



Board of Aldermen Request for Action

MEETING DATE: 9/1/2026

DEPARTMENT: Administration

AGENDA ITEM: Resolution 1622, clarifying the application of Section 120.040(I) of the Municipal Code and withdrawing the August 18, 2025 communication concerning attendance at meetings of the Board of Aldermen.

REQUESTED BOARD ACTION

A motion to approve Resolution 1622, clarifying the application of Section 120.040(I) of the Municipal Code and rescinding, withdrawing, and otherwise declaring of no legal effect any ban or prohibition concerning attendance at meetings of the Board of Aldermen.

SUMMARY

On August 5, 2025, during the regular session of the Board of Aldermen, the Presiding Officer, acting pursuant to Section 120.040(I) of the Municipal Code, asked a member of the public to leave the meeting. Section 120.040(I) permits the Presiding Officer to bar a person making personal, impertinent, or slanderous remarks, or who becomes boisterous while addressing the Board, from "further audience before the Board" - that is, the opportunity to address the Board. The Board of Aldermen has never voted to adopt or approve any prohibition on attendance. Resolution 1622 rescinds any restriction or prohibition, permanently and unconditionally, that may have resulted from the conduct occurring on August 5, 2025; confirms that the individual may attend, observe, and address open public meetings on the same terms as any other member of the public; confirms that Section 120.040(I) extends only to the opportunity to address the Board; and directs the City Clerk to deliver a certified copy of the Resolution to the individual on the day of adoption. The Resolution is not contingent on the outcome of any litigation and is not an admission of liability.

PREVIOUS ACTION

At the August 19, 2025 regular session, a motion concerning a resolution under Section 120.040(I) received no second, and no action was taken. The Board has taken no other action on this matter.

POLICY ISSUE

Maintaining open, orderly, and lawful public meetings; compliance with the Missouri Sunshine Law, Chapter 610, RSMo; respect for the constitutional rights of all persons to attend and, subject to generally applicable rules of order and decorum, address the public meetings of their government; and elimination of any uncertainty regarding attendance at City meetings.

FINANCIAL CONSIDERATIONS

N/A

ATTACHMENTS

- ☐ Ordinance
- ☒ Resolution
- ☐ Staff Report
- ☐ Other:

- ☐ Contract
- ☐ Plans
- ☐ Minutes

RESOLUTION 1622

A RESOLUTION CLARIFYING THE APPLICATION OF SECTION 120.040(I) OF THE MUNICIPAL CODE AND WITHDRAWING, RESCINDING, AND DECLARING NO LEGAL EFFECT TO ANY BAN, PROHIBITION, OR RESTRICTION ON ATTENDANCE AT MEETINGS OF THE BOARD OF ALDERMEN

WHEREAS, on August 5, 2025, during the regular session of the Board of Aldermen, the Presiding Officer, acting pursuant to Section 120.040(I) of the Municipal Code, asked Kristine Bunch to leave the meeting; and

WHEREAS, Section 120.040(I) of the Municipal Code provides that any person making personal, impertinent or slanderous remarks, or who shall become boisterous while addressing the Board, may be barred by the Presiding Officer "from further audience before the Board unless permission to continue be granted by a majority vote of the Board," and

WHEREAS, the Board of Aldermen has never voted to adopt, approve, or ratify any prohibition on any person's attendance at its meetings, including at its August 19, 2025 meeting, at which a motion concerning a resolution under Section 120.040(I) received no second and no action was taken; and

WHEREAS, the Board of Aldermen is committed to open, orderly, and lawful public meetings, to compliance with the Missouri Sunshine Law, Chapter 610, RSMo, and to respect for the rights of all persons under the First and Fourteenth Amendments to the United States Constitution to attend and, in accordance with generally applicable rules of order and decorum, to address the public meetings of their government; and

WHEREAS, in order to eliminate any uncertainty, the Board of Aldermen has determined to adopt this resolution rescinding any restriction it may have been construed to impose, rescind permanently, unconditionally, and in its entirety any ban, and clarifying the meaning and extent of certain provisions of the Municipal Code; and

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI AS FOLLOWS:

Section 1. That any restriction, limitation, prohibition, or precondition upon Ms. Bunch's attendance at, observation of, or participation in the open public meetings of the City is rescinded, revoked, and declared to be of no force or effect, effective immediately, and shall not be reimposed or reinstated at any time.

Section 2. Ms. Bunch may attend, observe, and address all open meetings of the Board of Aldermen and all other open public meetings of the City on the same terms, and subject only to the same generally applicable rules of order, decorum, and procedure, as any other member of the public, and no permission, precondition, or vote of the

Board or of any officer or employee of the City shall be required for her attendance or participation beyond the requirements applicable to the public generally.

Section 3. The Board of Aldermen confirms that any bar from "further audience before the Board" under Section 120.040(I) of the Municipal Code extends only to the opportunity to address the Board as provided in that Section, and shall not be construed or applied to prohibit any person's attendance at or observation of any open public meeting of the City.

Section 4. This Resolution is adopted unconditionally; it is not contingent upon the dismissal, settlement, or compromise of any pending litigation or claim; and nothing in this Resolution shall be construed as an admission of liability by the City or by any of its officers, employees, or agents, or as an acknowledgment that any prohibition on attendance at public meetings was authorized by the Municipal Code or adopted or imposed by the Board of Aldermen.

Section 5. The City Clerk is directed to deliver a certified copy of this Resolution to Ms. Bunch in writing on the day of its adoption.

PASSED THIS 1st DAY OF SEPTEMBER 2026.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk