

**TENTATIVE AGENDA**  
**RAYTOWN BOARD OF ALDERMEN**  
**COMMITTEE OF THE WHOLE**  
**MAY 20, 2025**  
RAYTOWN CITY HALL  
10000 EAST 59<sup>TH</sup> STREET  
RAYTOWN, MISSOURI 64133  
AND  
ONLINE ZOOM WEBINAR  
6:00 P.M.

A video recording of the Committee of the Whole meeting will be available online and linked on the City's website within one week following the meeting's date and time.

zoom.us/join  
Webinar ID: 854 8654 9878  
Passcode: 342704

**Roll Call**

- 1. Approval of the April 1, 2025 Committee of the Whole Meeting Minutes**
- 2. Board Duties and Responsibilities**  
Jennifer Baird, City Attorney

**ADJOURNMENT**

**MINUTES**  
**RAYTOWN BOARD OF ALDERMEN**  
**COMMITTEE OF THE WHOLE**  
**APRIL 1, 2025**  
RAYTOWN CITY HALL  
10000 EAST 59<sup>TH</sup> STREET  
RAYTOWN, MISSOURI 64133  
AND  
ONLINE ZOOM WEBINAR  
6:30 P.M.

Mayor Michael McDonough called the April 1, 2025, Committee of the Whole meeting to order at 6:33 p.m

**Roll Call**

Present: Alderman Greg Walters, Alderman Ian Scott, Alderman Loretha Hayden, Alderman Janet Emerson, Alderman Theresa Garza, Alderman Bill Van Buskirk, Alderman Diane Krizek

Absent: Alderman Ryan Myers, Alderman Jim Aziere, Alderman Bonnaye Mims

**1. Approval of the March 4, 2025 Committee of the Whole Meeting Minutes**

Alderman Emerson, seconded by Alderman Garza, made a motion to adopt. The motion was approved by a vote of 5-0-3-2.

Ayes: Aldermen Emerson, Garza, Krizek, Van Buskirk, Hayden

Nays: None

Absent: Aldermen Myers, Aziere, Mims

Abstain Aldermen Scott, Walters

**2. Police Update**

Police Chief, Robert Kuehl

The item was presented by Robert Kuehl, Police Chief.

Alderman Aziere joined the meeting at 6:37 p.m.

Alderman Mims joined the meeting at 6:41 p.m.

**ADJOURNMENT**

Alderman Hayden, seconded by Alderman Mims, made a motion to adjourn. The motion was approved by a majority of those present.

The meeting was adjourned at 7:01 p.m.

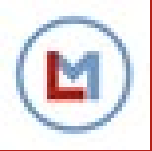
# Board of Aldermen Roles and Responsibilities



LAUBER MUNICIPAL LAW

*Serving those who serve the public*

**Presented by**  
**Jennifer Baird**  
**May 20, 2025**



# Municipal Law Basics

# Classification and Form of Missouri Municipalities

## Home Rule Charter

-  City makes its own “organic” law (like its own constitution)
-  Authorized in Mo. Const. art VI, § 19
-  Have “all powers that the General Assembly could confer”
-  Population 5,000+
-  Specific statutes found at Chapter 82, RSMo

## Special Charter Cities

-  No population requirement
-  These cities had individual legislative powers provided by the General Assembly prior to 1875
-  Specific statutes at Chapter 81, RSMo

## Third Class Cities

-  Population 3,000 – 30,000
-  Three forms:
  -  Mayor-Council (Ch. 77, RSMo)
    -  Also authorized to have City Administrator
  -  Commission (Ch. 78, RSMo)
  -  City Manager (two formats) (Ch. 78 RSMo)
    -  Manager runs administration of the City
    -  5-member City Council is legislature- elects Mayor from its own members



# Classification and Form of Missouri Municipalities



## Fourth Class Cities

-  Most common type of city in Missouri
-  Population 500-3,000
-  Mayor + Board of Alderman (2 each from at least 2 wards)
-  Mayor – City Administrator – Board of Aldermen
-  Mayor only votes in ties
-  Specific statutes at Chapter 79
-  **NO FIRST OR SECOND CLASS CITIES-** repealed in 1975 because there weren't any.

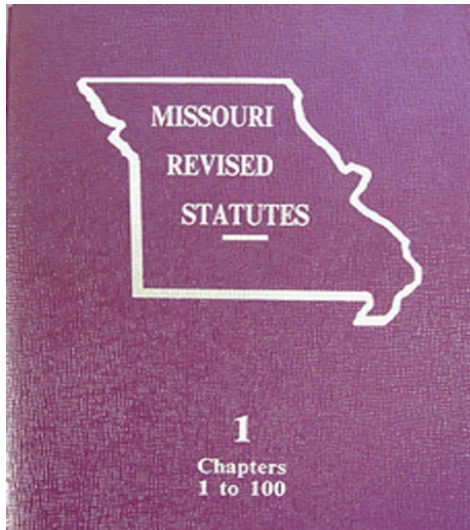
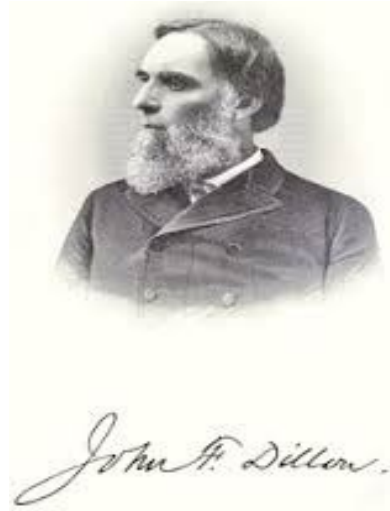
## Towns and Villages

