

CHAPTER I. ADMINISTRATION

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1-101. CODE DESIGNATED. The chapters, articles and sections herein shall constitute and be designated as the Code of the City of Rossville, Kansas, and may be so cited. (Code 1984)

1-102. DEFINITIONS. In the construction of this code and all ordinances of the city, the following definitions and rules shall be observed unless such construction would be inconsistent with the manifest intent of the governing body or the context clearly requires otherwise:

- (a) City shall mean the City of Rossville, in the County of Shawnee in the State of Kansas.
- (b) City Council. The words city council, the council and councilmembers, shall mean the city council of the City of Rossville, Kansas.
- (c) Code shall mean the Code of the City of Rossville, Kansas.
- (d) Computation of time within which an act is to be done shall exclude the first day and include the last day. If the last day be a Saturday, Sunday or legal holiday, that day shall be excluded.
- (e) County shall mean the County of Shawnee in the State of Kansas.
- (f) Delegation of authority. Whenever a provision appears requiring or authorizing the head of a department or officer of the city to do some act or perform some duty, it shall be construed to authorize such department head or officer to designate, delegate and authorize subordinates to do the required act or perform the required duty unless the terms of the provision designate otherwise.
- (g) Gender. Words importing the masculine gender include the feminine and neuter.
- (h) Governing Body shall mean those elected members of the city council and the mayor or those members appointed to fill a vacancy on the council as provided in Charter Ordinance 16-01.
- (i) In the city shall mean and include all territory within the corporate limits of the City of Rossville, Kansas, and the police jurisdiction thereof and any other territory over which regulatory power has been conferred on the city by law, except as otherwise specified.
- (j) Joint authority. All words giving a joint authority to three or more officers or the persons shall be construed as giving such authority to a majority of such officers or persons, unless it is otherwise declared.
- (k) Month shall mean a calendar month.
- (l) Number. Words used in the singular include the plural and words used in the plural include the singular.

(m) Oath shall include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath and in such cases, the words swear and sworn are equivalent to the words affirm and affirmed.

(n) Officers, departments, etc. Officers, departments, boards, commissions and employees referred to in this code shall mean officers, departments, boards, commissions and employees of the city.

(o) Owner applied to a building or land shall include not only the owner of the whole but any part owner, joint owner, tenant in common or joint tenant of the whole or a part of such building or land.

(p) Person shall include a firm, partnership, association of persons, corporations, organization or any other group acting as a unit, as well as an individual.

(q) Property shall include real, personal and mixed property.

(r) Roadway shall mean that portion of a street improved, designed or ordinarily used for vehicular traffic.

(s) Shall, May. Shall is mandatory and may is permissive.

(t) Sidewalk shall mean any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

(u) Street shall mean and include public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the city dedicated or devoted to public use.

(v) Tenant or occupant applied to a building or land shall include any person holding a written or oral lease of, or who occupies the whole or a part of such building or land, whether alone or with others.

(w) Tense. Words used in the past or present tense include the future as well as the past and present.

(x) Writing or written shall include printing, engraving, lithography and any other mode of representing words and letters, except those cases where the written signature or the mark of any person is required by law.

(y) Year shall mean a calendar year, except where otherwise provided.
(Code 1984)

1-103. EXISTING ORDINANCES. The provisions appearing in this code, so far as they are in substance the same as those ordinances existing at the time of the effective date of this code, shall be considered as continuations thereof and not as new enactments. (Code 1984)

1-104. EFFECT OF REPEAL. The repeal of an ordinance shall not revive an ordinance previously repealed, nor shall such repeal affect any right which has accrued, any duty imposed, any penalty incurred, or any proceeding commenced under or by virtue of the ordinance repealed, except as shall be expressly stated therein. (Code 1984)

1-105. CATCHLINES OF SECTIONS. The catchlines of the sections of this code printed in capital letters are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of any section nor, unless expressly so provided, shall they be so deemed when any section, including its catchline, is amended or reenacted.
(Code 1984)

