



Kansas City
MASTER REPORT

City Hall
414 E. 12th Street
Kansas City, Missouri 64106

File Number: 100650	File Type: Ordinance	Status: Passed
Version: 8	Reference:	In Control: Council
Introduced: 8/5/2010	Date Passed:	Effective:
Requestor: Council		Cost:

Sponsor(s): **COUNCILMEMBERS MARCASON, SHARP, CURLS, SANDERS BROOKS AND RILEY**

Title: **Calling for submission to the voters of Kansas City, at a special election to be held on November 2, 2010, a question amending the Charter of Kansas City to require redistricting of Council districts the year of the release of official decennial census figures; directing the City Attorney to take the steps necessary to seek permission from the courts to file a late notice of the election called by this ordinance; directing the City Clerk to notify the responsible election authorities of the election immediately upon court approval; and recognizing this ordinance to be an emergency measure.**

Indexes:	Notes:
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History of Legislative File

Ver	Acting Body	Date	Action	Send To	Due Date	Pass/Fail
1		8/5/2010	Filed by the Clerk's office			
4	Council	8/5/2010	Referred to Finance and Audit Committee	Finance and Audit Committee		
4	Finance and Audit Committee	8/18/2010	Advance and Do Pass, Debate	Finance and Audit Committee		P

Councilman Sharp requested time to make a presentation on the subject of redistricting before the committee. The charter requires that the city do redistricting before the certified census information is made available to the city. The charter also requires redistricting approximately every 20 years as well. The purpose of the ordinance would be to eliminate the 20 year requirement and be in line with the surrounding communities with the redistricting requirements at the end of each census.

Councilwoman Curls spoke in favor of passage of this ordinance.

Councilman Riley also spoke in support of the passage of the ordinance.

Public testimony was taken on this item. Speaking in favor of passage were: Steven Glorioso. He also suggested having outside sources work on the redistricting. He also stated that councilmembers should not be working towards redistricting their own areas.

*Gwen Grant
Clinton Adams, Jr.
Margaret May*

Mary Ann Grayson, KCMO NAACP Branch

Written testimony was submitted by Valencia Broadus, who was in favor of passage of the ordinance.

Carol Edwards opposed the ordinance because the council has not had an opportunity to respond to what the people want.

Councilwoman Brooks asked about training for the individuals who would be responsible for drafting redistricting criteria. She raised issues that needed to be addressed as they relate to the Voting Rights Act of 1965. She wanted to know if the Department of Justice had been contacted to sit in on the meetings to make sure that the Act was not being violated. She offered the correct name and contact information to To Colye and Troy Schulte.

Mayor Funkhouser stated that he would be voting against the ordinance because it is a violation of the charter as it stands.

Councilwoman Hermann had reservations on the ordinance but would support what the people seem to be saying they wanted.

Ayes: 4 - Deb Hermann, Sharon Sanders Brooks, Beth Gottstein, John A. Sharp

Nays: 1 - Mark Funkhouser

4	Council	8/19/2010	Councilmember Sharp Move to Advance	P
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Councilman Sharp moved to advance Ordinance No. 100650 for consideration. The ordinance did not advance. Motion failed due to lack of nine (9) votes.

Ayes: 8 - Melba Curls, Sharon Sanders Brooks, Beth Gottstein, Jan Marcason, Cindy Circo, Terry M. Riley, Cathy Jolly, John A. Sharp

Nays: 5 - Deb Hermann, Bill Skaggs, Ed Ford, Russ Johnson, Mark Funkhouser

4	Council	8/19/2010	Assigned to Third Read Calendar	
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7	Council	8/26/2010	Councilmember Sharp Move to Amend	P
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Johnson and seconded by Hermann be referred to Planning and Zoning Committee 4 ayes (Hermann, Skaggs, Ford, Johnson) 9 nays

Amendment on the ordinance- Sharp and seconded by Circo, 8 ayes 5 nays (Hermann, Skaggs, Ford, Johnson, Funkhouser)

Passed as Amended ,8 ayes 5 nays (Hermann, Skaggs, Ford, Johnson, Funkhouser)

Ayes: 8 - Melba Curls, Sharon Sanders Brooks, Beth Gottstein, Jan Marcason, Cindy Circo, Terry M. Riley, Cathy Jolly, John A. Sharp

Nays: 5 - Deb Hermann, Bill Skaggs, Ed Ford, Russ Johnson, Mark Funkhouser

7	Council	8/26/2010	Passed as Amended	P
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riley and sharp called for the question-11 ayes and 2 nays (ford and funkhouser) 8 ayes and five nays

ORDINANCE NO. 100650, AS AMENDED

Calling for submission to the voters of Kansas City, at a special election to be held on November 2, 2010, a question amending the Charter of Kansas City to require redistricting of Council districts the year of the release of official decennial census figures; directing the City Attorney to take the steps necessary to seek permission from the courts to file a late notice of the election called by this ordinance; directing the City Clerk to notify the responsible election authorities of the election immediately upon court approval; and recognizing this ordinance to be an emergency measure.

