

## CHAPTER 1. ADMINISTRATION

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### ARTICLE 1. MUNICIPAL ADMINISTRATION

**1-101. MEETINGS.** The mayor and councilpersons shall have regular sessions on the first Monday of each and every month, at seven o'clock (7:00) p.m. and adjourned sessions at any other time they may deem proper. In case the first Monday of any month falls on a holiday, the regular session shall be held on the next day thereafter which is not a holiday. Special sessions shall be called by the mayor upon the written request of not less than three (3) members of the council, specifying the object and purpose of such meeting, which request shall be read at the meeting and entered at length on the journal. All sessions shall be held at the Westwood, Kansas City Hall, 4700 Rainbow, Westwood, Kansas, unless circumstances make that place impracticable for a particular session, in which case such session may be held at any convenient place within Johnson County, Kansas. In all cases, three (3) of the councilpersons shall constitute a quorum to do business, but a smaller number of councilpersons may adjourn such session from day to day. (Ref. Ord. No. 34; K.S.A. 15-106; Charter Ordinance No.3 requiring 4 councilmen for a quorum; Ordinance 195 making the time of the meeting 7:00 p.m.; Charter Ordinance No. 4 requiring 3 councilpersons for a quorum)

**1-102. COMPELLING ATTENDANCE OF ABSENTEES.** In order to secure a quorum in the absence of any other reasonable means, the minority of councilpersons may compel the attendance of absentees by attachment issued in the name of the City and directed to the chief of police, commanding him to bring any such absentees forthwith before the council. (Ref. Ord. No. 1)

**1-103. ORDER OF BUSINESS.** At the hours appointed for the meeting, the members shall be called to order by the presiding officer, and the order of business proceed as specified by the presiding officer; except that by majority vote of the Governing Body, such order may be changed.

**1-104. ORGANIZATIONAL MEETING.** On the first Monday of May of each election year, the Governing Body, as constituted before the election on the first Tuesday in April, shall meet and proceed to any unfinished business, and thereafter seat the new Governing Body, and the new Governing Body shall proceed to the order of business as hereinabove prescribed.

**1-105. ROBERT'S RULES, REVISED.** Robert's Rules of Order, Revised, shall be and the same are hereby adopted for the conduct of the meetings of the Governing Body.

**1-106. STANDING COMMITTEES.** The following shall be the standing committees whose membership shall be designated by the mayor, by and with the consent of the council, at the organizational meeting held on the first Monday in May:

- a. Committees composed from the membership as designated to serve on for two years, until the next organizational meeting of the Governing Body:

Budget and Finance  
Landscape  
Ordinance and Building  
Public Safety  
Public Works

- b. Committees whose membership is established by statute and ordinance:

Board of Zoning Appeals  
City Planning Commission

- c. Such other committees and commissions as shall be deemed necessary shall be established by the mayor by and with the consent of the council, and the membership shall be established by resolution of the council.

**1-107. COMMITTEES AND COMMISSIONS, DUTIES OF; GENERAL.** The standing committees and commissions as appointed by the mayor by and with the consent of the council shall, in addition to advising the Governing Body on all matters referred to them from time to time, have continuing duties as prescribed by ordinance.

## ARTICLE 2. PUBLICATION

**1-201. PUBLICATION IN OFFICIAL CITY NEWSPAPER.** Where so required by state law or by ordinance, publication shall be made in the official City newspaper. (Ref. K.S.A. 12-3007)

**1-202. DESIGNATION OF OFFICIAL CITY NEWSPAPER OR NEWSPAPERS.** The Governing Body shall designate by resolution a newspaper or newspapers as the official City newspaper or newspapers for publication of legal notices, advertisements, or publications of any kind which may be required or provided by the laws of the state of Kansas or the City to be published in a newspaper. Such designation shall be made at the organizational meeting on the first Monday of May in each election year, but if not otherwise designated, the official city newspaper shall be *The Legal Record* or *The Sun Newspapers*.

### ARTICLE 3. ORDINANCES

**1-301. CITY ORDINANCES.** Ordinances shall be prepared by the City Attorney to embody the legislative acts of the City upon recommendation of the Governing Body in the following matters:

- a. Where required by statute to perform such action;
- b. Where a penalty is prescribed for an act or a failure to act;
- c. Where the action taken is to be of a continuing nature;
- d. Where the action taken affects the public interest;
- e. Upon recommendation of the city attorney.

Prior to its introduction, any ordinance, except an appropriation ordinance, shall be approved by the city attorney as to form and content.

**1-302. INTRODUCTION OF ORDINANCES.** All ordinances shall be introduced for consideration at a regular or adjourned meeting of the Governing Body, except as otherwise provided by statute.

- a. Every ordinance shall be introduced by the chairman of a committee to whom the subject matter may have been referred or, should the committee chairman not be a member of the Governing Body, by the chairman of the ordinance and building committee.
- b. Upon introduction of an ordinance, the Governing Body shall consider and discuss such ordinance and offered amendments thereto, if any. The passage of such ordinances may be made at the meeting at which the ordinance was introduced or at any subsequent meeting. (Ref. K.S.A. 12-3001)

**1-303. CLASSES OF ORDINANCES.** There shall be four (4) classes of ordinances:

- a. Charter, which shall include those ordinances by which a city exempts itself from the whole or a part of a statute which applies to the city but does not apply uniformly to all cities, and which may or may not provide substitute or additional provisions; except that no charter ordinance shall be used to affect a statute prescribing a limit of indebtedness or relating to annexation, exclusion, consolidation or dissolution even though such statute does not apply uniformly to all cities.
- b. Appropriation, which shall include those ordinances the only purpose of which is the bare appropriation of money and which shall include no other legislative act.
- c. General, which shall include all ordinances designated by the Governing Body for inclusion in the Codification of the Ordinances of the City of Westwood Hills and in all supplements thereto and in all subsequent recodifications.
- d. Special, which shall include all other ordinances including but not limited to:

1. Ordinances pertaining to the acquisition of property or interests in property by gift, purchase, devise, bequest, appropriation or condemnation;
2. Ordinances opening, dedicating, widening, vacating or narrowing streets, avenues, alleys and boulevards;
3. Ordinances establishing and changing grades of streets, avenues, alleys and boulevards;
4. Ordinances naming or changing the names of streets, avenues and boulevards;
5. Ordinances authorizing or directing public improvements to be made;
6. Ordinances creating districts for public improvements of whatsoever kind or nature;
7. Ordinances levying general taxes;
8. Ordinances levying special assessments or taxes;
9. Ordinances granting any rights, privileges, easements or franchises therein mentioned to any person, firm or corporation;
10. Ordinances authorizing the issuance of bonds and other instruments of indebtedness by the city;
11. Ordinances authorizing contracts;
12. Ordinances establishing the limits of the city or pertaining to annexation or exclusion of territory;
13. Ordinances relating to compensation of officers and employees of the city;
14. Election ordinances.

