

CHARTER ORDINANCE NO. 19

A CHARTER ORDINANCE OF THE CITY OF WESTWOOD, KANSAS EXEMPTING THE CITY FROM THE PROVISIONS OF K.S.A. 15-204, AND 15-301 AND PROVIDING FOR SUBSTITUTE AND ADDITIONAL PROVISIONS THROUGH THE ENACTMENT OF THE FOLLOWING ARTICLES AND SECTIONS OF THE WESTWOOD CITY CODE: 1-206, 1-301 THROUGH 1-305, AND 1-307 TO ALLOW FOR THE CREATION OF A CITY ADMINISTRATOR.

WHEREAS, the Governing Body of the City desires to utilize professional staff through the position of a city administrator to govern the day to day activities of the City;

WHEREAS, the Governing Body deems it necessary and advisable to exempt itself from the non-uniform statutory provisions stated within K.S.A. 15-204 and 15-301 to allow for the creation and operation of the city administrator position;

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS:

SECTION 1. The City, by virtue of the powers vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby enacts the following substitute provisions of the Westwood Municipal Code Sections 1-206, 1-301 through 1-305, and 1-307, (replacing K.S.A. 15-204, 15-301) amending such sections in their entirety to provide as follows:

- 1-206. **POWERS OF THE MAYOR.** The mayor shall preside at all meetings of the governing body. The mayor shall have the tie-breaking vote on all questions when the members present are equally divided. The mayor shall:
- (a) Take care that the ordinances of the city are complied with;
 - (b) Sign the commissions and appointments of all officers elected or appointed;
 - (c) Endorse the approval of the governing body on all official bonds;
 - (d) From time to time communicate to the city council such information and recommend such measures as he or she may deem advisable;
- Have the power to approve or veto any ordinance as the laws of the state shall prescribe. (K.S.A. 301:302, 305:306, 308:309; Code 1983, 1-205)
- 1-301. **APPOINTIVE OFFICERS.** The mayor, by and with the consent of the council, and after receiving recommendation from the city administrator, may appoint a city clerk, city treasurer, city attorney, municipal judge, city prosecutor, chief of police and public works director. Such officers shall hold their respective offices for an indefinite term and may be removed by a majority vote of the total membership elected or appointed to the council, and may be suspended at any time by the city administrator. All such appointments shall be entered on the journal of proceedings of the governing body.
(C.O. No. 9, Sec. 3; K.S.A. 15-204; Code 2008)
- 1-302. **APPOINTMENT OF CITY ADMINISTRATOR.** The mayor, by and with

the consent of the council, shall appoint a city administrator.

1-303. EMPLOYEES. (a) The city administrator shall have authority to hire all employees other than the appointive officers identified in 1-301, or such authority may be delegated to the respective department heads.

(b) The salary ranges of employee held offices shall be fixed by Resolution and the compensation of nonemployee held offices shall be fixed by agreement.

(c) The department head or authorized representative of any department within the city shall conduct a pre-employment investigation of all persons applying for or seeking a position as an employee of the city within such respective department. The Westwood Police Department shall aid the department head or authorized representative in fulfilling the requirements of this subsection by supplying any requested information it may possess regarding the person seeking employment to the requesting department head or authorized representative.

(Code 1970, 1-209; Ord. 601, Sec. 1; Ord. 665; Code 2008)

1-304. REMOVAL. (a) The city administrator may be removed either by the mayor, with the approval of a majority of the city council, or by the city council alone if at least four vote in favor of removal. If requested by the city administrator, the mayor and the city council shall grant the city administrator a public hearing within 30 days following notice of such removal. During the interim, the mayor, with the approval of a majority of the city council, may suspend the city administrator from duty, but shall continue their salary for two calendar months following the final removal date; provided, however, that if the city administrator shall be removed for acts of dishonesty or acts of moral turpitude, such salary shall not be continued.

(b) Subject to personnel system regulations, and after receiving a recommendation from the city administrator, all other appointive officers may be removed either by the mayor, with the approval of a majority of the city council, or by the city council alone if at least four members vote in favor of removal. For good cause, the city administrator may suspend at any time any appointed officer.

(c) Employees, other than appointed officers, may be removed by the city administrator upon recommendation of the respective department heads pursuant to the personnel policy adopted by the City Council by resolution. (K.S.A. 15-204; Code 2008)

1-305. VACANCY IN OFFICE. Whenever a vacancy occurs in any appointive office for whatever reason, the vacancy shall be filled by the mayor, with the consent of the council and after receiving recommendation from the city administrator. (K.S.A. 15-209; Code 1983, 1-304)

1-307. CITY ADMINISTRATOR; POWERS AND DUTIES. (a) Appoint and suspend or remove all city employees and recommend to the governing body the appointment and removal of all appointive officers provided for by or under this chapter, except as otherwise provided by law, this chapter or personnel rules

adopted pursuant to this chapter. The city administrator may authorize any administrative officer subject to the administrator's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency; direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law; attend all city council meetings. The city administrator shall have the right to take part in discussion but shall not vote; see that all laws, provisions of this chapter and acts of the city council, subject to enforcement by the city administrator or by officers subject to the administrator's direction and supervision, are faithfully executed;

(b) Prepare and submit the annual (or biennial) budget and capital program to the city council, and implement the final budget approved by council to achieve the goals of the city;

(c) Submit to the city council and make available and accessible to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year and provide information needed by the council for its annual evaluation of performance;

(b) Make available and accessible such other reports as the city council may require concerning operations;

(c) Keep the city council fully advised as to the financial condition and future needs of the city;

(d) Make recommendations to the city council concerning the affairs of the city and facilitate the work of the city council in developing policy;

(e) Provide staff support services for the mayor and council members;

(f) Assist the council to develop long term goals for the city and strategies to implement these goals;

(g) Encourage and provide staff support for partnerships with community organizations and for regional and intergovernmental cooperation and equitable programming;

(h) Promote partnerships among council, staff, and community members in developing public policy and building a sense of community; and

(i) Perform such other duties as are specified in this chapter or may be required by the city council.

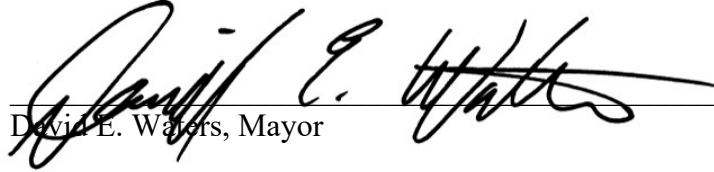
SECTION 2. All previous ordinances and charter ordinance previously adopted which are inconsistent with the provisions of this charter ordinance are hereby repealed.

SECTION 3. This Charter Ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

SECTION 4. This is a Charter Ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed requiring a referendum to be held on this ordinance as provided in Article 12, Section 5, Subdivision (e)(3) of the Constitution

of the State of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED by the governing body, not less than two-thirds of the members elect voting in favor thereof, the 12th day of May, 2022.



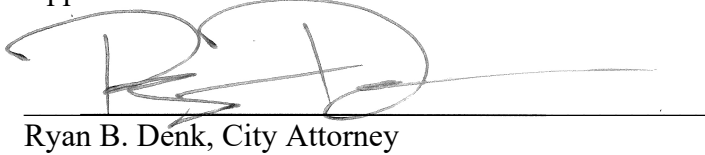
David E. Waters, Mayor

ATTEST:



Leslie Herring, City Clerk

Approved as to form:



Ryan B. Denk, City Attorney

