

## CHAPTER I. ADMINISTRATION

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### ARTICLE 1. GOVERNING BODY

**1-101. CITY COUNCIL TO BE THE GOVERNING BODY.** The City Council shall constitute the municipal government of the City of Spring Hill, Kansas, and shall consist of a mayor and five (5) council members.

**1-102. ELECTION OF CITY COUNCIL AND MAYOR, TERMS OF OFFICE AND VACANCIES.**

- A. Election of City Council and Mayor, Terms of Office. The mayor and five council members shall constitute the governing body of the city and shall be elected for four-year terms or until their successors are qualified.
- B. Vacancies.
  - 1. Vacancy in Office of Mayor. In case of a vacancy in the office of mayor, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the council member becoming mayor.
  - 2. Vacancy in City Council. In case of a vacancy in the council occurring by reason of resignation, death, or removal from office or from the city, the mayor, by and with the advice and consent of the remaining council members, shall appoint some suitable elector to fill the vacancy until the next election for that office.
  - 3. Vacancy in City Council Due to Active Military Service. If a resignation of a council member is due to active military duty, the Mayor, by and with the advice and consent of the remaining council members, shall appoint some suitable elector to fill the vacancy ("successor councilmember") until the first to occur of the following two events:
    - a. Until the next election of that office, or
    - b. Until the effective date of the return of the councilmember from the active military duty ("returning councilmember"). The effective date of the return of the council member shall be the date of filing of a written notice with the City Clerk signed and acknowledged by the returning councilmember, that he or she has returned from active military duty.

Effective upon the filing of the aforesaid written notice with the City Clerk, by operation of law,

the following shall deemed to have occurred:

- a. The successor councilmember's term of office shall terminate.
- b. The returning councilmember shall be deemed to have been reappointed to the office he or she held prior to his or her resignation for the remaining unexpired term office vacated by the returning councilmember at the time of his or her's original resignation.

The City Clerk shall issue a certificate that the aforesaid written notice has been filed with the City Clerk and the City Clerk shall deliver a copy of the certificate to the Governing Body.

The returning council member shall be required to be a qualified elector and be required to take the oath of office, provide the required bond, and otherwise meet all other qualifications to hold such office.

- C. Forfeiture of Office. In case any person elected or appointed as a council member neglects or refuses to qualify within thirty (30) days after his or her election or appointment, he or she shall be deemed to have refused to accept such office and a vacancy shall exist, and thereupon the mayor may, with the consent of the remaining council member, appoint some suitable elector to fill said vacancy.

(Charter Ord. 20)

**1-102A. COMPENSATION, BENEFITS & EXPENSES.** The Governing Body shall establish the amount of compensation, benefits and expenses of the Mayor and members of the City Council by resolution. (Ord. 2005-42)

**1-103. QUALIFICATIONS.** The mayor and each of the councilmembers of the city shall be qualified electors of said city. (K.S.A. 15-209); (Ch Ord. 12; Ord. 1146)

**1-104. HOLDING OFFICE.** (Repealed by Ord. 2008-20)

**1-105. POWERS GENERALLY.** All powers conferred upon cities of the third class by the laws of the State of Kansas shall be exercised by the governing body subject to such limitations as may be prescribed by law. All executive and administrative authority granted or limited by law shall be vested in the mayor and council of the City of Spring Hill, as the governing body of the city. (K.S.A. 12-103)

**1-106. ORDINANCE POWERS.** The governing body shall have the care, management and control of the city and its finances, and shall have power to enact, ordain, alter, modify or repeal any and all ordinances not repugnant to the constitution and laws of the State of Kansas and such as it shall deem expedient for the good government of the city, the preservation of peace and good order, the suppression of vice and immorality, the benefit of trade and commerce, the health of inhabitants thereof and such other ordinances, rules and regulations as may be necessary to carry such power into effect.

**1-107. ADMINISTRATIVE POWERS; COMMITTEES; MAYOR.** It shall be the duty of each committee to act promptly and faithfully in all matters referred to it and to make a report thereof at the next meeting of the governing body. The governing body may designate whether the administration of a policy or the carrying out of any order of the governing body shall be performed by a governing body committee, an appointive officer of the city or the mayor. If no administrative authority is designated by ordinance or other action of the governing body, the authority shall be exercised by the mayor as provided by law. (K.S.A. 15-301:302, 305:306, 308)

**1-108. ORDINANCE: CONSIDERATION; AMENDMENT; PASSAGE.** The ordaining clause of all ordinances shall be "Be it Ordained by the Governing Body of the City of Spring Hill". All ordinances shall be read and considered section by section at a public meeting of the governing body, at which time amendments may be made to any section or sections upon motion duly made and carried; and upon the reading and final consideration of the ordinance, the question shall be stated by the presiding officer: "Shall the ordinance be passed as read?" (or as read and amended), and the clerk shall call the roll of the governing body. The vote on the final passage of the ordinance shall be taken by "yeas" and "nays" which shall be entered on the journal of proceedings of the governing body by the city clerk (or in his absence by a member of the governing body to be designated by the governing body to act as clerk pro tempore). No ordinance shall be passed unless a majority of all the members of the governing body elect shall vote in favor thereof.

**1-109. ORDINANCES: PUBLICATION REQUIRED; DUTIES OF THE CITY CLERK.** The city clerk shall cause all ordinances (except those appropriating money) to be published, as soon as practicable after their passage, in the official city newspaper which shall have been designated by the governing body, and no ordinance having any object beyond the bare appropriation of money shall be in force until published in such newspaper. One (1) publication of any such ordinance shall be sufficient. The publisher of the newspaper shall prefix such ordinance by a line in brackets, stating correctly the date of such publication, thus: (Published \_\_\_\_\_, 19\_\_), giving the month, day and year of the publication. The city clerk shall immediately upon the final passage and approval of each ordinance enter the same in the "Ordinance Book" of the city as provided by law and append thereto a note reciting the manner in which the ordinance passed, the date of its 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. Such note shall be in substantially the following form:

"**NOTE:** Ordinance No. \_\_\_\_\_ passed the \_\_\_\_ day of \_\_\_\_\_, 19\_\_.  
Record of final vote on passage, page \_\_\_\_\_, Journal No. \_\_\_\_\_  
Published in \_\_\_\_\_ the \_\_\_\_ day of \_\_\_\_\_ 19\_\_."

**1-110. RESOLUTIONS AND MOTIONS, PASSAGE.** 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 council.

**1-111. EMERGENCY GOVERNMENT.** In the event of a catastrophe in which all, or a majority, of the members of the governing body are fatally injured, the interim governing body shall be composed of the city clerk, city attorney, clerk of the court, and surviving council members.

**1-112. PRESIDENT OF COUNCIL: ELECTION; POWERS AND DUTIES.**

- a. The City Council shall, at its regular meeting following any city election, elect one of its members as "President of the Council." When any vacancy, absence or disability shall happen in the office of mayor, the president of the council for the time being shall become the acting mayor and shall exercise the office of mayor, and all the rights, privileges and jurisdiction of the mayor, other than the appointment of officers pursuant to Section 1-401 of the SHMC, and amendments thereto, until such vacancy be filled at the next city election or until such disability be removed, or in the case of temporary absence, until the mayor shall return. Such council member shall retain all his voting rights and other prerogatives as council member while acting as mayor.  
(K.S.A. 15-310:311) (Ord. 2008-03) (Ord. 2013-08)
- b. The President of the Council, upon becoming acting mayor as provided by Section 1-112(a), shall sign ordinances, resolutions, contracts or agreements authorized by the City Council due to the absence of the mayor. The acting mayor when directed by the city council shall sign the ordinance, resolution, contract or agreement as follows: "(Name) (Title) and "by direction of the city council, the mayor being absent from the meeting. (Ord 2013-08)

**1-113. VACANCIES IN ELECTIVE OFFICES; HOW FILLED.** Vacancies in elective offices shall be filled as follows:

- a. In case of a vacancy occurring in the office of mayor, the president of the council shall become mayor until the next regular election for that office and a vacancy shall occur in the office of the councilman becoming mayor.
- b. When a vacancy shall occur in the governing body, the mayor, by and with the advice and consent of the remaining councilmembers, shall appoint some suitable elector to fill the vacancy until the next election for that office. (K.S.A. 15-311; K.S.A. Supp. 15-201; Ch. Ord. 4)

**1-114. PROHIBITING DISCRIMINATION AND HARASSMENT.**

- a. It is the policy of the city to provide fair and equal treatment to all persons in the access to and administration of government services. The city does not discriminate against any qualified or eligible person in the provision of its services, the administration of its programs, or in the participation of its activities on the basis of race, color, sex or gender, religion or creed, age, disability, pregnancy, genetic information, ancestry or national origin, military status or membership or service in the military. The city shall comply with all applicable federal, state, and local laws, rules, regulations, and grant provisions for the protection of the rights of all persons in the provision of and access to services, programs, and activities.
- b. It is the policy of the city to prohibit and prevent discrimination against any person on the basis of physical or mental disability in employment, access to city facilities, and access to programs and services offered by the city. No qualified, eligible person shall be denied the benefit of, participation in, access to, or opportunity for any service, program, activity, employment, or other consideration provided by or through the city, or its officials, agents or employees due to or on the basis of any disability. The city shall take action consistent with applicable state and federal law to provide access to all such facilities, services, programs, and the like, and make reasonable accommodation to the known disabilities of qualified employees and applicants for employment.
- c. This ordinance and the policy statements provided herein are applicable to all city officials, elected or appointed, including but not limited to the Mayor and Council Members, all employees and officers of the city, and all appointed board members, advisory board members, volunteers, agents, or others providing services for or acting on behalf of the city.
- d. It is the policy of the city to provide equal opportunity in employment to all employees and applicants for employment. No person will be discriminated against in any aspect of employment because of race, religion, color, sex or gender, age, national origin, disability, military status, genetic information, or any other characteristic protected by applicable federal or state law. The city prohibits and will not tolerate unlawful discrimination by elected and appointed officials, including but not limited to the Mayor and Council Members, or officers or employees against any officer, employee, or applicant for employment.
  1. This ordinance applies to all terms, conditions, and privileges of employment and all city policies.
  2. The city will take direct and immediate action to prevent, correct, and address all reported instances of discrimination.
  3. The city will make reasonable accommodations for the impairments of qualified employees and applicants for employment with disabilities, consistent with the qualifications required for the essential functions of the position, unless the accommodation would cause undue hardship. The city will make reasonable accommodations for individuals' bona fide religious beliefs and practices to the extent required by federal or state law, unless such accommodation would result in undue hardship.