**1-304. PASSAGE OF ORDINANCES.** The vote on any ordinance except as provided herein or as provided by statute shall be by yeas and nays, which shall be entered on the journal at large by the city clerk. No ordinance shall be valid unless a majority of all the members of the council vote in favor thereof; provided, however, that where the number of favorable votes is one (1) less than the required number, the mayor shall have the power to cast the deciding vote in favor of the ordinance. (Ref. K.S.A. 12-3002)

**1-305. SIGNING OR VETO OF ORDINANCES; EXCEPTIONS.** After an ordinance shall have passed, an enrolled copy thereof shall be made by the clerk and, after having been carefully compared with the original by the ordinance and building committee, shall be signed by the mayor or in his absence by the president of the council and deposited with the clerk, who shall file and record the same and secure its publication as required by law. The mayor shall

have the power to sign or veto every ordinance passed by the council; provided, however, that on ordinances on which he casts the deciding vote, and on appropriation ordinances, he shall have no veto, and he shall sign such ordinances if he be present at the meeting, and if he refuses or neglects to sign or be not present at the meeting, such ordinances shall take effect without his signature. Any ordinance vetoed by the mayor may be passed over the veto by a vote of three-fourths (3/4) of the whole number of councilpersons notwithstanding the veto. If the mayor does not sign his approval of the ordinance, or return the same with his veto, stating his objections in writing, on or before the next regular meeting of the council, the ordinance will take effect without his signature, such fact to be endorsed by the city clerk on the ordinance and at the end of the ordinance as entered in the ordinance book. The president of the council or acting president of the council shall have no power to sign or veto any ordinance. (Ref. K.S.A. 12-3003)

**1-306. SUBJECT AND TITLE OF ORDINANCE: AMENDMENT.** No ordinance shall contain more than one (1) subject, which shall be clearly expressed in its title, and no section or sections of an ordinance shall be amended unless the amending ordinance contains the entire sections as amended and the section or sections amended shall be repealed. (Ref. K.S.A. 12-3004)

**1-307. STYLE OR ORDAINING CLAUSE.** The style or ordaining clause of all ordinances shall be "Be it Ordained by the Governing Body of the City of Westwood Hills, Kansas." (Ref. K.S.A. 12-3305)

**1-308. NUMBERING.** After an ordinance shall have been passed, the city clerk shall assign it a number. The appropriation ordinances shall be numbered in a separate series; charter ordinances shall be numbered continuing in the series established prior to the Codification of the ordinances of the City of Westwood Hills, Kansas, 1979; and all other ordinances shall be numbered continuing in a series established prior to the Codification of the Ordinances of the City of Westwood Hills, Kansas, 1978. (Ref. K.S.A. 12-3006)

**1-309. PUBLICATION: EFFECTIVE DATE.** The city clerk shall cause all ordinances, except appropriation ordinances, as soon as practicable after they have been passed and signed, passed over the mayor's veto, or will take effect without signature, to be published once in the official city newspaper, unless the statute requires more publications. Ordinances shall take effect the day of publication, unless a different and later date is stated in the ordinance or otherwise specified by statute, provided that appropriation ordinances shall take effect upon passage. The publisher shall print on a line preceding the number of the ordinance a statement in parentheses as follows: (published \_\_\_\_\_ 20\_\_) giving the month, day and year of publication. (Ref. K.S.A. 12-3007)

**1-310. ORDINANCE BOOKS; CERTIFICATION BY CITY CLERK; NUMBERING.** The city clerk shall keep an "Ordinance Book" in which shall be entered at length the original ordinance typed on paper designed for that purpose which ordinance shall be inserted into a loose-leaf binder immediately after its publication, provided that appropriation ordinances shall be entered into a separate "Ordinance Book" immediately after passage. Should the original of any ordinance be not available for inclusion in the ordinance book, a copy thereof may be inserted. The city clerk shall append at the end a certification substantially as follows: "I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said ordinance was passed on the \_\_ day of \_\_\_\_\_ 20\_\_; that the record of the final vote on its passage is found on page \_\_\_ of Journal \_\_\_; and that the ordinance was published in the (name of official newspaper) on the \_\_\_ day of \_\_\_,20\_\_." One (1) copy of the published Codification of the

Ordinances of the City of Westwood Hills, Kansas, 2012, shall be kept on file with the "Ordinance Books" and shall constitute an "Ordinance Book." Each Ordinance Book shall be appropriately designated by numbering in accordance with the following:

- a. Each ordinance book shall be appropriately designated by Arabic numeral;
- b. Each appropriation ordinance book shall be designated by an Arabic numeral;
- c. Each charter ordinance shall be kept in a separate ordinance book to be designated "Charter Ordinances."

All ordinances of the city may be proved by the certificate of the city clerk under the seal of the city. (Ref. K.S.A. 12-3008)

**1-311. PREPARATION OF SUPPLEMENTS TO THE CODIFICATION.** Whenever any ordinance expresses the intent of the Governing Body that it shall be made a part of such loose-leaf codification, the same shall be considered a general ordinance. Such inclusion shall have the same force and effect as if the ordinance had been included in the original codification at the time of its adoption by the Governing Body.

From time to time, upon recommendation of the ordinance and building committee to the Governing Body, the Governing Body shall direct by ordinance that all general ordinances, being all those recommended for inclusion in the codification by the Governing Body, shall be published in the form of a loose leaf supplement and one (1) copy of said supplement shall be kept on file with the "Ordinance Books," shall constitute an "Ordinance Book" and shall be designated "Supplement to Codification of the Ordinances of the City of Westwood Hills, Kansas." Such supplements shall be published with the enabling ordinance and the certificate of the city clerk that the same are true and correct copies in the same manner as required for the codification. (Ref. K.S.A. 12-3014)

**1-312. DISTRIBUTION OF CODIFICATION AND SUPPLEMENT THERETO.** The Governing Body shall distribute, without cost, copies of the codification to city personnel and other city officers requiring the use of same. Copies of the codification shall be available for purchase by the general public, the price of which codification shall be established by the Governing Body by resolution. The Governing Body shall make provision for furnishing copies of such supplements to the loose-leaf codifications to city personnel, purchasers, and others having copies of the original codification. A charge for such subscription service to purchasers shall be established by a resolution of the Governing Body at the time each such supplement shall be issued.

**1-313. PREPARATION OF INDIVIDUAL ORDINANCES.** Each individual ordinance that is designated by the Governing Body for inclusion in the codification shall be a general ordinance and shall carry section numbers for each substantive section so as to indicate section inclusion and position in the Codification of the Ordinances of the City of Westwood Hills, Kansas, 2012. Each special ordinance as passed by the council shall carry its own section numbers.

**1-314. RECODIFICATION OF ORDINANCES.** The Governing Body may from time to time republish the Codification of Ordinances, so as to include in their proper sequential order all substantive sections of the codification which shall at that time be in force, including the substantive sections of all loose-leaf supplements issued in the interim, in which case new pages may be inserted for omitted sections, amended sections, sections of ordinances passed in the interim and new provisions, as well as incorporation by reference in accordance with the

provisions of K.S.A. 12-3302 of any model codifications, and the renumbering of pages, chapters, articles or sections. Any such recodification shall be prepared under the authorization in accordance with the provisions for the original Codification of the Ordinances of the City of Westwood Hills, Kansas, 1979. (Ref. K.S.A. 12-3014)

#### **ARTICLE 4. CITY OFFICERS: APPOINTMENTS AND DUTIES**

**1-401. OFFICERS APPOINTED: DATE OF APPOINTMENT.** The mayor shall, at the first regular meeting of the city council in May of each year, by and with the consent of the Governing Body, appoint the following officers: city clerk, city treasurer, city chief of police, city attorney, and municipal judge. The clerk shall enter every appointment to office and the date thereof on the journal of proceedings. (Ref. Ord. No. 4; K.S.A. 15-204)

**1-402. DEPUTIES AND ASSISTANTS: PRO TEM JUDGE.** The mayor may appoint, as required, by and with the consent of the council, in addition to the above officers, assistants to such officers, a deputy city clerk, a municipal judge pro tem, and policemen.

