Sign, if authorized by law or the Commission, all contracts, and other documents of Clay County government.
- I. Appoint, after consultation with the County Administrator, all members of County Boards and Commissions and any other body or group established by law. All such appointments shall be subject to approval by the County Commission.
- J. Appoint a suitable Commission member to serve as the Presiding Commissioner *pro tem*. Such person shall, in the absence of, unavailability of, or by designation of the Presiding Commissioner, assume and exercise the duties and responsibilities of the Presiding Commissioner.

The Presiding Commissioner shall have all other powers granted by this Constitution, the Commission, and applicable state law.

Section 2.09. Prohibitions. No Commission member shall direct the conduct of any agency or any department, or any part thereof, including the appointment or removal of employees, except at the express direction of the Commission or as otherwise provided by this Constitution. The County shall not hire any person related to a Commissioner within the fourth degree, by affinity or consanguinity. No former Commission member shall hold any compensated appointive office or County employment until two (2) years after leaving office.

Section 2.10. Limitation on Debt. The County shall be strictly limited by all provisions of Missouri law regarding the issuance and obligation of debt, including any provisions requiring a vote of the citizens of Clay County prior to such issuance or obligation of debt. Any vote of the County Commission necessary for the issuance or obligation of debt in an amount which exceeds fifteen (15%) percent of the County's prior year's revenues shall require a supermajority of the County Commission.

Section 2.11. Meetings of the Commission. The County Commission shall hold regular meetings, which shall be conducted as provided by law. The Commission shall hold its meetings at such times and places as will allow the general public the opportunity to attend and participate in such meetings. Any vote of the Commission shall require a quorum to be present and, unless otherwise specified herein, a majority vote of the Commission shall be required to approve the item being considered by the Commission. Once a seven-member Commission is seated in 2023, any matter requiring a supermajority of the Commission shall require approval by five (5) members of the County Commission, regardless of the number of Commissioners voting. Prior to the first business day of January 2023, any matter requiring a supermajority of the Commission shall require approval by three (3) members of the County Commission, regardless of the number of Commissioners voting. The Presiding Commissioner may cast a vote on any matter requiring a supermajority of the Commission.

Section 2.12. Open Meetings. Clay County, Missouri, the Clay County Commission, the elected and appointed officeholders, the department heads, the County's boards and commissions, and the employees of Clay County are, and will continue to be, committed to openness and transparency in government. Clay County shall strictly follow the requirements of Missouri's Open Meetings law, as set forth in Chapter 610 of the Revised Statutes of the State of Missouri. The County Commission shall video record all regular, open, business meetings of the County Commission in which a vote is taken. Such video shall be transmitted live and be immediately available on a publicly available platform. The County Commission shall also retain such videos as open records, pursuant to Missouri law.

Section 2.13. Vacancies. Should a vacancy occur on the Commission, the County Commissioners shall, within sixty (60) days of the occurrence of such vacancy, appoint a replacement to serve until the end of the term to which he or she is appointed or until the next regular county election, whichever is sooner. If a regular county election is held prior to the end of the unexpired term, then an election shall be held for an individual to fill the remaining portion of said unexpired term.

ARTICLE III. County Administrator

Section 3.01. County Administrator Selection. The Commission shall hire, based on education and experience in public administration, a professional County Administrator who shall be the chief administrative officer of the County. The County Administrator shall become a resident of Clay County within six (6) months of employment and agree to maintain residency throughout the employment tenure. The County Administrator shall not engage in any other business or occupation while serving as County Administrator. The County Administrator shall be a member of the International City/County Manager's Association (ICMA) and shall adhere to the tenets of ICMA's Code of Ethics. The County Administrator is responsible for submitting policy proposals, assisting the Commission in the establishment of goals, and shall refrain from activities that undermine public confidence in professional administrators. The Commission shall establish the salary of the County Administrator and approve an employment agreement. The County Administrator shall be hired by a majority vote of the entire membership of the Commission, including the Presiding Commissioner.

Section 3.02. Absence of the County Administrator. The Commission may designate a qualified administrative officer of the County to assume the duties and authority of the County Administrator during periods of prolonged absence.