4. The city shall comply with all applicable federal, state, and local laws, rules, and regulations for the protection of the rights of applicants and employees, including federal and state employment-related statutory recordkeeping and notice requirements.
  5. The city has adopted personnel policies prohibiting discrimination in the workplace applicable to all city officers and employees and set forth with in the Employee Handbook for the City of Spring Hill, Kansas.
- e. It is the policy of the city to prohibit harassment in the workplace and not to tolerate verbal or physical conduct by any elected or appointed official or officer or employee that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment. The city prohibits all forms of harassment, especially based upon race, color, sex or gender, religion or creed, age, disability, pregnancy, genetic information, ancestry or national origin, military status or membership or service in the military.
1. The city will take direct and immediate action to prevent harassment in the workplace, and to address all reported instances of such inappropriate behavior.
  2. The city specifically prohibits inappropriate or offensive sex- or gender-based conduct in the workplace. Sexual harassment is any form of unwelcome conduct of a sexual nature in the workplace that is directed at or adversely affects an individual of either sex. Such prohibited conduct includes:
    - A. Unwanted physical contact or conduct, including sexual advances, propositions, or flirtations;
    - B. Requests or pressure of any kind for sexual favors, activities, or contact;
    - C. Verbal harassment of a sexual nature, such as lewd comments, sexually explicit jokes or comments, or abusive, degrading, intimidating, or offensive personal references;
    - D. Physical contact or touching of a sexual nature, including physical or sexual assault; and,
    - E. Display, circulation, or communication of any sexually suggestive, demeaning, explicit, insulting or offensive objects, pictures, or written, recorded, or electronically transmitted materials of any kind.
  3. Other forms of harassment which are based on race, color, sex or gender, religion or creed, age, disability, pregnancy, genetic information, ancestry, or national origin, military status or membership or service in the military are also specifically prohibited and include offensive conduct directed at or adversely affecting an individual. This includes but is not limited to:
    - A. Either explicitly or implicitly ridiculing, mocking, deriding, or belittling any person, based upon his/her race, color, sex or gender, religion or creed, age, disability, pregnancy, genetic information, ancestry, or national origin, military status or membership or service in the military.
    - B. Making offensive or derogatory comments to any person, either directly or indirectly, based upon his/her race, color, sex or gender, religion or creed, age, disability, pregnancy, genetic information, ancestry, or national origin, military status or membership or service in the military.
  4. The city has adopted personnel policies prohibiting harassment in the workplace applicable to all city officers and employees and set forth within the Employee Handbook for the City of Spring Hill, Kansas.

f. Reporting allegations of discrimination or harassment in the workplace:

1. Officers, employees, and applicants are encouraged to report any concerns with regard to being subjected to discrimination or harassment in the workplace. Officers and employees who witness or become aware of others being subjected to discrimination or harassment in the workplace must report those concerns consistent with this ordinance and/or the provisions set forth within the Employee Handbook for the City of Spring Hill, Kansas, as applicable.
2. Retaliation against any individual for reporting an allegation or concern of discrimination or harassment is strictly prohibited and will result in disciplinary action up to and including termination of employment for employees and officers, and sanction, removal from appointment, public censure, or other appropriate consequence for appointed or elected officials.
3. Any complaint directed against or with regard to conduct of the City Administrator or a City Council member should be promptly reported to the Mayor (or the Mayor pro tem if the Mayor is the subject of the complaint) and the City Attorney.
4. Any complaint directed against or with regard to the conduct of the City Attorney shall be promptly reported to the Mayor and the City Administrator.
5. Any employee or applicant who becomes aware of situations involving unwelcome or inappropriate behavior directed toward him or her or against another employee of the city, should immediately report the matter Human Resources Generalist/Risk Manager.
  - A. While employees are encouraged to report such allegations directly to the Human Resources Generalist/Risk Manager, employees may also report such allegations to a supervisor, manager, or department head without regard to the chain of command.
  - B. Any supervisor, manager, or department head who receives a complaint or allegation of discrimination or harassment must immediately report the complaint or allegation to the Human Resources Generalist/Risk Manager.
  - C. Any complaint or allegation directed against the Human Resources Generalist/Risk Manager shall be promptly reported to the City Administrator.

g. Investigating allegations of discrimination or harassment in the workplace:

1. Upon receipt of any complaint or allegation of discrimination or harassment in violation of this ordinance or the provisions of Employee Handbook for the City of Spring Hill, Kansas prohibiting discrimination and harassment in the workplace, the city will immediately initiate an administrative investigation of the matter.
  - A. All employees, officers, appointed and elected officials will fully cooperate with the administrative investigation without fear of retaliation or reprisal.
  - B. To the extent possible in light of the applicable law, city policies, and the purpose of the ordinance, the investigator shall conduct the investigation in a confidential manner.
  - C. The investigator shall: take statements from the complaint or reporting party, witnesses, any employee, officer, or elected or appointed official, and other involved parties as appropriate in his or her discretion; make and document his or her findings and conclusions; and recommend appropriate disciplinary action, if any.

2. If the complaint or allegation is directed against an officer or employee, the Human Resources Generalist/Risk Manager will immediately open and maintain a file regarding the matter and notify the City Attorney. The Human Resources Generalist/Risk Manager will ordinarily conduct an investigation alleging discrimination or harassment by an officer or employee of the city; however, the Human Resources Generalist/Risk Manager in consultation with the City Attorney may assign the investigation of the matter to the City Attorney, outside counsel, or a third-party, when appropriate.
3. If the complaint is directed against the Human Resources Generalist/Risk Manager, the City Administrator, the City Attorney, or a member of the Governing Body, the city shall employ outside counsel or a third-party outside city employment to conduct the investigation.
4. Upon completion of the administrative investigation, the investigator will submit his or her written findings and recommendations.
  - a. If the investigation concerns the alleged misconduct of an employee, the investigator shall report his or her findings, conclusions, and recommendations to the employee's department head, the City Administrator, and the City Attorney.
  - b. If the investigation concerns the alleged misconduct of an officer, the investigator shall report his or her findings, conclusions, and recommendations to the City Administrator and the City Attorney. The City Administrator and/or the City Attorney shall advise the Governing Body in executive session of any violation of this ordinance or the provisions of Employee Handbook for the City of Spring Hill, Kansas prohibiting discrimination and harassment in the workplace by an officer. The City Administrator shall recommend any disciplinary action to the Governing Body in executive session consistent with the provisions of the Employee Handbook.
  - c. If the complaint is directed against the Human Resources Generalist/Risk Manager, the City Administrator, the City Attorney, or a member of the Governing Body, the investigator shall report his or her findings, conclusions, and recommendations to:
    - i. If regarding the Human Resources Generalist/Risk Manager, to the City Administrator and City Attorney;
    - ii. If regarding the City Administrator, to the City Attorney and the Governing Body;
    - iii. If regarding the City Attorney, to the City Administrator and the Governing Body;
    - iv. If regarding a member of the Governing Body, first to the City Attorney, and then in consultation with the City Attorney to either the Mayor or the Governing Body, as appropriate in light of the specific circumstances

(Ord 2017-04)

**1-115. EMPLOYMENT OF SEASONAL EMPLOYEES AND EXEMPTIONS TO THE EMPLOYEE HANDBOOK FOR THE CITY OF SPRING HILL, KANSAS FOR SEASONAL EMPLOYMENT.**

- a. Seasonal employees shall not be subject to the provisions of Article VI – Discipline of the Employee Handbook of the City of Spring Hill, Kansas or the disciplinary provisions of the Uniform Personnel Rules and Regulations of the City of Spring Hill, Kansas.
- b. Seasonal employees shall not have access to the grievance procedure contained within the Employee Handbook of the City of Spring Hill, Kansas or the disciplinary provisions of the Uniform Personnel Rules and Regulations of the City of Spring Hill, Kansas.

- c. The City Administrator may suspend or terminate the employment of any seasonal employee upon the written recommendation of the Department Head responsible for the management and supervision of the facility, operation, or functional unit of for which the seasonal employee has been hired to perform services.
  - 1. Prior to submitting a recommended suspension or termination from employment for a seasonal employee, the Department Head shall meet with the employee, document the reason for the proposed suspension or termination from employment, and provide the seasonal employee with the reason for the proposed action and the opportunity to respond both verbally in writing to the proposed disciplinary action. Any written response from the seasonal employee shall be included with the recommended disciplinary action submitted to the City Administrator.
  - 2. The City Administrator shall review the proposed suspension or termination from employment for a seasonal employee and make a determination to approve, deny, or amend the proposed suspension or termination from employment. The decision of the City Administrator shall be final and not subject to further grievance or appeal.
- d. The Governing Body and the City Administrator hereby delegate the authority to issue all other disciplinary action to seasonal employees, other than suspension or termination from employment, to the Department Head responsible for the operation of the facility, program, or functional services or operation employing seasonal employees, including but not limited to coaching, verbal counseling, verbal reprimands, written reprimands, or the issuance of points or demerits under any disciplinary procedures and rules or regulations adopted pursuant to this Ordinance and the authority delegated herein. The Department Head responsible for the operation of the facility, program, or functional services or operation employing seasonal employees may delegate such authority to issue disciplinary action to seasonal employees to supervisors or managers under his or her supervision as appropriate to ensure the effective and efficient operation of seasonal operations and facilities.
- e. The Governing Body hereby delegates to the City Administrator the authority to approve, adopt, and amend, as needed, disciplinary procedures, rules and regulations, standard operating procedures, bonus programs, and any other administrative practices appropriate or necessary for the discipline, supervision, management, and operation of the Spring Hill Aquatic Center, seasonal employees performing services at or for the Spring Hill Aquatic Center, and seasonal employees hired to perform services in any other capacity for the City of Spring Hill, Kansas, subject to the following guidance:
  - 1. The Department Head responsible for the operation of the facility, program, or functional services or operation employing seasonal employees shall submit written disciplinary procedures, rules and regulations, standard operating procedures, bonus programs, and any other administrative practices for the discipline, supervision, management, and operation to the City Administrator for his or her written approval.
  - 2. Other than the exemptions, exception, and delegations of authority set forth herein, all such disciplinary procedures, rules and regulations, standard operating procedures, bonus programs, and any other administrative practices for the discipline, supervision, management, and operation shall be consistent with the Municipal Code for the City of Spring Hill, Kansas, the Employee Handbook for the City of Spring Hill, Kansas, and the Uniform Personnel Rules and Regulations of the City of Spring Hill, Kansas.
  - 3. Disciplinary procedures, rules and regulations, standard operating procedures, bonus programs, and any other administrative practices for the discipline, supervision, management, and operation shall be distributed to employees.
  - 4. The compensation rates for seasonal employees shall be subject to the Governing Body's salary and compensation resolution.