**1-403. TERM OF CITY OFFICERS.** Officers so appointed, confirmed and qualified, shall hold their office for a term of one (1) year and until their successors are appointed and qualified. (Ref. K.S.A. 15-204)

**1-404. QUALIFICATIONS OF APPOINTED OFFICIALS.** All officers appointed herein shall be qualified electors of the city except that the mayor, by and with the consent of the Governing Body, may appoint nonresidents as city attorney, municipal judge, city treasurer, or chief of police, including the appointment of nonresidents who will also serve as city attorney, municipal judge, city treasurer, or law enforcement officers of another municipality or public agency. Nothing herein shall authorize the appointments of nonresidents of this state. The city attorney shall be a qualified elector of Johnson County or an adjoining county. The removal from the city of any officer required by law to be a qualified elector shall occasion a vacancy in such office. The qualifications required of assistants shall be the same as those of his principal. (Ref. K.S.A. 15-209)

**1-405. OATH OF OFFICE.** Officers appointed as herein provided shall qualify for office by taking and subscribing the following oath:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge the duties of \_\_\_\_\_. So help me God."

and by securing any bond, certificate, or security as may be required by the Governing Body to secure the faithful performance of his duties. (Ref. Ord. No. 36A; K.S.A. 75-4308; K.S.A. 54-106)

**1-406. REMOVAL FROM OFFICE.** No officer as appointed herein shall, unless otherwise provided by state statute, be removed from office except in the following manner:

- a. Upon complaint made to the mayor or president or acting president of the council. The person so receiving such complaint shall lay the same before the Governing Body at its first meeting thereafter. The Governing Body shall carefully and honestly inquire as to the truth of such complaint and, should good

cause be found therefor, notify the officer complained against and afford him a hearing before the Governing Body.

- b. If a majority of all the members of the Governing Body find from the proceedings had that removal is appropriate, they shall forthwith, by order to be entered upon their journal, remove him from office, and he shall not be again appointed to such office unless two-thirds (2/3) of the councilpersons consent thereto. (Ref. K.S.A. 15-204)

**1-407. VACANCY, HOW FILLED.** Whenever any vacancy shall happen in any appointed office or committee of the city by death, resignation, removal from the city, removal from office, refusal to qualify or other reason, the mayor, by and with the consent of the council, shall appoint his successor for the balance of the unexpired term. (Ref. Ord. No. 4; K.S.A. 15-209)

**1-408. DUTIES OF THE CITY CLERK.** It shall be the duty of the city clerk to attend all council meetings of the Governing Body, to be custodian of the city records and to make and keep a record of all proceedings and meetings of the city council in a minute book, and, when necessary, to attest them. The city clerk shall make a record of all ordinances passed by the city council in an ordinance book and shall cause all such ordinances to be published in the form directed by said city council and as required by law. The city clerk shall file all notices of the publication of ordinances passed by the city council and shall keep all papers and records which are required to be filed with this office, which papers and records shall, at all reasonable times, be open to public inspection.

The city clerk shall keep a record of all warrant checks drawn upon the treasury of the city and a full account of all receipts and expenditures of the city. The city clerk shall keep a full and accurate account of the bonds issued by the city and shall record them in a book by number, date, and amount of each individual bond, date of maturity, rate of interest and date of cancellation. The city clerk shall carry on all the official correspondence of the city, giving the same prompt attention, and shall present for the consideration of the Governing Body all correspondence received and replies given.

The city clerk shall cause a record to be kept of the various funds into which said money is paid and shall see that warrant checks for the same are duly drawn upon the proper funds. The city clerk shall cause receipts to be issued for all moneys received by the city. The city clerk shall make quarterly reports to the city council of receipts and expenditures of the city, stating the various funds into which moneys are received, and from which moneys were expended, and the balances remaining in each of the several separate funds.

The city clerk shall have charge of the corporate seal of the city and the power to administer oaths for all purposes pertaining to the business and affairs of the city. The city clerk shall receive, and audit, all claims and shall present the same for consideration at the next regular meeting of the city council following the time when any such claims are received.

The city clerk shall perform such other and further duties as may be provided by an ordinance. (Ref. Ord. No. 4; K.S.A. 13-518)

**1-409. DUTIES OF CITY TREASURER.** The city treasurer shall receive all moneys belonging to said city, giving receipt therefor, and as to all moneys received by him from any other source than the city clerk, the city treasurer shall give duplicate receipts, causing one (1)



of the two to be filed with the city clerk. The city treasurer shall open a ledger account in a book provided by the city and keep therein a record of all moneys received and paid out. The city treasurer shall publish or cause to be published quarterly settlements subject to the inspection of the Governing Body in the office of the city clerk. The city treasurer shall file with the city clerk a complete report of the receipts and expenditures of the city during the preceding quarter, showing the amounts received, deducted from and the balance in each fund.

The city treasurer shall make a quarterly settlement with the Governing Body on the fifteenth days of April, July, October and January for the preceding quarter of each year, with such settlement to be kept by him in a special book provided by the Governing Body.

The city treasurer shall deposit all public moneys coming into his hands in his official capacity in a responsible bank or banks within the county (there being no bank in the City of Westwood Hills) after the same shall have been designated by the mayor and council and after the depository has given bond or security as provided by law. Such deposit shall be made in the name of the treasurer as such officer. The city treasurer shall perform such other duties as may be required of him by law or ordinance.

The city treasurer shall furnish to the city, at the expense of the city, the bond of an incorporated surety company, authorized to do business in the State of Kansas, in the amount of ten thousand dollars (\$10,000). Such bond shall name the city of Westwood Hills, Kansas, as the obligee thereunder and shall be conditioned upon the faithful discharge of the duties of city treasurer and the accurate and faithful accounting for all money coming into the possession of the city treasurer as such. (Ref. Ord. No. 4, K.S.A. 13-526)

**1-410. DUTIES OF CITY MARSHAL-CHIEF OF POLICE.** The city marshal shall be chief of police and shall at all times have the power to make or order an arrest, with proper process for any offense of the state or of the city, and bring the offender for trial before the proper officer, and to arrest without process, in all cases where any such offense shall be committed or attempted to be committed in his presence.

The city chief of police shall keep all persons arrested in the city jail, county jail, or other place of confinement to prevent their escape until trial can be had before the proper officer and shall execute all processes issued by the municipal judge and delivered to him for that purpose. The city chief of police shall be responsible to the mayor for the supervision and management of the police department. (Ref. Ord. No. 4)

**1-411. DUTIES OF POLICE OFFICERS.** The police officers of the city shall have power to arrest all offenders against the laws of the state or of the city, by day or night, in the same manner as the city chief of police, and to keep them in the city jail or county jail or other place of confinement to prevent their escape, until a trial can be had before the proper officer. The police officers, in discharge of their duties, shall be subject to the order of the mayor and the city chief of police only. (Ref. K.S.A. 22-2401a; K.S.A. 22-2202)

**1-412. DUTIES OF CITY ATTORNEY.** It shall be the duty of the city attorney to attend, so far as reasonably possible, all meetings of the Governing Body during his term; to furnish advice on the legal problems of the Governing Body, city officers and employees concerning city business; to aid and approve as to form and content in the drawing of ordinances; to draw contracts and such other instruments as may be necessary for city business; to prosecute such matters as may be necessary before the local municipal court in connection with city affairs; to attend hearings before the county commissioners and state boards when directed by the mayor

and city council, and to represent the city generally in legal matters. (Ref. Ord. No. 12; K.S.A. 13-416)

**1-413. DUTIES OF MUNICIPAL JUDGE.** The duties of the municipal judge are set forth in City of Westwood Hills Code Section 9-103.

**1-414. COMPENSATION OF CERTAIN APPOINTED CITY OFFICERS.** The compensation for officers of the city shall be fixed by resolution of the Governing Body upon the recommendation of the mayor.

## **ARTICLE 5. GOVERNING BODY**

**1-501. DEFINITION.** The term "Governing Body" when used in any ordinance of the city shall mean, unless the context clearly indicates otherwise, the mayor and council.