Section 3.03. Powers and Duties. The County Administrator shall be the chief administrative officer of Clay County government and shall be responsible to the Commission for administration of all Clay County government affairs subject to this Constitution. The County Administrator shall:

- A. Appoint, suspend, or remove all county employees and appointive administrative officers provided for by or under this Constitution, except as otherwise provided by law, this Constitution or personnel rules adopted pursuant to this Constitution. The County Administrator may authorize any administrative officer subject to the County Administrator's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency.
- B. Direct and supervise the administration of all departments, offices, and agencies of the County, except as otherwise provided by this Constitution or by law.
- C. Attend and participate in Commission meetings.
- D. Faithfully execute all laws, provisions of this Constitution, and acts of the Commission.
- E. Serve as the County's Budget Officer and oversee the County's budget team.
- F. Prepare and submit the annual budget and capital improvement program to the Commission, and implement the final budget approved by the Commission to achieve the goals of the County. Update the Commission throughout the year including submission of a mid-year budget review, as necessary.
- G. Submit to the Commission and make available to the public a complete report on the finances and administrative activities of the County as of the end of each fiscal year, and as requested by the Commission.

- H. Make such other reports as the Commission may require concerning operations.
- I. Keep the Commission fully advised as to the financial condition and future needs of the County.
- J. Make recommendations to the Commission concerning the affairs of the County and facilitate the work of the Commission in developing policy and goals. Submit strategies to implement these goals.
- K. Provide staff support services to the entire Commission.
- L. Encourage and provide staff support for regional and intergovernmental cooperation.
- M. Promote partnerships among Commission, staff, and citizens in developing public policy and building a sense of community.
- N. Perform such other duties as are specified in this constitution, by law, or as directed by the Commission.

Section 3.04. Removal. The County Administrator may be removed, with or without cause, by a vote of a supermajority of the County Commission.

ARTICLE IV. Elected Offices

Section 4.01. Elected Offices Designated. The offices of Prosecuting Attorney, Sheriff, Auditor and Assessor shall continue to be elected.

Section 4.02. Powers and Duties. The elected offices shall continue to possess all of the powers and duties established by Missouri law unless specifically addressed by this Constitution.

Section 4.03. Qualifications. The qualifications to serve as Prosecuting Attorney, Sheriff, Auditor or Assessor shall be:

- A. A resident and registered voter of Clay County for at least two (2) years prior to the date of taking office.
- B. Remain a resident and registered voter of Clay County throughout their term of office.
- C. Meet all other qualifications for the office, as set forth in Missouri law.

Section 4.04. Terms of Office. The terms of office shall continue to be four (4) years. The Assessor elected in the 2016 general election shall continue to serve his or her full term. The Prosecuting Attorney and Auditor elected in the 2018 general election shall continue to serve their full terms and the Sheriff and Assessor elected in the 2020 general election shall take office and serve their full terms. All terms of office, other than for Assessor, shall commence on the first business day of January following their election. The term of office for the Assessor shall commence on the first business day of September following his or her election.

Section 4.05. Vacancies. Should a vacancy occur in an elected office under this Article, the County Commissioners shall, within sixty (60) days of the occurrence of such vacancy, appoint a replacement to serve until the end of the term to which he or she is appointed or until the next regular county election, whichever is sooner. If a regular county election is held prior to the end of the unexpired term, then an election shall be held for an individual to fill the remaining portion of said unexpired term. The Chief Deputy of the officeholder shall assume the duties of the officeholder until the vacancy has been filled.

Section 4.06. Compensation. The compensation for offices elected under this Article shall be:

- A. The Prosecuting Attorney shall be paid a salary equal to the salary paid to Associate Circuit Judges for the State of Missouri and shall be adjusted at the same time as the salaries for Associate Circuit Judges for the State of Missouri are adjusted.
- B. The Sheriff shall be paid a salary equal to Seventy-Five percent (75%) of the salary paid to Associate Circuit Judges for the State of Missouri and shall be adjusted at the same time as the salaries for Associate Circuit Judges for the State of Missouri are adjusted.
- C. The Auditor and Assessor shall be paid a salary set by the County Commission as part of the annual budget process. However, the Auditor and Assessor shall be paid a salary that is not less than the salary paid to the offices on December 31, 2020. The Auditor and Assessor may receive in-term salary increases authorized by the County Commission, provided that such increases do not exceed the average cost of living adjustments (COLAs) paid to the County's employees.
- D. The officeholders under this Article shall be considered full-time and eligible for all benefits available to other full-time employees of the County. The officeholders under this Article shall be expected to devote their full-time energy and efforts to their respective offices.