5. Seasonal employees shall be subject to the provisions, prohibitions, reporting procedures, and protections contained within Chapter 1, Article 1, Section 1-114 of the Spring Hill Municipal Code (Ordinance 17-04) regarding the prohibition of discrimination and harassment in the workplace and Article IX of the Employee Handbook for the City of Spring Hill, Kansas – Equal Employment Opportunity and Unlawful Treatment.
- f. Seasonal employees are exempt from any and all residency requirements and provisions contained within the Municipal Code for the City of Spring Hill, Kansas, the Employee Handbook for the City of Spring Hill, Kansas, and the Uniform Personnel Rules and Regulations of the City of Spring Hill, Kansas.
- g. Seasonal employees are exempt from any leave or benefits, other than workers' compensation, contained within the Municipal Code for the City of Spring Hill, Kansas, the Employee Handbook for the City of Spring Hill, Kansas, and the Uniform Personnel Rules and Regulations of the City of Spring Hill, Kansas, except and unless mandated by state or federal law.
- h. Seasonal employees hired and performing services for the City of Spring Hill, Kansas exclusively at the Spring Hill Aquatic Center are subject to the seasonal amusement exemption to the overtime and minimum wage provisions of the Fair Labor Standards Act and shall not be entitled to overtime compensation or compensatory time in lieu of overtime.
- i. Seasonal employees are exempt from any additional compensation provisions contained within the Employee Handbook for the City of Spring Hill, Kansas, including but not limited to, longevity pay, holiday pay, call-back time, on-call pay, and the like; provided that, the City Administrator may establish a bonus program for seasonal employment for specific seasonal programs as referenced herein.

## **ARTICLE 2. ORDER OF BUSINESS**

**1-201. RULES ESTABLISHED.** The following rules be and the same are hereby established for the mayor and the council of this city:

Rule 1. The mayor and council members shall have regular sessions as follows:

- A. On the second Monday in January following the certification of the election of the mayor or a city council member; and
- B. On the second and fourth Thursday of each month.

The regular meetings shall commence at the hour of seven o'clock (7:00) P.M., and adjourned sessions at any other time they may deem appropriate

The city council may conduct any business of the city during any of the regular meetings.

Special meetings may be called by the mayor, or acting mayor, on the written request of any three members of the council, specifying the object and purpose of such meeting, which shall be read at the meeting and recorded in the journal of the minutes of the meetings of the council. In all cases it shall require a majority of the membership of the city council to constitute a quorum to do business; but a smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as the council, by ordinance, may have previously prescribed. (Ord. 95-15) (Ch Ord. 17) (Ord. 2008-30) (Ord 2016-16)

Rule 2. The mayor shall preside at all meetings of the council and shall have a casting vote and no other. In the absence of the mayor, the president of the council shall preside. In the absence of both, the councilmembers shall elect one of their members as temporary chairman, who shall be styled "Acting President of the Council." The president and acting president, when occupying the place of the mayor, shall have the same privileges as other members.

Rule 3. At all meetings of the council, three members or fewer may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as the council, by ordinance, may have previously prescribed. (Ch Ord. 17)

Rule 4. At the hour appointed for meeting, the members shall be called to order by the mayor, and in his absence by the president of the council, and in the absence of both, by the clerk. The clerk shall call the roll, note the absentees, and announce whether a quorum be present.

Rule 5. The mayor shall preserve order and decorum and shall decide questions of order subject to an appeal to the council.

Rule 6. Every member previous to his speaking shall address himself to the chairman and shall not proceed until he has been recognized by the chair. He shall indulge in no personalities and confine his remarks to the matter under debate.

Rule 7. No member shall speak more than twice to any question nor more than five minutes each time without leave of the council.

Rule 8. A member called to order shall immediately suspend until the point of order raised is decided by the chair.

Rule 9. Every motion except to adjourn, postpone, reconsider, commit, lay on the table, or for the previous question, shall be reduced to writing if the chair or any member requires it; when made and seconded, it shall be stated by the chairman or being written shall be read by the clerk, and may be withdrawn before decision or amendment, or any disposition thereof has been made, or a vote thereon had.

Rule 10. All resolutions must be in writing.

Rule 11. When a question is under debate no motion shall be entertained, unless to adjourn, to lay on the table, to take the previous question, to postpone, or commit, or to amend, which several motions shall have precedence in the order in which they are named, and the first three (3) shall be decided without debate.

Rule 12. Any member may call for a division of a question when the same will admit thereof.

Rule 13. When a question is put by the chair, every member present shall vote unless for special reason the council shall excuse him; but if interested he shall not vote. In doubtful cases the chair may direct, or any member shall call for a division. The yeas and nays shall be called upon a requisition of the chair or any member, and upon the final passage of all ordinances in which case the names of the members voting shall be recorded in the minutes.

Rule 14. All questions shall be put in the order in which they are moved, whether in committee or in council, except in case of privilege questions; and in filling blanks the longest time and the largest sum shall be first.

Rule 15. On forming a committee of the whole council the chairman shall leave the chair and shall call upon some member to preside.

Rule 16. The rules of the council shall be observed in committee of the whole so far as they are applicable. Neither the previous question nor a motion to adjourn shall be put in the committee of the whole.

Rule 17. A motion that the committee rise and report shall always be in order and shall be decided without debate.

Rule 18. The clerk shall only enter on the record, such proceedings of the committee of the whole as may be reported to the council by the chairman of the committee, which report shall be made immediately on the rising of the committee.

Rule 19. The previous question shall be put in these words: "Shall the main question now be put?" It shall be admitted on demand of any two (2) members and until decided shall preclude all amendments and debate of the main question.

Rule 20. All committees shall be appointed by the chair, unless expressly ordered otherwise by the council.

Rule 21. The standing committees shall be the following, to wit:

1. Committee of the Whole.  
(Ord. 2003-06)

Rule 22. It shall be the duty of the committees to act promptly and faithfully in all matters referred to them and to make their reports in writing at the next meeting of the council.

Rule 23. Every ordinance shall be introduced by a committee to whom the subject matter may have been referred by a resolution or otherwise, or by a member by leave, asked or granted.

Rule 24. Every ordinance shall be read by sections, at which time amendments, if any, are to be offered; but the reading of any section shall not preclude the offering of an amendment to any preceding one. If no amendments are made, the chair shall so report, and each section shall be read as amended before the vote on the passage of the ordinance is taken.

Rule 25. After an ordinance shall have passed, an enrolled copy thereof shall be made by the clerk, and after having been carefully compared with the original by the ordinance committee shall be signed by the mayor or in his absence by the president of the council, and deposited with the clerk, who shall file and record the same and secure its publication as required by law.

Rule 26. When an ordinance shall be returned by the mayor to the council with his objections thereto, the objections shall be entered at large upon the journal, and the council shall proceed to reconsider the ordinance, upon which reconsideration the question shall be: "Shall the ordinance pass, the mayor's objections thereto notwithstanding?" If two-thirds (2/3) of the members of the council elected shall vote for the ordinance, it shall be endorsed by the president as having been passed by the council over the mayor's veto, and should the mayor neglect or refuse to sign any ordinance and return the same with his objections in writing at the next regular meeting of the council, the same shall become a law without his signature.

Rule 27. Petitions and other papers addressed to the council shall be read by the clerk under the proper order of business upon presentation of the same to the council.

Rule 28. No person, other than the mayor and members of the council shall be admitted within the bar of the council, except city officers, unless by unanimous consent.

Rule 29. When the mayor and councilmembers are in executive session, the council chamber shall be cleared by the marshal of all persons but the clerk and such other officers and persons as may be desired to attend. All remarks and proceedings of an executive session shall be kept secret except such as are announced by the mayor in open council.

Rule 30. The city marshal-chief of police shall attend all meetings of the council and preserve order in the room.

Rule 31. It shall require a majority of the members elect to confirm any nominations made by the mayor, but when the council is evenly divided the mayor shall have a casting vote.

Rule 32. These rules, or any of them, may be temporarily suspended by consent of two-thirds (2/3) of the councilmembers elect.

Rule 33. In all points not covered by these rules the council shall be governed in its procedure by Robert's Rules of Order.

### **ARTICLE 3. OATHS AND BONDS**

**1-301. OATH OF OFFICE.** All officers elected or appointed under any law of the State of Kansas 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 \_\_\_\_\_ So help me God." (K.S.A. 54-106)

**1-302. BONDS OF CITY OFFICERS.** Before entering upon the duties of their respective offices, the following officers shall execute and deliver to the governing body for its approval good and sufficient surety bonds in the amounts as hereinafter provided, conditioned upon the faithful and efficient performance of duty in their respective offices:

- a) City Clerk \$100,000.00;
- b) Finance Director/City Treasurer \$100,000.00;
- c) Assistant City Clerk \$ 15,000.00;
- d) Municipal Court Clerk \$100,000.00.

(Ord. 2007-12)

### **ARTICLE 4. OFFICERS AND EMPLOYEES**

**1-401. OFFICERS, EMPLOYEES, APPOINTMENT, DUTIES, COMPENSATION, DISCIPLINE AND TERMINATION.**

- A.** The Mayor, with the consent of the City Council may appoint the following officers, to wit: A city administrator, municipal judge of the municipal court, a city clerk, a city treasurer, a chief of police, a director of public works, a director of finance, a director of community development and such other officers as deemed necessary; and may retain a licensed professional engineer to act in the capacity of city engineer for specifically defined duties. The duties and pay of the various officers provided for in this section shall be regulated by resolution.
- B.** The Governing Body shall have the authority to discipline, including the authority to terminate, the foregoing appointive officers listed in Section 1-401.A. The City Administrator shall submit his recommendation to the Governing Body with respect to the disciplinary actions relating to the appointive officers.

- C. The City Administrator, shall have the authority to appoint, discipline, including the authority to terminate all other employees pursuant to the Employee Handbook for the City of Spring Hill, Kansas. The appropriate department head shall submit a recommendation to the City Administrator with respect to the disciplinary actions relating to the employee.

