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Editor's note-The City of Ottawa, Kansas, is a City of the Second Class with the City Manager-Commissioner plan form of government. The Manager-Commission plan was adopted by referendum on April 5, 1970.

Cross reference-Administration of the fair housing provisions, § 20-401 et seq.

State law reference-Manager-Commission plan, K.S.A. 12-1001 et seq.

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ARTICLE I. BOARD OF COMMISSIONERS

Sec. 2-101 Membership.

The Board of Commissioners shall consist of five Commissioners, who shall be elected as provided in K.S.A. 12-1005K and amendments thereto, and may be referred to in the ordinances of the City as the “Commissioners”, “Governing Body”, “Board of Commissioners” or “Commission”.

(Code 1982)

State law reference-Governing Board under Commission-Manager plan, K.S.A. 12-1006.

Sec. 2-102 Powers generally.

All powers now exercised by Cities of the Second Class, or which shall hereafter be conferred upon them, shall be exercised by the Board of Commissioners, insofar as they do not conflict with the provisions of the statutes relating to the Commission-Manager plan of government and the creation of the Office of City Manager.

(Code 1982)

State law reference-Similar provisions, K.S.A. 12-1002.

Sec. 2-103 Titles.

No distinction shall be made in title or duties among the Commissioners.

(Code 1982)

State law reference-Similar provisions, K.S.A. 12-1006.

Sec. 2-104 Mayor; Chairman.

The Mayor shall be selected annually by the Board of Commissioners and shall serve as Chairman of the Board of Commissioners, and have the title of Mayor during her/his term of office to the end that the City shall have an official head on formal occasions. The Mayor shall have such other duties as shall be imposed upon that office by the laws of the State, which shall not be inconsistent with the City Manager form of government.

(Code 1982)

State law reference-Similar provisions, K.S.A. 12-1007.

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Sec. 2-105 Vice-chairman.

The Board of Commissioners shall choose a Vice-Chairman. In the absence of the Mayor from any meeting of the Board of Commissioners, the Vice-Chairman of the Board of Commissioners shall preside, and in the absence of the Mayor from the City or his inability to perform any of the duties imposed upon his office by the ordinances of the City or the laws of the State of Kansas, the Vice-Chairman of the Board of Commissioners shall exercise the duties of the Office of Mayor to the end that the City has an official head on such occasions. In such cases, the Vice-Chairman may use the title of "Mayor pro tem."

(Code 1982)

State law references-Commission-Manager plan, K.S.A. 12-1001 et seq.; conflicts of interest, K.S.A. 75-4301a et seq.

Sec. 2-106 Order of business.

The Board of Commissioners shall determine its own order of business.

(Code 1982)

State law reference-Similar provisions, K.S.A. 12-1007.

Sec. 2-107 Regular meetings.

Regular meetings of the Board of Commissioners shall be held on the first and third Wednesday of each month, and Regular Work Study Sessions each Monday. The time of the day of such meetings shall be established by resolution. If a meeting should fall upon a holiday recognized by the City, such meeting will be canceled or rescheduled as determined by the Governing Body with proper notification.

REVISED: *(Code 1982; Ord. No. 3637-07, 08-01-07)*

Changed: 1/10/08

State law reference-Meetings, K.S.A. 12-1009.

Sec. 2-108 Call for a Special Meeting.

- A. A call for a Special Meeting of the Board of Commissioners shall contain substantially the following:
 - 1. Time and date of the meeting;
 - 2. Place of the meeting;
 - 3. Purpose for which the meeting is called; and
- B. A place for acknowledgment of receipt of notice and/or an acknowledgment of service of such notice together with time and date of such service.

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- C. A call for a Special Meeting of the Board of Commissioners must be evidenced by the signature of a majority of the Commission on the form provided for that purpose.

(Code 1982)

State law reference-Special meetings, K.S.A. 12-1009.

Sec. 2-109 Offices and salaries.

The Board of Commissioners shall provide for such offices as shall be necessary to carry out the provisions of State Statutes relating to the Commission-Manager plan of government. The Board of Commissioners shall authorize the salaries of all officers and employees as annually provided in the adopted City budget and pay and position classification plan.

(Code 1982)

State law reference-Similar provisions, K.S.A. 12-1010.

Sec. 2-110 Appointment of City Manager.

The Board of Commissioners shall appoint a Manager as provided in Section 2-202 and shall be responsible for her/his efficient administration of the City's business.

(Code 1982)

State law reference-Appointment of City Manager, K.S.A. 12-1010.

Sec. 2-111 Members not to interfere with personnel, etc.

No member of the Board of Commissioners shall be directly responsible for the conduct of any Department of the City or the direction of any Department Head or any employee in the execution of any official duty, except at the express direction of the City Manager.

(Code 1982)

State law references-Power of City Manager, K.S.A. 12-1011, 12-1014.

Sec. 2-112 Administrative Departments.

Administrative Departments of the City shall be created by the Board of Commissioners as the public business may demand.

(Code 1982)

Cross reference-Administrative Departments, § 2-301 et seq.

State law reference-Similar provisions, K.S.A. 12-1015.

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Sec. 2-113 Vacancies.

- A. The City, by the power vested in it by Article XII, Section 5 of the State Constitution, hereby elects to make inapplicable to it and exempt itself from K.S.A. 14-1305, which applies to the City but not uniformly to all cities within the State, and to provide substitute provisions on the same subject as provided in Subsection (B) of this section.

- B. In the case of any vacancy on the City Commission due to any cause, including death, mental or physical incompetence, or resignation, the remaining Commissioners shall, within 45 days after the determination by the City Commission that a vacancy exists, appoint a qualified person to fill such vacancy as an interim successor until the next regular city election.

- C. If more than 2 candidates file for the vacant seat, the remaining commissioners shall rank their top two choices from the candidate pool. Each first choice vote to be worth 3 points, each second choice vote to be worth 1 point. The top two point recipients advance for final consideration before the Governing Body. If there should be a tie for the second of the two advancing positions, a second vote will be taken concerning the two tying candidates using the same point system. If a tie remains, lots shall be cast between the tying parties in order to determine a winner. The method and type of lots shall be determined by mutual agreement of the two candidates.