- 1-106. PARENTHETICAL AND REFERENCE MATTER. The matter in parentheses at the end of sections is for information only and is not a part of the code. Citations indicate only the source and the text may or may not be changed by this code. This code is a new enactment under the provisions of K.S.A. 12-3014 and 12-3015. Reference matter not in parentheses is for information only and is not a part of this code. (Code 1984)
- 1-107. AMENDMENTS; REPEAL. Any portion of this code may be amended by specific reference to the section number as follows: "Section _____ of the Code of the City of Rossville is hereby amended to read as follows: (the new provisions shall then be set out in full.)"
A new section not existing in the code may be added as follows: "The code of the City of Rossville is hereby amended by adding a section (or article or chapter) which reads as follows: (The new provisions shall then be set out in full.)"
All sections, or articles or chapters to be repealed shall be repealed by specific reference as follows: "Section (or article or chapter) _____ of the Code of the City of Rossville is hereby repealed." (K.S.A. 12-3004; Code 1984)
- 1-108. POWERS GENERALLY. All powers exercised by cities of the third class or which shall hereafter be conferred upon them shall be exercised by the governing body, subject to such limitations as prescribed by law. (Code 1965, 1-202; Code 1984)
- 1-109. CITY RECORDS. The city clerk or any other officer or employee having custody of city records and documents shall maintain such records and documents in accordance with K.S.A. 12-120 to 12-121, inclusive, which statutes are incorporated herein by reference as if set out in full. (Code 1984)
- 1-110. ALTERING CODE. It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the City of Rossville to be misrepresented thereby. This restriction shall not apply to amendments or revisions of this code authorized by ordinance passed by the governing body. (Code 1984)
- 1-111. SCOPE OF APPLICATION. Any person convicted of doing any of the acts or things prohibited, or made unlawful or the failing to do any of the things commanded to be done, as specified and set forth in this code, shall be deemed guilty of a violation of this code and punished in accordance with section 1-112. Each day any violation of this code continues shall constitute a separate offense. (Code 1984)
- 1-112. GENERAL PENALTY. Whenever any offense is declared by any provision of this code, absent a specific or unique punishment prescribed, the offender shall be punished in accordance with this section.
(a) A fine of not more than \$1,000; or,
(b) Imprisonment in jail for not more than 179 days; or,
(c) Both such fine and imprisonment not to exceed (a) and (b) above.
(Code 1992)

1-113. SEVERABILITY. If for any reason any chapter, article, section, subsection, sentence, clause or phrase of this code or the application thereof to any person or circumstance, is declared to be unconstitutional or invalid or unenforceable, such decision shall not affect the validity of the remaining portions of this code. (Code 1984)

ARTICLE 2. GOVERNING BODY

1-201. GOVERNING BODY. The governing body shall consist of the mayor and five members of the council of the city. All executive and administrative authority granted or limited by law shall be vested in the mayor and council of the city as the governing body of the city. Members of the governing body shall be elected in the manner provided by Charter Ordinance No. 16-01.

1-202. SAME; POWERS. The governing body may enact, ordain, alter, modify, or repeal any and all ordinances not repugnant to the constitution and the laws of the State of Kansas and such as it shall deem expedient for the good government of the city, the preservation of the peace and good order, the suppression of vice and immorality, the benefit of trade and commerce, and such other ordinances, rules, and regulations as may be necessary to carry such power into effect. (Code 1965, 1-203)

1-203. POWERS OF THE MAYOR. The mayor shall preside at all meetings of the governing body. The mayor shall have the tie-breaking vote on all questions when the members present are equally divided. The mayor shall:

- (a) Have the superintending control of all officers and affairs of the city;
- (b) Take care that the ordinances of the city are complied with;
- (c) Sign the commissions and appointments of all officers elected or appointed;
- (d) Endorse the approval of the governing body on all official bonds;
- (e) From time to time communicate to the city council such information and recommend such measures as he or she may deem advisable;
- (f) Have the power to approve or veto any ordinance as the laws of the state shall prescribe;
- (g) Sign all orders and drafts drawn upon the city treasury for money.

(K.S.A. 15-301:305; Code 1965, 1-208; Code 1984)

1-204. SALARY.