(K.S.A. 15-204, Ch Ord. 14) (Ord. 99-10) (Ch. Ord. 35, Ord. 2013-20)

**1-402. QUALIFICATIONS.**

- A. The officers and/or employees appointed pursuant to Section 1-401 shall be a resident of the State of Kansas.
- B. In addition to the requirement set forth in Section 1-402(A), the following officers and/or employees shall have the following additional residency requirements:

1. City Administrator and Chief of Police shall be residents of the City.
2. All other Department Heads and Law Enforcement Personnel.

All other department heads and law enforcement personnel of the City, including but not limited to the Director of Public Works, Finance Director, Planning and Zoning Director and the City Clerk, shall be required to live within a thirty (30) minute drive of their Department's Headquarters.

3. The City Attorney shall be a qualified elector of either Miami County or Johnson County, or an adjoining county of Miami or Johnson County.
- C. The removal from the residency requirement to be maintained by the officer and/or employee, pursuant to Section 1-402(A) and (B), shall occasion a vacancy in any office and the officer and/or employee shall be terminated.

(Ord. 2003-08)

**1-403. CITY CLERK: RECORDS; JOURNAL; ORDINANCE DUTIES.** It shall be the duty of the city clerk to be custodian of the city records, and make and keep a record of all proceedings and meetings of the governing body in a minute book provided therefor by the governing body. He shall make a record of all ordinances passed by the governing body in an ordinance book provided by it, and shall cause all such ordinances to be published in the form directed by the governing body and as required by law. He shall file all notices of the publication of ordinances passed by the governing body and shall file all papers and records, which shall, at all reasonable times, be open to public inspection.

**1-404. CITY CLERK: RECORDS OF LICENSES, PERMITS, RECEIPTS, BONDS.** He shall keep in a book provided for him by the governing body a record of licenses and permits, and of all warrants drawn upon the treasurer of the city, and a full account of all receipts and expenditures of the city. He shall keep a full and accurate account of the bonds issued by the city, and shall record them in a book by number, date and amount of each individual bond, date of maturity, rate of interest and date of cancellation. He shall carry on all the official correspondence of the city, giving the same prompt attention, and shall present for the consideration of the governing body all correspondence received, and replies given.

**1-405. CITY CLERK: ACCOUNTING; FUNDS; MONTHLY REPORTS.** He shall provide for the collection of all money due the city, and shall cause a record to be kept of the various funds into which the money is paid. He shall keep a full account of all purchases and expenditures made by the city, and shall see that warrants for the same are duly drawn upon the proper funds. He shall cause receipts to be issued for all moneys received by the city. He shall make monthly reports to the governing body of receipts and expenditures of the city, stating the various funds into which moneys are received, and from

which moneys were expended, and the balances remaining in each of the several separate funds.

**1-406. CITY CLERK: SEAL; CLAIMS.** He shall have charge of the corporate seal of the city and the power to take acknowledgments. He shall receipt and audit all claims and shall present the same for consideration at the next meeting of the governing body following the time when they are received.

**1-407. MANNER OF PRESENTING CLAIMS / EXCEPTIONS.**

A. Excepting as otherwise provided IN Section 1-407 (B), all claims against this city shall be presenting in writing, with a full account of the items and shall be filed with the city clerk. The city clerk, upon receipt of a claim against this city, prepared and filed as provided in this section, shall audit the same, and upon finding it correct, shall present the same to the governing body at the next regular meeting thereafter, and if such claim is allowed by the governing body the city clerk shall prepare a city warrant, directing the city treasurer to pay the claimant the amount allowed by the governing body and present the same to the mayor for his signature, after which the city clerk shall sign the same, which warrant shall be by the city clerk presented to the city treasurer for processing. (Ord. 01-08)

B. Exceptions:

1. Claims that are routine monthly obligations, including but not limited to the following:
  - (a) Payroll;
  - (b) Payroll related payments such as deposits of payroll deductions and contributions;
  - (c) Deposit of sales taxes collected by the City'
  - (d) Utility expenses, such as telephone, electricity, gas and refuse collections, refunds of utility deposits;
  - (e) Refunds of rental deposits;
  - (f) Reimbursement for employees out-of-pocket expenses; and
  - (g) Reimbursement of petty cash.
2. Claims that are contractual obligations (e.g. bond payments, insurance premiums, progress payments on contracts).
3. Claims that arise out of an emergency. The City Administrator shall immediately advise the Council if this provision is employed.
4. Claims that provide a discount for early payment or penalty for late payment, pursuant to K.S.A. 12-105b (e).
5. Claims by an employee for reimbursement of travel or subsistence allowances, pursuant to K.S.A. 12-105b (f).
6. Claims submitted under a municipality's self-insured health plan, pursuant to K.S.A. 12-105b (g).
7. Claims paid in accordance with payment procedures set forth in the Spring Hill Purchasing Policy adopted by Resolution 421, and amendments thereto.
8. Claims paid in accordance with payment procedures set forth in the Spring Hill Commercial Credit Card Policy adopted by Resolution No. 440, and amendments thereto.

All payments made under Section 1-407(b) will be listed and identified as payments made in accordance with Section 1-407 on the next regularly scheduled Appropriation Order or Ordinance. (Ord. 01-08)

- C. Payments made in accordance with Section 1-407(b) will be subject to all accounting and check-writing procedures established by K.S.A. 12-105(b), other ordinances, resolutions, and practices of the City. (Ord. 01-08)

**1-408. CITY CLERK: ISSUE NOTICES.** He shall issue all notices concerning the cutting of weeds, construction of sidewalks, abatement of nuisances and such other notices as may be required by the city ordinances, and the state laws of Kansas, to be issued, and shall perform such other and further duties as may be provided by the governing body.

**1-409. CITY TREASURER: RECEIPT OF MONIES; ANNUAL STATEMENT.** The City treasurer shall receive all moneys belonging to the city, giving his receipt therefor, and for all moneys received by him/her from any other source than the city clerk. The Treasurer shall give duplicate receipts, causing one of the two (2) to be filed with the city clerk. The Treasurer shall open a ledger account in a book provided by the city and keep therein a record of all money received and paid out. Treasurer shall publish or cause to be published an annual statement of the financial records of the City pursuant to K.S.A. 12-608, 1997 Supp. (Ord. 98-24)

**1-410. CITY TREASURER: DISBURSEMENTS.** He shall pay out of the funds of the city only upon orders or warrants properly signed by the mayor and city clerk; he shall cancel all orders and warrants as soon as paid and shall file them at the time of making quarterly settlements subject to the inspection of the governing body in the office of the city clerk. He shall file with the city clerk on the first day of each month a complete report of the receipts and expenditures of the city during the preceding month, showing the day, amounts received and deducted from and the balance in each fund.

**1-411. CITY TREASURER: QUARTERLY SETTLEMENTS.** He shall make a quarterly settlement with the governing body on the fifteenth days of March, June, September and December of each year. Settlement shall be kept by him in a special book provided by the governing body which shall be endorsed by each member of the governing body making such settlement, showing the names of members approving or disapproving the same. He shall perform such other and further duties as may be provided by the governing body.

**1-412. CITY ATTORNEY; DUTIES.** It shall be the duty of the city attorney, either in person or by special assistant, to represent the city in all courts; he shall draft all ordinances, contracts and agreements; he shall attend all meetings of the governing body. He shall advise the members of the governing body, and the officers of the city upon all legal questions affecting the duties of their respective offices and the interest of the city as may be submitted to him; and he shall exercise and perform such other professional services and duties with reference to the department of law as have been or may hereafter be provided by law or ordinance.

**1-413. MUNICIPAL JUDGE.** The judge of the municipal court shall try all cases cognizable before said court and shall have power to bring parties before it for trial upon complaint duly made. He shall have such authority and powers as the law provides.

**1-414. CITY MARSHAL-CHIEF OF POLICE: DUTIES.** The city marshal-chief of police shall perform such duties as are imposed upon peace officers by law and ordinances. He shall have a right to employ and appoint, with the consent of the mayor, such special police as are necessary. It shall be the duty of the city marshal-chief of police, at all times, to have power to make arrests with or without process, or to order the arrest of all offenders against the criminal laws of the State of Kansas, or of the city, by day or night; to keep all persons arrested in the city prison, county jail, or other place; to prevent their escape until trial can be had before the proper officer, and to execute all processes issued by the municipal judge and delivered to him for that purpose.

**1-415. CITY MARSHAL-CHIEF OF POLICE, IMPOUNDMENT.** The city marshal-chief of police shall be charged with the responsibility of impounding any animals running at large in violation of Chapter II (Animals and Fowl) or this code and the ordinances of the city prohibiting the same, and shall detain such animals in the city pound until they shall be disposed of as provided by ordinance. He shall perform any other duties which may be prescribed by the governing body or by law.

**1-416. DIRECTOR OF PUBLIC WORKS: STREET REPAIR; ICE, SNOW.** It shall be the duty of the director of public works to supervise the keeping in repair of all streets, alleys, and other public thoroughfares of the city, in the performance of which duty he shall have charge of the cleaning of and removal of snow and ice from all crosswalks, sidewalks, and gutters, he shall see that all dirt streets are dragged as soon as possible following each rain; he shall keep in repair all chatted or graveled streets, and shall notify the governing body of repairs needed on all other improved streets.

**1-417. DIRECTOR OF PUBLIC WORKS: WEEDS ON PROPERTY; SIDEWALKS TO BE REPAIRED.** The director of public works shall report to the city clerk all property upon which weeds are growing in violation of the ordinances of the city, and after notice has been duly given by the city clerk, and failure to cut the same by the property owner, he shall see that such weeds are cut and certify the costs of cutting to the city clerk for placing upon the tax rolls. He shall also report to the city clerk all sidewalks which are in bad repair, and after proper notice has been issued and the failure to construct same by property owner, he shall in accordance with orders of the governing body cause the same to be constructed, certifying the cost of the construction to the city clerk for placing upon the tax rolls.

**1-418. DIRECTOR OF PUBLIC WORKS: TRIMMING TREES.** He shall cause to be removed from the streets any obstruction such as fallen trees, stones, and he shall cause the trimming of trees standing in the parking of city streets that create sight distance hazards; and he shall perform such other duties as may be required by the governing body.