-  Terms mean the same thing
-  Board of Trustees
-  Elects their own Chairman of the Board (like a Mayor)
-  Specific statutes at Chapter 80 RSMo

## Special Districts

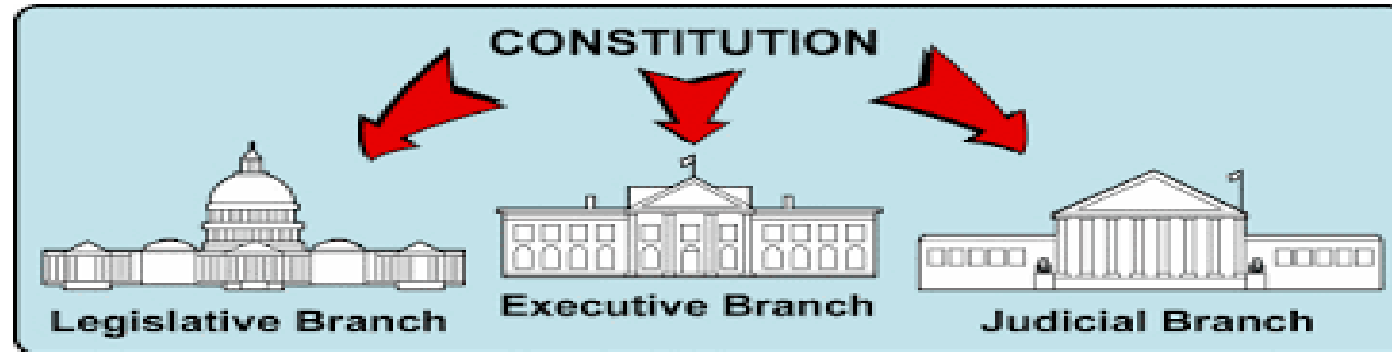
-  Schools, Roads, Levees, Drainage, Water, Sewer, Library, Ambulance, Fire Protection, CIDs, TDDs

# Dillon's Rule



- ④ Authored by Judge Dillon – Iowa Supreme Court
- ④ Municipal Corporation possesses and can exercise the following powers and no others:
  - ④ Granted in *express words*;
  - ④ Those *necessary or fairly implied in, or incident to*, the powers expressly granted; and
  - ④ Those *essential* to the declared objects and purposes of the corporation – not simply convenient, but indispensable.
- ④ Any fair, reasonable doubt concerning the existence of power is resolved by the courts against the corporation, and the power is denied.

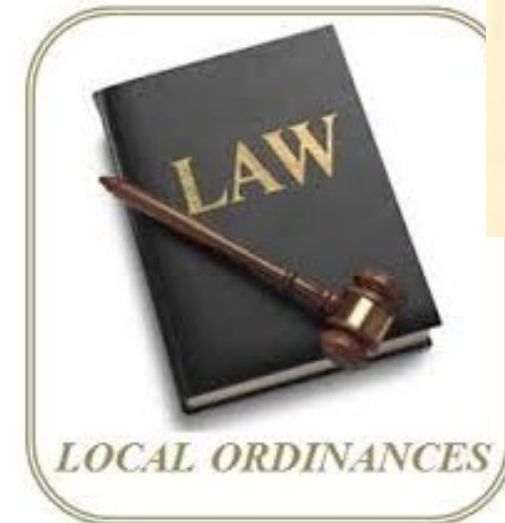
# Types of Decision Making



- ④ **Legislative:** Making the Rules (i.e., passing ordinances to set policy)
- ④ **Administrative:** Applying the Rules (i.e., granting or denying building permit)
- ④ **Judicial:** Interpreting the rules (i.e., reviewing the application of the legislative rules to specific facts)

# Compare/Contrast Ordinances and Resolutions

- ④ Ordinances are the legislative acts of a governmental body
  - ④ Creates a new local law new authority for local government agents to act
- ④ Resolutions are administrative acts of a governmental body
  - ④ A mere expression of opinion
  - ④ No real distinction between a resolution and an approved motion

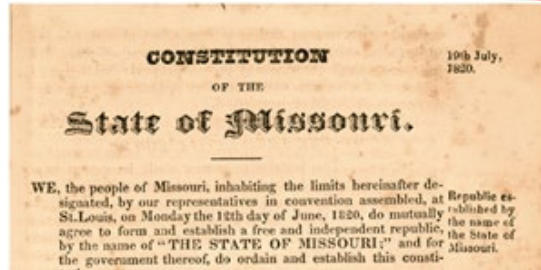


# Resolutions

- ④ Deal with matters of special or temporary character
- ④ Exception - Resolution to increase expenditures over budgeted amount
- ④ Do not require formalities of procedure
- ④ Mayoral veto power
- ④ Recording of the ayes and nays