- D. If a majority of the City Commission cannot agree upon a qualified person, between two finalists, to fill such a vacancy, the tie shall be decided by lots being cast between the two individuals. The method and type of lots shall be determined by mutual agreement of the two candidates.

REVISED: (*Ord. No. 3303-98, 11-18-98*)

Sec. 2-114 Appointment of Board of Commissioners in event of catastrophe.

In the event of a catastrophe due to any cause, including warfare, accident, explosion or criminal attack, resulting in the death or obvious incapacity or unavailability of all members of the Board of Commissioners, the City Manager shall appoint qualified persons to fill all vacancies on the Board of Commissioners with interim successors within five days after his determination that a catastrophe has occurred. If the City Manager is unable to make such determination and appointments due to death or his obvious incapacity or unavailability, the City Clerk shall make such appointments in the City Manager's stead. Such named interim successors shall serve on the Commission until new commissioners are elected at the next regular City election.

(*Code 1982*)

Cross reference-Civil Emergencies, Ch.2.

State law references-Emergency preparedness plans, K.S.A. 48-931 et seq.; emergency interim successors for local offices established by ordinance, K.S.A. 48-1206.

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ARTICLE II. CITY MANAGER

Sec. 2-201 Administration by Manager.

The administration of the City's business shall be in the hands of the City Manager.

(Code 1982)

Sec. 2-202 Appointment of Manager; term; qualifications.

The Commission shall, whenever by virtue of a vacancy in the Office of City Manager it becomes necessary, appoint a Manager who shall be responsible for the administration of all of the affairs of the City and hold office at the pleasure of the Board. The City Manager shall be chosen solely on the basis of administrative ability and the choice shall not be limited by any residence qualifications at the time of appointment.

(Code 1982)

State law reference-Appointment of City Manager, K.S.A. 12-1010-12-1012.

Sec. 2-203 Salary; bond.

The City Manager shall receive a salary to be fixed by the Commission and shall give surety bond at the expense of the City for the faithful performance of his duties in such amount as may be provided by Section 2-503.

(Code 1982)

State law reference-Similar provisions, K.S.A. 12-1013.

Sec. 2-204 Duties of Manager.

The City Manager shall be responsible for the administration of all of the affairs of the City. S/He shall see that the laws and ordinances are enforced. S/He shall appoint and remove all heads of departments and all subordinate officers and employees of the City. All such appointments shall be made upon merit and fitness alone. S/He shall be responsible for the discipline of all appointive officers, and may, without notice, cause the affairs of any Department or the conduct of any officer or employee to be examined. S/He shall prepare and submit the annual budget to the Board of Commissioners and also keep it advised as to the financial condition and needs of the City. S/He may make recommendations to the Commissioners on all matters concerning the welfare of the city and shall have a seat, but no vote, in all of the public meetings of the Board of Commissioners. S/He shall perform such other and further duties as may be required by law or ordinance.

(Code 1982)

State law reference-Similar provisions, K.S.A. 12-1014.

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Sec. 2-205 Payroll deductions.

The City Manager is authorized and directed to make arrangements for deductions from payroll.

Cross reference-Officers and employees, § 2-501 et seq.; residency requirement for officers of the City, § 2-303; City Manager to execute agreements for the deferred compensation plan, § 2-606; supervision of the cemetery by the City Manager or designee, § 7-101; City Manager is the central purchasing agent, § 2-416.

State law references-City Manager, K.S.A. 12-1010 et seq.; conflicts of interest, K.S.A. 75-4301a et seq. for all or part of the cost of group health, accident and/or life insurance plans, Kansas Public Employees Retirement System, and all other deductions as required by federal and state law. Other deductions may be made with the written consent of the employee.

(Code 1982)

Sec. 2-206 Deferred compensation.

The City shall establish a deferred compensation plan for full-time employees, officers and the City Manager, and authorize the Mayor to execute the deferred compensation plan with the International City Management Association Retirement Corporation. The City Manager, City Clerk or Director of Human Resources Officer may, on behalf of the City, execute all joinder agreements with all eligible employees, officers and City Manager, which are necessary for such persons' participation in the plan, except that any joinder agreement for such designated official shall be executed by the Mayor.

(Code 1982)

Cross reference-City Manager, § 2-201 et seq.

State law reference-State deferred compensation plans, K.S.A. 75-5529a.

Sec. 2-207 Health Plan

The City hereby exempts itself from the provisions of K.S.A. 12-5040, an act of the legislature which is not uniformly applicable to cities generally.

REVISED: *(Ch. Ord. No. 11, 07-01-91)*

State law reference-Group health care plan, K.S.A. 12-5040.

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ARTICLE III. ADMINISTRATIVE DEPARTMENTS

Sec. 2-301 Departments established.

- A. The following Administrative Departments of the City are established:
 - 1. Department of Fire.
 - 2. Department of General Government and Finance.
 - 3. Department of Human Resources.
 - 4. Department of Planning and Zoning.
 - 5. Department of Police.
 - 6. Department of Public Works.
 - 7. Department of Utilities.
 - 8. Auditorium.
- B. The Departments shall consist of such City officers and employees and such other persons as may be appointed by the City Manager. All such City officers and employees shall be subject to the direction of the City Manager.

REVISED: (*Ord. No. 2962-90, 12-27-90*)

Cross reference-Administrative Departments to be created by the Board of Commissioners, § 2-112.

State law references-Administrative Departments, K.S.A. 12-1015; conflict of interest, K.S.A. 75-4301a et seq.

Sec. 2-302 Administrative duties, powers of City Manager.

The City Manager shall have the following administrative duties and powers:

- A. The City Manager shall prepare a personnel rules and regulations manual which shall prescribe and set all conditions of employment. The personnel rules and regulations manual shall become effective when approved by the Commission.
- B. The City Manager may appoint one person to perform the duties of two or more offices, and the duties of such offices shall not be incompatible with the laws of the State. The City Manager may temporarily perform the duties of any officer during the absence of such officer or when a vacancy exists, s/he may temporarily assign the duties of any such office to any qualified officer.

