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ARTICLE 1. GENERAL PROVISIONS

1-101. Code Designated.

The Chapters, Articles and Sections herein shall constitute and be designated as "The Code of the City of Bonner Springs, Kansas," and may be so cited. The Code may also be cited as the "Bonner Springs City Code."

(Code 1989)

1-102. Definitions.

In the construction of this code and of 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 Bonner Springs, Kansas.
- (b) Code shall mean "The Code of the City of Bonner Springs, Kansas."
- (c) Computation of Time. The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day be a Saturday, Sunday, or legal holiday, that day shall be excluded.
- (d) County means the County of Wyandotte, the County of Johnson and the County of Leavenworth in the State of Kansas.
- (e) 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.
- (f) Gender. Words importing the masculine gender include the feminine and neuter.
- (g) Governing Body shall be construed to mean the Mayor and City Councilmembers of the City, or those persons appointed to fill a vacancy in the office of Mayor or the City Council as provided in this code.
- (h) In the City shall mean and include all territory over which the City now has, or shall hereafter acquire jurisdiction for the exercise of its police powers or other regulatory powers.
- (i) Joint authority. All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.
- (j) Month shall mean a calendar month.
- (k) Number. Words used in the singular include the plural and words used in the plural include the singular.
- (l) Oath includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the word "swear" is equivalent to the word "affirm."

(m) 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, unless the context clearly indicates otherwise.

(n) 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.

(o) Person includes a firm, partnership, association of persons, corporation, organization or any other group acting as a unit, as well as an individual.

(p) Property includes real, personal and mixed property.

(q) Real Property includes lands, tenements and hereditaments, and all rights thereto and interest therein, equitable as well as legal.

(r) Shall, may. "Shall" is mandatory and "may" is permissive.

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

(t) Signature, subscription includes a mark when the person cannot write, when his or her name is written near such mark and is witnessed by a person who writes his or her own name as a witness.

(u) State shall be construed to mean the State of Kansas.

(v) Street means and includes public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the City.

(w) 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.

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

(y) Writing or written may 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.

(z) Year means a calendar year, except where otherwise provided.

(Code 1989)

1-103. Existing Ordinances.

The provisions appearing in this code, so far as they are in substance the same as those of ordinances existing at the time of the effective date of this code, shall be considered as continuations thereof and not as new enactments.

(Code 1989)

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 1989)

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 1989)

1-106. Parenthetical and Reference Matter.

The matter in parenthesis at the ends 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 parenthesis is for information only and is not a part of this code.

(Code 1989)

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 Bonner Springs is hereby amended to read as follows: (the new provisions shall then be set out in full). . ."

A new Section not heretofore existing in the code may be added as follows:

"The code of the City of Bonner Springs is hereby amended by adding a Section (or Article or Chapter) which reads as follows: . . .(the new provisions shall 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 Bonner Springs is hereby repealed."

(K.S.A. 12-3004; Code 1989)

1-108. Ordinances.

The Governing Body shall have the care, management and control of the City and its finances, and shall pass all ordinances needed for the welfare of the City. All ordinances shall be valid when a majority of all the members-elect of the City Council shall vote in favor. Where the number of favorable votes is one (1) less than required, the Mayor shall have power to cast the deciding vote in favor of the ordinance.

(K.S.A. 12-3002; Code 1989)

1-109. Same; Subject and Title; 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 Section or Sections as amended and the Section or Sections amended shall be repealed.

(K.S.A. 12-3004; Code 1989)

1-110. Same; Publication.

No ordinance, except those appropriating money, shall be in force until published in the official City newspaper by the City Clerk. One (1) publication of any such ordinance shall be sufficient unless additional publications are required by statute or ordinance. The publisher of the newspaper shall prefix such published ordinance by a line in brackets stating the month, day and year of such publication.

(K.S.A. 12-3007; Code 1989)

1-111. Same; Ordinance Book.

Following final passage and approval of each ordinance, the City Clerk shall enter the same in the ordinance book of the City as provided by law. Each ordinance shall have appended thereto the manner in which the ordinance was passed, the date of passage, the page of the journal containing the record of the final vote on its passage, the name of the newspaper in which published and the date of publication.

(K.S.A. 12-3008; Code 1989)

1-112. Resolutions, Motions.

Except where a State statute or City ordinance specifically requires otherwise, all resolutions and motions shall be passed if voted upon favorably by a majority of a quorum of the City Council.

(Code 1989)

1-113. 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 is incorporated by reference herein as if set out in full.

(K.S.A. 12-120:121; Code 1989)

1-114. Altering Code.

It shall be unlawful for any person, firm or corporation 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 Bonner Springs to be misrepresented thereby. This restriction shall not apply to amendments or revisions of this code authorized by ordinance duly adopted by the Governing Body.

(Code 1989)

1-115. Scope of Application.

Any person convicted of doing any of the acts or things prohibited, 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 in violation of this code and punished in accordance with Section 1-116. Each day any violation of this code continues shall constitute a separate offense.

(Code 1989)

1-116. General Penalty.

(a) 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.

- (1) A fine of not more than \$1,000; or,
- (2) Imprisonment in jail for not more than 179 days; or,
- (3) Both such fine and imprisonment not to exceed (1) and (2) above.

(b) If the terms Class A Violation, Class B Violation or Class C Violation are used to classify a violation of this code, then that classification refers to Article 12, Violations, Penalties of the Uniform Public Offense Code for Kansas Cities as adopted, on the date of the violation.

(Code 1992; Code 2014)

1-117. 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 1989)

ARTICLE 2. GOVERNING BODY

1-201. Governing Body.

The Governing Body shall consist of a Mayor and eight (8) Councilmembers to be elected as set out in Chapter 6 of this code.

(Code 1989)

1-202. Powers Generally.

All powers exercised by cities of the second class or which shall hereafter be conferred upon them shall be exercised by the Governing Body, subject to such limitations as prescribed by law. All executive and administrative authority granted or limited by law shall be vested in the Mayor and City Council as Governing Body of the City.

(K.S.A. 12-103; Code 1989)

1-203. Same; Meetings.

(a) Regular meetings of the Governing Body shall be held on the second and fourth Monday of each month at 7:30 p.m. In the event the regular meeting day shall fall on any legal holiday or any day observed as a holiday by the City offices, the Governing Body shall fix the succeeding day not observed as a holiday as a meeting day or as otherwise set by the Governing Body.

(b) Special meetings may be called by the Mayor or acting Mayor, on the written request of any three (3) members of the City Council, specifying the object and purpose of such meeting, which request shall be read at a meeting and entered at length on the journal.

(c) Regular or special meetings of the Governing Body may be adjourned for the completion of its business at such subsequent time and place as the Governing Body shall determine in its motion to adjourn.

(K.S.A. 14-111; Code 1970, 2-19; Ord. 1184, Sec. 1; Code 1989, Ord. 2098)

1-204. Same; Quorum.

In all cases, it shall require a majority of the Councilmembers-elect to constitute a quorum to do business.

(K.S.A. 14-111; Code 1970, 2-20; Code 1989)

1-205. Powers of the Mayor and Authority to Declare and Control Emergency.

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. In order to declare and control a disaster or emergency when the Mayor is not present or is unable to act as the principal executive officer of the City, the following shall be the procedure to determine the office next in line to fulfill those duties and responsibilities: If the Mayor is not present or is incapable of performing his/her duties in order to declare a disaster or emergency and/or act as principal executive officer in a disaster or emergency situation, the Council President shall perform those functions and duties. Should the Council President not be present or unable to perform those functions and duties, then the Mayor Pro-Tem shall perform those duties and functions. If all three (3) individuals are not present or unable to perform those

duties and functions, then the City Council shall convene and elect one of their own to fulfill these duties and responsibilities.

(Code 1989; Ord. 1987)

1-206. Council President.

The City Council shall elect one of its own body as Council President. The Council President shall preside at all meetings of the City Council in the absence of the Mayor. The City Council shall also elect one of its own body as Mayor Pro-Tem. The Mayor Pro-Tem shall preside at all City Council meetings in the absence of the Mayor and Council President. The President and Mayor Pro-Tem, when occupying the place of Mayor, shall have the same privileges as other Councilmembers but shall exercise no veto.

(K.S.A. 14-308; Code 1989; Ord. 2000; Code 2014)

1-207. Vacancies in Governing Body; How Filled.

(a) The resignation of any person of the Governing Body of the City shall be submitted to the City Clerk and immediately forwarded to all members of the Governing Body of the City for approval or rejection by the Governing Body. If Ward boundaries are changed and when they become effective, any person who was elected from a ward who no longer resides in that ward due to the change in boundary, shall serve the balance of the term to which they were elected.

(b) Any vacancy of the Governing Body of the City either by death, resignation or otherwise, shall be filled by appointment of the Mayor with the approval and consent of the City Council and shall be effective upon such approval or rejection by the Governing Body at the next regularly scheduled meeting. Any resignation of a member of the Governing Body can be voluntarily withdrawn by the person resigning prior to the approval or rejection by the Governing Body. Any person presently filling such a vacancy or hereafter so appointed and approved shall serve for the balance of the unexpired term of office of the person vacating such office.

(C.O. No. 14, Secs. 2:3)

1-208. Compensation.

Members of the Governing Body shall receive as compensation such amounts as fixed by ordinance.

(Code 1989)

1-209. Expenses.

Each member of the Governing Body shall receive for his or her services and as reimbursement for his or her expenses, compensation as follows:

(a) Mileage at the same rate as is established for City employees for each mile traveled by the shortest route upon the performance of duties assigned by the Mayor and/or City Manager.

(b) Reimbursement for actual food and lodging expenses upon the performance of duties assigned by the Mayor and/or City Manager, provided such expenses shall be documented by proper receipts.

(Code 1989)

1-210. Rules of Procedure for City Council Meetings; Other Policies Set by City Council.

(a) Chapter 10 of the Governing Body Manual approved by the Governing Body on June 13, 2005 is hereby adopted and incorporated by reference. At least one (1) copy of said Governing Body Manual,

Chapter 10 shall be marked or stamped "Official Copy as Incorporated by Ordinance No. 2098" and be on file with the City Clerk to be open for inspection and available to the public at all reasonable hours.

(b) The City Council may establish additional policies as it deems necessary.

(Ord. 2098)

1-211. Code of Ethics.

(a) Declaration of Policy - The proper operation of our government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in the proper channels and that the public have confidence in the integrity of its government. In recognition of those goals, there is hereby established a Code of Ethics for all officials and employees, whether elected or appointed, paid or unpaid. The purpose of this code is to establish ethical standards by setting forth those acts or actions that are incompatible with the best interests of the City.

(b) Responsibilities of Public Office - Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and to carry out impartially the laws of the nation, State, and City and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the long term public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach.

(c) Dedicated Service - All officials and employees of the City should be responsive to the political objectives expressed by the electorate and the programs developed to attain those objectives. Appointive officials and employees should adhere to the rule of work and performance established as the standard for their positions by the appropriate authority.

Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

(d) Fair and Equal Treatment - (1) Interest in Appointments. Canvassing of members of the City Council, directly or indirectly, in order to obtain preferential consideration in connection with any appointment to the municipal service shall disqualify the candidate for appointment except with reference to positions filled by appointment by the City Council.

(2) Use of Public Property - No official or employee shall request or permit the use of City-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as City policy for the use of such official or employee in the conduct of official business.

(3) Obligations to Citizens - No official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

(e) Conflict of Interest - No elected or appointive City official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her duties in the public interest or would tend to impair his or her independence of judgment or action in the performance of his

or her official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association.

Specific conflicts of interest are enumerated below for the guidance of officials and employees:

- (1) Incompatible Employment - No elected or appointive City official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of his or her official duties.
- (2) Disclosure of Confidential Information - No elected or appointive City official or employee, shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City. Nor shall he or she use such information to advance the financial or other private interest of himself, herself or others.
- (3) Gifts and Favors. No elected or appointive City official or employee shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person, firm, or corporation which to his or her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the City; nor shall any such official or employee (a) accept any gift, favor or thing of value that may tend to influence him or her in the discharge of his or her duties or (b) grant in the discharge of his or her duties any improper favor, service, or thing of value. The prohibition against gifts or favors shall not apply to: (a) an occasional nonpecuniary gift, of only nominal value or (b) an award publicly presented in recognition of public service or (c) any gift which would have been offered or given to him or her if not an official or employee.
- (4) Representing Private Interest Before City Agencies or Courts - No elected or appointive City official or employee whose salary is paid in whole or in part by the City shall appear in behalf of private interest before any agency of this City. He or she shall not represent private interests in any action or proceeding against the interest of the City in any litigation to which the City is a party.

(Code 1989)

ARTICLE 3. CITY MANAGER**1-301. City Manager; Appointment; Qualifications.**

(a) The administration of the City's business shall be in the hands of a City Manager who shall be appointed by and hold office at the pleasure of the Governing Body.

(b) The City Manager shall be chosen solely upon the basis of administrative ability. Choice shall not be limited by any residence qualifications.

(K.S.A. 12-1021:1012; Code 1989)

1-302. Same; Salary, Bond.

The City Manager shall receive a salary to be fixed by the Governing Body, and shall give a surety bond for the faithful performance of his or her duties in such amount as may be provided by ordinance.

(K.S.A. 12-1013)

1-303. Same; Powers.

The administration of the City's business shall be in the hands of the City Manager who shall have all the powers vested in such office by the laws of the State, and shall have such further powers and duties as hereinafter provided.

(K.S.A. 12-1011; Code 1989)

1-304. Same; General Duties.

The City Manager shall:

(a) Be responsible for all administrative affairs of the City and see that the laws of Kansas and ordinances of the City are enforced;

(b) Appoint and remove all heads of departments and subordinate officers and employees of the City. All such appointments shall be made upon merit and fitness alone. No removal may be made without due process;

(c) Be responsible for the discipline of all appointive officers, and may without notice cause the affairs of any department or the conduct of any officer or employee to be examined or terminated;

(d) May require such reports from the administrative officers of the City respecting their several offices as shall tend to improve the discharge of their several duties and as shall enable him or her to discharge his or her duties in the most efficient manner;

(e) Set salaries guided by the wage scale set by the Governing Body and within the limitations of the budget adopted by the Governing Body of the City;

(f) Prepare and submit the annual budget to the Governing Body and keep the Governing Body fully advised as to the financial condition and needs of the City;

(g) Make recommendations to the Governing Body on all matters concerning the welfare of the City, and shall have a seat, but no vote, in all of the public meetings of the Governing Body. He or she shall give a written or oral monthly report to the Governing Body regarding City affairs;

(h) Have authority to sign contracts related to the daily operations of the City in amounts up to the amount provided in the City's adopted purchase policy; and

(i) Perform such other and further duties as may be required by law or ordinance.

(K.S.A. 12-1014; Code 1989; Code 2014)

1-305. Same; Countersigning Warrants.

Warrants and warrant checks shall be signed by the following primary signatories: City Manager, Finance Director and City Treasurer. The following individuals have the authority to sign in the absence of the primary signatories: City Clerk, Deputy City Clerk and Mayor. The seal, if any, of the City need not be attached or impressed or shown by facsimile. A facsimile signature may be used as authorized by Article 40 of Chapter 75 of the Kansas Statutes Annotated.

(Ord. 1853; Code 2000; Ord. 1986 2002; Ord. 2325)

1-306. Same; Acting in Other Offices.

The City Manager is hereby authorized to and may perform the duties of any officer whose office he or her is qualified to fill and in such cases the appointment or employment of such officer may be dispensed with. The City Manager may appoint one (1) person to hold and perform the duties of more than one (1) office; provided, one (1) person may not hold offices which are incompatible or when such dual holding is prohibited by law. The City Manager shall appoint the authorized and required number of employees as may be necessary for the efficient operation and administration of the public affairs of such offices of the City, and he or she may remove such employees at his or her pleasure. In preparation of the annual City budget, the City Manager shall estimate the number of employees to be required by the City during the year. Provisions shall be made in the budget for the compensation of all such employees.

(K.S.A. 12-1024; Code 1989; Code 2014)

ARTICLE 4. OFFICERS AND EMPLOYEES

1-401. Appointment.

The City Manager shall appoint, by and with the consent of the City Council, a Municipal Judge of the Municipal Court, a Chief of Police, City Clerk, City Treasurer, City Attorney and may appoint policemen and such other officers as they may deem necessary. Officers so appointed and confirmed shall hold their offices for the term specified in a written contract, if any, or if none, at the pleasure of the City Manager. The City Council shall by ordinance specify their duties and compensation, and by ordinances may abolish any office created by them whenever they may deem it expedient. A licensed professional engineer may be retained to act in the capacity of City Engineer for specifically defined duties, and provide for reasonable compensation for the services rendered.

(C.O. No. 13, Sec. 3)

1-402. Employees.

The City Manager shall have authority to hire all other employees, or such authority may be delegated to the respective department heads.

(Code 1992)

1-403. Appointment or Employment in More Than One Position.

The same person may be appointed to more than one (1) appointive office, or employed in more than one (1) department, except that the same person shall not be appointed to incompatible offices. Salaries or wages of such persons shall be prorated between the proper funds of the several offices or departments.

(Code 1989)

1-404. Conflict of Interests.

(a) No City officer or employee shall be signatory upon, discuss in an official capacity, vote on any issue concerning or otherwise participate in his or her capacity as a public official or employee in the making of any contract with any person or business:

- (1) In which the officer or employee owns a legal or equitable interest exceeding \$5,000 or five percent (5%), whichever is less, individually or collectively with his or her spouse; or
- (2) From which the officer or employee receives, in the current or immediately preceding or succeeding calendar year, any salary, gratuity, other compensation or a contract for or promise or expectation of any such salary, gratuity or other compensation or remuneration having a dollar value of \$1,000 or more; or
- (3) In which he or she shall hold the position of officer or director, irrespective of the amount of compensation received from or ownership held in the business.

(b) The prohibitions contained in Subsection (a) of this Section shall not apply to the following:

- (1) Contracts let after competitive bidding has been solicited by published notice; and
- (2) Contracts for property or services for which the price or rate is fixed by law.

(K.S.A. 75-4301; Code 1989)

ARTICLE 5. RESERVED

(Ord. 1359; Code 2014)

ARTICLE 6. OATHS AND BONDS**1-601. Oath.**

All officers and employees 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 or position). So help me God."

(K.S.A. 75-4308; Code 1989)

1-602. Oaths Filed.

All officers and employees required to take and subscribe or sign an oath or affirmation shall be supplied the 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 1989)

1-603. Surety Bonds; Premiums.

All premiums on surety bonds, if any, shall be paid by the City.

(K.S.A. 78-111; Code 1970, 2-3; Code 1989)

1-604. Condition of Bonds.

Each of the bonds required by the City shall be conditioned for the faithful performance of duty and all acts required by the laws of Kansas and 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 by virtue of his or her office.

(Code 1989)

1-605. Approval of Bonds.

All bonds given to the City shall be approved as to their form by the City Attorney and as to surety and sufficiency by the Governing Body, unless otherwise provided by the laws of the State of Kansas.

(Code 1989)

ARTICLE 7. OPEN RECORDS

1-701. 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 1989)

1-702. 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 (1) 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 2000)

1-703. Public Request for Access.

The City Clerk 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 City Clerk for each such day at which time any person may request access to an open public record.

(Code 1989)

1-704. Facilities for Public Inspection.

The City Clerk 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.

(Code 1989)

1-705. 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 the City Clerk as authorized by the Governing Body. Such procedures shall be posted in each City Clerk's office.

(Code 1989)

1-706. 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) Fire Chief - All public records not on file in the office of the City Clerk and kept and maintained in the City Fire Department.

(e) 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.

(f) 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.

(g) City Manager - All public records not on file in the office of the City Clerk and kept and maintained in the City Manager's office.

(h) City Planner - All public records not on file in the office of the City and kept and maintained in the office of the planning department.

(i) Community and Economic Development Director - All public records not on file in the office of the City and kept and maintained in the office of community and economic development.

(j) EMS Chief - All public records not on file in the office of the City Clerk and kept and maintained in the City ambulance department.

(k) Finance Director - All public records not on file in the office of the City and kept and maintained in the finance office.

(l) Project Manager - All public records not on file in the office of the City and kept and maintained in the office of the project manager.

(m) Public Works Director - All public records not on file in the office of the City Clerk and kept and maintained in the public works department.

(n) Senior Center Director - All public records not on file in the office of the City and kept and maintained in the Senior Center.

(o) Utility Superintendent - Records to be maintained in the utility department.

(p) Recreation Director - All public records not on file in the office of the City Clerk and kept and maintained in the recreation director's office.

(q) City Engineer - All public records not on file in the office of the City Clerk and kept and maintained by the City Engineer.

(Ord. 1337, Sec. 1; Code 1989; Code 2014)

1-707. Designation of Additional Record Custodians.

(a) Each of the official custodians appointed in Section 1-706 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.

(Ord. 1337, Sec. 2; Code 1989)

1-708. Duties of Custodians.

All City offices 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.

(Ord. 1337, Sec. 3; Code 1989)

1-709. 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 City Clerk.

(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 City Clerk.

(Ord. 1337, Sec. 4; Code 1989)

1-710. 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 actual cost per hour per employee engaged in the record search.

(Ord. 1338, Sec. 2; Code 1989)

1-711. Copying Fee.

(a) A fee as approved by the City Council 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.

(Ord. 1338, Sec. 3; Code 1989; Code 2014)

1-712. Prepayment of Fees.

(a) The City Clerk 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 City Clerk, such fees are estimated to exceed \$10.

(c) Where prepayment has been demanded by the City Clerk, no record shall be made available to the requester until such prepayment has been made.

(Ord. 1338, Sec. 4; Code 1989)

1-713. Payments.

All fees charged under this Article shall be paid to the City Clerk.

(Code 1989)

1-714. Local Freedom of Information Officer; Duties.

(a) The City Clerk is hereby appointed as the Local Freedom of Information Officer and charged with all of the statutory duties prescribed by K.S.A. 45-226.