- (a) Each member of the governing body shall receive as compensation at the rate of \$60 per attended meeting. Each member may miss up to two meetings per pay period without effecting any loss of pay. Pay to be withheld for every meeting missed after the two allotted absences.
- (b) The mayor shall receive compensation at the rate of \$250 per attended Council meetings and may miss up to two meetings per pay period, and in addition, shall receive for daily expenses \$100.00 per month. The Mayor shall be paid monthly. The Mayor may receive additional compensation for out of area meetings actually attended including travel expenses upon further approval of the council.

(c) A pay period will begin the first of April and the First of October of each calendar year.
(Ord. 689)

- 1-205. REGULAR MEETINGS OF COUNCIL. The city council shall have regular meetings on the first and third Mondays of each month at the hour of 6:00 p.m. and shall convene in the council chamber in the city hall; provided, that when a day fixed for a regular meeting shall fall on a holiday regularly observed in the city, the regular meeting of the council shall convene on the succeeding secular or business day at the appointed hour. (Ord. 836)
- 1-206. SPECIAL MEETINGS; CALLING; MINUTES. Special meetings of the council may be called by the mayor (or acting mayor in the absence of the mayor from the city) on the written request of any three 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 by the city clerk. The call of the mayor for any such special meeting shall be endorsed upon the written request and shall specify the time and place of such meeting and shall be filed with the city clerk. Thereupon, the city clerk shall give notice of such meeting to each member of the council. (K.S.A. 15-106; Code 1965, 1-205)
- 1-207. ADJOURNED MEETING; TIME AND PLACE. Any regular or special meeting of the city council may be adjourned for the completion of its business at such subsequent time and place as the council may determine in the motion to adjourn. (Code 1965, 1-206)
- 1-208. QUORUM; ATTENDANCE OF MEMBERS. At all meetings of the city council, a majority of the councilmembers elect shall constitute a quorum to do business, but any less number may adjourn from day to day and compel the attendance of absent members of the council by attachment issued in the name of the city and directed to the police chief demanding him or her to arrest such absent members and bring them before the council. (K.S.A. 15-106; Code 1965, 1-207; Code 2003)
- 1-209. PRESIDENT OF COUNCIL; ACTING PRESIDENT. The city council shall elect one of their own body as "President of the Council" at its first regular meeting in the month of February following any city election. In the absence of the mayor, the president of the council shall preside at meetings of the city council. When any vacancy shall occur in the office of mayor, the president of the council for the time being shall exercise the office of mayor and all the rights, privileges and jurisdiction of the mayor, until such vacancy be filled at the next city election or until such disability be removed, or in the case of temporary absence, until the mayor shall return. In the absence of the mayor and president of the council, the council shall elect one of its members to preside who shall be styled "Acting President of the Council." The president of the council and acting president, when occupying the place of the mayor as presiding officer, shall have the same privileges as other members of the council. (K.S.A. 15-310:311; Code 1965, 1-209:210; Code 1984) (Ord 789)

1-210. ORDINANCES; CONSIDERATION, PASSAGE. All ordinances of the city shall be considered at a public meeting of the governing body, except as otherwise provided by law. The vote on any ordinance shall be by "yeas" and "nays" which shall be entered on the journal by the city clerk. No ordinance shall be valid unless a majority of all members elect of the city council shall vote in favor thereof: provided, that where the number of favorable votes is one less than required, the mayor shall have the power to cast the deciding vote in favor of the ordinance. (K.S.A. 12-3001:3002; Code 1965, 1-211)

1-211. SAME; APPROVAL, VETO, PASSAGE OVER VETO. The mayor shall have the power to sign or veto any ordinance passed by the council: provided, that ordinances on which he or she casts the deciding vote and appropriation ordinance, he or she shall have no veto and he or she shall sign such ordinance if he or she be present at the meeting and if he or she refuses or neglects to sign or be not present at the meeting, they shall take effect without his or her signature. Any ordinance vetoed by the mayor may be passed over the veto by a vote of three-fourths of the whole number of the councilmembers elect notwithstanding the veto: provided further, that if the mayor does not sign his or her approval of the ordinance or return the same with his or her veto stating his or her objection in writing on or before the next regular meeting of the council, the ordinance shall take effect without his or her 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: provided, however, that the president of the council or acting president of the council shall have no power to sign or veto any ordinance. (K.S.A. 12-3003; Code 1965, 1-212)