Section 4.07. Budget. The officeholders under this Article shall be entitled to an appropriate budget allocation for the operation of their respective offices. Such budget shall be organized by funds, organizational units, character and objects of expenditure and the organizational units may be further subclassified by functions and activities, if so directed by the Budget Officer. Each office shall be entitled to a hearing with the Budget Officer and, if requested, the County Commission prior to the adoption of the budget. No officeholder may transfer funds from one organizational unit to another organizational unit without the approval of the Budget Officer.

Section 4.08. Employees. Each officeholder under this article shall be authorized to hire, manage, supervise, control, and terminate employees within their office. Each officeholder shall appoint a Chief Deputy for their office. All employees of these offices shall be entitled to the same benefits as other similarly situated County employees and shall be entitled to the same cost of living adjustments (COLAs) as other County employees. All employees of these offices shall be subject to any personnel policies adopted by the County Commission. The officeholders may not adopt personnel policies which conflict with those adopted by the County Commission but may adopt such additional policies as are deemed necessary for the efficient operation of their respective offices. The County shall not hire any person related to an officeholder within the fourth degree, by affinity or consanguinity.

ARTICLE V. Non-Elected Offices

Section 5.01. Non-Elected Offices Designated. The offices of County Clerk, Treasurer, Collector, Recorder of Deeds and Public Administrator shall no longer be elected.

Section 5.02. Transition of Offices. The current officeholders for each office under this Article and the winners of the 2020 general election for each office shall be entitled to remain in office until the first business day of January 2023. The current officeholders will receive the compensation and benefits in place for their office prior to the adoption of this Constitution until the first business day of January 2023.

Section 5.03. Appointment of Offices – County Clerk, Treasurer, Collector and Recorder of Deeds. Following the transition of the office or a vacancy of the office, the offices of County Clerk, Treasurer, Collector and Recorder of Deeds shall become administrative departments of the County and shall be subject to Article VI of this Constitution. The elected officeholders of these offices shall not be prohibited from being appointed as department heads or otherwise prohibited from remaining employed by the County.

Section 5.04. Appointment of Office – Public Administrator. Following the transition of the office or a vacancy of the office, the office of Public Administrator shall be appointed by the County Commission. The Circuit Court Judges, meeting *en banc*, are authorized to recommend a qualified person for the position and, if made, the County Commission shall hire the person recommended by the Circuit Court Judges. The County Commission shall set the salary for the office of Public Administrator. The Public Administrator shall report to the County Administrator. In supervising the Public Administrator, the County Administrator shall consult with the Circuit Court Judges. Removal of the Public Administrator shall be by a vote of the County Commission. The elected officeholder of this office shall not be prohibited from being appointed by the County Commission or otherwise prohibited from remaining employed by the County.

ARTICLE VI. Administrative Departments and Organizations

Section 6.01. General Provisions. The activities of the County shall be distributed among such departments and divisions as are established or as may be established by reorganization of the County administration or as provided in this Article. Each department and division shall have those duties and responsibilities provided by the Commission or the County Administrator.

Section 6.02. Department Directors. The director of each department shall be the principal officer of the department and shall be responsible for its operations. The County Administrator shall, following consultation with the County Commission, have the authority to appoint, suspend, or dismiss all non-elected department directors and division heads, except as provided by law or this Constitution. The County Administrator may authorize any appointive County administrative officer to appoint, suspend or remove subordinates in that officer's department or division. All appointment and dismissal authority of the County Administrator and his or her subordinates shall be subject to provisions of law and personnel rules adopted by the Commission.

Section 6.03. County Counselor. The office of County Counselor shall continue to exist, pursuant to Chapter 56 of the Revised Statutes of the State of Missouri. The County Counselor shall be a

licensed Missouri attorney and shall be a resident of Clay County. The County Counselor shall be appointed by and report to the County Commission. Any written legal opinion prepared by the County Counselor shall be made available to all members of the County Commission. The County Counselor shall represent the County, including all elected offices, appointed offices and departments in all civil legal matters. Subject to approval by the County Commission, the County Counselor may appoint such assistants and lawyers as are needed to adequately represent Clay County. In the event a dispute arises between two (2) or more elected offices and/or elected bodies, the County Counselor shall make provisions for the appropriate representation of each party. Removal of the County Counselor shall require a supermajority vote of the County Commission.