(b) Duties. The Local Freedom of Information Officer or the officer's designee shall:

- (1) Prepare and provide educational materials and information concerning the open records act;
- (2) Be available to assist the City and members of the general public to resolve disputes relating to the open records act;
- (3) Respond to inquiries relating to the open records act;
- (4) 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 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 requestor, the responsibilities of a public agency and the procedures for inspecting and obtaining a copy of public records under the open records act.

(Ord. 1901, Sec. 1)

ARTICLE 8. INVESTMENT OF PUBLIC FUNDS

1-801. 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 practice. 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 1989)

1-802. Active Funds; Designation of Depositories; Eligible Depositories.

(a) The Governing Body shall designate the banks, savings and loan associations and savings banks which shall serve as depositories of its funds. The Clerk, Treasurer or other City officer or employee having the custody of City funds shall deposit such funds only at the designated banks, savings and loan associations and savings banks. Only banks, savings and loan associations and savings banks that have main or branch offices in Wyandotte County, Johnson County, or Leavenworth County shall be designated as official depositories. No such bank, savings bank or savings and loan association shall be designated as a depository until the City is assured that it can obtain satisfactory security for its deposits.

(b) The Clerk, Treasurer or other City officer or employee depositing public funds shall deposit all such public funds coming into such person's possession in their name and official title as such officer. If the Governing Body fails to designate an official depository or depositories, the officer thereof having custody of City funds shall deposit such funds with one or more banks, savings and loan associations or savings banks which have main or branch offices in Wyandotte County, Johnson County, or Leavenworth County if satisfactory security can be obtained therefor and if not then elsewhere. In such event, the officer or employee shall serve notice in writing on the Governing Body showing the names and locations of such banks, savings and loan associations and savings banks where such funds are deposited, and upon so doing the officer or employee having custody of such funds shall not be liable for the loss of any portion thereof except for official misconduct or for the misappropriation of such funds by the officer or employee.

(c) If eligible banks, savings and loan associations or savings banks under Subsections (a) or (b) cannot or will not provide an acceptable bid, which shall include services, for the depositing of public funds under this Section, then banks, savings and loan associations or savings banks which have main or branch offices in any immediately adjoining County may receive deposits of the City's active funds, if such banks, savings and loan associations or savings banks have been designated as official depositories under Subsection (a) and the City can obtain satisfactory security therefor.

(Code 2014)

1-803. 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.

(Code 2014)

1-804. 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 such investing governmental unit;

(b) In savings deposits, 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 such investing governmental unit; or

(2) If no main or branch office of a bank, savings and loan association or savings bank is located in such investing governmental unit, then in banks, savings and loan associations and savings banks, which have main or branch offices in the County or counties in which all or part of such investing governmental unit is located;

(c) In repurchase agreements with:

(1) Banks, savings and loan associations and savings banks, which have main or branch offices located in such investing governmental unit, 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 such investing governmental unit; or (B) If no such bank, savings and loan association or savings bank having a main or branch office located in such investing governmental unit is willing to enter into such an agreement with the investing governmental unit 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 the county or counties in which all or part of such investing governmental unit is located; or
- (3) If no bank, savings and loan association or savings bank, having a main or branch office in such county or counties is willing to enter into such an agreement with the investing governmental unit 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. 2005 Supp. 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 the county or counties where such investing governmental unit is located 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 the county or counties in which such investing governmental unit is located. 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) In municipal bonds or other obligations issued by any municipality of the State of Kansas as defined in K.S.A. 10-1101, and amendments thereto, which are general obligations of the municipality issuing the same.

(i) The investments authorized in Subsections (d), (e), (f), (g) or (h) 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

investing governmental unit 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.

(j) 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 investing governmental unit and such financial institution will make such deposits available to the investing governmental unit 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 investing governmental unit 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 investing governmental unit shall select for such deposits one or more eligible banks, savings and loan associations or savings banks which have offices in the county or counties in which all or a part of such investing governmental unit is located which will make such deposits available to the investing governmental unit 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.

(K.S.A. 12-1675, as amended; Code 1997, 1-802; Code 2014)

1-805. Procedures and Restrictions.

The City Manager is hereby authorized and directed to cause the temporarily idle funds of this City to be invested in accordance with applicable statutes, in such a manner as to achieve the maximum monetary return. Such investment program shall so limit the amounts invested and the schedule of maturities in such a manner that the City will at all times have sufficient moneys available on demand deposit to assure prompt payment of all City obligations.

(Code 1989, 1-803; Code 2014)

1-806. Custody and Safekeeping.

Securities purchased pursuant to this Article shall be under the care of the City Clerk, City Treasurer, Finance Director and City Manager 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 the 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 the City officers. Securities not held in the custody of a bank or trust company shall be personally deposited by such officer in a safety deposit box in the name of the City in a bank or trust company.

(Code 1970, 2-135; Code 1989, 1-804; Code 2014)

1-807. Sale or Transfer.

If, in order to maintain sufficient moneys on demand deposit in any fund as provided in Section 1-805, it becomes necessary to transfer or sell any securities of such funds, the officers specified in Section 1-806 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 direction, endorsement or assignment for and on behalf of the City.

(Code 1970, 2-136; Code 1989, 1-805)

1-808. Interest on Time Deposits.

The City Clerk and/or Finance Director shall deposit the interest earned to the same fund from which the principal came, unless otherwise required or authorized by law.

(Code 1989, 1-806; Code 2014)

Ref. See K.S.A. 12-1677, and amendments thereto.

ARTICLE 9. PURCHASING

Cross Reference: See K.S.A. 12-137 et seq. and Charter Ord. No. 8 in Appendix B.

(C.O. No. 8; Ord. 1202)

ARTICLE 10. BAND COMMISSION

1-1001. Commission; Created.

There is hereby created and established a Band Commission of the City established for the purposes of overseeing the development and operation of a City band.

(Ord. 1911, Sec. 3; Code 2002, 8-1501; Ord. 2361; Code 2014)

1-1002. Membership.

The Band Commission shall be composed of eight (8) members appointed by the Mayor and confirmed by the Governing Body. Terms shall be for three (3) years and shall follow the schedule of staggered terms which currently exists for the Band Commission. All members shall continue to serve until their successor shall have been appointed and confirmed. A non-voting student representative position may be created to serve as a member of the Band Commission, such position to be appointed by a majority vote of the Band Commission.

(Ord. 1596, Sec. 3, Ord. 2305; Code 2002, 8-1502; Ord. 2361; Code 2014)

1-1003. Officers and Staff.

The Band Commission shall annually select a chairperson, vice-chairperson, and secretary and such officers as may be deemed necessary for the conduct of its business.

(Ord. 1911, Sec. 3; Code 2002, 8-1503; Ord. 2361; Code 2014)

1-1004. Director's Position.

The Band Commission is responsible for selecting and recommending to the City Manager a qualified and competent band director who shall serve as a seasonal recreational/amusement employee of the City. The director is not a member of the Band Commission. The Band Commission is responsible for creating and maintaining a job description for the director's position which must be approved by the City Manager. In general, the director shall help form and direct the summer concert series, establish and manage rehearsal needs and schedules, and provide to the Band Commission his or her professional opinion on matters relating to operation and financing of the band.

(a) Compensation. The director shall be compensated at a rate and schedule determined to be mutually acceptable to the director, Band Commission and City Manager. Payment of the director may be carried out through the City's payroll account.