**1-502. VACANCY IN OFFICES OF MAYOR OR COUNCILPERSON; PRESIDENT OF COUNCIL.** The city shall have five (5) councilpersons, who shall be chosen by the qualified electors of the city at large; and no person shall be eligible to the office of councilperson who is not at the time of his or her election an actual resident of the city, and if any councilperson shall remove from the city, his or her office as councilperson shall thereby become vacated. Whenever a vacancy shall occur in the office of councilperson, the mayor, by and with the advice and consent of the remaining councilpersons shall appoint a suitable elector of the city to be councilperson for the balance of the unexpired term. (Ref. K.S.A. 15-201; K.S.A. 25-2117)

**1-503. COMPENSATION TO MAYOR AND COUNCIL.** The Mayor shall receive the sum of seventy-five dollars (\$75.00) a month as compensation for serving as Mayor. Each Councilperson shall receive the sum of thirty-five dollars (\$35.00) a month as compensation for services as Councilperson.

**1-504. POWERS OF MAYOR.** The mayor shall preside at all meetings of the city council and shall have a casting vote only when the council is equally divided and at no other time.

The mayor shall have the supervisory control of all the officers and affairs of the city and shall take care that the ordinances of the city are complied with.

The mayor shall be active and vigilant in enforcing all laws and ordinances for the government of the city, and he shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty.

The mayor shall sign the commissions and appointments of all the officers elected or appointed in the city.

The mayor shall from time to time communicate to the city council such information and recommend such measures as in the mayor's opinion may tend to the improvement of the finances of the city, the police, or the health, security, ornament, comfort and general prosperity of the city.

The mayor shall have power, when he or she deems it necessary, to require any officer of the city to exhibit his or her accounts or other papers and to make report to the council in

writing on any subject or matter pertaining to his or her office. (Ref. K.S.A. 15-301 *et seq.*)

**1-505. PRESIDENT OF COUNCIL.** The city council shall elect one of their own body as "president of the council," who shall preside at all meetings of the council in the absence of the mayor. In the absence of the president, the council shall elect one of their own body to occupy the president's place temporarily, who shall be styled "acting president of the council." The president and acting president, when occupying the place of mayor, shall have the same privileges as other members of the council. (Ref. K.S.A. 15-310)

**1-506. REIMBURSEMENT OF EXPENSES OF CITY OFFICIALS.** Whenever a city officer, committee member or employee shall be directed or ordered in connection with city affairs to attend any hearings or to represent the city in any matter or appear before any board, commission or court outside the limits of the City of Westwood Hills, Kansas, such person shall, upon approval of the Governing Body, be reimbursed reasonable, necessary and proper travel expenses so advanced by said person. When such travel is by motor vehicle operated by said person, then such person shall be reimbursed at the rate per mile established by the Kansas Secretary of Administration for travel by privately owned conveyances for official purposes for each mile actually traveled in connection with such business, upon presentation of proof of said expense or mileage. In addition thereto, such person shall, upon the approval of the Governing Body, be reimbursed for such other expenses actually advanced as are reasonable, necessary and proper. (Ref. K.S.A. 75-3201 *et seq.*)

**1-507. EMERGENCY GOVERNMENT.** In the event of a catastrophe in which all or a majority of the members of the Governing Body are fatally injured, the interim Governing Body shall be composed of the surviving members, the city attorney, the city clerk, and a sufficient number of the appointed officials selected in the order of the greatest seniority in office to make up a Governing Body of the prescribed number. (Ref. Kan. Const. Art 15, S 13)

## ARTICLE 6. CODE OF ETHICS

**1-601. CODE OF ETHICS: DECLARATION OF POLICY.** There is hereby established a Code of Ethics for all City public officials and employees, whether paid in whole or in part by the City or unpaid. The purpose of this Code is to establish ethical standards of conduct for all City public officials and employees by setting forth those acts or actions that are incompatible with the best interest of the City. The provisions and purpose of this Code and such rules and regulations as may be established by the Governing Body of the City are hereafter declared to be in the best interest of the City.

**1-602. RESPONSIBILITIES OF PUBLIC OFFICE.** All public employees and officials hold employment and their offices for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of the State of Kansas and to carry out impartially the laws of the nation and State, as well as the City, and thus to foster respect for all government. They are bound to discharge faithfully the duties of their employment, regardless of personal considerations, recognizing that the public interest must be their primary concern.

**1-603. PUBLIC OFFICIAL OR EMPLOYEE AND LOCAL GOVERNMENTAL OFFICER OR EMPLOYEE DEFINED.** "Public employee" or "Local governmental employee" means any employee of the City. "Public Official" or "Local governmental officer" means any elected or appointed officer of the City or any board or commission thereof.

**1-604. SUBSTANTIAL INTEREST DEFINED.** "*Substantial interest*" means any of the following:

- a. If an individual or an individual's spouse, either individually or collectively, has owned within the preceding twelve (12) months a legal or equitable interest exceeding five thousand dollars (\$5,000.00) or five percent (5%) of any business, whichever is less, the individual has a substantial interest in that business.
- b. If an individual or an individual's spouse, either individually or collectively, has received during the preceding calendar year compensation which is or will be required to be included as taxable income on Federal income tax returns of the individual and/or spouse in an aggregate amount of two thousand dollars (\$2,000.00) from any business or combination of businesses, the individual has a substantial interest in that business or combination of businesses.
- c. If an individual or an individual's spouse, either individually or collectively, has received in the preceding twelve (12) months, without reasonable and valuable consideration, goods or services having an aggregate value of five hundred dollars (\$500.00) or more from a business or combination of businesses, the individual has a substantial interest in that business or combination of businesses.
- d. If an individual or an individual's spouse holds the position of officer, director, associate, partner or proprietor of any business, other than an organization exempt from Federal taxation of corporations under Section 501(c)(3), (4), (6), (7), (8), (10) or (19) of Chapter 26 of the United States Code, the individual has a substantial interest in that business, irrespective of the amount of compensation received by the individual.
- e. If an individual or an individual's spouse receives compensation which is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, the individual has a substantial interest in any client or customer who pays fees or commissions to the business or combination of businesses from which fees or commissions the individual or individual's spouse, either individually or collectively, received an aggregate of two thousand dollars (\$2,000.00) or more in the preceding calendar year.

**1-605. PARTICIPATION IN CITY CONTRACTS.**

- a. No local governmental officer or local governmental employee shall, in the capacity of such an officer or employee, make or participate in the making of a contract with any person or business by which the officer or employee is employed or in whose business the officer or employee has a substantial interest.
- b. No person or business shall enter into any contract where any City public official or employee, acting in that capacity, is a signatory to or a participant in the making of the contract and is employed by or has a substantial interest in the person or business.
- c. No local governmental officer or employee having the power or duty to perform

an official act or action related to a contract or transaction which is or may be the subject of an official act or action of the City, shall:

1. Have or hereafter acquire an interest in such contract or transaction;
  2. Have an interest in any business entity representing, advising or appearing on behalf of any person involved in such contract or transaction, whether paid or unpaid;
  3. During his or her term of office or appointment, have solicited or accepted present or future employment with a person or business entity involved in such contract or transaction;
  4. Have solicited, accepted or granted a present or future gift, service or thing of value from or to a person involved in such contract or transaction.
- d. Exceptions. The prohibition against gifts, services or things of value in Subsection 6.05 C. (4) shall not apply to:
1. An occasional non-pecuniary gift, service or thing of value, insignificant in value (\$100 or less), provided that a public official or employee who receives any non-pecuniary gift in excess of \$50 in value shall report the receipt of such non-pecuniary gift to the City Clerk. This exception shall not allow for the receipt of any cash gifts in any amounts.
  2. An award publicly presented in recognition of public services.
- e. A City public official or employee does not make or participate in the making of a contract if the public official or employee abstains from any action in regard to the contract.
- f. This Section shall not apply to the following:
1. Contracts let after competitive bidding has been advertised for by published notice; and
  2. Contracts for property or services for which the price or rate is fixed by law.