Section 6.04. Reorganization of County Government Administration. The Commission may by ordinance or resolution alter the administrative organization of County government including the creation, abolishment, or merger of departments and the transfer of responsibilities among departments. The County Administrator may recommend to the Commission, in writing, changes in the administrative organization of the County, and the Commission shall act upon such recommendations within (90) days following its presentation. Such action shall be in the form of an ordinance or resolution approving, disapproving, or approving in amended form the recommended administrative changes. Prior to action on an ordinance or resolution that creates, abolishes, or merges departments, or causes the transfer of responsibilities among departments, the Commission shall provide public notice and a public hearing.

Section 6.05. Boards and Commissions. The Boards and Commissions existing prior to the effective date of this Constitution shall remain in effect. Such Boards and Commissions shall continue to operate, as appropriate, under Missouri law and County ordinance. The County Commission may alter, amend, add, or delete any Board or Commission created by County ordinance.

ARTICLE VII. Elections

Section 7.01. Non-partisan Elections. Elections for all offices shall be non-partisan.

Section 7.02. Campaign Contributions Limits. The provisions of the Missouri Constitution, Article VIII, Section 23, regarding campaign contributions limits and requirements shall apply to any candidate for an elective office.

Section 7.03. Elections

- A. All elections for office shall be in even-numbered years, with the primary election occurring in August and the general election occurring in November.
- B. If there are more than two (2) qualified candidates for one (1) office, there shall be held a primary election for such office. The names of the two (2) candidates receiving the greatest number of votes for the office at the primary election shall appear on the ballot in the general election. If any candidate receives a majority of the votes cast (greater than fifty (50%) percent of the votes), then that candidate will be deemed elected and no general election will be held for that office.

- C. If there are two (2) qualified candidates for one (1) office, there shall not be a primary election for the office and the two (2) candidates shall appear on the ballot in the general election.
- D. If there is one (1) candidate for one (1) office, there shall not be an election for the office and the candidate will be declared the winner of the election.
- E. All elections authorized by this Constitution shall be paid for by Clay County.

ARTICLE VIII. Initiative, Referendum and Recall

Section 8.01. Authority. The citizens of Clay County reserve the power to propose, by their own initiative and enact ordinances independent of the County Commission, to approve or reject any ordinance of the County Commission by referendum, and to recall any elected County officer.

Section 8.02. Initiative and Referendum. Initiative and Referendum petitions may propose ordinances or the repeal of ordinances on any subject except:

- A. Ordinances concerning appropriations for the budgetary support of County government.
- B. Ordinances concerning the payment of principal and interest on debts of Clay County.
- C. Ordinances concerning the borrowing of funds in anticipation of the collection of taxes and revenues previously authorized at an election.
- D. Ordinances directing the issuance of bonds by Clay County previously authorized at an election.
- E. Ordinances establishing tax rates.
- F. Ordinances establishing zoning districts or designating real property to be in one zoning district or another or ordinances amending other ordinances to do so.

In order for a proposition by initiative or referendum petition to be submitted to the voters, the following requirements must be met:

- A. The petitioners must file a notice of intent to circulate an initiative or referendum petition with the County Election Board and the County Commission.
- B. Within twelve (12) months after filing the notice of intent, but not less than six (6) months before the next general election, the initiative petitioners must file with the County Election Board initiative petitions bearing the signatures of Registered Voters who reside in each of the Commission Districts equal in number to fifteen (15) percent of the total votes cast for Governor of Missouri in that Commission District in the last gubernatorial election; and
- C. Each petition that is signed and filed must contain a full text statement of the proposed

ordinance with an accompanying title that reflects the content of the ordinance and an enacting clause that reads as follows: "Be it enacted by the citizens of Clay County". The County Election Board is to examine the notice of intent and the petition that are filed to determine if they meet the foregoing requirements. If they meet the foregoing requirements, the County Election Board must so certify, and the proposed ordinance must be submitted to the voters at the next general election. If the proposition is approved by a majority of those voting on the proposition, the proposed Ordinance is to be deemed adopted and to have the same force and effect as an ordinance adopted by the County Commission.