(b) Insurance. The director, while acting in his or her capacity as a seasonal recreational or amusement employee of the City, shall be covered under the City's liability insurance and worker's compensation insurance.

(c) Evaluation. The Band Commission shall annually review the director's activities, and shall provide the director with feedback and direction to modify behavior and performance deemed necessary to provide a quality City band service to the public. Such evaluation shall be in writing, presented in executive session, and a copy submitted for review by the City Manager.

(d) Discipline and/or Termination. The Band Commission may recommend to the City Manager disciplinary action or termination of the director in accordance with procedures outlined in the City's

Personnel Policy Handbook. The City Manager can effect disciplinary action or termination of the director in accordance with procedures outlined in the City's Personnel Policy Handbook.

(Ord. 1911, Sec. 3; Code 2002, 8-1504; Ord. 2361; Code 2014)

1-1005. Duties.

The Band Commission shall have the following responsibilities:

(a) **Concerts.** The Band Commission is responsible for ensuring that a minimum of eight (8) concerts are provided during the months of June and July. Such concerts shall be free and open to the general public, shall be held once a week beginning on the second Thursday in June of each year, and on each subsequent week for eight (8) weeks. The concerts are to be conducted at the bandstand in Kelley Murphy Park and shall commence about 8:30 p.m. If, because of rain or other cause beyond the control of the band, the concert cannot be held at Kelley Murphy Park it shall be relocated to Clark Middle School or other suitable location. An additional (9th) concert shall be conducted in conjunction with Tiblow Days celebrations. Other venues, times or additional concerts may occasionally be agreed to by the Band Commission and director, with concurrence from the City Manager.

(b) **Budget.** The Band Commission is responsible for preparation of an annual budget for the City band program and shall make recommendation of such to the City Manager for inclusion in the City's annual budget. The band budget shall be approved by a majority of all Band Commission members prior to the Band Commission chairperson presenting a recommendation to the City Manager during the City's normal budget session. The budget shall include a detailed plan of expenditures and priorities recommended to meet the capital improvement and operational needs of the City band. The City Manager and City Council, through the budget review process may accept, modify, or reject all or part of the band budget recommendation.

(c) **Outside Sources.** The Band Commission may make application for outside financial support, including in-kind matching grants, upon involvement, approval, and under signature of the City Manager. Matching grants or certain fund-raising activities may require approval by the City Council.

(d) **Operations.** The Band Commission and director must jointly review and make recommendations to the City Manager on substantive operational changes.

(e) **Reports.** The Band Commission must make an annual report on the operation of the City band program to the Governing Body in the month of January of each year. Such report must be submitted in writing to the City Manager in a manner timely enough for inclusion in the City Council agenda.

(Ord. 1911, Sec. 3; Code 2002, 8-1505; Ord. 2361; Code 2014)

1-1006. Funds and Equipment.

All funds, equipment and assets of the City band program shall be ultimately administered by the City Manager. The Band Commission has authority to make expenditures necessary to provide for a quality City band, provided such expenditures are within the limits of its annually adopted budget. The Band Commission, band director and band members are responsible for the careful treatment, use and storage of all City band equipment.

(Ord. 1911, Sec. 3; Code 2002, 8-1506; Ord. 2361; Code 2014)

1-1007. Use of City Employees.

The City Manager may assign certain City employees to assist in the maintenance and operation of the City band program, including responsibilities for setting up and removing equipment, cleaning or maintaining grounds, providing security, etc. Employees assigned to assist in this capacity may be guided by the director or Band Commission chairperson in their duties.

(Ord. 1911, Sec. 3; Code 2002, 8-1507; Ord. 2361; Code 2014)

1-1008. Meetings.

The Band Commission will meet at least quarterly. The chairperson or the vice-chairperson may call special meetings at any other time by giving written notice to the members a week in advance of the meeting. A simple majority of the positions on the Band Commission constitutes a quorum. Action by the Band Commission requires a vote of a majority of those attending the meeting at which the vote is taken.

(Ord. 1911, Sec. 3; Code 2002, 8-1508; Ord. 2361; Code 2014)

ARTICLE 11. BONNER BEAUTIFUL ADVISORY COMMITTEE**1-1101. Bonner Beautiful Advisory Committee Established.**

There is hereby established the Bonner Beautiful Advisory Committee, a committee of the City to recommend institute and administer measures and programs to improve the appearance of our City and to foster pride in our City.

(Ord. 1422, Sec. 1; Code 2002, 8-901; Code 2014)

1-1102. Membership.

The Bonner Beautiful Advisory Committee shall be a committee composed of thirteen (13) members appointed by the Mayor and confirmed by the Governing Body of the City for terms of three (3) years, the initial terms to be as follows: five (5) appointees to serve for three (3) years, five (5) appointees to serve for two (2) years and three (3) appointees to serve for one (1) year. All members shall continue to serve until their successor shall have been appointed.

(Ord. 1382, 1422, Sec. 2; Code 2002, 8-902; Code 2014)

1-1103. Duties.

The Bonner Beautiful Advisory Committee shall have responsibility:

(a) To recommend a program of annual expenditures to the City Council as part of the annual budget focused at City beautification efforts, and,

(b) To encourage a program of memorials and volunteer gifts to the community for trees, landscaping and other improvement efforts, and,

(c) To sponsor various programs including but not limited to Tree City U.S.A., City cleanup campaign, neighborhood efforts, and paint up, fix up efforts, and,

(d) To provide a program of recognition of individual businesses, and corporation for other improvements to property, and,

(e) To represent the City to other groups including but not limited to State, extension and other forestry services, the Wyandotte County City beautiful committee and to cooperate with such groups in the area of advertising and publicity for improvement efforts and campaigns, and,

(f) To review and provide advice as requested by the City Council on proposed regulations and/or needed regulations to assist the community in preserving property and encourage a high level of maintenance throughout the City, and,

(g) To sponsor efforts and programs to inform the community and educate our youth as to their responsibilities and the rewards for their improvement and maintenance of the community, and

(h) To sponsor such programs and publicity efforts as necessary to improve the appearance of the City and to foster pride in our City, and

(i) To provide for, develop and implement a continuing community forestry program and to study, investigate, counsel and develop and/or update annually, and provide advice to the City on the

administration of a written plan for the care, including planting, culture, and removal or disposition of trees and shrubs in parks, streets, alleys and other lands owned or managed by the City. The plan will be presented annually to the City Council and upon their acceptance and approval, shall constitute the official comprehensive City tree plan for the City.

(Ord. 1422, Sec. 3; Code 2002, 8-903; Code 2014)

1-1104. Rules and Regulations.

The committee may adopt rules and regulations governing the conduct of the committee, its meeting, and the duties and responsibilities of its individual members. All such rules and regulations shall be approved by the Governing Body of this City.

(Ord. 1422, Sec. 4; Code 2002, 8-904; Code 2014)

1-1105. Committee Funds.

All funds of the committee shall be received, discharged and accounted for by City personnel under the direction of the City Manager.

(Ord. 1422, Sec. 6; Code 2002, 8-905; Code 2014)

1-1106. City Manager Duties.

The City Manager shall coordinate the submission of all grant applications for and on behalf of the Bonner Beautiful Advisory Committee.

(Ord. 1422, Sec. 7; Code 2002, 8-906; Code 2014)

1-1107. Special Assignments.