**1-606. PARTICIPATION IN OTHER MATTERS.**

- a. Any City public official or employee who has not filed a disclosure of substantial interests shall, before acting upon any matter which will affect any business in which the public official or employee has a substantial interest, file a written report of the nature of the interest with the Johnson County Election Commissioner.
- b. A City public official or employee does not pass or act upon any matter if the public official or employee abstains from any action in regard to the matter.

**1-607. DISCLOSURE OF SUBSTANTIAL INTERESTS.**

- a. All elected public officials, candidates for elected office, and persons appointed to fill a vacancy in an elective office shall disclose their substantial interests as required by K.S.A. 75-4302a by filing the required statement of substantial interests with the appropriate office.
- b. If an individual or an individual's spouse holds the position of officer, director, associate, partner or proprietor in an organization exempt from Federal taxation of corporations under Section 501(c)(3), (4), (6), (7), (8), (10) or (19) of Chapter 26 of the United States Code, the individual shall comply with all disclosure provisions of Subsections (a), (b), (c) and (d) of K.S.A. 75-4302a.

**1-608. RESTRICTION ON FORMER PUBLIC OFFICIALS OR EMPLOYEES IN MATTERS CONNECTED WITH THEIR FORMER DUTIES.**

- a. It shall be a breach of ethical standards for any former public official or employee knowingly to act as a principal or as an agent for anyone other than the City in connection with any:
  - 1. Judicial or other proceeding, application, request for a ruling or other determination;
  - 2. Contract;
  - 3. Claim; or
  - 4. Charge or controversy;

in which the public official or employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, investigation or otherwise while employed by the City and where the City is a party or has a direct and substantial interest.

- b. It shall be a breach of ethical standards for any former public official or employee, within one (1) year after cessation of the former public official's or employee's official responsibility, knowingly to act as a principal or as an agent for anyone other than the City in connection with any:
  - 1. Judicial or other proceeding, application, request for a ruling, or other determination;
  - 2. Contract;
  - 3. Claim; or
  - 4. Charge or controversy;

which arose during the term or employment of the former public official or employee and which were within the official responsibility of the former public official or employee; provided that the City is a party or has a direct or substantial

interest in the matter.

**1-609. RESTRICTION ON FORMER PUBLIC OFFICIALS OR EMPLOYEES IN SELLING TO THE CITY.**

- a. It shall be a breach of ethical standards for any former public official or employee to engage in selling or attempting to sell supplies, services or construction to the City for one (1) year following the date on which the term of employment ceased.
- b. The term "sell", as used herein, means signing a bid, proposal or contract; negotiating a contract; contacting any public official or employee for the purpose of obtaining, negotiating or discussing changes in specifications, price, cost allowances or the terms of a contract; settling disputes concerning performance of a contract; or any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefor is subsequently negotiated by another person; provided however, that this Section is not intended to preclude a former public official or employee from accepting employment with private industry solely because the former public official's or employee's employer is a contractor with this City, nor shall a former public official or employee be precluded from serving as a consultant to this City.
- c. This Section shall not apply if the former public official or employee, before he or she engages in or attempts to sell, makes a full disclosure to the Governing Body of the former public official's date of service and position with the City or employee's date of employment and position with the City, and the Governing Body determines that it is in the best interest of the City to permit the former public official or employee to sell or attempt to sell such supplies, services or construction.

**1-610. SANCTIONS.**

- a. Public official violations. In the event a public official shall violate the provisions of this Article, such person shall be subject to a request being made to the Attorney General of Kansas or to the Johnson County District Attorney for a review, investigation and the taking of appropriate action pursuant to State law.
- b. Employee violations. Employee violations shall be an administrative matter. For violations of the provisions of Section 1-605 of this Article, the employee shall be terminated. Violations of any provisions of this Article, except Section 1-605, may constitute a cause of suspension, termination or other disciplinary action.
- c. Violations of any provision of this Article may constitute cause to cancel any contract, cease negotiations on any contract, and rescind or modify any previous action based upon any such violation.

**ARTICLE 7. CLAIMS AGAINST THE CITY**

**1-701. DEFINITIONS.** As used in this article, the following words and phrases shall have the meanings respectively ascribed to them herein, unless the context shall otherwise require:

- a. Claim means the documents relating to and stating an amount owing to the claimant by the city for material or service furnished to the city or some action taken by or for the city and for which the city may or may not be responsible in a liquidated or an unliquidated amount. A claim is liquidated when the amount due or to become due is made certain by agreement of the parties or is fixed by law.
- b. Warrant means an instrument ordering the treasurer of the city to pay out of a designated fund a specified sum to a named person or party who or which has filed a claim against the city.
- c. Check means an ordinary check drawn on a depository bank of the city by the city treasurer and payable to the holder of a warrant or warrants issued by the city.
- d. Warrant check means a combination of warrant and check. It is a negotiable instrument which orders a depository bank to pay to the order of the payee therein named. A warrant check authorizes the bank upon which drawn to charge the city's account with the amount stated therein.
- e. For the purposes of this article the term "audit" shall be construed to mean to examine and render an opinion as to allowance or rejection in whole or in part. (Ref. K.S.A. 12-105a)

**1-702. PRESENTMENT OF CLAIMS.** All claims against the city must be presented in writing with a full account of the items, and no claim shall be allowed except in accordance with the provisions of this article. A claim may be the usual statement of account of the vendor or party rendering a service or other written statement showing the required information. Claims for salaries or wages of officers or employees need not be signed by the officer or employee, if a payroll claim is certified to by the administrative head of a department or group of officers or employees or his authorized representative that the salaries or wages stated therein were contracted or incurred for the city government under authority or law, that the amounts claimed are correct, due and unpaid and that the amounts are due as salaries and wages for services performed by the person named. (Ref. K.S. A. 12-105b)

**1-703. AUDITING OF CLAIMS.** Before any claim, other than an unliquidated claim, is presented to the Governing Body it shall be audited by the city clerk, or other officer or officers charged by law to approve claims affecting his or its area of government, and thereby approved in whole or in part as correct, due and unpaid. (Ref. K.S.A. 12-105b)

**1-704. AUTHORIZATION OF USE OF WARRANT CHECKS.** In conformance with the requirements of K.S A. 10-801, the Governing Body hereby authorizes the use of a combination warrant check, prepared by the city clerk and drawn to the order of the person or party entitled to receive same. With respect to all such warrant checks, the city clerk shall specify the nature of the claim or service for which they were issued and out of what fund payable. (Ref. K.S A. 10-801)

**1-705. SIGNATURES ON WARRANT CHECKS.** Warrant checks shall be signed by any three of the following: the mayor, the president of the council, the city clerk, the city treasurer and the chairman of the Budget and Finance Committee. The seal of the city need not be attached, or impressed, or shown by facsimile. A facsimile signature may be used when authorized as provided by law. (Ref. K.S.A. 10-803)



**1-706. RECORD OF WARRANT CHECKS.** The city clerk shall keep a correct record of all warrant checks issued, showing the number, date and amount thereof, on what fund drawn, and the name of the person or party to whom the same are made payable. (Ref. K.S.A. 10-804)