# Ordinance Requirements



*The Public Purpose*

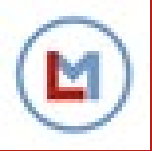
- ④ Adopted by a legally existing governing body
- ④ Governing body has power to act
- ④ Ordinance is within scope of powers
- ④ Ordinance has reasonable, definite, certain terms
- ④ Adopted in the required form and using proper procedure
- ④ In harmony with constitution and existing laws
- ④ Serves a public purpose

Source: I Mo. Local Government Law § 4.39 (MoBar 3d ed. 2002, 2008)

# Parliamentary Procedure and Rules of Order

- ④ Rules for decorum, respect and conduct
- ④ Making meetings meaningful
- ④ Robert's Rules of Order is not required by statute
  - ④ In fact, not well suited to small governing bodies at all
- ④ Many alternatives exist





# Ethics and Conflicts of Interest

# Prohibited Acts

## §105.452, RSMo– Elected or Appointed Officials

12

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- Ⓜ Act or refrain from acting because of an offer to pay
- Ⓜ Use or disclose confidential information obtained in office or employment for financial gain
- Ⓜ Favorably act on a matter specifically designed to provide “special monetary benefit”
- Ⓜ Use decision-making authority for financial gain
- Ⓜ Advocate for an appointment in exchange for value



# Prohibited Acts

## §105.458, RSMo– Members of Governing Bodies

13

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### *For Individuals:*

- Ⓜ Perform service for the political subdivision for pay (from the political subdivision) other than compensation for official duties
- Ⓜ Sell, rent, or lease property to the political subdivision
  - Ⓜ *Unless under \$500 per transaction or \$5,000 per year*
  - Ⓜ *Unless competitively bid and official's bid was lowest received*
- Ⓜ Attempt to influence the decision of the political subdivision when result might be performance of service or property transaction

### *For Business Entities Where Member Has More than 10% Interest:*

- Ⓜ Perform service for the political subdivision for pay (from the political subdivision) other than compensation for official duties
- Ⓜ Engage in property transaction with the political subdivision
- Ⓜ Exceptions:
  - Ⓜ *Under \$500 per transaction or \$5,000 per year*
  - Ⓜ *Unless competitively bid and official's bid was lowest received*

# Prohibited Acts

## §105.461, RSMo– Recording a Member's Interest in a Proposed Ordinance

14



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- ④ Applies to members of political subdivision's governing body
- ④ Substantial personal or private interest
- ④ File written report of the nature of the interest with city clerk
  - ④ Before passing upon the ordinance
- ④ Deemed compliant if personal financial disclosure on file addresses the issue



# Nepotism

15



- Mo Const. Art. VII, § 6
- Applies to public officers and public employees
- Cannot name or appoint relatives within the 4th degree of consanguinity or affinity
- Do not reappoint or vote on the appointment or employment of existing employees
- Violation of nepotism prohibition will result in automatic forfeiture of office— can't “fix” the problem

# Appearance of Impropriety

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- Ⓜ Generally
  - Ⓜ Not a legal conflict of interest
  - Ⓜ Potential to become a conflict of interest or viewed as an ethical conflict by others
- Ⓜ What should you do if you think there is a conflict?
  - Ⓜ Talk to city attorney about potential conflict
  - Ⓜ Disclose potential conflict on the record
  - Ⓜ Balance appearance of impropriety with duty to vote
  - Ⓜ Abstain from voting, leave the table (if possible)
  - Ⓜ Do not participate in the discussion (watch body language)



# Raytown Specific Rules (Conflict of Interests)

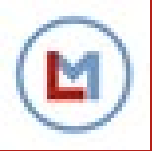
## Disclosures Required

-  Sec. 2-260 of Raytown's Code requires Mayor or any member of the Board of Aldermen who has a substantial personal or private interest in any bill must disclose the nature of such interest and disqualify themselves from voting in any matter pertaining to such interest.



# Raytown Specific Rules (Conflict of Interests)

- Ⓜ Pursuant to Section 2-262 of the City's Code, officials must by May 1<sup>st</sup>, disclose any of the following transactions engaged in during previous calendar year:
  - Ⓜ For such person, and all persons within the first degree of consanguinity or affinity of such person
    - the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, (\$500.00) if any
    - that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision; and
  - Ⓜ The date and the identities of the parties to each transaction known to the person
    - with a total value in excess of five hundred dollars, (\$500.00) if any
    - that any business entity in which such person had a substantial interest had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.
  - Ⓜ The City Administrator must also file a similar report.