The committee, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

(Ord. 1422, Sec. 5; Code 2002, 8-907; Code 2014)

ARTICLE 12. CEMETERY ADVISORY COMMITTEE**1-1201. Cemetery Advisory Committee.**

There is hereby created and established the Cemetery Advisory Committee of the City to advise the Governing Body and City staff on matters relating to the operation, maintenance and financial needs of the Bonner Springs cemetery.

(Ord. 1632, Sec. 1)

1-1202. Same; Membership.

The Cemetery Advisory Committee shall be a committee composed of eight (8) members appointed by the Mayor and confirmed by the Governing Body of the City for terms of three (3) years, the initial terms to be as follows: Three (3) appointees to serve for three (3) years, two (2) appointees to serve for two (2) years, two (2) appointees to serve for one (1) year and one (1) ex-officio member to serve for three (3) years. The ex-officio member shall have not voting power. The Mayor may appoint a Councilmember to serve as a liaison. The City Council appointee shall have no vote. All members shall continue to serve until their successor shall have been appointed and confirmed.

(Ord.1802, Sec. 1; Ord. 2306; Ord. 2382)

1-1203. Same; Duties.

The cemetery advisory committee shall have the following responsibilities:

(a) While the committee shall not be responsible for preparation of an annual budget for the cemetery it shall review the recommended budget and make their recommendation and comments to the staff and City Council.

(b) To recommend a plan of expenditures and priorities to the City Council to meet the capital improvement needs of the cemetery.

(c) To review and provide advice as requested by the staff or City Council on proposed regulations and/or needed regulations to operate the cemetery.

(d) To make recommendations to the City Manager pertaining to the operation, maintenance and financial needs of the cemetery.

(e) To make reports and recommendations to the Governing Body on all matters affecting the cemetery on matters referred to it.

(f) To make an annual report on the operation of the cemetery and their condition to the Governing Body of the City in the month of February of each year.

(Ord. 1632, Sec. 3)

1-1204. Same; Officers.

The committee shall annually select a chair and secretary and such other officers as may be deemed necessary for the conduct of its business.

(Ord. 1632, Sec. 4)

1-1205. Same; Assets.

All funds, equipment and assets of the cemetery shall be administered by the City Manager.
(Ord. 1632, Sec. 5)

1-1206. Same; City Employees.

Maintenance and operation of the cemetery shall be performed by such City employees assigned by and under the direction of the City Manager.
(Ord. 1632, Sec. 6)

ARTICLE 13. TOURISM COMMITTEE

1-1301. Membership.

The terms of the Bonner Springs Tourism Committee, as established under Charter Ordinance No. 18, as amended by Charter Ordinance No. 20 and Charter Ordinance No. 31, shall be for four-year terms with initial terms to be as follows: two (2) appointees to serve for four (4) years; two (2) appointees to serve for three (3) years; two (2) appointees to serve two (2) years and one (1) appointee to serve one (1) year. All members shall continue to serve until the appointment of their successor. Vacancies shall be filled by the Governing Body for the remainder of the unexpired term. (Ord. 1897, Sec. 1, Ord. 2384)

1-1302. Duties.

The Convention and Tourism Committee shall have responsibility:

- (a) To recommend a program of annual expenditures to the City Council focused on tourism efforts, particularly those that would encourage visitors to obtain overnight accommodations.
- (b) To coordinate and encourage a program of projects to promote tourism.
- (c) To sponsor various programs with local civic organizations, County and State agencies for promotion of mutual tourism efforts.
- (d) To create innovative projects and activities to promote tourism.
- (e) To consider, investigate and make determinations and recommendations upon any special matter or question within the scope of the Committee, when requested by the City Council or City Manager. (Ord. 1897, Sec. 2, Ord. 2384)

1-1303. Rules and Regulations.

The committee shall hold regular meetings (not less than quarterly) at a time and place to be established by them. The committee may adopt rules and regulations governing the conduct of the committee and the duties and responsibilities of individual members. Failure to attend three (3) consecutive regular meetings will result in an automatic forfeiture of a member's appointment. (Ord. 1897, Sec. 3)

1-1304. Officers.

The committee shall annually select a chairperson, vice-chairperson, and secretary and such officers as may be deemed necessary for the conduct of its business. The committee chairperson shall submit an agenda for distribution prior to each meeting. The secretary shall record minutes of each meeting, noting the basic points of discussion and action taken (if any) for each agenda item, and shall submit a copy for inclusion in the following meeting's agenda. (Ord. 1897, Sec. 4)

1-1305. Budget.

The Committee is responsible for preparation of an annual budget for the City's tourism program and shall make recommendation of such to the City Manager for inclusion in the City's annual budget. The budget shall be approved by a majority of all Committee members. The Committee shall present the recommendations to the City Manager during the City's normal budget session. The budget shall include a detailed plan of expenditures and priorities recommended to meet the goals and objectives of the tourism program. The City Manager and City Council, through the budget review process may accept, modify or reject all or part of the convention and tourism budget.

(Ord. 1897, Sec. 5, Ord. 2384)

ARTICLE 14. DRUG AND ALCOHOL ADVISORY COMMITTEE**1-1401. Organization**

The Drug and Alcohol Advisory Committee shall be made up of nine (9) members appointed upon the recommendation of the Mayor and consent of the members of the Governing Body for terms of three (3) years, except the High School Student term will be for two (2) years. The membership shall represent a cross-section of the community as follows: one (1) representative of USD 204, one (1) member of the Bonner Springs Police Department, one (1) representative from a mental health agency, one (1) member from a service agency, one (1) clergy, three (3) appointees from the City at large and one (1) appointment from the Bonner Springs Senior High School. One (1) member of the Governing Body of the City shall be appointed by the Mayor with the consent of the City Council and serve as an ex-officio member. The initial terms shall be as follows: three (3) appointees to serve for three (3) years, two (2) appointees to serve two (2) years, three (3) appointees to serve one (1) year and the Senior High School representative for two (2) years. All members shall continue to serve until their successor has been appointed. One (1) City staff employee will be assigned as on-going staff assistance to coordinate the agenda and meeting needs of the committee.”

(Ord. 1721, Sec. 1, Ord. 2059; Code 2002, 8-1701; Code 2014)

1-1402. Officers.

The committee shall annually elect a chairperson and other such officers as may be deemed necessary for the conduct of its business.

(Ord. 1721, Sec. 1; Code 2002, 8-1702; Code 2014)

1-1403. Purpose.

The purpose of the drug and alcohol advisory committee shall be as follows:

(a) Establish a process by which funds can be made available and appropriated by the City Council to secure programs and services relating to drug and alcohol abuse within the community.

(b) To help insure the coordination of programs and services dealing with the use of drugs and alcohol that may now or in the future be provided by existing or new public, non-profit and private agencies within the community.

(c) To provide for the efficient and effective use of the financial and other resources of the City.

(Ord. 1721, Sec. 1; Code 2002, 8-1703; Code 2014)

1-1404. Responsibilities.

The committee shall have the following responsibilities:

(a) To prepare an assessment of the needs in the community for services and programs to deal with the problems associates with the use of drugs or alcohol. The word community for the purposes of this committee shall mean the area encompassing the boundaries of USD 204.

(b) To prepare an annual plan of services to be funded from the resources available in the City's special drug and alcohol fund from State tax receipts.

(c) To prepare a two-year overview plan of the needs of the community and identify appropriate strategies to be recommended to the Governing Body and other agencies to meet the needs as defined in the community by the two-year plan.

(d) To maintain continuing liaison with the Wyandotte County Alcohol and Drug Advisory Committee, the Wyandotte Mental Health Center and other agencies providing services within the community.