(*Code 1982*)

Cross reference-Boards, Committees and Commissions, Ch. 5.

State law reference-Powers of City Managers, K.S.A. 12-1014.

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Sec. 2-303 City officers designated; residency.

- A. The officers of the City shall be: City Manager, City Clerk, City Treasurer, Director of Finance, Director of Public Works, Director of Utilities, Director of Human Resources, Director of Planning and Zoning, Chief of Police, Fire Chief, and such other officers as the Board of Commissioners may deem necessary.
- B. All appointments shall be made upon merit and fitness alone and shall not be limited by any residency qualification at the time of appointment. As full time employees, City officers shall reside within Franklin County within six (6) months of such appointment. The City Manager shall reside within the City Limits.

REVISED: (*Ord. No. 3166-95, 12-06-95*)

Cross reference-City Manager, § 2-201 et seq.

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ARTICLE IV. MUNICIPAL ACCOUNTING; FINANCE

Sec. 2-401 Accounting procedure.

The system of fiscal procedure, accounting and reporting for Cities of the Second Class in the State of Kansas as established by law and as authorized and directed hereafter shall govern the handling, safekeeping and disbursement of funds of the City of Ottawa.

(Code 1982)

Sec. 2-402 Annual City Budget.

- A. Each year, sufficiently prior to August 1st, the City Manager shall prepare or cause to be prepared the annual City Budget for the fiscal year beginning the following January 1st. S/He shall receive estimates from the several City Departments of their requirements for the coming year and details in such form as may be prepared for the purpose. The budget shall be prepared in accordance with Kansas Statutes Annotated, as amended, and the City Manager may prepare or cause to be prepared such additional details as will reflect the fiscal needs of the City and make recommendations pertaining thereto. The budget shall be submitted to the Commission for its approval and notice of the budget hearing and the budget published in such form as shall be required by law.
- B. The budget, as originally prepared or as may be amended, shall be adopted by the Commission. The budget together with an ordinance levying the required taxes for the ensuing year shall be certified to the County Clerk as provided by law.

(Code 1982)

State law references-City Manager to prepare budget, K.S.A. 12-1014; budget, K.S.A. 79-2925 et seq.

Sec. 2-403 Budget control, expenses.

Expenditures of City funds for the payment of any claim against the City shall be lawfully made on the basis of the amount provided therefore in the annual City Budget, which shall be appropriated in total by ordinance prior to January 1, of each year.

(Code 1982)

State law reference-Budget procedure, K.S.A. 79-2927 et seq.

Sec. 2-404 Director of Finance; Duties generally.

The Director of Finance shall issue all warrants and combined warrant-checks and perform such other accounting duties and keep such fiscal records as may be required of him by the City Manager.

(Code 1982)

Cross reference-Officers and employees, § 2-501 et seq.

State law reference-Warrants, K.S.A. 10-801 et seq.

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Sec. 2-405 Director of Finance; General accounting duties.

- A. All claims, bills and accounts against the City shall be filed with the Director of Finance, who shall examine them in detail and prepare the allowance and payment. S/He shall keep books and accounts of all receipts and disbursements of money and put under proper headings each source of receipts and the cause of its disbursement, and shall keep such other accounts as may be necessary to show a complete financial statement of the City.
- B. The Director of Finance shall be prepared at every meeting of the Commission to give such information concerning the finances as may be required.
- C. At the end of each month, the Director of Finance shall strike a trial balance of all books, showing a complete and accurate statement of the financial condition of the City. At the close of the fiscal year, the Director of Finance shall make a complete and accurate statement showing in detail the receipts of the City from all sources and the expenditures of the City for all purposes.

(Code 1982)

State law references-Finance and revenue, accounting, K.S.A. 75-1120 et seq.; annual audit, K.S.A. 75-1122; itemized budget required, forms, K.S.A. 79-2927.

Sec. 2-406 Director of Finance; Budget duties.

The Director of Finance shall open and keep an account of each fund of the annual budget, showing the total amount budgeted for the fund, the date and the amounts paid out of the fund.

(Code 1982)

State law reference-Funds appropriated by the budget, record required, K.S.A. 79-2934.

Sec. 2-407 City Clerk; collector of accounts.

The City Clerk shall by virtue of his office be the collector of all monies and accounts due the City by reason of any ordinance requiring the payment of license, user, connection, contract fees or taxes, permits and other charges for the sale of water, electricity or other services offered by the City. S/He shall keep the accounts of the Utility Department and any other Departments, rendering bills therefore, and shall collect and account for all monies received by his office from all such sources. Such monies shall be paid over to the City Treasurer in a timely manner.

(Code 1982)

State law references-Municipal accounting, K.S.A. 76-1120 et seq.; annual audit, K.S.A. 75-1122.

Sec. 2-408 Petty cash fund; established.

There is hereby established a petty cash fund in the City Clerk's Office, Planning and Zoning Office, Police Department Office and Auditorium Authority Office. Such funds shall be used to pay postage, freight, temporary labor and other authorized expenses.

REVISED: *(Ord. No. 2962-90, 12-27-90)*

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Such petty cash funds shall not exceed at any one time the sum of \$1,000.00, and shall be paid out on order of the City Clerk, Chief of Police or his designee, or the Auditorium Director by voucher which shall clearly state its purpose.

REVISED: (*Ord. No. 2962-90, 12-27-90*)

Sec. 2-410 City Clerk's fund.

Whenever the petty cash fund becomes low or depleted, the City Clerk shall prepare vouchers covering such expenses as have been paid from the petty cash fund and shall process the vouchers in the same manner as are all other items of indebtedness against the City. Warrants issued therefore shall be payable to the petty cash fund and shall be deposited therein to restore such petty cash fund to its original amount for use as provided in this division.

(*Code 1982*)

Sec. 2-411 Police Department's fund.