# Defining and Understanding Roles

# Statutory Role of Board of Aldermen 79.110, RSMo.

- Along with the mayor the board of aldermen has the care, management and control of the city and its finances, and
- shall have power to enact and ordain any and all ordinances not repugnant to the constitution and laws of this state, and
- such as they shall deem expedient for the good government of the city,
  - the preservation of peace and good order,
  - the benefit of trade and commerce and
  - the health of the inhabitants thereof, and
  - such other ordinances, rules and regulations as may be deemed necessary to carry such powers into effect, and
  - to alter, modify or repeal the same.
- Also includes a long list of statutes at 79.370 to 79.480, RSMo.



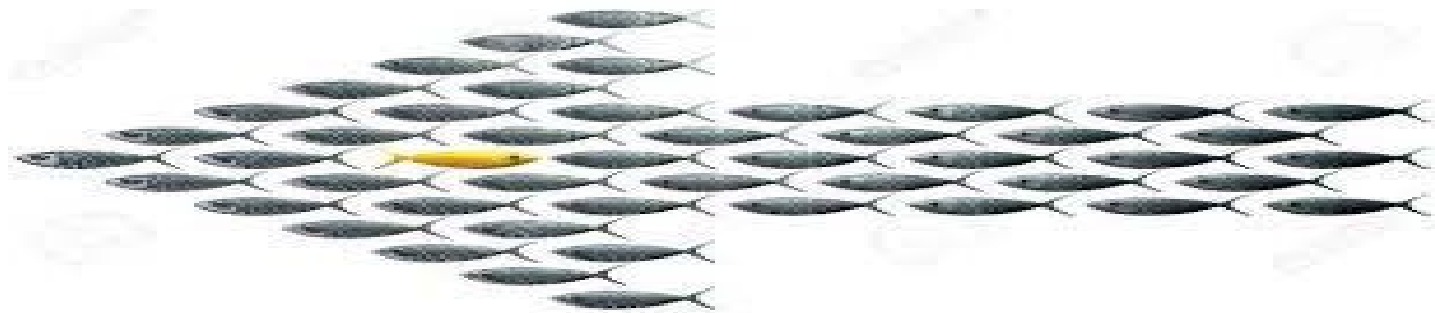
# Practical Role of Board of Aldermen

- Represent the public
- Develop and evaluate policies and programs
- Maintain fiscal integrity
- Determine services
- Ensure accountability and transparency



# Role of Aldermen

- ④ Individual aldermen have little or no power
- ④ Ultimately the Board of Aldermen has all the power



# Statutory Role of Mayor – 4<sup>th</sup> Class

- ④ Sits on the board of aldermen, but only votes to break a tie
- ④ Mayor presides at board of aldermen meetings
- ④ Jointly mayor and board have "care, management and control of the city and its finances"
- ④ “Shall exercise a general supervision over all the officers and affairs of the city”
- ④ “Shall be active and vigilant in enforcing all laws and ordinances for the government of the city”
- ④ Mayor is to make recommendations to the board to improve the city
- ④ Mayor can pardon people
- ④ Mayor can veto bills



# Mayor's Role



Board members should meet with the Mayor routinely to discuss ideas or concerns



The Mayor works closely with the city administrator, to move board goals forward, anticipate issues on the horizon, and manage the action of the board meetings



All of this works most effectively if the Mayor understands board concerns and shares this feedback with the city administrator

# Sample Role of Members

From City of Kingston, Canada Council Staff Relations Policy

- ④ To conduct themselves in an ethical and respectful manner at all times;
- ④ To act in manner consistent with the effective and responsible governing of the municipality in a transparent and accountable manner;
- ④ To set and clearly articulate strategic goals and objectives for the municipality based on consultation with City Staff and, where applicable, members of the broader community;
- ④ To render decisions regarding matters of service level delivery and corporate policy based on consultation with City Staff and, where applicable, members of the broader community;
- ④ To respond to concerns from the public and, where appropriate, refer the concerns to City Staff through the Mayor or Chief Administrative Officer for action;
- ④ To only give direction to City Staff through resolution by Council as a whole;
- ④ To be open to discussion with and to seek clarification from City Staff as required; and
- ④ To be respectful of the role of City Staff pertaining to their administration or management of the day-to-day operations of the municipality.

# Statutory Role of City Administrator

## RSMo.77.042. City administrator, employment authorized. —

-  The governing body of...any fourth-class city
-  may by ordinance provide for the employment by the governing body with the approval of the mayor of a city administrator
-  who shall be the chief administrative assistant to the mayor and
-  who shall have **general superintending control of the administration and management of the government business, officers and employees of the city, subject to the direction and supervision of the mayor.**



