

ARTICLE 3. OFFICERS AND EMPLOYEES

1-301. APPOINTMENT. The mayor shall appoint by and with the consent of the council, the city treasurer, chief of police, city administrator, city clerk, city attorney, municipal judge and such other officers as may be deemed necessary. Officers so appointed and confirmed shall hold their offices for a term of one year and until their successors are appointed and qualified. The council may retain a licensed professional engineer to act in the capacity of city engineer for specifically defined duties and provide for reasonable compensation for the services rendered. Appointments shall be from May 1 until April 30. (C.O. No. 7, Sec. 6)

1-302. RESERVED.

1-303. REMOVAL OF OFFICERS. All officers appointed by the mayor with the consent of the council may be removed from office in the following manner:

- (a) A majority of all the members elect of the governing body may remove any officer from his or her appointed office at any time they deem such removal appropriate.
- (b) An appointed officer may be removed from his or her office for good cause and after hearing by a majority of the members-elect of the council voting in favor thereof.
- (Code 1981, 1-203)

1-304. CITY ADMINISTRATOR. There is hereby created and established the office of city administrator. The city administrator shall be appointed by the mayor by and with the consent of the city council, and shall serve at the pleasure of the council.

The city administrator shall be appointed on the basis of his or her qualifications and ability and need not be a resident of the city.

The same person may hold the office of city clerk and the office of city administrator. (Code 1981, 1-204)

1-305. SAME; POWERS, DUTIES, AND RESPONSIBILITIES. Except as otherwise provided by law or the ordinances of the city, the city administrator shall:

- (a) Serve as the executive leader of the city staff. Be responsible for the proper and efficient discharge of the duties of all city administrative officers, superintendents, department heads, and other employees.

- (b) Manage, direct, control, and supervise all administrative departments and services for the day-to-day operation of the city.
- (c) Recommend to the mayor and city council the appointment or termination of appointive employees and officers.
 - (d) Supervise, direct, and assign the duties of all appointive employees and officers.
 - (e) Employ, discharge and directly supervise all superintendents, department heads or any employee not under the supervision of any other department head. Employment or discharge of superintendents and department heads is subject to governing body review.
 - (f) Oversee all personnel transactions for compliance with personnel policies and guidelines and review all disciplinary or termination actions made by department heads or superintendents.
 - (g) Prepare and submit the annual budget to the governing body and keep it fully, completely, and timely advised as to the financial condition of the city.
 - (h) Exercise general supervision and control over all city purchases and expenditures in accordance with the budget and such policies as may be established by the governing body.
 - (i) Recommend to the governing body a schedule of salaries for all officers and employees.
 - (j) Have the care and management of all city-owned land, property, buildings, and equipment.
 - (k) 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.
 - (l) Attend all meetings of the governing body and such other meetings of commissions and other organizations as the governing body shall designate and shall regularly report on the status of the city and its services to the governing body.
 - (m) Make such recommendations to the governing body as are deemed necessary for effective administration of all city services.
 - (n) Countersign all warrants and checks drawn on the city and approve and sign all pay checks.

(o) Perform such other duties as the governing body may direct. (Ord. 920, Sec. 1)

1-306. ORDERS AND REPORTS. It shall be the general practice of the governing body to issue all orders and directives to all city offices and departments and receive reports and communications therefrom through the city administrator. (Code 1981, 1-206)

1-307. CITY CLERK; RECORDS, CORRESPONDENCE, FILES. The city clerk shall:

- (a) Keep his or her office in the city building, which office shall be open at the usual business hours observed in the city.
- (b) Be custodian of all the city records, books, files, papers, documents and other personal effects belonging to the city not properly pertaining to any other office.
- (c) Carry on all of the official correspondence of the city as may be required giving the same prompt attention and shall present for the consideration of the governing body all correspondence received and replies given by him or her, if any.
- (d) Keep suitable files and records of all of the documents, papers, and other effects pertaining to the business of the city including all correspondence, deeds, contracts, bids, petitions and similar official documents as engineering plans and specifications and an official map of the city.
(Code 1981, 1-207)

1-308. SAME; MEETINGS, JOURNAL, ORDINANCES. The city clerk shall:

- (a) Attend all meetings of the governing body, but in the event of his or her necessary absence from any such meeting, the deputy clerk shall keep an account of the proceedings thereof and the same shall be reported to the city clerk.
- (b) Make and keep a record of the proceedings and meetings of the governing body pertaining to the city's affairs transacted at any such meeting.
- (c) Enter or place each ordinance of the city in the ordinance books after its passage or publication, the same to be appropriately numbered and indexed, and append thereto a certificate stating the date of its passage, the page of the journal containing the final vote

on its passage, and also the name of the newspaper in which the ordinance was published, and the date of such publication.

- (d) Cause to be published all ordinances (except those appropriating money) in the official city paper.
- (e) Cause to be published such resolutions, notices and proclamations as may be required by law or ordinance.
- (K.S.A. 12-3008; Code 1981, 1-208)

1-309. SAME; SEAL, OATHS, RECORDS. The city clerk shall:

- (a) Have charge of the corporate seal of the city and shall affix the same to the official copy of all ordinances, deeds, contracts, and similar documents required to be authenticated.
- (b) Have power to administer oaths for all purposes pertaining to the business and affairs of the city.
- (c) Keep suitable files of all such oaths required to be deposited in his or her office.
- (K.S.A. 54-110; Code 1981, 1-209)

1-310. SAME; ACCOUNTING RECORDS, FUNDS, LEVIES. The city clerk shall:

- (a) Prepare and keep suitable fiscal accounting records in the form and manner which shall have been approved for minimum accounting standards by the municipal Accounting Board of Kansas.
- (b) Prepare, or cause to be prepared, all orders for the purchase of goods and services required by the city and shall make the suitable entries in his or her books of all such orders and contracts entered into by the city which shall obligate the funds or credit of the city.
- (c) Keep a separate account of each of the several funds of the city, whether it be derived from tax money coming to the city or from whatever source derived, and credit all income to the proper fund of the city. The money belonging to one fund shall not be placed to the credit of any fund or be transferred to another fund unless there is lawful authority for the same and then only in accordance with the directions of the council. Each separate tax

levy shall constitute a separate fund as provided by law authorizing such levy.

(K.S.A. 10-1117; Code 1981, 1-210)

1-311. SAME; BUDGET DUTIES. The city clerk shall:

(a) Render such assistance as may be required in preparing the annual city budget, any ordinance for the levying of taxes, and shall certify the same to the county clerk in the form and manner required by law together with two copies of the budget. At the beginning of the budget year, the city clerk shall open and keep on account of each fund thereof, showing the total amount appropriated for that fund in the budget, the date, number, and amount of each warrant and check drawn thereon.

(b) Keep such fiscal records as may be required to show the outstanding contracts or other obligations against any fund of the budget.

(K.S.A. 79-2930, 79-2934; Code 1981, 1-211)

1-312. SAME; CLAIMS, FINANCIAL REPORTS, WARRANTS. The city clerk shall:

- (a) Receive at his or her office all claims against the city for goods or services rendered and shall prepare them in suitable form for the consideration of the council at its next succeeding meeting.
- (b) Prepare appropriation ordinances for the payment of all claims to be allowed.
- (c) Draw warrants or warrant and checks only when appropriation to pay the same have been made by ordinance. His or her accounts shall properly show the amounts paid from any fund of the city and the cash balance existing in each fund.
- (d) Prepare a report showing the financial condition of the city each month and present the same to the council at its first regular meeting of the succeeding month. The report shall show the balance of the fund at the next preceding month, the amount paid out of any fund and the outstanding claims authorized to be paid of all funds of the city so that the governing body may not create debts nor authorize the issuance of warrants and check which shall call for the payment of funds not represented by cash in the city treasury nor for which the total amount shall be in excess of the amount authorized for the expense of any such

fund by the annual city budget. (K.S.A. 10-1114; K.S.A. 10-801:802, 10-804; Code 1981, 1-212)

1-313. SAME; APPOINTMENTS, OATHS, BONDS. The city clerk shall:

- (a) Enter every appointment of office and the date thereof on his or her journal.
- (b) Record the appointment of boards, commissions and committees which the mayor and council or the governing body are authorized to appoint.
- (c) Receive, file and preserve all oaths of office, other oaths required and bonds of the city officers required to be given by law or ordinance and shall preserve the same in a suitable file and keep the governing body fully advised thereon.
- (K.S.A. 14-205; Code 1981, 1-213)

1-314. SAME; BOND RECORD. The city clerk shall keep a fully accurate account of all bonds issued by the city, recording them in a book by date, number, amount thereof, rate of interest, number of each coupon, amount of each, where payable, date of maturity, and when canceled upon the return of the same to the city. (K.S.A. 10-107; Code 1981, 1-214)

1-315. SAME; SPECIAL ASSESSMENTS. The city clerk shall keep a record of all special assessments whenever the same shall have been made and he or she shall certify the assessments to the county clerk in the manner provided by law. (K.S.A. 10-115; Code 1981, 1-215)

1-316. SAME; SETTLEMENT WITH TREASURER. The city clerk shall enter in a suitable book under appropriate heading the amounts received by the city treasurer, as shown by his or her receipt. The amounts so received, the books and vouchers shall be for reference in the settlements between the city treasurer and the county treasurer. (Code 1981, 1-216)

1-317. SAME; FEDERAL INCOME TAX WITHHOLDING, OTHER WITHHOLDING. The city clerk is hereby designated as the withholding agent of the city for the purposes of the Federal Revenue (Income) Act as authorized by K.S.A. 75-3042 and the city clerk shall perform the duties required of withholding agents by the act or any other act requiring withholding from the compensation of any city officers or employee. (Code 1981, 1-217)

1-318. CITY TREASURER. The city treasurer shall:

- (a) Keep a full and accurate record of all money received and paid out in a ledger book provided by the governing body;
- (b) Publish a quarterly financial statement;
- (c) Deposit all public moneys and sign all checks of the city;
- (d) Pay out city funds only upon orders or warrants properly signed by the mayor and city clerk;
- (e) Perform such other duties as may be prescribed by the governing body or the Kansas statutes.
(K.S.A. 10-803; K.S.A. 12-1608; Code 1997)

1-319. EMPLOYER-EMPLOYEE RELATIONS ACT. The city hereby elects to come under the provisions of K.S.A. 75-4321 to 75-4337, inclusive, and amendments thereto granting the right of public employees to engage in, meet and confer proceedings with their employer. The governing body feels such proceedings can best be carried out as prescribed in the statutes cited above. (Code 1981, 1-221)

1-320. OFFICERS' OATH. All officers and employees of the city, whether elected or appointed, either under the laws of the State of Kansas or ordinances of the city, shall before entering upon the duties of their respective offices, take and subscribe an oath or affirmation as follows:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge the duties of _____ (here enter name of office or position). So help me God." (K.S.A. 54-106; K.S.A. 14-205; Code 1981, 1-301)

1-321. BONDS REQUIRED. (a) The following city officers shall each, before entering upon the duties of his or her office, give a good and sufficient corporate surety bond to the city, which shall be approved as hereinafter provided before such officer shall begin the performance of his or her duties. The bond shall be in the following amount, to wit:

- (a) City clerk - \$15,000;
- (b) City Administrator - \$15,000;
- (c) City Treasurer - \$5,000;
- (d) Accounting Clerk - \$5,000.

(K.S.A. 14-205; Code 1981, 1-302)

1-322. CONDITION OF BONDS. Each of the bonds required in section 1-323 of this article shall be conditioned for the faithful performance of duty and all acts required by the laws of Kansas and of the city, and for the application and payment over to the proper persons

of all moneys or property coming into the hands of each such officer by virtue of his or her office. (Code 1981, 1-303)

1-323. APPROVAL OF BONDS. All bonds given to the city shall be approved as to their form by the city attorney, if one be appointed, and as to surety and sufficiency by the governing body, unless otherwise provided by the laws of the State of Kansas. (K.S.A. 14-302; Code 1981, 1-304)