

ORDINANCE NO. 120020

Calling for submission to the voters of Kansas City, at a general municipal election to be held on April 3, 2012, a question amending the Charter of Kansas City to increase the mandatory retirement age of municipal judges from age 65 to the age provided by state law for circuit court judges; directing the City Clerk to notify the responsible election authorities of the election; and recognizing this ordinance to be an emergency measure.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. ELECTION CALLED. That a general municipal election is called to be held on April 3, 2012, for the purpose of submitting to the voters of Kansas City amendments to the City Charter.

Section 2. NOTICE TO ELECTION AUTHORITIES BY CITY CLERK. That following passage of this ordinance the City Clerk shall deliver certified copies of this ordinance (or as it may be amended) 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 not later than January 24, 2012, which shall be the authority of each election authority of the City to submit the amendments to the electors of Kansas City and to give public notice as provided by law.

Section 3. 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 general municipal election to be held on Tuesday, April 3, 2012, 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:

ORDINANCE NO. 120020

OFFICIAL BALLOT
CITY OF KANSAS CITY

GENERAL MUNICIPAL ELECTION, APRIL 3, 2012

QUESTION NO. _____

(Judge's Retirement Age)

Should Sections 306 and 312 of the Charter of Kansas City be amended by increasing the mandatory retirement age of Municipal Judges from 65 to the mandatory retirement age provided by state law for circuit judges, which is currently 70 years of age?

_____ Yes
_____ No

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

A full and complete copy of Ordinance No. 12 ____ (or as it may be amended) submitting the above Charter 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 City of Kansas City, Missouri, this _____ day of January, 2012.

(SEAL)

VICKIE THOMPSON-CARR
City Clerk of Kansas City, Missouri

Before me, a notary public, personally appeared Vickie Thompson-Carr, 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 4. AMENDMENTS TO BECOME THE CHARTER OF THE CITY OF KANSAS CITY - JUDGE'S RETIREMENT AGE. If a majority of the voters favor the judge's retirement age question, then the following amendments to the Charter of the City of Kansas City, Missouri shall become effective upon approval of the voters, which amendments 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 Sections 306 and 312 and enacting in lieu thereof new Sections 306 and 312 of the Charter proposed by Ordinance 12____ (or as it may be amended) if it is adopted by the people, the new sections to read as follows:

Sec. 306. Qualifications of judges.

Judges of the Kansas City Municipal Division shall possess the following qualifications:

- (a) ***Citizenship.*** Citizen of the United States and the State of Missouri for five years immediately prior to appointment;
- (b) ***Residency.*** Resident of the City of Kansas City, Missouri for one year immediately prior to appointment and continuously during service as a judge;
- (c) ***Licensed to practice law.*** Licensed to practice law in the State of Missouri for five years immediately prior to appointment;
- (d) ***Member of the Missouri Bar.*** Member of the Missouri Bar in good standing continuously during service as a judge;
- (e) ***Age.*** Be less than the mandatory retirement age provided by state law for circuit court judges, if any; and
- (f) ***Other qualifications.*** Possess any additional qualifications prescribed by law.

Sec. 312. Removal from office.

- (a) ***Automatic forfeiture of office.***
 - (1) ***Failure to maintain the qualifications of office.*** A judge who fails to maintain the qualifications for office shall immediately upon ceasing to be qualified for office forfeit office.
 - (2) ***Felony.*** Judges of the Kansas City Municipal Division shall forfeit office immediately upon being found guilty, either after a trial or as a result of a plea of guilty or *nolo contendere*, whether or not a sentence is imposed, of a felony or of any other act in another jurisdiction that would be a felony if committed in Missouri.

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(b) **Retirement.** Judges of the Kansas City Municipal Division shall retire on or before their birthday upon which they reach the mandatory retirement age provided by state law for circuit court judges, if any. Judges not eligible to receive a pension resulting from judicial service to the City on that day are automatically removed from office without further act of the Judge.

(c) **Removal based on charges of misconduct.**

- (1) **Charges brought by the Municipal Judicial Nominating Commission.** Four members of the Municipal Judicial Nominating Commission may vote to bring charges against a judge of the Kansas City Municipal Division seeking that judge's removal from office by submitting written charges to the City Council.
- (2) **Grounds for removal.** Judges are subject to removal by the Council for nonfeasance, malfeasance or misfeasance in the performance of official duties or engaging in conduct which brings discredit on the Kansas City Municipal Division or violating any prohibition established by this Charter for judges.
- (3) **Procedure.** The Council, and not a committee of the Council, shall hold an appropriate hearing sitting as a board of review for the purpose of hearing evidence and testimony relating to the charges. The Mayor will preside and may cast a vote. Unless at least seven members of the Council vote for the removal of a judge, the judge will not be removed from office.

(d) **Exclusive procedures for removal.** Judges of the Kansas City Municipal Division shall not be subject to recall.

(e) **State law procedures.** The procedures established by this Charter are in addition to any procedures provided by state law or rule.

Section 5. EMERGENCY RECOGNIZED. This ordinance, calling an election and 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), Article V, of the Charter, and as such shall become effective immediately upon its passage.

Approved as to form and legality:

Galen P. Beaufort
Senior Associate City Attorney