(e) To solicit proposals as part of the annual plan of services from agencies wishing to provide services to meet needs of the community for drug and alcohol abuse education and prevention.

(f) To evaluate such service proposals to insure their conformance with accepted community objectives, their consistency with the two-year plan of services adopted and to make recommendations to the Governing Body for such contracts for services, programs or activities.

(g) To develop plans for any related services or programs to be operated directly by the City.

(h) To prepare an annual estimate of budget requirements as part of the annual City budget process.

(i) To provide such other recommendations and advice as requested by the Mayor, City Council, City staff or City operating agencies.

(Ord. 1721, Sec. 1; Code 2002, 8-1704; Code 2014)

ARTICLE 15. HUMAN RELATIONS ADVISORY BOARD (Fair Housing)**1-1501. Statement of Policy.**

The Governing Body of the City hereby declares it to be the public policy of the City to eliminate discrimination and safeguard the right of any person to sell, purchase, lease, rent, or obtain real property without regard to race, religion, color, sex, disability, familial status, national origin or ancestry. This Article shall be deemed an exercise of the policy powers of the City for the protection of the public welfare, prosperity, health and peace of the people of the City.

(Ord. 1148, Sec. 1, Ord. 2123; Code 2002, 8-701; Code 2014)

1-1502. Definitions.

For the purpose of this Article the following terms, phrases, words and their derivations shall have the meaning given herein unless the context otherwise indicates:

(a) Person shall include any individual, firm, partnership or corporation.

(b) Discriminate. To make distinctions in treatment because of race, religion, color, sex, disability, familial status, national origin or ancestry of any person.

(c) Familial Status means having one or more individuals less than 18 years of age domiciled with: (1) A parent or another person having legal custody of such individual or individuals: or (2) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

(Ord. 1148, Sec. 2; Ord. 2123; Code 2002, 8-702; Code 2014)

1-1503. Discriminatory Practices Defined.

It shall be a discriminatory practice and unlawful:

(a) For any person, having the right, responsibility, or authority to sell, rent, lease, assign or sublease any dwelling unit, commercial unit or real property or any part or portion thereof or interest therein, to refuse to sell, rent, lease, assign, or sublease any dwelling unit, commercial unit, real property or part or portion thereof or interest therein, to any person because of the race, religion, color, sex, disability, familial status, national origin or ancestry of the person.

(b) For any person, having the right, responsibility or authority to sell, rent, lease, assign or sublease any dwelling unit, commercial unit or real property or any part or portion thereof or interest therein, to impose upon any person because of the race, color, religion, sex, physical handicap, ancestry, familial status or national origin of such person unusual, extraordinarily onerous terms, conditions or privileges in the sale, rental, leasing, assignment or subleasing of any dwelling unit, commercial unit or real property or any part or portion thereof or interest therein, or to require a higher sale price or rental or otherwise impose terms more burdensome upon any person because of race, religion, color, sex, disability, familial status, national origin or ancestry and which would not be required of other persons.

(c) For any person, engaged in lending money, guaranteeing loans, accepting mortgages or otherwise making available funds for the purchase, acquisition, construction, rehabilitation, repair, or maintenance of any dwelling unit, commercial unit or real property or any part or portion thereof or

interest therein, to discriminate because of race, religion, color, sex, disability, familial status, national origin or ancestry of any person applying for loans or guarantees or mortgages in ending money, guaranteeing loans, accepting mortgages or otherwise making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any dwelling unit, commercial unit or real property or any part or portion thereof or interest therein, or to place unusual, extraordinary, onerous rates of interest, terms or conditions on the lending of money, the guaranteeing of the acceptance of the mortgages or the availability of such funds.

(d) For any person to discriminate in furnishing any facilities or services to any dwelling unit, commercial unit, real property or any part or portion thereof or interest therein, because of the race, religion, color, sex, disability, familial status, national origin or ancestry of any person making application for such facilities or services.

(e) For any person in the real estate business, whether a dealer, broker, or regardless of the capacity in which serving to discriminate in the selling, renting, leasing, assigning or subleasing of any dwelling unit, commercial unit, real property or any part or portion thereof or interest therein, against any person because of race, religion, color, sex, disability, familial status, national origin or ancestry of such person and further, to indicate in any way that any dwelling unit, commercial unit, real property or any part or portion thereof or interest therein, is not available for inspection, sale, rental, lease, assignment or sublease, or otherwise to deny or withhold any dwelling unit, commercial unit, real property or any part or portion thereof or interest therein, from any person because of race, religion, color, sex, disability, familial status, national origin or ancestry of such person.

(f) For any person to include in any agreement relating to the sale, rental, lease, assignment or sublease of any dwelling unit, commercial unit, or real property or any part or portion thereof or interest therein, as a condition of the transaction, that the purchaser, renter, tenant, occupant or assignee does agree not to sell, rent, lease, assign or sublease the dwelling unit, commercial unit, or real property or any part or portion thereof or interest therein, to any person because of race, religion, color, sex, disability, familial status, national origin or ancestry of such person.

(g) For any person to engage in any form of threats or reprisal, or to engage in, or hire, or conspire with others to commit acts or activities of any nature, the purpose of which is to harass, degrade, embarrass, or to cause physical harm or economic loss to any person because such person complies with the provisions of this ordinance or has opposed any practice forbidden under this act, or has filed a complaint, testified or assisted in any proceeding under this ordinance.

(h) For any person to aid, abet, incite, compel, coerce, cooperate or participate in the doing of any act declared to be a discriminatory practice under the provisions of this ordinance, or to obstruct or prevent compliance with the provisions of this ordinance, or to attempt directly or indirectly to commit any act declared by this ordinance to be a discriminatory practice.

(i) For any person to induce or attempt to induce the sale or listing for sale of any dwelling unit, commercial unit or real property or any part or portion thereof or interest therein, by representing that a change has occurred or will or may occur with respect to the racial, religious or ethnic composition of the block, neighborhood or area in which the property is located, or to induce or attempt to induce such sale by representing that the presence or anticipated presence of persons of any particular race, religion, color, sex, disability, familial status, national origin or ancestry in the area will or may result in:

- (1) The lowering of property values;

- (2) A change in the racial, religious or ethnic composition of the block, neighborhood or area in which the property is located;
- (3) An increase in criminal or antisocial behavior in the area;
- (4) A decline in the quality of the schools serving the area.

(j) To make any presentations to any prospective seller, real estate broker, salesperson, agent, owner, or to any financial institution for the purpose of obtaining facts or evidence of a discriminatory practice when such representation is not made for a bona fide purchase, rental or lease of real property; provided, however, this Section shall not apply to any person employed by the City or the State whose duty it is to assist in the prosecution of violations of civil rights relating to open housing.

(k) For any person having the right, responsibility or authority to sell, rent, lease, assign or sublease any dwelling unit, commercial unit or real property or any part or portion thereof or interest therein, to directly or indirectly advertise, or in any other manner indicate or publicize, that the purchase, rental, lease, sublease or assignment, listing, showing or the lending of funds in connection with any dwelling unit, commercial unit, real property or any part or portion thereof or interest therein, by persons of a particular race, religion, color, sex, disability, familial status, national origin or ancestry is unwelcome, objectionable, not acceptable, or not solicited.

(Ord. 1148, Sec. 3, Ord. 2123; Code 2002, 8-703; Code 2014)

1-1504. Applicability.

The provisions of this Article shall not apply to the following:

(a) Any bona fide religious institutions with respect to any qualifications it may impose based upon religion when such qualifications are related to a bona fide religious purpose.