1-212. SAME; STATEMENT AFTER LAST SECTION. After the last section of each ordinance there shall be a statement substantially as follows: "Passed by the Council this ____ day of _____, 20__."; followed by "(Approved) (Signed) by the Mayor" with the signature of the mayor; or "Passed over the Mayor's Veto."; or "The Mayor not having Approved the Ordinance On or Before the Next Regular Meeting, Took Effect Without His or Her Signature."; or in the case of appropriation ordinances where the mayor refuses or neglects to sign or is absent from the meeting, an appropriate statement. The city clerk shall attest the signature and affix the seal of the city thereto. (K.S.A. 12-3003; Code 1965, 1-213)

ARTICLE 3. OFFICERS AND EMPLOYEES

1-301. APPOINTMENTS; VACANCIES. Whenever a vacancy occurs in any appointive office for whatever reason, the vacancy shall be filled by the governing body. Any person appointed to fill such vacancy shall serve only until the next regular time for appointment.

1-302. CITY CLERK; DUTIES. The duties of the city clerk shall be as follows:
(a) Keep his or her office in the city building, which office shall be open at such times during business hours in the city as may be fixed by the council;

(b) Attend all meetings of the council and make and keep a record of all proceedings and meetings of the council in minute form entered in the journal of council proceedings. In the absence of the city clerk from any meeting, the presiding officer shall appoint a member of the council to keep an account of the proceedings and to report the same to the city clerk;

(c) Carry on all the official correspondence of the city, giving the same prompt attention and shall present for the consideration of the mayor and council at each meeting all correspondence received and replies given by him or her;

(d) Have charge of the corporate seal of the city and shall affix the same to the official copy of all ordinances, deeds, contracts and similar documents required to be authenticated, and shall be authorized to administer oaths for all purposes pertaining to the business and affairs of the city;

(e) Be custodian of all the city records, books, papers, contracts, petitions, documents and other personal effects belonging to the city not properly pertaining to any other office and shall keep suitable files and records of the same;

(f) Receive and audit all claims against the city and shall present them for the consideration of the council at its regular meetings each month. He or she shall draw warrants (or warrants and checks) only when claims against the city have been audited and approved.

(g) Be prepared to report to the council at its regular meeting each month in regard to the financial condition of the funds of the city so that the governing body may not create debts nor authorize the issuance of warrants in violation of the budget law or cash basis law relating to the duties of city officers;

(h) Keep a separate account of each fund of the city, whether the funds be derived from taxation or otherwise, no money belonging to one fund shall be placed to the credit of another fund, or be transferred to another fund unless there is lawful authority for the same. Each separate tax levy shall constitute a separate fund, and income derived from other sources shall be credited to the proper fund of the city;

(i) Render such assistance as may be required by the governing body in preparing the annual city budget, any ordinance for the levying of taxes, and shall certify the same to the county clerk, in the form and manner required by law together with a copy of the budget: provided, that a copy of the budget shall be filed with the state department of post audit;

(j) Keep a fully accurate account of all bonds issued by the city, recording them in the book by date, number, amount thereof, rate of interest, number of each coupon, amount of each, to whom payable, where payable and when canceled upon return of the same to the city;

(k) Keep a record of all special assessments made by the city council for any purpose and shall certify the assessments to the county clerk for collection and payment in the manner provided by law;

(l) Act as the withholding agent to the city for the purpose of the federal revenue (income) act as authorized by section 75-3042 of the Kansas Statutes Annotated, and shall receive from each officer and employee of the city the withholding certificate required by virtue of the revenue act. He or she shall maintain a suitable record of the sums so withheld from wages and salaries and remit the same to the director of internal revenue at such times and in such form as may be required by the regulations.