**1-707. DUTIES OF TREASURER; SIGNATURE.** Before delivering any warrant check to the payee, the city clerk shall present the same to the treasurer, who shall enter, in a book kept by him for that purpose, the number, date, and amount of such warrant check, on what fund drawn, and the name of the payee, and the city treasurer shall thereupon sign the warrant check on the face thereof, provided that a facsimile signature may be used when authorized by the official as provided by law. (Ref. K. S.A. 10-805)

**1-708. RECORD OF MONEYS; CONTRACTS AND INDEBTEDNESS; NOTICE TO PUBLIC.** It shall be the duty of the city clerk to keep a record of the amount of money in the treasury and the particular fund in which such money is deposited and to keep a record of all contracts creating a liability against the city and a record of all indebtedness created by the Governing Body, in which record there shall be shown the date of the making of the contract or the creation of the debt, the amount of the contract or debt, the time payable, and the particular fund from which said payment is to be made. The city clerk shall, upon the request of any member of the Governing Body or at the request of any taxpayer of the city or of any person desiring to enter into a contract with the city or who has any claim against the city, exhibit such records to such person, and for this purpose the city clerk shall provide requisition and/or purchase forms in a form to be approved by the budget and finance committee for indebtedness not exhibited by contract or purchases made for cash, and no payments shall be made without such form. (Ref. K.S.A. 10-1117)

**1-709. UNLAWFUL ACTS.** Any officer of the city who shall sign or attest any warrant check not duly authorized by the Governing Body, and any treasurer who shall sign any warrant check not theretofore signed by the proper officers as required by law, shall be liable to the city in the sum of each warrant check. Unless otherwise provided by law, it shall be unlawful for the Governing Body of the city to create any indebtedness in excess of the amount of funds actually on hand in the treasury of the city at the time for such purpose or to authorize the issuance of any warrant check, or other evidence of such indebtedness of the city, in excess of the funds actually on hand in the treasury of the city at the time for such purpose.

It shall be unlawful for the city clerk knowingly to issue, attest, sign or countersign any warrant check or other evidence of indebtedness, on the treasury of the city, in payment of any indebtedness of the city created by the Governing Body of the city in excess of the amount of funds actually on hand in the treasury of the city at the time for such purpose.

It shall be unlawful for the treasurer of the city knowingly to pay any warrant check or other evidence of indebtedness out of the treasury of the city in excess of the amount of funds actually on hand in the treasury at the time for such purpose.

Any officer who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not less than fifty dollars (\$50), nor more than five hundred dollars (\$500). (Ref. K.S A. 10-810; K.S A. 10-1112)

**1-710. DESIGNATION OF DEPOSITORIES FOR MUNICIPAL AND QUASI-MUNICIPAL FUNDS; PAYMENT OF INTEREST, WHEN.** The governing body shall designate by official action recorded upon its minutes the state and national banks and trust companies which shall serve as depositories of its funds, and the officer and official having the custody of

such funds shall not deposit such funds other than at such designated banks and trust companies. Only state or national banks located in Johnson County, Kansas, shall be designated as official depositories.

It shall be the duty of every officer or person depositing public funds to deposit all such public funds coming into his or her hands in his or her name and in his or her official title as such officer. If the Governing Body shall fail to designate an official depository or depositories, the officer thereof having custody of its funds shall deposit such funds with one or more state or national banks or trust companies in Johnson County, Kansas; but upon so doing shall serve notice in writing on the Governing Body showing the names and locations of such banks and trust companies where such funds are deposited, and upon so doing the officer having custody of such funds shall not be liable for the loss of any portion thereof except for his or her own official misconduct or for the misappropriation of such funds. (Ref. K.S.A. 9-1701)

**1-711. SECURITIES FOR DEPOSITS OF PUBLIC FUNDS; EXPENSES.** Before any deposit of public moneys or funds shall be made by the city with any state or national bank or trust company, the city shall obtain security for such deposit in one of the methods provided in K.S.A. 9-1402, as may be amended from time to time.

**1-712. DEPOSIT OF BONDS AND SECURITIES; CUSTODY RECEIPTS.** All bonds and securities pledged to secure the deposits of the city shall be deposited with a state or national bank or trust company having adequate modern facilities for the safekeeping of securities, and a joint custody receipt taken therefor with one copy going to the city and one copy going to the bank or trust company which has secured such public deposits. No bonds or securities pledged to secure public deposits shall be left for safekeeping in any safe deposit vault owned or controlled directly or indirectly by the bank or trust company securing said public deposits.

All such bonds and securities shall be deposited under a joint custody receipt issued by a bank within the state of Kansas or the federal reserve bank of Kansas City. All bonds or securities held by any depository and for which a joint custody receipt has been issued shall be retained by such depository and not released except upon consent of both the city and the bank or trust company taking or securing such deposit. Every report required to be published by any bank or trust company shall show in full all of the assets pledged or deposited as security for public moneys. (Ref. K.S.A. 9-1405)

## **ARTICLE 8. TEMPORARILY IDLE MONEYS**

**1-801. DEFINITIONS.** As used in this article the following words and phrases shall mean:

- a. Bank - means any bank incorporated under the laws of the state of Kansas or any other state, or organized under the laws of the United States, and which has a main or branch office in Kansas;
- b. Savings and loan association - means any savings and loan association incorporated under the laws of the state of Kansas or any other state, or organized under the laws of the United States, and which has a main or branch office in Kansas;

- c. Savings bank - means any savings bank organized under the laws of the United States and which has a main or branch office in Kansas;
- d. Main office - means the place of business specified in the articles of association, certificate of authority or similar document, where the business of the institution is carried on and which is not a branch;
- e. Branch - means any office within this state, other than the main office, that is approved as a branch by a federal or state supervisory agency, at which deposits are received, checks paid or money lent. Branch does not include an automated teller machine, remote service unit or similar device or a loan production office;
- f. Investment rate - means a rate which is the equivalent yield for United States government securities having a maturity date as published in the Wall Street Journal, nearest the maturity date for equivalent maturities. The 0-90 day rate shall be computed on the average effective federal funds rate as published by the federal reserve system for the previous week.

**1-802. INVESTMENT OF IDLE FUNDS.** Temporarily idle moneys of the city not currently needed may, in accordance with the procedure hereinafter described, be invested:

- a. In temporary notes or no-fund warrants issued by the city;
- b. In time deposit, open accounts, certificates of deposit or time certificates of deposit with maturities of not more than two years:
  - 1. In banks, savings and loan associations and savings banks, which have main or branch offices located in the city; or
  - 2. If no main or branch office of a bank, savings and loan association or savings bank is located in the city, then in banks, savings and loan associations and savings banks, which have main or branch offices in Johnson County, Kansas;
- c. In repurchase agreements with:
  - 1. Banks, savings and loan associations and savings banks, which have main or branch offices located in the city, for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof; or
  - 2.(a) If no main or branch office of a bank, savings and loan association or savings bank is located in the city; or
    - (b) If no such bank, savings and loan association or savings bank having a main or branch office located in the city is willing to enter into such an agreement with the city at an interest rate equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, then such repurchase agreements may be entered into with banks, savings and loan associations or savings banks which have main or branch offices in Johnson County, Kansas; or