(b) A rental or leasing of a dwelling unit in a building which contains housing accommodations for not more than two (2) families living independently of each other if the owner or members of his or her family reside in such dwelling unit.

(c) A rental or leasing to less than five (5) persons living in a dwelling unit by the owner if the owner or members of his or her family reside therein.

(Ord. 1148, Sec. 4; Code 2002, 8-704; Code 2014)

1-1505. Human Relations Advisory Board.

There is hereby created a board to be known as the Human Relations Advisory Board. The board shall consist of not less than five (5) and not to exceed nine (9) members to be drawn from diverse segments of the community, who shall be citizens of the City and who shall be appointed by the Mayor, with the consent of the Governing Body. The terms of office of the members of the board shall be for three (3) years or until his or her successor is appointed. The terms of office of the members initially appointed shall be as follows:

<u>Members of Board</u>	<u>No. appointed to 1-year term</u>	<u>No. appointed to 2-year term</u>	<u>No. appointed to 3-year term</u>
5	2	2	1
6	2	2	2
7	3	2	2

8	3	3	2
9	3	3	3

All members to serve until their appointments expire or until their successors are appointed. No member shall serve more than two (2) successive full terms, regardless of the length of the terms.

The board may elect by secret ballot one (1) of its members as chairperson, who shall preside at all meetings of the board and shall perform all duties and functions of the chairperson thereof. The board may elect, in the same manner, one (1) of its members as vice chairperson who shall act as chairperson during the absence or incapacity of the chairperson, and when so acting, the vice chairperson shall have and perform all the duties and functions of the chairperson. In the event neither the chairperson nor vice chairperson can attend a regular or special meeting, the chairperson shall designate a member of the board as acting chairperson for that meeting only. The term of office of the chairperson and vice chairperson shall be for one (1) year, and no person shall serve for more than two (2) consecutive terms in the same office, unless such election to the immediately subsequent term be made by the members of the board by a unanimous vote. The chairperson or vice chairperson may resign from his or her office at any time during his or her term and may do so without resigning from the board. In such event, the board shall elect another member to replace him or her and such person shall serve the unexpired term of office of the person he or she replaces. A majority of the presently serving members of the board shall constitute a quorum for the purpose of conducting business thereof. The members of the board shall serve without compensation.

(Ord. 1148, Sec. 5; Code 2002, 8-705; Code 2014)

1-1506. Human Resources Director.

There is hereby created the position of human resources director of the City to be appointed by and directly responsible to the City Manager. Among the duties to which the director shall be assigned is that of administrative staff member to the board. The salary of the director shall be fixed by the Governing Body.

(Ord. 1148, Sec. 6; Code 2002, 8-706; Code 2014)

1-1507. Administration; Complaint Procedure.

(a) Any person claiming to have been subjected to any discriminatory practice as defined by this Article may file a complaint by appearing before the human relations board of the City and furnishing such information as the human relations board may require. Any complaint filed pursuant to this Section must be filed with the human relations board within 60 days of the date of the alleged incident. Complaints may also be filed in writing with the human resources director or the City Clerk.

(b) Every complaint of a violation of this Article shall be referred to the human relations advisory board of the City. The human relations advisory board shall forthwith notify the person against whom the complaint is made. The identity of the aggrieved person shall be made known to the person against whom the complaint is made at that time. Upon the filing of a complaint, the human relations advisory board shall notify in writing the person who is charged by the complaint and may designate three (3) of its members to make a prompt and full investigation of the unlawful discriminatory housing practice alleged, or may direct investigation to be made by the human resources director or such other person or persons they shall designate. Such human relations committee or other investigator shall make a determination and report to the full board the findings of their investigation within thirty (30) days after original receipt of such complaint by the human relations advisory board, provided that for good cause shown, the human

relations advisory board chairperson may grant one additional thirty (30) day period to make findings. If the human relations advisory board, after its investigation and the investigation, if any, conducted by authorized employees of the City, finds that there is no merit to the complaint, the same shall be dismissed. If the human relations advisory board finds that there is merit to the complaint, in their opinion, then and in that event, the human relations advisory board will endeavor to eliminate the alleged discriminatory practice by conference and conciliation.

(c) If the human relations advisory board is unable to eliminate the alleged discriminatory practice by a conference and conciliation, then and in that event, the human relations advisory board shall forward the complaint together with the report of the board as a whole to the Governing Body of the City who shall direct further action as they deem appropriate.

(Ord. 1148, Sec. 7; Code 2002, 8-707; Code 2014)

1-1508. Validity.

The provisions of this Article are severable and if any provision, sentence, clause, section or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Article or their application to other persons or circumstances. It is hereby declared to be the intent of the Governing Body that this Article would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section, or part had not been included therein, and if the person or circumstances to which the Article or any part thereof is inapplicable had been specifically exempted therefrom.

(Ord. 1148, Sec. 8; Code 2002, 8-708; Code 2014)

ARTICLE 16. PARKS AND RECREATION ADVISORY BOARD**1-1601. Established.**

There is hereby created a Parks and Recreation Advisory Board of the City of Bonner Springs, Kansas.

(C.O. No. 10, Sec. 2; Code 2014)

1-1602. Members.

The Parks and Recreation Advisory Board shall consist of seven (7) members who shall be appointed by the Mayor and confirmed by the Governing Body of the City.

(C.O. No. 10, Sec. 3)

1-1603. Terms.

Each member of the Parks and Recreation Advisory Board shall serve a term of three (3) years. The terms of two (2) members of the board shall expire in December of 1984; the terms of two (2) members shall expire in December 1985; and the terms of three (3) members shall expire in 1986. Thereafter each member appointed shall serve for a term of three (3) years.

(C.O. No. 10, Sec. 4)

1-1604. Vacancies.

Whenever a vacancy shall occur in the membership of the board, the vacancy shall be filled as provided above for the appointment of members for the unexpired term of the member he or she is succeeding.

(C.O. No. 10, Sec. 5)

1-1605. Duties.

The Parks and Recreation Advisory Board, through the Parks & Recreation Director, shall make reports and recommendations to the Governing Body on all matters referred to it and such further recommendations as deemed advisable.

(Code 1970, 18-20; Code 2014)

1-1606. Attendance.

Any member that misses three (3) meetings in a row will be removed from the board.

(Code 1970, 18-20; Code 2014)

1-1607. Officers.

The Parks and Recreation Advisory Board shall annually elect a president and secretary and such other officers as may be deemed necessary for the conduct of its business.

(Code 1970, 18-23)

ARTICLE 17. SENIOR CENTER ADVISORY COMMITTEE**1-1701. Advisory Committee Created.**

There is hereby created the Senior Center Advisory Committee to advise the Governing Body of the City on matters relating to senior citizens issues and facilities within the City.

(Ord. 1496; Code 1989)

1-1702. Organization.

(a) The Senior Center Advisory Committee shall be a committee of five (5) members appointed by the Mayor and confirmed by the Governing Body of the City for terms of three (3) years, the initial terms to be as follows: two (2) appointees to serve for three (3) years, two (2) appointees to serve for two (2) years and one (1) appointee to serve for one (1) year. One (1) member of the Governing Body of the City will serve as an ex-officio member. No more than one (1) member shall be a non-resident of Bonner Springs at any one time.

(b) All appointees except the ex-officio member will serve a maximum of one (1) term.

(Ord. 1537, Sec. 1, Ord. 2307)