(m) After an ordinance shall have been passed, the city clerk shall assign to it a number. Appropriation ordinances may be numbered in a separate series;

(n) Cause all ordinances, except appropriation ordinances, as soon as practicable after they have been passed and signed, passed over the mayor's veto or take effect without signature, to be published once in the official city newspaper, unless a statute requires more publications;

(o) Keep an "ordinance book" in which shall be entered a copy of every ordinance immediately after its publication, or in the case of appropriation ordinances, immediately after passage: provided, that if the ordinance book be a loose-leaf book, the original ordinance typed on paper designed for the purpose may be inserted therein. Appropriation ordinances may be entered in a separate ordinance book;

(p) Append at the end of each ordinance entered in the ordinance book a certificate substantially as follows: "I hereby certify that the foregoing is a true and correct copy of the original ordinance; that the ordinance was passed on the _____ day of _____, 20____; that the record of the final vote on its passage is found on page _____ of Journal _____; that it was published in the (name of the newspaper) on the _____ day of _____, 20____."

(q) Receive and safely keep all cash bonds subject to the order and direction of the municipal judge concerning their disposition. The city clerk shall have no authority other than to hold cash bonds posted with him or her according to law and to deliver the same to the municipal judge or such other city officer as the judge may direct.

(K.S.A. 12-3007:3008; Code 1965, 1-302:303; Code 1984)

1-303. CITY TREASURER; DUTIES. The duties of the city treasurer shall be as follows:

(a) Keep a full and accurate record of all money received and paid out;

(b) Publish or cause to be published an annual financial statement of the city in the manner and style required by the Kansas statutes;

(c) Sign all checks of the city;

(d) Pay out city funds only upon orders or warrants properly signed by the mayor and city clerk;

(e) Perform such other duties as may be prescribed by the governing body or the Kansas statutes.

1-304. CITY ATTORNEY; OFFICE; DUTIES. There is hereby established the office of city attorney. No person shall be eligible for the office of city attorney who is not an attorney at law admitted to practice law in the State of Kansas. The city attorney shall be charged with the general direction and supervision of the legal affairs of the city. The city attorney shall;

(a) Attend meetings of the governing body when so directed to attend by the mayor;

(b) Advise the city council and all officers of the city upon legal questions affecting the city and its officers as may be submitted to him or her;

(c) When requested by the mayor, give opinions in writing upon any such questions;

- (d) Draft such ordinance, contracts, leases, easements, conveyances and other instruments in writing as may be submitted to him or her in the regular transaction of affairs of the city;
- (e) Approve all ordinances of the city as to form and legality;
- (f) Appear and prosecute all violations of city ordinances in municipal court;
- (g) Perform such other duties as may be prescribed by the governing body and the Kansas statutes;
- (h) In the event there is no city prosecutor, the city attorney shall serve in such capacity. (Ord 792)

1-305. SUPERINTENDENT OF UTILITIES. The mayor, by and with the consent of the council, shall appoint a superintendent of utilities and streets for a term of one year. Compensation of the superintendent of utilities and streets shall be set by the governing body. (Ord 793)

1-306. SAME; DUTIES. The duties of the street commissioner shall be as follows:

- (a) Have supervision of the maintenance and repair of all streets, alleys, lanes and other public thoroughfares of the city, in the performance of which, he or she shall see that all dirt streets are maintained as soon as possible after each rain; keep in repair all streets that have been chatted or graveled; see that all crosswalks and gutters are properly cleaned; cause to be removed from the streets any obstructions, nuisances and dangerous objects; and shall notify the council of all repairs needed on the streets of the city;
- (b) Be responsible for the observation of the condition of sidewalks and other footways of the city respecting their safety and state of repair and shall report to the city clerk all sidewalks believed to be in a dangerous condition or in need of repair;
- (c) Have charge of the trimming of trees standing in the parking of city streets. It shall be the duty of the street commissioner to report to the city clerk all property upon which weeds are growing in violation of the ordinances of the city.
- (d) Perform such other and further duties for and on behalf of the city as authorized by the council and directed by the mayor.