The Police Department's petty cash fund shall be funded by receipts from fees for the distribution of accident reports and driver's license records.

REVISED: (*Ord. No. 2962-90, 12-27-90*)

Sec. 2-412 Auditorium Department fund.

The Auditorium Department's petty cash fund shall be funded by ticket receipts.

(*Code 1982*)

Sec. 2-413 City Treasurer; Collection of taxes and other monies; quarterly report.

The City Treasurer shall receive from the County Treasurer all monies and evidences of indebtedness collected for and payable to the City and shall give to the County Treasurer duplicate receipts, one of which shall be filed with the City Clerk. The City Treasurer shall keep accounts of all monies and evidences of indebtedness received and disbursed on behalf of the City, specifying the time of receipt and disbursement and from what sources received and to whom disbursed on account. The Treasurer shall publish or cause to be published a quarterly financial statement of the City in the manner and style provided by Kansas Statutes Annotated.

(*Code 1982*)

State law references-Quarterly report required, K.S.A. 12-1608; distribution of taxes by the County, K.S.A. 12-1678a.

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Sec. 2-414 City Treasurer; Deposits.

All public monies that are received and are the responsibility of the City Treasurer shall be deposited in a bank or banks within the City, but only after such bank or banks have been designated by the Commission as a depository bank as qualified to receive deposits of public monies in accordance with the provisions of law. The Treasurer shall make all such deposits in his name as Treasurer of the City of Ottawa.

(Code 1982)

State law reference-Deposit of public funds, K.S.A. 9-1401(b).

State law references-Municipal depositories, K.S.A. 9-1401 et seq.; municipal finance, warrants, K.S.A. 10-801 et seq.

Sec. 2-415 City Treasurer; Disbursements.

The City Treasurer shall pay out the funds of the City upon warrants or warrant-checks drawn by the Director of Finance and countersigned by the City Manager. The Treasurer shall not knowingly pay any order, warrant, check or other evidence of indebtedness out of the treasury in excess of the funds actually on hand in the treasury at the time for such purpose unless such payment is authorized in the manner authorized by law as an exception to the "cash basis act." The Treasurer shall keep a record of the amount of money on hand in the treasury, which record shall show at all times the amount in each particular fund and each order, warrant, warrant-check or other evidence of indebtedness drawn on the treasury and paid.

(Code 1982)

State law reference-Warrants, K.S.A. 10-801 et seq.

Sec. 2-415A City Treasurer; Record of warrants and warrant-checks.

The City Treasurer shall keep a correct record of all warrants and all warrant-checks issued, showing the number, date and amount thereof, on what fund drawn, and the name of the person or party to whom such warrants or warrant-checks are made payable.

(Code 1982)

State law reference-Similar provisions, K.S.A. 10-804.

Sec. 2-416 Central purchasing; purchasing agent.

The City Manager shall, subject to Section 2-401, make suitable rules and regulations for the purchase and procurement of all supplies, equipment and replacements required by the several City Departments. S/He may appoint a City Purchasing Agent and channel all procurements authorized in this article through such office, subject however, to such exceptions for purchase of items of immediate necessity as may be required by the several City Departments.

(Code 1982)

Cross reference-City Manager, § 2-201 et seq.

State law reference-Purchases, K.S.A. 75-3740a.

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Sec. 2-417 Inactive funds; defined.

All monies of the City of Ottawa, not currently needed for the normal operating functions of said City, are hereby designated as inactive funds.

(Code 1982)

Sec. 2-418 Inactive funds; investment.

The inactive funds of the City in accordance with the procedure hereinafter prescribed may be invested in:

- A. Direct obligations of the United States Government which are guaranteed as to principal.
- B. Temporary notes of the City issued pursuant to K.S.A. 10-123 as amended.
- C. Bank time certificates of deposit which are protected by the Federal Deposit Insurance Corporation.
- D. No-fund warrants of the City.
- E. Savings and loan certificates of deposit which are protected by the Federal Savings and Loan Insurance Corporation.
- F. Municipal Investment Pool of the State of Kansas.

(Code 1982)

Sec. 2-419 Bank time deposit; open account.

The term “bank time deposit, open account”, as used in Section 2-418 of this Article, means a city bank account which is a bank deposit, other than a time certificate of deposit, with respect to which there is in force a written contract between the City and the designated bank which provides that neither the whole nor any part of such deposit may be withdrawn, by check or otherwise, prior to:

- A. The date of maturity which shall be not less than one (1) day after the date of deposit, or;
- B. The expiration of the period of notice which must be given by the City in writing not less than thirty (30) days in advance of withdrawal.

The bank in which the deposit is made shall have given adequate security as provided by law for such bank time deposit, open account.

(Code 1982)

Sec. 2-420 Care and custody of investments.

Investments purchased shall be under the joint care and control of the Director of Finance and the City Treasurer.

(Code 1982)

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Sec. 2-421 Interest from investments.

All interest earned by the investment of said inactive funds shall be credited pro-rata to the fund or funds from which the investment was made.

(Code 1982)

Sec. 2-422 Record of investments.

The City Treasurer shall at all times maintain a complete and detailed record of all investments.

(Code 1982)

Sec. 2-423 Employee benefits contribution fund; Established.

- A. The City hereby establishes an employee benefits contribution fund for the purpose of paying the employer's share of employee benefits prescribed by Subsection (b) of this Section.
- B. The employer's share of the cost of employee benefits authorized for payment after January 1, 1993, from the fund created by Subsection (a) of this Section shall include the following:
 - 1. Social Security.
 - 2. Kansas Public Employees Retirement System.
 - 3. Kansas Police and Firemen's Retirement System.
 - 4. Worker's Compensation Benefits.
 - 5. Employment security, unemployment compensation benefits.
 - 6. Health, disability and life insurance benefits.

REVISED: *(Ord. No. 3057-93, 02-17-93)*

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ARTICLE IV-A. CAPITAL IMPROVEMENTS FUND

Sec. 2-4A01 Established.

In accordance with the provisions of Chapter 67, 1985 Session Laws of Kansas, there is hereby established a Capital Improvements Fund which shall be used by the City to finance, in whole or in part, any public improvement need set forth in the City's Capital Improvement Plan.

(Code 1982)

Sec. 2-4A02 Policy objective.

It is the objective of the Commission that such fund shall be used primarily to provide a financing mechanism for the repair, restoration, and rehabilitation of existing public facilities as well as construction of new public facilities. Further, it is the intent of the City to utilize current revenues credited to such fund to the maximum extent possible in order to meet the City's present and future public infrastructure needs and to avoid the costs of unnecessary indebtedness.

(Code 1982)

Sec. 2-4A03 Use of funds for studies permitted.

Monies in such fund may be used to pay the cost of engineering and other advanced public improvement plans and studies, with the fund periodically reimbursed from such fund balance, bond proceeds, special assessments, or state or federal grants-in-aid that may be available for the completed project. No expenditures for such purposes may be made except on a finding of the Commission of its probable intent to proceed with the improvement following such engineering or advanced study.

(Code 1982)

Cross reference-Fire insurance proceeds, § 9-908 et seq.

State law reference-Capital Improvement Fund, K.S.A. 12-1,118.

Sec. 2-4A04 Plan of operation.

The City Manager shall submit to the Board of Commissioners a plan of operation for the implementation of this article. Such plan shall be in accordance with the City's Capital Improvements Program as recommended by the City Planning Commission and as adopted in June of each year by the Board of Commissioners. The plan of operation shall incorporate the Capital Improvements Plan's annual priorities for infrastructure improvements as determined by the Board of Commissioners, and suggested recommendations for the financing of such improvements.

(Code 1982)

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Sec. 2-4A05 Financing implementation and operation.

- A. The implementation of the plan of operation shall provide for transferring from the revenues of the general fund to the Capital Improvements Fund an amount equal to the estimated revenue to be received by the City in the following year from one-half cent (\$0.005) local sales tax receipts, except that if a major capital improvement financed from the proceeds of such fund results in a substantial increase in operating and maintenance costs of a City Department for which the improvement is constructed and further if the affected department is financed solely or in part by the general fund tax levy, the City may reduce the amount being transferred from the aforementioned one-half cent (\$0.005) sales tax revenue to the Capital Improvements Fund by an amount equal to one-half (1/2) of the annual projected increase in the Department's operating costs resulting from the activity's first full year of operation; one-half (1/2) of the increase in the operating costs (established from the first year) for the second full year of operation, and continuing through the first five (5) years of the new facility's operation; and zero (0) amount set aside for operations thereafter. Implementation may also include revenues of the general fund authorized by Charter Ordinance (K.S.A. 79-5001) of the tax lid law, thus exempting a levy amount so designated by the Board of Commissioners for the Capital Improvements Fund.

- B. Other revenues may, from year to year, be transferred to said fund as designated by the Board of Commissioners and as budgeted through the annual adopted budget process.

(Code 1982)

Sec. 2-4A06 Investing funds.

Monies in the Capital Improvements Fund shall be invested in accordance with the provisions of K.S.A. 10-131 and amendments thereto, with interest thereon credited to such fund.

(Code 1982)

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**ARTICLE IV-B. ACCUMULATED DEPRECIATION
EQUIPMENT RESERVE FUND**

Sec. 2-4B01 Established; definition.

In accordance with the provisions of Chapter 65, 1988 Session Laws of Kansas, there is hereby established an Accumulated Depreciation Equipment Reserve Fund, which shall be used by the City to finance the replacement of equipment necessary for the performance of various functions and services of the City. For the purpose of this division, the word "equipment" shall mean machinery, vehicles and other equipment (including office equipment), or personal property which has an estimated future purchase or replacement cost in excess of \$20,000.00 or a life expectancy of not less than five (5) years.

(Code 1982)

Sec. 2-4B02 Policy objective.

It is the policy objective of the Board of Commissioners that the Accumulated Depreciation Equipment Reserve Fund shall be used as a financing mechanism for the planned and orderly replacement of equipment necessary for the efficient and effective operation of the City, as well as providing financial assistance for emergency replacements of equipment as deemed necessary by the Board of Commissioners. It is the further intent of the Board of Commissioners to annually approve the budgeting of sufficient revenue and/or transfers thereof to finance such equipment purchases.

(Code 1982)

Sec. 2-4B03 Plan of operation and equipment inventory.

- A. The City Manager shall submit to the Board of Commissioners a plan of operation for the implementation of this ordinance, which plan shall include proposed guidelines for determining the amounts to be transferred from the various operating funds and accounts of the City's annual budget to the Accumulated Depreciation Equipment Reserve Fund, the timing of actual money transfers, and the procedure for authorizing expenditures from such fund as well as an equipment inventory of equipment to be replaced through the accumulated depreciation method. Funds transferred to such Reserve Fund shall not be limited solely to budgeted equipment depreciation expenditure transfers, but may include other authorized budgeted transfers.
- B. The City Manager shall include in the proposed budget an amount sufficient to cover necessary accumulated depreciation costs for equipment designated on the reserve equipment inventory, plus an amount approximately equal to the proposed annual expenditures for such equipment purchases.
- C. The City Manager shall submit with the proposed annual budget a proposed equipment replacement program and equipment inventory for the following three years. The proposed budget shall include an amount sufficient to finance proposed equipment replacements for the following year, plus an amount to be reserved for future replacements.

(Code 1982)

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Sec. 2-4B04 Investing funds.

Monies in the equipment reserve fund shall be invested in accordance with the provisions of K.S.A. 10-131 and amendments thereto, with interest thereon credited to such fund.

(Code 1982)

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ARTICLE V. OATHS AND BONDS

Sec. 2-501 Oath of appointed officers.

All appointed officers of the City, either under the laws of the State of Kansas or ordinances of the City, shall, before entering upon the duties of their respective offices, take and subscribe an oath (or affirmation), as follows:

“I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge the duties of (name of office), so help me God.”

(Code 1982)

State law reference-Oath may be required, K.S.A. 14-205,

Sec. 2-502 Oaths; forms and filing.

All officers and employees required by law to take and subscribe or file any oath or affirmation shall be supplied the necessary forms for the purpose, at the expense of the City, and upon the taking and subscribing or signing of any such oath or affirmation, such oath or affirmation form, the same shall be filed with the employment record of the employee or officer.

(Code 1982)

Sec. 2-503 Bonds-Required.

The Commission is authorized to fix by resolution the amount and condition of any surety bond to be given by any officer or employee of the City before entering upon the duties of his office or employment. Except as may otherwise be required by law, the bond shall be conditioned for the faithful performance of all the duties of his office for the officer or employee executing the bond. The Commission may, at its discretion, increase the amount of any bond or may require bonds of other officers or employees as it may deem expedient; provided, that the City Manager, Director of Finance and the City Treasurer shall, before entering upon the duties of their office, give a good and sufficient surety bond executed by a responsible bonding company authorized to do business in the state, payable to and for the use and benefit of the City, in the sum of \$25,000.00, or an additional amount established by resolution, conditioned for the faithful discharge of their duties, and that such officers will save the City harmless from all loss caused by their neglect of duty or malfeasance in office or for the willful expenditure or misappropriation of any monies, property or equities of the City in violation of law. The cost of such surety bonds required of the City Manager and all officers and employees of the City required to furnish such bonds shall be borne by the City.

(Code 1982)

State law references-Bond may be required, K.S.A. 14-205; payment of premiums, K.S.A. 78-111.

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Sec. 2-504 Bonds; Nature and approval.

The bonds of all officers and employees shall be filed with the City Clerk, except the City Clerk's bond, which shall be filed with the City Treasurer. All bonds shall be approved as to form by the City Attorney and shall be approved by the Board of Commissioners, such approval being endorsed thereon by the Mayor.

(Code 1982)

Sec. 2-505 Bonds; Required before taking office.

No person required to give bond shall perform any of the duties of the office to which appointed without first having given the bond as required in Section 2-503 and obtained its approval.

(Code 1982)

Sec. 2-506 Bonds; To be kept in force.

No person shall continue to perform the duties of any office for which a bond is required after the bond has expired or has been canceled or otherwise is not in effect, unless such bond has been renewed or another bond has been given and approved.

(Code 1982)

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ARTICLE VI. COMPENSATION AND SALARIES

Sec. 2-601 Compensation.

- A. The City Commission is authorized and directed to establish the salaries and compensation of the officers and employees at such time as the annual budget is adopted and appropriated by ordinance. All such officers and employees shall be entitled to compensation in accordance with the budget for such purposes.
- B. Each member of the Board of Commissioners shall receive the annual sum of one thousand two hundred dollars (\$1,200.00) the same to be payable quarterly with the first pay period in January, April, July, and October of each year.

REVISED: (*Ord. No. 3254-98; 01-21-98*)

State law references-Salaries and compensation, K.S.A. 12-1010; salary of City Manager, K.S.A. 12-1013, 12-1023.

Sec. 2-602 Employee classification; salary schedules.

The City Manager shall prepare an employee position classification plan in which all employee positions will be classified by title or grade specifying the duties to be performed by each employee within each classification, except those employees designated by the City Manager to be unclassified. The City Manager shall, at the time of preparing the annual city budget, establish schedules for the compensation of all employees deemed to be required by each department for the budget year. The schedule shall be submitted to the commission for its approval. When the schedules have been approved, such schedules shall govern the compensation of all employees classified there under. The personnel record of each such employee shall show the current title or grade of employment and the rate of compensation; provided, that the schedule for compensation of employees as prepared for the budget and approved by the Board of Commissioners may be amended or changed from time to time during the budget year by the Board of Commissioners. The City Manager shall each two weeks cause to be prepared payrolls in accordance with the scheduled rate of compensation for all employees. Each Department Head shall certify the payroll for the members of his or her department. The Director of Finance shall draw the necessary warrant or warrant-check in the regular manner for payment of the payroll.

(Code 1982)

Sec. 2-603 Allowances and reimbursements.

The City Manager is authorized to reimburse or pay suitable allowances to any City officer or employee for any authorized expenses incurred by him or her on behalf of the City or for the use of his or her own vehicle or equipment in performing his or her duties. Such sums shall be claimed and allowed as other City claims are paid.

(Code 1982)

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ARTICLE VII. SOCIAL SECURITY

Sec. 2-701 Social Security.

Title II of the Social Security Act shall extend to the employees of the City.

(Code 1982)

State law reference-Old age and survivor's insurance, K.S.A. 40-2305.

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**ARTICLE VIII. KANSAS PUBLIC EMPLOYEES
RETIREMENT SYSTEM**

Sec. 2-801 **Employees' retirement.**

The Kansas Public Employees Retirement System shall extend to the employees of the City.

(Code 1982)

State law reference-Kansas Public Employees Retirement System, K.S.A. 74-4901 et seq.

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ARTICLE IX. OLD CITY RECORDS

Sec. 2-901 Destruction of old City records.

The City Clerk or any other officer or employee of the City charged with the custody of having the following records, documents or other papers may, subject to the provisions of Section 2-903, destroy such records, documents or other papers after they have been on file for the period stated:

- A. Claims (and the purchase orders attached thereto) presented and allowed by the Board of Commissioners or the Board, Commission, Department, Bureau or Officer authorized to allow such claims, 15 years.
- B. Warrants or warrant-checks, whether originals or duplicates, that have been stamped or marked paid as provided by law, five years.
- C. Duplicates of receipts or stubs of receipts issued, five years.
- D. Duplicates of utility bills sent to customers, five years.
- E. Bookkeeping or accounting records of utility customers' accounts, five years, except that the period for the records of deposits to guarantee the payment of bills or the return of meters shall begin when the account is closed or the customer ceases to receive service.
- F. Duplicates or stubs of licenses issued for license fees or occupational taxes, five years.
- G. Bonds of officials, officers or employees, 15 years, the period to begin at the date of the termination of the term of employment.
- H. Insurance policies, five years, the period to begin at the expiration of the policy unless a rate case is pending.
- I. Canceled checks, five years.
- J. Requisitions and duplicate purchase orders, five years.
- K. Bonds and coupons stamped paid or canceled and returned by the State Fiscal Agent, five years, the period to begin at the date of maturity of the bond or coupon.

(Code 1982)

State law reference-Record retention for schedule period required, K.S.A. 45-403.

State law reference-Preservation of public records, K.S.A. 45-401 et seq.

Sec. 2-902 Records to be preserved.

Nothing in Section 2-901 shall be deemed to apply to records, documents or papers not specifically mentioned nor to authorize the destruction of records, documents or papers which in their nature should be preserved permanently, nor to prohibit destruction of records, documents or papers obviously of only temporary value after a reasonable time.

(Code 1982)

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Sec. 2-903 City Manager's duty; decision of Board of Commissioners; minutes.

Before destroying any records, papers or documents specifically mentioned in this division, the City Clerk or other officer charged with the custody of such records, papers or documents shall present the question of the advisability of ordering such destruction to the City Manager. The City Manager shall present his recommendations to the Board of Commissioners for its action thereon. The City Clerk shall keep suitable minutes of any such matter before the Commission describing the records, documents and papers to be destroyed and a record of the final destruction.

(Code 1982)

Sec. 2-904 Records to be photographed, etc.

The Commission may cause any or all records, documents or papers to be photographed, micro photographed or reproduced on film. Such photographic procedure shall comply with the minimum standards of quality approved for permanent photographic records by the National Bureau of Standards and the device used to reproduce such records on such film shall be one which accurately reproduces the original thereof in all details.

(Code 1982)

State law reference-Micro photographic copies of records, K.S.A. 45-412.

Sec. 2-905 File of photographs; destruction of original records.

Whenever photographs, microphotographs or reproductions on films shall be placed in conveniently accessible files and provisions made for preserving, examining and using such photographs, microphotographs or reproductions on films, the Custodial Officer may, with the recommendation of the City Manager and approval of the Commission, cause the originals from which the photographs or microphotographs have been made or any part thereof to be deposited in a safe place if such originals are of permanent value or destroyed if not of permanent value.

(Code 1982)

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ARTICLE X. EMERGENCY GOVERNMENT

Sec. 2-1001 Determination of State of Emergency.

During times of public crises resulting from disaster, enemy attack, rioting, catastrophe, or other public emergency within the City or reasonable apprehension thereof, the Mayor, or in his absence the Mayor pro tem, may proclaim a state of emergency upon his own volition; provided, that prior to such proclamation, the Mayor or Mayor pro tem shall find that because of disaster, enemy attack, rioting, catastrophe, or other public emergency:

- A. The public peace and safety are imperiled;
- B. Human life and property are endangered by such emergency conditions; or
- C. The normal and ordinary processes of the local government are inadequate to safeguard the public peace and safety and the lives and property of the citizens of the City.

(Code 1982)

State law reference-State of emergency, local disasters, K.S.A. 48-932.

Sec. 2-1002 Designation of affected area.

Upon proclamation of a state of emergency, the Mayor or Mayor pro tem shall designate the boundaries of the affected area within the City if the entire City is not found to be in a State of Emergency.

(Code 1982)

Sec. 2-1003 Emergency measures.

Rules and regulations relating to emergency measures shall be promulgated as follows:

- A. Following his proclamation of a State of Emergency, the Mayor or Mayor pro tem may promulgate such reasonable orders, rules and regulations as s/he deems necessary to protect life and property, or to bring the emergency situation within the affected area under control, including, but not limited to:
 - 1. Rules and regulations providing for the control of traffic, including public and private transportation, within the affected area or any section thereof.
 - 2. Designation of specific zones within the affected area within which occupancy and use of buildings and ingress and egress of persons and vehicles may be prohibited or regulated.
 - 3. Control of places of amusement and assembly and of persons on public streets and thoroughfares.
 - 4. Establishment of curfews.
 - 5. Control of the sale, transportation and use of alcoholic and cereal malt beverages.

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- 6. Control of the possession, sale, carrying and use of firearms, other dangerous weapons, explosives, ammunition and inflammable materials deemed to be dangerous to public safety.
- B. Such orders, rules and regulations shall be effective from the time and in the manner prescribed in such orders, rules and regulations and shall be made public as provided therein.
- C. Such orders, rules and regulations may be amended, modified or rescinded from time to time by the Mayor or Mayor pro tem during the pendency of the State of Emergency, but shall cease to be in effect upon declaration of the Mayor or Mayor pro tem that the emergency no longer exists.

(Code 1982)

State law reference-Emergency preparedness, K.S.A. 48-904 et seq.

Sec. 2-1004 Noncompliance with authorized orders; penalty.

Any person who shall willfully fail or refuse to comply with the orders of the duly authorized law enforcement officers or other personnel charged with the responsibility of enforcing orders, rules or regulations promulgated as authorized in this article shall be guilty of a Class B Misdemeanor.

(Code 1982)

Sec. 2-1005 Article controls over conflicting provisions.

The provisions of this article shall control and be supreme if it shall be employed, notwithstanding any Charter Ordinance or other ordinance provision to the contrary.

(Code 1982)

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ARTICLE XI. PUBLIC RECORDS

Sec. 2-1101 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Public record- means any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession of any public agency, and shall not include records which are exempt by law or are owned by a private person or entity and are not related to functions, activities, programs or operations made, maintained or kept by an individual who is a member of the Board of Commissioners.

(Code 1982)

Cross reference-Definitions and rules of construction generally, § 1-102.

State law reference-Similar provisions, K.S.A. 45-217(f)(2).

State law references-Open records act, K.S.A. 46-215 et seq.; public records, K.S.A. 75-3501.

Sec. 2-1102 Appointment of official custodians.

The following City officers are hereby appointed as official custodians of public records of the City:

- A. City Manager: All public records kept in the City Manager's Office and all other public records kept in any Department of the City, except records kept and maintained in the City Clerk's Office.
- B. City Clerk: All public records kept and maintained in the City Clerk's Office and all other public records not provided for elsewhere in this article.

(Code 1982)

Sec. 2-1103 Designation of additional record custodians.

Each of the official custodians appointed in Section 2-1102 is hereby authorized to designate any subordinate officers or employees to serve as record custodian. Whenever an official custodian shall appoint another person as a record custodian, he or she shall notify the City Clerk of such designation and the City Clerk shall maintain a register of all such designations.

(Code 1982)

Sec. 2-1104 Duties of custodians.

All City officers and employees appointed or designated under this article shall:

- A. Protect public records from damage and disorganization.
- B. Prevent excessive disruption of essential functions of the City.

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- C. Provide assistance and information upon request.
- D. Ensure efficient and timely action and respond to all applications for inspection of public records.
- E. Carry out the procedures adopted by the City for inspecting and copying public records.

(Code 1982)

Sec. 2-1105 Requests for public records.

All members of the public, in seeking access to, or copies of, a public record shall address their requests to the custodian charged with responsibility for the maintenance of the record sought to be inspected or copied in accordance with the administrative policy for making a request. Whenever a custodian under this article is presented with a request for access to, or copy of, a public record which record the custodian does not have in his possession and for which s/he has not been given responsibility to keep and maintain, the custodian shall so advise the person requesting the record. Further, the person making the request shall be informed as to which custodian the request should be addressed to, if such is known by the custodian receiving the request.

(Code 1982)

State law reference-Procedures for obtaining access to public records, K.S.A. 45-220.

Sec. 2-1106 Procedures regarding inspection and copying of public records.

The following procedures are hereby adopted and shall be applied by each official custodian and record custodian:

- A. Record custodians shall adopt and apply uniform public record access and copy procedures which will ensure the protection and preservation of public records with respect to the manner in which such records are inspected and copied and which are consistent with the policies of the City and with law. Specifically, such procedures will inform members of the public of:
 - 1. The procedures to be followed in making a request for inspection or for a copy of a public record, including the hours during which record inspection or copy requests may be made.
 - 2. To whom a request is to be made.
 - 3. The forms to be completed in making a request.
 - 4. The schedule of fees charged.
- B. Record custodians shall take action necessary to provide assistance and full access to public records to persons who request access to a public record in a timely and efficient manner; and shall take action(s) necessary to ensure that the essential functions of the custodian's office, department or agency are not disrupted by requests for record inspection and copying.

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- C. The party requesting access to or a copy of a public record must be an individual person. The person requesting the inspection of or a copy of a public record shall make such request in writing on the form provided prior to the request being honored. 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 custodian shall assist in making such identification.
- D. All inspections and copying of public records shall be performed by, or under the supervision of, the record custodian, or his or her designee, who is responsible for such records.
- E. Mechanical reproduction of a record shall not be undertaken when, in the judgment of the record custodian, available means of mechanically reproducing the subject record is likely to cause damage to such record.
- F. No records shall be removed from the office where kept and maintained.
- G. In cases where a request for a specific record gives the record custodian reason to believe that the record contains information of a personal nature which, if disclosed, would constitute an unwarranted invasion of personal privacy, the record custodian shall inform the requester that a 72-hour waiting period must run before such record can be inspected. During that 72-hour waiting period, the record 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 or not they or any of them, would seek a court order challenging disclosure. If so, the record custodian shall deny inspection pending the outcome of litigation or an intervening court order.
- H. Fees to defray costs of providing access to and copying of requested public records shall be determined by resolution.
- I. The record custodian shall notify the record requester, prior to commencing search of the record or copying thereof, of his estimate of the fee which will be required for honoring the request.
- J. Fees for record inspection or for copying are due at the time the records or copies thereof are provided to the requester, unless the record custodian has demanded that prepayment of all or part of such fees be made. Fees are to be paid to the City.
- K. The record custodian may require full or partial prepayment of fees. Prepayment may or may not be required of a requester who maintains an account in good standing with the City for purposes of payment for record fees.
- L. The record custodian may exercise his discretion to reduce or waive any inspection or copying fees when such is in the public interest.
- M. No record inspection or 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.
- N. Records which have been reproduced for free public distribution shall not be subject to a fee or requirement that the requester complete a written request form.

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- O. No inspection or copy fee will be assessed when a denial of a request is made. The record custodian shall maintain a record of all instances where a request is denied.
- P. The procedures outlined in this Section, as well as any other inspection and copying procedures, shall be made available in the office of each record custodian.

(Code 1982)

State law reference-Procedures for obtaining public records required, K.S.A. 45-220

State law references-Certain records not required to be open for public inspection, K.S.A. 45-221; cost of reproduction, actual cost, K.S.A. 45-219(c).

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ARTICLE XII. TORT CLAIMS

Sec. 2-1201 Notice of claim; approval or denial.

- A. It shall be the duty of the City Clerk to provide the Form of Notice required by this article. A notice required by this article shall be filed with the City Clerk. A notice form shall be compiled by the City Clerk, shall comply with K.S.A. 12-105b(d), and shall be approved by the City Attorney. Further, the notice must state:
1. The name and address of the claimant and the claimant's attorney.
 2. Statements of the factual basis of the claim, including date, time, place and circumstances of the event.
 3. Name and address of any involved public employee or official known to the claimant;
 4. A statement of the nature and extent of injuries suffered; and
 5. The amount of monetary damages sought.
- B. Once the claim is filed with the City Clerk, the City, through the City Manager, shall have one hundred twenty (120) days to approve, in whole or in part, the claim presented to the City. If the City does not act within one hundred twenty (120) days, then the claim shall be deemed denied.

(Code 1982)

State law reference- Similar provisions, K.S.A. 12-105b(d).

State law reference- Tort claims, K.S.A. 12-105a, 12-105b.

