



**of Kansas City, Inc.  
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P. O Box 481 903  
KANSAS CITY, MISSOURI 64148

**RESOLUTION OF THE BOARD OF DIRECTORS**

*Kansas City, Missouri Charter Amendments*

WHEREAS, Mayor Sly James in May, 2013 appointed a Charter Review Commission of fifteen residents and citizens of Kansas City, Missouri to review the Charter of the City of Kansas City, Missouri to consider and make recommendations on suggested charter amendments; and

WHEREAS, the Commission has been meeting regularly since its appointment to consider various amendments proposed by the mayor, the city manager and citizens; and

WHEREAS, the Commission held public hearings the evenings of August 5 and 12, 2013 to solicit the views of citizens of Kansas City, Missouri, which public hearings were well attended by interested citizens; and

WHEREAS, to date a total of eight possible amendments have been discussed by the Commission at its meetings and the public hearings; and

WHEREAS, the Citizens Association since its founding in 1934 has strongly supported Kansas City's "council-manager" form of government as originally set forth in its city charter in 1925 in which a mayor and city council elected by the citizens of the city set policy as a legislative body and a professional city manager and staff implement those policies as an executive body composed of professionally trained administrators; and

WHEREAS, as an organization strongly supporting Kansas City's "council-manager" form of government, the Citizens Association has closely monitored the work of the Commission by having a representative attend both public hearings and most Commission meetings; and

WHEREAS, representatives of the Association since July 2013 have been meeting one-on-one with members of the City Council in open-ended "round-table" discussions to discuss the pros, cons and different perspectives of and on the eight proposed amendments, which discussions have been highly informative and thought-provoking, for which the Association expresses its appreciation to members of the City Council for their time; and

WHEREAS, the Board of Directors of the Citizens Association discussed the proposed amendments at its monthly board meetings on August 13, 2013 and September 20, 2013, and at its September board meeting discussed, voted on and made decisions on its positions on the eight proposed amendments;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Citizens Association of Kansas City, Inc. that its positions on the eight proposed amendments are as follows:

1. *Mayor's Hiring and Firing City Manager.* The Association OPPOSES giving the mayor the sole power to hire and fire the city manager, to the exclusion of the city council.

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*Comment.*<sup>1</sup> The last series of charter amendments increased the mayor's powers to provide for his or her submitting a proposed city manager candidate to the city council for approval. Before this change, the mayor and the city council together conducted the search, interviewing and selection of a city manager. Excluding the city council altogether from the process as proposed would significantly reduce the city council's relationships with the city manager, thereby reducing councilmembers' power and ability to represent the citizens and their constituents. The current system is balanced. Councilmembers have equal access to the city manager, helping ensure that the city manager is responsive to all councilmembers, geographic parts of the city, constituencies and issues. With the sole power to hire and fire the city manager in the mayor, the city manager as a practical matter could become an appendage of the mayor and have little reason to respond meaningfully to city councilmembers needs.

"Be careful what you ask for." Giving the mayor the sole power to hire and fire the city manager could be disastrous in the event of a misguided or corrupt mayor. He or she likely would hire a city manager suitable to his or her misguided or corrupt way of thinking and acting. That is precisely what happened during the Pendergast years with City Manager Henry McElroy. A different but dysfunctional situation prevailed only recently in Kansas City, with the city council acting as a "fire wall" to minimize damage for four frustrating years.

The only persons supporting this proposal apparently have been former mayors testifying before the Commission, claiming this additional power would enhance a mayor's ability to accomplish his or goals for the city. While their views no doubt are expressed in good faith, each performed well as mayor, using force of personality and consensus successfully to implement their agendas. On the other hand, no citizens testified in support of this proposal at the public hearings. Indeed, the proposal was uniformly opposed at the public hearings.

2. *Composition of the City Council.* The Association OPPOSES changing the composition of the city council from six in-district members and six at-large members to twelve in-district members and no at-large members or nine in-district members and three at-large members, or any other composition that changes and equal balance of in-district and at-large members.

*Comment.* The current composition of the city council with a balanced number of in-district and at-large members has worked very well, in both the contexts of including city-wide and neighborhood perspectives in the deliberative process and in reflecting the city's racial diversity, at least with respect to the African-American population.

A principal argument for going to an all in-district city council of twelve districts is that the districts would be smaller (approximately 35,000 population as opposed to 70,000 population), making (1) elected officials in a sense closer to their constituents and

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<sup>1</sup> These comments are not part of the formal resolution as passed by the board of directors. They are chair's summaries of the board's discussions of the proposed amendments.