(Code 1965, 1-306(b):(d); Code 1984)

1-307. ASSISTANT CITY CLERK. There is hereby established the office of assistant city clerk. The mayor, by and with the consent of the council, shall appoint an assistant city clerk. The person so appointed and confirmed shall hold the office for a term of one year and until a successor is appointed and confirmed.

- (a) The assistant City Clerk shall preform those duties assigned to that office by the city clerk.
- (b) Whenever a vacancy occurs in the position of city clerk and the city is without a person appointed, confirmed or qualified to hold that office, the assistant city clerk shall become the acting city clerk and fulfill the duties of that office.
- (c) Compensation of the assistant city clerk shall be set by the governing body.

- 1-308. APPOINTIVE OFFICERS; GENERAL DUTIES. The foregoing provisions of this article shall not be construed to limit the duties of the city officers therein named and they shall have additional duties as may be required by the mayor and council. The governing body may create other city offices as the city may require hereafter and may abolish any office herein established which shall not have been created by the laws of the State of Kansas for the cities of the third class. Compensation of officers and employees of such offices shall be set by the governing body. (Ord. 795)
- 1-309. OFFICERS; OATHS REQUIRED. All officers of the city whether elected or appointed, either under the laws of the State of Kansas or ordinances of the city shall, before entering upon the duties of their respective offices, take and subscribe an oath or affirmation as follows:
 "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 _____ (here enter name of office). So help me God." (K.S.A. 75-4308; Code 1965, 1-401)
- 1-310. OATHS FILED. All officers and employees required by this article to take and subscribe or sign an oath or affirmation shall be supplied the necessary forms for the purpose at the expense of the city and upon taking and subscribing or signing any such oath or affirmation, the same shall be filed by the city clerk. (Code 1965, 1-403)
- 1-311. SURETY BONDS REQUIRED. The following city officers shall each, before entering upon the duties of his or her office, give a good and sufficient corporate surety bond to the city, which shall be approved by the governing body before the officer shall begin the performance of his or her duties. The bond shall be in the following amount for each officer named:
 (a) City treasurer - \$10,000;
 (b) City clerk - \$10,000;
 (c) Assistant City Clerk - \$10,000.
 (Ord. 796)
- 1-312. CONDITION OF SURETY BOND. All surety bonds required by any provision of this article shall be conditioned for the faithful performance of the duty and of all acts required by the laws of the State of Kansas and the ordinances of the city, and for the application and payment over to the proper persons of all moneys or property coming into the hands of each such officer or employee by virtue of his or her office or employment. (Code 1965, 1-405)
- 1-313. SURETY BONDS; PREMIUMS. The premiums on all surety bonds required by this article shall be paid as a claim against the city. (Code 1965, 1-406)
- 1-314. SURETY BONDS; FILING. All surety bonds shall be filed with the city clerk except the city clerk's bond which shall be filed with the city treasurer. (Code 1984)

- 1-315. BLANKET BOND. The governing body may provide for the coverage by blanket bond of such officers and employees and in such amounts as the governing body may, by resolution, designate. (Code 1984)
- 1-316 APPOINTMENT OR EMPLOYMENT IN MORE THAN ONE POSITION. The same person may be appointed to more than one appointive office, or employed in more than one department, except that the same person shall not be appointed to incompatible offices. Salaries or wages of such person shall be prorated between the proper funds of the several offices or departments.
- 1-317 CONFLICT OF INTEREST. All city officers and employees shall comply with the requirements of K.S.A. 75-4301a et seq., concerning governmental ethics and refrain from making or participating in the making of a contract when prohibited by state law.