# Role of Staff

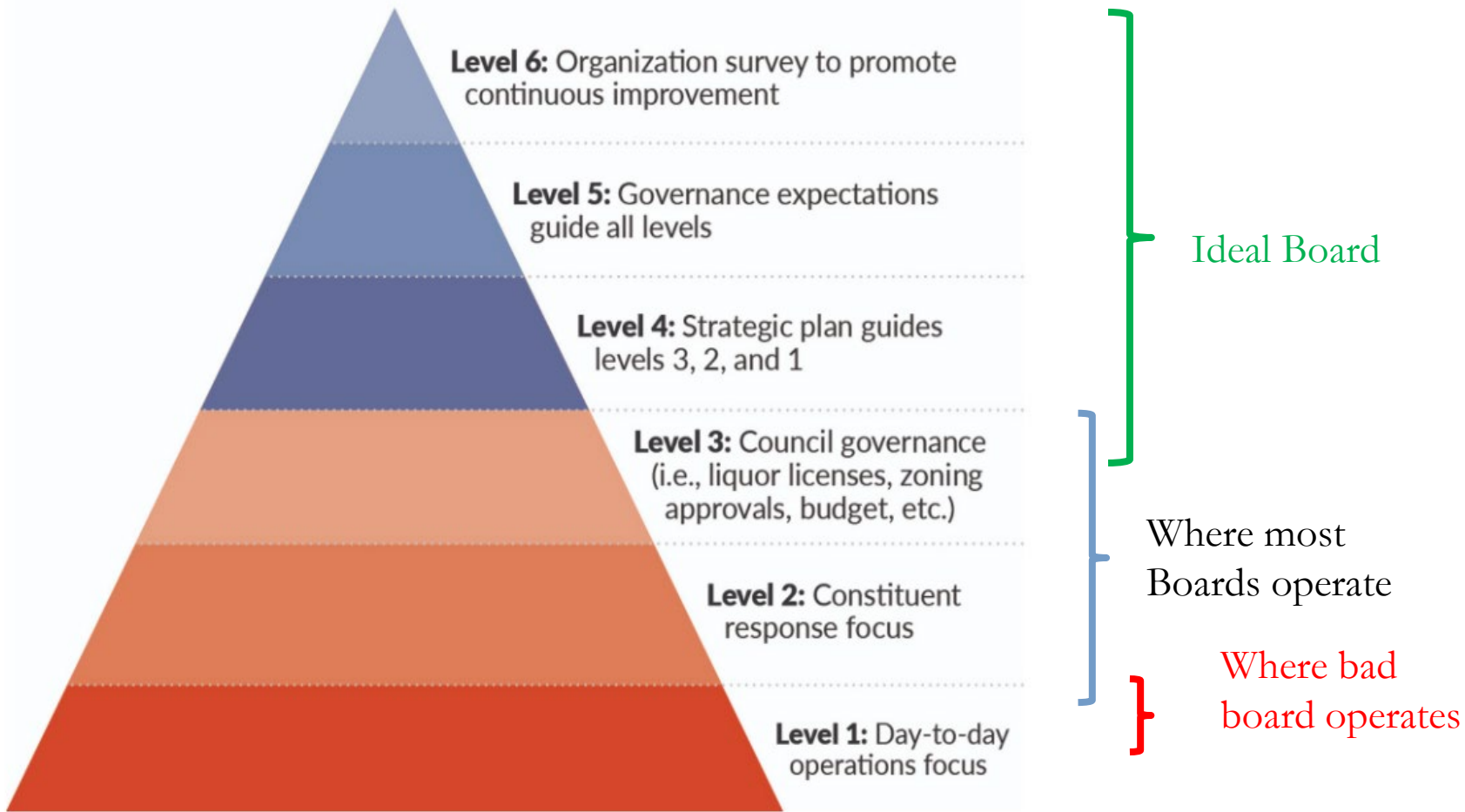
- ④ Offer professional advice
- ④ Implement the board's decision
- ④ Establish sound administrative practices
- ④ Maintain operations of the municipality