**1-419. CITY ADMINISTRATOR.** There is hereby created and established the office of City Administrator. Such City Administrator shall be appointed by the mayor by and with the consent of the City Council; and he shall serve at the pleasure of the Council. The City Administrator shall be appointed on the bases of his qualifications and his ability and need not be a resident of the City of Spring Hill. The same person may hold the office of City clerk and the office of City Administrator. (Ord. 1138)

**1-420. POWERS, DUTIES AND RESPONSIBILITIES OF CITY ADMINISTRATOR:**

- a) Manage, direct, control and supervise all the administrative departments and services of the City.
- b) Recommend to the Mayor and City Council for hiring, discipline, including termination of all appointed officers pursuant to Section 1-401 of the Spring Hill Municipal code.
- c) Have the authority to appoint, discipline, including the authority to suspend and terminate all other personnel not appointed by the Mayor and City Council pursuant to Section 1-401 of the Spring Hill Municipal Code.
- d) Supervise, direct and assign the duties of all appointive officers and employees.
- e) Direct the preparation and submit the annual budget of the Governing Body and keep it fully, completely and timely advised as to the financial condition of the City.
- f) Exercise general supervision and control over City purchases and expenditures in accordance with the budget and such policies as may be established by the Governing Body.
- g) Recommend to the Governing Body a schedule of salaries for all officers and employees.
- h) Have the care and management of all city-owned land, property, buildings and equipment.
- i) Develop and prepare such planning, short-range as well as long-range, as the Governing Body shall request and shall submit such planning to the Governing Body for action.
- j) Direct the preparation of City Council agendas and attend all meetings of the Governing Body and such other meetings of commissions and other organizations as the Governing Body shall designate.
- k) Make such recommendations to the Governing Body as are deemed necessary for effective administration of all City services.



- l) Be responsible for the proper and efficient discharge of the duties of all City administration officers and employees. To include the initiation of investigations and conduct inquiries related to citizen complaints concerning the conduct of all City employees and officers and the quality of municipal services.
  - m) Perform such other duties as the Governing Body may direct.
  - n) Regularly consult with the Mayor and Council as to insure continued and open communications on all matters affecting the City.
  - o) Maintain current knowledge of State and Federal grant programs, advising the Governing Body of the same.
  - p) To issue all governing body directives to the City officers, employees and departments as requested by the Governing Body and receive reports and communications from the same to the Governing Body through the Administrator's office.
- (Ch. Ord. 35, Ord. 2013-21)

**1-421 ORDERS AND REPORTS.** It shall be the general practice of the Governing body to issue all orders and directives to all city officers and departments and receive reports and communications therefrom through the office of City Administrator.

## **ARTICLE 5. EMPLOYEE BENEFITS**

**1-501. EMPLOYEES RETIREMENT; RESOLUTION.** Resolution No. 122 adopted by the governing body on April 13, 1970, and duly published, which resolution extends the benefits of the Kansas Public Employees Retirement System to the employees of the City of Spring Hill, to be effective January 1, 1971, is incorporated by reference herein and made a part thereof as if the same had been set out in full herein.

**1-502. SOCIAL SECURITY.** A resolution duly passed by the governing body of the city signed by the mayor, which resolution extends the benefits of Title II of the Social Security Act to the city employees of Spring Hill, is incorporated by reference herein and made a part thereof as if the same had been set out in full herein; said resolution effective January 1, 1951.  
Ref.: See also K.S.A. Chapter 40, Article 23 and amendments thereto.

## **ARTICLE 6. UNIFORM PERSONNEL RULES & REGULATIONS**

**1-601 UNIFORM PERSONNEL RULES AND REGULATIONS.** There is hereby authorized the adoption of the "Uniform Personnel Rules and Regulations for the City of Spring Hill, Kansas" which shall be adopted by resolution approved by the Governing Body. Any amendments or modifications to the "Uniform Personnel Rules and Regulations for the City of Spring Hill, Kansas" shall be adopted by resolution approved by the Governing Body. (Ord. 1344)

## **ARTICLE 7. INVESTMENT OF IDLE FUNDS**

### **1-701. STATUTORY AUTHORITY.**

- A. Temporary idle moneys of the city not currently needed may, in accordance with K.S.A. 12-1675, as amended, be invested in:
  - 1. Temporary notes or no-fund warrants issued by the City.
  - 2. Time deposits, open accounts or certificates of deposit with maturities of not more than two years, with commercial banks.
  - 3. Time certificates of deposit with maturities of not more than two years, with state of federally

chartered savings and loan associations or federally chartered savings bank.

4. Repurchase Agreements with commercial banks, state or federally chartered savings and loan associations or federally chartered savings banks.
5. United States treasury bills or notes with maturities not exceeding two years from the date of purchase.
6. The municipal investment pool fund.
7. Any other investments which are authorized pursuant to K.S.A. 12-1675, as amended.

B. The provisions of this chapter shall not apply to any fund of the city the investment of which is expressly authorized or limited or prohibited by the statutes of the state.

(Ord.2001-01)

**1-702. PROCEDURE.** The city clerk/financial officer shall monthly review the financial reports of the city and determine the amount of moneys available for investment and the period of time such amounts will be available for investment and shall, under the provisions of this chapter, from time to time invest such funds as are available for such periods of time as are feasible under the existing requirements of city finances; and shall maintain an investment program from time to time which will effectively utilize the idle funds of the city for investment, maintaining at all times sufficient moneys available on demand deposit to assure prompt payment of all city obligations. (Ord. 2001-01)

**1-703. SECURITIES-CUSTODY AND SAFEKEEPING.** Securities purchased pursuant to this Article shall be under the joint care of the city clerk, city treasurer and city administrator 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 state or national bank or trust company. Securities in original or receipt form held in the custody of a bank or trust company shall be held in the name of the city and their redemption, transfer or withdrawal shall be permitted only upon the written instruction of at least two such city officers. Securities not held in the custody of a bank or trust company shall be personally deposited by such officers in a safety deposit box in the name of the city in a state or national bank or trust company, access to which shall be permitted only in the personal presence and under the signature of at least two such officers. (Ord. 2001-01)

**1-704. SECURITIES-SALE OR TRANSFER.** If, in order to maintain sufficient moneys on demand deposit in any fund, as provided in Section 1-702, it becomes necessary to transfer or sell any securities of such funds, any two or more of the officers specified in Section 1-703 may transfer the securities to any other fund or funds in which there are temporarily idle moneys, or shall sell such securities, and for such purpose they shall have authority to make any necessary written directions, endorsements or assignments for and on behalf of the city. Any such transfers or sales shall be reported in writing to the governing body at its next regular meeting. (Ord. 2001-01)

**1-705. USE OF FUNDS-RECORD KEEPING.** The interest or other earnings from investments made pursuant to this Article shall be credited pro rata to the fund or funds from which the investments were made and shall be used, insofar as possible, to relieve the ad valorem tax levies of the city. The city clerk/financial officer shall maintain a complete and detailed record at all times of all investments and earnings made pursuant to this chapter. (Ord. 2001-01)

## ARTICLE 8. EMERGENCY PROCLAMATION

**1-801. EMERGENCY PROCLAMATION.** Whenever, in the judgment of the mayor or in the event of his inability to act, the president of the council determines that an emergency exists as a result of mob action or other civil disobedience causing danger of injury to or damages to persons or property, he shall have power to impose by proclamation any or all of the following regulations necessary to preserve the peace and order of the city:

- a) To impose a curfew upon all or any portion of the city thereby requiring all persons in such designated curfew areas to forthwith remove themselves from the public streets, alleys, parks or other public places: Provided, that physicians, nurses and ambulance operators performing medical services, utility personnel maintaining essential public services, firemen and city authorized or requested law enforcement officers and personnel may be exempted from such curfew.
- b) To order the closing of any business establishments anywhere within the city for the period of the emergency, such businesses to include, but not be limited to, those selling intoxicating liquors, cereal malt beverages, gasoline or firearms.
- c) To designate any public street, thoroughfare or vehicle parking areas closed to motor vehicles and pedestrian traffic.
- d) To call upon regular and auxiliary law enforcement agencies and organizations within or without the city to assist in preserving and keeping the peace within the city. (Ord. 875, Sec. 1)

**1-802. EFFECTIVE.** The Proclamation of Emergency provided herein shall become effective upon its issuance and dissemination to the public by appropriate news media, and/or by the posting of the proclamation in four (4) public places within the city. (Ord. 875, Sec. 2)

**1-803. TERMINATION.** Any emergency proclaimed in accordance with the provisions of this article shall terminate after forty-eight (48) hours from the issuance thereof, or upon the issuance of a proclamation determining an emergency no longer exists, whichever occurs first: Provided, That such emergency may be extended for such additional periods of time as determined necessary by resolution of the governing body. (Ord. 875, Sec. 3)

## ARTICLE 8 A. ESTABLISHMENT AND IMPLEMENTATION OF AN INSURANCE PROCEEDS FUND

**8A-101. SCOPE AND APPLICATION.** The city is hereby authorized to utilize the procedures established by K.S.A. 40-3901 et seq., whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or other structure located within the city, whereby the amount recoverable for the loss or damage to the building or other structure under all policies in excess of 75 percent of the face value of the policy covering such building or other insured structure, unless there is compliance with the procedures set out in this ordinance. (Ord. 2006-06; Ord 2016-07))

**8A-102. LIEN CREATED.** The governing body of the city hereby creates a lien in favor of the city on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the city, where the amount recoverable for all the loss or damage to the building or other structure under all policies is in excess of 75 percent of the face value of the policy(s) covering such building or other insured structure. The lien arises upon any unpaid tax, special ad valorem levy, or any other charge imposed upon real property by or on behalf of the city which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss. (Ord. 2006-06; Ord 2016-07))

**8A-103. SAME; ENCUMBRANCES.** Prior to final settlement on any claim covered by Section 8A-102, the insurer or insurers shall contact the county treasurer of the county where the real property is located, to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer or insurers shall execute and transmit in an amount equal to that owing under the encumbrances a draft payable to the county treasurer of the county where the real estate is located. (Ord. 2006-06)

**8A-104. SAME; PRO RATA BASIS.** Such transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the building or other structure. (Ord. 2006-06)

**8A-105. PROCEDURE.**

- a) When final settlement on a covered claim has been agreed to or arrived at between the named insured or insureds and the company or companies, and the final settlement exceeds 75 percent of the face value of the policy covering any building or other insured structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto shall have been paid, the insurance company or companies shall execute a draft payable to the finance director/city treasurer in an amount equal to the sum of 15 percent of the covered claim payment, unless the chief building inspector of the city has issued a certificate to the insurance company or companies that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt, or otherwise made the premises safe and secure.
- b) Such transfer of funds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer of the city shall be disbursed in accordance with the policy terms.
- c) Upon the transfer of the funds as required by subsection (a) of Section 8-105, the insurance company shall provide the city with the name and address of the named insured or insureds, the total insurance coverage applicable to said building or other structure, and the amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured or insureds, whereupon the chief building inspector shall contact the name insured or insured by certified mail, return receipt requested, notifying them that said insurance proceeds have been received by the city and apprise them of the procedures to be followed under this ordinance.