Section 8.03 Recall. Petitions may propose the recall of any elected County Officer. In order for a recall proposition to be submitted to the voters, the following requirements must be met:

- A. The recall petitioners must file a notice of intent to circulate a recall petition with the County Election Board;
- B. Within twelve (12) months after filing the notice of intent, but not less than six (6) months before the next general election, the recall petitioners must file with the County Election Board a recall petition bearing the signatures of Registered Voters who reside in each of the Commission Districts equal in number to twenty (20) percent of the total votes cast for Governor of Missouri in that Commission District in the last gubernatorial election; and
- C. Each recall petition that is signed and filed must contain the following statement "[insert the name of County Officer]" is recalled from the office of [Insert the name of the office held by the County Officer]". If the elected County Officer to be recalled is a Commission Member, the recall petition must bear the signatures of Registered Voters who reside in the Commission District or Districts which vote for that Commissioner equal in number to twenty percent of the total votes cast for Governor of Missouri in that Commission District in the last gubernatorial election. The County Election Board is to examine the notice of intent and the recall petition that are filed to determine if they meet the foregoing requirements. If so, the County Election Board must so certify, and the recall proposition must be submitted to the voters. If the subject of the recall petition is a Commission Member, the recall proposition must be submitted to the voters of the Commission District or Districts which vote for that Commissioner. If the subject of the recall proposition is not a Commission Member, the recall proposition must be submitted to the voters of Clay County. The vote on a recall proposition must be held at the next election available for use by Clay County. If the recall proposition is approved by a majority of those voting on the proposition, the County Officer who is the subject of the recall shall immediately forfeit his or her office and that office is to be deemed vacant.

ARTICLE IX. General Provisions

Section 9.01. Effect of the Constitution. This Constitution shall be liberally construed in aid of its declared purpose. If any article, section, subsection, sentence, clause or provision of this Constitution or the application thereof shall be held invalid for any reason, the remainder of the Constitution and of any ordinances, resolutions or regulations made thereunder shall remain in full force and effect.

Section 9.02. Constitution Review. The County Commission may, by supermajority vote, place before the voters of Clay County an amendment or amendments to this Constitution to be voted on at the next November general election authorized under Section 7.03.A of this Constitution. No County Commission vote under this section may occur until after the first seven-member commission has taken office on the first business day of January 2023.

Section 9.03. Clay County Re-Districting and Constitution Review Commission. The County Commission shall appoint a seven-member Re-Districting and Constitution Review Commission (the "Review Commission"). A minimum of three (3) members of the review commission shall be appointed from each County Commission district.

Section 9.04. Qualifications. Members of the Review Commission shall meet the following qualifications:

- A. Be a resident and registered voter of Clay County for at least two (2) years and a resident of their respective district for at least one (1) year.
- B. Not be an employee, vendor, or have a contractual relationship with Clay County.
- C. Not be related to an elected officer of Clay County or the County Administrator within the fourth degree, by affinity or consanguinity.
- D. Not have served on the immediately preceding Review Commission.

Section 9.05 Meetings of the Review Commission. The Review Commission shall meet as follows:

- A. The County Commission shall appoint the Review Commission within sixty (60) days of the release of the 2020 Decennial Census by the United States Census Bureau. The Review Commission shall hold its first meeting within thirty (30) days of being appointed.
- B. The County Commission shall appoint a Review Commission in the year 2026 by February 15, 2026.
- C. Beginning with the 2030 Decennial Census and every ten (10) years thereafter, the County Commission shall appoint a Review Commission within sixty (60) days of the release of the Decennial Census by the United States Census Bureau. The Review Commission shall hold its first meeting within thirty (30) days of being appointed.

Section 9.06. Duties of the Review Commission. The Review Commission shall have the following duties:

- A. The Review Commission appointed following the 2020 Decennial Census shall only consider the issue of re-districting and shall make any changes, amendments or alterations to the County Commission districts necessary to keep the districts as compact and equal in population as possible. Within ninety (90) days of their first meeting, the

Review Commission shall submit any proposed changes to the Commissioner districts to the County Commission for approval and submission to the Clay County Election Board for application at the next election authorized under Section 7.03.A of this Constitution.