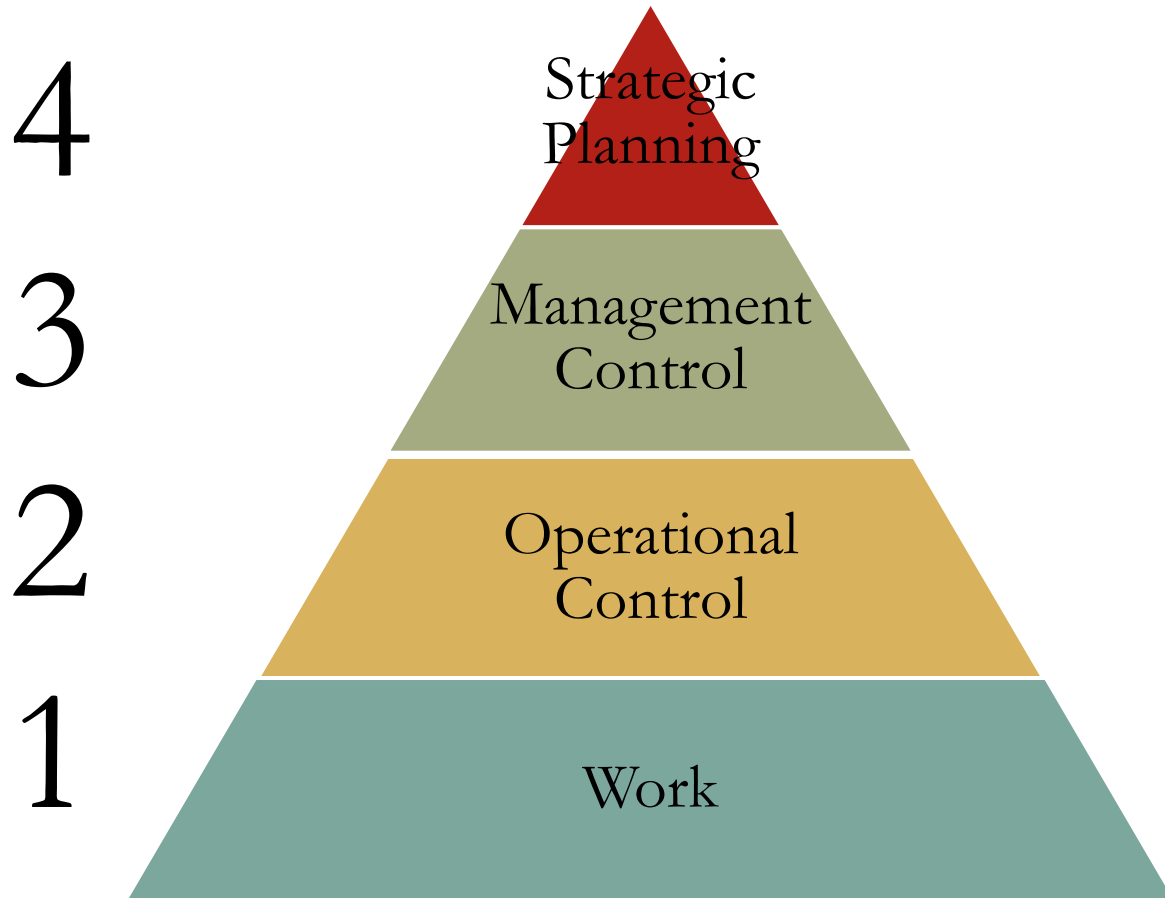
# Proper Role of Governing Bodies



FIGURE 1. LEVELS OF GOVERNANCE



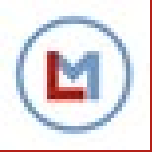
# Public Administration 101



- ④ Most governing bodies spend most of their time in levels 2 and 3
- ④ Most spend little time in level 1
- ④ Result:
  - ④ Staff are frustrated by micro-managing
  - ④ Decisions are not being made by most skilled
  - ④ No strategy

# Governing Body-Staff Flight Analogy





# Establishing Expectations

# Landwehr's Rules

Council meetings are for final position statements, debate, and voting. Not for rolling out novel ideas to make everyone think you're a stud.

If you vote against a measure and lose, briefly state why you disagreed and drop it after 24 hours it's old news. Don't keep it in your arsenal for two years to justify other actions.

If somebody disagrees with you, don't take it personally. Maybe on this issue, you simply had your head up your butt. It happens once in while to us all.

Even if they deserve it, do not publicly criticize the integrity or intentions of a fellow office holder or staff person. Disagree with ideas, not with people. Preface statements of disagreement with an acknowledgment of the other person's perspective.

Ditto for private statements. They're just as important.

*JDL*  
4/15/04

# Landwehr's Rules (cont.)



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Don't play "gotcha" with staff. If you have a concern about something, discuss it with someone in advance of any public statements. They make mistakes. So do you. Public statements should consist of recommended policy changes to fix the problem.

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If you find a problem and want to talk about it publicly, have a solution ready. You will be asked for one.

---

Learn how to tell constituents you disagree with them. They'll respect you for it. Don't be a wimp.

---

Each vote deserves your independent analysis and vote. Anyone who trades votes doesn't deserve to hold office.

---

Allow measures to be considered on their merits. If you want to play parliamentary games to sabotage a bill, run for higher office. You're much too sophisticated for us.

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Don't build private alliances with segments of staff. It's destructive.

# Expectations of Elected Officials

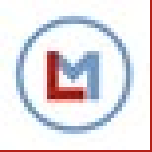
- Ⓜ Understand Responsibilities of Public Office
- Ⓜ Comply with the Law
- Ⓜ Practice Good Behavior
- Ⓜ Performance of Duties
- Ⓜ Participate in Public Meetings
- Ⓜ Effective Communication
- Ⓜ Avoid Conflicts of Interest
- Ⓜ Deny Gifts – Gratuities – Favors
- Ⓜ Confidentiality of Information
- Ⓜ Prudent use of Public Resources
- Ⓜ Speaking on Behalf of the City (or appearing to)
- Ⓜ Respect and adhere to the City Administrator form of government.
- Ⓜ Positive Workplace Environment

# Staff Members' Expectations of Board Members

- ④ Prepare for meetings by reading all reports and ordinances on the agenda.
- ④ Whenever possible, call the City Administrator with your questions *before* the meeting, so answers can be researched and shared during the meeting.
- ④ Examine all the facts on a given issue and make the best decision possible.
- ④ Do not ridicule or make light of the staff in public; instead, provide criticism in private. Criticism should be made through the City Administrator.
- ④ Do not assume the staff is wrong and the citizen is right when there is a disagreement.
- ④ Compliment the staff when and where appropriate.
- ④ Trust and respect the staff.
- ④ If the Board disagrees with a staff recommendation, explain your reasoning.
- ④ Do not hold a grudge if you disagree with a staff recommendation.
- ④ Act in a fair, ethical and consistent manner.

# Board Members' Expectations of Staff Members

- ④ Be well organized and anticipate the type and kind of information the board will need to perform its duties.
- ④ Respond to requests for information in a timely and professional manner.
- ④ Prepare accurate, well-documented, and well-written reports that, where appropriate, *lay out options* for the board to consider.
- ④ Provide exhibits, illustrations, and/or pictures to help aldermen visualize the location or layout of proposals.
- ④ Leave personal or political bias out of reports.
- ④ Help orient new members and provide educational opportunities for all members.
- ④ Be accessible to aldermen, whether in person, at meetings, or over the phone.
- ④ Keep all aldermen equally informed; do not show favoritism.
- ④ Implement board's decisions after they're made.
- ④ Act in a fair, ethical and consistent manner.



# How Things Go Wrong (and what to do about it)

# What Causes “Difficult” Board Members?

- ④ Member may represent a new viewpoint in the community.
- ④ Inappropriate expectations of what role of board member is.
  - ④ Board works as a group
- ④ Campaign Promises.
  - ④ If member promised to “drain the swamp” it is hard to work with veteran members
  - ④ Local Issues vs. National Issues
- ④ Urge to fix things.
- ④ Failure to understand board/administrator relationship.
- ④ Fear
  - ④ If you vote no, less likely to be criticized.

# Characteristics of Difficult Board Members

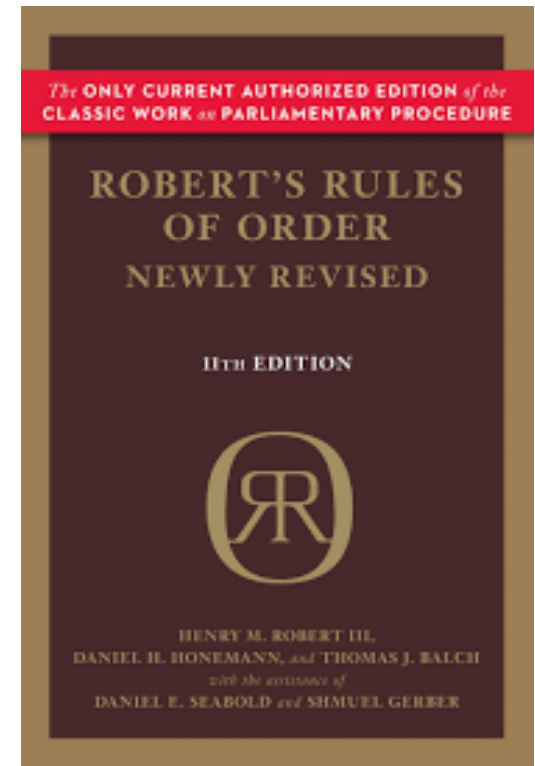
- ④ Interfering with employees
- ④ Demanding special access
- ④ Treats every staff presentation as an inquisition
- ④ Routinely discloses confidential information to the media
- ④ Spends all his or her time on minutia and misses the big picture completely
- ④ Is never prepared for a meeting and regularly asks questions that were answered in the board or board packet
- ④ Is never willing to bring closure and always wants more information before voting
- ④ Refuses to abide by the meeting rules of order
- ④ Circumvents the City Administrator, going instead to internal staff
- ④ Tries to make staff and the city administrator and fellow elected officials look bad

# Tips for Dealing with Difficult Alderperson

- ④ Exercise emotional maturity/intelligence. Try to stay professional and not make it appear that you have made it personal. Hold firm to required positions but in a way that does not communicate personal animosity.
- ④ Keep communication open. It won't be helpful to shut down communication with the individual, though he or she may choose to do so.
- ④ Keep it in perspective.
- ④ Insulate your staff from any negative conduct to the greatest extent possible.
- ④ Help the board and staff stay focused on the work of the organization.
- ④ Accept that the best you may be able to do is to minimize the negative consequences of the outlier's conduct.

# Use Procedural Rules to Control Meetings

- ④ Mayor as presiding officer should keep order
- ④ Don't allow board members to speak unless recognized
- ④ Don't allow public to interrupt
- ④ Motion BEFORE discussion
- ④ Roll call votes force commitment
- ④ Stick to the agenda— items not on the agenda should be taken up at another meeting or vote to add to agenda
- ④ Board comments should be comments, not motions





# Really, Really, Bad Behavior



# Situations that Require Action

 Sexual Harassment

 Call City Attorney. Follow personnel policies.

 Criminal Activity

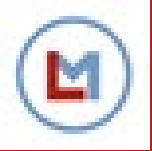
 Call the Police.

 Ethics

 Contact Ethics Commission.