3. If no bank, savings and loan association or savings bank having a main or branch office in Johnson County, Kansas, is willing to enter into such an agreement with the city at an interest rate equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, then such repurchase agreements may be entered into with banks, savings and loan associations or savings banks located within the State of Kansas;
- d. In United States treasury bills or notes with maturities as the Governing Body shall determine, but not exceeding two years. Such investment transactions shall only be conducted with banks, savings and loan associations and savings banks; the federal reserve bank of Kansas City, Missouri; or with primary government securities dealers which report to the market report division of the federal reserve bank of New York, or any broker-dealer engaged in the business of selling government securities which is registered in compliance with the requirements of section 15 or 15C of the securities exchange act of 1934 and registered pursuant to K.S.A. 17-12a401, and amendments thereto;
  - e. In the municipal investment pool fund established in K.S.A. 12-1677a, and amendments thereto;
  - f. In the investments authorized and in accordance with the conditions prescribed in K.S.A. 12-1677b and amendments thereto; or
  - g. In multiple municipal client investment pools managed by the trust departments of banks which have main or branch offices located in Johnson County, Kansas, or with trust companies incorporated under the laws of this state which have contracted to provide trust services under the provisions of K.S.A. 9-2107 and amendments thereto with banks which have main or branch offices located in Johnson County, Kansas. Public moneys invested under this paragraph shall be secured in the same manner as provided for under K.S.A. 9-1402, and amendments thereto. Pooled investments of public moneys made by trust departments under this paragraph shall be subject to the same terms, conditions and limitations as are applicable to the municipal investment pool established by K.S.A. 12-1677a, and amendments thereto.
  - h. The investments authorized in subsections (d), (e), (f) or (g) of this section shall be utilized only if the banks, savings and loan associations and savings banks eligible for investments authorized in subsection (b) cannot or will not make the investments authorized in subsection (b) available to the city at interest rates equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a and amendments thereto.
  - i. In selecting a depository pursuant to subsection (b), if a bank, savings and loan association or savings bank eligible for an investment deposit thereunder has an office located in the city and such financial institution will make such deposits available to the city at interest rates equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a and amendments thereto, and such financial institution otherwise qualifies for such deposit, the Governing Body shall select one or more of such eligible financial institutions for deposit of funds pursuant to this section. If no such financial institution qualifies for such deposits, the city shall select for such deposits one or more eligible banks, savings and

loan associations or savings banks which have offices in Johnson County, Kansas, which will make such deposits available to the city at interest rates equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a and amendments thereto, and which otherwise qualify for such deposits.

**1-803. PROCEDURE AND RESTRICTIONS.** The city treasurer shall periodically report to the Governing Body as to the amount of moneys available for investment and the period of time such amounts will be available for investment and shall submit such recommendations as deemed necessary for the efficient and safe management of city finances. The recommendations of the city treasurer shall provide for an investment program which shall so limit the amounts invested and schedule the maturities of investments so that the city will at all times have sufficient moneys available on demand deposit to assure prompt payment of all city obligations. The Governing Body shall determine by resolution the amount, method and term of any investment and the type of investment made, subject to the provisions of this article.

**1-804. CUSTODY AND SAFEKEEPING.** Securities purchased pursuant to this article shall be under the joint care of the city clerk, city treasurer and mayor and shall be held in the custody of a state or national bank or trust company or shall be kept by such officers in a safety deposit box of the city in a bank or trust company. Securities in original or receipt form held in the custody of a bank or trust company shall be held in the name of the city, and their redemption, transfer or withdrawal shall be permitted only upon the written instruction of at least two (2) such city officers. Securities not held in the custody of a bank or trust company shall be personally deposited by such officers in a safety deposit box in the name of the city in a bank or trust company, access to which shall be permitted only in personal presence and under the signature of at least two (2) such officers.

**1-805. SALE OR TRANSFER.** If, in order to maintain sufficient moneys on demand deposit in any fund, as provided in Section 1-803 of this article, it becomes necessary to transfer or sell any securities of such funds, any two (2) or more of the officers specified in Section 1-804 may transfer said securities to any other fund or funds in which there are temporarily idle moneys or shall sell such securities, and for such purpose they shall have authority to make any necessary written directions, endorsements or assignments for and on behalf of the city. Any such transfers or sales shall be reported in writing to the Governing Body at its next regular meeting.

**1-806. EARNINGS AND RECORDS.** The interest or other earnings from investments made pursuant to this article shall be credited pro rata to the fund or funds from which the investments were made and shall be used, insofar as possible, to relieve the ad valorem tax levies of the city. The city treasurer shall maintain a complete and detailed record at all times of all investments made pursuant to this article.

**1-807. PROCEEDS FROM SALE; USE OF.** Proceeds from the sale according to law of recovered, unclaimed, or confiscated property shall be deposited in the general operating fund of the city for use as authorized for those funds.

## **ARTICLE 9. CAPITAL IMPROVEMENTS FUND**

**1-901. ESTABLISHMENT OF FUND.** In accordance with the provisions of K.S.A. 12-1,118, there is hereby established a capital improvements fund, which shall be used by the City to finance in whole or in part any public improvement need set forth in the City's capital

improvement plan.

**1-902. POLICY.** The policy objective of the Governing Body is that such fund shall be used primarily to provide a financing mechanism for any public improvement or infrastructure need, including the repair, restoration or rehabilitation of existing public facilities.

**1-903. PLAN OF OPERATION AND FUND TRANSFERS.**

a. The President of the City Council shall submit to the Governing Body a plan of operation for the implementation of this ordinance, which shall outline and prioritize the anticipated public improvement and infrastructure needs of the City and identify those improvements to be financed from the fund during the following year. Such plan shall be the multi-year capital improvements plan of the City and shall be formally approved by the Governing Body.

b. Beginning in 2013 and after consultation with the City Treasurer and the City Clerk, the President of the City Council shall annually submit, at the same time and as a part of the annual operating budget, such proposed revenue allocations and budget transfers as may be necessary:

i. to finance those improvements scheduled for completion in the following year, the cost of which is to be credited to the fund, as provided in the capital improvements plan; and

ii. to set aside moneys to be annually reserved for future improvements, as provided in the capital improvements plan.

c. The Governing Body may make budgeted transfers of money from other city funds lawfully available for improvement purposes to the capital improvements fund, including but not limited to, moneys in the City's general fund, in an amount deemed appropriate by the Governing Body to meet the City's present and future public infrastructure needs and to avoid the costs of unnecessary indebtedness.

d. If the Governing Body determines that any money which has been transferred to the capital improvements fund is not needed for the purposes for which it was transferred, the Governing Body, by resolution, may transfer such amount not needed from the capital improvements fund to the general fund or other fund from which it was derived. Such transfer and expenditure thereof shall be subject to the budget requirement provisions of K.S.A. 79-2925 to 79-2937, inclusive, and amendments thereto.

**1-904. USE OF FUNDS.** The moneys in such fund may be used to finance, in whole or in part, any public improvement need set forth in the adopted capital improvement plan, including the repair, restoration and rehabilitation of existing public facilities. Additionally, the moneys in such fund may be used to pay the cost of engineering and other advanced public improvement plans and studies, with the fund periodically reimbursed from bond proceeds, special assessments or county, state or federal assistance that may be available for the completed project.

**1-905. INVESTMENT OF FUND.** Moneys in the capital improvements fund shall be invested in accordance with the provisions of K.S.A. 10-131 and amendments thereto, with interest thereon credited to such fund.

## ARTICLE 10. OPEN RECORDS

### 1-1001. POLICY.

- a. It is hereby declared to be the policy of the city that all public records which are made, maintained or kept by or are in the possession of the city, its officers and employees, shall be open for public inspection as provided by, and subject to the restrictions imposed by, the Kansas Open Records Act.
- b. Any person, upon request, shall have access to such open public records for the purpose of inspecting, abstracting or copying such records while they are in the possession, custody and control of the appointed or designated record custodian thereof, or his or her designated representative.

