



**MISSOURI ETHICS COMMISSION**

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Jefferson City, MO 65102  
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(573) 751-2020 / (800) 392-8660

James Klahr  
Executive Director

September 13, 2016

Rick Edwards  
1700 S Lexington St  
Holden MO 64040

Re: File No. 16-0062-I

Dear Mr. Edwards:

The Missouri Ethics Commission considered the complaint filed against you at its September 12, 2016 meeting. The Commission reviewed the allegation that you violated Section 79.130, RSMo, as well as Holden City Ordinance 24.100 when you declared a motion passed when there were not four affirmative votes cast in favor of the motion.

Staff review of the complaint determined that the City of Holden conducted a council meeting on May 25, 2016. The city council consists of eight members. At that meeting, the city council approved a proposed engagement letter with special counsel to handle any matters on the city's behalf in the event the regular city attorney had a conflict of interest and would be unable to represent the city. The council vote approving the motion was three aldermen in favor, two opposed and two abstaining.

Staff determined that the City of Holden has adopted City Ordinance 24.100 which states that all meetings of the council shall be conducted pursuant to the latest edition of Robert's Rules of Order. Under those rules, a motion may be passed by a majority of those voting. On the motion in question, there were five votes cast because Robert's Rules of Order does not recognize an abstention as a vote. Therefore, the motion passed with three votes in favor and two opposed.

From the facts presented, the Commission finds no reasonable grounds exist to support a violation of Chapter 79, RSMo, or local ordinance and is dismissing the complaint.

Sincerely,

A handwritten signature in cursive script that reads "James Klahr".

James Klahr  
Executive Director