 Nepotism

 Immediately removed from office



# The Nuclear Option

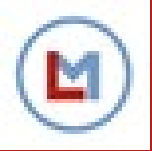


# Levels of Intervention



- ④ Personal intervention.
- ④ Soliciting help from others, including potentially a facilitator.
- ④ Formal and outside intervention:
  - ④ Formal complaint
  - ④ Investigation
  - ④ Censure.
    - Requires only a majority vote of the board.
    - Can be public or private, but private subject to sunshine law.
- ④ Impeachment
  - ④ Board adopts articles of impeachment.
  - ④ Hearing, each side can call witnesses.
  - ④ Board stands as judges and jury.
  - ④ If impeached; removed from office.





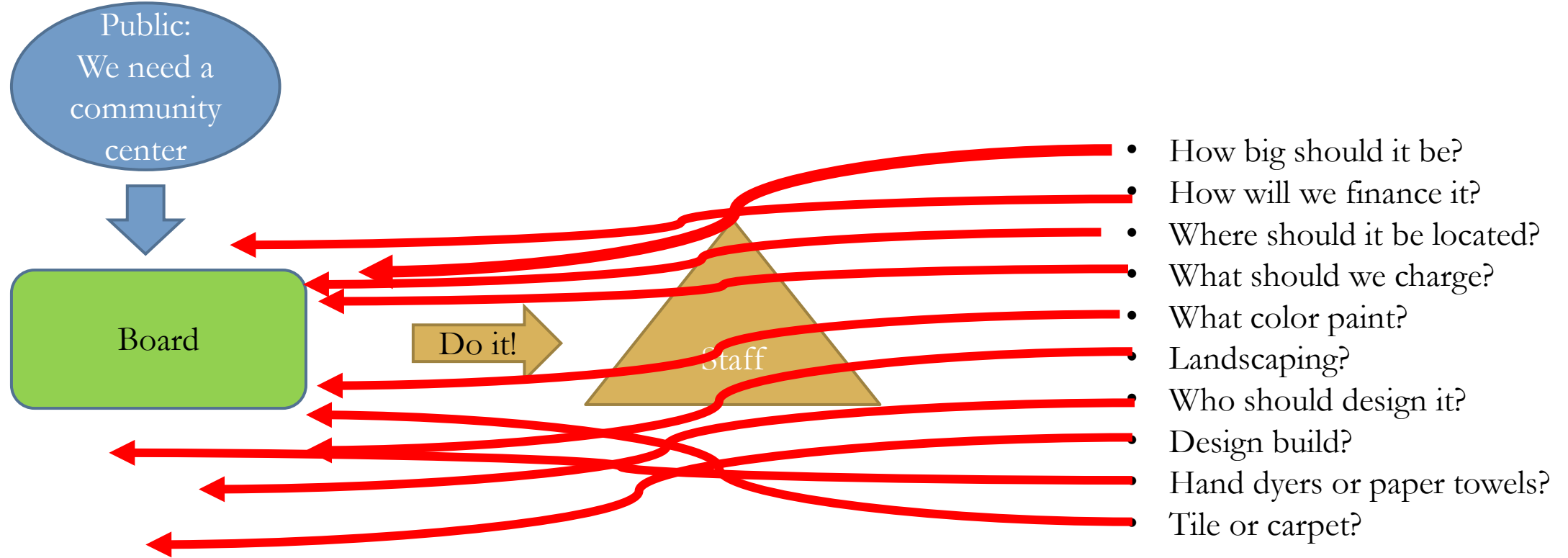
# Habits of Highly Functional Cities

# Good Boards Have Good Meetings

- ④ Smooth and productive
  - ④ Staff must let the board know when controversial issues are coming up
  - ④ Give them enough information to make an informed decision, but not so much that you are inviting them to micro-manage
  - ④ Do the math – Calculate out totals, create bid tables, show salary ranges
- ④ Follow Agenda
- ④ Follow good procedure
  - ④ Also makes minutes easier
  - ④ Staff can gently assist with correct procedure



# Staff Shouldn't Invite the Board to Micro-Manage



# Board Member Decorum

- ④ Always be polite, show respect to other board members, staff and the audience
- ④ Always address the chair (Mayor) and always use titles or last names (for example “Mr. Mayor I will be voting in favor of Ms. Long’s bill because .....”)
- ④ Turn on your mike when you speak, turn it off when you’re done. Speak so the audience can hear and avoid side conversations
- ④ Pay attention to the speaker
- ④ Stop looking at your phone





LAUBER MUNICIPAL LAW

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# Contact Information



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## About the Firm

Lauber Municipal Law, LLC, was established for the purpose of serving local governmental entities of all types and sizes. We can serve your community as its general counsel (City Attorney) or as special counsel for technical issues like economic development incentive approvals, annexation, elections, impeachments, and appellate work..

Our goal through Lauber Municipal Law, LLC, is to meld our previous experience together to provide a high-quality, “big firm” work product, while providing the flexibility, personal responsiveness, and cost effectiveness of a small firm. We completely understand public entities’ needs to obtain the most effective representation possible while considering the fact that these services are compensated from a budget made up of public funds. As the motto for Lauber Municipal Law, LLC, states: We are proud to serve those who serve others. Our sincere desire is to make that job easier and less stressful for the elected officials and administrative staffs of these entities.