- B. The Review Commission appointed in 2026 shall meet to consider any necessary and appropriate amendments to this Constitution. Within ninety (90) days of their first meeting, the Review Commission shall submit any proposed amendment or amendments to this Constitution to the Clay County Election Board to be voted on at the next election authorized under Section 7.03.A of this Constitution.
- C. Each Review Commission appointed following the 2030 Decennial Census shall meet to make any changes, amendments or alterations to the County Commission districts necessary to keep the districts as compact and equal in population as possible and to consider any necessary and appropriate amendments to this Constitution. Within one hundred and twenty (120) days of their first meeting, the Review Commission shall submit any proposed changes to the Commissioner districts and submit any proposed amendment or amendments to this Constitution to the Clay County Election Board to be voted on at the next election authorized under Section 7.03.A of this Constitution.

ARTICLE X. Transition Provisions

Section 10.01. Constitution Election. In accordance with law, an election on the adoption of this Constitution shall be held at the November 2020 general election. If the Constitution is approved by a majority of those voting on the Question, this Constitution shall be adopted and shall take effect on the date set forth herein.

Section 10.02 Question to be Submitted to the Voters of Clay County. The ballot question to be submitted to the qualified voters of Clay County, Missouri shall be:

Shall Clay County adopt the proposed county constitution?

This Constitution prohibits officeholders from voting on their own pay increases, requires non-partisan elections, requires term limits for Commissioners, allows recall of officeholders, allows for citizen petitions, requires campaign contribution limits, prohibits officeholders from hiring family members, prohibits former Commissioners from being hired by the County within two years of leaving office, adds restrictions on public debt, and creates a citizen review commission to propose constitutional amendments for voter approval.

- ☐ YES
- ☐ NO

INSTRUCTIONS

To vote, completely darken the oval next to your choice.

If you are in favor of the question submitted upon this ballot, darken the oval to the left of the word "YES"

If you are opposed to the question submitted upon this ballot, darken the oval to the left of the word "NO"

Section 10.03. Initial County Administrator. The County Commission shall initiate the necessary procedures to employ a County Administrator, as provided in Article III of this Constitution. Pending the selection of the County Administrator, the Commission may appoint an acting or interim County Administrator.

Section 10.04. Offices and Officers Prior to this Constitution. Unless otherwise provided by this Constitution, all offices, officials, governing boards, commissions, agencies, and advisory boards of Clay County government shall continue to exist on the effective date of this Constitution and all powers, duties, and functions thereof shall continue pursuant to their current status and operations.

Section 10.05. Legal Authority and Duties Prior to the Adoption of this Constitution. Unless otherwise provided by this Constitution, the legal authority and duties in effect prior to this Constitution shall continue to exist.

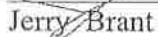
Section 10.06. Continuation for Existing Regulations, Contracts, Levies, Resolutions, Ordinances, Obligations, and Other Official Conduct. All proceedings, actions, regulations, resolutions, contracts, levies, obligations, and other official conduct of the County government in process preceding adoption of this Constitution shall be and remain effective unless or until repealed or modified by official action of the Clay County Commission or unless such items are contrary to the provisions of this Constitution, with the following exceptions:

- A. All contracts for employment with County employees in place prior to the effective date of this Constitution shall be void. Nothing contained herein shall serve to terminate a County employee or prevent any County Commission acting under the Constitution from entering into employment contracts.
- B. All contracts executed prior to the effective date of this Constitution which were not publicly voted on by the entire County Commission and which may have been entered into under a delegation of authority to a single Commissioner are voidable and may be considered by the County Commission taking office on the first business day of January 2023.

Section 10.07. Employees' Continuation. On the effective date of this Constitution all employees of Clay County government prior to this Constitution shall continue without change in benefits or compensation from that in effect prior to the Constitution's effective date.

Submitted on the 20th day of August, 2020 by the Clay County Constitution Commission.

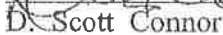

Greg Canuteson


Jerry Brant

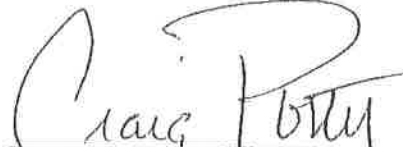

Sherry C. Duffett


Kenneth M. Honeck


Kevin A. Graham


D. Scott Connor

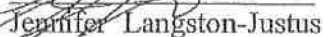

Gary Markenson

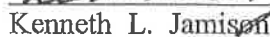

Craig Porter



Wendi Bridges


Kirk L. Davis


Chris Gahagan


Jennifer Langston-Justus


Kenneth L. Jamison


Angela Williams