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(2) campaigns easier for candidates with modest campaign treasuries, all for a better democratic experience. While this might be the case in some respects, the disadvantages outweigh the possible advantages. Under the current system, each citizen gets to vote for eight members of the city council (his or her in-district city council representative, six at-large candidates and the mayor). Under an all in-district system, each citizen would only get to vote for two (his or her in-district city council representative) and the mayor. Under the current system, all at-large candidates actively campaign outside the districts they reside in, learning what different neighborhoods' issues and needs are, for example, at the many candidate forums held throughout the city by community groups.

An all in-district city council is more likely to be parochial,<sup>2</sup> with city council members more focused on their own district's needs and less on city-wide needs. Many citizens have remarked that if we have a problem "dividing by six" now, it would be much worse in a world "divided by twelve."

African-American representation on the city council has been at or very near 30%, the African-American percentage population of the city as a whole. African-Americans have been elected mayor (two African-American mayors) and regularly as at-large members of the city council. The city's congressman (south of the Missouri River) is African American. Much of the discussion has focused on the 5<sup>th</sup> District at-large position. Both Caucasian and African-American candidates have been elected to this position. As an at-large position, Kansas City's city-wide record would appear to be the relevant inquiry. As stated, African-American candidates have been regularly embraced in city-wide contests.

The claim is made that changing the city council's composition to twelve in-district positions would increase the likelihood of electing an African-American to what is now, so to speak, the Fifth District at-large position, because of the reduced size of such a district (approximately 35,000 residents as opposed to 70,000 residents in a twelve-district configuration) and the relatively compact distribution of African-Americans in what is now the western portion of the Fifth District. That may be true.

Again, however, "be careful what you ask for." Any gain likely would be short-lived inasmuch as most population growth in Kansas City is in the suburban areas north of the Missouri River (predominantly Caucasian and continuing so) and most of the population loss is the central city south of the Missouri River (disproportionately African-American). With redistricting every ten years, Kansas City north of the Missouri River likely will gain districts and Kansas City south of the Missouri River, particularly the depopulating central city, will lose districts, diminishing African-American opportunities for representation on the city council.

Hispanic representation on the city council has not met the city's 10% Hispanic population percentage. Nonetheless, Hispanics have competed effectively at-large. The

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<sup>2</sup> Indeed, in the Association's one-on-one "roundtable" meetings with city councilmembers, one in-district councilperson agreed to meet, but only with board members from that city councilperson's district.

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Second District at-large position was held by an Hispanic candidate who, unfortunately had legal problems and was not returned to the city council. If the city council's composition was changed to twelve in-district positions, the Commission's work shows it would be difficult mathematically to form a district with a reasonable likelihood of electing an Hispanic candidate because the Hispanic population, as 10% of the total, is relatively small, not compact and more widely distributed in the city, particularly south of the Missouri River extending southward.

There are many Hispanic persons throughout the city well qualified to serve on the city council. The key to recruit, campaign for and elect Hispanic candidates regardless of where they live in the city.

3. *Spring Election Dates.* The Association SUPPORTS changing the mayor and city council quadrennial election dates from the current February and March winter dates to the spring dates specified under state law as the election days for municipalities and other political subdivisions.

*Comment.* Spring election dates, supported by representatives of the Kansas City, Missouri Election Board testifying before the Commission, hold promise for increasing voter turnout and making it easier and more practical for candidates to campaign. Meeting voters, whether by going door-to-door or greeting voters in shopping areas, is difficult in winter months due to cold weather and early darkness. In addition, using the same dates as other municipalities and political subdivisions will enable the city to share election costs with other political subdivisions holding elections on the same dates. Finally, the current charter election calendar calling for the general election only one month after the primary election does not comply with state law, as to the city's general election, requiring at least six weeks for the absentee voting process before an election.

4. *Contingent Appropriation.* The Association SUPPORTS restoring to the charter the requirement for a contingent appropriation in the city's budget of no less than one percent of general fund revenues for such budget year and no more than three percent of one year's general fund revenues for such budget year.

*Comment.* This requirement was removed from the charter as part of the last series of charter amendments, the notion being that such a financial and budgeting detail was more appropriate as an ordinance requirement as opposed to a charter command. While the city council as a matter of practice has retained this contingent appropriation requirement, the city's sense of fiscal responsibility and discipline, both to itself and the national public finance community, would be strengthened by restoring this as a charter requirement.