### 1-1002. RECORD CUSTODIANS.

- a. All city officers and employees appointed or designated as record custodians under this article shall: protect public records from damage and disorganization; prevent excessive disruption of the essential functions of the city; provide assistance and information upon request; insure efficient and timely action and response to all applications for inspection of public records; and shall carry out the procedures adopted by this city for inspecting and copying open public records.
- b. The official custodian shall prominently display or distribute or otherwise make available to the public a brochure in the form prescribed by the Local Freedom of Information Officer that contains basic information about the rights of a requester, the responsibilities of a public agency, and the procedures for inspecting or obtaining a copy of public records under the Kansas Open Records Act. The official custodian shall display or distribute or otherwise make available to the public the brochure at one or more places in the administrative offices of the city where it is available to members of the public who request public information in person.

**1-1003. LOCAL FREEDOM OF INFORMATION OFFICERS.** The Local Freedom of Information Officer shall:

- a. Prepare and provide educational materials and information concerning the Kansas Open Records Act;
- b. be available to assist the city and members of the general public to resolve disputes relating the Kansas Open Records Act;
- c. respond to inquiries relating to the Kansas Open Records Act; and
- d. establish the requirements for the content, size, shape and other physical characteristics of a brochure required to be displayed or distributed or otherwise made available to the public under the Kansas Open Records Act. In establishing such requirements for the content of the brochure, the Local Freedom of Information Officer shall include plainly written basic information about the rights of a requester, the responsibilities of the city, and the procedures

for inspecting and obtaining a copy of public records under the Act.

**1-1004. PUBLIC REQUEST FOR ACCESS.** All city offices keeping and maintaining open public records shall establish office hours during which any person may make a request for access to an open public record. Such hours shall be no fewer than the hours each business day the office is regularly open to the public. For any city office not open Monday through Friday, hours shall be established by the record custodian for each such day at which time any person may request access to an open public record.

**1-1005. FACILITIES FOR PUBLIC INSPECTION.** All city offices keeping and maintaining open public records shall provide suitable facilities to be used by any person desiring to inspect and/or copy an open public record. The office of the city clerk, being the principal recordkeeper of the city, shall be used as the principal office for providing access to and providing copies of open records to the maximum extent practicable. Requesters of records shall be referred to the office of the city clerk except when the requested records are not in that office and are available in another city office.

**1-1006. PROCEDURES FOR INSPECTION.** Any person requesting access to an open public record for purposes of inspecting or copying such record, or obtaining a copy thereof, shall abide by the procedures adopted by the Governing Body for record inspection and copying, including those procedures established by record custodians as authorized by the Governing Body. Such procedures shall be posted in each city office keeping and maintaining open public records.

**1-1007. APPOINTMENT OF OFFICIAL CUSTODIANS.** The following city officers are hereby appointed as official custodians for purposes of the Kansas Open Records Act and are hereby charged with responsibility for compliance with that Act with respect to the hereinafter listed public records:

- a. City Clerk - All public records kept and maintained in the city clerk's office and all other public records not provided for elsewhere in this section.
- b. City Treasurer - All public records not on file in the office of the city clerk and kept and maintained in the city treasurer's office.
- c. Chief of Police - All public records not on file in the office of the city clerk and kept and maintained in the city police department.
- d. City Attorney - All public records not on file in the office of the city clerk and kept and maintained in the city attorney's office.
- e. Clerk of the Municipal Court - All public records not on file in the office of the city clerk and kept and maintained in the municipal court.

**1-1008. APPOINTMENT OF LOCAL FREEDOM OF INFORMATION OFFICER.** The City Clerk is hereby appointed as the local freedom of information officer and charged with all of the duties as set forth in section 1-903.

**1-1009. DESIGNATION OF ADDITIONAL RECORD CUSTODIANS.**

- a. Each of the official custodians appointed in section 1-907 is hereby authorized to



designate any subordinate officers or employees to serve as record custodian. Such record custodians shall have such duties and powers as are set out in the Kansas Open Records Act.

- b. Whenever an official custodian shall appoint another person as a record custodian, he or she shall notify the city clerk of such designation, and the city clerk shall maintain a register of all such designations.

**1-1010. REQUESTS TO BE DIRECTED TO CUSTODIANS.**

- a. All members of the public, in seeking access to, or copies of, a public record in accordance with the provisions of the Kansas Open Records Act, shall address their requests to the custodian charged with responsibility for the maintenance of the record sought to be inspected or copied.
- b. Whenever any city officer or employee appointed or designated as a custodian under this article is presented with a request for access to, or copy of, a public record, which record the custodian does not have in his or her possession and for which he or she has not been given responsibility to keep and maintain, the custodian shall so advise the person requesting the record. Further, the person making the request shall be informed as to which custodian the request should be addressed to, if such is known by the custodian receiving the request.

**1-1011. FEE ADMINISTRATION.** The city clerk is hereby authorized to provide the clerk's office, and the office of each record custodian, with sufficient cash to enable the making of change for record fee purposes. Each custodian shall transmit all record fee moneys collected to the city treasurer whenever the amount accumulated exceeds \$10.00, but not less than monthly. Each custodian shall maintain duplicates of all records and copy request forms, completed as to the amount of fee charged and collected, which amounts shall be periodically audited by the city or treasurer of the city.

**1-1012. INSPECTION FEE.**

- a. Where a request has been made for inspection of any open public record which is readily available to the record custodian, there shall be no inspection fee charged to the requester.
- b. In all cases not covered by subsection (a) of this section, a record inspection fee shall be charged at the rates administratively set by the Governing Body.

**1-1013. COPYING FEE.**

- a. A fee shall be administratively set by the Governing Body for charges for photocopying public records, such fee to cover the cost of labor, materials and equipment.
- b. For copying any public records which cannot be reproduced by the city's photocopying equipment, the requester shall be charged the actual cost to the city, including staff time, in reproducing such records.

**1-1014. PREPAYMENT OF FEES.**

- a. A record custodian may demand prepayment of the fees established by this article whenever he or she believes this to be in the best interest of the city. The prepayment amount shall be an estimate of the inspection and/or copying charges accrued in fulfilling the record request. Any overage or underage in the prepayment shall be settled prior to inspection of the requested record or delivery of the requested copies.
- b. Prepayment of inspection and/or copying fees shall be required whenever, in the best estimate of the record custodian, such fees are estimated to exceed \$10.
- c. Where prepayment has been demanded by the record custodian, no record shall be made available to the requester until such prepayment has been made.

**1-1015. PAYMENT.** All fees charged under this article shall be paid to the custodian of the records inspected and/or copied unless the requester has established an account, for purposes of billing and payment, with the city.

**ARTICLE 11. RECALL**

**1-1101. RECALL.** The provisions of Kansas Statutes Annotated Chapter 25, Article 43, as amended from time to time, shall apply for recall of public officials of the City.

**ARTICLE 12. NEWSLETTER**

**1-1201. PUBLICATION AND DISTRIBUTION OF NEWSLETTER.** The Governing Body of the City may cause to be published a monthly newsletter informing residents of plans discussed and action taken at the City Council meetings. Such newsletter shall be distributed by mail or otherwise to each residence located within the City.

**1-1202. CONTENT OF NEWSLETTER.** The newsletter shall list elected officers of the City, the date of the next regularly scheduled Council meeting, and such other information as the Council deems appropriate.

**ARTICLE 13. GENERAL PENALTY**

**1-1301. GENERAL PENALTY.** Any person convicted of a violation of any of the provisions of or failing to comply with any of the mandatory requirements of the ordinances of the City or any provision of the City Code for which another penalty is not specifically provided is guilty of a public offense which is punishable by a fine of no more than five hundred dollars (\$500.00) or by imprisonment not to exceed six months or by both such fine and imprisonment. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of the city ordinances or City Code is committed, continued or permitted by any such person and shall be punished accordingly.