WHEREAS, the City Charter now requires redistricting at three distinct times:

- Not later than the first day of January of the year following the publication of the official federal census; or
- When increases or decreases in population render current districts substantially unequal in population; or
- When a third consecutive general election would be conducted using the same districts; and

WHEREAS, because of the timing of Kansas City municipal elections, every 20 years redistricting is required the year of the census and the year following when the official census is released; and

WHEREAS, this timing means that every 20 years the City Council must redistrict just months before the municipal primary election, thus inserting the politics of campaigning into the issue of redistricting; and

WHEREAS, requiring redistricting only the year after the federal decennial census does not preclude the City from redistricting sooner if law so requires or allows; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. ELECTION CALLED. That an election is called on November 2, 2010, for the purpose of submitting to the voters of Kansas City an amendment to the City Charter.

Section 2. BALLOT TITLE. The ballot title shall be:

QUESTION NO. _____
(Redistricting)

Shall the Charter of Kansas City be amended to only require redistricting of Council districts every 10 years in the year of the release of official census figures?

_____ Yes
_____ No

Section 3. NOTICE TO ELECTION AUTHORITIES BY CITY CLERK. That following passage of this ordinance the City Clerk shall deliver certified copies of this ordinance and notice of election to the Clerk of Cass County, Board of Election Commissioners of Clay County, Board of Election Commissioners of Kansas City, and Board of Election Commissioners of Platte County, which shall be the authority of each election authority of the City to submit the amendment to the electors of Kansas City and to give public notice thereof immediately upon approval of a court.

Section 4. NOTICE OF ELECTION. The notice of election shall read as follows:

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NOTICE OF ELECTION

KANSAS CITY, MISSOURI

Notice is hereby given that the City of Kansas City has called a special election to be held on Tuesday, November 2, 2010, between the hours of 6:00 a.m. and 7:00 p.m., at which election all qualified voters residing within Kansas City, Missouri will be given the opportunity to vote.

The official ballot will be in substantially the following form:

OFFICIAL BALLOT

CITY OF KANSAS CITY

SPECIAL ELECTION, NOVEMBER 2, 2010

QUESTION NO. _____
(Redistricting)

Shall the Charter of Kansas City be amended to only require redistricting of Council districts every 10 years in the year of the release of official census figures?

_____ Yes
_____ No

(Instructions to voters will be supplied by the election authorities.)

A full and complete copy of Ordinance No. 100650 (as it may be amended) submitting the above amendment to the electorate is on file in the office of the City Clerk of Kansas City, Missouri where the same is open for inspection and copying.

The polling places for the election will be (INSERT LIST OF POLLING PLACES IN LAST PUBLICATION ONLY)

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I hereby certify that the foregoing is the legal notice to be published pursuant to Section 115.127, RSMo, as amended.

Given under my hand and the official seal of the Kansas City, Missouri, this _____ day of _____, 2010.

(SEAL) _____
VICKIE THOMPSON
City Clerk of Kansas City, Missouri

Before me, a notary public, personally appeared Vickie Thompson, to me known to be the City Clerk of Kansas City, Missouri, and the person who acknowledged to me that she executed the same for the purposes therein stated.

Notary Public

My Commission Expires: _____

Section 5. AMENDMENTS TO BECOME THE CHARTER OF THE CITY OF KANSAS CITY – REDISTRICTING. If a majority of the voters favor the redistricting question, then the amendment to the Charter of the City of Kansas City, Missouri shall become effective immediately, which amendment shall read as follows:

BE IT ADOPTED BY THE PEOPLE OF KANSAS CITY:

That the Charter of the City of Kansas City, Missouri, is amended by repealing Section 203 and enacting a new Sections 203 of the Charter proposed by Ordinance 100650 (as it may be amended) if it is adopted by the people, the sections to read as follows:

Sec. 203. Council districts.

(a) Six districts required. For the purpose of electing members of the Council, the Council shall divide the City into six districts, substantially equal in population.

(b) Redistricting. The Council shall draw new districts, based upon the last official federal census, not later than the last day of December of the year of the publication of the official federal census.

(c) Expanded City limits. Whenever the City limits are expanded, the area newly included within the City shall be a part of the Council district to which it is contiguous.

Section 6. CITY ATTORNEY TO SEEK COURT APPROVAL. That the City Attorney is directed to take the steps necessary to seek permission from the courts to file a late notice of the election called by this ordinance.

Section 7. EMERGENCY RECOGNIZED. This ordinance, providing for the submission of Charter amendments to the people of Kansas City, Missouri, is hereby recognized to be an emergency measure within the meaning of Section 503(a)(3)(A) of the Charter because it calls an election and provides for the submission of a proposal to the people; and as such shall become effective immediately following approval by the Mayor, or five days after passage if no action is taken by the Mayor to approve or veto the ordinance.

Approved as to form and legality:

William Geary
Assistant City Attorney