(Ord. 2006-06)

**8A-106. FUND CREATED; DEPOSIT OF MONEYS.** The finance director/city treasurer is hereby authorized and shall create a fund to be known as the "Insurance Proceeds Fund." All moneys received by the finance director/city treasurer as provided for by this ordinance shall be placed in said fund and deposited in an interest-bearing account. (Ord. 2006-06; Ord 2016-07)

**8A-107. BUILDING INSPECTOR; INVESTIGATION, REMOVAL OF STRUCTURE.**

- (a) Upon receipt of moneys as provided for by this ordinance, the finance director/city treasurer shall immediately notify the chief building inspector of said receipt, and transmit all documents received from the insurance company or companies to the chief building inspector.
- (b) Within thirty (30) days of the receipt of said moneys, the chief building inspector shall determine, after prior investigation, whether the city has or shall instigate proceedings under the provisions of K.S.A. 12-1750 *et seq.*, as amended.
- (c) Prior to the expiration of the thirty (30) days established by subsection (b) of Section 8A-107, the chief building inspector shall notify the finance director/city treasurer whether he or she has or intends to initiate proceedings under K.S.A. 12-1750 *et seq.*, as amended.

(d) If the chief building inspector has determined that proceedings under K.S.A. 12-1750 *et seq.*, as amended has or shall be initiated, he or she will do so immediately, but no later than forty-five (45) days after receipt of the moneys by the finance director/city treasurer.

(e) Upon notification to the finance director/city treasurer by the chief building inspector that no proceedings have or shall be initiated under K.S.A. 12-1750 *et seq.*, as amended, the finance director/city treasurer shall return all such moneys received, plus accrued interest, to the insured or insureds as identified in the communication from the insurance company or companies. Such return shall be accomplished within forty-five (45) days of the receipt of the moneys from the insurance company or companies.

(Ord. 2006-06; Ord 2016-07)

**8A-108. REMOVAL OF STRUCTURE; EXCESS MONEYS.** If the chief building inspector has proceeded under the provisions of K.S.A. 12-1750 *et seq.*, as amended, all moneys in excess of that which is ultimately necessary to comply with the provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured. (Ord. 2006-06)

**8A-109. SAME; DISPOSITION OF FUNDS.** If the chief building inspector, with regard to a building or other structure damaged, determines that it is necessary to act under K.S.A. 12-1756, *et seq.*, any proceeds received by the finance director/city treasurer under the authority of Section 8A-105 relating to that building or other structure shall be used to reimburse the city for any expenses incurred by the city in proceeding under K.S.A. 12-1756, *et seq.* Upon reimbursement from the insurance proceeds, the chief building inspector shall immediately effect the release of the lien resulting therefrom. Should the expenses incurred by the city exceed the insurance proceeds paid over to the finance director/city treasurer under Section 8A-105, the chief building inspector shall publish a new lien as authorized by K.S.A. 12-1756 *et seq.*, in an amount equal to such excess expenses incurred.

(Ord. 2006-06; Ord 2016-07)

**8A-110. EFFECT UPON INSURANCE POLICIES.** This ordinance shall not make the city a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy. (Ord. 2006-06)

**8A-111. INSURERS; LIABILITY.** Insurers complying with this ordinance or attempting in good faith to comply with this ordinance shall be immune from civil and criminal liability and such action shall not be deemed in violation of K.S.A. 40-2404 and any amendments thereto, including withholding payment of any insurance proceeds pursuant to this ordinance, or releasing or disclosing any information pursuant to this ordinance. (Ord. 2006-06; Ord 2016-07)

## ARTICLE 9. BOARDS AND COMMISSIONS

**1-901. BOARD OF ZONING APPEALS.** See Chapter XVII, Article 3, Section 17.366.

**1-902. PLANNING COMMISSION ESTABLISHED.** See Section 17-101, Article 1, Chapter XVII of the Spring Hill Municipal Code. (Ord 95-13; Ord 2011-20)

**1-903. CEMETERY BOARD.** The Spring Hill Cemetery Board shall consist of eight (8) directors. The Cemetery Board shall manage, operate, maintain and improve the cemetery owned by the City of Spring Hill, Kansas. (Ord 92-9) (Ch Ord 11)

a) Appointments; Compensation. The Cemetery Board of the City of Spring Hill, Kansas, shall be appointed by the mayor with the consent of the Governing body. The appointees must be either a resident of the Spring Hill School District No. 230 or own one or more cemetery burial lots. Members of the Board may recommend to the mayor proposed appointees. No person holding

any official position under said City shall be appointed a director while holding such office. The directors shall receive no compensation for such services, except, that the Board of Directors may pay the Secretary such a sum per annum as the Governing Body of the City of Spring Hill, Kansas, shall fix for his or her services in keeping the records, selling the lots, and other duties devolving upon the Secretary in that office.

- b) Term of Office; Removal; Vacancies. The said directors shall hold office, two for one year, three for two years and three for three years, from the 1<sup>st</sup> day of February following their appointment and annually thereafter the may shall, on and before the 1<sup>st</sup> day of February of each year, appoint directors to take the place of the retiring directors, who shall hold office for a term of three years and until their successors are appointed. The mayor may, by and with the consent of the Governing Body, remove any director for misconduct or neglect of duty. The Cemetery board may recommend to the mayor removal of any director for misconduct or neglect of duty. Vacancies in the Board of Directors occasioned by removal, resignation or otherwise, shall be filled in like manner as original appointments for unexpired terms.
- c) Organization. The Board of Directors shall, immediately after their appointment, meet and organize by the selection of one of their number as president. The Board of Directors may also elect such other officers as they deem necessary. The President and any other officers elected by the Board shall hold office for one year; excepting for the Treasurer who shall hold office for a term of two (2) years described in e) Treasurer; Term; Bond. The President shall preside at all meetings and shall have a casting vote when the Board is equally divided and none other.
- d) Operations. The Board of Directors shall make and adopt such by-laws, rules and regulations for their own guidance and for the regulation and government of the Spring Hill cemetery as they may deem expedient and not inconsistent with the ordinances of the City of Spring Hill, Kansas, and K.S.A. Article 14, Chapter 12, and all acts amendatory and supplemental thereto; (excepting those provisions made inapplicable to the City of Spring Hill, Kansas, pursuant to Charter Ordinance No. 11). The directors shall have charge of and supervision over the Spring Hill cemetery, with exclusive power to expend cemetery funds in maintaining, caring for and improving said cemetery.
- e) Treasurer; Term; Bond. It shall be the duty of the directors of the Spring Hill Cemetery Board to elect a Treasurer of such Board who will hold office for a term of two (2) years and until his or her successor is elected and qualified, and shall give bond in such amount as the Board may direct, to be approved by the board for the safekeeping and the due disbursement of all funds that may come into his or her hands as such Treasurer.
- f) Sexton, Assistants. The Board of Directors shall have power to appoint a suitable sexton and necessary assistants and fix their compensation, and shall also have the power to remove such appointees, and in general carry out the spirit of this Ordinance and the applicable provisions of K.S.A., Article 14, Chapter 12 in maintaining the Spring Hill cemetery in proper and suitable condition.
- g) Annual Report. The Board of Directors shall on or before the 15<sup>th</sup> day of April of each year, make an annual report to the Governing body stating the conditions of the trust on the 31<sup>st</sup> day of December preceding, the various sums of money received from the cemetery fund and other sources, and how such money has been expended and with such other information and suggestions as they may deem of general interest. Such reports shall be verified by affidavit of the President and Secretary.
- h) Cemetery Tax Levy. Pursuant to K.S.A. 12-1405, the Governing Body of the City of Spring Hill, Kansas, is hereby authorized to make an annual levy of a tax upon all taxable tangible property in the city to be expended in making permanent improvements in such cemetery and upkeep of the same and, to pay a portion of the principal and interest on bonds issued by the city under the authority of K.S.A. 12-1774, and amendments thereto.

i) Cemetery Funds. The following cemetery funds are established relating to the Spring Hill Cemetery:

a. General Cemetery Fund. There is hereby established a General Cemetery Fund. Monies received by the City from the annual cemetery tax levy pursuant to K.S.A. 12-1405 may be deposited to the General Cemetery Fund. The funds are to be expended in making permanent improvements and upkeep of the cemetery and to pay a portion of the principal and interest on any bonds issued by the City pursuant to K.S.A. 12-1774, and amendments thereto. (Ord. 2007-18)

b. Endowment Fund (also referred to as "Cemetery Reserve Fund"). Pursuant to K.S.A. 12-1408 there is hereby established the Endowment Fund, also referred to as the Cemetery Reserve Fund. The funds are to be expended for the purpose of caring for the cemetery in the future as prescribed by K.S.A. 12-1409 and amendments thereto. (Ord. 2007-18)

i. Contributions.

Pursuant to K.S.A. 12-1409, the Governing Body, upon a majority vote of the Governing Body may set aside any moneys it may have on hand, or any cemetery fund not otherwise appropriated, or any contribution for the purpose, or profits derived for the sale of lots, or other property belonging to the cemetery for the purpose of the endowment fund; and the City may receive subscriptions and set aside profits in the future for such Endowment Fund, upon majority vote of the Governing Body. (Ord. 2007-18)

ii. Use and Investment of Funds.

All funds deposited in the Endowment Fund shall be used and invested pursuant to K.S.A. 12-1410 and amendment thereto. The Governing Body may by resolution, passed by a majority vote of the Governing Body, transfer such endowment funds to the General Cemetery Fund and expend the same for permanent improvements or care and maintenance, except that any part of such funds donated by public subscription or given by any donor by gift, grant or will, shall not be transferred to such General Cemetery Fund, but the same shall remain as a permanent endowment fund pursuant to K.S.A. 12-1410.

(Ord. 2007-18)

**1-904. PUBLIC BUILDING COMMISSION.** That pursuant to K.S.A. 1968 Supp. 12-1757 a Public Building Commission be established. (Ord. 1226)

a) Appointment and composition: qualifications and term of members. The public building commission shall be composed of not less than three nor more than nine members. Five (5) of the members of said public building commission shall, at the time of their appointment to said commission, be duly elected, qualified and acting members of the Governing body of the City of Spring Hill, Kansas, and shall serve as long as they continue to be Elected Officials of the City of Spring Hill, Kansas. All other members of the public building commission shall be appointed by the mayor with the approval of the City Council and for terms of two (2) years each.

b) Municipal Corporation: The public building commission created in Section 1 shall be a municipal corporation and shall have all powers and authorities set forth in K.S.A. 1968 Supp. 12-1757, and all subsequent amendments thereto.

c) Creation, Powers, Authority, Functions: The public building commission shall be and is hereby created for the following purposes and shall be and is hereby authorized to exercise the following powers and functions:

1. To acquire a site or sites, construct, equip and furnish a building or buildings, or to purchase or otherwise acquire a building or buildings or other facilities for federal, state and county governmental agencies or for any municipal corporation, quasi-municipal corporation, political subdivision or body politic or agency thereof.
  2. To rent all or any part of the building or buildings to any federal, state or county governmental agency or to any municipal corporation, quasi-municipal corporation, political subdivision or body politic or agency thereof, and further to rent any space as may not be needed by such governmental agencies as provided by law.
  3. To acquire fee simple title to real estate including easements and reversionary interests in streets, alleys and other public places and personal property required for its purposes, by purchase, gift, devise, or by the exercise of the power of eminent domain, and to take title in the corporate name of the commission.
  4. To borrow money and issue revenue bonds in the manner provided by law for the purpose of paying the cost or a portion of the cost of acquiring real estate and construction, equipping and furnishing buildings thereon and to pledge the net revenues of the facilities to secure such revenue bonds and to make covenants with respect to the maintenance, operation, repair and insuring of improvements thereon.
  5. To repair, maintain and operate the buildings.
  6. To sue and be sued.
  7. To adopt a seal.
  8. To convey title to real estate.
  9. To do all things and acts necessary or convenient to carry out the powers granted to it under this section and under K.S.A. 1968 Supp. 12-1757 and any subsequent amendments thereto; provided, however, that under no circumstances shall any income of the public building commission inure to the benefit of any private person.
- d) Duties: Subject to the provisions of all other sections of this chapter, the public building commission shall provide for the construction as required of a new building or buildings, shall provide for the construction as required in connection therewith and shall arrange for all financing of said building or buildings, including the site or sites, construction, equipping and furnishing and all other rentals, payments and revenue bond debt service requirements.

**1-905. PARKS ADVISORY BOARD (GREEN BOARD).**

**1.905.1. CREATION:** There is hereby established a Parks Advisory Board (Green Board) for the City of Spring Hill, Kansas.

**1.905.2. MEMBERSHIP:** The Parks Advisory Board (Green Board) shall consist of five (5) members, and such members shall be appointed by the Mayor with the consent and approval of the remainder of the Governing Body. Subsequent appointees to the Parks Advisory Board must have residency that result in a majority of the members being residents of the City of Spring Hill. Members shall serve without compensation.

**1.905.3. TERM OF OFFICE; EXISTING MEMBERS:** Each member of the Board shall serve a term of three (3) years, except that the terms of the existing members of the Parks Advisory Board (Green Board)



appointed pursuant to Ordinance No. 2004-35 shall be for the same term of appointment that was established under said ordinance. Vacancies shall be filled by appointment for the unexpired terms.

**1-905.4. ORGANIZATION AND RULES:** The Parks Advisory Board shall organize and adopt rules of procedure and elect officers and fix and determine times and places for meetings, which said meetings shall be not less frequent than once a month. The terms of the chairman, vice-chairman and secretary of the Board shall be for one (1) year or until his or her successor shall have been elected and qualified. Special meetings of the Parks Advisory Board shall be called by the chairman or in his absence by the vice-chairman. A quorum of the Parks Advisory Board shall consist of a majority of the membership of the Board.

**1-905.5. DUTIES:**

A. Tree Programs of the City.

1. To study, investigate, counsel, develop, annually update and administer a written plan for the care, planting, culture and removal of disposition of trees and shrubs in parks, streets, alleys and other lands owned or managed by the City. Such plan will be presented annually to the Governing Body and upon its acceptance and approval, shall constitute the official comprehensive tree plan for the City of Spring Hill, Kansas.
2. When requested by the Governing Body, shall consider, investigate, report and make findings and investigations regarding tree issues within the City.
3. Administer the Community Forestry Program as set forth in Chapter 7, Article 5 of the Spring Hill Municipal Code.
4. To recommend to the Mayor and City Council expenditures and budgets for tree programs.

B. Parks Programs of the City.

1. Act in an advisory capacity to the Mayor and City Council in promoting, aiding, encouraging and conducting parks, including the development of park facilities and programs.
2. Act in an advisory capacity to the Mayor and City Council in the planning, maintenance, development and operation of all park areas and facilities owned, controlled or leased by the City of Spring Hill.
3. Act in an advisory capacity to the Mayor and City Council in formulating policies to facilitate the operation of the park system.
4. At the request of the Mayor and City Council, to study and make recommendations on the acquisition and development of park areas and facilities.
5. Interpret the policies, functions and operation of the parks department to the public.
6. The Governing Body shall refer all major proposals and propositions for the construction, reconstruction and improvement of public parks and facilities, including the acquisition of land for park purposes. The Board shall make reports and recommendations to the Governing Body on all matters referred to it and any further recommendations as deemed advisable. Such reports shall be made within a time fixed by the Governing Body at the time the proposal or proposition is submitted to the Board and no action shall be taken thereafter by the Governing Body upon any such proposal or proposition until the reports and recommendations thereon have been received from the Board. The Governing Body of the City shall take action upon the reports and

recommendations received from the Board within thirty (30) days after their receipt. The Governing Body may extend the time as it deems necessary to give the matter further attention.

7. To recommend to the Mayor and City Council expenditures and budgets for park programs.

C. Liaison Representatives to Boards and Commissions relating to Tree Programs and Park Programs. The Advisory Board shall have the authority to appoint one or more members to be a city liaison official to city, state and federal boards and commissions that have tree programs and park programs that affect the City of Spring Hill, Kansas. These boards and commissions are to including, but not be limited to, the following:

1. Spring Hill Recreation Commission.
2. Johnson County Parks and Recreation Commission.
3. Partnership for a Better Community.
4. Spring Hill Community Center.

(Ord 95-01) (Ord 2004-35) (Ord 2014-10)

**1-906. SPRING HILL ARTS COUNCIL.**

Spring Hill Arts Council Established by Ordinance No. 2012-06 Abolished; Transfer of Property to Not-For-Profit Organization

(Ord 2015-03) (Ord 2012-06)

**1-907. repealed**

(Note: Public Safety Advisory Board for the City of Spring Hill, Kansas was disbanded effective 1/16/19.)

(Ord. 2012-23) (Ord. 2014-09) (Ord 2019-04)

**ARTICLE 9A. OPEN PUBLIC RECORDS**

**1-901A. POLICY.** K.S.A. 45-215, et. seq., the Kansas Open Records Act, declares that, 'public records shall be open for public inspection by any person unless otherwise provided by this act, and that this act shall be liberally construed and applied to promote such policy'. Consistent with the policy, duties and procedures established by the State of Kansas in the act, and to facilitate the public policy of open government, the Local Freedom of Information Officer and all city record custodians shall provide full access and assistance in a timely and efficient manner to persons who request access to open public records. Copies of documents generated at recent public activities, such as Governing Body or commission or other board meetings and other current business activities, have been furnished on a free-of-charge basis in the past and that policy will continue. This ordinance and the act do not create any duties to retain particular public records, nor do they affect authority to destroy public records, the discretion of a public official to 'open' a record when not required or any other statutory created duty to make available for public inspection a particular record. (Ord. 2007-13)

## **1-902A. LOCAL FREEDOM OF INFORMATION OFFICER AND RECORDS CUSTODIAN.**

### (1) Local Freedom of Information Officer.

- a) The Governing Body of the City of Spring Hill appoints the City Clerk as the local freedom of information officer.
- b) The local freedom of information officer or his or her 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; and
  - 4) Establish the requirements for content, size, shape and other physical characteristics of a brochure required to be displayed or distributed or otherwise make 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 procedure for inspecting and obtaining a copy of public records under the Open Records Act.

### (2) Custodians.

- a) All City officers and employees appointed or designated under this ordinance as records custodians 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) All City officers and employees appointed or designated under this ordinance 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 requestor, the responsibilities of a public agency, and the procedures for inspecting or obtaining a copy of public records under the Open Records Act. The official custodian shall display or distribute or otherwise make available to the public the brochure at one or more places in the administrative offices of the governmental body where it is available to members of the public who request public information in person under this ordinance.
- c) The following City officers are hereby appointed as official custodian and record 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 records and duties:
  - (1) Official Custodian. The City Clerk is appointed as official custodian of City records and as such shall receive and coordinate all requests for access to public records except for law enforcement records which will be received and coordinated by the Records Coordinator for the Police Department as provided in subparagraph (2) following.
  - (2) Custodial Procedure. The official custodian and law enforcement record custodian will be guided by the general provisions of Section 1-903A and the specific provisions contained in

subparagraphs (a) and (b) following.

(a) Official Custodian. If a requested record, other than a law enforcement record, is on file in the City Clerk's record vault, the City Clerk will act on the request. If the record is on file in another department, the City Clerk will coordinate with the record custodian for that department and obtain a date and time that the record will be available for inspection. The City Clerk will stamp the request form "Received" and ensure its delivery to the pertinent record custodian for action as appropriate. It will not be the City Clerk's duty to determine the accessibility of records not held by her office. The City Clerk will maintain a file of all requests received by the City other than law enforcement record requests.

(b) Law Enforcement Records Custodian. Requests for law enforcement records will be received by the Records Coordinator for the Police Department and acted upon in accordance with the procedures established herein. The Records Coordinator for the Police Department maintain a file of all law enforcement record requests separate of the file kept by the official custodian.

(3) Record Custodians. The following City officials are appointed record custodians for all public records not on file in the City Clerk's office and as are kept and maintained in their respective offices:

- a) City Administrator
- b) Director of Finance/City Treasurer
- c) Planning & Development Coordinator
- d) Records Coordinator of the Police Department
- e) Director of Public Works
- f) City Attorney
- g) Clerk of the Municipal Court

(4) Additional Record Custodians. Each of the custodians appointed in subsections (1), (2) and (3) above 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 and this ordinance. Whenever record custodians shall appoint another person as an additional record custodian, he or she shall notify the City Clerk of such designation in writing, and the City Clerk shall maintain a register of all such designations.

(Ord. 2007-13)

**1-903A. GENERAL PROCEDURES.** The following procedures are hereby adopted and shall be applied by the official custodian and each record custodian and additional record custodian:

- (1) Consistent with the policy, duties and procedures established by the State of Kansas in K.S.A. 45-215 et seq., as amended, the City's official and record custodians shall provide full access and assistance in a timely and efficient manner to persons who request access to open public records.
- (2) Record custodians shall adopt and apply procedures which will ensure the protection and preservation of public records with respect to the manner in which such records are inspected and copied.
- (3) All persons requesting inspection of or a copy of open public records must make such request in writing, except as otherwise provided in this ordinance, and include their name, no particular form is required, the official custodian shall provide a City form for the requestor's convenience.
- (4) Record custodians shall take necessary measures, not inconsistent with their duties, to provide full public access to open public records, to ensure that the essential functions of the

custodian's office, department or agency are not disrupted by requests for record inspection and copying.

- (5) All inspections and copying of Open Public Records shall be performed by, or under the supervision of, the record custodian responsible for such records.
- (6) All record inspection and copying requests are to be submitted by the person requesting the record. The official or record custodian may demand reasonable identification of any person requesting a record.
- (7) Any fees for record inspection or for copies are due at the time the records, or copies thereof, are provided to the requester, unless the records custodian has demanded that prepayment of all or part of such fees be made. A fee schedule shall be adopted by the Governing Body of the City by resolution.
- (8) The official custodian shall determine and assess a charge covering mailing and handling costs accrued in responding to requests through the mail service.
- (9) The official custodian may exercise his or her discretion to reduce or waive any copying fee when such is in the public interest.
- (10) No record copying charge shall be assessed against officers or employees of the City who make requests which are reasonably necessary to the performance of their official duties.
- (11) Hours for making requests for inspection and/or copying shall be all regular working hours for each day the office maintains regular working office hours. If an office keeping or maintaining public records does not have working office hours Monday through Friday, the record custodian for such office shall establish hours for each such day when no regular office hours are kept; at which time members of the public may make requests for record inspection and/or copies of records.
- (12) Each request for access to open public records shall be acted upon as soon as possible, but no later than the end of the third business day following the date that the request was received. If access is not granted within three working days the requestor will be given a day, time and place that the record will be made available.
- (13) Information extracted from public records and routinely passed to citizens verbally during the normal course of business will continue to be disseminated in this manner. For example, information from the computerized real estate file will continue to be given out by telephone. Additionally, all records which arise from current City business activities, such as Governing Body or other commission and board meetings, will be provided as in the past, for inspection and copying at no charge to the requesting individual.
- (14) The record custodian will allow access to an open public record only in the area of the City Hall or other City building in which the record is kept. Under no circumstances will a public record be removed for public inspection or copying from such premises.
- (15) The above procedure, as well as any other inspection and copying procedures, shall be posted in a conspicuous place in the office of the official custodian.

(Ord. 2007-13)

**1-904A. PROCEDURES FOR INSPECTION.** The following procedures are hereby adopted and shall be applied by the official custodian and each record custodian (including additional record custodians):

- (1) Record custodians shall handle all inspection requests in accordance with their duties to protect and preserve public records and to assist persons requesting inspection of open public records.
- (2) No particular request form is required for submission of a request (see Section 1-903A (3) above), however, a request submitted must be in writing; contain the name and address of the requester, and a reasonable description of the document (s) to be inspected; be in the name of an individual person(s); and delivered to the official custodian (city clerk).
- (3) A written request is sufficient if it reasonably describes the record sought. In instances where the requester cannot provide sufficient information to identify a record, the official custodian shall assist in making such identification.
- (4) Fees for providing access to public records shall be such fees as are adopted by the Governing Body of the City by resolution.
- (5) Access procedures and payment of access fees shall be established by resolution adopted by the Governing Body of the City. No access fee shall be assessed when the official custodian determines that the cost of charging and handling the access fee exceeds the cost of providing access without charge.
- (6) In cases where a request for a specific record gives the official or record custodians reason to believe that the record contains information of a personal nature which if disclosed would constitute an unwarranted invasion of personal privacy, the official or record custodians shall inform the requester that a 72-hour waiting period must run before such record may be inspected. During that 72-hour period, the custodian shall make every reasonable effort to determine the identity of those persons whose privacy interest may be so affected by disclosure. The record custodian shall attempt to contact such persons and ascertain whether they, or any of them, will seek a court order challenging disclosure. Additionally, he will notify the City Attorney of the possibility of a privacy violation and obtain a legal opinion pertaining thereto. If, after these steps and the custodian's own objective assessment, it appears that a privacy violation could occur, the custodian shall deny inspection pending the outcome of litigation or an intervening court order.

(Ord. 2007-13)

**1-905A. PROCEDURES FOR COPYING.** The following procedures are hereby adopted and shall be applied by the official custodian and each record custodian (including additional record custodians):

- (1) Record custodians shall handle all copy requests in accordance with their duties to protect and preserve public records and to assist persons requesting copies of open public records.
- (2) All request forms must be completed by the party requesting the copies. In all cases the party so requesting must be an individual person or persons. Written requests may be made on the form provided by the official custodian.
- (3) Mechanical reproduction of a record shall not be undertaken when it is the judgment of the record custodian that any available means of mechanically reproducing the subject record is likely to cause damage to such record.
- (4) Copy fees shall be such fees as are adopted by the Governing Body of the City by resolution.
- (5) Copying procedures and payment of fees shall be established by resolution adopted by the

Governing Body of the City. No copy fee shall be assessed when multiple copies of the record requested have been prepared for free public distribution, or when the official custodian determines that the cost of charging and handling the fee exceeds the cost of providing a copy without charge. Further, copies of current city business activities, such as Governing Body and or other commissioner and board meetings, will continue to be furnished free of charge as in the past (see Section 1.901A).

(6) No copying fee will be assessed when a denial of a request is made.

(Ord. 2007-13)

**1-906A. FEE SCHEDULE FOR PROVIDING ACCESS TO OR COPYING OPEN PUBLIC RECORDS.** In order to avoid the necessity of using general public funds of the city to subsidize special services and benefits to a record requester, a schedule of fees for providing access to or copying of open public records will be established by a separate resolution adopted by the Governing Body of the City. Such fees are intended to cover costs of labor, materials and equipment to the city in providing access to or reproducing public records. (Ord. 2007-13)

**1-907A. DENIAL OF REQUESTS.**

- (1) Inspection. A custodian may deny a request for inspection on grounds that the requested record is not a record required by law to be disclosed or that such a request would create an unreasonable burden upon the city or that it was made with the intent to disrupt city activity. In the first instance, a record not required by law to be disclosed, the record is either not a record covered by the act or it is one that is specifically exempted from mandatory disclosure by the act. In no instance will a custodian issue a denial of access to public record without first obtaining a legal opinion from the City Attorney. Denials when issued, will be done in writing on a city form which provides the requester with information as to why the record access was denied and notifies the requester that it is his right to challenge the denial in the Johnson County District Court.
- (2) Copy. Requests for copying records that have been made available for inspection can only be denied if the mechanical reproduction would damage the record, such copying is restricted under federal or state law or the act specifically exempts such copying. In no instance will a custodian deny a copy request without first obtaining a legal opinion from the City Attorney. Denials, when issued, will be done in writing on a city form which provides the requester with information as to why the copy was denied and notifies the requester that it is his right to challenge the denial in the Johnson County District Court.

(Ord. 2007-13)

**ARTICLE 10. MISCELLANEOUS**

**1-1001. OFFICIAL CITY NEWSPAPER.** The Miami County Republic, a newspaper of general circulation in the City of Spring Hill, Kansas, be and the same is hereby designated as the official city paper of the City of Spring Hill, Kansas, as provided by law. (Res.#649)

**1-1002. SERVICE CHARGE FOR DISHONORED INSTRUMENTS.**

A. Definitions. The following words and phrases when used in this section, have the meanings respectively ascribed to them in this section:

- (1) "Credit card" means any card, plate, coupon book or other credit device existing for the purpose of obtaining money, property, labor or services on credit.

- (2) "Dishonor" means an instrument or credit card is dishonored when it has been duly presented by the City and due acceptance or payment is refused or if presentment is excused and the instrument or credit card is not duly accepted or paid. Return of an instrument for lack of proper endorsement is not dishonor.
- (3) "Drawer" means any person, firm, partnership, corporation or association which draws an instrument and addresses it to the City.
- (4) "Negotiable instrument" means a writing considered to be a negotiable instrument within this section is any written security under the Uniform Commercial Code as adopted by the State of Kansas which may be transferred by endorsement and delivery or by delivery merely as to vest in the City the legal title, and thus enable the City to sue thereon in its own name. A negotiable instrument may take any of the forms of "check", "certificate of deposit" or "note." It may alternatively be referred to in this section as "instrument".

B. Service Charge. Upon dishonor of any instrument held by the City, the drawer will be responsible for payment of the amount stated on the instrument plus a service fee. Such service fee shall be adopted by the Governing Body of the City by resolution. The service fee is required to cover city administrative costs generated by processing the dishonored instrument.

C. Effective Date. The service charge provided for in this section will be effective for dishonored instruments occurring on or after the 28th day of September 2018.

(Ord 1278) (Ord 2018-17)

## ARTICLE 11. GENERAL PENALTY

**1-1101. GENERAL PENALTY.** Provisions relating to the general penalty for persons convicted of a violation of any of the provisions of this code or failing to comply with any of the mandatory requirements of the ordinances of the city for which another penalty is not specifically provided shall be as follows:

- a) The doing of any of the act or things prohibited, made unlawful, or misdemeanor, or the failing to do any of the things commanded to be done, as specified and set forth in this code or ordinances of the city within the jurisdictional limits of the City of Spring Hill, shall be deemed an offense against the good order, public peace, morals, health, proper government and welfare to the city.
- b) Whenever any offense is declared by any provision of this code, absent a specific or unique punishment prescribed, the offender shall be punished in accord with this section:
  - 1. Fine. Not less than one dollar (\$1) nor more than two thousand five hundred dollars (\$2,500); or
  - 2. Imprisonment. In the county jail for not more than one hundred seventy-nine (179) days; or
  - 3. Both. Fine and imprisonment not to exceed "1" and "2" above.
- c) Each day any violation of this code continues shall constitute a separate offense.
- d) Any person convicted of violating any of the duties set forth in subsection "a" shall be deemed guilty of a misdemeanor and punished in accordance with subsection "b".

(Ord. 2006-31)