ARTICLE 4. INVESTMENT OF IDLE FUNDS

- 1-401. PURPOSE AND GOALS. It is the purpose of this statement to set forth the public policies of the city relating to the investment of public moneys, and establish procedural requirements as to investment management practices. The objective of the investment policy and program of the city shall be as follows:
- (a) The safeguarding of all public moneys shall be of the highest priority. Public money shall not be invested or managed in any matter which would jeopardize the safety of the principal.
 - (b) Consistent with the requirement of safety, the objective of the investment program shall be to aggressively manage and invest all public moneys to maximize net earnings, consistent with the public responsibility to secure maximum, safe investment return possible from moneys assigned to its stewardship, to relieve demands on the property tax and to otherwise reduce the cost of public services.
(Code 1984)
- 1-402. INVESTMENT OF IDLE FUNDS. Temporarily idle moneys of the city not currently needed, may in accordance with the procedure hereafter described be invested in:
- (a) Temporary notes or no-fund warrants of the city;
 - (b) Time deposits, open accounts or certificates of deposit in commercial banks or trust companies which have offices located in the city. If no commercial bank or trust company is located in the city, then in commercial banks or trust companies which have offices located in Shawnee County, or in the counties of the State of Kansas adjacent to Shawnee County, as provided for, and subject to the restrictions of, K.S.A. 12-1675;
 - (c) Time certificates of deposit with state or federally chartered savings and loan associations which have offices located in the city;
 - (d) Repurchase agreements with commercial banks, trust companies, or state or federally chartered savings and loan associations with offices located in the city, for direct obligations of, or obligations that are insured by, the United States government or any agency thereof. If no commercial bank, trust company,

or state or federally chartered savings and loan association has an office in the city, then in any commercial bank, trust company, or state or federally chartered savings and loan association with offices located in Shawnee County. If no such commercial bank, trust company, or state or federally chartered savings and loan association will enter into such an agreement at or above the interest rate set out by K.S.A. 12-1675(b)(4), then such repurchase agreements may be entered into with commercial banks, trust companies, or state or federally chartered savings and loan associations which have offices located in the State of Kansas;

(e) United States treasury bills or notes with maturities as the governing body shall determine, but not exceeding six months. Investments may be made in U.S. treasury bills or notes only if no eligible bank, trust company, or state or federally chartered savings and loan association can or will make the investments authorized in subsections (b) and (c) at interest rates equal to or greater than the average yield before taxes received on 91-day U.S. treasury bills or the maximum rates such banks, trust companies or savings and loan associations may pay on investments authorized under subsections (b) and (c), whichever is lower. (K.S.A. 12-1675; Code 1986)

1-403. PROCEDURE AND RESTRICTIONS. The city clerk 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 clerk 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 to 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. (Code 1984)

1-404. CUSTODY AND SAFEKEEPING. Securities purchases pursuant to this article shall be under the joint care of the city clerk and city treasurer 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 both such city officers. Securities not 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 both 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 the personal presence and under the signature of both such officers. (Code 1984)

1-405. SALE OR TRANSFER. If, in order to maintain sufficient moneys on demand deposit in any fund, as provided in section 1-403 of this article, it becomes necessary to transfer or sell any securities of such funds, both of the officers specified in section 1-404 may transfer the securities to any other fund or funds in

which there are temporarily idle moneys, or shall sell any 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 transfer or sales shall be reported in writing to the governing body at its next regular meeting. (Code 1984)

- 1-406. **EARNINGS AND RECORDS.** The interest or other earnings from investments made pursuant to this article shall be credited to 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 clerk shall maintain a complete and detailed record at all times of all investments made pursuant to this article. (Code 1984)

ARTICLE 5.

ARTICLE 6. OPEN RECORDS

- 1-601. **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. (Code 2003)

- 1-602. **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. (Code 2003)

- 1-603. **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;
- (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. (Code 2003)

1-604. 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. (Code 2003)

1-605. 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. (Code 2003)

1-606. 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. (Code 2003)

1-607. 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.
(Code 2003)

1-608. 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 1-603. (Code 2003)

1-609. DESIGNATION OF ADDITIONAL RECORD CUSTODIANS. (a) Each of the official custodians appointed in section 1-607 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.
(Code 2003)

1-610. 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.
(Code 2003)

1-611. 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 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 clerk-finance officer and treasurer of the city. (Code 2003)

1-612. 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 rate of \$15 per hour per employee engaged

in the record search. A minimum charge of \$1 shall be charged for each such request.
(Ord. 800)

1-613. COPYING FEE. (a) A fee of \$.10 per page shall be charged 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.
(Code 2003)

1-614. 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 \$5.
 (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.
(Code 2003)

1-615. 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. (Code 2003)