5. *Charter Departments.* The Association SUPPORTS eliminating the listing of required departments in the city charter and instead listing the duties of the city government to the citizens of Kansas City, Missouri and required services to be provided to the citizens, leaving the naming of specific departments to be done by city ordinance recommended by the city manager and approved by the city council.

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*Comment.* Spelling out specific departments in the charter deprives the city council and city manager of flexibility for organizing the day-to-day structure for how public services are delivered. It also increases costs because making a city service a department under the charter mandates funding a full department management structure, *e.g.*, more highly paid department director and administrative staff. Flexibility to enhance the city's ability to provide services efficiently and more cost effectively is hampered with a rigid charter requirement. City hall organization is better handled by ordinances passed by the city council based on city manager recommendations.

6. *City Councilmember Service on Other Boards.* The Association SUPPORTS permitting members of the city council to serve on uncompensated local, regional, state and federal boards of directors or other governing bodies.

*Comment.* The charter currently can be read to prohibit members of the city council from being elected to the governing bodies of other governmental organizations, *e.g.*, Mid-America Regional Council Board of Directors and state or federal advisory committees. The provision apparently is intended to prevent a city council member from serving in another major elected position, *e.g.*, school board, state legislature, county legislature or commission, which generally are compensated positions. The suggested amendment will maintain the intended prohibition, but eliminate uncertainty about councilmembers serving on other bodies where their participation can be beneficial to those bodies and Kansas Citizens.

7. *Classified Service.* The Association SUPPORTS removing "middle management," *e.g.*, division managers reporting to department directors and program managers reporting to division managers or department directors, from the classified service under the charter and instead handling such positions by ordinance.

*Comment.* The city manager needs flexibility organizing city hall and its employees to effectively and efficiently deliver service to the citizens. Department heads are not included in the classified service, giving the city manager the ability to "pick his or her own team." However, division managers and program managers are included in the classified service under the charter, making it more difficult to make changes in those managerial positions to respond to changing needs for the efficient delivery of city services. Division managers and program managers are important members of a city manager's team and the city manager needs flexibility. An across-the-board inclusion of middle managers in the city charter is too restrictive. The city council and city manager should have "ordinance flexibility" to determine which middle management positions should be in the classified service.

8. *Term Limit Repeal.* The Association SUPPORTS repealing limits on the number of consecutive terms a citizen can serve as mayor or a member of the city council.

*Comment.* While not discussed by the Commission in detail, limiting the mayor and councilmembers to two consecutive terms, passed in 1980s, is one of the most significant provisions of our city charter. As such, it warrants significant discussion.

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After nearly thirty years, we have enough experience to weigh the advantages and disadvantages of term limits. The Commission should consider repealing term limits as part of its discussions.

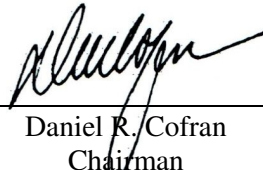
While on the one hand term limits prevent the concentration of power in the hands of those *few* who would use their power for personal gain or other corruption, it deprives the citizens of the service, talent and experience of the *many* in public office who are committed to the public good and positive growth in our community. In addition, city government in a large central city municipality like Kansas City, Missouri is complicated and has a significant “learning curve,” generally a matter of years. Just when an office holder becomes an accomplished office holder and reaches his or her elective “prime,” he or she is turned out.

We, as Americans (indeed, as human beings), are too focused on the *structure* of government as opposed the *people* in government and how we *elect* them. We yearn for “quick fixes” for what we see as weaknesses in government. “Quick fixes” generally operate across-the-board. While they generally get rid of the immediate problem, they also get rid of good. They “throw the baby out with the bath water.” Term limits, as such, are “lazy democracy.”

The real solution is recruiting, campaigning, electing and holding accountable, qualified, good people committed to the public good. If an elected official is or becomes corrupt or unresponsive to constituents, he or she should be prosecuted and/or replaced at the polls with an honest, responsive person. Term limits punish all the other elected officials, and the public as a whole, for the actions of the few.

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The undersigned hereby certifies that the above and forgoing resolution was approved by a majority vote of the Board of Directors of The Citizens Association of Kansas City, Inc. at meeting of its Board of Directors on September 10, 2013.

  
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Daniel R. Cofran  
Chairman

Date: \_\_\_\_\_ September 10, 2013